



January 31, 2021

**REPORT ON THE ACTIVITY OF THE ACADEMIC OMBUDSMAN**

**FOR STUDENT AND EMPLOYEE AFFAIRS**

*From January 1 to December 31, 2022*

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## Context

The position of the Academic Ombudsman was appointed by *the Order No. 30 of the Rector of the University of Warsaw of August 16, 2011 on the appointment of the Academic Ombudsman at the University of Warsaw* (hereinafter referred to as the Order No. 30). On November 1, 2011, the position was taken by Anna Cybulko. At the end of September 2012, Anna Cybulko was appointed for the second term of office (the first full term, i.e. four years), covering the period from October 1, 2012 to October 1, 2016. On October 1, 2016, Anna Cybulko was appointed for the second full term of office, which ended on September 30, 2020. On October 1, 2020 for the third term ending on September 30, 2024.

The present report is based on the provisions of § 11 of the Order No. 30, according to which: “Ombudsman is obliged to deliver written report on her/his activities to the Rector each year by January 31.”

## Competences and work organization

In 2021, the activities were carried out in accordance with the principles and procedures developed in previous years and covered all areas of the competence of the Academic Ombudsman indicated in *the Order No. 30*.

The main areas of activity include:

- Conflict prevention and ADR promotion, including promoting a work and study environment free from discrimination and mobbing as well as actions enhancing equality and diversity.
- Domestic and foreign cooperation for the promotion and development of ADR and for the enhancement of equality and diversity.
- Direct support actions – intervention in reported problem cases.
- Signalling actions (*whistleblowing*) and suggesting development and repair system solutions.



Since March 11, 2020, the activities of the Academic Ombudsman and her Team switched to remote work. The contacts with interested take place by e-mail, by phone and using the Google Meets and Zoom virtual communication platforms. Duty hours are invariably carried out on Mondays and Thursdays from 11.00 am to 02.00 pm.

In order to maintain the security and confidentiality of the cases of persons reporting the problem, a handwritten signing of the consent form, which may be sent to the Ombudsman's office as a hard copy or as a scan, is still a necessary condition to initiate an intervention.

### **Academic Ombudsman's Team**

The Academic Ombudsman is supported in her work by three people: Elżbieta Felkner, acting as the office coordinator, Magdalena Miksa, acting as the deputy for student affairs, and since October 15, 2020, attorney Violetta Wysok (2/5 of the full-time employment), acting as the deputy for employee affairs. The tasks of Mrs Felkner include: administrative services, organizational and substantive support in the implementation of activities set out in *Order No. 30 of the Rector of the University of Warsaw of August 16, 2011 on the appointment of an Academic Ombudsman at the University of Warsaw*. The main tasks of Mrs Miksa are: cooperation in the matter of substantive recognition of student matters and co-conducting educational and promotional activities. Mrs Violetta Wysok deals with employees' affairs and mediation.

The employees of the Academic Ombudsman's Team support anti-mobbing activities. On May 30, 2018, Magdalena Miksa, under *the Order No. 49 of the Rector of the University of Warsaw of May 14, 2018, on counteracting mobbing at the University of Warsaw*, was appointed to the position of the Coordinator for Counteracting Mobbing. Elżbieta Felkner was appointed on June 22, 2018, to the position of the Secretary of the Anti-Mobbing Committee.



## Activity report Conflict prevention and ADR promotion

The Academic Ombudsman undertook the following proactive actions in 2020 as part of supporting the development of alternative dispute resolution methods within the university and the promotion of a work and study environment free from discrimination and mobbing:

1. Co-operation with the Equal Opportunity Chief Specialist, Associate Professor Julia Kubisa, in creation of the Gender Equality Plan for the University of Warsaw.
2. Co-organization (together with the Equal Opportunity Chief Specialist, Associate Professor Julia Kubisa and the Office of the Commissioner for Human Rights) of the conference “Counteracting sexual harassment at universities – towards standards and procedures”.
3. Co-operation with the Main Equal Opportunity Chief Specialist at the UW, Associate Professor Julia Kubisa, in creating “*Guide to counteracting sexual harassment at the UW and the Anti-Discrimination Procedure.*” The work on the Guidebook was attended by representatives of the University of Warsaw female and male teaching staff, female and male representatives of the The Rector's Committee for Preventing Discrimination and the Committee for Counteracting Mobbing, the Student Ombudsman and a team of the consultant for sexual violence at the UW Students' Self-Government Board.
4. Continuation of cyclical information meetings aimed at education and dissemination of knowledge about aid institutions operating at the University. In 2020, the addressees of the activities were the Faculties of: “Artes Liberales”, Geography and Regional Studies, Philosophy and History. The aim of the meetings was to disseminate knowledge about the Academic Ombudsman for Student and Employee Affairs (Ombudsman)



and other aid institutions operating at the University of Warsaw. The employees of the Academic Ombudsman's Team provided information on the competences of individual institutions, methods of obtaining support, methods of reporting cases, places and dates of duty hours, etc.

5. Writing and editing, together with the Equal Opportunity Chief Specialist at the University of Warsaw, Recommendations on the use of symbols in the academic space.
6. Initiation of works on the project *Developing the University of Warsaw's potential in the area of responding to personal, emotional and psychological problems of members of the academic community that may affect academic functioning*. The project activities are to be implemented together with the Psychological Counselling Centre and the Office for Persons with Disabilities.

The Academic Ombudsman cooperates with numerous organizational units and collective bodies operating at the university. The cooperation includes a mutual transfer of matters within the scope of competences, as well as joint problem solving and searching for adequate solutions. In 2021, the Academic Ombudsman cooperated i.a. with:

- Equal Opportunity Chief Specialist at the University of Warsaw, Associate Professor Julia Kubisa.
- The Anti-Mobbing Committee at the University of Warsaw established by the Order No. 65 of the Rector of June 22, 2018, in the field of preventing mobbing at the university and the Anti-Mobbing Coordinator of the University of Warsaw, Magdalena Miksa.
- The Rector's Committee for Preventing Discrimination – on the occasions of interventions regarding complaints about discrimination against employees or students.



- Center for Dispute and Conflict Resolution at the Faculty of Law and Administration, i.a. in the area of mediation.
- Offices of the University of Warsaw, in particular: the Promotion Office, the International Relations Office, the Office for Student Affairs and the Office for Persons with Disabilities.
- Representatives of the student government, in particular with the Scholarship Appeal Committee, the Student Government Board, the Doctoral Fellow Government Board, the Ombudsman for Student Rights, and the Consultant on Sexual Violence in the Team of the Ombudsman for Student Rights.
- Students' clubs and student organizations, including the Queer Students' Club and the Paulina Kuczalska-Reinschmit Students' Club.

### **Domestic and foreign cooperation**

As part of domestic contacts, the Academic Ombudsman cooperates with other Ombudsmen from Polish universities. In November 2020, the Ombudsman with her Team prepared a meeting of Academic Ombudsmen and Rectors' plenipotentiaries from the Maria Curie-Skłodowska University, the University of Silesia, the Jagiellonian University, the War Studies University, the University of Opole, the University of Wrocław and the Gdańsk University of Technology. The meeting served to exchange experiences related to the functioning of Academic Ombudsmen in the changed social reality.

In December 2020, a meeting was held between the Team of the Academic Ombudsman for student and employee affairs and the Equal Opportunity Chief Specialist at the University of Warsaw with female and male Academic Ombudsmen, female and male Plenipotentiaries for equal treatment and female and male Plenipotentiaries for security matters from the University of Art in Szczecin, the War Studies University, the Wrocław University of Health and Sport Sciences, the Wrocław University of Science and Technology, the Jagiellonian University, the



Maria Curie-Skłodowska University, the Nicolaus Copernicus University, the University of Wrocław. The purpose of the meeting was to discuss the creation of a network of academic ombudsmen for the development of cooperation and exchange of experiences and good practices at universities.

The Academic Ombudsman also represents the University of Warsaw at events organized by central institutions: conferences, seminars and expert meetings. Among the most important national activities in 2020, it is worth mentioning:

- Speech in the Discussion Panel ‘Panel Right 2B Forum’: “Does business protect diversity?” as part of the Right 2B Forum project implemented by ELSA Poland (May 2020).
- Panel speech at the conference organized by the University of Warsaw and the Commissioner for Human Rights “Counteracting sexual harassment at universities – towards standards and procedures” (June 2020).
- Participation in the plenary session of the Central Council of Science and Higher Education devoted to the topic of harassment, discrimination and freedom in universities, where she delivered a speech “How the University of Warsaw deals with the problem of mobbing” (November 2020).
- Participation in the debate on the role of diagnosis in shaping equality at the university, organized by the Department for Safety and Equal Treatment – Safe at the Jagiellonian University as part of the international campaign “16 days against gender-based violence” (December 2020).
- Participation in a seminar on freedom of gender identity expression in the educational process, organized by the “Law and Gender” Science Club at the Faculty of Law and Administration of the University of Warsaw (December 2020).



The foreign cooperation of the Academic ombudsman in 2020 included activity within the framework of European Network of Ombudsman in Higher Education – ENOHE. Almost from the beginning of her operation, the Academic Ombudsman has been an active member of ENOHE, and as a result of elections organized by the general meeting on June 27, 2019, she was appointed a member of the Management Board and assumed the position of the treasurer.

The Academic Ombudsman was developing international contacts aimed at gathering knowledge and good practices supporting the implementation of new solutions for equality, diversity and anti-discrimination at the University of Warsaw, including cooperation within the 4EU + network. The Academic Ombudsman also took part in a legal seminar on non-discrimination and gender equality organized by the Human European Consultancy operating for the European Commission.

### **Direct support actions**

The Academic Ombudsman fulfils the obligations arising from the Order No. 30, according to which her tasks include helping individuals and organizational units of the University in resolving disputes and conflicts and in dealing with violations of the principles of the academic life. Statistical data showing the number, type, and thematic cross-section of the cases received by the Academic Ombudsman in 2020 are presented below. The statistics also show the number and type of actions taken.

In 2020, 254 cases were reported to the Academic Ombudsman. 11 cases were continuations from the previous year. Detailed data on the reported cases and the dynamics of changes are presented in Table 1 and Chart 1 below.





**Table 1. Reported cases in 2012 – 2020.**

Year	2012	2013	2014	2015	2016	2017	2018	2019	2020
Number of reported cases	130	125	111	125	118	146	196	252	265
-- cases from the current year	130	114	103	119	111	134	185	240	254
-- cases continued from the previous year		11	8	6	7	12	11	12	11

**Chart 1. The dynamics of the reported cases in 2012 – 2020.**



As the presented data show, the dynamics of the impact of cases continues to increase. It seems that the reasons for the increase in the number of reports include, from year to year, more widespread knowledge about the possibility of obtaining help from the Academic Ombudsman, as well as impact of the promotional campaign “Equal”, which emphasizes that there is no place for discrimination at the University of Warsaw, and people who experience it will find support at the university. The difficult period of the pandemic could also have contributed to the increase in the number of problems, and hence notifications, as well.



The number of reported cases was significantly dependent on the academic calendar. Much more notifications were recorded during the examination sessions and at the turn of the academic year. The number of reported cases was also influenced by an external situation such as the pandemic (April) or the Women's Strike (November). The chart below presents a list of reported cases by month.

**Chart 2. List of reported cases by months.**



### Reporting parties

Pursuant to § 4 of *the Order No. 30 of the Rector of the University of Warsaw*, the Ombudsman takes action:

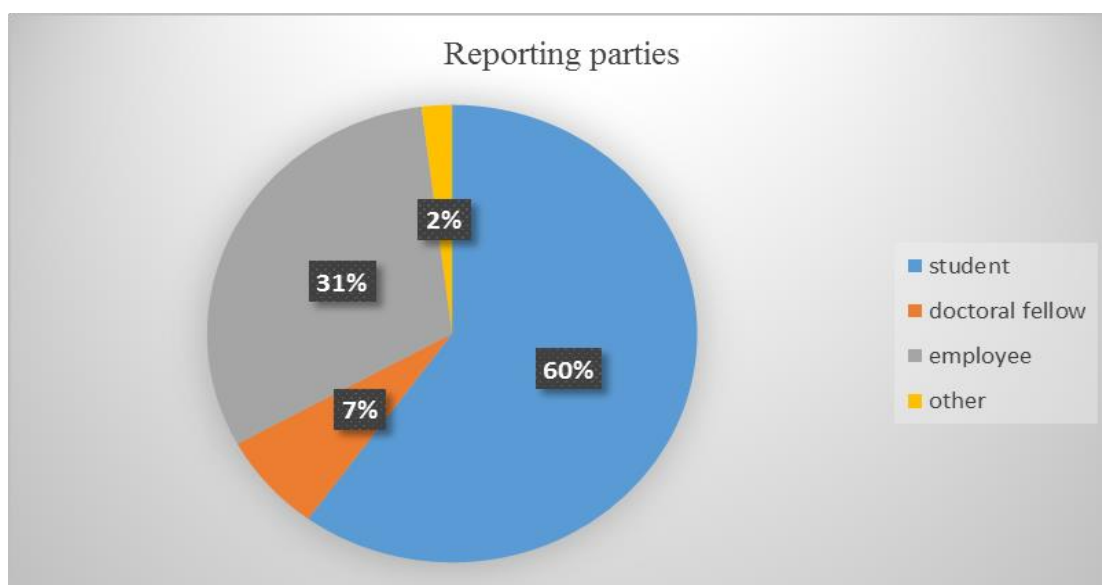
- after a case is reported by a member of the interested academic community,
- at the request of student or doctoral fellows government bodies,
- at the request of the Rector,
- on own initiative.

Most often, cases are reported to the Ombudsman by the interested parties themselves, who present their problems individually or in groups. Problems are also reported by direct superiors or by representatives of the authorities of a given unit, asking for support in analyzing and diagnosing the problem or for a direct intervention in the case. There were also cases reported by relatives.



Among the people reporting a problem, more than a half are students, and 31% are scientific, administrative and scientific-technical employees. Only 7% of reports come from doctoral fellows (a detailed share of reporting persons is presented in the Chart 3).

**Chart 3. Percentage share of persons reporting cases due to academic status**



The year 2020 is another one, when the Academic Ombudsman received cases from all departments and units of the University of Warsaw. This can be read as a signal that the information about existence and operation of the Academic Ombudsman is present in all academic units of the university. The summary of reported cases by unit is presented in Table 3.

**Table 3. Summary of reported cases by unit.**

Faculties and units	number of cases
Central Administration	11
Other units	6
Teaching and scientific unit	17
Interdisciplinary Doctoral School	1
Doctoral School of Humanities	6
Doctoral School of Social Sciences	4



Doctoral School of Exact and Natural Sciences	2
Faculty of „Artes Liberales”	5
Faculty of Archeology	2
Faculty of Biology	13
Faculty of Chemistry	3
Faculty of Journalism, Information and Book Studies	8
Faculty of Philosophy	3
Faculty of Philosophy and Sociology	7
Faculty of Physics	7
Faculty of Geography and Regional Studies	3
Faculty of Geology	3
Faculty of History	8
Faculty of Applied Linguistics	8
Faculty of Mathematics, Informatics, and Mechanics	5
Faculty of Economic Sciences	9
Faculty of Political Science and International Studies	28
Faculty of Modern Languages	23
Faculty of Oriental Studies	7
Faculty of Pedagogy	3
Faculty of Polish Studies	11
Faculty of Law and Administration	14
Faculty of Psychology	12
Faculty of Sociology	2
Faculty of Applied Social Sciences and Resocialization	4
Faculty of Management	4
Other	25

## Subject matter of the cases

### Student cases

The largest number of student applications concerned matters related to the organization and course of studies. Reports covered the following issues:

- deletion from the list of students, renewals,
- problems with graduation,
- problems with passing a regular course or passing an exam,



- problems with passing a language course – certification exam,
- changing essential rules during studies,
- method the lecturers conduct classes,
- method of assessment by lecturers,
- handling student documentation,
- failure to issue a decision on time,
- problem with registration for classes,
- recognition of the subject,
- fees for educational services,
- technical problems related to online classes,
- digital exclusion,
- removing from the class persons demonstrating signs of support for the Women's Strike,
- sick leave,
- difficult contact with lecturers.

The second category in terms of the number of reported cases are conflicts and communication difficulties. Misunderstandings occurred in various types of relationships, both horizontal: between students, and vertical: between a student and a supervisor or lecturer. There were cases of students' complaints about the work of dean's offices, in particular the way they were treated by employees or the misleading nature of the information provided. This group also includes matters generally classified as "difficulties in living in a dormitory".

Problems related to finances, in particular complaints about proceedings or decisions regarding the Rector's and social scholarships constituted another group. The Ombudsman also received cases regarding demands to reduce payments for remote educational services due to the quality of the offered classes and problems with payments resulting from financial difficulties related to the loss of source of income in the time of the pandemic.



In 2020, as in 2019, the number of complaints about discrimination, harassment, stalking and breach of ethics increased. The complaints concerned, i.a., unethical behavior of students towards female and male students as well as female and male lecturers towards female and male students. There were also cases related to cheating. A new category of cases, occasionally signalled in previous years, related to posting offensive information on social media also emerged.

### **Employee cases**

The subjects of the matters reported by employees were included in the following areas: conflict, ill-treatment (mobbing or discrimination), working conditions and personnel policy, unethical behavior of students or other employees.

Conflicts were horizontal: between colleagues, or vertical: between a superior and a subordinate. Most of the conflicts were relational and organizational in nature, but there were cases where the essence of the differences between the parties were factual/scientific issues or those related to differences in values. Reported conflicts were generally binary in nature, but there were also more complex group cases. Both the employees themselves and their superiors, who noticed a conflict in the team, contacted the Academic Ombudsman for help. Employees also reported conflicts and communication difficulties between the lecturer and the student.

In cases where there was a justified suspicion of mobbing or discrimination, the Academic Ombudsman suggested that the case be transferred to the Coordinator for Counteracting Mobbing or the Committee for Preventing Discrimination. The final decision to take these actions, however, belonged to the person concerned.

Employees also reported to the Academic Ombudsman matters related to working conditions and HR policy, including in particular such topics as:

- employment,
- termination of contract,



- remuneration,
- regulation of the scope of duties,
- scope of providing personal data,
- holidays,
- bonuses,
- employee evaluation, including evaluation of the method of conducting classes,
- protection of intellectual property,
- co-financing of courses
- remote work,
- improper performance of official duties.

Complaints about unethical behavior often concerned the way of conducting public discourse: on both social network sites gathering employees and e.g. during Faculty Council or Scientific Council meetings. There were also complaints from lecturers about unethical behavior of female and male students towards lecturers, including harassment and stalking.

### **Actions taken**

Pursuant to § 7 of the Order No. 30, the Ombudsman may take the following actions in the reported cases:

- provide relevant information on the functioning and legal regulations in force at the University of Warsaw;
- indicate units/persons competent to deal with the matter;
- support in settling the matter by obtaining information or clarifying the matter in an appropriate unit;
- help in conflict resolution: diagnosis of the problem and selection of a method to solve it;
- recommend/conduct mediations;



- present the Rector with information and recommendations falling within the scope of the Ombudsman's duties, concerning identification of necessary system changes and methods of the University's operation.

Table 5 below presents types of actions taken by the Academic Ombudsman in response to the problems reported to her.

**Table5. Types of actions taken by the Academic Ombudsman.\***

Action taken	Number of cases
Providing information on the functioning and legal regulations in force at the University of Warsaw	108
Indicating units/persons competent to deal with the case	13
Intervention in the unit (obtaining information or clarifying the matter)	55
Coaching (support in diagnosing the problem and selecting the solution to resolve it)	10
Mediation (recommendation, conduct)	16
Signalling in writing (providing a description of any difficulties encountered and/or recommending necessary system changes or corrective actions).	10

*\* The summary is of a simplified nature, in fact the categories are not completely separate, some matters may fall into several categories.*

Category "Providing information on the functioning and legal regulations in force at the University of Warsaw" includes both assistance to persons reporting a problem in understanding their actual and legal situation and choosing optimal solutions, as well as support for the UW units in the correct interpretation and application of applicable legal regulations. This action is often associated with identification of units or persons competent to deal with the matter. On the other hand, the interventions indicated in the second point "Indicating units/persons competent to deal with the case" cover situations in which the Academic Ombudsman did not take any assistance measures on her own, but only redirected a reporting person to an appropriate person or unit. Coaching activities included assistance provided by the Academic Ombudsman in situations of conflict or harassment of an employee (in





particular where there was no consent to undertake mediation or intervention activities), as well as development support for employees experiencing difficulties in their professional life.

## Summary

2020 was a special year for many reasons. First of all, the pandemic, associated with the transition to remote work and the high level of stress experienced by many members of the academic community had a significant impact on its course. Quantitatively, the effects of the pandemic translated into work of the Academic Ombudsman to a lesser extent than one might suppose. After a temporary reduction in the inflow of cases in March, in the following months the number of reports returned to the level similar to the previous years. It can be hypothetically assumed that the pandemic resulted in a slightly lower annual increase in the number of cases: the number of cases in 2020 increased by only 10% compared to the previous year, while in the previous years an increase was recorded at a level close to 20%. On the other hand, the pandemic influenced type of problems reported. In 2020, in addition to typical reports on student and employee matters, a large group of cases appeared, the background of which were difficulties related to a current pandemic situation. In particular, the reports concerned limitations of remote work opportunities (perceived as discrimination), difficulties experienced due to digital exclusion and low quality of remote classes. Moreover, the frequency of reporting problems related to the scientific dependence of students, i.e. cheating during classes, tests and exams, has clearly increased. The problem, the scale of which was already high before, are various types of academic difficulties, the source of which are psycho-emotional problems of students or employees.

The contextual factors influencing the work of the Academic Ombudsman and her Team also include social and political tensions expressed, i.a., through protests against the policy of the ruling party, which are reflected in the form of discussions



and disputes between members of the academic community, taking place both within the university and in the virtual space of social media. The growing tensions in this area have led to the necessity to re-define a so far rather amorphous structure of the limits of freedom of the academic debate.

The internal factors of change include elections of new authorities. Changes in decision-making positions naturally caused a stir, which in some cases translated into an increase in the number of conflicts and interpersonal tensions. This was, i.a., the reason that in 2020 the Academic Ombudsman's Team conducted more mediation and conciliation activities than in previous years.

The distinguishing feature of 2020 was also a marked increase in the number of complaints about mobbing and discrimination – both in terms of minor irregularities, possible to be rectified through corrective talks, and very serious ones, requiring starting a disciplinary procedure. In 2020, the Academic Ombudsman supported four requests to initiate disciplinary proceedings on the basis of very serious allegations concerning, i.a., sexual harassment and harassment of students. Currently, these cases are dealt with by Disciplinary Commissioners. In this context, the introduction in 2020 of the “Guide to Counteracting Sexual Harassment and the Anti-Discrimination Procedure at the University of Warsaw” gains additional significance, both of which have a chance to significantly order and improve the effectiveness of reacting in the event of undesirable actions and behaviors of discrimination and harassment.

The last issue worth mentioning is a clear development of the pro-equality and anti-discrimination activities in entire higher education, expressed, i.a., by broadly appointing new positions in the university structure, responsible for observing rights of members of the academic community, e.g. Academic Ombudsmen, Ombudsmen for Rights and Values, Rectors' Plenipotentiaries for equality and anti-discrimination, etc. As the University of Warsaw has been developing its activity in this area for a long time, the Academic Ombudsman is often asked for advice, support, or sharing good practices of the University of Warsaw, and activity of our equality bodies is



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sometimes treated by other universities as a model and inspiration in the newly developed areas.

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