

University
Ombuds
Office
Annual
Report

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University of
Kansas, Lawrence

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University Ombuds Office Annual Report University of Kansas

March 1, 2008 – June 30, 2009

University Ombuds, Kellie Harmon
Faculty Ombuds, Prof. Maria Orive
Faculty Ombuds, Prof. Stephen Grabow

ROLE AND MISSION OF THE UNIVERSITY OMBUDS OFFICE

The mission of the University Ombuds Office is to ensure that all members of the university community receive fair and equitable treatment. The Ombuds Office carries out its mission via two complementary approaches: (1) receiving and attempting to resolve individual grievances on a confidential, informal basis; and 2) supporting systems change that advance the goal of a fair conflict management system.

The Ombuds at the University of Kansas belong to the International Ombudsman Association (IOA) and adheres to its Standards of Practice and Code of Ethics. The University of Kansas Ombuds Office also has a “Standard of Best Practices” for its unit. These documents can be found at our website located at www.ku.edu/~ombuds. There are four main principles of an Ombuds as described in both Standards of Practice documents: 1) Confidentiality; 2) Informality; 3) Impartiality; and 4) Independence.

Informal: An Ombuds facilitates communication when conflict arises and provides an opportunity for informal dispute resolution. Since the University Ombuds Office is informal and “off-the-record,” ***formal complaints are not filed here.*** We also must cease assistance if the visitor is involved in a formal grievance process or an attorney becomes involved in the dispute. In addition, the University Ombuds Office does not become involved in union disputes. ***An Ombuds does not arbitrate, adjudicate, or participate in any internal or external formal proceedings, nor shall Ombuds participate as witnesses with respect to confidential communication.***

Independent: To ensure objectivity, the University Ombuds Office operates independently of the usual administrative authorities. The University Ombuds Office is free from interference in the legitimate performance of their duties.

Impartial: ***An Ombuds is not an advocate for individuals but is an advocate for fair process.*** An Ombuds will not take sides in any conflict, dispute or issue, but considers the interests and concerns of all parties involved with the aim of achieving a fair and equitable outcome. The Ombuds Office is a neutral resource for everyone involved.

Confidential: The University Ombuds Office is confidential. The University Ombuds Office will not share any information a visitor provides without the visitor’s permission. An exception to

maintaining any such confidentiality would be if the University Ombuds Office had a reasonable concern about possible violence or physical harm. ***In addition, the University Ombuds Office does not keep records on behalf of the university.*** An Ombuds will not receive documents from a visitor nor keep “on file” any information given to the office.

USE OF THE TERM “OMBUDSMAN”

It has come to our attention that a few university units are using the term “ombudsman,” to describe a person in their office who handles complaints or concerns. While it is commendable that departments are trying to resolve disputes within their units, the term “Ombudsman” has professional and legal implications that need to be considered. The University Senate Rules and Regulations, Article VI, Section 2.6.2.2, describes the authority given the Ombuds at the University of Kansas:

“6.2.2 Ombudsman. The Ombudsman shall be available (a) to receive and attempt to resolve individual grievances of members of the University community; and (b) to recommend procedural changes within the University in response to experience acquired in investigating individual cases.

6.2.2.1 Powers. The Ombudsman shall have access to all administrative officials of the University and, in accordance with law, to all University records, including those of faculty members. He or she shall not have authority to take disciplinary action, reverse decisions, or circumvent existing University rules and procedures. He or she shall supplement, not replace, other means, where they exist, for redress of grievances. All proceedings in individual cases shall be held confidential by the Ombudsman unless otherwise authorized by the complainant.

6.2.2.2 Reports. The Ombudsman shall at least annually make reports to the University community at large.”

This authority is specified for the ombuds working in the University Ombuds Office and not for any other faculty or staff. The appointment, term of office, and qualifications for the University Ombuds and Faculty Ombuds are listed in Article V, Section 1. Also, as mentioned earlier, the International Ombudsman Association (IOA) established a Code of Ethics and Standards of Practice that KU Ombuds adhere to. Ombuds who do not follow the Standards of Practice and Code of Ethics risk the integrity of the Ombuds profession. In addition, having an ombuds within the same unit, school, or department can create a conflict of interest. This is not a criticism for those skilled and willing individuals who have graciously agreed to serve this role in their departments; however, to avoid confusion about the Ombuds role on campus, we request that if someone is using the term “ombuds” or “ombudsman”, the chair, dean, or director should find a different title for the role.

In addition, we have noticed that some department, school, or unit grievance procedures mention utilizing the Ombuds Office as part of the grievance process. As defined by principle of “informality” above, the Ombuds Office cannot be a *part of* any formal grievance procedure. However, one can seek our advice before a formal complaint or grievance is filed, or if one wants to discuss options after the formal procedure has taken place. If your unit’s grievance procedure mentions visiting with an Ombuds as part of the grievance process, please change the wording so that it accurately describes the Ombuds role. If you have any questions about using the term “ombudsman,” or about your unit’s grievance procedure, please contact the office at 864-7261.

STATISTICAL INFORMATION

Conflict is an inevitable part of a large, complex organization. While it is unrealistic to solve all of the conflict that occurs on campus, it is realistic to aspire to identify issues and manage the conflict once it occurs. One of the ways we identify concerns is by keeping track of trends and patterns of issues that are brought to this office. In adherence to the ombuds principle of confidentiality, this is done without keeping any identifiable information. Only the issues brought to this office are monitored.

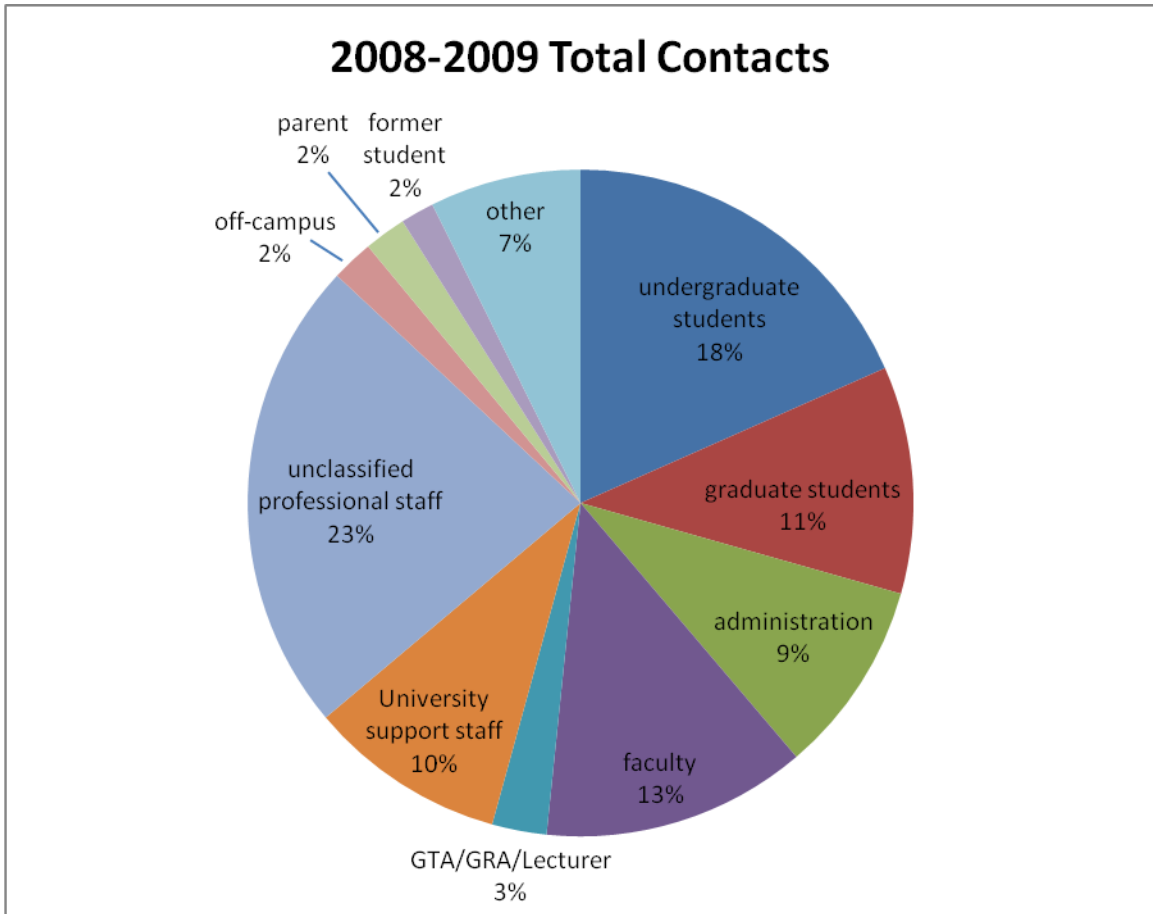
The annual report is one way we provide feedback and communicate trends we observe to the university community. This report addresses some of the issues the Ombuds Office observed in the last year and a half from March 1, 2008 – June 30, 2008. The annual report this year covers a year and a half instead of the usual one year timeline. This is because we changed the yearly summary from March 1 – February 28 of a given year to the regular academic year, July 1 – June 30, which will be used from now on. Therefore, this annual report covers March 1, 2008 – June 30, 2009. The numbers reported will be higher due to this longer time period.

Since the Ombuds role is neutral, we prefer not to use the term “client,” as that term commonly implies advocacy. Instead, we use the term “visitor.” Although not a perfect term because sometimes we assist people over the telephone, it more appropriately describes the nature of our contacts given our neutral role.

These numbers represent visitors who contacted the Ombuds Office either by telephone, in person, or by e-mail. The contact is only counted once, so if we consult with a visitor more than one time on the same issue, the contact is not counted again. The time and response to visitors varies from a brief consultation to a large amount of time involving other individuals and campus units. The more complex the issue, the more time and additional follow-up is needed.

From March 1, 2008 – June 30, 2009, the Ombuds Office handled **402** cases and **88** additional contacts associated with those cases for a total of **490** contacts. While working on these cases, the Ombuds Office also had contact with at least **90** different university units and departments.

Of the 490 contacts, the Ombuds Office had contact with: 90 undergraduate students; 54 graduate students; 46 Administration; 63 Faculty; 13 GTA/GRA/Lecturer; 47 University Support Staff; 113 Unclassified Professional Staff; 10 Off-campus; 10 Parents; 8 Former Students; and 36 Other (includes consultations with other ombuds, anonymous or unknown status, or other staff). Since we often consult with staff and administration about cases with a visitor's permission, sometimes these numbers are higher than the student numbers. The graph below represents these numbers in percentages:



MOST COMMON ISSUES FOR SEEKING OMBUDS OFFICE ASSISTANCE

Students (both undergraduate and graduate)

- Grades and grade appeals
- Course management issues (how assignments are graded, exam issues, participation points, attendance, lack of feedback from instructor, etc.)
- Academic misconduct
- Enrollment, residency, tuition issues
- Fees and fines
- Conflict between two or more students
- Non-academic misconduct discipline issues
- Housing issues (both on and off campus)
- Student on-campus work concerns
- Conflicts with other university units
- Harassment and discrimination issues

Issues related more specifically to graduate students:

- Dismissal from program
- Thesis and dissertation issues
- Conflict with advisor, faculty and/or chair

- GTA duties

Faculty

- Conflict with colleague(s), chair, dean
- University policy consultation
- Consultation regarding a student matter
- Promotion, tenure and merit salary issues
- Teaching load or other work-related concerns
- Harassment and discrimination issues

Staff (both university support staff and unclassified professional staff):

- Performance evaluation and/or discipline issues
- Notice of non-reappointment or other dismissal issues
- Job duties and other work related issues
- Conflict with another staff member, faculty, or supervisor
- Consultation regarding a student matter
- Harassment and discrimination issues

OBSERVATIONS AND COMMENTARY

The following observations will *briefly* address one issue at a time. For more information or further consultation on the observations described below, please contact the Ombuds Office.

Observations:

1. Stress caused by budget cuts, limited resources, and leadership and organizational changes.

The last academic year saw several changes in leadership as well as the fear and stress associated with layoffs, budget cuts and possible furloughs. Many employees are overwhelmed and trying to do “more with less.”

Recommendation: A systemic approach to addressing these concerns might include a meeting with an Ombuds or utilizing the resources at the Human Resources and Equal Opportunity office. Also, an awareness of supervisors and department heads that this is a stressful time for some employees and being open to answering questions and initiating dialogue, will go a long way in easing some of this uncertainty and stress. Those in supervisory roles should also do what they can to ensure that workloads are not excessive and disproportionate to others in the unit or department.

2. Conflicts of interest at work arising from personal relationships.

Occasionally, the Ombuds Office hears stories about staff doing personal work for their supervisors or graduate students doing personal work for their professors. Some examples include running personal errands, cooking, cleaning, or babysitting. While there is no university policy prohibiting such behavior in subordinate relationships, it is not wise and can cause a conflict of interest, potential harassment

or other possible ethical and legal concerns. Especially unsettling is when there may be misunderstandings due to cultural differences and unreasonable requests are made of international students. When someone in authority asks a subordinate to do personal work for them, the subordinate is often in a position of feeling that they cannot say no and this puts them in unfair position. This can also create an environment that is uncomfortable for the other staff or students in the department or unit. There are many possible consequences that are too numerous to mention. However, one example is that other students may perceive that the student who is doing personal work for the professor may have their work graded more favorably. Likewise, an employee who is doing personal work for their supervisor may be perceived as receiving better evaluations or higher merit raises.

Recommendation:

While the university has a consensual relationship policy, it does not have a policy that prohibits requiring personal work from employees and “personal exploitation” of students. If students or employees find themselves in this difficult position, a talk with an Ombuds, HR professional, department chair, assoc dean or dean, may be useful in getting this behavior to end. It is also the responsibility of the senior faculty or staff member to avoid possible conflicts of interest and to protect the educational and professional relationship.

3. Academic Misconduct

There still seems to be uncertainty and confusion on the part of some students when they are charged with academic misconduct. Many are anxious and stressed about the process.

Recommendation:

When a student is charged with academic misconduct, an instructor should explain the process and answer any questions the student may have. If more appropriate, the student can be referred to a department chair, academic advisor, associate dean, or other faculty or staff member who advise students within their department or school to receive the academic misconduct policy information. It could be helpful to provide a written description of the academic misconduct policy or procedure to the student at that time. The student may also be referred to the Ombuds Office for policy consultation.

4. Guidelines for part-time lecturers are sometimes not made clear

Recommendation: Lecturers should read and keep a copy of their appointment letter. The school or department should also make sure that the appointment letter is clear in explaining that the position is a term appointment. A statement that is used as part of the appointment letter is, “It is understood that this is a term appointment and the University and Board of Regents regulations on advance notice of non-reappointment do not apply”. We recommend that this letter, along with the merit salary letter, be signed *every year* with each renewal. Currently, a clearer statement of these policies is being worked on and will be included in the policy library and

referenced in the upcoming newly revised Handbook for Faculty and Other Unclassified Staff.

5. Vague and confusing guidelines for unclassified professional staff evaluations. The process set forth in the Handbook of Faculty and Other Unclassified Staff, Section C4 is vague and the process of appeals, including time limits, is not in written form university-wide, although some departments may have their own evaluation procedures.

Recommendation: Fortunately, this subject has been addressed and there is a new policy that is now in effect. An e-mail from Danny Anderson, Interim Vice Provost and Executive Vice Chancellor, was sent out on October 20, 2009 notifying the university of the new policy and included a link that can be found here: <https://documents.ku.edu/policies/hreo/unclassifiedevals.htm>. The e-mail from Dr. Anderson also states that “The Office of Human Resources and Equal Opportunity will offer to supervisors and employees information sessions on the policy and its application. If you have questions, please feel free to contact Ola Faucher, Director of Human Resources and Equal Opportunity, 864-7411 or ofaucher@ku.edu <<mailto:ofaucher@ku.edu>>.”

E-MAIL COMMUNICATION AND THE OMBUDS OFFICE

The University Ombuds Office is confidential and we do not speak to anyone without the visitor’s permission. Given the confidential nature of the office and the fact that e-mail is not a confidential means of communication, we do not use e-mail to consult with a visitor, although e-mail may be used to set up an appointment. We are happy to visit with anyone over the phone or in person by appointment. If you would like to make a phone or in-person appointment, please give us a call at (785) 864-7261.

OTHER OMBUDS ACTIVITIES

Campus Dispute Assistance Services

If any person or group on campus would like to request mediation services, Campus Dispute Assistance Services (CDAS) is available for this purpose. The Ombuds Office keeps a list of trained faculty mediators who are available for mediation services. Although the Ombuds Office maintains the list and helps recruit mediation volunteers, the office itself is not involved in the mediation process. The list of mediators is not made public, but it is important to be aware that mediators are available and volunteer a considerable amount of their time and energy for this very important service.

Threat Assessment Team

The University Ombuds is a member of the Threat Assessment Team. This team of various staff members meets on occasion to review situations that potentially may be a threat of violence, but does not involve an immediate threat. For more information about this team, please visit the Human Resources and Equal Opportunity web page at http://www.hreo.ku.edu/policies_procedures/emergency_procedures/workplace_violence

Professional Development from March 1, 2008 – June 30, 2009

Ombuds Harmon attended the International Ombudsman Association (IOA) annual conference in April, 2008, in Boston, MA. She also completed mediation training through the Mediation Training Institute International (MTI) held in Kansas City, in September, 2008. Other activities include the Kansas Students Affairs Conference (KSAC) in Hays, KS, in October, 2008 and a webinar sponsored by the National Association of Student Personnel Administrators (NASPA).

Ombuds Orive attended the International Ombudsman Association (IOA) conference in Montreal, Canada in April, 2009.

Ombuds also made presentations about the office to university teaching assistants, classes, and other units and departments. Ombuds Harmon continues to mentor new ombuds and students. A K.U. Higher Education Administration graduate student, Alicia Cody, provided valuable service to this office in the 2008-09 academic year. Ombuds also consult with other organizations who are considering establishing ombuds programs.

EVALUATION OF THE OMBUDS OFFICE

Last year, the Ombuds Office, in coordination with the Office of Institutional Research and Planning, developed an on-line evaluation survey to evaluate visitors' experiences with the Ombuds Office. Once a year, an e-mail is sent by University Governance inviting students, staff, and faculty who contacted the Ombuds Office to complete the survey. The evaluation was sent in early May, 2009, and the Ombuds Office appreciated receiving feedback from the participants. The results of last year's survey overwhelmingly indicated that individuals who contacted the office were appreciative of how they were treated by Ombuds Office staff and that they had a positive experience with the office. The Ombuds Office encourages anyone who visits with an Ombuds throughout the year (not only in the spring at the request of Governance) to complete the evaluation form at <http://surveys.ku.edu/Ombuds/index.html>.

WHO AND WHERE WE ARE

The University Ombuds Office is located in room 34 Carruth O'Leary Hall, 1246 West Campus Road, Lawrence, KS 66045. Our telephone number is (785) 864-7261.

Kellie Harmon, the University Ombuds and full-time staff, is located in room 34. Kellie is in her sixteenth year working in the Ombuds Office, she served one year as Interim Ombuds and is in her second year serving as University Ombuds.

Maria Orive, Faculty Ombuds and a professor in Ecology and Evolutionary Biology, began her faculty ombuds tenure beginning in January, 2007.

Stephen Grabow, a Faculty Ombuds and a professor in the School of Architecture, is located in Marvin Hall but can be reached at the Ombuds Office main phone number listed above. He also began his faculty ombuds tenure in 2007.

The office does not have a receptionist or administrative assistant on-site so if we are meeting with someone or away for a short-while, please leave a message and we will

get back to you as soon as we can or if you feel more comfortable, please try again at a later time. To better serve university community members, we recommend scheduling an appointment ahead of time to make sure one of us is available to help a visitor when needed. We also accept referrals from others. If you feel someone would benefit from our services, please feel free to refer them here.

VALUE AND ROLE OF THE UNIVERSITY OMBUDS OFFICE

The University of Kansas had the foresight and wisdom to create the University Ombuds Office in 1977. Over thirty years later, the Ombuds Office has grown in staff and in the number of visitors we serve each year. The university community is very fortunate that there is a strong tradition and commitment to the principles of the Ombuds Office. There are many benefits of having an Ombuds Office. According to the IOA website, “organizations with an ombudsman office commonly cite the following benefits of the service:

- Offers a safe place for members of the [university community] to discuss concerns and understand their options without fear of retaliation or fear that formal action will be taken simply by raising concerns.
- Helps identify undetected and/or unreported criminal or unethical behavior, policy violations, or ineffective leadership.
- Helps employees [and students] become empowered and take responsibility for creating a better workplace [and educational environment].
- Facilitates two-way, informal communication and dispute resolution to resolve allegations of harassment, discrimination and other workplace issues that could otherwise escalate into time-consuming and expensive formal complaints or lawsuits.
- Provides the ability to address subtle forms of insensitivity and unfairness that do not rise to the level of a formal complaint but nonetheless create a disempowering work [and educational] environment.
- Aids compliance with the Sarbanes-Oxley Act and the U.S. Federal sentencing guidelines.
- Provides an early warning diagnosis system that identifies and alerts institutions about new negative trends.
- Helps employee [and student] satisfaction, morale and retention by humanizing the institution through the establishment of a resource that provides safe and informal opportunities to be heard.
- Provides upward feedback to management about organizational trends.
- Helps avoid negative press by addressing issues at the lowest and most direct level possible.
- Provides the organization with an independent and impartial voice, which fosters consistency between organizational values and actions.
- Serves as a central information and referral resource for policies, processes and resources within the organization.”

FINAL THOUGHTS AND ACKNOWLEDGEMENTS

From this annual report, one can see that individuals visit the Ombuds Office for a variety of reasons. Providing confidential, neutral, independent, and informal assistance

encourages individuals to come forward and creates a safe place for discussion. The importance of this function cannot be overestimated.

The Ombuds Office mission is greatly enhanced by the support and collaboration of many individuals across the university in various units who are in positions that can create positive organizational changes on this campus. This allows for the sharing of ideas and creates innovative solutions. There are many faculty and staff on this campus who go the extra mile for students and employees and are not recognized. Their willingness to hear feedback and to collaborate on many issues to try and bring about fair and equitable outcomes is deeply appreciated.