



UNIVERZITA
KOMENSKÉHO
V BRATISLAVE

Internal Regulations of Comenius University Bratislava

Internal Regulation No. 30/2022

Directive of the Rector
of Comenius University Bratislava

**on Resolving Sexual Harassment Cases at
Comenius University Bratislava**

Year 2022

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This Directive is issued by the Rector of the Comenius University Bratislava (hereinafter referred to as "CU") pursuant to Art. 10 (3) of Internal Regulation No. 3/2007 Organisation Rules of CU, as amended:

Art. 1 Introductory provisions

- (1) Based on the CU Code of Ethics¹ and the CU Gender Equality Plan², this Directive sets out the process for reporting and dealing with cases of sexual harassment.
- (2) Sexual harassment is verbal, non-verbal or physical conduct of a sexual nature, the intent or effect of which is or may be to violate the dignity of a person and which creates an intimidating, demeaning, degrading, hostile or offensive environment.³ Sexual harassment primarily means:
 - a) unwanted physical contact and attempts at it,
 - b) unwanted sexual offers, indications of advantages in exchange for sexual contact, indications of negative consequences if sexual contact is refused,
 - c) commenting on body parts, jokes and innuendos with a sexual undertone, sending unsolicited erotic material, mentioning sex when it is not necessary in the given context,
 - d) sexism, derogatory comments made about a group or individuals because of their sex, gender or sexual orientation.
- (3) The whistleblower of a sexual harassment case may be a person seeking protection of their legally protected rights or interests that they believe have been harmed by sexual harassment, or another person with knowledge of such a case (hereinafter referred to as the "Whistleblower").

Art. 2 Person in a Position of Trust (PIPOT)

- (1) The PIPOT position has been set up at CU. The PIPOT position is performed by two people at CU. Only a member of the CU academic community can become a PIPOT. PIPOTs are usually appointed by the Rector on the recommendation of the Ethical Board of CU or another (including advisory) body dealing with the issue of sexual harassment.
- (2) A PIPOT supports CU students and CU employees. In particular, the PIPOT:
 - a) receives and records reports of sexual harassment, either in person or electronically,
 - b) listens to a Whistleblower or other concerned persons,
 - c) provides information about the applicable legal regulation on sexual harassment in relation to the respective facts,
 - d) proposes solutions for a specific case of sexual harassment in accordance with Art. 4,

¹ IR No. 23/2021 Internal System for Quality Assurance of Higher Education of CU, Part 8

² IR No. 3/2022 Directive of the CU Rector on adopting the CU Gender Equality Plan.

³ Sec. 2a (5) Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on Amendments and Additions to Certain Acts. as amended (hereinafter referred as the "Antidiscrimination Act").

- e) provides psychological and legal help,
 - f) accompanies the Whistleblower through the entire process of clarifying a specific case of sexual harassment (when reporting the case, discussing it before the Ethics Committee or Disciplinary Committee, or is the Whistleblower's representative, etc.),
 - g) annually prepares a report on received reports with anonymised data,
 - h) participates in sexual harassment awareness campaigns and training.
- (3) The PIPOT does not investigate reports of sexual harassment.
 - (4) The decision on the specific handling of the report according to Art. 4 is left to the Whistleblower. The PIPOT is not authorised to act without the Whistleblower's consent, except on suspicion of a criminal offence.
 - (5) The PIPOT is obligated to maintain secrecy and to maintain the anonymity (no indication of personal data, information on the work or study assignment, etc.) of the Whistleblower or the persons to whom the report relates, with the exception of the suspicion of a criminal offence.
 - (6) If necessary, the PIPOT is entitled to request the cooperation of the employer concerned (rector, quaestor, dean, director of the Independent Economic Body), the Legislation and Legal Services Department of the RCU or an external institution, providing only the necessary information to ensure anonymity is maintained .
 - (7) If the PIPOT suspects a crime has been committed, he/she shall coordinate the facts with the RCU's Legislation and Legal Services Department.
 - (8) In exercising this function, the PIPOT is subject to the control of the Internal Control Department of the RCU, which is obligated to provide assistance in carrying out the control and to inspect the complete documentation. The obligation of confidentiality also applies accordingly to the employees of the Internal Control Department of the RCU.
 - (9) The PIPOT is entitled to remuneration in the amount of the hours worked.

Art. 3

Contacting the Person in a Position of Trust

- (1) A Whistleblower can report a case of sexual harassment to a PIPOT of his/her choice personally or electronically at the e-mail address: stopobtazovaniu1@uniba.sk and stopobtazovaniu2@uniba.sk.
- (2) The PIPOT is obligated to inform the Whistleblower of his/her possible bias in the matter in question.
- (3) A report cannot be submitted anonymously. Anonymous reports shall be recorded but not processed further.
- (4) The PIPOT will respond to the Whistleblower with a proposal for a meeting within three working days of receiving the report of the case. The meeting can be held in person or

via MS Teams.

- (5) If the Whistleblower has evidence (e-mails, SMS, phone records, etc.), he/she shall send this along with the report of the case or present it in a personal meeting.
- (6) The PIPOT shall provide the Whistleblower with support in accordance with Art. 2.
- (7) Minutes are taken at the meeting and the Whistleblower signs or electronically approves of them. The meeting file is archived in a locked cupboard to which only the assigned PIPOT has access. Should there be another PIPOT assigned, the newly appointed PIPOT is given access to the archived files. All cases of sexual harassment are also recorded electronically in a database that is only accessible to PIPOTs and is saved on an external hard drive.

Art. 4 **Resolving Sexual Harassment Cases**

- (1) The manner in which a specific sexual harassment case is resolved is left to the discretion of the Whistleblower.
- (2) Sexual harassment cases can be dealt with informally or formally.
- (3) The outcome of the informal process should be a cessation of the harassing behaviour that will not result in employment or disciplinary consequences for the reported individual. In such cases, the PIPOT informs the employer (rector, quaestor, dean of the faculty, director of the Independent Economic Body) of the reported sexual harassment case. The employer shall warn the person who allegedly committed the harassing behaviour to avoid committing the given behaviour.
- (4) In the event that the PIPOT considers the case to be of such seriousness that it needs to be dealt with through a formal procedure, he/she will consult the case (while preserving the anonymity of the Whistleblower) with the RCU's Legislation and Legal Services Department and offer the Whistleblower options for a formal procedure.
- (5) In addition to stopping the harassing behaviour, formal notification may also result in employment or disciplinary consequences, or the filing of a criminal complaint. If the Whistleblower decides to make a formal notification, the PIPOT, after assessing the facts available, informs the Whistleblower of the options for further action and suggests the most appropriate course of action.
- (6) The formal notification can be addressed to:
 - a) the employer (rector, quaestor, dean of the faculty, director of the Independent Economic Body), whereby the complaints institutes can also be used according to a special internal regulation,⁴
 - b) the Disciplinary Committee of the relevant faculty in the event of suspected sexual harassment committed by a student,⁵

⁴ IR No. 23/2022 CU Rector's Policy on Handling Complaints at CU.

⁵ IR No. 14/2018 Disciplinary Measures for Students of CU, approved by AS CU.

- c) the faculty or university Ethical Board if the seriousness and extent of the sexual harassment need to be assessed or if the Whistleblower believes that this procedure would provide a higher level of protection.⁶
- (7) The PIPOT is involved in formulating the report. If the Whistleblower wishes, the PIPOT can accompany or represent (e.g. before the Ethical Board) the Whistleblower in the case-solving process.
- (8) Anyone who sees their legally protected rights or interests as being impaired can also assert their rights (e.g. the provision of an adequate redress) in court, if desired, in accordance with Sec. 9 et seq. of the Antidiscrimination Act.

Art. 5 **Monitoring reports resolution**

- (1) The employer or the body to which the report was addressed is obligated to inform the PIPOT via e-mail about the method of resolving the report. The PIPOT provides this information in the record on the report resolution.
- (2) The PIPOT shall conclude with the Whistleblower whether he/she wants to be informed about the solution on an ongoing basis, after the case is closed, or not at all. One month after the case is closed, the Whistleblower shall be contacted by the PIPOT to ensure that corrections have been made and that there is no victimisation.
- (3) Victimisation is any discrimination against the Whistleblower or his/her witness for reporting a case of sexual harassment. If there is a suspicion of victimisation, the matter shall be forwarded to the Internal Control Department of RCU.

Art. 6 **Final provisions**

- (1) Once a year, the PIPOTs submit a report to the Management of CU on the number and type of reports processed and their completion. This information is also part of the CU Gender Equality Report.
- (2) Anonymised summaries may be posted on the CU website as examples of undesirable behaviours and procedures undertaken in dealing with them.
- (3) This Directive comes into force and into effect on the day of its signature.

Bratislava, 6 October 2022

prof. JUDr. Marek Števíček, DrSc.
Rector

⁶ IR No. 23/2021 Internal System for Quality Assurance of Higher Education of CU, Part 8