Penn State University Senate Ombudspersons System-Orientation Materials

Larry Catá Backer
W. Richard and Mary Eshelman Faculty Scholar;
Professor of Law and International Affairs
Penn State University Ombudsperson
(https://senate.psu.edu/faculty/faculty-ombudspersons/)
Pennsylvania State University | 239 Lewis Katz Building, University Park, PA 16802

23 August 2022
Since 1973, Faculty Ombuds have provided service to all full-time faculty including instructors and all professorial ranks and equivalent ranks as define in Policy (AC21).

Since 1998 the Faculty Senate approved the creation of the office of the University Ombudsperson

**Functions:**

- Serve as a coordinator/facilitator and clearinghouse of information for ombuds
  - *Coordination*
  - *System Monitoring and Assessment*,
- Oversee workshops
  - *Capacity Building*
- Serve as the university-level contact person for the other ombuds
  - *Functional coherence among units and between Ombuds system and VPF.*
Unit Ombuds

- [https://senate.psu.edu/faculty/faculty-ombudspersons/unit-ombudspersons/](https://senate.psu.edu/faculty/faculty-ombudspersons/unit-ombudspersons/)

### Unit Ombudspersons 2022-2023

<table>
<thead>
<tr>
<th>UNIT</th>
<th>OMBUDSPERSON</th>
<th>EMAIL</th>
<th>ALTERNATE OMBUDSPERSON</th>
<th>EMAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abington</td>
<td>Pierce Salguero</td>
<td><a href="mailto:salguero@psu.edu">salguero@psu.edu</a></td>
<td>Meghan Gillen</td>
<td><a href="mailto:mrg204@psu.edu">mrg204@psu.edu</a></td>
</tr>
<tr>
<td>College of Agricultural Sciences</td>
<td>TBD</td>
<td>TBD</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>Altoona</td>
<td>Lauren Jacobson</td>
<td><a href="mailto:ljar100@psu.edu">ljar100@psu.edu</a></td>
<td>Shawn Bernecker</td>
<td><a href="mailto:sbr1021@psu.edu">sbr1021@psu.edu</a></td>
</tr>
<tr>
<td>College of Arts and Architecture</td>
<td>Darla Lindberg</td>
<td><a href="mailto:dkl42@psu.edu">dkl42@psu.edu</a></td>
<td>Lisa Iulo</td>
<td><a href="mailto:ljd1@psu.edu">ljd1@psu.edu</a></td>
</tr>
<tr>
<td>Berks</td>
<td>Nathan Greenauer</td>
<td><a href="mailto:nmg12@psu.edu">nmg12@psu.edu</a></td>
<td>Ada Leung</td>
<td><a href="mailto:cxs131@psu.edu">cxs131@psu.edu</a></td>
</tr>
<tr>
<td>Smeal College of Business</td>
<td>TBD</td>
<td>TBD</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>Belfasario College of Communications</td>
<td>Matthew Jackson</td>
<td><a href="mailto:mjj320@psu.edu">mjj320@psu.edu</a></td>
<td>Colleen Connolly-Ahern</td>
<td><a href="mailto:cca15@psu.edu">cca15@psu.edu</a></td>
</tr>
<tr>
<td>College of Earth and Mineral Sciences</td>
<td>James Adair</td>
<td><a href="mailto:jha33@psu.edu">jha33@psu.edu</a></td>
<td>Chris Forest</td>
<td><a href="mailto:cfr13@psu.edu">cfr13@psu.edu</a></td>
</tr>
<tr>
<td>College of Education</td>
<td>Carlo Panlillo</td>
<td><a href="mailto:ccp15@psu.edu">ccp15@psu.edu</a></td>
<td>Paul Riccomini</td>
<td><a href="mailto:prj146@psu.edu">prj146@psu.edu</a></td>
</tr>
<tr>
<td>College of Engineering (Includes ARL)</td>
<td>TBD</td>
<td>TBD</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>Erie, The Behrend College</td>
<td>Matt Levy</td>
<td><a href="mailto:mll33@psu.edu">mll33@psu.edu</a></td>
<td>Scott Stroupe</td>
<td><a href="mailto:st16@psu.edu">st16@psu.edu</a></td>
</tr>
<tr>
<td>Great Valley</td>
<td>John Cameron</td>
<td><a href="mailto:jcc15@psu.edu">jcc15@psu.edu</a></td>
<td>Raghav Sangwan</td>
<td><a href="mailto:rxs69@psu.edu">rxs69@psu.edu</a></td>
</tr>
</tbody>
</table>

Ombuds Resources: Website-- [https://senate.psu.edu/faculty/faculty-ombudspersons/](https://senate.psu.edu/faculty/faculty-ombudspersons/)
When should a faculty member/Administrator contact the Ombuds?

- Need to have a confidential discussion about a university related problem;
- Feel a policy or procedure has been unfairly applied;
- Needs information about faculty rights and university policies and procedures;
- Needs help in facilitating a resolution to a work-related problem;
- Need help communicating with other faculty or university administrators;
- Wants to understand options for solving a work-related problem;
- Seeks to explore ways to resolve a dispute in an informal manner;
- Want to know what available university resources
Colleges and campuses should have a person or group to serve in the role of ombudsperson. The objective is to:

1. enhance communication and clarify possible misunderstandings in situations which involve potential disputes,

2. advise faculty members and administrators as to appropriate courses of action, and

3. 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.

• A. An Ombudsperson and an Alternate Ombudsperson shall be elected by the faculty 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:
    • Where appropriate, the ombudsperson and alternate 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.
    • In cases where there is disagreement or doubt as to the appropriate ombudsperson, the Executive Vice President and Provost shall make the determination. [Recent practice this function delegated in first instance to University Ombuds]
    • In cases where the ombudsperson is in doubt as to their jurisdiction, they shall ask the Executive Vice President and Provost for a determination.

• B. The Dean, Chancellor, or other appropriate campus official and the faculty organization shall jointly develop selection procedures for the ombudsperson and alternate 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.

• RECENT PRACTICE—The role of the VP/Provost has been delegated to the University Ombuds
FRR AC 76: Specification of Function

• **The Ombudsperson functions:**
  - *Clarification* of misunderstandings;
  - *Advising* faculty and administrators as to appropriate courses of action;
  - *Assisting* in the informal resolution of differences;
  - *Assuring* that appropriate department, college and/or campus procedures are exhausted before referring the case to higher levels;
  - *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. [Now performed by the Faculty Senate Office]

• **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.
AC 70
Initiation of Dismissal Process

A. The Steps That Shall be Followed to Initiate the Dismissal Process

- Within a reasonable time after the occurrence of events that might give rise to termination for adequate cause are made known to the appropriate administrator(s), the faculty member will be provided with written notice from the administrator(s) of the alleged misconduct constituting adequate cause. The notice shall include a copy of or references to this AC70 policy and sufficient information concerning the allegations to enable the faculty member to make a meaningful response.

- The faculty member will be given an opportunity to respond to the allegations either in writing or at a meeting with the appropriate administrator(s), or both, at the discretion of the faculty member against whom allegations of misconduct have been made. The affected faculty member shall be accorded a reasonable amount of time to prepare a response to the allegations.

- The faculty member shall have the opportunity to meet with the appropriate administrator(s) and they will be given an explanation of the alleged misconduct. The administrator, at their discretion, may respond to the written submissions of the faculty member at this meeting. The appropriate ombudsperson shall be present as an objective, informational resource at the meeting unless the faculty member waives, in writing, the right to have the ombudsperson present. The meeting may be continued at the discretion of the administrator(s) should there be a need for additional time to resolve the matter or to obtain additional information or otherwise for other good cause.
Expectations

• 1. Faculty reach out to Ombuds; OMBUDS DO NOT REACH OUT TO FACULTY
  • Includes instructors and all professorial ranks and equivalent ranks as define in Policy (AC21). )

• 2. Faculty include those serving in an administrative capacity;
  • a College Dean can reach out
  • A staff member, or grad student cannot

• 3. CONFIDENTIALITY:
  • belongs to the faculty member;
  • Practice is to minimize note taking; no formal records
  • But under certain circumstance the Ombuds may be required to disclose to university counsel and in formal proceedings
Key Elements of Ombuds Role

**Outreach**
- Let people know about your role and scope of services
- Make it easy for people to contact you
- Visibility (e.g. at faculty meetings, etc.)

**Build Trust**
- Reach out to key unit personnel (HR, finance, research)
- Periodic meetings with Administrators (chancellors, deans, etc.)
- Open communications with faculty institutional leaders in the unit

**Know the Rules**
- Reach out when in doubt
- You play a key role in helping faculty understand the complexities of PSU internal governance rules and mechanisms

**Lower the temperature**
- Maintain a safe space for venting
- Help faculty and administrators focus on the ethical and undistorted facts
- Try to distill the essence of the issues

**Offer Holistic but Honest Advice**
- Help faculty to dispassionately consider the range of options and consequences
- Provide technical assistance and fill knowledge gaps
- Where appropriate help explore pathways to conciliation
When Should an Ombuds Reach Out to University Ombuds?

• When in doubt
• To run ideas; to make sure that approach is generally consistent with Ombuds practice and University Rules
• Where the issue presented presents a conflict or is sensitive in a way that a non-unit Ombuds might be better situated to take up the task
• To confirm interpretation and uniform application of rules
• To identify systemic conflicts, bringing to the administration’s attention those practices, policies, and aspects of PSU culture that appear to exacerbate tensions or create problems for faculty; for administrators, or for the sound positive operation of the university.
Ethical Engagement: An approach to Conciliation

Questions?