
The Ombuds Office 2018-2019 Annual Report

University of Idaho

October 1, 2018 – June 30, 2019

PREPARED BY
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University Ombuds

September 30, 2019

Message from the Ombuds



This 2018-2019 Ombuds Office Annual Report represents the first report in my tenure as the University's eighth Ombuds. This report represents 9 months of my tenure due to a vacancy in the office for several months prior to my assuming the role on October 1, 2018. 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 former President Chuck Staben, President Scott Green, Provost and Executive Vice President John Wiencek 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 and 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 safety within this office and the scaffolding and support they receive in the Ombuds office due to the unique nature of the ethical tenets by which this office operates: confidentiality, impartiality, informality and independence. Support of this office reflects the deep commitment to valuing each and every person who makes up the University of Idaho family.

Warmly,

Laura C. Smythe

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

University of Idaho Ombuds

September 30, 2019

"All fighting against other human beings brutalizes us. It does so because in order to cause harm, we must disarm our compassion in ways that give us permission to act brutally against a human being we would otherwise be able to appreciate."

– Kenneth Cloke ¹

¹Kenneth Cloke is an international mediator, trainer and author. p.188, *Mediating Dangerously*

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University of Idaho

History of the University of Idaho Ombuds Office

The Ombuds Office at the University of Idaho has now been in place for 27 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, 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

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.*

solutions-focused approach to problem solving. Although the Ombuds may help the visitor to 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, less turnover, 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

2018-2019 resulted in a caseload that suggests increasing usage of the Ombuds Office. The Ombuds had 227 individual cases in a 9-month period, which, although less than the 237 cases reported in 2017, reflects a trend, that if consistent over 12 months, would have resulted in a caseload of 303 cases. This would have been the most ever reported in the 27-year history of the office and would have represented a 28% increase in cases since 2017. The Ombuds conducted 24 mediations, 44 facilitated discussions and 15 group facilitations; provided 13 visitors with long-term coaching; and gave 12 trainings and 3 guest lectures. See Appendix C for descriptions of each type of service. *This work reflects a significant increase in both mediations and larger group work than in previous years.*

**“Respect *feels* the same, no matter your age, race, gender, religion, or level of intelligence or ability.” – Paul Meshanko, p.11
*The Respect Effect***

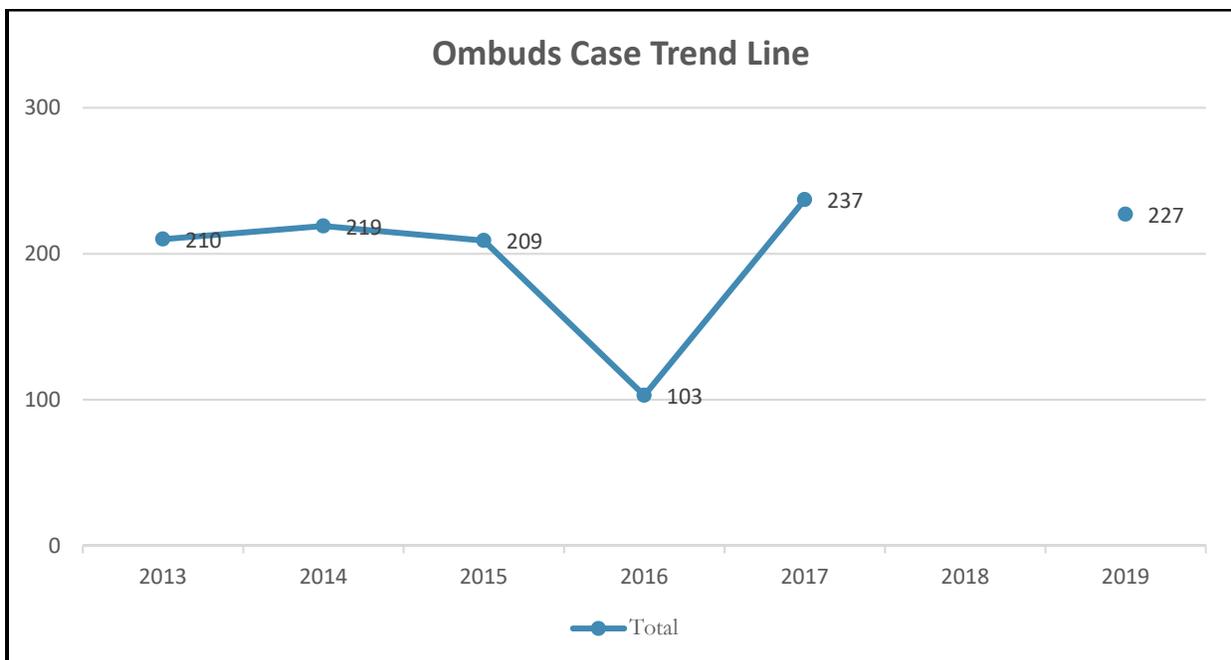


Figure 1: Total number of Ombuds cases by year. Note that 2016 was a transition year with no Ombuds during one month and three different Ombuds throughout the year, resulting in variations in data collecting methods and 2019 is an incomplete year reflecting data from 9 months rather than 12 months.

Number of Cases by Month

The case distribution by month follows a typical ebb and flow throughout the academic year and has been similar for several years. The middle of summer is typically a slower time for visitors. The academic year is clearly busier with peaks in November and February. In this past year, we do not have data for July, August or September of 2018.

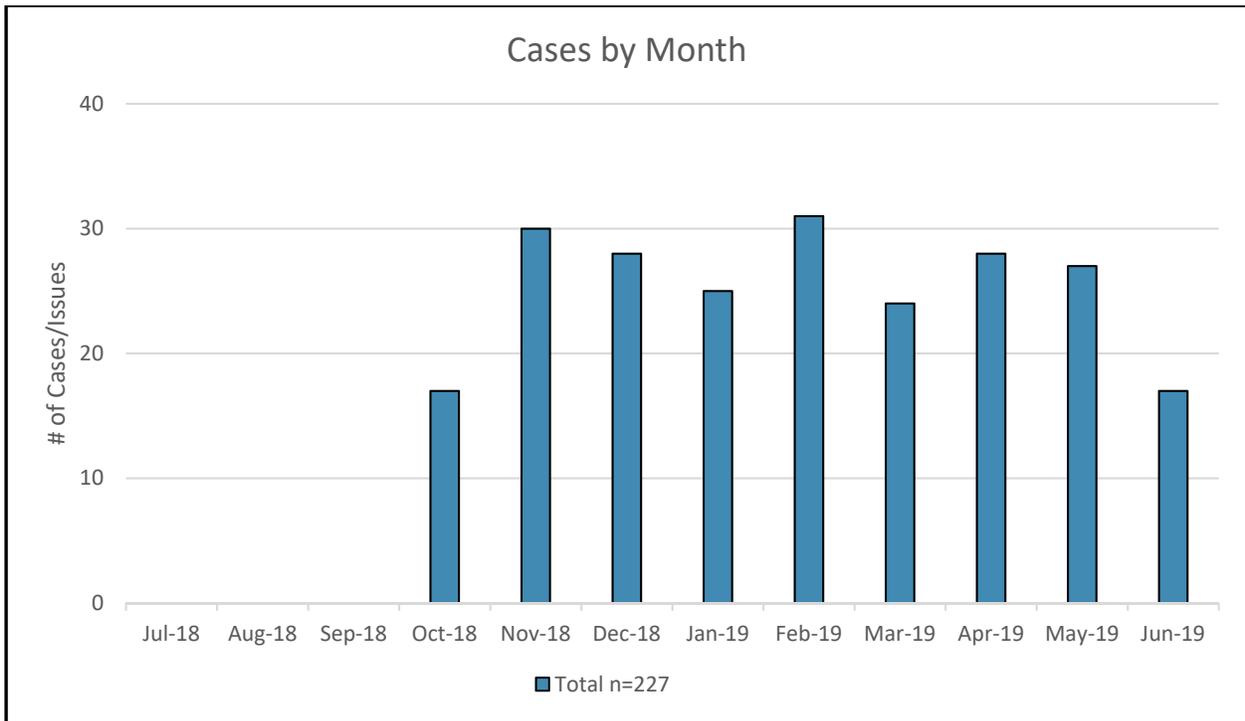


Figure 2: Cases by month, 2018-2019

Nature of Visitors and Contacts

Table 1: Nature of Visitors and Contacts, 2018-2019

Female	Male	Self-Referred	Referred
56%	44%	60%	40%

This year saw a slight drop in the percentage of female visitors (from 59% in 2017 to 56% in 2019) and a slight increase in male visitors (from 41% in 2017 to 44% in 2019). Forty percent of visitors were referred, and 60% were self-referred. This represents a significant increase over the number of visitors referred in the last annual report (only 10%). This increase may reflect the concerted effort I made in my first month to meet with supervisors and managers in order to introduce myself and ensure understanding of both the nature of my office as well as the fact that the Ombuds Office was occupied again after a several-month vacancy. It may also reflect the number of concerns being brought to the attention of supervisors or involving supervisors.

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 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 remained largely consistent and within normal fluctuations of the previous five years. Exempt and classified staff continue to make-up the largest number of cases at 43%. Tenured and non-tenured faculty cases combined were 30% and this represents an increase over past years. Graduate and undergraduate student cases combined represented 13.5% of cases and administrators, including directors, comprised 13% of visitors.

Table 2: University Affiliation

<u>Affiliation</u>	<u>2012-13</u>	<u>2013-14</u>	<u>2014-15</u>	<u>2015-16</u>	<u>2016-2017</u>	<u>2017-18</u>	<u>2018-19</u>
Percentage	%	%	%	%	%	%	%
Classified Staff	34	37	33	31	23		27
Exempt	18	19	12	15	18		16
Faculty (tenure-track)	14	20	16	22	22		30
Faculty (non-tenure track)	1	1	5	4	6		0.4
Administrator (Director up)	11	9	8	7	6		13
Undergraduate	9	7	10	10	8		9
Graduate Student	5	3	8	4	9		2
Graduate Assistant (TA & RA)	2	0	0	0	4		2.5
Other (Alum)	3	4	7	6	4		0.1
Retiree	0	0	0	0	1		0
Total							100%

The most significant deviations from the previous Annual Report are a decrease in students (21% to 13.5%), an increase in faculty (22% to 30%) and an increase in administrators (6% to 13%).

Volume of Individuals and Number of Contacts per Case

Figure 3 and Table 3 show that single party cases are the most common, although the statistics for this year reflect an increase in the number of complex cases (including 5 or more individuals) with an increase from 3% to 12% as compared to 2017.

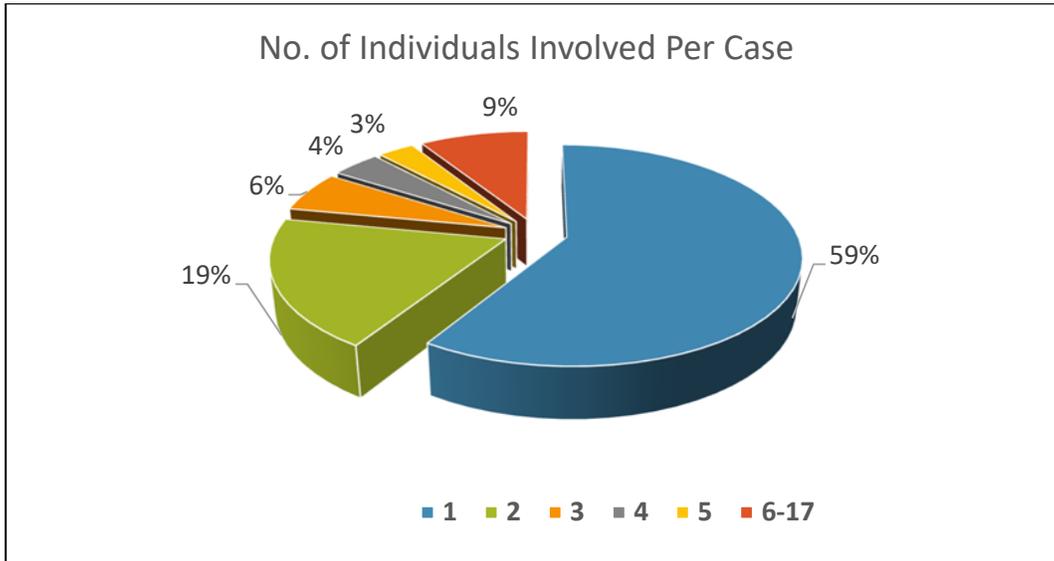


Figure 3: Number of Individuals Involved Per Case, 2018-2019

Table 3: Number of Contacts by Case

<i>Number of Ombuds Contacts/Case</i>	<i>No. of Cases/% of Cases</i>	<i>Total # of Visitors</i>
1	116 / 51%	311
2	41 / 18%	131
3	38 / 17%	150
4-5	18/ 8%	102
6-29	14 / 6%	92
Totals: 1-29	227 / 100%	786

* Note that these contacts 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

Face-to-face consultations were the preferred type of contact for visitors, accounting for 70% of all visits. 18% were by phone and 25% were conducted by email, Zoom or other means. The percent total exceeds 100% because many cases with substantial contacts use multiple methods. After I traveled to the Boise, Coeur d'Alene and Idaho Falls campuses, there was an increase in the number of visitors seeking appointments via phone and Zoom.

“Inside every person is a real person who’s just as afraid or nervous or in need of empathy as anyone else.” – Mark Goulston, p.53 *Just Listen*

Visitors continue to report that being able to talk openly with an informed, confidential and impartial person about their concern and to have their concerns mirrored without judgment was instrumental in feeling emotionally heard and empowered to move forward.

Cases vary significantly for involvement needed. This involvement was reported as ‘*number of contacts*’ in Table 4. 51% of cases (compared with 70% in 2017) 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 2018-2019 was 786 as noted in Table 4. *Note that this number of contacts in a nine-month period suggests that the number of contacts in twelve months, if extrapolated, could have been approximately 1,048 which would have exceeded the 2017 number of 852 by 196. That would be a 23% increase in contacts.* Note, too, the significant decrease in cases involving only one contact. This decrease reflects a corresponding increase in the complexity of cases being brought to the Ombuds Office.

Twenty-seven cases (up from seven cases in 2017) involved five to seventeen visitors. These cases were complex and often involved contacts with others that were not directly involved in the cases. Those secondary contacts were not counted.

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 3 below, shows the distribution of problem categories received by the Ombuds Office across three years, 2016, 2017 and 2019. Descriptions of each category are in Appendix D.

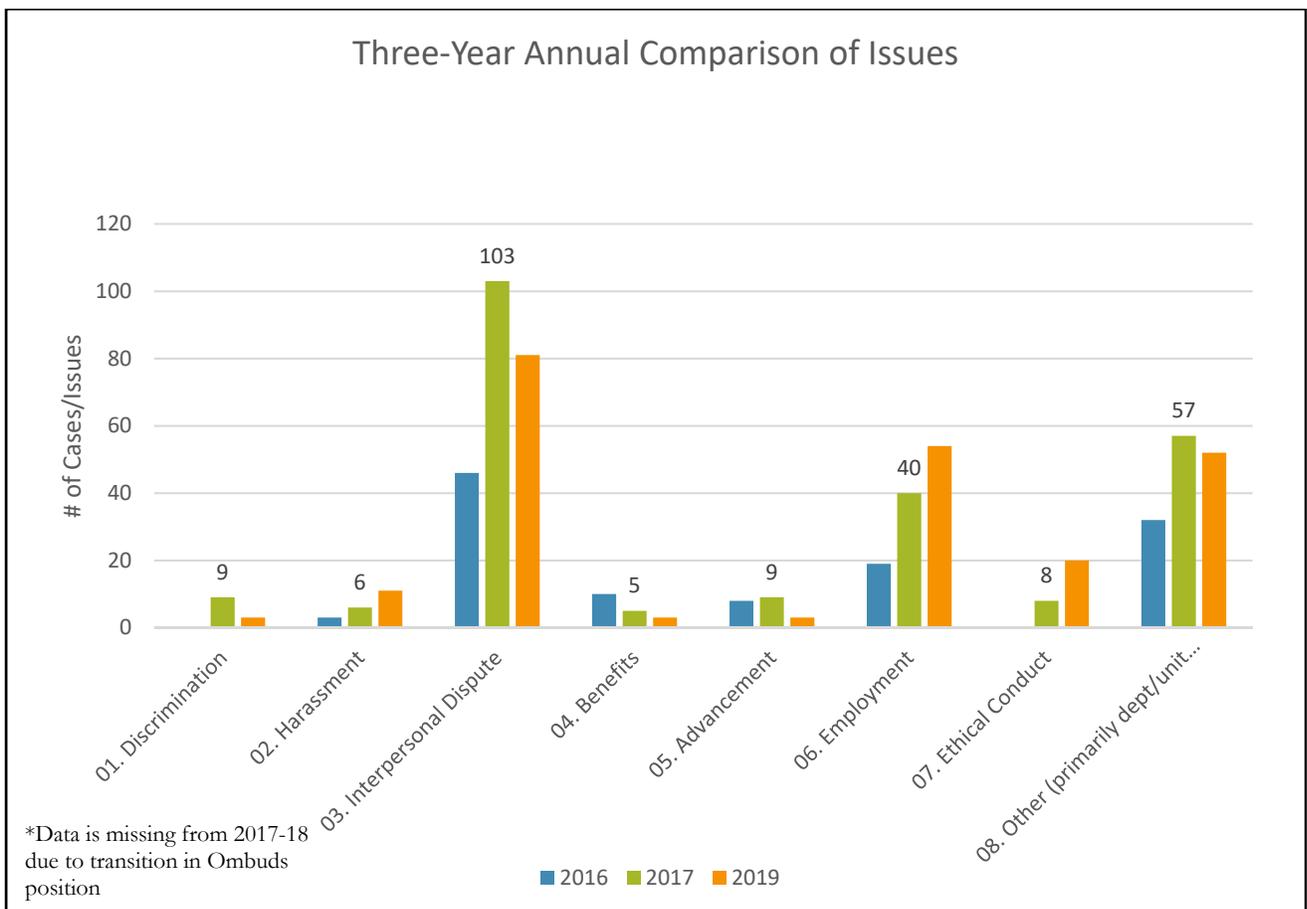


Figure 4: Problem type by FY years, 2016, 2017 and 2019

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 2018-2019

Strategy	Cases	% of Cases*
Information	198	87%
Problem exploration	220	97%
Intercession (e.g. mediation, shuttle diplomacy, facilitated discussions)	88	39%
Referrals (e.g. EAP, Counseling & Testing, HR, Civil Rights, Diversity)	13	6%
Longer Term Coaching	7	3%
Witnessing	8	4%
Training	13	6%

* Cases, n = 227. 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 increasing numbers of administrators 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 may also reflect the number of conflicts that are not being resolved at the lowest level but are, in fact, consuming the resources and time of many levels of leadership.*

Outreach activities include teaching respectful communication, conflict management, change management and self-care classes for Professional Development and Learning (PDL), individual seminars and group facilitations for academic departments, support units and for student groups.

Outreach

In the first two months of my tenure at the University, I met with more than 30 individual leaders of various units and departments and spoke to the ASUI President, Faculty Senate, Staff Council, Provost's Council, Associate Deans, Deans and met with executive officers and employees at the Boise, Coeur d'Alene and Idaho Falls campuses in order to meet people, identify referral sources, explain the role of the Ombuds Office and to witness concerns and successes throughout our University.

Other Services

Employee and Student Development

The Ombuds provided employee professional development classes, unit and department in-service trainings and retreat facilitation, culture coaching, student leadership trainings, and student group presentations. Occasionally, faculty members and unit leaders invite the Ombuds to give guest lectures on communication skills, conflict management, change management, leadership and more. These sessions emphasize communication skills, navigating difficult conversations, self-care, leadership versus management, navigating change and developing positive and respectful cultures. Additionally, the Ombuds participates in orientation sessions for directors, faculty, staff and students.

University Service

The Ombuds provided service to the broader university community through continuing ex-officio participation on the Professional Development Coordinating Committee, on the Ubuntu Sub-Committee addressing and drafting an Anti-Bullying Policy and on the Coordinated Community Response Team (CCRT) as appropriate and as needed.

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). This year the Ombuds worked with the ABA to develop a more easily-navigable website for Ombuds practitioners and those interested in the profession.

In the Spring of 2019, the Ombuds was asked to work with the State of Wisconsin to analyze the system of communication among Aging and Disability Resource Center staff with their customers who are frequently highly-stressed and emotional when seeking assistance and to provide a two-day training on mediation.

During the same timeframe, the Ombuds worked in concert with the deans of the colleges to facilitate a monthly Dean's meeting in order to foster a peer cohort within which the deans could learn from one another, discuss quality practices and problem solve common issues and concerns.

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 2018-2019, the Ombuds attended the IOA annual conference and the ABA Dispute Resolution Section annual conference. The Ombuds attended various webinars and teleseminars as time permitted.

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. It is always the visitors' decision regarding how, or whether, they choose to resolve their issues. 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 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.

Being heard and understood is *the most powerful intervention*². 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 free to say exactly what they feel while being listened to with respect.

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.

Assessment

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, a voluntary anonymous feedback form is given to each visitor with instructions to send it 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.

² Gallup Polls did a survey of one million employees asking them what the most important attribute their bosses could have. The number one answer was "*the ability to be heard.*"

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:

- 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
- Having difficult conversations mediated directly or indirectly

"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)

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 kept confidential.

Workplace Culture and Climate

The Ombuds has observed significant fatigue and stress resulting from the many changes in leadership, the high turnover in staff, unfilled vacancies in staff and faculty positions, concerns about student enrollment/retention and budget constraints and the many initiatives that have been started, stopped, and changed direction as a result of changing leadership and changing

vision. The turnover and reorganizations have caused many to feel that their work load is unsustainable and have caused others to have new position descriptions presented to them with very little sense of agency regarding the changes in those new descriptions. Changes in leadership cause stress due to the inherent uncertainty regarding anticipated changes in vision and priorities for the University. Concerns about a restricted budget cause stress not only due to increasing/changing workloads but also due to worry about employment security.

This level of fatigue and stress and the fact that it is so widespread is of concern because civility frays when people feel insecure and overwhelmed in the workplace. Distrust festers in environments of uncertainty when expectations are constantly changing and when it is unclear what expectations are still relevant. Being unclear about expectations leads to uncertainty about how to succeed in changing times.

It is incumbent upon supervisors at all levels to be mindful of this current culture and to pay attention to the stressors and stress within their units, departments and colleges. There are effective means of reducing stress when resources are limited. Below are some suggestions.

- Communicate clearly your expectations for supervisees. Expect a learning curve and a productivity dip if a supervisee is being asked to add or change responsibilities.
- Offer purposeful time during meetings to discuss stressors and to constructively brainstorm resolution to those stressors. This helps employees to feel understood, valued and supported.
- Assign mentors to new employees so that employees feel scaffolded and supported during their first year or two on campus when their learning curve is the steepest.
- Remain mindful of the significant value of dedicating a portion of the unit budget to professional development. The efficiencies that result from skilled employees who feel supported in their professional careers and in their skill sets include: loyalty to our university, improved performance, improved efficiency and improved morale. Research consistently demonstrates that return on investment in quality professional development far exceeds the dollars spent.
- It is also vitally important for supervisors at all levels to be mindful of their own skill sets and deficits regarding interpersonal communication and leadership efficacy. Respectful and scaffolding interactions are particularly important between supervisors and supervisees during times of significant stress. Resources exist on campus and online to address these skill sets. The Ombuds Office is delighted to work with individuals and entire units on ethical communication skills, respectful conflict management, the differences between leadership and management, mindfully leading through change, and many other subjects.
- Dedicate time and energy to expressions of acknowledgment regarding the additional energy required of our employees to persevere in times of stress. Communications of

gratitude to all employees for their commitment to UI from leadership goes a long way toward helping our employees to feel valued. It is easy during challenging times to focus on what is difficult and unwanted. It is also very important to highlight and celebrate successes and to communicate in terms of positivity and hope that UI is experiencing tough times *and* is also contributing to the welfare and growth of our communities, our state and our world through excellent teaching and fantastic support of our colleges by our staff.

Supervisory Training

The training of supervisors was noted as an area of concern in the last Ombuds Office Annual Report of 2017. As a reminder, the Ombuds made these observations:

“Effectiveness and efficiency of supervisors (supervisor, manager, director, chair, and dean) continues to present as something that could be improved upon from basic skills through leadership attitudes and approaches. The majority of visitors to the Ombuds Office share that all or part of their concerns were related to what they perceived as inappropriate, unprofessional behavior by supervisors. These concerns applied to both new and experienced supervisors at several levels. The issues related to these management concerns are varied. Improving supervisory and management hiring and training will likely result in a strong positive impact on the workplace culture and climate. In turn, this significantly improves the overall culture and climate at the university enhancing our journey to our individual and collective goals.”

The leadership capacity of our supervisors is an ongoing area of concern for this Ombuds. Interpersonal disputes were by far the largest category of concerns that visitors brought to the Ombuds Office during the 9 months covered in this report and within that category the most frequent concern was supervisees expressing concern about their supervisors. These concerns were varied and were predominantly about conduct that was perceived to be unprofessional, unethical, unfair, and/or unkind. In the estimation of the Ombuds these concerns were not made by supervisees who disliked their work or were attempting to shirk their responsibilities. There is a widespread perception among supervisees that supervisors of all sorts (as noted in the above quote) were promoted to a position of leadership for which they were offered no, or inadequate, training and support. This is not an isolated perception nor does it impact a single demographic.

This perception impacts culture, productivity, morale, retention and our reputation as our employees and our students feel, and discuss, the discomfort of strained relationships in various units across campus. In addition, there is also a widespread perception that many supervisors are conflict-averse. This is particularly challenging for supervisees who are in conflict with a colleague or with their supervisor. Many supervisees report going to their immediate supervisor for assistance with an interpersonal dispute (as they are encouraged to do by varied UI policies)

and report experiencing responses that vary from no support to ineffective support to retaliation. There is a tremendous need to scaffold communication, conflict management and leadership skills among our supervisors.

In addition to the recommendations made above under the category of “Workplace Culture and Climate”, this Ombuds feels compelled to highlight the very real need for conflict management and leadership training for all supervisors at all levels. It is our supervisors who role model for all employees and for our students how professionals approach and resolve conflict in the workplace. Conflict that is not addressed or that is poorly managed takes a considerable toll on the health of our employees and students and detrimentally impacts the quality of work produced and ultimately the quality of education our students experience.

Support for Employees

This Ombuds echoes the observation made in the last Ombuds Office Annual Report in which the previous Ombuds noted that:

“The perspective of many first and second line employees visiting the office is that there is no real support, beyond the Ombuds Office, either informally or formally for them when actions are necessary to reduce conflict. Their perspective is that the chain of command above them and their immediate supervisor have given, or will always give, preference to the supervisor without considering the employee's viewpoint when an issue arises. Such attitudes and actions can be disempowering to employees who seek fairness and a desire to grow and become the best they can be in their current and future positions. Many employees are actively seeking to move to positions of greater responsibility, but believe advancement is impossible because they will not be treated fairly in their present positions.”

This persistent concern among our employees, is also addressed by my recommendation for leadership and conflict management training for all supervisors.

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.

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.

Appendix D

Types of Issues Presented

Figure 4, Page 11

Discrimination: Two cases involving a potential discrimination issue came directly to the Ombuds Office. The situations were discussed and the visitors were referred to the appropriate resources. This number is down from 9 cases in the previous Annual Report from 2017.

Harassment: Nine cases of harassment came directly to the Ombuds Office. This is three more than in the previous Annual Report. Six involved general harassment or actual or perceived bullying, two were regarding sexual harassment and one was regarding racial/ethnic harassment. Those last three were referred to the Office of Civil Rights and Investigations.

Interpersonal

Dispute: The largest category of disputes this year were with or between individuals, totaling 64 cases. Of these, the majority were with supervisors, followed by disputes with co-workers. This is 39 fewer cases of interpersonal disputes compared to the last Annual Report.

Benefits: There were only two cases (compared to five in the last Report) attributed to benefit issues. One case related to annual leave, and the other involved questions regarding travel appropriate to employment.

Advancement: There were two cases related to faculty advancement (compared to nine in the last Report). Both of these cases were about tenure/non-reappointment.

Employment: The employment category had 44 cases relating to specific areas of concern. This is only four more cases in this category than in the last Report. This was the second largest category of problems brought to the Ombuds Office in this reporting period. The most common sub-categories within the employment category concerned workload and evaluations. There were 10 cases in each of those categories. There were nine cases about job descriptions and four cases each about accommodations and flex time/location. There were two cases each related to institution/unit reorganizations, salary agreements and working conditions. There was one case about termination for cause.

Ethical: There were 17 ethical concerns. This represents a significant increase over the eight ethical concerns reported in the last Annual Report. Five cases dealt with academic honesty and three cases were about intellectual property. One case was about deception/misrepresentation/theft. Eight cases were general ethical concerns regarding behavior that did not fit into a specific category.

Other: The 'Other' category allows for the Ombuds to fill in an issue that is not listed in the other categories. There were 43 cases listed in this category, down 15 from the previous Report. Seven of these cases were not specified and left as 'miscellaneous'. 22 cases dealt with department/unit function, six cases dealt with academic issues and another six dealt with training. Four cases dealt with a department chair/unit head, three dealt with coaching and one case was about a disciplinary action.

Appendix E
Ombuds Self-Appraisal of Outcomes/Impacts of Cases 2018-2019
n = 237

Outcome Category and Specifier

Resolved satisfactorily with Ombuds Office assistance n=194	82%
<ul style="list-style-type: none"> • <i>Mediation</i>: agreement/compromise reached through mediation; formal action avoided; visitor given another chance or situation otherwise satisfactorily resolved. • <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. • <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. • <i>Coaching</i>: Long-term coaching provided. • <i>Information only or “light coaching”</i> was provided by Ombuds; and/or helps party to self-advocate. Visitor satisfied. • <i>Policy/Procedure</i> or system modification/improvement. • <i>Other</i> 	<p>1%</p> <p>5%</p> <p>24%</p> <p>5%</p> <p>65%</p> <p>0%</p> <p>0%</p>
Neutral Outcome (Ombuds had no direct impact) n=39	16%
<ul style="list-style-type: none"> • <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. • <i>Cancels or ‘vanishes’</i>: Visitor initiated and then canceled or ‘vanished’ after setting appointment or before follow-up action was completed. • <i>‘Unrepairable’</i>: situation upon arrival (e.g. temporary help, already terminated, tenure was denied for appropriate reason, or visitor resigned). • <i>Other</i> 	<p>80%</p> <p>15%</p> <p>3%</p> <p>0%</p>

Results Unsatisfactory n=4	2%
<ul style="list-style-type: none"> • <i>Visitor disgruntled</i>: with Ombuds efforts and discontinued visits or contacts. 	0%
<ul style="list-style-type: none"> • <i>Visitor disregarded</i>: advice/solution and suffered consequences. 	75%
<ul style="list-style-type: none"> • <i>Lack of cooperation</i>: unfair practice or situation not resolved nor corrected due to lack of cooperation. 	25%
<ul style="list-style-type: none"> • <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.

“When we feel kind and compassionate toward someone, when we are connected with another’s pain and needs, we feel most alive as human beings. We feel energized.” – Thupten Jinpa ³

³Thupten Jinpa is the English translator for the Dalai Lama and the author of *A fearless heart: How the courage to be compassionate can transform lives*, p.26