



The legal status of ombudsman

**Is there a place for Ombudsman in Polish
universities?**

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OMBUDSMAN OF THE UNIVERSITY OF WARSAW**

U N I W E R S Y T E T

Ombudsmen in Polish Universities:

- University of Warsaw
 - Founded in 1816
 - Consists of around 55.000 students, 8.000 employees
 - Encompasses 20 faculties and over 20 research units.

- Nicolaus Copernicus University in Toruń
 - One of the largest Universities in Poland
 - Consists of around 30.000 students, 4.300 employees
 - Encompasses 17 faculties, including 3 medical faculties.



The legal status of Ombudsman:

*Ordinance no. 30 of the Rector of the University of Warsaw
of 16th of August 2011 on the appointment of the
ombudsman in the University of Warsaw*

*Ordinance no. 137 of the Rector of the Nicolaus Copernicus
University of 27th of September 2013 on the
appointment of the ombudsman in the Nicolaus
Copernicus University*

Pursuant to the statute of the university, giving Rector the right to independently settle all the matters connected with the university life.

Professional subordination

- Ombudsman is appointed by the Rector for four year cadency
- Ombudsman reports to the Rector for administrative and budgetary purposes (annual report).

The competences of Ombudsman:

- Promoting **high ethical standards** and **methods of alternative dispute resolution**;
- Assisting in **conflict resolution**;
- Supporting individuals and organizational units of the University in **problem resolution**;
- **Identifying sources of problems**, which hinder the proper functioning of the University;
- **Informing and advising Rector with respect to changes**, which aim to improve the functioning of the university

Initiating ombudsman activity

Ombudsman initiates the procedure upon:

- **request of the member of academic community:** student, PhD student, employee;
- **motion of Students' (or PhD students') Union bodies;**
- **motion of Rector;**
- **motion of University organizational unit;**

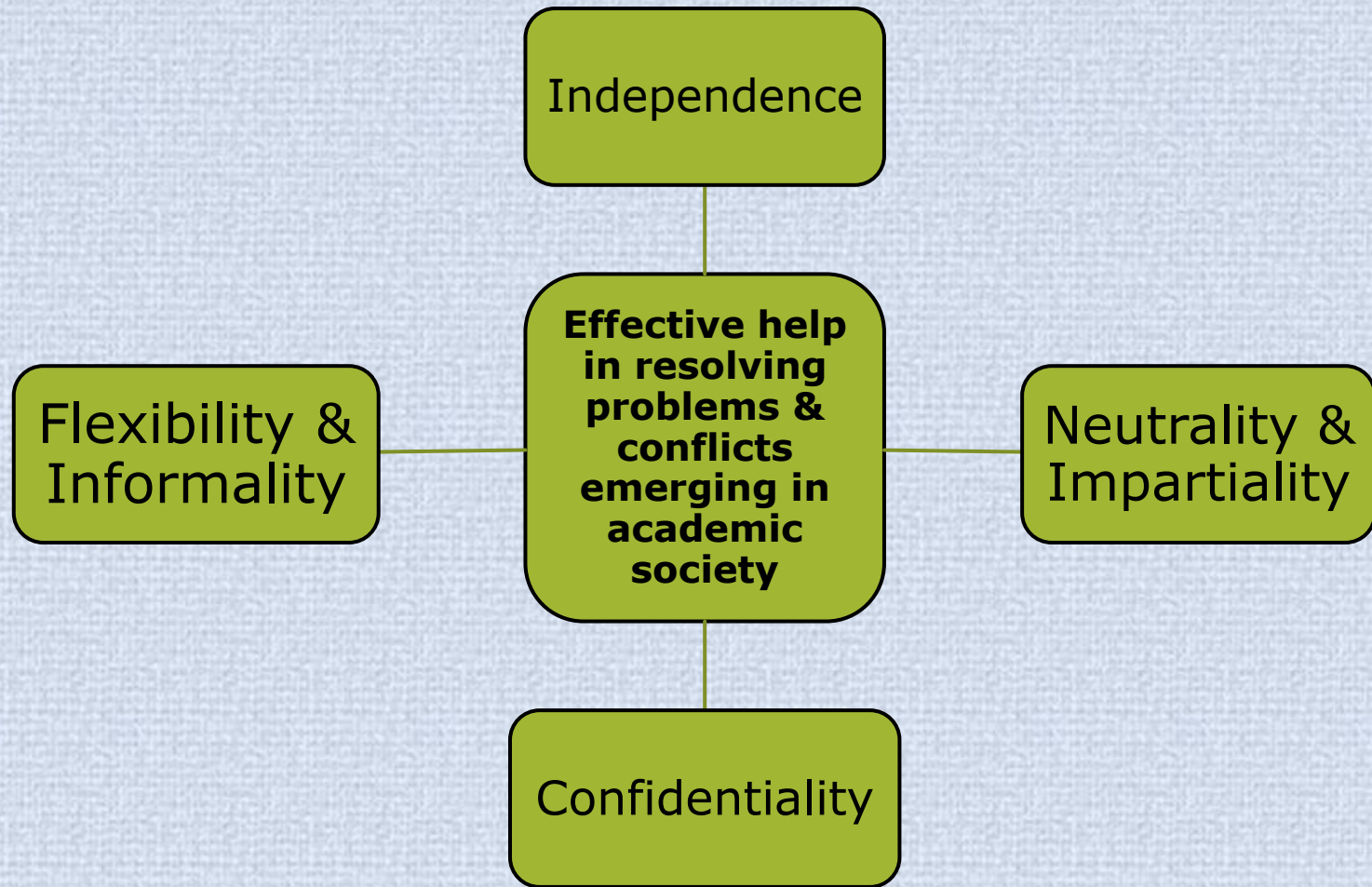
Ombudsman may act upon his/her own initiative.

Ombudsman's assistance

- ❖ **Helping to analyze the problem** and **generate options of solutions.**
- ❖ **Assisting in conflict resolution:** diagnosing the problem and determining its resolution
- ❖ **Mediating** in conflict situation
- ❖ **Providing proper information** on procedures and legal regulations applicable in particular case
- ❖ **Assisting in obtaining information and solving the case.**

If the inquiry is not within the range of Ombudsman's competences, s/he **directs the interested person to a proper institution** responsible for dealing with such case.

Standards of practice



Main idea of ombudsman's work

The ombudsman is neither an advocate for any individual nor the organization, but rather is an advocate for fairness, who acts as a source of information and referral and aids in answering individual's questions and assists in the resolution of concerns and critical situations.

Source: Generic Academic Ombudsman Position Description IOA

Ombudsman paradox

- An Ombudsman, who bases his/her work on independence, self-reliance, impartiality and confidentiality, is at the same time a regular university employee, dependent on the administrative structure and university budget.
- Regulation, according to which establishing of this position [ombudsman post] and appointing particular person for the post depends only on the will of the Rector, may strongly diminish ombudsman's independence and impartiality .

Available legal ways to establish the post of the ombudsman

- Ordinance of the Rector
- Resolution adopted by the Senate
- Statute of the University

- Act of state law

Based on the research data collected by Tomasz Brzezicki and Bartłomiej Chludziński from the University of Mikołaj Kopernik in Toruń with the cooperation of Anna Cybulko from the University of Warsaw.

Different methods to appoint Ombudsman – pros and cons

- Decision made by:
 - Rector
 - Senate
 - other collegial body of the University
 - students unions
- Mixed methods:
 - combined decisions of two or more organs (motion + acceptance/decision),
 - obligatory consultations of binding or non-binding character.
 - acceptance post factum/vote of confidence

Based on the research data collected by Tomasz Brzezicki and Bartłomiej Chludziński from the University of Mikołaj Kopernik in Toruń with the cooperation of Anna Cybulko from the University of Warsaw.

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