

FINAL REPORT

of the

**AD HOC COMMITTEE ON THE
ORGANIZATION OF THE OMBUDS OFFICE**

Presented at the
743rd Regular Meeting of the Faculty Senate
December 11, 2014

COMMITTEE MEMBERSHIP

Randall Boivin
Alexandrina Deschamps
Kelly Gray
Linda Hillenbrand
Frank Hugus
Joanne Levenson
Joel Martin
John McCarthy, Chair
Susan Pearson
Jeffrey Podos
Jenny Spencer

Report of the Ad Hoc Committee on the Organization of the Ombuds Office

Introduction

Sen. Doc. No. 14-025 created an Ad Hoc Committee on the Organization of the Ombuds Office. The establishment of this Committee reflects three facts about the current situation:

- (i) The role of the Ombuds Office has expanded greatly since 1989, when the Senate last examined the organization of this office.
- (ii) Many institutions are moving away from a faculty ombudsperson to a professional with training in mediation and conflict resolution.
- (iii) The current Ombudsperson has retired after 15 years in office.

The Committee was charged to (quoting from 14-025):

1. Review the current structure and operations of the Ombuds Office in light of the evolving use of the Office and the changing needs of the campus community, drawing as useful from experience at peer institutions as well as local insight.
2. Provide recommendations regarding revision or replacement of Sen. Doc. No. 89-011A to ensure continued effective functioning of the Ombuds Office.

The Committee membership prescribed in Sen. Doc. No. 14-025 includes representatives of the faculty, the administration, the Dean of Students Office, several campus unions, and the two student government organizations.

Process

The Committee initially met twice and also consulted by email. At one meeting, the current Ombudsperson, Catharine Porter, described the Ombuds Office and its responsibilities. The Committee also received information from the most recent annual report of the Ombuds Office (Sen. Doc. No. 13-038) and from the following master's thesis, which includes statistics on the staffing of higher education ombuds offices nationally: Newhart, Mary J. (2007) Ombudsmen in higher education: Similarities, divergences, and the rise of alternative dispute resolution. MS thesis, Cornell University. Downloaded from <http://ecommons.library.cornell.edu/handle/1813/8147>.

This report was circulated to Committee members in May 2014 with a request that they approve its text and vote on its principal recommendation. In October 2014, the Rules Committee requested that the Committee revisit its recommendations to clarify the role of the Faculty Advisor to the Ombuds and to address a problem with housing the formal Academic Honesty and Academic Grievance procedures in the Ombuds Office.

Discussion

This Committee recommends moving to a system where the Ombudsperson is a full-time non-unit professional staff member, serving for an indefinite term, assisted by appropriate staff and by one or more faculty members with part-time duties in the Ombuds Office. What follows is a discussion of the evidence that led to this recommendation.

When the office of University Ombudsperson was first created, it was intended to be a temporary, probably part-time position for a faculty member:

The Ombudsman shall be a faculty member at the University and shall receive appropriate release time from other duties to enable him/her to adequately perform his/her functions. ... The Ombudsman shall be appointed for a term of two years. ... No Ombudsman may serve more than two consecutive terms in office. (Quoted from Board of Trustees document T70-025)

The Faculty Senate record in the late 1980s reflects a growing unease with the highly temporary nature of the Ombudsperson, who was limited to just two consecutive two-year terms. According to Sen. Doc. No. 89-011A, in 1988 the then Chancellor asked for authority to appoint the Ombudsperson for an indefinite term. Although the Rules Committee apparently supported this approach, the Senate declined to approve it. The Rules Committee then brought forward a proposal to allow two consecutive three-year terms. The Senate again refused, but passed a substitute amendment prescribing a maximum of three consecutive two-year terms.

The legal environment for higher education has changed a great deal since 1969 and even since the late 1980s. Universities frequently face litigation, and they must comply with extensive governmental regulations. The position of ombudsperson has also become professionalized; in her survey, Newhart (2007) found that nearly 60% of college and university ombudspersons are staff rather than faculty. UMass Amherst peer institutions with professional staff serving as campus ombudsperson include Iowa State University, Rutgers University, Stony Brook University, UC Santa Barbara, University of Colorado Boulder, UConn Storrs, and the University of Oregon. (Two other peers, IU Bloomington and Delaware, do not seem to have an ombuds office. The remaining peer, Maryland at College Park, has four ombuds offices serving four different populations.)

The caseload of the Ombuds Office has increased dramatically. In the 2000-01 academic year, the Office took in 307 cases. In the 2011-12 academic year, the total had more than doubled to 701. In the same period, the on-campus student enrollment rose by only 10%, indicating that the growth in caseload is not being driven solely by growth in enrollment. Complex cases can take many hours of staff time to resolve. This is a full-time job, and a very important one.

Further evidence of the professionalization of ombuds offices is the establishment of a professional organization. The University and College Ombuds(man) Association was founded in 1984, and merged with the (Corporate) Ombudsman Association to form the International Ombudsman Association (IOA) in 2005. The IOA promulgates best practices, runs courses, webinars, and an annual conference, provides certification, and publishes a peer-reviewed journal.

Notwithstanding the campus's official policy, which limits the Ombudsperson to six consecutive years in office, the current Ombudsperson, Catharine Porter, has served in this role for 15 years. She has been, in effect, a permanent professional Ombudsperson, while retaining her faculty rank. The campus has been fortunate to have Dr. Porter's combination of skills and experience, but the circumstances that led to her, as a faculty member, being able to serve in a full-time role for so long are unlikely to be repeated.

In light of these considerations, this Committee recommends adopting a system in which the Ombudsperson is a full-time non-unit professional staff member, serving for an indefinite period. To ensure that the faculty perspective remains available, and to facilitate communication with faculty members, the Ombudsperson will have the benefit of a part-time Faculty Ombudsperson (see the next section).

Academic Honesty and Academic Grievance Procedures

Under current policy, the Ombuds Office is the Academic Honesty Office. That is, it is the process manager for formal Academic Honesty hearings. This role is inconsistent with national standards for ombuds offices because it is incompatible with strict neutrality. The Committee therefore proposes that responsibility for formal Academic Honesty hearings be shifted from the Ombuds Office to the Provost's Office. It is expected that the Provost will delegate responsibility for these hearings to the Vice Provost for Undergraduate and Continuing Education or the Vice Provost for Graduate Education and Dean of the Graduate School, depending on whether the respondent is an undergraduate or graduate student. The volume of these hearings is very low: the average for the last five years is 4.4 per year. According to *Policy and Procedures Concerning Academic Honesty* (Sen. Doc. No. 07-040A), the Academic Honesty Office is defined as "[t]he office or individual named by the Chancellor or designee to manage the

procedures described herein". Thus, the shift of responsibility for Academic Honesty hearings can be made without Senate action, by a decision of the Chancellor or his designee.

The Ombuds Office is also the process manager for formal Academic Grievance hearings (i.e., grade disputes), and this presents similar neutrality problems. The volume of these hearings is even lower: an average of 0.6 per year over the last five years. Again, this Committee recommends that responsibility for these hearings be shifted to the Provost's Office. It is expected that the Provost will delegate responsibility for these hearings to the Vice Provost for Undergraduate and Continuing Education or the Vice Provost for Graduate Education and Dean of the Graduate School, depending on whether the grievant is an undergraduate or graduate student. This change will require Senate action. We propose language amending Sen. Doc. No. 00-015.

This low volume of formal Academic Honesty and Academic Grievance proceedings reflects the fact that most such matters are addressed informally, by agreement between the instructor and the student, often with the assistance of the Ombuds Office. The Ombuds Office will continue in this role of information source and mediator for academic honesty and academic grievance matters, with one or more Faculty Ombudspersons who will provide the needed perspective of a working faculty member.

Formal Recommendation

The Ad Hoc Committee on the Organization of the Ombuds Office recommends adoption of the following changes in the Faculty Senate document governing that office and parallel changes in the relevant Trustee policy. We further recommend that, given the current workload of the Ombuds Office, the appropriate staffing level would be two full-time professional staff members (the University Ombudsperson and Assistant Ombudsperson) and a part-time Faculty Ombudsperson with an appropriate course release, plus clerical staff as needed. (We believe that this staffing recommendation is cost neutral as compared to the current staffing model of a full-time faculty Ombudsperson and one full-time professional staff member.)

Proposal to amend Sen. Doc. No. 89-011A (available at http://www.umass.edu/senate/fs_docs/SEN_DOC_NO_89-011A_OMBUDS.pdf), with changes proposed by this Committee indicated in italics:

II. APPOINTMENT

Paragraph 1, original language:

The Ombudsperson shall be a faculty member of the University of Massachusetts at Amherst, a person of the highest integrity who is knowledgeable about academic life. The position of Ombudsperson shall be full-time, except that the faculty member holding the position may perform one-third of normal faculty duties.

Paragraph 1, proposed new language:

The University Ombudsperson shall be a full-time staff position filled by a person of the highest integrity who is knowledgeable about academic life and has qualifications appropriate to this position. The University Ombudsperson shall be assisted by one or more Faculty Ombudspersons, also of the highest integrity and knowledgeable about academic life, who shall be available to handle cases requiring a faculty perspective or academic expertise. The position of Faculty Ombudsperson shall be part-time, and the faculty member(s) holding the position shall receive a release from other duties commensurate with the time required to discharge their duties as advisor. The University Ombudsperson may also be assisted by one or more staff Assistant Ombudspersons and/or other staff members, appointed by the University Ombudsperson in accordance with such policies and procedures as may be in effect from time to time.

Paragraph 2, original language:

The Ombudsperson shall be appointed by the Chancellor of the Amherst campus in accordance with a recommendation of an ad hoc committee consisting of three faculty members appointed by the Faculty Senate, one undergraduate student appointed by the SGA, one graduate student appointed by the Graduate Student Senate, a professional employee appointed by PAUMA, and one member of the classified staff chosen in an election in which all classified employees are eligible to vote. The Secretary of the Faculty Senate shall be responsible for conducting this election in cooperation with appropriate members of the administration. The selection committee shall elect its own chair.

Paragraph 2, proposed new language:

The University Ombudsperson shall be appointed by the Chancellor of the Amherst campus after consideration of a recommendation from an ad hoc committee consisting of three faculty members appointed by the Faculty Senate, one undergraduate student appointed by the SGA, one graduate student appointed by the Graduate Student Senate, one professional staff member, and one classified staff member. The selection committee shall elect its own chair. The Faculty Ombudsperson(s) shall be appointed by the Chancellor of the Amherst campus from among the campus faculty, after consideration of a recommendation from an ad hoc committee similarly constituted.

Paragraph 3 & 4, original language:

The Ombudsperson shall be appointed for a term of three years and may be reappointed in accordance with the recommendation of an ad hoc review committee consisting of three faculty members appointed by the Faculty Senate, one undergraduate student appointed by the SGA, one graduate student appointed by the Graduate Student Senate, a professional employee appointed by PAUMA, and one member of the classified staff chosen in an election in which all classified employees are eligible to vote. The Secretary of the Faculty Senate shall be responsible for conducting this election in cooperation with appropriate members of the administration. The review committee shall elect its own chair. This committee shall review the performance of the Ombudsperson and the Ombuds Office and make its recommendation to the Chancellor three months prior to the expiration of the Ombudsperson's term.

The Chancellor may reappoint the Ombudsperson for a second term provided that a majority of the members of the review committee so recommend. Reappointment beyond a second term shall be made only on a recommendation supported by at least five of the seven members of the review committee. The Ombudsperson may be removed from office by the Chancellor only upon recommendation of the review committee.

Proposed new language

The University Ombudsperson shall be appointed for an indefinite term, and all aspects of his/her appointment shall be governed by the non-unit professional staff personnel policies of the University as may be in effect from time to time. Every five years, the Chancellor shall seek the advisory evaluation of an ad hoc review committee consisting of three faculty members appointed by the Faculty Senate, one undergraduate student appointed by the SGA, one graduate student appointed by the Graduate Student Senate, one professional staff member, and one classified staff member. The review committee shall elect its own chair. This committee shall review the performance of the University Ombudsperson and the Ombuds Office and make its recommendation to the Chancellor.

[The rest of Sen. Doc. No. 69-023, as amended by Sen. Doc. No. 89-011A, would remain unchanged.]

Proposal to amend Sen. Doc. No. 00-015 (available at http://www.umass.edu/senate/fs_docs/SEN_DOC_NO_00-015.pdf):

Proposed new language

Throughout Appendix A: Academic Grievance Procedures, replace all mentions of "Ombuds Office" with "Provost's Office".

MOVED: That the Faculty Senate approve the Final Report of the Ad Hoc Committee on the Organization of
14-15 the Ombuds Office, as presented in Sen. Doc. No. 15-020.