

WROCLAW UNIVERSITY OF ENVIRONMENTAL AND LIFE SCIENCES

POLICY TO ADDRESS GENDER-BASED VIOLENCE

NATIONAL CONTEXT



Anti-discrimination provisions are now more often included in higher education institutions' (HEI) policies than they were a few years ago. While the process of counteracting gender-based violence (GBV) in Polish academia started in 2010 with the establishment of the Rector's Committee for Preventing Discrimination at the University of Warsaw,¹ in recent years, many Polish universities have adopted measures designed to counteract discrimination in the workplace. They are usually part of the HEIs' internal regulations,^{2,3} but there are exceptions to this rule. Some more progressive HEIs develop and implement (internal) anti-mobbing and anti-discrimination procedures. On the one hand, this trend is an effect of the European Union's policies (i.e. the European Charter & Code for Researchers and the Code of Conduct for the Recruitment of Researchers) and funding programmes (i.e. Horizon 2020), which aim to foster gender equality change by facilitating the development and implementation of gender equality measures and plans in Research Performing Organisations (RPOs) (for example, GENERA, ACT, and MindTheGEP projects carried out at the Jagiellonian University in Krakow).^{4,5} On the other hand, publicising cases of discrimination against employees or students and reports confirming the existence of harassment at Polish public universities^{6,7,8} has resulted in the development of preventive actions to ensure the safety and security of RPO communities. In addition, the Ombudsperson had made several official appeals to the Conference of Rectors of Academic Schools in Poland (CRASP) and many ministries of the Polish government (i.e. in 2016 and 2019) and has asked them to adopt

¹ Fuszara, M. (2012). *Raport z prac Komisji Rektorskiej ds. Przeciwdziałania Dyskryminacji w kadencji 2008 – 2012*. Warszawa: Uniwersytet Warszawski. <http://www.rownowazni.uw.edu.pl/wp-content/uploads/2018/02/sprawozdanie-komisji-2008-2012.docx/>.

² Sierpowski, P. (2020, January 24). *Tackling gender inequalities at universities in Poland*. Gender Equality in Central and Eastern Europe Community of Practice. <https://geincee.act-on-gender.eu/Blog/tackling-gender-inequalities-universities-poland>.

³ Teutsch A., Stoch, M., & Kozakoszczak, A. (2017a). *Ramy prawne zjawiska dyskryminacji i przemocy motywowanej uprzedzeniami oraz możliwości reakcji na nie z wykorzystaniem instrumentów prawnych*. Kraków: Fundacja Autonomia. <https://bezpieczni.uj.edu.pl/documents/136167082/13991933>.

⁴ Krzaklewska, E., Sekuła, P., Struzik, J. & Ciaputa, E. (2019). *Działania na rzecz równości płci w nauce. Determinanty nierówności i narzędzia zmiany*. *Alma Mater* 208-209, 60-62.

⁵ EIGE. (2020). *Gender mainstreaming. Poland*. EIGE. <https://eige.europa.eu/gender-mainstreaming/countries/poland>.

⁶ RPO. (2018). *Doświadczenie molestowania wśród studentek i studentów. Analiza i zalecenia*. Warszawa: Biuro Rzecznika Praw Obywatelskich. <https://www.rpo.gov.pl/sites/default/files/Do%20C5%9Bwiadczanie%20molestowania%20w%20C5%9Br%20C3%B3d%20studentek%20i%20student%20C3%B3w%20C%202018.pdf>.

⁷ Gerlich, J. (2019). *Molestowanie na polskich uczelniach publicznych*. Warszawa: Helsińska Fundacja Praw Człowieka. <https://www.hfpr.pl/wp-content/uploads/2019/07/%E2%80%9EMolestowanie-na-polskich-uczelniach-publicznych%E2%80%9D-%E2%80%93-raport-HFPC.pdf>.

⁸ Gerlich, J., Jarzmus, K. (2020). *„Być albo nie być” – pracowniczki i pracownicy polskich instytucji artystycznych wobec zagrożenia mobbingiem, molestowaniem i molestowaniem seksualnym*. Warszawa: Helsińska Fundacja Praw Człowieka. <https://www.hfpr.pl/wp-content/uploads/2020/11/byc-albo-nie-byc-21-11.pdf>.



programmes to ensure the implementation of internal anti-discrimination procedures, and to take active preventive measures against harassment.^{9,10} Nevertheless, the number of universities with anti-discrimination measures, policies, or procedures in place is still rather small compared to the total number of HEIs in Poland. Finally, GBV in higher education and RPOs is still a taboo topic,¹¹ and as a result there are no specific prosecution or disciplinary measures and no services provided to victims by HEIs.

INSTITUTIONAL POLICY



The institution's three main policies that address gender discrimination in a detailed way are: the Code of Ethics, Work Regulations, and the Procedure for Counteracting Discrimination (hereinafter 'the Procedure'). This is a mix of general policies addressing GBV (the first two) and a dedicated GBV policy (the Procedure). Actors responsible for the prevention of discrimination and for the development and implementation of anti-discrimination procedures and actions include: the rector, representatives of the Human Resources Department and Support and Accessibility Centre, employees engaged in the work of the Ethics Committee, disciplinary commissions, the Rector's Commission for Counteracting Discrimination, the Commissioner for Counteracting Discrimination, and a mediator.



URLs

- › Work Regulations: [https://bip.upwr.edu.pl/download/xGBUXLgBQLmg8VFZiSiIEUABAS2pgTx8HCioTVTkeHm9ZFUhpSBs_RTpaETscPFgHFkhRfm5BTxIIIgRuDxNYd0EOSXtQG2MVJIUGLgEAVEEOUBU6lwMZQEVnEVASH1h3QVETJwFKExglQhsyDQBFEGhdRRRjHQE-RiEEQgUFEz0XXhUIOBZ2BGUEKHdcPx5SAS5camBPCwsFIEMLRa0blQJUACUNUhBTOM8bOh8KVBBOEQktlgQMPTZoPkUDHAK5PF0fLwpWI14hSSsgDQRED1UfGiY5Mh0QCCYYVQkUAmMTUxpxSBsjVjtXVmJKE11BSQ/zalacznik do obwieszczenia - tekst jednolity regulaminu pracydocx.pdf](https://bip.upwr.edu.pl/download/xGBUXLgBQLmg8VFZiSiIEUABAS2pgTx8HCioTVTkeHm9ZFUhpSBs_RTpaETscPFgHFkhRfm5BTxIIIgRuDxNYd0EOSXtQG2MVJIUGLgEAVEEOUBU6lwMZQEVnEVASH1h3QVETJwFKExglQhsyDQBFEGhdRRRjHQE-RiEEQgUFEz0XXhUIOBZ2BGUEKHdcPx5SAS5camBPCwsFIEMLRa0blQJUACUNUhBTOM8bOh8KVBBOEQktlgQMPTZoPkUDHAK5PF0fLwpWI14hSSsgDQRED1UfGiY5Mh0QCCYYVQkUAmMTUxpxSBsjVjtXVmJKE11BSQ/zalacznik%20do%20obwieszczenia%20-%20tekst%20jednolity%20regulaminu%20pracydocx.pdf)
- › Procedure for Counteracting Discrimination: https://bip.upwr.edu.pl/download/0GBUXLgBQLmg8VFZiSiIDVQdDQmpgTx8HCioTVTkeHm9ZFUtpSBs_RTpaETscPFgHFkhRfm5BTxIIIgRuDxNYd0EOSHxRG2MVJIUGLgEAVEEOUBU6lwMZQEVnEVASH1h3QVETJwFKExglQhsyDQBFEGhdRRRjHQE-RiEEQgUFEz0XXhUIOBZ2BWIFKHdZW21MBi5camBPCwsFIEMLRZCEIEHSHo7ST1YNIUQLRoCbhNGCBYrJRoJGAakDVAIHhsSB04JIBZAI47URcyATxfAmsHHSE7CB8REDEEUg8SJTORQM5C10hXjZKDTU3FFQ8QwAcKyAMGgscaxFVAFVWbw9WFCxGA21HORIJ/18_2

⁹ Teutsch A., Stoch, M., & Kozakoszczak, A. (2017b). *Opracowanie merytoryczne na temat przeciwdziałania dyskryminacji i przemocy motywowanej uprzedzeniami dla studentów, studentek, doktorantów, doktorantek, nauczycieli i nauczycielek szkół wyższych*. Kraków: Fundacja Autonomia.

¹⁰ RPO. (2019, October). Polskie uczelnie powinny skuteczniej walczyć z molestowaniem. *Biuletyn Informacji Publicznej RPO*. <https://bip.brpo.gov.pl/pl/content/rpo-polskie-uczelnie-powinny-skuteczniej-walczy-z-molestowaniem>

¹¹ ERAC Standing Working Group on Gender in Research and Innovation. (2020). *Sexual Harassment in the Research and Higher Education Sector: National Policies and Measures in EU Member States and Associated Countries*. Brussels: European Research Area And Innovation Committee. https://genderaction.eu/wp-content/uploads/2020/06/SWGGRI_Sexual-Harassment-in-the-Research-Higher-Ed.-National-Policies-Measures.pdf.



[021_procedura_przeciwdzialania_dyskryminacji_na_uniwersytecie_przyrodniczym_we_wroclawiu.pdf](#)

- › Code of Ethics: <https://bip.upwr.edu.pl/akty-prawne/organizacja-uczelni/kodeks-etyki-pracownikow-universytetu-przyrodniczego-we-wroclawiu/kodeks-etyki-pracownikow-universytetu-przyrodniczego-we-wroclawiu-1.html>

Entry into force: The Work Regulations entered into force in 2019, the Procedure for counteracting discrimination in 2021, and the Code of Ethics in 2016.

TRAINING



There are no trainings provided.

ROLE IN KNOWLEDGE PRODUCTION



The university runs two elective courses ('Career planning and the basics of labour market' and 'Social Psychology') in the first three years of all study programmes in which the content of the curriculum includes issues related to violence in general. Moreover, one of the tasks of the Rector's Commission for Counteracting Discrimination is to 'create a comprehensive programme for increasing the anti-discrimination competences of the entire academic community (including in the field of education)'.¹²

CONTENT OF THE POLICY



Forms of gender-based violence: The three policies combined cover **four** forms of violence: GBV, sexual harassment, gender-based harassment, and economic and financial violence. Both the Work Regulations and the Procedure, address sexual and gender-based harassment, while the Work Regulations also cover economic forms of violence. The Code of Ethics, on the other hand, mentions GBV in general terms.

Gender-Based Violence

Physical Violence

Psychological Violence

Sexual Violence

Sexual Harrassment

Gender-Based Harrassment

Economic and Financial Violence

Stalking

Organisational Violence

Online Violence

Other

7Ps covered: Together, the three policies cover **5Ps** – namely, prevention, prosecution, provision of services, partnership, and policies. None of the three documents cover prevalence or protection

¹² Kbk. (2019). Po co na UPWr Komisja antydyskryminacyjna? https://upwr.edu.pl/aktualnosci/po_co_na_upwr_komisja_antydyskryminacyjna-98.html.



but all three cover prevention. Only the Procedure covers prosecution and partnership, while both the Procedure and the Code of Ethics cover provision of services and policies.



UniSAFE has developed the 7P model as a basis for analysing policies on GBV. For more information, see the deliverable report D3.1 Report on the conceptual and theoretical state of the art: <https://unisafe-gbv.eu/project-public-deliverables/>

The P for policy is considered in place if the institution has a GBV-focused policy or more general policies that have a procedure for reporting and investigating.



Target groups: While the Code of Ethics and the Procedure explicitly address all target groups – i.e. academic staff, non-academic staff, and students – the Work Regulations only cover academic staff and non-academic staff.



Intersectionality addressed

No



Specific vulnerable groups

Not defined

Bystanders addressed: No.

Role of perpetrators addressed: No.

IMPLEMENTATION OF THE POLICY



Indicators: No.

Monitoring: Yes. The Procedure has monitoring in place (the other policies do not). It states that the Commission for Counteracting Discrimination is responsible for monitoring and evaluating antidiscrimination actions at the university and for developing a procedure for diagnosing, reporting, and responding to cases of discrimination and violence.

Evaluation: Although it cannot be established whether the Work Regulations and the Code of Ethics envision the creation of a system of evaluation, the Procedure does. As noted above, the Procedure states that the Commission for Counteracting Discrimination is responsible for monitoring and evaluating antidiscrimination actions at the university and for developing a



procedure for diagnosing, reporting, and responding to cases of discrimination and violence. The Rector's Commission for Counteracting Discrimination is the actor responsible for this.

INSTITUTIONAL PROCEDURE



The Procedure for Counteracting Discrimination and the Code of Ethics set out procedures, while the Work Regulations do not. The Procedure and the Code of Ethics both have **one procedure for all**.

The Procedure for Counteracting Discrimination

The Procedure defines: Who to contact, how to report, the investigation procedure, a timeframe, responsible persons/units, outcomes, sanctions, and other aspects.

Who to contact and how to report: 1. Notification should be submitted in writing or electronically to the Commissioner for Counteracting Discrimination, the Rector's Commission for Counteracting Discrimination, or the rector of the university. 2. The application should: 1) contain a description of the incident, the situation; 2) indicate the name and surname (if known) of the person or persons who are the perpetrators of the discriminatory behaviour; 3) be dated and signed by the person lodging the complaint or sent via the e-mail system of the university. 3. Anonymous or informal complaints will not be investigated.

Responsible persons/units: Commissioner for Counteracting Discrimination, the Rector's Commission for Counteracting Discrimination, or the rector of the university.

The description of the investigation procedure and timeframe: 1. After reviewing the complaint, the Rector's Commission for Counteracting Discrimination and the Commissioner for Counteracting Discrimination together formulate an opinion within 30 days on whether the act constitutes discrimination or harassment. 2. Where necessary, the Commission may seek the independent opinion of a lawyer or expert. 3. In matters that do not fall within the Commission's competence, the Commission may indicate an alternative course of action. 4. If the case brought is discriminatory or harassing, the Rector's Commission shall submit an opinion in writing to the Rector of Wrocław University of Environmental and Life Sciences and to the complainant.

Outcomes and sanctions: 5. Based on the opinion of the Rector's Commission for Counteracting Discrimination and the position of the Commissioner for Counteracting Discrimination, the rector may: 1) refer a complaint to mediation; 2) refer the matter to the disciplinary committee for employees, students, or doctoral students appointed in this matter; 3) terminate the perpetrator's employment contract without notice; 4) take no actions if the act does not have the characteristics of the act described in Sections 2, 3, 4, or if the act was not committed. 6. The rector informs in writing the Commission for Counteracting Discrimination and the injured party of the decision that has been made concerning further proceedings. 7. The decision of the rector is final, and further claims may be pursued in a regular court. 8. In cases where the perpetrator of the discriminatory behaviour is a member of the Rector's Commission or the Commissioner for Counteracting Discrimination, the rector may dismiss the person from his/her function in the Commission and refer the matter to disciplinary proceedings if that is an academic teacher, or may undertake actions provided by the Labour Code if that person is an employee and not an academic teacher. 9. In cases where the perpetrator of discriminatory behaviour is the rector of the university or the chair of a university disciplinary commission, the matter is referred to the disciplinary commissioner



appointed by the competent minister in accordance with Art. 277 paragraph. 3 of the Act on Higher Education and Science of 20 July 2018.

The Code of Ethics

The Code of Ethics defines: The investigation procedure, a time frame, responsible persons/units, and outcomes.

Who to contact and how to report: 'A person who has detected misconduct or has reasonable suspicion that an act incompatible with ethics in science has been committed is obliged to report the problem to the head of the alleged perpetrator's research unit (...) or to the relevant disciplinary spokesperson, and if there is a conflict of interest at the management level they should report the incident to a superior of the head of the alleged perpetrator's research unit (e.g. supervisor). The notification should specify the allegation, substantiate it in detail, and include the signature and contact details of the person reporting the misconduct. The identity of the person reporting misconduct (the so-called whistle-blower) is not disclosed until disciplinary proceedings are initiated. If this person feels it more appropriate, the allegation may be submitted to the Science Ethics Committee, specifically to its Chair, who may ask the person for additional information. If it is decided that, in the light of the circumstances described in the reported misconduct, the allegations are justified, they are forwarded to the head of the unit where the alleged perpetrator is employed in order to initiate proceedings. In special cases, the Scientific Ethics Committee may, at its own initiative, refer cases concerning violations of the principles of ethics in science by employees of universities, research institutes, and scientific units of the Polish Academy of Sciences to the competent authorities of these units with a recommendation to conduct investigatory proceedings. Information on the results of this investigation is immediately communicated to the Science Ethics Committee.

Responsible persons/units: Science Ethics Committee.

The description of the investigation procedure: The investigatory proceedings are carried out by the disciplinary spokesperson. If the information provided to the disciplinary spokesperson concerns a gross violation of the principles of ethics in science, the disciplinary officer is obliged to initiate investigatory proceedings ex officio. In other cases, investigatory proceedings may be initiated at the request of the body that appointed the spokesperson. It is extremely important to provide the spokesperson with appropriate operating conditions. The investigatory proceedings should be particularly insightful, meticulous, and conducted in accordance with the procedures in place in the given institution and with respect for the defendant's right to a defence and with due diligence and objectivity. Investigators should disclose all the circumstances of an incident, including any that could give rise to a conflict of interest. Documentation on all aspects of the investigation is to be detailed. The person against whom the allegation has been made should be immediately notified of the initiation of the investigatory proceedings. They should be given the opportunity to be heard and are entitled to legal aid. An important condition for maintaining the highest standards in these cases is the strict confidentiality of the investigation and limiting the number of people informed about the proceedings, as well as the proper preservation of documentation in order to protect the persons involved. When the disclosure of information to third parties is necessary, it should be done on the condition that any such third persons are informed about their obligation to maintain confidentiality, unless they are already obliged to do so by virtue of their function.



Outcomes: The investigation should conclude with the preparation of a confidential report containing the findings and recommendations for further proceedings. If the Science Ethics Committee concludes on the basis of this report that the allegation of misconduct was unfounded, although it was made in good faith, the proceedings are terminated, and the parties are notified of this. The accused person should have the right to request that it be made public that the charges against him/her have been dropped. If, on the other hand, the Science Ethics Committee determines that the allegations were not made in good faith, it takes specific disciplinary action against the person who made the allegations. If the investigatory proceedings were conducted by the Science Ethics Committee at its own initiative, it is to this committee that the results of this procedure are then to be forwarded without undue delay. The purpose of the disciplinary proceedings is to establish whether the alleged act has taken place and to issue a decision based on this finding. This procedure is conducted – according to the place of employment of the employee – pursuant to the provisions of the Act on the Polish Academy of Sciences of 30 April 2010, the Act on Higher Education of 27 July 2005, and the Act on Research Institutions of 30 April 2010. These provisions regulate in detail the manner in which proceedings must be conducted, the content of judgments issued in such proceedings, the catalogue of disciplinary penalties, the appeal procedure against a ruling of disciplinary commission of the first instance, the possibility of reopening proceedings, and the means of appealing to a court against a disciplinary ruling.’

This document reflects the situation as of January 2022.

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