

Statute of the Ethics Board of Palacký University Olomouc

Article 1

Basic provisions

1. The Ethics Board of Palacký University Olomouc (hereinafter referred to as the "Board") is established to examine cases of violation of the provisions of the Code of Conduct for Employees and Students of Palacký University Olomouc (hereinafter referred to as the "Ethical Code"). Individual members of the Commission shall be appointed by the Rector in accordance with Article 2 for the duration of the Rector's term of office. After the end of the Rector's term of office, the Board shall continue its activities until a new Board is appointed.
2. All employees, students, university bodies and bodies of UP constituent parts are obliged to ensure compliance with the Ethical Code and to draw consequences in undoubted cases of its violation, to the extent appropriate to their position within Palacký University Olomouc (hereinafter referred to as "UP").
3. The Board deals only with the aspect of the activities of UP employees or its students that relates to their creative activities, teaching activities or study activities.
4. The mission of the Board is not only to assess the actions that contradict the Ethical Code, but in cases where the subject of unethical conduct lies in the disruption of interpersonal relations, it is also an effort to ensure an amicable solution to the conflicts that have arisen or other similar remedy of the situation.
5. If the Board concludes that the act under discussion may have resulted in a disciplinary offence, it may initiate a proposal to the dean or the Rector to initiate disciplinary proceedings in accordance with the Disciplinary Code for Students of UP.
6. To maintain clarity, the text of the Statute uses a generic masculine to designate persons. All generic masculinities in the following text should be understood to include their feminine forms.

Article 2

Composition of the Board

1. The Board is composed of employees of individual faculties and higher education institutes, with each such part of UP represented by one member. The proposal for the appointment of a member of the Board for a faculty shall be submitted to the Rector by the Dean on the proposal of the Academic Senate of the faculty. The proposal for the appointment of a member of the commission for a higher education institute is submitted to the Rector by the director of the higher education institute on the proposal of the scholarly board of the higher education institute.
2. Two student representatives are also members of the Board; these members are appointed by the Rector on the proposal of the members of the UP Academic Senate from among the students. This proposal is submitted to the Rector by the Vice-Chairperson of the UP Academic Senate elected from among the students. The Vice-Chairperson of the UP Academic Senate elected from among the students, together with the Chairperson of the Board, shall be responsible for completing the members of the Board from among the students.
3. Membership in the Board is incompatible with the position of Rector, Vice-Rector, Bursar, dean, vice-dean, director of a higher education institute, director of other UP constituent parts, secretary of a faculty or higher education institute, chairperson of the Academic Senate of a university or faculty, vice-chairperson of the Academic Senate of UP elected from among the students, chairperson of the UP Board of Trustees, and member of the Disciplinary Committee of a faculty.
4. Membership in the Board may terminate upon resignation of a member of the Board, death of a member of the Board, and further terminates on the date when the member of the Board ceases to be an employee or student of UP. Membership in the Board may also terminate upon removal by the Rector, either on their own initiative or at the suggestion of the body that nominated the member. The Rector is entitled to remove a member of the Board only for serious reasons, for example, if the Board member has been found guilty

of a deliberate crime or if the Board or the faculty ethics board has concluded that the Board member has acted in violation of the Ethical Code.

5. The members of the Board are obliged to maintain the confidentiality of all facts of which they become aware in connection with the matter under consideration. This shall not apply in cases provided for by criminal law, the Act on Freedom of Access to Information or other regulations. The Rector is authorised to relieve a member of the Board of confidentiality in other exceptional cases on a reasoned proposal by the Chairperson of the Board.
6. Members of the Board shall act externally in such a way as not to affect the credibility and dignity of the Board.

Article 3

Conflicts of interest and exclusion of a member from consideration of a case

1. A member of the Board who has or may have a personal interest in the decision or who has a reasonable doubt as to his or her impartiality (hereinafter referred to as a "conflict of interest") shall not participate in the decision in the matter.
2. A reasonable doubt of impartiality shall always be present if the member of the Board is the initiator or co-convenor of the complaint to the Board, a person aggrieved in the matter, or a superior, subordinate, close associate, or family member of the person whose conduct is the subject of the Ethics Board's review.
3. A member of the Board is obliged to inform the other members of the Board of a conflict of interest immediately upon commencement of the consideration of such a matter, or without undue delay after such discovery during the consideration of the matter.
4. Another member of the Board, a person concerned, or an aggrieved person may also object that a member of the Board has a conflict of interest.
5. A majority of those present shall decide whether a member of the Board is excluded from the consideration of the matter. If any member of the Board so requests, a secret ballot shall be taken on the matter, which shall be conducted by the Chairperson of the Board.

Article 4

Cooperation with the ombudsperson and other persons

1. The Board is entitled to request cooperation from all bodies of the University and its constituent parts, and these are obliged to provide it with such cooperation without undue delay. The Board shall also be entitled to request an opinion from the ethics board of the faculty at which the person concerned works if a faculty board is established. The Board may also request the cooperation of individual staff members or students.
2. In cases where it is justified, the Board cooperates in the consideration of the matter with the scientific ombudsperson and the ombudspersons of the UP and its constituent parts (hereinafter referred to as the "ombudsperson"), or other persons who can contribute to the clarification or resolution of the matter with respect to their expertise and skills.
3. The ombudsperson and other persons invited to the meetings of the Board shall not be entitled to interfere in the activities and decision-making of the Board; they shall act mainly in a preventive and methodological manner and their vote shall be advisory.
4. All persons who are invited to the Board's meetings and with whom the Board cooperates in the consideration of the matter are obliged to maintain confidentiality of all facts of which they have become aware in connection with the matter under consideration.
5. Persons invited to cooperate with the Board are obliged to notify the Chairperson of the Board of a possible conflict of interest that could affect their impartiality without undue delay after becoming aware of such a conflict.
6. If the ombudsperson has reasonable grounds to suspect that a breach of the Ethical Code has occurred, they has the right to file a complaint with the Board.
7. If there is reason to do so, the Board shall seek to resolve the matter by way of conciliation or, where appropriate, request the ombudsperson or a third party to conduct mediation.

Article 5
Faculty Ethical Boards

1. The establishment of the Board does not prevent a UP faculty from establishing its own ethical board (hereinafter referred to as the "faculty board"), competent to assess actions contradicting the Ethical Code on the part of employees employed at this faculty and students studying any of the study programmes implemented by this faculty.
2. The Board is not an appeal body in relation to individual faculty boards. In the cases referred to in Article 20, the Board shall review the decision of the faculty board.

Article 6
Meetings of the Board

1. At its first meeting after its establishment, the Board shall elect a Chairperson from among its members by a majority vote of all its members. The term of office of the Chairperson shall be the same as that of a member of the Board. The Board shall also elect a Chairperson in the event of the termination of the Chairperson's membership of the Board or the Chairperson's resignation as Chairperson. The Board shall also have the power to remove the Chairperson at any time by a majority vote of all its members. In such a case, the Board shall elect a new Chairperson without delay.
2. The Chairperson of the Board convenes the Board, chairs its meetings and, in cooperation with the reporter, reports on the results of the Board's meetings. The Chairperson of the Board is entitled to make recommendations to the Rector and other persons, such as the dean or the director of the UP constituent unit, as a result of the Board's meetings. These recommendations are not binding for the Rector and other persons mentioned.
3. The Board shall meet as necessary, but at least once a year.
4. Meetings of the Board are closed to the public; the Rector may always attend. The Chairperson of the Board is entitled to invite other persons to the Board meeting as defined in Article 4.
5. The agenda of the Board meeting shall be drawn up by the Chairperson in cooperation with the reporter. The Chairperson shall deliver an invitation to the meeting, together with the agenda and supporting documents, to the members of the Board and other persons so provided for in the Statute at least 5 days in advance. In exceptional and justified cases, the Chairperson shall be entitled to do so within a shorter period.
6. In its activities, the Board shall consider the need to protect persons who are affected by its activities, in particular persons directly harmed by unethical conduct or persons who may be harmed or endangered by the conduct or outcome of the proceedings. The Board shall endeavor, in its consideration of the case, to give the utmost respect to the rights and interests of all persons involved in the proceedings.

Article 7
Request

1. The Board shall act solely based on a request received by it. A call for a review of a decision of the faculty board shall also be considered a request.
2. Any request delivered to the Board must show the following:
 - a) who makes the request,
 - b) what the request relates to (description of the conduct alleged to be in breach of the Ethical Code),
 - c) who the complainant holds responsible for the conduct alleged to be in breach of the Ethical Code,
 - d) what provision of the Ethical Code is alleged to have been violated,
 - e) what evidence is proposed (witness, document, expert opinion, etc.).
3. The request must be made in writing (including in the form of an e-mail), signed and delivered to the Chairperson of the Board. The request may be made by any employee or student of UP, former employee or former student of UP, emeritus professor, member of a UP body and the ombudsperson.
4. In exceptional cases, the Board will also consider a request where it is not obvious who made it (anonymous request); the Board will consider it especially if the lack of knowledge of the identity of the complainant

does not prevent the consideration of the matter and at the same time there is an obvious interest in the matter being considered.

Article 8 Reporter

1. For each request received by the Board, one member of the Board shall be designated by the Chairperson of the Board as reporter without undue delay. A Board member who is a student representative may not be designated as a reporter.
2. When appointing a reporter, the Chairperson of the Board shall proceed in such a way as to ensure an even burden on the members of the Board; requests shall be assigned to the members of the Board in alphabetical order of the surnames of the members of the Board. The Chairperson shall ensure that the reporter is not a member of the Board who works at the same UP constituent part as the person to be discussed.
3. The reporter's task is to prepare the documents so that the matter can be discussed without undue delay.
4. In the cases referred to in Article 9, the reporter is also entitled to independently refuse to consider the request.
5. The reporter further
 - a) assists the Chairperson of the Board in the preparation of the meeting and the preparation of the agenda for the Board meeting;
 - b) informs the person concerned and the aggrieved person of their rights and obligations under the present Statute;
 - c) provides assistance in the negotiation of an amicable settlement of the case, mediation by the ombudsperson or a third party or settlement of the case by other means;
 - d) participates in the preparation of the minutes of the hearing and the formulation of the resolution and its reasons;
 - e) participates in the preparation of the resumé (information on the case) and makes it available via UPShare.

Article 9 Rejection of a request

1. If the request contains defects which can be removed in cooperation with the complainant, in particular by supplementing the essential facts or the proposed evidence, the reporter shall invite the complainant to remove these defects and shall at the same time set him a reasonable time limit within which he is to remove the defects in the request. This time limit shall not be less than 5 days. If, despite this invitation, the complainant fails to remove the defects, his request shall be rejected.
2. The Board shall reject the request and shall inform the complainant thereof without undue delay, within 30 days of its delivery at the latest, if it receives
 - a) a request which it lacks jurisdiction to consider, e.g. because it does not concern a breach of the Ethical Code;
 - b) a request which has not been corrected in accordance with the procedure referred to in Paragraph 1, including a request which does not identify the person making it (in particular an anonymous request), unless it is a situation described in Article 7(4);
 - c) a request in a case already decided by the Board, unless previously unknown or unavailable evidence or facts have come to light which, alone or in conjunction with the evidence and facts previously known, might lead to a different decision in the case;
 - d) a request relating to a violation of the Ethical Code if more than 10 years have elapsed between the conduct alleged to be in violation of the Ethical Code and the date of receipt of the request by the Board;
 - e) a request for review of a resolution of a faculty board where the faculty board has already ruled that the action was not in violation of the Ethical Code;

- f) a request that is clearly unfounded, in particular if the conduct complained of has clearly not violated the Ethical Code or if the alleged non-compliance with the Ethical Code is clearly of a minor nature.
3. The reporter shall be entitled to decide on his own to reject the request in the cases referred to in Paragraph 2(b) to (e).

Article 10

Rights and obligations of persons concerned by the proceedings of the Board

1. A person concerned means an employee or student of UP who may have committed a violation of the Ethical Code in a case submitted to the Board.
2. The Board decides on the status of the person concerned in the event of a dispute by a vote of a majority of all members.
3. The person concerned is entitled
 - a) to acquaint themselves with the received request;
 - b) to be informed, through the Chairperson of the Board, of all relevant facts concerning the case;
 - c) to comment in writing on all aspects of the case;
 - d) to express their views at a meeting of the Board;
 - e) to use all lawful means which may serve to clarify the case, including the submission of expert reports which they has themselves procured;
 - f) to receive the final resolution of the case.
4. The person concerned shall avoid any conduct that is contrary to the interest in the proper hearing of the case and to the interest in the protection of aggrieved persons and other persons involved. In particular, they shall avoid continuing to engage in conduct that is the subject of the Ethics Board's review and other unfair conduct, such as influencing, confronting or intimidating witnesses or victims.

Article 11

Rights and obligations of aggrieved persons and other persons involved

1. An aggrieved person is a person who has been directly harmed, whether material or immaterial, by the conduct of the person concerned.
2. An involved person means a person who is in any way directly involved in the proceedings and is distinct from the members of the Board, the person concerned and the aggrieved person. This is usually a witness, a preparer of a report, etc.
3. The status of an aggrieved person or an involved person in case of a dispute shall be decided by the Board by a vote of a majority of all members.
4. An aggrieved person shall be entitled
 - a) to be informed, through the Chairperson of the Board, of all relevant facts concerning the case;
 - b) to comment in writing on all aspects of the case;
 - c) to express their views at a meeting of the Board;
 - d) to use all lawful means which may serve to clarify the case, including the submission of expert reports which they has themselves procured;
 - e) to receive the final resolution of the case;
 - f) to request the competent UP body to take measures capable of preventing further harm.
5. The person involved shall be entitled to express their views at the meeting of the Board.
6. The aggrieved person and the person involved shall avoid any action that is contrary to the interest in the due consideration of the case and to the interest in the protection of other persons involved in the proceedings (persons concerned, aggrieved persons and other persons involved).

Article 12

Preparation of meetings

1. Except in the cases referred to in Article 9, the Board shall be obliged to consider and comment on the matter without undue delay after the matter has been submitted to it.
2. The Chairperson of the Board shall inform the person concerned without undue delay that the Board has received the complaint. If necessary for the consideration of the matter, the Chairperson of the Board shall be entitled to request the assistance of other persons as referred to in Article 4.
3. The Chairperson of the Board shall also inform the Rector and the head of the UP constituent part at which the employee or student works without undue delay of the request.

Article 13

Expert reports

1. The Chairperson of the Board is entitled to demand a written expert report in a complex case.
2. The costs associated with the participation of independent experts and the preparation of expert reports shall be borne by the Rector's Office of UP.

Article 14

Procedure of the Board's meetings

1. Members of the Board, invited experts, and other persons who could contribute to the resolution of the matter, as well as persons who have been summoned to the meeting, in particular a person concerned and witnesses, shall attend the meeting. The Chairperson of the Board shall decide who attends the Board's meetings.
2. A quorum of the Board shall be present if a three-fifths majority of the members of the Board are present.
3. Minutes shall be taken of the meetings of the Board. The minutes shall include information on the members of the Board present, the persons invited to attend and other persons (person concerned, witnesses, etc.) who took part in the Board's meeting, and the resolutions adopted, together with a brief justification.
4. The minutes shall be verified by the members of the Board present and then signed by the Chairperson of the Board.

Article 15

Decision-making of the Board

1. Decisions concluding the proceedings in the case (dismissal, adjournment, review or decision on the merits) must be taken by the Board without undue delay after the case has been submitted, taking into account the circumstances of the case.
2. The Board shall decide primarily by consensus. Members of the Board who do not comment on the draft decision shall not undermine the consensus reached. If no consensus is reached, the Board shall proceed to a vote. Only the members of the Board present shall be entitled to vote, each of whom shall have one vote. A majority of the members of the Board present shall be required for a decision to be taken.
3. A majority vote of all members of the Board is always required to adopt a decision declaring a violation of the provisions of the Ethical Code. The result of the vote shall be used only for the internal needs of the Board and shall not be made public.
4. The final resolution of the Board shall identify the specific conduct under review and shall state whether or not there has been a breach of the Ethical Code with reference to the relevant provisions thereof. The reasons for the final resolution shall also form an integral part of the final resolution.

Article 16

Decision-making outside the meeting

1. In justified cases, the Board may, on the proposal of the Chairperson, take decisions outside the meeting.
2. Decisions taken outside the meeting may not be taken on the adoption of a decision pronouncing a breach of the Ethical Code.

3. The Chairperson is obliged to communicate the draft decision and the supporting documents to the members of the Board in the usual way. At the same time, the Chairperson shall set a time limit within which the members are to reach a decision, the minimum time limit being 5 days from the date of sending the draft decision.
4. The members of the Board shall, within a specified period, express their clear views on the draft decision in the usual way.
5. A supermajority vote of the members of the Board with the right to vote on the matter is required to adopt a decision in this form. If a member fails to express their opinion within the time limit set or if their opinion is not clear and understandable, they shall be deemed to have abstained. A member shall not be entitled to change or withdraw an opinion once expressed.
6. If at least two members of the Board inform the Chairperson during the period for expressing their views that they wish the draft decision to be discussed at a meeting of the Board, the Chairperson shall be obliged to convene the meeting and the results of the vote outside the meeting shall not be taken into account.

Article 17

Information in the matter

1. The Rector and the head of the UP constituent part at which the person concerned works are entitled to request information on the course and results of the Board's meeting.
2. The decision concluding the case, including a concise statement of reasons, shall be sent by the Chairperson of the Board to the Rector, the head of the UP constituent part at which the employee or student works, the members of the Board, the person concerned, the complainant and the aggrieved person by the usual means.
3. All persons who are informed about the course and results of the Board's meeting shall treat such information with respect for the protection of the personal data and personal rights of the complainant, the person concerned, the members of the Board and other persons.

Article 18

Resume

1. The Board shall make available a resume of the matter before it after the adoption of the resolution. In the exceptional cases where the Board decides not to make such a resume public, it shall briefly describe and justify that decision.
2. The reporter will make the resume available to members of the academic community and other UP employees in UPShare.
3. The resume shall contain a statement describing the conduct that did or did not violate the Ethical Code, including a reference to the relevant provision of the Ethical Code. The disclosed resume will also include a short justification.
4. The resume will only be accessible to authorised persons with access to UPShare by entering their login details.
5. The resume will be strictly anonymised and will respect the generally binding rules on the protection of personal data and the personality rights of the complainant, the person concerned, the members of the Board, the aggrieved person, the participant and other persons.

Article 19

Adjournment of the case

1. In cases where a dispute between the complainant, or the aggrieved person, and the person concerned is resolved amicably and the complainant or the aggrieved person declares that they does not insist on a further hearing, or in the course of the hearing it becomes apparent that the request is manifestly unfounded, the Board is authorised to settle the case by stating that there is no further interest in pursuing the matter or that

the proceedings before the Board have served their purpose and there is no need to decide on the merits of the case (hereinafter referred to as "adjournment").

2. The Board shall decide to adjourn the case by a supermajority vote of all members of the Board.
3. Adjournment is not possible in cases of review of faculty board resolutions.
4. Article 17 shall apply mutatis mutandis in relation to information.

Article 20

Review of faculty board resolutions

1. If the faculty board decides that there has been a violation of the Ethical Code, the person so decided shall have the right to request the Board to review the faculty board's decision within 15 days of the date on which the faculty board's decision was delivered to them.
2. The Board shall be entitled to request from the faculty board access to any supporting materials and its comments on the request for review.
3. The Board, on the proposal of the reporter, shall first decide whether to review the resolution of the faculty board. The Board shall not review a faculty board resolution if it concludes, based on the supporting materials, that
 - a) it appears beyond reasonable doubt and without the need for further detailed investigation that the request for a review cannot be granted; or
 - b) the faculty board's resolution is free of material defects in terms of substantive assessment, the faculty board's conclusions are based on the supporting materials, and the faculty board's resolution is also free of material defects in terms of its assessment of the interpretation of the Ethical Code.
4. If the Board concludes that a review of the faculty board's decision is permissible, it shall be entitled to obtain further evidence on the matter to properly review the faculty board's conclusions.
5. The Board concludes with a resolution stating whether it agrees with the faculty board's resolution, or states its reservations about the faculty board's resolution. If the Board concludes that the conduct that was the subject of the faculty board's review was not contrary to the Ethical Code, it shall state explicitly and give reasons for its conclusion. Article 17 shall apply mutatis mutandis in relation to the notification of the review; the faculty board shall also be notified.

Article 21

Final, repeal and transitional provisions

1. Members of a previously appointed Ethical Board whose mandate has expired shall provide the necessary cooperation to the members of the newly appointed Board.
2. The Rules of Procedure of the Ethical Board of Palacký University Olomouc of December 15, 2015 and Part V of the Code of Conduct for Employees and Students of Palacký University Olomouc of December 20, 2022 are hereby repealed.
3. All requests concerning violations of the Ethical Code received by the Board before the date of entry into force of the present Statute shall be considered and dealt with in accordance with the present Rules of Procedure.
4. The existing members of the Ethical Board shall be appointed in accordance with the present Statute; as regards the length of their term of office, the relevant provisions of the previous Rules of Procedure shall apply. The current Chairperson of the Board shall be deemed to have been elected in accordance with the present Statute.
5. The present Statute shall become valid on the date of its signing by the Rector and shall become effective on January 1, 2024.

In Olomouc on 13 December 2023

prof. MUDr. Martin Procházka, Ph.D.
Rector