



ORDINANCE

No 74/2023

**of the Rector
of Maria Curie-Skłodowska University in
Lublin**

dated 14 December 2023

**with regard to the implementation of The Anti-
Discrimination Procedure in Maria Curie-Skłodowska
University in Lublin**

Pursuant to Article 23 section 1 of the Act of 20 July 2018 The Law on Higher Education and Science (Journal of Laws, 2023, item 742, as amended) and The Resolution no. XXV – 19.27/22 of the Senate of Maria Curie-Skłodowska University in Lublin dated 28 September 2022

on the introduction of the Gender Equality Plan, it is hereby decreed as follows:

Preamble

The aim of introducing *The Anti-Discrimination Procedure* is to support the efforts which foster positive interactions among all members of Maria Curie-Skłodowska University community, especially by preventing any instances of discrimination and unequal treatment. The relationships among the academic community members of the University are based on the principles of respect, tolerance, and the recognition of personal dignity. Any member of the UMCS community who experiences discrimination is entitled to anticipate the University to take measures aimed at eliminating such occurrences, minimise their impact, and apply legal sanctions against individuals responsible for such violations.

General Provisions

1. Maria Curie-Skłodowska University in Lublin is implementing an anti-discrimination procedure, hereafter referred to as “*the Procedure.*”
2. The procedure defines the principles and methods of handling instances of discrimination and establishes guidelines for combating unequal treatment at Maria Curie-Skłodowska University, hereafter referred to as “*UMCS*” or “*the University.*”
3. The provisions of this Procedure apply to all members of the University community.

§ 2

Definitions of the Terms

1. The terms used in the Procedure signify as follows:
 - 1) unequal treatment – treating individuals in a way involving one or more of the following behaviours: direct discrimination, indirect discrimination, harassment, sexual harassment, as well as less favourable treatment of an individual resulting from rejecting or submitting to harassment or sexual harassment, and encouraging or instructing such behaviours;
 - 2) discrimination – unequal, inferior, or unjust treatment of individuals or groups based on their actual or alleged characteristics of identity;
 - 3) direct discrimination – situation in which a member of the academic community is treated less favourably in comparable circumstances due to their actual or alleged characteristics of identity compared to other members of the community;
 - 4) indirect discrimination – occurs when apparently neutral decisions, criteria, or actions lead to unfavourable disparities or particularly adverse situations. An exception occurs when a decision, criterion, or action is objectively justified by a lawful purpose to be achieved, and the means to achieve that purpose are appropriate and necessary;
 - 5) harassment – any unwelcome behaviour which aims to or results in the violation of an individual's dignity, creating an intimidating, hostile, humiliating, degrading, or offensive attitude towards them;
 - 6) sexual harassment – any unwanted behaviour of a sexual nature or related to the gender of a member of the academic community, aimed at or resulting in the violation of that person's dignity, particularly by creating an intimidating, hostile, humiliating, degrading, or offensive attitude towards them. Such behaviour may involve physical, verbal, or non-verbal elements;
 - 7) the academic community – all members of the University community, including employees, doctoral students, and students;
 - 8) employee – an individual employed at the University under an employment contract or performing work for UMCS based on a civil law contract;
 - 9) student – an individual studying at the University in undergraduate, graduate, unified master's, or postgraduate programs, as well as individuals participating in other types of educational activities, such as summer schools or courses offered by UMCS;
 - 10) doctoral student – a participant of doctoral studies, a person studying at a doctoral school;
 - 11) University premises – buildings both owned or occupied by the University, as well as locations used for tasks related to the teaching programme (e.g., during field research, scientific camps, internships, and apprenticeship, etc.)

2. Another form of unequal treatment, as mentioned in paragraph 1 points 2-6, includes actions which involve encouraging another individual to violate the principle of equal treatment or instructing them to do so.

§ 3

Initial Provisions

1. The University undertakes actions to establish a work, academic, and developmental environment free from unwanted incidents, discrimination, and other forms of violence or intolerance.
2. The University undertakes actions with the purpose of:
 - 1) encouraging desirable, socially acceptable attitudes and anti-discriminatory behaviours among all members of the academic community;
 - 2) spreading awareness about discrimination and unequal treatment, including their consequences and preventive methods;
 - 3) monitoring the issue of discrimination and unequal treatment, as well as anti-discriminatory actions.
3. It is the responsibility of all members of the academic community to actively prevent discriminatory behaviours and respond to any instances of discrimination.
4. Unjustified allegations of discrimination and unequal treatment are prohibited and may lead to disciplinary or employment consequences.

§ 4

The Anti-Discrimination Committee

1. In order to address instances of discrimination and unequal treatment, as well as their consequences, the Rector establishes the Anti-Discrimination Committee, hereafter referred to as "*the Committee*," for a period of five years. Members of the Committee perform their duties until the appointment of a new Committee.

2. The Committee comprises:
 - 1) The Chair, who is the chair of the Equality Team established within the University;
 - 2) The Deputy Chair - a member of the Equality Team appointed by the Chair;
 - 3) three representatives of academic faculty members and three representatives of non-academic staff members;
 - 4) a representative of The Bureau for Persons with Disabilities and Psychological Support;
 - 5) a psychologist or psychotherapist;
 - 6) a representative of students nominated by the UMCS Student Government; 7) a representative of doctoral students nominated by the UMCS Doctoral Student Government.
3. Membership in the Commission ceases:
 - 1) at the end of the term;

- 2) as a result of the termination of employment;
 - 3) in the event of dismissal by the Rector; 4) in the event of death of the Member of the Committee.
4. The removal of a Committee member may occur, particularly in the case of:
 - 1) the member's resignation from their position;
 - 2) the member of the Committee becoming ill or undertaking a prolonged absence, or other circumstances preventing the member of the Committee from fulfilling their duties;
 - 3) conviction by a final and binding judgment for an intentional crime prosecuted by indictment or by a final decision of a disciplinary commission.
 5. The tasks of the Committee include in particular:
 - 1) cooperation with the Equality Team;
 - 2) consideration of submitted reports regarding discrimination.
 6. The tasks of the Chair of the Committee include in particular:
 - 1) overseeing the work of the Committee;
 - 2) appointing the composition of the Adjudicating Panel for a specific report of discrimination;
 - 3) submitting an annual report on the Committee's activities to the Rector of UMCS by March 31st of the following calendar year.
 7. The Deputy Chair of the Committee performs all duties reserved for the Chair of the Committee in their absence.
 8. The Committee makes decisions by a simple majority of votes in the presence of at least half of the Committee members. In the event of a tie vote, the Chair of the Committee casts the deciding vote. Voting is conducted openly.
 9. The Committee holds sessions at times determined by the Chair of the Committee.
 10. Committee meetings may take place using remote communication tools (e.g., online via the Microsoft Teams or Moodle platform).
 11. The meetings of the Committee are minuted. The minutes are signed by the Chair of the Committee.

§ 5

Committee Secretary

1. When appointing the Committee, the Rector designates its Secretary from individuals outside the Committee.
2. The Secretary provides administrative support to the Committee, prepares minutes of its meetings, and maintains documentation related to ongoing proceedings until their conclusion and for a period of 5 years thereafter; however, not less than until the completion of any legal proceedings initiated within 5 years from the conclusion of the proceedings conducted by the Anti-Discrimination Committee.

§ 6 Equality Consultants

1. Equality Consultants, hereinafter referred to as “*Consultants*,” serve as the first point of contact, tasked with providing support and assistance to members of the academic

community affected by discriminatory behaviour on the University campus or related to the University's activities.

2. The Equality Team appoints the Consultants, with the current list of Consultants available in a dedicated section on the University's website.
3. Every member of the academic community may seek informational support and assistance from a Consultant regarding issues of discrimination and unequal treatment. 4. It is the Consultant's role to provide information on actions that the individual reporting discriminatory behaviour may take, both concerning their own situation and regarding others.
5. The Consultant is obligated to maintain confidentiality regarding all information provided by the individual seeking assistance.
6. The tasks of the Consultant include in particular:
 - 1) assisting members of the academic community in resolving conflicts in situations which involve indications of discrimination;
 - 2) ensuring equal treatment and respect for all members of the academic community;
 - 3) responding to instances of discrimination;
 - 4) providing interested individuals with information about the anti-discrimination procedure, methods of reporting discriminatory actions, and options for obtaining quick and effective assistance;
 - 5) cooperation with the Committee, including participating in Committee meetings at the invitation of the Chair.

§ 7

Reporting Discriminatory Actions

1. Any report of discriminatory or unequal treatment should be submitted in written or electronic form, either via traditional mail or to the e-mail addresses specified in the dedicated section on the University's website.
2. The template for reporting discriminatory or unequal treatment is provided as **Annex 1**.
3. The report should include:
 - 1) a description of the factual circumstances, specifying the actions, location, and date;
 - 2) identification by full name of individuals who are perpetrators of discriminatory behaviour;
 - 3) possible indication of the witnesses of behaviour indicating discrimination or evidence supporting the incident;
 - 4) the date and handwritten signature of the person filing the complaint.
4. In the case of the situation when the report mentioned in § 7 section 1 contains formal deficiencies as specified in paragraph 3 points 1 and 2, and in the case of written reports, paragraph 3 points 1, 2 and 3, the Committee calls for the deficiencies to be corrected within 14 days of the date of the summons, under pain of leaving the report without consideration.
5. The report may be preceded by a consultation between the aggrieved person and the Consultant.

§ 8

1. The report, as mentioned in § 7, is considered if it simultaneously concerns a member of the academic community, and the discriminatory behaviour described in the report occurred on the University premises or was related to the University's activities.
2. The report should be submitted within a year from the incident or the last in a series of incidents which are the subject of the report. In exceptionally justified circumstances, the Chair of the Committee may decide to accept for consideration a report relating to incidents which occurred more than a year earlier.
3. The report mentioned in § 7 section 1 or the situation referred to in § 9 may serve as the basis for conducting anti-discrimination training in the unit to which the report pertains.

§ 9

If the Rector receives information about discrimination or unequal treatment from a source other than specified in § 7 section 1, they may initiate an explanatory procedure as mentioned in § 10, or take other actions aimed at obtaining more detailed information on the matter.

§ 10

Anti-Discrimination Procedure

1. The anti-discrimination procedure is conducted before an Adjudicating Panel appointed by the Chair from among the members of the Committee.
2. The Chair, Secretary, the Members of the Adjudicating Panel, and other individuals participating in the meeting are obliged to maintain impartiality and confidentiality regarding the conducted anti-discrimination proceedings.

§ 11

Upon receiving the report as mentioned in § 7 or § 9, the Chair of the Committee appoints, within 14 days, the panel to consider the matter, i.e., the Adjudicating Panel, and schedules the date for the first meeting regarding the matter. The Chair notifies the Ombudsman for Student Rights of the meeting date.

§ 12

1. The Adjudicating Panel consists of five members appointed by the Chair of the Committee, from among the members of the Committee, including at least one representative from the specific group to which the parties belong (i.e., students or doctoral candidates, academic teachers, or non-academic staff).
2. The Chair of the Adjudicating Panel is the Chair of the Committee or their Deputy.
3. During the meetings of the Adjudicating Panel, the Secretary of the Committee participates without the right to vote.

4. Each party to the proceedings may request the Chair of the Committee for the participation of a designated representative of the labour unions active at UMCS in the meetings of the Adjudicating Panel, who may attend without the right to vote.
5. The Chair of the Committee shall exclude from the Adjudicating Panel any member with a conflict of interest related to the case under review, particularly if:
 - 1) the member is a spouse, relative, or relative by marriage up to the second degree inclusive of the person filing the report or the individual identified in the report as the perpetrator;
 - 2) the member is associated by adoption, guardianship, or custodianship with the person filing the report or the individual identified in the report as the perpetrator;
 - 3) remains in such a legal or factual relationship with the person filing the complaint or the person identified in the complaint as the perpetrator that it may raise legitimate doubts about the impartiality of this member, including when there is a direct subordinate relationship between the individuals.
 - 4) other important circumstances exist that may raise legitimate concerns about maintaining impartiality or objectivity in assessing the complaint.
6. Before commencing the assessment of the complaint, a member of the Adjudicating Panel shall inform the Chair of the Adjudicating Panel of the occurrence of circumstances referred to in paragraph 5, points 1-4.
7. In the place of the member excluded under paragraph 5, the Chair of the Committee appoints a new member of the Panel.
8. The Secretary of the Committee promptly delivers copies of the report and responses to the report or other documents to the members of the Adjudicating Panel, and also informs, at the request of the Chair of the Adjudicating Panel, about the dates of the Panel's meetings.

§ 13

1. Members of the Adjudicating Panel review the complaint, establish the facts, assess whether the reported incident occurred, and determine whether it constituted discrimination.
2. The Adjudicating Panel is authorised to:
 - 1) review the documents necessary for clarifying the matter;
 - 2) hearing from the reporting party and the individual accused of discrimination;
 - 3) summoning and hearing from individuals identified as witnesses to the incident, by both the reporting party and the individual implicated in the report;
 - 4) conducting other actions which would be significant in clarifying the matter.
3. The Adjudicating Panel should conduct an explanatory procedure regarding the submitted report within a period not exceeding 30 days from the date of its receipt. In particularly justified cases, such as due to the extent of the gathered evidence during the proceedings, the procedure may be extended, but not for more than an additional 30 days.

§ 14

1. The Adjudicating Panel may conduct proceedings if at least 3/5 of the designated composition, i.e., at least 3 designated members, including the Chair of the Adjudicating Panel, are present at the meeting.
2. Proceedings before the Adjudicating Panel are confidential. At the request of either party, proceedings may be conducted publicly unless the other party objects.
3. The Adjudicating Panel makes decisions by a simple majority of votes. In the event of a tie vote, the Chair of the Adjudicating Panel casts the deciding vote. Voting is conducted openly.
4. The Adjudication Panel holds sessions at times determined by its Chair, except as provided in § 11.
5. The Adjudication Panel meetings may take place using remote communication tools (e.g., online via the Microsoft Teams or Moodle platform).
6. Meetings of the Adjudicating Panel are documented in minutes. The minutes are signed by the Chair of the Adjudicating Panel and the Secretary of the Committee.

§ 15

1. After reviewing the complaint, the Adjudicating Panel provides an opinion indicating whether the actions or omissions in question constitute discriminatory behaviour. It may also recommend remedial actions, such as: transferring the employee, changing the group in the case of a student, psychological support, mandatory participation in anti-discrimination training/workshops or referral of the matter to the disciplinary ombudsman in accordance with the provisions of the Law on Higher Education and Science.
2. At each stage of the proceedings, with the consent of the parties, the Adjudicating Panel may refer the matter to the Academic Centre of Mediation.
3. Following the conclusion of the process, the Chair of the Adjudicating Panel promptly drafts a written assessment of the Panel's findings along with their reasoning and provides any recommendations outlined in § 15 paragraph 1 in a written form. The opinion and recommendations are signed by the members of the Panel who participated in the meeting.
4. The Secretary of the Committee shall, within 14 days of the completion of the proceedings, provide the opinion to the parties involved in the proceedings and to the Rector. Additionally, the Secretary shall provide also the Rector with any recommendations regarding the application of legal measures against the perpetrator of discrimination or actions to prevent similar occurrences in the future, along with a copy of the minutes mentioned in § 14 paragraph 6, except as provided in § 18.

§ 16

Appeal against the Opinion of the Adjudicating Panel

1. If the aggrieved person or the person against whom the proceedings were conducted disagrees with the content of the opinion referred to in § 15 paragraph 1, they may, within 14 days of receiving a copy of the opinion along with its reasoning, submit a request for the case to be reconsidered by a different panel.

2. The request for the case to be reconsidered is submitted in writing to the Chair of the Committee.
3. The procedures for a reconsideration before a different composition of the Adjudicating Panel shall be applied accordingly to the provisions of §§ 7-15.
4. The opinion of the Adjudicating Committee, referred to in paragraph 1, is final.

§ 17

1. During the anti-discrimination proceedings, the Rector may suspend from their duties any individual against whom there is reasonable suspicion of discriminatory behaviour until the matter is resolved.
2. In the event of a colleague being reasonably suspected of engaging in discriminatory behaviour, and if the circumstances suggest that such behaviour may continue, the Rector reserves the right to transfer them to a different organisational unit until the matter is resolved.

§ 18

Conclusion of the Anti-Discrimination Procedure

1. After reviewing the opinion of the Adjudicating Panel, if the report is deemed valid, the Rector will apply appropriate measures against the perpetrator of discrimination as stipulated by applicable law and take necessary actions to eliminate discriminatory practices and prevent their recurrence in the future.
2. Any discriminatory behaviour may be considered a serious violation of fundamental employee duties.

§ 19

If the Adjudicating Panel issues an opinion regarding the validity of the report, the reporting party may request:

- 1) a student or doctoral student – a change of examiner, a change of class group, or any other modification preventing further contact with the perpetrator of discriminatory actions; this request is submitted to the relevant vice-rector, who, after consulting with the dean of the faculty/director of the institute/director of the doctoral school, may approve the change;
- 2) an employee – a change of workplace or organisational unit where they perform their duties; this request is submitted to the Rector, who, after consulting with the dean of the faculty/director of the institute/director of the doctoral school or the chancellor, may approve the change.

§ 20

Transitional and Final Provisions

1. University employees are required to familiarise themselves with the content of this Procedure and to participate in anti-discrimination training.
2. Familiarity with the Procedure is confirmed by a statement which constitutes **Appendix 2**. The statement of familiarity with the Procedure submitted by the employee in writing or via the University's IT system shall be attached to their personal file.

§ 21

The Ordinance comes into force on the day of its signing.

R E C T O R

prof. dr hab. Radosław Dobrowolski

TEMPLATE for Reporting Discriminatory or Unequal Treatment

....., on

Information about the reporting person:

.....

(name and surname)

.....

(employee/student/doctoral student)

.....

(organisational unit)

.....

(phone number, e-mail)

I request the initiation of proceedings regarding suspected discriminatory actions

committed by:

(name and surname, organisational unit)

Location where the discriminatory actions occurred:

.....

The time in which the discriminatory actions occurred:

Description of the actions of the perpetrator(s) of discriminatory acts:

.....
.....
.....
.....

Evidence confirming discriminatory actions:

.....
.....
.....
.....

Witness/witnesses of discriminatory actions:

.....
.....

(name and surname, organisational unit)

.....

(legible signature)

Appendix 2
to the Ordinance No.
74/2023 dated 14
December 2023

....., on

.....
(name and surname)

.....
(organisational unit)

.....
(job position)

DECLARATION OF FAMILIARISATION with the Anti-Discrimination Procedure of Maria Curie-Skłodowska University in Lublin

I, the undersigned, declare that I have read and understood the contents of the Anti-Discrimination Procedure of Maria Curie-Skłodowska University in Lublin.

.....
(legible signature)