

TEMPLATE 2 – GAP ANALYSIS - OVERVIEW

Case number: 2018CZ327383

Name Organisation under review: J. E. Purkyne University in Ústí nad Labem

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GAP ANALYSIS

The Charter and Code provides the basis for the Gap analysis. In order to aid cohesion, the 40 articles have been renumbered under the following headings. Please provide the outcome of your organisation's GAP analysis below. If your organisation currently does not fully meet the criteria, please list whether national or organisational legislation may be limiting the Charter's implementation, initiatives that have already been taken to improve the situation or new proposals that could remedy the current situation.

European Charter for Researchers and Code of Conduct for the Recruitment of Researchers : GAP analysis overview

Status: to what extent does this organisation meet the following principles?	<p>++ = fully implemented</p> <p>+/- = almost but not fully implemented</p> <p>-/+ = partially implemented</p> <p>-- = insufficiently implemented</p>	In case of --, -/+, or +/-, please indicate the actual “gap” between the principle and the current practice in your organisation.	If relevant, list any national/regional legislation <u>or</u> organisational regulation currently impeding implementation
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Ethical and Professional Aspects

1. Research freedom	++		<p>A research freedom originates from the Law No. 111/1998 Coll. - On Higher Education Institutions (§4). Modified in the UJEP's internal form: UJEP Status – Article 3 and in the Ethical Code – Article 1.</p> <p>The questionnaire results showed that leading employees feel that the working environment is in accordance with the principle of research freedom with the reservation about the financial funds (addressed in principle no. 15)</p>
2. Ethical principles	-+	<p>The Ethical Code was already awarded to UJEP in 2018 and the Institute of Ethical Committee has not yet been created – it is in the preparation phase. The members of the Ethical Committee have not yet been named – they are being talked about. The Rules of Procedures of the Ethical committee is in a comment procedure after the talks in the academic senate.</p> <p>A continuous talk about ethical principles is not happening at the minute. An implantation of systematic education of research members in the Ethics area has not yet been introduced. The faculties approach towards creating ethical committees is not a unanimous one.</p>	<p>The current UJEP Ethical Code was created by a working group of research members on behalf of UJEP management. The Ethical Code was discussed in the academic senate of UJEP on the 28.3.2018. The Ethical Code also contains the Article that specifically states the principles of creative and educative activities. The Ethical committee is listed in the Appendix no.1 – the Rector's Order no.4/2017 - The Organisation Code of UJEP, Article 6, Paragraph 5 and 9 as the rector's permanent advisory body.</p>
3. Professional responsibility	+ -	<p>The current UJEP's internal norm no. 5/2010 does not state any specific methods for working with scientific sources as well as for protection against plagiarism. An implementing method to the realisation of the norm to intellectual property has not been published.</p>	<p>National Legislation: Law no.121/2000 Coll.: On Copyright. The staff responsibility to comply and adhere to the intellectual property of third parties when performing their activities states the current UJEP's norm: The Rector's Directive no.5/2010 On the realisation of the intellectual property right. (Article 3.)</p> <p>The UJEP's Ethical Code adapts the protection of intellectual property in Article no.2 (the norms of educational activity) and Article no.3. (the norms of creative activity)</p>
4. Professional attitude	-+	<p>A research strategy is not formulated at UJEP. It emerged from the questionnaire that more than one third of the respondents does not know the UJEP strategy in the area of the creative</p>	<p>The responsibility for the the compliance of the creative activity with the UJEP strategy is stated in the Organisation Code of UJEP in Article 3 – a dean answers to a rector.</p>

		activity. Formulating research tasks does not have a straightforward connection to the creative activity strategy.	The responsibility is set in the Rector's Directive 4/2016 – Managing and financing of a project activity (Article 8). It is the project's guarantor that is responsible for complying with the rules of the grant heading. The change control management within the project is dealt with in the Article 9 of this regulation.
5. Contractual and legal obligations	+-	A demonstrable familiarization of all new members of the research with the project's legislation conditions (that were given by the provider) cannot be demonstrably implemented.	National Legislation: Law no. 130/2002 On Research Support and Development from Public Funds and On A Change of Related Laws(Law on Support of Research and Development) According to the Article 18, Paragraph 3 of the Labour Code 3/2014 – Leading employees are obliged to familiar their employees with general obligatory regulations and with internal regulations that are related to their workplace and to keep a demonstrable record of it. According to the Rector's Directive no. 4/2016 : Managing and financing of a project activity (Article 8)- During a project's realisation a guarantor is responsible for the realisation of the project in accordance with the terms of contract and with the conditions of the aid or grant provider. There is a plan of realisation of a UJEP's strategic intent for the year 2019 that is currently in a comment procedure.
6. Accountability	+-	Whilst the financial check is legislatively well refined, the transparency and the research project's reviewability are not addressed in any internal norm. The processes of a good practice of methodology of a research are neither systematically evaluated nor circulated.	National Legislation: Law no. 320/2001 Coll.- On Financial Control in Public Administration and On Change of Some Laws (Law on Financial Control). There is a legislative framework in UJEP's internal norms: in Organisation Code (Article 3) – a dean answers to a rector for management of the financial resources according to the purpose and in accordance with the criteria of economy and effectivity. The basic principle of legitimate processes of research is stated in Article 3 of the Ethic Code (the rectitude of research and the accordance with the valid methodology processes). The effective use of the financial resources is stated in Article 8 of the Rector's Directive no.4/2016)
7. Good practice in research	-+	The area of safe use of ITC in relation to the new technologies and data protection is not sufficiently adapted.	<i>The basic principles of Health and Safety at Work are stated at a national level in the Labour Code 262/2016. The Health and Safety is stated in numerous UJEP's norms (PR 3/2014 – The Working Rules (Article 20, Paragraph 3), The Bursar's Directive no.12/2009, the Rector's Directive no. 2/2013 – the Organisation of the Fire Safety, the Bursar's Directive no.3/2018 – Health and Safety at Work. (Ing. Výborná)</i>
8.Dissemination, exploitation of results	-+	The Transfer technology centre (CTT) is not currently fully working and does not act as a support of technologies transfer in the whole of UJEP. The commerciality of research is not adapted in any of the internal norm.	The CTT regulation as an organisation unit is listed in the UJEP's Organisation Code (Appendix 1, Article 5). The plan of strenghtening of the CTT is included in the Plan of Realisation of the Strategic Intention 2019 – the 2 nd version to the comment control until the 27.7.2018.

		<p>Note: The cooperation of the Application sphere with the dissemination of R&D results is currently happening at UJEP at several projects OP VVV- SMART, Cactu, Nano- Tech, UniqSurf and Pro-NanEvnvi.cz which all total to about 250 millions Kč (F.Brodský)</p> <p>The internal form that adapts the rules of Open Access is missing. The questionnaire for the leading employees showed that almost 40% of respondents do not communicate with the public, however, 82% of respondents know how to act when disseminating and using the VaV results.</p>	
9. Public engagement	--	<p>The UJEP's internal form that adapts the science popularization and communion with the public has not yet been created. Delegation of competencies, defining of intention and central control is missing in this area, too. It is rather an initiative of individual faculties or individual research employees than the UJEP's strategy that is missing. The process of finding and securing of cultural relevance to the research activity is not set.</p>	<p>National Norm: Law no. 111/1998 Coll. - On Higher Education Institutions and amendments and supplements to some other acts (The Higher Education Act) - the introductory regulation. The UJEP's internal norm that specifies a public obligation does not exist.</p>
10. Non discrimination	++	<p>The questionnaire showed that 67% of the respondents from the leading employees have not witnessed any kind of discrimination.</p>	<p>The Principle of Non-discrimination is not only listed in National Regulations (Law 262/2006 Coll., Labour Code, Part I, Head 4. § 16 -17) but also in the UJEP's internal forms (Staff Regulations (Article 20), Career System 10/2016)</p>
11. Evaluation/ appraisal systems	+ -	<p>The UJEP's norm – The Career System (SR 10/2016 Article 7) was only established in 2016 and the faculties joined in 2017. The norm's evaluation is yet to be performed. Almost two thirds (64%) of the questionnaire for leading employees believe that the current evaluation system is not sufficient, not transparent and demotivating. The current system is based on the evaluation of one direct superior and not on an independent expert committee.</p>	<p>The UJEP's norm – The Career System (SR 10/2016, Article 7) – the norm defines the career progression based on the career plan and it addresses the evaluation of an academic employee's career plan fulfilment.</p>
Recruitment and Selection			
12. Recruitment	- +	<p>The internal regulation is too general and does not specify the criteria for applicants in terms of a broader competencies, skills – soft skills – in relation with the Charter.</p>	<p>The national Norm: Law no. 111/1998 Coll. - On Higher Education Institutions and amendments and supplements to some other acts (The Higher Education Act) - §17 – one of the regulation of a public school is a Code on Selection Procedure for appointing academic workers.</p> <p>The current Code on Selection Procedure for appointing academic workers at the University of Jan Evangelista Purkyně in Ústí nad Labem is from the 01.02.2013.</p>

13. Recruitment (Code)	-+	The internal regulation is too general; it neither specifies the requirements of the selection committee composition nor the requisities of the advertisement of the job vacancy in accordance with the Code. A framework of an international advertisement is not implemented in this internal regulation.	National Norm: Law no. 111/1998 Coll. - On Higher Education Institutions and amendments and supplements to some other acts (The Higher Education Act) -§ 17 – the norm dictates that one of the regulation of a public higher education school must be the Code on Selection Procedure for appointing academic employees. The current Code on Selection Procedure for appointing academic employees of the University of Jan Evangelista Purkyně is from 01.02.2013.
14. Selection (Code)	-+	The methods of selection of a suitable candidate for the job vacancy are not specified. The committee members are not trained in the methodology of the candidate selection. There are no defined requirements on the competency of the committee members or on the composition of the committee members in terms of different expertise and gender.	National Norm: Law no. 111/1998 Coll. - On Higher Education Institutions and amendments and supplements to some other acts (The Higher Education Act) -§ 17 – the norm dictates that one of the regulation of a public higher education school must be the Code on Selection Procedure for appointing academic employees. The current Code on Selection Procedure for appointing academic employees of the University of Jan Evangelista Purkyně is from 01.02.2013.
15. Transparency (Code)	-+	The applicants are not informed in a great detail about the selection criteria and about the possible career growth. It is not introduced that the unsuccessful candidates are informed about their strengths and weaknesses when receiving their interview results.	National Norm: Law no. 111/1998 Coll. - On Higher Education Institutions and amendments and supplements to some other acts (The Higher Education Act) -§ 17 – the norm dictates that one of the regulation of a public higher education school must be the Code on Selection Procedure for appointing academic employees. The current Code on Selection Procedure for appointing academic employees of the University of Jan Evangelista Purkyně is from 01.02.2013.
16. Judging merit (Code)	+-	The internal norm does not sufficiently define the evaluating criteria of selecting of the candidates from the leading employees. The qualitative selection criteria are not set.	National Norm: Law no. 111/1998 Coll. - On Higher Education Institutions and amendments and supplements to some other acts (The Higher Education Act) -§ 17 – the norm dictates that one of the regulation of a public higher education school must be the Code on Selection Procedure for appointing academic employees. The current Code on Selection Procedure for appointing academic employees of the University of Jan Evangelista Purkyně is from 01.02.2013. – Article 2, Letter g)
17. Variations in the chronological order of CVs (Code)	-+	The principle is not explicitly included in the Code of selection procedure for appointing academic employees.	National Norm: Law no. 111/1998 Coll. - On Higher Education Institutions and amendments and supplements to some other acts (The Higher Education Act) -§ 17 – the norm dictates that one of the regulation of a public higher education school must be the Code on Selection Procedure for appointing academic employees. The current Code on Selection Procedure for appointing academic employees of the University of Jan Evangelista Purkyně is from 01.02.2013.

18. Recognition of mobility experience (Code)	-+	The principle is not explicitly included in the Code of Selection Procedure for appointing academical employees.	<p>National Norm: Law no. 111/1998 Coll. - On Higher Education Institutions and amendments and supplements to some other acts (The Higher Education Act) -§ 17 – the norm dictates that one of the regulation of a public higher education school must be the Code on Selection Procedure for appointing academic employees. The current Code on Selection Procedure for appointing academical employees of the University of Jan Evangelista Purkyně is from 01.02.2013.</p> <p>The questionnaire amongst the leading employees showed that 79% of the respondents perceive the UJEP's mobility support as a sufficient one.</p>
19. Recognition of qualifications (Code)	-+	<p>The principle is not explicitly included in the Code of Selection Procedure for appointing academical employees.</p> <p>The UJEP's current norm no. 2/2007 does not address the informal education and the comparability of a foreign qualification.</p>	<p>National Norm: Law no. 111/1998 Coll. - On Higher Education Institutions and amendments and supplements to some other acts (The Higher Education Act) -§ 17 – the norm dictates that one of the regulation of a public higher education school must be the Code on Selection Procedure for appointing academic employees. The current Code on Selection Procedure for appointing academical employees of the University of Jan Evangelista Purkyně is from 01.02.2013.</p> <p>The UJEP's current norm – SR no. 2/2017 - A Recognition of a Foreign University Title and Qualification.</p>
20. Seniority (Code)	+-	The principle is not formally included in the current internal form. In practice, it is a common procedure that is applied and it stems from the principle of non-discriminization.	<p>National Norm: Law no. 111/1998 Coll. - On Higher Education Institutions and amendments and supplements to some other acts (The Higher Education Act) -§ 17 – the norm dictates that one of the regulation of a public higher education school must be the Code on Selection Procedure for appointing academic employees. The current Code on Selection Procedure for appointing academical employees of the University of Jan Evangelista Purkyně is from 01.02.2013.</p>
21. Postdoctoral appointments (Code)	+-	National Legislation: Law no. 111/1998 Coll. - On Higher Education Institutions and amendments and supplements to some other acts (The Higher Education Act)- does not recognise the term postdoc. A specific support for starting research employees is not addressed.	<p>National Norm: Law no. 111/1998 Coll. - On Higher Education Institutions and amendments and supplements to some other acts (The Higher Education Act) -§ 17 – the norm dictates that one of the regulation of a public higher education school must be the Code on Selection Procedure for appointing academic employees. The current Code on Selection Procedure for appointing academical employees of the University of Jan Evangelista Purkyně is from 01.02.2013.</p>
Working Conditions and Social Security			

22. Recognition of the profession	+-	The questionnaire amongst leading employees showed that an insufficient financial appraisal is regarded as limiting for a positive perception of a professional classification.	National Norm: Law no. 111/1998 Coll. On Higher Education Institutions and amendments and supplements to some other acts (The Higher Education Act).
23. Research environment	++		Improvement and development of scientific and research infrastructure is also dealt with in the European Union's projects OPVVV (Operation programme for science, research and development).
24. Working conditions	+-	The questionnaire amongst the leading employees showed that research employees would welcome the possibility of a child care directly on the university campus. At the moment, there is only a service called Hlídací Teta (A Looking-after Auntie) that is located in the city centre with limited operation.	<p>The alteration of working conditions of scientific employees arises from the possibilities given by the Law no.262/2006 Coll. - Labour Code.</p> <p>The Rector's Order 3/2014: The Labour Code shall enable the use of an exception from the 5-day working week to creating flexible forms of employments.</p> <p>The Rector's Directive no. 10/2016: The Career System of UJEP's academic employees in Ústí nad Labem – Article 6, Paragraph 3. – There is an adjustment of working conditions of research employees as one of the forms of indirect support of the career growth.</p>
25. Stability and permanence of employment	++		<p>National legislation: Law no. 262/2006 Coll.- Labour Code</p> <p>The UJEP's internal payroll regulation (current version) valid from 01/01/2018.</p> <p>The Rector's Directive no. 10/2016 : Career System of UJEP's academic employees</p>
26. Funding and salaries	-+	During the questionnaire, the leading employees repeatedly stated their dissatisfaction with the level of their financial evaluation. In general, the level of financial evaluation of UJEP's leading employees is not set based on the comparison with the environment of public higher education school in the Czech Republic.	<p>National Legislation: The Government Order no.567/2006 Coll. - On Minimal Wage, lowest rates of guaranteed wage, delimitation of difficult working environment and on addition to wage for working in difficult working environment.</p> <p>The UJEP's internal payroll regulation (current version), valid from 01/01/2018 states the wage range for individual categories of academic employees according to their qualification.</p>
27. Gender balance	++		<p>The UJEP's norms – The Rector's Order no.3/2014: The Staff Regulations (Article 20, Paragraph 1 – equal treatment). The Career System SR 10/2016 – the principle of openness, non-discrimination and equal opportunities.</p> <p>The positive state in this area was also confirmed by the questionnaire amongst the leading employees where almost 90% of the respondents stated that there is gender equality (same working condition and opportunities for men and women) at UJEP.</p>
28. Career development	+-	Due to the fact that this is a new UJEP's internal order, its application in practise has not yet been verified.	A new Career System (SR 10/2016) based on the wide university discussion as well as the working group was created in 2016. The System creates a framework for the scientific

			employees' career development. Specific conditions are then further adapted by career's systems of individual faculties. The career development strategy is listed in the career plan of individual scientific employees. This plan is created upon their start and is based on a mutual discussion with a leading employee with a periodicity of evaluation maximally up to 5 years.
29. Value of mobility	++	The value of mobility is not reflected upon in the Career System as one of the criteria of scientific employee's evaluation.	Mobilities of research employees are dealt with in the Rector's Directive no. 6/2015: Organisation of International Mobility at UJEP. They are newly also supported through the projet U21 – KLIP. The questionnaire showed that 79% of the respondents feel that the support of UJEP scientific employees' mobility is adequate.
30. Access to career advice	++	According to the questionnaire's output amongst the leading employees, 70% of the respondents do not feel the need of having a career advisor set up. The respondents also believe that UJEP is not ready to set up a career advisor.	Law no. 262/2006 Coll., The Labour Code only distinguishes two cases of job dismissal from the organisation changes perspective. Career advising is not established.
31. Intellectual Property Rights	++	This principle is not addressed centrally. The existing Rector's Directive No. 5/2010 – The Realisation of Industry Ownership Rights and Intellectual Property Rights at the University of Jan Evangelista Purkyně in Ústí nad Labem is archaic and non-specific.	The existing directive – the Rector's Directive no. 5/2010 – The Realisation of Industry Ownership Rights and Intellectual Property Rights at the University of Jan Evangelista Purkyně in Ústí nad Labem is archaic and non-specific. 121/2000 Coll. - The Copyright Law, 207/200 Coll. - Industry Designs Protection Law, Law no. 527/199 Coll. - Law on Inventions, Industry Designs and Improving Suggestions, Law no. 529/1991 Coll. - Law on Protection of Semi-Conductor Products' Topography.
32. Co-authorship	--	The Rector's Regulation no. 5/2010 – The Realisation of Industry Ownership Rights and Intellectual Property Rights at the University of Jan Evangelista Purkyně in Ústí nad Labem does not adapt the co-authorship.	
33. Teaching	++		National norm: Law no.111/1998 Coll. - On Higher Education Institutions and amendments and supplements to some other acts (The Higher Education Act) – according to the law, an academic employee performs not only an educational activity but also a research activity in one job. The UJEP's norm – Staff Regulations (PR3/2014) states the minimal weekly direct lessons at each category of academic employee in Articles 3 – 7 (professor, senior lecturer, technical assistant, assistant and lector). If the lessons account for more than 15 hours a week, then a superior will discuss it with the leading employee. The UJEP's internal payroll regulation (proclaims) guarantees an equal

			lessons evaluation as well as creative activity evaluation in relation to the academic employees' job commitment.
34. Complains/ appeals	+-	69% of the questionnaire respondents do not feel the need of creating a position of a right activist that would also independently deal with disputes and complaints of the leading employees.	National Legislation : Law no.262/2016 Coll. – The Labour Code The Rector's Directive no. 4/2017 The UJEP's Organisation Code as amended by the Appendix no.1. from 29/03/2018 – Article 8, paragraph 4, Article 11. The questionnaire showed that 82% of the leading employees know the process of complaints and appeal with regards to the working conditions and research employees' rights.
35. Participation in decision-making bodies	++		The national Norm: Law no. 111/1998 Coll. - On Higher Education Institutions and amendments and supplements to some other acts (The Higher Education Act) – defines the position of an academic employee. The Electoral Code of the UJEP Academic Senate (current version, valid from 18/10/2016). The Rector's Regulation no. 1/2017 The Council's Rules of Proceeding for internal UJEP evaluation – members are appointed after a prior debate in the Scientific Council and in the Academic Senate
Training and Development			
36. Relation with supervisors	-+	Z dotazníkového šetření vyplynulo, že více jak třetina začínajících VP (36%) nemá svého školitele, který by řídil a kontroloval jejich výzkumnou činnost. V kariérním řádu není pozice školitele pro všechny začínající výzkumné pracovníky garantována. The questionnaire showed that more than one third of the starting leading employees (36%) do not have their own supervisor that would direct and control their research activity. There is no guaranteed position of a supervisor for all starting research employees in the Career System.	The UJEP's norms: The Career System (SR 10/2016) – the system regulates the creation of a career plan and its periodical evaluation with leading employees. In practice, it is the superior's leading employee that evaluates. The Study and Examination Code for studying in UJEP's doctoral studies (current version, valid from 16.05.2018) and potential Faculties' Codes – define for students of a doctoral study the role of the supervisor. For starting leading employees that are not students of a doctoral study at the same time the internal norm does not apply to.
37. Supervision and managerial duties	-+	The questionnaire amongst the leading employees showed that more than half of the respondents (57%) – experienced leading employees do not act as supervisors for starting leading employees	The UJEP's norms: The Staff Conditions of Employment (PR 3/2014) – part 2 academic employees – it is listed at every category of academic employees that an experienced academic employee passes their pieces of knowledge and experience onto other research workers; leads scientific, research and development and other creative teams. The UJEP's internal regulation: The Study and Examination Code for Studying in Doctoral Studies – a system of supervisors is implemented here.

38. Continuing Professional Development	++		<p>The UJEP's norms – The Career System (SR 10/2016) Article 5 – Motivation towards a career growth (direct – sabbatical, foreign traineeship, systematic education – projects and indirect tools – adjustment of working conditions e.g. when returning from maternity leave). The principle is implemented at UJEP and so is the compilation of career plans and evaluations of their fulfilment.</p> <p>According to the Rector's Directive 3/2014 Conditions of Employment - Article 17, Paragraph 3 – leading employees must constantly deepen the qualification of their employees.</p>
39. Access to research training and continuous development	+-	The module of an internal systematic education of research employees is not implemented at UJEP	<p>The UJEP's norms – The Conditions of Employment (PR 3/2014), The UJEP's internal regulation: The Study and Examination Code for studying in doctoral study programmes.</p> <p>The Rector's Directive no. 10/2016 The Career System of UJEP's Academic Employees in Ustin/L – Article 5 – The Support of a Systematic Education is listed as a direct motivational element for a career growth.</p>
40. Supervision	--	The requirements on a supervisor are not listed anywhere. Supervisor's education in relation to the supervising activity and their specific competencies is not provided. There is not a specifically reserved employee to do this role.	The UJEP's norms – The Career System (SR 10/2016) – the supervisor of leading employees is the leader of the department.