



UNIVERZITA  
KOMENSKÉHO  
V BRATISLAVE

# **Internal Regulations of Comenius University Bratislava**

Internal Regulation No. 23/2022

Directive of the Rector  
of Comenius University Bratislava

**on the handling of  
complaints at  
Comenius University Bratislava**

**2022 Edition**

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In accordance with Art. 10 (3) of the Organizational Regulations of Comenius University Bratislava and Section 11 (1) and Section 26 (3) of Act No. 9/2010 Coll., on Complaints, as amended (hereinafter referred to as the "Complaints Act"), the Rector of Comenius University Bratislava is issuing the Directive of the Rector of Comenius University Bratislava on the handling of complaints at the Comenius University Bratislava.

## **Part One General provisions**

### **Art. 1 Introductory provision**

This Directive regulates the procedure for lodging, receiving, registering, investigating and notifying in writing the result of the investigation of complaints at the Comenius University Bratislava (hereinafter referred to as the "CU").

### **Art. 2 Basic provisions and definition of certain terms**

- (1) Pursuant to Section 20 (1) (g) of Act No. 131/2002 Coll. on Higher Education and on Amendments and Supplements to Certain Acts, as amended (hereinafter referred to as the "Act on Higher Education"), the Comenius University is obliged to handle complaints under a special regulation.<sup>1</sup>
- (2) A complaint is a submission by a natural person or legal entity (hereinafter referred to as the "complainant") by which
  - a) he/she seeks protection of his/her rights or legally protected interests which he/she considers to have been violated by an activity or inactivity (hereinafter referred to as the "activity") of the CU,
  - b) he/she points to specific deficiencies, in particular to breaches of legal regulations, the remedying of which falls within the competence of the CU.<sup>2</sup>
- (3) A complaint is not a submission in the nature of an enquiry, statement, request, opinion, proposal or suggestion, as well as other submissions referred to in Section 4 of the Complaints Act.
- (4) A submission shall be judged by its content.<sup>3</sup>
- (5) In accordance with the Complaints Act<sup>4</sup>, the CU handles complaints concerning the activities of the CU, which the complainant considers to have violated his/her rights or legally protected interests.
- (6) For the purposes of the Complaints Act and this Directive:
  - a) the handling of a complaint is the receipt, registration, investigation and handling of a complaint,
  - b) the handling of a complaint is the return of a complaint, the postponement of a complaint, the notification of the complaint investigation result or the notification of the result of a review of the correctness of the handling of a previous complaint.

<sup>1</sup> Act No. 9/2010 Coll. on Complaints.

<sup>2</sup> Section 3 (1) of the Complaints Act.

<sup>3</sup> Section 3 (2) of the Complaints Act.

<sup>4</sup> Section 11 of the Complaints Act.

(7) For the purposes of this Directive:

- a) **the authorized representative** is the Head of the Internal Control Unit of the CU, the Registrar of the CU, the dean of a faculty, the director of a self-managing unit of the CU (hereinafter referred to as the "SMU CU"), the director or head of a centrally funded unit of the CU (hereinafter referred to as the "CFU CU") or another person authorized by the Rector of the CU to handle the complaint,
- b) **internal organizational unit of the Comenius University** (hereinafter also referred to as "IOU CU") is:
  - the Rector's Office of CU (ROCU) together with centrally funded units of the CU,
  - faculties of the CU,
  - self-managing units of the CU (hereinafter referred to as the "SMU").
- c) **CU senior employees** are persons listed in the Working Regulations of the CU.<sup>5</sup>

## **Part Two Handling complains**

### **Art. 3 Receiving complaints**

- (1) As a public and self-governing institution, the Comenius University is obliged to accept any complaint. This obligation is incumbent on all IOU CUs, which shall immediately deliver the received complaint to the Internal Control Unit of the ROCU (hereinafter referred to as the "ICU").
- (2) The ICU registers a complaint and prepares a proposal to the Rector of Comenius University for an authorized representative who is competent to handle the complaint. A complaint may be received by any IOU CU before the ICU; even in this case, the complaint must be lodged to the ICU.
- (3) The Rector will designate a representative who will be authorized to handle the complaint. The ICU shall delegate the complaint to the relevant authorized representative for handling and shall check the handling of the complaint on an ongoing basis.
- (4) In the event that the ICU is assigned to handle a complaint and the IOU CU fails to comply with the obligation set out in paragraph 1 of this Article, the IOU CU's contact person designated by the faculty or the SMU in the matters of the collection of complaint handling data shall be held responsible for the failure to comply with the statutory time-limit for handling the complaint.
- (5) The IOU CUs are obliged to keep their own records of complaints. The records of complaints shall be kept separately from their other records.
- (6) The register of complaints (paragraphs 2 and 5) pursuant to Section 10 (1) of the Complaints Act must contain, in particular, the following data:
  - a) the date of receipt and the date on which a complaint, repeated complaint, further repeated complaint and complaint against the handling of a complaint were registered,
  - b) the data pursuant to Section 5 (2) of the Complaints Act,
  - c) the subject-matter of the complaint,<sup>6</sup>

- d) the date on which a complaint was assigned for handling and to whom it was assigned,
- e) the complaint investigation result,

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<sup>5</sup> Art. 1 (8) and (9) of Internal Regulation No. 26/2021 Working Regulations of Comenius University, as amended.

<sup>6</sup> Section 5 (3) of the Complaints Act.

- f) the measures taken and the deadlines for their implementation,
  - g) the date on which a complaint or repeated complaint was handled or on which a further repeated complaint or complaint against the handling of a complaint was postponed,
  - h) the result of a review of a previous complaint or the investigation of a repeated complaint or a complaint against the handling of a complaint,
  - i) the date on which a complaint was delegated to the body responsible for handling it,
  - j) the reasons why the public administration body postponed the complaint,
  - k) notes.
- (7) A complaint received for the handling of which the CU is not competent shall be delegated by the ICU to the public administration body competent to handle it within 10 working days of its receipt at the latest, and the complainant shall be notified by the ICU thereof (Annex No. 1).<sup>7</sup>
- (8) If a complaint has several parts and the CU is not competent to handle some of them:
- a) the CU shall investigate only those parts of the complaint that it is competent to investigate;
  - b) the other parts of the complaint shall be delegated by the CU to the public administration body competent to handle it within 10 working days at the latest in accordance with Section 9 of the Complaints Act;
  - c) the parts that are not complaints shall not be investigated by the CU, and the CU shall notify the complainant of this fact in the notification of the complaint investigation result, stating the reason for not investigating them.
- (9) The complaint in which the complainant has requested confidentiality of his/her identity, which the CU is not competent to handle, shall be returned by the CU to the complainant within 10 working days at the latest, stating the reason for that.<sup>8</sup>
- (10) Pursuant to Section 7 (2) of the Complaints Act, information from documentation related to the handling of a complaint that is protected or to which access is restricted pursuant to Act No. 211/2000 Coll. on Free Access to Information, as amended, shall not be disclosed.

#### **Art. 4** **Internal Control Unit (ICU) of the CU**

- (1) The ICU is directly subject to the management competence of the Rector of Comenius University and the Head of ICU of the ROCU manages and acts on behalf of ICU.
- (2) In handling the complaints agenda, the ICU shall in particular:
- a) investigate and handle complaints assigned for handling by the Rector of Comenius University,
  - b) keep the central register of the CU complaints<sup>9</sup> separately from the register of other documents; the complaints registered are numbered in each calendar year from the number one in chronological sequence and are marked with the appropriate registry symbol: A VIII/2; storage period is 10 years<sup>10</sup>,
  - c) ensure the provision of assistance of the CU to other public administration bodies competent to handle complaints pursuant to Section 17 of the Complaints Act,

<sup>7</sup> Section 9 of the Complaints Act.

<sup>8</sup> Section 8 (3) of the Complaints Act.

<sup>9</sup> Section 10 of the Complaints Act.

<sup>10</sup> CU Internal Regulation No. 1/2006 Directive of the Rector of CU - Registrar's Regulations and Registrar's Plan.



- d) ensure methodological activities in the field of complaint handling for the IOU CU and control the implementation of measures taken to remedy deficiencies identified in the handling of complaints, as well as the causes of their occurrence,
- e) draw up the annual report on the handling of complaints within the time-limit and in the structure laid down by the central state administration body for the control of the handling of complaints.<sup>11</sup>

## Art. 5 Particulars of complaints

- (1) Complaints must contain the name, surname and permanent address of the complainant. If a complaint is lodged by a legal entity, it must include its name and registered office and the name and surname of the person authorized to act on its behalf.<sup>12</sup>
- (2) A complaint in paper form must contain the complainant's handwritten signature.<sup>13</sup>
- (3) The complaint must be:
  - a) legible and understandable,
  - b) it must be clear who it is directed against and what shortcomings it points out,
  - c) it must be clear what the complainant seeks (hereinafter referred to as the "subject-matter of the complaint").<sup>14</sup>
- (4) The complainant is a natural person or legal entity. If the complaint is lodged by a legal entity, it must include - in addition to its name and registered office - also the name and surname of the person authorized to act on its behalf. At the same time, for the purposes of Sections 5 (4) and 5 (5) of the Complaints Act, a complainant also includes a person authorized to act on behalf of a legal entity.<sup>15</sup>
- (5) If a complaint does not contain the requisites pursuant to Sections 5 (2), 5 (4) and 5 (5) of the Complaints Act, the CU shall postpone it pursuant to Section 6 of the Complaints Act.
- (6) If a complaint does not comply with Section 5 (3) of the Complaints Act or if the information necessary to investigate it is missing, the CU shall invite the complainant in writing to complete his/her complaint **within ten working days** of receipt of the written invitation by the complainant, and at the same time advise the complainant that otherwise the complaint will be postponed.<sup>16</sup>

## Art. 6 Lodging complaints

- (1) The complaint must be in writing, lodged:
  - in paper form, or
  - in electronic form.<sup>17</sup>

<sup>11</sup> Section 10 (3) of the Complaints Act.

<sup>12</sup> Section 5 (2) of the Complaints Act.

<sup>13</sup> Section 5 (2) of the Complaints Act.

<sup>14</sup> Section 5 (3) of the Complaints Act.

<sup>15</sup> Section 5 (4) and (5) of the Complaints Act.

<sup>18</sup> Section 6 (2) of the Complaints Act.

<sup>17</sup> Section 5 (1) of the Complaints Act.

- (2) If a complainant presents himself/herself in person to the ICU or the relevant IOU CU to lodge a complaint which is not in writing in accordance with paragraph 1, the ICU or the relevant IOU CU shall receive the complainant and allow him/her to make the complaint in paper form or, if the complainant's state of health prevents him/her from making the complaint himself/herself in writing, it shall be made on behalf of such a person by the CU member of staff concerned (Annex No. 2). The complainant's obligation to state the particulars of the complaint pursuant to Art. 5 (1), (2) and (3) of this Directive shall not be affected thereby.
- (3) A complaint lodged in electronic form that is neither authorized under a special regulation nor sent via an access point that requires successful authentication of the complainant must be acknowledged by the complainant within **5 working days** within the meaning of Section 5 (5) of the Complaints Act. In the event that the complainant is a CU student or CU employee who has lodged a complaint via their CU-assigned email address login@uniba.sk, such submission **shall not be deemed to be authorized /authenticated**. The time-limit for handling the complaint shall begin on the first working day following the day of receipt of the acknowledgement of the complaint. If the acknowledgement of the complaint contains different data than the complaint lodged electronically pursuant to the first sentence, the ICU or the relevant IOU CU shall postpone the complaint lodged electronically pursuant to the first sentence.
- (4) When handling the CU student's complaints, the Rector or the Vice-Rector authorized by the Rector shall decide on one representative of the student chamber of the Academic Senate of CU, who will be authorized to participate in the investigation of complaints and whose statement and signature will be part of the complaint investigation report. The essential parts of the statement shall be set out in the complaints handling notification.
- (5) Papers relating to the handling of a complaint lodged jointly by several complainants and not specifying to whom of them they are to be served, shall be sent by the CU to the complainant who is the first to give the details referred to in Art. 5 (1) of this Directive.<sup>18</sup>
- (6) If the complainant chooses a representative to lodge a complaint on his/her behalf, the complaint must include a written power of attorney with a certified signature<sup>19</sup> (hereinafter referred to as the "power of attorney") to represent the complainant in the lodging of the complaint and in actions related to the handling of the complaint. If the complaint is lodged in electronic form, the representation of the complainant shall comply with a special regulation.<sup>20</sup> If the representative does not attach the power of attorney to the complaint, the CU shall postpone the complaint pursuant to Section 6 (1) (c) of the Complaints Act. The obligation to attach the power of attorney shall not apply to the representation of the complainant by a lawyer under a special provision.<sup>21</sup>

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<sup>18</sup> Section 5 (8) of the Complaints Act.

<sup>19</sup> Section 58 (1) of the Act of the National Council of the Slovak Republic No. 323/1992 Coll. on Notaries and Notarial Activities (Notarial Regulations), as amended.  
Act No. 599/2001 Coll. on the Certification of Documents and Signatures on Documents by District Authorities and Municipalities, as amended.

<sup>20</sup> Section 23 (3) of Act No. 305/2013 Coll. on the Electronic Form of Exercising the Powers of Public Authorities and on Amendments and Supplements to Certain Acts (Act on e-Government).

<sup>21</sup> Act No. 586/2003 Coll. on Advocacy and on Amendments and Supplements to Act No. 455/1991 Coll. on Trade Business (Trade Licensing Act), as amended.

**Art. 7**  
**Time-limit for handling a complaint and calculation  
of time-limits**

- (1) The Comenius University is obliged to handle a complaint within 60 working days. If a complaint is difficult to investigate, the Rector of Comenius University may extend the time-limit by 30 working days before its expiration, which shall be communicated by the Rector of Comenius University to the complainant in writing and without delay, stating the reason why the extension of the time-limit is necessary. The time-limit cannot be extended by the authorized representative investigating the complaint.<sup>22</sup>
- (2) The time-limit for handling a complaint begins on the first working day following the day of its delivery to the CU or the IOU CU; in the case of a dispute over jurisdiction, the time-limit for handling a complaint begins on the first working day following the day of delivery of the decision pursuant to Section 11 (4) of the Complaints Act.<sup>23</sup>
- (3) The time-limit for handling a complaint does not run in the period from the sending of a request for cooperation to the complainant until the provision of such cooperation<sup>24</sup>, in the period from the sending of the complaint to the authority competent to decide on the dispute over jurisdiction until the delivery of the decision on the dispute.<sup>25</sup>

**Art. 8**  
**Familiarization with the content of a complaint and cooperation of the  
complainant**

- (1) The ICU or the IOU CU, which handles the complaint, is obliged to immediately inform the person against whom the complaint is directed of its contents to such an extent and in such a time that its investigation cannot be thwarted. At the same time, he/she shall be given the opportunity by the ICU or the IOU CU to express his/her views on the complaint and to submit documents, papers, information and data necessary for the handling of the complaint.
- (2) The ICU or the IOU CU are authorized to invite the complainant to cooperate (Annex No. 3), specifying the manner in which cooperation is to be provided and advising the complainant that if cooperation is not provided or is not provided within a specified period of time, the complaint will be postponed by them.<sup>26</sup> The time-limit for providing cooperation of the complainant shall be 10 working days from the receipt of the written request by the complainant.
- (3) If the complainant establishes, in justified cases, that the time-limit for providing cooperation is insufficient, he/she may, before the expiry of the time-limit, request in writing that a new time-limit be set. The Comenius University may set a new time-limit for the complainant to cooperate.

**Art. 9**  
**Investigating a complaint**

- (1) Investigation of a complaint is one of the forms of control activities carried out pursuant to the Complaints Act, which establishes the actual state of affairs and its compliance or inconsistency with generally binding legal regulations<sup>27</sup> and the Internal Regulations of the CU, as well as the causes and consequences of any identified deficiencies.

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<sup>22</sup> Section 13 (1) and (2) of the Complaints Act.

<sup>23</sup> Section 13 (3) of the Complaints Act.

<sup>24</sup> Section 16 (4) of the Complaints Act.

<sup>25</sup> Section 11 (3) of the Complaints Act.

<sup>26</sup> Sections 16 (1) to (4) and Section 6 (1) (i) of the Complaints Act.

<sup>27</sup> Section 18 (1) of the Complaints Act.

- (2) A complaint shall not be assigned for investigation and shall not be handled by the person against whom it is directed, nor by a staff member under his/her authority, nor by a staff member who has taken part in the activity which is the subject-matter of the complaint<sup>28</sup>.
- (3) The authorized representative shall investigate the complaint himself/herself or delegate its investigation to a staff member of the relevant IOU CU, taking into account the facts set out in paragraph 2 of this Article.
- (4) The employee who is to investigate the complaint shall immediately notify the authorized representative of the facts on the basis of which he/she is excluded from investigating the complaint pursuant to Section 12 (2) of the Complaints Act.
- (5) The investigation of a complaint shall be based on its subject-matter, irrespective of the complainant and the person against whom the complaint is directed by the complainant, as well as irrespective of how the complainant has identified the complaint.
- (6) If only part of a submission is, according to its content, a complaint, it shall be investigated only to that extent. If the complaint consists of several separate parts, each part shall be investigated.
- (7) If the complaint or part of it cannot be investigated (it is not possible to verify the actual state of the matter and its compliance or contradiction with generally binding legal regulations), this shall be stated in the complaint investigation report and shall be communicated to the complainant. Substantiation or unsubstantiation shall not be assessed.
- (8) The Comenius University shall investigate only those parts of the complaint which it is competent to handle, delegating the other parts of the complaint to the public administration body competent to handle them, pursuant to Art. 3 (8) (b) of the Directive.
- (9) The parts that are not complaints shall not be investigated by the CU and the CU shall notify the complainant of this fact in the notification of the complaint investigation result, stating the reason for not investigating them.
- (10) The report shall be written on the complaint investigation. A specimen complaint investigation report of the complaint, which contains the elements resulting from Section 19 (1) (a) to (j) of the Complaints Act, is attached as Annex No. 4 to this Internal Regulation.
- (11) The complaint is investigated by discussing the complaint investigation report. If it cannot be discussed, the complaint is investigated by delivering one copy of the complaint investigation report to the IOU CU in which the complaint was investigated.

**Art. 10**  
**Complaint investigation report**

- (1) The complaint investigation report shall be a report of the proven findings and other particulars pursuant to Section 19 of the Complaints Act, drawn up by the employee(s)

to whom the investigation and handling of the complaint has been assigned by the authorized representative. In accordance with the Complaints Act, the complaint investigation report contains in particular the following particulars: the designation of the IOU CU responsible for handling the complaint or the specification of the ICU, if it handles the complaint, the designation of the IOU CU in which the complaint was investigated, the subject-matter of the complaint, the period of investigation of the complaint, the proven findings,

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<sup>28</sup> Section 12 of the Complaints Act.

the date on which the report was drawn up, and the name, surname and signature of the employees of the IOU CU/ICU who investigated the complaint. The complaint investigation report shall also contain the name, surname and signature of the authorized representative of the IOU CU in which the complaint was investigated, and the name, surname and signature of the authorized representative who was authorized by the Rector of the CU to handle the complaint<sup>29</sup>. The report shall also include the acknowledgement of delivery and receipt of the documents. Where deficiencies are found, the report shall further contain the obligation of the authorized representative concerned, within a specified period of time:

- a) identify the person responsible for the deficiencies found,
  - b) take measures to remedy any identified deficiencies and their causes,
  - c) submit the measures taken to the Rector of Comenius University and the ICU,
  - d) submit the report to the Rector of CU and the ICU on the implementation of the measures and on the application of legal liability,
  - e) notify the complainant of the measures taken; if the complainant's identity is confidential, notify the complainant of the measures taken through the Internal Control Unit of the CU.
- (2) The complaint investigation report shall be drawn up in two counterparts, one counterpart to be given to the unit in which the complaint was investigated and one counterpart to the ICU.

#### **Art. 11**

#### **Notification of the investigation result**

- i) The complaint is handled by sending the written notification of the result of its investigation to the complainant (Annex No. 5).<sup>30</sup> The written notification is sent to the complainant by the competent authorized representative to whom the complaint has been assigned by the Rector for handling. The notification shall state whether the complaint is substantiated or unsubstantiated. The notification shall include the statement of the reasons for the result of the investigation, which shall be based on the complaint investigation report. If the complaint is substantiated, the notification shall state that the IOU CU in which the complaint was investigated has been subjected to the obligations arising from Section 19 (1) (i) of the Complaints Act, i.e. taking and submitting measures, submitting the report on the measures implementation and on the application of legal liability, and designating the responsible person.
- (2) If a complaint has several parts, the notification of the investigation result for the complainant must include the result of the investigation of each part of the complaint. A multi-part complaint is assessed as substantiated if at least one of its parts is substantiated. If the submission is a complaint in part only, the result of the investigation shall be communicated in writing in respect of that part only.<sup>31</sup> For those parts of the submission which are not a complaint, the authorized representative shall state in the notification of the result of the complaint investigation the reasons for not investigating them and shall not return those parts of the submission to the complainant (Art. 14 (2) of this Directive).
- (3) Immediately after the complaint has been handled, the authorized representative shall send to the ICU the completed form - notification of the handling of the complaint by the relevant IOU CU, a specimen of which is set out in Annex



6 to this Directive. Together with the completed form, he/she shall also send a copy of the notification of the complaint investigation result pursuant to paragraph 1 of this Article sent to the complainant. The notification of the complaint handling by the relevant IOU CU shall become part of the central register of complaints and is one of the documents for the annual report on the handling of complaints.

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<sup>29</sup> Section 19 (1) and (2) of the Complaints Act.

<sup>30</sup> Section 20 (1) of the Complaints Act.

<sup>31</sup> Section 20 (2) of the Complaints Act.

- (4) After the expiry of the time-limit set for the fulfilment of the obligations specified in the complaint investigation report<sup>32</sup>, the authorized representative of the IOU CU, in which the complaint was investigated, shall submit the report on the fulfilment of the measures taken and the application of legal liability to the Rector of CU and to the ICU.
- (5) All documents relating to the handling of the complaint are stored in the relevant IOU CU which handled the complaint separately from the other documentation, in such a way as to provide complete and accurate, temporally and factually up-to-date data. If a complaint is handled by the ICU, the documents relating to the handling of the complaint shall be stored at the ICU.

#### **Art. 12**

#### **Confidentiality of the complainant's identity**

- (1) The complainant's identity must be kept confidential by any CU employee who comes into contact with the complaint, if requested by the complainant, while proceeding in accordance with Section 8 of the Complaints Act.
- (2) If it is in the interest of the handling of the complaint, the authorized representative may conceal the complainant's identity also without the complainant's request.

#### **Art. 13**

#### **Postponement of the complaint**

- (1) The Comenius University shall postpone a complaint pursuant to Section 6 (1) (a) to (j) of the Complaints Act if
  - a) it does not contain the essentials pursuant to Section 5 (2) of the Complaints Act, i.e. if it does not contain the name, surname, permanent address of the complainant, including an employee and student of CU, if they are complainants, and in the case where a complaint is lodged by a legal entity, it does not contain its name and registered office and the name and surname of the person authorized to act on its behalf, where the name and surname of the person authorized to act on its behalf must be based on the function or a special authorization, and if the complaint is lodged in electronic form, also pursuant to Section 5 (4) and (5) of the Complaints Act,
  - b) it is apparent from the complaint that the matter which is the subject-matter of the complaint has been or is being handled by a court, the public prosecutor's office or other law enforcement or other public administration body,
  - c) it finds that the complaint relates to a person other than the person who lodged it and is not accompanied by a written authorization with a certified signature,
  - d) the complaint is lodged by an elected representative on behalf of the complainant and the complaint does not have the requisites under paragraph (1) (a) and (c) of this Article,
  - e) more than 5 years have elapsed since the event to which the subject-matter of the complaint relates on the date of receipt of the complaint,
  - f) it is another repeated complaint under Section 21 (6) of the Complaints Act,
  - g) it is a complaint against the handling of a complaint which has been handled by the body referred to in Section 22 (3) of the Complaints Act,
  - h) it is a further complaint against the handling of a complaint under Section 22 (5) of

- the Complaints Act,
- i) the complaint has been brought to the attention,
  - j) the complainant has failed to provide cooperation in accordance with Section 16 (1) of the Complaints Act or has failed to provide cooperation within the time-limit referred to in Section 16 (2) of the Complaints Act,

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<sup>32</sup> Section 19 of the Complaints Act.

- k) the complainant has not given consent under Section 8 (2) of the Complaints Act,
  - l) the complaint does not comply with Section 5 (3) of the Complaints Act, i.e. if the complaint is not legible and understandable, it is not clear against whom it is directed, what deficiencies it refers to, what the complainant is claiming, and it is not signed by the complainant, or if there is a lack of the information necessary for the complaint to be investigated, and if the complainant fails to complete the missing information and to provide cooperation within the time-limit of 10 working days pursuant to Section 16 (2) of the Complaints Act, and has been invited in writing to cooperate and complete the information, and has been advised at the same time that the complaint will otherwise be postponed by the CU,
  - m) if the complaint lodged in electronic form is neither authorized under a special regulation nor sent via an access point that requires successful authentication of the complainant and if the complainant has not confirmed the complaint within 5 working days by his/her handwritten signature, its authorization under a special regulation or its sending via an access point that requires successful authentication of the complainant, or if the written confirmation also contains different data than the complaint lodged in electronic form; the CU shall notify the complainant of the postponement of the complaint and the reasons for its postponement pursuant to this paragraph, in writing and within 15 working days of the postponement,
  - n) the complainant withdraws the complaint in writing before the complaint is handled or if the complainant notifies in writing before the complaint is handled that he/she does not insist on the complaint being handled.
- (2) The Comenius University shall notify the complainant in writing of the postponement of the complaint and the reasons for its postponement pursuant to Section 6 (1) (b), (c), (d), (f) and (g) of the Complaints Act within the time-limit set out in Art. 7 of this Directive. A specimen of the notification to the complainant of the postponement of complaints is attached as Annex No. 7 to this Directive.
  - (3) If there are grounds for postponing a complaint, the relevant IOU CU or the ICU may use the subject-matter of the complaint as a suggestion for internal control activities in the area referred to in the submission or the complaint.
  - (4) The complaint postponement record shall be drawn up on the complaint postponement by the relevant IOU or the ICU (Annex No. 8).
  - (5) Anonymous complaints received by the CU will be postponed in accordance with Section 6 (1) (a) a) of the Complaints Act.

#### **Art. 14**

#### **Postponement and return of a submission and return of a complaint**

- (1) A submission under Section 4 (1) (a), (b), (d), (e) and (f) or under Section 4 (2) (a) and (b) of the Complaints Act, designated as a complaint, shall be postponed by the CU, which shall be notified by the CU in writing to the person who lodged the submission within 15 working days of receipt of the submission, stating the reason for the postponement. The Comenius University shall not postpone such a submission if it is competent to handle it under a special regulation.

- (2) The Comenius University shall not return the parts of the submission that are not a complaint, but shall state the reasons for not investigating them in the notification of the complaint investigation result.
- (3) The Comenius University shall return to the complainant a complaint in which the complainant has requested confidentiality of his/her identity and which the Comenius University is not competent to handle, within ten working days of receipt of the complaint, stating the reason for that.<sup>33</sup>

**Art. 15**  
**Delegation of a submission and delegation of a complaint**

- (1) A submission under Section 4 (1) (c) of the Complaints Act which is not a complaint under the Complaints Act but is a complaint under a special regulation shall be handled under a special regulation<sup>34</sup>. If the CU is not competent to handle it, it shall delegate such a submission to the public administration body which is competent to handle it under a special regulation<sup>35</sup> and at the same time the CU shall notify of it the person who lodged the submission. The delegation of such a complaint is subject to the time-limit under Section 9 of the Complaints Act (10 working days).
- (2) A submission under Section 4 (1) (d) of the Complaints Act, from which it is apparent that it is directed against a decision which is not final, shall be handled by the CU under a special regulation.<sup>36</sup> If the CU is not competent to handle a submission under Section 4 (1) (d) of the Complaints Act, it shall delegate such a submission within five working days from its receipt to the body which issued the contested decision, and shall notify of it the person who lodged the submission.<sup>37</sup>
- (3) Any other submissions which are not complaints and which are in the nature of an enquiry, expression of opinion, request, suggestion or proposal and which do not make it unambiguously clear what protection, right or legally protected interest the person seeks, shall be handled officially by the CU within the meaning of the generally binding legal regulations and the internal regulations of the CU. Where such submissions refer to specific deficiencies, the handling of which is governed by other legal regulation, it shall proceed in accordance with the relevant regulations.
- (4) The Comenius University shall delegate:
  - a) the received complaint within 10 working days of receipt, to the body competent to handle it and shall inform the complainant thereof; it shall not, however, delegate such a complaint if the complainant has requested that his/her identity be kept confidential, in which case it shall return the complaint in accordance with Art. 14(3) of this Directive,
  - b) the parts of the complaint that it is not competent to handle under Section 9 of the Complaints Act to the body competent to handle them.
- (5) In the event that a dispute arises as to the jurisdiction to handle a complaint, the Rector of Comenius University shall decide on the jurisdiction to handle the complaint within 15 working days of receipt of the request for a decision on the dispute over jurisdiction.

There shall be no time-limit for handling the complaint pending the determination of jurisdiction to handle the complaint. On the date on which jurisdiction to handle the complaint is established, the time-limit for handling the complaint begins to run. The competent IOU shall inform the complainant in writing of this fact.

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<sup>33</sup> Section 8 (3) of the Complaints Act.

<sup>34</sup> Act No. 55/2017 Coll. on the Civil Service.

<sup>35</sup> Section 4 (4) of the Complaints Act.

<sup>36</sup> Section 46 of Act No. 71/1967 Coll. on Administrative Proceedings, as amended.

<sup>37</sup> Section 4 (1) (d) and Section 4 (5) of the Complaints Act.

**Art. 16**  
**Repeated complaint and further repeated complaint**

- (1) A repeated complaint is a complaint by the same complainant, on the same subject-matter, unless he/she alleges new facts in it.<sup>38</sup>
- (2) The Comenius University is competent to handle a repeated complaint if it handled the previous complaint and this is not contrary to Section 11 (2) or Section 12 of the Complaints Act. The Comenius University shall check the correctness of the handling of the previous complaint and shall make a record of this, applying the provisions of Art. 10 of this Directive as appropriate. In accordance with Art. 3 (4) of this Directive, the Rector shall decide on the person of the authorized representative who will be authorized to handle the repeated complaint.
- (3) If the CU, by reviewing the handling of a previous complaint, finds that the complaint
  - a) has been handled correctly, it shall notify the complainant of this fact, giving reasons and advising that it will postpone further repeated complaints,
  - b) has not been handled correctly, the authorized representative shall investigate and handle the repeated complaint within the time-limits set out in Art. 7 of this Directive.<sup>39</sup>
- (4) The Comenius University shall not investigate another complainant's complaint about the same matter that it has already handled. The Comenius University shall notify the complainant of the result of the investigation of such a complaint.<sup>40</sup>
- (5) The Comenius University is obliged to handle a repeated complaint within the time-limit set out in Art. 7 of this Directive.
- (6) A further repeated complaint is a complaint lodged by the same complainant after a repeated complaint about the same matter, unless the complainant alleges new facts in it. The correctness of the handling of a repeated complaint shall not be re-examined by the CU and a further repeated complaint shall be postponed by the CU in accordance with Art. 13(1)(f) of this Directive and the complainant shall not be notified by the CU thereof.

**Art. 17**  
**Complaint against the handling of a complaint**

- (1) A complaint in which the complainant expresses disagreement with the handling of his/her previous complaint is a new complaint against the procedure of the CU in handling a complaint.<sup>41</sup>
- (2) A complaint against the procedure of the CU in handling a complaint is not a repeated complaint, even if the complainant repeats facts in it from the previous complaint.
- (3) A complaint pursuant to paragraph 1 shall be handled by the head of that public administration body or the representative authorized by him/her who handled the previous complaint within the meaning of the jurisdiction pursuant to Section 11 (1) and

<sup>40</sup> Section 21 (4) of the Complaints Act.

<sup>41</sup> Section 22 (1) of the Complaints Act.

(2) of the Complaints Act, unless this is contrary to Section 12 of this Act.<sup>42</sup>

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<sup>38</sup> Section 21 (1) of the Complaints Act.

<sup>39</sup> Section 21 (3) of the Complaints Act.

<sup>40</sup> Section 21 (4) of the Complaints Act.

<sup>41</sup> Section 22 (1) of the Complaints



- (4) The Comenius University is obliged to handle a complaint against the handling of a complaint within the time-limit set out in Art. 7.<sup>43</sup>
- (5) A further complaint against the handling of a complaint that has been handled under paragraph 1 shall be postponed by the CU in accordance with Art. 13 (1) (h) of this Directive and the complainant shall be notified of it by the CU in writing.<sup>44</sup>

#### **Art. 18**

#### **Follow-up of measures implementation**

- (1) The authorized representative of the relevant IOU CU who has handled the complaint is authorized to check that the measures taken to remedy the deficiencies and the causes of their occurrence are being properly implemented.<sup>45</sup>
- (2) On the basis of the authorization of the Rector of Comenius University, the ICU is also authorized to check the implementation of the measures taken.

### **Part Three**

#### **Common and final provisions**

#### **Art. 19**

#### **Duties of the IOU CU**

In accordance with Art. 11 (3) of this Directive, the authorized representatives of the IOU CU are obliged, after the complaint has been handled, to send the notification to the ICU of the handling of the complaint by the relevant IOU CU and, in accordance with Art. 11 (4) of this Directive, after the expiry of the time-limit for the fulfilment of the obligations set out in the complaint investigation report, to send reports on the fulfilment of the measures taken and the application of the legal liability of the ICU.

#### **Art. 20**

#### **Transitional and common provisions**

- (1) A submission or a complaint received at the Comenius University Bratislava before the date when this Directive takes effect shall be handled in accordance with the Internal Regulation No. 1/2021 Directive of the Rector of the Comenius University Bratislava on the handling of complaints at the Comenius University Bratislava and in accordance with the provisions of generally binding legal regulations.
- (2) The relevant provisions of the Complaints Act, as amended, shall govern the procedures that are not regulated by this Internal Regulation in handling complaints.
- (3) This Directive of the Rector of CU on the handling of complaints at the Comenius University Bratislava, issued in accordance with the provisions of the Complaints Act, as amended, shall also apply *mutatis mutandis* to the handling of petitions within the meaning of Act No. 85/1990 Coll. on the right of petition, as amended, by which everyone has the right to address, alone or with others, the competent authority in matters of public or common interest.

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<sup>43</sup> Section 22 (5) of the Complaints Act.

<sup>44</sup> Section 22 (5) of the Complaints Act.

<sup>45</sup> Section 23 (2) of the Complaints Act.

- (4) Act No. 71/1967 Coll. on Administrative Proceedings, as amended, shall not apply to the procedure for handling complaints and petitions.<sup>46</sup> An exception is the proceedings for the imposition of an orderly fine pursuant to Section 24 of the Complaints Act.
- (5) All the CU employees are obliged without undue delay to provide the employee investigating a complaint or petition with the assistance necessary to fully establish all the facts necessary for its investigation and handling.

**Art. 21**  
**Final provisions**

- (1) Internal Regulation No. 1/2021 Directive of the Rector of the Comenius University on the handling of complaints at the Comenius University Bratislava is repealed.
- (2) The Annexes to this Directive are:
- a) Annex No. 1 Delegation of complaints to the competent public administration body
  - b) Annex No. 2 Preparation of complaints in paper form on behalf of the complainant due to his/her health state, the CU checks on the handling of the complaint by the relevant IOU CU
  - c) Annex No. 3 Call for cooperation
  - d) Annex No. 4 Complaint investigation report
  - e) Annex No. 5 Notification of the complaint investigation result to the complainant
  - f) Annex No. 6 Notification to the central register of complaints kept by the ICU, about the handling of the complaint by the relevant IOU
  - g) Annex No. 7 Notification to the complainant of the complaint postponement
  - h) Annex No. 8 Record of complaint postponement
- (3) This Directive enters into force on the date of signature and takes effect on 1 July 2022.

Bratislava, 30 June 2022

prof. (professor) JUDr. Marek  
Števíček, PhD.  
Rector of CU

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<sup>46</sup> Section 25 (4) of Act No. 9/2010 Coll. on Complaints and Section 9 of Act No. 85/1990 Coll. on the Right to Petition.

**Delegation of a complaint to the competent public  
administration body**

- Letterhead -

**RE: Delegation of a complaint to the competent public administration body**

Comenius University Bratislava received a complaint on.....  
from (*provide the name, surname and permanent address of the complainant*).

The present complaint is enclosed herewith to be delegated to you for handling as a substantively and locally competent authority in accordance with Section 9 of Act No. 9/2010 Coll. on Complaints, as amended.

Annex: Complaint  
original To the attention  
of: complainant

**Preparation of the complaint in paper form on behalf of  
the complainant due to his/her health state**

Name and surname of the  
complainant.....

Complainant's permanent address.....

RE: Complaint.....

Subject-matter of the complaint  
.....

- against whom the complaint is directed  
.....
- what deficiencies the complainant refers to  
.....
- what the complainant seeks  
.....

Place, date and time of the complaint.....

Annexes: .....

.....

the complainant's signature

The IOU CU and the workplace where the complaint was made:

.....

The IOU CU employee who prepared the complaint in paper form:

.....

name and surname, job title, signature:

.....

## Call for cooperation

- Letterhead -

RE: **Complaint - call for cooperation**

On.....your complaint in the matter (*briefly specify the subject-matter of the complaint*) was received by Comenius University Bratislava.

Since your complaint does not meet the requirements pursuant to Section 5 (3) of Act No. 9/2010 Coll. on Complaints, as amended (hereinafter referred to as the "Act"), in accordance with Section 6 (2) of the Act, we invite you to supplement your complaint by.....

Please complete your complaint within 10 working days of receipt of this invitation.

You are also advised that if your complaint is not completed within the aforementioned period, Comenius University **will postpone** the complaint in accordance with Section 6 (1) (i) of the Act.

Comenius University Bratislava, Šafárikovo nám. 6, 814 99 Bratislava 1

**REPORT**  
of investigation of complaint/  
repeated complaint

Complaint number: K / 20.. A VIII/2

Name, surname, permanent address of the complainant:.....  
(unless his/her identity is confidential)

.....

.....

Subject-matter of the complaint:

.....

.....

The name of the IOU CU, in which the complaint was investigated:

.....

The period of the complaint investigation:

.....

Demonstrated findings or findings on the part(s) of the complaint:

Result of the investigation: substantiated (S) unsubstantiated (U)

.....

.....

.....

.....

.....

.....

on the part Result of the investigation: substantiated (S) unsubstantiated (U)

.....

.....

.....

.....

on the part Result of the investigation: substantiated (S) unsubstantiated (U)

.....

.....

.....

.....

The overall result of the complaint investigation; if the complaint has several parts, the result of the investigation of each part:





5. notify the complainant of the action taken (if the complainant's identity is confidential, this will be communicated by the Internal Control and Internal Audit Unit of the CU) within the deadline until .....

The loaned original documents relating to the subject matter of the investigation of the complaint were returned.

In ..... on .....

Name, surname and signature of **the authorized representative of the IOU CU in which the complaint was investigated,** or of the representative authorized by him/her:

.....

Signature of the IOU CU employee who investigated the complaint:.....

Signature of the authorized representative of the IOU CU authorized to handle the complaint:.....

### Statement

I\* on the complaint No. .... dated

.....

With regard to the above complaint, I would like to state:

(With regard to the part of the complaint, I would like to state:)

In Bratislava, on .....

Name and surname: .....

Workplace: .....

Job

title:.....

Signature:

\* The statement by the person who ensured the activities complained of, or a statement by another person on the subject-matter of the complaint.

**Notification of the complaint investigation result to the complainant**

Name and surname of the complainant.....

Permanent address  
.....

Place and date .....

RE: Notification of the complaint investigation result

The notification shall state:

- Subject-matter of the complaint dated .....
- Findings if a complaint has more than one part, findings on each part of the complaint:
- Result of the investigation of the complaint or each part of the complaint: substantiated / unsubstantiated
- Overall assessment of the complaint as substantiated - unsubstantiated.
- Justification of the result of the investigation of the complaint or parts thereof (based on the report).
- If the complaint is substantiated:  
the head of the public administration body (the relevant IOU) in which the complaint was investigated was imposed obligations pursuant to Section 19 (1) (i) of Act No. 9/2010 Coll. on Complaints, as amended, i.e.:
  - take measures to remedy any identified deficiencies and their causes,
  - identify the person responsible for the deficiencies found,
  - submit the measures taken to the Rector of Comenius University and a copy to the Internal Control and Internal Audit Unit of the Comenius University,
  - submit the report on the implementation of the measures and the application of legal liability to the Rector of Comenius University and a copy to the Office of the Auditor General of the CU,
  - notify the complainant of the measures taken.

.....  
name, surname, function and signature\*

\*of the appropriate authorized representative to whom the complaint has been assigned by the Rector of CU for handling



## **Notification to the complainant of the complaint postponement**

- Letterhead -

### **RE: Notification of the postponement of a complaint**

On.....your complaint in the following matter was received by Comenius University Bratislava  
(briefly describe the subject-matter of the complaint).....

In handling the complaint it was found that.....(state the reason for  
postponing the complaint).

For the reason above, the Comenius University Bratislava postponed your complaint in  
accordance with Section 5 (4) or (5) and (6) / Section 6 (1) (a), (b), (c), (d), (f), (g), (h), (i) or (j)\*  
of Act No. 9/2010 Coll. of the Complaints Act, as amended.

\* only the relevant Section and, in the case of Section 6, the relevant letter shall be selected, the others  
shall not be provided.

## **RECORD of the complaint postponement**

Comenius University Bratislava

Unit.....(specify the unit to which the complaint has been delivered for handling)

Authorized representative.....(person authorized by the Rector to handle the complaint)

In accordance with Act No. 9/2010 Coll. on Complaints, as amended (hereinafter referred to as the "Act") the complaint of the complainant.....(provide name and surname, permanent address)

received at the CU on....., registration number.....,  
the subject-matter of which is (give a brief description of the subject-matter of the complaint)

### **i s p o s t p o n e d \***

**a) pursuant to Section 6 (1) (a) of the Act**

*(if a complaint does not contain the particulars pursuant to Section 5 (2) and, in the case of a complaint lodged electronically, also the particulars pursuant to Section 5 (4) or (5) of the Act);*

**b) pursuant to Section 6 (1) (b) of the Act**

*(if the Comenius University discovers that a court, prosecutor's office, other law enforcement agency has acted or is acting in the matter that is the subject-matter of the complaint or that other public administration body is acting in the matter that is the subject-matter of the complaint);*

**c) pursuant to Section 6 (1) (c) of the Act**

*(if Comenius University discovers that the complaint relates to a person other than the person who lodged it and is not accompanied by the power of attorney pursuant to Section 5 (9) of the Act - the signature on the power of attorney must be verified);*

**d) pursuant to Section 6 (1) (d) of the Act**

*(if more than 5 years have elapsed since the event to which the complaint relates on the date of receipt of the complaint);*

**e) pursuant to Section 6 (1) (e) of the Act**

*(if it is another repeated complaint under Section 21 (6) of the Act);*

**f) pursuant to Section 6 (1) (f) of the Act**

*(if it is a complaint against the handling of a complaint under Section 22 (3) of the Act);*

**g) pursuant to Section 6 (1) (g) of the Act**

*(if it is another complaint against the handling of a complaint under Section 22 (5) of the Act);*

- h) pursuant to Section 6 (1) (h) of the Act**  
*(if a complaint has been brought to the attention);*
- i) pursuant to Section 6 (1) (i) of the Act**  
*(if the complainant has failed to provide cooperation pursuant to Section 16 (1) of the Act or has failed to provide cooperation within the time-limit pursuant to Section 16 (2);*
- j) pursuant to Section 6 (1) (j) of the Act**  
*(if the complainant has not given consent under Section 8 (2) of the Act);*
- k) pursuant to Section 6 (2) of the Act**  
*(if the complainant fails to supplement the complaint with missing information necessary for the investigation of the complaint or with particulars pursuant to Section 5 (3) of the Act within the time-limit pursuant to Section 16 (2) of the Act);*
- l) pursuant to Section 6 (3) of the Act**  
*(if the complainant withdraws the complaint in writing before it is handled or notifies in writing that he/she does not insist on it being handled).*

\* the appropriate choice is made by circling

Note:

Written by:.....

.....

The authorized representative to handle the complaint name, surname, function and signature

The head of the unit in which the complaint was investigated:

.....

..

name, surname, function and signature