

Methodology for Investigating Complaints of Inappropriate Behaviour by the Ombudswoman of Charles University



Office of the Charles University Ombudswoman, 2024





# I. About the Methodology in general

#### 1. About the Methodology in general

The purpose of this methodology is to outline the fundamental principles for ensuring a safe, respectful, and non-threatening environment at Charles University (from now on also referred to as "the University"), to define inappropriate behaviour and to describe how the Ombudswoman investigates complaints of inappropriate behaviour.

The methodology is intended to make the Ombudswoman's process predictable for all involved.

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### 2. Who issues the Methodology?

The Ombudswoman issues the methodology under the Rector's Measure No. 28/2022. Ombudswoman of Charles University. The Ombudswoman regularly updates the text of the Methodology, drawing on insights from her practice and any relevant changes in legal regulations and University policies. She consults the text of the methodology and its potential modifications with the Rector and appropriate experts. Suggestions for modifications to the methodology are welcome and can be submitted to the Ombudswoman.

The methodology is publicly accessible on the University's website.



### 3. Who is the Methodology intended for?

The methodology is primarily intended for those considering contacting the Ombudswoman, those who have already done so, and anyone affected in any way by the Ombudswoman's procedures. It may also be helpful for those seeking to understand what behaviour is (in)appropriate at the University and what principles everyone should follow to prevent inappropriate behaviour.

The methodology is designed for current and former students and employees at the University, i.e., all who comprise the University community.

## 4. Can the Ombudswoman deviate from the Methodology?

Yes, the Ombudswoman can deviate from the methodology in exceptional and justified cases. This may primarily occur in instances where the specifics were not sufficiently considered during the creation of the methodology. The Ombudswoman will explain any deviation from the methodology directly to the affected individuals or in her statement (final report).



### II. Appropriate and inappropriate behaviour

#### 5. What kind of environment does the University strive to create?

The University aims to create a safe, respectful, inclusive, and nonthreatening environment where everyone can perform their roles, fulfill their responsibilities, and protect their rights unhindered. Unequal treatment and abuse of power have no place in a University environment. In this regard, the University pays particular attention to people affected by inappropriate behaviour and vulnerable people (e.g. because of their age, health, disability, sexual orientation, gender identity or past trauma). The University environment should ensure timely, thorough, sensitive and prudent handling of all cases of inappropriate behaviour.

#### 6. What behaviours does the University expect of its community members?

The University requires that all members of the University community treat each other in a considerate, committed, professional manner, in accordance with the Code of Ethics, with respect and tolerance, and to maintain everyone's dignity. The University expects everyone to create a safe environment, deter others from inappropriate behaviour, and provide support to those exposed to it.



## 7. What behaviour is considered inappropriate?

Inappropriate behaviour primarily includes actions that:

- » Contradict generally binding legal regulations, University or its component regulations, including the Code of Ethics, ethical standards, or
- » Constitute an infringement on human dignity and the exploitation of an actual or perceived weaker, vulnerable, or dependent position of the affected individual or
- » Illegitimately favour the private interests of a specific individual or group over the interests of the University and its students or employees, resulting in harm.

Inappropriate behaviour can be intentional or negligent, occurring on or off the University premises, personally (physically or verbally) or remotely (in writing or electronically), on a one-time or repeated basis, and may target an individual, a group of people, the University as a whole, or the system. In assessing the inappropriateness of behaviour, the Ombudswoman considers both the objective manifestations of behaviour and the affected individual's subjective perception of such behaviour.

#### 8. Are there any typical examples of inappropriate Behaviour?

Inappropriate behaviour at the University includes but is not limited to the following examples:

» Violence in any form, e.g. physical, psychological, sexual, economic, gender-based or online.



- » Unequal treatment: e.g., unjustified advantages/disadvantages without legitimate reason, barriers in study or work, disregard for special needs in education.
- » Harassment: e.g. unwanted physical or electronic contact, unwanted attention, unsolicited sexual proposals, misgendering of transgender people.
- » Stalking e.g., intrusion into private life, spying and tracking movements, frequent contacting by any means, spreading rumours and posting offensive comments online, and monitoring internet use.
- Intimidation: e.g. open hostility, verbal or physical threats, condescending behaviour, threatening to misuse private information, raising voice, shouting, retaliation for reporting inappropriate behaviour.
- » Bullying: e.g. disproportionate work/tasks overload, intimidation,

blackmail, excessive focus on mistakes, humiliating criticism without providing constructive support.

- » Coercion: e.g. forcing another to do something they would not choose to do under ordinary circumstances of their free will.
- » Hate speech: e.g. offensive verbal comments, remarks or jokes, public accusations, condemnation, insults.
- » Spreading instances of inappropriate behaviour:

e.g. publishing, distributing, or displaying pornographic, racist, homophobic, sexually suggestive or otherwise offensive content, spreading rumours.

» Encouraging inappropriate behaviour: e.g. creating an environment where unethical teaching, research, work, or study methods are considered normal.



### III. Principles of the Ombudswoman's Activities in Protecting the Rights of Students and Employees

#### 9. What principles guide the work of the Ombudswoman?

In carrying out her duties, the Ombudswoman is guided by a set of core principles designed to ensure fairness, confidentiality, and the protection of all parties involved. These principles are:

» Independence and impartiality: The Ombudswoman acts to be trustworthy and to avoid any suspicion of favouritism, certain persons, following instructions or wishes from others, or being in a conflict of interest. However, the Ombudswoman does not have a degree of independence and impartiality comparable to that of judges, as she is employed by the University and has a role other than making authoritative decisions. The Ombudswoman may meet with the persons concerned without the presence of the other investigation participants. She strives to understand all parties



and to seek the best possible solutions.

» Confidentiality: The Ombudswoman maintains confidentiality of information obtained during investigations. She does not disclose confidential information to third parties without the consent of the person who disclosed it or to whom it relates; exceptions include sharing for the purpose of investigating a complaint, complying with legal obligations, and protecting the rights of others (e.g., mandatory reporting of specific criminal offences, cooperation with law enforcement agencies, protecting individuals threatened by inappropriate behaviour, or protecting the good name of the University). If the Ombudswoman discloses confidential information to someone, it will typically be in consultation with the person concerned and only to the

extent necessary to fulfil the purpose; if the recipient of the information is not under an obligation of confidentiality, the Ombudswoman usually conditions the provision of information on a pledge of confidentiality.

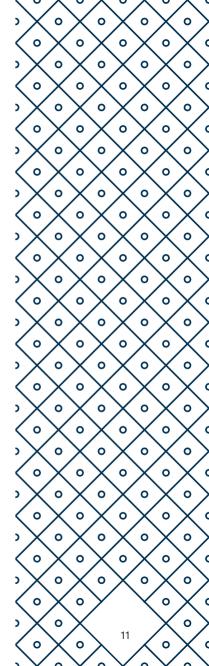
- » Legality: The Ombudswoman acts in accordance with generally binding regulations, University regulations, and professional and academic ethics.
- » Fairness: the Ombudswoman ensures that the investigation process is fair to all affected individuals (e.g., allowing affected individuals to express their views, to be accompanied by a person of their choice, or the Ombudswoman gathers information regardless of whom it may favour).





- » Individualisation: The Ombudswoman carefully assesses specific situations, especially considering the interests, characteristics and needs of the person making the complaint about inappropriate behaviour and what they aim to achieve.
- » Safety: the Ombudswoman protects the safety of individuals and the system. She acts in such a way that the investigation of individual complaints and the results of the investigation do not jeopardise the safety of the involved parties.
- » Informedness: The Ombudswoman informs to the greatest possible extent and in appropriate manner about the method of investigating complaints, the consequences and risks arising from them, and the expected subsequent steps.
- > Transparency: The Ombudswoman acts predictably (e.g. in accordance with this methodology). She typically informs the complainant, the affected individual and, where appropriate, other responsible individuals about individual steps.
- » Cooperation: The Ombudswoman cooperates with members of the University community, as well as with experts and professionals both within and outside the University (e.g. from psychology, medicine, law, etc.).

- **> Timeliness:** The Ombudswoman acts to provide protection from instances of inappropriate behaviour as soon as possible. She typically responds to messages within three working days of receipt. The Ombudswoman carries out individual steps in investigating complaints within time frames appropriate to the nature of the complaint and the affected individuals.
- » Reasonableness: The Ombudswoman chooses a method of protection from instances of inappropriate behaviour that is proportional to all the circumstances of the case.
- » Minimisation of harm: The Ombudswoman acts to prevent the deepening of existing harm or the occurrence of new (secondary) harm to the individuals involved. Where possible, the Ombudswoman strives to remove or compensate for the harm. If the individual needs to testify about their traumatic experiences, the Ombudswoman proceeds in a way to keep the number of testimonies to a minimum and to make use of records from other proceedings (e.g., criminal proceedings).
- » Subsidiarity: The Ombudswoman acts to ensure that protection is provided using resources closest to the environment where the inappropriate behaviour occurs and to favour conciliatory resolution methods.





Where possible and appropriate, the Ombudswoman supports the complainant in finding a suitable solution with the help of an ombudsperson or another authorised person at the University unit concerned.

#### 10. What measures can the Ombudswoman take to protect or support the affected individual?

The Ombudswoman can take measures such as:

- » Protecting (concealing) identity from the public or selected individuals (e.g. other participants in the investigation),
- » Acting on behalf of the affected individual, where feasible,
- » Facilitating or ensuring mediation,
- Preventing encounters with the individual alleged to have engaged in inappropriate behaviour,
- » Facilitating contact with support services or other individuals,
- » Enabling the accompaniment of a confidant or escorting the individual during meetings or when giving testimony.

#### 11. When does the Ombudswoman provide protection against manifestations of inappropriate behaviour?

The Ombudswoman can offer protection against manifestations of inappropriate behaviour:

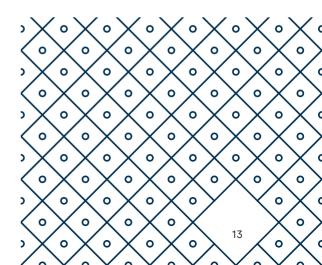
» Immediately upon reporting

manifestations of inappropriate behaviour, with the aim of preventing the direct or indirect effects of this behaviour on individuals or groups.

- » In response to the findings of an investigation, relating to an individual, group, or system.
- » Proactively, by implementing systemic measures to prevent such manifestations of inappropriate behaviour, or to restore and strengthen the community affected by these behaviours.

# 12. What to do in case of dissatisfaction with the Ombudswoman's actions?

Any affected person who believes that the Ombudswoman has not acted properly or promptly in their case can direct their complaint to the Rector.



# IV. Investigations by the Ombudswoman

#### 13. When does the Ombudswoman initiate an investigation?

The Ombudswoman initiates an investigation upon learning of inappropriate behaviour. This usually occurs based on a complaint from a specific individual. However, the Ombudswoman can also start an investigation on her own initiative (for example, if she becomes aware of inappropriate behaviour from the media). The Ombudswoman determines the scope of the investigation after consulting with the complainant and the affected individuals, at her discretion, to ascertain the extent of the inappropriate behaviour in the necessary breadth and context.

### 14. What is the purpose of the investigation?

During an investigation, the Ombudswoman focuses primarily on the following:

- » Identifying the parties involved in the complaint and their interests,
- » Gathering as much information as possible about the nature of the complaint and the extent of the inappropriate behaviour,
- Identifying specific forms and instances of inappropriate behaviour,
- » Identifying the consequences of inappropriate behaviour,
- Where possible, mediating mutual understanding between the involved parties,
- » Guiding the parties towards an amicable solution to the dispute,

if the nature of the dispute allows (e.g. considering the power asymmetry between the participants),

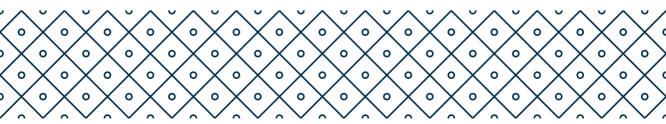
- Recommending adequate measures to remedy the identified situation; and
- » Preventing similar instances of inappropriate behaviour in the future.

### **15.** What is not the purpose of the investigation?

The Ombudswoman does not have the authority to authoritatively settle disputes or decide on guilt and punishment for committing offences. The Ombudswoman does not replace the activities of the police or detective agencies. The Ombudswoman does not conduct investigations in matters where separate proceedings can be held, nor does she review the outcomes of these separate proceedings. These matters include, for example, those related to tuition fees, expulsion from studies, exemption from deadlines, or disciplinary offences. The University Ombudswoman's investigation is not a means of appeal against decisions made by faculty ombudspersons.

#### 16. Must the Ombudswoman examine every complaint in detail?

No. After obtaining the necessary information, the Ombudswoman may dismiss a complaint for obvious



inadmissibility or refer the affected individual to the competent body or institution. The Ombudswoman will inform the complainant of this decision if possible. Cases of manifest inadmissibility include but are not limited to if:

- The complaint concerns actions that inherently cannot be considered inappropriate behaviour,
- » Another body is competent to address the matter,
- » The complaint is directed against someone who does not work or study at the University,
- » It is not clear from the complaint what the complainant is seeking,
- » It is a repeated complaint that

has previously been dismissed and does not contain new information that could change the conclusion about its dismissal,

» The complaint has the character of unlawful action or constitutes an evident abuse of the law (has a bullying character, represents an abuse of the Ombudswoman's institute, aims to harm another person, etc.).

#### 17. What types of complaints are commonly addressed to the Ombudswoman?

Applicants typically address complaints to the Ombudswoman with requests for:



- » Advice,
- » Support and accompaniment,
- » Stakeholder intervention by the Ombudswoman or
- » Investigation of the content of the complaint and formulation of recommendations by the Ombudswoman.

The form and scope of the Ombudswoman's action respond to the identified needs and interests of the complainant.

### 18. Who can submit a complaint?

Complaints are typically submitted by members of the University community, but anyone can submit one.

The complainant can be:

» A person directly affected by the inappropriate behaviour (the affected person), either personally or through their representative,

- » A witness to the inappropriate behaviour,
- » A person who has indirect information about the inappropriate behaviour.

### 19. Can a complaint be filed anonymously?

Yes. As the anonymity of the complainant affects the Ombudswoman's subsequent action, she distinguishes the following types of complaints where the complainant has an interest in partially hiding their identity:

- » The complainant sends the complaint anonymously without expecting further communication from the Ombudswoman.
- » The complainant sends the complaint anonymously, is interested in having the Ombudswoman investigate the inappropriate behaviour, wishes to communicate with the Ombudswoman during



the investigation and remain anonymous throughout.

The complainant discloses their identity to the Ombudswoman (either when making the complaint or later) but does not wish for anyone besides the Ombudswoman or other selected persons to know their identity.

#### 20. How can a complaint be filed?

The Ombudswoman receives complaints in the following ways:

- » By email to ombudsmanka@cuni.cz,
- » Using the (anonymous) online form,
- » In person, through a pre-arranged consultation,
- » In writing via the University Rector's Office,
- » By mail to the physical address of the University.

### 21. What should a complaint typically contain?

A complaint should typically state:

#### » Who is submitting the complaint:

Name and surname or a general description (e.g., a student from faculty XY).

» Contact of the complainant: Typically, an email address or phone number. If the person

wishes to remain anonymous, they may use, for example, an anonymous online form or an anonymous email address created solely to communicate with the Ombudswoman.

- » Who the complaint concerns: Who behaved inappropriately? Who was affected by the inappropriate behaviour? Which parts of the University does the complaint relate to?
- » Description of the situation being reported to the Ombudswoman. A narrative on how the situation developed.
- » Actions taken so far: What have you done so far, and what was the effect?
- » Evidence: How can you substantiate your claims? This could include, for example, testimonies, emails, recordings, or documents.
- » Expectations: How do you think the situation should be resolved? What do you expect from the Ombudswoman?

#### 22. What if the complaint involves more than one issue or if multiple complaints concern one issue?

If a complaint or an ongoing procedure involves multiple people or instances of inappropriate behaviour, the Ombudswoman may exclude some parts for a separate investigation.

The Ombudswoman may combine received complaints or already initiated investigations into one if they are related or concern the same individuals. Criteria for deciding on combining or separating cases are primarily the speed and economy of the investigation and the protection of the privacy of the affected individuals.

### 23 Who participates in the investigation?

All individuals involved in the investigation (affected persons) can be participants. This typically includes both those who have been harmed by the inappropriate behaviour and those alleged to have engaged in it. The complainant also participates to some extent in the investigation (if the inappropriate behaviour does not directly concern them, then only at the start of the inquiry), as do supervisors or relevant authorities of the University, faculties, or other components.

Employees of the Ombudswoman's office may be involved in investigating the complaint on behalf of the Ombudswoman.

#### 24. How does the Ombudswoman proceed after receiving a complaint?

Immediately after receiving a complaint, the Ombudswoman assesses the available information to determine the next steps. If any information is missing, she will obtain or request it. Typically, at this stage, the Ombudswoman meets personally with the complainant to agree on the further process and the scope of information shared with relevant individuals, and then she will request the necessary information and statements.

#### 25. What does the Ombudswoman's procedure look like during the investigation?

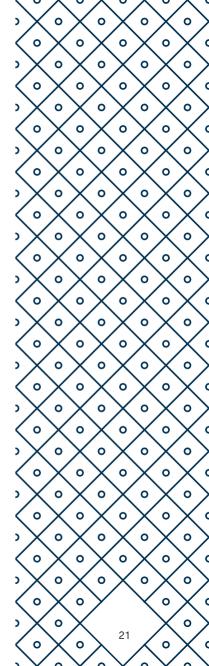
During the investigation, the Ombudswoman gradually gathers available information related to the complaint and informs the complainant about her steps. At an appropriate time, she will inform the person alleged to have engaged in inappropriate behaviour about the content of the complaint. This individual will have the opportunity to respond to the complaint's contents and suggest further evidence or persons who should be consulted. These suggestions are not binding on the Ombudswoman.

#### 26. How does the Ombudswoman obtain the necessary information?

The Ombudswoman may collect information in any form (paper, electronic, personal meetings, etc.). If the Ombudswoman obtains information relevant to the investigation in an informal way (e.g. orally), she makes a record of this information in the file.

The Ombudswoman always gives the opportunity to the affected individuals, individuals suspected of inappropriate behaviour, and their supervisors (if they exist) to express their views and suggest evidence. The timeline for gathering information is organised by the Ombudswoman to avoid repeating interviews with the affected individuals and to avoid interference between the interviewed individuals.

The Ombudswoman may use the University's internal information systems (e.g., the student information system) when gathering information.



#### 27. How does the Ombudswoman ascertain the identity and contact details of the individuals from whom she obtains information?

If the individual or their contact details are not known to the Ombudswoman and it is desirable for the investigation, she first obtains them from public sources (e.g., websites) or the University's internal databases (e.g., the student information system). In case of doubts, the Ombudswoman may request the individual to prove their identity.

### 28. How long does the investigation last?

The Ombudswoman strives to conduct a quick and quality investigation. Simpler complaints are typically resolved within weeks, most complaints within 60 days, and more complex complaints requiring extensive investigation are resolved within months. The duration of the investigation depends on the complexity of the complaint, the number of affected individuals, the degree and speed of cooperation from the affected individuals. and the necessity to wait for the proceedings or decisions of other authorities.

If the Ombudswoman finds that the investigation is taking longer than anticipated, she informs the affected individuals and the Rector about it.



#### 29 Does the Ombudswoman keep any documentation on the investigated complaints

Yes, she maintains file documentation for each investigation conducted or complaint received. The Ombudswoman keeps file documentation for as long as necessary to protect the rights of the affected individuals and the University's rights, i.e., as long as the affected individuals study or work at the University and the limitation periods run.

The Ombudswoman enters information about investigations anonymously into statistical reports, which are published in aggregated form to make it evident what forms of inappropriate behaviour people turn to the Ombudswoman for and to what outcomes the Ombudswoman's activity leads.

### 30 Who has access to the file documentation?

Access to the file is limited to the Ombudswoman and the individuals she authorises. Participants in the investigation do not have the right to view the file. The Ombudswoman may, upon request, grant a participant access to selected documents or their content if she deems it appropriate and necessary for exercising the rights of the participant.

#### 31. Are the Ombudswoman's proceedings public?

Typically, not. Where the Ombudswoman considers that a public hearing would be useful,





she will ascertain the viewpoints of the affected individuals and take them into account in her decision on further action.

#### 32. Are records made of the Ombudswoman's proceedings?

The Ombudswoman or a designated person will prepare a written record, which will clearly show all the significant facts related to the course of the meeting. The Ombudswoman or any participant in the meeting may suggest that an audio recording be made of the meeting.

The Ombudswoman will explain to participants why she considers recording the audio to be appropriate (e.g., to prevent secondary harm to the affected individual that could occur if they had to repeat their testimony in the future).

The Ombudswoman will not make an audio recording if any participant objects to such a procedure.

### 33. Can the investigation be interrupted?

Yes. The Ombudswoman typically interrupts an investigation if it cannot continue due to serious reasons (e.g., illness or unavailability of key

individuals, non-cooperation of the complainant). The Ombudswoman may interrupt an investigation if another proceeding is underway, the outcomes of which may be important for the result of the investigation (e.g., disciplinary, misdemeanour, or criminal proceedings).

While the investigation is interrupted, the deadlines for processing the complaint by the Ombudswoman do not run. The Ombudswoman resumes the investigation once the reasons for its interruption cease.

#### What if the investigation uncovers facts suggesting a criminal offence?

Should it seem probable to the Ombudswoman that the complainant or the affected individual is about to reveal information implying that a crime has occurred, is occurring, or is imminent, which necessitates prevention or reporting to the police or public prosecutor<sup>1</sup>, she will promptly inform the concerned individual about this assessment and the associated duties. This enables the individual to make an informed decision on sharing additional details (for instance, information that could identify the complainant, the affected individuals, or the alleged perpetrator).

The Ombudswoman's goal is to foster an environment conducive to informed decision-making; she does not aim to collect enough information to initiate a criminal complaint.

If the Ombudswoman encounters evidence suggesting someone is planning or committing a crime that mandates intervention, she will engage with the affected individuals (excluding any suspects) to determine the most suitable prevention strategy, adapting to the specific circumstances. Following this consultation, she will implement appropriate preventative actions.

Upon discovering indications of a committed crime that requires obligatory reporting, the Ombudswoman, if feasible and appropriate, discusses with the affected parties (excluding suspects) the most sensitive reporting methods to the police or prosecutor's office, aiming to protect the affected individuals' interests as much as possible. Furthermore, if the investigation reveals information of criminal relevance, the Ombudswoman will seek guidance from a legal expert proficient in the pertinent field of law on her next steps.

#### » The Ombudswoman dismisses the complaint due to its obvious inadmissibility.

- » The investigation ends with an agreement or other satisfaction of the affected individuals.
- » The Ombudswoman stops the investigation because it is not possible or practical to continue (e.g. if the complainant stops cooperating in response to the request of the affected individuals or as a result of the complaint being addressed in another procedure).
- » The Ombudswoman issues a statement (final report).

#### 35. When does the investigation end?

An investigation may end in one of the following ways:



#### 36. What does the Ombudswoman's statement (final report) contain?

The statement of the Ombudswoman typically includes the following parts: identification of the complainant (unless they have requested anonymity), the subject of the complaint, contacted individuals, materials and other evidence reviewed, facts discovered, the Ombudswoman's own opinion, and final recommendations.

The statement of the Ombudswoman does not create or change the rights, obligations, or legal relationships of individuals. The conclusions of her investigation have a recommending character and are usually formulated in relation to the individual complainant, a broader group (e.g., students), the institution, or the system (e.g., the University, faculty). If the Ombudswoman discovers inappropriate behaviour by a specific individual, she may, for example, recommend a solution in the area of employment law or in disciplinary proceedings. If the Ombudswoman identifies the need for systemic measures to prevent inappropriate behaviour, she will highlight them in the final report.

#### Is it possible to respond to the Ombudswoman's (preliminary) statement

The Ombudswoman typically shares preliminary conclusions with the participants of the procedure before drafting the statement (final report) and gives them the opportunity



to respond to these conclusions or suggest the addition of missing information.

#### 38. Who has access to the Ombudswoman's statements and to what extent?

The Ombudswoman typically sends her statement to the main participants of the investigation, i.e., the complainant, the person alleged to have engaged in inappropriate behaviour, and their supervisors, or possibly relevant authorities of the University, faculties, or components. The Ombudswoman typically publishes the statement or its summary on the web. In deciding on the scope of information communicated and published, the Ombudswoman primarily considers the following:

- The interest in ensuring a safe environment at the University and protecting vulnerable individuals,
- » The interest in protecting the privacy of individuals mentioned in the text of the statement and their preferences (if requested, the Ombudswoman will typically conceal the identity of these individuals in a suitable manner),
- » The interest of the individual suspected of inappropriate behaviour in protecting their name and reputation,
- » The interest in protecting the University, and
- » The principle is that key findings should be available to the public.

### 39. Are the Ombudswoman's statements binding?

No, they have only a recommending character. However, the relevant



authorities are obliged to deal with the Ombudswoman's conclusions, and she has the right to request information on how her recommendations have been addressed.

## 40. What typically happens after issuing a statement (final report)?

In practice, one of the following scenarios usually occurs after the opinion is issued:

- » The competent authorities or persons act in accordance with the Ombudswoman's recommendations and the expected change occurs (e.g. the person concerned apologises or staff is trained),
- » The competent authorities or persons decide not to

act in accordance with the Ombudswoman's recommendations, but in the medium term, their interest and sensitivity to social security issues increase or

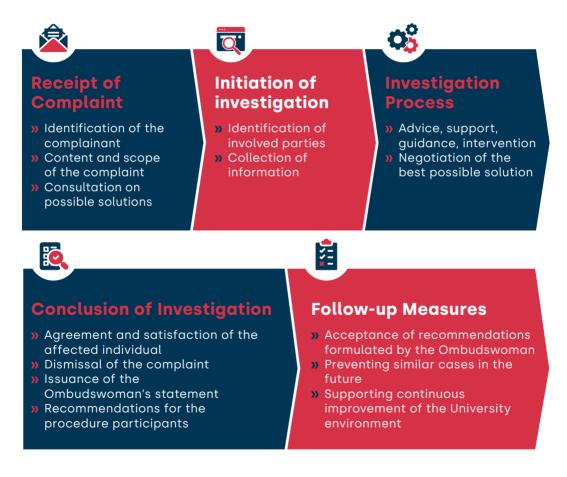
» The competent authorities or persons decide not to act on the Ombudswoman's recommendations and ignore suggestions to strengthen social security.

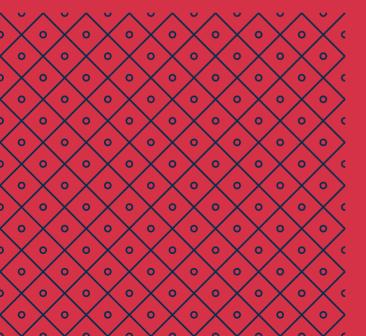
Once the investigation is complete, the Ombudswoman can encourage faculties and the other components of the University to address the complaint independently, adopt systemic changes, or monitor specific aspects of social safety on their premises.



### V. Processes Scheme

#### **Complaint Submission and Investigation Process**





For your questions, contact: Office of the Ombudswoman Rectorate of Charles University Ovocný trh 560/5, 116 36 Praha 1 e-mail: ombudsmanka@cuni.cz

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