

ORDINANCE No. 123 / 2024

of the Rector of Gdansk University of Physical Education and Sport
of September 17, 2024

regarding: regulations for internal reports at Gdansk University of Physical Education and Sport

Pursuant to Art. 23 section 1, art. 24 section 1, 3-5 of the Act of June 14, 2024 on the protection of whistleblowers (Journal of Laws 2024, item 928) and Art. 11 section 2 and art. 25 section 3 of the Statute of Gdansk University of Physical Education and Sport of June 19, 2019 (consolidated text constituting Annex No. 1 to the resolution of the GUPES Senate No. 57 of June 27, 2024), after consultation with company trade unions operating in GUPES

it is ordered as follows:

§ 1

Regulations for internal reports at Gdansk University of Physical Education and Sport, which constitutes Annex No. 1 to this Ordinance.

§ 2

Managers of GUPES organizational units are obliged to familiarize their subordinate employees with the Regulations referred to in § 1.

§ 3

The ordinance enters into force 7 days after its publication in the Public Information Bulletin of GUPES.

RECTOR

prof. Ph.D. Paweł Ciężczyk

[illegible]

REGULATIONS FOR INTERNAL REPORTS

at Gdansk University of Physical Education and Sport

Chapter I

GENERAL PROVISIONS AND DEFINITIONS

§ 1

1. These Regulations for internal reports at Gdansk University of Physical Education and Sport define the internal procedure for reporting by whistleblowers within the meaning of the Act of June 14, 2024 on the protection of whistleblowers (Journal of Laws 2024, item 928) of violations of law at Gdansk University of Physical Education and Sport and taking follow-up actions, hereinafter referred to as the "procedure".
2. The procedure is aimed at detecting violations of the law at the University and taking follow-up actions to eliminate identified violations and reduce the risk of their further occurrence at the University.
3. The University takes all legally permissible actions to obtain the necessary information before leaving the application unrecognized and documents for its effective recognition.
4. The provisions of the Act of June 14, 1960 – Code of Administrative Procedure shall not apply to the internal procedure.

§ 2

Whenever these Regulations mention:

- 1) The University or GUPES – this should be understood as the Gdansk University of Physical Education and Sport.
- 2) follow-up action – this should be understood as action taken by the University to assess the truthfulness of the allegations contained in the report and, where appropriate, to address the breach of law that is the subject of the report, including through an internal investigation, investigation, prosecution, financial recovery action or closure of the admission procedure and verification of applications;
- 3) retaliatory action - this should be understood as a direct or indirect action or omission that is caused by reporting or public disclosure and which violates or may violate the rights of the reporting whistleblower or causes or may

cause damage to the reporting whistleblower, including unjustified initiation of proceedings against the reporting whistleblower;

- 4) DZZLiRP – this should be understood as employees of the Human Resources Management and Personnel Development Department of GUPES, who have the Rector's personal authorization to accept applications;
- 5) information about a violation of the law - this should be understood as information, including reasonable suspicion, regarding an actual or potential violation of the law that has occurred or is likely to occur at the University, or regarding an attempt to conceal such a violation of the law;
- 6) feedback – this should be understood as providing the whistleblower with information on planned or undertaken follow-up actions and the reasons for such actions;
- 7) work-related context – this should be understood as past, present or future activities related to the performance of work on the basis of an employment relationship or other legal relationship constituting the basis for the provision of work or services or performing functions at the University or for its benefit, under which information was obtained about violating the law and there is a possibility of experiencing retaliation;
- 8) violation of the law - this should be understood as an action or omission that is illegal or intended to circumvent the law, as well as an action or omission that is inconsistent with the procedures or ethical standards in force at the University;
- 9) public authority – this should be understood as supreme and central government administration bodies, local government administration bodies, bodies of local government units, other state bodies and other entities performing tasks in the field of public administration by operation of law, competent to take follow-up actions in the areas indicated in § 3;
- 10) person assisting in reporting - this should be understood as an actual person who assists the reporting person in reporting or public disclosure in a work-related context and whose assistance should not be disclosed;
- 11) a person related to the whistleblower – this should be understood as an actual person who may experience retaliatory actions, including a co-worker or person closest to the whistleblower within the meaning of Art. 115 § 11 of the Act of June 6, 1997 – Penal Code (Journal of Laws of 2024, item 17) of

the reporting party, i.e. a spouse, ascendant, descendant, sibling, relative in the same line or degree, a person in adoption and his or her spouse, as well as a person in cohabitation;

- 12) the person to whom the notification relates – this should be understood as an actual person, a legal person or an organizational unit without legal personality, to which the law grants legal capacity, indicated in the notification or public disclosure as a person who has committed a violation of the law or with whom the person is associated;
- 13) Regulations – this should be understood as the Regulations for internal reports of Gdansk University of Physical Education and Sport.
- 14) Rector – this should be understood as the Rector of Gdansk University of Physical Education and Sport.
- 15) whistleblower - this should be understood as a natural person referred to in § 4 who reports or publicly discloses information about a violation of law obtained in the context related to work at GUPES, in particular an employee or a person providing work on a basis other than an employment relationship, including under a civil law contract for GUPES, as well as a natural person in the event of reporting or public disclosure of information about a violation of the law obtained in a work-related context before establishing an employment relationship or other legal relationship constituting the basis for the provision of work or services or performing functions in GUPES or for GUPES;
- 16) public disclosure - this should be understood as providing information on violation of the right to public information;
- 17) Act – this should be understood as the Act of June 14, 2024 on the protection of whistleblowers (Journal of Laws 2024, item 928, as amended);
- 18) Investigation team - this should be understood as the team responsible for conducting explanatory proceedings regarding reports, appointed by the Rector;
- 19) reporting – this should be understood as an internal or external report of a violation of law made by a whistleblower;
- 20) reporting made in good faith - this should be understood as a report made by a whistleblower who had reasonable grounds to believe that the information about the violation of law being the subject of the report is true at

the time of reporting and that such information constitutes information about violation of law;

- 21) reporting made in bad faith - this should be understood as a report made by a whistleblower who did not have reasonable grounds to believe that the information about the violation of law being the subject of the report is true at the time of reporting and that such information constitutes information about violation of law;
- 22) internal reporting – this should be understood as an oral or written communication to the University of information about a violation of the law;
- 23) external reporting - this should be understood as the oral or written submission of information about a violation of the law to the Ombudsman or a public authority.

§ 3

Reporting a violation of law to the University may cover the following areas:

- 1) corruption,
- 2) public procurement,
- 3) financial services, products and markets,
- 4) counteracting money laundering and terrorism financing,
- 5) product safety and compliance with requirements,
- 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 networks and information systems,
- 15) violations concerning the financial interests of the State Treasury of the Republic of Poland, local government units and the European Union,
- 16) violations relating to the internal market of the European Union, including public law rules of competition and state aid and corporate taxation,
- 17) violations of constitutional freedoms and rights of humans and citizens – occurring in relations between an individual and public authorities and unrelated to the areas indicated in points 1-16.

§ 4

1. A whistleblower in GUPES may be:
 - 1) a current or former employee,
 - 2) a person providing work on a basis other than an employment relationship at GUPES, including under a civil law contract,
 - 3) a person who received information about a violation of the law in a work-related context before establishing an employment relationship or other legal relationship constituting the basis for the provision of work or services or holding a function in GUPES or for GUPES, natural persons cooperating with GUPES,
 - 4) a member of the University's governing body,
 - 5) GUPES intern, trainee and volunteer.
2. A whistleblower in GUPES may also be:
 - 1) a student,
 - 2) a doctoral student,
 - 3) a participant or student of postgraduate studies or other forms of education.

§ 5

1. A whistleblower is subject to the protection specified in the Act and the Regulations from the moment of reporting if he had reasonable grounds to believe that the information about the violation of the law being the subject of the report is true. at the time of reporting and that such information constitutes information about violation of law.
2. Reporting in good faith may not result in retaliatory actions or other undesirable actions against the whistleblower, in particular, dismissal from work, taking advantage of the whistleblower's professional dependence or exerting influence on people with whom the whistleblower cooperates, which may worsen the conditions of the whistleblower's working environment.
3. Whistleblowers reporting in bad faith are not subject to the protection provided for in the Act and the Regulations.
4. A person who commits retaliatory actions against a whistleblower or a person with whom the whistleblower cooperates shall be subject to criminal or disciplinary liability.

5. A whistleblower or a person with whom the whistleblower cooperates who has experienced retaliatory actions or whose personal data have been disclosed in an unauthorized manner should immediately notify the Investigation Team or the Rector. If the notification turns out to be justified, the Investigation Team or the Rector takes appropriate actions to protect the whistleblower.

CHAPTER II

RECEIVING INTERNAL REPORTS

§ 6

1. Applications at the University are accepted by the Human Resources Management Department and Staff Development.
2. DZZLiRP employees perform activities based on the written authorization of the Rector.

§ 7

1. Persons participating in the internal reporting procedure are obliged to keep all information obtained confidential during the procedure.
2. The University ensures the organization of the receipt and verification of reports, taking follow-up actions and the related processing of personal data in a way that prevents unauthorized persons from gaining access to the information covered by the report and ensures protection of the confidentiality of the identity of the person making the report and the person to whom the report relates.
3. Confidentiality protection applies in particular to information on the basis of which the identity of such persons can be directly or indirectly identified.
4. To receive and verify reports, take follow-up actions and process personal data of persons referred to in section. 2, only persons with written authorization from the Rector may be admitted. Authorized persons are obliged to maintain secrecy.
5. GUPES applies technical and organizational solutions ensuring that the whistleblower's personal data is stored separately from the document or other information medium containing the report, including: where appropriate, removing all personal data of the whistleblower from the content of the document or other information medium immediately after receipt.

6. The whistleblower's personal data and other data enabling his/her identity to be determined shall not be disclosed, unless with the express consent of the whistleblower.
7. After receiving a report, GUPES may, in order to verify the report and take follow-up actions, collect and process personal data of the person concerned by the report, even without his or her consent. The provisions of Art. 14 section 2 letter f of Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 on the protection of natural persons in relationships on the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Regulation on data protection) (OJ EU L 119 of 04/05/2016, p. 1, as amended) does not apply unless the whistleblower acted in violation of Art. 6 of the Act.

§ 8

1. A whistleblower may report in writing or orally.
2. The whistleblower should send a written report to the following address: "Akademia Wychowania Fizyczny i Sportu im. Jędrzeja Śniadeckiego in Gdańsk, ul. Kazimierza Górskiego 1, 80-336 Gdańsk" or via the complaint box located in the Administration building at room 311, and the report should be marked with a clearly visible annotation "Whistleblower report, do not open".
3. The whistleblower makes an oral report:
 - 1) via the unrecorded GUPES telephone line with the telephone number 58 55 47 336, stating at the beginning of the conversation that the conversation will concern the whistleblower's report,
 - 2) in person in room 311 in the Administration building, during a face-to-face meeting organized within 14 days from the date of receipt of the application.
4. In the case of the notification referred to in section 3, an employee of DZZLiRP prepares a written report on the telephone report or the report submitted at the meeting.
5. The protocol referred to in section 4, should reproduce the exact course of the oral report and contain at least:
 - 1) in the case of reporting by telephone:
 - a) the date of preparation of the report,
 - b) name and surname of the DZZLiRP employee preparing the report,
 - c) name and surname of the whistleblower,

- d) contact details of the whistleblower, if the whistleblower provides such data,
 - e) content of the notification,
 - f) legible signatures of the person who prepared the report,
- 2) in the case of a report submitted at the meeting:
- a) the date of preparation of the report,
 - b) name and surname of the DZZLiRP employee preparing the report,
 - c) name and surname of the whistleblower,
 - d) contact details of the whistleblower, if the whistleblower provides such data,
 - e) content of the notification,
 - f) any attachments,
 - g) legible signatures of the persons referred to in point (a). b and c.
6. If the whistleblower cannot sign the protocol referred to in section 5 point 2 or refuses to submit such a signature, the DZZLiRP employee shall make an appropriate note on the report.
7. At the request of the whistleblower, an employee of DZZLiRP provides him with a certified copy of the report.
8. In order to efficiently consider the report and take effective follow-up actions, it is recommended that the report include in particular:
- 1) approximate period of occurrence of the infringement,
 - 2) contact details of the whistleblower making the report and personal and contact details of other persons who are or may be related to the report,
 - 3) any other information related to the application, including any documents,
 - 4) indication by the whistleblower of a method of return contact that ensures the principle of anonymity.

§ 9

1. Reports cannot be anonymous.
2. Anonymous reports will not be considered.
3. Anonymous reports are entered in the report register, indicating only the date of reporting and a description of the violation.

§ 10

1. After receiving information about the notification, DZZLiRP assesses the formal conditions of the notification and, if it is found that they have been met,

makes an entry in the register of internal notifications referred to in § 11 section 2.

2. If the information containing the notification does not meet the formal requirements, in particular, it does not concern a violation of the law, the Head of DZZLiRP or a department employee designated by him directs it to the appropriate organizational unit.
3. The head of DZZLiRP or a department employee designated by him confirms the receipt of the report to the whistleblower within 7 days of its receipt, unless the whistleblower did not provide a contact address to which the confirmation should be sent.
4. The head of DZZLiRP or a department employee designated by him immediately forwards the report to the Investigation Team for consideration.
5. If the report concerns an employee or manager of DZZLiRP, activities related to the acceptance and registration of the report are performed by an employee designated by the Rector.

§ 11

1. GUPES is the administrator of personal data collected in the register of internal notifications.
2. The register of internal reports is kept by DZZLiRP.
3. Entry into the GUPES register of internal notifications is made on the basis of an internal notification.
4. The GUPES internal reporting register includes:
 - 1) application number,
 - 2) the subject of the violation of law,
 - 3) personal data of the whistleblower and the person concerned by the report, necessary to identify these persons,
 - 4) whistleblower's contact address,
 - 5) date of filing,
 - 6) information on follow-up actions taken,
 - 7) date of completion of the case.
5. Personal data and other information in the register of internal reports of GUPES are stored for a period of 3 years after the end of the calendar year in which follow-up activities were completed or after the completion of proceedings initiated by these activities.

CHAPTER III

EXAMINATION OF INTERNAL REPORTS

§ 12

1. The internal report is examined by the Investigation Team.
2. The explanatory proceedings are conducted impartially with due care.
3. The investigation team examines the report in accordance with the specified rules in the Regulations.

§ 13

1. After receiving the report, the Investigation Team performs a preliminary verification of the report in order to determine whether the information contained in the report allows it to be considered.
2. If the Investigation Team may contact the whistleblower to obtain additional explanations, information or documents.
3. The investigation team may decide to waive the investigation procedure if:
 - 1) the report is obviously groundless,
 - 2) it is impossible or significantly difficult to obtain the information necessary to conduct the explanatory proceedings.
4. If the report allows for verification of its validity and there is a likelihood of a violation of the law, the Investigation Team initiates explanatory proceedings.

§ 14

1. In the course of the explanatory proceedings, the investigation team may:
 - 1) question employees,
 - 2) seek the opinion of specialists,
 - 3) apply to organizational units of the University for information or documents,
 - 4) collect, secure and record other evidence,
 - 5) interrogate persons whose actions concern the explanatory proceedings in order to present them with charges and call on these persons to provide explanations, including to take a position on the charges presented and the evidence collected.

2. GUPES employees and collaborators are obliged to provide information, transfer or make available documents and necessary assistance at the request of the Investigation Team or the chairman.

§ 15

1. The investigation team shall consider the report, take follow-up actions and provide feedback without undue delay, but no later than within:
 - 1) 3 months from the date of confirmation of acceptance of the application or
 - 2) 3 months from the expiry of 7 days from submitting the report - in the event of failure to provide confirmation to the whistleblower, unless the whistleblower did not provide a contact address to which feedback should be sent.
2. Based on the materials collected during the explanatory proceedings, the Explanatory Team makes a decision as to the validity of the notification in the form of a decision.
3. The decision referred to in section 2, is taken in an open vote, by a simple majority of votes in the presence of at least half of the members of the Explanation Team.
4. If the report is found to be justified, the Investigation Team issues a recommendation addressed to the Rector, including specific follow-up actions:
 - 1) corrective or disciplinary measures in relation to the employee or co-worker who committed the violation,
 - 2) preventive measures aimed at preventing future violations of the law covered by the report.
5. The decision includes a justification, which should include:
 - 1) description of the facts,
 - 2) explanation of the reasons for the decision,
 - 3) explanation of the reasons for the recommendations issued.
6. The decision and its justification are signed by the members of the Explanation Team.
7. A member of the Explanation Team who disagrees with the decision may submit a dissenting opinion in writing. The dissenting opinion is attached to the justification of the decision.
8. The Chairman of the Explanatory Team shall immediately submit the decision together with the justification to the Rector, and if the notification concerns the Rector – to the Chairman of the University Council.

9. After issuing a decision, the Explanatory Team within the deadline specified in section 1 provides feedback to the whistleblower which should include at least information on follow-up actions planned or taken and the reasons for such actions.

§ 16

In the event of a violation of the law, the Rector or the Chairman of the University Council takes follow-up actions, which may include in particular:

- 1) initiation of an internal investigation or explanatory proceedings,
- 2) initiating disciplinary proceedings or imposing a disciplinary penalty specified in the Labor Code or other disciplinary measure specified in the relevant act or internal act of GUPES,
- 3) submitting an appropriate notification to the competent authorities, bodies or institutions,
- 4) taking actions provided for by law to recover funds or repair damage,
- 5) making organizational, procedural or personal changes, including termination of working conditions or remuneration, change of the position held, termination of the employment contract,
- 6) issuing an official order,
- 7) changes in internal legal regulations.

CHAPTER IV INVESTIGATION TEAM

§ 17

1. The investigation team consists of at least 3 members.
2. A member of the investigation team cannot be:
 - a) the person concerned
 - b) by the report,
 - c) a person who is the whistleblower's direct superior, a person directly reporting to the whistleblower.
3. If, in the opinion of a member of the Investigation Team, there are circumstances that may affect his impartiality in the explanatory proceedings, he may apply to the Rector to be excluded from the work of the team.
4. If the circumstances referred to in section. 2 or 3, the Rector appoints another person who is an employee of the University as a member of the investigation team in a given proceeding.

5. Members of the investigation team carry out activities based on the written authorization of the Rector.

§ 18

1. The work of the investigation team is headed by the chairman.
2. Minutes are prepared from the meetings of the Investigation Team.
3. The minutes record the course of the meeting.
4. The protocol should include:
 - 1) time and place of the meeting,
 - 2) persons participating in the meeting,
 - 3) course of activities and statements and conclusions of the persons participating in the meeting,
 - 4) decisions made by the Investigation Team or its chairman,
 - 5) content of testimony or explanations,
 - 6) if necessary, stating other circumstances regarding the course of the meeting.
5. The minutes of the meeting are signed by the chairman of the investigation team.
6. Administrative support for the Investigation Team is provided by DZZLiRP.
7. DZZLiRP keeps documentation of explanatory proceedings.

CHAPTER V EXTERNAL REPORTS

§ 19

1. A whistleblower may make an external report without first making an internal report directly to the Ombudsman or a public body.
2. External reports may be anonymous or identifying the whistleblower.
3. External reporting may be made orally or in writing.
4. Written notification may be submitted in paper or electronic form.
5. Oral reporting may be made by telephone or via electronic means of communication within the meaning of Art. 2 point 5 of the Act of July 18, 2002 on the provision of services by electronic means (Journal of Laws of 2020 pos. 344).

6. An oral report made via a recorded telephone line or other recorded voice communication system is documented with the consent of the whistleblower in the form of:
 - 1) a recording of the conversation, enabling it to be searched, or
 - 2) a complete and accurate transcript of the conversation prepared by an entity or person, or an external entity authorized to accept external reports.
7. An oral report made via an unrecorded telephone line or other unrecorded voice communication system is documented in the form of a conversation protocol, reproducing its exact course, prepared by an entity or person, or an external entity authorized to receive external reports.
8. At the request of the whistleblower, an oral report may be made during a direct meeting organized within 14 days from the date of receipt of such request. In such a case, with the consent of the whistleblower, the report is documented in the form:
 - 1) a recording of the conversation, enabling it to be searched, or
 - 2) minutes of the meeting, reproducing its exact course, prepared by an entity or person, or an external entity authorized to receive external reports.
9. External reporting in documentary form may be made:
 - 1) in paper form - to the correspondence address indicated by the Commissioner for Human Rights or the public authority accepting the notification,
 - 2) in electronic form – to the e-mail address or electronic inbox address or electronic delivery address indicated by the Ombudsman or the public authority accepting the notification, or via a dedicated online form or application indicated by the public authority as the appropriate application to submit reports electronically.
10. The Ombudsman and the public authority are separate controllers with respect to personal data provided in the external notification that was accepted by these authorities.

CHAPTER VI

FINAL PROVISIONS

§ 20

Upon commencement of recruitment or negotiations preceding the conclusion of a contract, the University provides the person applying for a job under an employment

relationship or other legal relationship constituting the basis for the provision of work or services or holding a position at the University with information about the internal reporting procedure in force at GUPES.

§ 21

To the extent not regulated in the Regulations, the provisions of the Act shall apply.