

Mobbing and Harassment at Universities and Research Institutes

Introduction

In the preamble to the Act on Higher Education and Science (consolidated text, Journal of Laws 2024, item 1571, as amended – hereinafter: HEA), the particular mission of universities and research institutes is emphasized, namely the co-shaping of moral standards applicable in public life. At first glance, this mission appears to be directed outward – towards those outside the academic environment. Nothing could be further from the truth. The process of implementing and promoting ethical principles must begin within the academy itself – within the community of scholars who cultivate righteous ideals and non-negotiable values, embodying the continuous pursuit of truth, the expansion of knowledge, and its dissemination. It is desirable to perceive this community through the prism of its social mission and the significant role of science. Unfortunately, this image remains an unattainable ideal, as evidenced by the increasingly publicized problem of violence within academic environments.

In recent years, the phenomena of mobbing and violence within the academic community have become the subject of research, revealing an alarming scale of problems in this area (see, for example, the report prepared by researchers from SWPS University in Poznań (2024) in connection with a task funded by the Ministry of Science and Higher Education under agreement No. MNiSW/2024/DAP/308 titled “Analysis of Research on Mental Health and Quality of Life in Academic Environments”). These studies indicate the need for a series of legislative, advisory, and awareness-raising measures aimed at addressing the mental health crisis in academia caused by difficult working conditions and violent behaviors.

The Concept of Violence – Mobbing and Harassment

The definition of mobbing is provided in Article 943 § 2 of the Labor Code of June 26, 1974 (consolidated text, Journal of Laws 2023, item 1465, as amended – hereinafter: LC). According to this provision, mobbing refers to actions or behaviors directed at or concerning an employee that involve persistent and long-term harassment or intimidation, resulting in a lowered assessment of professional competence, with the aim of humiliating, ridiculing, isolating, or excluding the employee from the team of colleagues.

Harassment, including sexual harassment – under labor law provisions – constitutes a form of discrimination. Harassment is any unwanted behavior whose purpose or effect is to violate the dignity of an employee and create an intimidating, hostile, humiliating,

degrading, or offensive atmosphere (Art. 183a § 5 point 2 LC). Sexual harassment is discrimination based on gender and includes any unwanted sexual behavior or conduct related to an employee's gender, whose purpose or effect is to violate the employee's dignity, in particular creating an intimidating, hostile, humiliating, degrading, or offensive atmosphere; such behavior may include physical, verbal, or non-verbal elements.

It is important to distinguish mobbing from other phenomena, both those that produce legal consequences but are not considered mobbing, and those that are pathological but do not trigger legal effects. Examples of the first category include sexual harassment, discrimination, and physical violence. The second category includes phenomena such as workplace discomfort related to burnout syndrome, justified workplace criticism, workplace stress, inappropriate employer behavior, workplace conflicts, isolated acts of psychological violence, and managerial mistreatment (Court of Appeal in Warsaw ruling of November 17, 2022, III APa 58/19). Therefore, it is essential that the assessment of whether mobbing has occurred is based on objectively existing criteria rather than solely on subjective perception.

“Academic” Mobbing

It should be remembered that mobbing is a labor-law concept, and therefore, as a rule, it does not apply to students or doctoral candidates, who are not employees of the administrative entity that is the university or institute (see the decision of the Voivodeship Administrative Court in Lublin of December 30, 2020, III SA/Lu 1184/20, LEX no. 3105847).

Of course, this does not mean that violent behavior cannot occur towards doctoral candidates or students. In such cases, there may be violations of personal rights, behaviors that qualify as disciplinary offenses, or, in extreme situations, even criminal acts. Clearly, universities and research institutes may also extend the scope of their anti-mobbing and anti-discrimination procedures and policies to all groups forming the academic community and correspondingly adapt the definitions of violence contained therein. For this reason, “mobbing” in academic environments should be understood more broadly, taking into account the specific functioning of this community. “Academic mobbing” can therefore be understood as the use of physical, verbal, or non-verbal violence against any member of the academic community of a given institution. This encompasses not only behaviors legally categorized as mobbing or harassment, but also those that cannot be reconciled with academic customs and ethical principles.

The basis of this phenomenon lies in the specific, hierarchical structure of the higher education system, which relies on the functional or scientific superiority of one

individual over another, e.g., a dean over an employee, a supervisor over a doctoral candidate or student, and in the strongly intertwined professional and personal relationships. “Academic mobbing” also includes a range of behaviors related to violations of academic ethics that manifest in activities strictly connected with scientific or student governance work (violence in the context of publications and grants – e.g., coercion to include supervisors in publications, blocking publications, presentations, or grant projects, or unjustified omission in the allocation of research funding). Clearly, each instance of “academic mobbing” may be classified differently under legal frameworks, allowing for the use of appropriate legal remedies.

Thus, legal remedies available to a person victimized by violence from another member of the academic community may be pursued through internal procedures as well as by engaging external institutions or entities. Responsibility at the internal level is generally disciplinary, as provided under the HEA, and is enforced through internal anti-mobbing procedures. However, it can be noted that both pathways often face similar shortcomings, namely limited effectiveness of these solutions and caution in their application. In many cases, these procedures take the form of a kind of “peer review court” conducted by individuals within the same academic environment. Sometimes even rules and mechanisms designed to ensure impartiality and independence may prove insufficient.

Moreover, when a problem is reported by a hierarchically subordinate person in a weaker position against their superior, to institutional bodies or individuals who maintain collegial or dependent relationships with that superior, numerous doubts and fears arise. Among victims, the fear of “reprisals” continues to be observed – particularly fear of blocked academic or professional advancement, denial of research funding, or other negative consequences.

Conclusion

Currently, the issue of violence in academic environments is highlighted not only through identifying cases of such behaviors and making them public but also through actions aimed at raising awareness and preventing these phenomena. This can create a “watching” effect, resulting in increased ostracism and stigmatization of violent behaviors. Nevertheless, effective prevention of mobbing, discrimination, and other unwanted behaviors requires a clear and collective “no” from the entire academic community – not just formally “on paper.” This “no” can be manifested in the conscious and actual exercise of rights, both by individual members and by representatives of all community groups, which often requires mutual support and courage – understood not as entitlement, but as readiness and determination to solve problems rather than sweep them under the rug or resort to toxic conformity.

Dr. Barbara Pietrzyk-Tobiasz

