

**To:** Faculty Senate; Committee on Academic Budget and Benefits

**From:** Faculty Senate Ad Hoc Ombuds Exploratory Committee: Stacey Marien, Library, Chair; Caron Martinez, CAS; Lauren Weis, CAS; John Willoughby, CAS

**Re:** Proposal for Creation of Faculty Ombuds Position as Budget Priority for 2017-19

**Date:** December 2015

## **PROPOSAL**

The Faculty Senate Ad Hoc Ombuds Exploratory Committee proposes that creation of an ombudsperson to represent American University faculty become a university budget priority for the next cycle (2017-18, 2018-19). We ask the full Senate to endorse the need for an ombudsperson to serve, advise, and support the faculty. Such support is particularly crucial given the rapid changes in the composition of the faculty, including unprecedented growth in the number of full-time faculty on contingent (term) appointments. Faculty are on the frontline of delivering an excellent student experience that is no longer restricted to classroom teaching, but extends to dedicated service, advising, and researching in their fields. An Ombuds position ensures that faculty efficiency is not compromised or diminished. In addition, we ask the Committee on Faculty Budget and Benefits to review the various budget models included in the proposal for possible recommendation to the University Budget Committee.

### **Overview of an Organizational Ombuds**

An organizational Ombuds is a dispute resolution professional whose primary function is to provide confidential, impartial, and informal assistance to employees and other stakeholders of an entity. As an internal employee, the organizational Ombuds carries no other role or duties in order to maintain independence and prevent real or perceived conflict of interest. Using alternative dispute resolution techniques, an organizational Ombuds provides options for stakeholders to safely and effectively discuss and resolve their concerns. Additionally, an organizational Ombuds offers coaching on dispute resolution, provides mediation to facilitate conflict resolution, helps enable safe upward feedback, assists those who feel harassed and discriminated against, and generally helps individuals navigate bureaucracy. Institutions with an effective Ombuds function can expect more harmonious workplaces, less stress among personnel, and more attention to the institution's core mission. These and other positive results, including increased loyalty to the organization, result from their being listened to, advised, and supported.

Here at American University, an Ombuds position would support a key aspect of the Provost's RiSe Initiative, which is AU's version of the "culture of service excellence" idea presented in November by Amy Windover, PhD, of Cleveland Clinic. In order to have a "culture of service excellence," Windover underscores the Clinic's commitment to patients. Here at AU, the RiSe Initiative has the expressed goal of having students, rather than patients, feel they are "engaged" and "cared for." Windover emphasizes that the path to such care is multi-pronged, but that one of the key ingredients is to pay attention to those who are delivering a first rate education: the faculty. Cleveland Clinic prioritizes caring for its patients by caring for all the staff at the Clinic, and by valuing staff extending from doctors to custodians. In the same way, an Ombuds position, with its goal of mediation, listening, validating, and coaching toward peaceful resolutions, is a

way of caring for faculty and showing that the University truly values their well-being. This well-being then translates into “service excellence” where faculty care for students by virtue of being cared for themselves. Strengthening and supporting faculty who are on the frontlines of delivering the best possible education for our students is thus a key way that the Ombuds position would support the RiSE initiative.

## **Establishing the Office**

### *Reporting Structure*

Following best practices at similar institutions, we recommend that the Ombuds report directly to the President of the University.

### *Location and Hours*

The office would need to be convenient and centrally-located, yet discreet for visitors with concerns about confidentiality. The office should provide privacy in a comfortable surrounding, so that visitors feel safe discussing a range of personal and workplace issues. The hours would be determined by who ultimately would be in the position but to accommodate a variety of teaching obligations, a schedule with times available in the morning, afternoon and evening would be ideal.

### *Written Protocol*

The Ombuds and University President would sign a Charter Agreement, which defines the role and scope of Ombuds duties with respect to the University. The Ombuds would prepare a document detailing policies and procedures, which would describe the office’s day-to-day operations. The Ombuds would also be expected to create a database to track general visitor statistics.

### *Budget*

The budget would need to cover the cost of the Ombuds’s salary. One option is to have a senior faculty member in the position and have a course release or two granted to that faculty member. Another possibility is to employ an emeritus faculty. The preferred option is to hire an outside Ombuds, already trained and experienced, to set up the position. The work of the Ombuds will also require some staff administrative support. The average salary nationally for an Ombuds position is approximately \$56,000. Given the cost of living in the Washington, DC Metro area, the federal government compensates employees with an additional locality pay of 24.22%. Given this example, we would expect that a realistic annual budget for total compensation for the position would fall into the range of \$85-\$100,000. This does not include the cost of administrative support.

## **Promoting the Office**

### *Presentations and Meetings*

It is recommended that the President introduce the Ombuds in an email to all faculty. Incorporating the new position into the RiSe Initiative would underscore the Provost’s and President’s commitment to this “culture of service excellence” by supporting those most responsible for implementing such a culture. As a reminder, recall that **90% of the faculty who answered our January 2015 survey (over 500 tenured, tenure-track,**

**term, and adjunct faculty) were in favor of establishing the position, stating that to do so would increase communication, trust, advocacy, and employment satisfaction.** The Ombuds would make presentations to groups of faculty within the various academic units to alert faculty to the scope and availability of Ombuds support, as well as to field faculty questions. The Ombuds would also meet individually with administrators, deans, and department chairs to promote all that the new position has to offer.

### *Electronic and Print Materials*

The University should create a webpage for the Ombuds Office that explains how the office operates, what services are offered and to whom, who the Ombuds is, and what other resources are available. The Ombuds should prepare a brochure that is distributed to the faculty and various schools and administrative offices. After developing our initial report and this follow-up report, our committee would be happy to provide the content and research we have assembled to assist in this effort.

This example from Stanford University's Ombuds website is one model of the content and tone that is desirable for educating faculty and establishing expectations:

### **When is it appropriate to contact the Ombuds Office? Why have an Ombuds?**

There are many situations in which you might want to make use of this confidential resource, such as:

- When you need someone to listen
- When an awkward situation or uncomfortable feelings are bothering you
- When you are unsure of Stanford policy or you believe a policy procedure or regulation has been applied unfairly
- When you wish to work through an intermediary
- When you are worried about favoritism or afraid of retaliation
- When you think you have been treated unfairly, harassed or discriminated against
- When you think someone has engaged in misconduct, or there has been an ethical violation”

### **Mandate for AU's Ombuds**

**Relevant Professional Standards:** The umbrella organization for the profession is the International Ombudsman Association (IOA), which publishes a Code of Ethics and Standards of Practice. Additional guidance for the establishment and operation of an Ombuds office is available from the [American Bar Association](#) (ABA) and [IOA](#). The ethical tenets of practice are:

**Confidentiality** – The Ombuds does not keep records for the University, and won't disclose the names or concerns of visitors, without permission. (The only exception is when the Ombuds believes there is an imminent risk of physical harm.) The Ombuds Office thus is not an office of notice for the University.

**Neutrality** – The Ombuds is respectfully impartial with all parties to a conflict. The Ombuds does not take sides in any dispute, but rather advocates for fair process and equitable results.

**Informality** – The Ombuds listens; offers information about policies, procedures and resources; and presents a range of options for resolving problems. With permission, the Ombuds will

facilitate communication or mediate a dispute. The Ombuds does not arbitrate, adjudicate, or participate in formal procedures.

**Independence** – To ensure objectivity, the Ombuds is not aligned with any administrative unit or school, and reports directly to the President for administrative, effectiveness, and budgetary purposes. These ethical tenets are absolute and non-negotiable, and belong to the Ombuds Office rather than the visitor.

### **Charter Agreement**

It is a best practice to have a charter agreement that clearly defines the ombudsperson's role, jurisdiction and authority with respect to the organization. Examples of charter agreements can be provided to the University Senate.

### **Visitor Database**

The Ombuds would create a system to track general visitor statistics, such as the reasons to seek the Ombuds' help, the advice or mediation given, and the results. In keeping with best practices, the system should be password-protected and should not contain the names of office visitors.

### **Conclusion**

We encourage those of you reading this memo to refer to our original report for more background information about both the AU survey we conducted, as well as extensive data about best practices at peer institutions. We especially encourage you to review our detailed section on cost-effectiveness, since we do not take lightly the request for a new administrative position and its attendant strain on the University's budget.

In the end though, we strongly encourage you to support this position and send it forward to the Provost for his action. A few final thoughts are listed below:

- An Ombuds is a smart, practical, and morale-building way to establish a mediator who can listen to faculty concerns that might currently go from complaint to grievance, by offering mediation and advocacy before such concerns reach the point of formal hearing or litigation. Though data, due to confidentiality concerns, are not available to support a clear correlation between an Ombuds and fewer legal cases, we can speculate with confidence that an effective Ombuds can diffuse concerns before they escalate.
- An Ombuds acting as a conduit for faculty to find existing University resources provides a cost effective alternative to faculty having to spending time locating and accessing such information.
- The support of an Ombuds position is a best practice among our peer institutions, and therefore a reasonable and customary part of the cost of doing business for an institution of the quality and stature of American University.

- An Ombuds position means a more efficient use of faculty time: faculty who are helped by an Ombuds will spend less time distracted by workplace concerns, be happier and more productive in their professional obligations, and have more time to dedicate to their core mission: educating AU students. Such a position is consistent with developing the Provost's vision of a "culture of service excellence" put forth in the launch of the RiSE Initiative that is dedicated to the unparalleled thriving of our students.