Appendix to Order no. 47/2022 of the Rector of the MUB dated 1.06.2022

**Procedure for the notification of infringements and the protection of whistleblowers at the Medical University of Bialystok**

**This document is based on the provisions of Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons reporting breaches of EU law.**

**§1**

**Purpose of the Procedure**

1. Determining safe, internal information channels for reporting breaches of generally applicable law and internal regulations in force at the Medical University of Bialystok.
2. Determining how to protect whistleblowers.

**§2**

**Definitions**

1. Medical University of Bialystok - hereinafter referred to as MUB.
2. Whistleblower - an employee, including a former employee, former candidate, as well as an intern, volunteer, contractor, subcontractor, contractor, as well as a student, student, doctoral student or other person who discloses violations of the law through the available channels for reporting irregularities occurring at MUB.
3. Information channels – internal organisational and technical solutions for reporting irregularities at MUB.
4. Commission for reporting violations of the law – Commission appointed by the Rector of the Medical University of Bialystok, whose tasks include, in particular, carrying out follow-up activities and explanatory proceedings regarding the Notification, hereinafter referred to as the Commission.
5. Representative for reporting violations of law – a person appointed by the Rector, whose tasks are specified in this procedure for disclosing violations of law at the Medical University
of Białystok, hereinafter referred to as the Representative.
6. Follow-up activities - activities consisting in verifying the Notification and further communication
with the Whistleblower, including conducting explanatory proceedings according to specific procedures, requesting additional information regarding the Notification and providing feedback on the Notification.
7. Explanatory proceedings – proceedings conducted in connection with the submitted notification according to specific procedures referred to in § 9 sec. 5 of this Procedure.
8. Retaliatory actions – actions or omissions that lead to the deterioration of the Whistleblower's situation and were taken in connection with the disclosure of irregularities by that person.
9. Feedback – providing the Whistleblower with information on the planned or undertaken follow-up activities and the reasons for such activities.
10. Report – information about an action or omission identified by the Whistleblower, which is a violation of the law, procedures and ethical standards in force at the MUB, reported via the available information channel.

**§ 3**

**Protection of whistleblower**

1. The procedure is aimed at protecting the Whistleblower against possible retaliatory actions,
in particular repressive, discriminatory or other types of unfair treatment that may result from such Report.
2. The Whistleblower who made the Report in good faith is protected. The Report shall not result in retaliation or other undesirable actions against the Whistleblower, in particular:
3. dismissal from work;
4. using the Whistleblower's professional dependence or exerting influence on the persons
with whom the Whistleblower cooperates.
5. Whistleblower's personal data enabling the identification of his identity shall not be disclosed to the general public, unless with his voluntary, express, written consent.
6. The person designated to receive reports, immediately after receiving it, anonymises the Whistleblower's data and assigns a case number in accordance with the order of notifications in the List of Reports. The notification number will be used as the identifier of the case notified by the Whistleblower.
7. The information channel used for submitting the Notification should be reserved only for the attention of the Representative, and in his absence – of the authorized person.
8. In the event of retaliation, the Whistleblower shall immediately notify the Representative for of all documentation relating to Reports.
9. Whistleblowers who make a Report in bad faith or who make a Report that is frivolous or that are in essence abusive, are not protected under this Procedure.

**§ 4**

**Making Internal Reports**

1. A template of the Report constitutes Appendix no. 1 to this Procedure.
2. Whistleblower notifies of violations through dedicated information channels in force at MUB, i.e .:
3. sending to the following e-mail address: naruszenia@umb.edu.pl the Report form, a template of which can be found on the <https://www.umb.edu.pl/zgloszenia_naruszen_prawa>
4. transfer in person to the Representative – in this case, the Representative accepts the report at the request of the applicant by means of a direct meeting organized within 7 days from the date of receipt of the application. Report is accepted on the Application form constituting Appendix no. 1 to this Procedure;
5. sent in the form of a letter to the following address: Plenipotentiary for reports of violations of the law, Medical University of Bialystok, ul. Jana Kilińskiego 1; 15-089 Białystok.
6. The report may be of the following nature:
7. Confidential - if the Report contains the Whistleblower's data. These data are protected against unauthorized access.
8. Open - while the Whistleblower expresses his will to reveal his identity on his own initiative. In this case, the basis for the disclosure of data is the express written consent of the Whistleblower.
9. The report should include in particular:
10. contact details i.e. name and surname, status;
11. information whether the notification has been transferred to an external entity;
12. a detailed description of violations with the circumstances of their occurrence, dates and witnesses, if any;
13. indication of the preferred method of return contact.
14. The internal report may additionally be documented with the collected evidence and the list of witnesses.
15. In the case of a non-confidential Report, the Whistleblower should attach the consent referred to in § 3 sec. 3 of this Procedure.
16. The person competent to receive the notifications is the Representative or an appropriate authorized person.
17. This Procedure does not apply to Reports submitted anonymously.
18. If an unauthorized person collects the Report, that person is obliged to immediately submit the Report to the Representative and submit a declaration of confidentiality.
19. Reports shall be entered in the register of reports, the model of which is set out in Appendix no. 2 to this Procedure.
20. Applications shall be examined by the Commission.
21. Confirmation of the receipt of the Report takes place within 7 days from the date of receipt of the Report.
22. Report found to be incomplete after the Commission's analysis may be directed to the Whistleblower
 for completion. The template of the request for supplementation constitutes Appendix no. 3 to this Procedure.
23. Failure to complete the Report within 7 days of receiving the request results in the Request being considered on the basis of the documentation held.
24. In order to provide the information referred to in sec. 4 point 4, it is possible to contact
the Whistleblower in order to complete the documentation.

**§ 5**

**External Reports and public disclosure**

1. Whistleblower may in any case report a breach of law to a public authority or a central authority without regard to the procedures provided for in this procedure,
in particular when:
2. no feedback will be given to the notifier within the applicable deadline or if no follow-up is taken within that deadline;
3. the notifier has reasonable grounds to believe that the breach of law may constitute a direct or obvious threat to the public interest, in particular there is a risk of irreparable damage;
4. making an Internal Report will expose you to retaliation.
5. Whistleblower may make public disclosure by disclosing information about the breach to the public.

**§ 6**

**Composition and organization of the Commission's work**

1. Commission for reporting violations of the law appoints the Rector.
2. The Commission shall be composed of:
3. President;
4. Employee of the Employee Affairs Department
5. Employee of the Student Affairs Department;
6. Employee of the Public Procurement Department;
7. Department of Finance and Accounting.
8. In the case of complexity of the Report, the President of the Commission may appoint experts from among the University's employees for advisory purposes.
9. Experts do not have the right to vote.
10. The work of the Commission is managed by the Chairperson, and in his absence, by the Deputy, appointed by the Rector from among the remaining members of the Commission.
11. The Commission is responsible for the formal assessment of the Report and for taking appropriate follow-up actions indicated in § 9 of this Procedure.
12. In the event of no unanimity, the final conclusions of the Commission are passed by a simple majority of votes, and in the event of an equal number of votes, the vote of the Chairperson of the Commission who votes last is decisive.
13. Members of the Commission and experts are required to have confidentiality statements.
14. Members of the Commission who, according to the content of the Notification, may be in any way involved in an act or omission constituting the subject of the Report, may not participate in the work of the Commission.

**§ 7**

**Tasks of the Commission**

The tasks of the Commission include in particular:

1. formal evaluation of the Report;
2. informing the Rector about the impact of the Report;
3. conducting an investigation;
4. calling for replenishment;
5. carrying out an evaluation of the evidence collected;
6. preparation, on the basis of the conducted explanatory proceedings,
from a Commission meeting - the constitutes Appendix no. 5 to this Procedure;
7. sending information about the results of the explanatory proceedings to the Rector;
8. preparation of feedback addressed to the Whistleblower.

**§ 8**

**Tasks of the Representative**

The tasks of the Representative, and in the event of his absence - of the authorized person, include
in particular:

1. administrative and office services for the Commission;
2. establishing contact with the Whistleblower in order to inform about the procedure for the Report and to obtain a supplement to the Report;
3. overseeing possible retaliation against the Whistleblower,
and in the case of Reporting of retaliation, immediate intervention;
4. preparation of the attendance list from the Committee meeting, a specimen of which is attached as Appendix no. 4 to this Procedure;
5. receipt of Reports;
6. acknowledgement of receipt of Reports within 7 days from the date of receipt;
7. keeping a register of Reports;
8. notification to the members of the Commission of the date of the meeting;
9. providing the Whistleblower with feedback on the results of the explanatory procedure
within a maximum of 3 months from the date of receipt of the Report on violations.

**§ 9**

**Reports circulation mode**

1. Report is considered in accordance with the rules set out in the Procedure.
2. Reports are received through dedicated information channels listed in § 4 sec. 2 of this Procedure.
3. The Report should meet the conditions referred to in § 4 sec. 4 of this Procedure.
4. The Chairperson of the Commission is obliged to immediately inform the Rector or his Deputy if the Report concerns the Rector about the receipt of the Report.
5. The explanatory procedure consists in carrying out an internal analysis and consideration according to individual modes, i.e .:
6. internal, where the Commission initiates an internal investigation based on the impact of a Report of a breach of law;
7. external, consisting in forwarding the Report to external authorities;
8. redirection, consisting in an internal referral of the Report according to its properties to the appropriate Commission operating at the University.
9. The Report shall be dismissed in the event of:
10. Re-report the same violation of law;
11. the generality of the Report, after sending the report form to be completed;
12. lack of evidence of a violation of the law.
13. If, in the opinion of the Commission, the nature and subject of the Report justify consideration of the Report
in the manner provided for in separate provisions, the redirection procedure referred to in sec. 5 point 3.
14. In the event that the Chairperson of the Commission decides to redirect the report, as appropriate, to the appropriate Commission operating at the University, all documents related to the above matter are also provided.
15. In the event of selecting the mode specified in sec. 5 point 2, the Whistleblower's data is provided on the basis of legal provisions.
16. In the case of well-founded Reports, the Rector issues a recommendation on appropriate remedial or disciplinary actions in relation to the employee or other person who committed the violation and a recommendation of possible preventive actions aimed at eliminating similar violations of the law in the future.
17. The course of internal explanatory proceedings should be supported by appropriate documentation, and in the case of external proceedings and redirection, additionally also by the results of the proceedings of an external entity or the relevant Commission.
18. Upon completion of the explanatory proceedings, the Representative is obliged to inform the Whistleblower about the results of the proceedings.
19. Upon completion of the explanatory proceedings, the Chairperson of the Commission is obliged to inform the Rector about the results of the explanatory proceedings.

**§ 10**

**Keeping documentation related to the Report**

1. The Representative for reporting violations of the law shall be responsible for the handling of cases and the collection of all documentation relating to Reports.
2. Documents related to the Reports together with the List are kept in a lockable cabinet, which is in a lockable room inaccessible to third parties.
3. Access to the premises referred to in sec. 2 is subject to video surveillance.
4. The data contained in the List of reports will be stored for a period of 12 months from the date of completion of the follow-up.
5. The list shall be kept in paper format.

**§ 11**

**Access to data**

1. Access to the personal data of the Whistleblower, in particular, has the Representative or an authorized person.
2. If the Commission chooses the redirection mode, the appropriate Commission operating at the University has access to the Whistleblower's personal data.
3. The Representative is responsible for the deletion of data stored in a dedicated e-mail box.
4. Members of the Commission and experts submit appropriate declarations on the processing of personal data of persons related to the Report and declarations of confidentiality.

**§ 12**

**Final provisions**

1. Heads of organisational units are required to familiarize all their subordinate employees with the provisions of this Procedure.
2. The Employee Affairs Department provides information on the Procedure to the employee commencing work prior to its commencement.
3. The content of the Procedure was presented to the trade unions operating at the University.