

Committee on Oversight of Administrative Action (COAA)

Minutes

11:00a-1:00p

11/13/20

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Attending: John Pasquale(Chair), Kenneth Adams, Thomas Braun, Gabriela Hristova, Ella Kazerooni, Donald Likosky, Karen Staller, Chuanwu (Wu) Xi, Annalisa Manera (SACUA Liaison), Christina Young

Absent: Hani Bawardi, Ella Kazerooni, Carolyn Swenson

Guests: Professor Robert Ortega, Professor Michèle Hanoosh, University Ombuds

11:05 Chair Pasquale called the meeting to order.

The minutes from the October meeting will be included on the December meeting's agenda.

11:05 Chair Pasquale welcomed Professor Robert Ortega and Professor Michèle Hanoosh from the University Ombuds Office.

Professor Staller indicated that she had a meeting yesterday with Sascha Matish and Kim Andrus from Academic HR about a grievance. Ms. Matish and Ms. Andrus are willing to visit COAA.

Professor Hanoosh stated that the Ombuds abides by principles set by the International Ombudsman Association, which includes informality. They are to concentrate on informal resolutions to conflicts or disputes. They explain the grievance process to faculty members as an option among a number of options. If faculty want to pursue the grievance process, they would be referred to AHR or to Faculty Senate Office. The Ombuds Office walks the faculty member through the process so they have a sense of what would be involved if they decide to pursue a grievance. The Ombuds Office does not get involved in grievances themselves. However, they can help and advise.

Professor Ortega added that the principles of the International Ombudsman Association include informality, independence, confidentiality, and impartiality. When someone approaches the Ombuds Office, the Ombuds tries to get them to articulate what they want to file a grievance about. If someone is interested in filing a grievance, they are referred to the Faculty Senate Office which can clarify what the next steps would be. Occasionally there will be a question about something of consequence that the faculty member wants to object to. Sometimes the discussion will be about what decision was made, how it was understood, and whether something more formal should happen. Sometimes the University Ombuds Office is the first responder. Faculty talk to the Ombuds, and then the Ombuds helps to sort it out.

The University Ombuds Office will receive cases post grievance when a faculty member has had a grievance and a judgment was rendered, but something went wrong and they are concerned about the consequences. It could be a claim of retaliation. Professor Ortega and Professor Hanoosh have been talking about this and considering next steps for cases like this.

Professor Hanoosh stated that the actual grievance process doesn't always answer these kinds of questions. The parties to the grievance are supposed to abide by the recommendations, but the Faculty Grievance Board doesn't have executive authority to enforce the recommendations. This can be problematic, and it can undermine the process and cause people to lose confidence in the process. Professor Hanoosh indicated that the University Ombuds Office is interested in thinking about this issue with COAA if they will be looking at the grievance procedure. The question is how to address the issue of a decision not having teeth. Sometimes a dean will abide by a decision, but Professor Hanoosh has seen cases where the result has not translated into practice. The next question is whether the grievant will have another grievance about the same issue?

Professor Staller indicated that SACUA is supposed to have a parallel oversight role. She noted that historically AHR retains its personnel, so there is historic knowledge, but SACUA does not. She also stated that SACUA can go straight to the president or provost in terms of enforcement.

It was stated that COAA could have a more consistent role in faculty grievances that could stop this.

When asked about the availability of documentation, Professor Hanoosh explained that the University recognizes the confidentiality of the office, so the University does not receive specific records from the Ombuds Office. However, if a court required records, they would be required to provide them. The Ombuds Office does not generally keep records.

Professor Ortega indicated that the Ombuds will inquire about whether what is happening is fair and equitable and how did it come about. It is not unusual to meet with the faculty and then ask if things were communicated. They try to clarify what a person is trying to say. Professor Hanoosh stated that they as Ombuds have connections with many administrators at the university. Administrators are not required to listen, but generally they do.

There are two Vice Provosts for Academic Affairs who meet at least annually with the Ombuds, sometimes more. They think about things that may not be working well or that are coming to their office regularly. Intermediaries can sometimes help a faculty member.

Professor Ortega clarified that the Ombuds is not part of the grievance process. The Ombuds Office is the first stop for the faculty member to see what the recourse might be. The Ombuds hears all kinds of issues, they help clarify their understanding, then they offer ideas to address the issues. They can serve as an intermediary, but they don't advocate or push an agenda. They are helping people figure out how to navigate the system.

The Ombuds tries to address situations informally. Sometimes they are just bringing clarity – the formal process is the decision of the faculty member. It could be a grievance or an OIE complaint. The Ombuds tries to address things before it gets to that point.

Professor Hanoosh indicated that cases are often very complex and difficult to navigate. Cases are rarely absolutely clear. They are able to find resolutions in many cases where people are satisfied. Conversations can take place so that the parties agree on next steps, then the Ombuds can follow up to make sure these things came to fruition. The Ombuds can go to provost if absolutely necessary.

A request was made for statistics concerning how many cases are completed, and how many are resolved, and the number from certain schools or units to identify problem areas.

It was explained that usually the Ombuds is asked to meet once per year where an overview is given of what has been happening in the Ombuds office. They would need to be careful about confidentiality. Last year they met with SACUA once per term.

Professor Manera, SACUA liaison, indicated that she remembers when they attended the meeting. She said that very general information is being requested, just school specific information. She gave as an example that if 60% of the faculty are from the Medical School, this could be a way of knowing where the problems reside. Professor Hanoosh suggested that this be taken up with the provost's office due to confidentiality to protect the faculty members who come forward. They don't even keep calendars in the Ombuds Office. Faculty who come to them come in great distress. If SACUA and the Provost's office agree that more information should be provided then they will do so. They don't want to make the decision themselves to release more information than they've been releasing so far.

Professor Ortega indicated that it is a critical Ombuds issue to ask how to protect the people who have come forward. People could be coming to the Ombuds about issues that people are having on both sides. There is an evaluation of the Ombuds office underway, but that is separate. This was mentioned at SACUA.

Professor Staller stated that oversight for COAA is exactly what this committee is supposed to be working on. This committee connects the dots between OIE, the grievance process, and the Ombuds. She identified the questions: Where are the problems at? Where do you get data? The Ombuds Office has the most information. The grievance process is much more narrow and formal, as is OIE.

There is a tension in that the Ombuds has great responsibility to the faculty who visit them. There are also confidentiality concerns with OIE. Think about what process might be helpful, how much information flows, and recognize collective experience. Everything is taken to the provost, but tensions are not being resolved. Ombuds reports to provost, OIE reports to provost, grievance process ends with provost.

When the Ombuds talks to SACUA, they try to share what the lion's share of questions may have been in that year or semester. This is the third year doing this. There is a new kind of case this year that they didn't see in the past two years. In the oral report to SACUA they do identify patterns.

Tenure and promotion tend to be a major area of concern. The Ombuds also hears from respondents. The Ombuds is not a mandatory reporter unless imminent harm is likely to a person.

COAA needs to determine how to get data. Visits from the Ombuds are in executive session at SACUA, so there is no data available there.

Professors Ortega and Hanoosh provide training for unit Ombuds, and they serve as a resource when needed. Sometimes cases will be referred to the University Ombuds. Professor Hanoosh explained that sometimes unit Ombuds are elected and sometimes they are appointed. The unit Ombuds is a service responsibility, but don't always take cases. Most faculty members end up coming to the University Ombuds.

Professor Adams advocated for an educational tool that will help faculty to understand all of the

players and the role they play.

On the [Ombuds website](#) there is information, with links to AHR and to policies. This information is usually introduced at the new faculty orientation. The Ombuds Office is very busy and Professor Ortega and Professor Hanoosh each have a 30% appointment.

Professor Ortega indicated that it would be helpful if a timeline was available about the grievance process so that people could more easily determine where they are in the process. The Ombuds Office often receives inquiries about the status of a grievance.

12:10 Chair Pasquale thanked Professors Ortega and Hanoosh for attending.

12:11 Debriefing

There was general consensus that more data should be available from the Ombuds Office.

A member expressed that the impartial role of the Ombuds can make the process feel empty.

A member expressed concern about a lack of records if the Ombuds reaches out to an administrator on behalf of a visitor, who isn't responsive.

If there is no record, there is no oversight.

Chair Pasquale will see if the Ombuds person in the unit is collecting data.

A member stated that when Hanlon was provost, it appeared that there were several entities on campus that someone could use. It would be helpful to have a chart that the committee can have with all entities faculty can use. How is record keeping done? What are the entities, what is their purpose, what are their practices? **Action item:** get a list of all available resources. Hanlon's note is on the Ombuds website. Professor Likosky will find the link to the website.

Next month the group will be talking with Keith Riles from the Administration Evaluation Committee. Chair Pasquale invited AAAC to join the meeting.

They will have data from information finding sessions so they can fine tune action items to determine how to move forward in the next term.

12:26 Meeting Adjourned

Next Meeting: December 18, 2020 – Administrative Assessment (AEC), 11:00 to 12:00