



**Regulation No. 28/2024**  
**of the Rector of the University of Opole**  
**of March 22, 2024**

**on the introduction of rules for the submission of documents from the National Criminal Register and other documents by students, employees, doctoral students of the Doctoral School and other persons in connection with their obligations under the provisions of the Act of 13 May 2016 on preventing sexual offences**

Pursuant to **Article 23 (2) (2)** of the Act of 20 July 2018 *Law on Higher Education and Science* (Journal of Laws of 2023, item 742, as amended), in connection with **Article 21** of the Act of 13 May 2016 *on Preventing Sexual Offences* (Journal of Laws of 2023, item 1304, as amended), the **Rector of the University of Opole** orders as follows.

**Section 1**

In connection with the introduction of obligations to submit to the employer or other organiser of the below-described activities and by a person with whom the employment relationship is to be established or who is to be admitted to the below-described activities related to the upbringing, education, leisure, treatment, provision of psychological counselling, spiritual development, sports or the pursuit of other interests by minors, or to the care of minors referred to in Art. 21(2)-(8) of the Act on Preventing Sexual Offences (Journal of Laws of 2023, item 1304, as amended) – **the rules for the submission of documents from the National Criminal Register and other documents by students, employees, doctoral students of the Doctoral School and other persons in connection with the obligations arising from the provisions of the Act on Preventing Sexual Offences of 13 May 2016** are introduced.

**Section 2**

The obligation referred to in **Section 1** shall concern:

- 1) students who, in connection with the implementation of the study curriculum, are to be permitted to engage in activities related to the treatment, care and health education of minors as part of the activities covered by the study curriculum, student internship programme or other activities related to the course of study;
- 2) employees who, as part of their employment relationship, provide work related to the upbringing, education, recreation, treatment, provision of psychological counselling, spiritual development, sports or the pursuit of other interests by minors, or to the care of minors;
- 3) persons to be employed in connection with the upbringing, education, leisure, medical treatment, psychological counselling, spiritual development, sports or other interests of minors or with the care of minors;

- 4) contractors and voluntary service providers who are to be admitted to activities related to the upbringing, education, leisure, medical treatment, psychological counselling, spiritual development, sports or the pursuit of other interests by minors, or to the care of minors;
- 5) Polish and foreign students referred to the University of Opole for education, including all types of internships and traineeships, who are to be allowed to engage in activities related to the treatment, care and health education of minors as part of their education;
- 6) doctoral students of the Doctoral School who will teach in groups that include minors, i.e. students who are under 18 years of age;
- 7) other persons who, as part of any cooperation with the University of Opole, are to be allowed to engage in activities related to the upbringing, education, leisure, treatment, provision of psychological counselling, spiritual development, sports or the pursuit of other interests by minors, or to the care of minors.

- unless the activity relating to the upbringing, education, leisure, medical treatment, provision of psychological counselling, spiritual development, sports or the pursuit of other interests by minors, or the care of minors, is carried out by a member of the minor's family, or individuals known personally to the minor's parent or legal representative, when it is carried out in relation to a minor child whose parent or legal representative is the admitting party to the activity. A family member is defined as a person related or unrelated to the minor, who is in a de facto relationship and living in the same household as the minor.

### **Section 3**

1. From **15 February 2024**, before entering into the employment relationship involving the upbringing, education, leisure, medical treatment, provision of psychological counselling, spiritual development, sports or the pursuit of other interests by minors, or the care of minors, or before allowing a person to engage in any other activity involving upbringing, education, leisure, medical treatment, psychological counselling, spiritual development, sports or the pursuit of other interests by minors or care of them, persons with whom an employment relationship is to be established or who are to be admitted to such activities shall submit the following documents:
  - 1) a certificate from the National Criminal Register in respect of offences specified in Chapters XIX and XXV of the Penal Code, in Articles 189a and 207 of the Penal Code and in the Act on Preventing Drug Addiction of 29 July 2005 (Journal of Laws of 2023, item 172, and of 2022, item 2600), or for corresponding offences specified in foreign law - persons referred to in **Section 2(1-7)** who are citizens of the Republic of Poland and foreigners;
  - 2) information from the criminal register of the country of citizenship obtained for the purposes of professional or voluntary activities involving contact with children
    - individuals referred to in **Section 2(1-7)** who are foreigners;
  - 3) a statement on the country or countries in which he/she has resided in the last 20 years, other than the Republic of Poland and the country of citizenship, and at the same time submits to the employer or other organiser information from the criminal registers of these countries obtained for the purposes of professional or voluntary activity related to contacts with children - persons referred to in **Section 2(1-7)** who are citizens of the Republic of Poland

- and foreigners.
2. A template of the declaration referred to in Subsection 1(3) is attached as **Appendix 1** to this Regulation.
  3. Where the law of the country of citizenship, or the law of the country or countries of residence in the last 20 years, other than the Republic of Poland and the country of citizenship of the persons referred to in Section 2 does not provide for the issuance of information for the purposes of professional or voluntary activities involving contact with children, information from the criminal register of that country or countries is to be submitted.
  4. Where the law of the country of citizenship or the law of the country or countries of residence in the last 20 years, other than the Republic of Poland and the country of citizenship, from which the criminal record information to be obtained for the purposes of professional or voluntary activities involving contact with children or the criminal record information of that country does not provide for its issuance or there is no criminal register in that country, a declaration must be submitted:
    - 1) submit a declaration to that effect, a template of which is attached as Appendix No. 2 to this Regulation,
    - 2) submit a declaration that he or she has not been validly convicted in that country for criminal acts corresponding to the offences defined in Chapters XIX and XXV of the Penal Code, in Articles 189a and 207 of the Penal Code and in the Act of 29 July 2005 on Preventing Drug Addiction and no other ruling has been issued against him/her stating that he/she has committed such criminal offences, and that he/she is not obliged by the ruling of a court, other authorized body or the act of law to comply with the prohibition to hold any or certain positions, to practice any or certain professions or activities related to the upbringing, education, leisure, medical treatment, provision of psychological counselling, spiritual development, practice of sports or the pursuit of other interests by minors, or to care of minors.
  5. The declarations referred to in subsection (2) and subsection (4)(2) shall be made under pain of criminal liability for making a false statement.
  6. Failure to submit the documents referred to in this section will result in **non-employment** or **non-admission** to activities related to the upbringing, education, leisure, treatment, provision of psychological counselling, spiritual development, sports or the pursuit of other interests by minors, or the care of minors.

#### **Section 4**

1. The documents referred to in **Section 3** need to be submitted without delay to:
  - 1) the competent Dean's Office - in the case of students,
  - 2) the Human Resources Office - with regard to employees, persons with whom an employment relationship is to be established, contractors, persons performing voluntary services, and other persons referred to in Section 2(7).
  - 3) the Doctoral School Office - with regard to doctoral students at the Doctoral School who will be conducting classes in groups with under-age students.
2. The documents referred to in **Section 3** should be submitted to the competent Dean's Office by 30 September, prior to the commencement of the first semester of study - in the case of candidates for studies.
3. In justified cases, the Rector of the University of Opole may oblige the persons referred to in **Section 2(1-7)** to resubmit the documents referred to in **Section 3**.
4. The documents referred to in Section 3 shall be added to the personal files of students, employees, doctoral students of the Doctoral School, or to the records of a

person admitted to activities related to the upbringing, education, leisure, treatment, provision of psychological counselling, spiritual development, sports or the pursuit of other interests by minors, or to the care of minors.

#### **Section 5**

All information on obtaining a certificate from the National Criminal Register is posted on the relevant website of the National Criminal Register.

#### **Section 6**

Failure to submit the documents referred to Section 3 prior to the establishment of an employment relationship or admission to activities related to the upbringing, education, recreation, treatment, provision of psychological counselling, spiritual development, sports or the pursuit of other interests by minors, or to the care of minors, may result in criminal liability as referred to in Article 23(3) of the Act on Preventing Sexual Offences (Journal of Laws 2023, item 1304, as amended).

#### **Section 7**

The regulation shall enter into force on the date of signature with effect of 15 February 2024.

**RECTOR OF THE UNIVERSITY OF OPOLE**

*Prof. Dr habil. Marek Masnyk*