

Dealing with instances of discriminatory conduct

If there is a suspicion of discriminatory conduct taking place in the community of Adam Mickiewicz University in Poznań, authorised persons report this to the Ombudsman for Academic Rights and Freedoms, who initiates an investigation.

A complaint may be submitted directly to a relevant consultant, who notifies the Ombudsman and agrees how to proceed with the Ombudsman. A complaint submitted directly to the Ombudsman may be referred for an opinion by a consultant assigned by the Ombudsman, if appointed, as part of the investigation.

An investigation concludes with:

- 1) the complaint being referred to the Anti-discrimination Committee,
- 2) the complaint being sent for mediation,
- 3) the Ombudsman's decision not to proceed with the case.

The Ombudsman is obliged to notify the Rector and the complainant of the completion of the investigation, and the Ombudsman's decision not to proceed with the case is presented together with a justification. If a complaint is referred to the Committee, the Ombudsman notifies the complainant, the person whose conduct is being questioned and the person aggrieved of the action to be taken.

When a case is referred to the Committee, the Ombudsman appoints an adjudication panel from among the members of the Committee to deal with the case, with the Ombudsman as President of the panel. After examining the case, the Committee initiates the process and sets the date for a hearing or refers the case for mediation.

The adjudicating panel hears:

- 1) the complainant (if he or she so wishes);
- 2) the aggrieved person (if other than the complainant);
- 3) the person whose conduct is the subject of the process;

4) witnesses.

The person being heard should be allowed to speak freely within the limits set by the purpose of the activity in question, and may be later questioned to supplement, clarify or verify his or her statements and evidence. Leading questions are prohibited. Minutes of the hearing should be drawn up and signed by the President of the panel and the Minutes Officer.

The aggrieved person and the person whose conduct is the subject of the investigation have the right to:

- 1) give explanations;
- 2) refuse to give explanations;
- 3) refuse to answer individual questions;
- 4) be assisted by a selected consultant, if justified by the nature of the case;
- 5) be heard in the presence of a consultant of his or her choice;
- 6) make requests for evidence.

The adjudicating panel issues an opinion on:

- 1) finding a violation of the principle of equal treatment and discrimination and referring the case to the Rector with a request to initiate disciplinary proceedings (in the case of academic staff);
- 2) finding a violation of the principle of equal treatment and discrimination, together with a possible recommendation to terminate the employment contract due to the employee's gross breach of fundamental employment obligations, terminate the employment contract by notice, or impose a disciplinary penalty (in the case of non-academic staff);
- 3) finding the absence of grounds to justify the claim that the principle of equal treatment and non-discrimination has been violated.

Meetings of the Committee are held in camera.

Mediation

The Ombudsman, as part of the investigation and with the consent of the aggrieved person and the person whose conduct is the subject of the process, may refer the case for mediation. Mediation is conducted by an academic with experience in mediation, or by an external mediator designated by the Ombudsman in consultation with the Rector. The aggrieved person and the person whose conduct is the subject of the process both consent to the designated mediator.

The mediation process takes place with the participation of the aggrieved person and the person whose conduct is the subject of the process, the Ombudsman and other persons designated by the participants in the process, in particular consultants. Persons entitled to participate in the mediation are determined by the Ombudsman in consultation with the aggrieved person and the person whose conduct is the subject of the process.

Mediation ends with the conclusion of a settlement. The mediator is obliged to prepare a report on the mediation and submit it to the Rector. If no settlement can be reached, the Ombudsman refers the case to the Committee.