

# 13<sup>th</sup> Annual Report

## INTRODUCTION

Academic year 1998-99 was an interesting year, if at times a frustrating one, in the Office of the Ombudsperson. A number of divisive issues faced our campus during the year. Examples that come to mind include the unionization campaign by Professional and Scientific employees at University Hospitals and Clinics, the hiatus of the International Writing Program, the discussions of what student groups would occupy a re-configured student union, and some complicated tenure cases. We acknowledge the tension created by conflicting strongly-held opinions on all sides of these issues, and we regret the hard feelings which linger in some cases. However, we think it important to note the opportunities for institutional growth presented in these instances. As we as a university work through these and other equally thorny issues, we can learn more about our collective needs and strengths. Where necessary, we can institute systemic change and become stronger. As always, the Ombuds Office will try to help in this process as we continue to offer our community an independent, neutral, and confidential place to seek advice and attempt informal dispute resolution.

We report 332 new cases in this Thirteenth Annual Report, and together with the 60 cases open at the close of the previous year, we served a total of 392 people this year.



## PERSONNEL

The Office is staffed by Co-Ombudspersons appointed by the President of the University. Professor Lois Cox (Cox), faculty ombudsperson, has completed a two year term and returns to the College of Law, July 1, 1999. Maile Sagen (Sagen) serves as the staff ombudsperson and has held that position since 1989. Laura Macrowski (Macrowski), the office secretary, has been in the office since 1992. President Coleman has appointed Professor Bernard Sorofman of the College of Pharmacy as faculty ombudsperson for a four-year term beginning July 1, 1999.



## THE OFFICE

The Office is located in C108 Seashore Hall and is open Monday

through Friday, between 9:00 a.m. and 5:00 p.m. Appointments may be made in person, by telephone, by e-mail, or by letter. Voice mail messages may be left in the evenings, weekends, and holidays. The office may also be contacted by FAX (319/335-3071) and e-mail ([ombudsperson@uiowa.edu](mailto:ombudsperson@uiowa.edu)), and information about the office is available on the University's home page on the World Wide Web.



## **FOCUS FOR 1998-99**

During the recently completed academic year, the ombudspersons worked to investigate the campus resources available to transfer and non-traditional students. In addition, special attention was devoted to ensuring that the faculty is made aware of the services of the Ombuds Office. Finally, the new Mediation Service opened in October, 1998, and was housed in and administered by the Ombuds Office.

### **Transfer and non-traditional students**

In the late spring of 1998, both Sagen and Cox attended one of President Coleman's fireside chats. At that gathering, several students brought up issues facing transfer and non-traditional students when they arrive on our campus to begin their studies. Each speaker noted unique problems which confront those groups of students, and one went so far as to describe the situation as bewildering. We decided to look into the matter to try to determine if the atmosphere could be made more welcoming.

The ombudspersons, individually or together, visited many of the offices on campus which deal with incoming students, and spoke with staff members who provided us with very useful information. We spoke with Director of Admissions Michael Barron, who shared with us interesting statistical data. We also spoke with Associate Director Emil Rinderspacher and with Pat Wynn, Assistant Director for Transfer Student Relations. We consulted the Director of the Advising Center, Juliet Kaufmann, as well as Registrar Jerry Dallam. The Director of the Evaluation and Examination Service, Joyce Moore, was very helpful as was Monique DiCarlo, Director of WRAC. Finally, it was useful to us to get the perspectives of David Grady, Director of Student Life and the Iowa Memorial Union, and of Mary Peterson, Assistant Director of Student Life. Many of the people we spoke to provided us with relevant reports and documents, and we appreciate the time they spent sharing their experience and concerns with us.

At the conclusion of our investigation, we prepared a brief report which we presented to Associate Provost John Folkins. The point to emerge most clearly from our inquiry is that the general terms transfer student and non-traditional student are used to describe many groups of students of widely differing ages, family structures, and educational backgrounds, and from many different geographical locations. In

various ways and at various times, our existing orientation programs and support services prove ineffective for these students which can affect their educational progress adversely. Therefore, the gist of our recommendation to Associate Provost Folkins is that a task force be appointed to conduct a detailed needs assessment of transfer and non-traditional students, with special attention to their orientation needs. (See Issue #5)

### Faculty

The Twelfth Annual Report of the Ombuds Office noted a substantial decline in the use of the office by faculty members - 42% from the previous year. Due to concern that the decline may have resulted from faculty members' lack of knowledge about services offered by the office, Cox and Sagen made special efforts this year to meet with leaders of the faculty to discuss the work of the ombudspersons. In addition to our customary annual meetings with the Provost, the Associate Provost for Faculty, The Vice President for Research, and the Dean and Executive Associate Dean of the College of Liberal Arts, we met with the President of Faculty Senate and with Faculty Council. We continued our cooperative relationship with our campus chapter of the American Association of University Professors by participating in their annual workshop on promotion and tenure, which is now co-sponsored by Faculty Senate.

The number of faculty members using the Ombuds Office is up again this year. Faculty members visited the office in 1998-99 more frequently than in the immediately previous year by 48%. (See Table). Whether this increase in usage is due to our outreach efforts or to other reasons is unclear; but at least we now feel more confident that members of the faculty are aware of our services. We will continue to make these efforts on an annual basis.

### Mediation

In the Twelfth Annual Report, we discussed the university's investment in mediation training for faculty and staff members and announced that the fledgling Mediation Service would open this year and be housed in the Ombuds Office during its first year. The Mediation Service will be transferred permanently to the Office of the Investigating Officer in Brewery Square on July 1, 1999, and will report to the Office of the President. Much work was accomplished by the Mediation Steering Committee during this first year. The first and most important accomplishment was to inform the university community of the availability of the new service and to announce that for the first year the Service would be limited to employment issues of faculty and non-unionized staff only. This was done through a general announcement to the University community, meetings with administrators, deans, directors and supervisors, the creation and dissemination of brochures and posters throughout the campus,

speaking engagements and public service announcements. Members of the Steering Committee were also invited to participate in the WSUI/KSUI Radio Forum Series "Law at Iowa." In addition, the Steering Committee, which met monthly all year, spent considerable time developing appropriate forms and procedures, which were then administered by the Ombuds Office. While a number of requests for information about the Mediation Service were received, not all requests for mediation were deemed appropriate. Ten requests for information regarding the possibility of mediation were received from November through June, and three mediations attempted. We now feel that the groundwork for a successful service has been laid and the goal of the Steering Committee is to be able to offer the Service to students and unionized staff in the near future.



## **ACTIVITIES, 1998-1999**

The ombudspersons participated in a variety of orientation programs for faculty, staff and students during the year and continued their individual and group meetings with administrators, deans, directors and supervisors.

Posters and brochures of the office were also distributed around the campus to publicize and promote the Ombuds Office. Use of our web page continues to increase dramatically and serves as another important information resource for the campus community. The total cumulative hits from July '98 - June '99 totaled 10,311. Requests for information per month ranged from 411 to a high of 1,410. The months with the highest number of hits tend to be the busiest and most stressful months of the academic year—for example, September, the beginning of the academic year; December, exam time and the end of the first semester; and June, the end of the academic year.

Off campus, both ombudspersons attended the California Ombuds Caucus and the annual meeting of the University and College Ombuds Association. Sagen began a two-year term on the Board of Directors of the University and College Ombuds Association, and is serving as co-chair of the committee to review the standards of practice and ethical principles for the Board. In addition, she taught in the New Ombuds Workshop and participated in a panel discussion on the "The Ombuds as Change Agent" at the UCOA Annual meeting.



### **TABLE: COMPARISON OF CONTACTS BETWEEN 1997-98 AND 1998-99**



CONTACTS 1997-87 & 1998-99	Year 12 <u>1997-98</u>		Year 13 <u>1998-99</u>		% change from 97-98
	N	%	N	%	
<b><u>STUDENTS:</u></b>					
Undergraduates	60	19%	63	19%	5%
Graduates	63	19%	106	32%	68%
Total Students	123	38%	169	51%	37%
<b><u>STAFF:</u></b>					
P&S	104	32%	65	19%	(37%)
Merit	48	15%	40	12%	(17%)
Total Staff	152	47%	105	31%	(31%)
<b><u>FACULTY</u></b>	35	11%	52	16%	48%
<b><u>OTHER (anonymous, outside, etc)</u></b>	14	4%	6	2%	(57%)
<b>TOTALS</b>	324	100%	332	100%	2%



## CONTACTS, 1998—1999

The Table shows a total of 332 new persons seen this year, an increase over the number seen last year. These also data show an interesting shift in the clientele this year. For the first time since academic year 1995-96, we saw more students than staff. The number of students seen this year is up 37%, with a 68% increase in the number of graduate students seen. We also saw an increase in the number of faculty seen by 48%. In addition to the individuals seen during the year, some group work was done in eight departments throughout the university. Some of this work resulted in extensive reports and recommendations for future action which will result, we hope, in improved communication and collegiality in the working/learning environments.

The number of telephone calls to the office for general information this year numbered 251. While we do not count these telephone calls as "cases," they take considerable time. Generally, these telephone calls are anonymous.

## **Students**

For both undergraduate and graduate students, the primary subject of complaint was academic issues. Undergraduates raised questions regarding exams and grades and graduate students expressed concerns about the academic requirements of their programs, relationships with their advisors and various committee members, and the lack of clarity regarding their qualifying exams. Secondly, undergraduates had concerns regarding disciplinary procedures which needed clarification, and graduate students reported employment problems and/or misunderstandings. We also heard many student complaints regarding difficulties with disability accommodations. [<<back to Table<<](#)

## **Staff**

While both P&S and Merit staff complaints are down again this year, we saw more P&S than Merit staff. The number one complaint for both groups is of conflicts on the job, typically with supervisors and co-workers. We talked about civility in last year's report and some of those same issues surfaced again this year. In some departments, people feel that they are not treated with respect, and in general complain of workplace harassment which hinders their ability to do their job. [<<back to Table<<](#) (See [Issue #3](#) & [Focus](#) )

## **Faculty**

While the number of faculty complaints were down last year, they are up 48% this year. The primary faculty complaint is that of job conflicts. These are largely conflicts with colleagues and administrators regarding questions of productivity or lack thereof and the resulting pressure to publish. Some questions were raised as to the use or fairness of the application of the peer review process for tenured faculty. These complaints were followed by concerns and questions regarding the promotion and tenure process. We mentioned last year that promotion and tenure issues were not as prevalent as in previous years, but they are up again this year. [<<back to Table<<](#) (See [Issue#1](#) & [Focus](#))





## DISCRIMINATION & HARASSMENT

There were 20 complaints of discrimination and/or harassment this year. Of these, six were alleged violations of the University's Policy on Sexual Harassment and Consensual Relationships, and the remaining fourteen (14) complaints involved other forms of discrimination such as race, gender and disability.



## EVALUATION OF THE OFFICE

In order to report user satisfaction to the campus community, we have a questionnaire which is mailed to all cases completed by the end of each semester asking for anonymous comments on our service. During 1998-99, 265 questionnaires were mailed and 83 returned, for a response rate of 31%. Of those returned, 72 were positive, 4 negative and 7 were mixed or neutral. This reflects a positive satisfaction rate of 88%, up 1% from last year.

As stated in the University's Strategic Plan, there are three progress indicators used to evaluate the work of the office. The first is the number of complaints and/or problems brought to the office; the second, the number of cases satisfactorily resolved, and the third, the time it takes to resolve cases.

This year the average time to resolution of cases is 39 days. Student cases ran 31 days, staff cases 48 days and faculty, 51 days. Time to resolution, however, is not necessarily a reliable measure of the success of an ombuds office. A case may be resolved in one telephone call and another may take a year, but both outcomes may be successful. Logically, the more difficult cases will take longer, and some academic problems by their very nature, such as a faculty tenure case, take more time. Reporting time to resolution, however, may give the campus community some idea of how long it might take to resolve issues.

In summary, the evaluation of the office by progress indicators in the University Strategic Plan for 1998-99 shows 392 persons served during 1998-99, and a satisfaction rate of 88%. Time to resolution varied from 31 to 51 days with an average of 39 days. Of the 392 cases this year, 19 remain open to be continued in the new year.



## ISSUES AND OBSERVATIONS

**1. Promotion and tenure.** As we work with faculty members involved in tenure proceedings, it has become clear to us that departments and colleges vary widely in the extent to which they comply with the mandate in the University policy on tenure that:

"...each academic unit is expected to develop and distribute to all departmental faculty members and to all persons under serious consideration for appointment to the faculty a written and particularized statement of expectations to guide departmental deliberations concerning the granting of tenure, the statement to serve as a guide to the department in its deliberations and to the faculty member whose tenure status is being considered." (Tenure and Non-tenure Appointments, *University Operations Manual*, Section 10.1a(4)(c)).

The lack of such clear, written expectations makes the tenure process more stressful and difficult for many junior faculty members. Where expectations remain unclear, the potential for unfair treatment is always present.

In addition, the newly enacted procedures to govern promotion and tenure proceedings will be in effect for the 1999-2000 academic year. Although colleges and departments have spent time in the recently completed academic year refining their own procedures to bring them in line with the new uniform procedures, it has now been more than a year since the faculty as a whole was made aware of the new procedures and since training about them was held. Over the next year, it will be particularly important for new junior faculty members as well as for those coming up for tenure and promotion and new administrators to be reminded of the requirements of the new procedures. It may be that additional training sessions will be needed. The implementation of new procedures is also a good time to re-emphasize the importance of confidentiality in discussions pertaining to tenure and promotion.

Of course, the substantive policies relating to the granting of tenure, like the one requiring a particularized written statement of expectations, are unaffected by the new procedural guidelines. However, a more vigorous effort to effectuate these existing policies could strengthen the effort begun with those new procedures to make our tenure process more open and fair to all faculty members.

**2. Responsiveness.** In our Twelfth Annual Report, we noted a concern that time deadlines in university procedures are frequently ignored to the detriment of the complainant or grievant invoking the procedure. This happens even at high levels of administration. This year, we regret to conclude that the problem persists without much improvement. While

we understand that some problems are more complex than others, and may require additional time to resolve, we believe people deserve answers to important questions and that those answers should be provided in a timely manner. At the very least, people deserve an explanation of the delay and some indication of when they might receive a response. It is certainly part of the task of the Ombuds Office to help people get answers to their questions and we will continue to work to do so. But we look to the administration for leadership in reminding those at every level of the university of the need to increase their responsiveness to internal concerns.

**3. Integration of a newly unionized work force.** We are happy to see that the administration at University Hospitals and Clinics has provided training sessions to assist staff members in dealing with the newly unionized work force. Though it may be inevitable that tensions and resentments survive any organizing campaign, particularly with those members of the work force who regret the election's outcome, the need for all parties to make a good faith effort to work together with patience and generosity is overriding. Since the election which confirmed SEIU as the representative of a P&S bargaining unit at UIHC, our office has received calls both from bargaining unit members and supervisors with legitimate questions regarding how to conduct business in the new environment. The training effort signals a commitment by UIHC administration to demonstrate leadership in respecting the workers' choice to be represented by a union. It is our hope that, through training and other efforts, a mutually respectful and supportive relationship will develop.

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## ISSUES AND OBSERVATIONS CONT.

**4. Faculty leave policies.** It has come to our attention that omissions and ambiguities in policies governing faculty leaves of absence frequently cause difficulties for both faculty members and students. For example, it is often unclear what obligations faculty members owe to existing graduate students during periods of leave. Similarly, if faculty leaves are not publicized to students well in advance, students' progress towards their degrees may be interrupted by the unavailability of needed courses. Finally, some policies are silent on the question of whether or not the faculty member owes an obligation to the University following the completion of a period of funded research. Where a faculty member receives and wishes to accept an offer from another institution during or just prior to such a period, the silence may produce contradictory expectations or even conflict between the faculty member and the university.

Certainly, it is often difficult to predict faculty leaves far in advance, and the importance of research dictates a certain degree of flexibility when grant funding or other research opportunities become available. Nevertheless, we suggest a review of faculty leave policies to ensure that they are clear, complete, and attentive to the needs of all constituencies. In addition, it would help to address student concerns if more funds were made available to hire visiting professors to teach key courses while the faculty members who customarily teach such courses are on leave.

**5. Transfer and non-traditional students.** As discussed in our Focus for 1998-99 section, we paid special attention this year to the needs of transfer and non-traditional students. We are pleased to see that Associate Provost Folkins is proceeding with plans to conduct a survey of these students to determine their needs. It is our hope that the transition to our community can be made easier for these students.

**6. Human Resources Training.** The Associate Vice President for Human Resources—Finance and University Services and his staff are to be congratulated on

establishing monthly training and feedback sessions for the human resource unit representatives. The response to these sessions has been very positive and the educational value to those attending is important and relevant to their daily work. One of these sessions on conflict management revealed an interest in more information and training which Sagen offered to serve as a resource for in the new academic year.



## **FOCUS 1999-2000**

As mentioned in Issue #6, one of the initiatives begun this year is working with the human resources administration in developing an integrated conflict management system for the University. This plan will evolve from the institutional core values and goals and will clarify for human resource personnel the expectations of their role in conflict management on campus. Sagen has met with Associate Vice President Foldesi and his staff regarding developing such a plan and its eventual training component, and will continue to work with them. This initiative will be a major focus in the new year for staff and will lead eventually to discussions regarding conflict management training for faculty. For two years in a row now, the primary complaint of staff and faculty in this office has been conflicts in the workplace. It is our hope that this initiative will address those concerns.

Due to the large increase in the number of academic concerns raised by graduate students this year, we will spend some time identifying and addressing the trends in the issues presented to see if we can identify unmet needs of graduate students.

Sagen has served on the committee to review the University Policy on Sexual Harassment and Consensual Relationships and will continue to serve on that committee next year.

Sagen and Macrowski will continue to work with the staff of the Office of the Investigative Officer to ensure the smooth transition of the Mediation Service.

The Office has been contacted about the possibility of establishing and participating in a CIC Ombuds network. We will continue those discussions next year.

We will be arranging several meetings to introduce Professor Sorofman to the campus community as he begins

his term as university ombudsperson.



## CONCLUSION

As we close this year of service, we once again thank the university community for its encouragement and support. We especially thank Professor Lois Cox as she returns to the College of Law for her willingness to complete the last two years of John Delaney's term, and for her many contributions to the Office. It has been a pleasure having her in the office and she will be missed. We welcome Professor Bernard Sorofman from the College of Pharmacy as he begins his four-year term as ombudsperson, and look forward to working with him.

