

OHIO UNIVERSITY
Office of the University Ombudsman
Annual Report
2008/09

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Office of the Ombudsman Annual Report July 1, 2008– June 30, 2009

I. Introduction

This year marks the 39th year of operation for the Ohio University Office of the Ombudsman. The office was established in the fall of 1970 following the campus riots, political unrest and school closing in the spring of that year. Until this year the Ombudsman has been an appointed position and always a tenured member of the faculty. For the last fifteen years the Ombudsman has been assisted by administrative staff serving as assistant or associate Ombudsman. Following are the names of those who have served in the Office of the Ombudsman.

Ohio University Ombudsman 1970-present

1970-1974: *Dr. Lester Marks, Associate Professor, English*

1974-1976: *Dr. Carol Harter, Assistant Professor, English*

1977-1982: *Dr. Lester Marks, Associate Professor, English*

1982-1991: *Dr. David Heaton, Associate Professor, English*

1991-1997: *Dr. Nancy Bain, Professor, Geography*
Dianne Bouvier, M Ed., Assistant Ombudsman

1997-2002: *Dr. Butch Hill, Professor, Engineering*
Dianne Bouvier, M Ed., Assistant Ombudsman

2002-2007: *Dr. Elizabeth Graham, Professor, Communication Studies*
Dr. Katherine Ziff, Associate Ombudsman

2008-2009: *Merle Graybill, M Ed., LSW Ombudsman*

The Ombudsman Profession

The Ombudsman's field continues to evolve toward a profession with training standards, code of ethics, standards of practice, and a growing body of research and literature, all facilitated by the International Ombudsman Association (IOA), a membership organization. This momentum in the field coupled with changing and increasingly intricate case law on the role of an academic Ombudsman's office in regard to matters such as confidentiality, duty to warn, harassment and notice to the institution, obliges the University to support continuous professional development for its Ombudsman, as well as, a commitment to the position as a job rather than as a rotating appointment. This coming Fall 2009 the IOA is implementing a voluntary certification process for professionals in the Ombudsman role. This certification is worth pursuing in order to legitimize this position, even after 40 years of history at the University.

This academic year 2008-2009 is the first that the position was configured as a full time appointment of an Administrative Staff member to serve as Ombudsman. Due to budget cuts over the last several years, the assistant ombudsman position and student support staff were eliminated. Also, the location of the office was moved away from Crewson House, where it had

been housed with Institutional Equity and Disability Services, to a corner on the top floor of Baker University Center. This helped to clarify its role as an 'unofficial' office that does not receive notice to the University, and to provide more anonymity for visitors. The office is a converted conference room with desk and sitting area and the Ombudsman!

Goals, Role, and Activities

The Ombudsman provides services with these goals in mind:

- Fostering respect across the university community
- Promoting and facilitating effective communication between constituents
- Promoting procedural fairness and equity
- Increasing retention of students, faculty and staff
- Saving administrative time

The nature of the Ombudsman's role is best characterized by the words independent, confidential, neutral and informal.

- **Independent** because services are provided outside the University's formal lines of authority - the Ombudsman is empowered to seek information as needed and to craft solutions toward the overall good when possible.
- **Confidential** because no identifying records of interactions with visitors are kept, and no information is revealed unless the visitor feels that it would be in their interest to do so and the Ombudsman agrees to this. The only exceptions to this are cases of sexual harassment, eminent harm, or illegal activity.
- **Neutral** because the Ombudsman strives to understand all perspectives in a situation and seeks outcomes that balance the needs of individuals with the requirements of the institution.
- **Informal** because while the Ombudsman is empowered to work outside the lines of authority to invite cooperation, influence decisions and negotiate agreements, the office does not receive or act upon official complaints, grievances or legal matters, nor can the Ombudsman require an action of any party.

The usual activities of the Office of the Ombudsman are both anticipatory and responsive:

Anticipatory

- Maintaining proactive interface with individuals and units such as HR, EAP, OUPD, Senates, Legal Affairs, and University leaders
- Recommending changes to policy and procedure as needed
- Alerting our community to developing issues and concerns

Responsive

- Receiving and attending to the concerns of visitors to the office
- Communicating with constituents through resource fairs and other events
- Disseminating 'snapshots' of our community through annual reports and website

2008-09 Activities of Ombudsman Merle Graybill

Internal

- Moved office out of Crewson House and established new office space in 501 Baker University Center.
- Redesigned the website for the office (see: www.ohio.edu/Ombuds)
- Edited and distributed print materials to inform about services – brochure, bookmarks, grade appeal guide
- Redesigned data collection tools, including implementing the use of the Uniform Categories of Reporting for case issues (developed by the International Ombudsman Association)
- Attended conference on the “Role of the Ombudsman in Organizational Crisis and Change” sponsored by the International Ombudsman Association

Outreach

- Met with officials and office contacts around the University to introduce myself as the new Ombudsman
- Tabled at the annual student Health Fair (July, 2008)
- Tabled at the annual Residence Life Resource Fair for new staff (August, 2008)
- Tabled at the Center for Teaching and Learning Expo for new faculty and TAs (August, 2008)
- Served as a University College Advisor for eight first year students
- Assisted 188+ visitors to the office with their concerns

II. 2008/09 Services of the Ombudsman

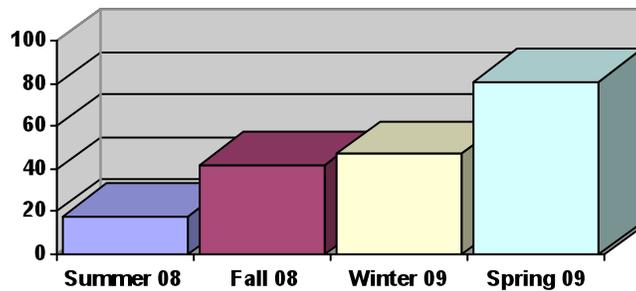
The rest of this report describes the issues and concerns that were brought forth and the interventions of the Ombudsman, the people who contacted the Ombudsman, the people and areas that they were concerned with or had issues with, and the recommendations of the Ombudsman for future attention from the University. Throughout the report a category of N/A indicates information that was not available or not applicable.

Overview of Services

Data was collected on 188 situations that the Ombudsman was presented with by visitors to the office during the academic year 2008-09. The data does not reflect the more than 50 people presenting through telephone calls or casual conversations on the street that could be served more briefly. Also the more formal requests for service often called for talking with other people, so the total number of contacts to address situations far exceeds 188.

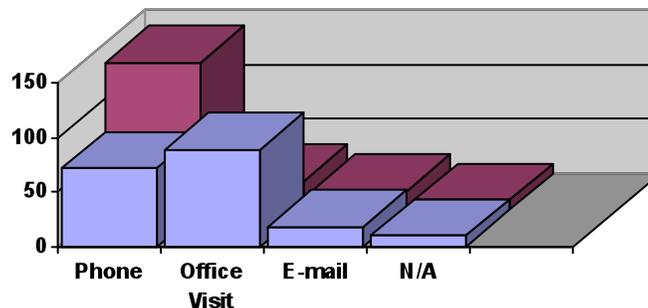
Also, the word visitor might not be the best description of a person who contacts the office. Most contacts were made by phone or email, and less than 14% by initial 'visits' to the office.

Number of Cases by Quarter

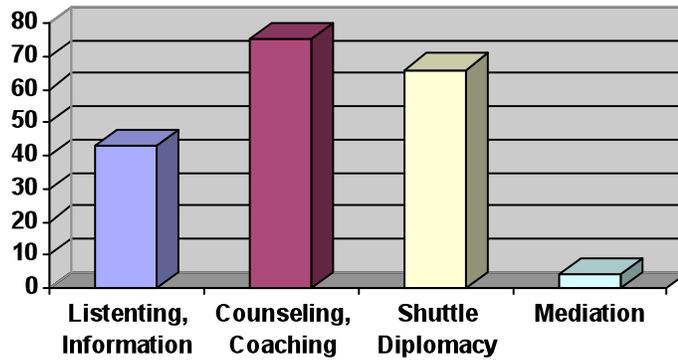


Means of Contact

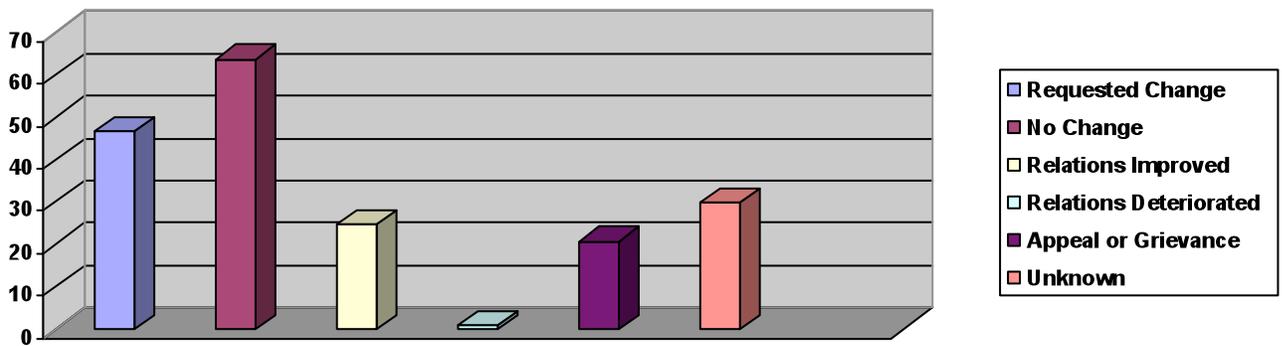
Initial and Follow-up (front)



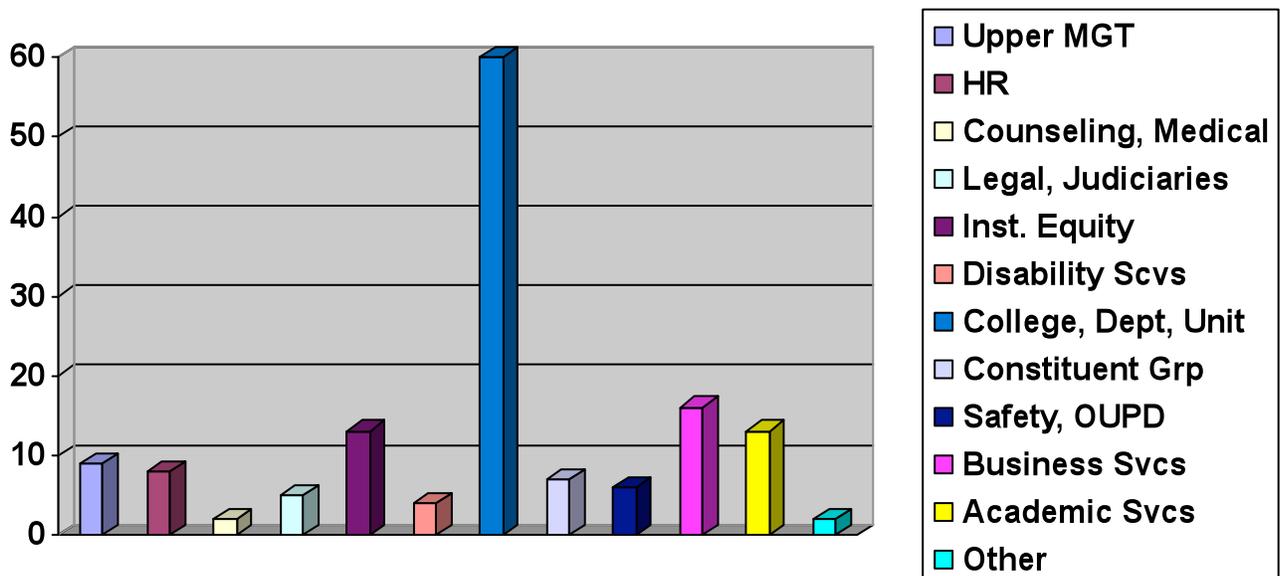
Type of Intervention



Outcomes of Cases



Others Involved in Conversations about Cases



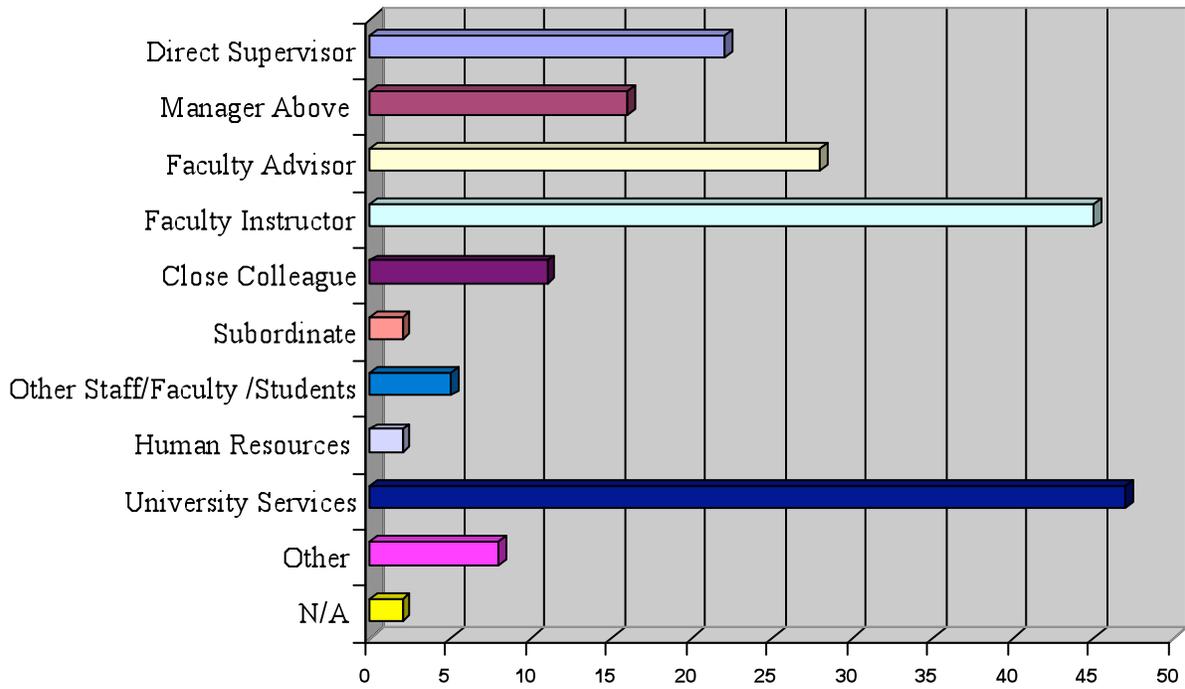
Nature of Issues and Concerns Brought to the Ombudsman

Data about the nature of issues and concerns brought to the Ombudsman was collected in two ways. A case-by-case notation was made of the type of relationship between the visitor with a concern and the person or area of the University with which they were concerned. And secondly, an accumulative tally of types of issues was kept utilizing a new tool from the International Ombudsman Association. This is the first year that the Ohio University Ombudsman has used this tool, currently called the Uniform Reporting Categories (of issues.) Since each situation may involve multiple issues this tally exceeds the 188 total 'cases'. Both of these data sets are presented in the pages that follow.

An anecdotal perspective regarding issues presented during this year identifies the following serious, persistent, university-wide problems:

- Organizational change and the resulting conflict is challenging our individual flexibility, civility and generosity when it comes to solving problems
- Supervision of personnel is becoming more punitive and creating more resistance
- Pay inequity between new hires and current employees is problematic
- New management hires seem to be predominantly white males, a factor in the 'undoing' of gains the University had made in creating a diverse staff during the 1990s
- Many women staff and faculty are being affected negatively by sexist attitudes and styles of communication
- New leaders and their employees are not reaching a shared view of what and how to change before decisions are implemented
- Leaders are stressed by having to deliver hard news about cuts and restructuring
- Budget-cutting decisions are seemingly being used to obscure retaliatory actions and negative decisions based on personal dislike about successful employees
- Disability-accommodation is confusing territory for faculty and managers
- Online teaching policies are a mix of not developed, not known, not followed, not enforced, and training of faculty and students to use systems seems inadequate
- Academic dishonesty accusations throws students into a process that is not uniform across the university and has serious policy and procedure gaps
- PhD. students feel at the mercy of their advisor, and there are areas where no policy or appeal procedure offers protection or due process
- Academic advising inconsistencies have serious consequences for students but they have little recourse for 'proving' this
- Faculty collegiality is an obscured, unpredictable and potentially devastating element of the tenure experience

Relationship between Visitor and Person/Area of Concern



Uniform Reporting Categories for Issues/Concerns

Brought forth to the Ombudsman during the 2008/09 Academic Year

CATEGORY	# CONCERNS
<p>1 <u>Compensation & Benefits</u> Questions, concerns, issues or inquiries about the equity, appropriateness and competitiveness of employee compensation, benefits and other benefit programs.</p>	
Sub-total	4
1.a Compensation (rate of pay, salary amount, job salary classification/level)	4
1.b Payroll (administration of pay, check wrong or delayed)	
1.c Benefits (decisions related to medical, dental, life, vacation/sick leave, education, worker's compensation insurance, etc.)	
1.d Retirement, Pension (eligibility, calculation of amount, retirement pension benefits)	
1.e Other (any other employee compensation or benefit not described by the above categories) Please specify below:	
<p>2 <u>Evaluative Relationships</u> Questions, concerns, issues or inquiries arising between people in evaluative relationships (i.e. supervisor-employee, faculty-student.)</p>	
Sub-total	148
2.a Priorities, Values, Beliefs (differences about what should be considered important - or most important –often rooted in ethical or moral beliefs)	
2.b Respect, Treatment (demonstrations of inappropriate behavior, disregard for people, rudeness, crudeness, etc.)	16
2.c Trust, Integrity (suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)	5
2.d Reputation (possible impact of rumors and/or gossip about professional or personal matters)	7
2.e Communication (quality and/or quantity of communication)	25
2.f Bullying, Mobbing (abusive, threatening, and/or coercive behaviors)	2
2.g Diversity-Related (comments or behaviors perceived to be insensitive, offensive, or intolerant on the basis of an identity-related difference such as race, gender, nationality, sexual orientation)	5
2.h Retaliation (punitive behaviors for previous actions or comments, whistleblower)	2

2.i	Physical Violence (actual or threats of bodily harm to another)	1
2.j	Assignments, Schedules (appropriateness or fairness of tasks, expected volume of work)	13
2.k	Feedback (feedback or recognition given, or responses to feedback received)	
2.l	Consultation (requests for help in dealing with issues between two or more individuals they supervise/teach or with other unusual situations in evaluative relationships)	
2.m	Performance Appraisal/Grading (job performance in formal or informal evaluation)	9
2.n	Grading (academic performance in formal or informal evaluation)	41
2.o	Departmental Climate (prevailing behaviors, norms, or attitudes within a department for which supervisors or faculty have responsibility)	3
2.p	Supervisory Effectiveness (management of department or classroom, failure to address issues)	4
2.q	Insubordination (refusal to do what is asked)	3
2.r	Discipline (appropriateness, timeliness, requirements, alternatives, or options for responding)	7
2.s	Equity of Treatment (favoritism, one or more individuals receive preferential treatment)	5
2.t	Other (any other evaluative relationship not described by the above categories) Please specify below:	

3 Peer and Colleague Relationships Questions, concerns, issues or inquiries involving peers or colleagues who do not have a supervisory-employee or student-professor relationship (e.g., two staff members within the same department or conflict involving members of a student organization).

	Sub-total	57
3.a	Priorities, Values, Beliefs (differences about what should be considered important - or most important –often rooted in ethical or moral beliefs)	2
3.b	Respect, Treatment (demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.)	12
3.c	Trust, Integrity (suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)	3
3.d	Reputation (possible impact of rumors and/or gossip about professional or personal matters)	4
3.e	Communication (quality and/or quantity of communication)	11
3.f	Bullying, Mobbing (abusive, threatening, and/or coercive behaviors)	9
3.g	Diversity-Related (comments or behaviors perceived to be insensitive, offensive, or intolerant on the basis of an identity-related difference such as race, gender, nationality, sexual orientation)	4
3.h	Retaliation (punitive behaviors for previous actions or comments, whistleblower)	9
3.i	Physical Violence (actual or threats of bodily harm to another)	3

3.j **Other** (any peer or colleague relationship not described by the above categories) Please specify below:

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4 Career Progression and Development Questions, concerns, issues or inquiries about administrative processes and decisions regarding entering and leaving a job, what it entails, (i.e., recruitment, nature and place of assignment, job security, and separation.)

		Sub-total
		30
4.a	Job Application, Selection and Recruitment Processes (recruitment and selection processes, facilitation of job applications, short-listing and criteria for selection, disputed decisions linked to recruitment and selection)	1
4.b	Job Classification and Description (changes or disagreements over requirements of assignment, appropriate tasks)	2
4.c	Involuntary Transfer, Change of Assignment (notice, selection and special dislocation rights/benefits, removal from prior duties, unrequested change of work tasks)	3
4.d	Tenure-Position Security, Ambiguity (security of position or contract, provision of secure contractual categories), Career Progression (Promotion, Reappointment, or Tenure)	8
4.e	Career Progression (promotion, reappointment, or tenure)	3
4.f	Rotation and Duration of Assignment (non-completion or over-extension of assignments in specific settings/countries, lack of access or involuntary transfer to specific roles/assignments, requests for transfer to other places/duties/roles)	1
4.g	Resignation (concerns about whether or how to voluntarily terminate employment or how such a decision might be communicated appropriately)	
4.h	Termination/Non-Renewal (end of contract, non-renewal of contract, disputed permanent separation from organization)	5
4.i	Re-employment of Former or Retired Staff (loss of competitive advantages associated with re-hiring retired staff, favoritism)	
4.j	Position Elimination (elimination or abolition of an individual's position)	7
4.k	Career Development/Coaching/Mentoring (classroom, on-the-job, and varied assignments as training and developmental opportunities)	
4.l	Other (any other issues linked to recruitment, assignment, job security or separation not described by the above categories) Please specify below:	

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.

		Sub-total
		23
5.a	Criminal Activity (threats or crimes planned, observed, or experienced, fraud)	

5.b	Business and Financial Practices (inappropriate actions that abuse or waste organizational finances, facilities or equipment)	
5.c	Harassment (unwelcome physical, verbal, written, e-mail, audio, video, psychological or sexual conduct that creates a hostile or intimidating environment)	5
5.d	Discrimination (different treatment compared with others or exclusion from some benefit on the basis of, for example, gender, race, age, national origin, religion, etc. [being part of an Equal Employment Opportunity protected category - applies in the U.S.])	8
5.e	Disability, Temporary or Permanent, Reasonable Accommodation (extra time on exams, provision of assistive technology, interpreters, or Braille materials including questions on policies, etc. for people with disabilities)	6
5.f	Accessibility (removal of physical barriers, providing ramps, elevators, etc.)	3
5.g	Intellectual Property Rights (e.g., copyright and patent infringement)	
5.h	Privacy and Security of Information (release or access to individual or organizational private or confidential information)	
5.i	5.i. Property Damage (personal property damage, liabilities)	1
5.j	Other (any other legal, financial and compliance issue not described by the above categories) Please specify below:	

6 Safety, Health, and Physical Environment Questions, concerns, issues or inquiries about Safety, Health and Infrastructure-related issues.

Sub-total		5
6.a	Safety (physical safety, injury, medical evacuation, meeting federal and state requirements for safety training and equipment)	
6.b	Physical Working/Living Conditions (temperature, odors, noise, available space, lighting, etc)	1
6.c	Ergonomics (proper set-up of workstation affecting physical functioning)	
6.d	Cleanliness (sanitary conditions and facilities to prevent the spread of disease)	
6.e	Security (adequate lighting in parking lots, metal detectors, guards, limited access to building by outsiders, anti-terrorists measures (not for classifying "compromise of classified or top secret" information)	1
6.f	Telework, Flexplace (ability to work from home or other location because of business or personal need, e.g., in case of man-made or natural emergency)	
6.g	Safety Equipment (access to/use of safety equipment as well as access to or use of safety equipment, e.g., fire extinguisher)	
6.h	Environmental Policies (policies not being followed, being unfair ineffective, cumbersome)	

6.i **Work Related Stress and Work-Life Balance** (Post-Traumatic Stress, Critical Incident Response, internal/external stress, e.g. divorce, shooting, caring for sick, injured)

3

6.j **Other** (any safety, health, or physical environment issue not described by the above categories) Please specify below:

7 Services/Administrative Issues Questions, concerns, issues or inquiries about services or administrative offices including from external parties.

Sub-total

64

7.a **Quality of Services** (how well services were provided, accuracy or thoroughness of information, competence, etc.)

17

7.b **Responsiveness, Timeliness** (time involved in getting a response or return call or about the time for a complete response to be provided)

18

7.c **Administrative Decisions and Interpretation, Application of Rules** (decisions about requests for academic or administrative services, e.g., exceptions to policy deadlines or limits, refund requests, appeals of library or parking fines, application for financial aid, etc.)

27

7.d **Behavior of Service Provider(s)** (how an administrator or staff member spoke to or dealt with a constituent, customer, or client, eg., rude, inattentive, or impatient)

2

7.e **Other** (any services or administrative issue not described by the above categories) Please specify below:

8 Organizational, Strategic, and Mission Related Questions, concerns, issues or inquiries that relate to the whole or some part of an organization.

Sub-total

60

8.a **Strategic and Mission-Related, Strategic and Technical Management** (principles, decisions and actions related to where and how the organization is moving)

8

8.b **Leadership and Management** (quality/capacity of management and/or management/leadership decisions, suggested training, reassignments and reorganizations)

12

8.c **Use of Positional Power, Authority** (lack or abuse of power provided by individual's position)

8.d **Communication** (content, style, timing, effects and amount of organizational and leader's communication, quality of communication about strategic issues)

13

8.e **Restructuring and Relocation** (issues related to broad scope planned or actual restructuring and/or relocation affecting the whole or major divisions of an organization, eg. downsizing, offshoring, outsourcing)

1

8.f **Organizational Climate** (issues related to organizational morale and/or capacity for functioning)

17

8.g	Change Management (making, responding or adapting to organizational changes, quality of leadership in facilitating organizational change)	9
8.h	Priority Setting and/or Funding (disputes about setting organizational/departmental priorities and/or allocation of funding within programs)	
8.i	Data, Methodology, Interpretation of Results (scientific disputes about the conduct, outcomes and interpretation of studies and resulting data for policy)	
8.j	Interdepartment, Interorganization Work, Territory (disputes about which department/organization should be doing what/taking the lead)	
8.k	Other (any organizational issue not described by the above categories) Please specify below:	

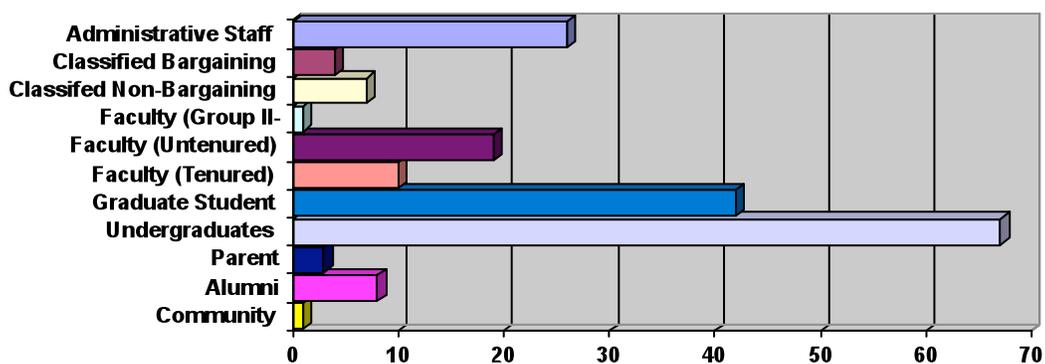
9 Values, Ethics, and Standards Questions, concerns, issues or inquiries about the fairness of organizational values, ethics, and/or standards, the application of related policies and/or procedures, or the need for creation or revision of policies, and/or standards.

		Sub-total
		24
9.a	Standards of Conduct (fairness, applicability or lack of behavioral guidelines and/or Codes of Conduct, e.g., Academic Honesty, plagiarism, Code of Conduct, conflict of interest)	11
9.b	Values and Culture (questions, concerns or issues about the values or culture of the organization)	13
9.c	Scientific Conduct, Integrity (scientific or research misconduct or misdemeanors, e.g., authorship; falsification of results)	
9.d	Policies and Procedures NOT Covered in Broad Categories 1 thru 8 (fairness or lack of policy or the application of the policy, policy not followed, or needs revision, eg., appropriate dress, use of internet or cell phones)	
9.e	Other (Other policy, procedure, ethics or standards issues not described in the above categories) Please specify below:	

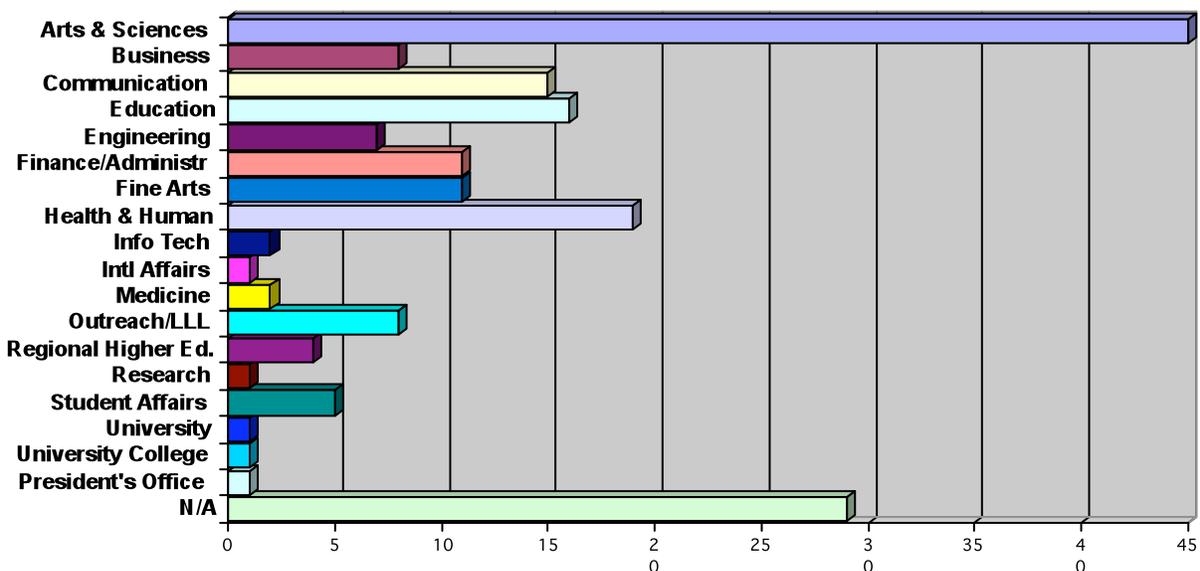
Visitors to the Office and Persons or Units of Concern

The following pages show data about both the visitors to the office and the people, units or services that they had concerns about or issues with. Categories broken out include University status or relationship, location within the University structure, campus home, gender and ethnicity.

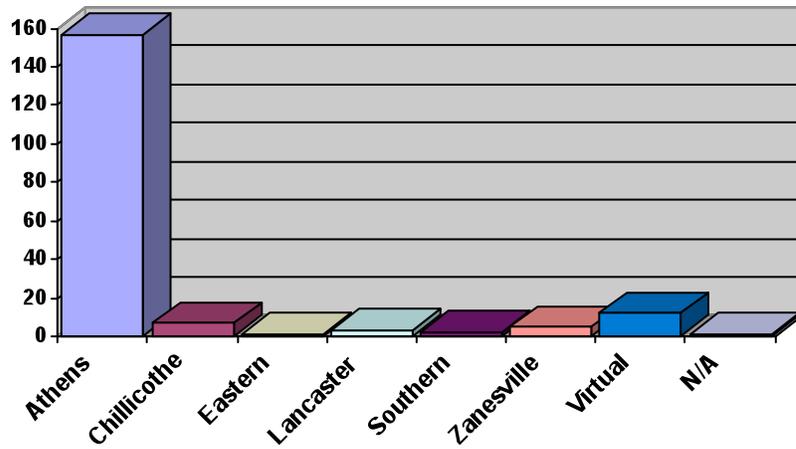
Visitor's Status



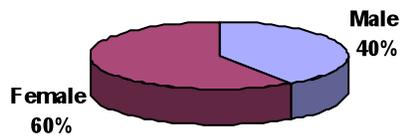
Visitor's Unit



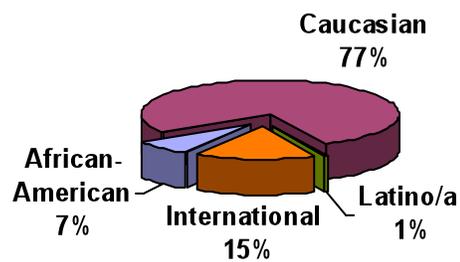
Visitor's Campus Location



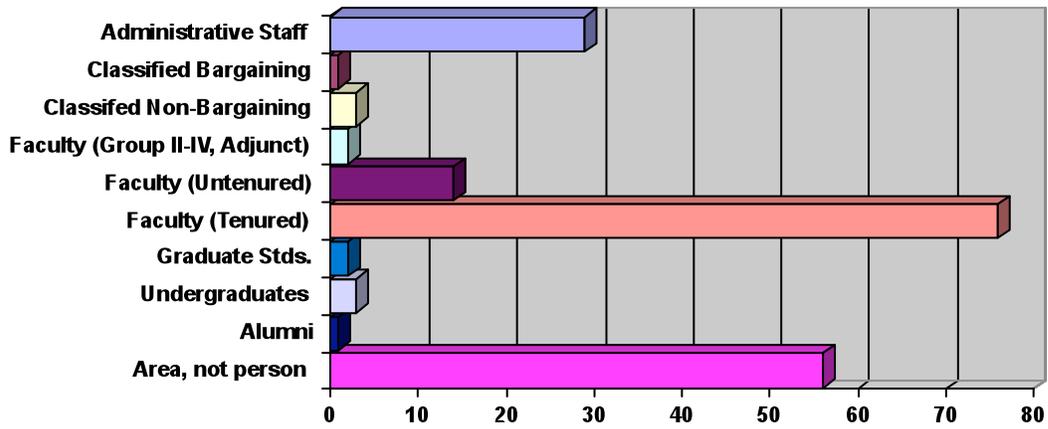
Visitor's Gender



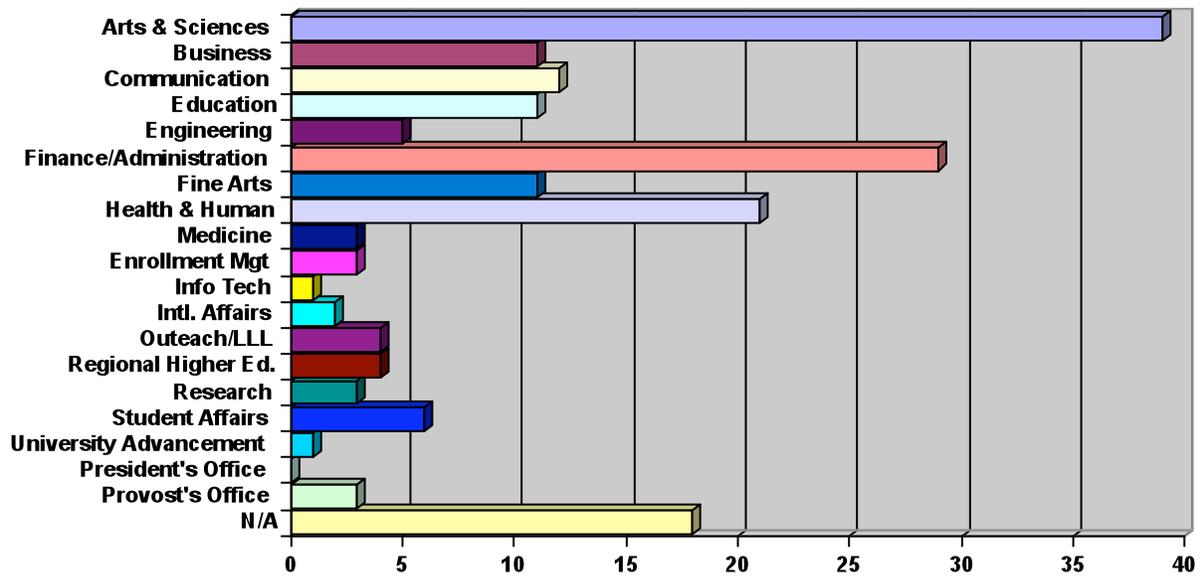
Visitor's Ethnicity



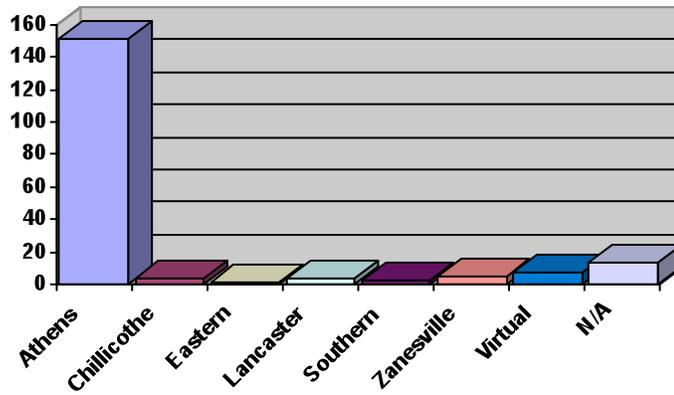
Persons' of Concern Status



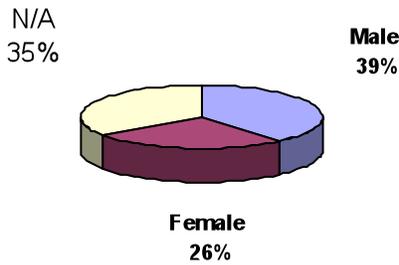
Area or Persons' of Concern Unit



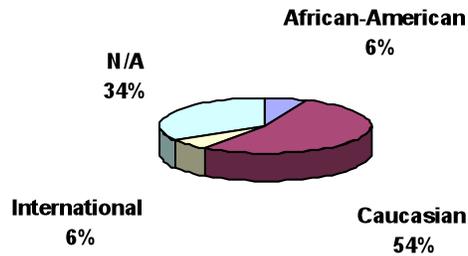
Area/Person of Concern's Campus Location



Area/Persons' of Concern Gender



Person of Concern's Ethnicity



III. Analysis and Recommendations

A quick comparison of the data from this year with the 2006/07 data (2007/08 data is not available) shows a few changes that may be attributable to current organizational conditions but perhaps not conclusively. Noted changes are:

1) The total number of cases recorded this year was 188. The total number in 06/07 was over 400. Possible reasons for this change include:

- A reduction of staff member for the office to one. There were two staff members in 06/07. However, no visitors were turned away this year.
- The location of the office changed. This may have caused some confusion or perhaps having been co-located with Institutional Equity and Disability Services previously may have facilitated referrals.
- This year the Ombudsman chose to spend less one-on-one time with students needing grade appeal information, and instead distributed a publication with extensive instruction about the procedure.
- Lower numbers of staff from all categories utilized the office perhaps due to uncertainty about job security and not wishing to 'rock the boat'.

2) Proportionally more graduate students came to the Ombudsman with concerns ranging from poor relations with advisors, employment/contract issues, to sudden changes in academic programs and a wide range of mishaps in dissertation processes.

3) Proportionally more complaints were heard about business services - processes, decisions and staff members.

4) Proportionally more complaints were heard about tenured faculty members.

5) Proportionally higher incidence of dissatisfaction with leadership, management, fairness in decision-making, and so on, was expressed than was recorded in 2006/07. This seems predictable given the tremendous strain of change and dwindling resources for the institution - due not only to the inevitable resistance to change, but also mismanagement, careless decisions, poor communication and lack of positive leadership in some areas of the institution.

Recommendations

Given all that is going on at the University, there could be so many recommendations for change as to render this 'advice' of the Ombudsman ineffectual. However, the following have emerged as very important, within reach and in some cases are already being considered by others.

1) **Academic Dishonesty** – policy and procedure

This year the Ombudsman has seen a stunning range of methods for handling accusations of academic dishonesty against students.

Examples:

- A student failed from a course for plagiarizing three words in an essay about a classic piece of literature – three words that anyone would likely apply

- International graduate students not only failed in a class but also fired from GA/TA jobs, kicked out of programs and consequently needing to leave the country immediately based on a faculty member's determination and with no recourse if they deny the accusation
- Students accused of cheating in situations where electronic systems such as Blackboard and the OLN system complicate the determination of 'evidence' but the students have no way to 'prove' themselves innocent
- Some students failed in course or assignment and referred to Judiciaries, some failed but not referred to Judiciaries depending on Faculty or Department practices.
- The Judiciaries process has no bearing upon faculty decision about assignment or course.
- When Judiciaries is involved, a different set of individuals, who may have no previous experience with academic dishonesty, makes up the hearing board each time.

These examples illustrate the need for standard criteria against which to consider the accusation of academic dishonesty, as well as, a standard University-wide response when academic dishonesty is suspected, due process for the accused, a standing body of faculty, staff and students to consider cases which draws its expertise from accumulated experience and benchmarked practices, and fair policies that address the complications arising from increased use of electronic systems for teaching/testing.

Some research and development of an Honor System and supporting resources and procedures was initiated following the incidences at the Russ College of Engineering. A graduate student, Melissa Brockelman-Post, was hired by the University to research practices and make recommendations in conjunction with faculty members. Her 2009 dissertation focuses on this topic (the Ombudsman has a copy of this.) Associate Professor Jeff Giesey, Engineering, is at least one of the people that has been involved in this conversation.

2) **Online Teaching** - policy, procedure and training for faculty

It is unclear whether there is an adequate set of policies to address the unique situations that can occur with online teaching. If they are developed, they are not easy to find, nor to get answers about from the staff in Lifelong and Distance Learning, which administers the online courses.

One difficulty with this situation is that while the Lifelong and Distance Learning staff are responsible for the successful offering of the courses, they have no appreciable authority over the faculty from the University departments who are teaching the courses.

Another frequent problem in online courses is the inadequate communication from faculty to students before and during the course. Since online education is so new to most students, they often need a lot of communication, as well as, training in using the electronic systems to be successful. It also seems at times that faculty are not trained adequately, or receptive to training, in proper design and implementation of online courses.

These problems will only become worse. Faculty Senate committee for Ed Policy and Student Affairs should tackle this topic next year.

3) Disability Accommodation - education of the University community

The institutional need, and legal requirement, to be open to and creative in accommodating the needs of students and employees with disabilities poses a challenge to the traditional stance of the 'academy' and the uniform standards of the work place. Nevertheless, we must make these accommodations if we want to identify ourselves as a diverse community of scholars and workers.

The particular challenge seems to be around accommodating cognitive and emotional disability. Physical disability seems to be easier to accept and respond to. Faculty members and managers are confused about why they should make accommodations for someone who cannot perform like others, what accommodations are fair to the others in the same class or area, and they often think that they themselves should be determining what accommodations are offered, versus being told what is appropriate by the Office of Disability Services.

Furthermore, most members of the University community often have not heard of this office, do not understand the function and authority of the office and are not familiar with the legal requirements for the institution regarding accommodation of individuals with disabilities. The Office of Disability Services AND University leaders should invest in an educational campaign that combats the confusion, prejudice and lack of awareness and creativity.

4) Appeal of Tenure Denial- process clarification, support for the appellant, data on tenure decisions, earlier intervention.

The information about the appeal process that faculty members must follow if tenure is denied is presented in such labored language and text-heavy format on the Faculty Senate website that it often adds insult to injury for the already stunned appellant. The Faculty Senate Promotion & Tenure committee was in the process early last year of creating a flow chart that more clearly illustrates the appeal process. The utilization of the chart, perhaps hung up in a review by the Provost's office, and has been set aside. I urge the committee and the Provost's office to get this back on track, and replace the current text with a flow chart and appropriate text explanation of steps in the appeal process. Also, one advantage of having such an illustration is that redundancies, inefficiencies and inequities of the appeal process may become apparent. Then the University can begin to address those.

This year, the Ombudsman talked with several faculty members who were denied tenure and observed that they seem to be suddenly deserted by department colleagues and completely alone in this process of appeal. Some colleges may have provisions for assigning an advocate to provide support and company but this only occurred for one of the faculty who came to the Ombudsman this year. I suggest that Faculty Senate and the Provost Office consider ways in which a faculty member who has been denied tenure could receive support through the appeal process from other faculty members, who are uninvolved and neutral, not going to be involved in any appeal processes down the line, but can offer feedback on appeal documents and general support throughout the process.

The University does not have any centralized data on the tenure process. Clearly this is in line with the practice of allowing colleges and departments to control their own tenure processes. It seems however that without actual data about who is tenured, who is denied, whose appeal is successful and whose is not, the reasons for decisions, and the prevailing trends in decisions by

college and departments, the University is unable to check itself on larger issues of equity, environment, and treatment in general. If we were able to monitor this data, we might see interventions that are needed, such as institution-wide education and criteria in making decisions, which will meet these institutional level responsibilities. For example, promotion and tenure meetings can be confidential but the institution needs to be able to know that decisions were free of prejudice and discrimination.

The denial of tenure on the basis of collegiality is fraught with unpredictability, secrecy, personal prejudices and sometimes discrimination of protected statuses. While it makes sense on one hand that tenured faculty members choose those that they think best fit in the long term, often those denied tenure do not have a clue until the devastation is upon them that they are regarded as not fitting. All kinds of human failings are responsible for this – failing to take the clues, failing to deliver the clues, failing to notice the tides turning and alliances shifting. These human foibles are hard to control but following are some institutional practices that may assist to clean up some of the messier messes: standard university-wide contracts that spell out the reasons a faculty member is hired and what is expected of them in order to earn tenure; annual evaluations based on this contract, including the evaluation of collegiality; training for chairs and directors that includes communication skills and expectations around successful communication; and college management that makes sure this is happening in each department.

5) Future Job Abolishment and Layoffs - balancing institutional diversity needs with financial decisions

Its difficult to balance the impact of job abolishment and layoff on institutional diversity if we decentralize the decision process completely and do not review these decisions at an institutional level. For purposes of appearing neutral, and good with the law, we describe these decisions to lay people off as budget decisions only, not about performance and not about the person. In reality, sometimes managers do use these decisions as a guise to retaliate against people who have angered them and to remove people that they do not relate to. The University needs to be concerned that people who are targeted for either reason may fall into protected classes, and even if they do not, retaliation is not acceptable.

This is an extremely complicated situation to manage to do well. Time is a factor. As is units wanting to be in charge of their own decisions. But at the least, the University could institute a review board for layoff decisions whose members are drawn from the offices concerned with equity, HR and constituent groups to monitor decisions and consult with units to balance decisions.

6) Status and Treatment of Women - attending to the slippery slope

Women are losing recently gained ground at Ohio University. Its hard to describe clearly as of yet, but one can anticipate what will be apparent within a few years by listening to disgruntled conversations on the street, noticing who is being hired into management, noticing who is losing their jobs, hearing the stories of women being shouted at in meetings by highly placed leaders, hearing the stories of women being ignored in meetings, noticing the pay inequity between men and women and the resistance to finding remedies