

Procedure for Receiving Reports and Taking Follow-Up Action at the PK Krakow University of Technology

§ 1

General provisions

1. This "Procedure for Receiving Reports and Taking Follow-Up Action at the PK Krakow University of Technology" (hereinafter referred to as the **Procedure**) sets forth the rules and procedures for whistleblowers to report violations of the law, within the scope specified in Article 3 section 1 of the Act of June 14, 2024, on the Protection of Whistleblowers.
2. The process of receiving reports is one of the key elements of the proper and secure management of the PK Krakow University of Technology (hereinafter referred to as PK KUT), whose purpose is to identify irregularities in operations and take action to eliminate them and mitigate risks at all organizational levels of PK KUT.
3. The implemented reporting process allows all whistleblowers to submit reports through the communication channels established by the University, in a manner that ensures protection against retaliation or attempts at, or threats of, such actions that may result from the report.
4. A whistleblower is entitled to protection from the moment the report is made or publicly disclosed, provided that the whistleblower had reasonable grounds to believe that the information subject to the report or public disclosure was true at the time the report was submitted and that it constituted information regarding a breach of the law.
5. Whistleblowers who submit reports in bad faith are not entitled to the protections provided for in the Procedure. Whistleblowers who intentionally and knowingly provide false or misleading information when submitting reports are also not covered by such protection.
6. The purpose of this Procedure is to define the method for protecting whistleblowers and enforcing such protection by adopting a procedure that serves as an internal tool to enhance the effectiveness of monitoring, detecting, and addressing irregularities that constitute violations of applicable laws, within the scope specified in Article 3 section 1 of the Act of June 14, 2024, on the Protection of Whistleblowers.

§ 2

Definitions

1. The terms used in the Procedure shall have the following meanings:
 - 1) **Act** – the Act of June 14, 2024, on the Protection of Whistleblowers;
 - 2) **follow-up action** – this refers to action taken by the PK KUT or a public authority to assess the validity of the allegations contained in the report and, where appropriate, to address the violation of law that is the subject of the report, including through: an investigation, the filing of charges, action taken to recover funds, or the closure of the procedure for receiving and verifying reports;
 - 3) **retaliation** – refers to a direct or indirect act or omission in a work-related context that is caused by a report or public disclosure and that violates or may violate the rights of the whistleblower or causes or may cause unjustified damage to the whistleblower, including unjustified initiation of proceedings against the whistleblower;
 - 4) **information about a breach of the law** – this should be understood as information, including a reasonable suspicion, regarding an actual or potential violation of the law that has occurred or is likely to occur at PK KUT, where the whistleblower participated in the recruitment process or in other negotiations preceding the conclusion of a contract, works or worked, or with which the whistleblower maintains or maintained contact in a work-related context, or information regarding an attempt to conceal such a breach of the law;
 - 5) **feedback** – this refers to providing the whistleblower with information regarding planned or taken follow-up actions and the reasons for such actions;
 - 6) **work-related context** – this should be understood to mean past, present, or future

activities related to the performance of work under an employment relationship or other legal relationship constituting the provision of labor or services, or the performance of functions at PK KUT or on behalf of PK KUT, in the course of which information about a breach of the law was obtained, and there is a possibility of experiencing retaliatory actions;

- 7) **public authority** – this should be understood as supreme and central government administrative bodies, local government administration bodies, local government units, other state bodies, and other entities performing tasks in the field of public administration pursuant to the law, with jurisdiction to take up follow-up actions in the areas described in Article 3 sec. 1 of the Act;
- 8) **the person to whom the report relates** – this refers to the person identified in the report or public disclosure as the person who committed the violation or as a person with whom that person is associated;
- 9) **person assisting with the report** – this refers to a natural person who assists the whistleblower in filing a report or making a public disclosure in a context related to work and whose assistance has not been disclosed;
- 10) **a person associated with the whistleblower** – this refers to a natural person who may be subject to retaliation, including a colleague or a close relative of the whistleblower, i.e., a spouse, ascendant, descendant, sibling, relative in the same line, an adopted person and their spouse, as well as a cohabiting partner;
- 11) **a breach of the law** – an act or omission that is unlawful or intended to circumvent the law, relating to:
 - a) corruption;
 - b) public procurement;
 - c) financial services, products, and markets;
 - d) counteracting money laundering and financing terrorism;
 - e) product safety and their compliance with requirements;
 - f) transport safety;
 - g) environmental protection;
 - h) radiological protection and nuclear safety;
 - i) food and feed safety;
 - j) animal health and welfare;
 - k) public health;
 - l) consumer protection;
 - m) protection of personal data and privacy;
 - n) security of ICT networks and systems;
 - o) the financial interests of the State Treasury of the Republic of Poland, of local government units, and of the European Union;
 - p) the internal market of the European Union, including public law principles of competition and state aid as well as corporate income taxation;
 - q) constitutional liberties and human and citizens' rights – present in relations of an individual with public authorities and not related to the areas indicated in subpoints a–p;
- 12) **employee** – this refers to a PK KUT employee;
- 13) **public disclosure** – this refers to the release of information regarding a breach of the law to the public;
- 14) **report** – this refers to an internal report made orally or in writing, or an external report submitted in accordance with the requirements set forth in the Act;
- 15) **internal report** – this refers to the reporting of information regarding a breach of the law to PK KUT, in accordance with this Procedure;
- 16) **external report** – this refers to the oral or written submission to the Human Rights Commissioner or a public authority of information regarding a breach of the law;
- 17) **investigative committee** – an impartial committee appointed by the Rector to review an internal report;
- 18) **whistleblower** – a natural person employed by or collaborating with PK KUT,

- regardless of their position, role, or form of employment or collaboration, who reports or publicly discloses violations of the law;
2. A reporter (whistleblower) within the meaning of this Procedure may be:
 - 1) a PK KUT employee;
 - 2) a former PK KUT employee;
 - 3) a job applicant at PK KUT who has become aware of a breach of the law during the recruitment process or negotiations preceding the conclusion of a contract;
 - 4) a person providing work on a basis other than an employment relationship, in that on the basis of a civil law contract;
 - 5) a member of the University Senate or the University Council;
 - 6) a person completing an internship or apprenticeship at PK KUT;
 - 7) a volunteer who has entered into an agreement with PK KUT regarding the provision of services by the volunteer,
 - 8) an entrepreneur.

§ 3

Ways to submit a report

1. A whistleblower may file a report by completing the *Irregularity Report Form*, in accordance with the template provided in Appendix 1 to this Procedure, and submitting it as follows:
 - 1) electronically via email at: sygnalista@pk.edu.pl;
 - 2) by internal or external mail, in a sealed envelope marked "Confidential," placed inside another sealed envelope addressed to the Rector's Office and marked "Internal Report – Whistleblower." The applicant shall provide their personal data exclusively in the form referred to in sec. 4 below, enclosed with the application form in an inner envelope, subject to the provisions of sec. 5 below.
2. Internal reports cannot be submitted anonymously.
3. To ensure that the report is processed efficiently and followed up effectively, it is recommended that the report include, in particular:
 - 1) a description of the breach;
 - 2) the name of the PK KUT organizational unit to which the report pertains;
 - 3) identification of the person(s) who committed the breach;
 - 4) the approximate period during which the breach occurred;
 - 5) any other information related to the report, including any documents, information about potential witnesses, etc.;
4. The whistleblower shall attach the form *Information on the Reporting Person, including a clause on the processing of personal data*, which constitutes Appendix 2 to this Procedure and contains:
 - 1) the details of the whistleblower to whom the report relates;
 - 2) identification of individuals assisting with the submission of the report (if the whistleblower identifies the individual(s) assisting with the report or those named in the report, authorized staff of the Rector's Office will notify such individuals of the processing of their personal data via email or telephone);
 - 3) indication of the preferred method of contact, ensuring that anonymity is maintained;
5. The report can also be submitted verbally (by phone at 126282052 or by making an appointment in advance with a staff member of the Rector's Office). Based on the conversation, the employee fills out the report form and the whistleblower information form (Attachments 1 and 2). The whistleblower may confirm the accuracy of the information entered in the report form by signing it.
6. The purpose of providing the information referred to in sec. 4 point 1 is to provide for the possibility of contacting the whistleblower in cases where more information than was originally provided in the report may be necessary to investigate the report. This information will be known only to the staff members at the Rector's Office who receive the report and will not be disclosed to other individuals involved in the investigation.
7. The designated staff members of the Rector's Office are responsible for receiving reports on behalf of the PK Krakow University of Technology. The Rector of PK KUT grants specific

authorizations to the employees of the Rector's Office mentioned above to receive and review reports and to process the personal data of whistleblowers and individuals assisting in the submission of reports. In connection with the above activities, designated employees of the Rector's Office are required to maintain confidentiality. The duty of confidentiality remains in effect even after the termination of employment or any other legal relationship of the designated employees of the Rector's Office.

8. The Rector's Office shall confirm receipt of the report within 7 days of receiving it, using the feedback channel preferred by the whistleblower, as referred to in sec. 4 point 3, following the preliminary review of the application referred to in § 4.

§ 4

Preliminary analysis of the internal report

1. Upon receiving a report, an authorized employee of the Rector's Office conducts a preliminary review of the report to determine whether:
 - 1) this report concerns the subject matter;
 - 2) the report was submitted by an authorized person, in accordance with § 2 sec. 2;
 - 3) the information contained therein allows for the report to be processed;
 - 4) the report is not a repeat submission of the same matter; if it is, it must be verified whether new circumstances have been provided that would allow for an investigation to be conducted.
2. If necessary, an authorized employee of the Rector's Office will contact the whistleblower to request additional information needed to process the report.
3. For the purposes of the verification referred to in sec. 1, an employee of the Rector's Office consults with the University's Legal Counsel and forwards the content of the report to them, omitting the personal information of the whistleblower and those who assisted in filing the report.
4. If, during the initial review of a report, a staff member of the Rector's Office determines that it should be addressed through another internal procedure (e.g., an anti-harassment procedure, a procedure for submitting complaints and requests, etc.), they will forward it to the unit or body responsible for handling it.
5. The report will not be considered in the following cases:
 - 1) if it does not fall within the scope of the subject matter,
 - 2) if it was made by a person not included in the list specified in § 2, sec. 2;
 - 3) if it is an anonymous report;
 - 4) if it does not contain sufficient information to conduct an investigation and has not been supplemented, despite the request for supplementation referred to in sec. 2 above
6. Without undue delay, within 7 days of receiving the report (or of receiving the additional information needed to process it), an employee of the Rector's Office, after obtaining the Rector's approval:
 - 1) notifies the whistleblower that the report has been received (in the case of reports classified as preliminary reports);
 - 2) notifies the sender that the matter has been referred for consideration under a different procedure (in the case of reports submitted in accordance with the jurisdiction referred to in sec. 4);
 - 3) may notify the sender that the report has been left unprocessed, along with the reasons referred to in sec. 5.
7. If the report concerns the Rector, the actions reserved for the Rector under this procedure shall be carried out by the Chair of the University Council.

§ 5

Investigation procedure

1. If the report is accepted, an investigation is conducted.
2. The investigation is conducted by an investigative committee appointed by the Rector of

PK, based on a report submitted by a staff member of the Rector's Office, subject to § 4 sec. 7.

3. The investigative committee shall consist of at least three members (including the PK KUT Legal Counsel), selected based on their expertise relevant to the matter at hand.
4. The following persons may not serve on the investigative committee:
 - 1) the whistleblower;
 - 2) a person assisting with the filing of the report;
 - 3) the person to whom the report relates;
 - 4) the immediate supervisor or subordinate of the persons listed in points 1 and 3;
 - 5) a person performing activities or handling matters whose correctness will be the subject of the investigation (this may be a person performing such activities or handling such matters), as well as other persons who, by virtue of their activities, functions, or positions within the PK KUT structure, might have an interest in the failure to confirm that the reported violation occurred,
 - 6) designated staff members of the Rector's Office who received the report.
5. Before the committee is appointed, a staff member of the Rector's Office verifies that the candidates for committee membership are not subject to disqualification due to the circumstances referred to in sec. 4.
6. If a member of the investigative committee determines that circumstances have arisen that could compromise their impartiality in evaluating a report, they are required to request that the Rector remove them from the committee's work in the ongoing investigation.
7. The members of the investigative committee are authorized to process personal data and are bound by a duty of confidentiality.
8. The investigative committee shall review the report and present its findings without undue delay, but no later than three months after confirming receipt of the report to the whistleblower, thereby enabling the whistleblower to receive feedback. If, due to the complexity of the case, it is not possible to meet the above deadline, the committee shall prepare a report describing the progress of the proceedings and the expected date of their completion. Based on the report, an authorized staff member from the Rector's Office provides feedback to the whistleblower.
9. The investigative committee verifies the validity of the report during the investigation based on information obtained from PK KUT's organizational units and its employees, taking into account the type and nature of the report, and subject to the maintenance of confidentiality.
10. The investigation should be conducted fairly and impartially.
11. The investigative committee and its members are authorized, in particular, to:
 - 1) access all documents and data held by PK KUT's organizational units in connection with the reported breach;
 - 2) obtain oral and written explanations from PK KUT employees,
 - 3) access the office premises occupied by PK KUT's organizational units and PK KUT employees for the purpose of conducting an on-site inspection or search (including of office furniture), following prior notice and in their presence, while respecting the employee's dignity and other personal rights, and securing the evidence obtained (a report is prepared documenting these activities),
 - 4) consult, to the extent necessary, with the whistleblower regarding the information and data obtained, through the staff of the Rector's Office who receive the report;
12. If necessary to ensure the proper conduct of the proceedings, the investigative committee may request the Rector of PK KUT for:
 - 1) securing and submitting specific evidence;
 - 2) removing the employee(s) who are or may be the subject of the report from specific duties;
 - 3) other measures to ensure the proper conduct of proceedings;
13. The meetings of the Committee are each time recorded in the form of a memo. Explanations submitted by the summoned persons shall be recorded in the form of a protocol.
14. Administrative support for the committee is provided by a staff member of the Rector's Office who is not the one receiving the report.

15. After establishing the full facts of the matter, the committee decides on the validity of the report and, in the case of valid reports, also issues a recommendation to the Rector regarding follow-up actions. The list of recommended follow-up actions may include, among other things:
 - 1) conducting a disciplinary meeting, issuing a warning to the employee;
 - 2) imposing a disciplinary penalty on an employee, withholding a bonus;
 - 3) amendments to existing internal regulations;
 - 4) changes in the organizational structure and the division of tasks;
 - 5) taking civil law actions, such as those concerning contracts, remedies for damages, or the payment of compensation;
 - 6) filing a request to initiate disciplinary proceedings;
 - 7) filing a motion to initiate proceedings regarding a violation of public finance discipline;
 - 8) filing a report of reasonable suspicion of a crime.
16. The final conclusions agreed upon by the investigative committee include, in particular, a description of the facts, a determination as to the validity of the report, and—in the case of reports deemed valid—a recommendation for appropriate follow-up or preventive measures as referred to in sec. 15.
17. The Rector of PK KUT decides on follow-up and preventive measures and issues appropriate instructions to the persons responsible for their implementation.
18. An authorized employee of the Rector's Office provides the whistleblower with feedback describing the follow-up actions taken.
19. The documentation from the investigation is kept by the Rector's Office and, after three years, is archived in accordance with the applicable records management and archiving regulations at PK KUT.
20. Members of the investigative commission may not be subject to any retaliatory measures from the moment they are appointed to a given case.

§ 6

Protection of the rights of the whistleblower and the person to whom the report relates

1. To protect whistleblowers from potential retaliation, their identity is kept confidential during the reporting process, the investigation, and after its conclusion.
2. To ensure the protection of the whistleblower's identity, the following rules apply in particular:
 - 1) the whistleblower's identity is known only to the entity receiving the report (authorized employees of the Rector's Office), which separates information that could identify the whistleblower from the content of the report; this data is not disclosed to the Rector, members of the investigative committee, or the employee of the Rector's Office designated to provide administrative support to the committee, subject to the provisions of point. 4;
 - 2) the procedure should protect the whistleblower's identity at every stage of the proceedings;
 - 3) the identity of the whistleblower may be disclosed to the competent state authorities upon their request, based on provisions of generally applicable law;
 - 4) disclosure of the whistleblower's identity in other cases or to other persons is permitted only with the whistleblower's express, documented consent;
3. The rules referred to in section 2 also apply to the protection of the identity of persons assisting in submitting a report.
4. The person who is the subject of the report has the right to protect their reputation and identity throughout the entire investigation, and if the allegations are not substantiated, also after the investigation has concluded.
5. To ensure the rights of the person subject to the report, the following rules apply:
 - 1) the identity of the person concerned is known to: the staff members of the Rector's Office who receive the report, the Rector of PK KUT, the members of the investigative committee, and the staff member of the Rector's Office designated to provide administrative support to the investigative committee;

- 2) in cases justified by the need to protect the interests of PK KUT or to ensure the effectiveness of the investigation, the identity of the person subject to the report may be disclosed to that person's supervisor and other PK KUT employees; decisions in this regard are made by the Rector of PK KUT, following consultation with the investigative committee;
- 3) the person who is the subject of the report has the right to be heard in the matter, the right to access the evidence gathered in the case, and the right to present their own evidence;
- 4) the presumption of innocence applies to the person who is the subject of the report.
6. The rules referred to in section 5 apply, as appropriate, to persons who were not named in the report but in respect of whom the investigative committee has determined that there is reasonable suspicion of a violation of the law based on the facts established during the investigation.
7. All persons authorized under this procedure to access and process the personal data of whistleblowers, persons assisting in the report, and persons subject to the report are required to maintain the confidentiality of such personal data. The obligation of confidentiality remains in effect even after the termination of the employment relationship or other legal relationship of the persons concerned.

§ 7

Prohibition of retaliation

1. Any act of retaliation, discrimination, or other unfair treatment against a whistleblower acting in good faith, a person assisting in submitting a report, or a person associated with the whistleblower submitting the report will be treated as a serious violation of the rules and may result in disciplinary or administrative liability.
2. The unfavorable treatment referred to in sec. 1 includes, in particular, taking retaliatory measures (or threatening to take such measures) consisting of:
 - 1) refusal to enter into an employment relationship,
 - 2) termination or dismissal without notice of the employment relationship,
 - 3) failure to conclude a fixed-term employment contract or an indefinite-term employment contract after the termination of a probationary contract, failure to conclude another fixed-term employment contract, or failure to conclude an indefinite-term employment contract after the termination of a fixed-term contract - where the whistleblower had a legitimate expectation that such a contract would be concluded with them,
 - 4) reducing the amount of remuneration for work,
 - 5) withholding promotion or being passed over for promotion,
 - 6) omission in the granting of benefits other than wages related to employment or a reduction in the amount of those benefits,
 - 7) transfer to a lower position,
 - 8) suspension in the performance of employee or official duties,
 - 9) transferring the reporter's current duties to another employee,
 - 10) an unfavorable change in the place of work or the work schedule,
 - 11) a negative performance evaluation or a negative review of one's work,
 - 12) the imposition or application of a disciplinary measure, including a financial penalty or a measure of a similar nature, or the initiation of an investigation or disciplinary proceedings against the reporting academic teacher,
 - 13) coercion, intimidation, or exclusion,
 - 14) bullying,
 - 15) discrimination,
 - 16) unfair or unjust treatment,
 - 17) suspension of participation or exclusion from selection for training programs aimed at improving professional qualifications,
 - 18) unjustified referrals for medical examinations, including psychiatric evaluations, unless separate regulations provide for the possibility of referring an employee for such

- examinations,
- 19) actions intended to make it more difficult to find future employment in a given sector or industry based on an informal or formal sectoral or industry-wide agreement,
 - 20) causing financial loss, including economic loss or loss of income,
 - 21) causing other non-pecuniary damage, including infringement of personal rights, in particular, the applicant's reputation.
3. A whistleblower/person assisting in submitting the report/any person associated with the whistleblower who submitted the report and whose personal data has been unlawfully disclosed, or who has experienced any retaliation, discrimination, or other unfair treatment, should immediately report the situation to the Rector of PK KUT or, if the perpetrator of the aforementioned retaliatory actions is the Rector of PK KUT – to the Chair of the University Council.

§ 8

Maintaining a register of reports

1. Every accepted report must be entered into the report registry.
2. The Rector's Office is responsible for maintaining the registry of reports.
3. The following data is collected in the internal report register:
 - 1) case/report number;
 - 2) personal and contact information of the whistleblower or the person assisting with the report;
 - 3) the subject of a breach of law;
 - 4) the date of the internal report;
 - 5) information on the follow-up actions taken;
 - 6) information about the individuals involved in the process of analyzing and reviewing the application;
 - 7) the date of closing the case.
4. The data contained in the report registry is confidential. Access to the data contained in the registry is granted to authorized employees of the Rector's Office, as well as to the Rector and persons authorized by them, with the exception of the data referred to in sec. 3 point 2, which are accessible only to authorized staff members of the Rector's Office who receive the report.
5. Personal data and other information in the internal report register are stored for a period of 3 years after the end of the calendar year in which the follow-up actions were completed, or the proceedings initiated by those actions were concluded.

§ 9

External reports – special provisions

1. A whistleblower may submit an external report without first submitting an internal report.
2. The Polish Human Rights Commissioner is the central authority.
3. The public authority responsible for receiving complaints regarding competition and consumer protection is the President of the Office of Competition and Consumer Protection.
4. Public authorities also include other bodies that accept external reports of violations in areas falling within their jurisdiction.
5. The central authority:
 - 1) receives external reports of legal violations in the areas covered by the Act, conducts an initial review of such reports, and forwards them to the competent authorities for follow-up action;
 - 2) ensures widespread access to information regarding the rights and legal remedies available to whistleblowers to protect them from retaliation, as well as the rights of the individuals subject to the report, in particular by posting this information on the authority's website;
 - 3) provides advice to the reporting parties and the persons concerned regarding the

- matters referred to in point 2;
- 4) provides whistleblowers with information about the authorities that, within the scope of their responsibilities, may take measures to protect whistleblowers from retaliation and, where appropriate, assists them in their dealings with such authorities, in particular by informing the relevant authorities of the need to provide protection to the whistleblower.