This report has three parts. Part I briefly summarizes the activities of the Boulder Faculty Ombuds during the 2012-2013 academic year. Part II identifies issues that may be of special interest to the Provost’s Office. Part III identifies the priorities of the Faculty Ombuds during the current academic year.

I.

During AY 2012-2013, the Faculty Ombuds continued their work with CU-Boulder faculty, faculty administrators, and others who interface with faculty members to recognize and defuse incipient conflicts and to develop and implement strategies to manage, if not eliminate, unproductive conflict in the workplace. We assisted our visitors by obtaining information on university policies and procedures, by offering individual coaching in effective communication strategies, by conducting facilitated individual and department-wide conversations, by engaging in mediation, and by referring visitors to other campus resources and offices. Visitors to a Faculty Ombuds typically seek advice in a strictly confidential setting and from persons independent of normal reporting channels, and all of our work is structured to respect those needs and to avoid even the appearance of any conflict of interest. Attachment A provides more detailed, statistical information about this work.

In addition to offering services targeted at immediate workplace problems, the Faculty Ombuds collaborated with other campus efforts to manage or ameliorate conflict. As time permits, we offered workshops relevant to the mission of our program. Attachment B provides more detailed information about these activities.

II.

The Faculty Ombuds are in a uniquely good position to identify conflict-related issues and trends that may be of special interest to the Provost. We consider the following issues and trends to be worth noting.

A. We were asked by a number of visitors to help them address problems and conflicts among members of research teams whose work is central to the intellectual and financial well-being of the University. Addressing conflict within research teams tended to be complicated, particularly when members of CU Boulder research teams experienced difficulties with researchers and PIs employed at other universities outside Colorado, when research team members were simultaneously involved in pure research as well as its private, commercial applications, when conflict was exacerbated by the inherent power dynamics existing among PRAs and PIs, and given the apparently high turnover rate among PRAs in many disciplines. We frequently perceived the risks of this sort of
conflict, to the University, to be high, especially when it seemed to put large research grants at risk. To effectively respond to this type of conflict, something more than an individual consultation was often required. Mediations or facilitated conversations among multiple members of the team seemed to be useful tools for ameliorating – if not entirely resolving – these conflicts.

Conflict within research teams jeopardizes not only important individual research endeavors but also larger university interests. We are therefore initiating conversations with other campus offices and administrators in order to learn as much as possible about the structural research contexts in which difficulties arise and to introduce our services to the funded research community at CU Boulder. We are also exploring ways in which we can work with other campus offices and administrators to anticipate and prevent unnecessary conflict. We emphasize that – although it is an important – the Faculty Ombuds do not have the resources to comprehensively engage with/confront this issue. We are willing, however, to offer our expertise to support programs undertaken by other offices (for example, we could consider doing some focused, high-level workshops for others who would then be tasked with transferring what they have learned to research teams, etc.)

B. Last year the Faculty Ombuds conducted a facilitation for a conflict-ridden department. The facilitation included numerous individual consultations with faculty, the department chair, and other relevant academic administrators; two unit meetings; and the preparation and distribution of materials and reports essential to the facilitation. Based on patterns of visits and repeat visitors, we believe there are other academic units in which communication and other capacities essential to productive and collegial intellectual activities are generally compromised. These academic units could benefit from similar facilitations.

The Faculty Ombuds have the expertise to do this work effectively. In particular, we note that the Faculty Ombuds program – with its essential promise of confidentiality, its independence, and the understanding that faculty facilitators bring to the work – is structured so as to greatly enhance our ability to help troubled academic units. For example, one participant in last year’s facilitation commended the Faculty Ombuds for conducting a facilitation that was “more productive, more civil, and more open” than in previous efforts to address the extremely sensitive issues confronting the department. The participant commended the Faculty Ombuds for their “mandate to facilitate communication without control or [undue] intrusion”, and described the Faculty Ombuds program as “a valuable resource for department workshops.” The department chair had a similarly favorable assessment, which is attached to this report as Attachment C.

The difficulty is that a single academic unit facilitation requires many many hours if it is to be effective and not simply one more distraction for faculty whose work is already being obstructed by unit disfunctions. The Faculty Ombuds program simply is not resourced to support numerous facilitations. And there are few, if any, alternatives, on the Boulder campus.
C. A number of faculty visited a Faculty Ombuds because they were enmeshed in formal university grievance or complaint processes. Sometimes an initial grievance or complaint had mushroomed into a situation involving multiple formal processes. In particular, faculty visited us when they became involved in ODH investigations, investigations undertaken by the Faculty Affairs office, investigations involving the Office of Student Conduct, and when a formal complaint was made under the new Rights and Responsibilities document. Faculty visitors needed confidential help understanding the formal process(es), how different processes related to one another, identifying constructive ways to engage with such processes, and reassurance that the processes were unfolding as intended.

The Faculty Ombuds are not advocates for any visitor, but we do see ourselves as advocates for helping formal processes function as the university intends them to function. Our assistance to faculty who become involved in formal processes is especially critical, given underlying legal, public relations, and other risks to the university, as well as to the individuals involved. We continue to work with other university offices to ensure that formal processes function as intended, without generating unnecessary tangential conflict. The continued support of the Provost’s Office in encouraging inter-office consultation and information-sharing is critical to this effort.

D. Two new policies may generate increased visits by faculty to the Faculty Ombuds. When faculty raise questions about a specific university policy or its implementation, our practice is not only to help faculty find ways of addressing their own, personal concerns but also to bring these issues to the attention of the appropriate policy-making offices and committees within the university. We have adhered to this practice in the case of the two policies discussed below, but because these policies may present uniquely difficult issues to the campus, we note them here.

1. Although we are pleased with the endorsement of the Professional Rights and Duties policy for faculty, at least one of our consultations last year suggests that it would be wise for the campus to take some precautionary steps to avoid unintended and unnecessary conflict that might be generated by the policy.

The new policy clearly embodies an intention to ensure that conflicts arising out of poor collegial relationships, disrespect, lack of civility, and other breaches of faculty obligations should ideally be resolved through direct conversations between and among concerned faculty (and academic administrators). The difficulty is that the policy – which contains a hybrid, open-ended procedural structure that is linked to broadly-phrased “academic rights” concerns – may inadvertently divert issues that have previously been handled very effectively through informal campus processes into a complicated process geared toward sanctions.

This report is not the place to review all of our concerns. We would simply suggest that you might send an annual memorandum to department chairs and other academic administrators reminding them of three things that will help ensure that their discretionary process decisions under the Professional Rights and Duties policy are made
in ways that do not inadvertently and unnecessarily increase the intensity of or broaden existing conflicts. The three reminders are:

As department chairs encourage faculty to resolve differences among themselves and with their chairs or deans through direct communication and at the lowest level possible, they should alert faculty that there are campus resources like the Faculty Ombuds program that have a history of effectively assisting faculty to address differences in confidence and without compromising principles.

Department chairs and other academic administrators can also consult the Faculty Ombuds who have expertise in matters of process which they might usefully draw on as they make decisions about how to flesh out the open-ended, hybrid process provided for in the policy.

Although the policy is not explicit on this point, the opportunity for a mediated resolution of a problem may be available throughout the time that a complaint under the policy is pending. Disputing parties should always be encouraged to find ways of mutually ending their conflicts and of reaching consensual agreements that are usually more effective at sustaining collegial relations than sanctions.

2. It is our understanding that allegations of discrimination under the new Regents policy dealing with political affiliation or ideology are to be referred to ODH and will be handled in the same way as more traditional types of discrimination. We have had faculty visitors who have told us that part of the difficulty they are experiencing is due to someone’s perception (a student or a colleague) that they are politically biased. If complaints of political discrimination are the subject of mandatory reporting requirements and automatically referred to formal ODH processes, we anticipate difficulties across campus. We would welcome opportunities to consult with relevant campus administrators as implementation procedures are developed for the new Regents policy.

E. A number of faculty raised difficult issues dealing with mental disabilities and emotional stress. These issues can be dealt with through accommodation, disability leaves or through more informal approaches. Faculty understandably are reluctant to discuss these sorts of disabilities or emotional stresses with department chairs or even colleagues. Under these circumstances, confidentiality needs are at a premium, and risks to individual careers are high, so the security and confidentiality of the Faculty Ombuds program are especially valuable.

III.

We note the following priorities for the coming year.

We will continue our outreach at the department chair level. Department chairs are an effective vehicle for reaching individual faculty members who may be facing difficulties;
and chairs themselves may also find it useful to take advantage of the services of the Faculty Ombuds program. We are grateful for the support of the Provost’s Office in this effort. In particular, attendance at the department chairs’ breakfasts is very helpful to us in reaching out to chairs. Attendance also keeps us informed about emerging issues and organizational changes on campus that may generate unrest, confusion, and conflict for faculty.

We are also experimenting with new ways of balancing program priorities. For example, we wish to continue to offer regular workshops through the LEAP program, but we are considering making an effort to maximize the impact of any other workshops by targeting them at selected individuals who are in a position to transfer what they learn to larger numbers of individuals within academic units or research teams. In professional jargon, we think we may have the greatest impact – given our limited resources – if our workshops focus on “training the trainers.”

We are anticipating transitions in the program and are hoping to implement some training and shadowing opportunities for faculty candidates interested in working as a Faculty Ombuds.

We will continue to pursue the cost-saving, collegiality, and productivity objectives emphasized by Larry Singell in the following statement, made upon his retirement from the Faculty Ombuds program.

. . . [T]his program is immensely important to the university and its mission. First, it is cost effective. I have personally witnessed a number of situations each year which, given reasonable probabilities, would have ended in costly litigation without the Faculty Ombuds Program. The option of an informal, confidential, neutral and independent way to approach and resolve conflicts, using retired faculty with considerable experience and loyalty to the larger mission of the university, works. It is likely that the cost of the Faculty Ombuds Program is saved many times over because of reduced litigation costs alone. But there is another consideration that may be even more important. When faculty make the effort to resolve problems in this informal way, it tends to maintain and even strengthen work relationships. As a faculty member, department chair, dean and associate vice chancellor, I witnessed over and over how formal options, like litigation, P&T, or investigations, created permanent scars, heightened distrust and intensified conflicts.

Increased budgetary pressures combined with the growing need for the university to change are likely to increase conflicts. A commitment from the highest level of the campus to provide support for a faculty based, professionally qualified office, dedicated to creating a comfortable and informal environment which seeks to help faculty work together to resolve conflicts sends a strong message for moving forward in positive ways.
The Faculty Ombuds make a significant contribution to workplace problem solving and conflict management on the campus. One of the major observations on conflict management made by Ombuds in university environments is that when top university leaders demonstrate both an awareness of the issues that are causing conflict and a visible and strong commitment to supporting programs provided by professionally trained faculty, morale is higher, costly formal processes and litigiousness are reduced, and members of the community are more productive. Thus, we are delighted to have these opportunities to report on our activities and to have the support of the Provost’s Office for this program. We are always available to consider ways in which we can be helpful.

Attachment A

Statistical Data for AY 2012-2013

I. Individual cases. The Faculty Ombuds worked on 73 cases last year. In the aggregate, these cases involved 89 people and entailed both individual and group consultations as well as information contacts pursued at the request or with the permission of our visitor(s). Virtually all of our visits were initiated by individuals who hold faculty rank but we also had contacts with a few students and other members of the university community.

Work on the above cases required us to find constructive ways of addressing a total of different issues. We have grouped these issues into the 9 different reporting categories recommended by the International Ombuds Association. Each issue required creative use of our professional experience and training and our understanding of university policies and resources.

Compensation and Benefits (e.g., payroll, retirement, pensions; inequities in compensation; leaves; absence from campus): 5

Evaluative relationships (e.g., priorities, values, beliefs; assignments/schedules; feedback; performance appraisal; departmental climate; supervisory effectiveness; insubordination; equitable treatment; respect/treatment; trust/integrity; communication; diversity-related; retaliation; reputation; bullying, mobbing): 17

Peer/colleague relationships (e.g., reputation; respect/treatment; trust/integrity; communication; bullying/mobbing; diversity-related; retaliation; cooperation): 32

Career Progression and Development (e.g., reappointment, tenure, promotion, post-tenure reviews; career/academic progression; possible termination; resignation; transitioning into retirement; general career development): 24
Legal concerns (e.g., business and financial practices; harassment; discrimination; disability; privay and security of information; other issues involving a legal risk for the organization or its members if not addressed): 14

Safety, Health and Physical Environment (e.g., work-related stress; work-life balance; safety, health, and infrastructure; information privacy): 8

Services/Administrative Issues (e.g., quality of services; accessibility, effectiveness, or equity of administrative services): 6

Organizational, Strategic, and Mission Related (e.g., change managgement; priority setting and/or funding; concerns or conflicts that related to the whole, or a major division of, campus organization): 6

Values, Ethics, and Standards (e.g., research misconduct; fairness and organizational values, ethics, and/or standards; other policies and procedures): 1

II. Group consultations.

At the request of a department chair, we structured a facilitation for an academic department needing to move beyond long-standing animosities, communication barriers, and conflicts so as to be able to address significant substantive issues facing the department (as a campus unit) and the discipline (which is facing difficult pressures on a national level). This effort entailed numerous preparatory interviews with relevant faculty and academic administrators, consultation with experts from outside the university, extensive coordination with the department chair, two half-day facilitated meetings with department faculty, preparation of materials for each meeting, and two written reports summarizing faculty decisions and action items. Reflected statistically, the facilitation involved 44 people, which included 101 individual consultations and contacts.

Attachment B

Service and Outreach Activities for AY 2012-2013

In addition to working on discrete cases, the Faculty Ombuds engaged with 241 individuals through the following service/outreach activities, intended to enhance the visibility and recognition of the Faculty Ombuds program and its active collaboration with other offices working to prevent unnecessary conflict.

Provided information about the Faculty Ombuds program to new faculty members at the 2012 UCB New Faculty Fair (August) – 16 new faculty
Conducted a LEAP workshop (“Power Pointers”: November 7) – 11 participants
Conducted (in collaboration with Ombuds Director Tom Sebok) two day-long LEAP workshops for new faculty on conflict management (‘Dealing with Difficult Conversations’: January 9 and May 14) – 19 participants
Organized a presentation directed at department chairs and academic administrators by Professor Loraleigh Keashley, nationally recognized expert on academic workplace issues, including bullying (co-sponsored by the Office of the Provost: February 21) – approximately 60 participants
Presented a workshop (with Patricia Rankin) for the annual CU Women Succeeding Symposium (“Negotiation”: February 22) – approximately 50 participants
Conducted a LEAP workshop (“The Quiet Side of Negotiation”: March 15) – 21 participants
Participated in a roundtable discussion on bullying (sponsored by the Chancellor’s Committee on Women: March 19) – approximately 25 participants
Reported at the CU Retired Faculty Association’s business meeting about concerns brought to the Faculty Ombuds Office (March 19) – 39 participants

Each of the outreach efforts identified above resulted in a number of intensive conversations with faculty regarding issues typically raised by visitors to our office. Conversations incident to outreach activities and workshops have not been included in the previous statistical summary of individual visitor consultations, although they may have served as a substitute for a formal request for assistance from a Faculty Ombuds.

Attachment C

William Kuskin
Professor and Chair

28 October 2013

Letter of Evaluation for Faculty Ombuds Office
Professor Emily Calhoun, Law
Professor Lee Potts, Professor Emerita in Theater and Dance

I write to commend Professors Emily Calhoun and Lee Potts of the Faculty Ombuds Office for the incredible work they accomplished for the department of English in AY 2012/13. In this letter I recount the situation they encountered in English and the steps they took to make it a
more productive and more harmonious unit. Throughout, I want to underscore one point: Profs. Calhoun and Potts are an amazing asset to the University. Tireless, patient, bold, and inspiring, they are able to bring original and focused insight to the difficult problems of human organization. English is a much better department because of their efforts. I commend them for their work and, at the end of this letter, suggest three possible steps to maximize their benefit to the university overall.

The 2009 ARPAC report criticized the Department of English for having a “dysfunctional culture.” In 2010 I became chair and discovered, to my dismay, that the report’s description was accurate. In 2011, John Frazee and I developed a between-semester, off-campus faculty workshop. Dr. Frazee also interviewed the faculty members of English individually. The workshop took place in the winter of 2012 and produced a number of positive action steps for the department to consider. Dr. Frazee wrote a formal report on the department and suggested that I talk with Emily Calhoun about the next steps.

Prof. Calhoun brought amazing energy to the project of the Department of English. She took three major actions. First, she conducted the faculty workshop for 2013. In preparation, she too met with interested faculty and developed a survey for the workshop itself. For the workshop, she teamed with an outside facilitator, Angela Jo Woolcott from CDR Associates. It was at this meeting that the chief problem with the department came out: a culture of bullying and non-participation. Second, after the workshop, she partnered with Prof. Potts, and together they drafted a report for the faculty. During the drafting period, a debate occurred at a faculty meeting, which some faculty saw as exemplifying the dysfunctional culture. Profs. Calhoun and Potts met with faculty and with myself and convinced me that we needed to have another faculty workshop. Thus, and this was the third major action, they conducted another meeting, this time at the Law School, in which we largely confronted the problems and developed action points around them.

By all reports, English is a changed department. In part, this is due to the will of the department itself. It is also due to Dr. Frazee’s effort and particularly to his ability to break the department’s existing mindset and get it talking. In the end, Profs. Calhoun and Potts’s accomplished a cultural change through extremely hard work. They are simply a remarkable team. Tireless in their efforts, they provide complementary perspectives. In this, they are profoundly collaborative and willingly drew me into their process, inviting me to plan and to improvise with them. They are also driven. English is a large department, and when the problem occurred in the faculty meeting, Profs. Calhoun and Potts’s responded instantly with a genuine willingness to help. In truth, they poured great energy into the process of improving English, and when I flagged I felt them pull me to success.

Ultimately, I owe Profs. Calhoun and Potts a great deal, both as a faculty member in, and as chair of, the Department of English. Indeed, the department owes them a great deal. I believe other units could benefit from their expertise. It is my view that they provide a somewhat different service than the Office of Faculty Affairs. That office accomplishes many outstanding university functions, and without Dr. Frazee’s amazing vision, patient strategizing, and bold follow-through, English would have been unable to leave the starting block in its efforts at cultural change. Dr. Frazee made cultural change possible. In part he did this through his professionalism and, in part, the authority vested in him by the Office of Faculty Affairs underscored the seriousness of the project. The Ombuds Office, however, stands somewhat
apart. Its mandate is more open-ended and its dossier is more autonomous than the Office of Faculty Affairs, an important distinction that allowed Profs. Calhoun and Potts to bring issues to the fore that perhaps would remain otherwise buried in the faculty.

Thus, although I am usually against any form of systemic redundancy, I find that just as Emily Calhoun and Lee Potts complement each other within their team, each providing a unique and necessary perspective, the Ombuds and Faculty Affairs Office complement each other within the university, bringing different approaches and authorities to what seems, at times, the absolutely intractable problems of human organization. I recommend (i.) that the Ombuds Office be promoted somewhat more programmatically as an office that can deal with systematic and not just individual problems, (ii.) that Prof. Calhoun and Potts’s roles be formalized, and (iii.) that they be given the support they need to engage the university more broadly.

I am thankful to have worked with Profs. Calhoun and Potts. They devoted a great deal of time to English and brought to the department the careful and humane attention that it very much needed. English is a much better place for it.

Sincerely,

William Kuskin
Professor of English
Chair, Department of English (On Sabbatical, fall 2013)
Faculty Associate

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