2020 – 2021 Faculty Senate – Pending Approval
Meeting # 13
Tuesday, November 10, 2020, 3:30 pm – 5:00 pm
Zoom only

Present: Ahmadzadeh, Brantz, Bridges, Carney, Carter, Chapman, Dezzani, Fairley, Goebel, Hickman, Kirchmeier (Chair), Lee-Painter, McIntosh, McKellar, Meeuf (Vice-Chair), Paul, Quinnet, Raja, Rinker, Rose, Sammarruca (w/o vote), Schwarzlaender, Smith, Stroebel, Tenuto, Tibbals, Wargo, Torrey Lawrence (w/o vote)
Absent: Keim (excused), Rashed (excused)
Guest Speakers: Erin Agidius, Jim Craig, Ben Barton, Brian Wolf, Laura Smythe
Call to Order: Chair Kirchmeier called the meeting to order at 3:30 pm.

Approval of Minutes (vote):
- Minutes of the 2020-21 Meeting #12 – Attach. #1
  There were no corrections to the minutes of the 2020-21 Meeting #12. The minutes were approved as distributed.

Chair’s Report:
- Nominations for University Excellence Awards are now open. Please look over the award categories for faculty and staff and consider nominating a colleague or two this year! https://www.uidaho.edu/governance/faculty-staff/university-awards
- The survey seeking volunteers for Senate Committees went out last week. Please fill out the survey if you are interested in serving on a committee. Please also encourage your colleagues to complete the survey.
- Interviews and meetings with the finalists for the position of Provost and Executive Vice President start this week. As Faculty Senate, you have received from Brenda invitations to meetings specifically for Senate and the candidates. Open sessions will be held for the broader community. Please do try to participate at some level. https://www.uidaho.edu/president/search/provost/finalists
- Two upcoming deadlines to keep in mind:
  o Honorary degree nominations are due on November 16, 2020.
  o Next University Faculty Meeting: December 9, 2:30 p.m. to 4:00 p.m.
  o Deadline to request delay for promotion and/or tenure is March 14, 2021.
  Please help us spread the word about these upcoming deadlines by sharing with your colleagues.

There were no questions or comments for the Chair.

Provost’s Report:
- COVID-19 update: we had 25 positive cases, still in line with what we had through the semester but slightly up from the previous weeks. We are concerned about what is happening in our community, state, and all around us. We urge everyone to continue following safety practices.
- A correction to information presented in last week’s meeting regarding the UI Employee Headcounts chart that was shown. Over the period 2012-2020, the number of classified (exempt) staff went down (up) by 14% (15%). When combined, there is a net drop of around 2%. The corrected numbers (on the table attached to these minutes) for the period 2012-2020 are: 2% decrease for staff, 5% decrease for faculty, and 3% decrease in total personnel. Percentages
are shown for the 2012-2020 period (graph and table) and for the recent 2019-2020 year where a large change can be seen (table only).

Discussion:
Referring to the P3 project deal, a Senator asked whether the university is going to receive electricity bills, and if so, how that fits into the budget. The Provost replied that utility expenses are built into the cost structure. He will check with Brian Foisy for details.

There were no more questions or comments for the Provost.

Other Announcements and Communications:

- **FSH 6100 Title IX changes (vote) – Erin Agidius and Jim Craig Attach. #2**
  Erin Agidius explained that the Department of Education issued new regulations for Title IX and how to comply with those, which had to be operational by August 14, 2020. Working groups with broad representation from different bodies on campus built the attached policy, intended to be in compliance with the new regulations. The latter are federally mandated and so we must comply.

Discussion:
Addressing a question from a Senator, Erin Agidius described the main changes. The process is the same for students, staff, and faculty. If the process goes forward, a live hearing is required that includes cross examination by the advisors of the parties. Also, the definitions of sexual harassment, sexual assault, stalking, and domestic violence have been narrowed. Actions which do not align with the prescribed definitions do not fall under Title IX. Another aspect is the distinction between a report and a formal complaint. In the latter case, notification to the other party and an investigation will follow. Anything that is submitted (such as an issue being disclosed to an individual) is a report. The standards of proof apply in the same way to staff, faculty, and students. FSH 6100 is very specific to Title IX – processes such as faculty appeals and other forms of grievances cannot include Title IX. Jim Craig reiterated that FSH 6100 applies equally to everyone – process and burden of proof are the same for faculty, staff, and students. Parties who do not wish to participate in the formal disciplinary process can opt for an informal resolution upon filing a complaint. All the training material is publicly available.

A Senator asked whether FSH 6100 is a new addition or is replacing existing policies. If existing policies remain, have they been revised as well? Jim Craig said that, prior to FSH 6100, different complaints would have been handled under different policies. Those policies will now direct the reader to FSH 6100. In case of a conflict, FSH 6100 prevails.

There was a request for clarification concerning the cross examination mentioned earlier. Erin Agidius explained that, under the new regulations, questions during the hearing come directly by the party advisors, whereas previously they were submitted and filtered by the panel chair. The Senator noted that this can put the parties in an uncomfortable position.

Clarification was requested about the informal resolution process and how it differs from the formal one. Erin Agidius said that, first, a formal complaint must be filed. Both parties must agree to pursue a resolution and the process for getting there, which could be, for instance, a mediation.
Vice Chair Meeuf wondered whether the new process will discourage people from coming forward. Erin Agidius thinks it is likely. Jim Craig added that all aspects were discussed in depth. Ultimately, we have no options but to comply. Erin Agidius added that submitting a report does not initiate a formal complaint – they hope that the new regulations will not keep people from coming forward. The intent is to be as transparent as possible.

There were no more questions. Chair Kirchmeier called for a motion to approve the proposed FSH 6100, which has not come to Senate as a seconded motion from a committee. Moved and seconded (Quinnet/McIntosh). No additional discussion was requested.

*Vote:*  
The votes were as follows: 91% in favor, zero against, 9% abstentions. Motion passes.

- From UCC: Department Name Change for Psychology and Communications (vote) – Ben Barton  
  Attach. #3  
  Ben Barton gave a brief description of the proposed change and the rationale for it. They are dropping the word “Studies” from the name because it is redundant. The new name is more consistent with the department and the major.  
  There were no questions or comments.  
  *Vote:*  
  The votes were as follows: 100% in favor, zero against, zero abstentions. Proposal from UCC is approved.

- From UCC: Department Name Change for Sociology and Anthropology (vote) – Brian Wolf  
  Attach. #4  
  Brian Wolf explained that their department is a unique multi-disciplinary combination of three major programs: Sociology, Anthropology, and Criminology. The three programs have large overlaps, thus the new name best reflects what they actually do.  
  *Discussion:*  
  Provost Lawrence asked whether the names of the majors are also being changed. Brian Wolf replied that they will not be changed. They have discussed this issue before and are not worried about students finding the majors online.  
  There were no more questions.  
  *Vote:*  
  The votes were as follows: 83% in favor, 4% against, 13% abstentions. The UCC proposal is approved.

- Ombuds Report – Laura Smythe  
  Attach. #5  
  Laura Smythe began by saying that she would prefer to take questions and listen to specific concerns and suggestions.  
  *Discussion:*  
  Secretary Sammarruca referred to a comment in the Ombuds Report (attached) on whether a gender-based statistic (% of female visitors vs. % of male visitors) is useful given the increased understanding of gender as gender identity as opposed to biological gender. She thinks that those kinds of break-down are more important than ever. The climate in the workplace for women and minorities is a very real issue. Laura Smythe said she is well aware of these issues. The statement mentioned by the Secretary is not a decision – she will keep other perspectives in mind.
A Senator asked whether people felt that their problems were not addressed and that they would have liked to see more action from the Ombuds, in addition to a de-escalation of the situation. Laura Smythe noted that her authority is limited to what is granted to her by the visitor. She can mediate, facilitate, or apply other strategies, but, ultimately it is up to the visitor to listen, agree with, execute her suggestions, or take no action. How the situation plays out is not in her control. The Senator followed up with the observation that some employees may have wrong expectations of what the Ombuds can do for them. Therefore, the Ombuds mission should be articulated clearly and read carefully. In fact – Laura Smythe replied – she walks everyone who visits her office through the unique nature of her authority. However, people under stress often do not process well what they don’t want to hear or does not fit within their views. In fact, some visitors, after hearing what the office can or cannot do for them, may be disappointed and not fully process the limitations and strengths of what the Ombuds can offer.

Vice Chair Meeuf had a question about patterns. He noted that a significant number of complaints were from supervisees, who did not feel they were heard or properly communicated with by their supervisors. Would this be a pattern? What would the Ombuds recommend to supervisors? Laura Smythe noted that she is very conservative about utilizing her authority to act on a pattern. In this particular case, she recognized a pattern based on a large number of visitors and similar stories. This pattern is in her annual report to raise awareness of the issue. Another way is to identify patterns within a particular unit or college and work with unit/college administrators on skill sets that may need attention. How she identifies a pattern is based both on the quality and quantity of the input she receives, but she does not utilize it often. One of the reasons why she spends substantial time on the supervisor-supervisee relation is because of the power disparity inherent to such relation. Communication problems and conflicts among colleagues can be approached differently, usually in ways that are unit or college specific, depending on the culture of the unit/college. But the power dynamics brings a lack of safety and security in the supervisees who find themselves at odds with the supervisor. This is a pattern found in the human population. Management training for supervisors is extremely important, particularly in the area of conflict resolution with supervisees. Those who supervise and write evaluations should assume the validity of the concern being brought up before them, whether they agree with it or not. They need to understand the emotional status of someone who has chosen to raise a concern with the supervisor. Validating someone’s emotional impact does not mean that we agree with them. Supervisors must be honest, transparent, and clear in their expectations. A change of supervisor can make employees feel as though they need to start over. People must know what they need to know in order to succeed. If we can be mindful and interested in the complaint being presented to us, we can turn the conversation into a more positive event. All complaints – Laura said – are value statements.

The Secretary asked for clarification on the statements in the Ombuds Report referring to cases where no remedies or resolution options are available, such as: differing expectations for a position and/or for the corresponding compensation; or academic/employment decisions where no clear procedures or policies exist. Should there not be room for negotiation in such cases, particularly if policies are vague? Clear policies are very important to avoid appeals and litigations. Laura Smythe gave examples of situations where she has no authority to intervene. For instance, an employee who has been given a revised position description – and no options other than seeking employment elsewhere – as a result of budget cuts, or someone who is unhappy about their compensation (as determined by many factors outside of the Ombuds’ purview), would be disappointed if they came to the Ombuds for help. As for vague policies, or
cases where it is not clear how policies should be applied in a particular situation, the Ombuds’ strategy is to explore both intent and fit with those who administer the policy. Sometimes, the decision-making side notices that there should be a clearer policy, which turns into an opportunity for conversations, research, and improvement. In all cases, she does her best to explore and “connect dots.” When she is not sure about the best person to reach out to, she confers (confidentially) with a broad network of professionals to discuss other possibilities or to identify someone to whom she should refer her visitor.

A Senator said that she often puts her students in an uncomfortable situation, for them to learn and grow. What is the difference between discomfort and safety? Speaking as herself and not for the university, Laura Smythe said she believes we learn most when we are at the edge of our comfort zone. There is something to be said about challenging people to think in new ways. Regardless of how we engage in these conversations, we must watch the recipient of our communication to be sure that they feel physically and emotionally safe. Although she is not a therapist, Laura Smythe has decades of experience watching people in volatile and even tragic situations. We all have suffered some form of trauma – she continued – and none of us knows what can trigger emotions from that trauma. Let’s be mindful of that.

Chair Kirchmeier raised the issue of faculty morale. What should we focus on to improve employees’ morale and to work together as a campus community going forward? The Ombuds expanded on some of the reasons that may impact mental health in the time of COVID. We are getting “zoomed to death.” We miss the casual conversations and the direct contact with others. It is incumbent on those of us who have some supervisory capacity or have some moral authority within the unit to make sure that we take some mindful time to get together. We are “three-dimensional” people with multiple responsibilities outside of our jobs at U of I. Stress and exhaustion create unhappiness with one another and thus cause conflict. Senate can help by proposing a mediation training with the Ombuds for every unit leader. When we feel competent and comfortable, we are more able to respond positively to the person in front of us. She hopes to see U of I move towards a culture where more rather than fewer people feel comfortable. In some organizations, leaders decided to dedicate time and effort to train enough people to acquire a sustainable skill set – those who are trained can train others. A conversation we carefully prepared for may be perceived by others in a different way than we had expected. It’s about skill sets to communicate effectively and disagree respectfully. We are in higher education – we must be able to exemplify those skills and behaviors for our students.

A Senator thanked Laura Smythe and pointed out that in Education Leadership they teach emotional leadership and communication skills and write scholarly articles on these themes.

Another Senator followed up on previous comments about the current isolation and mental health. Does the Ombuds have ideas of what we can do to come together safely, besides using Zoom? Laura Smythe suggested trying different ways to feel close to someone, such as coming together while maintaining a safe distance, talking on the phone while taking a walk, or writing letters. Small changes in the ways we communicate can be quite meaningful.

Chair Kirchmeier reiterated the impact of too many Zoom meetings, often back to back. How about shortening the meeting and encourage participants to take a walk before the next one?
There were no more questions from the Senators. The Ombuds will be happy to receive any other questions or comments by email.

Chair Kirchmeier asked whether there was any new business.

**New Business:**
- Vice Chair proposed a quick chat to coordinate the questions Senate wants to ask the finalists for the provost position. A Senator proposed to ask about the relevance of the provost in recruiting and retention. Some Senators emphasized the importance of accountability in a provost. Vice Chair Meeuf suggested to ask the candidates for some specific examples. Some Senators would like to know why the candidates want to come here. What is their investment in the institution? Should Senate, as a body, provide the candidates with a set of recommendations? The Secretary suggested, instead, to ask the candidates how they would approach solutions to specific problems. Vice Chair Meeuf invited the Senators to email additional ideas to him.

**Adjournment:**
The agenda being completed, the Chair adjourned the meeting at 5:00pm.

Respectfully Submitted,

Francesca Sammarruca
Secretary of the University Faculty & Secretary to Faculty Senate
University of Idaho
2020 – 2021 Faculty Senate Agenda

Meeting # 13

Tuesday, November 10, 2020 at 3:30 pm
Paul Joyce Faculty-Staff Lounge & Zoom

I. Call to Order

II. Approval of Minutes
   • Minutes of the 2020-2021 Faculty Senate Meeting #12, Nov. 3, 2020 Attach. #1

III. Chair’s Report

IV. Provost’s Report

V. Committee Reports

VI. Other Announcements and Communications
   • FSH 6100 Title IX changes (vote) – Erin Agidius and Jim Craig Attach. #2
   • Dept. Name Change for Psychology and Communications (vote) – Ben Barton Attach. #3
   • Dept. Name Change for Sociology and Anthropology (vote) – Brian Wolf Attach. #4
   • Ombuds Report – Laura Smythe Attach. #5

VII. Special Orders

VIII. New Business

IX. Adjournment

Attachments:

   • Attach. #1 Minutes of the 2020-2021 Faculty Senate Meeting #12, Nov. 3, 2020
   • Attach. #2 FSH 6100 Title IX changes
   • Attach. #3 Dept. Name Change for Psychology and Communications
   • Attach. #4 Dept. Name Change for Sociology and Anthropology
   • Attach. #5 Ombuds Report
Present: Ahmadzadeh, Brantz, Bridges, Carney, Chapman, Dezzani, Fairley, Goebel, Hickman, Keim, Kirchmeier (Chair), Lee-Painter, McIntosh, McKellar, Meeuf (Vice-Chair), Paul, Quinnet, Raja, Rashed, Rinker, Sammarruca (w/o vote), Schwarzlaender, Smith, Stroebel, Tibbals, Wargo, Torrey Lawrence (w/o vote)
Absent: Rose (Excused)
Guest Speakers: Scott Green, Brian Foisy
Call to Order: Chair Kirchmeier called the meeting to order at 3:30pm.

Approval of Minutes (vote):
- Minutes of the 2020-21 Meeting #11 – Attach. #1
  The Secretary reported an editorial change to correct a misspelling. There were no other corrections to the minutes of the 2020-21 Meeting #10. The minutes were approved as distributed, with the editorial change.

Chair’s Report:
- Today is voting day! Please, if you haven’t already voted, feel free to use this time to complete your voting. There are no voting items on our agenda today; your absence will be excused if you send a private message via chat to Francesca.
- An update from Dan Ewart regarding the Preferred Name Project: President’s Cabinet met last Thursday to discuss the requested projects in the IT Governance & Prioritization process including the preferred name initiative. Proceeding with preferred name was vocally supported by Cabinet, and President Green instructed IT to move forward with the initiative. Dan will be pulling together the group to accomplish the plan as laid out in the group’s recommendation and we will develop a timeline for completing the necessary steps. More information is to come. Thank you again for your support of and input into this important initiative.
- Yesterday, an email came from Diane Kelly-Riley and Brian Smentkowski regarding mid-semester check-ins with students in your classes. If you haven’t already done so, please take a few minutes to check-in with your students to see how things are going. Please also plan on attending tomorrow’s CETL presentation by Brian and Diane titled "mid-semester check-in: how's it going?," at 10:30.
- Two upcoming deadlines to keep in mind:
  o Honorary degree nominations are due on November 16, 2020.
  o Deadline to request delay for promotion and/or tenure is March 14, 2021.
Please help us spread the word about these upcoming deadlines by sharing with your colleagues.
Discussion: There were no questions or comments for the Chair.

Provost’s Report:
- The Provost encouraged everyone to attend the CETL event announced by Chair Kirchmeier.
- A session of the “Talks with Torrey” series will be held tomorrow at 11:30.
- COVID-19 update: we had another week of improvement. In fact, this is the lowest number of positive cases since the beginning of the semester. We currently have zero students in isolation,
no Greek Houses in quarantine, and six students in quarantine in one of our campus facilities. We continue with surveillance testing and our positivity rate continues to go down, in contrast to what is happening around us.

- Please discourage students from returning to campus after Thanksgiving break if they travel. Campus will stay open in consideration, for instance, of students who may have no other place to go. We are not closing or telling students to leave, but if they do leave, we encourage them to stay where they have gone for the break.
- The search for a new Dean of Law has been going on since the summer. Four finalists will come for interviews after the break. There will be open forums and events available to everyone via Zoom. The finalists’ names are public and can be found on the Provost webpage http://www.uidaho.edu/provost/administrative-searches/law. Information is still being updated and event schedules will appear on the webpage as soon as they become known.

Discussion:
A Senator asked whether a faculty member who wishes to travel during the break and not return to campus would need to file HR paperwork. Provost Lawrence said that, as long they are able to teach their classes and perform other work duties from a distance, there should be no problem or paperwork. The exception is for employees who need to be on campus to perform their duties.

A Senator wondered how we ended up with the decision to make no changes to the spring. The Provost replied that the results of the survey showed a large variety of opinions but no clear preference. What came out clearly, though, is that students want a spring break. In summary, we didn’t see a clear reason to change. The benefits of making one of the proposed changes did not outweigh the challenges. Testing all students after spring break will be a challenge, but now we can do it faster, and it may not take two full weeks. We plan to have the exact testing dates out in the next couple of weeks, so that faculty will have time to plan ahead.

There were no more questions or comments for the Provost.

Other Announcements and Communications:
- P3 Project – President Green and Vice President Foisy
  President Green and his team met yesterday with the Regents and received strong support. Everyone thought the presentation was comprehensive. There were some questions about risk mitigation strategies, requests for clarification about how conservative the model assumptions were, and comments on how impressive the final number was. The concessionaire payment did not go up but the top line number went up by almost $60M, with the benefit accruing to the university. Of the up-front $225M, some will go to pay off debt on the utility assets and fees for the transaction. Some will be placed in reserve, similar to an insurance policy as we start with our investments. The remainder will be invested and will produce about $6M per year to fund our strategic priorities: student success, research, continuing the roadmap in the R1 white paper, bringing in graduate students, postdocs, grant writers, and remote learning. There is a working paper that is close to final, which is quite impressive. The group is providing recommendations on how to best invest in key positions and support faculty who are developing distance learning curriculums. This partnership is a great business deal that will benefit the university for generations to come. It will enable more students to attend U of I, provide much needed investment in our research engine, and support our recruiting and strategic enrollment management efforts. Furthermore, this is a great deal for the taxpayers. It will also create a career path for employees in the steam plant and related areas, especially younger employees. This is a global organization with world-class operations around the world.
We could not offer the same opportunities to those employees. In summary, it was a wise decision that will benefit many stakeholders and gathered unanimous support.

Vice President Brian Foisy provided some additional information on the 50-year lease to the concessionaire (Sacyr/Plenary). The transaction is a long-term lease of our utility system assets to the concessionaire. The concession team selected Seattle-based McKinstry as the operator. Sacyr is based in Spain but has operations in North America. They chose a regional operator that has worked with U of I in the past – around 2008-2011 – as our contractor on energy-saving projects. We are fortunate to partner with a world-class organization while still having connections based in the Pacific Northwest. Of the up-front $225M, the single biggest part, $155M, will be set aside for a “quasi-endowment” which will generate additional earnings. Those earnings, as well as a share of the principal, will be distributed every year to be invested in our strategic priorities. This is about $6M per year, a total game changer for the university.

Discussion:
Are the legislators going to look at us positively? Now that we have repaired our reserve, should we just be content if they do not apply additional cuts to the university? Is there any good news related to the state surplus? President Green said that some informal talks concerning furloughs and the 5% holdback have been going on but the Governor did not make any promises. Although the growing reserves are encouraging, we are still where we were before. The President said he is hopeful but does not wish to over-promise and then deliver disappointing news. We described the deal in the press release as one that will benefit the taxpayers, which is correct. We hope this will play well with the legislators.

Vice Chair Meeuf thanked all who contributed to the success of P3. His question is about spending priorities. Have there been any talks about spending some of the $6M per year to assist units and programs where faculty are especially overworked or are unable to offer classes that students want to take? (Our next agenda item will be a discussion on faculty workload.) Can we do some strategic investments in faculty so that our workload returns to more sustainable levels? President Green noted that increasing research activities will lighten the load for faculty, thanks to more graduate students and postdocs. We need to use these funds to generate more revenue, such as recruiting and increasing enrollment. If it is an area where we can get return on investments, we will invest in it. If it is an area where no revenue is associated with the position, the new financial model should push resources where they are needed most. Hopefully, FY22 will bring some relief. The Vice Chair inquired about the possibility of using some of the funds to bridge the gap until the new financial model becomes operational. The cuts we are facing now were not motivated by strategic decisions. Some units with high enrollment may have been hit harder just because they happened to have an older faculty base who took the early retirement incentive. Have there been conversations about building small bridges until we can feel the benefits of the new financial model, recognizing that it will take time to shift money around? President Green acknowledged that the point about retirement is a good one. He needs for deans to manage their colleges. If a desperate need arises, something will be done, but it would be incorrect to say that the new money can be used for bridging. Nevertheless, to the extent that we are in a healthy financial place, we will do what we can to help. But President Green does not want to raise unreasonable expectations. If we can get more CARES Act funds and keep the university open, we may be able to use some of the new money to help where help is most needed. For now, we still have negative reserves because we are investing in an endowment rather than having the money sit there on our balance sheet. We are
$10M negative in reserve and the Regents want us to be at positive $25M, a swing of $35M. These figures were confirmed by Vice President Foisy.

A Senator inquired how, in practice, both the concessionaire and the university make money out of the deal. President Green explained that the project provides an opportunity to improve efficiency of the steam plant and utilities through a long-term maintenance plan. U of I will pay annual utility fees and operating expenses to the concessionaire as part of the agreement. By improving efficiencies and processes, the concessionaire will be able to share in the benefit of cost savings. Of the up-front $225M, $33M will be used to decrease debt, and about $190M will be invested in the foundation at an assumed 5% return on investment. Net positive cash flow of over $350M will come to U of I over the duration of the lease, and could be as high as $1.1 billion if the investments pay off as we hope over 50 years.

There were no more questions from the Senators. President Green asked for the Senators’ feedback on the P3 deal. Many positive comments and words of congratulations were spoken or written in the Zoom chat.

What is next? – a Senator asked. President Green said they may not take on a new project for the time being – there is a lot to do to implement what we have.

Special Orders:
- Roundtable on budget/enrollment/faculty workload Attach. #2

Chair Kirchmeier reminded the Senators that this year Senate Leadership wanted to create a space to hold open conversations. Diane Kelly-Riley and Torrey Lawrence will participate in this roundtable about faculty workload. The goal is to look for solutions, generate ideas, propose policy creations. The Chair started the discussion posing the question: what kind of additional work are the faculty doing due to reduced number of faculty, increased number of classes they teach, and increased class size?

A Senator shared her experience in her unit, where they lost a number of staff members. They are doing the best they can, but things are “falling through the cracks.” She feels the glue that binds faculty and staff together is missing.

A Senator from the College of Law said they lost several faculty to retirement. With the Concordia students merging, they had to rely on visiting faculty, who have no service component in their duties. As a consequence, the regular faculty had to take on a lot more committee work and administration.

Another Senator agreed with the earlier comment about loss of staff. She has seen the number of classes and the number of advisees go up. She emphasized the emotional labor of supporting students with a reduced number of faculty that students can go to.

A Senator observed that we may never go back to the way we were before COVID. He is concerned that students may have different expectations concerning flexibility in class delivery mode. This may be exhausting for faculty. This point was later reiterated by another Senator, who expressed serious concerns about the impact on faculty morale from uncertainty, increased workload, and furloughs.
The loss of institutional knowledge associated with retirements was brought up by a Senator. In his unit, there are many junior faculty who need help and advice. In turn, he needs time to find answers so he can help others move forward.

A Senator reported that his unit lost 50% of the staff as well as a disciplinary colleague, leaving a hole in the program. These losses unavoidably trickle down to the students, who are uncertain about whom to contact to get answers. Of course, COVID has exacerbated these problems.

Chair Kirchmeier proposed to take a break and hear from the Provost and the Vice Provost.

Provost Lawrence did not disagree with what had been said. The retirement and voluntary separation incentives were not at all strategic. We lost institutional knowledge and people in areas that are hard to replace. Some faculty are essentially running two classes at once (in-person and virtual). In the spring, we need to talk about these flexible formats, and the students’ expectations that they have all options, whereas options are the faculty member’s prerogative. The Provost reflected on whether these problems are due to COVID or the budget shortfall or both. As the university has changed dramatically over the past couple of years, we need to ask ourselves: what do we need to stop doing? The only choices are: increasing the workload or changing the work we are doing. We have suffered significant losses in personnel, and we did lose institutional knowledge to retirements. Realistically, the enrollment has been going down for a decade. If enrollment stabilizes, we may be fine, but we are not going to be able to hire 250 people next year. Different units manage cuts differently. We need to talk about to what extent faculty need to be flexible. The graph (from Institutional Research) in Attachment #2 shows the U of I employee headcount at the beginning of each fall semester since 2012. There is a maximum in 2017 with 2644 employees, whereas we now have 250 fewer people. The chart also shows that the number of faculty members went down by 5% between 2017 and 2020 while the number of staff actually increased by a small amount. This is interesting, having heard several comments about loss of staff. During the same time period covered by the chart, our total enrollment went up and down a bit but stayed overall constant. However, the number of our full-time degree-seeking students has gone down, which may be the major source of our financial problems. We had a $21M “turn around” this year, which came at great expense to everyone. Now, we need to change our work to match it with the people we have. For instance, holding many sessions with few students is not sustainable – best to offer them on alternating semesters or combine them.

Vice-Provost Diane Kelly-Riley said that last spring, prior to COVID, conversations had started about a proper class size and disciplinary expectations, and how to move towards efficiency. She noted that the pandemic has impacted our ability to adjust to changes in personnel in a proactive way. For the past several months we have been in a reactive mode. We need to distinguish between a change in position description (PD) and pulling extra work for a short time. Faculty should receive instructions on how to document the extra work and make it visible, for instance through activity reports or U of I CVs. It would also be useful for unit chairs to discuss with their faculty what we can let go and how to reorganize. These conversations are in progress. She agrees with the Provost that different colleges/units manage cuts in different ways. Perhaps it may be insightful to look for patterns?

A Senator noted that we are talking about funding research initiatives. On the other hand, Ph.D. students are very time-consuming and require small classes. How are we perceived by the
people of Idaho? Are they interested in our aspiration to achieve R1 status or do they prefer to see Master’s or professional degree recipients to join the state workforce? The Provost clarified that issues of class size mostly refer to undergraduate classes, not graduate.

Vice Chair Meeuf pointed out that there is a lot of additional workload faculty had to take on that is unrelated to COVID – for instance, he is advising 60 students. Is this going to translate into a change of percentages in the PD? Extra teaching duties must come at the expense of another area, which for many is research. Should there be a shift in P&T expectations for faculty who are teaching many more students or classes? Are we open to a conversation about changes in the PD, even if they are short-term, to recognize that less work is going to be accomplished in other areas?

Vice Provost Kelly-Riley replied that these conversations need to happen with unit chairs and deans. A significant change in workload must be reflected in the PD, whereas some changes are small enough that a change in PD may not be necessary. In such cases, the extra work is best documented in the annual report. For instance, if a faculty had to learn a new technology, that would be part of course development that does not require a change in PD.

Provost Lawrence agreed that a change in PD requires long-term and significant changes. We don’t want to change PDs for the COVID disruption (which required more than 100% effort from everyone), and later change back. Long-term changes in workload do require a PD change. It is a big gray area, where individual units and colleges have some discretion.

The Vice Chair reported receiving communications from faculty who have taken on additional duties, but their chairs are not willing to negotiate. Furthermore, junior faculty, clinical faculty, and instructors are not comfortable having these conversations, particularly in a time of budget cuts. They are afraid to be punished for not being a “team player.” Vice Chair Meeuf would like to see a more open conversation about the fact the PD must reflect the actual work done by the faculty so that efforts in the various categories can be properly evaluated at P&T.

Provost Lawrence said people should feel encouraged to speak up. He will bring these concerns to Provost Council and ask the deans to make it clear that PD should be adjusted as appropriate.

Diane Kelly-Riley reiterated that these conversations are taking place. Just the day before, she held a training session for unit administrators and deans about the annual review process. Faculty should not be afraid.

Chair Kirchmeier, speaking as a former lecturer and current non-tenure track instructor, said that junior and non-tenure track faculty perceive an inherent risk in bringing up these issues. Whether it is real or perceived, it is real to them, especially in a time of non-renewals.

A Senator agreed with the Vice Chair’s comments. Faculty have expressed fears of setting boundaries for themselves and pushing for a healthy work-life balance. She thinks the latter is not part of the culture at U of I. Junior and non-tenure track faculty feel they receive mixed messages. She also reiterated the need of students (and in turn, faculty) for emotional support.

A Senator followed up on the loss of institutional knowledge and its impact on our ability to help students and others find answers. She thinks that our web presence is geared more and more
towards marketing and recruiting. Having fewer people who are knowledgeable of the institution creates additional stress. The Secretary expressed gratitude for all the conversations that are going on. But ultimately, the issues we have been talking about today need to be addressed with actual solutions. Those must be in policy. FAC is currently considering many of the aspects discussed today, particularly as they apply to a disruption of the university’s regular activities.

Yet another Senator wished to stress the damaging impact of losing institutional knowledge. He volunteered to be the Director of Graduate Studies in his unit and noted that junior faculty have no experience with recruiting good graduate students. Furthermore, COVID has put international students in an impossible situation. They feel stressed and lonely, and on the verge of a mental health crisis. This Senator also wished to comment on the PD and the current annual evaluation process, which he dislikes because it puts more work on the faculty. Perhaps an unintended consequence of the change?

The last comment was from a Senator who shared that she was born in Idaho and went to school at U of I. She said she wishes to serve the people of Idaho – that will remain her top priority.

The Chair thanked everyone and reminded the Senators to reach out to one of the FSL members with additional thoughts or questions.

Adjournment:
The agenda being completed, the Chair adjourned the meeting at 4:58pm.

Respectfully Submitted,

Francesca Sammarruca
Secretary of the University Faculty & Secretary to Faculty Senate
POLICY COVER SHEET

For instructions on policy creation and change, please see
https://sitecore.uidaho.edu/governance/policy.

All policies must be reviewed, approved, and returned by the policy sponsor, with a cover sheet attached, to ui-policy@uidaho.edu.

Faculty Staff Handbook (FSH)
X Addition □ Revision* □ Deletion* □ Emergency □ Minor Amendment
Policy Number & Title: FSH 6100 TITLE IX SEXUAL HARRASSMENT

Administrative Procedures Manual (APM)
□ Addition □ Revision* □ Deletion* □ Emergency □ Minor Amendment
Policy Number & Title:

*Note: If revision or deletion, request original document from ui-policy@uidaho.edu. All changes must be made using “track changes.”

Originator: Erin Agidius, Director OCRI
Policy Sponsor, if different from Originator:
Reviewed by General Counsel X Yes ___No Name & Date: Jim Craig, 8/12/2020

1. Policy/Procedure Statement: Briefly explain the reason for the proposed addition, revision, and/or deletion.

On May 6, 2020, the U.S. Department of Education issued new regulations amending 34 C.F.R. Part 106 mandating how colleges and universities must investigate and adjudicate allegations of sexual harassment under Title IX, the federal law prohibiting discrimination on the basis of sex in educational programs and activities. As a result, the University must adopt a new policy to comply with these regulations. The policy presented herein was adopted by President Green as a temporary emergency policy on August 14, 2020, and is now presented, without further changes, for adoption as a permanent policy.

2. Fiscal Impact: What fiscal impact, if any, will this addition, revision, or deletion have?

None.

3. Related Policies/Procedures: Describe other UI policies or procedures related or similar to this proposed change, or that will be impacted by it.

FSH 3200, 3220, 3205, 3215, 3810

4. Effective Date: This policy shall be effective on July 1, or January 1, whichever arrives first after final approval (see FSH 1460 D) unless otherwise specified in the policy.
FSH 6100
TITLE IX SEXUAL HARASSMENT

A. STATEMENT OF PURPOSE
   A-1. The core purpose of this policy is the prohibition of all forms of sexual harassment.

   A-2. This policy is designed to treat all parties equally. All provisions of this policy must be interpreted as applying equally to both parties.

   A-3. The University presumes that the respondent is not responsible for any conduct alleged in a report or formal complaint until a determination regarding responsibility is made at the conclusion of this grievance process.

B. APPLICABILITY. This policy applies to sexual harassment occurring in a University education program or activity and against a person while in the United States. Allegations of sexual harassment to which this policy applies can only be addressed through this policy, and may not be addressed by any other University policy. To the extent this policy conflicts with any other University policy, this policy shall control. Other sexual misconduct is addressed under other University policies.

C. VIOLATION. Sexual harassment, as defined in this policy, is prohibited.

D. DEFINITIONS
   D-1. Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the University’s Title IX Coordinator or any University official who has authority to institute corrective measures on behalf of the University. The University officials with authority to institute corrective measures on behalf of the University include the president, provost, vice presidents, vice provosts, associate vice presidents, associate vice provosts, Dean of Students, director of Housing and Residence Life, director of Fraternity and Sorority Life, executive director of Public Safety and Security, Title IX Coordinator, senior executive in Human Resources, deans, associate deans, department chairs, Athletic Director, Associate Athletic Director for NCAA compliance, Center executive officers, Chief Diversity Officer, and the Internal Auditor.

   D-2. Advisor means a person chosen by a party or appointed by the University to accompany the party to meetings, hearings, or interviews related to the grievance process and to conduct cross-examination for the party at the hearing, if any.

   D-3. Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. If the complainant is under 18 years of age, the complainant’s parent or guardian may also be considered a complainant.

   D-4. Consent is knowing, voluntary, and clear permission by word or action to engage in sexual activity. Consent can be withdrawn at any time.
D-5. **Dating violence** is violence on the basis of sex committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

D-6. **Day(s)** means a business day that the university is open for normal operation, not including Saturdays, Sundays, fall recess, winter recess, spring recess, or University holidays.

D-7. **Domestic violence** is violence committed by a current or former spouse or intimate partner of the complainant; by a person with whom the complainant shares a child in common; by a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner; by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Idaho; or by any other person against an adult or youth complainant who is protected from that person’s acts under the domestic or family laws of Idaho.

D-8. **Education program or activity** includes locations, events, or circumstances over which the University exercises substantial control over both the respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

D-9. **Formal complaint** means a document filed with the Title IX Coordinator in accordance with section [E-2] alleging sexual harassment against a respondent and requesting that the University investigate the allegation of sexual harassment.

D-10. **Good cause**, when referring to the extension of any deadline, may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

D-11. **Hearing administrator.** The hearing administrator shall be responsible for ensuring that the administrative duties relating to the live hearing process are carried out in accordance with this policy. The hearing administrator shall be the senior executive of Human Resources in cases in which the respondent is an employee, and the Dean of Students in all other cases.

D-12. **Investigator** means the person or persons charged by the University with investigating a formal complaint and drafting the final investigative report.

D-13. **Party** means either the complainant(s) or respondent(s). Parties includes the complainant(s) and respondent(s), collectively.

D-14. **Relevant evidence** means any evidence that tends to make a fact more or less probable than it would be without the evidence.
a. Questions and evidence about the complainant’s sexual predisposition or prior sexual behaviors are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

b. Relevant evidence does not include a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their professional or paraprofessional capacity, or assisting in the capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party gives voluntary written consent to use the records in the grievance process and hearing.

D-15. Remedies means any measures implemented after a finding of responsibility that is designed to restore or preserve the complainant’s equal access to the University’s education program or activity. Such remedies may include the same measures implemented as supportive measures, but may be disciplinary or punitive in nature, and may burden the respondent.

D-16. Report of sexual harassment means any situation in which the University has actual knowledge of an alleged incident of sexual harassment occurring in an education program or activity.

D-17. Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. If the respondent is under 18 years of age, the respondent’s parent or guardian may also act on behalf of the respondent.

D-18. Sexual assault means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, including the following:

a. Rape: The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity.

b. Sodomy: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity.

c. Sexual assault with an object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity.
d. **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity.

e. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

f. **Statutory rape:** Sexual intercourse with a person who is under the statutory age of consent.

D-19. **Sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:

a. A University employee conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;

b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity; or

c. Sexual assault, dating violence, domestic violence, or stalking.

D-20. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress.

D-21. **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or deter sexual harassment.

D-22. **Title IX Coordinator** means at least one official designated by the University to ensure compliance with Title IX and the University’s Title IX program. References to the Title IX Coordinator may also encompass a designee of the Title IX Coordinator for specific tasks.

E. RESPONSE TO REPORT OF SEXUAL HARASSMENT

E-1. **Receipt of Report.** Upon receipt of a report of sexual harassment the Title IX Coordinator will:

a. Promptly contact the complainant to:

   1. Discuss the availability of supportive measures;
2. Consider the complainant’s wishes with respect to supportive measures by engaging in a meaningful dialogue with the complainant to determine which supportive measures may restore or preserve equal access to the University’s education program or activity without unreasonably burdening the respondent;

3. Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and

4. Explain to the complainant the process for filing a formal complaint.

b. Implement appropriate supportive measures for both the respondent and complainant. Supportive measures may be implemented with or without the filing of a formal complaint.

1. Supportive measures must be designed to restore or preserve equal access to the University’s education program or activity without unreasonably burdening the other party. Supportive measures may be designed to protect the safety of all parties or the University’s educational environment, or deter sexual harassment. Supportive measures may include:

   (a) Referral to counseling, medical, or other healthcare services;

   (b) Extensions of deadlines or other course-related adjustments;

   (c) Modifications of work or class schedules;

   (d) Provision of campus escort services;

   (e) Mutual restrictions on contact between the parties;

   (f) Changes in work or housing arrangements;

   (g) Leaves of absence;

   (h) Referral to community-based providers;

   (i) Student financial aid counseling;

   (j) Education of the institutional community or community subgroup(s);

   (k) Safety planning;

   (l) Increased security and monitoring of certain areas of the campus; and
2. The Title IX Coordinator has sole authority to determine what supportive measures are to be implemented. The Title IX Coordinator must document the reasons for approving or denying supportive measures.

3. The University must keep confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining confidentiality would not impair the ability of the University to provide the supportive measures.

c. If the complainant decides not to file a formal complaint, the Title IX Coordinator will determine whether or not to file a formal complaint. In determining whether to file a formal complaint, the Title IX Coordinator may consider, among other things, whether there is a pattern of alleged misconduct involving the same respondent; whether a complainant’s allegations involved violence, use of weapons, or similar factors; or whether the safety of the University community requires the filing of a formal complaint.

E-2. Filing of Formal Complaint

a. Only the complainant or the Title IX Coordinator may file a formal complaint.

b. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the University’s education program or activity.

c. A formal complaint may be filed by any of the following methods:
   1. Completing and submitting the online complaint form available at www.uidaho.edu/report;

   2. Downloading and completing the complaint form available at www.uidaho.edu/report, or by requesting it from the Title IX Coordinator, and returning the form to the Title IX Coordinator in person, by mail, or through email to TitleIX@uidaho.edu; or

   3. By sending a document to the Title IX Coordinator in person, by mail, or through email to TitleIX@uidaho.edu. The document must:
      (a) Indicate the complainant’s desire to file a formal complaint;

      (b) Contain the basic allegations of the respondent’s conduct that allegedly constitutes sexual harassment; and

      (c) Contain the complainant’s physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint.

E-3. Confidentiality
a. The University must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness.

b. This confidentiality requirement does not apply when disclosure is:
   1. Permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99; or
   2. Required by law; or
   3. Required to carry out the purposes of this policy or 34 CFR Part 106, including the conduct of any investigation, hearing, or judicial proceeding.

F. FORMAL COMPLAINT
   F-1. Notice of Allegations
   a. Upon receipt of a formal complaint the Title IX Coordinator must provide a notice of allegations to the known parties.

   b. The Title IX Coordinator may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

   c. This notice must be written and sent simultaneously to all known parties, with the following information:
      1. The University of Idaho’s grievance process, including any informal resolution process;
      2. The allegations of potential sexual harassment, which shall include the following details:
         (a) Identities of the parties involved in the incident, if known;
         (b) The conduct allegedly constituting sexual harassment; and
         (c) The date and location of the alleged incident, if known;
      3. The right to an advisor of their choosing, who may be a friend, colleague, attorney, family member, advocate or other person;
      4. The right to inspect and review evidence;
5. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will not be made until the conclusion of the grievance process; and

6. A statement that knowingly providing false statements or knowingly submitting false information during the grievance process violates University policy and may subject the person to disciplinary action outside of this grievance process.

d. If, during the course of an investigation, the University decides to investigate additional allegations that are not in the initial notice of allegations, an amended notice of allegations must be provided to the parties whose identities are known.

F-2. Dismissal of Formal Complaint

a. A formal complaint must be dismissed without investigation if:
   1. The conduct alleged in the formal complaint would not constitute sexual harassment as defined in section D-19 even if proven; or

   2. The conduct did not occur in a University of Idaho education program or activity; or

   3. The conduct did not occur against a person in the United States.

b. A formal complaint may be dismissed at any point in time during the investigation if:
   1. The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations in the formal complaint; or

   2. The respondent is no longer enrolled or employed by the University of Idaho; or

   3. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations in the formal complaint.

c. If a formal complaint is dismissed, the Title IX Coordinator shall send the parties written simultaneous notice of the dismissal, which will include the reason(s) for the dismissal.

d. A dismissal of a complaint under this policy does not preclude action under another University policy.

F-3. Meeting with Parties. Each party will be given an opportunity to meet with the investigator(s) within a reasonable period of time after the notice of allegations is provided to the parties. The investigator should contact each party no later than five days
after the notice of allegation is provided to the parties in order to schedule the meeting. A party is not required to meet with an investigator. Prior to the meeting, the investigator shall provide the party with written notice of the date, time, location, names of participants, and the purpose of the meeting. The written notice must give the party sufficient time to prepare to participate in the meeting. A separate written notice must be provided prior to each meeting with the parties.

F.4. Investigation

a. Parties may, but are not required to, provide information for investigators to consider at any point in time during the investigation, prior to the dissemination of the final investigative report. The information may include, but is not limited to:
   1. The names of potential witnesses to interview;
   2. Suggested questions to ask the other party or other witnesses;
   3. Written information relevant to the allegations, including, but not limited to text messages, police reports, witness statements, medical records, and social media posts or messages;
   4. Video or audio recordings;
   5. A written response to the notice of allegations;
   6. Expert witnesses and/or expert witness reports; and
   7. Any other inculpatory or exculpatory information the party would like the University to consider.

b. Investigators will conduct their own inquiry to gather relevant information, including, but not limited to:
   1. Documentary information;
   2. Inculpatory evidence;
   3. Exculpatory evidence;
   4. Names of witnesses, including fact and expert witnesses;
   5. Witness interviews;
   6. Suggested questions to ask the other party or witnesses.

c. Without the voluntary written consent of the person to whom the records pertain, the University cannot access, consider, disclose, or otherwise use a person’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their professional or
paraprofessional capacity, or assisting in that capacity, and which are made and maintained in connection with the person’s treatment.

d. The University shall not prohibit the parties from discussing the allegations under investigation, nor shall the University prohibit parties from conducting their own investigation.

e. All parties and witnesses will be provided a written summary of their respective meeting(s). A party or witness may submit comments on the summary within two days of receipt of the summary.

F.5. Preliminary Investigative Report

a. Once investigators conclude the investigation, investigators will draft a preliminary investigative report. This preliminary investigative report will be provided to all parties (either in hardcopy or electronically) to inspect and review. The preliminary investigative report must include a summary of all relevant information gathered during the Investigation including, but not limited to:

1. A summary of the complainant’s interview(s);
2. A summary of the respondent’s interview(s);
3. A list of witnesses contacted;
4. A summary of witness interviews; and
5. All other evidence obtained as part of the investigation that is relevant to the allegations, including evidence upon which investigators do not intend to rely.

b. The investigator shall provide a preliminary investigative report and all evidence gathered by the investigator that is directly related to the allegations to both parties and their advisors for review and inspection.

c. Parties will have ten days to submit a written response to the preliminary investigative report. This response may include requests for additional investigation, additional witnesses to be interviewed, or additional questions to ask of witnesses. Requests for extensions will be granted at the discretion of the Title IX Coordinator for good cause. Written notice of the extension of the deadline will be provided to all parties, and will apply equally to all parties.

d. Investigators will consider any timely written response submitted by a party prior to completing the final investigative report. If investigators determine additional investigation is appropriate, investigators will conduct the additional investigation and then draft a revised preliminary investigative report and provide the parties an additional ten days to review and provide a written response.

F.6. Final Investigative Report
a. Upon conclusion of the investigation, taking into consideration the timely written response of the parties, if any, investigators will create a Final Investigative report that includes all information provided in the preliminary investigative report as well as:

1. The timely responses from the parties to the preliminary investigative report;

2. A list of necessary witnesses who should be requested to appear at the live hearing; and,

3. As necessary, an assessment of the credibility of the parties and relevant witnesses, provided however that the investigator shall not make a determination as to whether a party or witness is credible or not credible.

b. The final investigative report shall not include any recommended findings or conclusions.

G. LIVE HEARING PROCESS

G-1. Final Investigative Report Submission

a. Once a final investigative report is complete, the Title IX Coordinator will forward the final investigative report to the hearing administrator.

b. Upon receipt of the final report, the hearing administrator shall forward the report to each party simultaneously using the party’s official University of Idaho email address or through any other electronic means reasonably calculated to provide immediate access to the report. The hearing administrator shall also provide a notice of hearing to the parties at the same time as the final investigative report. The notice of hearing shall include the following information:

1. A statement that a live hearing will be convened for the purpose of determining whether the respondent is responsible for violating this policy;

2. The date, time, and location for a live hearing. If the hearing will be held electronically, the notice shall include instructions on how to participate in the live hearing;

3. A copy of or a link to the hearing procedures contained in this section;

4. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made after the conclusion of the hearing;

5. A statement that the parties may have an advisor of their choice who may be, but is not required to be, an attorney, and that if they do not have an advisor, the University will provide an advisor to the party for the sole purpose of assisting with cross-examination;
6. A statement that if a party needs an accommodation on account of a disability to participate in the hearing, the party should contact Human Resources if the party is an employee and the Center for Disability Access and Resources if the party is a student or anyone other than an employee;
7. A list of the witnesses that were identified in the final investigative report as necessary witnesses and a statement that the hearing administrator will attempt to contact these witnesses and arrange for their presence at the hearing;

8. The deadlines referenced in section G-1 c; and

9. The name of the hearing officer and the names of those appointed to serve on the hearing panel.

c. No later than five days after the notice of hearing and final investigative report are provided to the parties, each party must, if desired, submit the following information to the hearing administrator:
   1. Any written statements or arguments for the hearing panel to consider in making the decision of responsibility;

   2. The identity of the advisor the party will bring to the live hearing or, if the party will not provide an advisor, a request for the University to provide an advisor for the party at the live hearing;

   3. The identity of any additional witness the party requests to have present at the hearing, provided, however, that if the witness was not interviewed during the investigation, the witness may not appear at the hearing. The parties shall be reminded that the University cannot force anyone to be present at the hearing or to give any statements at the hearing. The parties are encouraged, but are not required, to have the hearing administrator contact the witnesses to request their presence. Each party may contact witnesses directly to request their presence at the hearing as long as there is not a no-contact order prohibiting the party from contacting a specific witness; and

   4. If desired, a request to participate in the live hearing in a separate room through virtual technology.

G-2. Hearing Administrator Duties
   a. Prior to the live hearing, the hearing administrator shall:
      1. Appoint a hearing officer to preside over the live hearing from the list of approved hearing officers;

      2. Notify the chair of the Title IX hearing board of the need to convene a hearing panel for a live hearing and request the chair to appoint a hearing panel;
3. Schedule a date and time for the live hearing. The live hearing shall be held no earlier than ten days after the delivery of the final investigative report, and no later than twenty days after delivery of the final investigative report. The hearing administrator may extend the date of the hearing at the request of a party or otherwise for good cause, provided that written notice is provided to the parties of the delay and the reasons for the delay;

4. Attempt to contact the witnesses identified in the final investigative report as necessary witnesses and any witness identified by the parties, in order to request the witnesses’ presence at the hearing; provided, however, that the University cannot force anyone to be present at the hearing or to give any statements at the hearing;

5. Schedule and arrange for a room or rooms in which to hold the hearing;

6. Make arrangements for any technology, such as recording equipment and video conference technology and equipment, necessary to hold the hearing;

7. Prepare a hearing packet and provide the hearing packet to the hearing officer, the members of the hearing panel, and the parties at least three days prior to the hearing. The hearing packet shall consist of the final investigative report; copies of the notice of allegation(s); copies of any written statements the parties provided in response to the final investigative report which were submitted prior to the submission deadline; and copies of the notice of hearing.

   b. The hearing administrator shall be responsible for ensuring that an audio or audio/video recording is made of the hearing.

   c. The hearing administrator shall be present during the hearing panel’s deliberations, but shall not vote on the decision regarding responsibility.

G.3. Hearing Officer
   a. Qualifications
      1. The senior executive of Human Resources, Dean of Students, provost, and General Counsel shall determine the appropriate qualifications for a person to serve as a hearing officer and shall make a list of approved hearing officers available to the hearing administrator.

      2. Each person approved to serve as a hearing officer must, prior to being appointed to serve as a hearing officer in any case, shall complete the training specified in section L.

      3. The hearing officer must not have a conflict of interest or bias for or against either party specifically; or, generally for or against complainants or respondents.
b. Duties

1. The hearing officer shall preside over the live hearing in accordance with the procedures set forth in this section and shall serve as chair of the hearing panel, but shall only vote in determining whether the respondent is responsible for violating the sexual harassment policy and on determining the appropriate sanctions, if any, in the event of a tie vote among the other members of the hearing panel.

2. The hearing officer may be physically present at the location of the parties or may conduct the hearing virtually through technology that enables all participants to see and hear each other simultaneously. If the hearing officer is not physically present at the same location as the parties, the parties and their advisors shall be in separate rooms and shall participate in the hearing virtually.

3. The hearing officer shall ensure that a written decision is drafted and finalized no later than ten days after the conclusion of the live hearing.

G-4. Title IX Hearing Board

a. The Student Conduct Board, as set forth in FSH 1640.83 will make up the Title IX Hearing board.

b. When the hearing administrator notifies the chair of the Title IX Hearing Board of the need to convene a hearing panel, the chair shall appoint either three or five members of the Title IX Hearing Board to serve as a hearing panel in each case. The chair shall notify the hearing administrator of the names of those appointed as soon as possible in order to allow the hearing administrator to provide the names of the hearing panel members to the parties in the notice of hearing.

c. A member of the Title IX Hearing Board shall not serve on any hearing panel or appeal panel in any case where the member has a conflict of interest or bias for or against either party specifically, or generally for or against complainants or respondents.

d. Prior to being appointed to serve on any hearing panel, each member of the Title IX Hearing Board shall complete training on the definition of sexual harassment; the scope of the University’s education program or activity; the University’s investigation and grievance process; how to conduct hearings; how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; any technology to be used at a live hearing; and on issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant.
e. The chair of the Title IX Hearing Board may only appoint a student to serve on hearing panels in cases in which all parties are students.

f. Proceedings before the Title IX Hearing Board, whether before a hearing panel or appeal panel, are confidential and protected by state and federal law. In specific disciplinary cases, members of the Title IX Hearing Board must protect the confidentiality of the information they receive in fulfilling their duties as members of the Title IX Hearing Board. Panel members must not discuss specific cases or share any information regarding specific disciplinary cases or their deliberations with anyone other than the Title IX Hearing Board chair, the Office of General Counsel, the hearing administrator, or fellow panel members appointed to the same panel in that specific case, and in all such instances, the discussion or sharing of information must be reasonably necessary for the panel’s consideration of the specific case.

G-5. Live Hearing Process

a. All parties, witnesses, advisors and other participants should be present in the same physical location for the hearing. However, either party, at the request of the party, or any other participant at the discretion of the hearing administrator or hearing officer, may appear at the live hearing virtually, with technology enabling participants to simultaneously see and hear each other. Participation by audio only shall be prohibited.

b. All hearings are closed to the public. The only people allowed to be present during the hearing are the parties; each individual party’s advisor; the investigator(s); the hearing administrator; the Title IX Coordinator (or designee); one or more attorneys or support staff from the Office of General Counsel; the hearing officer; members of the hearing panel appointed to hear the case; and the witnesses, provided that each witness shall only be present while the witness is answering questions. In rare cases, the hearing officer may allow someone not on this list to attend the hearing, after consulting with the Title IX Coordinator and the Office of General Counsel to ensure compliance with all applicable confidentiality requirements.

c. The live hearing shall be recorded either by audio or by audio/video.

d. Order of proceedings. The live hearing shall proceed in the following manner to the extent possible, provided that the hearing officer may allow deviations from this order in the hearing officer’s discretion:

1. Opening Statements. Each party may, but is not required to, make an opening statement. The party’s advisor is not allowed to make the opening statement on behalf of the party.

2. Witnesses
(a) The hearing officer shall call each witness and party to answer questions in the following order: 1) complainant, 2) respondent, 3) non-party witnesses in any order determined by the hearing officer.

(b) Only witnesses who were previously interviewed as part of the investigation may appear at the hearing.

(c) Prior to asking any questions of a witness or party, the hearing officer shall read the following statement to each party and witness. The statement need not be read verbatim, but shall consist substantially of the following: “You are hereby advised that you are not required to answer any questions posed to you during this hearing. However, if you refuse to answer any relevant question, none of your statements made at any time to any person may be considered by the hearing panel in deciding whether the respondent is responsible for violating the University of Idaho’s Title IX sexual harassment policy. If you choose to answer the questions, you must answer the question truthfully. If you knowingly provide false information you may be disciplined by the University of Idaho. This hearing is being recorded. Do you have any questions?”

(d) The hearing officer shall ask the following questions of each party and witness prior to cross-examination. The hearing officer may, but is not required to, ask additional questions of any party or witness at any time during the hearing. The following questions need not be asked verbatim, but shall be substantially as follows:

i. “Have you had a chance to review the summary of your statements contained in the final investigation report?”

ii. “Does the summary accurately reflect your knowledge of the facts at issue in this case?” If the answer is no, the hearing officer shall ask the witness or party to identify the parts of the summary are not accurate.

iii. “Is there anything contained in that summary that you would like to expand upon or clarify?”

iv. To be asked only of the complainant and the respondent: “Is there anything else you would like to tell me regarding the facts of the situation? If so, please do so now.”

(e) Neither a party nor a party’s advisor is allowed to conduct direct examination of any party or witness.

3. Cross-Examination. After the hearing officer asks the initial questions, each party shall thereafter be given the opportunity to conduct cross-examination of the witnesses and other party, but cross-examination is not required. Under no
circumstances shall a party be allowed to directly cross-examine a party or witness; rather, all cross-examination must be conducted by the party’s advisor. A party’s advisor is not allowed to cross-examine the party they are advising. If an advisor is also a witness, neither the party nor the advisor/witness may cross-examine the party’s own advisor/witness. However, a party is allowed to provide additional information after cross-examination is complete in order to address questions asked during cross-examination.

4. Prior to any cross-examination, each witness, including each party, shall be instructed not to answer the question asked until the hearing officer makes a determination regarding the relevance of the question asked. Before the witness or party answers the question, the hearing officer must first determine whether the question is relevant. The hearing officer may, but is not required to, allow each party’s advisor to make a brief argument regarding the relevance of the question. If the hearing officer determines that the question is not relevant, the hearing officer must exclude the question and direct the witness or party to not answer the question. The hearing officer must also provide a brief explanation for the decision to exclude the question. The hearing officer may provide a more detailed explanation in the written decision if necessary or desired. If the question is relevant, the hearing officer shall allow the witness to answer the question.

5. Closing Statement. At the conclusion of the presentation of evidence, each party may, but is not required to, make a closing statement to the hearing officer. The party’s advisor is not allowed to make the closing statement on behalf of the party.

e. Written evidence may not be provided at the live hearing, except written evidence which is already included in the final investigative report.

G-6. Decision

a. The hearing officer shall provide to the hearing administrator a written decision regarding responsibility and sanctions within ten days after the conclusion of the live hearing. The hearing administrator shall simultaneously provide the written decision to the parties and their advisors.

b. In making the decision, the hearing panel shall consider and objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, contained in the hearing packet and the oral evidence presented at the live hearing. In making the decision, the hearing panel may not rely on any statement of a party or witness who, after being requested to attend the hearing by the hearing administrator, does not submit to cross-examination at the live hearing. The hearing panel may not draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.
c. The hearing panel shall determine whether the respondent violated the Title IX sexual harassment policy using a preponderance of the evidence standard.

d. The written decision must include the following:
   1. Identification of the allegations alleged to be in violation of the University’s sexual harassment policy;
   2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
   3. Findings of fact supporting the determination;
   4. Where necessary to the decision, a credibility determination of the parties and witnesses, provided however that a credibility determination may not be based on a person’s status as a complainant, respondent, or witness;
   5. Conclusions regarding the application of the University’s Title IX sexual harassment policy;
   6. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
   7. If the respondent is found responsible, the sanctions imposed on the respondent, including a statement of the sanctions and rationale for the sanctions.
   8. Whether remedies designed to restore or preserve equal access to the University’s programs will be provided to the complainant; and
   9. The procedures and permissible bases for either party to appeal the decision.

f. Should the hearing panel find that the respondent is responsible for violating this policy, prior to determining the appropriate sanction to be imposed, the hearing administrator shall disclose to the panel any appropriate previous disciplinary history regarding the respondent. The hearing administrator shall also serve as a resource to the hearing panel to help the panel determine appropriate sanctions that are reasonably consistent among similar cases.

g. All hearing panel decisions shall be by majority vote.
   1. The hearing panel may return the matter for additional investigation if the hearing panel determines that: The investigator(s) failed to properly investigate the allegation and the failure was both substantial and to the party’s detriment; or
2. There is new information that could substantially affect the outcome and the new information could not have been discovered before the issuance of the final investigative report.

h. Sanctions imposed by the hearing panel shall not go into effect until either the time period for an appeal has expired and no appeal has been filed or until the decision is upheld on appeal. If the sanctions for an employee respondent includes termination of employment, the sanction shall not go into effect until reviewed and approved by the President.

H. ROLE OF ADVISORS

H-1. Parties may have an advisor of their choice present with them for all meetings and interviews, if they so choose. The parties may select whomever they wish to serve as their advisor. While it is not recommended to choose an advisor who is also a witness in the process, should a party decide to do so, any bias or conflict of interest of the witness may negatively affect the credibility of the witness and/or party.

H-2. All advisors are subject to the same limitations, whether they are attorneys or not. The advisor may not make a presentation and may not speak on behalf of the party to the investigators or other decision-makers except to conduct cross-examination during the live hearing, as described below.

H-3. The parties are expected to ask and respond to questions on their own behalf throughout the investigation. While the advisor generally may not speak on behalf of a party, a party may request a break in order to speak privately with the party’s advisor, may consult quietly with the party’s advisor, and/or may quietly pass notes during any meeting or interview, as long as they do not unreasonably disrupt the process. For longer or more involved discussions, the party and the party’s advisor should ask for breaks to step out of meetings to allow for private consultation. If breaks become disruptive to the process, such requests may be denied or the meeting rescheduled.

H-4. Advisors may be given an opportunity to meet with the administrative officials conducting interviews/meetings in advance of the interviews or meetings. This pre-meeting allows advisors to clarify any questions they may have and allows the University an opportunity to clarify the role the advisor is expected to take. This pre-meeting is intended only to allow the advisor to inquire about the advisor’s role and the process, in order to minimize procedural discussion during the interview, and is not an opportunity for the advisor to discuss the case specifics.

H-5. Advisors are expected to refrain from interference with the University’s investigation and resolution. Advisors who step out of their role will be warned only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting or hearing. If the advisor’s continued interference occurs at the live hearing, the University will provide the party with an advisor to conduct cross-examination. If the advisor’s continued interference
occurs at any other meeting, the meeting may then be rescheduled to allow the party to obtain a different advisor.

**H-6.** Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by University. The University may exclude any advisor who fails to abide by these expectations. Each party is responsible for ensuring that the party’s advisor abides by these restrictions and may be subject to discipline for the advisor’s failure to comply with these restrictions.

**H-7.** A party may elect to change advisor during the investigation, and is not obligated to use the same advisor throughout. The parties are expected to inform the investigators of the identity of their advisors at least one (1) day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties are expected to provide timely notice to investigators if they change advisors at any time. Changing advisors does not delay the investigation, interview, meeting, or hearing process.

**H-8. University-provided advisors**

   a. In the event any party appears at a live hearing without an advisor, the University will provide an advisor to the party without charge for the sole purpose of conducting cross-examination during the live hearing. The University-provided advisor may not assist the party in anything other than conducting cross-examination.

   b. The Title IX Coordinator shall be responsible for recruiting and training university employees to serve as advisors, and shall ensure that advisors assigned to a party do not have an impermissible bias or conflict of interest.

**I. APPEALS**

**I-1.** Any party may appeal a decision to dismiss the formal complaint and the hearing panel’s decision. Appeals must be submitted in writing to the hearing administrator and must set forth the grounds for the appeal. The appeal must be filed no later than five days after the decision is delivered to the parties. The hearing administrator shall ensure that all parties and their advisors receive a copy of the appeal and any response to the appeal submitted by the non-appealing party(ies).

**I-2.** Appeals are limited to the following grounds:

   a. Procedural irregularity that affected the outcome of the matter;

   b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter;

   c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent that affected the outcome of the matter;
d. The sanctions imposed are substantially disproportionate to the severity of the violation (the imposition of an administrative fee is not a sanction, and therefore cannot be appealed); or

e. The decision is not based on substantial information. A decision is based on substantial information if there are facts in the case that, if believed by the decision-maker, are sufficient to establish that the decision is correct.

I-3. An appeal shall be limited to a review of the decision, the hearing packet (if any), any written material considered in the decision, the recording of the live hearing (if one was held), any written materials submitted with the appeal, and any response to the appeal submitted by the non-appealing party(ies). Where an appeal is based on new evidence, the new evidence may be considered only to determine whether the information was reasonably available at the time of the decision and whether the new evidence could affect the outcome of the matter.

I-4. Appeal Panel Procedures
   a. The chair of the Title IX Hearing Board shall appoint three or five members of the Board to serve on the appeal panel, and shall designate one member to serve as chair of the appeal panel. Any member who served on a hearing panel shall not serve on the appeal panel on the same case. A student may not serve as chair of an appeal panel, and may not serve on an appeal panel unless all parties are students.

   b. Any non-appealing party may file a response to the appeal in support of, or challenging, the outcome. The written response must be provided to the hearing administrator within five days after notice of the appeal is provided to the party.

   c. The appeal panel shall issue a written decision. The decision should be issued within ten days of receiving all appeal materials. The written decision shall describe the result of the appeal and the rationale for the result. The chair of the appeal panel shall provide the written decision to the hearing administrator, who will then simultaneously provide the decision to the parties.

I-5. Results of the Appeal Panel. The appeal panel may:
   a. Uphold the decision;

   b. Uphold the finding that the respondent violated this policy, but revise the sanction(s);

   c. Return the matter for reconsideration; or

   d. Return the matter for additional investigation.

I-6. Unless the case is returned for reconsideration or to the investigator for additional investigation, the decision of the appeal panel is the final institutional decision. If the
decision upholds the findings that the respondent is responsible for violating this policy, the sanctions imposed shall go into effect immediately. Provided, however, that if the sanction for an employee respondent includes termination of employment, the sanction shall not go into effect until reviewed and approved by the President.

J. POSSIBLE SANCTIONS AND REMEDIES

J-1. The sanctions which may be imposed upon any employee determined to have violated this policy range from a written warning to termination, and may include one or more of the following:
   a. Written warning;
   b. Letter of reprimand;
   c. No-contact directive;
   d. Reassignment of position and/or location;
   e. Modification of duties;
   f. Withholding of pay increase;
   g. Pay decrease;
   h. Demotion;
   i. Suspension without pay;
   j. Termination.

J-2. The sanctions which may be imposed upon any student determined to have violated this policy range from a warning to expulsion, revocation of degree, or withholding of degree, and may include any of the following:
   k. Warning;
   l. Probation;
   m. No-contact directive;
   n. Community service;
   o. Loss of privileges;
   p. Restitution;
   q. Educational sanctions;
r. On-campus housing suspension;

s. On-campus housing expulsion;

j. Suspension, which may include the imposition of conditions that must be fulfilled before the student may re-enroll;

t. Expulsion;

u. Revocation of admission;

v. Revocation of degree;

w. Withholding of degree;

x. Trespass from some or all University property.

J-3. The sanctions which may be imposed upon any other person over whom the University exercises substantial control determined to have violated this policy may include any of the following:

a. Warning;

b. Loss of privileges;

c. Trespass from some or all University property;

d. Termination or suspension of affiliation with the University;

e. Exclusion from participating in any University program or activity.

J-4. The range of remedies which may be provided to any complainant, after the respondent is found responsible for violating this policy, includes, but is not limited to, the following:

a. Relocation of the respondent’s or complainant’s work location, residence hall or apartment assignment;

b. Issuance or continuation of a no-contact order;

c. Changing the respondent’s and/or complainant’s supervisor, or supervisory chain;

d. Approval of flex-time or flex-place work arrangements;

e. Course modification;

f. Changing the complainant’s or respondent’s class schedule;
g. Modifying academic guidelines or requirements;

h. Prohibiting respondent from entering some or all University buildings or property;

i. Any supportive measures provided to the parties;

K. EMERGENCY MEASURES

K-1. Emergency removal.

a. The University may remove a respondent from any education program or activity on an emergency basis if, after undertaking an individualized safety and risk analysis, the University determines that the respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment, and that threat justifies removal.

b. The following persons shall be responsible for making the determination of whether the respondent poses an immediate threat: For student respondents, the Dean of Students; for faculty respondents, the Provost; for non-faculty employees, the Vice-President for Finance and Administration; for all other respondents, the Executive Director for Public Safety and Security.

c. The Threat Assessment and Management Team should be consulted in making the determination of whether a respondent poses an immediate threat if it can be convened in a timely manner.

d. Immediately following the decision to remove the respondent from an education program or activity, the person making the determination shall deliver notice of the decision to the respondent. The respondent may appeal the decision within five days of being notified of the decision by submitting a written statement to the person making the determination. The respondent may, however, request a modification based on changed circumstances at any time prior to the final institutional decision regarding whether the respondent violated this policy.

K-2. Administrative leave. Administrative leave may be used at any time for non-student employees, in accordance with University policy, and is not considered to be an emergency removal. Before a student employee may be placed on administrative leave arising out of an allegation of sexual harassment, the University must use the above procedures for an emergency removal.

L. TRAINING REQUIREMENTS

L-1. The University will train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process on the following matters:

a. The definition of sexual harassment;

b. The scope of the University’s education program or activity;
c. How to conduct an investigation;

d. How to conduct the University’s grievance process including hearings, appeals, and informal resolution processes; and

e. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

L-2. In addition to training on the matters in section L-1, the University will train decision-makers and hearing officers on:

a. The technology to be used at a live hearing; and

b. Issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant.

L-3. In addition to training on the matters in section L-1, the University will train investigators on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

L-4. All training materials used must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

L-5. The University must make the training materials publicly available on its website and available upon request for inspection by members of the public.

M. RECORD KEEPING. The University must maintain the following records for a period of seven years:

M-1. Each sexual harassment investigation, including any determination regarding responsibility and the recording or transcript of the hearings, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant;

M-2. Any appeal and the result therefrom;

M-3. Any informal resolution and the result therefrom; and

M-4. All training materials.

N. INFORMAL RESOLUTION PROCESS

N-1. At any time prior to a determination regarding responsibility, the University and the parties may participate in an informal resolution process whereby the parties agree to an appropriate resolution without further investigation, hearing, or appeal. The agreed-upon resolution may include the use of alternative dispute resolution methods.

N-2. The informal resolution process can only be offered when:
A formal complaint is filed,

b. The Title IX Coordinator determines that an informal resolution process is appropriate,

c. Both parties agree in writing to the informal resolution process and procedures, and

d. The formal complaint does not include allegations that an employee sexually harassed a student.

N-3. Prior to engaging in an informal resolution process, the parties will receive written notice with the following information:
a. A copy of the Notice of Allegations provided in accordance with section F-1;

b. The procedures to be used to reach the agreement; and

c. The information contained in section N-4 currently.

N-4. Informal resolution process requirements
a. All parties must agree to a resolution under the informal resolution process. If all parties are unable to reach a mutually agreeable outcome, the formal investigation process will resume.

b. A party may submit a written request to withdraw from the informal resolution process and resume the formal grievance process at any time prior to a signed informal resolution agreement.

c. After all parties sign a written agreement, the parties are precluded from resuming the formal complaint process arising from the same allegations.

d. All records of the informal resolution process will be maintained with the records of the complaint, but will not be included in the final investigative report should the informal resolution process fail to result in a written agreement.

e. All disciplinary sanctions, remedies, supportive measures or alternative outcomes are available to use in the informal resolution process.

N-5. All informal resolution agreements must be approved by the University. For student respondents, the Dean of Students has the authority to approve the agreement. For faculty respondents, the Provost has the authority to approve the agreement. For all other respondents, the Vice-President for Finance and Administration has the authority to approve the agreement.

N-6. Any executed informal resolution agreement is the final institutional decision and cannot be appealed.
O. RETALIATION

O-1. Retaliation is prohibited.
   a. No person may intimidate, threaten, coerce, or discriminate against any individual:
      1. for the purpose of interfering with any right or privilege secured by Title IX or this policy,
      2. because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.
   b. Intimidation, threats, coercion, or discrimination, including charges against an individual for policy violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

O-2. The exercise of rights protected under the First Amendment does not constitute retaliation.

O-3. Charging an individual with a policy violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

O-4. Complaints alleging retaliation under this policy may be filed as set forth in section E.

P. OTHER

P-1. Amnesty. The provisions of FSH 2310 shall apply to reports and formal complaints of sexual harassment under this policy, and shall be extended to all parties regardless of their status or affiliation with the University.

P-2. All documents required under this policy shall be delivered either in person or by email to the person’s official University email account, if possible; otherwise the document shall be delivered by any means reasonably likely to reach the person. If the document is sent by email to the person’s official University of Idaho email address, the document is deemed received upon delivery to the person’s email inbox.

P-3. Any reference to a University official by title shall include any equivalent University official should that title no longer exist, and includes that official’s designee.
Miscellaneous Change Request

New Proposal

Date Submitted: 10/21/20 2:19 pm

Viewing: Change Dept. Name in Psych and Comm

Last edit: 10/21/20 2:19 pm
Changes proposed by: Joana Espinoza (V00370901)

Faculty Contact

<table>
<thead>
<tr>
<th>Faculty Name</th>
<th>Faculty Email</th>
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<tbody>
<tr>
<td>Ben Barton</td>
<td><a href="mailto:barton@uidaho.edu">barton@uidaho.edu</a></td>
</tr>
</tbody>
</table>

Request Type: Change the name of an administrative unit
Effective Catalog 2021-2022

Title Change Dept. Name in Psych and Comm

Request Details
The department of Psychology & Communication Studies is requesting to change their department name to Psychology & Communication. They feel the new department name will be more accurate and concise.

Attach State Form group_b_form - PSYC COMM name change.pdf

Supporting Documents

Reviewer

Comments
Miscellaneous Change Request

New Proposal

Date Submitted: 10/26/20 10:18 am

Viewing: Change the name of the Dept. of Sociology & Anthropology

Last edit: 10/26/20 10:18 am
Changes proposed by: Joana Espinoza (V00370901)

Faculty Contact

<table>
<thead>
<tr>
<th>Faculty Name</th>
<th>Faculty Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brian Wolf</td>
<td><a href="mailto:bwolf@uidaho.edu">bwolf@uidaho.edu</a></td>
</tr>
</tbody>
</table>

Request Type: Change the name of an administrative unit

Effective Catalog Year: 2021-2022

Title: Change the name of the Dept. of Sociology & Anthropology

Request Details:
The Department of Sociology & Anthropology requests to change their department name to the Department of Culture, Society and Justice. They feel it reflects the multi-disciplinary scope of the programs housed in the department including the renamed criminology degree.

Attach State Form: Dept name change form.pdf

In Workflow:
1. Registrar's Office
2. UCC
3. Faculty Senate Chair
4. President's Office
5. State Approval
6. NWCCU

Approval Path:
1. 10/28/20 9:26 am
   Amy Kingston (amykingston):
   Approved for Registrar's Office
2. 11/02/20 4:05 pm
   Rebecca Frost (rfrost):
   Approved for UCC
Message from the Ombuds

This 2019-2020 Ombuds Office Annual Report represents the second report in my tenure as the University’s eighth Ombuds. This report also represents the first complete report, representing 12 full 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 President Scott Green, Provost and Executive Vice President John Wiencek, Interim 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.

Warmly,

Laura

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

University of Idaho Ombuds, September 30, 2020

“Empathy with others occurs only when we have successfully shed all preconceived ideas and judgments about them.” – Marshall B. Rosenberg

History of the University of Idaho Ombuds Office

The Ombuds Office at the University of Idaho has now been in place for 28 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 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

2019-2020 resulted in a caseload that reflects an increasing usage of the Ombuds Office. The Ombuds had 276 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 2020, 64 cases involved 4 or more visits per case, reflecting a 100% increase of cases with 4 or more visits compared to 2019. The Ombuds conducted 16 mediations, 61 facilitated discussions and 17 group facilitations; provided 75 visitors with long-term coaching; and gave 26 trainings and 2 guest lectures. See Appendix C for descriptions of each type of service. This work reflects a significant increase in long-term coaching and larger group work than in previous years. Note particularly the increase in long-term coaching. Last year, the Ombuds worked with 13 visitors on a long-term coaching basis. This year that number increased by 477% with 75 visitors working with the Ombuds on a long-term basis for ongoing coaching.

“When we treat people in the workplace in ways they perceive to be disrespectful, we deactivate the parts of their brains that are capable of performing the tasks they were hired to complete.” – Paul Meshanko, p.35 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. 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 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. In previous years the middle of Summer was slower but that trend was not as obviously evident in the Summer of 2019. February and April were particularly busy in large part due to the evaluation period and the impact of budget reductions and layoffs.

Figure 2: Cases by month, 2019-2020
Nature of Visitors and Contacts

<table>
<thead>
<tr>
<th></th>
<th>Female</th>
<th>Male</th>
<th>Self-Referred</th>
<th>Referred</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>62%</td>
<td>38%</td>
<td>82%</td>
<td>18%</td>
</tr>
</tbody>
</table>

This year saw an increase in the percentage of female visitors (from 56% in 2019 to 62% in 2020) and a decrease in male visitors (from 44% in 2019 to 38% in 2020). Eighteen percent of visitors were referred, and 82% were self-referred. This represents a decrease over the number of visitors referred in the last annual report (40%). This increase in self-referrals and decrease in third-party referrals may reflect the number of visitors with whom I met many times. The increase in female visitors is also, in part, a reflection of the number of visitors with whom I worked on a long-term coaching basis. The majority of those were females. I think it is also important to note that given the increasing sensitivity to the fact that gender identity is no longer perceived to be as binary as it once was – the Ombuds office is considering the ongoing utility of this particular statistic.

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 changed a bit as compared to the previous five years. Although exempt and classified staff continue to make-up the largest number of cases at 47%, the composition of that percentage has changed. In 2020 exempt staff increased significantly from 16% to 35% and classified staff decreased significantly from 27% to 12%. Tenured and non-tenured faculty cases combined were 26% and this represents only a slight decrease from last
year’s 30%. Graduate and undergraduate student cases combined represented 15% of cases and administrators, including directors, comprised 12% of visitors.

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>Classified Staff</td>
<td>37</td>
<td>33</td>
<td>31</td>
<td>23</td>
<td>27</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Exempt</td>
<td>19</td>
<td>12</td>
<td>15</td>
<td>18</td>
<td>16</td>
<td>35</td>
<td></td>
</tr>
<tr>
<td>Faculty (tenure-track)</td>
<td>20</td>
<td>16</td>
<td>22</td>
<td>22</td>
<td>30</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>Faculty (non-tenure track)</td>
<td>1</td>
<td>5</td>
<td>4</td>
<td>6</td>
<td>0.4</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Administrator (Director up)</td>
<td>9</td>
<td>8</td>
<td>7</td>
<td>6</td>
<td>13</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Undergraduate Student</td>
<td>7</td>
<td>10</td>
<td>10</td>
<td>8</td>
<td>9</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Graduate Assistant (TA &amp; RA)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>2.5</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Other (Alum)</td>
<td>4</td>
<td>7</td>
<td>6</td>
<td>4</td>
<td>0.1</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Retiree</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>100%</td>
<td></td>
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</tr>
</tbody>
</table>

The most significant deviations from the previous Annual Report are a decrease in classified staff (27% to 12%), and an increase in exempt staff (16% to 35%). This can be explained, in part, by the work the Ombuds did with multiple departments across campus. Faculty, administrators and students (combined) all remained fairly similar.

**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 an increase in the number of contacts per case with the Ombuds Office with an increase from 14% in in 2019 of 4 or more contacts to 23% in 2020. The total number of cases increased from 227 to 276 and the number of visitors increased from 786 to 1,225.
Figure 3: Number of Individuals Involved Per Case, 2019-2020

Table 3: Number of Contacts by Case

<table>
<thead>
<tr>
<th>Number of Ombuds Contacts/Case</th>
<th>No. of Cases/% of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>135 / 49%</td>
</tr>
<tr>
<td>2</td>
<td>36 / 13%</td>
</tr>
<tr>
<td>3</td>
<td>41 / 15%</td>
</tr>
<tr>
<td>4-5</td>
<td>47 / 17%</td>
</tr>
<tr>
<td>6-24</td>
<td>17 / 6%</td>
</tr>
<tr>
<td><strong>Totals: 1-24</strong></td>
<td><strong>276 / 100%</strong></td>
</tr>
</tbody>
</table>

* 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 36% of all visits. Those face-to-face consultations ended abruptly in March and did not resume in this reporting period. As a result, the other types of appointments increased significantly beginning in March. 17% were by phone 32% were conducted by email, 11% were conducted by Zoom and 4% were conducted by text. Many cases involved multiple forms of contact. These numbers reflect the primary mode of communication.

“It’s easy to focus so intently on getting something from someone else – more work from a coworker, more respect from a boss…that you lose sight of the fact that 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 discussed 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 3. 49% of cases (compared with 51% in 2019) 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 1,225 as noted above. Note in particular the significant increase in the number of cases involving four or more contacts. The number of these cases increased from 32 cases (14% of cases) to 64 cases (representing 23% of cases). The increase in hours invested per case is difficult to overstate. 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.

In addition, the number of people involved in a case has increased. 36 cases (up from twenty-seven cases in 2019) involved five to twenty-four 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.
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, 2017, 2019 and 2020. Descriptions of each category are in Appendix D.

Figure 4: Problem type by FY years, 2017, 2019 and 2020. Please note that the number does not exactly match the number of cases (276) in 2020. Some cases involved several enmeshed issues. See also Appendix D on p. 25.
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

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Cases</th>
<th>% of Cases*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information</td>
<td>161</td>
<td>58%</td>
</tr>
<tr>
<td>Problem exploration</td>
<td>190</td>
<td>69%</td>
</tr>
<tr>
<td>Intercession</td>
<td>99</td>
<td>36%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(e.g. mediation, shuttle diplomacy, facilitated discussions)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Referrals</td>
<td>44</td>
<td>16%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(e.g. EAP, Counseling &amp; Testing, HR, Civil Rights, Diversity)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Longer Term Coaching</td>
<td>94</td>
<td>34%</td>
</tr>
<tr>
<td>Witnessing</td>
<td>9</td>
<td>3%</td>
</tr>
<tr>
<td>Training</td>
<td>26</td>
<td>9%</td>
</tr>
</tbody>
</table>

* Cases, n = 276. 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 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 training/teaching respectful communication, facilitating difficult conversations, mediation skills, conflict management, change management, strategic planning and visioning, leading vs. managing, 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**

Throughout this past year I worked on optimizing the Ombuds website and adding links to other pages across campus so that my office, and the services I provide, are more visible to varying constituencies. I also participated in more than 15 orientation meetings and facilitated 6 off-campus retreats for various units. I also traveled to Boise several times, worked with several units across the state and offered trainings in person to the Eastern Extension District, the Central Extension District and the Southern Extension District. These opportunities allowed me to meet our colleagues located in different regions and resulted in many direct contacts and requests for assistance from across the state.

**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 consulted with various units in cross-referrals for services 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).
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.

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 2019-2020, the Ombuds planned to attend both the IOA annual conference and the ABA Dispute Resolution Section annual conference. Both were cancelled due to Covid 19. 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 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.

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.

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

**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**

In last year’s report the Ombuds noted the following:

“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.”

Those comments remain relevant this year and are, in fact exacerbated by a global pandemic, ongoing budgetary stressors and an enrollment prospect that is complicated by Covid 19. Indicators that reflect this exacerbated stress level are, in particular, the 447% increase in visitors seeking long-term and ongoing assistance. For many visitors, resources were so limited and options so few and budgetary restrictions so severe, they requested almost weekly meetings with the Ombuds in order to have a safe and confidential space to vent, to problem solve, to grieve and to look for hope.

The manifestations of fatigue, stress, anxiety and other emotional and physical indicators of weariness that have walked through the Ombuds office this year are devastatingly significant and widespread across units, across departments and across our campuses. Times have been challenging for so long that many are losing hope that their situation, let alone the health of the University and the world will improve soon enough to be meaningful for them. Hope is key to finding a way through difficult times.

It is incumbent upon supervisors at all levels to be mindful of this current culture and to create moments of celebration, joy and hope where and when it is appropriate. Accomplishments do not need to be huge in order to merit celebration. No people or fiscal resources need to be used in order to appreciate your employees with words, a smile, or a public acknowledgment of work well done or effort rewarded. Consider the following suggestions to communicate to your supervisees how much you appreciate them as people and as contributors to the University of Idaho and its mission.

- Consider designating one or two hours per week as “quiet time” for your unit or department when no meetings are scheduled, no intra-departmental phone calls are made and the flurry of activity abates somewhat. This creates a window of time that can be counted on to review and respond to emails without feeling time-pressured, to reflect on work completed and work yet to be addressed and it provides a psychological break from the constant feeling of always needing to be available to anyone and everyone who asks. This is particularly valuable for units that have experienced significant employee loss and/or budgetary reductions. Studies show that purposefully creating this space within the week helps employees to feel valued, to be more mindful in their communications and to develop unit cohesion.
- 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.

- Consider developing a code of conduct for your unit which all within the unit help to co-create so that everybody is invested both in adhering to it and in ensuring their peers adhere to it too. It is difficult to overstate the value of having a code of conduct in writing. It is a common scenario in all organizations, including the University of Idaho, for an employee to behave in a way that some feel to be inappropriate or disrespectful and for the employee to believe was very justified given the circumstances. Without a code of conduct, the supervisor and employee are left to exchange opinions about what constitutes respectful/responsible behavior. It is a much more constructive conversation when there is a code of conduct that clarifies conduct and that can be relied upon as a legitimate and “impartial” parameter against which to consider the conduct in question.

- Consider proactively assigning mentors for all within your unit rather than reactively creating a mentoring committee in response to a disciplinary action. Employees report feeling very alone and without support when they are in conflict with a supervisor or a colleague. When people feel alone they are more likely to feel discouraged, depressed and antagonistic. We humans are social beings and we become better, more effective problem solvers when we feel like somebody has our back and we aren’t alone.

- Consider scheduling team lunches where no discussions of work are allowed. Getting to know our colleagues as three-dimensional people who have lives outside of their roles at the University of Idaho is critical to our ability to continue to see them as people when they disappoint us or frustrate us. We are much more likely to assume that somebody who hurt us did so unintentionally when we feel we have any sort of personal connection with them.
• Consider a mid-winter retreat for your team when the weather is lousy and Spring Break seems far away. Many units hold retreats during the Summer to address new policies/procedures or to offer professional development or to integrate new team members. Most people report feeling happier with warmer days and longer hours of sunlight. Changing the timing of a retreat may be a useful way to break up the Winter doldrums.

There IS cause for hope. It is important to remain mindful of that. Despite the many challenges of this past year, and the fact that many of our colleagues have left (either voluntarily or not), the University of Idaho, through the determination of each and every one of you, made tremendous progress in this last fiscal year, toward reducing and eliminating the budget deficit, toward reaching new demographics of potential Vandals, and toward fulfilling the mission to educate our next generation in an environment of captivating learning through excellent teaching and remarkable services support. Celebrating successes is important. Please celebrate your/our accomplishments. We made them happen.

**Supervisor-Supervisee Relations**

As was noted in last year’s report and in the 2017 report, many visitors to the Ombuds office share concerns about their relationship with their supervisor. In fact, as alluded to in Figure 4 on page 11 of this report, and further elucidated within Appendix D on page 25 of this report, 61 of 106 interpersonal disputes were focused on a concern about a supervisor’s behavior. Moreover, the majority of visitors who requested long-term coaching in this reporting year were leaders of units who felt that their supervisor was not providing clear and consistent guidance, or support with new and changing expectations and/or were communicating something to them and then subverting that by communicating something very different to others. Note the character of these concerns. These visitors were not seeking assistance from the Ombuds due to challenges brought on by budgetary cuts such as the inability to refill positions or due to the stress of a possible layoff for themselves or a team member (although some of this was certainly part of the conversation) or even the added stress of Covid 19. The tipping point that caused many visitors to feel so stressed that they requested repeated and ongoing visitors with me was that they felt they had no other support for problem-solving their various stressors other than the Ombuds office. More importantly, they often felt that not only did their supervisor fail to support them, they often felt that their supervisor did not take any time to consider their concerns.

It is certainly true that none of us are currently at our best. The stress of an ongoing global pandemic, years of budget cuts and frequent changes in leadership have taken a toll. As a result, many of us are feeling as though we have more to do with less time to do it, fewer resources to
attend to it and less patience with which to address it. Practicing self-compassion and compassion for others is critical. The concerns I noted in last year’s report remain sufficiently relevant and so are repeated here:

“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.”

Having focused, as was necessary to do, on our fiscal health during the last few years, I respectfully suggest that this upcoming year it is appropriate to focus on our social and emotional health as an organization. Communication skills and interpersonal skills are often referred to as “soft skills”. I find that fascinating. In my experience there is no “tougher” set of skills to master than mindfully, respectfully and creatively approaching conflicts and problems with people who view the situation very differently. Moreover, every year, business leaders are asked what skill they value most in their employees and consistently they report that it is the ability to respectfully and collaboratively work with others to accomplish goals and overcome interpersonal conflicts and barriers of all sorts that is most difficult to find. We have the opportunity, as an institution of higher learning, to role model for our students, who are current and future employees, how best to scaffold every employee to feel skilled and supported in addressing conflict and change.
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:** Three cases involving a potential discrimination issue came directly to the Ombuds Office. All three cases alleged sexual discrimination. The situations were discussed and the visitors were referred to the appropriate resources. This number is up slightly from 2 cases in last year’s Annual Report.

**Harassment:** Three cases of harassment came directly to the Ombuds Office. This is six fewer than in the previous Annual Report. One involved general harassment or actual or perceived bullying, one was regarding sexual harassment and one was regarding racial/ethnic harassment. All 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 106 cases. This is significantly higher than last year with 64 cases. It is also important to remember that last year’s report reflected only 9 months of data and this year’s report includes 12 months of data. Of these, the majority were with supervisors, followed by disputes with supervisees.

**Benefits:** There was only one case (compared to two in the last Report) attributed to benefit issues. This case was about health care insurance coverage.

**Advancement:** There were 4 cases related to faculty advancement (compared to two in the last Report). All of these cases were about tenure/non-reappointment.

**Employment:** The employment category had 94 cases relating to specific areas of concern. This number represents 50 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, working conditions and evaluations. This statistic is a reflection of the widespread stress that our employees experienced in this last year.

**Ethical:** There were 12 ethical concerns. This is 5 fewer concerns reported in this category this year as compared to last year. Seven cases dealt with records management and three cases were about health/safety.

**Other:** The ‘Other’ category allows for the Ombuds to fill in an issue that is not listed in the other categories. There were 92 cases listed in this category as compared to 43 cases in the previous Report. This represents a significant increase. 45 of these cases dealt with department/unit function. The majority of the remaining cases, 23 of them, were not specified and left as ‘miscellaneous’. Many of these were Covid 19-related. Also included in this category were concerns about committee function, academic issues, Unit head/department chair and disciplinary actions.
# Appendix E

## Ombuds Self-Appraisal of Outcomes/Impacts of Cases 2018-2019

\( n = 276 \)

### Outcome Category and Specifier

Resolved satisfactorily with Ombuds Office assistance \( n = 218 \)

- **Mediation**: agreement/compromise reached through mediation; formal action avoided; visitor given another chance or situation otherwise satisfactorily resolved. 7%
- **Miscellaneous Techniques**: conflict resolved short of mediation; may involve “shuttle diplomacy” or similar workshops intervention, with entire unit, or other techniques; formal action not taken. 4%
- **Facilitated Discussions**: 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. 20%
- **Coaching**: Long-term coaching provided. 34%
- **Information only or “light coaching”** was provided by Ombuds; and/or helps party to self-advocate. Visitor satisfied. 35%
- **Policy/Procedure or system modification/improvement.** 0%
- **Other** 0%

Neutral Outcome (Ombuds had no direct impact) \( n = 52 \)

- **Neutral Listener**: 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. 80%
- **Cancels or ‘vanishes’**: Visitor initiated and then canceled or ‘vanished’ after setting appointment or before follow-up action was completed. 10%
- **‘Unrepairable’**: situation upon arrival (e.g. temporary help, already terminated, tenure was denied for appropriate reason, or visitor resigned). 10%
- **Other** 0%
Results Unsatisfactory n=6  

- Visitor disgruntled: with Ombuds efforts and discontinued visits or contacts. 0%
- Visitor disregarded: advice/solution and suffered consequences. 50%
- Lack of cooperation: unfair practice or situation not resolved nor corrected due to lack of cooperation. 50%
- Other 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’s hard to hear someone else when we are feeling unheard, even if the reason we feel unheard is that we have chosen not to share. Our listening ability often increases remarkably once we have expressed our own strong feelings.” – Stone, D.; Patton, B.; Heen, S. ³

³ Douglas Stone, Bruce Patton and Sheila Heen are the authors of Difficult Conversations: How to discuss what matters most, p.90