

**SLEZSKÁ
UNIVERZITA
V OPAVĚ**



Rector's Directive No. 4/2018
On the Handling of Complaints, Notifications,
Suggestions Received by the Silesian University in
Opava and On the Procedure for Providing
Information upon Request



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On the Handling of Complaints, Notifications, Suggestions Received by the Silesian University in Opava and On the Procedure for Providing Information upon Request

Article 1

Introductory provisions

- 1) This Directive establishes a uniform procedure for handling of complaints, notifications and suggestions by which natural or legal persons address the Silesian University in Opava (hereinafter referred to as "the University") or its units in the matter of protecting their subjective rights or legally protected interests. Submissions by the persons concerned in accordance with Section 175 of Act No. 500/2004 Coll., the Administrative Code, as amended (hereinafter referred to as the "Administrative Code") are also considered to be complaints.
- 2) The second part of this Directive further regulates the procedure for the provision of information at the University pursuant to Act No. 106/1999 Coll., on Free Access to Information, as amended (hereinafter referred to as the "Act on Free Access to Information").

Article 2

Definition of terms

- 1) A complaint is considered to be a submission that directly concerns the individual interests of the complainant, draws attention to deficiencies in the activities of the University or its units and seeks to remedy these deficiencies. The following shall not be considered a complaint:
 - a) A notification, i.e. a submission which does not concern the individual interests of the person making the notification but is made for the benefit of another entity.
 - b) A suggestion, i.e., a submission that contains a proposal to improve an activity, procedure, or a certain condition of an issue.
- 2) The complainant is a natural person, a legal person or several of these persons affected by the activities of the University or a part thereof in a particular case.

- 3) The recipients of the complaint are:
- a) The central filing office or the filing office of a unit (hereinafter referred to as the "relevant filing office"), if the submission is made in writing by post to the address of the registered office of the University or its unit, delivered in person or made orally at the relevant filing office, or delivered in electronic form (by data box or to the electronic filing office address e-podatelna@slu.cz).
 - b) University staff, if the submission is an oral submission received at a specific workplace, a submission transmitted outside the relevant filing office in written form or sent to a personal electronic address.
- 4) The substantively relevant unit is the department of the University or its unit that is requested by the Legal Department to assist in the processing of the complaint and is required to take all available measures to ensure that the documentation is thoroughly prepared in a timely and correct manner.
- 5) The bodies of the University or its units are defined in Sections 7 and 25 of Act No.111/1998 Coll., on Higher Education Institutions and On Amendments and Additions to Some Other Acts (the Higher Education Act), as amended (hereinafter referred to as the "Higher Education Act").
- 6) In accordance with the provisions of the Act on Free Access to Information, the applicant is any natural or legal person who requests information.
- 7) A request is a submission by which the applicant exercises their right of access to information.
- 8) The person responsible for coordinating and guaranteeing the correct and timely handling of complaints in accordance with applicable legislation and this Directive is an employee of the University's Legal Department, who is also the person responsible for the procedure for providing information upon request under the Act on Free Access to Information.

Part I.

Handling of complaints, notifications, suggestions received by the University

Article 3

Receiving complaints

- 1) Complaints, notifications or suggestions (hereinafter referred to as "complaints") shall be received in written, oral or electronic form.
 - a) If a written complaint is forwarded to a staff member outside the filing office, they shall promptly forward it to the relevant filing office. If the complainant requests an acknowledgement of the submission, it shall be issued by the recipient in accordance with the model set out in Appendix 1 to this Directive.
 - b) A record shall be made of complaints made orally in accordance with the model set out in Appendix 2 to this Directive. If any of the persons concerned refuses to sign the record or disagrees with its content, this shall be noted in the record, with reasons. A record of a complaint lodged orally outside the filing office shall be forwarded by the recipient to the relevant filing office without delay.
 - c) If the complaint is received at a personal electronic address, the recipient shall immediately upon discovery send the complaint to e-podatelna@slu.cz.
- 2) The relevant filing office forwards the duly registered and labelled complaint for further

action to the Legal Department, which administers its registration in the electronic filing service system (hereinafter referred to as "FSS"). In particularly serious cases, the Legal Department immediately informs the Rector of the University, who may, on the basis of their own assessment, determine the manner of handling of the complaint and ensuring remedy. If the complaint is directed against the Legal Department, it shall be forwarded to the Internal Audit Department for handling.

- 3) If it is found that the University or a part thereof is not competent to deal with the complaint, the Legal Department shall proceed to deal with it in accordance with Section 12 of the Administrative Code (referral for lack of jurisdiction). In the case of a complaint which is only partly within the jurisdiction of the University or its unit, the Legal Department shall acknowledge receipt of the complaint within 5 days and inform the complainant which points of the complaint it will investigate and who it will refer the remaining part of the complaint for investigation and handling to.

Article 4

Essentials of complaints

- 1) It must be clear from the complaint who is making it, which matter it relates to, or what is being proposed. It should contain, in particular, those requirements which are necessary for its settlement. The essential elements are:
 - a) the name, surname and residence of the natural person as complainant,
 - b) the name of the University body or its unit, or the person to whom it is addressed,
 - c) identification of the matter which it relates to.
- 2) If it does not have all the requirements of a qualified submission, Section 37(3) of the Administrative Procedure Code may be applied, i.e. the procedure for eliminating deficiencies, i.e. in the case of a complaint that lacks the requirements, the absence of which prevents its successful processing, the legal department will invite the complainant to complete them within a reasonable period of time. At the same time, the complainant shall be informed that, if they fail to do so, their complaint will be deferred without further delay.
- 3) Complaints submitted electronically are not required to be signed with a verified electronic signature.
- 4) The complaint must be submitted in Czech or Slovak. Documents in a foreign language must be submitted by the complainant in the original text and at the same time in an officially certified translation into Czech, unless the complainant is informed through the Legal Department that such a translation is not required (Section 16 of the Administrative Procedure Code).
- 5) If a complainant sends a complaint without a signature or with a signature but without a delivery address and the complainant cannot be identified from the available documents or in any other way, the complaint is considered anonymous. According to its content, an anonymous complaint is regarded as a suggestion to improve activity, to remedy deficiencies in activity, etc.

Article 5

Record of complaints

- 1) The registration of complaints in the FSS is carried out in accordance with the relevant provisions of the University's Filing Regulations On the Receipt, Labelling and Registration of Documents.
- 2) Complaints in FSS are filed as non-public documents, the right to view the document is restricted to the Legal Department's file node. Extension of the right to view a specific document or file may be set by the Legal Department to the functional location of the user of the relevant unit who is responsible for the preparation of the sub-documents necessary for final settlement or is otherwise involved in the processing of a specific complaint.
- 3) The handling of personal data of the complainant and other persons concerned by the complaint is regulated by Act No. 101/2000 Coll., on the Protection of Personal Data and on Amendments to Certain Acts, as amended.

Article 6

Handling of complaints

- 1) A complaint is judged on its actual content and regardless of how it is labelled by the complainant.
- 2) In investigating and handling of complaints, the University's Legal Department is required to:
 - a) ensure that all the facts set out in the complaint are properly investigated and inform the supervisor of the employee or workplace against whom the complaint is directed of the initiation of the investigation,
 - b) if it considers it appropriate, carry out a local investigation or request documents relevant to the content of the complaint or the opinions of other subjects concerned,
 - c) if it considers it appropriate, to hear the persons against whom the complaint is directed or others who may contribute to clarifying the matter,
 - d) evaluate the results of the investigation and decide whether the complaint is to be found to be justified, partially justified or unfounded,
 - e) for substantiated and partially substantiated complaints, provide the results of the investigation to the relevant departments and the nearest superior of the relevant department for action to remedy the deficiencies identified,
 - f) inform the complainant of the results of the investigation,
 - g) check whether the measures imposed to remedy the situation are being properly implemented and, if necessary, to propose to the Rector that consequences be drawn against the persons responsible for their non-compliance.
- 3) The staff member investigating the complaint shall draw up a record of the oral hearings held to investigate the complaint, which shall include the names of all persons who took part in the hearing, a brief and concise account of the proceedings and the outcome of the hearing, and a statement that the participants have been informed of the contents of the record.
- 4) The complainant is entitled to inspect the file, except for those parts of the file which contain classified information or information subject to a statutory or recognised obligation of confidentiality. The correct procedure must always be based on an assessment of the particular situation.
- 5) When notifying the complainant of the settlement of the complaint, it must be clear whether the complaint lodged has been found to be justified, partially justified or unfounded. The

written letter, verified by the Rector, must address all the points of the complaint and the complainant's objections, and must also state what investigations have been carried out and what considerations the persons concerned have followed in their assessment. The reasons shall state the facts and law the notification is based on.

- 6) Complaints shall be handled without undue delay so as to avoid unnecessary costs for anyone and to minimise the burden on the persons concerned within a period of no more than 60 days from the date on which they are received. The complainant shall be informed of the settlement within that period. If a complaint is referred on the grounds of lack of jurisdiction, the time limit shall begin to run from the date on which the complaint is received by the relevant University unit. The time limit may be exceeded only if the documents necessary for the processing of the complaint cannot be secured within the time limit; the complainant must be informed in writing of the extension of the time limit. A complaint shall be settled on the date on which the notification of the settlement of the complaint is dispatched or forwarded for postal delivery, without the need to arrange for hand delivery to the addressee.

Article 7

Corrective measures

- 1) If the complaint has been found to be justified or partially justified, the relevant senior member of staff shall, in agreement with the University's Legal Department, take the necessary remedial action without delay.
- 2) In disputed cases and in cases where the adoption of measures exceeds the scope of the managerial authority of the senior employee, the higher superior, or the Rector or Dean, as appropriate, will decide in accordance with Section 24(1) of the Higher Education Act.
- 3) The Legal Department shall make a note of the outcome of the investigation and the remedial measures taken in the file and shall inform the complainant of them at the same time – the content of this notification may include, for example, a communication on the adoption of an internal management act, the elimination of an incorrect practice, personnel measures, etc.

Part II.

Procedure for providing information on request

Article 8

Request requirements

- 1) A request for information may be made orally (including by telephone), in writing or electronically.
- 2) The request must have the requirements specified in Section 14(2) of the Act on Free Access to Information. Otherwise, the submission shall not be considered a request within the meaning of the Act on Free Access to Information and shall be deferred.

Article 9

Provision of information on request

- 1) If a verbal request for routine information is directed directly to an employee of the Silesian University in Opava in connection with their position, the employee shall deal with the request without delay. If the information is not related to the staff member's job title, they shall refer the applicant to the relevant staff member or to the source where the information is published. If the information has not been provided to the applicant or if the applicant does not consider the information provided to be sufficient, they may submit a written request in accordance with paragraph 2.
- 2) A written request is submitted at the address of the Silesian University in Opava, Legal Department, Na Rybníčku 626/1, 746 01 Opava, or it can be submitted in person via the Central Filing Office of the University, every working day during office hours, or by delivery to the University's data box with the identifier qw6j9hq. A written application is considered to be submitted on the date of delivery to the University.
- 3) An electronic request shall be submitted to the electronic address of the filing office: e-podatelna@slu.cz. If the electronic request has not been submitted to the University's electronic address, it is not a request within the meaning of the Act on Free Access to Information.
- 4) If an electronic message marked as a request for information under the Act on Free Access to Information is delivered to an electronic address other than e-podatelna@slu.cz, the University employee to whom the message was delivered shall forward it to the electronic filing office for registration.
- 5) The relevant filing office forwards the duly registered and labelled request for further action to the Legal Department, which administers its registration in the electronic filing service system (hereinafter referred to as "FSS").
- 6) All University employees are obliged to provide assistance to the University's Legal Department in fulfilling their obligations under the Act on Free Access to Information.

Article 10

Assessment of the request

- 1) The University's Legal Department will review the request as follows:
 - a) if lack of information about the applicant prevents the processing of the request, it shall invite the applicant to complete the request within 7 days of the date of submission of the request; if the applicant fails to comply with this invitation within 30 days of its receipt, it shall defer the request,
 - b) if the application is incomprehensible, if it is not clear what information is requested, or if it is formulated too generally, it shall invite the applicant to specify the request within 7 days of the submission of the request; if the applicant fails to specify the request within 30 days of the date of receipt of the invitation, it shall decide to refuse the request,
 - c) if the requested information does not relate to the University's competence, the request shall be deferred and the applicant shall be informed of this fact within 7 days of the date of receipt of the request,
 - d) where the request is for the provision of published information, it shall, within 7 days of the date of receipt of the request, provide the applicant with the data enabling the information to be searched for and obtained,
 - e) if the legal requirements for refusal of the request or part of it (protection of personality,

protection of classified information, protection of business secrets, etc.) are met, it shall issue a decision on the refusal of the request or part of it.

- f) If the Legal Department of the University does not decide in accordance with paragraph 1(a) to (e), it shall provide the information in accordance with the request within a period of no more than 15 days from the date of receipt of the request or from the date of its supplementation (this period may be extended for up to 10 days for serious reasons, the Legal Department must inform the applicant of the extension of this period before its expiry); if a licence is required pursuant to Section 14a of the Act on Free Access to Information, it shall make a final licence offer to the applicant within this period.
- g) A record shall be made of the process of providing the information. A register of such records shall be kept by the Legal Department.

Article 11

Decision to refuse an application, appeal against a decision to refuse an application, complaint

- 1) Decisions on the refusal of a request or refusal of a part of a request pursuant to the provisions of Section 15 of the Act on Free Access to Information are issued by the Rector on behalf of the University within the time limits established by law. This decision shall be made in writing and delivered to the applicant's own hands, unless another form of delivery is used.
- 2) The applicant may lodge a written appeal against the decision to refuse the application within 15 days of the date of delivery of the decision. The appeal shall be lodged with the body which issued the decision refusing the application.
- 3) The appeal shall be decided by:
 - a) The Ministry of Education, Youth and Sports of the Czech Republic (hereinafter referred to as "the Ministry") in cases of information that falls within the scope of state administration,
 - b) the Rector, in cases of information that falls within the scope of the University's self-governing competence.
- 4) The applicant may lodge a complaint against the procedure for handling a request for information on the grounds set out in the Act on Free Access to Information.
- 5) A complaint may be made in writing or orally; if the complaint is made orally and cannot be dealt with immediately, a written record shall be made of it.
- 6) The complaint shall be lodged with the obliged entity within 30 days of:
 - a) delivery of a communication pursuant to Section 6, Section 14(5)(c) or Section 17(3) of the Act on Free Access to Information,
 - b) the expiry of the time limit for the provision of information pursuant to Section 14(5)(d) or Section 14(7) of the Act on Free Access to Information
- 7) The complaint shall be decided by:
 - a) the Ministry in cases of complaints that fall within the scope of state administration,
 - b) the Rector in cases of complaints that fall within the scope of the University's self-governing competence.

Article 12

Cost of providing information

- 1) The University is entitled to charge for the provision of information the costs associated with making copies, obtaining technical data carriers and sending the information to the applicant. The University is obliged to notify the applicant in writing of the amount of the charge before the information is provided. The notification must make clear on what basis and in what manner the amount of the charge has been calculated. If the University fails to comply with its notification obligation to the applicant, it shall lose its right to reimbursement.
- 2) The notification must include an instruction on the possibility to lodge a complaint against the request for payment of the costs of providing information pursuant to the provisions of Section 16a(1)(d) of the Act on Free Access to Information, which indicates the time limit within which the complaint may be lodged, from which date this time limit is calculated, which superior authority decides on it and with which obliged body it is lodged.
- 3) The calculation shall be made in accordance with the Act on Free Access to Information and the tariff annexed to this instruction. Reimbursement is a revenue of the University.
- 4) If the applicant fails to pay the amount of the required reimbursement within 60 days of notification, the University will defer the request. The time limit in the second sentence shall not run while a complaint against the amount of the requested reimbursement is pending.

Article 13

Common and final provisions

- 1) On 31 January of a current year, the Legal Department is required to prepare a report on complaints received, resolved and pending for the previous year, analysing their content, causes, defects found and the remedial measures taken.
- 2) The Rector of the University supervises the correctness of the procedure for handling of complaints within the meaning of this Directive.
- 3) By 1 March of a current year, the Legal Department is required to publish an annual report for the previous calendar year on its activities in the area of information provision under the Act on Free Access to Information.
- 4) Rector's Directive No. 19/2015 On the Handling of Complaints, Notifications and Suggestions Received by the Silesian University in Opava and the Bursar's Directive No. 2/2011 On the Fees for the Provision of Information by the Silesian University in Opava are hereby repealed.
- 5) This Directive shall become valid and effective on the date of publication.

In Opava on

doc. Ing. Pavel Tuleja, Ph.D.
Rector

Appendix 1 – Acknowledgement of submission

Appendix 2 – Record of an oral complaint, notification, suggestion

Appendix 3 – Tariff

Appendix 4 – Model request for information

Appendix 1 - Acknowledgement of a submission

ACKNOWLEDGEMENT OF A SUBMISSION OF A COMPLAINT

This acknowledgement confirms that the complainant's complaint has been submitted (to be completed by the complainant):

Name, surname, year of birth:

.....

Permanently residing:

.....

.....

I confirm that I have personally received the complaint:

Name, surname, job title:

.....

.....

Date, stamp and signature of the recipient:

.....

Appendix No. 2 - Record of a complaint, notification, suggestion made orally

RECORD OF ORAL SUBMISSION¹ OF

COMPLAINT

NOTIFICATION

SUGGESTION

SPACE FOR THE FILING STAMP

Details of the complainant				
Name			Last name	
Residence				
Other contact information (optional)	phone		e-mail	
Participants of the meeting on behalf of Silesian University (name, surname, position, signature)				
Submission in the matter ²				

¹ mark suitable

² briefly describe what the submission relates to

The department the submission relates to
Written documents submitted YES <input type="checkbox"/> NO <input type="checkbox"/>
A more detailed description of the written submissions may be provided below.
Record of oral hearing (may be on a separate sheet)

Submission processed during the meeting YES <input type="checkbox"/> NO <input type="checkbox"/>
Declaration of the complainant: I certify by my signature that the above information is factually correct.
Date and signature:
I refuse to sign the record <input type="checkbox"/> I do not agree with its contents <input type="checkbox"/> for the following reasons:
Name, surname, brief description of the reason for refusal

The following tariff is set out for the payment of costs associated with the provision of information under the Act on Free Access to Information:

a) the price of a copy, if the information is provided in the form of a photocopy, is:

black and white A4 format	one-sided copy from loose sheets	1,50 CZK
	double-sided copy from loose sheets	2,00 CZK
	one-sided copy from bound copies	1,50 CZK
	double-sided copy from bound copies	2,50 CZK
black and white A3 format	one-sided copy from loose sheets	2,50 CZK
	double-sided copy from loose sheets	3,50 CZK
	one-sided copy from bound copies	2,50 CZK
	double-sided copy from bound copies	4,00 CZK
colour A4 format	one-sided copy	12,00 CZK
	double-sided copy	24,00 CZK
colour A3 format	one-sided copy	18,00 CZK
	double-sided copy	36,00 CZK
maps to scale	1:500 (until 1980)	80,00 CZK
	1:500 (since 1981)	120,00 CZK
	1:2000	80,00 CZK
	1:10000	140,00 CZK
	1:15000 (until 1970)	40,00 CZK
	1:25000	90,00 CZK
	1:50000	50,00 CZK
	1:2000 (rheumatrice)	35,00 CZK
	1:25000 (map sheets)	120,00 CZK
	1: 15000 (street index)	400,00 CZK

b) the price of a technical data carrier, if the information is provided in the form of a record on a technical carrier, namely:

c) CD disc - 10,00 CZK

c) the price of a computer output if the information is provided in the form of a computer printout

- black and white A4 format - 2,00 CZK
- colour A4 format text - 6,00 CZK
- colour A4 format graphics - 12,00 CZK

d) postage costs, if the information is sent by post upon request, according to the postal services tariff

e) personal costs if the processing and retrieval time exceeds one hour

- for each hour started - 100,-CZK

On the basis of Act No. 235/2004 Coll., on Value Added Tax, as amended, the above mentioned prices are according to paragraphs a) - e) incl. VAT at the basic rate.

In the event that the material costs of information provided to one applicant do not exceed 50 CZK, it is provided free of charge.

Appendix 4 - Request for information

Request for information

(according to Act No. 106/1999 Coll. On Free Access to Information)

Applicant:

Address (**registered office**):

Date of birth / ID number:

Phone:

E-mail:

requests the following information:

.....
.....
.....
.....
.....

(characteristics)

Method of providing information: (indicate the method chosen)

a) send to the postal address:

b) send by e-mail:

(c) data box

Thank you for handling this.

Date:

Signature:

University Constituent:	Rector's Office
Designation:	Rector's Directive
Number:	Nr. 4/2018
Directive title:	On the Handling of Complaints, Notifications, Suggestions Received by the Silesian University in Opava and the Procedure for Providing Information on Request
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