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THE NATURE AND ROLE OF ACADEMIC OMBUDSMAN AT THE POLISH HIGHER EDUCATION INSTITUTIONS

Abstract

The article reports the results of a study conducted in the form of structured interviews. The goal of the study was to find out about the nature of this institution, the objectives of academic ombudsmen, the cases they deal with, their role in the academic community, in particular their role in resolving disputes at universities, and the type of methods they apply in their work. The institution of an academic ombudsman is considered to use an ADR method which is more appropriate in resolving problems and conflicts that appear at the universities, in comparison with formal procedures. The academic ombudsman takes into account important elements of the mission of universities which include respect for the other party, diversity, tolerance, and application of more inclusive and democratic methods in university governance. The introduction of ombudsman institutions at the universities in Poland is dictated not only by the necessity for more effective management and dispute resolution, but also shows a change in the attitude of the university administration towards the academic community. The need for research into the function of academic ombudsman arises from the relatively dynamic growth in the last three years in the number of academic ombudsmen as well as other institutions with similar names and goals. The emergence and significant increase in number of these institutions in the last few years at the universities in Poland raises the question of their nature and role at the universities.

KEYWORDS

academic ombuds, academic ombudsman, conflict resolution, dispute resolution, ADR, mediation, higher education institutions, university

SŁOWA KLUCZOWE

rzecznik akademicki, akademia, rozwiązywanie konfliktów, mediacja, ADR, uczelnie wyższe, uniwersytet

1. INTRODUCTION

The goal of this article is to report the results of empirical research conducted under the micro-grant in the IDUB Program on Excellence Initiative – Research University on the nature and functioning of academic ombudsman at the higher education institutions in Poland¹. The purpose of the study conducted in the form of structured in-depth interviews was to learn about the nature of this institution, the goals of academic ombudsmen, the scope of their activities, their role in the academic community, in particular their role in resolving disputes at universities, and the type of methods they use.

The research also aimed at analyzing the laws and regulations concerning ombudsman's activities at universities in Poland. Due to the broad scope of the research material, the legal analysis of the law and regulations on the functioning of academic ombudsmen will be the subject of another article. The present article is an extension of the discussion the author offered in two other articles². In these articles, the author reported theoretical research and made, *inter alia*, an attempt to analyze the reasons for introducing alternative methods of dispute resolution at universities in selected countries, which is a cheaper and faster alternative to court or disciplinary proceedings.

The previous studies indicated that the ADR methods take into account an important element of the mission of universities to educate students in the spirit of tolerance and respect for the other party, as well as application of more inclusive and democratic methods by the university administration. The use of the ADR

¹ <https://www.uw.edu.pl/mikrogranty-idub-uw/> (accessed 25.03.2023).

² E. Gmurzyńska, *Analysis of the causes of conflicts at universities and alternative methods for their resolution*. Part I. *Mediation in academic disputes*, "Studia Iuridica Lubliniensa" 2021, Vol. XXX, No. 1; E. Gmurzyńska, *Analysis of the causes of conflicts at universities and alternative methods for their resolution*. Part II. *Academic ombudsman and adjudicative methods*, "Studia Iuridica Lubliniensa" 2021, Vol. XXX, No. 2.

methods, including mediation, and the institution of an academic ombudsman also indicate the involvement of individual universities in creating a more systemic approach to dispute resolution³. The use of these methods is dictated not only by the need for more effective dispute resolution at the universities, but also proves that the universities' approach to the academic community has changed. According to the theory of conflict, this approach is now increasingly based on interests as opposed to the traditional hierarchical power-based approach⁴.

ADR methods are also better suited for higher education, because they protect the academic independence by application of internal mechanisms and procedures for resolving issues and conflicts. They also take into regard the voice and opinion of the participants and allow them to influence the process and outcome of the dispute, as well take into regard an opinion of the other party and come to resolution through dialogue⁵.

The rationale for conducting empirical research among academic ombudsmen in Poland was the significant increase in their number in the last three years. This increase reflects global tendencies to establish academic ombudsman institutions at foreign universities, especially in common law countries, as well as in European Union countries⁶.

Similarly, at the Polish universities, the current approach of the administration to the academic problems and disputes has been insufficient or even inadequate, and procedures require greater democratization. Recently, hierarchical structures at the universities have begun to be replaced by procedures and institutions more adapted to the expectations of the contemporary academic community⁷.

The first academic ombudsman at a Polish university was appointed in 2011 at the University of Warsaw, and then at three more universities: in 2013 at the Nicolaus Copernicus University in Toruń, in 2014 at the Catholic University of Lublin and in 2016 at the Medical University of Warsaw. The early second decade of the 21st century is characterized by a significant increase in number of academic ombudsmen appointed at the Polish universities. This trend was caused by factors such as: the adoption of the Law of 20 July 2018 on Higher Education and Science⁸ (hereinafter Law 2.0), the participation of some universities in the Euro-

³ *Ibidem*, p. 195.

⁴ R. Behrens, *Being an ombudsman in higher education: Comparative studies*, ENOHE June 2017, p. 41; W.L. Ury, J.M. Brett, S.B. Goldberg, 1993. *Getting disputes resolved: The strategic use of interests, rights, and power to resolve disputes*, 2nd ed., San Francisco 1993, pp. 8–19; E. Gmurzyńska, *Analysis of the causes...* Part I, pp. 71–72; E. Gmurzyńska, *Analysis of the causes...* Part II, p. 161.

⁵ *Ibidem*, p. 93.

⁶ *Ibidem*, p. 162.

⁷ B. Chłodziński, A. Budzanowska, *Rzecznik wartości akademickich*, (in:) D. Antonowicz, A. Machnikowska, A. Szot (eds.), *Innowacje i konserwatyzm 2.0. Polskie uczelnie w procesie przemian*, Toruń 2020, p. 311.

⁸ "Journal of Laws" 2022, item 574.

pean Commission's "HR Excellence" program⁹, recommendation of the Human Rights Defender (Rzecznik Praw Obywatelskich) in relation to problems caused by sexual harassment at one of the universities¹⁰. As a result of these changes, at least 12 academic ombudsmen have been appointed at universities in Poland in 2019–2021, this number constantly increasing¹¹.

In the case of academic ombudsmen who were appointed as the first in Poland – at the University of Warsaw¹² and at the Nicolaus Copernicus University¹³ – efforts were made at least during two years to convince the university authorities to create such a position. At that time, the institution of academic ombudsman was completely unknown in Poland. The models were drawn from the experience of foreign universities, above all the higher education institutions in the United States, where the institution of academic ombudsman was very popular and has been operating at US universities for over forty years¹⁴, but also the experience of similar institutions in some European Union countries, mainly in Spain¹⁵. The University of Warsaw and the Nicolaus Copernicus University in Toruń decided to carry out this experiment, although the future of these institutions was difficult to predict. During this period, universities in Poland began to realize the necessity to change the attitude towards the entire academic commu-

⁹ The "HR Excellence in Research" is awarded by the European Commission to institutions that implement strategies to increase the attractiveness of working conditions and career development of researchers. The Human Resources Strategy for Researchers HRS4R. Two documents that outline the area of "HR Excellence in Research" are: European Charter for Researchers and Code of Conduct for the Recruitment of Researchers; <https://euraxess.ec.europa.eu/jobs/hrs4r> (accessed 25.03.2023).

¹⁰ A. Bodnar, S. Spurek, *Doświadczenie molestowania wśród studentek i studentów. Analiza i zalecenia*. Rzecznik Praw Obywatelskich, Warszawa 2018, pp. 87–90, <https://bip.brpo.gov.pl/sites/default/files/Do%C5%9Bwiadczenie%20molestowania%20w%C5%9Br%C3%B3d%20studentek%20i%20student%C3%B3w%2C%202018.pdf> (accessed 25.03.2023).

¹¹ E.g. at the University of Rzeszów the Academic Ombudsman was appointed on 21 June 2022 and apart from him, the Equal Treatment Deputy was also appointed, <https://www.ur.edu.pl/universytet/rowne-traktowanie/aktyprawne-i-kodeksy> (accessed 25.03.2023); at SWPS Academic Ombudsman was appointed on 1 March 2022, <https://swps.pl/olga-piaskowska>; recently, on Zachodniopomorski Technical University in Szczecin Ombudsman on Academic Rights was appointed, <https://www.zut.edu.pl/zut-strona-glowna/pelnomocnicy-rektora-zut/rzecznik-akademicki.html> (accessed 25.03.2023); at Szczecin University Academic Ombudsman was appointed on 22 March 2021, <https://wpia.usz.edu.pl/pani-doktor-adriana-tomeczyk-powolana-na-stanowisko-rzecznika-praw-akademickich-universytetu-szczecinskiego/> (accessed 25.03.2023).

¹² <http://ombudsman.uw.edu.pl/kim-jest-ombudsman-2/ombudsman-uw-2/> (accessed 25.03.2023).

¹³ https://www.umk.pl/uczelnia/rzecznik_akademicki/ (accessed 25.03.2023).

¹⁴ W.C. Warters, *The history of campus mediation systems: Research and practice*, Georgia State University College of Law Reading Room 1999, p. 1.

¹⁵ See generally: L. Espada Recarey, *The ombudsman for Spanish higher education institutions*, Universidade de Vigo 2006, Pathway 3: *Towards early resolution and more effective complaints handling*, Annex: *A survey of campus ombudsmen in continental Europe, North and South America, and Australia and New Zealand*, 2012, p. 43.

nity. However, it was only the accumulation of certain phenomena that caused the universities in Poland to begin to clearly see the purposefulness of establishing such functions. Those phenomena included: the growing problems related to discrimination, equality and bullying; the change in expectation towards alma mater by the students and other members of the community in particular towards equal treatment and diversity¹⁶; the above-mentioned activities of the European Commission in the field of equality, discrimination, tolerance, and the introduction of the Law 2.0.

It is important to note that currently the Polish universities do not use a unified nomenclature related to the function of the academic ombudsman. In 2011–2016, when the first six ombudsmen were appointed at the Polish universities, they all assumed the name of *rzecznik akademicki*, which can be translated as a Polish version of the “academic ombudsman”. In the later period, i.e. from 2019, a large variety of names of these functions were introduced, such as: the president’s commissioner/ombudsman for equal treatment (*rzecznik/pelnomocnik rektora ds równości*), ethics ombudsman (*rzecznik etyki*), ombudsman-mediator (*rzecznik-mediator*), ombudsman for academic rights and values (*rzecznik praw i wartości akademickich*), ombudsman for equal opportunities and antidiscrimination (*rzecznik równości szans*), as well as ombudsman for dealing with specific issues or a particular group, e.g. student ombudsman, anti-discrimination deputy¹⁷.

The analysis of various names of ombudsman at the Polish universities will be analyzed in detail in subsection 5.1, however, at this point it should be clarified that the author generalizes and uses the name “academic ombudsman”, “ombuds”, “academic ombuds” or “ombudsman” in spite of the fact that various names of those positions are used at the Polish universities, and as a matter of fact, the “academic ombudsman” is only one of the them. In order to avoid repetition, the author uses this name both in relation to academic ombudsmen and to those persons who perform functions identical to the function of the academic ombudsman, e.g. the ombudsman for equal treatment, ombudsman-mediator, ombudsman for academic rights and values, ombudsman for equal opportunities and anti-discrimination ombudsman.

The emergence, diversity and significant increase in number of these institutions over the last few years in Poland raises a question about their nature, role,

¹⁶ E. Gmurzyńska, *Analysis of the causes...* Part I, p. 61.

¹⁷ For example: <http://zagiell.uwm.edu.pl/rzecznik-ds-rownosci-szans>; <https://ombuds.uj.edu.pl/>; <https://us.edu.pl/en/uczelnia/o-nas/wladze-uniwersytetu-slaskiego/rzecznik-praw-i-wartosci-akademickich/>; <https://uni.wroc.pl/en/helpful-uwur/legal-and-social-assistance/the-student-ombudsman-uwur/>; <https://www.umk.pl/uczelnia/pelnomocnik-bezpieczenstwo/>; <https://www.umk.pl/uczelnia/pelnomocnik-bezpieczenstwo/>; <https://www.uw.edu.pl/uniwersytet/wladze-i-administracja/komisje-i-zespoly/komisja-rektorska-ds-przeciwdzialania-dyskryminacji/>; <https://ug.edu.pl/o-uczelni/uniwersytet-odpowiedzialny-spoecznie/biuro-rzecznika-ds-rownego-traktowania-i-przeciwdzialania-mobbingowi>; <https://russ.uwm.edu.pl/niezbednik-studenta/rzecznik-praw-studenta/> (accessed 25.03.2023).

and place at the university structure, as well as the differences between these institutions at individual universities.

2. THE SCOPE OF THE STUDY, ITS GOALS AND RESEARCH HYPOTHESES

The scope of the empirical research was framed by the main aim of the research, which concerned the nature and functioning of the academic ombudsman institution at the Polish universities. In particular, the following issues were included in the scope of the research:

1. Reasons for the creation and development of ombudsman institutions at the Polish universities,
2. The role of academic ombudsman in solving university conflicts,
3. Types of cases that are the subject of ombudsman activities,
4. Types and nature of activities undertaken by ombudsmen in relation to conflict prevention and resolution at universities,
5. The use of mediation and other dispute resolution (ADR) methods by academic ombudsman,
6. The place of academic ombudsman in the structure of universities,
7. Model of academic ombudsman at the Polish universities, in particular with regard to dispute resolution.

Empirical research reported in this article is of a preliminary nature. The goal of this study is to gain new knowledge relevant to the development of academic ombudsman institutions at the universities in various countries, in the absence of research on this subject in Poland. In addition, the aim of the research was to obtain material that will be the basis for the next stage of research, including:

1. A deeper analysis of the position and role of academic ombudsmen at the Polish universities through empirical research involving representatives of the academic community and institutions at universities that permanently cooperate with the ombudsman,
2. A legal analysis of laws and regulations concerning position of the academic ombudsman in the legal system,
3. A comparative analysis of this institution at universities in other countries, especially with regard to the role of the ombudsmen in resolving academic disputes and conflicts.

The implementation of the general goal, and the specific goals of this research, is also intended to make the institution of academic ombudsman more familiar. The cumulative goal of these and subsequent studies will be to determine the nature of this institution in Poland in a comparative context and to formulate

operational models regarding the activities of academic ombudsmen in Poland and at foreign universities, primarily in the field of resolving academic disputes and the type of tools used by the ombudsmen.

In the research reported here, three basic hypotheses were adopted. Academic honesty and reliability require the admission that the hypotheses were the result of the author's experience and previous theoretical research¹⁸.

The first research hypothesis is the assumption that the ombudsman and his/her activities constitute an important element of the university structure, both from the point of view of the academic community and the university authorities. The author's earlier research, mainly in the international context, indicated that the function of the academic ombudsman is an important part of the university structure and fills a critical gap, by ensuring procedural justice and implementing the principle of equity and fairness in the university procedures. On the other hand, it is a considerable element of conflict management in the organization¹⁹.

The second hypothesis concerns the supposition that one of the basic roles of academic ombudsman is to resolve and prevent conflicts in the academia. Previous theoretical research conducted by the author shows that it is one of the main functions of academic ombudsman, which is consistent with the basic goals of this institution, i.e. helping members of the academic community in all matters.

The third hypothesis comes down to answering the question of what is the nature of the ombudsman's activities and what methods and tools they use in their work: soft methods such as facilitation, mediation, conciliation, informal conversation or more formal procedures and binding decisions²⁰. The author's experience and her earlier theoretical research led to the conclusion that in most cases at foreign universities, ombudsmen use soft tools, and only exceptionally they do establish facts or make binding decisions²¹.

3. DESCRIPTION OF THE RESEARCH

The empirical research was of a qualitative nature and consisted of structured individual in-depth interviews conducted among the ombudsmen appointed at the Polish universities. The survey took place in March and April 2021. Identification of those who participated in the interviews took place in February 2021, therefore it did not include the ombudsmen appointed at a later date, i.e. after 28 February 2021.

¹⁸ E. Gmurzyńska, *Analysis of the causes...* Part II, pp. 195–197,

¹⁹ *Ibidem*.

²⁰ *Ibidem*, p. 164.

²¹ *Ibidem*.

The intention of the research was to conduct interviews with all academic ombudsmen or other professionals appointed to comparable positions. The selection of this group presented to the author a considerable difficulty, due to the fact that during the period 2019–2021, many ombudsmen, with various names of their position, were appointed at the Polish universities. The author had to choose which of these positions, regardless of their names, best fitted to the functions of academic ombudsman. To establish the surveyed group, the author first took into regard definitions of academic ombudsman well-established in the literature. According to those definitions, an academic ombudsman is an independent, impartial and neutral person who can be formally, informally and confidentially approached by students and/or academic and administrative staff to help them in dealing with complaints concerning the university and its community²². In addition, he/she is a neutral or impartial specialist in dispute resolution, whose main task is to provide confidential and informal assistance to members of the university community: the students, staff, and faculty²³. Another definition highlights the informal nature of the ombudsman's activities and the possibility of applying both flexible and more formal procedures depending on the problem and situation, as well as the parties involved²⁴. Taking into consideration these definitions, the author first, irrespective of the name, verified the group to be included in the research by analyzing their names, descriptions of their functions on websites or by direct telephone contacts. After the initial selection, in the next step, the author adopted the following criteria when selecting a particular person for the study:

1. They are not advocates of a specific group, e.g. excluded ombudsmen for students,
2. They are not dealing only with specific issues, e.g. excluded those authorized by the president of the university to deal only with specific issues such as bullying or discrimination,
3. According to the description on the websites, they are involved in a wide range of activities and assistance to members of the academic community, notwithstanding their names.

As a result of this choice, the author identified sixteen active ombudsmen who met these criteria and contacted them by e-mail. Out of all contacted professionals, one refused to participate in the study due to lack of time, and two did not respond to the invitation to participate in the study. As a result, the in-depth interviews were conducted with thirteen ombudsmen.

The interviews were conducted with the following persons (listed below by the name and the university; the year of their appointment was indicated):

²² F. Bauer, *The practice of one ombudsman*, "Negotiation Journal" 2000, No. 16, p. 60.

²³ <https://www.jefferson.edu/content/dam/university/skmc/faculty/overview/ombudsman.pdf>. (accessed 10.01.2020).

²⁴ W.C. Warters, *Mediation in campus community: Designing and managing effective programs*, San Francisco 2000, p. 10.

1. Academic Ombudsman (*Rzeczniczka akademicka*), University of Warsaw – UW, dr Anna Cybulko, 2011,
2. Academic Ombudsman (*Rzecznik akademicki*), the Nicolaus Copernicus University in Toruń – UMK, dr Bartłomiej Chłudziński, 2013,
3. Ombudsman (*Rzecznik akademicki*), the John Paul II Catholic University in Lublin – KUL, dr Marek Dąbrowski, 2014,
4. Academic Ombudsman (*Rzecznik akademicki*), the Medical University of Warsaw – WUM, Oskar Luty, esq., 2016,
5. Ombudsman for Academic Rights and Values (*Rzecznik praw i wartości akademickich*), the Maria Curie-Skłodowska University – UMCS, prof. dr hab. Katarzyna Dudka, 2019,
6. Ombudsman–Mediator (*Rzeczniczka-mediator*), the Cracow University of Technology – PK, dr Justyna Małkuch-Świtalska, 2019,
7. Ombudsman for Academic Rights and Values (*Rzecznik praw i wartości akademickich*), Jagiellonian University – UJ, prof. dr hab. Beata Kowalska, 2019,
8. Ombudsman for Academic Rights and Values (*Rzecznik praw i wartości akademickich*), University of Silesia – UŚ, prof. dr hab. Jacek Górecki, 2019,
9. Ethics Ombudsman (*Rzeczniczka etyki*), the Warsaw School of Economics – SGH, dr Ewa Jastrzębska, 2020,
10. Ombudsman for Equal Treatment and Counteracting Discrimination (*Rzecznik ds. równego traktowania i przeciwdziałania dyskryminacji*), University of Wrocław – UW, dr Łukasz Prus, 2020,
11. Commissioner/Deputy of the President for Equal Treatment and Counteracting Discrimination (*Pełnomocnik rektora ds. równego traktowania i przeciwdziałania dyskryminacji*), Physical Education Academy in Wrocław – AWF, dr hab. Krzysztof Pezdek, 2020,
12. Ombudsman for Equal Opportunities (*Rzecznik ds. równości szans*) University of Warmia and Mazury in Olsztyn – UWM, Mateusz Dampc, 2020,
13. Commissioner/Deputy of the President for Equal Treatment (*Pełnomocnik Rektora ds. równego traktowania*), Academy of Art in Szczecin, dr hab. Zofia Wolny, 2020.

4. THE QUESTIONNAIRE

A questionnaire was prepared especially for this study. The questionnaire consisted of 22 questions followed up by specific questions. All the participants in the study were asked these same questions. Each of the in-depth interviews lasted about one and a half hours, and due to the fact that the research was carried

out during the pandemic period, they were all conducted on-line. The ombudsmen were asked the following questions:

Introductory questions:

1. What was the main context for the appointment of the ombudsman?
2. For how many years has the ombudsman been active at the university?
3. What prompted the choice of a specific name for the institution?
4. What is the legal basis for the ombudsman's activity?

Questions aimed at determining the position of the ombudsman in the university structures and his/her overall role at the university:

5. What is the position of the ombudsman at the university and to whom is he/she subject?
6. What is the scope of the ombudsman's activities, what cases does the ombudsman deal with, and are there any types of cases that are of particular interest to the ombudsman?
7. What is the most important goal/objective of the academic ombudsman at the university?

Questions to determine specific tasks and role of the ombudsman, including their role in resolving disputes and conflicts:

8. How do cases get submitted to the ombudsman?
9. What issues are most often submitted to the ombudsman?
10. What are the most common actions taken by the ombudsman when a case is received?
11. How important is the ombudsman's work in resolving academic conflicts?
12. Does the ombudsman conduct mediation?
13. Is there a separate unit/person dealing with mediation at the university?

Questions aimed at determining the nature of the ombudsman institution and organizational issues:

14. Are the ombudsman's activities based on a specific set of ethical principles?
15. How does the ombudsman assess his/her independence and are there any problems with it?
16. What are the ombudsman's qualification for the performed function: education, training, experience?
17. How is the work of the ombudsman organized: is it an exclusive work or is it combined with other functions at the university, does he/she work full-time, part-time etc., does he/she have an office or assistants?
18. Does the ombudsman deal with the popularization of his/her institution or with education in this area?
19. With which units at the university does the ombudsman cooperate on a regular basis?

20. Does the ombudsman remain in contact with other persons performing similar functions at other universities? If so, with whom? Does it affect the way his/her position works?

Final/summary questions:

21. What are the greatest challenges in the work of an ombudsman?
22. What are the prospects for further development of the ombudsman institution at a particular university, as well as at universities in Poland in general?

5. ANALYSIS OF QUESTIONS IN THE QUESTIONNAIRE

5.1. TITLE

There is broad variation of titles at the Polish higher education institutions given to an academic ombudsman. This differentiation was influenced by the reasons for establishing this function at a particular university²⁵. The variety of titles reflects the decentralized nature of this function, as universities in many cases adopt titles to the needs of the academic community. The first six ombudsmen appointed in Poland at universities in 2011–2017 adopted the title of the Academic Ombudsman (*Rzecznik akademicki*)²⁶. According to the statements of the ombudsmen at these universities, this title was adopted because there were no similar institutions at the Polish universities. At the University of Warsaw and the Nicolaus Copernicus University, reference was made to the titles of similar institutions in other countries, but the title was Polonized since the term “ombudsman”, commonly used at universities in other countries, might not have

²⁵ It is worth noting that most popular names used at foreign universities in English speaking countries are the following: academic ombuds, academic ombudsman, and academic ombudsperson. In Spain and Mexico those institutions adopt the name *defensor universitario*, in France *médiateur* or *défenseur académique*, B. Chludzinski, A. Budzanowska, *op. cit.*, p. 318. There are also ombudsmen only dealing with students such as *provedor do estudante* (Portugal), *student ambassador* (Denmark), *studentombudet* (Norway), *ombudsman för studenter* (Sweden), *Ombudsstellen* or *Ombudspersonen für Studierende* (Austria, Germany), *difensore degli studenti* (Italy), *Ibidem*. However, these ombudsmen are advocates for a specific group, unlike the academic ombudsman, who usually deals with the matters of the entire academic community and, more still, his/her activities are aimed at resolving academic disputes and protection of academic values.

²⁶ The first academic ombuds were appointed at the University of Warsaw, the Nicolaus Copernicus University in Toruń, Catholic University in Lublin, and the Medical University of Warsaw. According to Chludziński and Budzanowska, *op. cit.*, p. 318, the following Polish education institutions appointed academic ombudsmen: University of Warsaw, the Nicolaus Copernicus University in Toruń, the Medical University of Warsaw, Catholic University in Lublin, the Cracow University of Technology, Vistula University, University of Humanists and Economics in Łódź, Kujawy and Pomorze University in Bydgoszcz.

been understandable to the academic community at that time. Currently, *Rzecznik akademicki* at the Medical University of Warsaw uses the title *Ombudsman akademicki* and *Rzecznik akademicki* interchangeably. *Rzecznik akademicki* at the University of Warsaw also uses the title *Ombudsman akademicki*, e.g. in the website address or in a brochure about its activities addressed to the academic community. In addition, at the UMK and the WUM, where the ombudsmen were appointed a few years after this institution began to function at the University of Warsaw, their titles were modeled after that of the University of Warsaw. In addition, they emphasized in their interviews, that because that position was completely new at the Polish universities, this term was most suitable as being broad, not related to a specific group of people, understandable, and gave the possibility of adapting this function to the needs of a given university.

Another group of ombudsmen are institutions established in the years 2019–2021. There were several impulses to create these functions, such as: the Law of 20 July 2018 on Higher Education and Science (Law 2.0), the EU programs, or the activities of the Human Rights Defender, mentioned earlier. During this period, an ombudsman for academic rights and values were appointed at several universities (UJ, UMCS, UŚ) in accordance with the model charter providing for the establishment of such institution, attached to the Law 2.0²⁷. Despite lack of an obligation under the Law 2.0, both the Law itself and the model charter created the organizational and legal framework for the introduction of this position. At several other universities (UWr, AWF in Wrocław, and Academy of Art in Szczecin) in the same period, the ombudsmen/commissioners for equal treatment and anti-discrimination were appointed after the recommendations issued by the Human Rights Defender following the report on harassment and subsequent recommendations of the Conference of Presidents of the Polish Universities (KRASP) on academic freedom²⁸.

Some of the universities adopted the names which are quite unique, e.g. the Ombudsman-Mediator at the Cracow University of Technology, appointed after the recommendations of the European Commission assessing “HR Excellence in Research” at this university and sending recommendations on the implementation of equality procedures, emphasizing the importance of mediation in these proce-

²⁷ Law 2.0. The concept of the so-called Constitution for Science was prepared by the Nicolaus Copernicus University, University of Silesia, University of Gdańsk, and the Maria Curie-Skłodowska University. Section V of the model charter provides for the appointment of an ombudsman for academic rights and values, http://statut20.umk.pl/wp-content/uploads/2019/02/STATUTU-2.0-B_18.02.2019.pdf (accessed 25.03.2023). Ombudsmen for academic rights and values were appointed, among others, at Jagiellonian University, University of Wrocław, and the Maria Curie-Skłodowska University.

²⁸ Statement of the Assembly of the Conference of Presidents of the Polish Universities of 20 November 2020 on academic freedom, document No. 6/VIII, https://www.krasp.org.pl/resources/upload/dokumenty/PP_zdalne/PP_20.05.2021/Zal1-dok6_VIII.pdf (accessed 25.03.2023).

dures²⁹; Ombudsman for Equal Opportunities at the University of Warmia and Mazury in Olszryn, which was appointed in connection with the Żagiel project aimed at increasing the accessibility of UWM in Olsztyn for students with disabilities³⁰; or the Ethics Ombudsman at the Warsaw School of Economics, appointed as a result of the adoption of “HR Excellence in Research” and the university’s social responsibility strategy, based on the corporate social responsibility CSR³¹.

Conclusions

The research shows that the most commonly used term is the title *Rzecznik* (ombudsman). It was adopted in order to avoid such titles like “commissioner” or “deputy of the president” which could be read as a position dependent on the president of the university. For example, at the Nicolaus Copernicus University in Toruń, the name of this institution is the “academic ombudsman” (*Rzecznik akademicki*), although formally it is a position of the president’s commissioner. Due to the fact that the ombudsman should be as independent as possible in his/her activities, it was emphasized in several interviews that the term *rzecznik* reflects this independence better, although in three cases the formal name is “deputy of the president”. Due to the semantics of the word *rzecznik* in the Polish language, meaning someone who supports a case or acts on behalf of someone else, there is a risk that the term *rzecznik* will be understood as a defender of a certain group in the academic community or certain value³². Some of the respondents noted that misunderstanding of the role of *rzecznik* may raise issues relating to its independence or neutrality. The academic ombudsman at the Medical University of Warsaw stated that “There is a risk that the ombudsman will simply become an advocate of the students’ rights. The ombudsman should protect academic rights and values in general, and does not play the role of an assistant to the student government”. For this reason, the name of the academic ombudsman (*rzecznik akademicki*) seems accurate, as it does not give the impression that he/she is a defender of a specific group or specific values. In addition, people appointed to this position, due to the broad name, may themselves define the scope of their activities to some extent, depending on the problems occurring at a given university. Those who act as ombudsmen emphasized also that, especially at the

²⁹ The “HR Excellence in Research” award gives public recognition to research institutions that have made progress in aligning their human resource policies with the principles set out in the “Charter & Code”, <https://euraxess.ec.europa.eu/jobs/hrs4r>. (accessed 25.03.2023). The European Commission recognizes with the “HR Excellence in Research” award the institutions which make progress in aligning their human resources policies to the 40 principles of the two documents. European Charter for Researchers and Code of Conduct for the Recruitment of Researchers.

³⁰ Żagiel możliwości – model dostępności Uniwersytetu WarmińskoMazurskiego, <http://zagiel.uwm.edu.pl/> (accessed 25.03.2023).

³¹ CSR – Corporate Social Responsibility; <https://www.parp.gov.pl/csr> (accessed 25.03.2023).

³² Słownik języka polskiego, PWN; <https://sjp.pwn.pl/sjp/rzecznik;2518568> (accessed 25.03.2023).

beginning of their activities, the academic community was not aware of what they do. Quite often this function is confused with the function of a disciplinary spokesperson (*rzecznik dyscyplinarny*) or a press spokesman (*rzecznik prasowy*), since in the Polish language the noun *rzecznik* refers to all those functions.

As a result of the analysis of information concerning the adoption of the name, four groups emerged:

1. *Rzecznik akademicki* (Academic Ombudsman) (4 respondents) – this is a broad name adopted by the universities where this institution was established in the years 2011–2016. It is also worth emphasizing that, despite the passage of time, these names have not been changed. According to the respondents, they are still accurate, since they reflect well the scope of the ombudsman's activities and the nature of this institution, and also give quite a lot of freedom in adjusting the scope of activities to the needs and problems of the institution.
2. *Rzecznik praw i wartości akademickich* (Ombudsman for Academic Rights and Values) (3 respondents) – appointed in accordance with the model charter, which is an annex to the Law 2.0, providing for the appointment of the Ombudsman for Academic Rights and Values and creating an institutional framework for the ombudsman's activities.
3. *Rzecznik/pelnomocnik ds równego traktowania* (Ombudsman/Commissioner for Equal Treatment) (3 respondents) – the name determined by the recommendations of the Human Rights Defender and the statement of the Conference of the Presidents of the Polish Universities, as well as the expectations of the academic community in relation to the growing problems of equal treatment.
4. Individual names with no other equivalents (3 respondents) – e.g. *Rzecznik równości szans* (Ombudsman for Equal Opportunities) at the UWM, *Rzecznik-mediator* (Ombudsman-Mediator) at the Cracow University of Technology, *Rzecznik etyki* (Ethics Ombudsman) at the Warsaw School of Economics – appointed as a result of participation of those universities in special projects and programs, e.g. the Żagiel project, CSR or the project of the European Commission “HR Excellence”.

5.2. PERFORMANCE OF OTHER FUNCTIONS AT UNIVERSITIES BY OMBUDSMEN

Most of the ombudsmen are employed at the universities as research and teaching staff (9 people). The majority of them are tenured professors (6 people), in the other three cases they have a Ph.D. degree. In four cases, the persons acting as ombudsmen are not academics (UW, UWM, WUM, the Cracow University of Technology) but two of them have a Ph.D. degree (UW and Cracow

University of Technology), one is a doctorate candidate and one is an attorney specializing in medical law. Among the four ombudsmen who are not research and teaching staff, three respondents are employed at the university, while one is a freelance employee. The respondents who are not academics are usually part-time employed as ombudsmen. They emphasize that such a form of employment gives them greater independence, since they are only subject to the president of the university and are not dependent on the deans, for example. On the other hand, the vast majority of the ombudsmen who are employed on research and teaching positions replied that they cooperate with many institutions at the university but are not members of the university's governing bodies, which gives them greater independence. Several ombudsmen previously held other functions at their universities, such as a disciplinary spokesperson or person responsible for safety of the students, and this experience, according to the respondents, is very useful when acting as ombudsman.

Conclusions

The analysis of the information provided by the ombudsmen leads to the conclusion that in the vast majority of cases, they are people who have been associated with a given university for a longer period of time, usually as research and teaching staff. Moreover, most of them held the title of professor or university professor, which places them quite high in the hierarchy of the university. It is worth noting here, which will be the subject of a more detailed analysis later in this article, that in several cases the internal university regulations require that ombudsman has at least the Ph.D. degree or university professor title³³. Most often, when taking up the position of the ombudsman, they resign from other functions at their university in order to protect their independence. The important attribute of most of the ombudsmen is good knowledge of the university-related matters, which gives a greater guarantee of familiarity with the academic community, diagnosing and solving problems they face. The fact that these functions are performed by professors in many cases, even if not required by university regulations, may be due to at least two reasons. The first is the need to create an atmosphere of trust in the institution of the ombudsman, to which members of the

³³ Art. 118, para 2 of the Charter of the UMCS of 29 May 2019 reads: "A candidate for the Ombudsman may be an academic teacher holding at least a doctoral degree. The candidate for the Ombudsman must be employed at the University on a fulltime basis for at least 10 years". Art. 40, para 3 of the Charter of the University of Silesia adopted by the Senate on 28 May 2019 reads: "A candidate for an Ombudsman may be an academic teacher employed at the University as a professor or university professor with at least ten years of work experience at the University". Art. 4, para 1, p. 1 of the Resolution No. 16/II/2020 of the Senate of Jagiellonian University of 26 February 2020 on the principles of appointing and the scope of competences of the Ombudsman for Academic Rights and Values reads: "The Ombudsman may be an academic teacher employed at the Jagiellonian University as a professor or university professor".

academic community report very diverse problems. Prestige is associated with high academic degree, and in the universities an academic title is often equated with a higher status in the university hierarchy³⁴. Consequently, achieving such trust may be easier for those with a high academic status. In addition, due to the quite hierarchical structure of the university and the fact that academics often report to ombudsmen, the academic title adds rank to this institution and contributes to the fact that tenured people will not have concerns or barriers in reporting to ombudsmen, especially in situations of a dispute with another tenured academics or faculty administration. The Medical University of Warsaw adopted a different model, where an attorney specializing in medical law, quite loosely associated with the university, was hired as the academic ombudsman. Such a solution may be a result of specific problems which appear at the medical school and the need to deal with medical law. Additionally, as an advocate, he enjoys great prestige characteristic for legal professions.

5.3. THE SCOPE OF THE ACTIVITIES

The interviews with the ombudsmen show that the scope of their activities varies and depends on such variables as specific problems occurring at a given university and activities assigned to the ombudsman in the appointment decision by the president, university regulations or in the charter. Ten ombudsmen out of the thirteen interviewed deal with the matters of all members of the academic community, i.e. the students, academics and the administrative staff. The scope of the ombudsmen's activities is partially determined by the name of these institutions, although, on the other hand, these names are so broad that they do not constitute an adequate indication of what matters ombudsmen deal with.

It is worth to mention that at many universities ombudsmen for student rights or student ombudsmen were also appointed, but this group is not included in the present study. The purpose of their activities is mainly related to the protection of one group in the academic community, i.e. the students³⁵. However, even if the

³⁴ Report of CBOS on Prestige of Professions, Warsaw, November 2013, p. 2, https://www.cbos.pl/SPISKOM.POL/2013/K_164_13.PDF (accessed 25.03.2023). In research on the prestige of various professions in Poland, the academic professor enjoyed the greatest prestige after the firefighter – 82 per cent of the respondents declared great respect for this profession. In the case of academic professors, respect is determined primarily by the expert nature of the profession and the tradition that attributes high social prestige to it. An important status factor in this case is both the academic title itself and the resulting authority, as well as the type of work associated with intellectual independence.

³⁵ The difference is worth noting between the Student Ombudsman and the Academic Ombudsman. The main task of the former is to defend students' rights. According to the information on the website of the Student Ombudsman at the Students' Parliament of the Republic of Poland, the Student Ombudsman defends the rights of students through interventions, information campaigns, trainings, and debates. The Student Ombudsman also has the right to bring a complaint

student ombudsmen were appointed at universities, academic ombuds also, to a certain extent, deal with some student's matters, because the issues of academic rights and values or equal treatment concern all members of the community, not only the employees. Similarly, the Ethics Ombudsman at the Warsaw School of Economics deals with ethical problems of the academics, but often the matters that come to her are brought by the students³⁶. Moreover, due to the existence of separate bodies which deal with bullying (anti-bullying commission, deputies for anti-bullying policy), at some universities ombudsmen do not deal with bullying. If cases of bullying arise, the ombudsman directs them to those institutions or to the president of the university who appoints a special commission for each case. In several cases, ombudsmen emphasized that all cases go to them first, and then they refer the matter to the units which deal with a specific category of problems. At some universities, however, for example at the University of Wrocław, the Ombudsman for Equal Treatment and Counteracting Discrimination also deals with bullying matters. Similarly, the Ethics Ombudsman at the Warsaw School of Economics deals with bullying issues. At the Nicolaus Copernicus University, the Academic Ombudsman dealt with all matters during the first years of his activity,

against any decision of the university administration that discriminates the student and breaks the law. He/she may also represent a student before the university authorities. The Student Ombudsman at the Students' Parliament of the Republic of Poland has a nationwide range, <https://psrp.org.pl/nowa-rzecznik-praw-studenta>. See also about student ombudsman at individual universities e.g. <https://samo.mish.uw.edu.pl/rzecznik-praw-studenta-archiwum/> (accessed 25.03.2023). The Student Ombudsman at the MISH College at the University of Warsaw provides students with substantive assistance in the course of study. The Ombudsman contacts the Deputy Director of the College for Student Affairs in order to clarify any disputes, and unclear student practices. Student Ombudsman may intervene in cases that clearly violate the provisions of the Regulation of Study at the University of Warsaw and MISH College. <https://uni.wroc.pl/pomocny-uwr/pomoc-prawna/rzecznik-praw-studenta-uwr/> (accessed 25.03.2023): The tasks of the Student Ombudsman of the University of Wrocław include, first of all, the protection of the rights of students. In conflict and crisis situations, the Student Ombudsman represents students and acts as a mediator. <https://w.prz.edu.pl/uczelnia/dobre-praktyki/rzecznik-praw-studentow>: The Student Ombudsman is appointed to protect the rights of students, is a guardian of the students' rights, and also cooperates with the University authorities on an ongoing basis. The Ombudsman intervenes in the event of violations of students' rights at the University and takes preventive measures to increase awareness of the rights and obligations of the students.

³⁶ The Ethics Ombudsman at the Warsaw School of Economics, unlike other ombuds participating in the study, deals with strictly defined issues related to the ethics of academics and her activity differs from the activities performed by academic ombuds. Her main task is to promote the Code of Ethics, support employees in implementing the provisions of the Code, counteract unethical actions and violations, consider reports of violations of the Code, monitor the implementation of the Code, and submit proposals for updating the Code. <https://www.sgh.waw.pl/etyka-w-sgh> (accessed 25.03.2023). The interview with the Ethics Ombudsman leads to interesting conclusions that she uses slightly different tools than the academic ombudsmen. Due to the fact that she deals with ethical issues concerning academics, her task is usually to establish facts and transfer the matter to the President of the School. She uses soft tools in the form of facilitation and informal mediation, but not as often as the academic ombuds.

while due to the adoption of Law 2.0 and the appointment of a commissioner for equal treatment and for the safety of students, the scope of matters that are currently submitted to him are narrower.

The scope of matters dealt with by ombuds is quite diverse. Most often they take all the matters from any member of the academic community, but in a few cases their activities are limited to the employees only³⁷. In the vast majority of cases, except for one, the scope of ombudsmen's activities is specified in the charter, regulations or appointment decision, however, these provisions have a different degree of details.

Conclusions

Due to lack of previous models, different nature of universities, the problems occurring at them, as well as because of going through the experimental phase, many ombudsmen at the time when their function was created tended to deal with a wide range of cases. Only over time, while they gained more experience, ombuds began to transfer some matters to the other units. In most cases, ombudsmen accept cases from all the members of the community, unless their activities are limited by internal regulations to a specific group or it results from the nature of the cases which the ombudsman handles (e.g. the Ethics Ombudsman). An ombuds for the Jagiellonian University emphasized that "due to the fact that the range of matters is very wide, I am currently learning to assign or move matters to other units. I also see my role in such a way that I learn to move things elsewhere and do not to deal with everything on my own". Many ombudsmen believe that since they create these functions from the beginning, and at the same time the scope of their activities is only generally defined, they not only define their role at the university, but also determine the type of matters they deal with and of activities they undertake.

Due to the fact that many ombuds were appointed in the years 2019–21 and their activities were significantly limited during a year and a half due to the pandemic, they are currently in the process of defining the scope of matters they deal with.

³⁷ E.g. in the Cracow Technology University, the Ombudsman-Mediator deals only with the academics' matters, according to para 2 of Zarządzenie No. 46 of the President of 22 July 2019 on appointment of the position of the Academic ombudsman. Para 39 of the Charter of University of Silesia provides that the Ombudsman for academic rights and freedoms aims to amicably resolve conflicts and disputes between the University employees, as well as between the employees and the University authorities and administration; on his/her own initiative or at the request of a University employee he/she gets involved in those cases, when it is required by the interests of the University community or when an employee or a group of the University employees feels harmed, bullied, harassed, discriminated against or otherwise improperly treated. "An academic ombudsman at the Catholic University of Lublin said in an interview that he only deals with the employees".

5.4. THE CATEGORIES OF CASES HANDLED BY OMBUDSMEN

Most ombudsmen list two main categories of cases they deal with. First, they handle individual cases in which they intervene in various ways with regard to people who have submitted their complaint or simply want to know what they can do in a specific situation. These matters usually come from the members of the academic community, and less often from the president of the university or the other members of administration or units of the university. The second category includes activities of a more general nature, resulting from the university's policy, or those related to broader problems that are specific to the academic environment. These activities include the implementation of especially dedicated programs, promoting specific academic values, educating the academic community, initiating good practices, creating an academic ethos or initiating discussions on important topics at the university. Although the vast majority of ombuds believe that their tasks include both interventions in individual matters and actions of a more general nature affecting the entire community, in two cases the ombudsmen see their role in a limited way, only as persons who deal with current affairs, i.e. the interventions in individual cases.

Regarding individual cases, ombudsmen noticed that "people who are lost and do not know who could help them" come to them, or those who cannot find help elsewhere, and expect answers to their questions. They are usually both the students and the employees. The academic ombuds of the University of Warsaw, who has more than ten years of experience in holding this position, noted that recently she was also approached by the deans and the heads of departments for advice on how to approach some problems, who told her: "I can see the problem and I don't know what to do with it". She positively assessed this evolution in the approach to the problems by those who are in charge of the departments and faculties at the university, since they noticed that the ombuds could be helpful in solving problems they face. In dealing with them, she sees her role as that of a person who shows them the tools and methods to solve a given problem. The ombuds of the University of Warsaw also expressed the belief that if this function did not exist, members of the community would in many cases not have a place where they can turn for help and would be left to themselves.

The ombuds at the Nicolaus Copernicus University most often deals with the disputes between the students and the employees. The second most common category includes the labour disputes. In three cases, when the ombudsmen are also lawyers, they stated that the members of the community also ask them for legal opinion or legal information, and they usually provide them with a requested opinion "because no one at the university is able to give them such information".

The ombudsmen who have been appointed during the last three years were usually unable to precisely distinguish the categories of cases that come to them, because so far they have either handled relatively few cases, due to the involve-

ment in more systemic solutions, or they received so many cases that they did not have time to analyze them in a systematic way. The ombuds of the University of Warsaw, among hundreds of cases brought to her, listed the following categories which most commonly are submitted to her office:

Students

1. Matters related to the course of the study (e.g. expelling from the university),
2. Disputes with the academics – feeling of unfair treatment, changing the rules during the semester,
3. Disputes with the mentors and tutors – a systemic problem in different expectations,
4. Scholarship issues,
5. Cases of discrimination and harassment.

Academic and administrative staff

1. Relationship and financial resources conflicts,
2. Bullying,
3. Problems with copyright and ethical principles (downloading, plagiarism),
4. Problems with the behavior of the students during classes.

Conclusions

In most cases, ombudsmen define their role more broadly than just somebody who handles individual matters and issues. They join and organize broadly framed educational activities, such as trainings, lectures, programs, discussions, debates, meetings, and promote specific academic values. Sometimes this role is also fulfilled by participation in committees or consultations of documents prepared by the university authorities, although some ombuds limit their activities in other university bodies to a minimum, so as to they do not lose their independence. The scope and subject matter of the general activities undertaken by the ombudsmen is based on consultation with the university administration, therefore the ombudsmen undertake the activities in this area, which is consistent with the university's policy and its strategic goals. Although some ombudsmen see the need to be involved more in educational or consultative activities, they do not undertake them or do so to a limited extent due to the high volume of matters from individual members of the community and the lack of time to undertake wider activities. The ombudsmen who were appointed in the years 2019–2021 are mainly involved in individual cases, oscillating around issues related to equality, discrimination, diversity, fair treatment, bullying, and the copyright issues. For example recently, some ombudsmen dealt with a separate category of issues related to discrimination against the transgender students whose sense of security

at the university has been threatened, they have encountered verbal aggression, hate speech, transphobia, and homophobia. The cases also include discrimination and harassment. As the spokesman of the University of Silesia said: "The function of the ombuds is also to adapt to the needs of the community and to focus on solving the problems that are present at the moment". For example, during the pandemic, many conflicts resulted from a lack of personal contact, and these conflicts would not arise if there were direct contact between people and clarification of certain issues on an ongoing basis. The other category of issues that has dominated in recent years are conflicts resulting from the introduction of Law 2.0 and changes in the organizational structure of universities or the requirements for the employees, especially in regards to research and teaching. Many people do not understand this structure and feel lost in the face of changes, which leads to conflicts.

5.5. TYPES OF ACTIVITIES UNDERTAKEN BY ACADEMIC OMBUDSMEN

5.5.1. SOFT TOOLS

The first type of action, undertaken by virtually all surveyed ombudsmen, is the use of soft tools in the form of informal conversation or consulting with those who report a problem to them. Sometimes they refer a matter to the president of the university, if the president's decision is the most appropriate approach. Some ombuds emphasize that often it is enough that they show their interest in the matter and the person reporting the problem has the opportunity to talk to the ombuds about the problem, which changes their perspective and perception of a particular issue. In addition, the ombudsmen often engage in a conversation with both parties and also seek information from the university departments to help solve the problem. One ombuds focuses on supporting people with Asperger Syndrome and describes his soft activities this way: "Sometimes it's just a simple conversation. Students come to my office for a few minutes and I ask them how they are doing. I try to find time to talk to them because I believe that communication is a priority and my obligation is to give them the support". One of the ombuds noted that in 90 per cent of cases his intervention or the intervention of other people is not needed at all, because those who come to him just want to discuss the problem. Worth noting are the observations of those ombuds who have long time experience. The ombuds at the University of Warsaw reported: "There are hundreds of cases that reach me from very different levels. I try to help. I answer all sort of questions because people are lost, they do not know where to go, and sometimes there is no one at the university who would be willing to answer their question". The ombuds at the Nicolaus Copernicus University said that he had encountered "all possible dysfunctions that appear in the relations between the members of the university

community. I have dealt with all kinds of problems, challenges and main sins which may appear in a complex organization such as the university”.

The ombudsmen report that the major part of their activities include “informal conversation”, “shuttle conciliation”, “facilitation”, “informal mediation” or “consultation”. Several of them also conduct more formalized mediation. A more detailed report on the mediation by ombudsmen will be analyzed in subsection 5.7. It is worth noting that none of the ombudsmen make binding decisions on individual matters, nor do they establish facts or apply formalized procedures. The ombuds at the Jagiellonian University described her role as follows: “Well, I can’t do anything. My role is soft. So what is my goal is to get the two parties to start communicating”. In the case of the Ethics Ombuds who participated in the interviews, the actions are somewhat different. This ombuds examines whether the violation of the ethical rules in force at the university has occurred or not, collects documentation, and then prepares a position on the issue and presents it to the president, who makes a decision on the issue. Such actions aimed to identify the infringement are different in nature from typical ombudsman actions. Most of the academic ombudsmen do not undertake fact-finding activities but rather apply a problem-solving approach or a referral to the appropriate department. In this individual case, fact-finding activities may result from the fact that the Ethic Ombudsman has been appointed specifically to deal with cases related to violations of academic ethics.

5.5.2. LEGAL OPINIONS

All ombudsmen stated that very often in the matters which are submitted to them legal issues are important. Seven of the surveyed ombuds have a legal education. Those who have such education indicated that it is very useful in their ombudsman’s activities. With regard to preparing legal opinions, three approaches to this issue have emerged, depending on whether a given ombuds has a legal education or not.

In all cases where ombudsmen have no legal education they have clearly indicated that they do not issue legal opinions, and when necessary, they refer the matter to the legal department, with which they closely cooperate or present the problem to the president for a decision. According to them, legal issues often appear in the cases they receive, and legal knowledge is very useful, but they emphasize that they are in constant contact with the legal department.

A slightly different approach is represented by ombudsmen with legal education. In three cases, ombudsmen who are lawyers stated that they do not issue legal opinions that are binding, but admitted that they sometimes prepare documents that are legal opinions by nature, e.g. “we prepare an opinion that contains our legal perspective, but then we always write that the opinion is not binding, but it is our interpretation or point of view. Of course, we can go to the individual person and try to convince her/him that they should act accordingly, but no one

is obliged to obey. (...) As an ombudsman, I give opinions, but they are not legal opinions, these are opinions of the ombudsman's office issued after hearing the case, meeting with all parties, consulting various people or university bodies. (...) Often I express my opinion orally and then I summarize it in the e-mails. I do not prepare a full extent legal opinion".

The third group of ombudsmen with legal education report that legal help is one of their duties. One of the ombuds stated that "it can be said that I provide such ongoing legal assistance for employees. However, apart from such individual cases, I am also consulted by the university authorities on various issues, including the legal ones". Another ombuds with a legal background stated: "I do write legal opinions, but they are informal in the sense that I provide information, such as legal opinion by e-mail, responding to a given problem". At another university, the ombuds said: "It often happens that I am commissioned to give a legal opinion, which means that the president asked me to prepare a legal opinion. Sometimes also a deans ask me to do so. I had one case so far when I was asked to verify from the legal point of view a rather complicated situation".

5.5.3. REDIRECTING CASES TO OTHER UNIVERSITY UNITS/ DEPARTMENTS

Many ombuds stated that it is an important function since they deal with a wide variety of cases. Their statements show that if the members of the academic community do not know where to turn with their problem or how to qualify their problem, they contact them. If they do not receive help from other units, they also come to the ombudsmen. Such an approach is favored because of very general definition of the function of an ombudsman and the lack of formalized procedures, which means that the members of the academic community readily apply to them. Due to the establishment of other units at universities in recent years, which deal for example with discrimination, bullying, student safety, matters falling within the competences of individual units are transferred to them by the ombuds. Several ombudsmen noted that redirecting the case to the appropriate unit, employee or president of university is their important task, apart from solving problems. If they receive a case that is beyond their mandate, they redirect the case to other units or to the president. Many ombuds stated that they never leave the matter unresolved, and if the issue does not fall within their competence, they investigate who is in charge and redirect the case to a more specialized department.

5.5.4. ISSUING UNIVERSITY-WIDE ANNOUNCEMENTS/ RECOMMENDATIONS

Sometimes the ombudsman issue announcements or recommendations concerning issues important for the academic community. Such announcements have been so far rather rare and two examples can be brought: a recommendation

regarding the use of an avatar symbol by the students and the English-speaking student council, in which an ombuds confirmed that “there were certain facts that no one wanted to confirm”, and because of that position the community was able to break the deadlock.

5.5.5. EDUCATIONAL AND PROMOTIONAL ACTIVITIES

In addition to intervening in individual matters, the ombudsmen often conduct educational activities and promote their activities at universities, which manifests itself in various forms, for example by conducting lectures, workshops, training for the employees and students, organizing meetings with the ombudsman at various departments, and organizing special programs or debates. Specific actions taken in this area include, for example, creating anti-discrimination procedures, introducing education mechanisms and clear rules on co-authorship or plagiarism, campaigns to prevent discrimination or promote equality and diversity, research on the remuneration of men and women at universities, training in dispute resolution in the workplace, mediation or how to react to bullying, and organizing debates³⁸.

Conclusions

The analysis of the interviews shows that there is a wide range of different activities undertaken by ombudsmen. Often the type and scope of these activities depends on when the ombudsman was appointed. The longer this institution functions at the university, the more diverse these tasks are. Moreover, it is significant that ombudsmen, as a rule, do not make binding decisions and do not conduct activities aimed at establishing facts, except for one ombudsman whose task is to protect academic ethical principles. The activities undertaken by the ombudsmen are quite homogeneous, and the main mechanisms they use are soft tools. However, their practice is slightly different depending on their education. Those with legal education, who account for more than half of the respondents, state that the legal education is very helpful in performing their functions and issue legal opinions that are “non binding”. The ombudsmen with different educational background turn to legal offices at the universities when they encounter problems of a legal nature.

The activities of ombudsmen usually include:

1. Informal conversation,
2. Facilitation,
3. Informal or formal mediation,

³⁸ Many of these activities are described on the website of the academic ombuds of the University of Warsaw: <http://ombudsman.uw.edu.pl/archiwum/easop/>; <http://ombudsman.uw.edu.pl/sposob-dzialania/dokumenty/https://mediacje.wpia.uw.edu.pl/dla-pracownikow/68-zapraszamy-na-szkolenie-pt-rozwiazywanie-konfliktow-w-relacjach-pracowniczych-oraz-profilaktyka-mobbingu> (accessed 25.03.2023).

4. An attempt to explain the situation (shuttle diplomacy),
5. Redirection of the case to the appropriate unit,
6. Signaling and reporting irregularities to the president in rare cases of violating law or the regulations³⁹,
7. Issuing announcements/positions/recommendations,
8. Educational and promotional activities.

5.6. MISSION AND GOALS OF ACADEMIC OMBUDSMEN

The answers to the question about the mission/goals set by the ombudsmen were as follows. Three of them replied that their mission is to resolve conflicts and prevent conflicts at academia (UMK, WUM, KUL), commenting that it is not only their task, but also a mission. The ombuds at the Catholic University in Lublin believes that conflict prevention is also carried out by educating the community in how to deal with them. The ombuds at the Cracow University of Technology stated that “it is a delicate negotiation mission. It consists of reminding people about mutual kindness, personal culture, and turning to each other with empathy”. The six ombudsmen believed that their mission was more general: they felt obliged to provide students and staff with a safe and good working and study environment, to make them feel safe, to ensure that their rights were not violated, and to prevent discrimination. Two ombudsmen emphasized that the mission of the university, and consequently that of the ombudsmen, should be to build a community and to create a true *universitas*, among others by preventing discrimination and building dialogue. Several ombudsmen mentioned the educational mission as a priority, which includes, for example, building awareness of how to deal with conflict, what values should guide members of the university community, or in the field of discrimination and equality.

Among other missions and goals of their function they also listed:

1. Providing support for the employees and students “because the mere awareness of the existence of such a position mentally helps a lot”,
2. Fair treatment or the implementation of the principles of equity and justice at the university,
3. Involving the university in important topics, e.g. in regards to academic freedom,
4. Introduction or influence the introduction of systemic solutions at universities that will prevent discrimination and take into account the needs of various minorities.

³⁹ The ombuds at the University of Warsaw clearly mentioned that signaling is one of her tasks, while the statements of several other ombuds show they also believe that they should inform the university authorities of the detected irregularities. However, everyone emphasized that these situations are exceptional.

Conclusions

The comments of the ombuds show that most of them understand their mission quite broadly in terms of ensuring the safety of the students and the employees. Safety is understood as creating conditions for work and study in which every member of the community, regardless of belonging to a particular group, will feel comfortable. This mission is carried out both by various types of ombudsman interventions and by creating a place where everyone can report their problems. The office of the ombudsman is to be a safe place where they can get help, especially in the absence of this help from other units of the university. Moreover, the mission of the ombudsmen is consistent with the mission of universities, in particular the educational mission of building a community. For several ombudsmen, an important mission and goal is to resolve and prevent conflicts at the university, and for the others such activities are methods for the implementation of the mission to ensure safety, preventing discrimination, and promoting equality at the university.

5.7. DISPUTE RESOLUTION AND MEDIATION

The interviewed ombuds almost unanimously stated that dispute resolution is their main area of activity. One of them emphasized that it is the essence of his activity and reported that he considers solving and mitigating conflicts at his home university as his mission. Another one stated that resolving disputes takes up to 90 per cent of his activity, while another one noted that after educational activities it was her most important task at the university. In response to the question about mediation, most of the ombudsmen expressed great enthusiasm for this method, stating, for example, that “mediation works miracles”, “I did not expect that this method would bring such amazing results”. Their responses show their belief in the effectiveness of mediation in academic disputes.

The understanding of mediation by ombudsmen is quite consistent and most often, in an academic context, they understand mediation as an informal conversation with the parties enhanced by their participation. Although they emphasize that it is not a classic and formal mediation, understood as a procedure governed by specific rules and concluded with a written settlement. Two ombuds expressed the view that the university mediation should be understood as an element of restorative justice, particularly having in mind that at one of the universities it is used as part of disciplinary proceedings⁴⁰. Most ombudsmen deal with conflict resolution using a method which they describe as an “informal mediation”, “facilitation”, “bringing the parties together and talking” and “a not 100 per cent mediation”. Many ombudsmen pointed out that they did not conduct “formal mediation”, although several statements show that they are considering such a possibility in

⁴⁰ Para 122, p. 4. of the Charter of UMCS.

the future, particularly in many cases where mediation is an integral part of their duties⁴¹. Three ombudsmen are professionally prepared to conduct mediation, since they went through a mediation training and practice, and these ombudsmen conduct mediation in the academic settings. The others stated that due to the lack of formal preparation, they did not feel competent to conduct formal mediation, and when they see or potentially see the need for mediation, they refer the case to a professional mediator. Two ombudsmen expressed the view that due to their involvement in the case or relatively high position in university structures, they are potentially exposed to a loss of impartiality and neutrality as mediators, and therefore mediation conducted by them may be problematic.

In the vast majority of cases, ombudsmen use “informal mediation”. At one university the exclusive task of the ombuds is to conduct mediation in academic conflicts. The ombudsmen who are not formally prepared to conduct mediation also expressed the need to participate in training/workshops/studies that would give them skills to conduct both formal and informal mediation.

The term “informal mediation” is often repeated in their statements, which indicates that they understand the idea of mediation, as well as the nature of methods they use, despite the lack of a formal preparation or previous experience as a mediators.

The answers to the question regarding conducting academic mediation by ombudsmen was very diverse and at least three approaches to this issue were expressed by ombudsmen:

1. One of the basic functions of the ombudsman is resolving disputes at the university and therefore an important obligation of the ombudsman, expressly stated in the acts regulating his/her position or implied, is to conduct formal and informal mediation, in addition to using other effective communication tools.
2. One of the basic functions of the ombudsman is resolving disputes at the university, but he/she performs it mainly in the form of informal meetings, support of the parties in communications, or facilitation, but does not conduct formal mediation. If there is a need for formal mediation, the matter is referred to a professional mediator or a mediation center.

⁴¹ E.g. Order No. 296/2020 of the Rector of the Medical University of Warsaw of 23 December 2020 on the detailed rules of performing tasks by the Academic Ombudsman at the Medical University of Warsaw; para 4, p. 2 of the Order No. 106/2020 of the Rector of the University of Wrocław of 18 August 2020 on the introduction of the antidiscrimination procedure at the University of Wrocław, defining the principles of operation of the Commissioner for Equal Treatment and the Ombudsman for Equal Treatment and AntiDiscrimination at the University of Wrocław; para 8, p. 6 of the Order No. 137 of the Rector of the Nicolaus Copernicus University in Toruń of 27 September 2013 on the appointment of the Academic Ombudsman at the Nicolaus Copernicus University in Toruń.

3. One of the basic functions of the ombudsman is resolving disputes at the university, but he performs it mainly in the form of informal meetings, supporting the parties in communication, or facilitation and does not conduct formal mediation, because he/she does not have the appropriate skills, although in the future he/she sees such a possibility after gaining skills.

An ombuds at the Jagiellonian University stated: "If this process takes a long time on my part, I feel that it has already been going on long enough making me somehow weaken my independence on the one hand, and impartiality on the other hand. These are the situations when I feel that a certified external mediator is needed. Then I refer the case for mediation. I feel there is a moment when I should withdraw and leave this process to someone from the outside". The ombuds at the University of Warsaw, noticed: "I have a feeling that the roles overlap here and I am not completely neutral as a mediator. I have some perspective on what is right and what is wrong in some matters anyway, although not always, but sometimes it happens that there is some kind of violation involved". Their statements indicate that due to the concerns about neutrality and impartiality, it is more beneficial at some stage to refer the case to a professional mediator or a mediation center, which is the practice of both ombudsmen.

If they, after conducting an informal conversation or meeting of the parties, believe there is a need for formal mediation, they refer the matter to professional mediators. Such a choice usually results from the fact that the ombudsmen are not formally prepared to conduct mediation, or the scope of their activities is so wide that they do not have enough time to conduct formal mediation.

At the universities there are differences as to whom the ombudsmen refer a case for mediation when they see that this method should be applied. At most of the universities there are no separate mediation centers or persons who officially perform a function of the mediator. In one case the ombudsman stated that the person working in her office is a mediator, so if she decides that mediation would be appropriate, she can refer the matter to mediator. However, this cooperation is not of a formal nature. At another university, the ombuds also cooperate with a person at the university who is a mediator and send cases to her. The ombudsmen sometimes also use the help of an external mediator with whom they cooperate or submit a request to the president of the university to appoint a mediator. In a few cases, ombudsmen stated that they have not noticed yet the need for mediation, but if they will do in the future, they would submit a request to the president for the appointment of a mediator. At two universities (the University of Warsaw and the Jagiellonian University), there are also university mediation centers with which the ombudsmen cooperate. These centers have many years of experience in conducting academic mediation⁴². They were established as a result of the changes

⁴² Centrum Rozwiązywania Sporów i Konfliktów przy Wydziale Prawa i Administracji UW, <https://mediacje.wpia.uw.edu.pl/> (accessed 25.03.2023); Centrum Alternatywnego Rozwiązy-

to the Code of Civil Procedure concerning mediation, in particular Art. 183(2) para 3, according to which nongovernmental organizations within the scope of their statutory tasks and universities may maintain lists of mediators and establish mediation centers⁴³. The establishment of the institution of academic ombudsmen, one of whose main functions is to resolve the university disputes, resulted at some universities in establishing cooperation with the mediation centers and using the existing structure to achieve the goals of the ombudsmen. For example, when the Academic Ombudsman at the University of Warsaw receives a case that, in her opinion, is suitable for formal mediation, she sends the case to the Center for Conflict and Dispute Resolution, operating at the Faculty of Law and Administration of the University of Warsaw since 2006. The mediators at the Center are certified mediators, and the Center itself and the individual mediators are on the list of mediators administered by the District Court in Warsaw. Permanent cooperation with the Center has been developing for many years and the principles of this cooperation and procedures for sending cases for mediation have been worked out jointly with the ombuds. They are aimed at ensuring the speedy and efficient proceedings. In addition to the mediation Center, in 2021 a professional mediator was also employed in the ombudsman's office. He is responsible for conducting academic mediations. According to the University of Warsaw ombuds, it is a comfortable situation because, if she considers that the case is suitable for mediation, she can send it to the Center or refer it to the mediator working in her office. That means that she had no dilemmas as to whether she should conduct mediation, despite her professional background. A similar model of cooperation between the academic ombuds and the academic mediation center is starting to function at the Jagiellonian University, but this practice is only taking shape due to the fact that the ombudsman of the Jagiellonian University was appointed in 2019. The Center for Alternative Dispute Resolution was established at the Jagiellonian University in 2010. The Center gathers mediators who are also permanent mediators in the District Court and, if necessary, the ombuds will refer the case to the mediators of this center. At several universities where mediation centers have been established some time ago, like those at the University of Warsaw and the Jagiellonian University, the ombudsmen have not yet established wider cooperation with them, which may be due to the fact that the ombudsmen were appointed relatively recently and it is only a matter of time.

wania Sporów UJ, <http://www.centrumars.wpia.uj.edu.pl/centrum-ars/o-centrum-ars> (accessed 25.03.2023).

⁴³ Art. 183², para 3 of the Code of Civil Procedure. Within the scope of their statutory tasks the nonprofit organizations and universities may maintain lists of mediators and establish mediation centers.

Conclusions

The analysis of the ombuds' opinions regarding mediation leads to the conclusion that it is difficult to state now that there is a particular model or models for resolving disputes at the Polish universities at the moment, due to the fact that in most cases they are only just shaping their functions. Among the ombudsmen there are very different approaches to the issue of whether an ombudsman should conduct mediation. There are ombudsmen who do not mediate at all and those who believe that their primary task is to conduct mediation. Noteworthy is the model developed at the University of Warsaw where the ombudsman, if there is a need for formal mediation, sends the case to a mediation center operating at the university or to a professional mediator working in her office. In many cases, the ombudsmen do not undertake formal mediation and the reasons for such a decision are various: due to the lack of formal preparation and skills to conduct mediation, due to a large number of cases and the lack of time for mediation, or due to the fear of losing their neutrality and impartiality. However, the ombudsmen believe that mediation is an important tool to resolve academic disputes and are ready to submit cases for mediation or engage in mediation. Most ombudsmen conduct an "informal mediation" which is an important tool in their work for conflict resolution. However, it is worth noting that only in three cases the ombudsmen are prepared professionally to conduct mediation: they completed training for mediators, they practice mediation, and they are entered on the list of mediators in one of the district courts. Most of the ombudsmen were convinced that since informal mediation and facilitation are important methods applied in their work, they plan to take part in trainings for mediators in the future, as this skill would be very useful in their work.

5.8. INDEPENDENCE AND OTHER ETHICAL STANDARDS

5.8.1. INDEPENDENCE

Ombudsmen are appointed most often on the basis of the president's decision. At six universities (UŚ, UJ, UMK, UMSC, SGH, WUM) this function is also provided for in the university's charter approved by the senate. This gives it greater independence, as it is included in the structure of the university and not just depends on a single act of appointment and dismissal⁴⁴. In one case, this function is included in the regulations concerning the course of study, which is

⁴⁴ Para 57 of the Charter of the Nicolaus Copernicus University in Toruń of 16 April 2019; Chapter XII of the Charter of the Maria Curie-Skłodowska University in Lublin of 29 May 2019; Chapter VII of the Charter of the University of Silesia in Katowice adopted by the Senate of the University of Silesia in Katowice on 28 May 2019; para 125 of the Charter of the Medical University of Warsaw adopted by Resolution No. 40/2019 of the Senate of the Medical University of Warsaw on 27 May 2019; para 190 of the Charter of Jagiellonian University passed by the Senate of the

also approved by the senate⁴⁵. The question of the independence of the ombudsmen, which is also an ethical principle governing the performance of their tasks, was raised due to the fact that independence may be a potential problem in their activities, and besides, it is the essence of this function. On the one hand, ombudsmen should be independent in order to properly perform their functions and support the members of the community, while on the other hand, they are under the authority of the university. In all cases, except for one university, the ombudsmen stated that they were subordinated only to the president of the university, although in many cases they made the reservation that they were independent of the president and that their position was independent. Two ombuds said they were independent or completely independent. In one case, the ombuds replied that it was a position “similar to the position of the president’s commissioner” even though he was not the president’s deputy. In three cases, ombudsmen are the president’s deputies, and in one case the ombudsman stated that he was subordinate to the vice-president for science. In four cases, the ombudsmen present a report on their activities to the president or the senate.

All the ombudsmen participating in the research stated that so far they had no problems with their independence, no matter how long they have been in this position. However, many of them see potentially such a threat. They emphasize their independence from both university authorities and other influences. Although their opinions or recommendations are not binding, the presidents implement them, adhere to them, and fully respect their perspective and opinions. One of the ombuds described his independence as follows: “I have not encountered any situation in which I feel that someone is trying to violate this rule or force me to make any decision, or that I should follow any instructions. The president often repeats that he does not want to interfere with my competences, since I am appointed to this position and I know my tasks and how to perform them”.

At the same time, the ombudsmen realize that they are to some extent dependent on the president or other university authorities due to the fact that they are employed at the university on the basis of the president’s decision or the senate resolution. The Academic Ombudsman of the Nicolaus Copernicus University, answering the question about independence, stated that “the academic ombudsman acts independently, though is not completely independent. I am definitely dependent on my employer, on the person who appointed me to this position and whom I represent. But even with a limited independence, I remain independent in action”. On the other hand, the Academic Ombudsman of the University of Warsaw noted that the ombuds are part of the university system and the longer they

Jagiellonian University on 29 May 2019; para 4 of the Charter of the Warsaw School of Economics adopted by Resolution No. 499 of the Senate of the Warsaw School of Economics on 29 May 2019.

⁴⁵ Para 18, p. 2 of the Resolution No. 441 of the Senate of the University of Warsaw of 19 June 2019 in regards to Regulation of Study at the University of Warsaw.

work at the university, carry out various projects, interact with people, the more it may affect their independence.

The ombudsmen see potential problems with independence and this issue has been discussed during cyclical meetings of the academic ombudsmen. One of them mentioned that in this discussion “some colleagues were of the opinion that it is not exactly independence, because most of us are appointed by the presidents and some by the resolutions of the senate”. Both the ombuds and the university authorities are aware of this problem. The ombudsmen believe that this function only has a *raison d’être* in a situation where they are independent, and the various solutions used in appointing the ombudsman show that the university authorities also strive to make it as independent as possible. The solutions consist, for example, in placing the ombuds high in the university hierarchy and making him/her to report only to the president or the senate⁴⁶. In addition, some ombudsmen cannot perform at their universities other functions than being academics⁴⁷. At the Warsaw School of Economics or the University of Warsaw, the ombuds is not an academic and this is the only function she performs which makes this position more independent from the administration of the faculties⁴⁸. Moreover, at that School the Ethics Ombuds is elected by the academic community, which increases her independence from the entire administration. At the UMCS, in order to reduce the problem with independence, in accordance with the charter of the university, the ombuds is appointed for a 5-years term, which differs from the President’s term. Moreover, the ombuds cannot be dismissed within 2 years from the end of the term of office⁴⁹. In addition, at this university, the candidate must be an academic with at least a doctoral degree⁵⁰. The University of Silesia sets

⁴⁶ Para 117, p. 3 of the Statute of the Maria Curie-Skłodowska University of 29 May 2019; para 125, p. 3 of the Statute of the Medical University of Warsaw “Ombudsman – Rzecznik Akademicki is directly subordinate to the Rector”.

⁴⁷ Para 4, p. 1 of the Resolution No. 16/II/2020 of the Senate of the Jagiellonian University of 26 February 2020 on the principles of appointment and the scope of competences of the Ombudsman for Academic Rights and Values; para 2, sect. 11 of Appendix No. 3 to the Ordinance No. 106/2020 of 18 August 2020 on Principles of the Ombudsman for Equal Treatment and Counteracting Discrimination at the University of Wrocław: “The Ombudsman may not perform additional function at the University of Wrocław that could threaten his neutrality”.

⁴⁸ Para 4, sect. 6 of the Charter of the Warsaw School of Economics: “The Ombudsman is elected by the University’s employees on the terms specified by the Senate”.

⁴⁹ Para 118, sect. 1. of the Maria Curie-Skłodowska University Charter of 29 May 2019: “The Ombudsman is appointed by the Senate by an absolute majority of votes in the presence of at least half of the Senate members, for a period of five years”. Para 119, sect. 1 of the Charter: “The Ombudsman’s labor employment may not be terminated during his/her term of office and two years after its termination without the Senate’s consent, unless a disciplinary penalty has been imposed on him/her or he/she has been legally convicted by a court for an intentional crime”.

⁵⁰ Para 118, sect. 2 of the Maria Curie-Skłodowska University Charter of 29 May 2019: “A candidate for the Ombudsman may be an academic holding at least a doctoral degree. The candidate for the Ombudsman must be employed at the University on a fulltime basis for at least 10 years”.

even higher requirements for the ombuds, because according to its charter, the Ombudsman for Rights and Values may be a person with the title of professor or university professor and 10 years of experience⁵¹. Opinions are also expressed that the appointment of an ombudsman by the senate, and not by the president, would strengthen his/her independence. In addition, some of them expressed opinions that the ombudsman functions should be regulated by law, which would also reduce the possibility of potential pressure. However, on the other hand, opinions are expressed that the statutory regulation may “take away the autonomy of the universities in this area and regulate our legal status and legal situation so that we will simply be a dummy”.

5.8.2. OTHER ETHICAL PRINCIPLES

At four universities, the ombudsmen adopted international ethical standards for academic ombudsmen (UMCS, UW, UW, WUM)⁵². These are the standards of the International Ombudsman Association (IOA). The main ethical standards are: impartiality, neutrality, independence, confidentiality, and informality. These rules were also mentioned on the websites of the ombudsmen⁵³. At three universities (KUL, UŚ, UMK), the ombuds stated that they had not adopted a specific code of ethics, but in addition to the basic principles, such as independence, impartiality, and confidentiality, they use the code of ethics for academic teachers or the charter of the university in which ethical principles are adopted in their work, obligatory for all academic teachers. The ombuds for UMCS, which applies the ethical principles adopted by the IOA, mentioned that she also follows the principles set out in the code of ethics of an academic teachers at this university, stating that “although the academic teacher’s code of ethics emphasizes the integrity of scientific research, I can nevertheless see that there are also elements in that code that are applicable to the functioning of the ombudsman, particularly concerning academic values. In general, the ombuds is an advocate of the

⁵¹ Para 40, sect. 3 of the Charter of the University of Silesia in Katowice, adopted by the Senate of the University of Silesia in Katowice on 28 May 2019: “A candidate for the Ombudsman may be an employee employed at the University as a profesor or university professor with at least ten years of work experience at the University”.

⁵² Para 57 of the Charter of the Nicolaus Copernicus University in Toruń of 16 April 2019; Chapter XII of the Statute of the Maria Curie-Skłodowska University in Lublin of 29 May 2019; Chapter VII of the Charter of the University of Silesia in Katowice adopted by the Senate of the University of Silesia in Katowice on 28 May 2019; para 125 of the Charter of the University of Warsaw, adopted by Resolution No. 40/2019 of the Senate of the Medical University of Warsaw of 27 May 2019; the Jagiellonian University, para 190 of the Charter of the Jagiellonian University passed by the Senate of the Jagiellonian University on 29 May 2019; para 4 of the Statute of the Warsaw School of Economics adopted by Resolution No. 499 of the Senate of the Warsaw School of Economics of 29 May 2019.

⁵³ <http://ombudsman.uw.edu.pl/sposob-dzialania/standardy-dzialania/> (accessed 25.03.2023); <https://www.umcs.pl/pl/umcs-aktualnosci,1,rzecznik-praw-akademickich-na-umcs,85640.chtm> (accessed 25.03.2023); <https://ombudsman.wum.edu.pl/node/61> (accessed 25.03.2023).

academic values and principles, and should not be someone's advocate but an advocate of the values and principles". The ombuds at the Nicolaus Copernicus University stated that there is no formal specific code of ethics that he follows, but he draws from the rules of mediation. On his website there are three basic ethical principles mentioned: impartiality, neutrality, and confidentiality⁵⁴. Similarly, at the Jagiellonian University, the Ombudsman applies the principles of independence, confidentiality, and impartiality, which are listed on the Ombudsman's website, although no specific set of ethical principles has been adopted⁵⁵. The ombuds of the Medical University of Warsaw, who is an attorney, in his work at the University also applies the ethical principles applicable to a legal profession.

Conclusions

The most frequently mentioned ethical principles applied by the ombudsmen are the principles of: impartiality, independence, neutrality, and confidentiality. It is worth emphasizing that these are the same ethical principles that guide mediators in their work, which may lead to a reflection that, despite many differences, the nature of the mediators and the ombudsmen's activities is similar, and mediation is one of the important tools of the ombudsmen's work. With regard to the application of ethical principles by the ombudsmen, there is a wide variety of approaches to their formal adoption. The first group are universities that have adopted the OIA's Ethical Principles, and these principles are also listed and described on their websites. The second group are ombuds who follow similar ethical principles without adopting specific codes of ethics. These rules are listed and described on their websites without referring to specific codes. Finally, a third group of the ombudsmen stated that they do not follow a specific set of ethical principles. In a few cases, in addition to the set of ethical principles, the ombudsmen additionally apply the ethical rules applicable to academic teachers, because in most cases, the ombudsmen are also members of the academia. When they act as mediators while performing the ombudsman duties, they also do apply the principles of mediation.

Independence is not only a fundamental ethical principle followed by the ombudsmen, but also the essence of their functions. Placing the position of the ombudsman high in the university hierarchy, as well as the introduction of mechanisms securing the independence of the ombudsmen, shows the understanding and concern of the university authorities' about nature of that function. In addition, most ombudsmen are academics with the title of professors or doctors, which can also contribute to greater independence in a specific academic environment. The academics with a high academic degree are relatively independent from the heads of their units, at least in terms of conducting research, hence the practice of

⁵⁴ https://www.umk.pl/uczelnia/rzecznik_akademicki/ (accessed 25.03.2023).

⁵⁵ <https://ombuds.uj.edu.pl/o-biurze> (accessed 25.03.2023).

appointing such persons to the position of spokesperson. On the other hand, the nonacademics emphasize that such placement gives them greater independence, since they are less involved in the university structure.

The analysis of the interviews suggests that there is a need to introduce mechanisms that will ensure the greater independence of the ombudsmen in the future, such as: high position in the university hierarchy, subordination only to the university authorities, introducing the term of office of the ombuds function, introducing a term different from the term of office of the university president, selection of the ombuds by the senate or academic community, or even regulation of this function in law. The analysis does not give a clear answer which model is more independent: an ombuds who is an academic and is associated closely with the university, appointed for a longer period of time, or a person who is employed on the position of the ombuds who is not an academic.

5.9. SKILLS AND EDUCATION

The ombudsmen represent a very diverse range of education. They include lawyers, educators, philosophers, psychologists, and a graduate of the Academy of Fine Arts. The largest group of the ombudsmen have a legal education (UW, UWR, WUM, UMCS, UMK, UŚ, KUL). Many ombudsmen express the view that this function should be performed by people with humanistic education, with soft and empathetic skills, because they work with people, resolving difficult problems, also of an ethical nature. However, opinions were divided as to what this education should be. Of the thirteen ombudsmen participating in the survey, seven have legal education. The ombuds often expressed the view that education in the field of psychology, sociology, pedagogy or social sciences is also important and helpful in this work, due to the problems of human and emotional nature.

The ombuds emphasized also how important legal knowledge is in performing this function. Even if a person with legal education specializes in a different field, such education is helpful in interpreting regulations, analyzing problems or searching answers to legal questions. Those with legal education also insisted that legal knowledge helps them to prepare legal opinions, as they believe that preparing such opinions, even if they are non-binding, is their responsibility.

With regard to the necessary skills, the ombuds emphasize the importance of the soft skills in their work, such as the ability to diagnose conflict, the conciliation, and mediation skills, and the communication and interpersonal skills. All the ombudsmen found that the mediation skills, supported by the completion of a mediation training, are very helpful in performing their tasks, as they often conduct conciliations, facilitation or informal mediation. The ombuds at the University of Warsaw expressed the view that the mediation skills are important in performing this function, although ombudsmen should also be able to cooperate with mediators to whom some cases could be transferred.

Conclusions

The analysis of views on the education and skills necessary to perform the ombudsman's work does not lead to clear conclusions. This analysis shows that professionals with legal education are most often selected for the position of ombuds by the university authorities. Although ombudsmen, including those who have legal education, express the view that these functions can be performed by people with other education, legal knowledge, due to legal problems arising in their work, is very useful in their activities. On the other hand, those with a different education emphasized the importance of psychological or sociological education. Their necessary educational background also depends on the specifics of a given university, especially if the university is focused on education in a narrow field, such as the University of Physical Education or the Academy of Arts. One of the respondents noted that the ombuds at the University of Warsaw, who has legal and psychological education, is a model example of a person employed in this position, from the point of view of education.

5.10. TYPE OF EMPLOYMENT, ORGANIZATIONAL SUPPORT, COOPERATION WITH OTHER UNIVERSITY UNITS AND OTHER OMBUDSMEN

5.10.1. TYPE OF EMPLOYMENT

The type of employment as ombudsman varies greatly. Four interviewed ombudsmen are employed at the university part-time or full-time on the position of an ombudsman. Those ombuds are not employed at the university at any other position, e.g. as academics, and this is their sole employment at the university. At other universities, the positions of ombudsmen are held by those who are employed as the research/teaching academics. In five cases they receive additional remuneration for the performance of this function. At three universities, they perform their functions as ombudsmen without any extra bonus and without a reduced number of teaching hours, although some of them stated during the interviews that they applied for an additional remuneration or a reduction of the number of teaching hours, due to performance of the extra duties. In the vast majority of cases, when ombudsmen are also the research/teaching academics, they do not have separate offices, but use their offices and assistants who help them perform their academic duties. The ombuds at the UW, UWM, WUM and PK, who are employed at their positions, have their own offices, but no other assistants. The only exception is the office of the ombuds at the University of Warsaw, where three assistants are employed, including one mediator.

5.10.2. COOPERATION WITH OTHER UNITS AT THE UNIVERSITY

As regards the cooperation with other university units, the ombudsmen most often listed the university president and vice-presidents. In addition, other most frequently indicated units with which they cooperate include: the anti-discrimination committee, the disciplinary committee, the legal department, the human resources department, the senate, the trade unions, and other deputies, if appointed by the president, e.g. at the UWM the ombuds closely cooperates with the commissioners for equal treatment and for safety of students and doctoral students, the ombuds at the University of Warsaw cooperates with the anti-discrimination and anti-bullying committee, the ombuds at the University of Wrocław cooperates with a faculty commissionaire appointed in 2021, who can contact people with problems related to their work or studies.

5.10.3. NETWORK OF OMBUDSMEN

When asked about cooperation between the ombudsmen and other persons performing similar functions at other universities, the vast majority of the ombudsmen replied that they actively participated in the meetings of the network of academic ombudsmen in Poland. The network was organized on the initiative of the Academic Ombudsman of the University of Warsaw, with the support of the Academic Ombudsman of the Nicolaus Copernicus University. Within their framework, the ombudsmen meet periodically (approximately every two months) to discuss problems they have in common, share experiences, and discuss case studies and good practices. Each meeting is devoted to a different topic, such as sexism or the anti-discrimination procedures. All the ombudsmen who have taken part in the meetings assessed this initiative very positively.

Conclusions

The analysis of the organization of the ombudsman's work leads to the conclusion that the preferred model is to appoint to this position an academic who has been associated with the university for a long time as a researcher/teacher and continues this work even after he/she is designated as ombuds. Less frequently, the university administration creates a separate, usually part-time position of an ombuds, who is an outside person and is not employed at the university as an academic. The reason for such a preference may be the fact that the research/teaching academics, especially those who previously performed various functions in the university structure (e.g. as members of the disciplinary commission or antidiscrimination commission), regardless of their specialization, know the university's problems well. In addition, due to their high position in the university structures, they enjoy the trust of both the president and the entire community. Also the employment of a person from outside of the university demands greater commitment from the administration since it is necessary to create a separate job, find

a suitable room, and provide financial and organizational support. In this situation, it seems also much simpler from the point of view of the university administration to appoint to this position somebody known and use the existing support provided to research/teaching personnel. An interesting solution was adopted by the Cracow University of Technology, where the ombuds is a part-time employee from the outside, but due to the long cooperation with the university, she knows its problems⁵⁶. She holds a Ph.D. degree and professionally deals with the problems of universities.

When it comes to remuneration issues, many ombudsmen who are academics receive an additional payment for performing this function, but in some cases they do not receive any remuneration or even an exemption from part of their workload. It seems that the lack of any remuneration and/or an exemption from the working hours is completely inadequate in view of a large number of cases that come to ombudsmen and their workload. One ombuds, who described her function as “honorary”, appointed to the position in 2020, said at the time of the interview that she already had 71 cases. Most of the ombudsmen stated in the interviews that the number of problems they encounter is very large, also because these problems have not been addressed at all for many years. Generally, ombudsmen do not have enough time to deal with all the individual matters, and they often deal with them “after hours”. Many of them believe that they should not only help in individual matters, but would like to take more general initiatives at the university, however, they do not have enough time for these activities. There is also visible lack of organizational support for the ombudsmen’s work from the universities, at least at the beginning of their functioning, for example, in the form of separate secretarial assistance or providing them their own premises, although the ombudsmen often stated that the premises they use as research/teaching staff are sufficient.

5.11. CHALLENGES FACING OMBUDSMEN

5.11.1. BUILDING THE TRUST OF THE ACADEMIC COMMUNITY

Several ombudsmen emphasized that their challenge is gaining trust of the academic community. Due to the fact that in many cases this is a new function, the academic community do not know about ombudsmen, the the scope of the ombudsmen’s competences, and what help they could obtain from them. Therefore, there is a need for information and promotion of their activities among the academic community so that its members can learn about the ombudsman at the university. One of the respondents admitted that the greatest challenge for him was to change the awareness of the students and the staff regarding the univer-

⁵⁶ <http://reforma.pk.edu.pl/?p=1699> (accessed 25.03.2023).

sity's accessibility and openness and to help them understand that the university is ready to take actions to help the academic community in solving difficult cases. The understanding of a new role of the university comes slowly because historically universities were characterized by a fairly complex hierarchy which also meant lack of inclusiveness in making decisions and solving problems. In addition, the ombudsman model currently introduced at the Polish universities is based on the application of soft tools and has nothing to do with dos and don'ts or binding decisions. One ombudsman put it as follows: "In my opinion, the biggest challenge is not to apply hierarchical mechanisms and at the same time not to lose your authority. It is the tension between the fact that we operate using soft tools as an authority in the confrontation with the fact that my clients in the broad sense of the word are, for example, professors who have their own habits, their sense of domination, various – better or worse traditions of functioning. Colliding with this, I have to find my way. I cannot act by force, because that is not my function. (...) This is the biggest challenge – to remain in the sphere of authority without using pressure. So far I have been able to do it, but it is a challenge".

5.11.2. BUILDING A DIALOGUE

Several ombuds noted that the challenge for them is to build a dialogue at the university. They expressed a need to make the university a real *universitas*, where truth is reached through dialogue and clash of different views and ideas. They noticed that the debate and dialogue at the universities have begun to fade away and the growing ideological and political conflicts have led to greater antagonisms. According to them, the political climate has polarized society, which means that also at universities there are many new conflicts "because people stopped getting along well". They also expressed their opinions that in the new model of higher education "the functions of *universitas* were lost, above all in restoring the awareness of the university community in search of truth. "The main goal of the universities can be achieved by restoring the pleasure and value of debate. We can disagree with each other, we can argue with each other, in fact, the essence of the dispute is that we have to differ, but this discussion should be continued". In many cases they considered the restoration of such a function of the university as a challenge. The ombudsmen also expressed the hope that their function, which departs from the hierarchical management model and emphasizes the value of dialogue, communication, and listening to the other side, will help to some extent help re-establish the debate.

5.11.3. PROTECTION AGAINST EXCLUSION AND EDUCATION OF THE ACADEMIC COMMUNITY

The role of the ombuds is primarily to educate the academic community in the area where "we have mythical thinking, stigmatizing thinking". The ombudsmen should reach the academic community with their message, as there are real threats

of inclusion, discrimination, and exclusion. These typical problems regarding discrimination, attacking specific views, transferring political struggle into the academic forum, affect both the minorities, e.g. the LGBT+ community, and people with conservative views, whose worldview is strongly religiously inspired. One ombuds put it in an interesting way: “The role and challenge faced by the ombudsman is to protect all people against social exclusion and invalidation, as well as to make the academic community aware that we can differ and that an academic, educator, student must not be excluded because he/she professes a different worldview than the mainstream one”.

5.11.4. THE HUMAN FACTOR

Another challenge articulated by several ombudsmen is the human factor. Working with people involves certain amount of emotional work that must be put into each case, as well as the psychological burden associated with it. There are very few repetitive situations in the work of the ombudsmen, therefore their work cannot be standardized. The academic environment is specific, each case is slightly different and requires different approach. The ombudsmen work mainly with people who are very individualistic and each of them has a different approach to the same problem.

5.11.5. SHAPING FUNCTIONS OF OMBUDSMEN

Many respondents are the first ombudsman appointed at their university, therefore there are challenges related to shaping this function. They are aware that creating and defining this function by them will affect the work of their successors. Therefore, according to them, it is important to create this position in such a way that people who will take over their duties from them in the future can find a set of good, proven practices, and be able to use it in their work. In addition, according to them, it is important to shape this function, which has recently been established at many universities, so that it is not just another institution, but one which has a real impact on the university's activities and quality of work and study.

5.11.6. PANDEMIC

In connection with the pandemic, the ombudsmen noticed an increased number of conflicts and a greater number of cases which are submitted to them. One of the reasons of this phenomenon was the limited direct communication between the members of the academic community. Direct communication allows clarification of problems and doubts, or resolution of conflicts on an ongoing basis. During the pandemic, the members of the academic community began to communicate in writing, which, according to the ombuds, raised many additional problems. These issues, which could be dealt with relatively quickly in the normal functioning of

the university, took on a dramatic dimension during the pandemic. In addition, many people took the pandemic hard and both employers and employees were not always able to quickly adapt to the situation or react or behave properly in the new reality. Communication by electronic means is not well adapted to the freedom of expression, and doesn't encourage conversation about difficult and sensitive topics. People are sometimes afraid to talk about problems with the use of electronic means.

5.11.7. OTHER CHALLENGES IDENTIFIED BY INDIVIDUAL OMBUDSMEN

The other challenges include:

1. Lack of a code of ethics at some universities, which makes it impossible to refer to unified standards,
2. Growing ideological and political conflicts and the lack of clarity as to how the university should behave in this changing reality,
3. Lack of appreciation of the value of the academic teaching profession,
4. Individualistic attitude of the community members, a desire to pursue only their own goals.

5.12. PROSPECTS OF FURTHER DEVELOPMENT OF THE OMBUDSMAN INSTITUTION

The ombudsmen's replies to the question about the prospects of the activities of the academic ombudsmen at a particular university and, in a broader context, at the universities in Poland, were surprisingly consistent.

5.12.1. PERSPECTIVES OF OMBUDSMEN AT INDIVIDUAL UNIVERSITIES

In the context of individual universities, the ombudsmen believe that their function is going in a proper direction. First of all, because so far there has been no place at the university where members of the academic community could talk about their problems, e.g. in the event of a conflict with their supervisor. In such situations, people in conflict do not always want to go to the president or the dean, which is why the institution of the ombudsman fills certain gap. Conflicts have always been present at universities and did not arise with the appointment of an ombudsman. They often remained unresolved and at some point manifested themselves in a much more intense form. Most of the ombudsmen believe that this function is necessary and affects the way the entire university functions. One of them put it this way: "When the cogs in the institution are covered with rust, we will not go far with this bicycle. I think the key thing is unblocking, removing that rust, and making this bike or other machine ride better. From this point of view, it is very important that there is the institution of ombudsman". Moreover, ombudsmen are a sort of link between the members of the community and the university

authorities. They can help to solve the problem, where possible, without the need for the dean's or the president's intervention.

All ombudsmen emphasized good cooperation with the presidents, their support, giving them great freedom and independence. They assess the prospects of the development of these institutions at their universities very positively. They also believe that their activities should be legitimized by the academic community. However, in a situation where they have been operating for a short time, it is difficult to come up with unambiguous conclusions about their future. On the other hand, they refer to the experience of the ombudsmen at the foreign universities and in Poland, and their activity proves that this function is needed, both by the university authorities and the academic community. The ombudsmen who have been recently appointed noticed a very large impact of resolving the individual problems in the first year of their operation, although their activities were limited by the pandemic. The same was the case with the Academic Ombudsman at the University of Warsaw, who received 130 cases in the first year of operation (2012), but now the impact is increasing: in 2019 – 252 cases, in 2020 – 265 cases, in 2021 – 315 cases⁵⁷. The ombudsmen also note that gaining a firm position of the ombudsman in the university system takes time, as this function is characterized by the use of soft tools instead of autocratic decisions, which is associated with a fairly long process.

The establishment of a national network of ombudsmen also proves that the prospect of the development of this institution is good. Until recently, there were three or four active ombudsmen in Poland. During the last three years, many ombudsmen have been appointed and, as the ombuds of the Nicolaus Copernicus University put it, “suddenly we have a group of several dozen people who today discuss many important matters with each other at least once every two months, and they also cooperate with the ombuds from the foreign universities”.

5.12.2. PROSPECTS OF THE DEVELOPMENT OF OMBUDSMAN FUNCTIONS IN A BROAD SOCIO-POLITICAL CONTEXT

The ombudsmen expressed their concerns about functioning of this institution in the context of broader changes which take place in public life and politics in Poland. According to them, limiting the autonomy of universities and academic freedom may threaten the institution of the ombudsman in the future. They may become only façade institutions or may be liquidated. These fears are dictated not only by the attempts of the government to encroach the academic freedom, but are supported by a specific example of actions which took place at the Pedagog-

⁵⁷ The data can be found in the Academic Ombudsman Action Report for 1 January–31 December 2021, <http://ombudsman.uw.edu.pl/wp-content/uploads/2022/02/Sprawozdanie-z-dzia%C5%82a%C5%84-Rzecznika-2021.pdf> (accessed 25.03.2023).

ical University of Kraków in 2021⁵⁸. Some ombuds believe that one of the solutions to protect these institutions would be to regulate this function in the statute as a university organ, independent of other university units and administration. Such a position of the ombudsman would not only strengthen his/her position and make him/her more independent from the political influence, but would also give the ombudsman a stronger position in the university structure. Another solution would be to include the institution of the ombudsman in the strategic documents of the university, which are, for example, approved by the senate.

6. FINAL CONCLUSIONS

The conducted research indicates an increase in the interest of the universities in Poland in the institution of an academic ombudsman and the strengthening of this function in the structures of the universities. Over the last three years, the number of academic ombudsmen or institutions meeting the definition of an academic ombudsman has been increasing at the Polish universities. At those universities where ombudsmen have been active for many years, there is also a growing number of cases submitted to them.

At present, it is difficult to clearly predict the future of the development of the institution of the academic ombudsman, but the analysis carried out as a result of theoretical and empirical research shows that it will continue to develop unless it is hindered by political issues related to the restriction of academic freedom.

The function of ombudsman at the Polish universities corresponds to the classic definitions of this institution. The ombuds is a person in charge of the matters concerning all members of the university community, with some exceptions where his/her activities are limited to the administrative and academic staff. The ombudsmen at the universities in Poland are most often guided by the principles of independence, impartiality, neutrality, and confidentiality. It is to them the students, academics, and the administrative staff can turn to obtain confidential and informal information or assistance in all matters relating to the university. One of the most important roles of ombudsmen at the Polish universities, similarly to

⁵⁸ Another round of layoffs at the Pedagogical University in Kraków. Almost 20 lecturers out of work, 22.03.2022, 06:23, <https://krakow.wyborcza.pl/krakow/7,44425,28241574,kolejna-tura-zwolnien-na-uniwerytecie-pedagogicznym-w-krakowie.html> (accessed 25.03.2023); Adam Leszczyński, Pedagogical University in Kraków. Professor dismissed disciplinarily for union activities, <https://oko.press/uniwerytet-pedagogiczny-w-krakowie-profesor-ka-zwolniona-dyscyplinarnie-za-dzialalnosc-zwiazkowa/> (accessed 25.03.2023), 17 December 2021; Notification to the prosecutor's office in connection with the situation at the Pedagogical University in Kraków, 16 August 2021, <https://serwisy.gazetaprawna.pl/orzeczenia/artykuly/8226830,zawiadomienie-do-prokuratury-uniwerytet-pedagogiczny-krakow.html> (accessed 25.03.2023).

ombudsmen at the foreign universities, is to prevent and resolve conflicts. In this context, the role of the ombudsmen fits into the definitions that emphasize their role as neutral or impartial dispute resolution specialists whose main task is to provide confidential and informal assistance to members of the university community: the students, staff, and academics⁵⁹.

It is also worth noting that the universities in Poland are beginning to systematically approach the issue of helping the academic community in solving problems through the internal structures. At many universities not only the academic ombudsmen are appointed, who are tasked with providing extensive assistance to all members of the academic community, but also more specialized institutions that deal with specific issues, e.g. bullying or anti-discrimination committees, student ombudsmen or commissioners for student's and doctoral students' safety. One of the roles of the academic ombudsmen is to direct the cases that come to them to these units. In addition, some universities introduce other elements into what can be described as a dispute resolution system, such as trainings and educating employees and students in dealing with conflicts at work, discriminatory or bullying behavior or in mediation.

At the moment, it is difficult to say what the exact role of the ombudsmen in this system will be, due to the just recent formation of these institutions at many universities. The subsequent research in a few years' perspective will show whether the ombudsman is an institution that supervises the entire dispute resolution system at universities or deals only with specific issues.

Like at many foreign universities, academic ombudsmen in Poland are internal university institutions of a decentralized nature, as they are appointed by the university bodies, most often on the basis of the president's decision, internal regulations or university charter⁶⁰. Many ombuds made suggestions that including the institution of an academic ombudsman in the law on higher education would strengthen their position at the universities. There were also different opinions, in regard to which statutory regulations would allow for limiting the ombudsman's independence, and these ombuds believed that their position could be strengthened by entering this function into the university charter, which is actually the case at some universities.

Introducing certain solutions in internal regulations by the universities to ensure the independence of the ombudsmen, as well as respecting by the university authorities of the independence of the ombudsmen in practice, may indicate a change in approach of the university administration to the problems occurring in the academia. It proves a departure from hierarchical management, and applying interest based approach which is based on dialogue, including community members in discussion and democratization of decision-making process.

⁵⁹ W.C. Warters, *Mediation...*, p. 10.

⁶⁰ E. Gmurzyńska, *Analysis of the causes...*Part II, p. 170.

The ombudsmen at the Polish universities operate in an informal manner. In order to solve problems they use soft tools in the form of facilitation, informal conciliation, informal mediation, and conversation. In some cases they also act as mediators and use more formalized mediation. At the present stage of development, ombudsmen do not apply formal procedures and do not make binding decisions, and their practice so far indicates that the model that is beginning to be established at the Polish universities is the model of an ombudsman using almost exclusively soft tools.

However, there is no homogeneity regarding the two elements of their activities: issuing legal opinions and the use of formal mediation. These tasks depend often on the experience and education of the ombudsmen: those with legal training often issue non-binding legal opinions, while the ombudsmen with the mediation training and experience are more likely to mediate in the academic disputes.

Research has shown that the institution of the academic ombudsman has filled certain gap in the university structures by providing informal procedures that counterbalance the formalized mechanisms and top-down decisions of the university administrations. It is also a response to the needs of the academic community to create a neutral and safe place where its members can confidentially discuss any problems arising from work or studies at a university. Creating that institution also shows that internal procedures may be fair, just and aim to help members of the community⁶¹.

Currently, each university is looking for its own model of an ombudsman, as most of them are at the beginning stage of shaping their function, but according to some opinions, in the future there will be greater unification, and they will act similarly. Certainly, many differences will remain, e.g. those related to the approach to whether the ombudsman should conduct mediation or should leave it to the commission specialized in mediation, a mediation center or a mediator; should the ombuds be more of a spokesperson for a particular group or should he/she focus on the protection of values such as equality or diversity. The ombuds at the University of Warsaw believes that the development of this function may go in two directions. On the one hand, the ombuds “may be able to bind the system together, he/she will be the keystone of the system and a driving force, or he/she will simply be a more specialized person and will focus mainly on solving current problems”.

The Polish universities are characterized by a variety of names for this function, such as: academic ombudsman, ombuds for academic rights and values, equal opportunities ombudsman, ombuds/commissionaire for equal treatment and counteracting discrimination, ombudsman-mediator. The interviews indicate that the differences in nomenclature are mainly the result of what inspired

⁶¹ W.C. Warters, *The emergence of campus mediation systems: History in the making, conflict management*, “Higher Education Report” 2001, Vol. 2, No. 1, p. 3, https://www.creducation.net/resources/cmher_vol_2_1_warters_a.pdfOm (accessed 10.01.2021).

the introduction of these functions at the particular university. Regardless of the name, the ombudsmen see their role quite consistently and uniformly as people supporting members of the community in resolving conflicts, helping them when their rights or interests are violated, ensuring that everyone at the university is treated fairly and with respect.

Analysis of the interviews with the ombudsmen at the Polish universities gives a positive picture of changes that take place, despite the fact that in the wider, national dimension, many of them were appointed only recently. The conducted research shows that the Polish universities have started introducing systemic solutions related to the protection of important academic values, such as non-discrimination, equal treatment or the strengthening of an academic community. These changes caused the introduction of a system which consists of various functions, including academic ombudsman, who believes that any problem that arises at the university should be solved, if possible, in its internal structures. This tendency is a symptom of a change in the university authorities' approach to the problems of the academic community. Until recently, such cases were handled in a hierarchical manner by heads of departments, they were brought to a disciplinary commission, and occasionally to court, and many problems and issues were left unsolved. Currently, universities focus their attention and efforts on preventing problems at an early stage, resolving them within their own structures, using dialogue and effective communication in resolving disputes and involving the academic community in these procedures. A deeper analysis of the role and nature of the ombudsman functions at the universities in Poland requires further research, especially in a situation where many ombudsmen have been appointed at universities in recent years and it takes time for these functions to better embed in the structures of the universities and the academic communities.

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