
Rector's Directive No. 49/2015

Implementing: -

Date of effect: 1 October 2015

Charles University's Principles against Corruption

Article 1 Purpose of the Fundamental Principles

1. Charles University in Prague (the "University") adopts these "Principles against Corruption (the "Principles") for the purpose of preventing criminal activity and promoting the ethical and moral standards of the representatives of the University, employees, and persons in similar positions (jointly as "employees") and other persons in this area.
2. These Principles are based primarily on Act no. 40/2009 Sb., the Criminal Code, as amended (the "Criminal Code") and Act no. 418/2011 Sb., on the criminal liability of legal entities and proceedings against them, as amended (the "Criminal Liability Act").
3. In the area of preventing the criminal liability of the University as a legal entity, all employees are required to uphold the anti-corruption measures and to actively engage in the prevention of criminal activity insofar as, for offences relating to bribery¹, among others, the criminal liability of a legal entity cannot be extinguished by remedying the consequences of the criminal offence, i.e. as a result of effective repentance (compare Section 11(2) of the Criminal Liability Act).

Article 2 Corruption and Conflict of Interest

1. Although the term corruption is not defined under Czech law, it is possible with respect to the legal system to use the content of the Criminal Code, which addresses corruption in various manners. Corruption-related offences include in particular corruption, i.e. the acceptance of bribes (Section 331 of the Criminal Code), bribery (Section 332 of the Criminal Code), indirect corruption (Section 333 of the Criminal Code), and other forms of scheming in insolvency proceedings (Section 226 of the Criminal Code), violation of regulations relating to the rules of economic competition [Section 248(1e) of the Criminal Code], negotiating advantageous conditions when awarding public contracts and during public tenders and auctions (Section 256(1 and 3) of the Criminal Code), scheming when awarding public contracts and during public tenders [Section 257(1 b and c) of the Criminal Code], or scheming during a public auction [Section 258(1 b and c) of the Criminal Code]. Criminal offences relating to the breach of obligation during the administration of foreign assets (Section 220 and Section 221 of the Criminal Code) and the abuse of information and positions in business affairs (Section 255 of the Criminal Code), for example, may also be categorized as criminal offences having the characteristics of corruption in certain special situations.
2. A risk factor that should be prevented in the context of anti-corruption measures is conflict of interest. Interest is understood in this context as personal interest and interest that the subjects of those personal interests are required to promote or defend due to their status or position. Personal interest is understood as interest that provides to its subject a personal benefit or that prevents any reduction in assets or other benefits.
3. The possible existence of a conflict of interest does not automatically exclude a third party from having relations with the University. However, if a conflict of the University's interest occurs with a personal interest, the subject of these interests must not give their personal interest preference over the interests that they are required to promote and defend as an employee. Moreover, it could be apparent from the situation that this third party did not acquire any benefit as a result of their relations with an employee of the University. For this reason, the rules establish the following procedures for situations where there is a risk of a conflict of interest:
 - The affected employees are required to report to their superiors, to the maximum degree admissible under law, the situation leading to the inception of the actual or alleged conflict of interests;
 - The superiors of the affected employees are then responsible for resolving the actual or alleged conflict of interests;
 - A person who is involved in the conflict of interests must not in any way participate in or be included in the decision-making relating to the conflict of interests;
 - The solution to the conflict of interests must be duly documented.

Article 3 Objectives of Anti-Corruption Efforts

¹ These are offences related to accepting a bribe, in accordance with Section 331 of the Criminal Code, bribery, in accordance with Section 332 of the Criminal Code, and indirect corruption, in accordance with Section 333 of the Criminal Code.

1. An objective of anti-corruption efforts is to create an environment where corruption is not acceptable and honest and fair conduct is promoted, which leads to the protection of the University's good reputation and the protection of its assets.
2. The systematic conditions for achieving this objective include organizational transparency, appropriately established accountability, good internal and external communication, and overall transparency of certain processes. It is very important that all employees uphold the legal regulations and internal regulations of the University, know the importance of the ethical principles relating to the performance of their work and abide by these principles. The representatives of the University must encourage conduct that rejects corruption, emphasizes the importance of protecting the University's assets, and minimizes the damage that is caused by the illegal conduct of others. The representatives of the University must lead by example and be a model of good conduct.
3. In the area of employee education, systematic training at a professional level must be implemented with respect to the fight against corruption. For all employees, knowledge of the "obligatory minimum" is necessary (see Article 3, clause 4 of these Principles). Head employees should improve their ability to identify in time the signs of corruption or a corrupt environment and adopt in its competence adequate measures to minimize them.
4. The obligatory minimum is understood as the ability to explain: the term corruption, the characteristics of the types of corruption and their forms, the possible areas of the occurrence of corruption, the concept of practical examples of corruption, including the correct reaction from employees. In addition to general information, periodic training must focus on practical instructions for finding, assessing, correcting, and monitoring corruption risks at the workplace, on the correct settings of the monitoring and control mechanism, on the options for remedies and the importance of inspecting the implementation of these measures, etc.

Article 4 Control Mechanisms

1. The regular testing of the control and monitoring mechanisms relating to a significant corruption risk is important in order to determine how these mechanisms are effective for identifying and detecting corruption.
2. The responsibilities of all head employees include monitoring the areas at their workplace with a higher risk of the occurrence of corruption (i.e. places of significance) and activities with a real danger of corruption and adopting measures to prevent them.

Article 5 Anti-Corruption Measures

1. A specific objective in this area is to minimize losses caused by corruption and to prevent the reoccurrence of a similar corruption event. A detailed analysis of the causes of corruption is crucial for strengthening the preventive mechanisms which reduce the risk of corruption reoccurring.
2. An objective of the measures is to ensure that employees are entitled to file complaints, proposals, suggestions, and other submissions relating to conduct that is in contradiction with law or the internal regulations of the University or relating to unethical conduct, or for proposing measures relating to improvement.
3. Remedial measures are understood as the adjustment of internal regulations, adoption of disciplinary measures, resolving any incurred damage, and informing employees of the steps taken in relation to the confirmed corruption as well as any unethical and illegal conduct (including determining liability for damage).
4. University officials declare their readiness to adopt adequate remedial measures upon the discovery of any misconduct.
5. A basic pillar of anti-corruption measures is that every head employee of the University assesses in respect to quality and quantity the fulfilment of the obligations arising from the anti-corruption measures, their effectiveness, and the implementation of measures for remedying the situation, or alternatively makes a proposal for updating the Code of Ethics for these Principles against Corruption or other anti-corruption measures.

Article 6 Indicators of Corruption

1. Indicators of corruption are signs and warning signals of the possible occurrence of corruption. Although a higher presence of these signs and signals is not evidence of criminal or other harmful activity, it should lead to the increased vigilance of employees.
2. In general, warning signals of corruption are:
 - The extravagant lifestyles of people who are involved in the specific process;
 - Additional employment that substantially threatens their work performance for the University;
 - Refusing a promotion outside their current employment position, resistance to a change in assignments or reassignment, especially if it is connected with an increase in salary or at least the potential for an increase in salary;
 - Increased detachment, sudden changes in behaviour, especially towards colleagues, superiors, or students;
 - Identifying less with superiors and assigned tasks;
 - Circumvention of or "disregard" for regulations and instructions;
 - Attempts to radically change internal regulations;
 - Noticeable deviations from usual procedures;
 - Not reacting to suspicious moments and events or tolerance of illegal conduct;
 - Social problems, personal weaknesses (addiction to alcohol or drugs, gambling);
 - Frequent unjustified personal contact between the employee and the person involved in the decision-making activity;

- Overly friendly tone or conspicuously backing down when dealing with a counterparty;
- Any other conduct that is unreasonable towards counterparties;
- Hospitable gestures from third parties (special conditions for purchases, vouchers for restaurants and shops, invitations to private or commercial events of business partners);
- Non-existent controls in places where there is a risk of corruption;
- Repeated grievances directed to specific people;
- Verbal instead of written agreements, missing documentation for demonstrating the procedures relating to a matter;
- An excessive amount of tasks given to one specific person;
- Insufficient transparency.

Article 7 Rules for Offering and Accepting Personal Gifts and Hospitality

1. Offering and accepting gifts and hospitality is generally an accepted component of building good relationships. However, this is only true when the established conditions for preventing the risk of corruption occurring by way of these activities are fulfilled.
2. The item or service provided must always be modest, transparent, and must serve a purpose that is not in contradiction with law and that is in the interest of the University or in building relationships. Without exception, the item or service provided must always be reasonable.
3. Hospitality is defined as an invitation from a third party or inviting a third party to lunch, dinner, a party, a social event (the opera, golf, or other social or athletic events, etc.) or to a similar event.
4. Offering or accepting personal gifts must be reasonable and must always relate to the activities of the University.
5. It is not admissible to accept or offer any gift (money, checks, or vouchers) or to offer or accept hospitality or presents that are in contradiction with law or that violate the values of the University or the rules set out in the Code of Ethics.
6. Employees have a reporting duty to the University when accepting or offering personal gifts or hospitality in contradiction with the rules set out in the Code of Ethics.
7. When considering any hospitality and personal gift, all of the circumstances for the offer or acceptance must be taken into account. Thus the value of the hospitality or gift is not the only factor assessed.

Article 8 Final Provisions

The Principles against Corruption must be interpreted in relation to the significance of the corruption, as conceived by criminal law, and also taking into consideration the principles of honest and ethical conduct and the customs in the specific areas in question.

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