

PENNSSTATE



University Faculty Senate

Ombudsperson Orientation

August 21, 2017

<http://senate.psu.edu/faculty/university-faculty-ombudsperson/>



Ombudsperson Orientation
Monday, August 21, 2017 - 10:00 a.m. - 12:00 p.m.
102 Kern Graduate Building

Comments on the Role of the Ombudsperson

Matthew C. Woessner, Chair, University Faculty Senate
Associate Professor of Political Science and Public Policy, Penn State Harrisburg

Overview of the Duties and Responsibilities of Unit Ombudspersons

Pamela Hufnagel, University Faculty Ombudsperson
Retired Assistant Professor of Education, Penn State DuBois

and

Mohamad A. Ansari, University Ombudsperson-Elect
Associate Professor of Mathematics at Penn State Berks.

The Provost's Office and Its Role in Faculty Affairs

Kathleen Bieschke, Vice Provost for Faculty Affairs

The Role of the Affirmative Action Office

Charleon Jeffries, Coordinator, Diversity Education

Perspectives on Ombudsperson Responsibilities from FR&R

Richard Robinett, Chair, Senate Committee on Faculty Rights and Responsibilities
Professor of Physics

The Role of the Office of General Counsel

Katherine Allen, Associate General Counsel

The Role of the Office of Ethics and Compliance

Regis Becker, Director of University Ethics and Compliance and/or
Tim Balliett, University Ethics Officer

The Role of the Office of Human Resources

Margaret McMinn, Employee & Labor Relations, Office of Human Resources

Ombuds Scenarios

Questions and Comments from Attendees


Closing Remarks

Pamela Hufnagel



INTEROFFICE MEMORANDUM

TO: Blannie Bowen

FROM: Stephen S. Dunham 

DATE: February 21, 2013

RE: **Clarification of Ombudsperson Role**

In response to recent questions regarding the role of the ombudsperson in working with faculty, the Office of General Counsel has been asked by the Provost's Office to clarify a few points.

First, with respect to any potential liability issues, ombudspersons are treated no differently from other University employees. As provided in the By-Laws, the University may indemnify its employees for any claim and it has been the practice to do so as long as the claim involves an employee acting in good faith within the scope of his or her employment. This includes faculty members performing their duties as ombudspersons. This is true for both appointed and elected ombudspersons.

With respect to confidentiality issues, the ombudsperson process should be conducted in the most confidential manner possible. However, there may be limited circumstances in which information exchanged or documents and notes created during the process would need to be disclosed during an investigation or litigation. In addition, the ombudsperson may refer matters that are not resolved to appropriate University officials. All participants in the ombudsperson process are expected to communicate in a professional and respectful manner throughout the process.

OMBUDSPERSON ORIENTATION
PENN STATE HUMAN RESOURCES
LABOR AND EMPLOYEE RELATIONS DIVISION

❖ Ombudsperson ~ Resource

- Contact for faculty, not staff
- Communicate In-Person vs. E-mail
- Convey Understanding vs. Agreement
- Identify Facts vs. Feelings
- Identify Remedy Sought
- Define Next Steps
- Ensure Acceptance to Proceed

❖ Human Resources: <http://ohr.psu.edu>

- Workplace Learning and Performance – seminars, workshops
- Health & Wellness – programs, coaching
- Employee Assistance Program – employee & family members
- Employee Assistance Fund – family hardships
- Labor & Employee Relations – advising management, faculty & staff

❖ Human Resource Strategic Partners

- Expertise in Interpreting Policies and Guidelines
- Provide Guidance and Assistance
- Find Common Ground ~ Problem Solve
- Focus on Employee's Physical & Emotional Well-Being
- Assist with Critical Incident Intervention
- Serve as EMPLOYEE RESOURCE!

Susan M. Rutan

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Listening

Listening and Critical Thinking // Four Kinds of Listening

1. *Appreciative listening*- listening for pleasure or enjoyment
2. *Empathic listening*-listening to provide emotional support
3. *Comprehensive listening*-listening to understand the message
4. *Critical listening*-listening to evaluate a message for acceptance or rejection

Four Causes of Poor Listening

1. Not Concentrating
2. Listening Too Hard
3. Jumping to Conclusions
4. Focusing on Delivery and Personal Appearance

How to Become a Better Listener

1. Take Listening Seriously
2. Be an Active Listener
3. Resist Distractions
4. Don't Be Diverted By Appearance or Delivery
5. Suspend Judgment
6. Focus Your Listening
 - A. Listen for Main Points
 - B. Listen for Evidence
 - C. Develop Note-Taking Skills

Lucas, Stephen E. The Art of Public Speaking. Eighth Edition. Boston: McGraw Hill, 2004, pp.57-58.

See also : www.listen.org for additional resources

About Conflict

University of Wisconsin-Madison
Office of Human Resource Development

<http://www.ohrd.wisc.edu/onlinetraining/resolution/aboutwhatisit.htm#the>

Excerpts from About Conflict

We define conflict as a disagreement through which the parties involved perceive a threat to their needs, interests or concerns. Within this simple definition there are several important understandings that emerge:

Perceived threat - People respond to the perceived threat, rather than the true threat, facing them. Thus, while perception doesn't become reality per se, people's behaviors, feelings and ongoing responses become modified by that evolving sense of the threat they confront. If we can work to understand the true threat (issues) and develop strategies (solutions) that manage it (agreement), we are acting constructively to manage the conflict.

Needs, interests or concerns - There is a tendency to narrowly define "the problem" as one of substance, task, and near-term viability. However, workplace conflicts tend to be far more complex than that, for they involve ongoing relationships with complex, emotional components. Simply stated, there are always procedural needs and psychological needs to be addressed within the conflict, in addition to the substantive needs that are generally presented. And the durability of the interests and concerns of the parties transcends the immediate presenting situation. Any efforts to resolve conflicts effectively must take these points into account.

A few points are worth reiterating before proceeding:

A conflict is more than a mere disagreement -it is a situation in which people perceive a threat (physical, emotional, power, status, etc.) to their well-being. As such, it is a meaningful experience in people's lives, not to be shrugged off by a mere, "it will pass..." Participants in conflicts tend to respond on the basis of their perceptions of the situation, rather than an objective review of it. As such, people filter their perceptions (and reactions) through their values, culture, beliefs, information, experience, gender, and other variables. Conflict responses are both filled with ideas and feelings that can be very strong and powerful guides to our sense of possible solutions. As in any problem, conflicts contain substantive, procedural, and psychological dimensions to be negotiated. In order to best understand the threat perceived by those engaged in a conflict, we need to consider all of these dimensions.

Conflicts are normal experiences within the work environment. They are also, to a large degree, predictable and expectable situations that naturally arise as we go about managing complex and stressful projects in which we are significantly invested. As such, if we develop procedures for identifying conflicts likely to arise, as well as systems

through which we can constructively manage conflicts, we may be able to discover new opportunities to transform conflict into a productive learning experience.

Creative problem-solving strategies are essential to positive approaches to conflict management. We need to transform the situation from one in which it is 'my way or the highway' into one in which we entertain new possibilities that have been otherwise elusive.

Conflict Styles and Their Consequences

Conflict is often best understood by examining the consequences of various behaviors at moments in time. These behaviors are usefully categorized according to conflict styles. Each style is a way to meet one's needs in a dispute but may impact other people in different ways.

Competing is a style in which one's own needs are advocated over the needs of others. It relies on an aggressive style of communication, low regard for future relationships, and the exercise of coercive power. Those using a competitive style tend to seek control over a discussion, in both substance and ground rules. They fear that loss of such control will result in solutions that fail to meet their needs. Competing tends to result in responses that increase the level of threat.

Accommodating, also known as smoothing, is the opposite of competing. Persons using this style yield their needs to those of others, trying to be diplomatic. They tend to allow the needs of the group to overwhelm their own, which may not ever be stated, as preserving the relationship is seen as most important.

Avoiding is a common response to the negative perception of conflict. "Perhaps if we don't bring it up, it will blow over," we say to ourselves. But, generally, all that happens is that feelings get pent up, views go unexpressed, and the conflict festers until it becomes too big to ignore. Like a cancer that may well have been cured if treated early, the conflict grows and spreads until it kills the relationship. Because needs and concerns go unexpressed, people are often confused, wondering what went wrong in a relationship.

Compromising is an approach to conflict in which people gain and give in a series of tradeoffs. While satisfactory, compromise is generally not satisfying. We each remain shaped by our individual perceptions of our needs and don't necessarily understand the other side very well. We often retain a lack of trust and avoid risk-taking involved in more collaborative behaviors.

Collaborating is the pooling of individual needs and goals toward a common goal. Often called "win-win problem-solving," collaboration requires assertive communication and cooperation in order to achieve a better solution than either individual could have achieved alone. It offers the chance for consensus, the integration of needs, and the potential to exceed the "budget of possibilities" that previously limited our views of the conflict. It brings new time, energy, and ideas to resolve the dispute meaningfully.

By understanding each style and its consequences, we may normalize the results of our behaviors in various situations. This is not to say, "Thou shalt collaborate" in a moralizing way, but to indicate the expected consequences of each approach: If we use a competing style, we might force the others to accept 'our' solution, but this acceptance may be accompanied by fear and resentment. If we accommodate, the relationship may proceed smoothly, but we may build up frustrations that our needs are going unmet. If we compromise, we may feel OK about the outcome, but still harbor resentments in the future. If we collaborate, we may not gain a better solution than a compromise might have yielded, but we are more likely to feel better about our chances for future understanding and goodwill.

How We Respond to Conflict: Thoughts, Feelings, and Physical Responses¹

In addition to the behavioral responses summarized by the various conflict styles, we have **emotional, cognitive and physical responses** to conflict. These are important windows into our experience during conflict, for they frequently tell us more about what is the true source of threat that we perceive; by understanding our thoughts, feelings and physical responses to conflict, we may get better insights into the best potential solutions to the situation.

Emotional responses: These are the feelings we experience in conflict, ranging from anger and fear to despair and confusion. Emotional responses are often misunderstood, as people tend to believe that others feel the same as they do. Thus, differing emotional responses are confusing and, at times, threatening.

Cognitive responses: These are our ideas and thoughts about a conflict, often present as inner voices or internal observers in the midst of a situation. Through sub-vocalization (i.e., self-talk), we come to understand these cognitive responses. For example, we might think any of the following things in response to another person taking a parking spot just as we are ready to park:

"That jerk! Who does he think he is! What a sense of entitlement!"

or:

"I wonder if he realizes what he has done. He seems lost in his own thoughts. I hope he is okay."

or:

"What am I supposed to do? Now I'm going to be late for my meeting... Should I say something to him? What if he gets mad at me?"

Such differing cognitive responses contribute to emotional and behavioral responses, where self-talk can either promote a positive or negative feedback loop in the situation.

¹ Adapted from Harry Webne-Behrman, *The Practice of Facilitation: Managing Group Process and Solving Problems*, Quorum Books, Greenwood Publishing, 1998, by permission of the author. All rights reserved.

Physical responses: These responses can play an important role in our ability to meet our needs in the conflict. They include heightened stress, bodily tension, increased perspiration, tunnel vision, shallow or accelerated breathing, nausea, and rapid heartbeat. These responses are similar to those we experience in high-anxiety situations, and they may be managed through stress management techniques. Establishing a calmer environment in which emotions can be managed is more likely if the physical response is addressed effectively.

The Role of Perceptions in Conflict

As noted in our basic definition of conflict, we define conflict as a disagreement through which the parties involved perceive a threat to their needs, interests or concerns. One key element of this definition is the idea that each party may have a different perception of any given situation.

We can anticipate having such differences due to a number of factors that create "perceptual filters" that influence our responses to the situation:

Culture, race, and ethnicity²: Our varying cultural backgrounds influence us to hold certain beliefs about the social structure of our world, as well as the role of conflict in that experience. We may have learned to value substantive, procedural and psychological needs differently as a result, thus influencing our willingness to engage in various modes of negotiation and efforts to manage the conflict.

Gender and sexuality³: Men and women often perceive situations somewhat differently, based on both their experiences in the world (which relates to power and privilege, as do race and ethnicity) and socialization patterns that reinforce the importance of relationships vs. task, substance vs. process, immediacy vs. long-term outcomes. As a result, men and women will often approach conflictive situations with differing mindsets about the desired outcomes from the situation, as well as the set of possible solutions that may exist.

Knowledge (general and situational): Parties respond to given conflicts on the basis of the knowledge they may have about the issue at hand. This includes situation-specific knowledge (i.e., "Do I understand what is going on here?") and general knowledge (i.e., "Have I experienced this type of situation before?" or "Have I studied about similar situations before?"). Such information can influence the person's willingness to engage in efforts to manage the conflict, either reinforcing confidence to deal with the dilemma or undermining one's willingness to flexibly consider alternatives.

² Much more can be said about this subject. We have posted an article as an additional resource: "Managing Intercultural Conflicts Effectively," by Stella Ting-Toomey, 1994. <https://www.ohrd.wisc.edu/home/Portals/0/ManagingInterculturalConflicts.pdf>

³ This topic is well addressed in the writings of Professor Deborah Tannen, who has focused extensively on gender differences in communication.

Impressions of the Messenger: If the person sharing the message -the messenger - is perceived to be a threat (powerful, scary, unknown, etc.), this can influence our responses to the overall situation being experienced. For example, if a big scary-looking guy is approaching me rapidly, yelling "Get out of the way!" I may respond differently than if a diminutive, calm person would express the same message to me. As well, if I knew either one of them previously, I might respond differently based upon that prior sense of their credibility: I am more inclined to listen with respect to someone I view as credible than if the message comes from someone who lacks credibility and integrity in my mind.

Previous experiences: Some of us have had profound, significant life experiences that continue to influence our perceptions of current situations. These experiences may have left us fearful, lacking trust, and reluctant to take risks. On the other hand, previous experiences may have left us confident, willing to take chances and experience the unknown. Either way, we must acknowledge the role of previous experiences as elements of our perceptual filter in the current dilemma.

These factors (along with others) conspire to form the perceptual filters through which we experience conflict. As a result, our reactions to the threat and dilemma posed by conflict should be anticipated to include varying understandings of the situation. This also means that we can anticipate that in many conflicts there will be significant misunderstanding of each other's perceptions, needs and feelings. These challenges contribute to our emerging sense, during conflict, that the situation is overwhelming and unsolvable. As such, they become critical sources of potential understanding, insight and possibility.

In addition, consider that our society tends **to reward alternative responses to conflict, rather than negotiation:** People who aggressively pursue their needs, competing rather than collaborating, are often satisfied by others who prefer to accommodate. Managers and leaders are often rewarded for their aggressive, controlling approaches to problems, rather than taking a more compassionate approach to issues that may seem less decisive to the public or their staffs. In other circumstances, those who raise issues and concerns, even respectfully, are quickly perceived to be "problem" clients or staff members... they tend to be avoided and minimized. In any of these approaches, negotiated solutions to conflicts are rarely modeled or held in high esteem.

Finally, we should keep in mind that **negotiation requires profound courage** on the part of all parties: It takes courage to honestly and clearly articulate your needs, and it takes courage to sit down and listen to your adversaries. It takes courage to look at your own role in the dispute, and it takes courage to approach others with a sense of empathy, openness and respect for their perspective. Collaborative approaches to conflict management require us to engage in the moment of dialogue in profound and meaningful ways, so it is understandable if we tend to avoid such situations until the balance of wisdom tips in favor of negotiation.

Ombuds Orientation

Policy on Unit Ombudspersons from HR 76 <http://guru.psu.edu/policies/OHR/hr76.html#D>

CONCILIATION:

Colleges and campuses should have a person or group to serve in the role of ombudsperson. The objective is to enhance communication and clarify possible misunderstandings in situations which involve potential disputes, to advise faculty members and administrators as to appropriate courses of action, and to help settle matters before they become hardened into serious disputes. The individual or group should be selected by procedures approved by a majority of the faculty in the unit.

OMBUDSPERSON:

Selection and Responsibilities of Ombudspersons

A. An Ombudsperson shall be appointed in each of the colleges, campuses and academic units.

For those not associated with an academic unit, or in cases where the appropriate ombudsperson may be in doubt, the following policy shall be applied:

1. Where appropriate, the ombudsperson will be from the same academic unit to which the employee is most closely associated. For example, research associates in the Applied Research Laboratory will have access to the ombudsperson for the College of Engineering.
2. In cases where there is disagreement or doubt as to the appropriate ombudsperson, the Executive Vice President and Provost shall make the determination.
3. In cases where the ombudsperson is in doubt as to his or her jurisdiction, he or she shall ask the Executive Vice President and Provost for a determination.

B. The Dean, Chancellor, or other appropriate campus official and the faculty shall jointly develop selection procedures for the ombudsperson. Normally, the role of ombudsperson will be performed by a single person, with a designated alternate. In unusual circumstances, a group of not more than three persons may be selected. No one who is a member of the Committee on Faculty Rights and Responsibilities shall serve as ombudsperson.

C. Functions for the ombudsperson are:

1. Clarification of misunderstandings;
2. Advising faculty and administrators as to appropriate courses of action;
3. Assisting in the informal resolution of differences;
4. Assuring that appropriate department, college and/or campus procedures are exhausted before referring the case to higher levels;

5. Informing the Office of the Executive Vice President and Provost and appropriate college or campus officials if a matter cannot be resolved at the lower level and the case is to be referred to the Committee on Faculty Rights and Responsibilities.
6. The ombudsperson shall not:
 - Hold hearings;
 - Exceed the role of conciliator and advisor;
 - Substitute his or her judgment for that of appropriate administrative and/or faculty bodies;
 - Serve as counsel for either party to a complaint before the Hearing Board.

Who do you help?

- Your duties as a faculty ombuds are to faculty, which may include some administrators. You do not have duties to staff, students, alumni, students' parents, or anyone other than faculty. [Exceptions: Ombuds appointed to serve other groups, e.g., College of Medicine student ombuds.]
- The majority of the work is done at the unit level. This is a good idea for several reasons.
 - Face-to-face meetings are better than phone or email. Given the structure of Penn State, it is simply more feasible to have face-to-face meetings with someone in your own unit.
 - There may be somewhat different expectations for faculty in different units. As a member of your unit, you may be in a better position to understand a colleague's situation than someone outside your unit would be.
 - You may consult with the University Faculty Ombudsperson as you think through how to advise colleagues who consult you.

What kinds of help to colleagues often want?

- Communication problems or differences
- Incivility/bullying/harassment
- Workload issues...and more
- Information about policies and procedures

What principles should guide our practice? Refer to IOA documents (linked below).

- Independence
- Neutrality and Impartiality
- Confidentiality
- Informality
- Ombudsman Association documents:
 - IOA Code of Ethics: http://www.ombudsassociation.org/IOA_Main/media/SiteFiles/Code_Ethics_1-07.pdf
 - IOA Standards of Practice: http://www.ombudsassociation.org/IOA_Main/media/SiteFiles/IOA_Standards_of_Practice_Oct09.pdf

What can ombuds do to help?

Overview of the format of a meeting:

- Schedule meeting or phone call
- Welcome the visitor
- Review ombudsperson's role and standards of practice
- Identify & clarify the visitor's concern(s)
- Review relevant policies and procedures
- Explore the full range of options
- Assess readiness for change
- Agree on next steps—will you have future contact? If so, when & how?

More details on what to do:

1. **Review the ombuds' role. Prepare an opening statement that includes the following points (as well as anything else you want to include):**
 - Any information shared is **confidential** unless it includes information that must be reported (e.g., sexual abuse) or if there appears to be a risk of imminent harm. Obtain the visitor's permission before discussing their problem with anyone else.
 - Refer to <https://guru.psu.edu/policies/AD78.html> for reporting imminent harm.
 - Title IX requires reporting of sexual crimes; see <http://titleix.psu.edu/>
 - The Clery Handbook includes ombuds on its list of examples of campus security authorities on page 4-3 (<http://www2.ed.gov/admins/lead/safety/handbook.pdf>). The crime reporting form at https://www.absecom.psu.edu/CAMPUS_SECURITY/security-incident-form.cfm does not require the name of the person who reported the crime to the CSA (if the reporter requests confidentiality)]. See <https://www2.ed.gov/admins/lead/safety/campus.html> for the Department of Education's Campus Security website.
 - The discussion with the ombuds is **informal** and off-the-record. If, at any point, the visitor decides to pursue formal action, such as FR&R, the ombuds' role is over.
 - The ombuds is **neutral and impartial**. As an ombuds, you cannot serve as an advocate in any disputes the visitor might have. Advocate for fairness, not for either party in the dispute.
 - The ombuds is **independent** and does not represent any office of the university. Telling the ombuds about a problem or situation does not constitute formal notice to the university. [Note, however, that ombuds must report Title IX violations, child abuse, and situations that pose imminent risk, so visitors should be advised of that before they discuss their problem with the ombuds. Clery Act crimes can be reported confidentially.]
2. **Actively** listen to the visitor's problem without taking sides—check your understanding. Ask good questions to learn more about the situation, the visitor's perceptions of it, and potential solutions.
 - What brings you to see me today?
 - Could you describe the situation in more detail?
 - Can you give me a specific example?
 - Who is involved in this situation?
 - What's the time frame of your concern—how long has this been going on?
 - Who have you discussed this with so far?
 - What possible solutions have you thought of?
 - What would you like to have happen?
 - How do you think I can help you? (Make a plan for follow-up.)

3. **Review relevant policies and procedures and explore options.**
 - Provide accurate information.
 - Help interpret policies.
 - Help identify options.
 - Provide informal coaching.
 - Perhaps engage in “shuttle diplomacy” with the visitor’s permission.
 - Mediate a dispute.
4. **Assess readiness for change and agree on next steps.**
 - Visitor may need to ponder the options before any actions are taken.
 - Summarize themes, potential actions, and review and agree on next steps.

Things to avoid:

- Do not conduct formal investigations.
- Do not take sides—say “I understand your position” rather than “I agree.”
- Do not participate in formal grievances.
- You do not serve as an “officer of notice.” [However, as noted above, Title IX violations, child abuse, and Clery Act crimes must be reported.]
- Do not keep detailed written records (use email to set up meetings, not to discuss details). Destroy detailed notes at the conclusion of a case; maintain only what is needed for your annual report in which you’ll be asked about the number of cases you handled, the issues and parties involved (by category, not name, e.g., faculty, administrator), etc. [See sample report questions on the next page.]
- Do not give any impression that you are giving legal advice.

Other things you can do:

- Report trends or problems that arise in the application of policies.
- Advocate for fair process if trends are identified.
- Some ombuds serve as exit interview officers. See <http://www.vpfa.psu.edu/faculty-exit-feedback/> for questions to guide exit interviews.

Be prepared:

- Familiarize yourself with policies. See list at <http://senate.psu.edu/faculty/university-faculty-ombudsperson/policies-of-interest-to-ombudspersons/#administrative>
- Browse resource materials.
- Notify your administrators and colleagues about your availability. Include a description of your role. Indicate that visitors should avoid detailed emails; email should only request an appointment.
- Take Clery Act training for Campus Security Authorities. See <http://police.psu.edu/online-training>.

What other resources are available?

- The web page at <http://senate.psu.edu/faculty/resources-for-reporting-wrongdoing/> lists resources for reporting wrongdoing. In some instances, you or your visitor might need one of these resources to report illegal, unethical, or unsafe conduct.
- There are workshops provided through HR on many issues dealing with workplace relationships. Visit the new Learner Resource Network (<http://lrn.psu.edu/>) to browse for classes or workshops for you or your visitors. Click Business Skills to get a long list of topics such as coaching, communication skills, and teamwork (and many more).
- There are publications and websites with help available. (See list in packet.)

Sample Annual Report Questions

[The questions on the survey at the end of this academic year will be similar, perhaps with some modifications.]

1. How long have you served as your unit's ombudsperson or alternate? (please give dates)
2. How many cases have you been asked to help resolve in the past year?
3. For each case, what were the key issues? (e.g., lack of communication, promotion and tenure, harassment, incivility, performance review, etc.).
4. What was the position of the person against whom the complaint was lodged? (e.g., staff, faculty, administrator, if other, explain)
5. What steps were taken to resolve the issue?
6. How many cases were resolved at the ombudsperson level?
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.)
8. In your role as a college/campus ombudsperson did any issues concerning the ombuds process arise which should be addressed by the University Faculty Senate? If so, please explain.
9. Are there any suggestions you would like to make that could be useful to another ombudsperson, especially a new one?
10. Please provide the names of your unit's ombudsperson and alternate for the next academic year.

Scenarios to discuss:

“The Ombudsman functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and – with permission and at Ombudsman discretion – engaging in informal third-party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves”

(http://www.ombudsassociation.org/IOA_Main/media/SiteFiles/IOA_Standards_of_Practice_Oct09.pdf) .

1. A tenured faculty member complains that her department chair has been scheduling her for an 8:00 AM introductory-level course that meets three days a week for the past five semesters, and has done it again this semester. She tells you, “This is not my preferred time slot. I’d like someone else to teach this course; there are several other people in the department who could teach it. Also, I’d like the opportunity to teach a more advanced course instead.” What issues might be involved here? What questions might you ask this faculty member? What suggestions might you offer (depending on her answers)?
2. You are approached by Tiffany, an untenured faculty member who claims she is being bullied by Julie, a tenured faculty member in her department. She claims that the bullying seems to have started when she, Tiffany, began dating Julie’s ex-husband, without knowing that he was Julie’s ex. (He is not affiliated with the university.) According to Tiffany, Julie is spreading unflattering stories about her personal life, telling other people in the department that her research is third-rate, and excluding her from social events. What would be your first step? What are some options for Tiffany? [This scenario is a modified version of one presented in an IOA training class.]
3. Jason and Scott both teach sections of the same 300-level course that is a prerequisite for 400-level courses in the department. Jason comes to you with the following concern. “I am worried that the students in Scott’s sections are not being prepared for subsequent courses. He practically tells them the exam questions ahead of time, and his exams are pretty easy, anyway. I think he is omitting some of the more challenging topics from the approved course outline. Then I overheard him telling another colleague about his great SRTEs. Is there anything I can do about this?” What issues might be involved here? What would you recommend?
4. You are approached by a faculty member with the following complaint: Juanita says, “I know that the Department Head feels that I am a member of a protected class, by some of the things that he has said to me in the past. I also know that I am asked to do more committee work than any other member of this department. This has to stop and I do not know what I can do.” What would be your first step? What would you recommend? [From D. Atwater]
5. John wants your help. He says, “I believe that I’m not getting the support that I need for advancing in this department. I’m not even sure about Promotion and Tenure requirements. How does anyone expect me to succeed? I’m very frustrated.” What would you suggest? How would you decrease his level of anxiety and frustration? [From D. Atwater]

Ombudsperson Online Resources

Penn State Referrals

- Human Resources and Faculty Information <http://www.psu.edu/faculty-and-staff>
- Affirmative Action <http://www.psu.edu/dept/aaoffice/>
 - Conflict Resolution (available to faculty & staff) <http://www.psu.edu/dept/aaoffice/mediation.html>
- Educational Equity <http://equity.psu.edu/>
- Ethics & Compliance <http://universityethics.psu.edu/>
 - President's page on resources: <http://senate.psu.edu/faculty/resources-for-reporting-wrongdoing/>
 - Ethics hotline: <http://universityethics.psu.edu/penn-state-hotline> (1-800-560-1637)
- Student Resources: <http://www.psu.edu/current-students>

Ombuds Sites at Other Universities

- University of California, Los Angeles (UCLA) <http://www.ombuds.ucla.edu>
- Columbia University <http://ombuds.columbia.edu/>
 - See especially: Self-help Tools <http://ombuds.columbia.edu/node/30>
- University of California, Irvine <http://www.ombuds.uci.edu>
 - Access some helpful articles at <http://ombuds.uci.edu/data-and-resources/cal-caucus-journals/>
- University of Colorado at Boulder <http://www.colorado.edu/ombuds/>
 - See especially: Strategies and Tips <http://www.colorado.edu/ombuds/tips-and-strategies-0>
- Dartmouth College <http://www.dartmouth.edu/~ombuds>
 - See especially: Guidelines for Effective Interpersonal Communication <http://www.dartmouth.edu/~ombuds/resources/communication.html>
- Georgia State <http://www2.gsu.edu/~wwwomb>
- Harvard <http://ombudsman.harvard.edu/>
- Illinois State University <http://ombudsperson.illinoisstate.edu/>
- Indiana University School of Medicine <https://medicine.iu.edu/about/learning-environment/ombuds-office/>
- Iowa State <http://www.public.iastate.edu/~ombuds>
 - See especially: Resources (for recommended books, etc.) <http://instr.iastate.libguides.com/ombuds>
- University of Iowa, Office of the Ombudsperson <https://uiowa.edu/ombuds/>
 - See especially: Resources (on bullying, conflict management, etc.): <https://uiowa.edu/ombuds/resources>
- Kansas State <http://www.k-state.edu/disputeresolution/ombudspersons.html>
- Massachusetts Institute of Technology (MIT) <http://web.mit.edu/ombud>
 - See especially: Self-Help Tools (some are MIT-specific) <http://ombud.mit.edu/self-help>
- University of Maryland <http://www.umd.edu/ombuds/index.cfm>
- Michigan State <https://www.msu.edu/unit/ombud>
- University of Michigan, Division of Student Affairs <http://www.umich.edu/~ombuds>
- University of Michigan, Faculty <http://www.umich.edu/~facombud>
- University of Minnesota, Office for Conflict Resolution <http://www1.umn.edu/ocr/index.html>

- University of North Carolina at Chapel Hill <http://www.ombuds.unc.edu/index.html>
 - See especially: Resources <http://www.ombuds.unc.edu/resources.html>
- Oberlin College <http://www.oberlin.edu/ombudsperson>
- Ohio University <http://www.ohio.edu/ombuds/>
- Ohio State University <http://ombudsman.osu.edu>
- University of Pennsylvania <http://www.upenn.edu/ombudsman>
 - See especially: Resources beyond Penn http://www.upenn.edu/ombudsman/resources_beyond.html
- Princeton University <http://www.princeton.edu/ombuds>
- Purdue University Graduate School <https://www.purdue.edu/gradschool/student/ombuds/index.html>
- Rochester Institute of Technology <http://www.rit.edu/ombuds/>
- Rutgers University Office of the Ombudsperson for Students <http://ombuds.rutgers.edu/ombuds.html>
- Stanford University <http://www.stanford.edu/dept/ombuds>
- SUNY Stony Brook <http://www.stonybrook.edu/ombuds/>
 - See especially: Quick Tips <http://www.stonybrook.edu/commcms/ombuds/resources/quick-tips/index.php>
- Texas A&M <http://faculty-ombuds.tamu.edu/>
- University of Virginia <http://www.virginia.edu/ombudsman/>
- University of Washington <http://www.washington.edu/about/ombudsman>
- Washington State University <http://www.wsu.edu/~ombuds>
- Wayne State University "Tools for Working With and Learning from Conflict in Higher Education" <http://www.campus-adr.org/> [Interesting site!—See especially the Faculty Club.]
- University of Wisconsin, Faculty and Staff <http://www.ombuds.wisc.edu>

Additional Resources

- Differences between Ombudsing and Mediation, featuring Howard Gadlin https://www.youtube.com/watch?feature=player_embedded&v=6wRIJMEHfrk
- International Ombudsman Association <http://www.ombudsassociation.org>
 - Code of Ethics http://www.ombudsassociation.org/IOA_Main/media/SiteFiles/Code_Ethics_107.pdf
 - Standards of Practice: http://www.ombudsassociation.org/IOA_Main/media/SiteFiles/IOA_Standards_of_Practice_Oct09.pdf
 - Description of Role: <http://www.ombudsassociation.org/Resources/ResourceLibrary/Tools-for-Ombuds-Office-Operations/Academic-PD.aspx>
 - See especially: Resources <http://www.ombudsassociation.org/Resources.aspx>
 - Journal of the International Ombudsman Association
<http://ezaccess.libraries.psu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=a9h&jid=AX5I&site=ehost-live>
- Association for Conflict Resolution <http://www.imis100us2.com/acr/acr/default.aspx>
 - Conflict Resolution Quarterly: [http://onlinelibrary.wiley.com.ezaccess.libraries.psu.edu/journal/10.1002/\(ISSN\)1541-1508](http://onlinelibrary.wiley.com.ezaccess.libraries.psu.edu/journal/10.1002/(ISSN)1541-1508)
- National Institutes of Health (and many other government agencies) <http://ombudsman.nih.gov/>
 - See especially: Tools for Handling Conflict <https://ombudsman.nih.gov/tools.html>
- The Ombuds Blog <http://ombuds-blog.blogspot.com>
- United Nations Ombuds and Mediation Services <http://www.un.org/ombudsman>
 - See especially: Communication Tips <http://www.un.org/en/ombudsman/tips.shtml>

- United States Ombudsman Association (USOA) <http://www.usombudsman.org/>
 - The USOA is oriented toward public sector (e.g., government) ombuds.
- Articles by Judy Ringer <http://www.judyringer.com/resources/articles/>
 - These deal with topics such as listening, communication, and difficult conversations
- Program on Negotiation at Harvard <http://www.pon.harvard.edu/>
 - Free reports <http://www.pon.harvard.edu/free-reports/>
- The Handbook for Campus Safety and Security Reporting: 2016 Edition <https://www2.ed.gov/admins/lead/safety/handbook.pdf>
- Workplace Mobbing in Academe <http://www.kwesthues.com/mobbing.htm>
- The Boss Whispering Institute <http://bosswhispering.com/>
- Winners Who Become Losers http://bosswhispering.com/Winners-Who-Become_LosersChapter.pdf

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- Crawshaw, L. (2007). *Taming the abrasive manager: How to end unnecessary roughness in the workplace*. San Francisco: Jossey-Bass. (HF5548.83.C73 2007)
- Crookston, R.K. (2012). *Working with problem faculty: A 6-step guide for department chairs*. San Francisco: Jossey-Bass. (eBook; ProQuest Ebook Central)
- Dillon, K. (Ed.). (2015). *HBR guide to office politics*. Boston: Harvard Business Review Press. (HF5386.5.D55 2014)
- Farrington, E. L. (2010). Bullying on campus: How to identify, prevent, resolve It. *Women in Higher Education*, 19(3), p. 8-9. Retrieved from <http://www.sc.edu/ombuds/doc/BullyingonCampus.pdf>
- Fisher, R., Ury, W., & Patton, B. (2011). *Getting to yes: Negotiating agreement without giving in* (3rd Ed.). New York: Penguin (BF637.N4F57 2011)
- Hollis, L. P. (2012). *Bully in the ivory tower: How aggression & incivility erode American higher education*. (LB2331.67.B85H65 2012)—a research study with some suggestions for dealing with bullying.
- Patterson, K., Grenny, J., McMillan, R., & Switzler, A. (2002). *Crucial conversations: Tools for talking when stakes are high*. New York: McGraw-Hill Professional (eBook; EBSCO Host)
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INTERNATIONAL
OMBUDSMAN
ASSOCIATION

IOA CODE OF ETHICS

PREAMBLE

The IOA is dedicated to excellence in the practice of Ombudsman work. The IOA Code of Ethics provides a common set of professional ethical principles to which members adhere in their organizational Ombudsman practice.

Based on the traditions and values of Ombudsman practice, the Code of Ethics reflects a commitment to promote ethical conduct in the performance of the Ombudsman role and to maintain the integrity of the Ombudsman profession.

The Ombudsman shall be truthful and act with integrity, shall foster respect for all members of the organization he or she serves, and shall promote procedural fairness in the content and administration of those organizations' practices, processes, and policies.

ETHICAL PRINCIPLES

INDEPENDENCE

The Ombudsman is independent in structure, function, and appearance to the highest degree possible within the organization.

NEUTRALITY AND IMPARTIALITY

The Ombudsman, as a designated neutral, remains unaligned and impartial. The Ombudsman does not engage in any situation which could create a conflict of interest.

CONFIDENTIALITY

The Ombudsman holds all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm.

INFORMALITY

The Ombudsman, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.



INTERNATIONAL
OMBUDSMAN
ASSOCIATION

IOA STANDARDS OF PRACTICE

PREAMBLE

The IOA Standards of Practice are based upon and derived from the ethical principles stated in the IOA Code of Ethics.

Each Ombudsman office should have an organizational Charter or Terms of Reference, approved by senior management, articulating the principles of the Ombudsman function in that organization and their consistency with the IOA Standards of Practice.

STANDARDS OF PRACTICE

INDEPENDENCE

- 1.1 The Ombudsman Office and the Ombudsman are independent from other organizational entities.
- 1.2 The Ombudsman holds no other position within the organization which might compromise independence.
- 1.3 The Ombudsman exercises sole discretion over whether or how to act regarding an individual's concern, a trend or concerns of multiple individuals over time. The Ombudsman may also initiate action on a concern identified through the Ombudsman's direct observation.
- 1.4 The Ombudsman has access to all information and all individuals in the organization, as permitted by law.
- 1.5 The Ombudsman has authority to select Ombudsman Office staff and manage Ombudsman Office budget and operations.

NEUTRALITY AND IMPARTIALITY

- 2.1 The Ombudsman is neutral, impartial, and unaligned.
- 2.2 The Ombudsman strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The Ombudsman advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the organization.
- 2.3 The Ombudsman is a designated neutral reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures. The Ombudsman should not report to nor be structurally affiliated with any compliance function of the organization.
- 2.4 The Ombudsman serves in no additional role within the organization which would compromise the Ombudsman's neutrality. The Ombudsman should not be aligned with any formal or informal associations within the organization in a way that might create actual or perceived conflicts of interest for the Ombudsman. The Ombudsman should have no personal interest or stake in, and incur no gain or loss from, the outcome of an issue.
- 2.5 The Ombudsman has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration.
- 2.6 The Ombudsman helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best options.

CONFIDENTIALITY

- 3.1 The Ombudsman holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, including the following: The Ombudsman does not reveal, and must not be required to reveal, the identity of any individual contacting the Ombudsman Office, nor does the Ombudsman reveal information provided in confidence that could lead to the identification of any individual contacting the Ombudsman Office, without that individual's express permission, given in the course of informal discussions with the Ombudsman; the Ombudsman takes specific action related to an individual's issue only with the individual's express permission and only to the extent permitted, and even then at the sole discretion of the Ombudsman, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombudsman Office. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm, and where there is no other reasonable option. Whether this risk exists is a determination to be made by the Ombudsman.
- 3.2 Communications between the Ombudsman and others (made while the Ombudsman is serving in that capacity) are considered privileged. The privilege belongs to the Ombudsman and the Ombudsman Office, rather than to any party to an issue. Others cannot waive this privilege.
- 3.3 The Ombudsman does not testify in any formal process inside the organization and resists testifying in any formal process outside of the organization regarding a visitor's contact with the Ombudsman or confidential information communicated to the Ombudsman, even if given permission or requested to do so. The Ombudsman may, however, provide general, non-confidential information about the Ombudsman Office or the Ombudsman profession.
- 3.4 If the Ombudsman pursues an issue systemically (e.g., provides feedback on trends, issues, policies and practices) the Ombudsman does so in a way that safeguards the identity of individuals.
- 3.5 The Ombudsman keeps no records containing identifying information on behalf of the organization.
- 3.6 The Ombudsman maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including management), and has a consistent and standard practice for the destruction of such information.
- 3.7 The Ombudsman prepares any data and/or reports in a manner that protects confidentiality.
- 3.8 Communications made to the ombudsman are not notice to the organization. The ombudsman neither acts as agent for, nor accepts notice on behalf of, the organization and shall not serve in a position or role that is designated by the organization as a place to receive notice on behalf of the organization. However, the ombudsman may refer individuals to the appropriate place where formal notice can be made.

INFORMALITY AND OTHER STANDARDS

- 4.1 The Ombudsman functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and – with permission and at Ombudsman discretion – engaging in informal third-party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves.
- 4.2 The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.
- 4.3 The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the organization.
- 4.4 The Ombudsman supplements, but does not replace, any formal channels. Use of the Ombudsman Office is voluntary, and is not a required step in any grievance process or organizational policy.
- 4.5 The Ombudsman does not participate in any formal investigative or adjudicative procedures. Formal investigations should be conducted by others. When a formal investigation is requested, the Ombudsman refers individuals to the appropriate offices or individual.
- 4.6 The Ombudsman identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.
- 4.7 The Ombudsman acts in accordance with the IOA Code of Ethics and Standards of Practice, keeps professionally current by pursuing continuing education, and provides opportunities for staff to pursue professional training.
- 4.8 The Ombudsman endeavors to be worthy of the trust placed in the Ombudsman Office.