

EQUITY, ACCESS & DIVERSITY
MINUTES OF MEETING
DECEMBER 11, 2003

[In these minutes: *The Grievance Advisory Committee's Interim Report and Preliminary Recommendations on Ombuds Services for University Employees, System-wide Diversity Subcommittee Update, OMAA to Host February 6, 2004 EAD Meeting*]

[These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate or Twin Cities Assembly; none of the comments, conclusions or actions reported in these minutes represent the views of, nor are they binding on, the Senate or Assembly, the Administration or the Board of Regents.]

PRESENT: Mary Lay, Chair, Rose Blixt, Don Cavalier, Sallye McKee, Julie Sweitzer, Claire Walter-Marchetti, Eric Burgess, Carol Chomsky, Jennifer Gunn, Amy Kaminsky, Margaret Moss, Jean Richards, Vanessa Bailey

REGRETS: Beverly Balos, Lisa Jordan, Benjamin Clarke, Jeffrey Roberts, Nena Fox, Avi Rosenman

ABSENT: Chelsea Jean Helmer, Sarah Reed, Anne Wigdahl

OTHER(S): Pearl Barner, Marcia Walker

GUEST(S): Carolyn Chalmers, Program Director, Grievance Office

I). Professor Lay called the meeting to order.

II). Professor Lay welcomed and introduced Carolyn Chalmers, the University's Grievance Officer to today's meeting.

While reviewing SCFA minutes, Professor Lay discovered that a Grievance Advisory Committee, chaired by Laura Cooper, had been established to study the University's grievance process and discuss the feasibility of creating an ombuds service at the University. Professor Lay believes that this advisory committee's work could have an impact on the campus related to issues of

diversity. Professor Lay reminded members that EAD's ultimate goal is to create a heuristic device that other groups will be able to use as they are studying issues, policies and procedures related to diversity.

Professor Lay asked that introductions be made before Ms. Chalmers started her presentation. Next, Ms. Chalmers distributed informational materials to members on the University Grievance Office and the grievance process in general.

To begin, Ms. Chalmers discussed the work that the Grievance Advisory Committee did last year as it relates to the work currently being done by the Dispute Resolution Work Group. Highlights from her presentation included:

- In September of 2002, the FCC asked the Grievance Advisory Committee to study whether the University should provide ombuds services to assist faculty, and perhaps other employee groups, in resolving workplace problems.
- After researching this issue thoroughly the Committee provided the FCC and the President with their Interim Report and Preliminary Recommendations on Ombuds Services for University Employees.
- The Committee identified the following unmet needs:
 - Lack of transparency of existing dispute resolution offices. While many offices on campus offer conflict resolution services, they are not transparent to the University community. A lot of the services offered by the University require individuals to try and figure out where to go for assistance.
 - Many of the offices that provide assistance have narrow or particularized jurisdictions.
 - There exists a desire for non-adversarial dispute resolution services. The University's current grievance process is not sufficiently flexible, non-adversarial or informal.
 - Lack of knowledgeable, comprehensive, neutral and a central source of information about University employment issues. All the University's policies are difficult to navigate.
- The Grievance Advisory Committee concluded that ombuds services could fill the identified gaps in conflict resolution. If the University decides to institute ombuds services, in order to be successful, the Committee determined the following characteristics were essential:

- The service provider must have a comprehensive knowledge of University policies, structures and the distribution of decision-making authority within the University.
- The service provider must be independent and neutral and not subject to the immediate authority of institutions within the University who make human resources decisions.
- The service provider must have the trust of the University constituencies.
- The service provider must have professional conflict resolution skills.
- In light of budget challenges and the need to gain support for this idea, rather than recommend a particular model or service, the Committee decided to urge that on-going work be conducted related to this initiative. The Committee recommended:
 - The Grievance Office retain all the information it gathered in preparation of its Interim Report.
 - To the extent that entities within the University are engaged in employee surveys for other reasons, efforts should be made to include questions that would help to identify the need for informal dispute resolution services and perceived preferences for the structure of such an entity. In addition, University offices currently involved with dispute resolution responsibilities should collect and store data on services rendered and declined, including the cost of these services that can be used in the future to make decisions about ombuds services.
 - The Grievance Advisory Committee study whether the Committee should propose amendments to the University Grievance Policy that would authorize the Grievance Office to provide a greater range of informal dispute resolution options.
- In an attempt to bring together existing dispute resolution providers within the University a Dispute Resolution Work Group/Dispute Resolution Coordinating Council has been convened. The Work Group's responsibilities include:
 - Sharing information regarding the types of conflicts that are arising.
 - Using the web and other media to address the lack of transparency in the services that are available.

- Coordinating the University's policies and practices to improve and integrate dispute resolution services.
 - Providing concrete, facilitation, mediation or third-party neutral help in individual disputes where requested.
 - Providing guidance to the Grievance Advisory Committee.
- After being approved by SCFA and the FCC, the Grievance Advisory Committee's Interim Report and Preliminary Recommendations on Ombuds Services for University Employees was shared with the President. In August 2003, the President concurred with the FCC and SCFA that this was a good report and that a Dispute Resolution Work Group should be convened. President Bruininks requested the Work Group:
 - Evaluate and amend policies to improve and better integrate and coordinate existing dispute resolution services.
 - Coordinate outreach efforts around the transparency issue.
 - Collaborate on a review of the current grievance process.
 - Currently, the University's Grievance Policy must be reviewed every 5 years. This policy was initially adopted in 1993. The Grievance Advisory Committee reviewed the policy in 1998 and made recommendations, which the Board of Regents implemented in 2002. Nonetheless, the Grievance Advisory Committee will review the policy again this year. In addition, Dispute Resolution Work Group efforts are moving forward. During spring semester, the Dispute Resolution Work Group will meet from January to June on the second Monday of each month. Ms. Chalmers stated this Group has very wide representation across the University and welcomed anyone else that would be interested in attending these meetings.
 - The Dispute Resolution Work Group has organized itself into sub groups:
 - Transparency
 - Needs
 - Policy
 - Education

Each working group has established objectives it plans to accomplish. Eventually a steering committee will need to be formed to determine how each working group's individual recommendations will be

integrated to achieve the Work Group's overall goal, which is to affect how the University processes disputes.

Members directed the following comments and questions to Ms. Chalmers following her presentation:

- There seems to be widespread agreement that the Grievance Office needs to change its name. In addition, there is a substantial need for informal dispute resolution mechanisms at the University.
- A member of EAD that also serves on the Dispute Resolution Work Group commented that the transparency issue is being made more complicated than it already is. While there are several places on campus that provide support or direct service related to disputes, there are really only a couple primary resources that faculty, staff and students need to be familiar with. Staff and faculty with a dispute should contact the Grievance Office or Office of Equal Opportunity and Affirmative Action (EOAA), while students with a grievance need only to contact the Student Dispute Resolution Center (SDRC). If the concern is about a student (acting as a student, not an employee), Student Judicial Affairs should be contacted.
- A member asked Ms. Chalmers to speak to web/portal usage by Big 10 schools around the dissemination of grievance information in helping individuals know where to go. Ms. Chalmers stated that there are certain institutions that are in the forefront of providing services e.g. Iowa, MIT, Berkeley. These schools may also be in the forefront of disseminating this information via the web, but not always. According to Ms. Chalmers, the University of Michigan has a very good web site <http://www.umich.edu/~ombuds/resources.html> as well as the University of Wisconsin <http://www.med.wisc.edu/>, which has an ombuds service specifically for its Medical School. Ms. Chalmers added that the University of Minnesota's Graduate School is trying to develop a similar tool for graduate students. Peggy Sundermeyer with the assistance of a graduate student are working on developing a tool called 'Find It'.
- How does the Dispute Resolution Work Group connect with the Employee Assistance Program that assist faculty and staff at a point of crisis? Dave Johnson and Jim Meland of the Employee Assistance Program both sit on the DRWG.

- A member noted the need for grievance advisors to assist individuals as they go through the process. According to Ms. Chalmers, the Grievance Office has advisors to work with Civil Service and P&A employees that have filed grievances.
- To help people with this process, the Grievance Office is considering changing the way individuals present their information during the process. Therefore, instead of a question and answer format, the idea of inviting an individual to make a statement is being pondered. People oftentimes are not skilled in eliciting information by question and answer. The Grievance Office is also looking into producing a videotape as an informational tool to help individuals better understand the process.
- A member asked whether the issue of dispute resolution may be a development opportunity for the University. This may be a way for the Grievance Office to secure funds to be able to offer ombuds services during very difficult budgetary times. Ms. Chalmers stated that a development opportunity is a great idea. She also noted that there are some internal funds for service and accountability initiatives as well as foundation money that they are trying to tap into.
- Are certain employee groups more apt than others to pursue the grievance process to the highest level possible? Tenured faculty tend to pursue the process to the highest degree possible, according to Ms. Chalmers. Of the 5 arbitrations that were conducted last year, 4 were faculty members. A member familiar with the grievance process stated that another factor that plays a part in whether a grievance is pursued has to do with what is at stake e.g. job loss.
- In response to a question Ms. Chalmers noted that the reason many organizations/institutions decide to implement an internal dispute resolution program because:
 - They have had to deal with a large problem(s) e.g. the University of Minnesota's basketball issue. The basis for this philosophy and a motivating factor for implementing such an initiative is to reduce the threshold to zero barrier so individuals feel comfortable coming in and discussing their issues.
 - Legal defense costs have increased drastically.
 - They believe that by giving employees a voice under such circumstances Enhances their productivity.

Professor Lay thanked Ms. Chalmers for attending today's meeting. Ms. Chalmers appreciated the Committee's interest around the work that is being done on this issue. She added if anyone is interested in receiving the minutes of the Dispute Resolution Work Group to let her know.

III). Next, Professor Lay introduced UMC Diversity Coordinator Marcia Walker. Ms. Walker is a member of the subcommittee dealing with diversity across the University's campuses. Ms. Walker highlighted that she has been:

- Actively engaged in working with multi-cultural students on the Crookston campus with respect to retention issues, etc.
- Working with the University of North Dakota on a conference that will be held in 2005. Ms. Walker will keep the Committee informed.
- Trying to actively involve the Crookston faculty in matters of diversity. Ms. Walker asked members what can be done to increase faculty involvement. She believes that faculty need information/training around the issues such as discrimination, racism, etc. Ms. Walker asked if someone well versed on this topic could visit the Crookston campus and deliver a training session for faculty.

Members provided Ms. Walker with the following suggestions:

- First and foremost do not call such an event a training session. A more effective way to involve faculty would be to call such a training session a 'workshop'. Then, promote it to faculty as an event that will make them more effective in the classroom by improving their teaching skills, their ability to deal with controversial issues, etc. It was also suggested that Ms. Walker contact Ilene Alexander from the Center for Teaching and Learning Services to develop such a workshop or series of workshops.
- Because there is a great deal of pressure on faculty members for their time, the best way to get them to participate in a workshop is to explain to them how participation will save them time and help them in the future.
- Look into whether UMC has a diversity requirement as part of its undergraduate curriculum. If not, this may be something that should be pursued.

- Draft a plan of action to be delivered to the Crookston Chancellor asking to be written into the compact and be allocated resources to provide such training to faculty. A Crookston member noted that the biggest obstacle facing such an initiative on the Crookston campus is lack of commitment by the administration and the University due to the limited financial resources that have been allocated to this process. The Crookston campus is looking for opportunities to develop their diversity program in cooperation with the other campuses.
- Emphasize that "there is no excellence without diversity".
- Investigate the possibility of having multicultural fellowship teaching awards similar to those being offered on the Twin Cities campus by the Center for Teaching and Learning Services.

EAD members from Crookston stated they would ideally like the administration to fully fund its diversity program. They asked the Committee if they would be willing to make a strong recommendation to this effect. Members thought it would be a good idea. Professor Lay suggested Crookston EAD members, Eric Burgess and Don Cavalier, in conjunction with Ms. Walker, draft a resolution of support. Once the resolution is done, it should be sent to Professor Lay who will distribute it to the Committee for review. If members are comfortable with the resolution they will vote to endorse it.

Professor Lay suggested if members have ideas for Ms. Walker to email her at walke161@mail.crk.umn.edu

IV). Professor Lay announced the Committee's next meeting is Friday, February 6, 2004 from 9:30 - 11:00 in 152 Klaeber Court. Dr. Sallye McKee invited the Committee to meet in Klaeber Court for an update from the Office for Multicultural and Academic Affairs (OMAA). This update will include information on what OMAA has been working on, what challenges it faces, etc.

V). Hearing no further business, Professor Lay adjourned the meeting.

Renee Dempsey

University Senate