

# **The Ombuds Office Annual Report**

**University of Idaho**

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## History

The Ombuds Office at the University of Idaho is a relatively new member of the campus community. However, the ombuds function dates back to 1809 when the Swedish legislature created an office to receive complaints relative to government actions. The idea spread to several other nations, then to companies, local governments, international organizations and other public and private entities.

Universities began appointing ombuds (alternatively referred to as ombudsmen or ombudspople) in the 1960s, often in reaction to campus unrest other problems.

The “Office of Faculty Ombudsman” was first created at the University of Idaho in 1992 by President Elisabeth A. Zinser and staffed part time by a faculty member. President Hoover expanded the office in 1998 by adding a half-time assistant ombudsman. In 2000, the position of assistant was changed to associate to more accurately reflect the role and responsibilities of the position. This position has been held since its inception by Roxanne Schreiber who is also the university’s Work/Life Specialist. The ombuds position has been held by: David J. Walker, Dept. of Agricultural Economics/Rural Sociology (1992 – 1999); Thomas V. Trotter, Dept. of Counseling and School Psychology, Special Education, and Educational Leadership, (1999 – 2003); Charles Morrison, Counseling and Testing Center (2003 – 2005); and James R. Fazio, Dept. of Conservation Social Sciences (2006 – present).

The current name – The Ombuds Office – was adopted by Faculty Council in 2005 to reflect gender-neutrality of the role and office.

## Purpose and Function

The primary purpose of The Ombuds Office is to resolve conflicts at the lowest possible level in the university’s administrative structure. The office is also intended to prevent problems by being an agent of positive change. These services are provided to faculty, staff and administrators throughout the entire state and are accomplished through:

- ♦ listening to concerns and responding to complaints
- ♦ analyzing problems and exploring options
- ♦ providing information about policies and available services
- ♦ applying conflict resolution and conciliation methods
- ♦ coordinating with other offices on campus such as Human Resources, Risk Management, Human Rights Compliance, Work & Life, Disability Support Services, and others
- ♦ noting trends and recommending changes in policy and/or work procedures

The Ombuds Office adheres to four Standards of Practice promulgated by the International Ombudsman Association. Specifically, these are:

### *Independence*

To ensure objectivity, the office operates independent of all university entities and reports to the highest possible level of the organization.

### ***Confidentiality***

All contacts, conversations and information exchanged with the ombuds remain confidential and are not disclosed without the consent of the parties involved and the ombuds. An exception is when disclosure is necessary to protect someone from harm and when otherwise required by law.

### ***Neutrality***

An ombuds does not take sides nor represent nor advocate on behalf of any party or the university. Rather, it is the role of the ombuds to consider the facts, rights, interests, and safety of all parties involved in a search for a fair resolution to a problem. An ombuds advocates for fairness and justice.

### ***Informality***

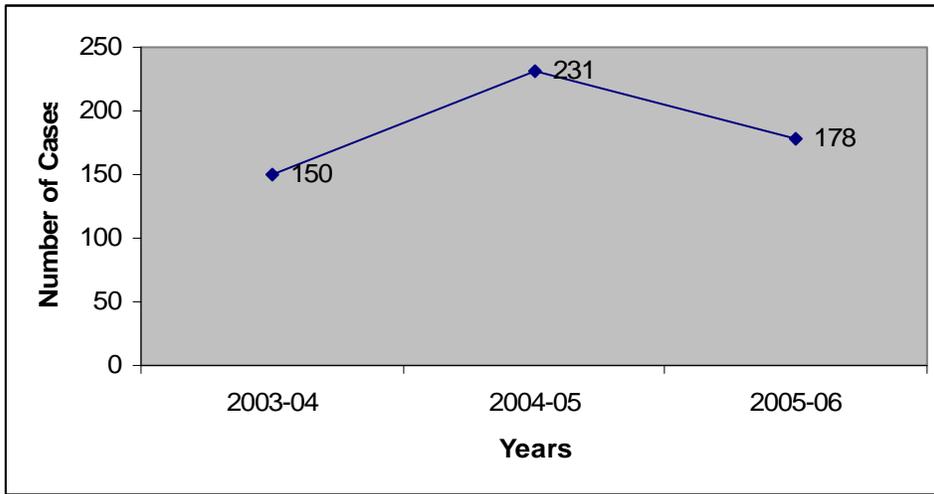
Consultations are conducted “off the record” and do not constitute notice to the university in any way. No personal information is retained or used for subsequent formal proceedings. An ombuds will not serve as a witness nor offer testimony in any formal proceeding unless required by law. Although the process is informal, individuals using the services of The Ombuds Office retain their rights to all formal procedures ordinarily available to them.

## **The Year in Review**

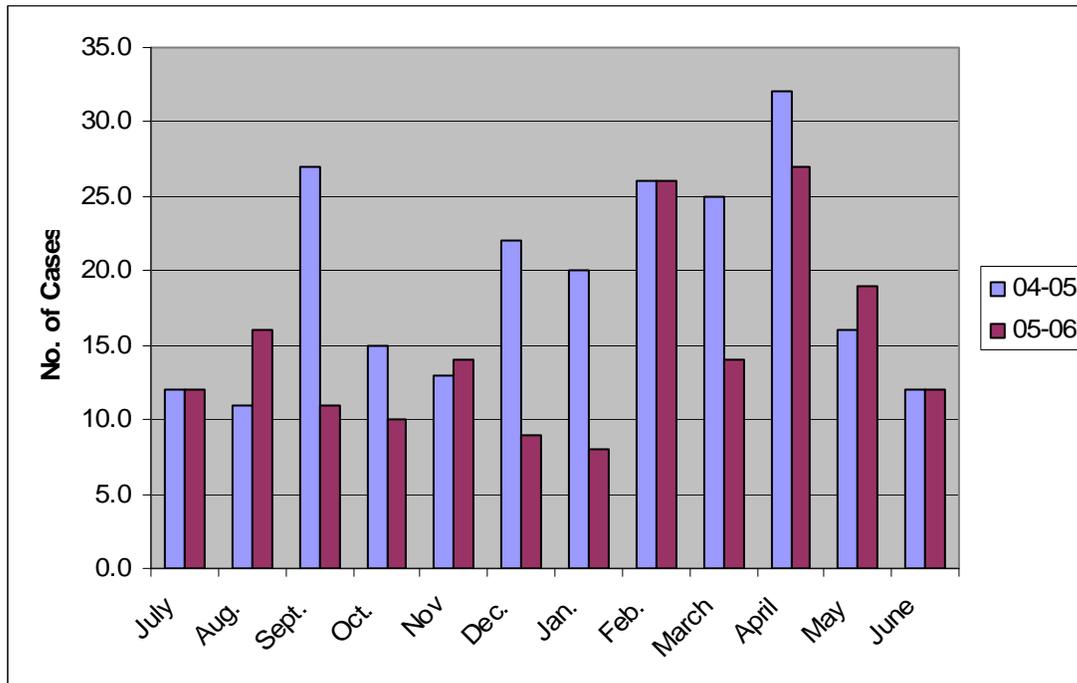
### ***Case Load***

During almost the entire previous year, the office operated with one associate ombuds while a search was conducted for the faculty ombuds. The search was completed and the office was fully staffed by the end of March. The ensuing months were primarily a training period for the ombuds, with formal training (Ombudsman 101) provided by the International Ombuds Association in July. During the summer, the office was staffed half time by the associate ombuds with the ombuds available on an ‘on call’ basis and when the other was on vacation or out of town.

Despite these handicaps and the severe overload it placed on the associate ombuds, at least 178 cases were handled in the office. (This number does not include informal contacts often initiated by individuals outside the office during the course of other business or casual contacts on campus.) Some of the past year’s decrease shown in Figure 1 may be due to modifications in the reporting system and to financial problems in FY 2005 that made that year particularly active due to the resulting turmoil and morale problems throughout the university. It should also be noted that although visitor numbers appeared to have decreased, the complexity of cases and ombuds time involvement increased significantly.



**Figure 1: Total number of ombuds cases by year.**



**Figure 2: Ombuds cases by month for the past two years.**

### *Nature of the Visitors and Contacts*

Throughout the year, female visitors outnumbered males by almost 2 to 1 (65% female) and most visitors came to the office on their own initiative (71%) rather than by referral. Table 1 shows the affiliation of visitors and reveals a small increase in use of the Ombuds Office by faculty.

**Table 1: UI Affiliation by Percentage of Cases**

| <u>Affiliation</u> | <u>2003-04</u> | <u>2004-05</u> | <u>2005-06</u> |
|--------------------|----------------|----------------|----------------|
|                    | %              | %              | %              |
| Classified Staff   | 43             | 43             | 41             |
| Faculty            | 19             | 17             | 23             |
| Administration     | 12             | 23             | 13             |
| Non-faculty Exempt | 14             | 9              | 13             |
| Graduate Assistant | 2              | 5              | 3              |
| Student            | 2              | 1              | 1              |
| Retiree            | -              | -              | 1              |
| Exempt Staff       | 4              | 1              | 0              |
| Other              | 4              | 2              | 5              |

In the great majority of cases (72%) only one individual was involved in the case. However, Table 2 shows that many cases required meeting with numerous individuals, and in some cases, groups. In all, 373 people were involved in ombuds cases.

**Table 2: Number of Individuals Per Ombuds Case**

| <u>Individuals Involved</u> | <u>No. of Cases</u> | <u>Percentage of Cases</u>  |
|-----------------------------|---------------------|-----------------------------|
|                             |                     | %                           |
| 1                           | 129                 | 72                          |
| 2                           | 36                  | 20                          |
| 3                           | 2                   | 1                           |
| 4                           | 3                   | 2                           |
| 7                           | 1                   | 1                           |
| 8                           | 1                   | 1                           |
| 9                           | 1                   | 1                           |
| 12                          | 1                   | 1                           |
| 35                          | 1                   | 1                           |
| 40                          | 1                   | 1                           |
| 43                          | 1                   | 1                           |
| Totals                      | 373                 | 178                         |
|                             |                     | 100 (after rounding errors) |

Contact with visitors was primarily through an office visit (68%), followed by phone contact (22%) and letters or email (10%). Most cases required at least two contacts with the ombuds, and in many cases quite a few more. A summary of contacts is shown in Table 3:

**Table 3: Ombuds Cases by Number of Contacts**

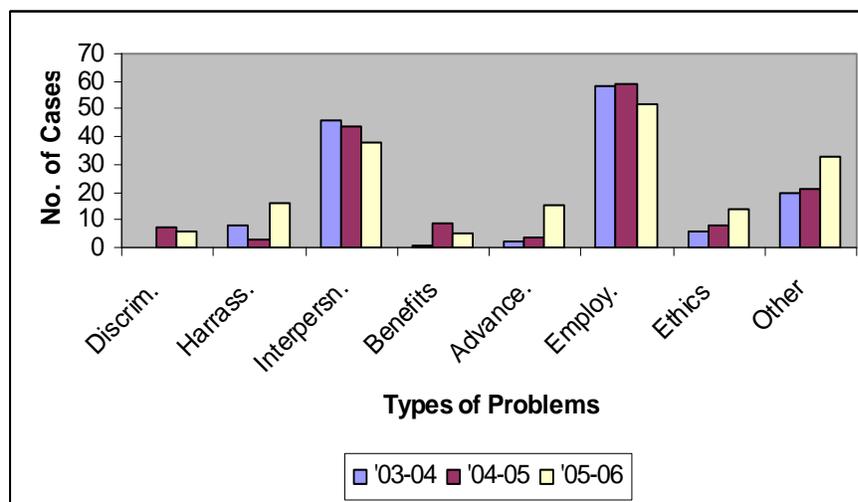
| <u>No. of Contacts</u> | <u>Cases</u> | <u>Percentage of Cases</u><br>% |
|------------------------|--------------|---------------------------------|
| 1                      | 27           | 15                              |
| 2                      | 52           | 29                              |
| 3                      | 35           | 20                              |
| 4                      | 20           | 11                              |
| 5                      | 9            | 5                               |
| 6                      | 4            | 2                               |
| 7                      | 8            | 4                               |
| 8                      | 10           | 6                               |
| 11                     | 1            | 1                               |
| 12                     | 4            | 2                               |
| 13                     | 1            | 1                               |
| 14                     | 1            | 1                               |
| 16                     | 1            | 1                               |
| 17                     | 2            | 1                               |

Most cases (139) involved problem exploration and 74 required only providing information. Forty-three cases required intercession of some kind, ranging from facilitated conversations to mediation.

### *Nature of the Problems*

Perhaps of most interest is a look at the kind of problems that brought employees to the Ombuds Office. These can suggest where greater emphasis is needed in providing better information, training, or other means of preventing problems in the future. Figure 3 is used to show change in the general problem categories during the past three years. Each is then displayed in greater detail.

**Table 3: Problem Type by Year**



**Discrimination:** Of the 6 cases in 2005-06, five were related to age discrimination and 1 involved race/ethnicity.

**Harassment:** Of the 16 cases, 10 involved bullying or general harassment, 4 were sexual harassment and 2 involved age.

**Interpersonal Disputes:** There were 38 cases classified as interpersonal disputes. Of these, 17 were between an employee and his/her supervisor or administrator. After that, cases were spread fairly evenly between co-workers (5), faculty (7), “others” (5), and supervisee (4).

**Benefits:** Activities within this classification include leave, retirement, travel, training, etc. Only 5 cases came under this heading evenly distributed among subcategories.

**Advancement:** There was a significant increase in this category to 15 cases this year, 8 involving salary and 7 related to tenure/non-reappointment. See the following for the closely related category of “evaluations.”

Employment: This is a category that probably needs to be broken into more than one in that it annually encompasses the largest number of cases and has the largest number of sub-categories. Of this year's 52 cases, most were related to performance evaluations. All of the categories along with number of cases are shown in Table 4, including those areas in which *no* concerns came to the attention of the Ombuds Office:

|                                 |    |                           |   |
|---------------------------------|----|---------------------------|---|
| Evaluations                     | 13 | Assistantship Appointment | 0 |
| Management Issues               | 9  | Demotion                  | 0 |
| Working Conditions              | 8  | Flex Time/Location        | 0 |
| Hiring Process                  | 4  | Hiring Interview          | 0 |
| Accommodations for Disability   | 3  | Marital Issues            | 0 |
| Resignation                     | 3  | Probation (Performance)   | 0 |
| Institution/Unit Reorganization | 2  | Program Termination       | 0 |
| Reclassification                | 2  | Reassignment              | 0 |
| Teaching Load/Course Assign.    | 2  | Scheduling                | 0 |
| Termination – Layoff            | 2  | Termination – For Cause   | 0 |
| Job Description                 | 1  | Workload                  | 0 |
| Office Space/Conditions         | 1  |                           |   |
| Salary Agreement                | 1  |                           |   |
| Termination – Performance       | 1  |                           |   |

**Table 4: Detailed breakdown of cases within the employment category**

Ethical Concerns: There were 14 cases classified in this way, with no clear focus on any one particular ethical concern. There were 3 related to health/safety issues, then one each in matters such as authorship, misrepresentation, records management, and 8 in “others.”

Others: Again, no clear picture emerges from this miscellaneous category. There were 33 cases, with 18 called “miscellaneous” and the rest spread across subcategories such as committee functions (4), training (3), disciplinary action (2), academic issues (1), etc.

## **Other Services Provided**

The Ombuds Office was again called upon to provide employee in-service training and academic presentations. Topics included human relations skills, conflict management, dialogue, and collaboration. In addition, service was provided as group facilitators and as designated neutrals and process monitors.

During the past year, the associate ombuds provided in-service training on managing upset individuals and intense interactions to several campus units to better prepare employees whose roles frequently position them to encounter interpersonal conflict. Two workshops on managing differences and conflict were provided to units on the Moscow campus and at off campus locations. A special presentation introducing the Non-violent Communication model (NVC) was also offered. Some of these requests came as constructive responses to unit reorganizations or active tensions within the workplace. Academic presentations included “Preparing for Teamwork” and “Managing Organizational and Workplace Conflict.” The associate ombuds also presented a conference session, “Safety Issues in Ombuds Practice,” at the International Ombudsman Association annual conference and provided in-service training on personal safety and security issues in high-risk offices.

## **Effectiveness**

The question is sometimes asked whether the Ombuds Office is effective in fulfilling its mission on campus. Annual statistics alone can not begin to provide an answer although they are an attempt at providing accountability. The larger contributions of the office are difficult to measure. What is the worth of having a place where a distraught employee can find a willing listener? When conflicts are resolved, what is the value of the time thereafter devoted to more productive work? If a single law suit is prevented, what savings result? If information is provided or employees are directed to the people and offices that can help them solve a problem, what is the value to morale and job satisfaction?

When American Express was listed as one of Fortune’s 100 Best Companies to Work For in 2006, one of the two main reasons for the selection was: “Have a problem? An AmEx ombuds office was set up to handle confidential complaints.” The value of the ombuds function is increasingly recognized nationwide and it is a service to employees that helps make the University of Idaho the great place that it is.

## Concerns and Recommendations

One function of an Ombuds Office is to use its unique perspectives and insights to help facilitate positive change in the campus community. In turn, this may help prevent future problems. Based both on cases brought to the office during the past year and independent observations, the following recommendations are brought before Faculty Council and the Provost's Office for consideration.

### 1. *FSH change to encourage classified employee use of informal problem-solving*

FSH 3860 encourages staff “to resolve job-related disputes at the lowest management level possible within UI” before pursuing more formal processes, but it does not emphasize enough the use of the Ombuds Office.

Consider revising 3860 A-2b as follows to directly encourage staff to use the Ombuds Office as the resource for informal, off-the-record problem resolution.

A-2b “If an employee believes that meeting with his or her immediate supervisor would be futile, **or if an issue is not adequately resolved**, the employee is encouraged to contact the [change in order of wording] **next higher administrator, Human Resources (HR) or the Ombuds Office.** [7-05]”

### 2. *FSH change to facilitate informal problem-solving by extending formal filing period for classified staff*

In FSH 3860 B-2 a, current timelines for classified employees to file for the formal problem solving procedure are narrow (i.e. “no later than 10 days after becoming aware of a matter”). This encourages unnecessary or premature filing for a formal problem-solving process (HR) before employees have exhausted the informal process (Ombuds Office). Consider revising the timeline to read similar to 3890 C-1 for non-faculty exempt employees:

- a. To begin the Problem-Solving Procedure employees are required to file the Problem-Solving Request Form (see the end of this policy) no later than ten (10) working days after becoming aware of any matter which may be handled through this Problem-Solving Procedure **or after ending informal processes with the Ombuds Office without resolution, whichever date is later.**

### ***3. FSH change to facilitate informal problem-solving by extending formal filing period for faculty engaged with the Ombuds Office***

In FSH 3840 B-2, filing time frames for faculty appeals are narrow and often do not allow reasonable time for informal resolution efforts. To encourage and allow for the ombuds function to work in the resolution of faculty issues, consider revising 3840 timelines similar to the recommendation above (...or after ending informal processes without resolution, whichever date is later) or as follows:

B-2. ...If the time deadlines contained in this provision or in any rules or procedures adopted by the Faculty Appeals Hearing Board are not complied with the appeal shall be dismissed unless the Faculty Appeals Hearing Board determines that **an attempt at informal resolution through the Ombuds Office or** extraordinary circumstances justified the delay. [rev. 7-99, ed. 7-01, ed. 7-02]

### ***4. More equitable distribution of funds for pay raises is needed***

There was considerable confusion and concern regarding the distribution of salary increases this past year. The “on average of 4 per cent” paired-with-merit concept was confusing to many faculty and staff. A sizable number of faculty and staff who performed at, above, or well above, performance expectations anticipated increases around the four per cent average but received increases below, and at times, significantly below four per cent. This resulted in discouragement and manifest conflicts.

### ***5. Greater clarity is needed regarding job performance expectations***

#### ***a. Congeniality***

Campus climate/work environment complaints continue to surface on a regular basis. While differences and conflict among people and within organizations are natural and predictable, the manner in which we respond to and manage them requires a common commitment, clear expectations and continuously developing skills. We recommend emphasizing across the university and organizational levels that **how** we work together is as important as **what** work we do. As such, we recommend that workplace culture and behavioral expectations be clarified in each unit and introduced and discussed with all new staff and faculty. Ongoing human relations and conflict skills training would help support common expectations and provide the necessary skills. A Strategic Action Plan Implementation team is working on Goal Four, “Organization, Culture and Climate,” which we hope will help to emphasize and address many of these issues.

***b. Position Descriptions and Performance Evaluation***

Another cause of many of the problems brought to the Ombuds Office were discrepancies between expectations (position descriptions), annual evaluations (often indicating satisfactory performance), and then denial of promotion and/or tenure. We realize that work is in progress to remedy this situation and we urge that improvement in this process be adopted at every level of the institution. This needed consistency must include recognition of departmental and college requirements against which the employee expects he/she will be evaluated, and more realistic annual evaluations and other checkpoints that are intended to indicate to an employee whether or not he/she is on track for promotions and tenure.

***6. Temporary Hourly (formerly 'IH') Employment should be used only as intended***

A reasonable interpretation of FSH 3090 is that employees hired under this classification are, indeed, hired to fill temporary or irregular needs. FSH 3090 A a. states that "If the temporary services are expected to exceed 1385 hours in any one year, the department administrator should consider establishing a temporary or continuing board appointed position." It seems unfair for long-term employees to work year after year on TH status, particularly given its conditions that health care benefits are not provided and that "TH employees may be terminated without prior notice without cause assigned." The circumstance is further exacerbated if promises are made to the TH employee that his/her position will be converted to a more permanent one. It is our recommendation that supervisors be reminded of the intent of FSH 3090 and urged to either clarify the temporary nature of the job or have it converted to a board appointment position.

**Acknowledgements**

The Ombuds Office could not operate or be effective without the cooperation of staff, faculty and administrators with whom we work in trying to resolve conflicts and find equitable solutions to problems. We also appreciate the support of the President and Provost's Office in making the services of the Ombuds Office available to the UI community.