

The Ombuds Office Annual Report

University of Idaho

July 1, 2006 – June 30, 2007

James R. Fazio, Ph.D.
Ombuds

Roxanne E. Schreiber, M. Ed.
Associate Ombuds

History

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

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

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

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

Purpose and Function

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

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

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

Independence

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

Confidentiality

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

Neutrality

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

Informality

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

The Year in Review

Staffing and Case Load

Over the past year, the Ombuds Office was fully staffed. This provided service to university employees 8 hours a day, five days a week. Each day during the school year was split roughly with Schreiber working mornings and Fazio working afternoons. During summer recess, the office was staffed by Schreiber with Fazio on unpaid ‘on call’ status as needed. The arrangement worked satisfactorily except for the dual nature of Schreiber’s position. This is discussed further under Concerns and Recommendations on page 13.

Total cases declined for the second year in a row (Figure 1). No reason is known for the decline, but from Schreiber’s long experience, she attributes it to normal ebb and flow. She also observes that some of the cases have been unprecedented in their complexity. The total number of cases reported is a conservative figure in that it does not account for the numerous informal contacts initiated by individuals outside the office during the course of other business or casual encounters on campus.

There are also no explainable trends or pattern in cases by month (Figure 2). Most of this year’s numbers were consistent with previous years but were much lower in February and April and slightly higher in June than in other years.

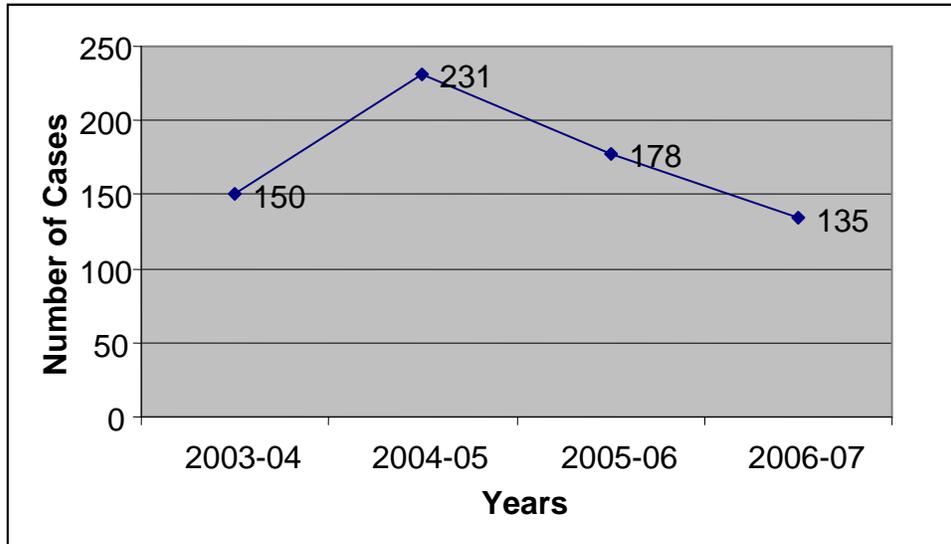


Figure 1: Total number of ombuds cases by year.

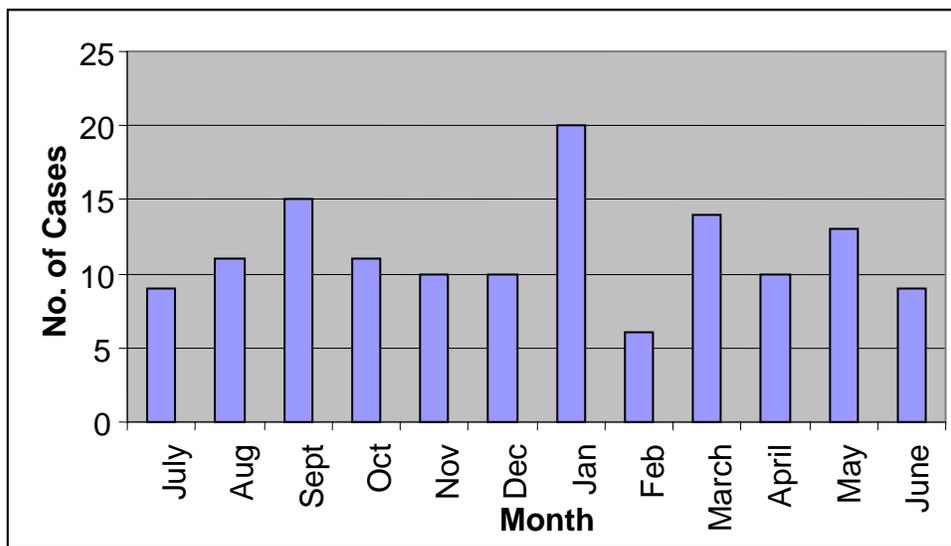


Figure 2: Ombuds cases by month

Nature of the Visitors and Contacts

Proportionally more males visited the office this year than last year, but the percentage of female visitors continues to outnumber males by 57% to 43% (as opposed to 65% and 35% last year). Most visitors came to the office on their own initiative (81%), rather than by referral, and Table 1 shows that all categories of employees are using the services of the office. Numbers generally follow the proportions of employees in each category and reveal no significant trends or other useable information.

Table 1: UI Affiliation by Percentage of Cases

<u>Affiliation</u>	<u>2003-04</u>	<u>2004-05</u>	<u>2005-06</u>	<u>2006-07</u>
	%	%	%	%
Classified Staff	43	43	41	44
Faculty	19	17	23	19
Administration	12	23	13	13
Non-faculty Exempt	14	9	13	15
Graduate Assistant	2	5	3	1
Student (Other grad)	2	1	1	1
Undergraduate	0	0	0	0
Retiree	-	-	1	1
Exempt Staff	4	1	0	1
Other	4	2	5	1
Missing data	0	0	0	4

In the great majority of cases (78%) only one individual was involved in the case. Of course most cases involved one or more others with whom the visitor was having problems, but they were not contacted in any way. With multi-party cases, the number of employees directly involved in ombuds cases totaled 196 (Table 2). Most contacts involved office visits (69%), with 22% restricted to phone conversations and 9% by email or letter only.

Table 3 shows the number of contacts made between an ombuds and the visitor(s) or, in some cases, parties who provided input (e.g. Human Resources, Dean of Students, Human Rights Compliance Office, General Counsel, etc.). Contacts totaled 521 for the year.

Table 2: Number of Individuals Per Ombuds Case

<u>Individuals Involved</u>	<u>No. of Cases</u>	<u>Percentage of Cases</u>
		%
1	107	78
2	24	17
3	3	2
4	2	1
6	1	1
18	1	1
Totals	196	100

Table 3: Number of Contacts Per Case

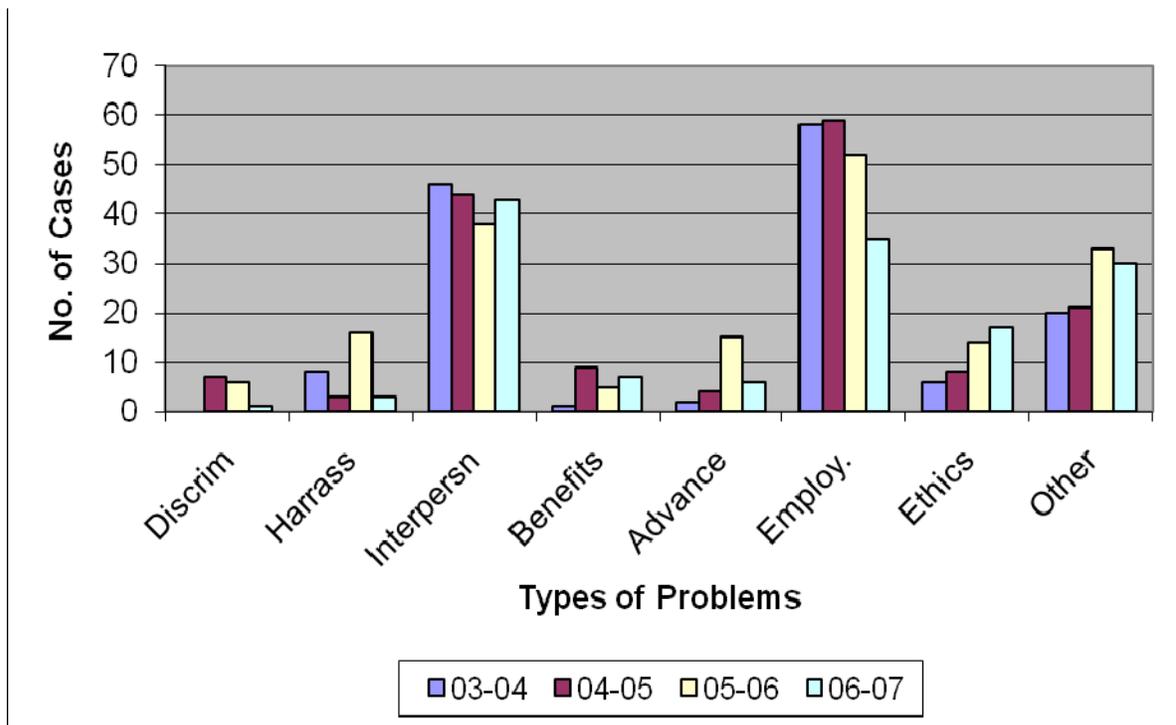
<u>No. of Contacts</u>	<u>Cases</u>	<u>Percentage of Cases</u> %
1	34	25
2	29	21
3	21	15
4	19	14
5	8	6
6	5	4
7	7	5
8	3	2
9	4	3
10	1	1
11	2	1
13	1	1
15	1	1
18	1	1
33	1	1

Most cases (117, or 85%) involved problem exploration and 35 (25%) sought only information. Thirty-six cases (26%) required intercession of some kind, ranging from facilitated conversations to mediation. In some cases, more than one service was provided.

Nature of the Problems

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

Figure 3: Problem Type by Year



Discrimination: Only one discrimination issue came to our attention this year and it was age-related. To the university's credit, discrimination complaints have been rare in the last several years and falling almost to non-existence last year.

Harassment: Like discrimination, harassment problems appear to be few at the University of Idaho. This year, only 3 were reported to the ombuds; 2 were sexual harassment and one involved general harassment or 'bullying.'

Interpersonal Disputes: Conflicts between individuals in the workplace occupied the bulk of the ombuds' attention last year, as in preceding years. These cases ranged from immature behavior on the part of one or more parties to potentially dangerous situations and threats to security. In every case, the problem was taken very seriously. The 43 cases reported once again underscore the need for greater civility among our employees at all levels. Of the 43 cases, 13 visitors were in conflict with supervisors, 9 with faculty, 6 with supervisees, 6 with co-workers (usually meant to be of equal rank), 4 with administrators, and 5 fell into other categories.

Benefits: Activities within this classification included leave, retirement, travel, training, etc. Only 7 cases came under this heading. Three involved retirement benefits, 2 were related to course enrollment, and there was one each regarding family medical leave and training.

Advancement: Only 6 cases fell under this category with 2 each related to probationary periods, salary, and tenure/non-reappointment. However, note the related subcategory of 'evaluations' in Table 4.

Employment: This is a large, 'catch all' category. Of the 25 subcategories, "evaluations" headed the list of complaints with 10. 'Working conditions' was second with 4 cases, followed by 'probation (performance)' with 3. All of the categories, along with number of cases, are shown in Table 4, including – importantly – those areas in which *no* concerns came to the attention of the Ombuds Office:

Table 4: Detailed breakdown of 35 cases within the employment category

Evaluations	10	Office Space/Conditions	0
Working Conditions	4	Assistantship Appointment	0
Probation (performance)	3	Flex Time/Location	0
Accommodations for Disability	2	Hiring Interview	0
Job Description	2	Marital Issues	0
Reclassification	2	Program Termination	0
Salary Agreement	2	Reassignment	0
Termination – For Cause	2	Scheduling	0
Demotion	1		
Hiring Process	1		
Management	1		
Resignation	1		
Teaching Load/Course Assign.	1		
Termination – Layoff	1		
Termination – Performance	1		
Workload	1		

- Ethical Concerns:** There were 17 cases classified in this way, continuing a steady increase over the past 4 years. 'Health/safety' issues were the most frequent cause of visits with 6 parties voicing concerns. Other concerns with 1 case each were 'authorship,' deception/misrepresentation/theft, intellectual property, and records management. Seven fell into the 'other' category and *no* cases involved either 'academic dishonesty' or 'fiscal management.'
- Others:** No clear picture emerges from this miscellaneous category. There were 30 cases, with 9 called "miscellaneous" and the rest spread across subcategories such as general department/unit functioning (10), 'disciplinary action (5),' 'academic issues (2),' and one each in 'committee function,' 'dept. chair/unit head selection/performance/removal,' 'facilitation,' and 'training.'

Other Services Provided

The Ombuds Office once again provided employee in-service training and academic presentations on various communication and human relations skills, civility and conflict management. In addition, service was provided as group facilitators and as designated neutrals and process monitors.

During the past year, the associate ombuds provided five sessions of "Building a Positive Culture," a program that emphasizes the importance of civility in creating a positive workplace and work group climate. Additional trainings on managing upset individuals and intense interactions and conflict management were provided on and off campus to better prepare employees whose roles frequently position them to encounter interpersonal conflict. Two workshops on managing differences and conflict were provided on the Moscow campus and one session was offered at Gritman Medical Center. A special presentation, "Managing Conflict at Work: The Role of the Ombuds Office," was provided to the Idaho Mediation Association, Region 2 and the Palouse Conflict Center. Guest lectures in campus classrooms included "Working Together: Strategies for Successful Group Work" and "The Good Supervisor." In addition to in-service presentations, the Ombuds Office outreach activities included four short 'how-to, or tips-type' articles in the *Register* on human relations and an exhibit table at the Staff Appreciation and Information Fair.

Committee Service and Professional Development

Engagement beyond the defined role of the Ombuds Office is considered an important and expected contribution to the campus community. Accordingly, this year the associate ombuds was a member of the following committees: Whistleblower Policy Group (with work that led to changes in the FSH) and the Implementation Team for Goal Four: Organization, Culture and Climate. The ombuds served on the University Judicial Council and provided mediation service to the Palouse Discovery Science Center.

Professionals also have an obligation to participate and provide leadership in their professional organizations. The associate ombuds therefore accepted appointment on the Professional Development Committee of the International Ombudsman Association.

Self-improvement and staying current is likewise essential in any professional office. This year the ombuds completed the intensive, entry-level course, “Ombudsman 101” sponsored by the International Ombudsman Association. The associate ombuds attended the annual conference of the International Ombudsman Association, and participated in training sessions on “The Skilled Facilitator,” “Intervening With the Suicidal Person,” “Ethics,” and “Motivational Interviewing.” She also attended a webcast course on “Emergency Preparedness.”

Effectiveness of the Ombuds Office

A legitimate question might be – Is the Ombuds Office effective in fulfilling its mission on campus? That is, what are the impacts or outcomes of the cases that are handled in the Ombuds Office? Does this accrue savings to the university or provide other benefits commensurate with the inputs?

Annual case summary statistics alone can not provide the answer although they are an attempt at providing at least some degree of accountability. The larger contributions of the office are difficult to measure. What is the worth of having a place where a distraught employee can find a willing listener? When conflicts are resolved, what is the value of the time thereafter devoted to more productive work? Or the value of preventing a difficult situation from escalating into violence? And if a single law suit is prevented, what savings result? If information is provided or employees are directed to the people and offices that can help them solve a problem, what is the value to morale, job satisfaction and a healthier workplace environment?

In an attempt to measure ‘outcomes’ or ‘impacts,’ we have developed a scale of what the ombuds consider a range between ‘satisfactory’ and ‘unsatisfactory.’ Several versions of the scale were informally tested during the past year until both ombuds were able to classify the majority of their cases into specific categories. The results of the experimental scale as it was applied to 65 cases are shown in Table 5. Further editing resulted in a scale that will be applied to all cases during the 2007-08 FY. This is displayed as Appendix A.

It should be noted that this represents a self-assessment of outcomes and is not intended to attempt measuring visitor satisfaction. The latter is fraught with problems as has been found by other university members of the International Ombudsman Association. The two main reasons are: (1) attempting to collect post-case data while preserving confidentiality, and (2) visitor perceptions of a “successful” outcome, i.e. if the results of even the fairest, most skillfully handled problem exploration, mediation or other method are not favorable to the individual, he/she is likely to view the outcome as unsuccessful.

Application of the outcomes/impacts scale to the 65 cases in 2005-06 resulted in 54% of the cases being resolved ‘satisfactorily,’ 26% having a ‘neutral’ outcome (i.e. involvement of the Ombuds Office had little or no significance on the case one way or the other), and 11% were judged to be ‘unsatisfactorily’ resolved.

Table 5: Self-Appraisal of Outcomes/Impacts Resulting from a Sample of Ombuds Cases, 2006-07

Outcome Category	Percentage of Cases (N=65)
I. Resolved satisfactorily with Ombuds Office assistance	54%
Agreement/compromise reached through mediation; formal action avoided; visitor given another chance or situation otherwise satisfactorily resolved.	12%
Conflict resolved short of mediation; may involve 'shuttle diplomacy' or similar intervention, workshops with entire unit, or other techniques; formal action not taken.	14
Ombuds served, by invitation or suggestion, as neutral observer; may involve role as moderator, but not mediator; party(ies) satisfied with outcome; formal action not taken.	3
Information only was provided by Ombuds; and/or helps party to self-advocate; visitor satisfied.	25
Neutral Outcome (Ombuds Office had no significant impact)	26%
Ombuds role was primarily a neutral listener; little or no 'coaching' or additional information 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.	3
Visitor initiated and then canceled or 'vanished' after setting appointment or before follow-up action was completed.	12
Situation 'unrepairable' upon arrival (e.g. T.H. already is terminated, tenure is denied for good reason, or visitor resigned).	11
Results Unsatisfactory	11%
Visitor disgruntled with Ombuds efforts and discontinued visits or contacts.	0
Visitor disregarded advice/solution and suffered consequences.	11
Unfair practice or situation not resolved nor corrected due to lack of cooperation.	0

Concerns and Recommendations

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

1. *Supervisory Skill Improvement*

A large number of the issues that came to the Ombuds Office in 2006-07 and before could have been prevented by better supervisory skills and improved relationships between supervisors and the employees who report to them. Specifically, we recommend:

- a. Training for employees at all levels who are in a supervisory capacity, including deans, department heads, and staff in leadership roles. Training should be a priority in the office of Human Resources in cooperation with the Ombuds Office.
- b. Broader use of the workshop on civility awareness and conduct expectations for all employees.
- c. Clearer understanding of what constitutes age discrimination, including refraining from inquiring about plans for retirement until after an employee makes that decision on his/her own.
- d. Use of the job classification "Temporary Help" only for positions that are truly temporary. Greater attention needs to be placed on the spirit of FSH 3090 that advises: "If the temporary services are expected to exceed 1,385 hours in any one year, the department administrator should consider establishing a temporary or continuing board appointed position." There are cases of employees working at the UI in continuing positions (including some that are essential to the operation of the university) over long periods of time, but being classified at TH and not subject to the benefits they deserve.

2. *Equitable Distribution of Funds for Pay Raises*

Equitable distribution of funds for pay raises continues to be an issue, and one that in our opinion damages campus morale. Faculty and staff whose performance evaluations indicate they are performing "satisfactorily" or "meeting expectations" should be entitled to the full increment as allocated by the legislature. For example, if funds are available for a 4% "merit" raise, someone performing satisfactorily should expect to receive the full 4% raise, not 1% or 2%. Exceptional performance would be expected to be above the average, and less than satisfactory below it.

The imbalance between administrators' salaries and faculty salary levels throughout the university are also a concern that is often expressed.

3. *Position Descriptions and Performance Evaluations*

Once again, some problems brought to the Ombuds Office were the result of discrepancies between expectations (position descriptions) and annual evaluations. Work needs to continue to remedy this situation and we urge that improvement in this process be adopted at every level of the institution – not just where tenure is involved. This needed consistency must include recognition of departmental and college requirements against which the employee expects he/she will be evaluated, and more realistic, completely candid annual evaluations and other checkpoints that are intended to indicate to an employee whether or not he/she is meeting expectations.

4. *A Change in the Ombuds Office Structure*

The current policy for staffing the ombuds position on campus requires that “the ombuds will be selected from among the tenured faculty at the UI...” The policy continues that the position is part time, and to be held for 2 years (renewable). The associate ombuds “will be a UI staff member reporting to the ombuds” and is also a 2-year, renewable appointment (FSH 3820-C-1).

This policy was created in 1992, with revisions in 1999. (Name changes were made in 2005.)

It is proposed that Faculty Council revise this policy to make the position of ombuds full-time and open to any qualified individual. Qualifications will need to be developed as part of the revised position description, but today’s needs would be best served by someone with at minimum a Master’s degree and experience in areas such as counseling, psychology and/or human resources.

Rationale

1. The ombuds field is rapidly becoming a profession in its own right in response to the changing social climate, increasing litigation, and sophistication of the tools and processes used to address today’s workplace problems. In fact, ombuds certification standards are currently being developed and will start to be implemented in the near future. The position of ombuds is no longer well suited for someone from any background who is simply a well-meaning faculty member who may have a good set of ‘people skills.’
2. There is a long, steep learning curve for any faculty who may be appointed to this position from a discipline not related to the fields of human behavior. For most new ombuds, this learning period may well extend to a year more. This is at least half of the person’s ‘term’ and places an additional burden on the associate ombuds, and that is assuming that the associate is him/herself experienced and well qualified.
3. It is easier to learn campus policies and procedures than it is to acquire the background needed for effective ‘coaching,’ mediation, or problem-solving in other ways. While short-term training is available, it is expensive and by no means compares with formal education that led to a pertinent degree.

4. The current situation requires both members of the Ombuds Office to work at other jobs on campus half time. This creates myriad problems related to ombuds' requirements for independence and neutrality, for accountability during annual evaluations, and for meeting the expectation of excellence in either half of the person's position.
5. The workload is such that it could be handled by one qualified person working full time. At vacation times, or in cases of overload or conflict of interests, an associate could be called upon for assistance. This could range from retired volunteers or former ombuds to freelance ombuds in the community or faculty/staff trained to step in under such circumstances.
6. A professional-level, full time position would be attractive to highly qualified candidates and provide the best possible service to employees of the UI.

Proposed FSH Policy

It is recommended that FSH 3820 C-1 be changed to read:

The ombuds position is full time and will be held by an individual with professional qualifications in counseling, psychology, law, human relations or related disciplines in the fields of human behavior. At minimum a Master's degree plus pertinent experience will be required. While the ombuds serves at the pleasure of the president, considerable independence and autonomy, confidentiality, impartiality, and informality are afforded to ensure the ombuds's effectiveness in keeping with national standards for the office.

Other sections of FSH 3820 should be changed editorially to delete reference to the associate ombuds and to otherwise make those sections compatible with the position as reflected in the above policy.

Acknowledgements

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

APPENDIX A: OUTCOMES FORM FOR USE IN 2007-08

OMBUDS OFFICE CASE OUTCOMES/IMPACTS¹

Resolved satisfactorily with Ombuds Office assistance

- Agreement/compromise reached through mediation; formal action avoided; visitor given another chance or situation otherwise satisfactorily resolved.
- Conflict resolved short of mediation; may involve ‘shuttle diplomacy’ or similar intervention, workshops with entire unit, or other techniques; formal action not taken.
- Ombuds served, by invitation or suggestion, as neutral observer; may involve role as moderator, but not mediator; party(ies) satisfied with outcome; formal action not taken.
- Information only or ‘coaching’ was provided by Ombuds; and/or helps party to self-advocate; prevents further decline of situation.
- Action resulted in policy or system modification/improvement.
- Other

Neutral Outcome (Ombuds Office had no significant impact)

- Ombuds role was primarily a neutral listener; little or no ‘coaching’ or additional information 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.
- Visitor initiated and then cancels or ‘vanishes’ after setting appointment or before follow-up action is completed.
- Situation ‘unrepairable’ upon arrival (e.g. T.H. already dismissed, tenure denied for good reason, visitor resigned).
- Other

Results Unsatisfactory

- Visitor disgruntled with Ombuds efforts and discontinues visits or contacts.
- Visitor disregards advice/solution and suffers consequences.
- Unfair practice or situation not resolved nor corrected due to lack of cooperation.
- Other

¹This is a self-appraisal by ombuds regarding the outcome or impact of actions taken by the UI Ombuds Office professionals. It is *not* intended as a visitor satisfaction survey.