

B3-08/2-SR



PALACKÝ UNIVERSITY IN OLOMOUC
UP RECTOR'S DIRECTIVE

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Handling of Complaints and Petitions at Palacký University in Olomouc

Contents: In connection with the fact that Government Regulation No. 370/2005 Sb. to repeal Government Decree No. 150/1958 Ú. 1, on the handling of the complaints, notifications, and submissions of employees, came into effect on 1 January 2006 and in connection with the fact that Act No. 500/2004 Sb., Code of Administrative Procedure, as amended, has also become effective, the Rector of Palacký University issues this Directive, which stipulates the rules for receiving, considering, handling, and recording complaints and petitions at Palacký University in Olomouc.

Drafted by: Manager of the Internal Audit and Inspection Department of UP

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Distribution list: Rector, Vice-Rectors, Bursar, the Rector's Office,
Chairperson of the Academic Senate,
Deans and Secretaries of Faculties,
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Office, Archives of UP,
Legal Department of UP,
Internal Audit and Inspection Department of UP,
Organization and Management Department of UP

Handling of Complaints and Petitions at Palacký University in Olomouc

In connection with the fact that Government Regulation No. 370/2005 Sb. to repeal Government Decree No. 150/1958 Ú. 1, on the handling of complaints, notifications, and submissions of employees, came into effect on 1 January 2006 and in connection with the fact that Act No. 500/2004 Sb., Code of Administrative Procedure, as amended, has also become effective, the Rector of Palacký University issues this Directive, which stipulates the rules for receiving, considering, handling, and recording complaints and petitions at Palacký University in Olomouc.

Part I

Article 1 Introductory Provisions

1. This Directive is issued to ensure a proper and timely procedure for receiving, considering, handling, and recording complaints and petitions addressed to the competent bodies or employees of Palacký University in Olomouc (hereinafter referred to as "UP").
2. The rules governing the activities and acts related to complaints addressed to UP are based on Act No. 500/2004 Sb., Code of Administrative Procedure, as amended, in particular the provisions of Section 175.
3. The rules governing the activities and acts related to petitions are governed by Act No. 85/1990 Sb., on the right to petition.

Article 2 Definition of Terms and Powers

1. For the purposes of the present Directive, a complaint shall mean a submission in which the complainant communicates his or her objections, comments, reservations, and suggestions related to the academic community or other UP employees, their conduct or the procedures that they have used. If the submission meets the requirements for petitions, or requirements for the initiation of proceedings under special laws, it shall not be deemed a complaint.
2. Under Section 1 (1) of the Right to Petition Act, a petition shall mean a request, motion, or complaint related to the public or other common interest of UP, through which an individual, either on his or her own or together with other individuals, refers in writing to the bodies of UP.

3. Complaints and petitions shall be assessed on the basis of their actual content regardless of their title.
4. A complainant shall mean a person filing a complaint.
5. A petition submitter shall mean a person who submits a petition or a person representing the members of the Petition Committee.
6. A receiver of a complaint or petition shall mean a body or a senior manager competent to handle such submissions or the Internal Audit and Inspection Department of UP (hereinafter the "Department"). This provision shall be without prejudice to the duty of other UP employees to receive complaints or petitions if they are the direct addressees thereof, and without undue delay pass such petitions and complaints onto the body or senior manager competent to handle them, or to the Department.
7. Bodies of UP, of its faculties and senior managers of UP university facilities are competent to handle complaints and petitions (hereinafter referred to as "bodies or employees competent to handle complaints or petitions") within the scope of their powers as defined by Act No. 111/1998 Sb., on universities, the Constitution of UP, or otherwise according to the nature of the content of the complaint or petition if the addressee is not stated.
8. Bodies of UP include the Rector, the Academic Senate of UP, the Scholarly Board of UP, the Board of Trustees of UP, the Disciplinary Committee of UP, and the Bursar. Bodies of a UP faculty include the Dean, the Academic Senate of the faculty, the Scholarly Board of the faculty, the Disciplinary Committee of the faculty, and the Secretary.
9. A person in charge of an inquiry shall mean an employee of UP or its faculty or a member of a body of UP or its faculty who has been authorized to conduct the inquiry by a body or by a senior manager competent to handle complaints and petitions (hereinafter the "person in charge of the inquiry").

Part II Complaints

Article 3 Submission Methods

1. A complaint may be submitted orally or in a material or electronic form.
2. Complaints submitted orally are handled at the given moment and at the given place. Should it

not be possible to follow this procedure (in particular due to the receiver's ambiguous or limited competence to handle it), the receiver of the complaint shall inform the complainant of other submission methods and shall provide the complainant with information on the official wording of a written complaint, or mediate its receipt by a body or employee competent to handle it.

3. An officially worded complaint shall mean the record of a meeting with the complainant stating the date of the complaint submission, the name and address of the complainant, the identification or details of the subject of the complaint, a brief description of all relevant facts, the name and signature of the employee who has drawn up the record, and the complainant's signature. A model record constitutes Appendix No.1 hereto.
4. The complainant shall receive a copy of the record if he or she so requests.
5. The time limit defined in Paragraph 4 may be extended in exceptional cases if it is objectively impossible to secure background materials for its proper handling within the time limit. The complainant shall be demonstrably notified of the extension of the limit not later than 14 days before its lapse. The extended time limit shall not exceed 30 days.
6. If the complaint is found to be justified or partially justified, the body or the senior manager competent to handle it shall adopt, without undue delay, any measures necessary to remedy the situation and designate a person responsible for doing so. A record shall be made of the results of the inquiry and the adopted remedial measures. If the complainant so requests, he or she shall be informed of the results of the inquiry even if the complaint is found to be unjustified.
7. Should the complainant think that the complaint has not been properly handled, he or she may apply to the Rector of UP for a review of its handling. An application for a review of the handling of the complaint or, as the case may be, a second complaint shall be reviewed both as to the facts and the formal requirements in order to verify whether it has been handled correctly. If no new facts are stated in the case and the review of the facts and of the formal requirements upholds the way the first complaint was handled, the receipt of the submission shall not be confirmed and the complaint shall not be inquired into. The time period under Paragraph 4 or, as the case may be, under Paragraph 5 commences on the date when an application for a review of the handling of the original complaint is lodged or when a second complaint is submitted.
8. In the event that the complaint is so vague that it does not include enough facts to initiate an inquiry or contains only general and non-personalized criticism, which may only be responded to in a general fashion, the body or employee competent to handle complaints may decide not to proceed with an inquiry into the complaint; the grounds for doing so shall be stated in a record which shall be kept as part of the complaint. The complainant shall be notified thereof.

Article 4 Handling of Complaints

1. The bodies or employees competent to handle complaints are responsible for their proper and timely handling.
2. Submitting a complaint shall not be to the detriment of the complainant. Should the complainant request that his or her name not be stated during the inquiry, the person in charge of the inquiry shall observe such a request.
3. The person in charge of the inquiry shall inquire into all the facts stated in the complaint. If convenient and advantageous, the complainant, the persons referred to in the complaint or, as the case may be, other persons who might help the resolution of the case (hereinafter "persons concerned"), may be interviewed. A record shall be drawn up of oral hearings which shall include the names of the persons taking part in the hearing, a brief description of the course and result of the hearing, and a note of the participants having been informed of the content thereof. The record is confirmed by the signatures of the participants in the hearing. Should any participant refuse to sign the record or is in disagreement with its content, a note shall be made thereof in the record, including the stated reason. The person in charge of the inquiry may decide not to hold an oral hearing and may invite the persons concerned to submit their opinion on the matter in writing. Such an opinion shall include the details defined in Article 3 (3).
4. Complaints shall be handled within 60 days of their delivery to the body or employee competent to handle them. Submitting the complaint to a body or person competent to handle it shall be without prejudice to this time limit.

Article 5 Record Keeping

1. The offices of the bodies and of senior managers shall keep separate records of complaints, which shall be separate from records of other received mail. The records of complaints shall include:
 - a) the date of delivery,
 - b) the name, surname, and address of the complainant, unless the submission is anonymous,
 - c) the identification of the addressee,

- d) the identification of the recipient,
 - e) the subject of the complaint and a subject-matter criterion for assessing its content and nature,
 - f) the date and the body or the employee onto whom the complaint has been passed to handle or review,
 - g) whether the complaint is justified, partially justified or unjustified, i.e. the results of the inquiry,
 - h) a list of measures adopted to remedy the situation and a method of checking upon their implementation,
 - i) the date of the handling of the complaint and the date of the drawing up of a report on the inquiry,
 - j) the date and the method of informing the complainant of the results of the inquiry if requested by the complainant.
2. The Department shall keep a central register of all complaints of UP. A body or employee competent to handle complaints shall provide the Department with information on the complaints which it has received, handled, or whose handling is pending (together with all required record data) for the past 6 months by 15 July of a calendar year and by 15 January of the following calendar year, or informs the Department of the fact that no complaints have been registered during the given period.

Article 6

Anonymous Complaints and their Handling

1. Anonymous complaints shall also be reviewed and handled.
2. Anonymous complaints are recorded as part of the standard complaints records. Should it transpire during the inquiry that a recorded complaint is anonymous (mail sent to the complainant cannot be delivered, or the person stated on the complaint is not its author), such a complaint shall be subsequently designated as anonymous in the records.
3. Should an anonymous complaint be so vague that it does not include enough facts to initiate an inquiry or contains only general and non-personalized criticism, which may only be responded to in a general fashion, Article 4 (8) shall apply.

Part III Petitions

Article 7 Receipt and Records

1. The administrative procedure for complaints records under Article 5 shall apply by analogy to

records related to received petitions. The records shall include:

- a) the date of delivery of the petition,
 - b) submitter's first name, surname and address,
 - c) the identification of the petition addressee,
 - d) a brief description of the content of the petition,
 - e) the date and the method of the handling of the petition.
2. Should the matter be outside the scope of the powers of UP, the body or employee competent to handle the petition shall refer it to the competent state authority within 5 days; the submitter shall be notified thereof. If a petition is received by mail, the receipt thereof shall be confirmed to the submitter in writing within 5 days.

Article 8

Handling of Petitions

1. Should the content of the submission constitute a complaint, application, or other submission with a view to initiating administrative or other proceedings, applicable legislation shall apply. The submitter shall be notified of the initiation of proceedings.
2. All facts included in the petition related to its subject shall be inquired into. No heed shall be paid to the content of petitions interfering with the activities of investigating, prosecuting, or adjudicating bodies within criminal proceedings.
3. Petitions shall be handled pursuant to Section 5 (3) of the Petition Right Act.

Article 9

Minutes of Petitions Hearings

1. The body or employee competent to handle petitions shall draw up minutes of the petition hearing or of an oral explanation, including:
 - a) the date and the place of the hearing,
 - b) persons present during the hearing,
 - c) specific subject of the hearing,
 - d) statements of individual persons on the subject of the hearing.
2. The minutes shall be signed by those present during the hearing and by the person who has taken the minutes. Should any of the persons present during the hearing refuse to sign the minutes, a note shall be made thereof in the minutes together with the reason for such a refusal.

Article 10

Response to Petitions

The body or employee competent to handle petitions shall assess the content of the petition in accordance

with Articles 2 and 3 and respond to the submitter within 30 days of its receipt. The response shall include a statement on the content of the petition and on the way it has been handled.

Part IV

Article 11

Final and Repealing Provisions

1. UP Rector's Directive No. B3-2/2000 of 19 January 2000 on the handling of complaints, notifica-

tions, submissions, and petitions and their central register at UP is hereby repealed.

2. The procedures for receiving, considering, and handling petitions not explicitly stated or regulated herein shall be governed by special laws, namely Act No. 500/2004 Sb., Code of Administrative Procedure, as amended, and Act No. 85/1990 Sb., on the right to petition.
3. The present Directive comes into force once it has been signed by the Rector of UP, and comes into effect upon its publication on the official website of UP, i.e. the day following its coming into force.

In Olomouc on 4 July 2008

Prof. RNDr. Lubomír Dvořák, CSc., in his own hand,
Rector

Appendix No. 1 Record of the hearing of a complaint submitted orally

Record of the hearing of a complaint submitted orally

Date of the complaint submission:	
Complainant's first name and surname:	
Complainant's address (place of residence or contact address)	
Complainant's workplace:	
Addressee of the complaint (first name and surname, position):	
Subject of the complaint:	
Brief description of all relevant facts:	
Name and signature of the employee who has drawn up the record:	
Complainant's signature:	