



Faculty Forum

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Litigious John Ellerbach

Thirty-six of our 170 North Carolina legislators are lawyers. Actually, I suspected that even more were associated with the legal profession, given the recent passage of a law that in many circumstances allows any student who comes before a university disciplinary body to have an attorney present. Lawyers like to pass bills that keep their ilk fully employed. But will this new law take us into other sticky predicaments? A possible scary scenario coming to a university near you:

Professor I.M. Ohso Wise: We're having a quiz tomorrow.

Student I. B. Lawyeredup: (*from the back of the room*): No, we're not.

Professor Wise: (*clearly discombobulated*) Pardon ME?

Student: I just texted my lawyer. He's on retainer. He says your syllabus makes no provision for pop quizzes.

Wise: That was certainly a fast response.

Student: Uh, we just happened to be sexting about...uh... I mean texting about another matter....

Wise: I just want you to know, Student, that I DO support the Legislature's SRTFTICL (Students' Right to Freely Text in Class Law), but I want to advise you that I draw the line on quiz rights. The upcoming is NOT a pop quiz. I am telling you about it now—AHEAD of time. It is a SCHEDULED quiz.

Student: You realize, of course, that the NC Legislature is currently debating whether professors have any right to quiz students at all...A straw vote indicates that 169 out of 170 consider quizzing "cruel and unusual punishment."

Wise: (*wisely backing off, as there are informants everywhere*) Yes, of course, I know that. And I know that the NC Legislature certainly knows what (*voice gets a little louder so Legislature-installed monitoring devices are sure to pick up the sound*) is BEST FOR HIGHER EDUCATION!

Student "Lee" Tigious N. Lovingit: (*from the front of the room*). Professor?

Wise: Yes, Lee?

Lovingit: My attorney corroborates what I.B.'s attorney insightfully ascertained about the pop quiz.

Wise: *(exceptionally impressed that a student used “corroborates” AND “ascertained,” until he noticed that Lovingit was reading directly from a note that her attorney just passed to her. Yes, she brings him to every class.)* Lee, I think it is my professorial prerogative to give a quiz.

F. “Bully” Lee Cochrane: (attorney at large): That USED to be your prerogative, professor. But now, with the legislature mandating that every university course must be attended by an attorney at large...

Wise: Oh, you are not that BIG, a bit overweight, maybe, Mr. Cochrane, but not that large.....*(Wise gives that “go-ahead-and-laugh--I-know- I-am-a-facetious-genius” professorial smirk—we all have one-- but nobody bites, and he is chagrined that the play on words goes completely over their heads...)*

Bully: As the vigilant, legislatively-appointed student advocate/counsel for this course, it is my duty to warn you that such attempted levity could be construed as potentially libelous...

Wise: *(So very tempted to tell the fat guy to “stuff it,” but knowing he must now appear contrite).* I do apologize, Mr. Cochrane. In fact, if I may, allow my attorney to clarify my posture regarding unintentional, flippant remarks. Shy?”

C. “Cutrate” Shylock Stirr: *(roused from a somnolent respite by an elbow from Wise)* Uh, yes, in my somnolent respite I was able to discern, in my opinion, that my client intended no ill will. To wit, nothing malicious could be conscrewed...

Wise: Construed. After all, this is a class in building one’s vocabulary.

Shy Stirr: Whatever.... *(falls back into somnolent respite mode)*

Bully: And may I remind the professor that he is already in deep doo doo for his remarks at the departmental meeting earlier today....

Wise: All I said was that I was “disappointed when the potluck sign-up sheet went around that one of my colleagues had already volunteered to bring the Swedish meatballs.” I wanted to bring them.

Bully: My associate counsel *(who just burst into the classroom)* has just handed me a note that says your meatballs retort has been reviewed by the dean’s attorney and you have been found in contempt.

Wise: Ah, but hasn’t our departmental attorney already filed a meatball appeal? I thought I saw a PAF (Potluck Appeal Form) in my mailbox today...

Bully: No, that was your departmental secretary’s attorney who filed that, the legislatively appointed keen legal mind who sits vigilantly by the coffee pot...

Wise: Not the keen legal mind who sits by the copy machine?

Bully: No, that’s the attorney assigned to monitor all professors’ office conferences with advisees.

Wise: I see.

Bully: It’s an extra measure to protect our students. Give bad advice, pay the price.

Wise: *(turning toward his own attorney, having to nudge him again; whispering)* Which reminds me, Shy, are you advising me to go with the brownies or the bean dip instead?

Shy Stirr: *(also whispering)* You KNOW I cannot answer that question before you and I have a legislature -mandated legal conference with the UAPM, University's Attorney for Potluck Mediation. You don't want me to be disbarred, do you? I almost got in trouble for "encouraging" one of your students to provaricate at the deposition hearing.

Wise: *(still whispering)* PREvaricate, Shy! And I was being sued for bad teaching, and only ONE of my students would testify that I was not a bad teacher?

Shy Stirr: For 100 bucks and a case of ramen noodles. Lucky they let spouses take professors' classes. But she was still a hard sell. By the way, I am supposed to tell you that it's Ramen Surprise again for supper. She says she "just can't do any better on a WCU professor's pittance of a salary."

Wise: How disgusting! I mean, not the Ramen Surprise... I mean, WHAT has happened to higher education??? Due process is out of control.

Just then a courier knocks on the door and hands Wise a subpoena. Wise quickly reads it and then addresses the class.

Wise: We'll have to dismiss class early again today.

(A rousing cheer from the 30 students and 28 attorneys)

Wise: In a few minutes I'm due to testify in a case against the coach of the WCU Hopscotch team. I was walking by the practice field and heard him RAISE HIS VOICE to a hopscotch player's lawyer when said attorney allegedly requested that his client get more playing time. It doesn't look good for the coach. Sure, he was polite, but the coach YELLED. And I heard it! The NC Legislature says I have no choice but to report on my misguided citizen-comrade.

Of course, nobody heard Wise's explanation. They were all rushing out the door to watch a legislator-sanctioned beheading at the Dean's Guillotine. But that story is for another time.

WCU Creates Ombuds Office Jayne Zanglein

Welcome to the office of the ombuds!

The ombuds is a newly created pilot program at WCU. The ombuds office was established to assist faculty, staff, and administration in resolving disputes and preventing future conflicts.

The term "ombuds" is derived from the Swedish word for "representative." Perhaps a better translation is "intermediary" or "facilitator." In Sweden, a neutral ombuds addressed personal grievances raised by citizens against the government.

Although an ombuds plays different roles depending on the organization, the defining characteristics of an ombuds program remain the same. An ombuds is:

- Independent
- Impartial

- Informal
- Confidential

The ombuds does not act as a judge. Instead, the ombuds works with employees to explore options for resolving a dispute or misunderstanding. The ombuds may act on behalf of an employee by bringing anonymous issues to the attention of administration. The ombuds may act as an intermediary between an employee and supervisor and meet with them separately to address concerns. If desired, the ombuds may facilitate conversations between co-workers or employees and supervisors to help them resolve an issue and to prevent future misunderstandings.

Here at WCU, the university defines an “ombuds” as an “independent resource for problem resolution [who] works to ensure that members of the university community are treated equitably and fairly.” Issues appropriate for the ombuds office include:

- Interpersonal conflicts
- Departmental conflicts
- Complaints of unfair treatment or harassment
- Other workplace grievances or misunderstandings.

The ombuds is not a substitute for the formal grievance and hearing procedures already in place. Faculty and staff are encouraged to contact the ombuds for assistance before the situation escalates to the point where formal action is appropriate.

An ombuds program is built on confidentiality. Discussions with the ombuds are confidential with some exceptions:

1. If the employee waives confidentiality;
2. Where an imminent or significant risk of harm exists to the health and safety of the campus community; or
3. When otherwise required by law.

The creation of the office of the ombuds gives the WCU employee community the opportunity to transform the work environment and make significant cultural changes. In *The Organizational Ombudsman as Change Agent*, an article published in the *Negotiation Journal*, Marsha Wagner describes the role of the ombuds as: “to help resolve the particular concerns brought to the ombuds office, *and* –if the case involves unfortunate oversights, difficulties, or wrongdoing – to address the organizational conditions with recommendations for change to try to ensure that such a situation will not recur.” The WCU ombuds will report to the provost (without identifying complainants by name or department) trends within the university that need to be addressed, policies that need clarification, and workshops for supervisors on recurring themes.

Jayne Zanglein serves as the ombuds for the university. To schedule a private meeting, call her at 828-331-0866 (cell) or 828-227-7191 (office). Her office is in Forsyth 202.

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Mark Mattheis - Faculty Fellow for Publications memattheis@wcu.edu