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Dean's Decree No. 1/2022, appointing the Ombudsperson of the Film and TV School of the Academy of Performing Arts in Prague

This Decree abolishes and supersedes Dean's Decrees Nos. 11/2021 and 15/2021.

Pursuant to Article 13, clause 3 of the Statutes of AMU, the Dean of the Film and TV School of the Academy of Performing Arts in Prague hereby issues this Decree within the limits defined by legal regulations, internal policies of AMU and the Faculty, appointing the Ombudsperson of the Film and TV School of the Academy of Performing Arts in Prague:

PREAMBLE

The ombudsman/ombudswoman (hereinafter the "Ombudsperson") of the Film and TV School of the Academy of Performing Arts in Prague is an independent person who works to offer space for dialogue and confidential help for students and employees of the Film and TV School of the Academy of Performing Arts in Prague ("FAMU") primarily in matters of ethics, workplace culture and prevention of the abuse of power.

The Ombudsperson's mission is to contribute to creating and maintaining safe and fair studying and working environment and encourage its diversity. In accordance with Section 1(d) of Act No. 111/1998 on tertiary education, FAMU adopts an active role in the public debate on societal and ethical issues, in fostering cultural diversity and mutual understanding, shaping a civic society, and preparing young people for life in it. A variety of opinions on life and experience is perceived as an essential and beneficial quality, especially in the artistic environment. This is also why the Ombudsperson should assist in creating tools for aligning family, academic, and professional life as well as for the inclusion of any disadvantaged groups.

The Ombudsperson's activity is also integrated into the structure of FAMU, complements the activity of other FAMU bodies, and its primary mission is an advisory, cultivating, and mediating role.

CHAPTER I
BASIC PRINCIPLES

Article 1

Scope of competence

1. The Ombudsperson:

a) Protects and helps the students and employees of FAMU in situations that exhibit attributes of inappropriate conduct such as discrimination, intimidation, sexual harassment, bullying, mobbing, bossing, and other forms of inappropriate conduct that is not addressed in accordance with methods defined by the internal policies and standards of FAMU or AMU;

b) Improves the access to various forms and organisation of study to students with special educational needs;

c) Contributes to developing FAMU's internal culture and democratic functioning, proactively identifies potential weaknesses of the current practice, and suggests potential improvements and solutions.

2. Under Section 2 of Act No. 198/2009, the Anti-Discrimination Act, discrimination means:

a) Conduct, including omissions, where one person is treated less favourably than another person is or was or would be treated in a comparable situation for the reason of racial or ethnic origins, nationality, gender, sexual preferences, age, health, religious creed, faith, world view, social status, or citizenship;

b) Harassment, sexual harassment, stalking, and ordering or instructing to discriminate against. Discrimination due to gender includes discrimination on the grounds of pregnancy or parenthood and on the grounds of gender identification;

c) Discrimination also includes conduct where a person is treated less favourably due to an assumed reason under clause a) above.

Article 2

Principle of independence

1. As part of the scope of their activity under this Decree, the Ombudsperson acts as an advisory body to the Dean.

2. The Ombudsperson must not be persecuted in any manner for duly pursuing their activity under this Decree.

3. The Ombudsperson complements, but does not intervene in the activity of other AMU authorities, including but not limited to the Dean, the Academic Senate of the Faculty, trade unions, the Ethics Committee of AMU, and the Faculty's Disciplinary Committee.

4. The Ombudsperson's position is independent of their activity in other bodies of AMU and the Faculty, and is incompatible with the position of the Rector, Vice-Rector, Bursar, Dean, Vice-Dean, and Secretary of a Faculty.

Article 3 Principle of neutrality and impartiality

1. The Ombudsperson aims for impartiality, fairness and objectivity in assessing and resolving issues and assessing the rules and processes of AMU or Faculty.

2. The Ombudsperson should not have any personal interest in the issues that they address. If there is a reason to believe that the interest of the Ombudsperson in addressing a specific issue is in conflict with the interest of the applicant and/or FAMU considering the issue or persons that it concerns, the Ombudsperson shall immediately notify the proponent and the Dean.

3. The Ombudsperson's position is paid with a fixed amount determined by the Dean. The Ombudsperson must not be influenced by the reward in holding their position.

Article 4 Principle of confidentiality

1. The Ombudsperson shall maintain all communication strictly confidential. This obligation also applies to third parties that cooperate with the Ombudsperson in addressing a specific case.

2. The Ombudsperson shall not disclose the identity of the affected person or disclose such information that might compromise the anonymity of the affected person, with the potential exceptions being:

a) informing the Dean or the Rector;

b) cases where the affected person explicitly agrees with taking such a step; such consent must be documented in writing;

c) cases that the ombudsperson assesses as involving a potential threat to life or a serious threat to health;

d) cases where such disclosure is required by legislation;

e) if the Ombudsperson statistically processes information about affected persons, they shall do so in a manner not compromising their anonymity.

3. The Ombudsperson is responsible for maintaining documents and information (e.g., notes, telephone messages, meeting schedules) confidential and shall keep the same in a safe place so that no one can view them. The Ombudsperson shall archive filings for two years from receiving them and shall follow the procedures for discarding such information under the AMU Filing and Shredding Rules.

4. The appointment of an Ombudsperson is subject to the candidate's written consent with the non-disclosure obligation regarding all confidential or otherwise sensitive aspects of the discussed issues and their own activity in the position.

Article 5
Principle of informality

1. The Ombudsperson works, as a rule, on the basis of informal principles, which is also reflected by the informal means preferred for addressing issues; informal means include, for example, listening, giving and receiving information, identifying and preventing issues in good time, suggesting solutions to issues, etc.

2. The preferred method of settling disputes is by agreement, the conclusion of which the Ombudsperson may encourage by all available means, preferably by organising meetings, mediation, or shuttle diplomacy.

Article 6
Principle of protecting the informant and other involved persons

1. Any activity of the Ombudsperson that could compromise the anonymity of an affected person is subject to the affected person's approval.

2. Using the Ombudsperson's service is voluntary and must not be a required step when filing a complaint or when addressing an issue formally.

3. No one may or shall be forced to face any retaliatory measures as a result of themselves or a person close to them using the services of the Ombudsperson. This protection also applies to persons who assist the Ombudsperson. A person who knowingly reports an unfounded issue or untrue information cannot seek protection from retaliatory measures.

CHAPTER II
OMBUDSPERSON'S ACTIVITY

Article 7
Approaching the Ombudsperson

1. Any employee or student of FAMU may approach the Ombudsperson and ask for a consultation.

2. The applicants for the Ombudsperson's service may apply for a consultation (anonymously if needed) in writing, i.e., in a letter or in electronic form (mail, e-mail, or data message), via telephone, or in person.

3. Subsequently, the applicants will arrange the date, form, and manner of the initial meeting under Article 8 of this Decree.

Article 8 Initial meeting

1. The initial meeting may take the form of an individual in-person consultation. It may also take the form of a video call.
2. It is possible to bring another person along to the meeting (including persons outside AMU) whom the applicant trusts (a schoolmate, colleague, or parent).
3. During the initial meeting, the applicant shall first set the confidentiality mode of communication. The particulars of the problematic situation will be discussed subsequently. If the applicant chooses to act anonymously, they shall demonstrate to the Ombudsperson that they are an employee or student of FAMU at the initial meeting.
4. The initial meeting should result in one of the options for support or proposal of a solution under Article 9 of this Decree.
5. The Ombudsperson shall write a brief record of the initial meeting to capture the essence of the problematic situation. The Ombudsperson shall allow the applicant to comment on the record; the applicant's comments shall be attached to the record.
6. The Ombudsperson and the applicant may arrange a subsequent meeting to help address the situation.
7. The Ombudsperson shall respond to an issue within 30 days of the initial meeting.

Article 9 Forms of support

1. The Ombudsperson shall first decide if the issue falls within their competence. The Ombudsperson's competence does not include issues:
 - a) without proper justification, and/or
 - b) submitted by any person other than a current student or a current employee of FAMU, and/or
 - c) submitted by former students or former employees of FAMU,
 - d) relating to circumstances where more than five months have elapsed from the day when the applicant learned about an issue, and/or
 - e) relating to circumstances older than three years.
2. The Ombudsperson does not resolve cases; instead, they provide the involved parties with support and information about the options for remedy or resolution by FAMU or AMU authorities.

3. If possible, the ombudsperson shall primarily assist an affected person in a manner enabling the affected person to resolve the situation by their own means or to resolve an issue at the lowest possible level of the organisational structure of AMU or a Faculty.

4. Depending on an individual assessment of each case, the Ombudsperson may furthermore suggest/offer an affected person:

a) assistance with wording a formal or informal complaint;

b) solution, e.g., in the form of a meeting with the involved parties in the presence of the Ombudsperson;

c) considering the further steps based on internal policies and norms of FAMU or AMU;

d) additional internal or external assistance (contact to a psychotherapist, non-profit organisations, or legal assistance);

e) escalation of the complaint in an anonymous form through the Ombudsperson to the Dean, Rector, Faculty Disciplinary Committee, or AMU's Ethics Committee for resolution;

f) in addressing an issue, the Ombudsperson may seek expert advice at their own discretion following the Dean's prior written consent. FAMU shall bear the costs of the expert advice.

Article 10 Ombudsperson's authority

1. In order to resolve an issue, the Ombudsperson may ask any FAMU employee or student for cooperation.

2. The Ombudsperson may ask for access to information relevant for a case.

3. If a competent body, academic community member, or employee of FAMU acts in conflict with this Decree, the Ombudsperson may file a complaint with the Dean.

4. The Ombudsperson cannot substitute other FAMU or AMU bodies or authorities acting in criminal procedures. The Ombudsperson has no means to pursue such activities.

Article 11 Ombudsperson's educational activity

1. The Ombudsperson in cooperation with the Faculty officials shall organise seminars and other educational activities geared towards creating and maintaining continuously safe and fair studying and working environment at FAMU.

Article 12
Report on activity

1. The Ombudsperson shall monitor FAMU's internal processes with a view to preventing inequal and/or unethical treatment.
2. The Ombudsperson shall submit a brief, general and anonymised report on their activity to the Dean on an annual basis.
3. The report on the Ombudsperson's activity shall cover:
 - a) types of the cases addressed (number; date of receiving a suggestion; Department or section involved; method of assessment);
 - b) an analysis of the trends, issues and shortcomings in FAMU's rules and processes;
 - c) suggestions for systemic changes.

CHAPTER III
STAFFING THE OMBUDSPERSON POSITION

Article 13
Ombudsperson's appointment

1. The Dean appoints and recalls the Ombudsperson. The Dean shall appoint the Ombudsperson further to a recommendation of the Academic Senate of FAMU, which is based on a vote under Article 16 of this Decree.
2. The Ombudsperson's term of office is two years beginning with the appointment.
3. The Ombudsperson's term of office ends:
 - a) on the day when the term of office expires;
 - b) upon losing the ability to hold the position, or under clause 16(2) if the person becomes a student or employee of FAMU;
 - c) on the day of delivery of their written resignation notice to the Dean;
 - d) on the day of being recalled by the Dean under Article 14;
 - e) by death.

Article 14
Ombudsperson's recalling

1. The Ombudsperson may be recalled due to their inactivity or incompetence.

2. The Dean recalls the Ombudsperson based on agreement of the majority of all members of the Academic Senate of FAMU.

3. Any member of the Academic Senate of FAMU may propose the recalling of the Ombudsperson. The proposal shall be submitted to the Dean and shall contain:

- a) clear identification of the proponent;
- b) the proponent's signature;
- c) clear and relevant evidence of the Ombudsperson's inactivity or incompetence.

4. The Dean shall recall the Ombudsperson by means of a written letter that shall contain the reason for the recalling.

Article 15 Ombudsperson's secretary

1. Having consulted the Ombudsperson, the Dean may appoint a secretary to the Ombudsperson. The secretary shall do the office and technical work required for the Ombudsperson's activity. The secretary shall submit to the non-disclosure obligation to a similar extent.

Article 16 Choice of the Ombudsperson

1. Any FAMU student or employee may propose an Ombudsperson candidate. The proposal must be submitted to the Dean within the period defined by the Dean. The proposal shall contain:

- a) clear identification of the proponent;
- b) the proponent's signature;
- c) the candidate's signature;
- d) the candidate's agreement with their candidacy and signature.

2. The candidate must not be a FAMU student or employee except where the candidate is under employment as the current Ombudsperson and intends to run for the position again.

3. The candidate should have experience in the fields of human rights, psychology and education and should be involved in such agendas in a long-term perspective.

4. The Dean shall gather the candidate proposals, verify their validity, and send them to all members of the Academic Senate of FAMU at least 10 days before the vote.

5. The Dean shall have the list of candidates published on the FAMU website at least seven days before the planned vote of the Academic Senate of FAMU.

6. The vote shall take place no sooner than two months and no later than one month before the end of the term of office of the current Ombudsperson.

7. The vote for an early appointment due to the end of an Ombudsperson's term of office under clause 13(3) of this Decree shall take place no later than 60 days from the end of the term of office.

8. The Dean shall announce the Ombudsperson election for both standard and early ending of the term of office no later than 40 days prior to the day of the vote. The Dean shall also determine the deadline for the submission of candidate proposals.

9. Before the vote, all the candidates shall introduce themselves to the Academic Senate of FAMU and outline their visions for the future of the Ombudsperson position.

10. Each candidate who receives the majority of votes of all members of the Academic Senate of FAMU is recommended to the Dean. If an Ombudsperson's term of office ends under clause 13(3)(b) to (e), the subsequent recommended candidates will become substitutes and if the Ombudsperson's position is vacated, they will be immediately called up in the order determined by the votes received. A substitute becomes the Ombudsperson on the day of appointment and their term of office ends on the day when the term of office of the Ombudsperson being replaced would end. If the Dean decides not to appoint a substitute, the Dean shall announce an early vote under clauses 16(7) and (8).

11. The Dean shall choose and appoint the Ombudsperson from among the recommended candidates.

Article 17 **Final provisions**

This Decree abolishes and supersedes Dean's Decrees Nos. 11/2021 and 15/2021. It becomes valid upon signing and effective on 4 January 2022.



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Dean of FAMU