

I. Background Information about the University Ombudsman

Definition of “Ombudsman”

The word “Ombudsman” is Swedish that means “representative.” It is not gender specific, although many universities are using the terms “ombuds,” or “ombudsperson,” in an effort to make the word gender neutral. The modern use of the term began in 1809, when the Swedish government created the office. Sweden and several other European countries appointed a relatively senior and respected official who would have access to all levels of government, from the prime minister, through the heads of ministries, to directors of lower-level administrative agencies, and could cut through red tape and work to resolve problems relatively expeditiously. Since the 1950s, many states, universities, and businesses have created ombudsman offices. (John C. Keene, *University Ombudsman*, University of Pennsylvania, Almanac - Vo. 54, No. 27, 2008.

The University Ombudsman at USC

Jim Augustine, a School of Medicine professor and former chair of the Faculty Senate, was appointed as the first University ombudsman at USC in 2006. With this report he has completed 9 years in that position. The University ombudsman deals with problems and concerns that are outside the faculty grievance process and other formal channels. Somewhat similar positions exist for dealing with staff, graduate student, and undergraduate student concerns at the University of South Carolina.

Jim is an Associate Member in good standing of the International Ombudsman Association. The University ombudsman adheres to the *Code of Ethics* and the *Standards of Practice* of the *International Ombudsman Association (IOA)* and serves as a confidential, neutral, informal and independent resource for faculty concerns and conflicts.

A website for the University ombudsman can be located at this URL: <http://www.sc.edu/ombuds/> providing information about the office, the ombudsman, annual reports, the *IOA Standards of Practice* and the *IOA Code of Ethics* as well as links to other ombuds-related resources.

International Ombudsman Association

The International Ombudsman Association (IOA) was formed in July 2005 following the merger of the University and College Ombuds Association (UCOA) and The Ombudsman Association (TOA). The Association supports organizational Ombudsmen worldwide working in corporations, universities, non-profit organizations, government entities and non-governmental organizations. IOA is the largest international association of professional organizational Ombudsmen practitioners in the world, representing more than 737 members - 145 of whom reside outside U.S. borders. About a third of the total membership belongs to the academic sector.

The IOA is dedicated to excellence in the practice of Ombudsman work. The IOA Code of Ethics provides a common set of professional ethical principles to which members adhere in their organizational Ombudsman practice. Based on the traditions and values of Ombudsman practice, the Code of Ethics reflects a commitment to promote ethical conduct in the performance of the Ombudsman role and to maintain the integrity of the Ombudsman profession.

II. Ethical Principles of the International Ombudsman Association

Confidentiality

The Ombudsman holds all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exception to this privilege of confidentiality is when such disclosure is required by law or where there appears to be imminent risk of serious harm.

Neutrality and Impartiality

The Ombudsman, as a designated neutral, remains unaligned and impartial. The Ombudsman does not engage in any situation which could create a conflict of interest.

Informality

The Ombudsman, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.

Independence

The Ombudsman is independent in structure, function, and appearance to the highest degree possible within the organization.

III. Standards of Practice and Code of Ethics of the International Ombudsman Association

The IOA Standards of Practice are based upon and derived from the ethical principles stated in the IOA Code of Ethics. Links to these documents are as follows:

http://www.ombudsassociation.org/sites/default/files/IOA_Standards_of_Practice_Oct09.pdf

http://www.ombudsassociation.org/sites/default/files/Code_Ethics_1-07.pdf

IV. Activities of the University Ombudsman (2014-2015)

The University ombudsman continued his participation as a member of the **Nominations and Elections Committee (NEC)** of the International Ombudsman Association and on the **Certified Organizational Ombudsman Practitioner (CO-OP) Appeals Committee** of IOA.

On November 3, 2014 the University ombudsman made a presentation to the **Faculty Senate** on the role of the office and provided senators with a copy of the annual report of the University ombudsman.

In January and August of each year, the University ombudsman provides materials to attendees at the **New Faculty Orientation** describing the work of the University ombudsman.

I meet each year with the new class of **ALDP Fellows** to discuss my role as Ombudsman.

Throughout the year the University Ombudsman participated in a number of meetings of the **Faculty Matters Committee**.

Visitors and Topics of Concern (2014-2015)

During the period of this report (August 15, 2014 to August 14, 2015) the University ombudsman met personally with 45 faculty members who were first time visitors to the ombuds office. A number of other faculty member's concerns were dealt with by phone. These cases may have involved the University ombudsman's simply listening to a visitor's concern, offering information about University policies and procedures, discussing a concern and clarifying an issue, helping identify and evaluate a range of options for resolving a problem, gathering information and offering referrals to other resources, helping visitors prepare for a difficult conversation or writing a letter as needed, facilitating communication - indirectly or through shuttle diplomacy, or working for collaborative agreements between those involved in a dispute. The University ombudsman also tracks perceived issues and trends and makes recommendations for institutional change as appropriate.

For the past eight years the University ombudsman has done an informal survey of Carnegie Foundation Tier I institutions with faculty ombudsman based primarily on annual reports, self-reports, or reports in the Ombuds Blog. Although the availability of these published annual reports is limited, the number of faculty visitors to the ombuds office at this sample of thirty-six Carnegie Tier I schools during the past eight years averages 49 faculty visitors per year.

Over the past nine years the University ombudsman has assisted some 458 faculty members for an average of 51 visitors per year. Thus the number of faculty members utilizing the services of the University ombudsman seems to be in keeping with other Carnegie Foundation Tier I institutions.

In order to preserve the confidentiality of visitors to the University ombudsman, no notes, documents, or records of any kind are maintained related to the identity of individual faculty members including their gender, race, department, college, school or campus. The only information retained from contacts by faculty visitors with the University ombudsman is that regarding the nature of the issue discussed. The International Ombudsman Association has a series of nine **Uniform Reporting Categories** under which are an extensive series of subcategories that permit placement of any issue, question, concern, or inquiry. Faculty conflicts and concerns addressed by the University ombudsman are described under the appropriate category.

**Uniform Reporting Categories
Faculty Concerns in each Category
for the year 2014-2015**

- 1) Evaluative Relationships - Questions, concerns, issues or inquiries arising between people in evaluative relationships (i.e. senior faculty-junior faculty, program director-faculty, chair-faculty, dean-faculty, faculty-student). Visitors in this category = 9
- 2) Peer and Colleague Relationships - Questions, concerns, issues or inquiries involving peers or colleagues who do not have a direct supervisory relationship (e.g., two faculty members within the same department or conflict involving faculty members of the same college/unit). Visitors in this category = 5
- 3) Career Progression and Development - Questions, concerns, issues or inquiries about administrative processes and decisions regarding entering and leaving a job, or what it entails, (i.e., recruitment, nature and place of assignment, job security, and separation). Visitors in this category = 8
- 4) Values, Ethics, and Standards - Questions, concerns, issues or inquiries about the fairness of organizational values, ethics, and/or standards, the application of related policies and/or procedures, or the need for creation or revision of policies, and/or standards. Visitors in this category = 1
- 5) Legal, Regulatory, Financial and Compliance - Questions, concerns, issues or inquiries that may create a legal risk (financial, sanction etc.) for the organization or its members if not addressed, including issues related to waste, fraud or abuse. Visitors in this category = 8
- 6) Organizational, Strategic, and Mission Related - Questions, concerns, issues or inquiries that relate to the whole or some part of an organization. Visitors in this category = 5
- 7) Compensation & Benefits - Questions, concerns, issues or inquiries about the equity, appropriateness and competitiveness of employee compensation, benefits and other benefit programs. Visitors in this category = 6
- 8) Safety, Health, and Physical Environment - Questions, concerns, issues or inquiries about Safety, Health and Infrastructure-related issues. Visitors in this category = 1
- 9) Services/Administrative Issues - Questions, concerns, issues or inquiries about services or administrative offices. Visitors in this category = 2

As this report marks the 9th anniversary of the University Ombudsman the following summary of the work of the University Ombudsman during these past nine years is provided

| | year ① | year ② | year ③ | year ④ | year ⑤ | year ⑥ | year ⑦ | year ⑧ | year ⑨ | All yrs | % |
|--|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|------------|-------|
| Reporting categories | 2006- 2007 | 2007- 2008 | 2008- 2009 | 2009- 2010 | 2010- 2011 | 2011- 2012 | 2012- 2013 | 2013- 2014 | 2014- 2015 | | |
| <i>1. Evaluative Relationships</i> | 23 | 12 | 16 | 7 | 4 | 15 | 15 | 13 | 9 | 114 | 25% |
| <i>2. Career Progression and Development</i> | 12 | 18 | 8 | 15 | 6 | 14 | 8 | 9 | 8 | 98 | 21.4% |
| <i>3. Peer and Colleague Relationships</i> | 0 | 5 | 9 | 10 | 9 | 6 | 8 | 9 | 5 | 61 | 13.3% |
| <i>4. Values, Ethics, and Standards</i> | 9 | 3 | 11 | 0 | 6 | 4 | 5 | 5 | 1 | 44 | 9.6% |
| <i>5. Legal, Regulatory, Financial and Compliance</i> | 0 | 1 | 3 | 3 | 4 | 8 | 5 | 5 | 8 | 37 | 8% |
| <i>6. Compensation and Benefits</i> | 6 | 4 | 0 | 3 | 3 | 4 | 3 | 3 | 6 | 32 | 7% |
| <i>7. Services /Administrative Issues</i> | 6 | 4 | 0 | 5 | 4 | 3 | 2 | 2 | 2 | 28 | 6% |
| <i>8. Safety, Health, and Physical Environment</i> | 5 | 4 | 0 | 0 | 8 | 1 | 3 | 2 | 1 | 24 | 5.2% |
| <i>9. Organizational, Strategic, and Mission Related</i> | 0 | 2 | 2 | 5 | 1 | 0 | 0 | 5 | 5 | 20 | 4.4% |
| | | | | | | | | | | | |
| | 61 | 53 | 49 | 48 | 45 | 55 | 49 | 53 | 45 | 458 | 100% |

Final Comments

- It is worth reminding our colleagues on the four-year campuses and on the Palmetto college campuses that the services of the University ombudsman are available to all **tenured, tenure track and non-tenure track faculty members on all USC system-wide campuses.**
- One of our four year campuses, USC Upstate is now receiving applications for a **USC Upstate Faculty Ombuds.** The position announcement notes that “a faculty ombuds is a designated neutral or impartial dispute resolution practitioner whose major function is to provide confidential and informal assistance to both full-time and part-time faculty.
- Two years ago (Annual Report for 2012-2013 – August 15, 2013) I suggested that perhaps the Faculty Welfare Committee or some other group within the Faculty Senate might undertake a **thorough and systematic study** of issues related to non-tenure track faculty such as contracts, appointment, rank, and promotion; evaluation, recognition, and compensation; governance; and other relevant policy matters. The **Report of Non-Tenure Track Faculty Survey – Spring 2015** presented at the June 2015 Faculty Senate meeting by the Faculty Welfare Committee is a giant leap forward in addressing these issues. It is my hope that as a result of this report, in the words of the writers of that report, “the faculty senate and university administration will work to address the concerns revealed and expressed” in that survey.
- In its annual report for 2014-2015, the Faculty Advisory Committee described its efforts to take on the issue of promotion of non-tenure track faculty which lead to a proposal being drafted for formalizing promotion criteria and promotion procedures.
- The work of the FWC and the FAC has culminated in the establishment of an ad hoc committee of tenured and non-tenure track faculty to review the data of the survey along with the proposal put forth by the FAC and make recommendations to be reviewed by the administration, Faculty Senate and general faculty. These are encouraging signs for our non-tenure track faculty members.
- There are a few lingering matters that concerned faculty have brought to my attention that have challenged my abilities over the past few years. These include several units with alleged hostile work environments that involve non-tenure tract faculty, concerns over unresolved salary issues for which there seems to be no final arbiter, and inconsistencies in the application of policies regarding the appointment of some faculty but not others to 9 or 12 month appointments within the same unit.

- Whatever success has been achieved during this past nine years by the University ombudsman is attributable to the cooperation and support of faculty and administrative leaders in the University who were willing to listen to various matters brought to their attention and work with all parties concerned to find a fair and just resolution to the issues at hand. The University ombudsman is particularly appreciative of the administration's willingness to support the work of this office without violating the independence, neutrality, informality or confidentiality of the ombuds process.

Previous Annual Reports may be found on the University Ombudsman Website at <http://www.sc.edu/ombuds/annual.shtml>