Ombudsperson Orientation

August 28, 2014

http://senate.psu.edu/ombuds/ombuds.asp
Ombudsperson Orientation
Thursday, August 28, 2014, 10:00-11:30 a.m.
102 Kern Graduate Building

Comments on the Role of the Ombudsperson
Jonna Kulikowich, Chair, University Faculty Senate
Professor of Education, College of Education

Overview of the Duties and Responsibilities of Unit Ombudspersons
Deborah Atwater, Immediate Past University Ombudsperson
Associate Professor Emerita of Communication Arts and Sciences
and African and African American Studies, College of the Liberal Arts
Pamela Hufnagel, University Faculty Ombudsperson
Assistant Professor of Education, Penn State DuBois

The Provost’s Office and Its Role in Faculty Affairs
Blannie Bowen, Vice Provost for Academic Affairs

Perspectives on Ombudsperson Responsibilities from FR&R
Amanda Maple, Chair, Senate Committee on Faculty Rights and Responsibilities
Associate Librarian for Music, University Libraries

The Role of the Office of General Counsel
Katherine Allen, Associate General Counsel

The Role of the Office of Ethics and Compliance
Regis Becker, Director of University Ethics and Compliance

University Policies Related to Faculty
Robert Maney, Senior Director of Employee Relations, Office of Human Resources

The Role of the Affirmative Action Office
Ken Lehrman, Vice Provost for Affirmative Action

Ombuds Scenarios

Questions and Comments from Attendees

Closing Remarks, Deborah Atwater and Pamela Hufnagel
INTEROFFICE MEMORANDUM

TO: Blann/e Bowen

FROM: Stephen S. Dunham

DATE: February 21, 2013

RE: Clarification of Ombudsperson Role

In response to recent questions regarding the role of the ombudsperson in working with faculty, the Office of General Counsel has been asked by the Provost’s Office to clarify a few points.

First, with respect to any potential liability issues, ombudspersons are treated no differently from other University employees. As provided in the By-Laws, the University may indemnify its employees for any claim and it has been the practice to do so as long as the claim involves an employee acting in good faith within the scope of his or her employment. This includes faculty members performing their duties as ombudspersons. This is true for both appointed and elected ombudspersons.

With respect to confidentiality issues, the ombudsperson process should be conducted in the most confidential manner possible. However, there may be limited circumstances in which information exchanged or documents and notes created during the process would need to be disclosed during an investigation or litigation. In addition, the ombudsperson may refer matters that are not resolved to appropriate University officials. All participants in the ombudsperson process are expected to communicate in a professional and respectful manner throughout the process.

"Penn State is committed to affirmative action, equal opportunity and the diversity of its workforce."
OMBUDSPERSON WORKSHOP
OFFICE OF HUMAN RESOURCES
August 28, 2014

GENERAL OVERVIEW

- HR expertise
- Website for University policies and guidelines: http://guru.psu.edu/policies
- HR policies, HRG guidelines; collective bargaining agreements for unionized employees
- Other policies and guidelines: Administrative, Budget, Business Services, Financial, Intellectual Property, Payroll, Research Administration, Safety, Travel
- HR transformation project

HR RESOURCES

- Human Resources Representatives
- Office of Human Resources
  - Website: www.ohr.psu.edu
  - Employee Relations – usually the best place to start
  - Employee Benefits – Employee Assistance Program; child care; elder care
  - Workplace Learning and Performance – leadership coaching; facilitation sessions
  - Occupational Medicine
  - Workers’ Compensation; Unemployment Compensation
  - Employee Special Assistance Fund

KEY CONSIDERATIONS

- Listening
- In-person vs. email
- Confidentiality vs. secrecy
- Conveying understanding vs. conveying agreement
- Identifying the remedy requested
- Dealing with pressure, demands, threats
- Ensuring buy-in before any action taken
- Follow-up

Robert L. Maney
Senior Director of Employee Relations
Penn State Office of Human Resources
505 James M. Elliott Building
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rlm1@psu.edu
8-18-14
Listening

Listening and Critical Thinking // Four Kinds of Listening

1. Appreciative listening- listening for pleasure or enjoyment
2. Empathic listening-listening to provide emotional support
3. Comprehensive listening-listening to understand the message
4. Critical listening-listening to evaluate a message for acceptance or rejection

Four Causes of Poor Listening

1. Not Concentrating
2. Listening Too Hard
3. Jumping to Conclusions
4. Focusing on Delivery and Personal Appearance

How to Become a Better Listener

1. Take Listening Seriously
2. Be an Active Listener
3. Resist Distractions
4. Don’t Be Diverted By Appearance or Delivery
5. Suspend Judgment
6. Focus Your Listening
   A. Listen for Main Points
   B. Listen for Evidence
   C. Develop Note-Taking Skills


See also : www.listen.org for additional resources
About Conflict
University of Wisconsin-Madison
Office of Human Resource Development
http://www.ohrd.wisc.edu/online/training/resolution/aboutwhatissit.htm#the

Excerpts from About Conflict

We define conflict as a disagreement through which the parties involved perceive a threat to their needs, interests or concerns. Within this simple definition there are several important understandings that emerge:

**Perceived threat** - People respond to the perceived threat, rather than the true threat, facing them. Thus, while perception doesn't become reality per se, people's behaviors, feelings and ongoing responses become modified by that evolving sense of the threat they confront. If we can work to understand the true threat (issues) and develop strategies (solutions) that manage it (agreement), we are acting constructively to manage the conflict.

**Needs, interests or concerns** - There is a tendency to narrowly define "the problem" as one of substance, task, and near-term viability. However, workplace conflicts tend to be far more complex than that, for they involve ongoing relationships with complex, emotional components. Simply stated, there are always procedural needs and psychological needs to be addressed within the conflict, in addition to the substantive needs that are generally presented. And the durability of the interests and concerns of the parties transcend the immediate presenting situation. Any efforts to resolve conflicts effectively must take these points into account.

A few points are worth reiterating before proceeding:

A conflict is more than a mere disagreement - it is a situation in which people perceive a threat (physical, emotional, power, status, etc.) to their well-being. As such, it is a meaningful experience in people's lives, not to be shrugged off by a mere, "it will pass…" Participants in conflicts tend to respond on the basis of their perceptions of the situation, rather than an objective review of it. As such, people filter their perceptions (and reactions) through their values, culture, beliefs, information, experience, gender, and other variables. Conflict responses are both filled with ideas and feelings that can be very strong and powerful guides to our sense of possible solutions. As in any problem, conflicts contain substantive, procedural, and psychological dimensions to be negotiated. In order to best understand the threat perceived by those engaged in a conflict, we need to consider all of these dimensions.

Conflicts are normal experiences within the work environment. They are also, to a large degree, predictable and expectable situations that naturally arise as we go about managing complex and stressful projects in which we are significantly invested. As such, if we develop procedures for identifying conflicts likely to arise, as well as systems
through which we can constructively manage conflicts, we may be able to discover new opportunities to transform conflict into a productive learning experience.

**Creative problem-solving strategies** are essential to positive approaches to conflict management. We need to transform the situation from one in which it is 'my way or the highway' into one in which we entertain new possibilities that have been otherwise elusive.

**Conflict Styles and Their Consequences**

Conflict is often best understood by examining the consequences of various behaviors at moments in time. These behaviors are usefully categorized according to conflict styles. Each style is a way to meet one's needs in a dispute but may impact other people in different ways.

**Competing** is a style in which one's own needs are advocated over the needs of others. It relies on an aggressive style of communication, low regard for future relationships, and the exercise of coercive power. Those using a competitive style tend to seek control over a discussion, in both substance and ground rules. They fear that loss of such control will result in solutions that fail to meet their needs. Competing tends to result in responses that increase the level of threat.

**Accommodating, also known as smoothing**, is the opposite of competing. Persons using this style yield their needs to those of others, trying to be diplomatic. They tend to allow the needs of the group to overwhelm their own, which may not ever be stated, as preserving the relationship is seen as most important.

**Avoiding** is a common response to the negative perception of conflict. "Perhaps if we don't bring it up, it will blow over," we say to ourselves. But, generally, all that happens is that feelings get pent up, views go unexpressed, and the conflict festers until it becomes too big to ignore. Like a cancer that may well have been cured if treated early, the conflict grows and spreads until it kills the relationship. Because needs and concerns go unexpressed, people are often confused, wondering what went wrong in a relationship.

**Compromising** is an approach to conflict in which people gain and give in a series of tradeoffs. While satisfactory, compromise is generally not satisfying. We each remain shaped by our individual perceptions of our needs and don't necessarily understand the other side very well. We often retain a lack of trust and avoid risk-taking involved in more collaborative behaviors.

**Collaborating** is the pooling of individual needs and goals toward a common goal. Often called "win-win problem-solving," collaboration requires assertive communication and cooperation in order to achieve a better solution than either individual could have achieved alone. It offers the chance for consensus, the integration of needs, and the potential to exceed the "budget of possibilities" that previously limited our views of the conflict. It brings new time, energy, and ideas to resolve the dispute meaningfully.
By understanding each style and its consequences, we may normalize the results of our behaviors in various situations. This is not to say, "Thou shalt collaborate" in a moralizing way, but to indicate the expected consequences of each approach: If we use a competing style, we might force the others to accept 'our' solution, but this acceptance may be accompanied by fear and resentment. If we accommodate, the relationship may proceed smoothly, but we may build up frustrations that our needs are going unmet. If we compromise, we may feel OK about the outcome, but still harbor resentments in the future. If we collaborate, we may not gain a better solution than a compromise might have yielded, but we are more likely to feel better about our chances for future understanding and goodwill.

**How We Respond to Conflict: Thoughts, Feelings, and Physical Responses**

In addition to the behavioral responses summarized by the various conflict styles, we have *emotional, cognitive and physical responses* to conflict. These are important windows into our experience during conflict, for they frequently tell us more about what is the true source of threat that we perceive; by understanding our thoughts, feelings and physical responses to conflict, we may get better insights into the best potential solutions to the situation.

**Emotional responses:** These are the feelings we experience in conflict, ranging from anger and fear to despair and confusion. Emotional responses are often misunderstood, as people tend to believe that others feel the same as they do. Thus, differing emotional responses are confusing and, at times, threatening.

**Cognitive responses:** These are our ideas and thoughts about a conflict, often present as inner voices or internal observers in the midst of a situation. Through sub-vocalization (i.e., self-talk), we come to understand these cognitive responses. For example, we might think any of the following things in response to another person taking a parking spot just as we are ready to park:

"That jerk! Who does he think he is! What a sense of entitlement!"

or:

"I wonder if he realizes what he has done. He seems lost in his own thoughts. I hope he is okay."

or:

"What am I supposed to do? Now I'm going to be late for my meeting… Should I say something to him? What if he gets mad at me?"

Such differing cognitive responses contribute to emotional and behavioral responses, where self-talk can either promote a positive or negative feedback loop in the situation.

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1 Adapted from Harry Webne-Behrman, The Practice of Facilitation: Managing Group Process and Solving Problems, Quorum Books, Greenwood Publishing, 1998, by permission of the author. All rights reserved.
Physical responses: These responses can play an important role in our ability to meet our needs in the conflict. They include heightened stress, bodily tension, increased perspiration, tunnel vision, shallow or accelerated breathing, nausea, and rapid heartbeat. These responses are similar to those we experience in high-anxiety situations, and they may be managed through stress management techniques. Establishing a calmer environment in which emotions can be managed is more likely if the physical response is addressed effectively.

The Role of Perceptions in Conflict

As noted in our basic definition of conflict, we define conflict as a disagreement through which the parties involved perceive a threat to their needs, interests or concerns. One key element of this definition is the idea that each party may have a different perception of any given situation.

We can anticipate having such differences due to a number of factors that create "perceptual filters" that influence our responses to the situation:

Culture, race, and ethnicity: Our varying cultural backgrounds influence us to hold certain beliefs about the social structure of our world, as well as the role of conflict in that experience. We may have learned to value substantive, procedural and psychological needs differently as a result, thus influencing our willingness to engage in various modes of negotiation and efforts to manage the conflict.

Gender and sexuality: Men and women often perceive situations somewhat differently, based on both their experiences in the world (which relates to power and privilege, as do race and ethnicity) and socialization patterns that reinforce the importance of relationships vs. task, substance vs. process, immediacy vs. long-term outcomes. As a result, men and women will often approach conflictive situations with differing mindsets about the desired outcomes from the situation, as well as the set of possible solutions that may exist.

Knowledge (general and situational): Parties respond to given conflicts on the basis of the knowledge they may have about the issue at hand. This includes situation-specific knowledge (i.e., "Do I understand what is going on here?") and general knowledge (i.e., "Have I experienced this type of situation before?" or "Have I studied about similar situations before?"). Such information can influence the person's willingness to engage in efforts to manage the conflict, either reinforcing confidence to deal with the dilemma or undermining one's willingness to flexibly consider alternatives.

2 Much more can be said about this subject. We have posted an article as an additional resource: "Managing Intercultural Conflicts Effectively," by Stella Ting-Toomey, 1994. [https://www.ohrd.wisc.edu/home/Portals/0/ManagingInterculturalConflicts.pdf](https://www.ohrd.wisc.edu/home/Portals/0/ManagingInterculturalConflicts.pdf)

3 This topic is well addressed in the writings of Professor Deborah Tannen, who has focused extensively on gender differences in communication.
Impressions of the Messenger: If the person sharing the message - the messenger - is perceived to be a threat (powerful, scary, unknown, etc.), this can influence our responses to the overall situation being experienced. For example, if a big scary-looking guy is approaching me rapidly, yelling "Get out of the way!" I may respond differently than if a diminutive, calm person would express the same message to me. As well, if I knew either one of them previously, I might respond differently based upon that prior sense of their credibility: I am more inclined to listen with respect to someone I view as credible than if the message comes from someone who lacks credibility and integrity in my mind.

Previous experiences: Some of us have had profound, significant life experiences that continue to influence our perceptions of current situations. These experiences may have left us fearful, lacking trust, and reluctant to take risks. On the other hand, previous experiences may have left us confident, willing to take chances and experience the unknown. Either way, we must acknowledge the role of previous experiences as elements of our perceptual filter in the current dilemma.

These factors (along with others) conspire to form the perceptual filters through which we experience conflict. As a result, our reactions to the threat and dilemma posed by conflict should be anticipated to include varying understandings of the situation. This also means that we can anticipate that in many conflicts there will be significant misunderstanding of each other's perceptions, needs and feelings. These challenges contribute to our emerging sense, during conflict, that the situation is overwhelming and unsolvable. As such, they become critical sources of potential understanding, insight and possibility.

In addition, consider that our society tends to reward alternative responses to conflict, rather than negotiation: People who aggressively pursue their needs, competing rather than collaborating, are often satisfied by others who prefer to accommodate. Managers and leaders are often rewarded for their aggressive, controlling approaches to problems, rather than taking a more compassionate approach to issues that may seem less decisive to the public or their staffs. In other circumstances, those who raise issues and concerns, even respectfully, are quickly perceived to be "problem" clients or staff members… they tend to be avoided and minimized. In any of these approaches, negotiated solutions to conflicts are rarely modeled or held in high esteem.

Finally, we should keep in mind that negotiation requires profound courage on the part of all parties: It takes courage to honestly and clearly articulate your needs, and it takes courage to sit down and listen to your adversaries. It takes courage to look at your own role in the dispute, and it takes courage to approach others with a sense of empathy, openness and respect for their perspective. Collaborative approaches to conflict management require us to engage in the moment of dialogue in profound and meaningful ways, so it is understandable if we tend to avoid such situations until the balance of wisdom tips in favor of negotiation.
Ombudsman Online Resources

University of California, Los Angeles (UCLA) http://www.ombuds.ucla.edu
Columbia University http://www.columbia.edu/cu/ombuds
University of California, Irvine http://www.ombuds.uci.edu
University of Colorado at Boulder http://www.colorado.edu/Ombuds
Dartmouth College http://www.dartmouth.edu/~ombuds
Georgia State http://www2.gsu.edu/~wwomb
Harvard http://www.universityombudsman.harvard.edu
Illinois State University College of Arts and Sciences
   http://www.cas.ilstu.edu/office/ombudsperson.shtml
Indiana University Purdue University at Indianapolis
   http://www.iupui.edu/~bulletin/iupuc/2012-2014/resources/ombudsman.shtml
Iowa State http://www.public.iastate.edu/~ombuds
University of Iowa, Office of the Ombudsperson http://www.uiowa.edu/~ombud
Kansas State http://www.k-state.edu/disputeresolution/ombudspersons.html
Louisiana State http://sacsfifthyear.lsu.edu/Part%203/Part%20III%20No%202/item10773.pdf
Massachusetts Institute of Technology (MIT) http://web.mit.edu/ombud
University of Maryland http://www.umd.edu/ombuds/index.cfm
Michigan State https://www.msu.edu/unit/ombud
University of Michigan, Division of Student Affairs http://www.umich.edu/~ombuds
University of Michigan, Faculty http://www.umich.edu/~facombud
University of Minnesota, Office for Conflict Resolution http://www1.umn.edu/ocr/index.html
University of North Carolina at Chapel Hill http://www.ombuds.unc.edu/index.html
Northwestern University
   http://www.northwestern.edu/faculty-senate/resources/ombudsman-program.html
Oberlin College http://www.oberlin.edu/ombudsperson
Ohio University http://www.ohio.edu/ombuds/
Ohio State University http://ombudsman.osu.edu
University of Pennsylvania http://www.upenn.edu/ombudsman
Princeton University http://www.princeton.edu/ombuds
Purdue University Graduate School http://www.purdue.edu/gradschool/student/ombudsman/index.cfm
Rochester Institute of Technology http://www.rit.edu/ombuds/
Rutgers University Office of the Ombudsperson for Students http://ombuds.rutgers.edu/ombuds.html
Stanford University http://www.stanford.edu/dept/ombuds
SUNY Stony Brook http://www.stonybrook.edu/ombuds/index.shtml
Texas A&M http://faculty-ombuds.tamu.edu/
University of Virginia http://www.virginia.edu/ombudsman/
University of Washington http://www.washington.edu/about/ombudsman
Washington State University http://www.wsu.edu/~ombuds
Wayne State University "Tools for Working With and Learning from Conflict in Higher Education"
   http://www.campus-adr.org/
University of Wisconsin, Faculty and Staff http://www.ombuds.wisc.edu

Additional Resources
International Ombudsman Association http://www.ombudsassociation.org
National Institutes of Health (and many other government agencies) http://ombudsman.nih.gov/
The Ombuds Blog http://ombuds-blog.blogspot.com
United Nations Ombuds and Mediation Services

Prepared by Kathleen Postle, Professor of Biochemistry and Molecular Biology, Eberly College of Science
Ombuds Scenarios

1. You are approached by a faculty member with the following complaint: Juanita says, “I know that the Department Head feels that I am a member of a protected class, by some of the things that he has said to me in the past. I also know that I am asked to do more committee work than any other member of this department. This has to stop and I do not know what I can do.” What would be your first step? What would you recommend?

2. John wants your help. He says,” I believe that I’m not getting the support that I need for advancing in this department. I’m not even sure about Promotion and Tenure requirements. How does anyone expect me to succeed? I’m very frustrated.” What would you suggest? How would you decrease his level of anxiety and frustration?

In all cases listen carefully, determine what does the individual want, what is possible and what is not possible.