**ORDER No. 26**

**of the Rector of West Pomeranian University of Technology in Szczecin**

**dated March 9, 2023**

**regarding the Procedure for Counteracting Mobbing**

**at the West Pomeranian University of Technology in Szczecin**

Based on Article 23 of the Act of July 20, 2018, Law on Higher Education and Science (consolidated text: Journal of Laws of 2022, item 574, as amended) and Article 94³, Section 1 of the Act of June 26, 1974, Labour Code (consolidated text: Journal of Laws of 2022, item 1510, as amended), in connection with Section 79, Paragraph 3 of the Work Regulations of ZUT, the following is decreed:

Section 1:

The Procedure for Counteracting Mobbing at the West Pomeranian University of Technology in Szczecin, attached to this Order, is hereby introduced.

Section 2:

Order No. 27 of the ZUT Rector dated April 18, 2018, regarding the introduction of the Procedure for Counteracting Mobbing at the West Pomeranian University of Technology in Szczecin, as well as amending Order No. 29 of the ZUT Rector dated April 24, 2018, are hereby repealed.

Section 3:

This Order enters into force on the day of its signing.

Rector

Prof. Jacek Wróbel, PhD, DSc

Attachment to Order No. 26 of the Rector of the West Pomeranian University of Technology in Szczecin, dated March 9, 2023.

**PROCEDURE**

**for counteracting workplace harassment**

**at the West Pomeranian University of Technology in Szczecin**

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**Report of Incidents of Workplace Harassment**

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**I. General Provisions**

**§ 1.**

1. The Procedure establishes the principles of prevention and counteraction against undesirable behaviors that constitute workplace harassment, as well as the procedure to be followed in case of suspicion of such behaviors at the West Pomeranian University of Technology in Szczecin, hereinafter referred to as "ZUT."
2. The Procedure, as part of the anti-harassment policy, aims in particular to:
3. prevent and counteract undesirable behaviors that constitute workplace harassment;
4. regulate the rules for reporting undesirable behaviors of a harassing nature;
5. provide employees with the opportunity to address issues related to undesirable behaviors at an early stage;
6. implement solutions or actions that enable employees to effectively defend themselves against undesirable behaviors and incidents constituting workplace harassment;
7. take immediate intervention measures upon identifying behaviors of a harassing nature;
8. take appropriate measures against individuals found responsible for behaviors/events of workplace harassment following the proceedings at the University;
9. build and strengthen positive interpersonal relationships among employees, promoting adherence to ethical principles and good practices.

**§ 2.**

Terms used in the Procedure:

1. **Workplace harassment** - according to Article 943 § 2 of the Labour Code - "refers to actions or behaviors directed at an employee or performed by an employee, involving persistent and long-term harassment or intimidation of the employee, resulting in the employee's diminished professional usefulness, causing or intending to humiliate or ridicule the employee, isolate them, or eliminate them from the team of co-workers";
2. **Confidential Advisor** - a person appointed by the Rector for their term of office to perform tasks related to conducting preliminary proceedings in the event of reporting incidents of workplace harassment, collecting data on any potential manifestations of such behaviors, and taking preventive actions;
3. **Team for Addressing Reported Incidents of Workplace Harassment, hereinafter referred to as "the team"** - a temporary team appointed by the Rector to assess the merits of reported incidents of workplace harassment, hereinafter referred to as "the report," and to propose necessary actions to resolve the conflict;
4. **Parties to the proceedings** - the person reporting the incident of workplace harassment and the person identified in the report;
5. **Complainant** - the person reporting the behavior of another employee that constitutes workplace harassment;
6. **Preliminary proceedings** - the proceedings conducted by the Confidential Advisor in the event of reported incidents of workplace harassment;
7. **Investigative proceedings** - the proceedings conducted at the request of the Rector by the Team for Addressing Reported Incidents of Workplace Harassment;
8. **Mediation** - actions taken by a mediator during which they suggest possible ways for the parties to resolve the conflict and find a solution to the problem;
9. **Mediator** - an employee appointed during the investigative proceedings, accepted by the parties to the proceedings; a person who has been approached to conduct mediation effectively, impartially, and competently, and to help the conflicting parties find a resolution reflected in a mediation agreement;
10. **Labour Code** - the Labour Code (consolidated text, Journal of Laws of 2022, item 1510, as amended).

**II. Counteracting Workplace Harassment**

**§ 3.**

1. Immediate superiors are obligated to prevent and counteract workplace harassment.
2. Every employee is obligated to refrain from any actions and behaviors that constitute workplace harassment.
3. Any undesirable behaviors that meet the criteria of workplace harassment, confirmed as a result of the investigation conducted by the team, will be treated as a violation of the provisions of labor law and the ZUT Work Regulations.
4. To prevent and counteract workplace harassment, all actions permissible by law should be taken, including, in particular:
   1. promoting desirable attitudes and behaviors in employee relationships and adhering to social interaction principles;
   2. disseminating knowledge about the phenomenon of workplace harassment, methods of preventing its occurrence, and the consequences of undesirable behaviors;
   3. monitoring the issue of workplace harassment and implementing this procedure in practice;
   4. reporting undesirable behaviors that constitute workplace harassment to the immediate superior/Rector/confidential advisor;
   5. participating in training on preventing practices and behaviors of workplace harassment.
5. Examples of behaviors that constitute workplace harassment, provided they are persistent, prolonged, and repetitive, include:
   1. unwarranted criticism;
   2. humiliating disciplinary or disciplinary-like actions;
   3. inappropriate jokes;
   4. ignoring the employee;
   5. telephone harassment (e.g., persistent after-hours calls from a superior or coworker on matters that are objectively not urgent);
   6. letters and emails containing threats, intimidation, and commonly recognized offensive and derogatory expressions;
   7. instructing the employee to remain at work without justification (beyond the overtime assigned by the employer);
   8. intimidating the employee, such as threatening termination of employment;
   9. setting objectively unattainable deadlines for work completion;
   10. assigning tasks unrelated to work, involving performing personal service tasks;
   11. publicly discrediting the employee's knowledge, skills, and competencies (pointing out incompetence in a manner exceeding permissible criticism);
   12. publicly and exaggeratedly commenting on the employee's appearance, character traits, and manner of being;
   13. unwarranted concentration of control activities on one person in the team;
   14. attributing errors committed by others to a particular person, burdening them with responsibility for the mistakes of others, i.e., making unfounded accusations;
   15. constant prevention of the employee from expressing their opinions when other employees are allowed to express their opinions and preventing communication with others;
   16. spreading false information about the employee's professional performance;
   17. spreading gossip about the employee's private life;
   18. unjustified exclusion from recognition (verbal or financial) compared to other team members.

**III. Confidential Advisor**

**§ 4.**

1. The Rector appoints a confidential advisor from among the employees for the duration of their term.
2. The tasks of the confidential advisor include:
3. providing information to employees about the measures to counteract workplace harassment;
4. providing support to employees who are subjected to actions that constitute workplace harassment;
5. making reports on behalf of employees to the Rector regarding the occurrence of behaviors that constitute workplace harassment, at the request and with the consent of the employee;
6. participating in the work of the team responsible for considering reports of behavior characterized as workplace harassment;
7. conducting preliminary proceedings regarding the occurrence of behavior characterized as workplace harassment;
8. initiating the organization of training on preventing practices and behaviors of workplace harassment.
9. The Rector may dismiss the confidential advisor, particularly:
10. at their request after submitting a written resignation;
11. due to the loss of employee status;
12. as a result of disciplinary proceedings initiated against them or upon receiving substantiated or probable information from the Rector that their conduct violates the provisions of this procedure.
13. The confidential advisor maintains confidentiality of all information provided by the employee and follows the principles of impartiality and neutrality.
14. The confidential advisor submits an annual report and recommendations to the Rector on their activities for the previous calendar year by January 31st. For the final year of their term, they submit the report by August 15th.

**IV. Reporting the Occurrence of Behavior Characterized as Workplace Harassment**

**§ 5.**

1. An employee who believes that they have been subjected to behavior characterized as workplace harassment may:
2. approach the confidential advisor for information, support, or actions to counteract workplace harassment, or
3. report the matter in written or oral form to their immediate supervisor or the supervisor of the employee affected by such behavior, or to the confidential advisor. In the case of an oral report, a note or written report, as mentioned in paragraph 5, shall be prepared.
4. report the matter in written form to the Rector, sealed in an envelope marked "personal data" and "to be opened by the addressee only."
5. Persons mentioned in paragraph 1, point 2, shall promptly forward the report of behavior characterized as workplace harassment to the Rector.
6. The Rector decides whether to forward the report of workplace harassment to the confidential advisor for preliminary proceedings, as mentioned in § 6.
7. The Rector, in justified cases, may refer the matter reported under paragraph 1 directly to the fact-finding team responsible for considering the report of behavior characterized as workplace harassment.
8. The report of behavior characterized as workplace harassment, whose template is provided in Appendix No. 1, should include:
9. a presentation of the factual situation, particularly indicating specific actions or behaviors considered undesirable by the employee and the period to which these actions or behaviors relate (e.g., a list of specific behaviors, instructions, with dates, and a precise description of situations and requirements);
10. identification of the employee(s) against whom the complainant expresses an accusation or suspicion of workplace harassment;
11. justification and evidence supporting the circumstances cited, including identifying witnesses;
12. the date and legible signature of the complainant/reporter.

The complainant may propose a solution to the problem in the report.

1. If the report does not meet the formal requirements or does not include evidence justifying the initiation of proceedings, the employee who made the report shall be requested to complete it within 7 days from the date of delivery of the request, with the information that failure to complete the report within the specified period will result in the termination of the proceedings.
2. The withdrawal of a report by the complaining employee does not terminate the proceedings.
3. Submitting a report that meets the formal requirements signifies the complainant's consent to participate in the preliminary and/or fact-finding proceedings outlined in this procedure.
4. The complainant should have contact with the confidential advisor during the proceedings.
5. Anonymous or unsigned reports by an employee will not be considered.
6. Unjustified blaming of an employee for behavior characterized as workplace harassment may be regarded as a violation of their personal rights (good name or reputation), which are protected by civil law (Article 23 and 24 of the Civil Code).

**V. Preliminary Proceedings**

**§ 6.**

1. The confidential advisor to whom a report of behavior characterized as workplace harassment has been submitted, in accordance with § 5, paragraph 3, immediately initiates preliminary proceedings to establish the circumstances indicating the occurrence of the events/undesirable behaviors described in the report and to find a resolution to the conflict.
2. In order to establish the factual situation, the confidential advisor undertakes the following actions:
3. analyzes the circumstances presented in the report;
4. listens to the parties involved in the conflict and any potential witnesses;
5. takes actions aimed at resolving the conflict (e.g., through discussions with the parties involved).
6. Proceedings before the confidential advisor are confidential. The confidentiality of the proceedings applies to all participants.
7. Based on objective criteria, the confidential advisor assesses whether there have been undesirable behaviors characterized as workplace harassment and whether the employee has been the target of such behaviors (including those mentioned in § 3, paragraph 5) that, according to an objective measure, can be considered as having the purpose, potential, or result of causing at least one of the effects listed in Article 943, paragraph 2 of the Labor Code.
8. Preliminary proceedings should be concluded no later than one month from the date of initiation.
9. Upon completion of the preliminary proceedings, the confidential advisor provides the Rector with a written report containing information on the findings, including a description of the case, the positions presented by the parties to the proceedings, proposed conflict resolution, or the outcome of the proceedings.
10. As a result of the preliminary proceedings, at the request of the confidential advisor, the Rector may:
11. refer the matter to the academic ombudsman or another competent entity,
12. refer the complainant, with their consent, to the appropriate unit/person within the University who will assist in resolving the problem,
13. refer the matter to the team responsible for considering the report of behavior characterized as workplace harassment,
14. deem the report to be unfounded.
15. The parties to the proceedings have the right to familiarize themselves with the information regarding the findings of the confidential advisor, as mentioned in paragraph 6.
16. If the information provided indicates that the proceedings conducted by the confidential advisor have not resolved the conflict, further proceedings regarding the matter are taken over by the team designated by the Rector to consider the report of behavior characterized as workplace harassment.

**VI. Team for Considering Reports of Workplace Harassment**

**§ 7.**

1. The team for considering reports of workplace harassment is appointed ad hoc by the Rector for individual cases and is dissolved upon completion of the proceedings.
2. The team initiates investigative proceedings and consists of the following members, with the exception of paragraph 5:
3. Head of the Human Resources Department;
4. Confidential advisor;
5. Representative of the Rector for equal treatment matters;
6. Representative of the trade unions operating at the university or a social labor inspector;
7. Representative of the Rector (e.g., dean/chancellor/vice-rector/academic ombudsman/director of the Doctoral School).
8. The chairperson of the team is appointed by the Rector.
9. The tasks of the team include assessing whether the actions and behaviors presented by the employee in the report constitute workplace harassment or a different conflict situation, as well as preparing well-founded conclusions and proposals for conflict resolution.
10. The following individuals cannot be members of the team:
11. The complaining employee;
12. The employee accused of undesirable behaviors characterized as workplace harassment;
13. The head of the organizational unit in which the complaining employee is employed;
14. The head of the organizational unit in which the employee accused of undesirable behaviors characterized as workplace harassment is employed;
15. A person who, in any relationship with any of the parties to the proceedings, is their spouse, relative, or second-degree relative, in such a legal or factual relationship (e.g., cohabiting), that may raise doubts about their impartiality;
16. A person who is a friend, close collaborator, or in conflict with any party to the proceedings;
17. A person who is subordinate to any party to the proceedings.
18. The chairperson and members of the team are required to submit a statement in accordance with the template provided in Annex 2.
19. During their appointment, the team members and the individual indicated in paragraph 10 are authorized by the Rector to access personal data for processing purposes within this procedure, based on Article 29 in conjunction with Article 28 of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ EU L 2016, No. 119), also known as the GDPR.
20. The team holds meetings convened by the chairperson according to the needs of the ongoing proceedings. A protocol is prepared for each meeting, signed by the chairperson and the attending members of the team.
21. The team's position is determined by consensus or by a simple majority vote in the presence of at least 3 members of the team.
22. The protocols of the team meetings are prepared by the secretary, a designated employee of the Human Resources Department, who is bound by confidentiality and has authorization for processing personal data. The members of the team have the right to submit comments and corrections to the prepared protocol.

**VII. Investigative Procedure**

**§ 8:**

1. The team responsible for addressing reports of bullying behavior is to initiate the investigative procedure promptly.
2. The proceedings conducted by the team are confidential. The team is required to examine the report with impartiality and maintain the confidentiality of all information obtained during the procedure.
3. Upon the request of the team chair, the HR Department is obligated to provide documents and necessary information to establish all circumstances related to the reported incident.
4. The team first hears from the parties involved in the proceedings: the complainant and then the person against whom the report of bullying behavior has been lodged.
5. The parties involved in the proceedings may submit evidence and present witnesses within 7 days of the team's initial hearing.
6. To ensure comprehensive, thorough, and objective clarification of the issue, the team may interview individuals who may possess information relevant to the matter.
7. The team may propose mediation to the parties involved at any stage of the case. Mediation requires the consent of both parties. If the parties cannot agree on a mediator, the team appoints one.
8. Mediation should not exceed a duration of 14 days. However, upon mutual agreement of the parties or for other valid reasons, the team may extend the deadline, particularly if there is a possibility of reaching a settlement.
9. Mediation should facilitate an analysis of the issues underlying the dispute, promote understanding of misunderstandings, and ultimately lead to finding a mutually satisfactory resolution or clarification of the circumstances and causes hindering the conclusion of an agreement.
10. The mediator's role is to ensure that the settlement satisfies both parties, complies with the law and principles of social coexistence. The settlement should include the agreed-upon method of resolving the conflict, specifying the mutual obligations of the parties and the possible deadline for their implementation. Both parties involved in the proceedings and the mediator sign the agreement.
11. The mediator presents a report on the conducted mediation, indicating whether an agreement was reached or not, to the team.
12. The team may refuse to approve an agreement if it is unclear or contains contradictions.
13. Employees who possess information related to the matter being investigated by the team are obligated, at the request of the team chair, to provide documents and necessary information for conducting the investigative procedure.

**§ 9:**

1. The team summarizes the investigative procedure by preparing a final report for the Rector, which primarily indicates whether the allegations against the accused have been confirmed and whether the evidence was conclusive. The report should include a case description, positions of the parties involved, proposals for necessary actions to resolve the conflict, and the final outcome of the proceedings.
2. The investigative procedure should be concluded no later than 2 months from the initiation date, excluding the periods specified in Section 8, Clause 8. In justified cases, upon the team chair's request, the Rector may extend the deadline, notifying the individuals involved in the proceedings.
3. The parties involved in the proceedings receive information about the resolution of the report within 7 days of the conclusion of the investigative procedure.

**§ 10:**

1. If the team determines the validity and basis of the reported bullying behavior, the Rector takes actions aimed at effectively eliminating the identified irregularities and preventing their recurrence in the future. Such actions may include, but are not limited to:
2. Disciplinary consequences for the person against whom the report of bullying behavior was confirmed, in the form of an official reprimand or warning (while complying with the requirements of Article 109 of the Labor Code);
3. Dismissal from the position (transfer to another position);
4. Termination of employment without notice due to the employee's fault.
5. The Rector provides assistance and support to the complaining employee, such as transferring the affected employee to another position upon their request or with their consent.
6. Before imposing a penalty, the Rector conducts a hearing with the person against whom the team has confirmed the validity of the report, allowing them to personally provide explanations and respond to the accusations. The Rector may appoint a person to conduct the hearing.
7. The person against whom the team has confirmed the validity of the report regarding bullying behavior may:
8. Waive the hearing mentioned in Clause 3 by submitting a statement (including electronically) voluntarily resigning from a direct conversation regarding the accusations or provide written or electronic explanations;
9. Waive the right to defence.

**§ 11:**

The investigative procedure conducted by the team does not exclude the possibility for the aggrieved employee to pursue legal proceedings.

**VIII. Documentation of Proceedings**

**§ 12:**

1. The information contained in the documentation of the proceedings under this procedure is subject to the protection provided for personal data.
2. The meetings of the team cannot be recorded.
3. The documentation from the conducted proceedings is collected and stored in the Human Resources Department. After the conclusion of the proceedings, the documents are appended to the employee's personnel file, which is kept in accordance with separate regulations.

**IX. Reasons Preventing the Conduct of Proceedings**

**§ 13:**

Proceedings regarding the occurrence of bullying behavior are not conducted if:

1. The formal requirements of the report, as mentioned in Section 5(6), are not met within the specified timeframe.
2. The employment relationship of one of the parties involved has ceased or actions have been taken to terminate the employment relationship.
3. Legal proceedings regarding the same act or on the same factual basis are ongoing or have been concluded.

**X. Final Provisions**

**§ 14:**

1. The Human Resources Department is obligated to familiarize newly employed personnel with the Procedure and collect a declaration from them confirming their awareness of the Procedure and their commitment to comply with its provisions (template provided in Annex No. 3).
2. The diagram of the Procedure for Countering Mobbing at the West Pomeranian University of Technology in Szczecin is presented in Annex No. 4.

Attachment No. 1

to the Anti-Harassment Procedure at ZUT (West Pomeranian University of Technology)

(Name and surname of the reporting person)

(Place of employment, position)

Rector

West Pomeranian University of Technology in Szczecin

**Reporting incidents of bullying behavior**

Szczecin, date: ……………………..……………

(Full name of the complainant)

(Place of employment, position)

Place of the reported incidents or behaviors of mobbing:

Time when the incidents or behaviors of mobbing occurred:

Person(s) against whom the complaint is being made:

Description of actions or behaviors constituting mobbing:

Justification and evidence confirming the actions or behaviors constituting mobbing:

Proposal for resolving the issue:

……….……………..................................

(Date and signature of the reporting person)

Consent of the complaining person to submit a report

…………………………………………………………………….

(Date and signature of the complaining person)

Attachment No. 2

to the Anti-Harassment Procedure at ZUT (West Pomeranian University of Technology)

Szczecin, date …………………………

(First and last name of the team member responsible for reviewing the report)

(Job position)

**Statement of the team member**

In connection with my appointment as a member of the Committee for Handling Reports of Workplace Harassment, tasked with reviewing the complaint filed by:

(First and last name of the complainant)

(Job position, organizational unit)

on the day

(Date of submitting the complain)

against the person who the complaint has been filed against:

(First and last name(s)

I declare that:

1. I am not a spouse, relative, or in-law - up to the second degree inclusive - of any of the persons involved in the proceedings, nor do I have any legal or factual relationship with them (e.g., conducting a joint household) that could raise doubts about my impartiality;
2. I am not in conflict with any of the parties involved in the proceedings;
3. I will keep confidential any information obtained in connection with the conducted proceedings.

I undertake to maintain the confidentiality of processed personal data, which I have become acquainted with, as well as the methods of their protection, both during and after the termination of the legal relationship between me and the University of Technology.

…................................................................

(Legible signature of the team member.)

Attachment No. 3

to the Anti-Harassment Procedure at ZUT (West Pomeranian University of Technology)

**Statement of the employee\***

I, the undersigned,

I, employed at the West Pomeranian University of Technology in Szczecin, declare that I have familiarized myself with the Procedure for Counteracting Workplace Harassment at the University (Rector's Order No. 26 dated March 9, 2023), and I undertake to comply with its provisions.

Szczecin, date ........................................

………..………………….………………………………

(legible signature of the employee)

\* "According to §14(1) of the Procedure, the declaration is stored in the employee's personal files."

Attachment No. 4

to the Anti-Harassment Procedure at ZUT (West Pomeranian University of Technology)

**The diagram of the Anti-Mobbing Procedure at the West Pomeranian University of Technology**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **PROCEDURE** | | | **Terms** | **Regulations** |
| The definition of mobbing" - § 2 point 1:  Examples of undesirable behaviors – § 3 section 5 | | The Procedure involves the participation of: | | |
| * Rector | |  |
| * confidential Advisor | | § 4 |
| * Team for Addressing Reported Incidents | | § 7 section 2 |
| * Parties to the proceedings | | § 5 section 1 |
|  | | | | |
| **Report of the occurrence of mobbing behavior** | | | | **§ 5** |
| Application form  – attachment no 1,  – formal requirements – § 5 section 5 | | To: | | section 1 |
| * confidential Advisor | |
| * immediate superior of the parties to the proceedings | |
| * Rector – with the annotation "personal data" and "into your own hands" | |
| **RECTOR – consideration of the report** | | | | **§ 6 – 8** |
|  | | | | |
| * **Preliminary procedure** | | | | **§ 6** |
| Confidential Advisor | | * performs confidential activities | immediately | section 1–4 |
| * completion of the procedure - providing the Rector with information about the findings in the preliminary procedure | 1 month | section 5–6 |
| Rector | | * the parties to the proceedings will become acquainted with the information on the findings of the trustee | 7 days | section 8 |
|  | | | | |
| if the case is not resolved (§ 6 item 9) or the case is directly transferred by the Rector (§ 5 item 4) | | | | |
|  | | | | |
| * **Explanatory proceedings** | | | | **§ 7 – 8** |
| Team for Addressing Reported Incidents of Workplace Harassment, hereinafter (team members) – § 7 section 2;  team tasks) – § 7 section 4) | | * team formation | immediately | § 7 section 1 |
| * initiation of the proceedings (proceedings are confidential) | § 8 section 1 |
| * listening to the parties | § 8 section 4 |
| * reporting of witnesses | 7 days | § 8 section 5 |
| * possibly mediation | to 14 days | § 8 section 7-11 |
| * final team report submitted to the Rector | | § 9 section 1 |
| * completion of the procedure | 2 months | § 9 section 2 |
| * the parties to the proceedings receive information on how to handle the application | 7 days | § 9 section 3 |
|  | | | | |
| if the report of the occurrence of mobbing behavior is considered justified | | | | |
|  | | | | |
| * **DECISION** | | | | **§ 10** |
| Rector | * listening to the person to whom the team confirmed the legitimacy of the notification, or submitting explanations in writing | | | section 3 and 4 |
| * taking action to:   – to eliminate irregularities (e.g. application of a disciplinary penalty)  – to support the injured employee | | | section 1  section 2 |