

Ombudsperson of the University of Hradec Králové

This Decree establishes the position of the ombudsperson at the University of Hradec Králové (hereinafter referred to as the "UHK").

Article 1

Basic provisions and principles of the Ombudsperson's activities

- 1) The position of the ombudsperson of the University of Hradec Králové (hereinafter referred to as the "*Ombudsperson*") has been established at the UHK.
- 2) The Ombudsperson should be of such moral qualities as to ensure that he/she acts fairly, with dignity, conscientiousness, honesty and good morals in the performance of his/her duties. The Ombudsperson exercises his/her functions independently and impartially.
- 3) Members of the academic community, other UHK employees, and persons in a similar position, such as participants in a lifelong learning course, candidates registered for the state advanced Masters' (rigorosum) examination, or international exchange students may contact the ombudsperson with complaints. Complaints from other persons are dealt with by the Ombudsperson at his/her discretion.
- 4) No one shall in any way be penalised, disadvantaged or otherwise deprived of his/her rights for contacting the Ombudsperson.
- 5) Within the limits of the law¹, the Ombudsperson shall maintain confidentiality of all facts of which he/she has become aware in connection with the performance of his/her duties and that may lead to the identification of the persons making the complaint or the disclosure of other sensitive information. Sharing facts related to a complaint for the purpose of investigating it within the UHK or its units, or in case the rights and freedoms of the person making the complaint or other persons in a similar situation are immediately threatened is not considered a breach of confidentiality.
- 6) The Ombudsperson shall proceed to clarify the complaint to the extent necessary on the basis of the objective facts established. In the event that the Ombudsperson has a conflict of interest, he/she shall inform the person making the complaint (hereinafter referred to as the "*Complainant*") and the Rector of the issue.
- 7) The Ombudsperson's conclusions are of a recommendatory nature only. The Ombudsperson does not replace decisions taken by other bodies.

¹ The Ombudsperson may not rely upon the obligation of confidentiality, in particular towards law enforcement authorities, such as the police, the public prosecutor's office and the court, or towards other public authorities, if they request cooperation within the limits of their competence and according to their powers.

- 8) Students, employees, and members of the UHK bodies, advisory bodies, and working committees are obliged to provide the Ombudsperson with assistance in investigating the complaint, to provide the Ombudsperson with documents or copies of relevant documents and other documents necessary for the investigation of the complaint, or to provide explanations upon request. Such persons are obliged to maintain confidentiality regarding the provision of assistance.

Article 2

Filling the post of ombudsperson

- 1) The position of Ombudsperson is filled by the UHK Rector on the basis of an open selection procedure in accordance with the OTM-R policy. The selection committee consists of one member of the UHK Academic Senate elected from among the students, one member of the UHK Academic Senate elected from among the academic staff, one representative from each faculty appointed by the respective Dean, one representative of the Rectorate appointed by the Rector, and one representative of the UHK Ethics Committee on the proposal of its Chairperson. The selection procedure is conducted by the person whose agenda includes selection procedures and who is also part of the selection committee. Other members, if any, are appointed by the Rector.
- 2) The Ombudsperson usually has experience in mediation, crisis intervention, law, human rights, conflict resolution, counselling or human resource management, and has a background in academia.
- 3) The Ombudsperson has a Master's degree.
- 4) The position of Ombudsperson is incompatible with the position of Rector, Vice-Rector, member of the Rector's Board, Chancellor, Bursar, Dean, Vice-Dean, secretary of a faculty or other unit, head of a faculty department or other unit, member of the UHK or a faculty Academic Senate, member of the Research Board of the UHK, faculty or other unit, member of the Ethics Committee of the UHK or a faculty, member of the UHK Board of Trustees, member of the Disciplinary Committee of a faculty and guarantor of a study programme.
- 5) The Ombudsperson must inform the Rector of a potential conflict of interest that would affect the performance of his/her duties.
- 6) The Ombudsperson is entitled to a wage to be determined by the Rector.

Article 3

Duties

- 1) The Ombudsperson resolves individual complaints, provides methodology within the UHK as a whole and participates in creating conditions for a safe environment at the UHK. The Ombudsperson investigates specific complaints if, on the basis of the complaint, he/she has reasonable grounds to suspect that the rights of the Complainant have been or could be compromised or if he/she has reasonable grounds to suspect that

the procedure has not been followed in accordance with the law and internal and other regulations of the UHK.

- 2) The main duties of the Ombudsperson include:
 - a) Investigation of complaints from concerned persons regarding bullying, discrimination, inappropriate behaviour, unequal treatment, sexual harassment, bossing, mobbing, staffing, conflict of interest, unjustified delays and cases where the competent authority fails to act, violations of legal regulations including internal and other regulations of the UHK or its units, and other similar conduct;
 - b) Investigation of other relevant facts on his/her own initiative;
 - c) Provision of assistance to persons referred to in Article 1(3) of this Decree who contact him/her, referring them to other competent authorities and institutions, as appropriate;
 - d) Identification of problems and obstacles affecting negatively the working, study and academic environment at the UHK;
 - e) Adoption of proposals to solve systemic problems in connection with the tasks assigned to him/her;
 - f) Methodological activities and creation of a suitable environment for problem solving;
 - g) Making recommendations to relevant authorities on specific cases based on his/her experience of investigating them, and making proposals of appropriate systemic changes where necessary.
- 3) When investigating complaints, the Ombudsperson shall proceed carefully and prudently, in cooperation with the complainant. He/she shall draw on the expertise of other experts.
- 4) The Ombudsperson's conclusions do not alter, cancel or replace the decisions of the bodies of the UHK and its units. The Ombudsperson may not interfere in their activities and decision-making, his/her conclusions and recommendations are not binding on them. The Ombudsperson does not act as an administrative body, does not decide on the rights and obligations of students and has no powers in labour relations.
- 5) The Ombudsperson shall deal with complaints without undue delay, normally within 60 days of the complaint receipt. If, for objective reasons, it is not possible to deal with the complaint within 60 days, the Ombudsperson shall inform the complainant of this fact.
- 6) In the event of a refusal to provide assistance pursuant to Article 1(8), the Ombudsperson shall indicate this fact in his/her report on the investigation referred to in Article 3(11) and inform the Rector thereof.
- 7) If the Complainant does not wish to show his/her identity to the authorities, advisory bodies or working committees at the UHK, the Ombudsperson him/herself shall defend the interests of that person in these proceedings. He/she may do so only after verifying the identity of the person concerned and examining the complaint to the extent necessary to enable him/her to reasonably believe that the complaint is justified. The Ombudsperson may not submit a complaint to the UHK Ethics Committee on behalf of the Complainant.

- 8) If the Ombudsperson finds that a complaint is of a bullying nature, a complaint that has been repeatedly decided to take no further action on, a complaint made by an unauthorised person, grumbling, a complaint aimed at harming another person or the reputation of the UHK, if the Complainant does not provide the necessary assistance despite repeated notifications, if the issue does not fall within the Ombudsperson's powers and is or has already been dealt with by a competent authority, or if the action is aimed at replacing a decision or opinion of a competent authority of the UHK, the Ombudsperson shall decide to take no further action on the complaint and inform the Complainant thereof. If the Ombudsperson receives a complaint without being able to verify the identity of the Complainant, such a complaint shall be considered as a general communication only and the extent to which the Ombudsperson will address the communication shall be at the discretion of the Ombudsperson.

- 9) If the Complainant or the person against whom the complaint has been made (hereinafter referred to as the "*Person Concerned*") believes that the Ombudsperson has not acted properly and in a timely manner in his/her case, he/she may contact the Rector. If the Rector is the Complainant or the Person Concerned, he/she shall contact the Rector's authorized representative.
- 10) Complaints relating specific persons, bodies, advisory bodies or working committees of the UHK are generally dealt with by the Ombudsperson with these persons, bodies, advisory bodies or committees of the UHK. In particular, the Ombudsperson seeks to find an amicable solution. If this is not possible, or if redress is not possible in cases of incorrect procedure, the Ombudsperson shall contact the superior of the Complainant or the superior of the Person Concerned. In the case of a complaint relating to a collective body, the Ombudsperson shall solve the complaint with the chairperson of that body. In the event that the superior cannot be identified or the action has not led to a remedy, the Ombudsperson shall contact the Dean or the Rector. In case of a complaint relating a Dean, the Ombudsperson shall contact the Rector. In case of a complaint relating the Rector, the Ombudsperson shall contact the Chairperson of the UHK Academic Senate. If the Ombudsperson is dealing with students' conduct, he/she shall contact the Vice-Dean of the faculty in which the students are enrolled. If the Ombudsperson is dealing with a situation between staff members, he/she shall contact the closest joint supervisor or the Dean or the Rector.
- 11) The Ombudsperson shall draw up an investigation report on each complaint, unless otherwise specified below. The Ombudsperson shall inform the Person Concerned and such other persons as he or she deems appropriate of the disposition of the complaint.

Article 4

Relationship to the Rector

- 1) The Rector may give complaints to the Ombudsperson to examine specific situations or incentives to develop conceptual materials. The Rector is not authorised to instruct the Ombudsperson on what conclusions and recommendations to make.
- 2) The Ombudsperson shall report annually to the Rector on the complaints received, without identifying the Persons Concerned, and other findings within his/her powers. The report usually also includes recommendations for improving and cultivating the environment at the UHK. The report is also submitted to the Assembly of the Academic Community of the UHK.

Article 5

Relationship to the Academic Senate

- 1) The Ombudsperson may attend meetings of the UHK Academic Senate bodies and cooperates with them on a regular basis. If invited by the UHK Academic Senate or its advisory body, the Ombudsperson shall attend its meeting.

- 2) If the complaint being investigated is directed against the Rector and the Rector, in the Ombudsperson's view, does not provide assistance in this matter, the Ombudsperson shall communicate this information to the Chairs of the Academic Senate of the UHK.

Article 6

Relationship to the Ethics Committee of the UHK

- 1) If the Ombudsperson has a reasonable suspicion that a violation of the UHK Code of Ethics has occurred, he/she has the right to file a complaint with the UHK Ethics Committee.
- 2) The Ombudsperson may be invited to a meeting of the UHK Ethics Committee in accordance with the Rules of the UHK Ethics Committee.
- 3) In the event of a complaint against the procedure of the UHK Ethics Committee, the Ombudsperson communicates his/her conclusions to the Chair of the UHK Ethics Committee and the Rector.

Article 7

Relationship to other bodies

- 1) The Ombudsperson has the right to participate in meetings of the bodies and advisory bodies of the UHK and their units with the right to an advisory vote after prior agreement with the chair or head of the relevant body or advisory body. The relevant bodies are obliged to take the Ombudsperson's conclusions into account and the Ombudsperson has the right to request information on how his/her recommendations have been dealt with.
- 2) Individual bodies, advisory bodies and working groups of the UHK have the right to address the Ombudsperson with complaints and requests for methodological recommendations. Collective bodies shall address the Ombudsperson through their chairperson or another authorised member.

Article 8

Final provisions

This Decree shall enter into force and effect on the date of signature.

In Hradec Králové on 9 October 2024

Assoc. prof. RNDr. Jan Kříž, Ph.D.
Rector