Appointment of the University Ombudsman at USC

In August of 2006, a new part-time University ombudsman position was created by Provost Becker. Following an internal search, Jim Augustine, a School of Medicine professor and former chair of the Faculty Senate, was appointed as the first University ombudsman. The University ombudsman deals with problems and concerns that are outside the faculty grievance process and other formal channels. Somewhat similar positions exist for dealing with staff, graduate student, and undergraduate student concerns at the University of South Carolina. The Graduate School recently appointed Dale Moore (777-4827) to assist graduate students with conflicts or concerns.

In December 2006, Jim Augustine became an Associate Member in good standing of the International Ombudsman Association. The University ombudsman adheres to the Code of Ethics and the Standards of Practice of the International Ombudsman Association and serves as a confidential, neutral, informal and independent resource for faculty concerns and conflicts.

A website for the University ombudsman was launched in September, 2006 http://www.sc.edu/ombuds/ providing information about the office, the ombudsman, annual reports, the IOA Standards of Practice and Code of Ethics as well as links to other ombuds-related resources.

International Ombudsman Association

The International Ombudsman Association (IOA) was officially formed in July 2005 following the merger of the University and College Ombuds Association (UCOA) and The Ombudsman Association (TOA). IOA is the largest international association of professional organizational Ombudsmen practitioners in the world, representing more than 640 members from the United States and across the globe. About 240 of those members belong to the academic sector.

The Association supports organizational Ombudsmen worldwide working in corporations, universities, non-profit organizations, government entities and non-governmental organizations. IOA offers a full roster of professional training and education programs for the practicing ombudsman professional and those interested in learning more about the profession. In addition, the association works to support and promote the profession through strategic partnerships and communication with government agencies and other professional organizations as appropriate.

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.

IOA Ethical Principles

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.

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.

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.

Independence

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

IOA Standards of Practice and IOA Code of Ethics

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

http://www.ombudsassociation.org/sites/default/files/IOA_Standards_of_Practice_Oct09.pdf

http://www.ombudsassociation.org/sites/default/files/Code_Ethics_1-07.pdf

Definition of "Ombudsman"

The word **"Ombudsman"** is Swedish and means "representative." It is not gender specific, although many universities are using the terms, "ombuds," or "ombudsperson," in an effort to make the word gender neutral. The modern use of the term began in 1809, when the Swedish government created the office, although the idea for the office goes back as far as the Ottoman Empire in the 18th century. The ombudsman is an "official appointed to safeguard citizens' rights by investigating complaints of injustice made against the government or its employees" (*Philip's Millennium Encyclopedia*). Sweden and several other European countries appointed a relatively senior and respected official who would have access to all levels of government, from the prime minister, through the heads of ministries, to directors of lower-level administrative agencies, and could cut through red tape and work out resolutions of problems relatively expeditiously. Since the 1950s, many states, universities, and businesses have created ombudsman offices. (*John C. Keene, University Ombudsman, University of Pennsylvania, Almanac -* April 1, 2008, Volume 54, No. 27).

2011-2012 Activities

The University ombudsman continued his participation as a member of the Nominations and Elections Committee (NEC) of the International Ombudsman Association.

On September 22, 2011 the University ombudsman gave a presentation on the duties of the ombudsman and on the topic of *"Bullying"* to participants in the Academic Leadership Development Program (ALDP), established by the Southeastern Conference Academic Consortium (SECAC) to help develop the leadership skills of tenured faculty on SEC campuses.

On October 27, 2011 the University ombudsman participated in the Chair and Director Leadership Workshop and spoke on the "*Chair as a Leader – Ombudsman's Perspective – Communication and Conflict*"

On November 2, 2011 the University ombudsman made a presentation to the Faculty Senate on the role of the office and provided senators with a copy of the annual report of the University ombudsman.

On January 5, 2012, the University ombudsman made a presentation introducing attendees at the New Faculty Orientation to the work of the University ombudsman.

On April 16, 2012 the University ombudsman made a presentation at the Academic Leadership workshop on *"Effective Leadership: the Key to Conflict Resolution"*

On August 14, 2012 the University ombudsman made a presentation introducing attendees at the New Faculty Orientation to the work of the University ombudsman.

The University Ombudsman participated in a number of meetings of the *Faculty Issues Committee*.

Visitors and Topics of Concern (2011-2012)

During the period of this report (August 15, 2011 to August 14, 2012) the University ombudsman met with 55 faculty members who were first time visitors to the ombuds office. These cases may have involved the University ombudsman's simply listening to a visitor's concern, offering information about University policies and procedures, discussing a concern and clarifying an issue, helping identify and evaluate a range of options for resolving a problem, gathering information and offering referrals to other resources, helping visitors prepare for a difficult conversation or writing a letter as needed, facilitating communication - indirectly or through shuttle diplomacy, or working for collaborative agreements between those involved in a dispute. The University ombudsman also tracks perceived issues and trends and makes recommendations for institutional change as appropriate. I have done an informal survey of a number of Carnegie Foundation Tier I institutions and the average number of faculty visitors to the ombuds office at those institutions based primarily on annual reports, self-reports or reports in the Ombuds Blog. The number of faculty visitors to the ombuds office at these academic institutions averaged 49 in 2006-2007 (n = 27 schools), 46 in 2007-2008 (n = 31 schools), 43.2 in 2008-2009 (n = 28 schools), 44.5 in 2009-2010 (n = 23 schools), and 41 in 2010-2011 (n = 9 schools). That averages out to be about 46 visitors per year at these Carnegie Tier I schools during the past 5 years. Over the past five years the USC ombudsman has assisted some 311 faculty members for an average of 52 visitors per year. The number of faculty members utilizing the services of the University ombudsman seems to be in keeping with other Carnegie Foundation Tier I institutions.

In order to preserve the confidentiality of visitors to the University ombudsman, no notes, documents, or records of any kind are maintained related to the identity of individual faculty members including their gender, race, department, college or school. The only information retained from contacts by faculty visitors with the University ombudsman is that regarding the nature of the issue discussed. The International Ombudsman Association has a series of nine standardized reporting categories under which

are an extensive series of subcategories that permit placement of any issue, question, concern, or inquiry. Faculty conflicts and concerns are described under the appropriate category.

Uniform Reporting Categories – faculty concerns in each category (2011-2012)

(1) Compensation & Benefits - *Questions, concerns, issues or inquiries about the equity, appropriateness and competitiveness of employee compensation, benefits and other benefit programs.* 4 visitors in this category.

(2) Evaluative Relationships - *Questions, concerns, issues or inquiries arising between people in evaluative relationships (i.e. senior faculty-junior faculty, program director-faculty, chair-faculty, dean-faculty, faculty-student).* 15 visitors in this category.

(3) Peer and Colleague Relationships - *Questions, concerns, issues or inquiries involving peers or colleagues who do not have a direct supervisory relationship (e.g., two faculty members within the same department or conflict involving faculty members of the same college or unit).* 6 visitors in this category.

(4) Career Progression and Development - *Questions, concerns, issues or inquiries about administrative processes and decisions regarding entering and leaving a job, or what it entails, (i.e., recruitment, nature and place of assignment, job security, and separation).* 14 visitors in this category.

(5) Legal, Regulatory, Financial and Compliance - *Questions, concerns, issues or inquiries that may create a legal risk (financial, sanction etc.) for the organization or its members if not addressed, including issues related to waste, fraud or abuse.* 8 visitors in this category.

(6) Safety, Health, and Physical Environment - *Questions, concerns, issues or inquiries about Safety, Health and Infrastructure-related issues.* 1 visitor in this category.

(7) Services/Administrative Issues - *Questions, concerns, issues or inquiries about services or administrative offices.* 3 visitors in this category.

(8) Organizational, Strategic, and Mission Related - *Questions, concerns, issues or inquiries that relate to the whole or some part of an organization.* 0 visitors in this category.

(9) Values, Ethics, and Standards - *Questions, concerns, issues or inquiries about the fairness of organizational values, ethics, and/or standards, the application of related policies and/or procedures, or the need for creation or revision of policies, and/or standards.* 4 visitors in this category.

As this report marks the 6th anniversary of the University Ombudsman the following summary of the work of the University Ombudsman during these past six years is provided.

Reporting categories	year ❶ 2006-2007	year ❷ 2007-2008	year ❸ 2008-2009	year ❹ 2009-2010	year ❺ 2010-2011	year ❻ 2011-2012	All years	%
1. Compensation and Benefits	6	4		3	3	4	20	6.4%
2. Evaluative Relationships	23	12	16	7	4	15	77	24.8%
3. Peer and Colleague Relationships		5	9	10	9	6	39	12.5%
4. Career Progression and Development	12	18	8	15	6	14	73	23.5%
5. Legal, Regulatory, Financial and Compliance		1	3	3	4	8	19	6.1%
6. Safety, Health, and Physical Environment	5	4			8	1	18	5.8%
7. Services/Administrative Issues	6	4		5	4	3	22	7.1%
8. Organizational, Strategic, and Mission Related		2	2	5	1	0	10	3.2%
9. Values, Ethics, and Standards	9	3	11		6	4	33	10.6%
	61	53	49	48	45	55	311	100%

Final Comments

- It is worth reminding our colleagues on the senior and regional campuses that the University ombudsman is available to help them with their concerns and conflicts.

- It also bears repeating that the services of the University ombudsman are available to **tenured, tenure track and non-tenure track faculty on all campuses**.

- In the September 4, 2012 online issue of the ***Chronicle of Higher Education***, Jason B. Jones noted that "two weeks ago, the New Faculty Majority and the Campaign for the Future of Higher Education released a joint study, "Who Is Professor 'Staff,' and how can this person teach so many classes?" ([executive summary](#) | [full report](#)). Authored by Steve Street, Maria Maisto, Esther Merves, and Gary Rhoades, the study documents many of the educationally counterproductive aspects of higher education's systematic over reliance on contingent labor." In the executive summary of that report two particular aspects of the working conditions of contingent faculty emerged as particularly significant: "just---in---time" hiring practices and limited access to pedagogical resources. Of concern to this University ombudsman has been the observation that non-tenure track faculty often feel underappreciated and underpaid. While they clearly understand their status as "at-will" employees they are often poorly treated. Particularly disappointing is the way in which contracts are presented to some faculty, the limited time given to sign such contracts, and the punitive behaviors that ensue if objections or grievances are raised about the length of the contract or the required workload. In one case a faculty member was not permitted

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to take the contract out of the building and in another case a faculty member was given one hour to sign their contract. None of these actions would seem to exemplify or promote civil, professional, ethical, respectful, and courteous interactions between faculty and their administrative colleagues.

- It was encouraging to note in the 2009-2010 annual report that in April 2009 the General Faculty approved changes in the Faculty Manual including a faculty commitment to the Carolinian Creed - an expression of the University's values and standards that sets forth expectations for members of the University community, including the importance of personal and academic integrity and a respect for the dignity, rights, and property of others. The preface to the Faculty Manual now states that the "faculty of the University of South Carolina recognize our special responsibility to honor and exemplify the values and principles expressed in the Carolinian Creed."

  In last year's annual report (2010-2011) it was suggested that it might be appropriate for the Faculty Senate to think creatively about how to promote civility and strengthen faculty commitment to the Carolinian Creed and hold one another accountable to it when issues related to respect/treatment of peers and colleagues, bullying, abusive, threatening, or coercive behaviors occur.

  Perhaps during the 2012-2013 academic year the Faculty Senate will partner with the University administration and the Board of Trustees to promote civil, professional, ethical, respectful, and courteous interactions among all members of the University community and hold accountable those who do not adhere to this standard of civil conduct.

- Kudos to the **Emergency Management Team** for producing a *Faculty/Staff Preparedness Guide*. It is hoped that all faculty and staff will obtain a copy of this Guide, read it and become familiar with the policies and procedures set forth by the Emergency Management Team. In this way we can all be prepared for an emergency situation on our campus and support one another should an emergency arise.

- Whatever success has been achieved during this past six years by the University ombudsman is attributable to the cooperation and support of faculty and administrative leaders in the University who were willing to listen to various matters brought to their attention and work with all parties concerned to find a fair and just resolution to the issues at hand. The University ombudsman is particularly appreciative of the administration's willingness to support the work of this office without violating the independence, neutrality, informality or confidentiality of the ombuds process.

Previous Annual Reports may be found on the University Ombudsman Website at
http://www.sc.edu/ombuds/annual.shtml