

Annual Faculty Ombud Report
Idaho State University

MEMORANDUM

Date: May 3, 2021

To: ISU Faculty Senate
Kevin Satterlee, ISU President
Karen Appleby, ISU Interim Provost

From: David Delehanty, Faculty Ombud

Subject: Annual Report

I thank the Faculty Senate and the ISU Ombuds Program for the trust they placed in me to carry out the duties of faculty ombud over the past year. To the best of my ability, I endeavored to perform my duties conscientiously, seeking pathways for informal problem resolution in a fair and timely manner as a neutral party. I believe that the faculty and the university benefitted throughout the year from the ISU Ombuds Program. The program received substantial use by ISU faculty.

I began my duties as ombud in May 2020. I brought my diverse ISU faculty experiences to the job, but prior to this year I had no experience as an ombud, nor have I had any formal training. I found the job to be interesting given the diverse array of problems that were presented to me and sometimes frustrating when I saw problems that could have been avoided or problems that seemed primarily to result from bruised egos. I parsed my 2020-21 ombud activities into three classes.

Major situations were time consuming and involved many people, many views, and many phone calls or meetings. Major situations involved research on my part, and eventually written or personal meeting involvement on my part. My involvement in major situations included interactions with departmental chairs or program directors, deans, the university provost, and the university president.

Mid-level situations involved primarily one-on-one interactions with faculty members that spanned a few to several phone (or Zoom) meetings in which we identified the core problem and discussed possible pathways for resolution. Here, too, I often needed to research ISU policy or consult (without breaking confidentiality) with trusted experts to try to find solutions. When a course of action was found, typically the faculty member would carry it out on their own, unaccompanied by me despite my offers of accompaniment. Faculty, members would only re-contact me if further problems remained.

Minor interactions involved people contacting me to get my views on policy or institutional history or with questions on chain of command. In these cases, faculty members did not want a “formal” meeting with the ombud. Instead, their calls were general in nature, often without revealing the specific problem at hand. I refer to these contacts as “minor” only in the sense that they did not require time-consuming effort on my part. Rather, they simply entailed a conversation, initiated to get perspective on matters of concern. The concerns and questions of these faculty members were not minor, they were meaningful.

During 2020-21, I was involved in five major ombud actions. These were protracted and time consuming. I did not maintain a tally of every individual involved, but I estimate the sum interactions involved 50-60 individuals over the course of the year. My role was to aid in finding informal problem resolution. Unfortunately, often no such resolution could be found in these situations despite my best efforts. It is important to recognize that invoking the ombud process does not guarantee a happy conclusion. In fact, in several of these situations, bitterness and conflict remained after the ombud process had been exhausted.

I was involved in 11 mid-level situations, averaging about three phone meetings of 30-60 minutes each, with intervening periods of research and reflection on finding solutions. These mid-level situations often resulted in informal conflict resolution that was helpful to faculty and seemingly good for the institution. In the best scenarios, faculty members saw problems emerging, sought to nip the problems in the bud, and together we were able to find means to do so. Helping faculty solve emerging problems before they grew and festered may be one of the strengths of the Ombuds Program at ISU at this time. In several cases, faculty members directly reported to me that they were grateful for the ombud process and that they were happy with the problem resolution.

I did not tally minor interactions, but frequently received informal contacts about how one might address problems at ISU. For example, I would be asked if the ‘Title IX Office’ handled certain kinds of questions. These kinds of contacts were very informative for me. Any large institution is likely to have a range of ongoing issues. Nevertheless, the many unsolicited contacts, together with the major and mid-level actions, can give one a sense of pattern in the problems within the institution.

After a year as faculty ombud, I report that ISU continues to be afflicted with a set of serious, pervasive problems that merit reflection and joint action on the part of ISU faculty and administration. I see three core problems that we need to address as a university community.

1. Faculty Distrust

Faculty distrust of the institution is pervasive and harmful at ISU at this time. Unfortunately, this distrust is grounded in events. For example, at the onset of the Covid-19 crisis, ISU chose to terminate 3 pre-tenured faculty members through non-renewal of their contracts. These actions were lawful, but raised substantial consternation that I heard throughout the year.

Importantly, each of the three faculty members was successful, but previously had the temerity to express professional opinions that irked the chain of command within their colleges. ISU then proceeded to hire new faculty members while foregoing the opportunity to reverse its termination decisions. I will not speak to the substantial individual harm this has caused to the faculty members involved or the extent to which ISU has sullied its reputation within academia. As ombud, my concern is twofold.

- i. ISU administration lost a great deal of emerging trust by ISU faculty through these actions. I anticipate that loss of trust will cause other problems to fester in the coming year. For example, pre-tenured faculty members tell me they are afraid to express their views within their colleges for fear of retaliation. They do not trust ISU as their institutional workplace.
- ii. The Faculty Senate remained silent on faculty dismissals. Faculty did not see vigorous defense of faculty rights and prerogatives by the Faculty Senate. This has left faculty members to wonder who they can trust to defend their interests.

2. Institutional Intolerance

As ombud, I have become very concerned that faculty members who express their professional opinions at ISU now are being labelled as “non-collegial” when their views are disliked by, or inconvenient to, their supervisors. I will point out that collegiality demands respectful, professional expression of ideas and willingness to listen to others’ views. Collegiality does not demand agreement, consensus, or unanimity. As ombud, I see clearly that when faculty expression is stifled, as has become common at ISU, it leads to resentment, disenfranchisement, and distrust. One outcome is that skillful faculty members at ISU decline to participate in activities that could bring vitality to ISU.

3. Environment of Retaliation

I think ISU lost a lot of historical internal cooperation during the previous administration and, based on my interactions with faculty members over the last year, we have not yet regained it. One important expression of this can be seen in faculty annual evaluations. I have come to believe that annual faculty evaluations are poorly conducted in much of the university and that evaluations are used as a means to retaliate against faculty members who have drawn the ire of their supervisors. It is entirely appropriate for annual evaluations to bring attention to evidence-based deficiencies in faculty performance. However, I see the language of condescension and character assassination being used to dress down faculty members rather than objective evaluation of faculty performance. This sours faculty and invites retaliation on their part in return. This cycle of retaliation degrades cooperation. Institutionally, we are suffering from a vicious cycle of tit-for-tat retaliation.

Emerging from a difficult year of Covid-19 disruptions, this is a time when people are yearning for normalcy. However, I think it would be a mistake to dismiss pervasive problems that I have identified as due to Covid-19 disruption. ISU is only beginning to recover from the degradations of the previous administration and ISU is not yet in a state of good health. ISU is in recovery right now and we are at risk of losing gains that we have made in recent years. Distrust, intolerance, and retaliation are themes I have heard repeatedly as faculty ombud over the last

year. I feel certain that these things are real because faculty who are experiencing them are reporting them to me with evidence. The ISU Ombuds Program does not provide a panacea for restoring vitality to ISU. However, part of this report is a call for the institution to renew its efforts to find internal cooperation once again. A first step is to acknowledge that distrust, intolerance, and retaliation are real at ISU and erode ISU's effectiveness. This report, in the spirit of cooperation, calls for institutional reform and healing.

In May 2020, my predecessor, Dr. Jeremy Thomas, made a series of important recommendations for the ISU Ombuds Program in his annual report to the Faculty Senate. Perhaps because the past year was so heavily disrupted, Dr. Thomas' 2020 recommendations have not received the attention they deserve. I will close this report by paraphrasing and re-advancing the recommendations made by Dr. Thomas because they remain highly relevant.

RECOMMENDATIONS

Institutional Recommendations (paraphrased by Delehanty)

- 1. To solve recurring problems, the Faculty Senate should be in charge of anonymous evaluations of department chairs and deans.*
- 2. ISU would benefit from further initiatives that promote, encourage, and expect clearer and more frequent communication between administrators and faculty. These exchanges must include a willingness by all parties to listen to criticism.*

Ombuds Program Recommendations (paraphrased by Delehanty)

- 3. The Faculty Senate and the University should remain committed to the Faculty Ombuds Program and continue to fund and support this important endeavor. Two Faculty Ombuds are appropriate, and they both need to be fully funded through course releases during the academic year and stipends during the summer, as well as through ongoing support for professional development.*
- 4. The Faculty Ombuds should be involved with faculty orientation and make information about the Faculty Ombuds Program known to new faculty from the beginning of their ISU careers.*
- 5. The Faculty Ombuds should host some type of open forum or information meeting each year and should send out an annual email to all faculty. Additionally, department chairs and deans should regularly remind faculty of the Faculty Ombuds Program and encourage its use.*
- 6. The Faculty Senates needs to clarify the relationship between the two overlapping and often confusing ombuds programs at ISU. While the Faculty Ombuds Program only serves faculty, the other ombuds program, which is coordinated through Human Resources, serves both faculty and staff. An association with Human Resources is considered problematic by the International Ombudsman Association.*
- 7. There should be more clarity regarding reporting lines and communication channels between*

the Faculty Ombuds and the Provost and the President. Annual meetings between these individuals would likely help facilitate good process.

8. There should be a written statement, perhaps incorporated into the Faculty Ombuds Charter, regarding whether the Faculty Ombuds are mandated Title IX reporters. This is handled differently at different institutions, but our policy is unclear.

9. The Faculty Senate should consider whether criminal action is an exception to the standard confidentiality agreement that the Faculty Ombuds have with their participants. This is handled differently at different institutions and is worth Faculty Senate consideration.