

# **Charles University**

## **Rector's Directive No. 28/2022**

Name: **Ombudsman of Charles University**

Lead office: **Rector's Office**

Effect: **1 July 2022**

# **Ombudsman of Charles University\***

## Art. 1

### General Provisions and Principles of Ombudsman's Activities

- 1) Charles University (hereinafter referred to as the "University") establishes the position of Ombudsman of Charles University (hereinafter referred to as the "Ombudsman").
- 2) The person holding the position of Ombudsman has such moral qualities as to ensure that, in exercising his office, the Ombudsman acts fairly, with dignity, conscientiousness, and honesty and in accordance with good morals. In addition, in executing his office, the Ombudsman is independent and impartial. The Ombudsman must not take any instructions from anyone on how to proceed or what recommendations to give.
- 3) The Ombudsman may be contacted in writing by members of the academic community, other employees of the University, and persons in a similar position, such as participants in the lifelong learning course, applicants registered for a state rigorosum examination, or foreign students on exchange programmes. No person who has approached the Ombudsman may be penalized or disadvantaged or otherwise deprived of his rights in any way.
- 4) The Ombudsman maintains the confidentiality of all information which he has learnt in connection with the execution of his office and which may lead to identifying the authors of a complaint, as well as of other sensitive information.
- 5) The Ombudsman proceeds to clarify complaints to the necessary extent on the basis of established, objective facts.
- 6) The findings of the Ombudsman are only of a recommendatory nature. The Ombudsman may not substitute for the decisions taken by other bodies.
- 7) The Ombudsman is entitled to require the cooperation of all bodies of the University, faculties, and units, and these bodies are obligated to provide such cooperation. The Ombudsman is also entitled to request cooperation from employees and students.

## Art. 2

### Filling the Position of the Ombudsman

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\* Translator's note: Words importing the masculine include the feminine, and unless the context otherwise requires, words in the singular include the plural, and words in the plural include the singular.

- 1) The position of the Ombudsman of Charles University is filled by the Rector of the University on the basis of an open competitive hiring procedure in accordance with the Competitive Hiring Process Code of Charles University and after receiving the opinion of the Academic Senate of the University. The Selection Commission is composed of an odd number of members. The Selection Commission must include at least one member of the Academic Senate of the University elected from the ranks of the students and at least one member elected from the ranks of the academic staff. In addition, the Selection Commission must include at least one member of the Research Board of the University and at least one member of the Board of Trustees of the University.
- 2) An employment agreement for the position is concluded with the Ombudsman for a term of three years with the option of a single renewal.
- 3) The person holding the position of Ombudsman generally has experience with human resource management, anti-discrimination, or intervention or mediation procedures, and is a person familiar with the academic environment.
- 4) The position of the Ombudsman is not compatible with the office of the Rector, Vice-Rector, Head of the Rector's Office, Bursar, Dean, Vice-Dean, Director of a unit, Secretary to the faculty or unit, Head of a faculty department or unit, member of the Academic Senate of the University or faculty, member of the Research Board of the University, faculty or other unit, member of the Ethics Commission of the University or faculty, member of the Board of Trustees of the University, member of the disciplinary commission of a faculty, or guarantor of a programme of study.
- 5) The Ombudsman must inform the Rector and the Board of the Academic Senate of the University of any possible conflict of interest which could influence him in the execution of his office.
- 6) The term of office of the Ombudsman terminates:
  - a) upon the delivery of a written resignation to the Rector,
  - b) as a result of incompatibility according to paragraph 4,
  - c) upon the expiry of the term of office,
  - d) by termination of employment on the grounds specified in the Labour Code.
- 7) The Rector may terminate the Ombudsman's employment via a notice of termination after receiving an opinion from the Academic Senate of the University or upon a motion from the Academic Senate of the University if the Ombudsman fails to perform his tasks or if there is any doubt as to the moral fitness of the Ombudsman to execute his office in the future.
- 8) The Ombudsman is entitled to a remuneration which will be determined by the Rector.

## Art. 3

### Scope of Activities of the Ombudsman

- 1) The Ombudsman's activities are primarily of a methodological and preventive nature. The Ombudsman investigates specific complaints if he has a reasonable suspicion that another body has not acted in accordance with legal regulations or the internal regulations of the University or its unit, or if no other body is competent, or if the person filing the complaint (*person concerned*) does not wish to contact the competent body for fear of bias or other danger for himself. The Ombudsman's findings do not change, overturn, or replace the decisions of these bodies. The Ombudsman is not entitled to intervene in the activities and decisions of other bodies, he does not act in the capacity of an administrative body, he does not decide on the rights and obligations of students, and he does not conduct his activities in employment relationships.
- 2) The main activities of the Ombudsman include primarily:
  - a) investigating complaints concerning bullying, discrimination, improper behaviour, unfair treatment, sexual harassment, downward bullying, mobbing, conflicts of interests unjustified delays, failures to act by relevant bodies, violations of legal regulations, including of the internal regulations of the University or its units, and other similar conduct directed against the person concerned,
  - b) providing help to persons who contact the Ombudsman, or to refer them to other relevant bodies and institutions,
  - c) receiving complaints calling for the solution of systemic problems in connection with tasks which have been entrusted to him,
  - d) identifying problems and obstacles which have a negative impact on the work, study, and academic environment at the University,
  - e) providing methodological guidance and creating a suitable environment for solving problems,
  - f) preparing recommendations for solving specific cases by the relevant bodies and proposing systemic changes for preventing these cases.
- 3) The Ombudsman solves complaints without undue delay, but within 30 days at the latest, or in more complicated cases within 60 days following the receipt of the complaint. The Ombudsman writes a report on the investigation of every complaint unless specified otherwise below. The Ombudsman informs the person concerned of the complaint resolution.

- 4) The Ombudsman will note any case of refusal to cooperate in accordance with Art. 1 (7) in his report on the investigation. If there are any doubts whether information may be provided to the Ombudsman, the final decision rests with the Rector.
- 5) The Ombudsman also has the right to investigate specific situations on his own initiative. In investigating a complaint, the Ombudsman examines if the relevant body acted in accordance with the valid legal regulations, including the internal regulations of the University and its units.
- 6) If a person filing a complaint does not wish to state his identity in dealing with other bodies of the University or its units, the Ombudsman may represent this person in these dealings on his behalf. The Ombudsman may do so only after verifying the identity of the person concerned and after investigating the complaint to the extent necessary to enable him to reasonably believe that the complaint is justified. The Ombudsman may not file a complaint on behalf of a person concerned to the Ethics Commission of the University.
- 7) If the Ombudsman finds out that the complaint is aimed at bullying, that its investigation has been discontinued, that it is a complaint filed by an unauthorized person, that it is a case of chronic complaining, that its aim is to harm another or damage the reputation of the University, that the matter of the complaint does not fall within competence of the Ombudsman and is already being solved by the competent body or seeks to replace the decision or opinion of a competent body, the Ombudsman will not proceed with the complaint and he will inform the applicant of this fact. If the Ombudsman receives a complaint and he is unable to verify the identity of the person concerned, the complaint will be considered to constitute only a general comment.
- 8) If the person concerned believes that, in solving his case, the Ombudsman did not act in a due and timely manner, the person may contact the Rector.
- 9) The Ombudsman generally solves complaints against specific persons or bodies directly with these persons or bodies. His aim is to try to find an amicable solution. If a solution is not possible or if an incorrect procedure has not been rectified, the Ombudsman will contact the superior of the person concerned. In the case of a complaint against a collective body, the Ombudsman solves this complaint with the president of this body. If it is not possible to determine a superior or action has not led to redressing of the situation, the Ombudsman will contact the Rector, Dean, or Director of the relevant unit. In the case of a complaint against a Dean or a Director of a unit, the Ombudsman contacts the Rector. If the Ombudsman examines the behaviour between students, he contacts the Vice-Dean for Student Affairs at the faculty where the students are enrolled. If the Ombudsman examines a situation between employees, he contacts the person who is the closest common superior of the employees or the Dean, Director of a unit, or the Rector.

#### Art. 4

##### Relationship to Other Bodies

- 1) The Ombudsman is entitled to participate in the meetings of the bodies of the University and units with the right to cast an advisory vote after previous arrangement with the president or head of the relevant body. The relevant bodies are obligated to address the Ombudsman's findings and the Ombudsman has the right to demand information on how they have dealt with his recommendations.
- 2) Individual bodies have the right to contact the Ombudsman with their suggestions and requests for methodological recommendations. Collective bodies contact the Ombudsman by means of their president or another authorized member.

#### Art. 5

##### Relationship to the Rector and the Rector's Board

- 1) The Rector may propose the examination of specific situations to the Ombudsman or propose that the Ombudsman prepare conceptual materials. The Rector is not authorized to give the Ombudsman instructions on what conclusions and recommendations he should make.
- 2) If it is necessary in a specific case, the Rector may release the Ombudsman from his duty to maintain confidentiality in accordance with Article 1 (4). However, even in this case, the Ombudsman maintains the confidentiality of the information he was entrusted with.
- 3) The Ombudsman regularly cooperates with the members of the Rector's Board.
- 4) Once in three months, the Ombudsman presents a report to the Rector on the complaints received and other findings falling within his competence. As a rule, the report, also includes recommendations for improving and refining the University environment.

#### Art. 6

##### Relationship to the Academic Senate of the University

- 1) At least once per calendar year, the Ombudsman presents a written report to the Academic Senate of the University on his activities which provides information on the complaints received, including discontinued complaints, but does not allow identification of the persons concerned. The report, as a rule, also specifies recommendations for improving and refining the University environment, including recommendations for improving the institution of the Ombudsman.
- 2) The Ombudsman may participate in the meetings of the bodies of the Academic Senate of the University and he continuously cooperates with these bodies. If the Academic Senate

of the University or its advisory body requests the Ombudsman to participate in its meeting, the Ombudsman will do so.

- 3) If a complaint under investigation is directed against the Rector and, according to the Ombudsman, the Rector has failed to cooperate in this matter, the Ombudsman will inform the Board of the Academic Senate of the University of this fact.

#### Art. 7

##### Relationship to the Research Board of the University

If appropriate, the Ombudsman presents a report to the Research Board of the University on his activities in which he summarizes his findings and recommendations particularly in the field of academic integrity and ethics of research work.

#### Art. 8

##### Relationship to the Ethics Commission of the University

- 1) If the Ombudsman has a reasonable suspicion that there has been a violation of the University Code of Ethics, the Ombudsman has the right to submit a complaint to the Ethics Commission of the University even if he is not a member of the academic community of the University.
- 2) The Ombudsman may be invited to a meeting of the Ethics Commission of the University upon a request of its President. This does not apply to a consideration of a complaint which has been filed to the Ethics Commission by the Ombudsman himself.
- 3) In the case of a complaint about the procedure of the Ethics Commission of the University, the Ombudsman submits his findings to the President of the Ethics Commission of the University and the Rector.

#### Art. 9

##### Relationship to Similar Positions in Units at the University

- 1) The Dean or Director of each unit designates a contact person who communicates with the Ombudsman of the University. The contact person is normally a person who holds an office similar to the office of the Ombudsman of the University in each individual unit, or is another person designated by the Dean or Director (hereinafter referred to as the "competent person").
- 2) If the Ombudsman receives a complaint which is being considered by a competent person, upon agreement with this person, the Ombudsman will decide not to proceed in the matter and will inform the applicant of this decision. The competent person will then inform the Ombudsman of the University of the conclusions reached in this matter. The Ombudsman

of the University decides to proceed in the matter if he is of the opinion that there is a risk of delay, conflict of interest, or other danger threatening the proper investigation of the complaint.

- 3) The Ombudsman does not review the conclusions reached by other similar bodies in specific complaints. However, on a general level, the Ombudsman may propose improvement to the work of such bodies.

Art. 10

Effect

This Rector's Directive comes into effect on 1 July 2022.

In Prague on 29 June 2022

Prof. MUDr. Milena Králíčková, Ph.D.