



2022 Annual Faculty Ombud Report to the ISU Faculty Senate

**David J. Delehanty, ISU Faculty Ombud
April 25, 2022**

To the best of my ability, I carried out my duties as an ISU faculty ombud conscientiously and responsibly over the past 12 months, seeking informal problem resolution as a neutral party when contacted by a faculty member and asked to become involved. I thank the Faculty Senate and the ISU Ombuds Program for the trust they placed in me. 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 over the past 12 months. My sense is that there is a high degree of faculty frustration at ISU at this time. I did not precisely tally actions over the course of the year, but like the previous year, interactions spanned a wide range of levels that I categorize in this way:

Minor interactions involve people contacting me to ask about policy, academic norms, institutional history, or with questions on chain of command. After these interactions, faculty then proceed as they see fit without further contact or involvement with me. It is difficult for me to assess outcomes in these interactions beyond faculty members thanking me for discussion, usually politely saying that it was helpful in some way.

Mid-level interactions involve primarily one-on-one interactions with a faculty member that spans a few to several phone, Zoom, or in-person meetings in which we identify the core problem and discuss possible pathways for resolution. Following these interactions, faculty members either proceed with some formal action upon which I step out or they proceed in some other way as they see fit but without further interaction with me.

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

The ombud process sometimes worked very well for mid-level and major interactions. My sense is that at least 2 likely formal grievance actions were avoided over the last 12 months and perhaps 1 or 2 more. Also, I think 1-2 Title IX complaint initiations may have been avoided through the ombud process. To be clear, these are merely personal estimates based on my interactions. Faculty members are not obligated to reveal to me any planned formal actions or any reversals of planned formal actions. Furthermore, it is not my role to counsel faculty members on whether they should or should not file complaints or proceed in some other way to

formal actions.

Unfortunately, the ombud process sometimes did not work. For example, two ongoing major interactions remain unresolved at this writing despite my best efforts.

A year ago in my annual report to the Faculty Senate (*Faculty Ombuds Report Delehanty 2021*), I identified 3 core areas of concern, things that were suppressing greater institutional success.

- 1) Faculty Distrust
- 2) Institutional Intolerance
- 3) Environment of Retaliation.

Within my sphere of activity, these concerns largely went unaddressed until March 2022 when President Satterlee and the Faculty Senate began to discuss a “the culture of trust at ISU” (i.e., *distrust at ISU*). The Faculty Senate subsequently requested that I report to the senate on any basis for an environment of distrust prevailing within the faculty. I submitted my findings to the Faculty Senate on April 11, 2022. That report dutifully presented faculty sentiments as communicated to me. I think that faculty used the ombud report as a safe vehicle to send their concerns to the senate and administration. Not surprisingly, the many concerns and frustrations expressed by faculty in the report are the same concerns and frustrations that formed the basis of most of my ombud interactions with faculty over the last year. I saw the same kinds of problems arising repeatedly across the institution, in multiple colleges and multiple departments. I have made the ‘*distrust report*’ a part of my annual report by including it here as Appendix A. The Appendix A *distrust report* forms an important part of my 2022 annual report to the Faculty Senate. In my judgment, the ISU will benefit by making a serious effort to address concerns repeatedly communicated by faculty.

RECOMMENDATIONS

I make 5 specific recommendations to the Faculty Senate in the name of problem solving and improving ISU as a workplace and a place of teaching, learning, and intellectual discovery. I base these recommendations on witnessing recurring problems in my role as a faculty ombud.

1. **Continue the *ISU Faculty Ombuds Program*** but do so independently under the auspices of the Faculty Senate rather than as a subunit of the *ISU Ombuds Program* which operates under the auspices of Human Resources. Faculty status is a very unusual employment status with unique rights and responsibilities in American society. Faculty problems are better understood and solutions better implemented by the academic faculty whose careers are embedded in the academic milieu rather than by a traditional department of Human Resources.
2. **Codify into ISU policy that Faculty Ombuds are not Title IX reporters.** This does not mean that the ombud program does not support Title IX. Rather, the ombud process is more effective when faculty members can talk with an ombud without fear that their situation will be reported to the Title IX office against their wishes.
3. **The Faculty Senate should carry out independent annual performance reviews of deans** within the university. These reviews would be independent of any review

Academic Affairs chooses to carry out in its supervisory role over deans. A senate process centered on the relationship between actions of college deans and academic success within colleges would give faculty an important voice that currently they lack and be good for academic advancement. This process would result in greater accountability for the actions of deans to the degree those actions affect academic success of faculty.

4. **Review the 3 most recent annual ombuds reports** by Thomas (2020), Delehanty (2021), and this report (2022) including Appendix A. Such a review might help to identify potential starting points for improving the academic culture at ISU. Faculty may be signaling needed reform and these reports may give the Faculty Senate some structure to begin serious dialogue within the faculty and between the faculty and administration.
5. **The Faculty Senate annually should provide a faculty-wide discussion** on 4 concepts central to faculty success. One possibility would be to hold a university-wide faculty meeting run by the Faculty Senate in which these concepts are discussed.
 - a. ***Academic Freedom*** – what it is and what it is not.
 - b. ***First Amendment Protections of Faculty Speech*** – what is and is not protected.
 - c. ***Service*** – what it is and how academic freedom and speech rights apply.
 - d. ***Collegiality*** - what it is and what it is not.

The ISU Faculty Ombuds Program was a useful forum for informal problem solving at ISU over the last 12 months. Probably, it saved substantial faculty and administrative time and effort over the course of the year by solving problems without the need for formal actions. Probably, it also saved a lot of faculty angst. However, the ombud process also clarifies recurring problems within the university and has identified a lot of faculty frustration and concern. Addressing these frustrations and concerns in a forthright and earnest way has the potential to improve ISU substantially.

Appendix A
Culture of Distrust at ISU
ISU Faculty Ombud Report to the ISU Faculty Senate

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April 11, 2022

Executive Summary

At the request of the ISU Faculty Senate following discourse with President Satterlee, Faculty Ombud David Delehanty received and organized voluntary commentary from faculty university-wide. Faculty commentary identified wide-ranging actions perceived by faculty to be significant violations of trust and intrusions on faculty rights and prerogatives. Intertwined with the criticisms expressed by faculty was substantial faculty perception of institutional retaliation against faculty expression when faculty expression contradicts preferred messaging by supervisors. Because faculty concerns are widespread, recurring, and substantiated with evidence, faculty distrust within the institution is understandable and likely to continue without significant institutional change.

Background

In March 2022, President Satterlee during discourse with the Faculty Senate identified a culture of distrust prevailing at ISU. Many faculty senators agreed that distrust is preventing ISU from achieving its potential. Under a previous administration, ISU went through a long period of diminishment characterized by faculty disenfranchisement. President Satterlee asked if the culture of distrust at ISU is a carry-over effect from the past or were there continuing issues causing distrust. The ISU Faculty Senate requested that the Faculty Ombuds Program seek to identify any drivers of continuing distrust. This report is a product of that request.

Purpose and Scope

The purpose of this report is to initiate a conversation between ISU faculty and administration about a culture of distrust prevailing at ISU. Through their senators, all ISU faculty members were invited to communicate with a faculty ombud regarding member's views on distrust at ISU. This *ad hoc* survey did not invite commentary from administration, staff, or students. Hence, this report provides an exclusively faculty perspective. This report is meant to be used as a starting point for serious discussion on how to establish greater trust, respect, and cooperation between administration and faculty. This report does not presume to solve the issue of distrust. Solving distrust likely will require hard work and mutual intention by ISU administration and ISU faculty.

Disclaimer

This report attempts to portray honestly and concisely the problems and concerns communicated to me, David Delehanty in my role as an ISU faculty ombud, by faculty members from throughout ISU over the last few weeks. Any and all deficiencies in this report are exclusively my responsibility. For purely logistic reasons during the short time between the senate request and the due date of the report, I was unable to consult meaningfully with my colleague and fellow faculty ombud, Dr. Rick Wagoner, and he may have additional insights to add. I did

consult opportunistically with various anonymous faculty members who of their own accord sought out conversation with me on this matter and I thank them for their thoughtful insights.

Critics may see this report as nothing more than a litany of complaints about administration from whining faculty. Others will see dedicated faculty virtually shouting to upper administration and their own colleagues that there are deeply engrained internal problems that must be addressed for ISU to be successful. I hope this report elicits respectful inquiry and thoughtful introspection.

Body of Report

Faculty concerns were broad and robust. It is clear that there is substantial frustration within the ranks of tenured faculty and much fear of retaliation, especially among the non-tenured faculty. In private communications, faculty provided evidence supporting their concerns.

Faculty communicated adamantly that certain VPs and deans, many departmental chairs, and Human Resources act inappropriately. In frank terms, faculty gave strong examples of perceived administrative dishonesty, dismissiveness, cronyism, and sexism. They provided clear evidence of administrative infringement on academic freedom. Faculty were quite insistent that several mid-level administrators are blatantly untrustworthy.

An important ancillary concern expressed by faculty is that upper administration is out of touch with the faculty. Many faculty members expressed support for President Satterlee's words regarding fairness and harmony within the ISU community. However, they felt that President Satterlee did not know what really goes on at mid levels within his administration. Faculty expressed concern that President Satterlee has a poor understanding of how academia works and was poorly positioned to see that faculty initiative is being suppressed. Faculty also pointed to high turnover rate of recently appointed VPs and continuing high-level interim appointments as concerning, worrying that this instability indicates systemic dysfunction within administration.

In total, faculty expressed approximately 30 serious problems currently engendering distrust at ISU. To make this unwieldy list more manageable, I have attempted to organize the issues under broader categories of my own invention. This list consists solely of concerns supported by some form of evidence and where the concern is something more than a single incident directed at a single faculty member. In other words, this is a list of recurring actions that result in distrust.

List of Prevailing Concerns of Faculty

ISU has a Culture of Retaliation

- Faculty are acutely aware of the non-renewals (firing) of pre-tenured faculty members (four) who had spoken out in the context of their university service in ways disliked by their respective deans. These non-renewals are widely seen as retaliation. This sense was magnified when, in at least one case, the claim was made that the firing was necessary for Covid-19 related financial reasons while simultaneously the VP for Finance was stating that finances had nothing to do with dismissals of pre-tenured faculty at ISU. Soon after these faculty members lost their jobs, new tenure-track positions were announced. Less

than 5% of American universities dismissed tenure-track faculty due to Covid issues. ISU's actions bring shame to ISU. A great many non-tenured faculty members now decline to address institutional problems out of fear of retaliation.

- Many faculty members question whether they should complete dean and/or chair evaluations because they do not believe that their confidentiality is secure and they anticipate retaliation if they are 'caught' criticizing decisions. At least one faculty member reports finding trackers attached to the online evaluation s/he was asked to complete. (There was no allegation of nefarious behavior. The point was that the survey actually could be tracked despite contrary claims.) This clear manifestation of faculty distrust results in problems festering. Under the current process and current attitudes, deans are not receiving accurate information on how faculty feel about their chair's performance and the provost is not receiving accurate information on faculty perception of their dean's performance.

- Mandated Program Prioritization Mischaracterized and Misused.
 - Example: The Department of Physics was told that it would not be made smaller yet it was. President Satterlee indicated that he did not intend to cut programs yet shortly after, the Physics Department was told for the first time in its 17-year history that its graduate program would not be admitting students due to faculty cuts. President Satterlee commissioned a Physics Viability Study in response to concerns about support for the program but the study was not conducted. Meanwhile, Physics faculty members are told that their 'non-collegiality' is a barrier to university support for the Physics program.

- "Weaponizing" annual evaluations.
 - Annual evaluations continue to be retaliatory. A particular problem is the use of unsupported allegations of lack of collegiality placed in the annual evaluations of faculty members who dare to express disagreements. President Satterlee stated to the Faculty Senate that this should not happen. Faculty are extremely disappointed to see that it has continued.
 - Annual evaluation ranking system has devolved into the bizarre and invites retaliation and favoritism. For example, an annual judgment of "*meets expectations*" is subjective in what constitutes '*meets*' but also is subjective in what constitutes '*expectations*.' Furthermore, '*expectations*' seem to vary at the whim of the evaluator. Lastly, weighting of the relative contributions of *teaching*, *research/creative activity*, and *service* in the annual evaluation rank appears to be unmoored from the faculty member's appointment. In particular, *service* is given exaggerated weight when a faculty member is declared to be "non-collegial" in his or her service because s/he has disagreed with the supervisor on one or more issues. This is a significant generator of mistrust.

- In-house salary inequity and the subjective basis for merit-based pay raises is seen as unfair. Faculty ‘liked’ by their chair or dean get merit pay raises while ‘trouble-makers’ with equal professional success get passed over.
- Here is one quote that encapsulates frustration expressed by pre-tenure faculty members who fear retaliation regarding annual performance reviews. There is a “*glaring lack of specificity in the college regarding tenure expectations.*”

Subverting Faculty Representation

- A recurring problem is pre-screening by chairs, directors, or deans of faculty members who are ‘allowed’ to run for elected committee positions. In other words, faculty do not actually get to decide who represents them. Rather, they only can vote for colleagues an administrator has pre-selected. In this way, faculty do not have true representation on certain college executive committees, for example. This disenfranchises faculty.
- Department chairs increasingly dictate departmental-level committee appointments without consultation and consent from faculty. In this way, faculty lose the ability to guide departmental direction.
- Faculty systematically are being excluded from decision-making on faculty hiring. This is a fundamental violation of faculty prerogative. Departmental faculty are being expressly told they do not have a say in who chairs a departmental faculty search committee, who populates the search committee, what candidates are invited for campus interviews, and even are told that they may not participate in ranking the interviewed candidates. In some cases, candidate’s CV or candidate’s statements are withheld from the departmental faculty. Gallingly, departmental faculty later are asked to support, review, and mentor new faculty members improperly brought into their department under these secretive processes.
- Here is one quote that encapsulates a commonly heard complaint from faculty regarding overall disenfranchisement when providing their views on departmental matters. “*I have learned from experience that [my] thoughts and concerns will be treated respectfully but will not be given any meaningful consideration. This includes suggestions about hiring decisions, curriculum assignments, strategic priorities of the department, ways of improving student experience, and ways to improve support for research. I maintain significant concerns in all of these areas.*”

“Weaponizing” lecturers to dilute the influence of regular faculty.

- Without the support of tenure/tenure track faculty, lecturers who may not have terminal degrees and who are subject to ‘right-to-work’ non-renewal (firing), are given influential appointments where any non-preferred actions expose them to retaliatory firing. This system overrides one purpose of tenure which is to allow faculty influence without fear of retaliation.

Secretive and Authoritarian Administration

- ISU has chosen an authoritarian, top-down administrative model. This model contradicts the concept that faculty are vested in determining university direction and have expertise that should inform policy.
- Faculty from multiple departments report that favored faculty members are given undue opportunity to influence decision-making while non-favored faculty members are excluded.
- Some faculty report pervasive denigration by their chairs or deans

Absence of Administrative Accountability

- Administration regularly disregards policy and procedure when convenient
 - Example: The Division of Health Sciences decided, unilaterally, to deny faculty timely evaluation of their deans. This has deeply angered DHS faculty, is objectively unfair, and contradicts policy.
 - Example: Chick-Fil-A, a controversial enterprise in the eyes of many due to its history of social intolerance, was controversially selected to be brought to campus. Soon after, the Dean of the College of Business appeared on national commercials as an advocate for the company. Faculty see this as an example of actual or apparent disregard for conflict of interest policy. What is acceptable for administrators would be condemned if done by faculty.
- Administrators are alleged to hire friends, including girlfriends, into positions under their supervision.
- A VP culpable in the failure to ameliorate the circumstances of a victim of sexual harassment remains in his supervisory position.
- Faculty members report college governance based on, “*cronyism, deceit, personal loyalty and blatant favoritism*” without restraint or admonition from the Provost.

Pressuring Retirements or Departures

- Senior faculty or faculty disliked by deans or chairs are pressured to retire by giving them unfavorable annual evaluations and assigning them prohibitively difficult teaching schedules. There are many allegations of this have been reported to me that appear to be substantiated. However, this report is the wrong venue for identifying individual faculty members and administrators by name.

Administration Seen as Unstable and Out of Touch

- Substantial administrative turnover is feared to signal deeply rooted dysfunction. To be clear, faculty welcomed the departure of a suite of upper administrators from the previous

administration and praised President Satterlee for ‘cleaning house.’ The concern is that the current administration now appears to be unstable. Faculty worry, is there something fundamentally wrong such that people do not want to work at ISU? This means that faculty do not have full faith in decisions or understandings formed with current administrators. They soon will no longer occupy that position. Some examples raised by faculty:

- Multiple VPs named by President Satterlee already have left their new positions.
- Two Interim VPs are yet to be replaced (though replacements likely on horizon).
- Both Registrars recently left ISU, seemingly abruptly.
- High level of turnover noted in the CoSE dean's staff.

Human Resources is Seen as Untrustworthy and No Friend of the Faculty

- HR endorses seemingly unlawful restrictions on faculty service-related speech issued by university administration (chairs, directors, deans).
- HR endorses unsupported claims of ‘non-collegiality’ on annual evaluations by informing faculty members that they must reform their purported non-collegiality.
- HR does not post information to inform potential faculty complainants of the Human Rights Commission (HRC) 180-day deadline to submit complaints regarding harassment and discrimination. One result is that ISU complainants unwittingly miss the deadline to file complaints.

Poor Prioritization of University Resources

- Resources seem to be focused on non-academic endeavors while the academic need remains unmet. Examples:
 - \$11 million Alumni Center.
 - \$7 million soccer/track field renovation.
 - \$1 million rebranding campaign.
 - Direction of the development effort does not adequately prioritize academics.
- Space and renovation allocation - two moves and re-modellings of the COSE dean’s office while the Biology Building remains dilapidated. Physics space substantially reduced in the process.
- Faculty were furloughed while ISU was hiring new faculty.
- Idaho Falls Polytechnic School is a debacle. Virtually nonexistent outreach to students. Unclear if enrollment actually happening. Faculty hired without consulting the existing faculty. Despite years of support, little or no evidence of ‘product.’

Issues that Continue to Fester

- The RISE fiasco was covered up by the current administration, which inherited the mess. This means that there was no public accountability. This continues to be seen as unfair to the ISU community and signals secretiveness. It does not engender trust in faculty when administration claims to be transparent.
- Critical Race Theory. University presidents, including President Satterlee, did not publicly stand up for faculty an academic freedom in a prominent way.

This list portrays a sour environment at ISU, at least as seen by faculty, and one in great need of reform. Undoubtedly, this report will anger some and their reaction may be one of denial, denigration, and condemnation. Others who already are angry and frustrated may take glee in the harshness of this report. These kinds of reactions will not be helpful. ISU is a diminished institution, currently far from achieving its potential, but has substantial unrealized potential. The simple fact that administration and faculty want to engage in serious dialogue for improvement is a sign progress and reason for hope. This report is not the final word. It is a starting point.