

## Proposal to establish the position of College of Medicine Ombuds

### Vision:

To provide the faculty of the UF College of Medicine (UFCOM) a mediation pathway supporting the principles of shared governance

### Mission:

The College of Medicine Ombuds seeks to mediate and resolve conflict, issues and disputes between faculty of the UFCOM, providing an alternative external to the faculty member's department.

### Goals:

Help the faculty and leadership resolve conflict through neutral, but thorough fact finding and facilitate constructive discussion of faculty concerns.

### Definition of Faculty:

Per the UF Constitution and Senate Bylaws

### Objectives:

With the authority of the dean of the COM, commitment of the Faculty Council and support of COM leadership, the Ombuds will conduct a fact finding process initiated by concerns brought by a faculty member. For the purposes of Ombuds, faculty in leadership positions (including deans, chairs and division chiefs) are considered faculty and can access the Ombuds. The Ombuds will remain unaligned and impartial. Results of fact finding may, at the discretion of the Ombuds, be presented to the Dean of the COM, President of the Faculty Council, other involved COM leadership, department leadership and individual faculty as appropriate. The Ombuds may present findings and recommend actions to resolve the conflict, or may present findings only.

Requests to access the ombuds by faculty or COM leadership and findings will be confidential. Recommendations to change College of Medicine policy involving faculty at large will be made public.

The Ombuds position, process and results will be evaluated at least annually by the Faculty Council Executive Committee and the Dean during one of the scheduled monthly noon meetings, and should include both faculty and leadership feedback. The dean, at his/her discretion, may solicit additional input from other members of the health care community.

We propose that the selection of the Ombuds will be a joint decision between the Dean, COM leadership and Faculty Council, and report to the Dean and the Faculty Council Executive Committee.

**What is an ombuds?**

An ombuds is a person who serves as a resource to all faculty (including Chairs) with concerns about their workplace treatment in the College of Medicine.

**What is the purpose of the ombuds?**

1. To assure that faculty have due process in disagreements with division chiefs, department chairs, associate deans, hospital staff, or Dean.
2. To protect the working conditions of individual faculty and of the faculty as a whole
3. To protect the academic and professional integrity of the university
4. To assure that the shared governance process is working
5. Assist COM leadership and Chairs with employment issues with faculty.

**Can you give some examples of actions to be brought to the ombuds?**

Incorrect annual or mid-career evaluations; discrepancies between assignment and reality of daily work, not being mentored or supported in the process for tenure or promotion (or SPP); “constructive firing” (or making work conditions intolerable for a faculty member to encourage them to resign), improper reduction in salary or benefits, change in workload and assignment without sufficient resources to carry out assignment or complete assigned workload (e.g., significant increase in RVU target or research salary coverage).

**Can all faculty access the ombuds?**

Yes. This includes faculty in COM leadership positions.

**How does the ombuds help faculty?**

The ombuds will make all efforts to achieve informal resolution between parties. In the event of failure to achieve resolution, the Ombuds may request mediation.

There are three stages of access to ombuds. First, faculty may seek advice. Second, faculty may request fact finding regarding a workplace issue. The results of fact finding are used by the ombuds in an attempt to resolve the workplace issue with the responsible parties. Should this be unsuccessful, the ombuds will facilitate constructive discussion for faculty who seek third party mediation by a neutral arbitrator. Should arbitration fail, the faculty member may choose to file a grievance. In cases where the ombuds determines that policies unfairly disadvantage specific groups of faculty or all faculty, changes in policy will be recommended.

**What do I do if I think I need to see the ombuds?**

Contact the ombuds directly to discuss any questions and concerns you may have.

**Why does the ombuds process work?**

It allows for a thoughtful presentation of the issues and gives faculty a chance to have

their concerns heard by someone outside of the faculty's department or reporting structure.

**What kind of resolution can I expect?**

Resolutions are satisfactory to the faculty member in the majority of cases. It is possible for workplace issues to be resolved at any of the three steps. The ombuds will not recommend arbitration if the workplace issue has no merit. Faculty find out early in the process whether their issue has merit and is worth pursuing.

**How widely is it known that the ombuds has been consulted?**

The ombuds is committed to protecting the privacy of an individual and keeps all information confidential.

**Can the grievance process be used if the ombuds is unsuccessful in helping me?**

Yes.

**Do I have other protections from actions by my chair and other administrators?**

Faculty can request the ombuds be present at meetings with responsible parties, even if there is fact finding process in progress.

**What usually happens?**

Most workplace issues are resolved informally. The ombuds speaks with the responsible parties and often finds a solution. For instance, chairs or associate deans not infrequently agree that an evaluation has been unfair or its language inappropriate. The original evaluation is removed and a more appropriate one is filed. If a faculty member has had difficulty with one supervisor, the department may agree to have another administrator in the department determine that faculty member's assignment and work with him/her in other matters.

**Is it true that the ombuds protects negligent and underperforming faculty?**

No, the ombuds ensures due process. In fact, faculty can be, and have been, fired or have salary or benefit reductions for cause at UF, but the administration must follow the proper steps and rules in the agreement and faculty have a right to a fair hearing.