

making recommendations to the President or other appropriate authorities about desired or necessary changes in University rules, regulations and procedures.

Price Spratlen said her office serves more than 1000 people each year, including about 50 sexual harassment cases, using a variety of dispute resolution methods. In 95% of these cases, which are about equally split among faculty, students, and staff, a resolution is reached. Of the 5% of cases that are not resolved in the Ombudsman's Office, some are not pursued by the complainant, some are taken to a more formal level (e.g., faculty adjudication, staff grievance, student disciplinary action), and some - if they involve issues of age, race, or sex - are investigated further by the University Complaint Investigation and Resolution Office (UCIRO).

Price Spratlen told the Council that she takes a preventive approach to conflict resolution, with interpersonal relationships, intervention, and systems theory playing important roles. Her model for conflict resolution, which has been published and used nationwide, employs education, consultation, mediation, and conciliation as its cornerstones.

Education, which Price Spratlen sees as the most important component of dispute resolution, is achieved via rotating visits to all units on campus to talk about sexual harassment, workplace mistreatment, and other kinds of conflicts. Consultation involves bringing the parties together to discuss the situations, and to develop a plan for how people will work together in the future.

In response to O'Neill's question, Price Spratlen said the Ombudsman's Office has researched this issue with clients and has defined "workplace mistreatment" as actions that are unwanted, unwelcome, inappropriate, unreasonable, and a violation of civil rights.

O'Neill asked whether the Office should be called the Ombudsman's Office for Workplace Mistreatment. Lea Vaughn stated that this would not be a good idea from a legal standpoint -- a good workplace system for dealing specifically with sexual harassment is an affirmative defense for the employer. For this reason, the name of the office should not be changed, since it openly shows the University's intent to deal with the issue of sexual harassment and makes clear its method for doing so. The name "Workplace mistreatment" would not as clearly identify the program, though other kinds of workplace abuse should certainly be identified and addressed in addition to sexual harassment.

Price Spratlen encourages people to come together and use their own skills in negotiating the outcomes of these cases, and facilitates the process of defining and resolving the problem. A big part of this is getting people to talk to one another - people are often so polarized and hostile that they find this difficult to do. In these cases, writing the story helps to clarify and define the problem.

Conciliation Officers, senior faculty who volunteer to serve, are important in this process. Conciliation is a fact-finding process; two conciliation officers look into all the facts of the case, including looking at pertinent departmental records, and report the facts to the Ombudsman. This differs from mediation, where one or more mediators meet with the parties involved in order to help them negotiate a mutual resolution of a dispute.

At the close of a case, said Price Spratlen, some cases disappear, some go on to University Complaint Investigation and Resolution Office (UCIRO) for formal investigation (cases involving race, age, or sex), some go to the Classified Staff grievance process, some go through the Student Disciplinary process, and some become faculty adjudication cases.

Price Spratlen said that conciliation is the most underused of all the dispute resolution processes; it would be helpful if more people used this avenue, which is very helpful in salary disputes or other difficulties where the facts are clear-cut.

Appropriate Dispute Resolution (ADR)

Vice Provost Steven Olswang and Faculty Senate Secretary Lea Vaughn commented on their roles in the various avenues for bringing disputes to resolution.

Olswang said he gets involved at Price Spratlen's behest in some of the 35 to 50 cases each year that cannot be resolved by the Ombudsman's Office. Commonly, Olswang spends time in informal resolution of disputes for faculty, specifically in cases where a faculty member is having difficulty navigating the University systems (Personnel Office, chairs and deans, etc.). He provides direct advice on ways to handle issues, and is a source of answers on UW rules and opportunities. Olswang also spends a lot of time with chairs and deans in personnel management issues, as advisor, mediator, problem-solver and information resource.

Olswang said it is important to him to create an open environment so that people will call him for help in resolving problems; he believes that 99% of people on campus see this as something they can and will do. Olswang and Vaughn agreed that they work collaboratively within their respective roles to make many problems disappear (to the satisfaction of the parties involved) before they ever escalate to the level of the formal processes available to staff and faculty.

Vaughn said she provides a first level of inquiry for faculty members who have a problem but do not know what avenues are available at the University to resolve that problem. Vaughn meets with faculty and may refer them to the Ombudsman's Office, since most people want to keep the process as friendly and low-key as possible. She also goes over the Faculty Code or other University Web pages with them to acquaint them with their rights, responsibilities, and protections.

If needed, Vaughn moves the process to a second level - perhaps a mediation situation, where all parties are at the table. At the request of the faculty member, Vaughn will attend the session to provide moral support for the faculty member. For the first two years of her tenure as Faculty Secretary, and largely as a result of this approach, no formal adjudications were filed. This kind of process gets the information out, shows where resources may be available to alleviate the problem, and often results in accord.

If the informal process does not work, Vaughn provides advice on the adjudication process until it becomes a formal filing. At that point, faculty members may represent themselves or may hire their own counsel as the adjudication goes forward. The adjudication panels are made up of respected senior faculty, and the hearing officers are local lawyers in private practice. The decision of the panel is final unless it is appealed to the President within 10 days. The President can then affirm the panel's decision or remand it to the panel for reconsideration. If the President remands the decision, the panel reconsiders. If they adhere to their original decision, it goes back to the President for a final decision.

Vaughn and Olswang agreed that their collaboration has solved many problems that would otherwise have gone to adjudication.

The meeting was adjourned at 10:25 a.m. *Minutes by Linda Fullerton, Recorder.*