



Item 266

**ORDINANCE No. 94
OF THE RECTOR OF THE UNIVERSITY OF WARSAW**

dated 17 September 2024

**on the procedure for whistleblowers reporting cases of law violation at the
University of Warsaw and for undertaking follow-up actions**

Pursuant to the provisions of Article 24, section 1 of the Act of 14 June 2024 on the protection of whistleblowers (Journal of Laws Item 928), in conjunction with § 36, section 2, point 14 and section 4 of the Statute of the University of Warsaw (UW Monitor of 2019, item as amended), it is hereby ordered as follows:

§ 1

1. A procedure is established for whistleblowers reporting cases of law violation at the University of Warsaw and for undertaking follow-up actions, hereinafter referred to as the "Internal Reporting Procedure" which constitutes an appendix to the Ordinance.

2. The Internal Reporting Procedure shall enter into force 7 days from the date of its publication in the official journal of the University of Warsaw for employees and persons working on a basis other than an employment contract, by means of publication in the official journal of the University of Warsaw, i.e. UW Monitor: <https://monitor.uw.edu.pl>, on the University of Warsaw website: <https://www.uw.edu.pl/>, and in the Public Information Bulletin on the University of Warsaw dedicated website.

3. A candidate for undertaking work on the basis of an employment contract or other legal relationship providing a basis for the provision of work or services or for the performance of functions shall be informed about the Internal Reporting Procedure with the start of the recruitment procedure or pre-contract negotiations.

§ 2

The Ordinance enters into force on 25 September 2024.

Rector of the University of Warsaw: *A. Z. Nowak*

to Ordinance No. 94 of the Rector of the University of Warsaw of 17 September 2024
on the procedure for whistleblowers reporting cases of law violation
and for undertaking follow-up actions

The procedure for whistleblowers reporting cases of law violation at the University of Warsaw and for undertaking follow-up actions

Chapter 1 General provisions

§ 1

The Internal Reporting Procedure defines:

- 1) persons entitled to report cases of law violation;
- 2) types of law violation reportable;
- 3) rules for reporting cases of law violation;
- 4) the procedure for reporting cases of law violation at the University, including but not limited to:
 - a) channels for accepting reports;
 - b) the organizational unit of the University accepting reports;
- 5) the procedure for appointing the Team undertaking follow-up actions, and rules and procedures for undertaking follow-up actions;
- 6) follow-up actions undertaken by the University with the aim to verify a report of law violation and in order to prevent law violation which is the subject of the report;
- 7) the procedure for dealing with information on law violation reported anonymously;
- 8) information on reports filed externally.

§ 2

Whenever the Internal reporting procedure refers to:

- 1) "follow-up action" - it should be understood as an action undertaken by the University with the aim to assess the veracity of the information contained in the report and in order to prevent law violation which is the subject of the report;
- 2) "retaliatory action" - it should be understood as a direct or indirect action, or failure to take action, in a work-related context which is caused by the report or public disclosure, and which violates or may violate the rights of the whistleblower or causes or is likely to cause undue harm to the whistleblower, including the groundless initiation of proceedings against the whistleblower;
- 3) "feedback" - it should be understood as the information given to the whistleblower about the follow-up actions planned or undertaken, and the reasons for such actions;
- 4) "information on law violation" - it should be understood as information, including reasonable suspicion of an actual or potential law violation which has occurred or is likely to occur at the University, in which the whistleblower participated in the admission process or other pre-contractual negotiations, works or has worked, or in another legal entity with which the whistleblower maintains or has maintained contact in a work-related context, or information relating to an attempt to conceal such a case of law violation;
- 5) "information on law violation" - it should be understood as information, including reasonable suspicion of an actual or potential law violation which has occurred or

- is likely to occur at the University, in which the whistleblower participated in the admission process or other pre-contractual negotiations, works or has worked, or in another legal entity with which the whistleblower maintains or has maintained contact in a work-related context, or information relating to an attempt to conceal such a case of law violation;
- 6) "work-related context" - it should be understood as past, present or future actions related with performance of work on the basis of an employment contract or other legal relationship providing a basis for the provision of work or services or for the performance of functions at the University or for the benefit of the University as part of which the information on law violation was obtained and there is a possibility of experiencing retaliation;
 - 7) "law violation" - it should be understood as an action, or failure to take action, which is unlawful or intended to circumvent the law, concerning:
 - a) corruption,
 - b) public procurement,
 - c) financial services, products and markets,
 - d) counteracting money laundering and terrorist financing,
 - e) product safety and compliance,
 - f) transport safety,
 - g) environment protection,
 - h) radiological protection and nuclear safety,
 - i) food and feed safety,
 - j) health and welfare of animals,
 - k) public health,
 - l) consumer protection,
 - m) privacy and protection of personal data,
 - n) security of networks and IT systems,
 - o) financial interests of the State Treasury of the Republic of Poland, local government units and the European Union,
 - p) the internal market of the European Union, including public law competition and state aid rules as well as corporate taxation,
 - q) constitutional freedoms and human and citizen's rights – occurring in relations of an individual with public authorities and not related to the areas indicated in letters a–p;
 - 8) "public authority" - it should be understood as main and central government administration bodies, local government administration bodies, bodies of local self-government units, other state bodies and other entities performing public administration tasks by law, competent to undertake follow-up actions in the areas referred to in Article 3, section 1 of the Act;
 - 9) "person to whom the report relates" - it should be understood as a natural person, a legal person or an organizational unit without legal personality, to which the law grants legal capacity, indicated in the report or public disclosure as the person who committed law violation, or as a person with whom the person who committed law violation is associated;
 - 10) "person assisting in filing the report" - it should be understood as a natural person who helps the whistleblower to report or to disclose to the public in the work-related context, and whose help shall not be disclosed;
 - 11) "person related to the whistleblower" - it should be understood as a natural person who is likely to experience retaliation, including a co-worker or a person close to the whistleblower within the meaning of Article 115, § 11 of the Act of 6 June

1997, the Criminal Code (consolidated text: Journal of Laws of 2024, item 17, as amended);

- 12) "whistleblower" - it should be understood as a natural person reporting information on law violation which was obtained in the work-related context referred to in Article 4 of the Act, including but not limited to:
 - a) an employee of the University, including where the employment relationship has already terminated,
 - b) a person applying for employment at the University who becomes aware of law violation during the recruitment process or pre-contract negotiations,
 - c) a person providing work for the University on a basis other than employment, including under a civil law contract,
 - d) an entrepreneur performing services for the University,
 - e) a person providing work under the supervision and direction of a contractor, subcontractor or supplier to the University, including under a civil law contract,
 - f) a member of a University body,
 - g) an intern, trainee and volunteer at the University;
- 13) "public disclosure" - it should be understood as disclosing to the public the information on law violation;
- 14) "University" - it should be understood as the University of Warsaw;
- 15) "Act" - it should be understood as the Act of 14 June 2024 on the protection of whistleblowers (Journal of Laws, item 928);
- 16) "internal report" - it should be understood as an oral or written report on law violation filed with the University;
- 17) "external report" - it should be understood as an oral or written report on law violation filed with the Commissioner for Human Rights or with a public authority.

§ 3

The Internal Reporting Procedure shall be applied to reporting cases of law violation by whistleblowers.

§ 4

1. The Internal Reporting Procedure shall not be applied to anonymous reporting.
2. Anonymous reports shall not be dealt with and are not registered.

§ 5

The Internal Reporting Procedure shall not be applied to information referred to in Article 5, sections 1-3 of the Act.

§ 6

1. The confidentiality of the identity of the whistleblower, the person to whom the report relates and the third party named in the whistleblowing report of law violation shall be ensured. The protection of confidentiality shall apply to information from which the identity of such persons can be directly or indirectly identified.

2. Access to the information on law violation included in the report and to the personal data of the persons referred to in the report of law violation is provided only to the Rector and to the University employees authorised by the Rector in writing.

3. The filing system for material produced in accordance with the Internal Reporting Procedure shall be designed, established and operated so as to protect the confidentiality of the identity of the person making the report and other persons named in the report and to prevent unauthorised persons from gaining access to them.

§ 7

If the Rector is the person to whom the report refers, the rules of the Internal Reporting Procedure shall be applied respectively, however, the reference to the Rector referred to in § 6, section 2 and § 23, section 3 shall mean a reference to the University Council, and the reference to the Rector referred to in § 9, section 1, § 23, section 4 and § 24 shall mean a reference to the Chancellor.

Chapter 2

Procedure for reporting cases of law violation

§ 8

1. The employees of the Section for Whistleblower Protection at the Legal Office, authorised in writing by the Rector and hereinafter referred to as the "authorised employees", are responsible for receiving and recording whistleblowing reports and for undertaking follow-up actions.

2. The list of the authorised employees is available at the website of the Legal Office.

§ 9

1. With regard to the tasks performed under the Internal Reporting Procedure, the authorised employees are supervised directly by the Rector and their work is coordinated by the head of the Section for Whistleblower Protection.

2. The authorised employees shall be obligated to maintain confidentiality of all information obtained in the course of their duties and to take steps to ensure that unauthorised persons do not have access to documents and other materials received or produced in the course of these tasks.

3. Pursuant to Article 27, section 2 of the Act, the authorised employees shall be obligated to keep confidential the information and personal data they have obtained in the course of receiving and verifying internal reports, and while undertaking follow-up actions, including after the termination of the employment or other legal relationship under which they performed these tasks.

§ 10

1. The authorised employee shall be obligated to inform immediately the head of the Section for Whistleblower Protection about circumstances which may undermine impartiality of an employee while performing the tasks defined in the Internal in the performance of the tasks defined in the Internal Reporting Procedure.

In such a case, the head of the Section for Whistleblower Protection having reviewed the information presented, may appoint another person to carry out these tasks.

2. If the circumstances referred to in section 1 refer to the head of the Section for Whistleblower Protection, the head shall immediately inform the Rector of the fact, who then designates another person to carry out these tasks.

§ 11

A report of law violation shall include:

- 1) name and surname of the whistleblower;
- 2) a postal address or an e-mail address of the whistleblower;
- 3) a definition of the relationship between the whistleblower and the University, taking into account the provisions of § 2, section 11, letters a-g;
- 4) the information on law violation shall include:
 - a) the date and place of the incident;
 - b) its duration,
 - c) and circumstances;
- 5) the personal data of the person concerned by the report of law violation;
- 6) an indication of evidence supporting the facts described in the report of law violation, including the identification of possible witnesses;
- 7) the personal data of the persons assisting in making a report of law violation and the personal data of the persons associated with the whistleblower if they have an employment relationship with the University;
- 8) information on whether a case of law violation has already been reported before and if so, where.

§ 12

1. The report of law violation shall be forwarded to the Section for Whistleblower Protection at the University.

2. A report of law violation may be filed:

- 1) by e-mail to: sygnalista@adm.uw.edu.pl
- 2) in writing, in a sealed envelope addressed to the Section for Whistleblower Protection, marked "confidential";
- 3) by phone at: +48 22 55 20 302;
- 4) in person at the Section for Whistleblower Protection, by prior appointment in the manner referred to in point 1 or 3, during a meeting with the authorised employee referred to in § 8.

3. The channels for the receipt of reports referred to in section 2 are designed, established and operated so as to protect the confidentiality of the identity of the person making the report and other persons listed in the report, and to prevent access to them by persons other than the authorised employees.

4. The head of the Section for Whistleblower Protection shall indicate an authorised employee who acknowledges the receipt of the report of law violation and carries out its preliminary formal assessment.

5. The authorised employee shall acknowledge receipt of the report filed in the manner referred to in section 2, points 1 and 2, within 7 days of its receipt, unless the whistleblower has failed to indicate an address to which confirmation shall be sent.

6. The authorised employee shall acknowledge receipt of the report filed in the manner referred to in section 2, points 3 and 4, immediately after its receipt.

7. Filing the report referred to in section 2, points 3 and 4 shall be confirmed in the form of a protocol, reproducing the exact course of the interview, drawn up by the authorised employee.

The whistleblower can check, correct and approve the protocol by signing it. If the report of law violation has been made by telephone, checking, correcting and approving the protocol is possible by appointment with the authorised employee.

8. In the case referred to in section 2, point 4, the date of the meeting shall be set no later than 14 days after receipt of the request for the meeting.

9. If the report referred to in section 2, points 1 and 2 is incomplete and the sender of the report can be identified, a request for completion of the report shall be delivered within 14 calendar days of its receipt.

In such a case, the report shall be supplemented as set out in section 2, and the provisions defined in sections 1-8 shall apply respectively, taking into account the specifics of the supplement to the report.

10. The authorised employee communicates with the whistleblower, requests additional information from the whistleblower, if necessary, and provides feedback.

§ 13

If the report of law violation is filed with an unauthorised employee of the University, that employee is obliged to:

- 1) keep confidential the fact of the report and its content, including information which may reveal the identity of the whistleblower or the person to whom the report relates;
- 2) immediately forward the report to the Section for Whistleblower Protection by means specified in § 12, section 2, without amending this report.
- 3)

§ 14

After an initial formal verification of the report, including a confirmation the report contains information on law violation, the authorised employee referred to in § 12, section 4 shall immediately inform the whistleblower about the results of this verification.

If the report does not meet the formal requirements, the authorised employee shall indicate the elements to be supplemented.

§ 15

The whistleblower shall be subject to the protection set out in Chapter 2 of the Act from the time of filing a report or making public disclosure, provided that the whistleblower had reasonable grounds to believe that the information which was the subject of the report or public disclosure was true at the time of filing a report or making public disclosure and that it constitutes information of law violation.

Chapter 3 Procedure for undertaking follow-up actions

§ 16

If the report of law violation meets the formal requirements, the authorised employee shall send it to the head of the Section for Whistleblower Protection who then appoints a follow-up action Team from among the authorised employees to deal with the report of law violation, hereinafter referred to as the "Team", and appoints a chairperson of the Team.

§ 17

1. The chairperson directs the work of the Team, ensures its timeliness and regularity, distributes tasks among its members and, in agreement with them, prepares the work plan.

2. The Secretary of the Team, who is the authorised employee responsible for receiving the report of law violation, documents the progress of the work in a written or electronic form and informs the whistleblower of the results at the end of the proceedings.

§ 18

The Team shall handle cases promptly, with due diligence, confidentiality and impartiality.

§ 19

1. The Team shall complete the work assigned within 2 months of its appointment.

2. The feedback shall be sent to the whistleblower within 3 months of the date of acknowledgement of receipt of the internal report or, if an acknowledgement has not been provided, within 3 months of the expiry of 7 days from the date of filing the report.

§ 20

The Team shall undertake actions to assess the veracity of the allegations contained in the report of law violation; it may in particular:

- 1) require the University employees to provide access to documents or materials necessary to establish the facts of the case;
- 2) invite the witnesses indicated by whistleblower to the Team's meeting and listen to them;

- 3) invite to the Team's meeting the University employees or other persons and hear from them about circumstances relevant to the determination of the facts of the case, provided this does not conflict with the provisions of generally applicable law.

§ 21

1. The member of the University Community shall be obligated to maintain confidentiality with regard to facts learned in the course of the Team's work. They shall not share with third parties any information and documents filed with the Team.

2. Persons who are not members of the University Community may take part in the work undertaken by the Team once they have concluded an agreement with the University in which they undertake, in particular, to maintain confidentiality with regard to the facts learned in the course of the Team's work and not to share with third parties the information provided to the Team.

§ 22

The head of the Section for Whistleblower Protection shall dismiss a member of the Team if there is a circumstance that may give rise to a reasonable doubt as to their impartiality in a case considered by the Team.

§ 23

1. Upon completion of the work, the Team shall prepare a Final Report stating whether there is a reasonable suspicion of law violation, and if so, in what form.

2. In the Final Report, the Team indicates the proposed follow-up actions to counter the reported case of law violation, together with the justification. In particular, the Team may indicate that:

- 1) there is a suspicion of an act constituting a disciplinary offence and it is reasonable for the Rector to undertake the action specified in Article 282 of the Act of 20 July 2018, the Law on the Higher Education and Science (consolidated text: Journal of Laws of 2023, item 742, as amended);
- 2) there are grounds for reporting a reasonable suspicion of a criminal offence, a misdemeanour, a fiscal crime or a fiscal offence;
- 3) there are grounds for reopening administrative proceedings ex officio;
- 4) there are conditions for an ex officio annulment of an administrative decision;
- 5) it is in the interest of the University to initiate a court case;
- 6) filing a complaint, an application or a petition is justified;
- 7) it is in the interest of the University to establish, modify or terminate a legal relationship;
- 8) there is a ground for cancelling the public procurement procedure;
- 9) it is in the interest of the University to undertake actions for the recovery of funds, together with an indication of those actions;
- 10) there are grounds for the application of a disciplinary penalty against a University employee;
- 11) making changes to the internal regulations in force at the University is warranted;
- 12) an internal audit of a specific area of the University's activities is warranted;
- 13) it is reasonable to provide training or workshops in a specific area or to oblige an employee to attend a training or workshop.

3. The chairperson of the Team files the Final Report with the Rector who then shall decide on undertaking follow-up actions.

4. The Rector files with the Team information on the follow-up actions undertaken.

§ 24

Once the Team has received information from the Rector on the follow-up actions undertaken, the Secretary of the Team provides feedback to the whistleblower in writing or electronically, including:

- 1) the date on which the procedure was completed;
- 2) an indication of whether there is a reasonable suspicion of law violation;
- 3) a description of the follow-up actions undertaken or to be undertaken, with justification.

Chapter 4 Register of internal reports

§ 25

1. The Section for Whistleblower Protection shall maintain a register of internal reports, hereinafter referred to as the "Register".

2. An entry in the Register is made on the basis of an internal report filed by the whistleblower, in accordance with the Internal reporting procedure.

3. The Register of internal reports includes:

- 1) a report number;
- 2) the subject of law violation;
- 3) the personal data of the whistleblower and the reported person necessary to identify them;
- 4) the whistleblower's contact address;
- 5) the date of filing the report;
- 6) information on the follow-up actions undertaken;
- 7) the date on which the case was completed.

4. Personal data and other information in the Register are kept for a period of 3 years after the end of the calendar year in which the follow-up actions have been completed, or after the proceedings initiated by those actions have been completed.

5. The Register shall be designed, established and operated in such a way as to protect the confidentiality of the information contained therein, including personal data, and preventing access to it by persons other than the authorised employees.

Chapter 5 External reports

§ 26

1. The whistleblower may file an external report without first filing an internal report.

2. External reports are received by the Commissioner for Human Rights or by the public authority competent to undertake follow-up actions.

3. External reports may be anonymous and contain the personal data of the whistleblower.

4. The controller of the data contained in the report is the authority that receives it.

5. An external report may be made orally or in writing.

6. An external report in a document form may be made:

- 1) on paper - sent to the postal address indicated by the Commissioner for Human Rights or the public authority receiving the report;
- 2) in electronic form - sent to an e-mail address or electronic delivery address indicated by the Commissioner for Human Rights or the public authority receiving the report, or via the dedicated web form, or the application designated by the public authority as the correct application for electronic filing.

7. The authority receiving the report shall acknowledge its receipt without delay, but no later than 7 days after receipt of the report, if the whistleblower has provided their contact details.

8. At the request of the whistleblower, the public authority competent to undertake follow-up actions shall issue a certificate no later than one month after receipt of the request in which it is confirmed that the whistleblower is subject to the protection set out in Chapter 2 of the Act.

9. The detailed procedure and rules for making external reports are set out in Chapter 4 of the Act.

Chapter 6

Personal data protection policy

§ 27

1. The personal data processed in conjunction with report received shall be protected under the terms of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (hereinafter referred to as the "GDPR"), as well as in internal data protection regulations in force at the University.

2. Personal data which is not relevant to the processing of the report shall not be obtained and, if accidentally obtained, shall be deleted immediately in accordance with the University's internal regulations on the subject.

3. Where the documents or other media containing personal data indicated in section 2 are relevant to the processing of the report, technical measures shall be taken to ensure the irreversible anonymisation of the personal data contained therein as indicated in section 2.

4. The University is a data controller of the personal data processed in reference of the report received within the meaning of the provisions of the GDPR.

5. The obligations set out in Article 13 and Article 14 of the GDPR shall be fulfilled by the University separately in relation to each individual whose personal data it processes in connection with the acceptance of a report.

6. Access to the personal data processed in connection with the acceptance of the report shall only be granted to the University employees who are authorised to process personal data processed in connection with the acceptance of the report issued in accordance with the University's current internal data protection regulations.

7. The personal data processed in connection with the acceptance of the report and the follow-up actions undertaken shall be retained for a period of 3 years after the end of the calendar year in which the follow-up actions have been completed, or after the proceedings initiated by those actions have been completed.

8. For data protection matters not regulated in the Internal Reporting Procedure, the University's other internal regulations on data protection and the provisions of the GDPR shall apply.

§ 28

1. Sharing and distributing of the personal data processed in connection with the acceptance of a whistleblowing report with external parties may only take place if this is directly necessary for:

- 1) the performance of a legal obligation incumbent on the University, insofar as this obligation is clearly based on generally applicable law;
- 2) the proper performance of the obligations under the Internal Reporting Procedure, insofar as the data recipient has a legal basis for processing the data or the University has entered into an agreement with the data recipient for the entrustment of the processing of personal data in this regard;
- 3) the fulfilment of the University's legitimate interest, including, inter alia, the defence, investigation and determination of claims.

2. The University shall notify the whistleblower prior to the release of the personal data referred to in section 1 by sending, in a paper or electronic form, an explanation of the reasons for the release of personal data, unless such notification would jeopardise an investigation or legal proceedings.

3. The delivery and transfer by any means of originals or copies of documents containing the personal data processed in connection with the acceptance of the report of law violation is permissible both in:

- 1) an electronic form, having first secured the document files by encryption, in accordance with the University's current internal regulations in this regard;
- 2) in a paper form for the delivery of documents:
 - a) to external parties by means of delivery:
 - as registered mail sent through the Polish Post Office,
 - as a courier service sent via a courier company with which the University has entered into an agreement for the entrustment of the processing of personal data,
 - b) between the organisational units of the University:
 - via the General Registry, after having secured the envelope marked with the recipient's name against unauthorised opening,

– in person, after first securing the envelope to prevent unauthorised opening and receiving written confirmation of receipt of the documents from the recipient.

Chapter 7

Information on the Internal Reporting Procedure and on the Act

§ 29

The Section for Whistleblower Protection posts on the University website comprehensible, easily accessible and constantly updated information on the Act and the Internal Reporting Procedure, including but not limited to:

- 1) the formal requirements for reporting cases of law violation;
- 2) conditions for the protection of whistleblowers who report or disclose to the public any information on cases of law violation;
- 3) measures for the protection of whistleblowers who report or disclose to the public any information on cases of law violation;
- 4) the procedure to be followed in the event of reporting a case of law violation;
- 5) confidentiality rules applicable to reports of law violation;
- 6) the principles for processing the whistleblower's personal data;
- 7) follow-up actions undertaken as a result of a report of law violation;
- 8) legal remedies and procedures applicable for protection against retaliation;
- 9) conditions under which the whistleblower is protected from liability for breach of confidentiality;
- 10) the manner in which external reports are made to the Commissioner for Human Rights or public authorities, and, where appropriate, to the institutions, bodies, offices or agencies of the European Union.