Faculty Ombuds Annual Report: 2015-2016

Part I of this report summarizes the activities of the University of Colorado Boulder Faculty Ombuds during the 2015-2016 academic year. Part II identifies issues of special interest. Part III identifies the priorities of the Faculty Ombuds for AY 2016-2017.

I. Summary of Activities

Faculty Ombuds are emeritus faculty who serve in the campus Ombuds Office. Their activities are based on the following understandings. If the Boulder campus is to achieve its mission and individual faculty are to realize their goals, faculty must be fully engaged in teaching, research, and service. Faculty who are unskilled in the conventions of academic freedom and constructive debate or who do not balance individual entrepreneurship with a commitment to the support of colleagues put these objectives at risk. In addition, the unintended consequences of formal policy implementation, changes in organizational structure, new faculty demographics, and stresses arising out of budgetary constraints can interfere with full engagement. They put academic units and the campus at a disadvantage in recruiting and retaining the best scholars, researchers, creative leaders, teachers, students, and support personnel.

During AY 2015-2016, the Faculty Ombuds continued to focus on practices, policies, and behavior that encourage cooperation and constructive dissent and, as a result, sustain a productive and respectful campus environment. This work was limited to individual cases that presented themselves to the Ombuds Office and, unlike in the recent past, did not involve unit facilitations, due to staff vacancies. The retirement of Emily Calhoun created an unfilled vacancy that resulted in only one Faculty Ombuds on staff for the 2015-2016 academic year. In addition there was a change in Ombuds Office leadership, with the retirement of the former Director Tom Sebok, and arrival of new Director, Kirsi Aulin in January. Additional vacancies occurred when Associate Director, Jessica Kuchta-Miller, resigned to accept a position as Ombuds Director at Washington University at St. Louis, which left that position unstaffed through the AY, with her replacement, Elizabeth Hill, joining the Ombuds staff in May; and the resignation of the Ombuds Office Manager, Natasha Scholze, to accept a position in the Chancellor’s office, with her replacement, Kerry Tay McLean, joining the Ombuds staff in June. In addition to consulting individual visitors seeking advice and assistance, the Faculty Ombuds was called upon to assist in the transition of leadership and re-staffing the Ombuds Office, especially in conducting searches to fill its vacant positions.
The Faculty Ombuds worked with faculty, graduate students, researchers, academic administrators, and others to defuse incipient conflicts and to identify ways of sustaining productivity and managing or eliminating conflict in the workplace. He collaborated with other campus efforts to manage or ameliorate conflict. He assisted visitors by obtaining information on university policies and procedures, by offering individual coaching in communication strategies, by working as an intermediary between conflicting parties who were having difficulty engaging in productive conversations, by referring visitors to other campus resources and offices, by acting as an emissary and advocate for procedural fairness and consistency when it appeared bylaws and/or other university policies were not being observed, and by analyzing and consulting about ways to improve formal campus processes. Because the office was understaffed, outreach efforts were curtailed so that attention could be focused on visitor concerns. The Faculty Ombuds offered only one workshop, to the LEAP Program on bystander strategies, to promote general faculty understanding of effective strategies for addressing difficult situations.

Faculty often prefer to consult with professionals with academic credentials and experience when they encounter difficult situations. For various reasons, faculty may believe they cannot safely address concerns within their own academic unit or normal administrative hierarchies. Faculty Ombuds experienced in an understanding of the Boulder campus and its academic culture are key to our effectiveness, as are our training in mediation, coaching, organizational ombuds principles and practices, and our expertise in conflict management processes. Visitors to our office typically seek assistance in a confidential setting that is independent of normal reporting channels. Our program is structured to respect those needs and to avoid even the appearance of a conflict of interest. As a result, we are able to offer information, time, and space for reflection that reduces anxieties and enhances the likelihood that faculty will make informed, reasoned decisions about how best to engage with peers and campus processes.

II. Conflict Issues and Trends of Special Interest

Faculty Ombuds are in a uniquely good position to identify conflict issues and trends that may be of special interest. During AY 2015-2016, the following issues and trends were of note.

A. Statistical trends, by category of issue. In 2015-2016, the Ombuds Office saw a total of 61 faculty members. The Faculty Ombuds handled an additional 17 cases involving graduate students and/or staff who were having difficulties involving faculty members. Several cases involved consultation with two or more faculty members and/or administrators, and about 40 percent involved multiple consultations.
Concerns expressed by visitors to the Ombuds Office are coded in one of nine categories:

- Compensation and Benefits (e.g., inequities in compensation; leaves; absence from campus)
- Evaluative relationships (priorities/values/beliefs, assignments/schedules; feedback; performance appraisal; departmental climate; supervisory effectiveness; insubordination; equitable treatment; respect; trust/integrity; communication; diversity-related; retaliation; reputation, bullying)
- Peer/colleague relationships (priorities/values/beliefs, respect/treatment; trust/integrity; reputation; communication; bullying/mobbing; retaliation; cooperation)
- Career Progression and Development (e.g., reappointment, tenure, promotion, post-tenure reviews; possible termination; resignation; transitioning into retirement; general career development)
- Legal concerns (e.g., business and financial practices; other issues involving a legal risk for the organization or its members if not addressed)
- Safety, Health and Physical Environment (e.g., work-related stress; work-life balance; safety, health, and infrastructure; information privacy)
- Organizational, Strategic, and Mission Related (e.g., concerns or conflicts that related to the whole, or a major division of, campus organization)
- Services/Administrative Issues (e.g., accessibility, effectiveness, or equity of administrative services)
- Values, Ethics, and Standards (e.g., research misconduct; fairness and organizational values, ethics, and/or standards)

Typically, visitors expressed concerns in more than one category.

Visitor narratives presented several concerns as considerations complicating the primary issue that led them to seek Faculty Ombuds consultation. Collectively, faculty visitors and graduate student visitors who consulted with the faculty ombuds raised 158 discrete issues grouped under the above 9 reporting categories. The percentages by category are as follows:
As in past years, the single largest issue of concern was with evaluative relationships, with 27% raising concerns. Peer relationships and career progression and development were the next concerns most expressed, however the percentages in both instances are down from 2014-2015, at 15% compared to 19% raising issues of peer relationships and 14% compared to 25% raising concerns about career progression and development. Organizational, Strategic, and Mission related concerns were raised by 13%, compared to 16% in 2014-15. There also was an increase in concerns related to Values, Ethics, and Standards, from single to double digits, with 13% of visitors raising this issue in the past AY.

B. Conflict arising from a lack of transparency and misinformation. Inaccurate information can be a primary driver of conflict. Faculty Ombuds expect to work with many visitors who misunderstand campus/unit policies and practices or some action taken by a colleague. Faculty Ombuds can help faculty clarify a situation, goals, and interests, can dispel misunderstandings and fears about university rules and processes, and can coach faculty in reflective decision-making strategies, but we suggest that academic administrators be routinely reminded of the disruptive potential of a lack of transparency and of resources for learning how to be constructively transparent.

In past years, we have noted that channels of campus communication to faculty too often consist of two inadequate options: the highly efficient (but frequently unreliable) academic gossip mill and various public relations newsletters. We expressed belief that the campus work environment would benefit from a credible and trusted source of information on workplace issues of concern to
faculty and the academic community, such as formerly performed by the now defunct Silver & Gold Record.

However, this year the faculty ombuds observed some ominous trends of administrative actions lacking transparency:

- Chairs were alleged to be violating unit bylaws and/or policies with respect to merit increases, appointments, and tenure review.
- Faculty expressing anxiety about career progression were not only unfamiliar with unit or college policies regarding personnel decisions but were unable to indicate where they might locate these policies. Rank was not a factor, with the same lack of knowledge expressed by untenured faculty and full professors, including professors with more than two decades of CU service.
- Faculty reported concerns about advice they were receiving from senior faculty and administrators about their tenure options, with conflicting advice from the same person, or suggestions that their best interests were served by not putting their case forward so as to avoid unspecified issues being raised. Faculty deserve to be informed about the content of discussions that will raise negative concerns about their professional advancement so that they can defend themselves or at least offer explanations where concerns are being raised.
- Faculty reported conversations with administrators in which they assumed its contents would be confidential only to learn after-the-fact that they were not, and because of power differentials, were now in a precarious situation for raising a concern. In instances where confidentiality does not obtain, transparency requires faculty members be alerted to that fact before they get deep into a conversation that may have adverse career consequences.
- Graduate Students reported adverse consequences to their academic progress and financial circumstances by policy changes that were not communicated to departments so that they might advise their students, but instead regarded as sufficient notice to post changes on their websites and held students responsible to monitor them in case there were changes.

In such cases clear information, timely communication to the affected individuals and groups and responsible institutional actors, abiding by unit bylaws, and transparency in communicating with faculty on matters that impact their career progression and development would likely remedy the concerns expressed and, at the very least, avoid suspicion that administrators are attempting to manipulate their colleagues and students.

C. Conflict arising from a climate of anxiety. Information from visitors indicate that many members of the academic community are trying to accomplish their goals
in an environment that is characterized by anxiety or fear. For example, visitors expressed concerns that reflected:

- Faculty members are uncertain whether they will be supported by colleagues and others if they report unprofessional conduct.

- Some department chairs fear formal complaints will be lodged against them if they attempt to address through informal rather than formal means comments that could be construed as careless but, albeit not habitual, some colleagues find offensive.

- Some department chairs perceive that they are expected to resolve persistent unit issues without support from their dean or immediate superior.

- Some faculty members express a lack of confidence in their dean’s offices with respect to raising concerns about chair conduct. They fear personal relations with deans/associate deans and chairs will mitigate responsive action and make them vulnerable to retaliation.

- (Mis)Information about formal university processes or pending organizational changes that is widely disseminated through highly charged news reports or faculty rumor mills generates anxieties across campus.

- In this same regard, units going through organizational change do not seem to have a grip on how to communicate about change, resulting in new administrators hired to reorganize units and continuing faculty/staff who are used to existing practices in conflict that quickly escalates to serious confrontations.

- The initiation of formal disciplinary processes aggravates anxieties, exacerbates stresses and dysfunctions, and tends to result in the personalization of disagreements and the taking of “sides” within academic units and among colleagues.

- Individuals fear retaliation (being ostracized by colleagues or becoming the target of more formal processes) if they speak out in defense of/to object to a colleague’s professional conduct, criticize campus policies, or discuss sensitive issues.

- Minority or other under-represented faculty groups especially feel at risk of adverse reactions if they speak out to question the status quo.
• Individuals fear legal liability or that they may exacerbate a bad situation if they take steps to address difficult behavior; on the other hand, unnecessarily risk-averse behavior by administrators and others can cause difficulties across campus.

Faculty Ombuds do not systematically track expressions of fear of retaliation, however it is not unusual for graduate student visitors to express reluctance to talk with faculty mentors for fear of retaliation, for assistant professors to report confrontations with senior colleagues that are perceived as threatening and reluctance to speak either with their colleague or chair for fear of retaliation; for colleagues experiencing conflict to express mutual distrust and the perception that their corresponding colleague’s actions are a form of retaliation for expressed differences. The rise in percentage of complaints related to Values, Ethics, and Standards reflects this trend. Where fear of retaliation and mistrust are persistent in units, it can parse into multiple forms. Obviously rank is one dynamic, but also differences of gender, research style, and pedagogical commitments can increase anxiety and increase the potential for conflict and dysfunction within the academic community. Although the Ombuds Office continually works to dispel unnecessary anxieties and to promote reasoned decisions and actions by visitors, it is clear to us that addressing the conditions that generate uncertainty and anxiety among faculty cannot be done effectively through ombuds work alone. An effective approach will require a comprehensive, long-term campus strategy. We continue to urge that faculty and academic administrators be given many and repeated opportunities in multiple settings to confront and candidly discuss best practices for sustaining cooperative effort and constructive dissent, even as formal (sometimes disciplinary) processes unfold. In this regard, we applaud the Provost’s focus on climate issues in his breakfast meetings with chairs and directors, and the Chancellor’s initiative to improve campus climate.

D. Conflict related to campus demographics. Women, under-represented in many academic units and over-represented in certain faculty categories, have been frequent visitors to the Faculty Ombuds. Their issues suggest that in some areas gendered expectations and judgments color professional communication and evaluation. These cases, however, were less frequent than complaints of woman faculty in positions of power engaging in abrasive or manipulative conduct with graduate students, junior colleagues, and peers regardless of gender.

E. Complexity of conflicts and issues presented by visitors. The complexity of faculty ombuds work in AY 2015-2016 continued to be high. We note that the following types of cases can be especially complicated.
• Cases involving internal power dynamics that create perceived insults due to professional interactions that impact research team performance;

• Cases arising out of program reorganizations;

• Cases arising in units where chairs have ignored established policies and procedures of the unit to achieve a desired outcome that works to the advantage of some and disadvantage of others;

• Cases in which faculty have threatened the careers of graduate students when the RA has questioned the validity and ethics of abridged research protocols, laboratory procedures, or relational dynamics among the research team;

• Cases in which visitors are concerned about the security of their own status given their (mis)understanding of peer relationships and past conduct.

• Cases in which junior faculty have been given advice by administrators and senior colleagues not to seek tenure without disclosing the rationale behind the advice;

• Cases in which senior faculty and/or administrators have publicly engaged in abrasive communication directed at junior colleagues or subordinates;

• Cases in which cultural differences inflect perceptions of the nature and severity of (untoward) actions and acceptable repairs.

F. Individual conflict as the tip of the iceberg. A number of individual visits were possibly symptomatic of broader problems within an entire academic unit or research team. Although on occasion we have worked with a full academic unit, unit facilitations or interventions are extremely demanding in terms of time and program resources. Faculty Ombuds lack the resources to become involved in unit or group facilitations and are hesitant to commit to doing so when requests are received. We believe there is an unmet need for conflict management services to academic units. In this regard, we note that organizational development expert, Merna Jacobsen, PhD, has an appointment in HR and has expressed interest in assisting academic units in the way just described. The Faculty Ombuds are open to joining forces in cases involving faculty units.

III. Priorities for AY 2016-2017

A. Faculty Ombuds will continue to focus on requests and needs of individual visitors, as the priority for the program.

B. In AY 2016-2017, the Faculty Ombuds hope to deepen our understanding of issues and concerns recurrently voiced by visitors and others with whom we
have consulted. Among these concerns and issues are the conflict and
dysfunction generated by:

- a climate of anxiety and lack of trust;
- the need for additional training and consultation resources for chairs and
  academic administrators;
- faculty demographics, in particular increased numbers of faculty outside
  the tenure track and faculty in under-represented groups; and
- abrasive communication and treatment that denies the human dignity of
  others, especially those of lower rank.

The Faculty Ombuds will work, as requested and within resource constraints, to
support all campus initiatives to sustain, strengthen, and extend respect and
productivity within our academic community.

C. Faculty Ombuds have traditionally helped visitors make informed and
reasoned decisions about how to interact with or navigate formal campus
processes (e.g., OIEC investigations). We see a particular need, at present, for
academic administrators and units to find ways of sustaining collegiality,
respect, and productivity as formal campus (or legal) processes unfold. As
previously mentioned, unit facilitations are generally beyond the capacity of
Faculty Ombuds to offer, within current resource constraints. We will, however:

- work to find better ways of helping units identify and get access to
  facilitation resources when formal processes threaten to fracture units;
- help units develop and “own” unit-appropriate norms of academic
  citizenship, so that they will be prepared to weather formal processes that
  may affect them. In particular, we support extending campus discussions
  of academic freedom to all academic units, so that they can clarify unit
  values, norms; and
- prioritize consultations with academic administrators and faculty about
  how to implement policies in ways that preserve and do not undermine
  collegiality, respect, and productivity. The goal is to ensure that
  policies/decisions are perceived to be fair by all parts of the academic
  community, are in fact fair to all, and set appropriate examples for the
  campus.
D. Professional peers recommend that 30% of ombuds effort be spent on outreach. The Faculty Ombuds would like to achieve this goal, as we believe that many faculty, academic administrators, and units could benefit from our services. On the other hand, the goal is challenging because Faculty Ombuds, when fully staffed, are already operating at capacity. As we enter AY 2016-17, the staff vacancy created by the retirement of Emily Calhoun has now been filled, with the return of Lee Potts to a Faculty Ombuds position beginning Fall Semester 2016. Because the position remained vacant throughout AY 15-16, the hoped for plan to visit departments during the year was not possible. The hope is that we will resume that activity in 2016-2017.

In setting priorities for AY 2016-2017, we have taken into account the experience of 2015-2016, which saw an increase in visitors who met with the Faculty Ombuds. We also have taken into account a reorganization of responsibilities by Kirs Aulin, Ombuds Office Director, which will have Faculty Ombuds more involved with graduate student cases than heretofore, and the addition of Elizabeth Hill as Associate Director, whose skill at workshop presentations we anticipate will increase the Ombuds Office offering of workshops to faculty and/or graduate student audiences and involve her partnering with Faculty Ombuds in these ventures. Thus, we are facing the prospect that this, along with increased outreach efforts now that the Ombuds Office is fully staffed, may generate a demand for Faculty Ombuds services.

Continued outreach to departments, department chairs, and other academic administrators is an important way to leverage the impact of our services, and we are hoping to visit department chairs and other academic administrators to discuss their needs and the possibilities for assistance from Faculty Ombuds. We hope this may be followed by visits with their department at regularly scheduled faculty meetings.

E. Faculty Ombuds will continue to participate in discussions, if invited by university administrators and the Office of Legal Counsel, about improving the policies and procedures that deal with issues of faculty conduct as covered by the Professional Rights and Duties Policy and university policies addressing concerns of a safe and welcoming workplace, free of discrimination, harassment, and sexual assault. We have a keen interest in any policies that give academic administrators or units broad discretion to devise or flesh out processes in ad hoc ways. Members of the Ombuds Office have experience with and expertise in academic dispute system implementation and design, and International Ombuds Association (IOA) professional standards encourage ombuds to use their expertise to advocate for constructive institutional processes. We would like to ensure that our expertise and professional mandates in this area become a resource that department chairs and others feel free to draw on.
Respectfully submitted,

Gerard A. Hauser
Faculty Ombuds
July 25, 2016

Attachment A

1. Individual case statistics for AY 2015-16. The Faculty Ombuds worked on 55 cases last year. An additional 23 faculty cases were handled by the Ombuds Office, for a total of 78 cases, several of which involved consultation with more than one individual. In addition, cases often necessitated information contacts with other campus offices, which were pursued at the request or with the permission of our visitor(s). Virtually all of the visits with the Faculty Ombuds were initiated by individuals who hold faculty rank, including administrators, but occasionally the Faculty Ombuds had contact with graduate students and other members of the university community.

Work on individual cases required assistance in finding constructive ways of addressing a total of 158 discrete issues raised by visitors. We have grouped these issues into 9 categories recommended for reporting by the International Ombuds Association (IOA). The numerical distribution of issues is as follows:

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<thead>
<tr>
<th>Category</th>
<th>N</th>
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<tbody>
<tr>
<td>Compensation and Benefits</td>
<td>12</td>
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<tr>
<td>Evaluative Relationships</td>
<td>43</td>
</tr>
<tr>
<td>Peer Relationships</td>
<td>23</td>
</tr>
<tr>
<td>Career Progression and Development</td>
<td>21</td>
</tr>
<tr>
<td>Legal, Regulatory, Financial and Compliance</td>
<td>10</td>
</tr>
<tr>
<td>Safety, Health, and Physical Environment</td>
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</tr>
<tr>
<td>Services/Administrative Issues</td>
<td>7</td>
</tr>
<tr>
<td>Organizational, Strategic, and Mission Related</td>
<td>20</td>
</tr>
<tr>
<td>Values, Ethics, and Standards</td>
<td>20</td>
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2. Workshops and other outreach activities. Due to our staff shortage, we were not able to engage in significant outreach efforts in 2015-16. In addition to working on individual cases, the Faculty Ombuds offered a LEAP workshop to 20 persons. Additionally, the Ombuds Office also participated in the Fall Orientation for New Faculty. We engaged with at least 350 individuals through workshops and other outreach activities. These activities were intended to reach
faculty in a position to influence our campus climate and thereby leverage the impact of our training, to enhance the visibility and recognition of the Faculty Ombuds program, and to prevent unnecessary conflict that might otherwise divert faculty and colleagues from their professional work. They included:

Outreach
August 17, 2015: UCB New Faculty Fair

Outreach to various individuals in leadership positions regarding Faculty

Distribution of annual report to relevant people (e.g., Melinda Piket-May, David Kasso) as well as via OO web site

Attendance at Provosts Chairs & Directors Breakfasts (Hauser)

Conferences

9/11 Colorado Ombuds Network meeting Colorado College

2/8 Colorado Ombuds Network meeting CU

6/13 Consortium on Abrasive Conduct in Higher Education Colloquium in San Francisco