

Report for the President's Advisory Council on Women University of North Dakota, Grand Forks

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1. Preface

I was invited to visit the campus of the University of North Dakota on March 9-11, 2003, by the institution's President's Advisory Council on Women (PAC-W). My only prior contact with UND had been many years ago when Bernard O'Kelly was Dean and a member of the American Association of Colleges and Universities, where I directed its Project on the Status and Education of Women.

As part of my visit, I was asked to be part of the "Campus Climate and Complexion" conference March 11 and to provide consultation to the Council on climate issues for women at UND. This report summarizes issues I identified during my visit and makes recommendations to help address them.

It is important to begin by noting that President Kupchella has made campus climate a key element of the university's new strategic plan and has supported the Advisory Council financially as well as its undertaking the assessment of the climate for women. I visit many campuses and work with the presidential advisory committee/commission/ or council. I want to say here how very impressed I am with the dedication and substantial work of the President's Advisory Council on Women at UND.

Although it is not unusual for women campus to ask a campus committee on women for advice and assistance, I was surprised to learn how many women at UND had contacted PAC-W. In the past year alone, about three dozen had done so. This unusually large number apparently was the major impetus for the survey conducted by PAC-W. These are women who by and large did not know the PAC-W co-chairs and did not know each other. By examining these and other women's experiences more systematically, PAC-W has attempted to determine whether these are isolated cases or symptomatic of other problems.

II. Information Gathering

With assistance from PAC-W, I was able to collect a broad base of information about the climate for women at UND from five different sources:

Review of survey results from a PAC-W survey of all UND women faculty and staff, compiled just as I arrived on campus. This is a good instrument with results that should be considered seriously. A number of items showed areas of concern that are substantially higher than I would expect to see at most institutions. (When results are discussed in this report, they are percentages reported from a summary page distributed at the Campus Climate and Complexion Conference.)

- **Interviews with the University's Affirmative Action Officer, Sally Page, and the University's Legal Counsel, Julie Evans.** These discussions helped me review campus procedures and philosophy and identify potential staffing needs.
- **Group and individual discussions with over fifteen women representing most major areas of the university and representing staff and faculty.** Given that most of these women did not know each other, these case examples showed patterns related to complaint processes that may indicate systemic problems that need to be addressed by the institution
- Participation and observation at the day-long "Campus Climate and Complexion" conference March 11, 2003. I was able to hear various speakers and observe institutional responses to suggestions and concerns.

- **Review of relevant documents**, including the university's new harassment and discrimination policy and the Affirmative Action Office annual report and accompanying summary data.

III. Findings

Overall, I found serious issues that would explain why women have been seeking help from PAC-W in such large numbers. Indeed, the number, seriousness, and widespread nature of the concerns of these women at the University of North Dakota are more troubling than at most of the institutions I have worked with. While one always expects to see some problems and it is always possible that some people may have misperceived situations, nevertheless, the extent and pattern of the concerns raised by women at this institution raise serious concerns about numerous issues such as the following:

1. **Lack of trust in the complaint and grievance process.** In the campus survey, a sizable proportion of women (21.4%) reported they did not believe a work-related problem would be handled appropriately if they had one. Verbal reports verified this concern. A lack of trust means that the procedures, no matter how useful, will not be used. Problems are simply not brought to those people who might be able to deal with them. Furthermore, those persons who are the causes of problems, such as sexual harassment, will continue their behavior which in some instances is illegal, and in all cases, counterproductive and damaging to morale and productivity.
 2. **Irregularities in the complaint process.** Verbal reports suggest that the complaint procedures are not being implemented or are distorted so that it is difficult for complainants to resolve a dispute to the complainant's satisfaction. Some supervisors appear to be ignoring verbal and written complaints. In other instances the process drags on for many months, leaving complainants in a vulnerable position and well as accentuating the lack of trust mentioned above. (Most complaints should be resolved within a few weeks of being reported.)
 3. **Retaliation for complaining informally and formally.** Almost 40% reported in the survey that they have seen women retaliated against for filing complaints or grievances at UND. Verbal reports support this finding. Retaliation takes many forms. For examples, employees who have raised workplace treatment issues or filed a complaint may be held to greater scrutiny of their work, and have been held to stricter rules about breaks and lunches and requests for vacation time. Some employees have had their positions reduced, been transferred or even terminated after discussing a possible grievance with their supervisor; others have received lower evaluations after complaining.
- Retaliation of any sort perverts the complaint process, delays or prevents subsequent identification of problems and further use of the complaint process itself. When retaliation is allowed to continue unabated it leads to workplace abuse and bullying.
4. **Fear of retaliation if they do complain.** Over 30% of women in the survey agreed they would be afraid to file a complaint or grievance. Fear of retaliation is the strongest deterrent to using a complaint process. When complaint processes are not utilized, as mentioned above, problems continue. Some complainants, fearful of using the internal procedures, may file lawsuits instead.
 5. **Lack of informal processes and an adversarial focus in responding to complaints.** The harassment and discrimination policy and verbal reports indicate the institution does generally not attempt to resolve problems informally. This has led to protracted and unresolved problems in certain areas.

Many complaints, especially those of sexual harassment, can often *best* be resolved by informal measures. Often persons do not bring complaints or even identify problem because formal procedures appear to be legalistic and adversarial. In contrast, informal measures, when utilized successfully, are not only less adversarial but are more likely to leave both parties to a dispute more satisfied than when formal procedures are utilized. Currently there are no printed materials that describe what informal procedures can be utilized by the complainant and the institution.

If more persons knew (and trusted) how informal procedures work, they might be more willing to bring problems to the attention of UND authorities. Informal procedures are not only faster in resolving a complaint but are also more flexible in designing solutions to problems than the more adversarial formal procedures. Typically both parties are more satisfied with the resolution of complaints by informal methods than by the use of formal procedures. Informal resolutions may also diminish the chances of lawsuits being filed against the institution.

6. Lack of training for personnel dealing with complaints. The institution does not seem to have had a systematic and comprehensive training program to date; current efforts at training are legalistic and unlikely to be extensive enough to meet the demands of the new harassment and discrimination policy. There is apparently no training to help supervisors learn how to respond to a complaint (what to say and what not to say) that an employee brings to them, nor are supervisors taught how to intervene when they observe sexual harassment occurring in their unit. What is needed is a systematic comprehensive training program that trains all personnel and students periodically, as well as new employees and students. A systematic and comprehensive training program would keep records of who attended and what materials were covered as well as evaluating the training itself

7. Inadequate reporting of complaints. The report of complaints found in the Affirmative Action Office annual report is totally inadequate. Not tracked are the nature of the complaints, how each was resolved, time to resolution, number of formal and informal reports, unit of the institution where the behavior occurred, and so forth. Without such reporting, evaluation of current procedures cannot occur, nor can problem areas be identified for action and further training of personnel and students.

8. Lack of availability of data. On several occasions PAC-W attempted to get information both orally and in writing from the Affirmative Action Office to address its mission of collecting information about the status of women- It was not given data. Yet when I asked for the same data from the Affirmative Action Office it was quickly given to me an annual report with attachments by the Affirmative Action Officer.

More and better data should be collected and made available publicly on at least an annual basis so the institution can hold itself accountable. Data by the entire university as well as data for individual schools and units (such as for each department) should be available by rank and by race and gender (e.g., black men, white men), and with comparisons to previous years. All of this should be public information and should be available on UND's web site. Units should also describe the recruiting the hiring process.

9. Inadequate harassment and discrimination policy. I already have given very detailed comments about this policy to PAC-W. In sum, this is not a good policy. While it meets the letter of the law, it does not represent current national trends of good practice. Most seriously, the policy does not address informal resolution of problems and spreads responsibility for handling complaints too widely to individuals with specific titles (such as "dean") who as a group, even with training, may not all have the requisite skills and abilities to resolve complaints effectively and protect the institution from lawsuits.

10. Potential problems with hiring, promotion, and salary issues. Forty-three percent of respondents to the survey disagreed that they are paid fairly compared to men in similar positions. Almost a quarter of respondents did not agree that there is an honest effort to recruit and hire women where they are underrepresented. Almost 35% disagreed that women are given advancement and promotion opportunities comparable to men. (I frequently heard reports of administrative appointments being made without an internal search, producing an internal glass ceiling effect.) Supervisors need to be trained re recruiting, hiring, evaluation of applicants and employees, etc.

11. Widespread reports of abuses of power. Over 40% of women said in the survey they had witnessed bullying behavior at the institution; about 57% said they were aware of people who have violated campus policies or procedures without consequences; over 71 % said favoritism is shown to some on the campus; about 26% said they have been mentally or emotionally harassed. Written survey comments are striking in the pattern of concerns raised about how women are treated. Unfortunately, the Affirmative Action Office and the University's Legal Counsel were not viewed as a source of help to employees.

IV. Recommendations

It is in the institution's best interest to take these concerns seriously. Failure to correct these problems exposes the university to expensive turnover, morale problems, lack of productivity, lack of institutional loyalty, medical expense, and liability. These exposures aside, women (along with men) deserve a safe environment free of harassment and discrimination. They need safe and comfortable avenues to bring work concerns forward and have them resolved promptly and fairly, without fear of retaliation. The university does not appear to be meeting this obligation. In addition to the suggestions already listed above, the following steps should also be taken:

1. **Appointment of an Ombudsperson.** The university has a pressing and serious need to address the informal resolution of problems. Most problems can and should be handled informally. Ombudspersons have substantial training in informal dispute resolutions skills which current personnel lack.
2. **Appointment of Advisory Committees to increase accountability and transparency.** Faculty and staff committees can serve a valuable advisory role by extending campus responsibility for knowing about and addressing problems and for identifying problem areas. The President, in consultation with PAC-W and other groups with a stake in these issues, should appoint advisory committees, reporting to the President, on the following issues:
 - a. Sexual harassment
 - b. Sexual Assault
 - c. Grievances
 - d. Affirmative Action

The charge of these committees should be to: a. Evaluate current policy b. Evaluate current procedures c. Prepare a report within one year of appointment with recommendations for change.

3. **Review of effectiveness of offices assigned relevant responsibilities.** The primary responsibility for overseeing discrimination and harassment concerns of women faculty and staff is carried by the Affirmative Action Office and the University Legal Counsel. The Affirmative Action Office is not adequately staffed to respond to the needs of a campus its size with the additional responsibilities of worker's compensation and disability claims management. The University Legal Counsel may be involved too early in complaint processes, leading to an unnecessarily adversarial climate and lack of informal resolutions. Personnel need training that emphasizes resolution rather than defense against claims by victims. The written concerns expressed by survey respondents (as well as my own evaluation) emphasize the need for a review of the role of these two offices.
4. **Review of personnel practices, hiring and appointment patterns and practices, and salary patterns.** Survey results and the reports from the Affirmative Action Office suggest there is work to be done in these areas. The institution would benefit from an annual plan that sets out the efforts it will take to train search committees and increase applicant pools. Patterns of disparities in employment of women and minorities should be identified and patterns of salary discrepancies should be investigated and addressed. Hiring practices and internal appointment practices need review.
5. **Resolution of outstanding complaints.** It is clear from women I met and from survey results that a number of work-related complaints remain unresolved. Survey results show over 15% of women stating that they have a current concern about how they are being treated. This is troubling. It is in the best interest of the institution to attend to problems quickly and informally if possible. Unresolved complaints lead to continuing hurt, poor morale, perceptions by other women that problems will not be addressed, and possible litigation. Ignoring complaints, or worse, retaliating against women who bring them forward, is counterproductive and expensive in the long run. An ombudsperson could be charged with the immediate task of resolution of current complaints, helping the institution develop credibility for its expressed concern for the well-being of its women employees.