Introduction

On March 31, 1998, the Senate Committee on Committees and Rules established the position of University Ombudsperson and defined its duties:

“The University Ombudsman shall coordinate the training of all college and campus ombudsmen; shall provide for the appropriate dissemination of information among the various college and campus ombudsmen; and shall be the university-level contact for the various college and campus ombudsmen. The University Ombudsman shall report periodically to the Senate Council and shall maintain liaison with the Office of the University Provost, the Office of Human Resources and the Senate Office. The University Ombudsman shall have no appeal function.” Standing Rules, Article III, Section 9.

This report is submitted to Senate Council as part of the discharge of these duties. Information about previous ombudsperson workshops, reports, and names and contact information of college and campus ombudspersons may be found at http://www.senate.psu.edu/ombudsman/ombuds.asp.

In order to assess the Ombudsperson’s activities at Penn State’s various locations, a survey was distributed to all unit ombudspersons in April 2014. The following report summarizes the activities of Penn State’s Ombudspersons.

It is the purpose of this report to convey to Senate Council how well the Ombudsperson process is working at Penn State and what challenges should be addressed. An additional objective is to inform newly elected Ombudspersons about the range of questions and problems that have been brought to Ombudspersons and provide a venue by which more experienced Ombudspersons can inform their less experienced colleagues.

Note: The Senate Committee on Committees and Rules voted on October 6, 2009, to change the term Ombudsman to Ombudsperson after reviewing the use of the term by the Association of American Universities (AAU) and the Committee on Institutional Cooperation (CIC/Big Ten). The University Faculty Senate voted on January 28, 2014 to change the name of University Ombudsperson to University Faculty Ombudsperson based on recommendations by University Faculty Ombudsperson, Deborah F. Atwater.

Survey Questions and Responses by Ombudspersons:

There was a 74.6 % response rate to the survey; 50 out of 67 ombudspersons and alternates responded to the survey.

1. How long have you served as your unit’s Ombudsperson or alternate?

Six have served less than one year, twenty-seven have served one to three years, eight have served four to six years, three have served seven to nine years, five have served ten to fifteen years, and one has served over fifteen years.
2. How many cases have you been asked to help resolve in the past year?

During the 2013-2014 year, ombudspersons handled 57 cases. This represents an increase of 9.6% from the 52 cases reported in 2012-2013.

3. For each case, what were the key issue(s)? (e.g., lack of communication, promotion and tenure, harassment, incivility, performance review, etc.)

The issues raised in the 2013-2014 year are ranked by frequency as follows:

- Lack of communication (16)
- Promotion and Tenure Procedures (10)
- Incivility (8)
- Performance reviews (7)
- Bullying (4)
- Harassment (3)
- Elimination of position (3)
- Workload (2)
- Contract issues/ Denial of Sabbatical
- Lack of knowledge of policies
- In appropriate use of power
- Qualifications/requirements for position
- Poor mentoring of junior faculty

4. What was the position of the person against whom the complaint was lodged? (e.g., staff, faculty, administrator, if other, explain)

In response to this question the following were mentioned: Administrator/ Chancellor/ Dean (17), Faculty (14), Department head (12), Staff (1), Human Resource Representative (1). Not all ombudspersons responded to this question.

5. What steps were taken to resolve the issue?

Generally, issues were resolved by the Ombudsperson through facilitating communication between the parties, gathering information on the question at hand and informing the person about University policies and procedures. Also the empowerment of the faculty, through conversations with the Ombudsperson, who provided explanation of options, or provided correct interpretation of University policies, led in some cases to the resolution of the problem by the faculty members on their own.

- Advice and Consultation with General Counsel
- Discussion between parties
- Discussion with administrator
- Discussion with Human Resource representatives
- Legal action against the University
- University Ombudsperson provided information on university policies
6. How many of the cases were resolved at the Ombudsperson level?

During 2013-2014, 42 of the 57 cases (73.6%) were resolved at the ombudsperson level. Remaining cases either taken to FR&R, not pursued, or are still being worked on.

7. How many cases were referred to the Senate Committee on Faculty Rights and Responsibilities or other offices? (e.g. Affirmative Action, Human Resources, etc.)

During 2013-2014, 6 cases were recommended or referred to FR&R. The actual number filed may be different. Three were referred to Human Resources.

8. In your role as a college/campus Ombudsperson, did any issues concerning the Ombudsperson process arise which should be addressed by the University Faculty Senate? If so, explain.

The following are comments received from responding ombudspersons.

Lack of real “authority” to compel a meeting with Division Head, etc.
Budget for Ombuds Lunches when working on a case
Need to be a part of early conversations, going to Ombuds too late
Personal liability exposure but resolved by university lawyers

9. Are there suggestions you would like to make that could be useful to another ombudsperson, especially a new one?

Following are some of the responses received in this year’s survey:

Attend Ombuds Orientation meeting at University Park
Inform Alternate Ombuds regarding a case even if not involved
Maintain Confidentiality
Know AD Guides and where to find them
Roleplaying is a good idea
University Ombudsperson can be helpful
Training session useful/ Better training needed
Focus training session on what ombuds can do
Be active in campus activities
Understand HR 76-Faculty Rights & Responsibilities
Send faculty email regarding the existence and duties of Ombuds
Ombuds need more publicity/ Don’t know if faculty are aware of existence
Develop relationships with many departments and people
You have no power/authority Need to be able to resolve problems
Listen to both sides before reaching any conclusions, hard to do but remain neutral
Conclusions:

1. Some units are still not aware of the Ombudsperson’s position and duties.
2. Communication problems still exist.
3. With a few exceptions the Ombudsperson process at Penn State appears to be working as intended.

Recommendations:

1. Reaffirm the obligation of administrators, at all levels, to adhere to University policies, in particular to the maintenance of confidentiality, in all matters concerning faculty disputes.
2. Explore means by which newly elected Ombudspersons can interact with more experienced Ombudspersons on an annual basis.
3. Educate the University at large (administration, faculty, HR staff) about Penn State’s procedures to resolve conflicts, including the Ombudsperson process.
4. Continue to update University Faculty Ombudsperson Guide Book.
5. Consider electing the University Faculty Ombudsperson to serve as Ombudsperson – Elect for a year followed by a term of office for three years.

This could be done:
1. By the Senate Officers during their visits to all Penn State locations and their meetings with administrators and faculty.
2. Through the Provost’s Office at meetings with administrators in charge of faculty.
3. With the ombudsperson(s) representing a College or Academic Unit identified by the Dean/DDA at the new faculty orientation meeting each academic year. A brief statement of his/her role should be given.
4. Legislation by the Faculty Senate regarding the term of office for the University Faculty Ombudsperson.

Submitted by:
Deborah F. Atwater
Emerita Associate Professor of Communication Arts & Sciences and African and African American Studies
Immediate Past University Faculty Ombudsperson
October 7, 2014