University Ombudsman Annual Report – University of South Carolina | 2015-2016

Introduction:

The word "Ombudsman" is Swedish meaning "representative." It is not gender specific, although many universities are using the terms "ombuds," or "ombudsperson," to make the word gender neutral. The modern use of the term began in 1809, when the Swedish government created the office. 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 to resolve problems relatively expeditiously. Since the 1950s, many states, universities, and businesses have created ombudsman offices. (John C. Keene, University Ombudsman, University of Pennsylvania, Almanac - Vo. 54, No. 27, 2008.

A few facts:

- The Office of the University Ombudsman was established at USC in August, 2006
- The principles under which the University Ombudsman functions are consistent with the Standards of Practice of the International Ombudsman Association (IOA). These Standards of Practice are based upon, and derived from, the ethical principles stated in the IOA Code of Ethics.
- IOA is the largest international association of professional organizational Ombudsmen practitioners in the world, representing almost 900 members from the United States and across the globe.
- The University Ombudsman serves as a confidential, neutral, informal and independent resource for faculty concerns and conflicts.
- The services of the University Ombudsman are available to tenured, tenure track and non-tenure track faculty on all campuses.

Ombuds practice is guided by four ethical standards:

- **INDEPENDENT:** The Ombudsman is independent in structure, function, and appearance to the highest degree possible within the organization.
- **INFORMAL:** The Ombudsman, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.
- **NEUTRAL:** 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.
- **CONFIDENTIAL:** 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.

What we do:

- Listen
- Offer information about University policies and procedures
- Discuss concerns and clarify the issues
- Help identify and evaluate a range of options for resolving a problem
- Gather information and offer referrals to other resources
- Help visitors prepare for a difficult conversation
- Facilitate communication, indirectly or through shuttle diplomacy
- Work for collaborative agreements
- Track perceived issues and trends
- Make recommendations for institutional change
- Do all our work informally, and put almost nothing on paper.

What we don't do:

- Make decisions for a visitor
- Establish, change, or set aside policies
- Offer legal advice
- Offer psychological counseling
- Participate in grievances or other formal processes
- Serve as an agent of notice for the University
- Serve as an advocate for any individual
- Do formal investigations and don't write case reports.
- Serve as a neutral adjudicator of complaints

What we did in 2015-2016:

- Met with a total of 47 visitors
- Took many phone calls and email requests for information and consultation
- Most cases resolved without initiating a formal grievance process
- We received extraordinary cooperation from Provost's Office, HR, EEOC, University Counsel, deans, chairs, and others
- The University ombudsman continued his participation as a member of the Nominations and Elections Committee (NEC) of the International Ombudsman Association and on the Certified Organizational Ombudsman Practitioner (CO-OP) Appeals Committee of IOA.
- On February 3, 2016, 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 for 2014-2015
- In January and August of each year, the University ombudsman provides materials to attendees at the New Faculty Orientation describing the work of the University ombudsman.

10-year summary (2006-2016):

- Over the past ten years the University Ombudsman has assisted some 505 faculty members for an average of 50.5 visitors per year.
- The number of faculty members utilizing the services of the University Ombudsman seems to be in keeping with some 31 Carnegie Foundation Tier I institutions that I have been tracking over the past 10 years (average about 58.5 visitors per year).

Uniform Data Reporting Categories:

In the fall of 2003, a joint TOA-UCOA Task Force of colleagues representing corporate, higher education, government agencies, and international agency sectors was formed to develop a list of categories that could be used by Ombudsman across sectors to:

- classify the kinds of issues for which people use ombudsman
- identify trends in requests for services, and
- develop professional development needs

Annual Report – IOA Uniform Data Reporting Categories:

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, school or campus. 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 **Uniform Reporting Categories** under which are an extensive series of subcategories that permit placement of any issue, question, concern, or inquiry. Faculty conflicts and concerns addressed by the University ombudsman are described under the appropriate category.

These same categories were used in this report in in our 9 previous annual reports.

(1) Compensation & Benefits - Questions, concerns, issues or inquiries about the equity, appropriateness and competitiveness of employee compensation, benefits and other benefit programs. (7 visitors in 2015-2016)

(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 2015-2016)

(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 2015-2016)

(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). (3 visitors in 2015-2016)

(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 2015-2016)

(6) Safety, Health, and Physical Environment - Questions, concerns, issues or inquiries about Safety, Health and Infrastructure-related issues. (3 visitors in 2015-2016)

(7) Services/Administrative Issues - Questions, concerns, issues or inquiries about services or administrative offices. (1 visitors in 2015-2016)

(**8) Organizational, Strategic, and Mission** Related - Questions, concerns, issues or inquiries that relate to the whole or some part of an organization. (3 visitors in 2015-2016)

(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. (1 visitors in 2015-2016)

As this report marks the 10th anniversary of the University Ombudsman the following summary of the work of the University Ombudsman during the past decade is provided.

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10		**% of all visitors, all years.**
Reporting categories	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	All years	
1. Evaluative Relationships	23	12	16	7	4	15	15	13	9	15	129	**25.5%**
2. Career Progression and Development	12	18	8	15	6	14	8	9	8	3	101	**20%**
3. Peer and Colleague Relationships	0	5	9	10	9	6	8	9	5	6	67	**13.3%**
4. Values, Ethics, and Standards	9	3	11	0	6	4	5	5	1	1	45	**9%**
5. Legal, Regulatory, Financial and Compliance	0	1	3	3	4	8	5	5	8	8	45	**9%**
6. Compensation and Benefits	6	4	0	3	3	4	3	3	6	7	39	**7.7%**
7. Services /Administrative Issues	6	4	0	5	4	3	2	2	2	1	29	**5.7%**
8. Safety, Health, and Physical Environment	5	4	0	0	8	1	3	2	1	3	27	**5.3%**
9. Organizational, Strategic, and Mission Related	0	2	2	5	1	0	0	5	5	3	23	**4.5%**
	61	53	49	48	45	55	49	53	45	47	505	**%**

Final Comments:

- It is worth reminding our colleagues on the four-year campuses and on the Palmetto college campuses that the services of the University Ombudsman are available to all tenured, tenure track and non-tenure track faculty members on all USC system-wide campuses.
- Graduate students with conflicts or concerns are encouraged to contact Dale Moore in the Graduate School at 777.8237
- The Faculty Civility Advocate is charged with adjudicating and resolving complaints of faculty-on-faculty workplace bullying. A complaint filed with the Faculty Civility Advocate starts a formal procedure towards resolution. Individuals are encouraged to first seek informal resolution through their department chair, supervisor, or dean, or to speak to the Ombudsman.
- As of this fall, one of our four year campuses, USC Upstate, has hired Diane M. Daane, MS, JD, Distinguished Professor Emeritus of Criminal Justice as their interim ombuds. Diane retired in December after 25 years at Upstate, and is highly respected by her colleagues.
- This office continues to appreciate the work of the Faculty Civility Advocate who is charged with adjudicating and resolving complaints of faculty-on-faculty workplace bullying. Individuals who seek informal resolution through their department chair, supervisor, or dean, or who speak to the Ombudsman, now have a formal route towards resolution of their workplace bullying concerns.
- In my annual report of August 2013 (Annual Report for 2012-2013) I expressed concern that our hard-working non-tenure track faculty on the Columbia and other four-year campuses and on the Palmetto college campuses often feel underappreciated, underpaid, and in some instances disrespected. From time to time issues arise regarding the salaries and workload of non-tenure track faculty, and their lack of job security. I suggested that perhaps the Faculty Welfare Committee or some other group within the Faculty Senate might undertake a thorough and systematic survey of issues related to non-tenure track faculty such as contracts, appointment, rank, and promotion; evaluation, recognition, and compensation; governance; and other relevant policy matters. The Report of Non-Tenure Track Faculty Survey – Spring 2015 presented at the June 2015 Faculty Senate meeting by the Faculty Welfare Committee was a significant step forward in addressing these issues. Because of the many concerns that emerged from that Survey, the Faculty Senate established an Ad Hoc 2015-2016 Non-Tenure Track Faculty Task Force. This group has been hard at work since they were appointed and have identified the most significant concerns from the 2015 NTT Faculty Survey, reviewed the literature, and researched policies from our peer institutions. I understand that they are prepared to make substantive recommendations to the Faculty Senate regarding voting rights, multiple year contracts, promotion, standardization of titles, and awards. These recommendations represent a giant leap forward for our dedicated non-tenure track faculty and their need for conditions that support their work and professional development.

- There are a few lingering matters that concerned faculty have brought to my attention that have challenged my abilities over the past few years. These include: several units with alleged hostile work environments in which junior or nontenured faculty do not want to take the matter to the Faculty Civility Advocate for fear of eventual retribution; concerns over unresolved salary issues or money due faculty for which there seems to be no final arbiter (this may take place where there has been a transfer from one unit to another or from one director, chair or dean to another; inconsistencies in the application of the Family Friendly policies; the accommodation in workplace equipment; the apparent absence of clearly defined policies on the use of personal credit cards by staff over a long period of time and concurrence by those to whom they report and the resulting reimbursement for travel lodging, food, etc. and the question of who keeps the rewards/benefits of the card; and inconsistencies in the application of policies regarding the appointment of some faculty but not others to 9 or 12 month appointments within the same unit.
- Whatever success has been achieved during these past ten 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.

Contact information:

Jim Augustine

216-3504

www.sc.edu/ombuds/

Email is not appropriate for sharing confidential information.

Please call me and we can arrange to meet in person.

Previous annual Reports:

Previous Annual Reports may be found on the University Ombudsman Website at:

http://www.sc.edu/ombuds/annual.shtml