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# **The Ombuds Office 2020-2021 Annual Report**

## **University of Idaho**

July 1, 2020 – June 30, 2021

PREPARED BY  
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University Ombuds

September 30, 2021

## Message from the Ombuds



This 2020-2021 Ombuds Office Annual Report represents the third report in my tenure as the University's eighth Ombuds. It is my pleasure and my honor to serve the students, staff, faculty, and administrators as a resource for constructive and respectful communication and collaboration. I appreciate this University's commitment to providing an excellent education to all of our students.

I appreciate President Scott Green, Provost and Executive Vice President Torrey Lawrence and the Faculty Senate, the Staff Council and ASUI for their continuing support of the Ombuds Office and for recognizing how this office is integral to accomplishing the University's Strategic Plan particularly as it pertains to building a culture of safety, respect and an environment conducive to learning for all of us. I hear every day from visitors how much they appreciate the opportunity to visit with somebody outside of their chain of command, somebody who can help them informally solve problems and somebody who listens without judgment, and with solely an intent to hear and support. The scaffolding of communication and conflict management skill sets I am able to offer and the support I am able to give is due in large part to the unique nature of the ethical tenets by which this office operates: confidentiality, impartiality, informality and independence. Campus-wide support of this office reflects the deep commitment to valuing each and every person who makes up the University of Idaho family. It is an honor for me to be of service to all of you.

This has been a particularly rough year for all of us. A global pandemic, strained resources, differences in ability to work from home or needing to be in the office depending on the nature of work and supervisor preferences, constant adjustments, filling multiple roles and lack of certainty have stressed all employees. Students' deliberations about safety, how best they learn and desire for community have stressed their resilience and sense of self. All of us missed our family and friends and many of us have lost loved ones. These stressors are only part of what we have reckoned with this year. We are tired. Let's be kind and gentle with one another.

Warmly,

**Laura**

Laura C. Smythe, M.A., M.A., J.D.

University of Idaho Ombuds, September 30, 2021

# The Ombuds Office 2020 – 2021 Annual Report

## University of Idaho

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### History of the University of Idaho Ombuds Office

The Ombuds Office at the University of Idaho has now been in place for 29 years and has grown from one part-time Faculty Ombuds to a full-time Ombuds serving the entire university population, including faculty, staff, students, administrators and the occasional concerned parent, retiree, or alumni. The first full-time Ombuds serving all constituents, R. Ellen Schreiber, retired at the end of 2015. Laura C. Smythe joined the University in October 2018 as the eighth Ombuds. See Appendix A for the history of the Office.

### Mission, Purpose and Function

The mission of the University of Idaho Ombuds Office is to foster and support a positive and productive working, learning and living environment for faculty, staff, students, and administrators. The office fulfills this mission by promoting mutual respect, scaffolding mindful communication, enabling fair processes and helping to manage and resolve problems that emerge within the university.

The Ombuds Office officially became policy in 1999. The *Faculty-Staff Handbook (FSH) 3820 A-1* states “*The establishment of an ombuds office is predicated on the following premises: (1) disagreements are inevitable in human organizations; (2) unresolved conflict inhibits productive enterprise and disrupts interpersonal relationships; and (3) an impartial third party may afford insights and informal processes for conflict resolution.*”

The primary purpose of the Ombuds Office is to assist members of the university community with resolving their own problems or conflicts informally, and at the lowest level possible, by providing a safe place where individuals can speak confidentially and candidly about their issues of concern. The Ombuds services are voluntary, and people contacting the Ombuds are referred to as “visitors”. Visitors receive assistance with clarifying their concerns, understanding applicable policies and procedures, and identifying resources and response options to address their concerns. Like many U.S. academic Ombuds offices, the UI Ombuds Office embraces a solutions-focused approach to problem solving. Although the Ombuds may help the visitor to

The Ombuds Office adheres to and operates by the ***Standards of Practice and the Code of Ethics*** established by the International Ombudsman Association (IOA) for Organizational Ombuds. The four key tenets are:

- **Confidentiality\***
- **Impartiality/Neutrality**
- **Informality**
- **Independence**

(Definitions Appendix B)

*\*Certain limitations apply, e.g., concern for imminent harm to self or others and abuse of populations that cannot take care of themselves.*

identify possible response options, the visitor always remains empowered to, and responsible for, selecting her or his own course of action or non-action. The office also serves as a catalyst for positive change by helping to identify issues of concern, and by providing timely upward feedback when appropriate.

The Ombuds Office mission and purpose are accomplished by the following:

- Listening to concerns compassionately and non-judgmentally
- Analyzing problems and exploring possible response options
- Providing information about policies and services
- Providing leadership, management and supervisory consultation/coaching
- Referring to campus and community resources
- Coordinating with other university offices
- Working with groups of all sizes to develop cultures of respect and collaboration
- Providing individual and group/unit conflict coaching
- Facilitating dialogue between individuals and groups
- Mediating disputes
- Providing training in human relations, communication and conflict management
- Noting trends and impacts
- Identifying means to improve problematic systemic trends

The benefit to the University of Idaho is the potential for greater workplace satisfaction, improved morale, greater retention of students and employees, higher efficiencies and fewer unnecessary formal processes, including legal action.

The Ombuds Office does not maintain identifiable records about individual or group issues. The office keeps only non-identifying statistical information and keeps it only long enough to generate this report.

An Ombuds is not an official agent of the university and will not serve as a witness nor offer testimony in any formal proceeding, unless required by law. Individuals using the services of the Ombuds Office retain their rights to all formal procedures ordinarily available to them and are solely responsible for determining their course of action.

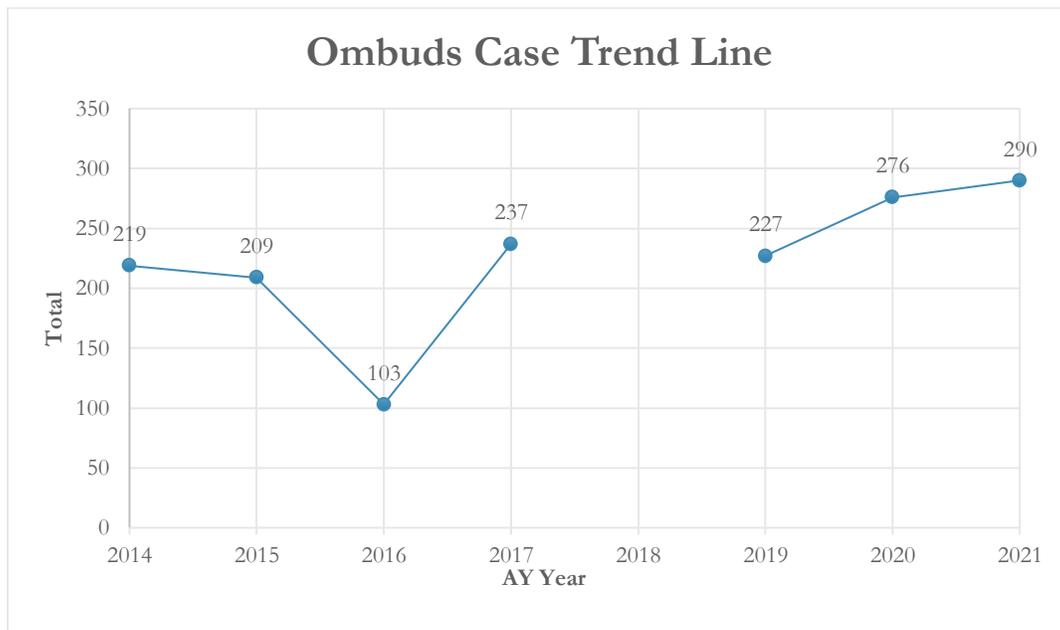
## Year in Review

2020-2021 was a year unlike any other in my personal experience. The pandemic has traumatized many of us in ways we may not yet recognize. This collective trauma presented with an increased need for a safe place on campus and the continued increasing usage of the Ombuds Office.

The Ombuds had 290 individual cases with a definitive increase in complex cases and cases involving 4 or more visits per case. As is highlighted on p.9 of this report – in 2021, 209 cases involved 4 or more visits per case, reflecting a **227% increase** of cases with 4 or more visits compared to 2020. The Ombuds also conducted 11 mediations, 103 facilitated discussions and 26 group facilitations; provided 68 visitors with long-term coaching; and gave 17 trainings, 3 guest lectures, presented at the ABA-Dispute Resolution Section Annual Conference and provided 5 free professional consults with colleagues across the country including one consultation with a Conflict Resolution Officer at the U.S. Department of Education and 4 consultations with peer Ombuds. See Appendix C for descriptions of each type of service.

**“We are fundamentally social creatures – our brains are wired to foster working and playing together. Trauma devastates the social-engagement system and interferes with cooperation, nurturing and the ability to function as a productive member of the clan.”**

– Bessel Van Der Kolk, p.351 *The Body Keeps the Score: Brain, Mind and Body in the Healing of Trauma*



**Figure 1: Total number of Ombuds cases by year.** Note that 2016 was a transition year with no Ombuds during one month and three different Ombuds throughout the year, resulting in variations in data collecting methods. 2018 was another transition year without a full-time Ombuds and 2019 was an incomplete year reflecting data from 9 months rather than 12 months.

## Number of Cases by Month

The case distribution by month typically reflects a decrease in cases at the end of each semester when most students, staff and faculty are preoccupied with wrapping up the details of the semester. That happened again this year. As in previous years the middle of Summer was also slower. February, March and April were, again, particularly busy in large part due to the evaluation period and concerns about returning to the workplace. *Please also note that the number of cases reflected below represents only new cases initiated in any given month.* It does not reflect all cases being addressed in any one month.

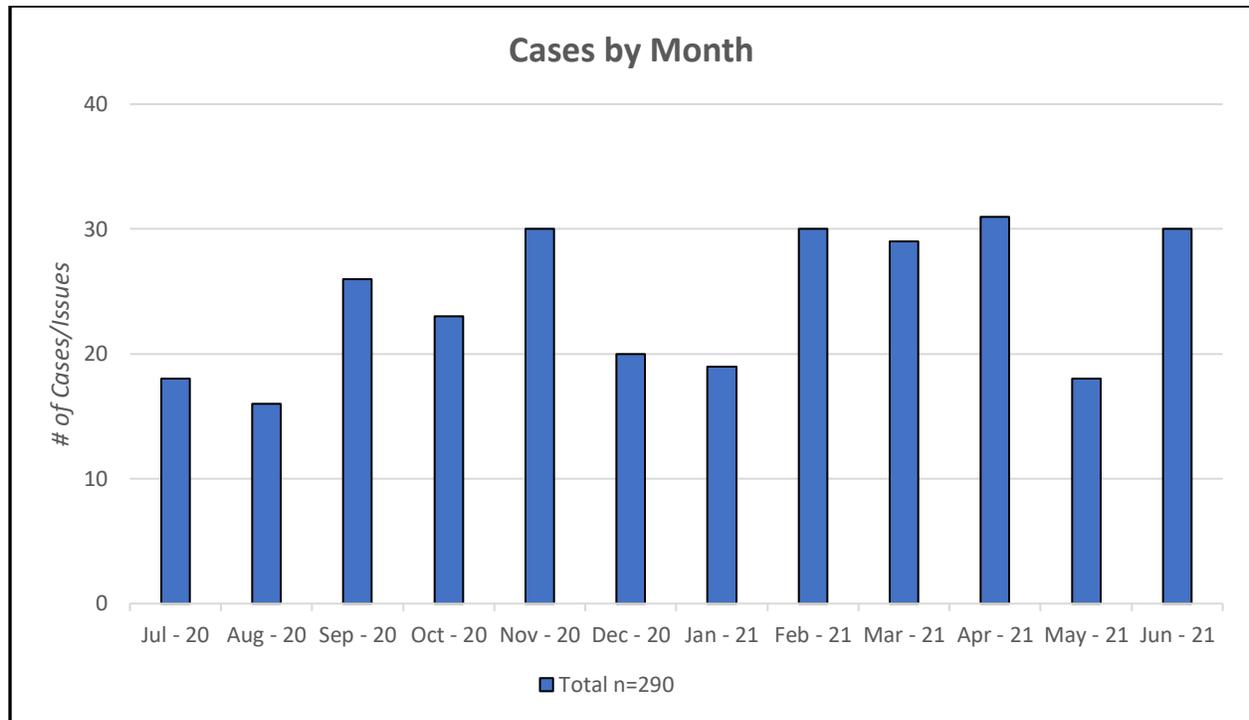


Figure 2: Cases by month, 2020-2021

## Nature of Visitors and Contacts

**Table 1: Nature of Visitors and Contacts, 2020-2021**

Female	Male	Self-Referred	Referred
53%	47%	86%	14%

This year saw more of a balance in gendered identity of visitors. This year females made up 53% of visitors down from 62% in 2020 and male visitors made up 47% of visitors this year compared to 38% in 2020. In future years those who are comfortable filling out a survey based on their experience with the Ombuds will also be asked if they identify as non-binary. Fourteen percent of visitors were referred by others, and 86% were self-referred. This represents only a slight decrease over the number of visitors referred by others in the last annual report (18%). This increase in self-referrals and decrease in third-party referrals may reflect the number of visitors with whom I have already met.

## University Affiliation

The Ombuds Office provides services to all faculty, staff, students, and administrators of the university with the affiliation designation tied to the party/parties initiating an individual case. The affiliation of all parties within a case is not documented. The people involved in any one case may include one or multiple administrators; chairs; supervisors; exempt, classified, part-time, temporary staff; students; or other individuals connected with the university. The 'Other' category includes temporary help (TH), consultants, visiting faculty, former students, former employees, parents, employment applicants, retirees, and campus visitors that are tracked as long as an issue pertains to a current experience with the university.

Table 2 on the next page shows the distribution of cases based on the initiators' university affiliation. Visitor affiliation changed a bit as compared to last year. Although exempt and classified staff continue to make-up the largest number of cases at 38%, the composition of that percentage has changed and is more balanced than last year. In 2021, exempt staff decreased from 35% to 21% and classified staff increased from 12% to 17%. Tenured and non-tenured faculty cases combined were 20% and this represents a decrease from last year's 26%. Graduate and undergraduate student cases combined increased significantly from 15% of cases to 26% of cases and administrators, including directors, increased from 12% of visitors to 16% of visitors.

**Table 2: University Affiliation**

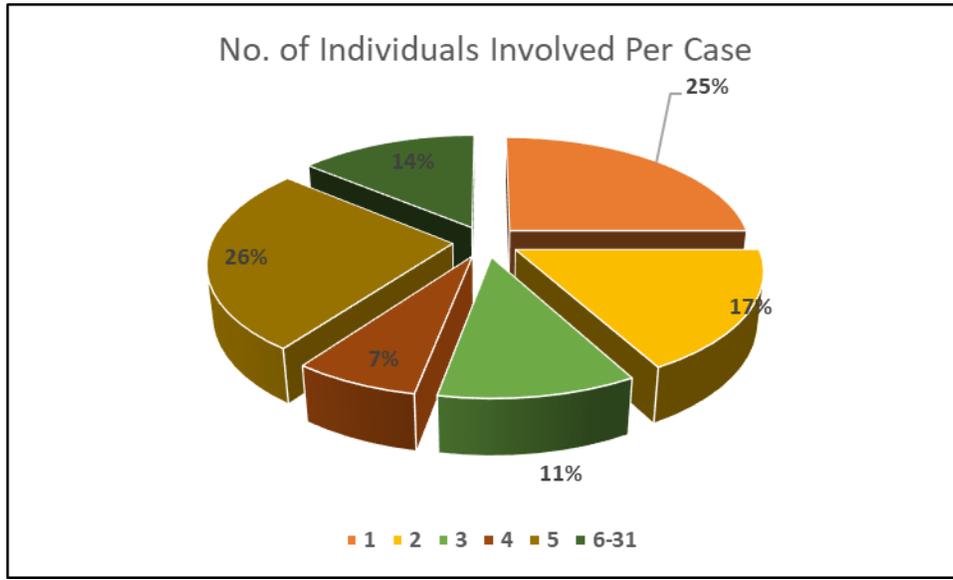
<b><u>Affiliation</u></b>	<b><u>2014-15</u></b>	<b><u>2015-16</u></b>	<b><u>2016-17</u></b>	<b><u>2017-18</u></b>	<b><u>2018-19</u></b>	<b><u>2019-20</u></b>	<b><u>2020-21</u></b>
Percentage	%	%	%	%	%	%	%
Classified Staff	33	31	23		27	12	17
Exempt	12	15	18		16	35	21
Faculty (tenure-track)	16	22	22		30	26	20
Faculty (non-tenure track)	5	4	6		0.4	0	0
Administrator (Director up)	8	7	6		13	12	16
Undergraduate	10	10	8		9	12	21
Graduate Student	8	4	9		2	2	4
Graduate Assistant (TA & RA)	0	0	4		2.5	1	1
Other (Alum)	7	6	4		0.1	0	0
Retiree	0	0	1		0	0	0
<b>Total</b>							<b>100%</b>

The most significant deviations from the previous Annual Report are a significant increase in undergraduates (12% to 21%), and a significant decrease in exempt staff (35% to 21%). Faculty decreased a bit and Administrators and classified staff both increased a bit. The increase in undergraduates is, I believe, a direct reflection of working remotely. Many students reported feeling more comfortable reaching out to the Ombuds informally and meeting via Zoom rather than considering an office visit.

### **Volume of Individuals and Number of Contacts per Case**

Figure 3 and Table 3 show that single party cases remain the most common from last year to this year, although the statistics for this year reflect a decrease from 65% of cases involving only one visitor in 2020 to 25% of cases involving only one visitor in 2021. These statistics also reflect a significant increase in the number of people involved per case and the number of contacts per case. As is reflected in Figure 3, 116 cases (up from 36 cases in 2020), or 40% of cases, involved five to thirty-one visitors. These cases were complex and often involved multiple contacts and contacts with others who were not directly involved in the cases. Those secondary contacts were not counted.

In addition, in 2020, 23% of cases involved 4 or more contacts and this year **72%** of cases involved 4 or more contacts. The total number of cases increased from 276 to 290 and visitors increased from 1,225 to 1,421.



**Figure 3: Number of Individuals Involved Per Case, 2020-2021**

**Table 3: Number of Contacts by Case**

<b>Number of Ombuds Contacts/Case</b>	<b>No. of Cases/% of Cases</b>
1	15 / 5%
2	22 / 8%
3	44 / 15%
4-5	90 / 31%
6-31	119 / 41%*
<b>Totals: 1-31</b>	<b>290 / 100%</b>

\* Please note the tremendous number of cases requiring 4 or more contacts. There was a **227% increase** in these types of cases compared to last year. In addition – please also note that each contact could represent one or more visitors. A contact/case represents the number of meetings the Ombuds had with the major participants regarding any one issue/concern.

## Types of Appointments

During this academic year, almost nobody asked for an in-person meeting. I accommodated those who did which accounts for only .3% of all visits. Given the gravity of the situations that cause visitors to reach out to me – and the emotional nature of so many of our conversations - it does not feel appropriate in most circumstances to meet face-to-face with masks on. Being able to see each other's faces and facial expressions is key to building trust with new visitors and is important for my visitors to feel both safe and heard. As a result, other types of appointments were made available during this academic year. 21% were by phone, 16% were conducted by email, 58% were conducted by Zoom and 5% were conducted by text. Many cases involved multiple forms of contact. These numbers reflect only the primary mode of communication.

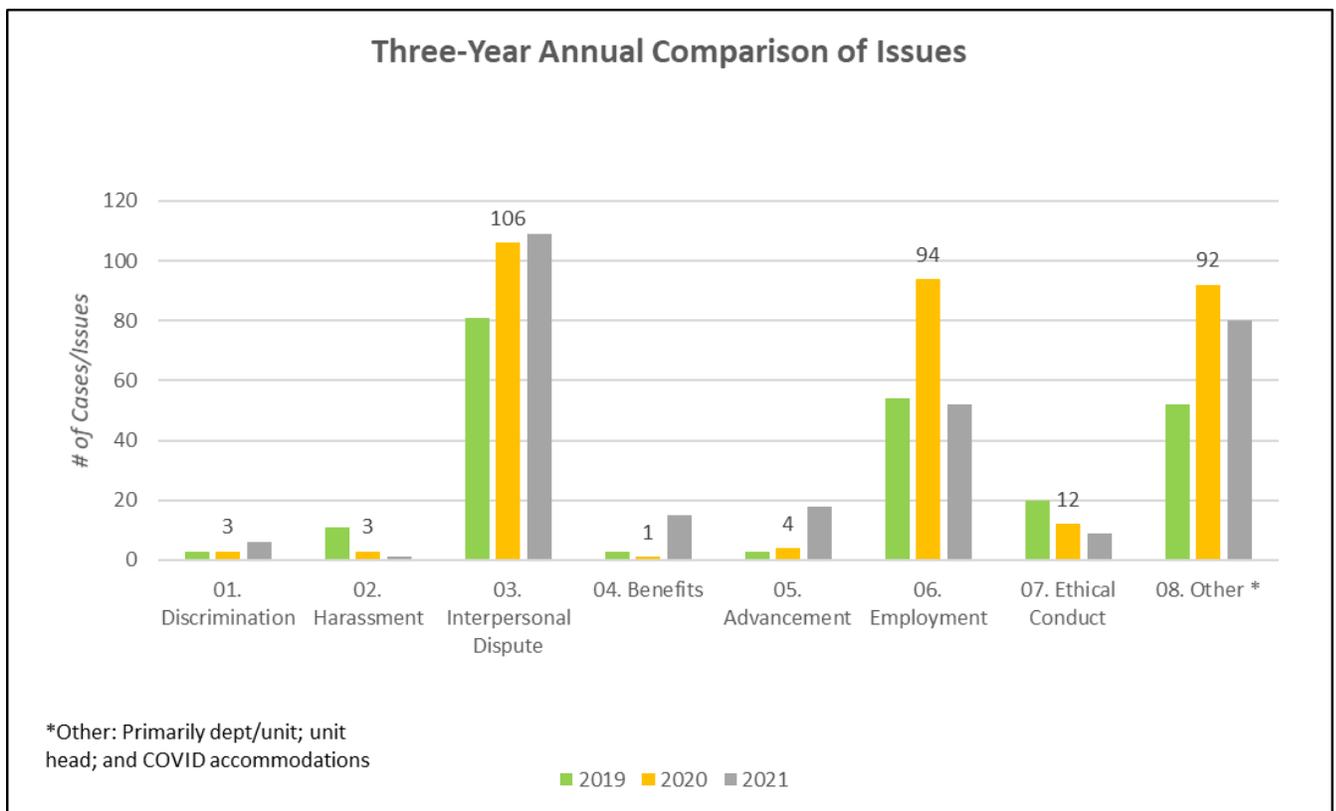
“It’s important to remember that forgiveness doesn’t mean condoning bad behavior, or that we need to interact with people who have hurt us. Discriminating wisdom...understands that all people are imperfect, that we all make mistakes. Being human involves doing wrong at times. This means that to judge one person is to judge the whole world. But to forgive one person is to forgive all the world – ourselves included.” – Kristin Neff, p.199 *Self-Compassion*

Visitors continue to report that being able to talk openly with an informal, confidential and impartial person about their concern and to have their concerns discussed without judgment was instrumental in feeling emotionally heard and empowered to move forward. Some visitors have thanked me for being a safe place in a tumultuous world. Others have expressed their appreciation for helping them to develop and execute skills they had doubted they could.

Cases vary significantly for involvement needed. This involvement was reported as ‘*number of contacts*’ in Table 3. *Only 5% of cases (compared with 49% in 2020) involved one visit or contact with no further Ombuds/visitor/other involvement.* This single contact may involve several hours of consultation in a single session. A typical session is scheduled for 60-90 minutes; however, many last longer than this. The remaining cases involved multiple consultations or contacts, either with the visitor alone (the person bringing the case) and/or with others as needed. The total number of contacts for 2020-2021 was 2,102 (compared to 1,225 in 2020). *Note in particular the significant increase in the number of cases involving four or more contacts. The number of these cases increased from 64 cases (23% of cases) to 209 cases (representing 72% of cases). The increase in hours invested per case is difficult to overstate. At the risk of repeating myself from last year, visitors to the Ombuds office in this year had significant concerns and asked for ongoing support in numbers never before experienced in previous years in this office.*

## Nature of Problems

Every organization has concerns or problems that emerge within the normal course of conducting business. The University of Idaho, similar to other organizations, provides multiple resources in addition to the Ombuds Office to help members of the community address their issues constructively. It is the confidential, impartial, informal and independent features of the Ombuds Office that most often prompt visitors to seek Ombuds services, especially as an initial resource. While contact with the Ombuds Office is confidential, the presenting *issues* are tracked. In noting the *nature* of problems, the Ombuds Office can inform the University of areas requiring attention. Figure 4 below, shows the distribution of problem categories received by the Ombuds Office across three years, 2019, 2020 and 2021. Descriptions of each category are in Appendix D.



**Figure 4: Problem type by FY years, 2019, 2020 and 2021. Please note that the number does not exactly match the number of cases (290) in 2021. Some cases involved several enmeshed issues. See also Appendix D on p. 26.**

## Resolution of Problems

The Ombuds use a variety of strategies to assist visitors with addressing concerns, and most cases involve multiple actions. Therefore, the Strategies categories below are *not* mutually exclusive. Five basic categories of Ombuds’ strategies are summarized in Table 4.

**Table 4: Strategies Used by Ombuds 2020-2021**

<b>Strategy</b>	<b>Cases</b>	<b>% of Cases*</b>
Information	254	88%
Problem exploration	270	93%
Intercession (e.g. mediation, shuttle diplomacy, facilitated discussions)	140	48%
Referrals (e.g. EAP, Counseling & Testing, HR, Civil Rights, Diversity)	38	13%
Longer Term Coaching	68	23%
Witnessing	14	5%
Training	17	6%

\* Cases, n = 290. Note that it is common to use one or more strategy per case. Categories are not mutually exclusive and therefore exceed 100%.

## Outreach and Other Services

The Ombuds Office contributes to the University’s Strategic Plan most directly by supporting Goals 3 and 4 respectively: *Increasing our educational impact and fostering an inclusive, diverse community of students, faculty and staff to improve cohesion and morale.* The Ombuds addresses issues of concern for students, faculty and staff that would otherwise pose barriers to the relationships the students and faculty have with one another and with their peers thus creating an environment that feels, and is, safer and is also therefore more conducive to both learning and teaching. The Ombuds also works with individuals and entire units and departments to develop and promote respectful communication and conduct which enhances collaboration and the sense of feeling valued both of which result in improved efficiency and increased retention of students and employees. The numbers of administrators and unit leaders seeking the support of the Ombuds speaks to both the increasing complexity of concerns on campus as well as the willingness of our leaders to continue learning and seek assistance when they are frustrated with a situation. The ability of leaders within an organization of higher education to role model continuous learning is invaluable for the climate of our entire University. *This increase in leaders seeking assistance from the Ombuds office not only reflects,*

*as it did last year, the number of conflicts that are not being resolved at the lowest level and are instead consuming the resources and time of many levels of leadership, but also reflects the increasing sense that entire units and departments are in need of help to re-set or improve their climate and culture.*

Outreach activities include coaching leaders at all levels, facilitating difficult conversations and training/teaching about: respectful communication, mediation skills, conflict management, change management, leading vs. managing, and self-care classes through Employee Development and Learning (EDL), and through individual seminars and group facilitations for academic departments and support units.

### **Outreach**

Throughout this past year the Ombuds was consumed with stressors across our campuses and so the proactive Outreach was less than in prior years. I was also unable to travel to various campuses which limited my in-person reach to all of our employees and students. In addition to the services noted above, the Ombuds did, however, facilitate online campus retreats for 4 different units and worked with leadership in several different colleges to work on systemic concerns and skill scaffolding for varying members of the respective colleges.

### **Other Services**

#### *Employee and Student Development*

The Ombuds provided employee professional development classes (primarily focusing on conflict management and change management), unit and department in-service trainings, culture coaching and leadership coaching. In addition, in collaboration with the Provost's Office I designed and led an 8-hour training for faculty leadership in conflict management. Those who participated in the training were nominated by the Deans/Executive Officers of their respective colleges and campuses. Participants uniformly reported the value and relevance of the training. I also worked with EDL to create a similar training designed for staff to build on the introductory conflict management training I have previously offered through their office. That training will take place in Fall of 2021.

#### *University Service*

The Ombuds provided service to the broader university community through continuing ex-officio participation on both the Professional Development Coordinating Committee, and on the OVW Grant Coordinated Community Response Team for the Women's Center. In addition, at the request of the Office of Equity and Diversity, I provided a training on "The Art of De-Escalation: Assertive or Aggressive Language" to students, staff and faculty. I also worked with Human Resources and the Provost's Office to provide some training to both staff and faculty leaders on conflict management and ethical communication through the Supervisor's Series that they hosted in the Spring.

### *Professional Service*

The Ombuds is a member of the International Ombudsman Association (IOA) and the Ombuds Committee in the Dispute Resolution Section of the American Bar Association (ABA). I was honored to present at the ABA Dispute Resolution Section Annual Conference in April on “Leveraging Disruption to Reinvent the Role of an Organizational Ombuds”. The result of this presentation was, as previously noted in this report, the request to consult with 5 other professionals engaged in conflict management work including the U.S. Department of Education.

In the Spring of 2020, the Ombuds was asked to work with a state (confidentially) to address system change across the entire state in its work to address prevention of substance misuse and abuse and I continue to consult on behalf of this state.

### *Professional Development*

The Ombuds is committed to ongoing professional development and engages regularly in reflective practice with other experienced academic, healthcare, government and corporate Ombuds through video conferencing, email and phone consultation, when opportunities become available. Reading and research on relevant topics are also part of the Ombuds’ regular practice. In 2020-2021, the Ombuds attended both the IOA annual conference and the ABA Dispute Resolution Section annual conference. They were both held online.

## **Efficacy of the Ombuds Office**

The definition of a successful outcome and Ombuds efficacy cannot be gauged by whether a problem is ultimately resolved according to a visitor’s satisfaction or an Ombuds’ preference. Some visitors consult with the Ombuds with the hope that the Ombuds will solve their problem for them. It is always the visitors’ decision regarding how, or whether, they choose to resolve their issues. They retain full agency regarding their response. There are multiple descriptors of success:

- Visitor better understands her concern and identifies solution options.
- Visitor feels better supported and less stressed.
- Visitor is better informed and prepared to self-advocate, act or not act and better understands the potential benefits and consequences of his choices.
- A potential problem is avoided.
- Further deterioration or escalation of a situation is avoided.
- A manifest problem is resolved.
- A policy or system problem (and a potential modification) is identified.

- Observations and recommendations are made to one or both of the governing bodies.
- Entire units are scaffolded to recognize and address barriers to successful and respectful communication and collaboration.

Helping visitors and all parties to be more respectful, effective, constructive and fair in seeking solutions to their concerns, and to reduce harmful tensions or hostility are considered successful outcomes from the perspective of the Ombuds Office.

However, there are many problems where no remedies or resolution options are available. Some cases can leave visitors with few options, such as:

- Termination for cause or performance;
- Intractable disagreement over disciplinary actions and/or evaluation ratings;
- Differing expectations for a position and/or for the corresponding compensation;
- Many academic or employment decisions with clear processes and policies; and
- Many academic or employment decisions where no clear procedures or policies exist.

In these cases, being heard and being able to confirm that a relevant policy or action was appropriately or fairly applied, including talking about possible next steps, are crucial to moving forward for all parties. Where procedures or policies are vague, this also helps visitors gain insight that can assist their decision-making about next steps.

**I assume the validity of the experience and perspective of each visitor.** This is critical to the quality of being heard and understood that most visitors tell me is invaluable. Because I do not judge their experience or their perspective, visitors are empowered to be honest and to be vulnerable and because I listen without judgment, visitors often feel safe enough to explore their own conduct, response to others' conduct and to take responsibility for that which they can control. Each year this intervention alone has likely lessened the emergence of unnecessary escalation. The most common and highly appreciated benefit reported to the Ombuds is being heard without judgment or fear of retaliation and being assisted with sorting out issues and response options. Visitors report appreciating the safety they feel that results from the confidentiality, impartiality, informality and independence of the office. Visitors report feeling supported, respected, calmed and empowered with specific skill sets to address their situation.

## *Assessment*

When assessing the impact of Ombuds services, results are difficult to measure since visitor perceptions of outcomes are often tied to factors outside of an Ombuds' role (an Ombuds cannot reverse decisions, change a grade, or adjudicate complaints, etc.) In addition, confidentiality precludes the use of many of the usual forms of evaluation.

The Ombuds Office uses three methods to assess the outcomes and impacts of services. The first is a feedback and evaluation form. For individual visitor meetings, the Ombuds office now refers visitors to an online feedback form which, when filled out, is sent directly to the President's Office. These forms are summarized for the annual Ombuds' evaluation discussion. A voluntary anonymous feedback form is also given to individuals who have received group training from the Ombuds. These are also delivered to the President's Office.

The third form of assessment is based on the Ombuds' self-analysis of completed cases ranking each case resolution between 'Satisfactory', 'Neutral', and 'Unsatisfactory'. These assessments are not a measure of visitor satisfaction. They are used as an element of reflective practice. The scale attempts to help the Ombuds evaluate the service provided and outcome of each case as objectively as possible. Appendix E describes the Outcome Identifiers that fall within each category and that guide the Ombuds' appraisals.

As in previous years, the greater number of cases gauged to be positive outcomes reflects the Ombuds' observation that the activities noted below generally contributed to more positive and less negative outcomes for most issues. This was true even when the visitor had received an irrevocable action from the University. Despite not attaining a full resolution, an adverse situation that stabilizes and does not decline further, may at best be considered a satisfactory or, at the least, a neutral outcome.

Contributing to more positive and less negative outcomes may, more specifically include:

- Non-judgmentally actively listening, empathizing and understanding;
- Working through an issue or problem with an impartial skilled listener;
- Developing a broader perspective on the problem;
- Identifying relevant policies and procedures;
- Developing constructive response options, and
- Having difficult conversations mediated directly or indirectly.

## **Ombuds Observations and Comments**

Most concerns or problems brought to the Ombuds Office are specific to a set of circumstances or particular individuals. However, when issues appear to be systemic within a college or division, or reflect broader trends that might warrant further attention, the Ombuds may share these directly with the relevant administrator(s) and make recommendations in accordance with the provisions of *Faculty-Staff Handbook*. Individuals bringing the concerns are still kept confidential and when possible, individual colleges and departments are also kept confidential.

*“The ombuds is encouraged to comment on policies, procedure and processes with an eye to positive future change. These observations should be shared with the administrators and bodies with jurisdiction over those policies, procedures, and processes.” (FSH 3820 B-6)*

### Workplace Culture and Climate

This last year has been, without a doubt, one of the toughest years of my professional experience. The global pandemic has called upon all of us to draw from the depths of our beings to practice resilience in the face of constant change, uncertain resources and strained personal and professional relationships. It has required us to do this while also limiting our access to social situations and individuals who would otherwise help us to feel supported, cared for and appreciated. It has asked us to work harder, more creatively and more thoughtfully given the friable and tenuous state of so many of us on any given day. As an office of one – it has both been my honor to be of support to so many – and my constant challenge to be available both intellectually and emotionally – to so many. Thank you for your support and your understanding.

### Cultivating Resilience

It would be redundant to note, again, the fatigue and stress identified by the Ombuds in the last two Annual Reports. We are aware of our own exhaustion and it is now important, I believe, to focus on how we move forward. Resilience is key. Resilience is defined as “the capacity to recover quickly from difficulties; toughness,” (OxfordLanguages.com). It is also the capacity to recover with some semblance of hope and determination that recovery will be worth it; will be meaningful. Never before have we needed to cultivate this skill more.

The Ombuds has witnessed this need every day in the last year through visitors who talk about wishing they could work from home to better care for their family members, visitors who wish they could work in the office because they cannot find quiet or a place to concentrate at home, visitors who have lost the ability to check in with aging parents because visits were not permitted, visitors whose colleagues and they did not share the same sense of what is safe behavior during

a global pandemic, visitors who have colleagues working from home while they do not have the same flexibility, visitors who have adapted to so many changes in the classroom it is tough to find the energy to work with one more change/adaptation, visitors who have had trouble communicating with their professors because they miss the opportunity to talk before and after class and so on... The lines between work and home were blurred and messy and change was ever present.

Each time we adapt to a change, each time we view a challenge as not a barrier to our work and efficacy but, instead, as an opportunity to learn and grow, we build our resilience. Resilience is tough to build though in isolation. Our students and employees need opportunities to discuss the varying situations that have caused them to need to practice resilience. Our University family needs opportunities to identify the very real traumas from which we are all recovering in order to feel seen, in order to feel heard, in order to feel understood and in order to move forward. We need opportunities to reflect upon the hardships we have experienced so that we can learn from them and we can prove to ourselves that we are more resilient than we had perhaps thought possible.

Supervisors and leaders at all levels can encourage resiliency and a healthy transition in the upcoming academic year through some of the following practices:

- Consider convening your unit (regardless of size) at the beginning of the Semester and allowing participants (voluntarily) to decide if they would like to discuss that which has been hardest for them this past year. To begin the Fall Semester without some sort of acknowledgment about the unique flavor of this past year would be a mistake. None of us has come through this past year unscathed and to ignore the pain and the remarkable resilience demonstrated is to miss an opportunity both to build a culture of shared experiences as well as an opportunity to communicate to all who make up our University that we know this past year has been extremely difficult and we appreciate the strength and resilience that they have shown in order to still be with us today.

Consider using such a convening to also discuss lessons learned, creativity embraced, resilience demonstrated and to celebrate those accomplishments.

Consider using such a convening to ask what practices can be improved upon or modified to better serve both our students and our employees.

- Consider adding to your regular meetings a dedicated time (it need not be long) during which your unit reflects on values, resource allocation, and mindful analysis of patterns of behavior which may no longer be serving you well. Resilience is also built through a mindful, studied practice of reflection that embraces constant change and recognizes that habituated patterns are not always the most useful patterns. It assumes that such mindful

attention to patterns of behavior ultimately results in more relevant and engaging practices for everybody.

- Pay attention to people within your unit whose behavior has changed, whose personality has changed or whose productivity has declined. All of these are possible indicators of emotional fatigue, trauma and stress that may require the assistance of professionals.
- None of us know exactly what each of our colleagues experienced in this past year. Practice grace and compassion. This does not mean that we allow others to treat us disrespectfully but it does mean that we extend permission for all to make mistakes knowing that when we are exhausted and traumatized by overwhelming changes, loss and lack of social outlets, we are not at our best. We are definitely more friable. Many of us need some professional support. Many of us need only for somebody to listen to our story without judgment or offering suggestions.
- Consistent with unit objectives, job descriptions and staffing requirements, consider where flexibility may be increased or improved. Adaptability is key to resilience. Agency is also key to resilience. What decisions need to be made by leadership within the unit due to expertise, timelines, authority? What decisions can be made by consensus to increase engagement among all within the unit and to increase our employees' and students' sense of being a valued contributor to the work and culture of each unit and department?

### *Cultivating Safety*

In addition to the above stressors, increasing numbers of visitors to the Ombuds Office have discussed feeling unsafe on campus. This concern comes from our students, our staff, our faculty and several administrators. Faculty report feeling unsafe due to state legislation and how they perceive that to impact their work in the classroom and labs. Faculty report feeling unsupported when a student complains about them because they (the faculty) don't feel like they have a clear advocate when discussing their perspective. Students report feeling unsafe and unsupported when a faculty member or a staff member treats them disrespectfully because they (the students) don't feel like they have an advocate for their perspective. Minority faculty, staff and students report feeling unsafe when they express minority opinions, lifestyle choices and /or values. This is by no means a comprehensive listing.

As an organization of higher education it is incumbent upon all of us to both role model and teach our students what inclusivity looks like and feels like. It is not adequate to only talk about it. We must act upon it. Many of us work toward this goal every day and still visitors to my

office discuss feeling unsafe in record numbers. Each of us can contribute to a safe and inclusive climate and culture. All humans carry prejudice based on their upbringing and life experiences. We know this implicitly. The challenge is to be mindful of it and not to act on it. The challenge is to be curious about that which we don't know or understand rather than to be judgmental. Our brains operate more efficiently by identifying patterns among those with whom we interact. That means if somebody acts unkindly toward us, or we feel injured by a person, our brain tells us to distrust this person the next time we meet that person. If a cherished family member tells us that they don't trust people who make a particular life choice, it takes a lot of energy to remain open to viewing that life choice as one that may make sense to others and have some validity. It takes energy to assume that most people bear us no ill will and to remain curious about people who make different choices than we would in similar circumstances and to remain open to different approaches to problem solving without dismissing them as inferior to our own customs and preferences. It takes a great deal of energy to respond to an unkindness with compassion. It can also be powerfully transformative. People behave in a way that makes sense to them given their life experiences. We are not always aware of what informs their opinions and conduct. Remaining open and curious, however, is much less likely to result in an escalation of antagonism than is a counter-assault and curiosity may result in increased understanding.

It is incumbent upon each of us to let others know when they have done something or said something that feels hurtful or disrespectful. How else will they learn? It is incumbent upon each of us to remain open to hearing that we have unintentionally harmed somebody through our own words or actions and to be willing to act on that information with grace. If we, as members of a higher education organization, do not embrace learning on a daily basis, who will?

We have accomplished so much and done so well despite tremendous obstacles. We have a great deal to celebrate. We have made progress with student enrollment and with our budget. Units whose personnel were reduced due to financial constraints have dug deep and produced remarkable results. It is time to embrace those of us who have endured and persisted.

We have lost some wonderful members of our community as a result of both budget constraints and the stressors of Covid-19. Just as we work on student retention, it will also be equally important to work on employee retention. We have remarkable students and employees. Research indicates that employees report their loyalty to an organization is influenced more by feeling valued and useful than it is by their salary. Consider the significance of that. Supervisors at all levels can contribute to our employees' sense of well-being by:

- \*Revising old and outdated job descriptions;

- \*Being clear with each employee about their respective scope of authority so that each employee can grow into their authority and bloom without overstepping their roles;

\*Taking seriously and looking into (and/or referring to the Ombuds office) complaints about unprofessional conduct within their unit. Suggestions made in last year's report remain relevant this year:

“Assume the validity of a complaint about offending conduct. Take it seriously and look into it. This does not mean that you need necessarily agree that it is a problem or that it is offensive. To validate how somebody is feeling is not the same as agreeing. It is validating to let an employee know that you can see he is concerned and that you care enough to explore the circumstances that have caused his concern. It is very discouraging to have a problem and feel as though no one believes you or cares enough to support you as you attempt to resolve it. The Ombuds can certainly help to address these situations, and, at some point, if the employee chooses to stay employed, s/he must return to their work environment. Many visitors to the Ombuds office feel as though they have no advocate anywhere within the University when they have trouble working with a supervisor. As an impartial office, the Ombuds can support a visitor, scaffold skill sets, facilitate and mediate conversations and brainstorm possible responses. The Ombuds cannot, however, advocate for a visitor. Most visitors expect their supervisors to be their advocate and they feel hopeless when it is their supervisor who is either the source of the conflict or who appears to be non-responsive to a concern expressed. As is noted in the book Difficult Conversations – “...in the great majority of cases, the reason the other person is not listening to you is not because they are stubborn but because they don't feel heard,” p.166. We can encourage others to listen to us by first listening to them.”

\*Encouraging employees to consider next steps in their career and supporting their efforts to become eligible for those next steps;

\*Encouraging, when appropriate, collaborative decision-making within the unit;

\*Being clear about your expectations and how your employees can succeed under your leadership;

\*Remaining open to learning;

\*Being as positive as you can be – all emotions are contagious.

The Ombuds Office exists to informally help individuals and bring observations and recommendations, as noted above, to the awareness of the governing bodies of the University. While the totality of issues brought to the Ombuds represents a limited number of people, they are nonetheless significant. It is generally understood that for every single visitor, there are likely

many others who do not come forward and who have the same or similar issues. When responded to effectively by those who have both the responsibility and authority to manage this University, they are likely to steer the course of a culture to a more positive place. The Ombuds remains committed to helping all individuals collectively and collaboratively reach their individual and mutual goals in support of the University of Idaho's mission and values.

## Appendix A

### History of the Ombuds Office

A faculty member first proposed the Ombuds Office to the Faculty Council in 1988. The office was established in 1992 under President Elizabeth Zinser and operated under the title of Office of the Faculty Ombudsman. The office was originally staffed by a half-time faculty member whose responsibility was to serve the faculty.

In response to a growing need for staff ombudsman services, Carol Hahn was appointed interim staff ombudsman in 1994, and served for one year. The following year, the faculty ombudsman's services were formally expanded to include staff. Due to the increase in caseload by 1998, President Robert Hoover approved the addition of a half-time, non-faculty ombudsman. R. Ellen Schreiber was appointed to the position.

From 1998 through 2009, the Ombuds Office expanded to include staff and eventually students. In January 2010, upon the retirement of then Co-Ombuds James Fazio, Ombuds R. Ellen Schreiber became the University's first full-time ombuds charged with serving administrators, faculty, staff and students.

The terms 'Ombudsman', 'Ombudsperson' and 'Ombuds' are used interchangeably in the profession. During approximately the last ten years, the shortened version 'Ombuds' has become the dominant name for this position.

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#### Evolution of the University of Idaho Ombuds Office 1988-present

##### Office

- 1998-2009 **Students** officially allowed to use the services of the Ombuds Office
- 1995 **Staff** officially allowed to use the services of the Faculty Ombuds Office; 'Faculty' dropped from the name
- 1992 **President Elizabeth Zinser** officially established the Faculty Ombuds Office staffed by a half-time faculty member
- 1988 **Ombuds Office** proposed by faculty member to Faculty Council

##### Ombuds

- 2018-present **Laura C. Smythe**
- 2016-2018 **Barbara L. Beatty**
- 2010-2015 **R. Ellen Schreiber** became the first full-time Ombuds
- 2006-2009 **James R. Fazio**, Dept. of Conservation Social Sciences
- 2003-2005 **Charles Morrison**, Counseling and Testing Center
- 1999-2003 **Thomas V. Trotter**, Dept. of Counseling and School Psychology, Special Education and Educational Leadership
- 1998 **R. Ellen Schreiber** was appointed as a half-time non-faculty Ombuds
- 1994 **Carol Hahn** was appointed as an interim staff Ombuds
- 1992-1999 **David J. Walker**, Dept. of Agricultural Economics/Rural Sociology

## Appendix B

### Tenets of the Organizational Ombuds

In fulfilling its purpose, the Ombuds Office at the University of Idaho adheres to and operates by the ***Standards of Practice*** and the ***Code of Ethics*** for Organizational Ombuds as established by the International Ombudsman Association (IOA). Organizational Ombuds differ from Classical/Executive Ombuds and other types of Ombuds in that they do not conduct formal investigations where confidentiality cannot be maintained. Nor do they advocate for anything other than fair process. Organizational Ombuds are not official agents of the University and therefore are not required to report certain events as mandated by Federal law.

***Confidentiality.*** All contacts, conversations and information exchanged with the Ombuds remain confidential and are not disclosed by the Ombuds without the consent of all parties involved. Exceptions to confidentiality exist when disclosure is necessary to protect someone from imminent harm and when otherwise required by law.

***Neutrality and Impartiality.*** An Ombuds is an impartial person on behalf of all members of the university community. As such, the Ombuds remains impartial and unaligned. An Ombuds does not take sides, serve as an agent, represent or 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 promotes and advocates fairness and justice.

***Informality.*** Consultations are conducted ‘off the record’ and *do not constitute notice to the university* in any way. Organizational Ombuds are not mandated reporters for most Federal and State laws. An Ombuds does not become involved in, or part of, formal institutional processes (such as mandatory reporting, formal complaints, investigations, appeals, etc.), unless otherwise specified in policy, and then only as a neutral process observer. 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. Individuals using the services of the Ombuds Office retain their rights to all formal procedures ordinarily available to them and are solely responsible for determining their course of action.

***Independence.*** To ensure objectivity, the office operates independently of all university entities and reports to the highest possible level of the organization. *An Ombuds exercises sole discretion over whether or how to act regarding an individual’s concern, a trend or concerns of multiple individuals over time* (IOA Standards of Practice).

## Appendix C

### Types of Services Offered by the Ombuds

A 'case' is any new or recurrent *issue* (after a previous case closure) that is brought to the Ombuds' attention by one or more individuals seeking assistance. While the Ombuds Office does market its services, it does not proactively seek or initiate cases.

Cases vary from a single informational visit to highly complex interventions involving multiple parties and meetings and requiring considerable time. There may be more than one case initiated by a single visitor if each issue requires independent follow-up.

The number of cases represents a conservative figure since numerous contacts occur informally and spontaneously in the course of conducting Ombuds business, such as during university meetings, training workshops, periodic involvement within units (when multiple concerns emerge) and during training and outreach visits.

While some of these encounters do result in case entries, numerous others are part of the Ombuds' routine function and are not entered for tracking purposes. The number of *issues* and number of contacts tracked are far better reflections of the time the Ombuds spends on cases rather than the number of individual visitors.

**Mediations** are formal facilitated discussions where an agreement is reached regarding future conduct. Some mediations result in written agreements. When legal issues are involved, the mediations are binding and an official agent of the university signs the agreement. Other mediations are non-binding, good faith agreements between parties.

**Facilitated Discussions** are similar to mediations however, they are more informal, and rarely have written agreements.

**Group Facilitations** can be focused on team building, conflict management, culture development or a myriad of other subjects and are a combination of training and working through the leadership's objectives for the group.

**Witnessing** is offered to visitors who wish to meet with others and who feel safer doing so with an impartial observer. The role of the Ombuds in this context is to ensure that all who participate feel heard and respected.

**Coaching** is offered to visitors who request it for themselves or, on occasion, when a supervisor of a new mid-level supervisor recommends the new supervisor work with the Ombuds to develop leadership skills, communication skills, conflict management skills, etc.. Coaching is individually-tailored to the visitor's requested skill-scaffolding.

## **Appendix D**

### **Types of Issues Presented**

Figure 4, Page 11

**Discrimination:** Six cases involving a potential discrimination issue came directly to the Ombuds Office. All six cases alleged sexual discrimination. The situations were discussed and the visitors were referred to the appropriate resources. This number is up 3 cases in last year's Annual Report.

**Harassment:** One cases of harassment came directly to the Ombuds Office. This is two fewer than in the previous Annual Report. This case involved perceived sexual harassment. It was referred to the Office of Civil Rights and Investigations.

#### **Interpersonal**

**Dispute:** The largest category of disputes this year were with or between individuals, totaling 109 cases. This is only slightly higher than last year with 106 cases. Of these cases, the majority were with supervisors, followed by disputes with both co-workers and supervisees. Interpersonal disputes between students (both undergraduate and graduate) and their professors increased slightly from last year.

**Benefits:** There were 15 cases (compared to only one in the last Report) attributed to benefit issues. The majority of cases were about family medical leave and tuition waivers. Many of these were referred to either Human Resources or the Student Accounts & Cashier's Office.

**Advancement:** There were 18 cases related to faculty advancement (compared to four in the last Report). All of these cases were about tenure/non-reappointment.

**Employment:** The employment category had 52 cases relating to specific areas of concern compared to the 94 cases last year. This decrease reflects a bit more stability in personnel allocation this past year than in the last year. The most common sub-categories within the employment category concerned accommodations for disability, evaluations, workload, flexible time and location, unit reorganizations, salary agreements and working conditions. This statistic is a reflection of the widespread stress that our employees experienced in this last year.

**Ethical:** There were 9 ethical concerns. This is 3 fewer ethical concerns as compared to last year. Most of these cases were about unprofessional behavior.

**Other:** The 'Other' category allows for the Ombuds to fill in an issue that is not listed in the other categories. There were 80 cases listed in this category as compared to 92 cases in the previous Report. The majority of these cases dealt with department/unit function, unit head function and Covid accommodations. The majority of the remaining cases were either Covid 19-related or unit/department culture-related.

**Appendix E**  
**Ombuds Self-Appraisal of Outcomes/Impacts of Cases 2020-2021**  
n = 290

**Outcome Category and Specifier**

<b>Resolved satisfactorily with Ombuds Office assistance n=240</b>	<b>82%</b>
<ul style="list-style-type: none"> <li>• <i>Mediation</i>: agreement/compromise reached through mediation; formal action avoided; visitor given another chance or situation otherwise satisfactorily resolved. 4%</li> <li>• <i>Miscellaneous Techniques</i>: conflict resolved short of mediation; may involve “shuttle diplomacy” or similar workshops intervention, with entire unit, or other techniques; formal action not taken. 27%</li> <li>• <i>Facilitated Discussions</i>: Ombuds served, by invitation or suggestion, as neutral observer; may involve role as moderator, but not mediator; visitor satisfied with outcome; formal action not taken. 35%</li> <li>• <i>Coaching</i>: Long-term coaching provided. 24%</li> <li>• <i>Information only or “light coaching”</i> was provided by Ombuds; and/or helps party to self-advocate. Visitor satisfied. 10%</li> <li>• <i>Policy/Procedure</i> or system modification/improvement. 0%</li> <li>• <i>Other</i> 0%</li> </ul> <p><i>Note that in this category more than one process may have been used for a single case and so the process noted is the primary one utilized.</i></p>	
<b>Neutral Outcome (Ombuds had no direct impact) n=42</b>	<b>15%</b>
<ul style="list-style-type: none"> <li>• <i>Neutral Listener</i>: Ombuds role was primarily as a neutral listener; little or no ‘coaching’/or additional information was provided. Visitor already had or did not need information but needed ‘someone to listen’; may have received confirmation of ideas/plans, but nothing new added by Ombuds. 70%</li> <li>• <i>Cancels or ‘vanishes’</i>: Visitor initiated and then canceled or ‘vanished’ after setting appointment or before follow-up action was completed. 20%</li> <li>• <i>‘Unrepairable’</i>: situation upon arrival (e.g. temporary help, already terminated, tenure was denied for appropriate reason, or visitor resigned). 10%</li> <li>• <i>Other</i> 0%</li> </ul>	

**Results Unsatisfactory n=8**

**3%**

- |  |     |
|--|-----|
| • <i>Visitor disgruntled</i> : with Ombuds efforts and discontinued visits or contacts.                            | 0%  |
| • <i>Visitor disregarded</i> : advice/solution and suffered consequences.  | 75% |
| • <i>Lack of cooperation</i> : unfair practice or situation not resolved nor corrected due to lack of cooperation. | 25% |
| • <i>Other</i>   | 0%  |

On occasion, problems would re-surface or new issues arose with previously served parties. Situations that deteriorate after concluding Ombuds involvement are not reflected in the Ombuds' assessment above.

***“It is wrong to tell people not to identify as what they are...We must foster group bonds not by imposing a homogenous identity on everyone but by building a sense of shared humanity that not only respects but actively appreciates everyone’s differences...” – Kohn, S. <sup>1</sup>***

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<sup>1</sup> Sally Kohn is the author of *The Opposite of Hate: A field guide to repairing our humanity*, p.187