

Warsaw, 31 January 2016

**REPORT ON THE ACTIVITIES OF THE OMBUDSMAN**  
**FOR STUDENT AND PERSONNEL AFFAIRS**  
*for the period from 1 January to 31 December 2015*

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### Context

The University Ombudsman was appointed by virtue of the *Ordinance No 30 of the Rector of the University of Warsaw of 16 August 2011 on the appointment of the Ombudsman at the University of Warsaw*. From 1 November 2011 the position is being held by Anna Cybulko, employed on a part-time basis (20 hours per week). In the end of September 2012, Anna Cybulko was appointed for another term (the first full, i.e. four years) covering the period from 1 October 2012 to 1 October 2016. From 1 December 2012 the number of the Ombudsman's working hours was increased to 30 per week.

The present report has been drawn pursuant to the provision of §11 of the Ordinance No 30, stipulating that "The Ombudsman shall submit a written report on her/his activities to the Rector by the 31st of January of each year".

### Organisational matters

#### New employee

In 2015 there was a personnel change in the Academic Ombudsman team. Małgorzata Unrug left her job at the end of the contract she was employed for. She was replaced by Łukasz Modzelewski, who was employed from 21 September 2015 for a three-month trial period, after a trial period on a fixed-term contract valid until the end of December 2016. Mr Modzelewski's tasks include administrative work as well as organizational and substantive support of the Ombudsman on her tasks provided the *Ordinance No. 30 of the Rector of the University of Warsaw of 16 Aug. 2011 on the appointment of the Ombudsman at the University of Warsaw*, in particular in the area of legal analysis and information.

### Financial matters

In course of 2015, the Ombudsman was granted funds for:

- needs related to maintaining contacts and exchanging international experience, including membership in the European Association of Ombudsmen in Higher Education ENOHE (European Network of Ombudsman in Higher Education) – EUR 50;

- purchase of equipment necessary for keeping proper standards and effective operation of the Ombudsman, i.e.: office and stationery materials and fixed assets, such as a shredder – PLN 1041;
- funds for promotion, i.e. printing leaflets and translating the website – PLN 5135.

## Report on activities

### Competences

In 2015 the activities were conducted in accordance with the rules and procedures developed in the previous years, and encompassed all areas of expertise assigned to the Ombudsman by the *Ordinance No 30*, namely:

- Presenting information about the operation of the University and its legal regulations;
- Indicating and/or contacting with appropriate organisational units of the University in order to obtain relevant information or explanation of the case;
- Supporting the parties in conflict resolution;
- Recommending and conducting mediation;
- Promotion of ADR;
- Presenting information and recommendations regarding necessary systemic changes to the UW Rector.

Most activities of the Ombudsman are based on direct response to needs and problems reported by members of the academic community. The Ombudsman's activity in this area takes the forms of presenting information, explaining the case, and supporting the parties in conflict resolution, for instance through mediation. The other major area of the Ombudsman's activity is promotion of ADR (Alternative Dispute Resolution) by means of training programs, promotional activities, participation in seminars and conferences, and internal and international cooperation. In exceptional situations, the Ombudsman uses her prerogative to advise the Rector on important signals about the operation of the University.

### Direct assistance

The Ombudsman works in her proper office – in the room no. 160 C located in the building of the University Library, at Dobra 56/66 street – as well as outside the office, on the premises of the University of Warsaw. She is available to all interested parties during her office hours held twice a week, on Mondays and Thursdays, from 11 a.m. to 2 p.m. Information on the Ombudsman's office hours can be found on the University website, the Ombudsman's own website [www.ombudsman.uw.edu.pl](http://www.ombudsman.uw.edu.pl), and Facebook profile, as well as in leaflets and on posters placed in various places on the premises. The Ombudsman accepts cases reported to her in person, by phone, by e-mail and by post.

After receiving a report, the Ombudsman acts in two ways. In the case of simple inquiries, whenever it is possible, the answer is provided immediately by phone or e-mail by the Ombudsman or an employee from her team. In the case of unobvious or more complicated matters, a meeting with an interested party is arranged. At the meeting, in a direct conversation, the Ombudsman or her team member and the client discuss the problem, the client's needs and expectations and the range of available solutions. As a result of the meeting, the client may decide that it is necessary that the Ombudsman take an external intervention and, for instance, explain the case at the competent unit or start direct mediation. In such situations, the Ombudsman has to be authorised in writing to undertake the agreed steps.

In solving students' problems the Ombudsman is supported by her team member, Łukasz Modzelewski, whose responsibilities include, i.a., direct contacts with interested parties, planning the Ombudsman's meetings, contacting different stakeholders, and gathering and supplementing information about the reported cases. His duties include also providing support in solving problems reported by students, including establishing potential causes, gathering information from competent university and units, and transferring knowledge about possible case proceeding. An important part of Mr Modzelewski's work are tasks in the area of preparing legal analyses and opinions.

### Promotion of ADR

An important task of the Ombudsman is to promote alternative methods of dispute resolution. In 2015 the Ombudsman devoted a significant amount of her time to the implementation of this task, undertaking multi-track activities geared both to the promotion of ADR methods within the University of Warsaw, as well as to wider national and international cooperation in this area.

As part of supporting development of alternative methods of dispute resolution within the university, the Ombudsman made proactive promotional and educational activities, such as conducting trainings for students and personnel of the University of Warsaw, participating in seminars, conferences and promotional meetings, including those organised by student organisations (including Student Forum of the Human Rights). The Academic Ombudsman also participated in activities carried out by the Office for University Advancement of the University of Warsaw on the construction of the “Strategy of Social Responsibility of the University of Warsaw”.

In accordance with her competences, the Ombudsman presents the Rector with projects of legal institutions that support amicable dispute resolution. In 2015 the Ombudsman presented two projects to His Magnificence the Rector:

- Procedure for preventing mobbing at the University of Warsaw (a final version, taking into account earlier amendments, was presented on 25 May 2015) – material prepared in cooperation with the Rector’s Committee for Preventing Discrimination;
- Ideas of activities aimed at monitoring and implementing equality solutions at the University of Warsaw, with particular emphasis on gender equality (the final version of the draft, taking into account earlier amendments, was presented on 21 December 2015) – material prepared in cooperation with the Rector’s Committee for Preventing Discrimination and the Law Clinic from the Faculty of Law and Administration.

The Ombudsman collaborates with numerous university units and collegiate bodies. The cooperation consists in mutual referral of cases according to competences

as well as joint problem solving and solution finding. The aforementioned units and collegiate bodies also provide substantive assistance in clarifying arising questions and problems. In many of her activities, the Ombudsman cooperates with other institutions with related competences, including Rector's Committee for Preventing Discrimination, Centre for Disputes and Conflicts Resolution at the Faculty of Law and Administration, Law Clinic at the Faculty of Law and Administration and Office for Development Support of the University of Warsaw. In 2015 the Ombudsman also strengthened cooperation with representatives of student governments, including, in particular, the Scholarship Appeal Commission and the Board of Doctoral Fellows' Government.

At the national and international level, the Ombudsman was involved in exchange of experiences and acquiring new knowledge in the area of ADR by building a network of cooperation with other Ombudsmen, participation in study visits (including a visit to the Ombudsman operating at the Nicolaus Copernicus University in Toruń, 15 April 2015) and presentations at seminars and conferences (including a speech at the ENOHE international conference in Innsbruck, 27-29 May 2015). One of the most important activities in this area is the cooperation with the Khazar University, Azerbaijan (and other Western universities participating in the project), which aims at sharing experience of building the Ombudsman's institution. The cooperation was established in December 2014, lasted throughout 2015 and is planned to be continued in 2016. The activities undertaken by the Ombudsman were aimed at building an image of the university as an institution which, by supporting development of ADR methods, introduces innovative methods of improving its operations and conflict management.

A wider national and international cooperation with offices of Ombudsmen from other academic centres and with units which, within the scope of their competences, support students and personnel in matters related to conflicts and difficulties in the academic life, is of great importance for developing Ombudsman's position and promoting ADR methods. The Ombudsman cooperates on a continuous basis with, i.a., Bartłomiej Chłudziński – the Ombudsman of the Nicolaus Copernicus University in Toruń. In 2015 the Ombudsman also made direct contact with Justyna Rokita, the Student's Rights Ombudsman at the Student's Parliament of Poland.

As part of her duties, the Ombudsman monitors and participates in numerous national and international surveys aimed at describing and analysing conflict management systems in workplaces and academic centres. From the point of view of the tasks of the Ombudsman, the most important for her work was the contact in 2015 with Beata Bielska and Martyna Hoffman from the Research Implementation Team from the Institute of Sociology of the Nicolaus Copernicus University, dealing with the subject of violations of ethics by students in the area of cheating and plagiarising, authors of the *“Report on the study of cheating and plagiarising”*.

### Signals on the functioning of the university

The Ombudsman’s tasks include presenting information about any systemic irregularities and abnormal functioning of the University in her area of expertise, together with proposed recommendations, to the Rector of the UW. In particular, the Ombudsman for the student and personnel affairs reports any malfunctions in employee relations observed in course of her activities.

In 2015 the Ombudsman filed one signal report concerning the functioning of the university, which was submitted to the Vice-Rector for Research and Cooperation, Prof. dr hab. Alojzy Z. Nowak on 3 June 2015. In the signal report the Ombudsman referred to the structure of the “Erasmus programme trip regulations”, some of which could potentially have a discriminatory character. After transmitting the signal report, the questionable regulations were immediately corrected.

### Statistics of cases

The Academic Ombudsman fulfils duties resulting from § 2 of *Ordinance No 30*, stating that the Ombudsman’s tasks include assistance to individuals and organisational units of the University in disputes and conflicts resolution. Below are presented statistical data showing the quantity, type and thematic cross-section of cases that were received by the Ombudsman in 2015. Statistics also show the number and type of actions taken by the employee of the Ombudsman’s office.

**Number of cases:**

**The number of cases reported to the Ombudsman increased in comparison to the previous year (an increase of nearly 18%).** In 2015 a total of 133 cases were received, including:

- Cases in which further actions were taken: 126,
- Cases left without inquiry: 7.

The cases that were left uninvestigated were either the cases submitted by persons who are not members of the University of Warsaw academic community or cases not related to the University of Warsaw or cases not falling within the Ombudsman's competence, for example the problem of student's failure to accept the treatment in a closed psychiatric ward or requesting a referral to psychotherapy. According to the information provided on the website, the Ombudsman does not take action when the reports are anonymous. In 2015 unlike in previous years, only one such report was sent to the Ombudsman. There were some reports that were initially anonymous, but after contacting the Ombudsman or her employee by e-mail and explaining the rules of her operation, complaining parties decided to disclose their personal details. It seems that the described state of affairs may be related both to the growing trust of the academic community to the Ombudsman and the observance of the confidentiality principle, as well as a growing knowledge of the rules of action adopted in the Ombudsman's team (taking into account the need to identify a person reporting a problem).

**The reporting parties:**

In accordance with § 4 of the *Ordinance No 30 of the Rector of the University of Warsaw*, the Ombudsman takes action upon:

- a report by a member of the academic community;
- a motion of the student government or doctoral fellows' government;
- a motion of the Rector;
- the Ombudsman's own initiative.

In 2015 nearly all cases were reported by individual members of the academic community (116 cases). It is worth emphasising that although individual reports were



prevalent, in 2015 started to appear cases reported by representatives of student and doctoral fellows' government. Problems were reported by representatives of the faculty governments and concerned issues relevant to the majority or all of the students/doctoral fellows of a given unit. The Ombudsman also dealt with problems reported by heads of units (including directors and deans) – in 2015, 4 cases were received by the Ombudsman, which did not directly concern the complaining parties, but projected on teams managed by them or student groups they were taking care of. As in the previous year, the Ombudsman also cooperated with trade unions, i.a. by engaging herself in matters reported by their representatives (3 cases).

In 2015 the Ombudsman did not undertake any cases on her own initiative due to heavy involvement in activities arising from the reported cases, as well as a growing conviction that her job consisting in assisting members of the academic community in problem solving should be reactionary in nature.

The tables below show the number of cases reported by groups of stakeholders and the division of reported cases due to units they concern.

**Table 1. Number of cases reported by by stakeholder groups\***

Members of academic community reporting a case (in total): 126 cases
Students – 63 cases*
Doctoral fellows – 8 cases
Faculty members – 16 cases
Faculty and technical members – 2 cases
Administrative workers – 29 cases
Deans and heads of units: 4 cases**
Other – 4 cases

\* One case does not mean one person to whom it relates. *There were situations when one case involved several dozen or several hundred people, such as in the case of a conflict around the new UW Regulations.*

\*\* *Some cases reported by deans or unit heads concerned more than one problem*

**Table 2. Reported cases by university units:\***

<b>Unit</b>	<b>Number of cases</b>
Faculty of Journalism and Political Sciences	10
Faculty of Law and Administration	9
Faculty of Modern Languages	9
Faculty of Psychology	9
Faculty of Polish Studies	8
Faculty of Philosophy and Sociology	7
Faculty of Biology	7
Faculty of Applied Linguistics	6
College of Inter-Area Individual Studies in Humanities and Social Sciences (MISH)	5
Institute of American and European Studies	5
Faculty of History	5
Central Administration	4
Faculty of Oriental Studies	4
University Library	3
Dormitory	3
Faculty of Applied Social Sciences and Resocialisation	3
Faculty of Economic Sciences	3
College for Teaching German Language	2
Centre for Foreign Language Teaching	2
Faculty of Geography and Regional Studies	2
Faculty of Mathematics, Informatics, and Mechanics	2
Faculty of Management	2
DELab	1
Open University	1
Faculty of Physics	1
Faculty of Geology	1
Faculty of Education	1
Other	12

\* Description of abbreviations: S-Students, PhD-PhD fellows, FM-Faculty Members, AW-Administrative Workers, FTS-Faculty-Technical Staff, O-Others

Table 2 only includes cases reported for the first time in 2015, but it did not include cases that were continued from previous years. Similarly to previous years, also in 2015 the Faculty of Journalism and Political Sciences is a leader in terms of the number of reported cases. The configuration of the remaining Faculties and units remains variable. If we include case continuity indicator (showing unresolved disputes and chronic problems), the following units would be in the most difficult situation: Institute of International Relations at the Faculty of Journalism and Political Sciences and the Centre for Latin American Studies at the Institute of American and European Studies. Other faculties (and units) experience only single difficulties and conflicts with a recurring, chronic character.

It is difficult to draw binding conclusions from the table above. First of all, because the number of reports does not show their seriousness. The table also does not include data on how to deal with problems in a given unit and possible lessons learnt for the future. In some units, a large number of complaints results from high confidence in the academic bodies and institutions, and a belief that they can help with the problem. In others, reporting a problem to the Ombudsman is an expression of desperation and total disbelief in the fact that solving a problem is possible. It is worth noting that in some reported situations many complaints (even 3-4) concerned one case. Such regularity seems to indicate a strong sense of union of a given community (students or employees) and high trust in institutions operating at the university. On the other hand, in some situations, it happens that one application describes a problem concerning several, several dozen or even several hundred people (e.g. problem with registration at the Faculty of Law and Administration).

#### **Case subject matter:**

The tables given below present more detailed data regarding the subject matter of cases reported by particular groups of clients to the Ombudsman in 2015.

**Table 3. Subject matter of the reported cases**

Type of the case	Reporting party		Total cases
	Staff	Students and doctoral fellows	
Explanation of rules and procedures	X	X	29
Conflict between an employee and a supervisor	X		21
Problems with the USOS		X	12
Conflict with thesis supervisor		X	8
Conflict between a student and an employee	X	X	8
Problem with course credit		X	7
Conflict between employees	X		6
Mobbing	X		6
Problem with blocking a scientific career	X		6
Conflict between students		X	5
Conflicts of "bureaucratic" nature, difficulties with settling the matter	X	X	5
Problems with scholarship		X	4
Other	X	X	10
Total			127

From the Ombudsman's perspective, the most troublesome staff issues include interpersonal conflicts, in particular those affecting relations with superiors. Staff reports include both mobbing (not always fully in line with the definitions of the Labour Code), and broader activities referred to as "blocking development of scientific careers". It seems that reports of faculty members, faculty and technical staff, and administrative workers are in fact quite similar in character, with the only difference that faculty members more often address their accusations against the superior in a broader category of "limiting development of scientific careers". Doubts of faculty members arouse such specific issues as payment for PhD studies (after the deadline), or habilitation (for non-employees of the university) and the issue of scientific (or health) leaves. Faculty members and administrative workers similarly experience difficulties in dealing with current administrative and formal matters, in connection with an inefficient structure, excessive bureaucracy or lack of good will of those responsible for specific tasks.

It seems that the greatest difficulties in the life of students are generated by problems in the course of study, among which the top positions in 2015 were taken by

problems with the USOS – resulting both from technical mistakes and ambiguities as well as behaviour and decisions of persons responsible for the system. Moreover, invariably difficulties experienced by students include: problems with course credits, difficulties in communication with faculty members and administrative workers, conflicts with thesis supervisors and difficulties in settling matters resulting from the inefficiency of the study service system. Among the issues reported by students, interpersonal conflicts also began to appear – especially those concerning living in dormitories. Students also report difficulties related to obtaining financial benefits due to them. Many complaints concern the way scholarships committees operate, whose members are the students themselves.

The problems reported by the doctoral fellows are difficult to be clearly classified. Some of them are similar to the personnel difficulties, some to student ones. Difficulties specific to the group of doctoral fellows include problems in relationship with thesis supervisor and copyright infringements (with a particular emphasis on the opposition to the necessity of a practice approved in many environments, namely adding a thesis supervisor to publications created by doctoral fellows themselves). The issue of paying doctoral fellows for classes led by them is also a recurring problem.

Orientation in the applicable legal regulations and the structure of the university operation is an important difficulty of academic life for all members of the academic community. Independent access to a competent person or institution often turns out to be a real challenge. It can also be difficult to clearly interpret the given rules or recommendations.

### **Specific problems reported in 2015**

In 2015 disputes and discussions about the adoption of the new Study Regulations took place at the University of Warsaw. The Ombudsman was asked by students to present her opinion on the case. The Ombudsman did not notice violations either in the manner of proceeding by university bodies or in the manner of adopting new regulations. In addition, the Ombudsman sees and appreciates an increased activity of students accompanying introduced changes and considers it a positive consequence of the difficult and potentially conflict-generating situation of introducing new, controversial findings into the regulations.

In 2015 the Ombudsman started to receive notifications about problems of student life in dormitories. This is a specific group of difficulties that develop on parallel levels of students' academic and private life. It seems that an increased impact of such cases may result from the recognition of the role of the Ombudsman by Heads of Residences who participated in trainings on conflict resolution for heads of university administration led by Anna Cybulko, the Ombudsman and Agnieszka Siedlecka, a representative of the Centre for Dispute and Conflict Resolution. The training programme provided for the topic of academic institutions established to support employees in conflict resolution – in particular, the ombudsman and the Centre for Dispute and Conflict Resolution.

Special attention of the Ombudsman was caught by two extensive student conflicts related to the functioning of the Faculty of Law and Administration. The problem reported by the students of the Faculty of Law and Administration was focused around student registration for classes via the USOS system. Students complained about changing the rules during the course of registration, lack of clarity and transparency of the dean's office activities as well as disregard and disrespect. At the same time, students from the College of MISH also reported to the Ombudsman difficulties in enrolling at the Faculty of Law and Administration. Reported problems concerned a very wide range of students. It seems that as a result of activities undertaken by the involved parties, i.e. students and student government of the Faculty of Law and Administration, the Ombudsman, representatives of the Dean's College of the Faculty of Law and Administration (in particular Deputy Dean for Student Affairs Prof. dr hab. Ewa Gruza) and the Rector's College (in particular Vice-Rector for Student Affairs Prof. dr hab. Marta Kicińska Habior), current problems of students with registration have been solved in a relatively satisfactory way for the parties. However, the (...) Faculty of Law and Administration in this area remains open.

In 2015 probably in connection with the upcoming elections for university authorities, numerous questions and doubts concerning existing electoral regulations began to reach the Ombudsman. Doubts about electoral rules concerned, in particular, elections taking place in units other than faculties (i.e. institutes, departments, divisions, research units, etc.). The Ombudsman did not feel competent to solve them,

but at the same time tried to present applicable rules and principles to the inquiring persons or to redirect them to competent people with the knowledge necessary to answer these questions. It seems that a lot of issues would require clarification in this area – ideally at the level of bounding legal regulations at the university. The rules contained in the Statutes of the university are of a very general nature and do not allow to answer specific questions of a more detailed nature.

From the point of view of the Ombudsman, the most important and the most extensive personnel conflict in 2015 was the conflict over the style of managing of the director of the Institute of International Relations, described by many faculty members as mobbing. The Ombudsman forwarded a signal on this subject to His Magnificence the Rector in 2014. In 2015 more people reported to the Ombudsman asking for intervention in the case. Unfortunately, it seems that in this area the Ombudsman has already exhausted all her possibilities of action. The conflict remains unresolved.

#### **Actions taken:**

Pursuant to § 7 of Ordinance No 30 of the Rector, the Ombudsman may take the following actions:

- Present competent information on the operation of the University and its legal regulations;
- Refer to competent units or persons for a given case;
- Support the client in dealing with the case by providing information or assistance in clarifying the situation in the proper unit;
- Provide assistance in conflict resolution by diagnosing the problem and presenting solutions;
- Recommend mediation;
- Present information and recommendations to the Rector regarding necessary systemic and procedural changes in the operation of the University in the area of the Ombudsman's expertise.

Within her competences the Ombudsman supports the person or unit that turns to her for assistance. The support provided is not limited solely to substantial and procedural assistance. The Ombudsman assists her clients to get out of a difficult and unpleasant situation with dignity and satisfaction with the actions taken.

The table below contains basic categories of actions taken by the Ombudsman in relation to the reported cases.

**Table 4. Actions taken by the Ombudsman in response to case reports by particular groups of stakeholders. \*/\*\***

Actions taken	S	PhD	FM AW FTS	O	Total
Presenting information regarding operation of the UW and its legal regulations, referring to competent persons or units.	41	2	10	2	55
Supporting in problem solving by acquiring information or explanation at the proper unit.	29	1	7	2	39
Supporting clients in problem solving by helping to diagnose the problem and find the best solution.	10	2	21	--	33
Mediation	3	1	13	--	17
Signalling [ <i>whistleblowing</i> ]: Referring reported irregularities in the operation of the university	5	1	8	2	16
Other, including e.g.:	10	--	8	--	18
<i>Consultation of a letter</i>	1	--	2	--	3

\* The sum of actions indicated exceeds the total number of cases (126), because some cases required more than one action

\*\* Description of abbreviations: S-Students, PhD-PhD fellows, FM-Faculty Members, AW-Administrative Workers, FTS-Faculty-Technical Staff, O-Others

In 2015 as in previous years, the most frequently provided form of assistance was presentation of relevant information on the functioning and legal regulations applicable at the University of Warsaw or indication of units/persons competent to deal with the matter. It is worth pointing out that there are still many legal questions relating to the Ombudsman regarding both general regulations and detailed solutions adopted at the University or its individual units. Students, PhD fellows and personnel ask questions. Reporting parties complain that there is no place at the University of Warsaw where they could obtain legal information or binding answers to relevant



questions. In this area, nothing has changed since the beginning of activities of the Ombudsman.

An important form of assistance provided by the Ombudsman was to obtain information or clarify the problem in an appropriate unit. Very often, obtaining consistent and binding information is equivalent to solving a problem. In some cases, it may be helpful to link actions of several units. Direct explanatory actions usually enabled to solve a problem effectively. This method proved to be particularly effective in student affairs, where sometimes a small signal was enough to show the path and lead to an effective and positive closure of the reported case.

An important part of the Ombudsman's work was to hear and help in analysing a case and generating solutions. This type of help was useful for both students and personnel, allowing them to ventilate emotions and take a more objective look at the case. Coping with emotions allows us to focus on finding available ways of proceeding and choosing optimal options.

Definitely more often than in previous years, the Ombudsman used mediation activities. The readiness to use mediation in personnel relations was increasing. It is worth emphasising that in a vast majority of mediations, the parties reached an agreement, and they declared high satisfaction with their decision to participate in this procedure. Mediation was conducted in conflicts between students, between students and personnel, between personnel at the same level of the academic structure and between superiors and subordinates. Members who are in conflict with their superiors generally have the biggest doubts as to participation in mediation. The fear of the supervisor's reaction is so high that many people prefer not to risk attempting to talk in the presence of a mediator and, in silence, accept unjust or unpleasant treatment. However, if such mediations take place, a large part of them brings positive results – in particular, the change in attitude towards subordinates. Most of mediations was conducted by the Ombudsman in person (directly or interchangeably, contacting alternately with parties of the conflict). In exceptional cases, when it was not possible or indicated, the Ombudsman benefited from the support of mediators from the Centre for Dispute and Conflict Resolution at the Faculty of Law and Administration of the University of Warsaw.

## Conclusion

The figures presented in the report show that the role of the Ombudsman in settling disputes at the University of Warsaw is growing every year. It seems that members of the academic community – both students and personnel – have confidence in the activities of the Ombudsman and are ready to use her help. The Ombudsman's activity is visible both inside the University of Warsaw and at the broader national and international level.

Apart from the standard activities, which constituted majority of the Ombudsman's activities in earlier years, such as information (including legal), clarification of cases in a right unit, showing possible action paths, hearing and psychological support, in 2015 the use of mediation and signalling (*whistleblowing*) increased considerably. A particular optimism gives us a growing openness of university personnel to mediation and a constructive reaction of decision-makers to the shortcomings or irregularities reported by the Ombudsman. In the case of labour disputes (or between an employee and the UW as an employer) in the vast majority of cases it was possible to avoid situations in which an employee would decide to go to court. Increasingly, the Ombudsman also had a chance to support the academic community in the conflict prevention, through direct coaching contact with heads of units signalling potential or already existing difficulties or conflicts.

It should be noted, however, that occasional cases of long-standing conflicts (often defined as mobbing) were reported to the Ombudsman, in which a person accused of unfair treatment was not ready to take any action to resolve the conflict, either through mediation or acceptance of need to change the style of operation. This approach was generally presented by people high up in the academic and administrative hierarchy of the university, oriented towards a traditional approach to academic relations of a rather hierarchical than a partner nature.

In the future, the Ombudsman could change her role from reactive into a more proactive one, e.g. by implementing a project of measures to monitor and implement

equality solutions at the University of Warsaw, with particular emphasis on equality based on gender. The Ombudsman could also give opinions on new legal provisions (e.g. study regulations or provisions on significant personnel matters) in terms of potentially conflictual areas. In such situations, the Ombudsman could suggest useful communication or consultations in the area of conflict prevention.

In 2015 the Ombudsman, assisted in her activities by the university authorities, successfully completed assumed tasks of helping academic community resolve conflicts and respect rights of personnel and students, and at the same time continued to develop and strengthen the Ombudsman's institution.

*Report prepared by Anna Cybulko*