

The University of Scranton Staff Senate

The Role of an Ombuds within a
College Community and The
Management of Ombuds Functions
at The University of Scranton
May 2014

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Definition

The International Ombudsman Association defines an organizational ombudsman as “an individual who serves as a designated neutral within a specific organization and provides conflict resolution and problem-solving services to members of the organization (internal ombudsman) and/or for clients or customers of the organization (external ombudsman). There are Organizational Ombudsmen in all sectors (corporate, academic, governmental, non-governmental, and non-profit). Some may serve both internal and external constituencies. (<http://www.ombudsassociation.org/resources/academic-pd>)

An Organizational Ombudsman provides confidential, informal, independent and impartial assistance to individuals through dispute resolution and problem-solving methods such as conflict coaching, mediation, facilitation, and shuttle diplomacy. The Organizational Ombudsman responds to concerns and disputes brought forward by visitors to the office and may report trends, systemic problems, and organizational issues to high-level leaders and executives in a confidential manner. He or she does not advocate for individuals, groups or entities, but rather for the principles of fairness and equity. The Organizational Ombudsman does not play a role in formal processes, investigate problems brought to the office’s attention, or represent any side in a dispute.” (<http://www.ombudsassociation.org/>)

An article by Mary Rowe and Wilbur Hicks entitled “The Organizational Ombuds” contends that the principles of Neutrality, Confidentiality and Independence are critical to operationalizing an ombuds position. (Rowe, M., & Hicks, W. pp. 2-5)

Further, Rowe and Hicks contend that the most important functions of an ombuds are “listening with care and regard; providing a completely safe and accessible person, highly placed within the organization, to raise

Rationale

Introduction

To provide context to the rationale for this investigation the Staff Senate Ombuds Committee reviewed multiple reports including the IEC Enterprises, Inc. Climate Study report (June, 2004); the Office of Public Relations Audit of Campus Communication Activity (September, 2004); the Climate Study Response Report (June, 2005); University Council Meeting Minutes (March, 2007); the IEC Campus Climate Study Follow-Up Survey Report (2008) and; The Presidents Letter to Administrators, Faculty, Staff and Students (February, 2008); the Middle States Self Study Report (February, 2008) and; The Periodic Review Report (June, 2013).

In the Spring, 2004 IEC Enterprises, Inc. was hired by the University leadership to conduct a climate study of the University of Scranton. The purpose of the study was to “determine employee perceptions of their: work environment; relationships with supervisors and colleagues; relationship to the University’s mission; satisfaction with salaries, benefits and HR services; and the degree of trust within the campus community.” (Climate Study Report, 1-2, June 2004)

To conduct the study, IEC led communication roll out sessions (300+ employee participation); administered an employee survey (72% response rate); obtained 762 open ended-question responses; conducted focus groups (167 participants) and; held twenty-eight individual interviews.

The results of the study were presented to the University community in Summer/Fall 2004. IEC made eighteen recommendations, which were grouped by priority into four categories. These were

Where we lack clarity is on a specific plan of renewal. One option is that some resources should be given to the immediate creation of an Ombuds position to function while the renewal of existing departments and structures takes place. The other option is to devote available resources to immediate renewal of existing departments and structures. Accountability, Communication

an Ombuds position at the University. We agree with the findings that led to its (IEC's) recommendation, and can go as far as delineating two possible plans of action. We did not have the clarity or wisdom to choose between the two, or develop other possibilities. (Climate Study Response Committee Final Report, June 2005)

The Staff Senate Ombuds Committee reached out to three of the four Climate Study Response Committee faculty/staff that remain at the University since the Committee reported to the campus community in June 2005. There was a general consensus among those interviewed that the Administration made the determination to not pursue an Ombuds position for the University of Scranton.

The Staff Senate Ombuds Committee was unable to identify a specific report or communication by the Administration that refer

University Council of March 30, 2007 indicating that the prolonged interval was a result of the many administrative changes that were made since the 2004 study and the time needed for new administrators to adjust. (Excerpts from University Council Meeting Minutes, March 30, 2007, *The Presidents Letter to the University* February 20, 2008, p. 6)

Overall the follow-up survey conducted and reported by IEC in 2008 suggests a constructive change in the campus climate. With a 62 % employee response rate the IEC Campus Climate Study Follow-Up Survey report (Section 4-2, 2008) indicates there was an overall increase (average 5%) in all subscale means from the 2004 Climate Study. According to the IEC these results demonstrate that there was “significant, positive improvement” in the campus climate and that employees felt the University administration had taken meaningful action to address the concerns raised in the 2004 Climate Study and that generally the University was headed in a more positive direction.

The 2008 Middle States Self Study also referenced issues of equity and fairness. Under standard 6: Integrity, the University Middle States team suggested that while positive changes had been made within the Human Resources division and the Office of Equity and Diversity, continued vigilance was needed to ensure progress in these areas. Specifically, there was concern regarding the mechanisms in place for informal grievances and complaints and whether these were clearly defined and accessible. The team made a recommendation (6.1) that the University “develop better guidelines for the relationship of informal complaints to formal grievances.” (pgs. 53-55 Middle States Self Study Report, 2008) During the 2012-2013 Middle States periodic review process questions regarding formal and informal complaint procedures were asked in all key leadership interviews. The leadership provided little clarity of the intent and status of this recommendation. A review of the more recent Periodic Review Report (June, 2013) indicates that modest progress has been made toward addressing this recommendation.

Summary of Findings

The committee researched thirty-five colleges and universities over an eighteen-month period (October 2012 to April, 2014). Included in these institutions were the twenty-eight Jesuit colleges and universities

line and staff functions.” Further, “The director of the Ombuds Office should have terms of employment that indicate that his or her stature in the organization is not subordinate to senior officials.”

[\(http://www.ombudsassociation.org/sites/\)](http://www.ombudsassociation.org/sites/)

This standard does not apply to all eight colleges and universities. Binghamton University’s, CJE--4(/)-11(ei)eBT1 0 0 1 4

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While all of these twenty-seven positions are paid positions, seventeen of them or 64% are either part time or incorporated into a full time position with other responsibilities.

Conclusions and Recommendations

The Ombuds Committee's charge from Staff Senate was to research the role of an ombuds within a college community. The Committee also researched if, and how ombuds functions are managed at The University of Scranton.

The Office of Human Resources acknowledges that there is a void in providing services to adjunct faculty consistent with other part-time employees and is currently discussing ways to remediate this with leadership in Academic Affairs. The Office of Human Resources confirmed that all compliance policies including anti-harassment apply to adjunct faculty.

The University of Scranton Faculty Handbook (2013-2014)

The University of Scranton February, 2008 President's Letter for Administrators, Faculty, Staff and
Students

The University of Scranton June, 2013 Periodic Review Report

The University of Scranton March, 2007 University Council Minutes

The University of Scranton Staff and Administrators Handbook (2012-2013)

The University of Scranton Staff Senate By-Laws (April 13, 2011)

The University of Scranton Student Handbook (2013-2014)

Appendices

Appendix A: Data on Each School with an Ombuds position

Appendix B: Data on Each School without an Ombuds position

Appendix A: Data on Each School with an Ombuds Position

Binghamton University

Employees: 3094

Faculty union: Yes

Serves: Faculty, staff, and students

Reports: Ombuds reports to the President.

Issues addressed: Serving as Binghamton University's designated neutral, the University Ombuds' primary responsibility is to provide independent, confidential, informal and impartial assistance to the campus community. The University Ombuds assists individuals and groups in the management of conflict and the resolution of problems.

Paid position: Yes

In existence: The first ombuds office opened in the late 60s. The current office/structure has been in place since 1997.

Full-time: Yes

Qualifications: JD

College of the Holy Cross

Employees: 1196

Faculty union: No

Serves: Staff

Reports: Vice President for Administration and Finance

Issues addressed: Grievances are handled by the Director of Human Resources

Paid position: Yes, part of main job

Saint Louis University

Employees: 5484

Faculty union: No

Serves: students

Reports: Dean of Students

Issues addressed: In support of Saint Louis University's commitment to cura personalis or "care for the whole person," the Office of the Ombuds is committed to serve as a fair and impartial intermediary to connect undergraduate and graduate students to resources, explore solutions, and provide appropriate conflict resolution to address non-academic student grievances.

Paid position: Yes

In existence:

Full-time: Yes part of the Assistant Dean of Students position

Qualifications: Requires of position

Job Description: The role of the Ombuds is to listen to concerns, help identify options for navigating through difficult matters, provide information on university policies and procedures, make appropriate referrals, and work to facilitate a fair resolution of issues.

Appendix B: Data on Each School without an Ombuds Position

While these schools do not have an ombuds position, we learned that there are other positions on their campuses that handle ombuds type responsibilities.

Boston College

Employees: 4601

Faculty union: No

Serves: Students, faculty, and staff

Reports: Vice President of Human Resources

Issues addressed: They have an Executive Director of Office of Institutional Diversity who works with two professional staff members addressing questions about University equal opportunity and affirmative action policy, or about various laws governing these matters. If an employee has questions about potential or alleged acts of discrimination and harassment, this office provides advice and assistance, or acts as a neutral third party to help resolve disputes and conflicts related to such matters. They also have a College Harassment Resource Network consisting of 24 faculty and staff members led by a Harassment Counselor who is a Human Resources staff member.

Paid position: Yes

In Existence: The Office for Institutional Diversity (OID) was established in the spring of 2004 as the successor to the Office of Affirmative Action

Full-time: Yes

Qualifications: Not indicated

Job Description: Boston College has designated its Executive Director for Institutional Diversity to coordinate its efforts to comply with and carry out its responsibilities to prevent discrimination in accordance with state and federal laws, including Title VI, Title IX, Section 504 and the ADA. Any applicant for admission or employment, and all students, faculty members, and employees, are welcome to raise any questions regarding this notice with the Executive Director for Institutional Diversity.

Paid position: Yes
In existence: Not indicated
Full-time: Yes
Qualifications:

sexual discrimination in the educational arena including but not limited to sexual harassment and sexual assault.

LeMoyne College

Employees: 708

Faculty union: No

Reports to: Currently reports to three pronged committee investigating complaints and concerns (composed of students, faculty, and HR) as well as the President
Issues addressed: They use a Title IX system, headed by a Senior Vice President for Administrative Services and Chief Human Resources Officer. This system is composed of students, faculty, and HR to investigate complaints and concerns regarding questionable behavior and practices of students, faculty, and staff. Their Title IX system applies to all educational programs and activities (academic programs, admissions, athletics, recruitment, financial aid, housing, employment, etc.)
Paid position: Yes but part of main job
In existence: At least 10 years
Full-time: Yes but part of main job
Qualifications: Currently Chief Human Resources Officer completed training through Human Resources; Certification in Title IX
Job description: Monitor and oversee overall implementation of Title IX Compliance and the prevention of harassment and discrimination at the University, including coordination of training, education, communications, and administration of grievance procedures for faculty, staff, students and other members of the University community

Loyola University Maryland

Employees: 1433
Faculty union: No
Serves: Faculty and staff
Reports: Vice President for Administration
Issues addressed: Compliance with Title IX and employee grievances are handled by the Assistant Vice President for Human Resources
Paid position: Yes but part of main job
In existence: Not indicated
Full-time: Yes but part of main job
Qualifications: MBA degree
Job Description: Ensures Loyola's compliance with Title IX of the Education Amendments of 1972, as amended, which prohibits sex discrimination including sexual harassment and sexual violence. Ensures Loyola's compliance with Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap/disability.

Regis University

Employees: 1749
Faculty union: No
Serves: Staff, faculty and students
Reports: Title IX Coordinator reports to the President. Director of Human Resources reports to

Job Description Title IX Coordinator provides leadership, direction and supervision for all activities of the Title IX Program. Coordinates investigations and complaints from faculty, staff and students related to equal employment opportunity, discrimination and sexual harassment. Provide training, consultation and technical assistance on Title IX to students, faculty and employees. Develop, implement and coordinate strategic efforts aimed at prevention of sexual violence or any form of gender-based discrimination

Rockhurst University

Employees: 459

Faculty union: No

Serves: Employees and students

Reports: Director of Human Resources reports to the Vice President for Finance and Administration. The Vice President of Academic Affairs and the Vice President for Student Development & Athletics/Dean of Students report to the President

Issues addressed:

across campus and assists with Human Resources compliance and tracking metrics

Saint

Employees: 1691

Faculty union: No

Serves: Staff and Faculty

Reports: Vice President for Human Resources

Issues addressed: Director of Employee and Labor Relations, EEO/AA Officer in the Human Resources office addresses complaints of discrimination, harassment or retaliation asserted against staff members, including administrators

Paid position: Yes

In existence: Not indicated

Full-time: Yes

Qualifications: JD degree

Job Description: Director of Employee and Labor Relations, EEO/AA Officer partners and strategizes in the areas of employee and labor relations, performance management and evaluations, conflict mediation, complaint investigation, and immigration-related processes. Responsible for the University's Affirmative Action Plan and for ensuring full compliance with the University's equal opportunity policies and procedures

Saint University

Employees: 581

Faculty union: No

Serves: Staff, faculty, and students

Reports: The Human Resources Director/AA Officer reports to the Vice President for Finance & Business

Issues addressed: The Human Resources Director/Affirmative Action Officer addresses recruitment and retention issues, employee benefits, and compliance with federal and state laws related to affirmative action, sexual assault, harassment

Paid position: Yes but part of main job

In existence: Not indicated

Full-time: Yes but part of main job

Qualifications: BS degree

Job Description: The Human Resources Director/Affirmative Action Officer has overall institutional responsibility to deal with sexual assault and harassment, and for monitoring compliance with federal and state laws 6ETBT/F3 atl as as 0(an3(i)-44 Tf]59)-5(snD48) xual aws

Faculty union: Yes
Serves: Faculty, staff, and students
Reports: Assistant Vice President, Human Resources
Issues addressed: The Affirmative Action Officer addresses the harassment policy, equal employment opportunity and affirmative action issues
Paid position: Yes
In existence: Not indicated
Full-time: Yes but part of main job
Qualifications: MS degree in Human Resources
Job Description: Consult with middle and senior managers on employee relations and EEO issues

The University of Scranton

Employees: 1232
Faculty union: Yes
Serves: Staff, faculty, and students
Reports: Vice President for Academic Affairs
Issues addressed: The Director of the Office of Equity and Diversity addresses Equal Opportunity, Affirmative Action, Americans with Disabilities Act, University Non-discrimination and Anti-harassment Policy, and University Compliance with Federal Regulations (Title VI, VII, and IX)
Paid position: Yes
In existence: Not indicated
Full-time: Yes
Qualifications: JD degree
Job Description: Not indicated

Wheeling Jesuit University

Employees: 395
Faculty union: No
Serves: Faculty, staff, and students
Reports: To the President
Issues addressed: The University Vice President/Chief of Staff, who currently chairs this committee, functions as the acting Title IX Coordinator, chairs the Title IX Committee and is the designated agent of the University with primary responsibility for coordinating University Title IX compliance efforts
Paid position: Yes but part of main job
In existence: Not indicated
Full-time: Yes but part of main job
Qualifications: MS degree
Job Description: The Title IX Coordinator supervises the Title IX Committee which oversees monitoring of University policy in relation to Title IX law developments; implementation of grievance procedures, including notification, investigation and disposition of complaints; provision of educational materials and training for the campus community; conducting and/or coordinating investigations of complaints received pursuant to Title IX; ensuring a fair and neutral process for all parties; and monitoring all other aspects of the University's Title IX com

Faculty union: No
Serves: Staff and students
Reports: Director of Human Resources/Title IX- EEO Coordinator reports to the Vice President for Business Affairs. The Title IX Assistant Coordinator (also Associate Vice President for Student Affairs and Dean of Students) reports to the Vice President for Student Affairs
Issues addressed: Director of Human Resources/Title IX- EEO Coordinator handles complaints against employees or non-students and Title IX Assistant Coordinator (also Associate Vice President for Student Affairs and Dean of Students) handles complaints against students
Paid position: Yes but part of main job
In existence: Not indicated
Full-time: Yes but part of main job
Qualifications: Director of Human Resources/Title IX- EEO Coordinator has a BS degree. Title IX Assistant Coordinator (also Associate Vice President for Student Affairs and Dean of Students) has ABD credentials and completed the 2013 National Association of Student Personnel Administrators Student Affairs Law and Policy Certificate Program, covering legal research, federal and state courts and statutes, FERPA, Title IX, discrimination, employment issues, and academic fraud
Job Description: Not indicated

Marywood University

Employees: 950
Faculty union: No
Serves: Faculty, staff and students
Reports: Affirmative Action Officer, Coordinator for Act 504 and Title IX reports to Vice President for Business Affairs & Treasurer and the Deputy Title IX Coordinator reports to the Vice President for Student Life
Issues addressed: Affirmative Action Officer, Coordinator for Act 504 and Title IX (also the Associate Vice President for Human Resources) and the Deputy Title IX Coordinator (also the Dean of Students) handles discrimination and harassment issues
Paid position: Yes but part of main job
In existence: Not indicated
Full-time: Yes but part of main job
Qualifications: Both have PhD degrees
Job Description: Not indicated

Wilkes University

Employees: 818
Faculty union: No
Serves: Staff
Reports: Vice President for Finance & Support Services
Issues addressed: Title IX Coordinator (also Chief Human Resources Officer) handles grievances related to sexual harassment, misconduct or violence for staff. Deputy Title IX Coordinator handles grievances for students.
Paid position: Yes but part of main job
In existence: Not indicated
Full-time: Yes but part of main job
Qualifications: Not indicated
Job Description: Human Resources Director/Title IX Coordinator, in conjunction and cooperation

with legal authorities will investigate cases; inform the victims and accused of rights and processes; prepare all documents relative to the case; and notify involved parties of the outcome of the investigation