

Pursuant to Article 21, paragraph 3, sub-paragraph 14, and Article 112, paragraph 4 of the Statute of the Faculty of Science, in connection with Article 18 of the Act on the Protection of Persons Reporting Irregularities (Official Gazette 17/19), and at the proposal of the Faculty Collegium of 14 January 2020, the Dean of the Faculty of Science, University of Zagreb renders the following

## **ORDINANCE ON THE SYSTEM FOR INTERNAL IRREGULARITY REPORTING AT THE FACULTY OF SCIENCE, UNIVERSITY OF ZAGREB**

### **I. GENERAL PROVISIONS**

#### Article 1

- (1) This Ordinance on the System for Internal Irregularity Reporting (hereinafter: Ordinance) at the Faculty of Science, University of Zagreb (hereinafter: employer) regulates the procedure for internal irregularity reporting at the employer, rights of persons reporting irregularities, the employer's obligations in connection with irregularity reporting, appointment of the irregularity officer who receives reports and of the deputy of the irregularity officer, conduct of proceedings regarding the reporting of irregularities, and other issues relevant for reporting irregularities, and protection of persons reporting irregularities.
- (2) Gender-specific expressions used in this Ordinance are used neutrally and refer equally to both the male and female genders.

#### Article 2

- (1) Specific terms used in this Ordinance shall have the following meanings:
  - irregularities means violations of laws and other regulations, as well as mismanagement of public goods, public funds, and European Union funds endangering the public interest, which are connected with the performance of work at the employer;
  - person reporting an irregularity means a natural person reporting an irregularity connected with the performance of work with the employer. Performance of work with the employer includes employment, work outside employment, volunteering, performing duties, temporary service contracts, student service contracts, participation in recruitment procedures as candidates, and any other participation in activities with the employer (hereinafter: reporting person);
  - affiliated persons means the spouse or common-law spouse, life partner or informal life partner, blood relative in the direct line of descent, collateral relative to the fourth degree, relative by marriage to the second degree, guardian, partner-guardian of a child, and adoptive parent or adopted child, and other natural and legal persons who may be justifiably regarded as having a shared interest with the reporting person on other grounds and circumstances;
  - irregularity officer means a Faculty employee appointed to receive reports concerning irregularities and to conduct procedures regarding reported irregularities,
  - harmful action means any performance or non-performance regarding a reported irregularity that jeopardises or violates the rights of reporting persons or affiliated persons or by which such persons are placed in an unfavourable position.

### Article 3

- (1) Preventing the reporting of irregularities is prohibited.
- (2) The employer may not place the reporting person in an unfavourable position because he reported an irregularity.
- (3) The following shall be regarded as placing the reporting person in an unfavourable position: cancellation of the employment contract, harassment, no possibility of professional promotion, non-payment and reduction of salary and other payments, instigating disciplinary proceedings, issuing disciplinary measures or punishment, refusal to assign work, changing working hours, disabling access to education and professional development, non-payment of rewards and severance payments, assignment or re-assignment to another work post, not taking measures to protect the worker's dignity on account of harassment by others, arbitrary requirements to undergo health examinations or examinations to determine working capacity, and other unfavourable actions.
- (3) The provisions of the employer's general or specific acts and legal transactions denying or violating the rights of the reporting person or placing him in an unfavourable position because he reported an irregularity shall have no legal effect.
- (4) Reporting an irregularity is not regarded as a violation of the duty to keep a business secret.

### Article 4

The reporting person shall report irregularities that he is aware of and that he holds to be true at the moment of reporting them in a fair and conscientious manner.

### Article 5

- (1) Abuse of the irregularity reporting mechanism is prohibited.
- (2) A person is considered to abuse the irregularity reporting mechanism if he:
  - submits information that he knows not to be true,
  - seeks unlawful gain by filing a request for action concerning his report of an irregularity,
  - takes other actions with the sole purpose of causing damage to the employer.
- (3) The irregularity officer shall also examine whether there are irregularities referred to in paragraph 2, sub-paragraphs 2 and 3 of this Article based on the content of the report.

## II. RIGHTS OF THE REPORTING PERSON

### Article 6

- (1) Reporting persons, other than those referred to in Article 5, paragraph 2 of this Ordinance, are entitled to:
  - protection in compliance with the irregularity reporting mechanism set out in the Act,
  - court protection,
  - indemnity,
  - protection of their identity and confidentiality.
- (2) The reporting person's identity and data revealing his identity and other data stated in the report must remain protected, unless the reporting person agrees to their disclosure or where it is necessary to disclose the identity of the reporting person in the course of proceedings pursuant to the regulations governing personal data protection.
- (3) An affiliated person is entitled to the same protection as the reporting person if he makes it probable that a harmful action was committed against him on account of his affiliation with the reporting person.

#### Article 7

The person to whom the reporting person reports an irregularity and any other person participating in proceedings further to the reported irregularity shall protect the data learned from the report.

#### Article 8

The employer shall:

- ensure that the activities and operations, and funds of the Faculty and its constituents are managed conscientiously and responsibly,
- ensure the possibility of internal irregularity reporting,
- appoint the irregularity officer for internal irregularity reporting in the manner and in accordance with this Ordinance,
- protect the reporting person against harmful actions and take any and all necessary measures to stop harmful actions and remedy their consequences,
- safeguard data received in the report from unauthorised disclosure, unless that would be contrary to law,
- take measures to remedy the identified irregularities.

### **III. APPOINTMENT, RECALL, AND THE RIGHTS AND OBLIGATIONS OF THE IRREGULARITY OFFICER**

#### Article 9

- (1) The dean instigates the procedure for appointing the irregularity officer on behalf of the employer by publishing the call for appointment of the irregularity officer on the employer's website, notifying all faculty departments and the Dean's Office to also forward the call to employees assigned to work in the faculty departments and/or the Dean's Office.
- (2) The call shall include a proposal of the irregularity officer and a note that all employees may submit their proposals of the irregularity officer from the ranks of employees working for the employer.
- (3) The call informs employees about the procedure for appointment of the irregularity officer and invites them to propose an irregularity officer or to support the proposed irregularity officer named in the call or to express their objections to the appointment of the proposed irregularity officer within no more than 15 days by any means that ensures a written record.

#### Article 10

- (1) Where 20% of employees do not support anyone as the irregularity officer, the dean shall appoint the person who is proposed as the irregularity officer in the call, provided that the same percentage of employees does not object to the appointment of the proposed irregularity officer.
- (2) Where several persons are proposed as the irregularity officer, the candidate supported by the largest number of employees shall have priority.
- (3) At the proposal of the irregularity officer, the dean shall appoint a deputy irregularity officer on behalf of the employer, who may not be a person whose appointment was objected to by at least 20% of employees.
- (4) Prior to the appointment of the irregularity officer and the deputy irregularity officer, their preliminary consent shall be obtained.

#### Article 11

- (1) The decision on the appointment of the irregularity officer shall be rendered by the dean on behalf of the employer within 10 days from the expiry of the time period referred to in Article 9, paragraph 3 of this Ordinance.
- (2) The decision referred to in paragraph 1 of this Article shall include the following data on the irregularity officer: name and surname, telephone number, e-mail address, and it shall be published on the employer's website. The decision appointing the deputy irregularity officer shall include the same data.

#### Article 12

- (1) Where the irregularity officer is appointed at the proposal of at least 20% of employees, the irregularity officer may be recalled by a decision adopted by 20% of workers.
- (2) The decision from the previous paragraph obligates the employer to relieve the appointed irregularity officer of his duties and to appoint a new one within one month from the adoption of the decision on such recall.
- (3) The dean shall render a decision relieving the irregularity officer and/or his deputy of their duties at their personal request if the consent is withdrawn, or in the event of termination of employment of the irregularity officer and/or his deputy with the employer.
- (4) Until another person is appointed as the irregularity officer, the tasks of the irregularity officer shall be performed by his deputy, unless the circumstances suggest that it is necessary to temporarily appoint a third person as the irregularity officer. A person against whose appointment 20% of employees objected in accordance with Article 9, paragraph 3 of this Ordinance may not be appointed as the irregularity officer.
- (5) The decisions on appointment of the irregularity officer after an irregularity officer is recalled and/or relieved of duties as provided in paragraphs 1, 2 and 3 of this Article shall be rendered within 30 days from the date of the decision recalling and/or relieving the irregularity officer of duties and the duty of the irregularly officer and/or of his deputy shall terminate upon its adoption.

#### Article 13

Information on the obligations of the irregularity officer, rights of the reporting person, and information on the irregularity reporting mechanism are published on the employer's website.

#### Article 14

- (1) The irregularity officer follows the application of laws governing the protection of reporting persons and promotes the abidance of legal solutions and the protection of reporting persons, receives reports on irregularities, conducts the procedure for internal irregularity reporting, protects the identity of and data received from the reporting person, provides general information to the reporting person about his rights and the procedure, enables access to the case file, and maintains records about received reports.
- (2) The irregularity officer shall participate in training programmes relating to the protection of reporting persons.

### **IV. PROCEDURE FOR INTERNAL IRREGULARITY REPORTING AND PROCESSING COMPLAINTS**

#### Article 15

- (1) The procedure for internal irregularity reporting commences upon submission of a report to the irregularity officer.
- (2) Reports on irregularities shall include data on the reporting person, the name of the

reporting person's employer, data on the person(s) to whom the report relates, date of the report, and a description of the irregularity reported (on the form available on the employer's website).

- (3) The report may be delivered in person in written form, by post, by electronic means, or orally for the minutes.
- (4) A special record in electronic form, protected against unauthorised access, shall be kept about delivered reports.

#### Article 16

Upon receiving a report referred to in the previous Article, the irregularity officer shall:

- a) receive the report about an irregularity,
- b) examine the report at the latest within 60 (sixty) days of the date of submission of the report,
- c) without delay, take actions within his competences to protect the reporting person if the reporting person makes it probable that he is or might be the victim of a harmful action on account of having reported the irregularity,
- d) without delay, forward the report to the dean on behalf of the employer so that the prescribed relevant and remedial actions be taken,
- e) forward the report to the authorities competent for external irregularity reporting — ombudsperson to act further to the content of the report, if the irregularity is not resolved with the employer,
- f) notify the reporting person, at his request, of progress and actions taken in the procedure, and provide access to the file within thirty days of the date of submission of the report,
- g) notify the reporting person in writing about the outcome of the procedure referred to in paragraph 1 of this Article, immediately upon completion of the procedure,
- h) notify the authority competent for external irregularity reporting in writing of reports received within 30 days from the date of rendering the decision about the report,
- i) safeguard the identity of the reporting person and of the data received in the report against unauthorised disclosure, or disclosure to other persons, unless where contrary to law.

## V. EXTERNAL IRREGULARITY REPORTING

#### Article 17

- (1) External irregularity reporting means the disclosure of the irregularities to the competent authority — the ombudsperson.
- (2) The reporting person may report an irregularity to the competent authority referred to in the previous paragraph of this Article where one of the following preconditions is fulfilled:
  - a) there is an immediate danger to life, health, safety, occurrence of damage of great proportions, or destruction of evidence,
  - b) internal irregularity reporting is not possible,
  - c) the reporting person was not notified of the results of actions taken further to his report within the time limit referred to in Article 16, paragraph 1, item f) of this Ordinance, or no actions were taken in response to the information submitted,
  - d) there is justified concern that the realisation of the right to protection and protection of the identity of the reporting person, i.e., confidentiality of the submitted information, cannot be ensured in the internal irregularity reporting,
  - e) there is justified concern that the reporting person might be placed in an unfavourable

- position on account of having reported an irregularity or that the measures taken to ensure protection further to the report were not effective,
- f) the reporting person no longer works for the employer.

## **VI. PUBLIC DISCLOSURE OF IRREGULARITIES**

### Article 18

- (1) Public disclosure of irregularities means the disclosure of irregularities to the public.
- (2) On an exceptional basis, without having reported an irregularity to the employer or the competent authority, the reporting person may disclose information publicly where there is an immediate danger to life, health, safety, occurrence of damage of great proportions, or destruction of evidence.

### Article 19

- (1) The reporting person against whom a harmful action is committed in connection with his report about an irregularity is entitled to court protection.
- (2) Court protection is realised by lodging a complaint for protection in connection with the report about an irregularity to the court having jurisdiction within three years from the date on which the reporting person learns about the harmful action, or five years from the date on which the harmful action against the reporting person is committed.
- (3) The reporting person is exempt from the payment of court fees in proceedings seeking court protection on the grounds of irregularity reporting.

## **VII. PROTECTION OF REPORTING PERSONS**

### Article 20

- (1) The procedure for protecting reporting persons begins with the submission of the report about an irregularity to the competent authority and is conducted in compliance with the regulations applied by the ombudsperson and the provisions of the Act on the Protection of Persons Reporting Irregularities.
- (2) The Faculty shall take any and all essential and necessary measures to protect the reporting person from harmful actions and take any and all essential measures to stop harmful actions and to remedy their consequences.
- (3) The identity of the reporting person and data that could reveal his identity, and other data stated in the report about an irregularity, are protected.
- (4) On an exceptional basis, where the reporting person agrees to the disclosure of such data or where the identity of the reporting person needs to be revealed in the course of the procedure, in accordance with the regulations governing personal data protection, the identity of the reporting person may be revealed.

## **VIII. FINAL PROVISIONS**

### Article 21

This Ordinance shall enter into force on the eighth day following the date of its publication on the Faculty bulletin board and website.

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Zagreb, 15 January 2020

DEAN OF THE FACULTY  
Professor Aleksandra Čižmešija, PhD

This Ordinance was published on the bulletin board and on the website of the Faculty on 15 January 2020 and enters into force on 23 January 2020.

SECRETARY GENERAL OF THE  
FACULTY  
Dijana Košak, LL.M