



Legal Monitor of the Silesian University of Technology

item 1313

ORDINANCE NO 216/2024 OF THE RECTOR OF THE SILESIAN UNIVERSITY OF TECHNOLOGY of 19 NOVEMBER 2024

on the Procedure for acceptance of internal reports and protection of the whistleblower

Pursuant to Article 23 section (1) of the Act of 20 July 2018. - Law on Higher Education and Science (consolidated text, Journal of Laws of 2024, item 1571), in connection with art. 24 section (1) of the Act of 14 June 2024 on protection of whistleblowers (Journal of Laws of 2024, item 928), it is ordered as follows:

§ 1

The Procedure for the acceptance of internal reports and the protection of the whistleblower as attached to the present Ordinance is introduced.

§ 2

The Ordinance shall come into force on the day of its signing, with the proviso that the Procedure referred to in § 1 shall come into force seven days after it has been communicated to the employees of the University by means of an announcement in the Legal Monitor of the SUT.

Rector of the SUT: *M. Pawełczyk*

Procedure for acceptance of internal reports and protection of the whistleblower

§ 1

General provisions

1. The purpose of establishing the Procedure for acceptance of internal reports and protection of the whistleblower, hereinafter referred to as the 'Procedure', is to create a system for internal reporting of violations of law by identifying secure channels of communication and defining the roles and responsibilities of individual participants in the process, protecting the whistleblower from retaliation.
2. The procedure is intended to protect the whistleblower who makes an internal report in a work-related context, irrespective of the legal relationship underpinning their work.
3. It is the responsibility of the Rector to ensure the implementation of the Procedure, including the provision of the resources necessary to perform the tasks arising from it.

§ 2

Definitions

Whenever this Procedure refers to:

- 1) follow-up action - this should be understood as an action taken by the University to assess the veracity of the information contained in a report and to counteract the violation of law that is the subject of the report. In particular through explanatory proceedings, initiation of an inspection or administrative proceedings, filing charges, action taken to recover funds or closing the procedure carried out under the present Procedure;
- 2) retaliatory action - this should be understood as a direct or indirect action or nonfeasance in a work-related context, which is caused by an internal report and which violates or may violate the rights of the whistleblower or causes or may cause them unjustified damage, including groundless initiation of proceedings against the whistleblower;
- 3) information on a breach of law – this should be understood as information, including a reasonable suspicion regarding an existing or potential breach of law that has occurred or is likely to occur at the University, and about which the whistleblower learned in a work-related context, or information regarding an attempt to conceal such a breach;
- 4) feedback – this should be understood as information provided to the whistleblower on planned or undertaken follow-up actions and the reasons for such actions;
- 5) Whistleblowing Committee – this should be understood as an internal commission appointed to conduct, in accordance with this Procedure, explanatory proceedings regarding reported breaches of law;
- 6) work-related context– this should be understood as past, present or future actions related to the performance of work on the basis of an employment relationship or another legal relationship constituting the basis for the provision of work or services or performing a function at or for the University, within the framework of which information about a breach of law was obtained and there is a possibility of experiencing retaliatory actions;
- 7) the person concerned by the report – this should be understood as a natural person, a legal person or an organizational unit without legal personality, to which the law grants legal capacity, indicated in the internal report as the person who has committed a violation of the law, or as a person with whom the person who has committed a violation of the law is associated;
- 8) the person assisting in making the report – this should be understood as a natural person who helps the whistleblower in the internal report in a work-related context and whose assistance should not be disclosed;
- 9) the person associated with the whistleblower – this should be understood as a natural person who may experience retaliatory actions, including a co-worker or the closest person to the whistleblower within the meaning of art. 115 § 11 of the Act of 6 June 1997 – the Penal Code (consolidated text: Journal of Laws of 2024, item 17);

- 10) whistleblower/person reporting a violation – this should be understood as a natural person who reports or publicly discloses information about a violation of the law obtained in a work-related context;
- 11) University – this should be understood as the Silesian University of Technology;
- 12) internal report - this should be understood as oral or written communication to the University of a violation of the law.

§ 3

Scope of the infringements covered by the procedure

1. A violation of the law is an act or nonfeasance that is unlawful or intended to circumvent the law relating to:
 - 1) corruption;
 - 2) public procurement;
 - 3) services, products and financial markets;
 - 4) prevention of money laundering and financing of terrorism;
 - 5) product safety and compliance;
 - 6) transport safety;
 - 7) environmental protection
 - 8) radiological protection and nuclear safety;
 - 9) food and feed safety
 - 10) animal health and welfare;
 - 11) public health
 - 12) consumer protection
 - 13) protection of privacy and personal data;
 - 14) security of information and communication networks and systems;
 - 15) financial interests of the State Treasury of the Republic of Poland, local government unit and the European Union;
 - 16) the internal market of the European Union, including public law principles of competition and state aid as well as corporate taxation;
 - 17) constitutional freedoms and human and civil rights occurring in the relations of an individual with public authorities and not related to the areas indicated above.
2. A report may concern a reasonable suspicion of an actual or potential violation of the law that has occurred or is likely to occur at the University.
3. A person who has suffered damage due to a whistleblower knowingly reporting or disclosing untrue information to the public shall be entitled to compensation or damages for violation of personal rights from the whistleblower who made such a report or public disclosure.

§ 4

Procedure for submitting a report

1. The Silesian University of Technology does not allow anonymous reporting of violations of the law.
2. An internal report shall be made in writing or orally:
 - 1) to the correspondence address: Silesian University of Technology, ul. Akademicka 2A, 44-100 Gliwice with the annotation: 'report of violation'. Correspondence received with such an annotation shall not be opened but only directly forwarded to the Secretary of the Whistleblowing Committee, or
 - 2) by e-mail: naruszenia@polsl.pl, or
 - 3) by telephone at 32 400 33 00. The conversation is recorded of which the whistleblower is informed. An accurate transcription is made of the telephone conversation. The recording is included in the case file, or
 - 4) directly to the secretary of the Whistleblowing Committee. Upon the whistleblower's request, an oral report may be made at a face-to-face meeting arranged within 14 days of receipt of such a request. Minutes shall be prepared of the interview with the consent of the whistleblower, reproducing the exact course of the interview. The whistleblower may verify, correct and approve the minutes of the interview by signing them.

3. The report shall contain at least:
 - 1) personal data of the whistleblower and the person to whom the report relates;
 - 2) a description of the subject of the violation;
 - 3) possible evidence of the violation;
 - 4) identification of the relationship between the whistleblower and the University;
 - 5) the whistleblower's contact address (optional).
4. If formal deficiencies of the report are identified, the secretary of the Whistleblowing Committee shall summon the whistleblower to remove the deficiencies with instructions that failure to remove the deficiencies will result in leaving the report unprocessed.

§ 5

Procedure for dealing with a report

1. The Rector shall appoint a Whistleblowing Committee to conduct investigations.
2. The Whistleblowing Committee conducts investigations with due diligence, following the principle of impartiality and objectivity. The Whistleblowing Committee shall ensure the confidentiality of the person making the report.
3. The Rector shall appoint a secretary to the Whistleblowing Committee, who shall be responsible for:
 - 1) acceptance of reports;
 - 2) keeping a register of internal reports;
 - 3) fulfilling the duty of information to the person making the report, in particular, providing a response.
4. The reports referred to in § 4 shall be received by the Secretary of the Whistleblowing Committee and registered by them in the relevant register of reports.
5. If it is necessary to supplement or clarify the information included in a report, the Secretary of the Whistleblowing Committee shall contact the whistleblower, unless the whistleblower has not provided a contact address.
6. Within 7 days of receipt of the report, the secretary of the Whistleblowing Committee shall communicate to the whistleblower an acknowledgement of the report, unless the whistleblower has not provided an address to which the acknowledgement should be sent.
7. The Secretary of the Whistleblowing Committee, having taken note of the contents of the report, shall forward the report to the Whistleblowing Committee for consideration.
8. The Whistleblowing Committee may request an opinion or assistance in clarifying all circumstances of the violation contained in the report from representatives of other units or organisational cells of the Silesian University of Technology.
9. The data that may lead to the identification of the whistleblower are known only to the Rector and the members of the Whistleblowing Committee.
10. If, in the course of the investigation conducted by the Whistleblowing Committee, it is found that the whistleblower's report was groundless, the investigation shall be closed and the report shall be dismissed.
11. The Whistleblowing Committee shall prepare a report of the proceedings and submit it to the Rector.
12. In the case [an internal] report is dismissed, the Whistleblowing Committee provides substantiation of its decision in their report on the proceedings.
13. In the case the Whistleblowing Committee ascertains a breach of the law, the Committee shall recommend further actions that will lead to the elimination of the breach of the law and prevent the occurrence of similar violations in the future and shall include them in the report referred to in paragraph 11.
14. Upon completion of the proceedings, the Secretary of the Whistleblowing Committee shall inform the whistleblower of the results of the proceedings within a maximum of 3 months from the date of confirmation of the internal report. In the event of non-confirmation of acceptance of the report, feedback shall be provided to the whistleblower within 3 months from the expiry of 7 days from the date of the internal report, unless the whistleblower has not provided an address to which the information should be provided.
15. The Whistleblowing Committee is obliged to exercise due diligence in explaining the circumstances of the breach and to act with respect for the dignity and reputation of the employees and persons affected by the report.

16. If the person to whom the report relates is the Rector, the provisions of the Procedure shall apply *mutatis mutandis*, except that the references to the Rector referred to in sections (9) and (11) and § 6 section (2) shall be construed as references to the Chairperson of the University Council.
17. If the report concerns a person appointed to the Whistleblowing Committee or the Secretary of the Committee, the Rector shall exclude such person from the work of the Committee during these proceedings and appoint another person in their place.
18. Heads of units and organisational cells as well as their subordinate employees are obliged to cooperate with the Whistleblowing Commission during its investigations.

§ 6

Protection of the whistleblower

1. A whistleblower is protected if they acted in good faith, i.e. on the basis of a reasonable suspicion based on information available to them that objectively substantiates the reported breaches.
2. The identity of the whistleblower may not be disclosed to persons other than the Rector and members of the Whistleblowing Committee, as well as the University Council in the case referred to in § 5 section (16), unless the whistleblower has given their consent.
3. The whistleblower's personal data may be disclosed only if disclosure is a necessary and proportionate obligation under the law in connection with investigations conducted by public authorities or pre-trial or judicial proceedings conducted by the courts, including in order to guarantee the right of defence of the reported person.
4. Before making the disclosure referred to in section (3), the whistleblower shall be notified of the intention to do so by sending, in paper or electronic form, an explanation of the reasons for the disclosure of their personal data, unless such report would jeopardise an investigation or pre-trial or judicial proceedings.
5. No retaliatory action or attempted or threatened retaliatory action may be taken against a whistleblower.
6. Prohibited retaliatory actions include, in particular:
 - 1) refusal to establish an employment relationship;
 - 2) termination or termination without notice of the employment relationship;
 - 3) failure to conclude a fixed-term employment contract or an indefinite-term contract after termination of a probationary employment contract, failure to conclude another fixed-term employment contract, failure to conclude an indefinite-term employment contract after termination of a fixed-term contract - if the whistleblower had a legitimate expectation that such a contract would be concluded with them;
 - 4) reduction of remuneration for work;
 - 5) withholding of promotion or omission from promotion;
 - 6) omission from or reduction in the award of work-related benefits other than remuneration;
 - 7) transfer to a lower job position;
 - 8) suspension from the performance of official duties;
 - 9) transfer to another employee of the whistleblower's existing duties;
 - 10) unfavourable change in the place of work or working time schedule;
 - 11) negative evaluation of work performance or negative opinion of work;
 - 12) imposition or application of a disciplinary measure, including a financial penalty, or a measure of a similar nature;
 - 13) coercion, intimidation or exclusion;
 - 14) bullying/mobbing;
 - 15) discrimination;
 - 16) unfavourable or unfair treatment;
 - 17) withholding of participation or omission from selection for participation in training to improve professional skills;
 - 18) unjustified referral for medical examination, including psychiatric examination;
 - 19) actions aimed to hinder future employment in higher education on the basis of a formal or informal agreement;

- 20) causing financial loss, including economic loss, or loss of income;
 - 21) causing other intangible harm, including infringement of personal interests, in particular the whistleblower's good name.
7. Prohibited retaliatory actions also include the termination of a contract to which the whistleblower is a party, in particular concerning the sale or supply of goods or the provision of services, withdrawal from such a contract or its termination without notice.
 8. The provisions of the present paragraph shall apply mutatis mutandis to a person assisting in making a report and a person associated with the whistleblower.

§ 7

Register of internal reports

1. The Secretary of the Whistleblowing Committee shall be responsible for maintaining the register of internal reports.
2. The register of internal reports shall contain:
 - 1) the number of the report;
 - 2) the subject of the breach of the law;
 - 3) personal data of the whistleblower and the person to whom the report relates, necessary to identify them;
 - 4) the whistleblower's contact address;
 - 5) the date on which the report was made
 - 6) information on the follow-up action taken;
 - 7) the date of termination of the case.
3. Personal data and other information in the register of internal reports shall be retained for a period of 3 years after the end of the calendar year in which the follow-up action was completed or after the completion of the proceedings initiated by these actions.
4. The review and destruction of the documents referred to in section (3) shall be the responsibility of the Secretary of the Whistleblowing Committee.
5. Personal data that are not relevant to the examination of the report shall not be collected and, if accidentally collected, shall be deleted immediately. The deletion of such personal data shall take place within 14 days of the determination that it is not relevant to the case.

§ 8

External reports

1. A member of the academic community may make an external report without first making an internal report.
2. An external report shall be received by the Ombudsman or other public authority competent to follow up on the report. Where appropriate, external reports shall also be made to European Union institutions, bodies, offices or agencies.
3. Information on the making of external reports can be found in the Public Information Bulletin of the bodies referred to in section (2).

Ja, Małgorzata Sokołowska, tłumacz przysięgły języka angielskiego w Gliwicach, nr wpisu na listę tłumaczy przysięgłych Ministra Sprawiedliwości: TP/1509/05, poświadczam, zgodność tłumaczenia z języka polskiego na język angielski niniejszego dokumentu z uwzględnieniem terminów uniwersyteckich oraz nazw obowiązujących w nomenklaturze Politechniki Śląskiej.
Gliwice 16 grudnia 2024 r. Nr repertorium 733/2024.

I, Małgorzata Sokołowska, a sworn translator of the English language in Gliwice, no. on the list of sworn translators of the Minister of Justice: TP/1509/05, certify that I have verified the conformity of the translation from Polish into English of the above document, taking into account university terms and names in force in the nomenclature at the Silesian University of Technology.
Gliwice 16 December 2024. Repert. No. 733/2024.