



Guarantor: Department of Control Activities, Rectorate of UPJŠ Košice, 28.07.2017
No.: REK000580/2017-UPA/9862

Rector's Decision No. 13/2017 on the handling of complaints

In accordance with the provisions of Article 4(3) of the Organizational Rules of UPJŠ in Košice, as amended, and in connection with Section 15(1)(l) of Act no. 131/2002 on Higher Education and on Amendments to Certain Acts, as amended, in accordance with Section 11(1) and Section 26(3) of Act no. 9/2010 on Complaints, as amended

I issue

this Decision governing the handling of complaints submitted with Pavol Jozef Šafárik University in Košice and its parts ("UPJŠ").

Article I. Recital

A binding procedure for submitting, handling and controlling the handling of complaints from natural persons and legal entities is laid down by Act no. 9/2010 on Complaints, as amended (the "Act").

Article II. Handling of Complaints Submitted to UPJŠ

The handling of complaints submitted to UPJŠ is entrusted to the Department of Control Activities of UPJŠ (the "Control Activities Department"), which is obliged to handle complaints submitted to UPJŠ in accordance with the law.

Article III. Interpretation of Terms

1. Under the law, a complaint is a submission by a natural or legal entity (the "complainant") by which
 - a) seeks protection of their rights or legally protected interests, which he/she considers to have been violated by the activity or inactivity of any branch of UPJŠ,

- b) points to specific shortcomings, in particular violations of legal regulations, the elimination of which is within the competence of UPJŠ.
2. Submissions are judged by their contents.
 3. A submission does not constitute a complaint under the law where it
 - has the character of an enquiry, expression, opinion, request, suggestion or proposal,
 - points out specific deficiencies in the activities of an organizational unit of UPJŠ, the elimination or equipment of which is regulated by a specific regulation (e.g. the Code of Criminal Procedure, the Code of Administrative Judicial Procedure),
 - is a complaint under a specific regulation,
 - is directed against a decision of UPJŠ issued in proceedings under a specific regulation (for example, under Act no. 71/1967 on Administrative Proceedings (the “Administrative Code”), as amended),
 - is directed against the conclusions of control, audit, supervision, monitoring or inspection under a specific regulation, or
 - contains secret information or from the content of which it is apparent that its handling as a complaint under this Act would jeopardize secret information under a specific regulation.
 4. Nor does a submission constitute a complaint under the law where it is submitted by
 - a public administration body in which it draws attention to shortcomings in the activities of another public authority,
 - a person authorised by a court to exercise official authority.
 5. A repeated complaint is a complaint by the same complainant, on the same subject-matter, if it does not state new facts.
 6. A complaint in which the complainant expresses disagreement with the handling of their previous complaint is a new complaint against the actions of UPJŠ in handling the complaint.
 7. A complaint against the actions of UPJŠ in handling the complaint is not a repeated complaint, even if the complainant repeats facts from a previous complaint in it.

Article IV. Submitting Complaints

1. The complaint must be in writing and may be submitted in paper or electronic form.
2. The complaint must contain the first name, surname, and the address of residence of the complainant. If a complaint is filed by a legal entity, it must contain its name and registered office and the first name and surname of the person authorised to act on its behalf. A paper complaint must contain the complainant’s handwritten signature. If it is possible to serve documents on the complainant in electronic form under the law, the complaint may also contain the complainant’s address for such service.
3. The complaint shall be legible and comprehensible. It must make it clear against whom it is directed, what shortcomings it points out and what the complainant is claiming.

4. A complaint submitted in electronic form must be authorized by the complainant under a specific regulation; This does not apply if the complaint was sent using an access point that requires successful authentication of the complainant.
5. If a complaint submitted in electronic form is neither authorised under a specific regulation nor sent through an access point that requires successful authentication of the complainant, the complainant must confirm it within five working days of its submission by their handwritten signature, by authorizing it under a specific regulation or sending it through an access point that requires successful authentication of the complainant, otherwise the complaint will be postponed. UPJŠ shall notify the complainant in writing of the postponement of the complaint and the reasons for its postponement within 15 working days of the postponement. For the purposes of (4) and (5) of this Article, a complainant shall also mean a person authorised to act on behalf of a legal entity. The time limit for handling the complaint starts on the first working day following the date of receipt of the acknowledgement of the complaint. If the confirmation of the complaint contains data other than the complaint submitted in electronic form, UPJŠ sets aside the complaint submitted in electronic form.
6. If the complaint does not contain the particulars under paragraph 2 of this Article and if it is a complaint submitted in electronic form also under (4) or 5 of this Article, UPJŠ shall sets it aside under Section 6(1)(a) of the Act.
7. If a complainant appears at UPJŠ in person to submit a complaint that is not made in writing under paragraph 1, UPJŠ will receive the complainant and enable them to draw up the complaint in paper form. If a person whose health condition prevents them from drawing up a complaint in paper form by themselves appears in person at UPJŠ, an employee of the Control Activities Department will prepare it on behalf of this person. This shall be without prejudice to the obligation of the complainant to state the particulars of the complaint under paragraphs 2 and 3 of this Article.
8. Documents relating to the handling of a complaint submitted jointly by several complainants and which does not specify to whom they are to be served shall be sent by UPJŠ reports to the complainant who is the first to provide the data under (2) of this article.
9. If the complainant chooses a representative, to submit a complaint on their behalf, they must include a written power of attorney with a certified signature ('power of attorney') to represent the complainant in submitting the complaint and in actions related to handling the complaint. If the complaint is submitted electronically, the procedure for representing the complainant is under a specific regulation. If the representative does not attach a power of attorney to the complaint, UPJŠ shall postpone the complaint under Section 6(1)(c) of the Act. The obligation to attach a power of attorney does not apply to the representation of the complainant by a lawyer under a specific regulation.
10. A complaint addressed to an employee or rector of UPJŠ is a complaint filed with UPJŠ.

**Article V.
Deadline for Handling the Complaint**

1. UPJŠ is obliged to handle the complaint within 60 working days.
2. If the complaint is difficult to investigate, the Rector of UPJŠ may extend the period under paragraph 1 of this Article before its expiry by 30 working days. The Control Activities Department notifies the complainant of the extension of the deadline without delay, in writing, stating the reason.
3. The period for handling the complaint begins on the first working day following the day of its receipt by UPJŠ.
4. The time limit for handling the complaint does not run during the period between the sending of the invitation to cooperate with the complainant and the provision of cooperation under the law. In justified cases, if the complainant proves that the time limit for providing cooperation is insufficient, they may request in writing before the expiry of the time limit that a new time limit be set.

Article VI. Registration of complaints

1. The Central Register of Complaints ("the Register") must be kept separate from the records of other documents by the Department of Control Activities.
2. The register shall contain in particular the following information:
 - a) the date of receipt and the date of registration of the complaint, repeated complaint and further repeated complaint;
 - b) data under Section 5(2) of the Act,
 - c) the subject matter of the complaint;
 - d) the date on which the complaint was submitted and to whom it was allocated;
 - e) the outcome of the investigation of the complaint;
 - f) the measures taken and deadlines for their completion,
 - g) the date on which the complaint or repeated complaint was examined or the closure of the file on the further repeated complaint;
 - h) the outcome of the examination of the previous complaint or the investigation of the repeated complaint;
 - i) the date on which the complaint was forwarded to the body competent to examine it;
 - j) the reasons why the complaint was closed
 - k) notes.
3. A repeated complaint and further repeated complaint are registered in the year in which they were received. The note shall indicate the number of the complaint to which it relates.

Article VII. Guiding Principles for Complaint Handling

1. The submission of a complaint must not become an incentive or a ground for consequences that would cause any harm to the complainant.
2. When handling a complaint, the Department of Control Activities is obliged to inform the person against whom the complaint is directed without delay of its content to such an extent and time

that its investigation cannot be frustrated. It will also enable them to comment on the complaint, submit documents, documentation, information and data necessary for handling the complaint.

3. The complaint may not be assigned for investigation and settlement to the person against whom it is directed, nor to an employee of UPJŠ in their management capacity.
4. UPJŠ is obliged to keep the identity of the complainant secret if the complainant so requests. UPJŠ may conceal the identity of the complainant if this is in the interest of handling the complaint. A summary or, where possible, a copy of the complaint shall be used in the investigation of such a complaint, without disclosing information identifying the complainant. Anyone to whom the identity of the complainant is known is obliged to keep it confidential.

Article VIII. Control of the Handling of Complaints

1. The Control Activities Department is entitled to check whether the measures taken to eliminate deficiencies and the causes of their occurrence are being properly implemented.
2. UPJŠ is obliged to submit an annual report to the Ministry of Education, Science, Research and Sport of the Slovak Republic on the handling of complaints within the deadline and structure set by it.

Article IX. Final provisions

1. Information from documentation related to the handling of complaints that is protected or to which access is restricted is not disclosed in accordance with the provisions of Section 7(2) of the Act.
2. This decision shall become valid and effective on the day of its signature by the Rector of UPJŠ.
3. With the entry into force of this decision, the Decision of the Rector No. 17/2013 on handling complaints, No. 3955/2013 of 30.09.2013 is repealed.

Prof. RNDr. Pavol Sovák, CSc.
Rector of UPJŠ

