Appendix No. 2 to Ordinance No. 78 of the PK Rector from 14 October 2022

**Internal anti-mobbing policy at the Tadeusz Kościuszko Cracow University of Technology**

**§1**

**GENERAL PROVISIONS**

1. The Internal Anti-Mobbing Policy, hereinafter referred to as the Policy, establishes the principles of

counteracting the phenomenon of mobbing or attributable to mobbing at the Tadeusz Kościuszko Cracow University of Technology and the procedure to be followed in case of such phenomenon occurrence.

1. The Policy is based on Article 94(3) § 1 of the Labour Code (LC) (Journal of Laws of 2020, item 1320, as amended), the PK Code of Ethics and § 95 par. 4 of the PK Work Bylaws.
2. The Policy is intended to set out the rules for responding to situations where mobbing occurs, and also to respond in the early stages of the emergence of this phenomenon in the workplace out of concern for the welfare of employees and to take preventive measures in order to prevent it.
3. Each employee is required to familiarize himself with the contents of the Policy.
4. A declaration of familiarization with the contents of the Policy (Appendix 1), signed by the employee, must be submitted within their personal file.

**§2**

**TERMINOLOGY**

Terms used in the Policy are to be understood as:

1. **Internal Anti-Mobbing Policy (Policy)** - principles for counteracting the phenomenon of mobbing or phenomena attributable to mobbing at PK along with the procedure to be followed in case of their occurrence,
2. **employer** – The Tadeusz Kosciuszko Cracow University of Technology, represented by the PK Rector,
3. **employee** – a person remaining in an employment relationship with the employer regardless of the form of employment, type of work, or position held
4. **mobbing** – systematized form of violence, mostly psychological, whereby the perpetrator is the person cooperating with the victim (superior, subordinate or collaborators); acts or behaviours in relation to an employee or directed against an employee, consisting of a persistent and long-term harassment or intimidation of an employee, resulting in experienced by him decreased evaluation of his professional abilities, or which is aimed at or results in the humiliation or ridicule of the employee, or the isolation or elimination of the employee from the group of co-workers (Art. 94(3) § 2 of LC),
5. **mediation** - a conversation between two conflicted parties in the presence of a neutral PK mediator, leading the parties to reach a settlement,
6. **Academic Community Support Centre of PK (CeWSA PK)** – a unit established by the Rector of PK to comprehensively handle reported cases of mistreatment, as well as to take action to prevent manifestations of such treatment and to support members of the PK academic community, harmed by undesirable behaviour of third parties; the Director of the Centre represents the employer under the authority of the PK Rector
7. **Academic Psychological and Pedagogical Consultation Point CPiP PK (APKPP CPiP PK)** – a unit whose task is to provide access to psychological support, including for those who have suffered as a result of reported to CeWSA PK cases resulting from the occurrence of mobbing,
8. **Anti-mobbing Committee (KA)** – an opinion-forming and advisory collegial body appointed by the PK Rector for 4-year term of office, beginning on January 1 of the year following the year of commencement of the Rector's term of office of PK, with at least 7 members; its task is to determine the legitimacy of mobbing complaints reported to CeWSA PK, as well as to make recommendations to the employer; the Rector of PK appoints the Chairman of the KA,
9. **The reviewing composition of the Anti-Mobbing Committee (SO KA)** – an independent group of people designated by the KA chairman and selected from among its members; the reviewing composition is determined according to the existence of potential conflicts of interest and the current availability of committee members; the chairman of the SO KA is designated by the KA chairman,
10. **Board of Appeals (KO)** – an independent group of people appointed by the KA chairman, selected from among the KA members, whose task is to evaluate the opinion taken by the SO KA on a given case by reconsidering it.

**§3**

**OBLIGATIONS OF THE EMPLOYER AND THE EMPLOYEE**

1. Each employee of the Cracow University of Technology is obliged to refrain from actions or behaviour bearing the hallmarks of mobbing.
2. Any action or behaviour bearing the hallmarks of mobbing, as defined in Article 94(3)
§ 2 of the Labour Code, shall not be tolerated by the employer in any way.
3. The characteristics of the phenomenon of mobbing and a list of exemplary actions and behaviours that may bear the hallmarks of mobbing are provided in Appendix 2.
4. The employer is obliged to create safe and hygienic working conditions, take all measures to prevent mobbing, comply with the provisions of the Policy and monitor compliance by employees.
5. The employer and all post holders at the PK undertake to treat all employees with dignity, respect, refrain from any actions and behaviour that may bear the hallmarks of mobbing.
6. Employees are obliged to comply with the Policy and to pay attention to any violations of this obligation by their co-workers.
7. Employees are obliged to treat all co-workers with dignity and respect, and refrain from any actions and behaviour that may bear the signs of the signs of mobbing.

**§ 4**

**PROCEDURE AND FORM OF SUBMISSIONS**

1. Any employee who believes that he/she has experienced mobbing behaviour may submit a written report (Appendix 3) to CeWSA PK, individually, i.e., bypassing the service route or through the Rector, Vice Rectors, Deans of Faculties, Director of the Doctoral School, heads of non-faculty units, Student Ombudsman, Doctoral Student Ombudsman.
2. The submission should include the characteristics of the specific actions or behaviours that make up mobbing and the identification of the perpetrator or perpetrators.
3. The facts should be described in detail, giving the time and place of the incident or incidents, accompanying circumstances (e.g., a meeting), witnesses present, and specific evidence (e.g., memos) in support of the cited circumstances, testifying to the occurrence of mobbing.
4. In the body of the submission, the frequency of the events should be indicated, as well as a description of any psychological and/or physical effects of the events that occurred.
5. The affected person should sign the submission in his/her own handwriting and date it to the day.
6. It is possible to report verbally at CeWSA PK, in which case its employee will prepare a report, which in his presence is signed by the reporting person.
7. Anonymous applications will not be considered.
8. Reports should be treated with due seriousness, with extreme caution and respect for both the persons filing them and those accused of mobbing, so that no one's reputation is unjustly harmed and no one's personal rights are violated.
9. If there is no concrete evidence to support the reported mobbing or the incident inaccurately described in the report, KA may ask the applicant to supplement his complaint with selected elements.
10. Immediately, from the date of receipt of the report, CeWSA PK, on behalf of the employer, shall:
	1. refer the case to mediation, if the parties to the case agree,
	2. forward it to the KA chairman, who will promptly organize the first KA meeting (onsite or, in justified cases, remotely) to familiarize all KA members with the case, develop a meeting plan and set the date of the next KA meeting. Partial protocol shall be drawn up for each KA meeting (Appendix 5).
11. KA is obliged to determine the legitimacy of the reported complaint within 2 months. In justified cases, including illness or hospital treatment of a person involved in the case, or the emergence of additional evidence in the case, the KA may suspend, or extend the investigation, of which it shall notify the parties concerned.
12. To consider the complaint, the chairman of the KA appoints a 5-member SO KA composed of: the chairman of the SO KA, two KA members and two representatives of trade union organizations operating at the PK, proposed, one each by the presidents of these organizations at the request of the KA chairman. At the request of the chairman of the KA, the meetings of the Committee may be attended by additional persons in an advisory capacity, such as the Head of the Personnel and Social Affairs Department, a psychologist or a legal counsel.
13. A member of the SO KA may not be the subject of the submission, the person's superior, spouse, relative or relative by affinity - up to and including the second degree, or a person in such a legal or factual relationship with the person, or related to him or her by a business relationship that may raise doubts about his or her impartiality.
14. If a member of the SO KA is a person who is delimited from the composition under paragraph 13, the chairman of the KA shall designate another person from the composition of the KA or request the chairman of the relevant trade union organization to change its representative.
15. Designated members of the KA SO and persons attending KA SO meetings in an advisory capacity shall submit a statement, which is attached as Appendix No. 4 to this Policy.
16. Proceedings before the SO KA are of a closed nature. Only persons summoned by the SO KA shall participate in the proceedings. In justified cases, the SO KA may allow a party's attorney to participate upon written request of the party. A party may refuse to testify. The SO KA may allow the refusal of a witness to testify witness if he or she has a relationship with a party as referred to in paragraph 12, and the refusal of this witness to testify will not affect the course and purpose of the proceedings.
17. The SO KA shall examine the complaint with impartiality and shall be obliged to keep confidential any information obtained in the course of the proceedings.
18. Having heard the explanations of the complainant and the person accused of mobbing, and having conducted investigation, on the basis of the partial protocols, the SO KA draws up a final protocol (Appendix 6), which includes an assessment of the validity of the complaint, as well as recommendations to the employer regarding the reported problem and/or theses other important problem that was noticed during the processing of the case. The decision on the validity of the allegations contained in the application is made by a simple majority, by secret ballot, by all members of the SO KA.
19. Meetings of the SO KA are recorded by means of sound recording devices for the purpose of preparing partial minutes and final minutes, which are signed by all members of the KA SAC participating in a given meeting. Recordings of the SO KA meetings are stored at CeWSA PK and are attached to the final minutes.
20. The minutes of the SO KA meetings should be made available to the parties to the case for review upon request.
21. If the complaint is found to be justified, the Rector of PK may make changes in the employment relationship of the perpetrator(s) of the harassment, in the manner prescribed by the Labour Code.
22. The perpetrator(s) of mobbing may additionally be deprived of his/her rights under the Labour Law, which are contingent on not violating Employee Duties.
23. In serious cases of mobbing, the Rector of PK may terminate the employment contract with the perpetrator(s) without notice according to the principles set forth in the Labour Code.
24. The Rector of PK may transfer the aggrieved employee, at his/her request, to another workplace or otherwise prevent the aggrieved employee from having direct contact with the perpetrator or perpetrators of mobbing.
25. In matters not regulated herein, the provisions of the Code of Civil Procedure shall apply to the proceedings before it accordingly.
26. Administrative support for KA and SO KA meetings is provided by an administrative employee of CeWSA PK, and the documentation of cases collected by him/her is kept in separate folders and archived by CeWSA PK.
27. Information about possible consequences for perpetrators of mobbing will be

kept in personnel files at the PK Department of Personal and Social Affairs.

1. Legal services of the committee are provided by the legal counsel of PK.

**§5**

**APPEAL PROCEDURE**

1. Both parties have the right to appeal against the KA's opinion within 14 days of its delivery. For this purpose, Appendix No. 7 must be completed and submitted to CeWSA PK giving detailed reasons for the appeal.
2. CeWSA PK, on behalf of the employer, is obliged, within 7 working days from the date of acceptance of the appeal, to forward it to the chairman of the KA, who, within the next 7 working days, the chairman of the KA will forward the case to the KO in order to verify whether the party's appeal is justified.
3. If the KO determines that the appeal has merit, it will ask the KA to reconsider the case in the particular disputed area.

**§6**

**FINAL PROVISIONS**

1. CeWSA PK, on behalf of the employer, is obliged to conduct annual training of employees on anti-mobbing and the application of the Policy and is also obliged to train members of the newly appointed Anti-mobbing Committee.
2. CeWSA PK, on behalf of the employer, together with representatives of the company's trade unions, once a year considers and evaluates whether the provisions of the Policy are properly implemented.

Appendix No. 1 to the Internal Anti-Mobbing Policy at The Cracow University of Technology

Cracow, dated: .................................

.....………………………………………….

Full name

.....…………………………………………..

Name of the research institution

.....…………………………………………..

Position

**STATEMENT**

I declare that I have familiarized myself with the contents of the Internal Anti-Mobbing Policy. Thus, I undertake to comply with its provisions, not to apply any actions that may have the characteristics of mobbing and immediately inform the employer about the situation of experience of mobbing. At the same time, I understand that any of my actions having the characteristics of mobbing will not be tolerated by the employer and I am aware of the possible consequences of such behaviour.

………………………………

Signature of the employee

Appendix No. 2 to the Internal Anti-Mobbing Policy at the Cracow University of Technology

**List of examples of actions and behaviours that may have the characteristics of mobbing according to Heinz Leymann**

List of behaviours categorized by Swedish physician and psychologist Heinz Leymann as mobbing behaviours. Based on his research, he distinguished 45 behaviours, which he compiled into 5 categories, relating them to personal and professional functioning. These behaviours can be exhibited by a single person, as well as a larger group of them. According to Leymann, it is enough to experience one behaviour from the list presented to talk about mobbing.

1. **Actions that negatively affect communication processes in the workplace:**
* limiting or hindering the possibility of speaking by the superior or co-workers,
* constant interruption of speech,
* responding to statements and comments with a raised voice, insults, threats, and shouting
* constant criticism of the work performed in professional and personal life,
* written and oral threats
* presenting demeaning, insulting gestures, emotionally charged glances with an unambiguously negative charge,
* use of language rich in allusions of all kinds, avoidance of clear and straightforward statements expressing oneself directly.
1. **Actions that negatively affect social relations in the workplace:**
* avoiding contact by the supervisor with the person, avoiding talking to him or her, physically and socially isolating the person (e.g. placing them in a separate room with a ban on communication with other people),
* forbidding employees to have contact with the person,
* ignoring, deliberately overlooking the person in the work environment, passing by indifferently, treating the person like air.
1. **Actions that affect a person's negative image in the work environment:**
* gossiping, spreading rumours, making up nicknames,
* making attempts to ridicule and discredit a person, various spheres of his life
* making jokes about a person's personal life,
* parodying the way a person walks, speaks, gestures and facial expressions,
* attacking political views, religious beliefs, general

worldview,

* mocking and attacking a person because of his nationality, skin colour, sexual orientation,
* mocking a person's disability, handicap, or some traits peculiar to the person,

suggesting mental illness, referring for diagnostic tests,

* addressing a person with vulgar nicknames or other humiliating, degrading expressions,
* making proposals of a sexual nature.
1. **Actions striking a professional position:**
* issuing work orders forcing the performance of offensive work that violates personal dignity,
* falsely assessing work commitment,
* questioning decisions made,
* not assigning a person any tasks to be performed to show that they are unnecessary
* ordering certain tasks, then manifestly taking them away,
* issuing absurd, contradictory or nonsensical orders,
* assigning tasks above or below the person's capabilities and skills,
* assigning new tasks again and again with an unrealistic deadline for their completion in order to discredit the victim.
1. **Actions that have a negative impact on a person's health:**
* ordering work that is harmful to health and beyond a person's physical capabilities, Threatening physical violence,
* physical abuse,
* contributing to material losses caused by a particular
* employee,
* sexually motivated actions, sexual harassment,
* causing psychological damage at the workplace or at the victim's place of residence.

This division is intended to make it easier for employees to name the behaviours they experience in the workplace, as well as help the employer properly identify those behaviours that he himself observes or that he hears about taking place in his workplace.

The presented list shows only sample behaviours that can develop into mobbing. In the era of 21st century achievements, one should take into account the fact that with the help of technical

possibilities, the number of human behaviours of a psychological terror nature may significantly increase mental terror.

**List of examples of behavioural actions that occur in university mobbing:**

* Discrediting a person or unsubstantiated, non-substantive criticism of his work,
* Dissemination of unsubstantiated, malicious gossip, anonymously, often on personal topics, e.g., about lack of mental balance, inappropriate character traits, mental illness, failure to perform duties that were not assigned or blocked from being performed despite assignment,
* public humiliation, e.g. to students, other employees, at scientific meetings, etc,
* ignoring the employee in the formation of research and teaching teams, in rewards, etc,
* assigning an employee duties below or above his or her qualifications, or those that he or she cannot perform at all, or are based on motives other than the welfare of the employees of the organizational unit,
* scorning an employee, using threats, such as intimidation with dismissal, or unfounded negative evaluation,
* issuing contradictory orders or orders that are unlawful, ordering the
* the performance of nonsensical work, taking away work previously assigned/agreed
* to be performed,
* not providing information, e.g., on teaching assignments, and then accusing that classes were not conducted,
* unsubstantiated accusations of lack of ethics, of negative influence on colleagues,
* students, without demonstrating the validity of the allegations,
* unsubstantiated allegations of lack of qualifications, without showing the validity of the allegations, forcing the addition of other employees to the work performed single-handedly, in order, for example, to diminish roles, achievements,
* threats of physical violence.

The list of mobbing activities used at universities is much longer. They depend primarily on the capabilities and , creativity" of the bullies.

**In order to consider mobbing, the behaviour in question must meet the following criteria:**

* the behaviour is repeated - it is not a one-time and random act,
* behaviour is continuous and consistent,
* the behaviour lasts for an extended period of time - the length of time is individual; It can be several weeks, months or even years,
* the action is intentional - the person who uses mobbing is aware of what he is doing, is Aware of the effects that mobbing behaviour can have on the targeted person, and it is to achieve these effects that the mobber aims,
* the behaviour usually takes the form of psychological terror; it far less often takes the form of physical aggression,
* actions cause the employee to have a low opinion of his or her professional suitability,
* actions cause the employee to be humiliated or ridiculed, isolated or eliminated from the team of co-workers.

**Moreover, it is still worth remembering that:**

* the bullying employee uses his advantage over the victim – authority,

age, business dependence, interpersonal popularity, etc,

* in the overwhelming number of cases, mobbing is not the action of, only one person, but a group of people working together to persecute the victim,
* mobbing actions are usually hidden from the public, happen behind closed doors, only in the presence of people who participate in the harassment of the person; as soon as a non-participant appears in the vicinity, the negative behaviour ceases, and may even take the form of kind, helpful and sympathetic behaviour, which are apparent,
* usually such a person and those around him or her are tried to make them believe that the person has a mental disorder,
* a large role in the mechanism of bullying activities is to harm the public opinion of the person.

**Behaviours that are not mobbing, and are often confused with it:**

* one-time act of humiliating, ridiculing, disrespecting an employee – from how inappropriate the treatment of employees/co-workers is, it cannot be classified as mobbing (but could already be classified as harassment),
* legitimate criticism – drawing attention to the employee, pointing out mistakes,
* suggesting improvement in situations of failure to perform duties or performing in an unreliable manner and producing low-quality results, are behaviours as right and within the competence of managers,
* conflict - situations in which people do not like each other, conflicting with each other. Conflict from mobbing differs in that in a conflict situation both parties theoretically seek to resolve it, in mobbing there is no question of this,
* working conditions that do not meet health and safety requirements - poor working conditions could be considered as mobbing only if they are aimed at one person who also experiences harassment in another form,
* feeling uncomfortable at work, dissatisfaction with assigned duties, reluctance to carry out assigned tasks, boredom with the work, not getting along at work, lack of a sense of satisfaction,
* stress related to assigned duties, demanding, difficult work,
* holding an employee accountable for violating employee rights
* employee's rights, failure to fulfil his duties,
* placing high demands on the quality of work.

Appendix No. 3 to the Internal Anti-Mobbing Policy at the Cracow University of Technology

Case no .......... Cracow dated ........

(given by CeWSA PK)

.....………………………………………….

Full name

.....…………………………………………..

Name of the research institution

.....…………………………………………..

Position

**Academic Community Support Centre of the Cracow University of Technology (CeWSA PK)**

**REPORT ON MOBBING**

**Statement of the facts:**

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The date or period to which the report applies:

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Indicate evidence and/or witnesses to the incident in support of the circumstances claimed:

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Identification of potential perpetrator(s):

I agree to refer the case to mediation: YES / NO\*

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

signature of the submitting person

 Date

\*strike out what does not apply

Appendix No. 4 to the Internal Anti-Mobbing Policy at the Cracow University of Technology

 Cracow dated ........

.....………………………………………….

Full name

.....…………………………………………..

Name of the research institution

.....…………………………………………..

Position

**STATEMENT**

In connection with my appointment to the opinion of the Anti-Mobbing Commission at PK, considering the application submitted by ................................................................................................................................ (name of person reporting) on. ........................................................ (date of report)

I declare that:

1) I am not a spouse, relative or relative by affinity - up to and including the second degree - of any person to whom the proceedings relate, nor do I remain with them in such a legal or factual relationship, that it may raise doubts about my impartiality,

2) I will keep confidential any information obtained in connection with the proceedings.

........................................... ………………………………………………………………

 date signature of the member of the Anti-Mobbing Commission's opinion committee

Appendix No. 5 to the Internal Anti-mobbing Policy at the Cracow University of Technology

Case no .......... Cracow dated ........

(given by CeWSA PK)

**PARTIAL PROTOCOL OF THE COMMISSION OPINION’S ANTI-MOBBING COMMITTEE**

Beginning of the hearing:

1. commencement of the hearing.

2. checking the attendance list.

3.

4.

5.

6.

7.

As a result of the investigation of the case .....................................

(supplements CeWSA PK) reported to CeWSA PK by Mr./Ms. ..........…

On: …………………………………………… of mobbing, the perpetrator of which

indicated/s was/were Mr/Ms. …………………………………………………………. Anti-Mobbing Committee

composed of:

1. ……………………. – Chairman of the Commission.

2.

3.

4.

5.

and

……………………. – Protocol officer (without voting rights)

At the session on ..................... determines:

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Including the date of the next KA session on ……………………………………………

Signatures of committee members:

1. .................................... – President of the committee

2.

3.

4.

5.

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 date signature of the protocol officer

Appendix No. 6 to the Internal Anti-Mobbing Policy at the Cracow University of Technology

Case no ......... Cracow, dated ........

(given by CeWSA PK)

**CONCLLUSION PROTOCOL OF THE COMMISSION OPINION'S ANTI-MOBBING COMMITTEE**

The case was called at:

The case was closed at:

Beginning of the trial:

1. commencement of the trial.

2. checking of the attendance list.

3. Reading of the charge by the Chairman of the Anti-Mobbing Commission.

4. Giving the floor to the accused.

5. Closed part of the trial.

6. Voting of the opinion composition of the Anti-Mobbing Commission.

7. Announcement of voting results.

As a result of the case investigation .....................................................................

(Supplemented by CeWSA PR) reported to CeWSA PK by Mr./Ms ………………………………………on……………………………………………accused of mobbing the perpetrator of which have been indicated Anti-Mobbing Committee

Composed of:

1. ……………………. Chairman of the Committee

2. …………………….

3. …………………….

4. …………………….

5. …………………….

and

…………………….. protocol officer (without voting rights)

On the basis of verification of the facts presented, he determines:

* + - 1. Reasonableness of the complaint filed (mobbing took place / did not take place; report accepted / rejected) with the following: duration of the investigation, number of sessions and their dates, witnesses interviewed, analysis of evidence, separate opinions of committee members with reasons)

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1. Recommendations to the employer for further action (indication of substantive decisions and actions of a preventive nature, regardless of whether mobbing occurred, for instance: the changes in the internal regulations of the PK, or a change in the organization of work in a particular unit; indicated possible other reprehensible situations observed during the investigation or undesirable other factors and phenomena that affect the behaviour of a person, i.e. stress, professional burnout, etc.).

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**Signatures of committee members:**

1 …………………. – Chairman of the Committee

2 .…………………

3 ………………….

4 .…………………

5 .…………………

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

 date signature of the protocol officer

Appendix No. 7 to the Internal Anti-Mobbing Policy at the Cracow University of Technology

Case no. ....................... Cracow dated ........

(given by CeWSA PK)

.....………………………………………….

Full name

.....…………………………………………..

Name of the research institution

.....…………………………………………..

Position

**Academic Community Support Centre**

**of the Cracow University of Technology
(CeWSA PK)**

**Appeal against the opinion of the anti-mobbing committee**

I hereby submit an appeal against the opinion of the Anti-Mobbing Commission, taken in the investigation of the case no..………………………………………………….. reported to CeWSA PK by Ms./Mr in case no. .......................................................... for mobbing, on the day of which the perpetrator indicated was Ms./Mr ……………………………………………

Detailed justification:

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 Date signature of the appellant