

## **Dean's Directive No. 1/2022:**

### **Social Safety at the Faculty of Fine Arts of Brno University of Technology**

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#### **Preamble**

This directive defines the rules for achieving social safety supervised by the Ombudsperson. The Faculty of Fine Arts BUT Ombudsperson (hereinafter referred to as "Ombudsperson") is an independent person who creates space for the dialogue and the bosom help for students and employees of the Faculty of Fine Arts of BUT (hereinafter referred to as "FFA") in ethics, workplace culture, and the prevention of the abuse of power. The Ombudsperson's mission is to participate in creating and securing a safe and fair environment for studying and working and to support its diversity. Following Section 1(d) of Act No. 111/1998 Coll. on Higher Education Institutions and on Amendment to Other Acts (the Higher Education Act), FFA accepts an active role in the public discussion on social and ethical issues, fostering cultural diversity and understanding, creating a civic society and preparing young people to be part of it. The variety of opinions and experiences is perceived as a fundamental and beneficial quality in arts. This is another reason why the Ombudsperson shall help create the instruments for work-life balance and the inclusion of any discriminated groups. Ombudsperson's activities are complemented by FFA's other units and working groups and their mission is the advisory, cultivation, and mediation function.

**PART ONE**  
**GENERAL PROVISIONS**

**Article 1**  
**Social Safety**

1. This Directive sets out the rules to achieve social safety at the Faculty of Fine Arts of Brno University of Technology (hereinafter referred to as "FFA").
2. For the purpose of this directive, social safety is
  - a) applicant's right to study in the study programme,
  - b) interested person's right to participate in the life-long learning programme,
  - c) the right of a student,
  - d) the right of a participant in life-long learning,
  - e) the right of an employee,
  - f) the right of an FFA unit member, who is not an employee,to be treated fairly and the right not to be discriminated against.

**Article 2**  
**Discrimination**

1. Discrimination can be either direct or indirect.
2. Discrimination means harassment, sexual harassment, stalking, instructions to discriminate and incitement for discrimination.
3. The terms are defined in Act No.198/2009 Coll., on equal treatment and the legal Means of protection against discrimination and an amendment to some laws (the Anti-Discrimination Act).

**Article 3**  
**Conflict and Parties to the Conflict**

1. A conflict is an alleged violation of social safety.
2. Following Article 1 (2), the party to the conflict is a person who should have committed the violation of social safety.

**Article 4**  
**Duties**

1. Each FFA person is obliged to respect the social safety of others.
2. Senior employees supervise and encourage junior employees to respect the social safety of others.

## **PART TWO**

### **OMBUDSPERSON**

#### **Article 5**

##### **Establishment and Activities**

1. The position of an Ombudsperson is established.
2. The Ombudsperson supervises the compliance with social safety.
3. As far as social safety is concerned, the Ombudsperson also
  - a) helps parties to the conflict and anybody else who addresses them,
  - b) conducts training and prepares prevention programmes,
  - c) conducts surveys,
  - d) publishes reports and issues recommendations,
  - e) ensures the exchange of information with other ombudspeople or equivalent positions.

#### **Article 6**

##### **Status**

1. The Ombudsperson performs their activities independently and without bias. The performance of the Ombudsperson's duties must not weigh against them.
2. The Ombudsperson is appointed by the Dean as a present employee with extended job content, or the Dean hires a new employee.
3. Organization-wise, the Ombudsperson is assigned to the Dean's Secretariat.
4. Dean's Secretariat shall bear the cost for Ombudsperson's activities, provides the Ombudsperson with the administrative environment; the Ombudsperson is authorized to make reasonable use of the capacity of other employees in Dean's Secretariat, or – after the consultation with the Ombudsperson – the Dean may assign a selected employee as the Ombudsperson's Assistant, who performs administrative activities necessary for the Ombudsperson. The duties listed in Article 10 apply to the Assistant to the same extent.

#### **Article 7**

##### **Incompatibility**

The Ombudsperson must not be a member of the BUT or FFA BUT governance (autonomous officers and official bodies) and must not be the Vice-Dean or Vice-Rector.

#### **Article 8**

##### **Bias**

The Ombudsperson is biased if their independence or impartiality may be compromised regarding their relation to the conflict, parties to the conflict, or other people involved in the conflict.

## **Article 9**

### **Mandate**

1. The Ombudsperson is authorized to
  - a) inspect files, documents, and records,
  - b) ask for information and explanation,
  - c) ask questions (applies to employees),
  - d) speak to the parties to the conflict.
2. To exercise the powers in (1), everybody is obliged to provide the Ombudsperson with assistance.

## **Article 10**

### **Duties**

1. The Ombudsperson must keep confidentiality about facts they learn about when exercising their powers.
2. The Ombudsperson is guided by the principles of neutrality, impartiality, confidentiality, informality and protection of the notifier and other people involved.
3. Ombudsperson is obliged to prepare and publish a brief anonymized report on their activities in the previous calendar year in the public part of the faculty's website on 31 March at the latest. The Ombudsperson notifies the Dean. The report on activities includes:
  - a) the types of cases handled (number; the date of receipt of the complaint; faculty unit it concerns; method of review);
  - b) the analysis of trends, problems and deficiencies in terms of FFA rules and policies, where applicable;
  - c) suggestions for system changes, where applicable.

## **PART THREE**

### **INFORMAL SETTLEMENT OF THE CONFLICT**

## **Article 11**

1. Where a conflict can be settled informally, the parties to the conflict shall do so.
2. A senior employee may participate in the informal settlement of the conflict if parties to the conflict ask for it; the employee is the head of the person from FFA who was supposed to violate social safety.
3. The documentation on the informal settlement of the conflict is made in writing only in the case referred to in (2), the documentation is written by the senior employee and handed to the Ombudsperson.

## **PART FOUR MEDIATION**

### **Article 12 Application**

Mediation is used for the settlement of the conflict unless it was settled informally or if parties to the conflict ask for it directly; the direct use of mediation shall not weigh against them.

### **Article 13 Bias**

1. The Ombudsperson is biased if a party to the conflict objects to it or if they exclude themselves.
2. The mediation is performed by the Dean instead of the biased Ombudsperson.

### **Article 14 Initiation of Mediation**

The mediation is initiated by submitting a written definition of the conflict, signed by the parties to the conflict, to the Ombudsperson.

### **Article 15 Mediation Course**

Mediation is conducted by communication between parties to the conflict supported by the Ombudsperson.

### **Article 16 Termination**

1. Mediation is terminated by the written agreement between parties to the conflict.
2. The Ombudsperson stores the agreement in the personal files of parties to the conflict.
3. The agreement may not interfere with FFA activities.
4. Mediation is terminated if the agreement cannot be concluded within three months from the start of mediation.

### **Article 17 Recommendation**

1. If the findings of mediation are general recommendations, the Ombudsperson propose its implementation in writing to the Dean.
2. The Dean notifies the Ombudsperson in writing how the recommendation has been dealt with.

## **PART FIVE COMPLAINT**

### **Article 18 Application**

1. A complaint may be filed if the conflict has not been settled informally or through mediation or if a party to the conflict asks for it directly; the direct application of the complaint may not weigh against the party to the conflict that filed it.
2. A complaint may be filed even by someone who is not part of the conflict but assumes that social safety may have been violated. If the complaint fulfils other requirements in Article 21, it can be filed anonymously.

### **Article 19 Bias**

1. The Ombudsperson is biased if a party to the conflict objects to it or if they exclude themselves.
2. The mediation is performed by the Dean instead of the biased Ombudsperson.

### **Article 20 Form**

The complaint may be filed

- a) in paper form to the Dean's Secretariat,
- b) in paper form to mailboxes labelled "Ombudsperson" at FFA, the mailbox must be secured against abuse,
- c) in written form by e-mail to [ombudsman@favu.vut.cz](mailto:ombudsman@favu.vut.cz),
- d) to the Ombudsperson in person.

### **Article 21 Requirements**

The complaint must contain:

- a) description of the conflict,
- b) identification of parties to the conflict or persons participating in the conflict,
- c) description of essential facts of how social safety was supposed to have been violated,
- d) signature of a person who files the complaint.

### **Article 22 Adjournment**

1. The ombudsperson adjourns the complaint if
  - a) it was filed anonymously, and it is not clear what shall be achieved,
  - b) it was not filed anonymously but the requirements of the complaint were not filled out in due time,

- c) it has been more than 3 years since the event described in the complaint happened,
- d) the complaint has already been reviewed and the repeated complaint does not raise any new facts.

2. The Ombudsperson shall inform the person who filed the complaint if and why it was adjourned.

### **Article 23**

#### **Complaint and Appeal**

If the complaint is an appeal, the ombudsperson immediately approaches the person who filed the complaint and instructs them on the correct procedure.

### **Article 24**

#### **Procedure**

1. If the case is not described in Articles 22 and 23, the Ombudsperson reviews the complaint as soon as possible.
2. The Ombudsperson uses all their powers to review the complaint.

### **Article 25**

#### **Termination**

1. If the Ombudsperson does not find any violation of social safety, they inform the person who filed the complaint.
2. If the Ombudsperson finds a violation of social safety, they inform the person who filed the complaint and propose to the Dean that a remedy action shall be taken; the Dean is obliged to inform the Ombudsperson how they handled the proposal.

## **PART SIX**

### **OMBUDSPERSON'S INITIATIVE**

#### **Article 26**

1. The Ombudsperson is authorized to act on their own initiative in social safety.
2. If they act on their initiative, they shall proceed according to Part Five.

**PART SEVEN**  
**RELATION TO CODE OF CONDUCT AND DISCIPLINARY RULES FOR STUDENTS**

**Article 27**

1. Violation of social safety may be a violation of the Code of Conduct or Disciplinary Rules for Students.
2. The Ombudsperson is authorized to file a complaint to start proceedings on the violation of the Code of Conduct or Disciplinary Rules for Students.

**PART EIGHT**  
**RECORD KEEPING**

**Article 28**

1. The Ombudsperson shall keep a clear record of their activities.
2. In doing so, they shall comply with the recording and discarding regulations of Brno University of Technology.

**PART NINE**  
**EFFECTIVENESS**

**Article 29**

1. Discussed in the FFA Academic Senate on 12 February and 16 March 2022.
2. This Directive shall enter into force on 16 March 2022.

In Brno on 16 March 2022

doc. MgA. Filip Cenek v. r.  
FFA BUT Dean