

May 4, 2005

To: Staff Council and Academic Senate

From: The Ombuds Committee

RE: Report

The Ombuds Committee met with John Barkat, Ombudsperson at Pace, Barry Culhane, Stan McKenzie, Patty Spinelli, Laura Tubbs, and Lee Twyman. We examined policies at Columbia and MIT. We also corresponded with Tom Seabock, the ombudsperson at Colorado State University, who was recommended to us by Lee Twyman.

Based on our research, it is the recommendation of the Committee that an Ombuds Office for faculty and staff be established at RIT. The ultimate goal in creating an ombuds office is to improve the working climate for staff and faculty through conflict resolution. It is recognized that satisfied employees contribute better to their organizations.

To that end, the Ombuds Committee proposes the following Policy:

#### FACULTY/STAFF OMBUDS OFFICE

A. The Faculty/Staff Ombuds Office will help faculty and staff to resolve problems they have within RIT. In addition, the Office shall identify areas where problems seem to recur and to communicate that information to appropriate personnel who can remedy the problem. The Office is to be headed by an ombudsperson guided by the following principles:

1. **Neutrality:** The ombudsperson is to be neutral in any dispute and is not to be an advocate for any individual.
2. **Confidentiality:** All contacts are confidential, and no records with identifying information will be maintained.
3. **Independence:** The ombudsperson reports to the President and, in extraordinary cases, to the Board of Trustees.
4. **Informality:** The Ombudsperson's aim is to supplement existing policies and procedures through an informal process.

#### B. Functions of the Ombuds Office

1. The Office is a recognized and easily accessible point of contact for staff and faculty with concerns and complaints.
2. The ombudsperson will listen and explore options, explaining the modes of dispute resolution within the Institute and within the Ombuds Office. Coming to the Ombuds Office does not preclude making use of other means of resolution at the Institute.
3. Contacting the ombudsperson or Ombuds Office does not constitute notice to the Institute.

4. Staff and faculty who have availed themselves of the Office or any of the modes of dispute resolution within the Institute may contact the ombudsperson if the original complaint has not been satisfactorily resolved or if the process itself has raised new issues of concern or complaint.

5. The ombudsperson's primary concern is that the Institute be just and fair to its staff and faculty. To that end the ombudsperson will do the following:

a. The ombudsperson will provide yearly reports, advocating, if necessary, for needed changes if the Institute is to be truly fair and just to its faculty and staff.

b. The ombudsperson will provide information to faculty and staff about the Ombuds Office and about how faculty and staff can avail themselves of its services without concern about loss of confidentiality or any permanent record being kept.

6. To ensure the independence of the Ombuds Office, the ombudsperson is to be provided access to legal counsel, if necessary, different from that of RIT.

#### C. Faculty/Staff Ombudsperson Advisory Committee

1. The President shall establish a Faculty/Staff Ombudsperson Advisory Committee consisting of two faculty appointed by Academic Senate, two staff appointed by Staff Council, one staff appointed by Administrative Council, and one academic administrator appointed by Academic Council. The appointments will be for staggered two-year renewable terms, and each year the Committee shall elect one of its members as chairperson, to serve a one-year term commencing on July 1st. That person is eligible for re-election.

2. The Advisory Committee acts as a search committee and is to recommend (internal or external) candidates to the President, who shall appoint the Ombudsperson.

3. The Committee also acts in an advisory capacity for the Ombudsperson and meets at least once each quarter and upon the request of the Ombudsperson to discuss issues and provide any necessary assistance as needed.

4. Concerns about the performance of the Ombuds Office should be directed to the President.

## Rationale

The benefits of satisfied employees are well known to those in organizations. Satisfied employees treat their customers well, are more productive, and are more likely to think of ways of improving their job and thus improving the company's fortunes. Companies known as good places to work attract better employees and retain those who might otherwise leave.

The problems of having dissatisfied employees are also well known: employees are disengaged, disaffected, looking to leave, uncommitted to their jobs. No one would design a system to encourage dissatisfied employees. The question is whether we can design a system that optimizes employee satisfaction.

We know that any complex organization--a corporation, an agency, an institution of higher education--is likely to have pockets of problems. It would be naive to suppose sweetness and light throughout a system with close to three thousand employees who are separated into various units that are relatively isolated from one another. In an organization that is changing rapidly, more problems are likely to occur. As Yogi Berra said, "The future ain't what it used to be." As RIT is transforming itself into a Category of One institution, its future is less likely to resemble its past. The strains and wrenches of the transformation will reverberate through the system, and the likelihood of problems will increase.

Like someone standing atop Mount Everest wondering why so few climb to the summit, a person in a position of power in a hierarchical institution is not likely to know about the numbers who fail in the climb to the summit or about features of the system that keep the numbers down. We should measure the state of the Institute not by looking at how few cases hit the President's desk, but how things look from the point of view of those who must look up into the hierarchy.

Human Resources, through no fault of their own, is perceived by some to be part of the problem. They are "part of the administration," and resolutions are subject to questions whether an institutional bias has intervened or whether problems are "smoothed out" so that they do not cause further disruptions for the Institute. That perception means that some see no point in going to HR. The Institute needs an avenue for conflict resolution that all employees see as neutral.

The ombuds office is meant to provide such an alternative and complementary route for dispute resolution. It has the following advantages:

- Anyone going to HR for a problem puts the Institute on notice. Going to the Ombuds Office does not.
- The process is informal, invoking no formal mechanisms of the Institute.

The Committee recommends that RIT establish the following goals:

- Faculty and staff who have problems are satisfied they have a forum where they can be heard and a belief going into the process that the problem will be taken seriously by a neutral agent with enough institutional influence to assist in resolving the problem. Knowing that such a procedure exists is, in itself, a help.
- Faculty and staff should feel confident that the matter will be heard without bias. That requires an independent neutral ombudsperson.
- RIT's administration and management should strive to improve the workplace climate so that faculty and staff can achieve their best. The ideal is not to have an institution where employees have no problems. That would be as naive: pockets of dissatisfaction will continue to form no matter what is done, and problems will continue to occur so long as we are human. But an ombudsperson is in a

position to discern pockets and patterns of problems and to report these to the President for improvement.

RIT should do right by our employees as well as strive constantly for improvement to make RIT a better place to work. Doing the right thing is always right, but when doing what is right by our employees coincides with doing good for them and for the institute, we have compelling reasons to change the system by creating an ombuds office.

We thus recommend the following:

- That the position of ombudsperson be filled by a full-time professional after a national search.
- That if the position is not full-time, it is to be a part-time position and not one created by providing release time for a member of the faculty or staff.

We make these recommendations to ensure that the ombudsperson is neutral and is perceived to be neutral by those coming to the Office. If the ombudsperson were drawn from the ranks of the faculty, for instance, and provided with release time, that person would be wearing two hats, as ombudsperson and as faculty member, and would be reporting to the President as ombudsperson and reporting to a Chair and a Dean as a faculty member. The same is true if the ombudsperson were drawn from the ranks of the staff: that person would report to the President as ombudsperson and to a supervisor as a member of staff. Those dual roles necessarily compromise the position of ombudsperson. No matter how respected the individual occupying the position, no matter how trustworthy and honest and independent that individual is, the perception will remain that because the person wears two hats, any decision may be biased, even if subconsciously, by the need or the desire to do right by one's supervisor or by one's chair or dean. The Office needs to be kept strictly neutral and independent, and it needs to be perceived in that way for it to be fully effective.

It may help to provide details of an ombuds office. The ombuds office at Pace University provides a good example for comparison although it handles students as well as faculty and staff. The University has about the same number of students but fewer faculty and staff, with only about 2000. The office consists of a full-time ombudsperson, a full-time staff person, two half-time ombudspersons, and a student aide.

The ombuds office at Pace University receives over 200 enquiries a year. Twenty-five percent are referred to other offices within the university, resulting in 150 cases handled by the ombuds office, the majority of which are staff and faculty cases. The budget for the office includes funding for professional development for the ombudsperson, a necessity given the complexities of the position and the need for professional contacts for advice about difficult cases.

## **Appendix**

### **a. What formal procedures and resources are available to an RIT employee (staff or faculty) with a work problem or grievance?**

#### **i. Employee relations function with Human Resources**

An employee with a work problem, complaint or grievance is encouraged to discuss this informally with a Human Resource Service Managers (HRSM). The employee would approach one of three HRSM's for dialogue and advice. These conversations are generally not documented in the employee's file (except for those cases involving possible discrimination, harassment, or EEOC matters where documentation is maintained in the HR Director's office). The HRSM offers attention to the employee's complaint, appropriate information, and suggestions on how to proceed. The employee would be told of other possible remedies including the grievance procedure and external mediation.

According to HR Director Patty Spinelli, a few dozen such cases are going on at any time. Some individuals are assisted by examining the issue and discussing options and some by bringing parties together informally. Some require HR action due to safety, policy and legal considerations, and some few proceed to external mediation or legal proceedings.

#### **ii. Faculty, staff, and EDF grievance policies and procedures**

Three Institute policies are relevant: E24 Faculty Grievance, E30 Staff Grievance, and E26 EDF Grievance. The last addresses "serious differences of opinion" regarding injury or injustice to an educational development faculty member, and the first two address violations of Institute policy and procedures.

Faculty Grievance – "whether due process has been fairly administered in cases where personal justice is involved. Usually these cases concern pay, promotion, adherence to academic standards, academic freedom, tenure, contracts, schedule and dismissal."

Staff Grievance – "a complaint on the part of an employee that an action taken by management violates a provision of the Institute policy or procedure in a way that adversely affects the employee."

EDF Grievance – "serious differences of opinion in which an educational development faculty member feels injured or dealt with unjustly."

The three policies cover the application of Institute policies and procedures, to wit "a grievance is a dispute regarding the interpretation or application of any policy, practice or procedure of the Institute affecting the well being of an" employee. So these policies may not address all the things that could go wrong for employees.

Faculty, staff and EDF grievance processes entail many steps, beginning with attempts at informal resolution, opportunities for resolution up the hierarchy, preliminary inquiries, formal hearings, and findings and recommendations by a committee of faculty, staff or EDF, and a final decision by Institute President.

In addition to information from HR, from the grievance committees, and from personal and so anecdotal experience, the Climate Study indicated some unresolved problems among faculty and administrators

**b. What do universities with ombuds offices do regarding employee work problems or grievances?**

i. Some universities have a single ombuds office for faculty, staff, and students. The University of Colorado and Northern Illinois University fall into that category. Some universities have separate offices for students and for faculty and staff. The University of Idaho is an example.

ii. All the universities we have examined follow the basic values that mark an ombudsperson's role: neutrality, confidentiality, and independence. The ombudsperson is to be independent in the sense of not reporting to anyone within the hierarchy except the President. The aim is to ensure that the ombudsperson's neutrality will not be biased by having to satisfy any superior within the hierarchy except, of course, the President.

iii. The terms of office vary. Three-year renewable terms are one model; renewable twelve-month terms is another.

iv. Each university we examined creates a temporary "case sheet" on each individual who comes to the office; these sheets are destroyed once the issue is resolved.

v. The Ombudsman Association provides a Code of Ethics and Standards of Practice that the universities follow.

vi. The concerns addressed by an ombuds office vary from university to university, but typically include some or all of the following issues: interpersonal or personality conflicts (with a department head, supervisor or co-worker), differences in performance expectations or performance evaluations, promotion and tenure, working conditions, wages and salary distribution, benefits, scheduling, fairness, health and safety, cooperation and teamwork, respect and trust, management and leadership, ethical concerns, benefits, personal circumstances, policies and procedures (university, college, school, department), incivility, discrimination, harassment, cultural conflicts, privacy issues. The range is wide, and the list is not meant to be exhaustive. It seems that for other universities any problem an employee has related to working conditions would be referred to an ombuds office.