



January 25, 2022

**REPORT ON THE ACTIVITY OF THE ACADEMIC OMBUDSMAN
FOR STUDENT AND EMPLOYEE AFFAIRS**

From January 1 to December 31, 2021

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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, and 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*, i.e.:

- 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.

The contacts with interested parties were taking place in person, by e-mail, by phone and using the Google Meets and Zoom virtual communication platforms. Duty hours are carried out on Mondays and Thursdays from 11.00 am to 02.00 pm.

In order to maintain security and confidentiality of a conducted proceeding, a written authorization by the reporting person is a necessary condition to initiate an intervention by the Academic Ombudsman or representatives of her Team. The authorization may be submitted during a meeting at the Ombudsman's office, sent by traditional or internal mail as a hard copy or attached to an e-mail in the form of a scan.

Academic Ombudsman's Team

In 2021, the Academic Ombudsman was supported in her work by three people: Elżbieta Felkner, acting as the office coordinator, Magdalena Miksa, acting as the deputy for student affairs, and attorney Violetta Wysok (2/5 of the full-time employment), acting as the deputy for employee affairs. The tasks of Mrs Felkner included: 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 were: cooperation in the matter of substantive recognition of student matters and co-conducting educational and promotional activities. Mrs Violetta Wysok dealt with employee's affairs and mediation.

The employees of the Academic Ombudsman's Team support anti-mobbing activities. Since 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, acts as the Coordinator for Counteracting Mobbing. Elżbieta Felkner was appointed on June 22, 2018, to the position of the Secretary of the Ant-Mobbing Committee.

Activity report

Conflict prevention and ADR promotion

The Academic Ombudsman undertook the following activities in 2021 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:

- Continuation of cyclical information meetings aimed at education and dissemination of knowledge about aid institutions operating at the University. In 2021, the addressees of the activities were the Faculties of: Archeology, Biology, History, Economic Sciences, Polish Studies, and Applied Social Sciences and Resocialization. The aim of the meetings was to disseminate knowledge about the Academic Ombudsman for Students and Employees (Ombudsman) and other aid institutions operating at the University of Warsaw.
- Cooperation with the Equal Opportunity Chief Specialist, Associate Professor Julia Kubisa, for the prevention of sexual harassment, an important component of which was the preparation and implementation of a regulatory document entitled *“Counteracting sexual harassment at the university. University of Warsaw Guide”*. The aim of the conducted activities was to raise awareness of the academic community to the phenomena of sexual violence and sexual harassment.



- Actions to improve the situation of transgender, transsexual and non-binary people studying at the University of Warsaw, including initiating work on a project to implement additional functionality in the USOS software, which allows the student to enter a chosen (target) name consistent with the perceived gender. The project of introducing a so-called “overlay” is being implemented simultaneously at the leading national universities in contact with the Inter-University Computerization Center [Międzyuniwersyteckie Centrum Informatyzacji MUCI].
- Dissemination of practical information in the field of copyright regulations in the academic environment in the context of necessity to comply with the rules of intellectual property. In this context, in 2021, the Academic Ombudsman began cooperation with the Academic Ombudsman of the Medical University of Warsaw, aimed at preparing a joint media campaign promoting compliance with the principles of ethics in the field of intellectual property, as well as preventing plagiarism and cheating.
- Actions to provide legal support in connection with participation in public assemblies.
- Initiation of work on the internal reporting procedure and whistleblower protection by submitting the document “*Comments on the need to implement the internal reporting procedure and whistleblower protection in connection with the provisions of Directive of the European Parliament and Council (EU) 2019/1937 on the protection of persons reporting breaches of EU law (a so-called directives on the protection of whistleblowers)*” and participation in the Team for the Implementation of the Internal Reporting Procedure and the Protection of Persons Reporting Breaches of EU Law.



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.
- Female and male plenipotentiaries for Equal Opportunities at Departments.
- The Anti-Mobbing Committee at the University of Warsaw established by the Order No. 24 of the Rector of February 26, 2021, 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.
- Psychological Counselling Centre and the Office for Persons with Disabilities – in particular in solving problems related to people experiencing psycho-emotional difficulties.
- Offices of the University of Warsaw, in particular: the Promotion Office, the International Relations Office, the Office for Student Affairs.



- Representatives of the student government, 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

The Academic Ombudsman closely cooperates with female and male Academic Ombudsmen, Plenipotentiaries for equal treatment, and Plenipotentiaries for security matters appointed at other Polish universities. As the first person in Poland appointed to the position of the Academic Ombudsman, she initiated the creation of the Academic Safety and Equality Network, serving for cooperation and exchange of experiences and good practices at universities.

Cyclical meetings, initially with representatives of the Jagiellonian University, Nicolaus Copernicus University, and the Medical University of Warsaw, as new representatives joined, gave rise to extensive advocacy cooperation between universities in Poland. The Academic Safety and Equality Network serves as a forum for exchanging good practices, sharing experiences, signalling problems and finding solutions to difficulties common to the academic community. An important role of the Network is also to shape good practices, in particular in the area of prevention of discrimination and mobbing.

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 2021, it is worth mentioning:

- Participation in the seminar “Academic Freedom and Responsibility. Experiences and Good Practices”, organized by the Conference of Rectors of



Academic Schools in Poland and SWPS University of Humanities and Social Sciences (February 2021).

- Participation in the fifth meeting of the UW Students' Parliament on the mental health of female and male students of the University of Warsaw (March 2021).
- Speech at the seminar entitled "Science-teaching-administration: cooperation and communication between different groups of academic staff" organized by the Dean's Forum Association (May 2021).
- Participation in the meeting "Talks about ethics" series, devoted to presenting academic ethical standards to the Warsaw School of Economics community and other interested parties (June 2021).
- Participation in the summer school for the development and implementation of Gender Equality Plans as part of the GE Academy project (July 2021).
- Speech entitled "The Development of a Gender Equality Plan by a Research Performing Organization: The Experience of the University of Warsaw" at a seminar with EGET experts, organized by the Laboratory of Databases and Business Analytics Systems, Information Processing Center – National Research Institute (September 2021).
- Speech at the seminar "Mediation and other alternative dispute resolution as support for the entrepreneur's activity" organized by the Lewiatan Confederation and the Lewiatan Mediation Center as part of the project "Popularization of alternative dispute resolution methods by increasing competences of mediators, establishing the National Register of Mediators (KRM) and information activities". The topic of the speech was the intra-



organizational use of mediation and other alternative dispute resolution methods in the context of corporate social responsibility (September 2021).

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. A key component of the implemented international cooperation was her activity within the 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 cooperated in the preparation and conduct of the conference organized by ENOHE in cooperation with the Canadian network of academic ombudsmen ACCUO (Association of Canadian College and University Ombudspersons) entitled: “Looking Forward: The Role of the Ombuds in Post-Covid Recovery”. The conference was held on September 21-22 and was an opportunity to meet dozens of Academic Ombudsmen from Europe, Canada, the United States and Australia. In addition, the Academic Ombudsman participated in webinars on the creation of ombudsman’s offices in higher education institutions (June 2021) and on social media (November 2021).

In March 2021, the Academic Ombudsman for student and employee affairs started permanent cooperation with the University of Kent and the University of Stuttgart, aimed at, i.a., exchange of experiences in the field of building and implementing equality policy of the university.



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 2021 are presented below. The statistics also show the number and type of actions taken.

Number of reported cases

In 2021, 306 cases were reported to the Academic Ombudsman. Seven 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 – 2021.

Year	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Number of reported cases	130	125	111	125	118	146	196	252	265	315
-- cases from the current year	130	114	103	119	111	134	185	240	254	308
-- cases continued from the previous year		11	8	6	7	12	11	12	11	7



Chart 1. The dynamics of the reported cases in 2012 – 2021.



As the presented data show, the dynamics of the impact of cases continues to increase. Compared to 2020, the number of reports increased by nearly 20%. It seems that an important reason for the growing number of notifications is an increasing awareness of members of the academic community about the support institutions available there. Still, some employees and a large group of 1st, 2nd and 3rd degree students do not know about the existence of the function of the academic ombudsman. This means that with the continuation of educational and promotional activities, a further increase in the number of reports can be expected. In addition, the increase in the number of cases could also be influenced by a special situation related to teaching in the restricted conditions related to the Covid-19 pandemic. For example, in 2021, there were significantly more cases with a background of mental health problems than before.

Reporting parties

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

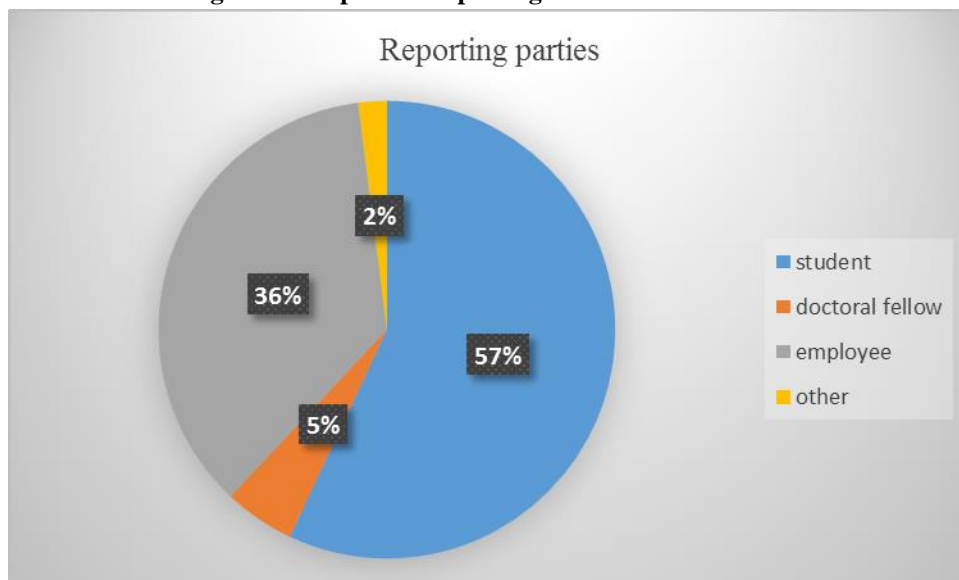


- after a case is reported by a member of the interested academic community,
- at the request of student or doctoral fellows government bodies,
- at the request of the Rector,
- on own initiative.

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 (57%) are 1st and 2nd degree students, and 36% are scientific, administrative and scientific-technical employees. Only 5% of reports come from doctoral fellows (a detailed share of reporting persons is presented in the Chart 2).

Chart 2. Percentage share of persons reporting cases due to academic status.





The year 2021 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 2.

Table 2. Summary of reported cases by unit.

Faculties and units	number of cases
Faculty of "Artes Liberales"	8
Faculty of Archeology	8
Faculty of Biology	18
Faculty of Chemistry	7
Faculty of Journalism, Information and Book Studies	8
Faculty of Philosophy	2
Faculty of Physics	6
Faculty of Geography and Regional Studies	2
Faculty of History	7
Faculty of Applied Linguistics	5
Faculty of Mathematics, Informatics, and Mechanics	4
Faculty of Economic Sciences	12
Faculty of Arts and Culture	2
Faculty of Political Science and International Studies	17
Faculty of Social Sciences and Resocialization	1
Faculty of Modern Languages	19
Faculty of Oriental Studies	7



Faculty of Pedagogy	11
Faculty of Polish Studies	18
Faculty of Law and Administration	17
Faculty of Psychology	8
Faculty of Sociology	10
Faculty of Sociology	1
Faculty of Applied Social Sciences and Resocialization	10
Faculty of Management	11
Interdisciplinary Doctoral School	1
Doctoral School of Humanities	1
Doctoral School of Social Sciences	5
Doctoral School of Exact and Natural Sciences	1
Teaching and scientific unit	41
Central Administration	7
Other	40

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:

- problems related to online classes,
- restrictions related to Covid-19,
- difficulties resulting from interdisciplinarity or studying at inter-faculty studies,



- problems with passing a regular course or language course; passing exam,
- discriminatory statements by lecturers or students during classes,
- method of conducting classes and difficult contact with lecturers,
- plagiarism and cheating,
- difficulties with appointing a promoter, in particular with regard to an external promoter,
- financial matters – difficult situation, scholarships, allowances, fees for educational services,
- difficulties with obtaining or returning from sick leave,
- systemic exclusion of transgender people,

In 2021, there was a significant increase in the number of reports resulting from changes in the functioning of the university related to the pandemic. Students reported numerous difficulties with passing courses and exams online. Problems with cheating in the exam or violations in registering presence in online classes were reported by both students and lecturers, as well as university authorities. Occasionally, students also reported problems related to digital exclusion. The introduction of remote learning resulted in discrepancies between syllabuses and an actual form and content of the classes, which i.a. led to student complaints about lower quality of classes.

In 2021, for the first time, the Academic Ombudsman began to receive complaints about discrimination on the grounds of vaccination or lack of vaccination. In particular, students reported problems with making up for classes in a situation where, as unvaccinated, they were sent to quarantine and could not participate in classroom activities. There were cases of students' complaints related to the decision



to introduce remote learning or the restriction of possibility to participate in classes in the event of disease symptoms.

An important category of cases were reports from the self-government and students of inter-faculty studies signalling the need to clarify the provisions on the procedure of admitting an external supervisor. The academic spokeswoman also dealt with the problem of sick leave/occasional doctoral students and the possibilities of a more adequate regulation of this issue in the Regulations of Doctoral Schools.

Problems related to finances, in particular complaints about proceedings or decisions regarding social scholarships and benefits constituted another group. The Ombudsman also received cases regarding financial difficulties related to the loss of source of income in the time of the pandemic.

In 2021, there was a significant increase in the number of reported cases from transgender, transsexual and non-binary people who asked for support in the subject of functioning in the university structures, registering for classes in the USOS system or using target data with which they identify.

In 2021, a new category of cases related to posting offensive information on social media also emerged.

It seems that psycho-emotional problems experienced by students and doctoral fellows were an important basis for many reports.

Employee cases

The subjects of the matters reported by employees were included in the following areas: conflict, ill-treatment (in particular in the form of 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 2021, there was an increase in complaints about discrimination and mobbing. Some of them were minor breaches that could be rectified through corrective talks. More serious cases required the launch of a disciplinary procedure. 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,
- bonuses,
- working hours and overtime,
- time of business meetings,
- regulation of the scope of duties,
- employee evaluation, including evaluation of the method of conducting classes,



- protection of intellectual property,
- remote work,
- improper performance of official duties.

Complaints about unethical behavior often concerned the way of conducting public discourse on social network sites gathering employees, or the way of conducting discussions within the Faculty Council, Scientific Council or other university collegiate bodies. There were also complaints from lecturers about unethical behavior of female and male students towards lecturers, including harassment, stalking and inappropriate behavior.

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



Table 3. 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	120
Indicating units/persons competent to deal with the case	17
Intervention in the unit (obtaining information or clarifying the matter)	52
Coaching (support in diagnosing the problem and selecting the solution to resolve it)	55
Mediation (recommendation, conduct)	13
Signalling in writing (providing a description of any difficulties encountered and/or recommending necessary system changes or corrective actions).	7

** 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

Ten years after the appointment of the Academic Ombudsman for student and employee affairs at the University of Warsaw, this institution is quite recognizable, operates according to standardized procedures and enjoys considerable trust of the academic community. At the same time, nearly a decade of Ombudsman's activity has allowed to accumulate a significant capital of knowledge and practice, which, through exchange of experiences, helps build similar positions at other universities in the country and abroad. The activity of the Academic Ombudsman builds an image of the University of Warsaw as an institution that cares about safety, rights and needs of members of its community.

The reverse of stabilizing the function of the Academic Ombudsman and disseminating knowledge about her competences is a progressive increase in the number of reported cases. The increase in the number of reported cases, with a heavy load of other tasks on the Ombudsman and her Team (including counteracting of mobbing), also leads to a situation in which people seeking help have to wait a long time for the moment when it will be possible to deal with their cases. Moreover, this high number of reports leads to a reduction in efficiency of the Academic Ombudsman's activities in a non-intervening areas of her competence. There is a high risk that without a structural solution to this problem (e.g. in the form of increasing the Team's staff resources, delegating some of the tasks to other entities or resigning from their implementation), as the number of cases continues to increase, the institution of the Academic Ombudsman will become ineffective, and the inability to efficiently respond to the reported problems or to assist all reported cases will lead to a significant drop in the academic community's trust in this institution.



The key problems faced by the Academic Ombudsman include: support of the academic community in coping with an increasing number of psycho-emotional problems experienced by students and academic and administrative staff. These problems significantly affect the effectiveness of studying, research and teaching, and often generate various types of violations or threats to the well-being of members of the academic community.

One of the important problem areas of great importance for the academic community is undoubtedly the prevention of discrimination, harassment and mobbing. It should be emphasized that although such violations occur incidentally at the University of Warsaw, prevention and response mechanisms are working more and more efficiently. The Anti-Mobbing Procedure and the Anti-Mobbing Committee have been successfully operating at the university since 2019. In 2021, a new anti-discrimination procedure entered into force, and at the same time, the Anti-Discrimination Committee established in this procedure began operations. The same year, a document entitled “Counteracting sexual harassment at the university. Guidelines of the University of Warsaw” was published, which dispelled many doubts and collected numerous positive comments from the academic community. All these activities allow us to hope that the University of Warsaw will be an increasingly safer place to work and study, where mobbing, discrimination and harassment will not be tolerated.

The problem of understanding the principles of academic ethics and potential violations in this respect also remains significant, visible in particular in the violation of intellectual property law, exceeding the limits of freedom of speech and academic debate, or conflicts of roles and interests still recurring in some academic contexts. In this context, the Academic Ombudsman returns to the statement closing her report from previous years, that a significant part which is missing in order to close the system of building clear standards of academic life is the Code of Ethics, supporting



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the regulation of common academic principles relating to, i.a., situations where different groups of employees have a different view of what is right and proper.

The report was prepared by:

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