

# The role of student government in effectively resolving disputes within a university or institute

## Introduction

Student governments – whether representing students or doctoral candidates – play a unique and very important role in the life of the Academic Community. They often have a decisive influence on the day-to-day functioning of universities or institutes. In their activities they frequently affect development processes, personnel matters, and even decisions of a strategic nature. It should therefore be stated that student governments enjoy strong agency, which is often crucial for the well-being of the students and doctoral candidates they represent. There is also no doubt that contemporary student governments are able to make very good use of these circumstances.

The most important indicator of the quality of student governments' functioning is their effectiveness in achieving the goals of the student or doctoral community. This effectiveness is fundamentally influenced by two main characteristics of student governments – **their actual position within the Academic Community** of a given university or institute, and **the rights and privileges** vested in them under the Law on Higher Education and Science as well as the internal legal acts of the given institution. An indirect factor supporting the effectiveness of student governments are the evaluation processes carried out by the Polish Accreditation Committee and the Science Evaluation Committee, within which one of the components of assessment is the consideration of the opinions of students or doctoral candidates in development processes. This circumstance strongly motivates individual units to cooperate with student or doctoral governments.

In light of the above, it becomes evident that one of the areas of student government activity is resolving various types of disputes – as well as preventing them through carefully conducted consultation and negotiation processes. Before this issue is discussed, it is worth answering the question – what exactly is a student government or a doctoral candidates' government?

## Student government and doctoral candidates' government

The Act of 20 July 2018 on Higher Education and Science stipulates that the student government and the doctoral candidates' government are formed respectively by students at a university and by doctoral candidates at an entity running a doctoral school. The government is the sole representative of all students or doctoral candidates



of the institution. The government operates through its bodies – the chairperson and the legislative body – and its organization and mode of operation are defined by the government's statutes. What is important is that the influence of institutional authorities on the decisions of student governments is limited solely to the ability to annul acts that are inconsistent with generally applicable law or with selected internal legal acts. It should therefore be emphasized that student governments enjoy very broad autonomy in their activities.

Unfortunately, these legal provisions are often reduced to the statement that “under the Act, every student/doctoral candidate is a member of the student government”. This is a considerable simplification of the idea of academic self-governance, which concerns something much more substantial. Above all, it should be highlighted that the functioning of the government together with its bodies and statutes is a way of organizing the representation of what is often a many-thousand-member community of students or doctoral candidates. Put simply – students or doctoral candidates agree upon certain principles of cooperation, which they define independently in their governments' statutes. They select from among themselves representatives who hold the exclusive right to represent their community at various levels. Importantly – the fact that all students or doctoral candidates constitute their governments means that the government cannot be treated as a separate organization, an institution, or a “lonely island”. The government is the community of all students or doctoral candidates; therefore, its members also include the members of academic societies, academic organizations, and individual students or doctoral candidates who do not undertake additional activities. Thus, the government represents not only a narrow group of organizationally involved individuals but the entire community – including the interests of individual students or doctoral candidates and their organizations.

In light of the above, one of the key tasks of student governments is also preventing and resolving disputes, particularly in response to the needs reported by students and doctoral candidates.

## **Powers of student governments**

Which areas of activity of student governments in this regard are guaranteed by law? Among the many competences and rights of student governments, the following should be indicated as related to preventing and resolving disputes.

- 1. the right to agree on the study regulations / the regulations of the doctoral school** – which guarantees the possibility of co-deciding on the rules governing the educational process, as well as on the resolution of dispute situations. By agreeing on the content of the regulations, student governments may, for example, create favourable conditions for obtaining credits and retaking them, for the individualization of the educational process, or for the graduation process – and in this way reduce the risk of the emergence of contentious or conflict-



prone situations. It is also very important to pay attention to the ways in which student matters are resolved – appeal procedures, the rules for submitting complaints and motions, and similar issues. Their proper regulation in the study regulations or the doctoral school regulations can make the resolution of matters a transparent process that does not cause disputes or conflicts.

2. **the right to agree on persons holding managerial positions** – the appointment of persons holding managerial functions whose competences include student or doctoral candidates' affairs requires agreement with the student government – this concerns, for example, vice-rectors for education, vice-rectors for research, relevant vice-deans, or heads of doctoral schools. When making such an agreement, student governments should primarily be guided by the perspective of future cooperation – agreeing on an appropriate person who will be responsible for student or doctoral matters may significantly facilitate the resolution of all such matters through their involvement in the future.
3. **the right to give opinions on the study programme / the education programme in the doctoral school** – this is a matter seemingly unrelated to conflicts, and yet when reviewing programmes it is worth paying attention, for example, to the rules for obtaining course credits. Especially when course descriptions or syllabi are reviewed together with the programme – it is worth ensuring that the rules for passing courses described in them are formulated in a very precise and detailed way, which helps avoid misunderstandings. Another common problem for first-year students are difficulties in completing so-called obligatory courses – when reviewing programmes, student governments should verify whether the requirements for obligatory courses are truly justified.
4. **the right to give opinions on the criteria for periodic evaluation of particular groups of employees** – while giving such opinions, it is worth checking whether the periodic evaluation takes into account the opinions of students or doctoral candidates – for example, expressed in the course of survey processes. There is no doubt that employees whose evaluation is also based on the opinions of students or doctoral candidates will be better motivated to maintain good relations with them, appropriate to the academic community.
5. **participation in electoral processes** – student governments, through their membership in senates and electoral colleges, have guaranteed significant influence on electoral processes and decisions made within universities. Often electoral decisions, including the decision to choose University Authorities, are crucial for the atmosphere and well-being of the Academic Community – therefore student governments should actively participate in electoral and



decision-making processes, supporting solutions that will positively influence their functioning within universities.

6. **membership in disciplinary committees** – when a contentious situation escalates to the level of a conflict, it often reaches its final stage in a disciplinary committee. In disciplinary committees that adjudicate cases involving students or doctoral candidates, representatives of student governments sit as members – whose role is often crucial for defending the perspective of their colleagues before the committee members representing the remaining groups of the Academic Community. Therefore, it is very important to take a responsible approach when appointing representatives of students and doctoral candidates to the composition of such committees – so that these are persons ready to independently support students and doctoral candidates in their disciplinary cases.

### Diplomatic activity

It should be emphasized that in resolving contentious and conflictual situations, what plays a key role is “diplomatic” activity conducted both on an informal and a formalized level. In this area, student governments painstakingly build achievements passed from generation to generation, which can be very easily undone.

It is very important that the student government consciously and consistently builds its positive image within the university or institute—at all levels, from departments and institutes, through faculties, up to the general level. Maintaining permanent, positive relations with representatives of the authorities and administration is crucial.

The student government should shape its brand and define its goals prudently—especially when making the decision whether its role is to defend everyone regardless of the offenses committed, or rather to pursue high quality and, at the same time, to openly condemn unethical behaviors occurring within the community. It appears that the role of the student government should be to build a positive image of the represented community; therefore, intervening, for example, in cases of dishonest accusations or ethical violations—such as cheating or plagiarism—does not support building respect for student government members. However, in the opposite case—when the student government supports pro-quality decisions and represents an aspiration to improve educational conditions that foster better outcomes for students and doctoral candidates—it results in the systematic building of a good brand for the student government, which in turn facilitates future cooperation.

Student governments with particularly long traditions usually possess a brand developed over many years, which makes it significantly easier for them to act in the matters of students or doctoral candidates—the mere involvement of the student government is often a sufficient argument, requiring no additional, elaborate



justification. However, reaching this level of trust is a very lengthy process—therefore, an important role of the student government is to build its own brand and the trust of the Academic Community in a long-term perspective.

### **The role of the student government in dispute resolution—in practice**

In individual disputes involving students or doctoral candidates (usually with employees of the university or institute), the student government is, in the first instance, the recipient of notifications regarding existing problems. Its role is then to reliably assess the situation and indicate possible ways of resolving it.

The assessment of the case reported by students or doctoral candidates should above all take the form of an in-depth analysis and identification of the actual causes of the problem. It should be supported by constructive reflection and by gaining certainty as to whether the cause of the situation does not lie on the side of the reporting party. Next, it is very important to determine where exactly the source of the problem is and what the specific expectations of the reporting party are regarding potential solutions. When reporting contentious matters, students or doctoral candidates often allow themselves to be carried away by emotions—it is then advisable to set aside the dispute on a personal level and focus on the actual causes and possible solutions.

The next step should be to present to the reporting party the possible solutions—starting from the possibility of resolving the problem independently by the reporting person (together with a proposal for how they should act in practice), through mediation or intervention by the student government, up to the possibility of obtaining support from third-party institutions—for example, the Student Rights Ombudsman or the Doctoral Candidates' Rights Ombudsman of KRD. It is very important that the student government provides reliable information about the specific steps and consequences of each decision taken. The student government should primarily aim to soften the emotional approach to the matter and to de-escalate existing tensions—especially when the case is reported dynamically, immediately after the event.

A very common problem is the fear of the reporting individuals regarding the consequences of making reports—student governments often encounter cases in which students or doctoral candidates fear retaliation from the individuals whom the report concerns. Therefore, it is very important to intervene only in a thoroughly understood and justified case—then, if “revenge” does occur, further protection of the wronged party is possible, and such an act itself should be unequivocally assessed as violating the dignity of a member of the Academic Community.

In situations in which the student government decides to personally engage in resolving a dispute, it should first undertake actions of a diplomatic or mediatory nature. Usually, at the initial stage of action, it is not advisable to resort to the strongest formal measures—sometimes a simple conversation with the appropriate persons can resolve



many matters. It is therefore useful to have good knowledge of the university or institute community and to accurately assess who in a given situation may be an appropriate ally and mediator. This too is an issue that requires many years of building the position and awareness of the student government within the university or institute.

Only the ineffectiveness of amicable actions should lead to the formalization of the dispute and to the use of formal, regulatory paths for resolving contentious and conflictual situations—one must then remember to construct motions and arguments carefully and substantively, so that they cannot be undermined.

### **Situations requiring particular caution**

Student governments, as bodies elected from within and by the represented community of students or doctoral candidates, often enjoy greater trust from students or doctoral candidates than the authorities and representatives of universities and institutes. Therefore, in situations involving severe ethical violations, they may become the key recipients of the first contact. It must be remembered that resolving matters of a particularly difficult nature requires proper preparation and appropriate discretion. Student governments should prepare in advance to provide support in such situations—knowing how to act and where to seek assistance. What is crucial, however, is acting in agreement with, and with the consent of, the reporting person—so as not to violate their sense of safety, trust, and above all, their free will. In such matters it is even more important to thoroughly present possible solutions and, for example, to propose contact with other individuals who may have better preparation and competencies to provide support.

Unfortunately, over the years the dissemination of disputes in the public sphere—whether in social media or in traditional media—has also become increasingly common. Such actions significantly hinder or prevent amicable resolution of the situation and often lead to a long-term and multi-layered conflict. Therefore, maintaining vigilance and sensitivity in this area is very important—and from the perspective of the student government, it is essential to resist the temptation to resolve matters publicly, which often could be resolved within the framework of ordinary collaborative culture.

### **Summary**

Student and doctoral candidate governments possess a range of formal and informal competencies, as well as practical circumstances, which result in their significant role in resolving disputes within universities and institutes. The role of the student government is, first and foremost, connected to prevention and to creating conditions in which the likelihood of a dispute arising is minimized. However, when a dispute does occur, it is very important to have an appropriate image-related and diplomatic foundation that allows the situation to be resolved prudently. In cooperation with the



individuals being supported, it is important to conduct a detailed assessment of the problem and to constructively propose solutions at multiple levels, as well as to limit the personal dimension of disputes. In exceptional situations student governments must demonstrate exceptional caution and an awareness of the consequences of their own actions. Nevertheless, despite all of the above, there is no doubt that student governments can be very effective partners and can prevent and resolve various disputes and conflicts occurring in universities or institutes.

*mgr inż. Michał Klimczyk*

*Fundacja Virtus Moralis*

