



31 January 2023

PERFORMANCE EVALUATION REPORT ACADEMIC OMBUDSMAN

FOR STUDENTS AND STAFF AFFAIRS

for the period from 1 January till 31 December of 2022.

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Context

The post of Academic Ombudsman was established by Ordinance No. 30 of the Rector of the University of Warsaw dated 16 August 2011 on the appointment of an Academic Ombudsman at the University of Warsaw (hereinafter referred to as ORDINANCE No. 30). Anna Cybulko took up her post on 1 November 2011. At the end of September 2012, Anna Cybulko was appointed for a second term of office (the first full term, i.e. four years), covering the period from 1 October 2012 to 1 October 2016. With effect from 1 October 2016, Anna Cybulko was appointed for a second full term, lasting until 30 September 2020, and on 1 October 2020, for a third term lasting until 30 September 2024.

This report is based on the provisions of section 11 of Ordinance No. 30, according to which: “Prior to 31 January each year, the Ombudsman shall submit a written report of their activities to the Rector”.

Responsibilities and work organisation

In 2022, activities were conducted in accordance with the principles and procedures developed in previous years and covered all the areas of responsibility of the Academic Ombudsman identified in Ordinance No. 30, i.e.:

- Conflict prevention and promotion of ADR (alternative dispute resolution), in particular, the promotion of a work and study environment free of discrimination and mobbing, and working to strengthen equality and diversity.
- Domestic and international cooperation to promote and develop ADR and to strengthen equality and diversity.



- Direct assistance activities - interventions on submitted problem cases.
- Signalling (*whistleblowing*) activities and proposing systemic development changes and remedial solutions.

Contact with stakeholder was conducted in person, by email, telephone and through virtual communication platforms such as Google Meets and Zoom. Duty hours are held on Mondays and Thursdays from 11 am to 2 pm. 2022 was the year when working practice resumed at University facilities, and although some applicants continued to make appointments for online interviews, more than half of the meetings took place in person at the Academic Ombudsman's office. The Academic Ombudsman generally recommends in person meetings (particularly with regards to difficult as well as personal matters), however, the mode of meeting depends conclusively on the needs and capabilities of the reporting person.

For the security and confidentiality of the proceedings, it is required for the initiation of intervention by the Academic Ombudsman or representatives of her team to obtain written authorisation from the reporting person. Authorisation may be given during a meeting at the Ombudsman's office, or sent by post or internal mail in hard copy or attached to an e-mail as a scan.

Academic Ombudsman Team

In 2022, the Academic Ombudsman was supported in her work by four staff members: Elisabeth Felkner, acting as office coordinator, Magdalena Miksa, acting deputy Ombudsman for student affairs, Anna Augustyniak (since July) acting as communication and conflict resolution specialist, and Agata Wrona (since September) acting as mediator.

Two staff members of the Academic Ombudsman Team have been appointed to anti-mobbing positions:



- Since 30 May 2018, Magdalena Miksa has acted as anti-mobbing Coordinator, pursuant to Ordinance No. 49 of the UW Rector, dated 17 May 2018, *on counteracting mobbing at the University of Warsaw*;
- on 22 June 2018, Elżbieta Felkner was appointed as Secretary of the Anti-Mobbing Committee.

Activity Report

Prevention of conflicts and Promotion of ADR

In support of the development of alternative dispute resolution within the university community and the promotion of a safe work and study environment free from violations of the law, discrimination and mobbing, the Academic Ombudsman undertook in 2022 the following initiatives:

- Continuation of regular information meetings to educate and disseminate knowledge on aid providing entities operating at the University of Warsaw. Members of the Academic Ombudsman team participated in a series of meetings with first-year students during adaptation days. They also visited students from the Faculty of Journalism, Information and Bibliology, Faculty of Polish Studies, Faculty of Political Science and International Studies, Faculty of Sociology, Faculty of Oriental Studies and Faculty of Neophilology. In October and November, the members of the Academic Ombudsman team participated in information days at the various UW faculties. In 2022, they made visits to the Faculty of Law and Administration, the Faculty of Polish Studies, the Faculty of History, the Faculty of Archaeology, the faculty of Psychology and the Faculty of Philosophy. The information meetings were aimed at spreading awareness of the institution of



the Academic Ombudsman, and other outreach initiatives operating at the University and were an opportunity to interact with the faculty community.

- Participation in the Crisis Staff meetings for Ukraine, whose scope of activities included monitoring and resolving ongoing issues relating to Russia's aggression against Ukraine.
- Activities aiming to improve the situation of transgender, transsexual and non-binary persons studying at the University of Warsaw, including initiating and supporting work on an implementation of an additional functionality in the USOS system which allows the student to enter a first name of their choice (a target first name) in line with their perceived gender. The project to introduce the so-called “add-in” is being implemented simultaneously at the country's leading universities in cooperation with the Inter-University Digitisation Centre (in Polish: Międzyuniwersyteckim Centrum Informatyzacji (MUCI)).
- Presentation of the draft procedure and participation in the Team for the Internal Notification Procedure Implementation and Protection of People Reporting Breaches of Union Law (in the framework of the implementation of the Whistleblower Protection Directive)
- Conducting trainings on discrimination and equal treatment and co-presenting (together with Prof. UW Julia Kubisa, PhD.) networking meetings for faculty equality and anti-discrimination officers

The Academic Ombudsman cooperates with numerous organisational units and collegiate bodies operating at the University. Cooperation includes mutual referral of cases within the area of competence, as well as joint problem-solving and the search for adequate solutions. In 2022, the Academic Ombudsman cooperated with, among others:



- The Plenipotentiary of the Rector for policies against discrimination and sexual harassment, Prof. UW Julia Kubisa, PhD.
- Plenipotentiaries for Equality at Faculties.
- The Anti-Mobbing Committee at the University of Warsaw, established pursuant to Ordinance No. 24 of the Rector dated 26 February 2021 in the area of anti-mobbing at the University and Magdalena Miksa, the anti-mobbing coordinator at the University of Warsaw.
- The Rector's Anti-Discrimination Committee, when intervening in complaints of discrimination against staff members or students.
- The Centre for Dispute and Conflict Resolution at the Faculty of Law and Administration, among others in the area of mediation.
- The Psychological Support Centre and the Office for Persons with Disabilities, in particular regarding problem solving for people experiencing psychological and emotional difficulties.
- The Offices at the University of Warsaw, in particular with: The Promotion Office, the International Relations Office, the Office of Academic and Student Affairs, and the University Volunteer Centre.
- Representatives of the student self-government bodies, the Student Ombudsman and the Consultant on Countering Sexual Violence at the Student Ombudsman Team.
- Student research groups and student organisations, e.g. the Queer Student Research Group and the Paulina Kuczalska-Reinschmit Student Research Group.



National and international cooperation

The Academic Ombudsman also cooperates closely with the academic ombudsmen, the plenipotentiaries for equality and plenipotentiaries for security affairs appointed at other Polish universities. As the first person in Poland to be appointed as an Academic Ombudsman, she initiated the establishment of the Academic Safety and Equality Network (ASBiR) for cooperation and exchange of experiences and good practices at universities. The Academic Safety and Equality Network serves as a forum for exchanging good practice, sharing experiences, signalling problems and seeking solutions to difficulties common to the academic community. An important role of the Network is the ability to shape good practice, particularly in the area of anti-discrimination and mobbing.

In April 2022, the Academic Ombudsman and her Deputy for Student Affairs attended the national meeting of the Academic Safety and Equality Network, held in Toruń. The meeting served to share professional experiences, create a space for strategic collaboration and direct communication between spokespeople, and to build development, research and information resources including learning about good practice in the area of student problem solving.

In May 2022, the members of the Academic Ombudsman Team: Magdalena Miksa and Elżbieta Felknerpart took part in a study visit to the University of Warmia and Mazury in Olsztyn. The meeting served to share professional experiences, create a space for strategic collaboration, to learn about good practice in the area of student problem solving and non-discrimination policies at the university. In October 2022, a study visit was organised for a delegation from the University of Warmia and Mazury, as part of an initiative to strengthen contacts between academic ombudsmen in October 2022. The meeting was devoted to the issue of cooperation in the area of anti-discrimination at universities.



The Academic Ombudsman also represents the University of Warsaw at events organised by central institutions: conferences, seminars and expert meetings. Among the more important national activities in 2022, the following are notable:

- Participating in the meeting of the KRASP Committee on Communication and Social Responsibility at the KRASP (i.e. at the Conference of Rectors of Academic Institutions in Poland) During the meeting, the Academic Ombudsman presented the initiatives undertaken by the Academic Safety and Equality Network (ASBiR), i.e. the structure associating academic ombudsmen and other persons performing functions in Polish higher education institutions related to the protection of academic rights and values, and security, equality and diversity for cooperation and exchange of experiences (June 2022).
- Participating in the Summer Camp for PhD students and young researchers from Ukraine organised by the Warsaw University of Life Sciences (SGGW), during which the Academic Ombudsman conducted a workshop on “Equality and diversity at our Universities. Why do we need them and how do we get them?” as part of the event: *The Polish-Ukrainian Summer Camp for Young Scientists*. This is an initiative aimed at building a common research future between Polish and Ukrainian academic communities (September 2022).
- Participation in a study visit to the University of Rzeszów. During the visit, the Academic Ombudsman participated in meetings with the representatives of the academic community from the Podkarpacie region and presented a paper on “Equivalence: What is it and what purpose does it serve? Social expectations and legal regulations” (November 2022).
- Participating as an expert at the European Commission on Equality at a regular legal seminar organised by the European Network Of Legal Experts In



Gender Equality And Non-Discrimination in Brussels (December 2022). The seminar provided an opportunity to learn about recent European Union legislation on the subject of equality and anti-discrimination, to exchange knowledge about experiences with experts from all countries of the European Union and to learn about the European Commission's equality plans for the coming year (December 2022).

The Academic Ombudsman develop contacts abroad to gather knowledge and good practices supporting the introduction of new equality, diversity and anti-discrimination measures at the University of Warsaw. A key component of international cooperation carried out by the Academic Ombudsman was the activity within the European Network of Ombudsman in Higher Education (ENOHE) Almost from the beginning of the term of office, the Academic Ombudsman has been an active member of the ENOHE, and as a result of the elections held by the general meeting on 27 June 2019, she was appointed as a member of the Executive Board and took on the role of treasurer.

In June 2022, the Academic Ombudsman and the deputy for staff affairs attended the conference in which the Academic Ombudsman, jointly with Bartłomiej Chłudziński, PhD, the Academic Ombudsman from the Nicolaus Copernicus University, and Prof. Aleksandra Dera, the NCU Rector's Plenipotentiary for Equality, presented the paper on "The "Non-existent problem" of sexual misconduct in Polish academia – ombudsman's role in creating the system of preventing harassment and creating safe space for students and employees. An example of the University of Warsaw and the Nicolaus Copernicus University in Torun"

Direct assistance activities

The Academic Ombudsman performs the duties resulting from the provisions of Ordinance No. 30 according to which her tasks include assisting individuals and



organisational units of the University in resolving disputes and conflicts and in dealing with violations of the rules governing academic life. Below are statistics showing the number, type and thematic cross-section of cases which were submitted to the Academic Ombudsman in 2022.

The statistics also show the number and type of actions taken.

Number of submitted cases

In 2022, 311 cases were submitted to the Academic Ombudsman. 20 cases were continued from the previous year. Detailed data on reporting of cases and the dynamics of change are presented in Table 1 and Chart 1 below.

Table 1 Impact of cases between 2012 and 2022.

Year	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Number of cases	130	125	111	125	118	146	196	252	265	315	332
-- current year cases	130	114	103	119	111	134	185	240	254	308	312
-- cases continued from the previous year		11	8	6	7	12	11	12	11	7	20

Chart 1 Dynamics in reporting of cases between 2012 and 2022.



As the presented data shows, the dynamics in reporting of cases continues to demonstrate an upward trend. Compared to 2021, the number of submitted cases has increased by nearly 5%. In 2022, the increase in the number of cases may have been further influenced by the specific situation of the war in Ukraine.

Applicants

Pursuant to § 4 of Ordinance No. 30 of the Rector of the University of Warsaw, the Ombudsman shall take action:

- once the matter has been brought to the attention of the member of the academic community concerned,
- at the request of the student or doctoral student self-government authorities,
- at the request of the Rector,
- on the Ombudsman's own initiative.

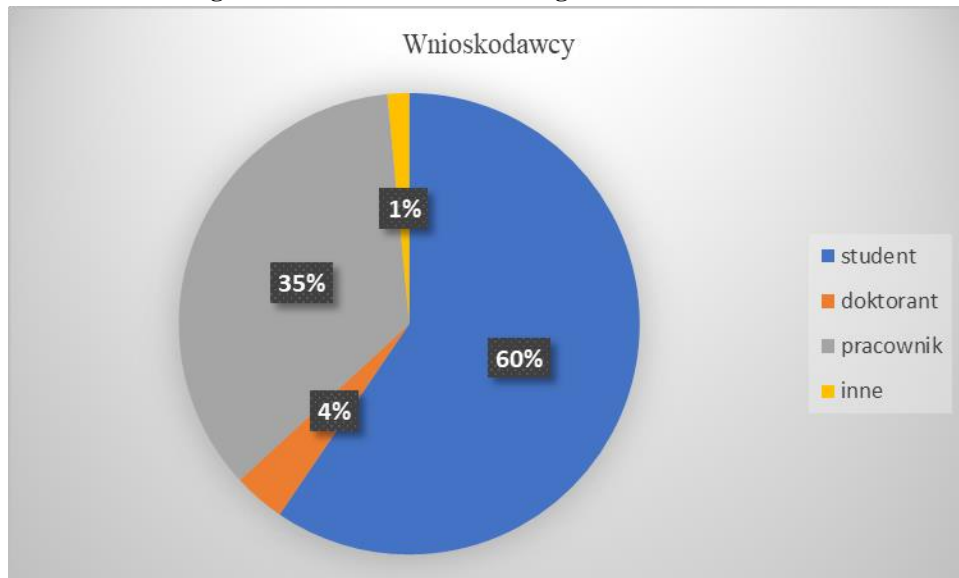
Cases brought to the Academic Ombudsman are most frequently the ones submitted by individuals concerned, who present their problems individually or in groups. Problems are also occasionally submitted by direct superiors or by representatives of the unit's authorities, asking for support in analysing and diagnosing the problem or



intervening directly in the case. There have been cases submitted by relatives of or individuals closely connected to those affected.

Among those reporting a problem, more than half (60%) are students of first- and second-cycle studies; and 35% are employees: including research, administrative, as well as research and technical staff. Only 4% of reports come from doctoral students (see Chart 2 for a detailed distribution of reports).

Chart 2. Percentage of cases submitted according to academic status.



The distribution of reporting cases according to academic status is not significantly different from that of previous years.

2022 is another year in which cases from all faculties and units of the University of Warsaw were submitted to the Academic Ombudsman. This can be read as a signal that information about the existence and operation of the academic ombudsman is present in all academic units of the University. A summary of reports by university unit is shown in Table 2.



Table 2 A summary of reports by university unit.

Faculties and units	number of submitted cases
Faculty of „Artes Liberales”,	3
Faculty of Archaeology,	7
Faculty of Biology	22
Faculty of Chemistry	3
Faculty of Journalism, Information and Book Studies,	4
Faculty of Philosophy,	9
Faculty of Physics	10
Faculty of Geography and Regional Studies	2
Faculty of Geology	1
Faculty of History,	7
Faculty of Applied Linguistics	8
Faculty of Mathematics, Informatics and Mechanics	6
Faculty of Economic Sciences	10
Faculty of Culture and Arts	5
Faculty of Political Science and International Studies	14
Faculty of Modern Languages *	31
Faculty of Oriental Studies	8
Faculty of Education	9
Faculty of Polish Studies	23
Faculty of Law and Administration	27
Faculty of Psychology	14
Faculty of Sociology,	4
Faculty of Applied Social Sciences and Resocialization	7
Faculty of Management	7
Scientific and teaching unit	29
Doctoral schools	5
Central administration offices	10
Other	47

* From the Faculty of Neophilology, 10 cases were submitted by one student.



Topics of the cases

Student affairs

As in previous years, the largest number of student submissions concerned matters relating to the organisation and course of study. Submissions included, but were not limited to, the issues indicated below:

- discriminatory statements or behaviour by academic teachers or students,
- plagiarism and cheating during tests, exams etc.,
- problems with obtaining credit (from a subject, lecture etc.) and with passing an exam,
- problems with online classes, the manner in which classes are run and difficult contact with academic teachers,
- Financial matters - financial difficulties, scholarships, benefits, tuition fees,
- difficulties in obtaining special adjustments due to a student's particularly difficult situation,
- difficulties in obtaining or returning from sick leave,
- difficulties in cooperation between student and supervisor, or difficulties in changing supervisor,
- difficulties arising from interdisciplinarity or interdepartmental studies,
- systemic exclusion of transgender persons.

There has been a marked reduction in the number of cases related to Covid-19 restrictions. However, difficulties arising from online teaching continued to be submitted. In particular, the problems related to obtainable credits for this mode and the consent (or lack thereof) for the transfer of classes to the online mode.



The frequency of submissions from people experiencing mental health problems or in crisis continues to rise, from those who have difficulty coping with the realities of academic life (or if they cause problems towards third parties: students or academic teachers). Dealing with conflicts and violations taking place in virtual spaces, in particular on social media, has become the regular occurrence for the Academic Ombudsman.

There is a marked increase in the number of submissions brought by transgender persons who are in need of support with respect to functioning at the university in accordance with their perceived gender. In 2022. The Academic Ombudsman and her deputy provided support in more than a dozen such cases. There has also been a consistent increase in the number of reports in the area of discrimination and sexual harassment. Although in most cases these are violations that do not break the norms of criminal conduct, there are also individual reports of a very serious nature. The perpetrators of violations against students are both members of the academic staff and other students.

Cases submitted by staff

The topics of cases raised by the staff fell into the following areas: conflicts, ill-treatment (particularly in the form of mobbing or discrimination), work conditions and personnel policies, unethical behaviour by students or other staff members

Conflicts were horizontal, i.e. between colleagues, or vertical, between supervisor and subordinate. The majority of conflicts were relational and organisational in nature, but there were cases where the substance/scientific issues were at the heart of the differences between the parties, or related to differences in value. The conflicts reported were generally binary in nature, but there were also more complex group disputes. The Academic Ombudsman was approached for help by both the employees involved themselves and their supervisors who observed conflict within their team. Staff also reported conflicts and communication difficulties in the lecturer-student relationship.



There has been an increase in complaints of discrimination and mobbing in 2022. Some of these belonged to minor violations that could be remedied through corrective discussions. More serious cases required the activation of the disciplinary procedure. In cases where there was a reasonable suspicion of grounds for mobbing or discrimination, The Academic Ombudsman suggested redirecting the case to the Anti-Harassment Coordinator or the Anti-Discrimination Coordinator. However, the final decision to take this action was up to the individual concerned.

The staff also reported to the Academic Ombudsman on issues related to working conditions and HR policies, covering in particular topics such as:

- awarding academic degrees,
- absence from work (reporting, catching up, substitution),
- improper performance of professional duties,
- staff evaluation, including the assessment of how classes are taught,
- intellectual property rights,
- bonuses,
- promotion procedure,
- regulation relating to the scope of responsibilities,
- termination of the employment contract or unwillingness to extend employment,
- holidays,
- remunerations,
- the scope of personal data provision,
- employment recruitment rules and conditions of employment,
- changes in work conditions.

Complaints about unethical behaviour often concerned the manner in which public discourse was conducted on social networking sites bringing together employees, or



the manner in which discussions are conducted within the Faculty Council, the Scientific Council, the Council of the Discipline or other collegiate bodies of the University. There were also complaints from lecturers about unethical behaviour by male and female students towards lecturers, including mobbing, stalking and inappropriate behaviour.

Mediation

Mediation is an amicable way of resolving conflicts, disputes between parties, and in this case between staff and/or students of the University of Warsaw. The aim of mediation is to reach a satisfactory, lasting and acceptable solution for the parties to the conflict, through voluntary and confidential discussions in the presence of a mediator, i.e. an impartial third party. The mediation takes place in a neutral location, in a safe atmosphere. Mediation allows the parties to re-establish a dialogue to resolve the dispute by means of negotiation without entering into conflict or confrontation. In 2022, mediation was conducted by the Academic Ombudsman or redirected to the Dispute and Conflict Resolution Centre attached to the UW Faculty of Law and Administration. From September 2022, the Academic Ombudsman Team has employed a mediator whose tasks include mediation with employees and/or students of the University of Warsaw. Since then, there has been a noticeable increase in the number of mediations carried out by the Team.

In 2022, 31 cases were submitted to the Academic Ombudsman where mediation was recommended. As a result of these recommendations, the Academic Ombudsman and a mediator from the Team conducted 17 mediation proceedings, with 4 cases referred to the Centre for Dispute and Conflict Resolution. In 10 cases, the parties refused to agree to participate in mediation. Meetings were held either face-to-face or online, depending on the parties' preferences and capabilities. Within one mediation process



there were between 3 and 12 meetings and discussions with the parties. In the vast majority of cases, the parties reached an agreement.

The fact that more frequently the person reporting the case requests mediation demonstrates an increased awareness of the University of Warsaw community on alternative dispute resolution and on the growing willingness to use mediation and other ADR methods.

Actions undertaken

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

- providing relevant information on the functioning and legal regulations in force at UW;
- indicating the units/persons competent to handle the case;
- providing support in dealing with a case by obtaining information or clarifying the matter with the relevant unit;
- conflict resolution support: diagnosing the problem and choosing how to solve it;
- recommending/conducting mediation;
- presenting information and recommendations to the Rector, which fall within the Ombudsman's responsibilities concerning the identification of necessary systemic changes and modes of operation at the University.

Table 3, presented below, shows the distribution of actions taken by the Academic Ombudsman in response to issues raised with her. The summary is simplified, and in fact the categories are not disjointed, with some cases falling into several categories. For 20% of the applications, no action was taken due to lack of consent from the persons concerned.

Table 3 Type of action undertaken by the Academic Ombudsman.



Actions undertaken	Number of cases
Providing relevant information on the functioning and legal regulations in force at UW and coaching (support in diagnosing a problem and selecting a solution)	114
Indicating the units/persons competent to handle a case;	19
Intervention in the unit (obtaining information or clarifying the matter)	91
Mediation (recommendation, guidance)	32
Signalling in writing (providing a description of the difficulties encountered and/or recommendations for necessary systemic changes or corrective actions).	8

The category of “*Providing Relevant Information On The Functioning And Legal Regulations In Force At The UW*” includes both helping the person reporting the problem to understand his/her own factual and legal situation, and to choose optimal solutions, as well as support for UW units in the proper interpretation and application of existing regulations. Coaching activities included assistance provided by the Academic Ombudsman in situations of conflict, or harassment of an employee (particularly when there was no agreement to mediate or intervene) and development support for employees experiencing difficulties in their work lives. This action often involves indicating the units or persons competent to handle the case. On the other hand, the interventions indicated under point two, i.e. “*indicating the units/persons competent to handle the case*” include situations, in which the Academic Ombudsman did not undertake any assistance actions of her own, but merely redirected the person reporting the case to the appropriate person or unit.

Summary

2022 was a year of continuity and further development for the Academic Ombudsman and her team. In general, both the range of problems reported and the



general trends in the increase in the number of cases in each category remained unchanged. A positive trend is certainly the increasing openness of the University of Warsaw community to use alternative dispute resolution methods, in particular mediation. The increasing willingness of students and staff members to respond to violations in the area of discrimination and unequal treatment is also encouraging.

The scope of actions undertaken in 2022 by the Academic Ombudsman was significantly influenced by the outbreak of the war in Ukraine. Consequently, the events that took place beyond Poland's eastern border resulted in an increase in complaints of discrimination, inappropriate speech and behaviour and rights violations against (or by) citizens of Ukraine, Russia and Belarus. The most difficult period in this respect was the first quarter following the outbreak of the war. Since the holidays, the situation has definitely calmed down in this respect.

Year on year, an increasing proportion of the working time of the Ombudsman and her team is devoted to deal with difficulties arising from mental and emotional problems and personal crises experienced by students and academic and administrative staff. These problems significantly affect the effectiveness of studying, research and teaching, and often also generate various violations or threats to the well-being of members of the academic community. Undoubtedly, the strengthening of the availability and expansion of the activities of the Psychological Help Centre has been an important support mechanism in this respect. However, the overloading experienced by the Office for Persons with Disabilities continues to be a problem. Students sometimes wait weeks or even months for an appointment at the BON (Office for Persons with Disabilities). In the meantime, the lack of clarity about a student's situation and needs often leads to an escalation of problems and conflicts, the subsequent resolution of which then consumes a lot of time and energy of those involved, i.e. the lecturers, the unit authorities and the Academic Ombudsman who supports the process of finding solutions.



In the opinion of the Academic Ombudsman, a persistently important and unmet need of the University of Warsaw community remains the development of a clear and accessible Code of Ethics applicable to all. Particularly difficult and sensitive issues in this area are: the limits of freedom of expression and academic debate, conflicts of roles and interests, and the expected extent of loyalty to institutions and colleagues. In this context, the Academic Ombudsman returns to the closing statement of previous years' reports, namely, that an important missing piece to complete the system of building clear standards for academic life is the Code of Ethics, which would provide support in the standardisation of common academic principles relating to, inter alia situations where different groups of employees have different views of what is right and proper.

The report was prepared by Anna Cybulko and Elżbieta Felkner