ORDER No. 5/11/2020

of the Rector of Vistula University

of November 24, 2020

on the introduction of the Anti-Discrimination Procedure at Vistula University

Acting pursuant to § 18 sec. 2 point 2 of the Statute of Vistula University, I hereby order the following:

§ 1

I introduce the *Anti-Discrimination Procedure at Vistula University*, attached as an Appendix to this Order.

§ 2

The Order comes into force on the day of its signature.

Rector

Prof. Wawrzyniec Konarski, PhD

The Anti-Discrimination Procedure at Vistula University

§ 1 Anti-Discrimination procedure

1. Vistula University, hereinafter referred to as "Vistula", strives to implement the highest standards aimed at ensuring equal treatment of all members of the academic community and does not tolerate any form of discrimination (including sexual harassment).
2. The procedure for counteracting discrimination at Vistula, hereinafter referred to as the "Procedure", defines the rules of counteracting discrimination and dealing with the cases of such events.

§ 2 The scope of the Procedure

The procedure applies to Vistula students, doctoral students and employees, including persons performing work or providing services to Vistula under civil law contracts, hereinafter referred to as "members of the academic community".

§ 3 Definitions

In this Procedure the following terms shall be understood as:

1) discrimination - behaviour violating the principle of equal treatment, in particular on the grounds of sex, age, disability, race, religion, nationality, political beliefs, ethnic origin, religion, sexual orientation, employment for a specified or indefinite period, full-time or part-time employment;
2) the Vistula Ethics and Anti-Discrimination Committee, hereinafter referred to as the "Committee" - it shall be understood as a collective body appointed by Vistula Rector; to deal with complaints regarding discrimination and to prevent and counteract discrimination at Vistula; in line with the rules specified in this Procedure;
3) Ombudsman for equal treatment and counteracting discrimination, hereinafter referred to as the "Ombudsman" - a person appointed by Vistula Rector to deal with complaints regarding discrimination and to prevent and counteract discrimination at Vistula, in line with the rules specified in this Procedure;
4) Academic Ombudsman - the Academic Ombudsman appointed under Order No. 1/05/2016 of Vistula Rector University of May 9, 2016 *On Establishing the Position of the Academic Ombudsman at Vistula University*;
5) employee – a person employed at Vistula on the basis of an employment relationship, regardless of the type of employment, or performing work for Vistula; on the basis of a civil law contract;
6) doctoral student - a person studying at doctoral studies, student of the doctoral school, or any other person who has commenced doctoral dissertation procedures at Vistula;

7) student - a person studying at Vistula at first-degree, second-degree, uniform master's studies or post-graduate studies as well as participants of other types of educational activities, e.g., summer schools, courses, etc.;
8) organizational unit of Vistula - a faculty or other organizational unit of Vistula within the meaning of the Vistula Statute.

§ 4 Non-discrimination policy

1. It is forbidden to discriminate students or doctoral students in any way, in particular on grounds of sex, age, disability, race, religion, nationality, political beliefs, ethnic origin, religion, sexual orientation (non-discrimination of students or doctoral students).
2. Any unequal treatment of employees is prohibited regarding commencement and termination of employment, terms of employment, promotion and access to training aimed at improving professional qualifications, in particular on the grounds of gender, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnicity, religion, sexual orientation, fixed-term or indefinite employment, full or part-time employment working time, both in the form of direct and indirect discrimination (prohibition of unequal treatment of employees).
3. The following are also considered as manifestations of discrimination:

1) actions consisting in encouraging another person to discriminate, treat unequally or harass others or ordering such a person to such behaviour;
2) undesirable behaviour aimed at or resulting in violating dignity of any academic community member and creating towards such a member an intimidating, hostile, degrading, humiliating or offensive atmosphere (harassment);
3) unfavourable treatment of an academic community member who has exercised his/her rights under this Procedure or has lodged a complaint with an external body in relation to unequal treatment, discrimination or harassment, or has witnessed such proceedings (prohibition of reprisals and retaliation);
4) inciting, justifying or instigating violence or hatred in the form of verbal or non-verbal communication, which includes hostility towards specific individuals or groups of people distinguished on the basis of specific characteristics, in particular, gender, age, disability, race, religion, nationality, political beliefs, ethnicity, religion, sexual orientation (hate speech).

4. Sexual harassment or discrimination based on sex means any undesirable conduct of a sexual nature or related to the gender or identity of the academic community member, aimed at or resulting in violating that member's dignity, in particular by creating an intimidating, hostile, degrading, humiliating or an offensive atmosphere, whereas such behaviour may include physical, verbal or non-verbal elements (sexual harassment).

5. The following are considered as manifestations of harassment or sexual harassment in particular:

1) abuse of a dependency relationship or the use of a difficult situation or conditioning of granting benefits (for example, assessment, promotion, pay raise, or other benefits, continuation of employment, waiving a penalty or another basis for a favourable

decision) on obtaining sexual advantage, as well as unfavourable treatment in the event of its refusal;
2) disclosure or a threat of disclosure to other persons a sexual relationship, sexual orientation or disability without the consent of the person concerned;
3) harassing, creating a sense of threat, justified by circumstances, humiliating or significantly violating the privacy the academic community member, including monitoring the use of the Internet or other forms of communication without such a person's consent, as well as impersonating an academic community member, using such a person's image or other personal data without the consent of the person concerned.

6. Submission of a member of the academic community to unequal treatment, harassment or sexual harassment may not cause any negative consequences for such a person.
7. Action aimed at equalisation of opportunities of persons characterised by at least one of the features specified in § 4 sec. 1-2 by reducing inequality to their advantage does not constitute an infringement of the principle of equal treatment.

§ 5 Procedure for submitting a complaint

1. Any member of the academic community who feels subject to discriminatory actions may submit a written complaint to the Ombudsman.
2. The complaint should contain the following

1) name and surname of the person submitting the complaint and his/her status (respectively: student / doctoral student / employee / person providing services under a civil law contract);
2) name and surname of the person whose behaviour the complaint relates to and his/her status (respectively: student / doctoral student / employee / person providing services under a civil law contract);
3) presentation of the facts, and in particular an indication of specific discriminatory actions or behaviours and the period to which these actions or behaviours relate;
4) indication of any evidence to support the circumstances cited, including witnesses;
5) date and handwritten signature of the person submitting the complaint.

3. Complaint submission requires that two conditions must be met jointly, i.e., the person against whom the complaint is filed has the status of a student, doctoral student or Vistula employee, and the events described in the complaint have taken place on the premises of Vistula; or has been functionally related to Vistula's activities.
4. Anonymous or unsigned complaints shall not be considered.
5. The Ombudsman initially examines the merits of the complaint and, for this purpose, immediately conducts an interview with the person submitting the complaint and the person whose behaviour is related to the complaint. After an initial examination of the case, the Ombudsman takes further steps:

1) after concluding that the circumstances proving the possibility of discrimination have been substantiated, the Ombudsman shall immediately refer the case to the chairman of the Committee in order to initiate the procedure referred to in § 6;
2) if the circumstances do not justify the occurrence of discrimination, the Ombudsman may:

a) refer the matter to the Academic Ombudsman for an amicable settlement of the dispute;
b) refer the complainant, with his/her consent, to the appropriate organizational unit of Vistula; which may be of assistance in solving the problem;
c) deem the report unfounded.

6. The complaint should be submitted within one year from the event or the last in a series of events being the subject of the complaint. In exceptionally justified situations, the Chairman of the Committee may decide to accept for consideration a complaint relating to events that took place earlier than a year.

§ 6 Proceedings before the Vistula Ethics and Anti-Discrimination Committee

1. The Committee shall inform the person concerned to which the complaint refers and the person submitting the complaint about in initiating the investigation.
2. As part of the investigation, the Committee shall summon and hear the person concerned by the complaint and may ask him/her questions. The Committee may also summon and hear other persons who may have information on the case, including the complainant or witnesses, ask them questions and review other evidence.
3. The hearing shall be recorded in minutes. The protocol shall be drawn up in such a way as to indicate who, when, where and what activities performed, who and in what way was present, what was determined and how it was done as a result of these activities and what comments were made by the present persons. The protocol is read out to all people present who take part in the activities, and who should then sign the protocol. Refusal or lack of signature should be stated in the protocol.
4. Unjustified failure to appear by the person whose behavior the complaint relates to does not prevent further proceedings.
5. The investigation should be completed within two months from the date of filing the complaint. In justified cases, the Rector, at the request of the chairman of the Committee, may extend the deadline for completing the proceedings.
6. The proceedings before the Committee shall end with an opinion on whether the discriminatory behavior described in the complaint is discriminatory to the person lodging the complaint. As part of the opinion, the Committee may recommend the following:

1) referring the case to the competent disciplinary commissioner for the purpose of instituting disciplinary proceedings;
2) taking specific remedial actions;
3) abandoning further proceedings, if the behavior of the person against whom the complaint does not constitute discrimination.

7. The opinion of the Committee, containing a written justification for the adopted position, is submitted to the Rector within 7 days from the date of completing the Committee's work.
8. After completing the work, the Committee informs the person submitting the complaint and the person to whose behaviour the complaint is related about the completion of its

works and provides information about the submitting the results of the proceedings to the Rector's decision..

§ 7 Final Provisions

Application of the proceedings specified in this Procedure does not exclude the complainant's right to pursue the claims related to the circumstances in the course of court proceedings.