

BRNO UNIVERSITY OF TECHNOLOGY

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GUIDELINE NO 8/2023 ON SOCIAL SAFETY AT BUT

PART ONE General Provisions

Article 1 Scope of Modification

- (1) This Guideline, in response to the generally binding legislation¹, regulates a set of systemic measures to achieve social safety at the University. It sets out the basic procedure for ensuring the prevention, reporting and handling of incidents of unwanted conduct on the University premises.
- (2) This policy establishes procedures by which unwanted conduct on the University premises may be brought to attention and by which such conduct will be investigated; it also establishes the provision of psychological care for both employees and students.

Article 2 Basic Concepts

For the purposes of this Guideline, the below terms shall be interpreted as follows:

- (1) **Social safety** is defined as a state of environment in which the behaviour and actions of all present are naturally guided by the principles of collegiality, integrity, equality, respect, openness and consideration for others and where any form of unwanted behaviour, intimidation, aggression, bullying or discrimination is considered unacceptable.
- (2) **Discrimination** is defined in accordance with Act No 198/2009, on equal treatment and legal means of protection against discrimination and amending certain acts (Anti-Discrimination Act), as amended (hereinafter the "Anti-Discrimination Act"), is understood as such conduct, including omissions, where one person is treated less favourably than another person in a comparable situation is or has been treated or would have been treated because of race, ethnic origin, nationality, gender, sexual orientation, age, disability, religion, belief or world view.
- (3) **Harassment** is defined in accordance with the Anti-Discrimination Act as conduct that has the purpose or effect of lowering a person's dignity and creating an intimidating, hostile, degrading,

¹ Act No 198/2009, on equal treatment and on legal means of protection against discrimination and amending certain acts (Anti-Discrimination Act)

humiliating or offensive environment, or which may reasonably be perceived as a condition for a decision affecting the exercise of rights and obligations arising from legal relations.

- (4) **Sexual harassment** shall mean any form of unsolicited verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of violating a person's dignity, especially when it creates an intimidating, hostile, degrading, humiliating or offensive environment. This can include sexual coercion, unwanted sexual attention, sexist behaviour (application of gender stereotypes).
- (5) **Bullying** shall mean any deliberate and repeated behaviour intended to harm, threaten, intimidate or humiliate another person or group of people. It is the repeated and targeted use of physical and psychological attacks by an individual or group against another individual or group of individuals who do not know how to defend themselves or who are unable to do so for various reasons.

Article 3 Unwanted behaviour

- (1) Every
 - a. applicant for a study programme;
 - b. person interested in participating in the lifelong learning programme;
 - c. student;
 - d. lifelong learning participant;
 - e. employee;
 - f. member of a BUT body who is not an employee;has the right to equal treatment and the right not to be discriminated against.
- (2) Conduct by a BUT employee referred to in Article 2(2), (3), (4) and (5) of this Guideline towards a person referred to in Article 3(1) of this Guideline shall be deemed to, if proven, constitute a serious breach of an obligation arising from the legal provisions relating to the work performed by the employee; with all the labour-law consequences arising therefrom.
- (3) Conduct by a BUT student referred to in Article 2(2), (3), (4) and (5) of this Guideline towards a person listed in Article 3(1) of this Guideline shall be considered, if proven, a breach of discipline.
- (4) Conduct of a person other than a student or employee of BUT referred to in Article 2(2), (3), (4) and (5) of this Guideline towards a person referred to in Article 3(1) of this Guideline shall be dealt with, if proven, in accordance with applicable law.

PART TWO Social safety system at BUT

TITLE I

Article 4

- (1) The following are established to ensure social safety at BUT and to take adequate measures:
 - a. BUT Social Safety Coordinator;
 - b. contact persons at faculties and other units;
 - c. Social Safety Advisory Board.

- (2) Psychological care for persons whose rights under Article 3(1) have been infringed is provided by the Lifelong Learning Institute.

TITLE II
Social Safety Coordinator

Article 5
Establishment and operation

- (1) A coordinator for social safety at BUT (hereinafter the “Coordinator”) is hereby established.
- (2) The Coordinator oversees compliance with social safety and receives complaints about social safety violations at BUT.
- (3) In addition, the Coordinator shall, in the field of social safety, in particular:
- a. provide advice and methodological support to faculties, university institutes and other units (hereinafter also the “F/UI/U”);
 - b. handle complaints about violation of social safety;
 - c. make recommendations for action to the F/UI/U;
 - d. carry out and coordinate training for staff and students, prepare prevention programmes and provide the F/UI/U with an appropriate form of information that can be used to familiarise persons entering into a relationship with BUT with the aspects of social safety at BUT;
 - e. conduct surveys;
 - f. ensures the exchange of information with the contact person for social safety at the F/UI/U;
 - g. record written complaints and related documents in a separate register in paper form in accordance with the BUT’s records regulations;
 - h. provide assistance to the deans of faculties and directors of university institutes and university-wide units in cases where a violation of social safety takes on the character of a violation of general legal regulations.
- (4) In terms of organisation, the Coordinator is assigned to the Rectorate, which bears the costs of the Coordinator’s activities and provides the administrative background.

Article 6
Incompatibility

The function of the Coordinator is incompatible with the function of the Rector, Vice-Rector, Dean and Vice-Dean of a faculty and Director of a university institute or unit.

Article 7
Bias

- (1) The Coordinator shall act independently and impartially.
- (2) The Coordinator shall be considered biased if his or her independence or impartiality can be doubted in view of his or her relationship to the conflict, the parties to the conflict or other persons involved in the conflict.
- (3) If the Coordinator becomes aware of circumstances indicating that he or she is biased in the

matter, he or she shall immediately inform the Rector, who shall designate another staff member from among the persons listed in Article 4(1)(b) and (c). This employee shall then act for the Coordinator in the matter at hand, using all the Coordinator's powers and observing all the Coordinator's duties as defined in this Guideline.

Article 8
Authorisations

- (1) The Coordinator is authorised to
 - a. consult files, documents, records,
 - b. request information and explanations,
 - c. deal within the scope of its agenda with all persons referred to in paragraph 3(1).
- (2) In order to exercise the power under paragraph 1, everyone is obliged to provide the Coordinator with assistance.

Article 9
Obligations

- (1) The Coordinator is obliged to maintain the confidentiality of all facts of which he/she becomes aware in the course of his/her activities, unless otherwise provided for in this Guideline.
- (2) The Coordinator shall be guided by the principles of neutrality, impartiality, confidentiality, informality and protection of the whistleblower and the persons involved.
- (3) By 31 March at the latest, the Coordinator shall prepare an anonymised report on its activities for the previous calendar year. The activity report shall include in particular the types of cases dealt with (number, date of receipt of the complaint, the unit concerned, the method of assessment and resolution); or an analysis of trends, problems and shortcomings in terms of the BUT rules and processes, or proposals for systemic changes.

TITLE III
Social Safety Advisory Board

Article 10

- (1) The Social Safety Advisory Board shall be established in accordance with Article 50 of the Statute of BUT.
- (2) The Social Safety Advisory Board shall issue written opinions on complaints about social safety violations at BUT at the request of the Coordinator, Rector, Dean or Director of a unit.

TITLE IV
Contact persons for social safety

Article 11

- (1) Each F/UI/U shall appoint at least two contact persons for social safety, one male and one female, unless otherwise specified below.
- (2) In addition, each faculty or university institute shall appoint at least one social safety contact person from among the students.

- (3) The contact persons for social safety shall
 - a. receive complaints about social safety violations and forward them to the Coordinator;
 - b. participate in regular meetings of the social safety contact persons at BUT;
 - c. participate in training and development events in the field of social safety;
 - d. collaborate on preventive actions and awareness-raising in the field of social safety.
- (4) The contact person for social safety at the F/VU/S cannot be the Rector, Vice-Rector, Dean or Director of a university institute or unit.
- (5) The Coordinator shall be the contact person for social safety at other units except the Halls of Residence and Dining Services.
- (6) Each faculty, university institute and unit shall ensure appropriate and visible publication of information on contact persons, contact links and create suitable conditions for them to perform their activities.

TITLE V Psychological care

Article 12

Psychological care as a result of events disrupting social safety at BUT is provided by the Lifelong Learning Institute in agreement with the Coordinator.

PART THREE Resolving unwanted conduct

TITLE I Informal settlement, mediation

Article 13 Informal settlement

- (1) If the undesirable behaviour can be settled informally, the persons concerned shall do so.
- (2) A relevant senior staff member may participate in the informal settlement.
- (3) A record of the informal settlement of undesirable behaviour shall be made in writing only in the case referred to in paragraph 2; the record shall be made by the relevant senior staff member and provided to the Coordinator.

Article 14 Mediation

- (1) Mediation is used to settle unwanted conduct if it has not been settled informally or if the parties affected wish to do so.
- (2) Mediation is initiated by submitting a written definition of the undesirable conduct signed by the parties to the conflict to the Coordinator.
- (3) Mediation is conducted by communication between the parties with the support of the Coordinator, usually with the presence of a mediator appointed by the Coordinator.

- (4) The mediation is concluded by the conclusion of a written agreement between the parties on how to resolve the unwanted conduct. The agreement and related documentation shall be kept by the Coordinator. Mediation is also terminated if no agreement is reached within three months of its beginning.

TITLE II

Complaint for violation of social safety

Article 15

Submitting a complaint for violation of social safety

- (1) Any person referred to in Article 3(1) has the right to file a complaint about a violation of social security at BUT. A complaint may also be submitted anonymously, provided that the complaint fulfils the other requirements of Article 17.
- (2) Submitting a complaint must not be to the detriment of the person who submitted it.

Article 16

Form of complaint

A complaint can be submitted

- a. electronically to the Coordinator at the email address socialnibezpeci@vutbr.cz;
- b. in paper form via the trust boxes to the contact persons who are also the administrators of these boxes;
- c. in person to the Coordinator or a contact person.

Article 17

Particulars of a complaint

A complaint shall include the following:

- a. description of the undesirable situation;
- b. identification of the parties or persons concerned;
- c. a recital of the material facts of how social safety was to be violated;
- d. the signature of the person making the complaint.

Article 18

Suspension of a complaint

- (1) A complaint shall be suspended if
 - a. it is submitted anonymously and it is not clear what it seeks to achieve;
 - b. it is not submitted anonymously, but the particulars of the complaint have not been provided within the time limit set;
 - c. more than 1 year has elapsed since the event described in the complaint and the investigation has established that the events described in the complaint are not ongoing or recurring;
 - d. the complaint has already been investigated by the Coordinator and the repeated complaint does not bring any new facts.
- (2) The person investigating the complaint shall inform the person who made the complaint of the suspension and the relevant reasoning.

Article 19

Investigation of a complaint

- (1) The Coordinator shall investigate the complaint without undue delay, using his/her powers under this Guideline.
- (2) If the Coordinator does not establish a violation of social safety, the Coordinator shall notify the person who made the complaint about the fact.
- (3) If the Coordinator does establish a violation of social safety, the Coordinator shall notify the person who made the complaint about the fact and suggest to the relevant senior employee of the unit to take corrective action.

Article 20

Protection of whistleblowers

In justified cases, BUT will provide whistleblowers with the following upon request:

- a. protection, in particular by limiting contact with a particular person;
- b. psychological assistance.

PART FOUR

Common and Final Provisions

Article 21

Own initiative

The contact persons and the Coordinator are entitled to act on their own initiative in the field of social safety, within the scope of the authorisations laid down in this Guideline.

Article 22

Own initiative

- (1) Where a faculty or university institute has systemic measures to ensure social safety anchored in its internal ordinances, the provisions of Part Two of Title II of this Guideline shall not apply or shall apply only to those matters of social safety not covered by the faculty's internal ordinance.

- (2) If the procedure under paragraph 1 is invoked, the persons acting in such a case shall promptly inform the Coordinator of the submission of the complaint about a social safety violation and, once it has been resolved, of their action in the matter.

Article 23

Relationship to the Code of Ethics and Disciplinary Rules

- (1) Violations of social safety may constitute a violation of the Code of Ethics or a breach of discipline.
- (2) A contact person and the Coordinator are entitled to initiate proceedings for violation of the Code of Ethics or disciplinary proceedings.

Article 24

Relationship to generally binding legislation

- (1) A breach of social safety can also constitute a breach of a generally binding legal regulation².
- (2) A contact person and the Coordinator are obliged to immediately inform the Dean of a faculty, the Director of a university institute or unit, who shall decide on further action and measures.
- (3) The person who has taken the measures pursuant to paragraph 2 shall subsequently inform the Rector of the measures taken through the Coordinator.

Article 25 Final Provisions

This Guideline shall enter into effect on 1 October 2023.

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Rector

² For example: Act No 198/2009, on equal treatment and on legal means of protection against discrimination and amending certain acts (Anti-Discrimination Act); Act No 262/2006, the Labour Code; Act No 40/2009, the Criminal Code, etc.