

**REPORT OF THE JOINT COMMITTEE OF
THE UNIVERSITY AND STAFF SENATES
ON THE PROPOSED CREATION OF AN OMBUDS' PROGRAM**

Members:

Staff: Michael Adams, Theresa Crocker, Cathy Masoud, Terry Olson and Robynn Pease

Faculty: Debra Anderson, Scott Bauries, Reinette Jones, Margaret Love, Joe Peek and Hollie

Swanson

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PROPOSAL

The Joint Committee of the University and Staff Senates recommends that the University of Kentucky establish, *on a three-year trial basis*, an Ombuds' program. This program will offer faculty and staff an additional approach to dispute resolution and an informal, off-the-record resource for addressing employee issues. The Committee recommends that the Ombuds' program be thoroughly assessed after the first two years of operation to ascertain the effectiveness of the services offered. Based on this assessment, a decision can then be made about whether to establish the Ombuds' program on a permanent basis.

INTRODUCTION

All institutions, whether educational or otherwise, face challenges when managing employee issues. The creation of an Ombuds' program at UK could help solve, or provide the mechanism for solving, some of these challenges. An Ombuds' program would provide a confidential, impartial, and independent resource to faculty and staff who have concerns, conflicts, or disputes arising from or affecting their work. In addition, an Ombuds' program could provide assistance to administration and committees that influence the University culture, as well as offering training in conflict avoidance for supervisors and employees.

An examination of UK's Top 20 benchmark institutions, such as the Universities of California at Berkeley, Davis, Los Angeles and San Diego, the University of Washington, the University of Maryland and the University of Wisconsin, reveals that the majority of these institutions have already created Ombuds' programs that follow the protocols of the International Ombudsman Association (IOA) (<http://www.ombudsassociation.org/>). The IOA provides guidelines and standards of practice for the implementation and functioning of Ombuds' programs, and further facilitates training for, and certification of, ombuds (see Attachment A for the IOA Standards of Practice). The IOA also has a Code of Ethics governing Ombuds' program practices, setting forth the profession's basic principles, which include independence, neutrality, impartiality, confidentiality and informality (see Attachment B for the IOA Code of Ethics).

As Oregon State University President Ed Ray noted upon creation of an Ombud position at that university, "the ombudsperson initiative is a strong acknowledgement that relationship challenges in a complex organization are inevitable, but we are committed to creating additional mechanisms through which we can address those challenges." The University of Kentucky faces similar challenges, and the creation of an Ombuds' program would provide employees with an avenue for conflict resolution that would represent a valuable supplement to employee services currently found at the University. Given that the majority of our benchmarks have an Ombuds' program to assist with the issues that arise from having a large and diverse work force, it is the recommendation of this joint committee of the University and Staff Senates that UK also should adopt the "best practices" embraced by our benchmark institutions by establishing such a program, thereby providing UK employees with a safe and less pressured environment in which to resolve work-related issues.

RATIONALE FOR AN OMBUDS' PROGRAM

Numerous personnel issues naturally arise in every workplace, but recent surveys of UK employees suggest that both faculty and staff perceive weak institutional support at the University for resolving workplace conflict. Experiences of intimidation and harassment are not uncommon, as are issues of communication, including staff perceptions concerning feeling valued and respected. While less than 1% of the written 2010 UK@Work confidential comments addressed harassment in the workplace,¹ the comments that did so provide important insights into problematic work environments for certain staff and faculty across campus.

Types of perceived harassment reported in the survey include the following practices:²

- retaliation that was demonstrated via
 - unequal treatment of employees within a unit
 - schedule changes without notice
 - progressive reduction of responsibilities
- refusal to listen to staff's perspective
- intimidation
- public humiliation
- demeaning comments that imply lack of employee education or competency, or unimportant status within the organization
- withholding of information
- intentional violation of university HR policy and procedure

Several employees wrote that they did not feel “valued” as a result of such behavior. One staff member mentioned that her supervisor’s constant “belittling” and “threatening” behavior left her feeling less confident in her abilities. Other employees also stated that it was difficult working in environments in which they did not feel respected or valued. One employee commented that his

¹ It should be noted that the figure of 1% may not accurately reflect the number of people in employment at UK who feel harassed or intimidated. Many disaffected employees refuse to fill out the survey, and anecdotal evidence indicates that some of those who do fill out the survey do not feel comfortable with being completely honest about these matters. At least one staff senator has heard people express the opinion that, because the survey is taken using the employee’s UK ID, “if you say negative things, they will be able to trace them back to you.”

² These reports, presented in an anonymous survey, are, of course, unsubstantiated, but the fact that certain faculty and staff perceive themselves as being mistreated in the ways reported means that serious morale issues do exist at the University.

supervisor's "it's-my-way-or-the-highway attitude" created a hostile work environment. Moreover, several employees perceived that co-workers were subject to intentional negative treatment as a way to "get rid" of them, further heightening their own job insecurity during the economic downturn. Additionally, a few employees described workplace bullying among co-workers, and a supervisor mentioned the difficulty he had addressing the behavior of "toxic" employees who contributed to making a unit intolerable.

Two percent of staff additional comments and one percent of faculty additional comments from the 2010 UK@Work survey focused on the challenges of communication at multiple levels within the organization. Effective communication within units is central to employee engagement and productivity.

Many respondents stated that they wished they could communicate openly with their supervisors without fear of repercussions, but saw few options for doing so. For example, several employees noted that HR Employee Relations is limited in its ability to provide support for individual concerns, particularly if HR policies and procedures are, at least ostensibly, being followed by supervisors. Others pointed out that while Employee Relations and upper management might be aware of hostile work environments, it is not always apparent if the problems are being addressed, and, if so, whether any remedial measures are being communicated to employees. Another employee observed that some employees might not know what behavior could be described as harassment, because it seemed difficult for them to find the right words to describe inappropriate behavior. Others wrote that they did not always feel encouraged or able to voice their complaints, or felt that their complaints would not be fairly addressed.

In addition, four percent of faculty and staff provided additional insights into what helps employees feel valued and respected within the organization. Feeling valued and respected can be linked to productive and conflict-free work environments. Several employees wrote about the departure of many co-workers who felt their work environments had become unbearable. Others, however, perceived that their lack of options prevented them from moving to another position, which generated feelings of being "trapped" or "at the mercy" of their work unit, contributing to high levels of mental anguish and increased physical ailments.

Several employees stated that they did not know where to seek help. One employee expressed a desire for a separate, confidential "Employee Relations" unit through which concerns could be addressed without fear of retaliation. Others asked if mediation services might be made available to address workplace conflict. Eight employees mentioned the establishment of an

ombuds' program as a useful way to help employees with their issues, particularly in environments where open communication is not encouraged or promoted.

The effect of a hostile work environment on staff morale generally has been well-documented by psychologists who study workplace issues. Employees who suffer from workplace harassment or bullying (or who perceive they do) suffer from low morale, health issues, lack of motivation and unwillingness to show initiative. In addition, the University, in common with other employers, is sued multiple times each year by unhappy employees and former employees. While it would be disingenuous or dishonest to claim that the presence of an Ombuds' program at the University would magically solve or prevent these problems, the availability of a safe and unbiased resource would certainly assist some employees with resolving their workplace issues, increasing their productivity and saving on hearing and litigation costs. Based on their research and knowledge of the University and its workplace issues, the members of the Joint Committee believe that the cost of implementing such a program will be easily offset by the gain in morale among the workforce and possible decreased legal costs that will result from establishing an Ombuds' program.

RESEARCH AND PLANNING

To assist with these recommendations, the Joint Committee researched information about the International Ombudsman Association, as well as Ombuds' programs at UK benchmark institutions. In addition, members of the Joint Committee visited the Ombuds' program at the Universities of Louisville and Cincinnati.

The University of Louisville founded an Ombuds' program only recently in the wake of the scandal involving the former Dean of Education. According to Louisville professor Dr. Robert Staat, Chair of the Faculty Senate, the University perceived that the issues involving this dean could perhaps have been detected earlier if faculty in his department had been able to bring their concerns to a neutral and unbiased program which could, in turn, have advised them of a safe means for conveying their concerns to the administration. Dr. Staat urged UK to benefit from the example of the University of Louisville by implementing an Ombuds' program proactively. The Staff Senate Chair, Brent Fryrear, also endorsed the usefulness of the program, and spoke enthusiastically of its effect on the morale of staff.

The Joint Committee also met with the University of Louisville Ombudsman, Tony Belak. An attorney with many years of experience in the area of conflict resolution, Mr. Belak provided the Joint Committee members with information relating to both the University of Louisville program and ombuds programs generally, and expressed an interest in continuing to work with UK to get a similar program implemented here. Mr. Belak reports to the Provost, but he receives his yearly evaluation from the faculty senate, the staff senate and the head of the alumni association. Further information about the University of Louisville Ombuds' program can be found at: <http://louisville.edu/ombuds/about>.

While the situation at the University of Cincinnati is different from that at both UK and the University of Louisville because UC faculty and some staff are unionized, the principles of their program remain the same. The Ombuds' program was founded more than forty years ago, and offers services to faculty, staff and students. The Ombuds' program estimates that 70% of its services are provided to students, and the remaining 30% are utilized mostly by staff, as faculty tend to use their union grievance procedures. The vast majority of the complaints they receive are resolved informally, with only about 5% becoming formal grievances. Moreover, the Ombuds at Cincinnati believes that, by recognizing and reporting observed patterns in complaints, the Ombuds' program can often highlight problems of which the University administrators were previously

unaware. The program operates in accordance with the principles of the International Ombuds Association, which, as already noted, offers national standards of practice and certification. The University Ombuds noted that her reporting structure was through the VP of Student Affairs, although she would prefer to report directly to the President. The program is staffed by the Ombuds, the Associate Ombuds and two graduate assistants, and its website is <http://www.uc.edu/ombuds.html>.

SPECIFIC RECOMMENDATIONS

In order to resolve personnel conflicts at UK in an informal and neutral manner, it is the recommendation of this Joint Committee that the University create an Ombuds' program on a three-year trial basis (for a sample Best Practices document for establishing such an office, please see Attachment C, Declaration of Best Practices for University of California Ombuds Office). Following the first two years of operations, the Ombuds' program will be thoroughly assessed to ascertain the effectiveness of the services offered. Based on this assessment, a determination will be made about whether to make the program permanent. Assessment of the Ombuds' program will be based on information that is collected regarding the number of persons visiting the program, the nature of concerns, the types of resources provided and outcomes of mediation (for a sample Ombuds report, see Attachment D, the University of Iowa's 25th Annual Report). Faculty and staff will also be surveyed about their perception of the program and its value to them at the end of the second year. Any assessments of the program shall preserve the confidentiality of information provided by individual University employees and, if applicable, students.

The Ombuds' program will offer faculty and staff an additional approach to dispute resolution and an informal, off-the-record resource for addressing employee issues. It is the further recommendation of the Joint Committee that, to promote fairness and impartiality, the Ombuds' program of the University of Kentucky be delegated the highest level of authority and autonomy available, and that the Ombuds report directly to the President of the University (see Attachment E for a survey of Ombuds' reporting structures for various universities and colleges). The Ombuds' program shall provide a confidential, impartial, and independent process for faculty and staff who have concerns, conflicts, complaints, or disputes arising from or affecting their work. The Ombuds shall be an advocate for fairness at the University, with no sides taken as to who is "right" or "wrong," essentially playing the role of a mediator.

The University Ombuds' program should provide the following services to faculty and staff:

- Listen and discuss questions and concerns.
- Help evaluate options and suggest approaches.
- Serve as a neutral third party in conflict resolution.
- Advocate for fair resolution processes.
- Provide information about policies, procedures and services.

- Facilitate communications between employees and their immediate supervisors.
- Advise on informal resolution of problems and about formal and administrative options.
- Recommend institutional review or changes in policies.
- Collaborate with other campus programs on issues of general concern.
- Provide training workshops on conflict resolution and develop a support system.

All services offered by the program shall be provided on an informal basis. The program shall not keep or disclose records of individually identifiable information, nor testify or participate in any internal proceeding. Moreover, no individual shall be disciplined, penalized or suffer retaliation for bringing an issue to the Ombuds' program.

The Ombuds' program shall, when presented with an issue, listen to the complaint or problem, advise the employee of options available to resolve that problem, answer the employee's questions about UK policies and procedures, facilitate an agreement or mediate a resolution, where appropriate, and/or refer the employee to the appropriate UK office or individual. The Ombuds' program will not provide legal assistance, serve as an advocate for an individual, group or cause, conduct investigations into formal complaints or allegations, or participate in formal processes. The Ombuds shall not act as an agent for the University, but shall be required to report necessary information to the appropriate authorities in cases concerning threat or imminent harm (for a sample of the way an Ombuds' office treats these issues, please see Attachment F, the Charter for the University of Columbia Ombuds Office, under the subheading "Confidentiality").

The Ombuds' program should be established and operate in accordance with the International Ombudsman Association Codes of Ethics and Principles of Practice (<http://www.ombudsassociation.org/>). Ideally, the UK Ombuds shall be credentialed by the IOA, and undergo periodic training through that association. As already discussed, the Ombuds shall report directly to the President. If an issue arises concerning a member of the President's office, and the Ombuds needs to seek advice from a senior staff member, then the Ombuds should, for the purpose of that issue only, report to the Office of General Counsel.

The Ombuds' yearly review shall be issued from the President's office, and should consist of equal weight being given to the following 5 elements:

1. The President's assessment of the Ombuds' effectiveness;
2. The University Senate's assessment of the Ombuds' effectiveness;
3. The Staff Senate's assessment of the Ombuds' effectiveness;

4. An annual report of the utilization of the program, types of concerns addressed, resources provided and mediation outcomes; and
5. An on-line anonymous survey of the office's effectiveness.

For the on-line survey, questions regarding perceptions of the Ombuds' mission and services shall be asked to determine if the survey results reflect a realistic knowledge of the program's goals.

Ideally, the Ombuds' office shall be in a neutral and busy part of campus. The Joint Committee recommends that the program should not be in the Main Administration Building, but rather in a location such as the Student Center, which sees a high volume of unobserved foot traffic. No one shall monitor the program to see who is visiting the Ombuds.

In addition, the Ombuds shall be consulted by those administrators and committees that are in a position to influence the University culture. He/she shall offer advice on personnel issues and patterns of behavior on campus that negatively impact University employees.

When hiring an Ombuds, a background in dispute resolution and academic experience should be among the credentials sought. If an Ombuds is not already credentialed by the IOA, he/she shall be certified as soon as possible. The Joint Committee will work with HR on developing a complete and detailed job description for the Ombuds. The Joint Committee also recommends that, because of her experience and qualifications, the search committee for the Ombuds be chaired by Dr. Judy Jackson, Vice President for Institutional Diversity. The Joint Committee recommends that the search committee should consist of five members, and that two of the members should be elected by the University and Staff Senates from among those who serve on the Joint Committee. In addition, the Joint Committee recommends that a target interview selection process be used while interviewing candidates for this position. The Joint Committee also recommends that the search committee review any candidates for the support staff position.

In addition, a number of benefits might be achieved by combining the current Student Ombuds position with the new Ombuds' program. First, doing so would address any conflict of interest concerns of students that might be associated with having a faculty member be the Ombuds in cases of student-faculty disagreements or complaints. Second, staffing the Student Ombuds job with a trained professional, rather than a faculty member with little or no special training or expertise in mediation is likely to improve outcomes. Finally, it is likely to be more cost effective for the University to combine all Ombuds' activity in a single program. However, we recommend that the combining of the student and faculty/staff Ombuds programs should take place after the office has been established rather than initially.

CONCLUSIONS

After much consideration and research, the Joint Committee of the University and Staff Senates on the creation of an Ombuds' program at the University of Kentucky recommends that such a program be approved and implemented as soon as possible. Among the benefits to the University of such a program are:

1. addressing perceived conflicts of interest embedded in current conflict resolution procedures;
2. cost savings, insofar as cost savings from reduced litigation will exceed the cost of an Ombuds' Program;
3. enhanced morale and productivity of both faculty and staff; and
4. provision of information on processes and procedures that are contributing to employee relations problems, enabling administrators to address such problems earlier and more effectively.



INTERNATIONAL
OMBUDSMAN
 ASSOCIATION

IOA STANDARDS OF PRACTICE

PREAMBLE

The IOA Standards of Practice are based upon and derived from the ethical principles stated in the IOA Code of Ethics.

Each Ombudsman office should have an organizational Charter or Terms of Reference, approved by senior management, articulating the principles of the Ombudsman function in that organization and their consistency with the IOA Standards of Practice.

STANDARDS OF PRACTICE

INDEPENDENCE

- 1.1 The Ombudsman Office and the Ombudsman are independent from other organizational entities.
- 1.2 The Ombudsman holds no other position within the organization which might compromise independence.
- 1.3 The Ombudsman exercises sole discretion over whether or how to act regarding an individual's concern, a trend or concerns of multiple individuals over time. The Ombudsman may also initiate action on a concern identified through the Ombudsman's direct observation.
- 1.4 The Ombudsman has access to all information and all individuals in the organization, as permitted by law.
- 1.5 The Ombudsman has authority to select Ombudsman Office staff and manage Ombudsman Office budget and operations.

NEUTRALITY AND IMPARTIALITY

- 2.1 The Ombudsman is neutral, impartial, and unaligned.
- 2.2 The Ombudsman strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The Ombudsman advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the organization.
- 2.3 The Ombudsman is a designated neutral reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures. The Ombudsman should not report to nor be structurally affiliated with any compliance function of the organization.
- 2.4 The Ombudsman serves in no additional role within the organization which would compromise the Ombudsman's neutrality. The Ombudsman should not be aligned with any formal or informal associations within the organization in a way that might create actual or perceived conflicts of interest for the Ombudsman. The Ombudsman should have no personal interest or stake in, and incur no gain or loss from, the outcome of an issue.
- 2.5 The Ombudsman has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration.
- 2.6 The Ombudsman helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best options.

CONFIDENTIALITY

- 3.1 The Ombudsman holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, including the following: The Ombudsman does not reveal, and must not be required to reveal, the identity of any individual contacting the Ombudsman Office, nor does the Ombudsman reveal information provided in confidence that could lead to the identification of any individual contacting the Ombudsman Office, without that individual's express permission, given in the course of informal discussions with the Ombudsman; the Ombudsman takes specific action related to an individual's issue only with the individual's express permission and only to the extent permitted, and even then at the sole discretion of the Ombudsman, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombudsman Office. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm, and where there is no other reasonable option. Whether this risk exists is a determination to be made by the Ombudsman.
- 3.2 Communications between the Ombudsman and others (made while the Ombudsman is serving in that capacity) are considered privileged. The privilege belongs to the Ombudsman and the Ombudsman Office, rather than to any party to an issue. Others cannot waive this privilege.
- 3.3 The Ombudsman does not testify in any formal process inside the organization and resists testifying in any formal process outside of the organization regarding a visitor's contact with the Ombudsman or confidential information communicated to the Ombudsman, even if given permission or requested to do so. The Ombudsman may, however, provide general, non-confidential information about the Ombudsman Office or the Ombudsman profession.
- 3.4 If the Ombudsman pursues an issue systemically (e.g., provides feedback on trends, issues, policies and practices) the Ombudsman does so in a way that safeguards the identity of individuals.
- 3.5 The Ombudsman keeps no records containing identifying information on behalf of the organization.
- 3.6 The Ombudsman maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including management), and has a consistent and standard practice for the destruction of such information.
- 3.7 The Ombudsman prepares any data and/or reports in a manner that protects confidentiality.
- 3.8 Communications made to the ombudsman are not notice to the organization. The ombudsman neither acts as agent for, nor accepts notice on behalf of, the organization and shall not serve in a position or role that is designated by the organization as a place to receive notice on behalf of the organization. However, the ombudsman may refer individuals to the appropriate place where formal notice can be made.

INFORMALITY AND OTHER STANDARDS

- 4.1 The Ombudsman functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and – with permission and at Ombudsman discretion – engaging in informal third-party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves.
- 4.2 The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.
- 4.3 The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the organization.
- 4.4 The Ombudsman supplements, but does not replace, any formal channels. Use of the Ombudsman Office is voluntary, and is not a required step in any grievance process or organizational policy.
- 4.5 The Ombudsman does not participate in any formal investigative or adjudicative procedures. Formal investigations should be conducted by others. When a formal investigation is requested, the Ombudsman refers individuals to the appropriate offices or individual.
- 4.6 The Ombudsman identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.
- 4.7 The Ombudsman acts in accordance with the IOA Code of Ethics and Standards of Practice, keeps professionally current by pursuing continuing education, and provides opportunities for staff to pursue professional training.
- 4.8 The Ombudsman endeavors to be worthy of the trust placed in the Ombudsman Office.



INTERNATIONAL
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IOA CODE OF ETHICS

PREAMBLE

The IOA is dedicated to excellence in the practice of Ombudsman work. The IOA Code of Ethics provides a common set of professional ethical principles to which members adhere in their organizational Ombudsman practice.

Based on the traditions and values of Ombudsman practice, the Code of Ethics reflects a commitment to promote ethical conduct in the performance of the Ombudsman role and to maintain the integrity of the Ombudsman profession.

The Ombudsman shall be truthful and act with integrity, shall foster respect for all members of the organization he or she serves, and shall promote procedural fairness in the content and administration of those organizations' practices, processes, and policies.

ETHICAL PRINCIPLES

INDEPENDENCE

The Ombudsman is independent in structure, function, and appearance to the highest degree possible within the organization.

NEUTRALITY AND IMPARTIALITY

The Ombudsman, as a designated neutral, remains unaligned and impartial. The Ombudsman does not engage in any situation which could create a conflict of interest.

CONFIDENTIALITY

The Ombudsman holds all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm.

INFORMALITY

The Ombudsman, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.

**DECLARATION OF BEST PRACTICES FOR
UNIVERSITY OF CALIFORNIA OMBUDS OFFICES**

Table of Contents

- I. Introduction and Background
- II. Purpose and Scope of the Ombuds Offices
- III. Standards of Practice and Code of Ethics
 - A. Independence
 - B. Confidentiality
 - C. Neutrality
 - D. Informality
- IV. Authority and Limits of the Ombuds Offices
 - A. Authority of the Ombuds Offices
 - B. Limitations on Authority of the Ombuds Offices
 - 1. Receiving Notice for the University
 - 2. Collective Bargaining Agreements
 - 3. Formal Processes and Investigations
 - 4. Record Keeping
 - 5. Advocacy for Parties
 - 6. Adjudication of Issues
 - 7. Conflict of Interest
- V. Retaliation for Using the Ombuds Office
- VI. Office Structure
- VII. Procedures for Revisions and Amendment of this Document
- Appendix A University of California Ombuds Offices Websites
- Appendix B Professional Standards of Practice and Code of Ethics

Note: This document is the result of collaboration and input from the following individuals: Margo Wesley and Carmen McKines, UC Berkeley; Kathy Canul and Donna-Jean Loudon, UC Irvine; Sean Banks, Nancy Barbee, Mauricio Ramos, Jennifer Wolf and Tom Kosakowski, UC Los Angeles; Andrea Briggs, UC Riverside; Judith Bruner and Nancy James, UC San Diego; Judy Guillermo-Newton, UC Santa Barbara; Laurie McCann, UC Santa Cruz; Camilla Lopez and John Armijo, Los Alamos National Laboratory; and Frank Robles, Lawrence Livermore National Laboratory.

I. Introduction and Background

This document defines and clarifies the highest standards and best practices in the Ombuds profession, as they apply within the context of the University of California (“UC”) and its various Ombuds Offices.¹ This document is consistent with the International Ombudsman Association (“IOA”) Standards of Practice and resulted from more than a year of dialogue and collaboration which incorporated the collected wisdom of leading ombuds in the profession and attorneys that represent ombuds offices nationwide.

Each Ombuds Office serves as a resource which provides confidential, neutral, informal and independent dispute resolution and mediation services to its community.² This document applies to all Ombuds Offices in the UC system. “Ombuds Offices” shall include professional staff, sometimes called “ombuds,” “ombudsperson,” or “ombudsman,” as well as any support staff.

The intent of this document is: (1) to educate the University community about the role of the Ombuds Office; (2) to proactively encourage all Ombuds Offices to operate in a manner consistent with professional standards, codes of ethics and best practices; (3) to discourage programs which do not comply with best practices; and (4) to discourage the use of the title “ombuds” for those programs which choose not to operate consistently with professional standards. The term “ombuds” carries with it certain professional and legal responsibilities, and therefore should only be used by offices following the longstanding professional tenets outlined in this document.

¹ The University of California currently has Ombuds Offices in operation at seven (7) of its campus locations (Berkeley staff, Berkeley student, Berkeley faculty, Irvine, Los Angeles, Riverside, San Diego, Santa Barbara, and Santa Cruz) and three (3) of its affiliated national laboratories (Lawrence Berkeley, Lawrence Livermore, and Los Alamos). A list of the websites for each of these Offices is attached at Appendix A.

² In accordance with the California Mediation Act (California Evidence Code Section 1115-1128), UC Ombuds are neutrals who meet the definition of mediators and whose communications with visitors are for the purpose of initiating, considering, or reconvening a mediation or retaining the ombuds, and thus assert the mediator’s privilege for all communications with visitors. Additionally, UC Ombuds assert that all communications with their offices are made with the expectation of confidentiality and are therefore entitled to a privilege under the California State Constitution. By providing visitors with a confidential reporting mechanism, Ombuds Offices also assist the University in meeting the important public objectives set forth in the Federal Sentencing Guidelines and the Sarbanes-Oxley Act.

II. Purpose and Scope of the Ombuds Offices

The Ombuds Offices at the University of California system of campuses, medical centers and national laboratories shall provide informal dispute resolution and mediation services to faculty, staff and/or students at the respective locations, and where appropriate, to others who encounter difficulties with the university, i.e., alumni, patients, applicants, family members, etc. The Ombuds Office shall be a place where members of the University of California community can seek guidance regarding the addressing or resolution of disputes or concerns through a resource which is confidential, neutral, informal and independent. The specific scope of each Ombuds Office shall be defined in its local charter.

Services of the Ombuds Offices do not replace other processes at the University. The Offices work to facilitate communication and assist parties in reaching mutually acceptable, fair and equitable resolutions that are consistent with the ideals and objectives of the University. Ombuds Offices also report general trends and provide feedback throughout the organization, and advocate systemic change when appropriate without disclosing confidential communications.

The Ombuds Office shall confidentially receive complaints, concerns or inquiries about alleged acts, omissions, improprieties, and/or broader systemic problems. In response, each Ombuds Office will listen, make informal inquiries or otherwise review matters received, offer options, make referrals, and facilitate resolutions independently and impartially. In addition, each Ombuds Office shall serve as an information and communication resource, consultant, dispute resolution expert and catalyst for institutional change for its location.

III. Standards of Practice and Code of Ethics

The Ombuds Offices adhere to the International Ombudsman Association (“IOA”) Standards of Practice and Code of Ethics.³ These tenets require that Ombuds Offices shall function independently of the organization, shall be confidential and neutral, and shall limit the scope of their services to informal means of dispute resolution. The IOA Standards and Code delineate minimum standards, and the UC Ombuds Offices shall always strive to operate to “best practices” and to manage the Ombuds Offices in a way that serves the best interests of the

³ The IOA Standards of Practice and Code of Ethics are attached at Appendix B.

University of California. Each office shall take appropriate steps to make this Declaration of Best Practices and the tenets of best practices of the Ombuds profession available to the University and to the communities they serve.

A. Independence

The Ombuds Offices shall be, and shall appear to be, free from interference in the legitimate performance of their duties. This independence is achieved primarily through organizational recognition, reporting structure, and neutrality. To ensure objectivity, the Ombuds Offices shall operate independently of administrative authorities. This includes not disclosing confidential information about matters discussed in the Ombuds Offices with anyone in their organization, including the person to whom the Ombuds Offices reports, except as clearly delineated in Section III.B. The Ombuds Offices should report administratively to the highest office at each location. In all cases, the Ombuds Offices shall have access to the Chancellor or the Lab Director.

B. Confidentiality

The Ombuds Offices shall not disclose or be required to disclose any information provided in confidence, except to address an imminent risk of serious harm. The Ombuds Offices assert that there is a privilege with respect to the identity of visitors and their issues. The Ombuds Offices shall not confirm communicating with any party or parties, or disclose any confidential information without the party's or parties' express permission provided in the course of discussions with the Ombuds Office, and at the discretion of the Ombuds Office. The Ombuds Offices shall not participate as witnesses with respect to any confidential communication, nor shall they participate in any formal process inside or outside the University.

C. Neutrality

The Ombuds Offices shall not take sides in any conflict, dispute or issue. The Ombuds Offices shall consider the interests and concerns of all parties involved in a situation impartially with the aim of facilitating communication and assisting the parties in reaching mutually acceptable agreements that are fair and equitable.

D. Informality

The Ombuds Offices shall be a resource for informal dispute resolution. Ombuds Offices shall not investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. The Ombuds Offices do not keep records for the University, and shall not create or maintain documents or records for the University about individual cases. Notes, if any, taken during the course of working on a case should be routinely destroyed at regular intervals to be specified in the local charter.

IV. Authority and Limits of the Ombuds Offices

Specific areas of authority and limitations on the authority of the Ombuds Offices shall be delineated in their local charters, including those listed below:

A. Authority of the Ombuds Offices

The authority of the Ombuds Offices derives from the administration at the individual locations in which the program is located and should come from the Chancellor or Laboratory Director, as appropriate.

The Ombuds Offices shall be entitled to inquire about any issue concerning the university which affects any member of the University community, and shall respect the confidentiality of that information. The Ombuds Offices shall have access to records and personnel of the locations in which they serve, for the purpose of facilitating the situation. The Ombuds Offices have the authority to break confidence if the Ombuds believes there is an imminent risk of serious harm.

The Ombuds Offices may, without having received a specific complaint from a member of the university community, inquire about matters which the Ombuds Offices believe warrant attention.

The Ombuds Offices may decline to inquire into a matter or may withdraw from a case if the Ombuds believes involvement is inappropriate for any reason, including matters not brought in good faith, or which appear to be a misuse of the Ombuds function.

The Ombuds Offices have the authority to discuss a range of options available to the visitor, including both informal and formal processes.

The Ombuds Offices may require legal or other professional advice, from time to time, in order to fulfill their required functions. The Ombuds Offices should be provided legal counsel independent from the University in the event they are asked for documents or testimony related to any litigation or other formal process, or when any other conflict of interest arises between the Ombuds Office and the administration or the University.

B. Limitations on the Authority of the Ombuds Offices

1. Receiving Notice for the University

Communication to the Ombuds Offices shall not constitute notice to the University. The Ombuds Offices shall publicize their non-notice role to the university. This includes allegations that may be perceived to be violations of laws, regulations or policies, such as sexual harassment, issues covered by the Whistleblower policy, or incidents subject to reporting under the Clery Act. Because the Ombuds does not function as part of the administration of the University, even if the Ombuds becomes aware of such allegations, the Ombuds is not required to report them to the University. If a visitor would like to put the University on notice regarding a specific situation, or wishes for information to be provided to the University, the Ombuds will provide the visitor with information so that the visitor may do so himself/herself.

2. Collective Bargaining Agreements

The Ombuds Offices shall not address any issues arising under a collective bargaining agreement (“CBA”), unless allowed by specific language in the CBA. This means that while the Ombuds Offices may provide services to union members, those services may not include addressing issues that are covered in the CBA, including, but not limited to, issues such as grievable claims for termination of employment or formal discipline. In those cases, the ombuds shall refer the employee to the CBA and to their union representative. The Ombuds Offices may work with union members regarding all other issues not covered by the contracts, such as communication issues with co-workers.

3. Formal Processes and Investigations

The Ombuds Offices shall not conduct formal investigations of any kind. They also shall not participate in formal dispute processes or outside agency complaints or lawsuits, either on behalf of a visitor to the Ombuds Office or on behalf of the University. Because confidentiality and informality are critically important to the Ombuds Offices, all communications with the office are made with the understanding that they are confidential, off-the-record, and that no one from the office will be called to testify as a witness in any formal or legal proceeding to reveal confidential communications. The Ombuds Offices provide an alternate channel for dispute resolution, and all use of ombuds services shall be voluntary.

4. Record Keeping

The Ombuds Offices do not keep records for the University, and shall not create or maintain documents or records for the University about individual cases. Notes, if any, taken during the course of working on a case should be routinely destroyed at regular intervals to be specified in the local charter. All materials related to a case should be maintained in a secure location and manner, and should be destroyed once the case is concluded. The Ombuds may maintain non-confidential statistical data to assist the Ombuds in reporting trends and giving feedback.

5. Advocacy for Parties

The Ombuds Offices shall not act as an advocate for any party in a dispute, nor shall they represent management or visitors to their office.

6. Adjudication of Issues

The Ombuds Offices shall not have authority to adjudicate, impose remedies or sanctions, or to enforce or change policies or rules.

7. Conflict of Interest

Individual ombuds shall avoid involvement in cases where there may be a conflict of interest. A conflict of interest occurs when the ombuds' private interests, real or perceived, supersede or compete with his or her dedication to the impartial and independent nature of the

role of the ombuds. When a real or perceived conflict exists, the ombuds should take all steps necessary to disclose and/or avoid the conflict.

V. Retaliation for Using the Ombuds Office

All members of the constituencies served by the Ombuds Offices shall have the right to consult the Ombuds Office without reprisal. The Ombuds Offices should work with their institutions to create policies to protect visitors from reprisals.

VI. Ombuds Office Structure

The Ombuds Offices should report to their supervisors for administrative and budgetary purposes only. Each Ombuds Office, in consultation with its location, shall determine appropriate mechanisms for accountability. To fulfill their functions, the Ombuds Offices should each have a specific allocated budget, adequate space, and sufficient resources to meet operating needs and pursue continuing professional development.

VII. Procedures for Revisions of this Document

This document reflects current best practices in the ombuds profession. It may be revised as needed by the UC Ombuds Offices.

Appendix A

University of California Ombuds Offices Websites

UC Berkeley

Staff <http://ombudsforstaff.berkeley.edu>

Student [none]

Faculty <http://academic-senate.berkeley.edu/committees/omb.html>

UC Irvine <http://www.ombuds.uci.edu>

UC Los Angeles <http://www.ombuds.ucla.edu>

UC Riverside <http://www.ombuds.ucr.edu>

UC San Diego <http://www.ombuds.ucsd.edu>

UC Santa Barbara <http://www.ombuds.ucsb.edu>

UC Santa Cruz <http://www2.ucsc.edu/ombudsman/index.htm>

Lawrence Berkeley National Laboratory

<http://www.lbl.gov/Workplace/WFDO/ombuds-roles.html>

Lawrence Livermore National Laboratory

<http://www.llnl.gov/ahrd/sh/ombuds.html>

Los Alamos National Laboratory

<http://www.lanl.gov/ombuds/>

Appendix B

IOA Standards of Practice

Preamble

The IOA Standards of Practice are based upon and derived from the ethical principles stated in the IOA Code of Ethics.

Each Ombuds office should have an organizational Charter or Terms of Reference, approved by senior management, articulating the principles of the Ombuds function in that organization and their consistency with the IOA Standards of Practice.

Standards of Practice

Independence

1.1 The Ombuds Office and the Ombuds are independent from other organizational entities.

1.2 The Ombuds holds no other position within the organization which might compromise independence.

1.3 The Ombuds exercises sole discretion over whether or how to act regarding an individual's concern, a trend or concerns of multiple individuals over time. The Ombuds may also initiate action on a concern identified through the Ombuds' direct observation.

1.4 The Ombuds has access to all information and all individuals in the organization, as permitted by law.

1.5 The Ombuds has authority to select Ombuds Office staff and manage Ombuds Office budget and operations.

Neutrality and Impartiality

2.1 The Ombuds is neutral, impartial, and unaligned.

2.2 The Ombuds strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The Ombuds advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the organization.

2.3 The Ombuds is a designated neutral reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures. The Ombuds should not report to nor be structurally affiliated with any compliance function of the organization.

2.4 The Ombuds serves in no additional role within the organization which would compromise the Ombuds' neutrality. The Ombuds should not be aligned with any formal or informal associations within the organization in a way that might create actual or perceived conflicts of interest for the Ombuds. The Ombuds should have no personal interest or stake in, and incur no gain or loss from, the outcome of an issue.

2.5 The Ombuds has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration.

2.6 The Ombuds helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best options.

Confidentiality

3.1 The Ombuds holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, including the following: The Ombuds does not disclose confidential communications unless given permission to do so in the course of informal discussions with the Ombuds, and even then at the sole discretion of the Ombuds; the Ombuds does not reveal, and must not be required to reveal, the identity of any individual contacting the Ombuds Office, nor does the Ombuds reveal information provided in confidence that could lead to the identification of any individual contacting the Ombuds Office, without that individual's express permission; the Ombuds takes specific action related to an individual's issue only with the individual's express permission and only to the extent permitted, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombuds Office. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm, and where there is no other reasonable option. Whether this risk exists is a determination to be made by the Ombuds.

3.2 Communications between the Ombuds and others (made while the Ombuds is serving in that capacity) are considered privileged. The privilege belongs to the Ombuds and the Ombuds Office, rather than to any party to an issue. Others cannot waive this privilege.

3.3 The Ombuds does not testify in any formal process inside the organization and resists testifying in any formal process outside of the organization, even if given permission or requested to do so.

3.4 If the Ombuds pursues an issue systemically (e.g., provides feedback on trends, issues, policies and practices) the Ombuds does so in a way that safeguards the identity of individuals.

3.5 The Ombuds keeps no records containing identifying information on behalf of the organization.

3.6 The Ombuds maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including

management), and has a consistent and standard practice for the destruction of such information.

3.7 The Ombuds prepares any data and/or reports in a manner that protects confidentiality.

3.8 Communications made to the Ombuds are not notice to the organization. The Ombuds neither acts as agent for, nor accepts notice on behalf of, the organization. However, the Ombuds may refer individuals to the appropriate place where formal notice can be made.

Informality and Other Standards

4.1 The Ombuds functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and – with permission and at Ombuds discretion – engaging in informal third-party intervention. When possible, the Ombuds helps people develop new ways to solve problems themselves.

4.2 The Ombuds as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.

4.3 The Ombuds does not make binding decisions, mandate policies, or formally adjudicate issues for the organization.

4.4 The Ombuds supplements, but does not replace, any formal channels. Use of the Ombuds Office is voluntary, and is not a required step in any grievance process or organizational policy.

4.5 The Ombuds does not participate in any formal investigative or adjudicative procedures. Formal investigations should be conducted by others. When a formal investigation is requested, the Ombuds refers individuals to the appropriate offices or individual.

4.6 The Ombuds identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.

4.7 The Ombuds acts in accordance with the IOA Code of Ethics and Standards of Practice, keeps professionally current by pursuing continuing education, and provides opportunities for staff to pursue professional training.

4.8 The Ombuds endeavors to be worthy of the trust placed in the Ombuds Office.

February 22, 2006

IOA Code of Ethics

Preamble

The IOA is dedicated to excellence in the practice of Ombuds work. The IOA Code of Ethics provides a common set of professional ethical principles to which members adhere in their organizational Ombuds practice.

Based on the traditions and values of Ombuds practice, the Code of Ethics reflects a commitment to promote ethical conduct in the performance of the Ombuds role and to maintain the integrity of the Ombuds profession.

The Ombuds shall be truthful and act with integrity, shall foster respect for all members of the organization he or she serves, and shall promote procedural fairness in the content and administration of those organizations' practices, processes, and policies.

Ethical Principles

Independence

The Ombuds is independent in structure, function, and appearance to the highest degree possible within the organization.

Neutrality and Impartiality

The Ombuds, as a designated neutral, remains unaligned and impartial. The Ombuds does not engage in any situation which could create a conflict of interest.

Confidentiality

The Ombuds holds all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm.

Informality

The Ombuds, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.

22 February 2006



Office of the Ombudsperson

25th Annual Report

July 1, 2010 - June 30, 2011



The University of Iowa
Office of the Ombudsperson
C108 Seashore Hall
Iowa City, IA 52242-1402

Phone: 319-335-3608

ombudsperson@uiowa.edu

www.uiowa.edu/~ombud

Susan Johnson
University Ombudsperson

Cynthia Joyce
University Ombudsperson

Stormie DeJaynes
Secretary II

Please contact us to meet or talk with an Ombudsperson.

Office Hours: Monday through Friday from 8:30 a.m. to 5:00 p.m.

Additional copies of this report may be obtained by contacting our office or on our website at
<http://www.uiowa.edu/~ombud/reportdoc.shtml>

**THE UNIVERSITY OF IOWA
OFFICE OF THE OMBUDSPERSON**

25th Annual Report
July 1, 2010 – June 30, 2011

Contents

INTRODUCTION: 25 TH ANNIVERSARY.....	1
HISTORY OF THE OFFICE	1
OFFICE PERSONNEL.....	1
Table 1: List of Ombudspersons and Staff.....	2
YEAR 25 ACTIVITIES.....	2
NEW VISITORS	3
Faculty, Staff and Student Visitors	4
Faculty Concerns.....	4
Merit Staff Concerns.....	5
P & S and Merit Exempt/Confidential Staff Concerns.....	5
Undergraduate Student Concerns.....	6
Graduate and Professional Students, Postdocs and Residents/Fellows Concerns	6
Demographic Information.....	6
Discrimination and Harassment	7
Disrespectful Behavior	7
NEW VISITOR CATEGORY: CONSULTATIONS	8
EVALUATION AND OUTCOMES.....	8
FOLLOW-UP ON PREVIOUS CONCERNS	9
CAMPUS ISSUES: PAST AND PRESENT	9
AND KUDOS TO.....	10
CONCLUSION	11

INTRODUCTION: 25TH ANNIVERSARY

October 1, 2010, marked the twenty-fifth anniversary of the University of Iowa Office of the Ombudsperson, which serves the campus community by providing informal, confidential, and neutral conflict management. To honor this milestone, this report includes a brief history of the office, a list of all personnel who have served in the office, and some historical perspective in different sections of the report.

The [Operations Manual](#) states that “The Ombudsperson presents an annual report to the President and the University community,” and the office has prepared such a report every year since its inception. These reports provide data on visitors to the office, trends and concerns noted by the office, and activities undertaken by the Ombudspersons.

HISTORY OF THE OFFICE

Former University of Iowa President James Freedman came to campus in 1982 from the University of Pennsylvania, where he had served as ombudsman. When he discovered that UI did not have an ombuds office, he encouraged the Faculty Senate to advocate for establishing one. The Faculty Senate appointed an “Ad Hoc Committee on the Ombudsperson’s Office” to study the issue, and the committee developed a proposal for a UI ombuds office dated January 24, 1985. The proposal states:

“We therefore propose the creation of an Ombuds-office (OMB) to serve as a resource for all those in the University community who require information or help in resolving a problem. This office shall serve an informational and a conciliatory role, and shall be impartial towards all groups that make up the University. It is essential that the office be widely viewed as informed, helpful, and fair in its efforts to resolve problems. The OMB must be independent of the existing administrative structure... “

The proposal emphasized the need for the office to be neutral and independent and also made a case for the importance of informal conflict management. In addition, the first annual report of the office, released in January 1987, stated that the office maintains confidentiality. The Faculty Senate proposal described the scope of the office as serving students, faculty and staff, and pointed out the two primary functions of ombuds offices: working with individual visitors and identifying and seeking to address trends on campus, or “patterns of discontent” within the University.

The University of Iowa Office of the Ombudsperson began operation on October 1, 1985.

OFFICE PERSONNEL

President Freedman appointed Anthony Sinicropi, Professor in the College of Business, to be the first Ombudsperson at The University of Iowa. The office has had an Ombudsperson who is a faculty member ever since, with faculty rotating through the position every two to four years. Because of an increasing work load, the first staff Ombudsperson joined the office in 1988. See Table 1 for a complete list of Ombudspersons and support staff. Both faculty and staff Ombudspersons always have been available to serve any member of the campus community, regardless of status.

Currently, Cynthia Joyce is the staff Ombudsperson, and Susan Johnson, Professor in the Carver College of Medicine, is the faculty Ombudsperson. Stormie DeJaynes is our office manager. Both Susan and Cynthia are available to help faculty, staff and students on campus.

Table 1: List of Ombudspersons and Staff

	Ombudsperson (Faculty Member)	Ombudsperson (Staff Member)	Office Staff
1985	Anthony Sinicropi, Professor, College of Business		Jean Skog
1986			
1987			
1988		Nancy Tomkovicz	
1989	Barbara Schwartz, Clinical Professor, College of Law	Maile-Gene Sagen	Scott Hewitt
1990			
1991			
1992			Laura Macrowski
1993	Nancy Hauserman, Professor, College of Business		
1994			
1995			
1996	John Delaney, Professor, College of Business		
1997	Lois Cox, Clinical Professor, College of Law		
1998			
1999	Bernard Sorofman, Professor, College of Pharmacy		
2000			
2001	Lon Moeller, Clinical Professor, College of Business		
2002			
2003			
2004			
2005	Craig Porter, Clinical Professor, College of Medicine	Cynthia Joyce	
2006			
2007			
2008	Lois Cox, Clinical Professor, College of Law		Liz McIntire
2009			
2010	Susan Johnson, Professor, College of Medicine		Stormie DeJaynes
2011			

YEAR 25 ACTIVITIES

Historically, Ombuds Office annual reports have included information about meetings, presentations, committee membership, and other activities undertaken by the Ombudspersons to educate the campus about the office and contribute to improving UI policies, procedures and climate.

In 2010-2011, Susan and Cynthia provided 35 presentations of the office's 2009-10 *24th Annual Report* and gave 22 informational presentations about the Ombuds Office to various units across campus. We also delivered 52 workshops on conflict management to faculty, staff and students, more than double the number we gave the previous year; this number includes 10 workshops Susan provided on effective and appropriate email communication. In addition, our office was visited by 132 students taking College Transition courses in the fall.

Cynthia and/or Susan served on the following committees and groups in 2010-11:

- Behavior Risk Management Committee
- Confidential Offices Working Group
- Conflict Management Advisory Group (formerly the Dispute Resolution Committee)
- Threat Assessment Outreach Group

We also have quarterly meetings scheduled with six offices on campus, including the President, the Vice President for Human Resources, the Sexual Misconduct Response Coordinator, the Threat Assessment Team, Organizational Effectiveness, and Faculty and Staff Disability Services.

Other activities in 2010-2011 included participation in a Lean event on job application procedures for veterans, coordination of meetings for Senior Human Resource Representatives to discuss handling of sexual harassment

complaints, and leading a project to ensure the safety of everyone involved when campus members are accused of violating University policies.

Outreach activities beyond campus included communication with other ombudspersons throughout the State of Iowa and efforts to begin regular communication with ombuds at CIC institutions. Cynthia attended the annual conference of the International Ombudsman Association in April 2011 and contributed an article entitled “Recovery from Conflict” to the April issue of the *Journal of the International Ombudsman Association*.

NEW VISITORS

The first annual report of the Ombuds Office, dated January, 1987, states that “It must be understood that no problem or dispute is considered to be too small or unimportant, nor too big or important, for the ombudsperson’s office to consider.” Figure 1 shows the number of visitors who brought their concerns to the Ombuds Office each year from 1986 to the present, and Figure 2 shows the trends for each group of campus visitors: staff, students, faculty, and other (which includes alumni, community members, former or prospective employees, parents, patients, and vendors). (*The office changed from calendar-year to academic-year reporting in Year 5.)

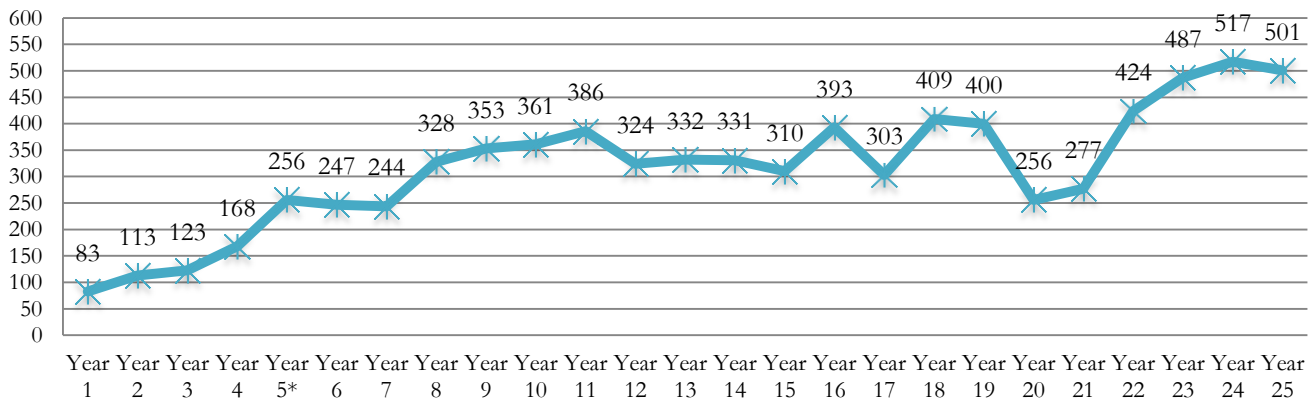


Figure 1 - Visitors to the Ombuds Office by Year (1986 - 2011)

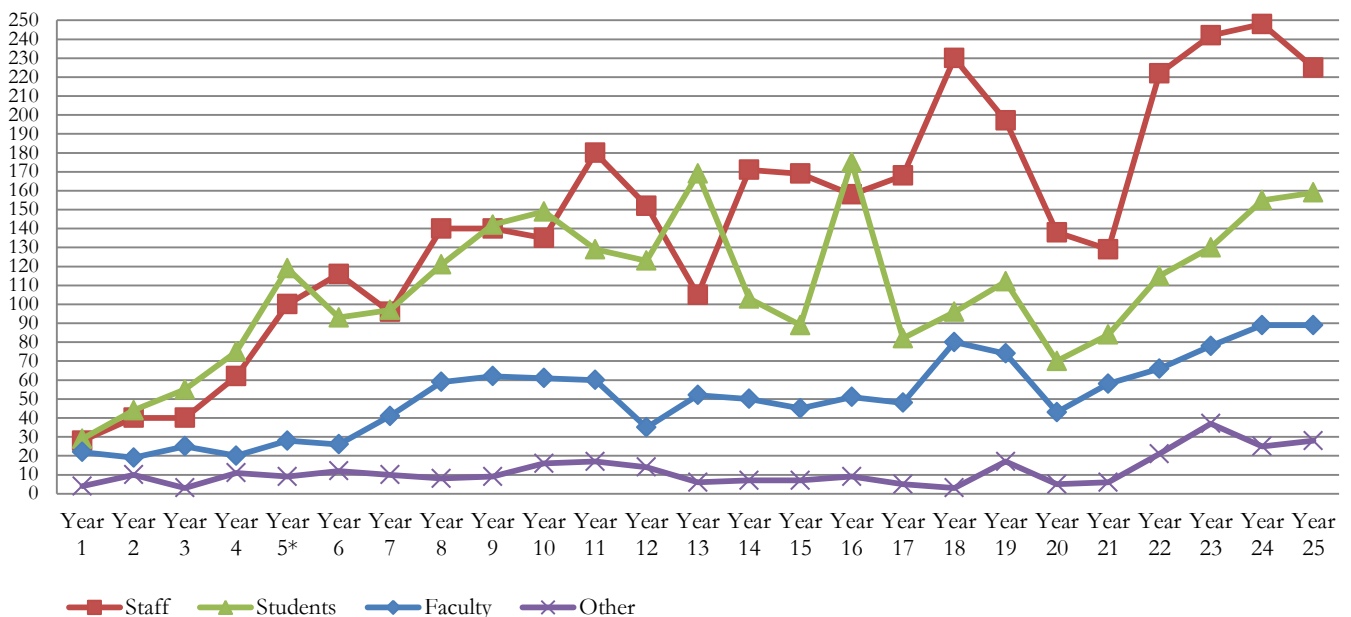


Figure 2 - Visitors to Ombuds Office by Year by Group (1986 - 2011)

Faculty, Staff and Student Visitors

In 2010-11, the Ombuds Office provided services to 501 visitors, 3% less than the 517 visitors served in the previous year. The percentages of faculty, staff and student visitors have remained relatively constant over the past three years. This year, 45% of visitors were staff, 32% were students, 18% were faculty members, and 6% were Other visitors (see examples above) (Figure 3).

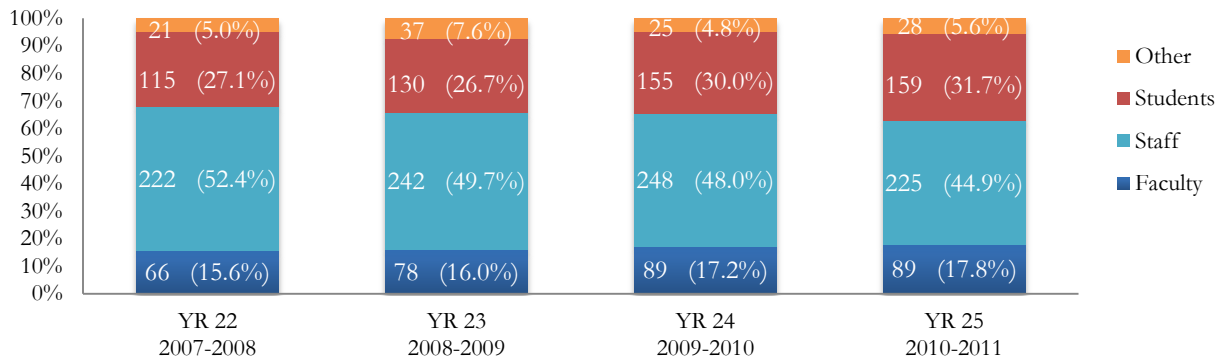


Figure 3 - Faculty, Staff and Student Visitors

Another way to look at our visitors is to compare our numbers to the total population of each group on campus. In 2010-11, 4% of faculty, 1.7% of staff, and .5% of students visited the Ombuds Office. Overall, the office served 1% of the total campus population. This is consistent with the experiences of other ombuds offices, which typically serve between one and five percent of their organizations.

Figure 4 shows that the only campus groups with fewer visitors this year than in 2009-10 were Professional and Scientific/Merit Exempt/Merit Confidential and Merit staff.

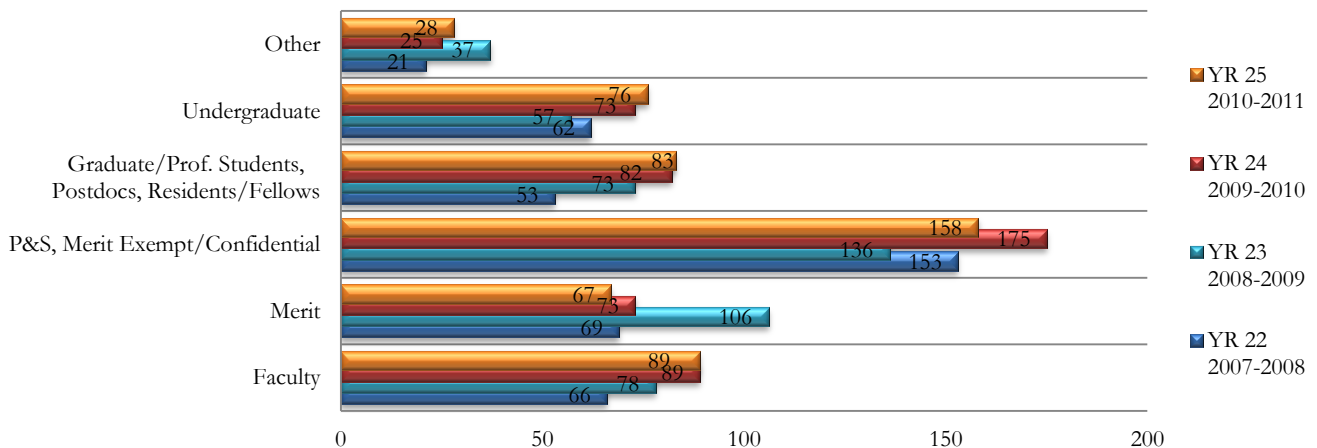


Figure 4 - Visitors to Ombuds Office by Status

As we have seen in previous years, half of all concerns raised with the Ombuds Office this year involved an evaluative or supervisory relationship, including problems with respect, trust/integrity, communication, and supervisory effectiveness.

Faculty Concerns

The percentage of faculty visitor concerns involving an evaluative or supervisory relationship dropped from 48% of all faculty concerns last year to 41% this year (Figure 5). Concerns about colleagues rose from 11.2% of faculty visitors last year to 17.7% this year, while concerns about career/academic progression dropped from 14% last year to

8.9% this year. We also saw an increase in faculty concerns about University services and administration (12.1% of all faculty concerns, compared with 5.6% last year).

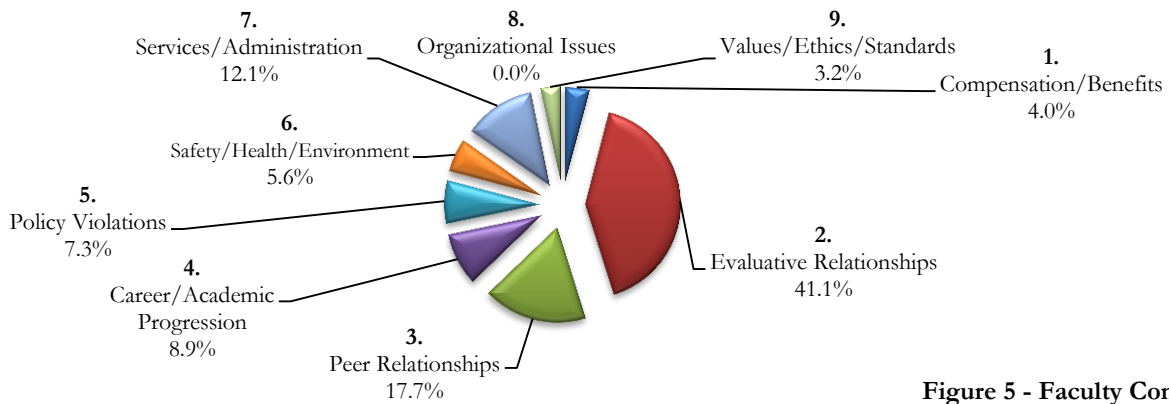


Figure 5 - Faculty Concerns

Merit Staff Concerns

Half of all Merit staff visitor concerns brought to the Ombuds Office this year related to an evaluative or supervisory relationship, which is a similar pattern to last year (Figure 6). The percentage of Merit visitor concerns involving peer relationships increased from 18.5% last year to 24.6% this year. We saw a small drop in Merit concerns about compensation and benefits, from 6.5% last year to 1.5% this year.

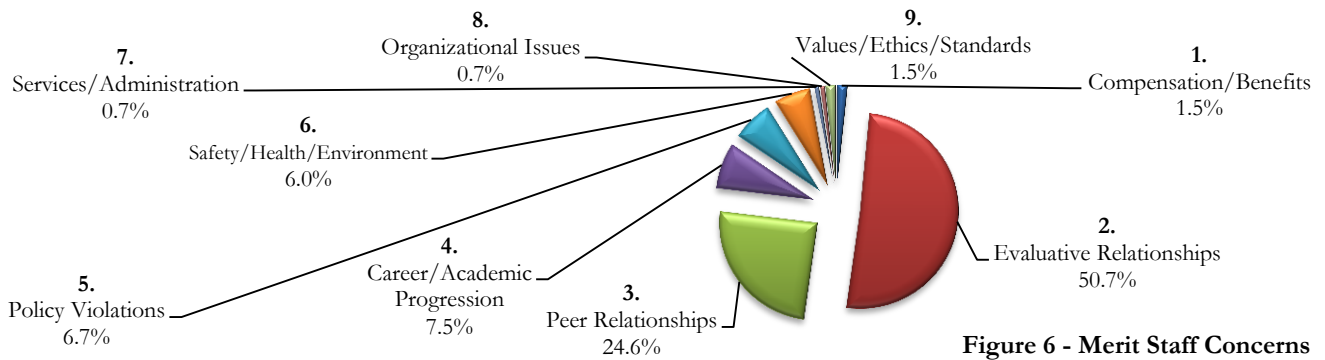


Figure 6 - Merit Staff Concerns

P & S and Merit Exempt/Confidential Staff Concerns

Over half (56.5%) of the concerns raised this year by P&S staff visitors (which includes Merit Exempt and Merit Confidential staff) involved a supervisory or evaluative relationship (Figure 7). P&S staff had fewer concerns about peer relationships (11%) than about career progression (14.7%), which included loss of University position, hiring processes, promotion, demotion, and unwanted job changes.

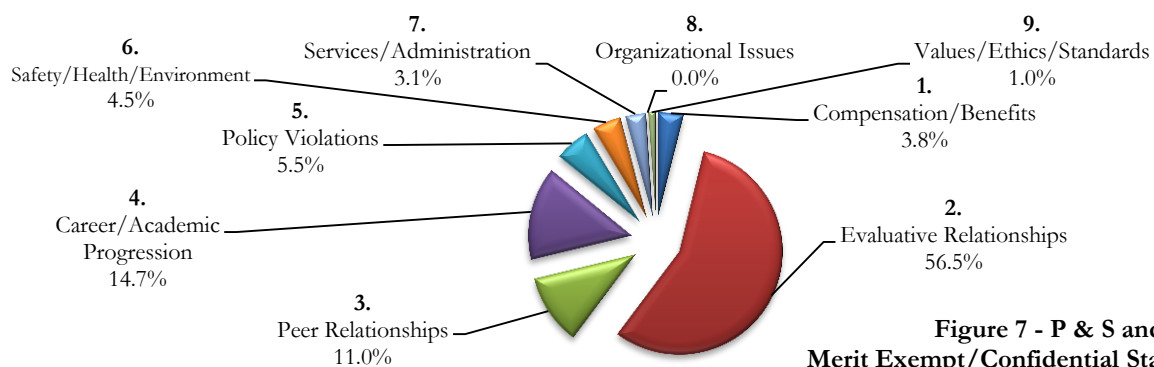


Figure 7 - P & S and Merit Exempt/Confidential Staff Concerns

Undergraduate Student Concerns

We saw a very different pattern of undergraduate student visitor concerns this year (Figure 8). Issues involving an evaluative relationship (e.g., a relationship with a faculty member, TA, or student employment supervisor) dropped from 50% last year to 31.4% this year, and undergraduates also reported fewer concerns with peers (7.8% last year to 1.7% this year). We saw an increase in undergraduate concerns about Safety, Health and Environment (2.9% last year to 16.5% this year), largely because this category now includes substance abuse issues; 65% of undergraduate concerns in this category involved substance abuse. We also saw a rise in concerns related to Services/Administration (13.7% last year to 24% this year), which includes University decisions regarding grades, registration, financial aid, graduation, and other administrative issues.

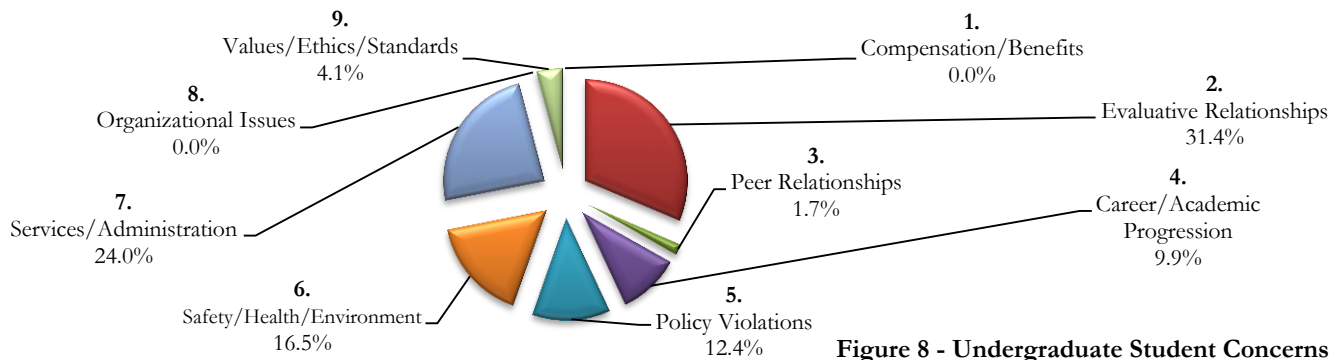


Figure 8 - Undergraduate Student Concerns

Graduate and Professional Students, Postdocs and Residents/Fellows Concerns

We continue to combine concerns raised by graduate and professional students, postdocs, residents and fellows, due to the small number of visitors in each of these groups. The pattern of concerns this year was very similar to last year, with the largest number of issues involving an evaluative relationship (57%) (Figure 9); of these concerns, the most frequently mentioned were respectful treatment and performance appraisal/grading. We saw a drop in graduate/professional student concerns about peer relationships, from 10.8% last year to 2% this year.

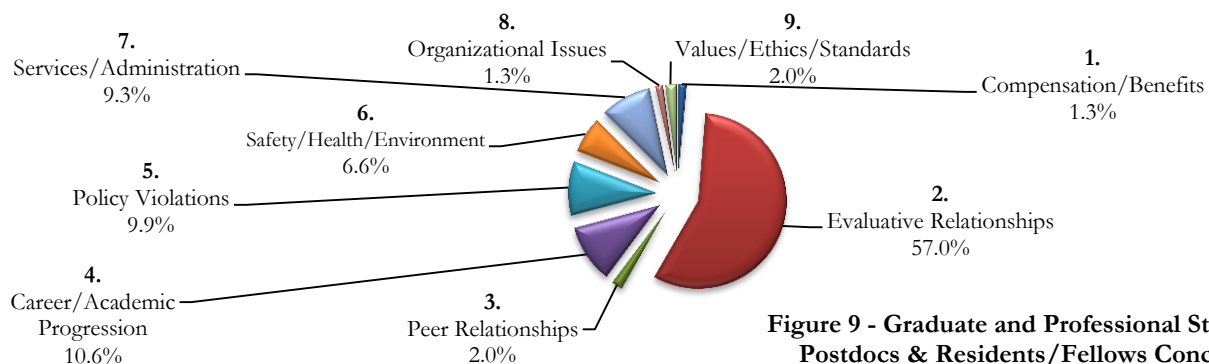


Figure 9 - Graduate and Professional Students, Postdocs & Residents/Fellows Concerns

Demographic Information

As we have seen in the past, the Ombuds Office serves more racial and ethnic minority visitors and more female visitors than would be expected given campus demographics. This year, 16.5% of our visitors who provided demographic information were racial/ethnic minorities, compared to 10% for the campus as a whole (Figure 10). In addition, 64% of our visitors were female compared with 56% in the University community.

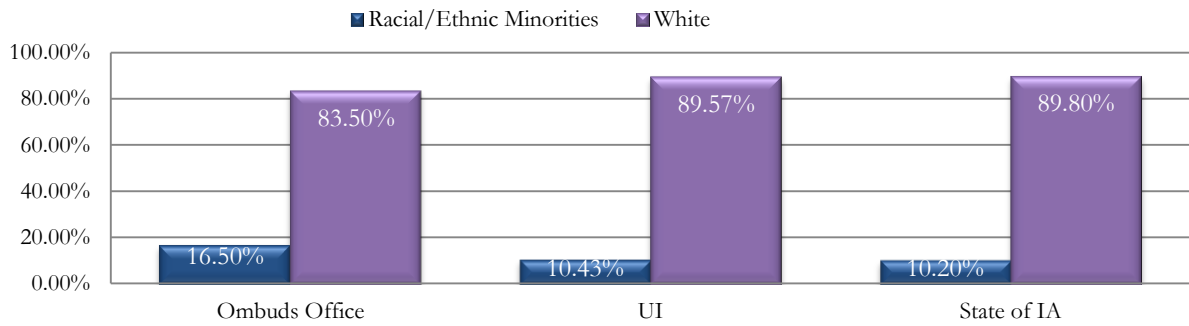


Figure 10 - Demographic Information

NOTE: Race/ethnicity/gender information for Ombuds Office visitors is based on the number of respondents who chose to answer this optional question. Figures for UI students are from "A Profile of Students Enrolled at The University of Iowa Fall 2010," prepared by the Office of the Registrar; figures for UI faculty and staff are from the "Annual Equal Employment Opportunity and Affirmative Action Workforce Report October 2010" prepared by Equal Opportunity and Diversity. Figures for the State of Iowa are from the 2008 American Community Survey (ACS) of the 2000 U.S. Census Data.

Discrimination and Harassment

Nine percent (43) of our visitors this year complained of discrimination and harassment, which is very similar to figures from previous years (Figure 11). Of these complaints, 13 involved sexual misconduct/harassment, 12 involved disabilities, and 10 involved a protected class (such as race, gender, sexual orientation or age).

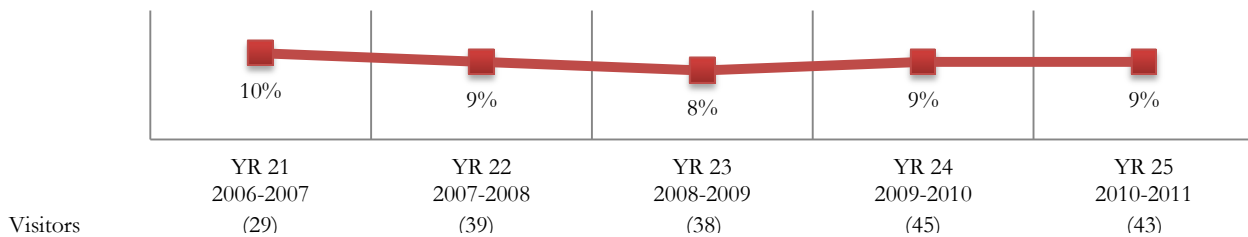


Figure 11 - Discrimination and Harassment

Disrespectful Behavior

The Ombuds Office first noted disrespectful behavior on campus in its fifth annual report in 1991, and since then the office repeatedly has voiced concerns about this problem. Of our 501 visitors this year, 25% (123) complained of disrespectful behavior, which continues the trend of a steady increase in concerns about disrespectful behavior in recent years (Figure 12). Disrespectful behavior includes bullying, and explicit complaints about workplace bullying were made by 31 (6%) of our visitors this year; this is a drop from 10% last year. Of the 31 complaints about bullying, 27 involved a supervisory relationship and four involved a peer relationship.

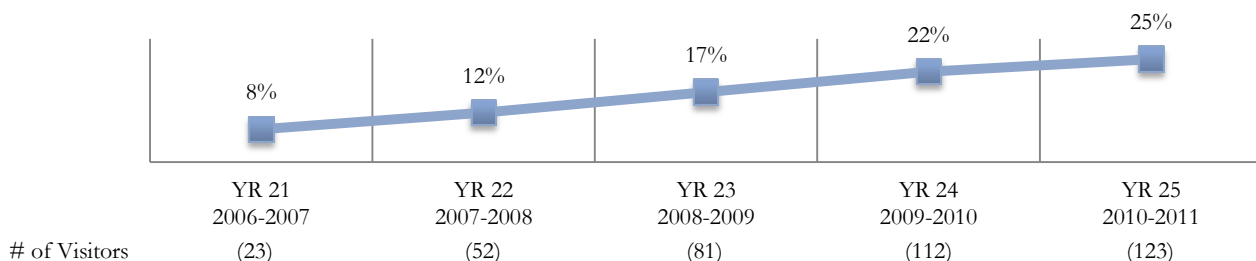


Figure 12 - Disrespectful Behavior

NEW VISITOR CATEGORY: CONSULTATIONS

The Ombuds Office always has been available as a resource to supervisors, administrators and Human Resources Representatives to help them solve conflicts in their areas. In Year 25, we decided to create a new visitor category, Consultations, so that we can gather data about, and get feedback from, this group of visitors.

Our consultation work is guided by the same principles we use with other visitors to the office: confidentiality, independence, informality and neutrality.

A consultation gives supervisors or HR representatives the opportunity to talk confidentially with an Ombuds about problems they are facing. We can help expand the list of possible solutions, share our experiences with successful resolutions of similar problems in the past, and help the consulting visitor find other resources on campus that may be helpful. Often consultations consist of a single conversation by phone or in person. The Ombuds is not involved further in the situation unless invited to be.

This year 36 of our 501 visitors (7%) were consultations. Our satisfaction survey was returned by 47% of this group, and these respondents reported 100% satisfaction with interactions with the Ombuds Office.

EVALUATION AND OUTCOMES

The Office of the Ombudsperson has asked visitors for feedback since the second year of the office's existence. This year, the overall response rate to our online satisfaction survey was 41%. Of the respondents, 81% expressed satisfaction with the services we provided, and 64% stated that interactions with the Ombuds Office helped them develop skills or learn approaches that might help them in resolving future problems. The percentages of visitors who are satisfied with their Ombuds interaction and who have learned a new skill are similar to the rates for the last two years.

However, the response rate to our post-visit survey has declined slightly over the last 4 years, from a high of 54% in Year 22. While 41% is a respectable rate for this type of survey, we are always interested in getting more feedback. We have revised our survey for 2011-12 to be shorter and easier to navigate; we will see if these changes are associated with an increased response rate.

Frequently, we are asked for examples of how our office can be helpful, but because of our confidentiality, it is challenging to share specific stories. Here are some examples of the kinds of positive outcomes achieved this year, at least partly through involvement of the Ombuds Office. In every case, collaboration with departments across campus has been essential.

- An undergraduate student receives the information needed to successfully request an academic accommodation.
- A graduate student is assisted in resolving a conflict with a dissertation committee member.
- A faculty member and DEO receive help in developing a revised effort allocation plan.
- A supervisor feels empowered to address a long-standing interpersonal conflict between staff members.
- An administrator develops a plan to address a sexual harassment/misconduct complaint.
- A staff member is able to resign voluntarily in a way that is satisfactory to both the staff member and the department.
- The parent of an undergraduate student is provided with information about policies and procedures that helps him/her understand the student's options in a difficult situation.

FOLLOW-UP ON PREVIOUS CONCERNS

Last year we presented several issues to the campus: problems with feedback in the workplace, challenges that can occur when parties to a conflict have different communication styles, and the ways in which communication by email or on social media can contribute to conflict. We were pleased with the lively conversations that ensued about these topics at our annual report presentations, and also are pleased with some steps taken to address these issues.

We stated in the last report, and we restate here, that overall compliance with the University's systems for performance review is quite good. Our observations were related to the misunderstandings and problems that can occur when there are inconsistencies between the annual written report and daily feedback, when the employee does not understand the written report, or when accurate feedback is not provided. These are perennial problems, and we believe that continued discussion and education of supervisors regarding best practices is the key to improvement. We are pleased that Human Resources has a plan to update the current performance evaluation system for staff.

Our description of the differences between a "direct" and an "indirect" communication style, and the misunderstandings that can sometimes result, clearly struck a chord. Since the annual report was issued, we have had visitors, as well as other parties to conflicts, tell us that they believe that this difference in communication style contributed to their problems. We continue to recommend that this issue be considered for inclusion in orientations and trainings for new faculty and staff and for supervisors. A resource we have found helpful in thinking about this issue is a section of the Peace Corps training workbook for new volunteers:

<http://www.peacecorps.gov/www/educators/enrichment/culturematters/Ch3/stylescommunication.html>.

The *most* vigorous discussions at our annual report meetings were about the problems that can be associated with email and social media. As a result of these discussions, we decided to offer a new workshop focused on email. Over the second half of last year, our office provided 10 workshops, reaching approximately 400 attendees from among faculty, staff and students.

Several key points have emerged from these workshops:

- There is no commonly understood "email etiquette." Workshop participants expressed widely varying views of how emails should be prepared. For example, some people even prefer "all caps," although most people think this is the equivalent of shouting.
- Recipients often experience intense negative emotions reading emails that are written in a way that is different from their preferences.
- Email is sometimes selected as the medium for communication in conflicts for what seem to be good reasons: creating a clear message, documenting the conversation, allowing the recipient time to consider the message, and so on. However, these laudable goals may not override the escalation of the conflict that often occurs through the use of email.
- An apparently polite, even "upbeat," email may be perceived as hostile if the parties are in the midst of an underlying conflict.
- A verbal conversation is often a better choice when bad news is being delivered, or if there is potential emotion or conflict in the situation.
- The open records law is not well understood.

In the coming year, we will be posting a "tip sheet" that covers best practices for minimizing conflict when using email, and we will continue to offer the email workshop. Other helpful resources are the workshop on difficult conversations offered by our office, and a workshop on social media issues offered by Human Resources.

CAMPUS ISSUES: PAST AND PRESENT

As noted above, one of the functions of the Office of the Ombudsperson is to identify trends or patterns of problems on campus, and the office has commented on patterns of concern every year in its annual report. Many of these

concerns ultimately have been addressed by the University, thereby improving the campus environment. Some of the more notable outcomes have included:

- Development, refinement, clarification and/or greater uniformity of campus policies and procedures, such as:
 - Community policies about sexual harassment/misconduct, consensual relationships, anti-harassment, and violence;
 - Promotion and tenure standards and procedures for faculty;
 - Ethics statements for staff and faculty;
 - Conflict management procedures for staff.
- Assessment of campus climate through the Working at Iowa surveys.
- More expertise on campus in helping troubled units and departments through Organizational Effectiveness.
- Increase in conflict management resources available to staff, faculty and students, including mediation training and the development of the (now defunct) Mediation Service; development of the [conflict management website](http://www.uiowa.edu/~confmgmt/) (<http://www.uiowa.edu/~confmgmt/>); availability of workshops in conflict management concepts and skills for staff and faculty, especially supervisors; and other resources on conflict management such as [Skillsoft](https://login.uiowa.edu/uip/login.page?service=http://apps.its.uiowa.edu/skillsoft/) (<https://login.uiowa.edu/uip/login.page?service=http://apps.its.uiowa.edu/skillsoft/>) and [Books24x7](https://proxy.lib.uiowa.edu/login?url=http%3a%2f%2flibrary.books24x7.com%2flibrary.asp%3f%5eB) (<https://proxy.lib.uiowa.edu/login?url=http%3a%2f%2flibrary.books24x7.com%2flibrary.asp%3f%5eB>).

However, a number of issues have long been and continue to be concerning to the Ombuds Office. Instead of identifying new issues this year, we have decided to emphasize these historical concerns, which include:

- **Disrespectful behavior on campus.** This issue was first raised in 1991, in the fifth annual report of the office, and has been increasing over time to the point this year where one quarter of visitors to the office reported disrespectful behavior as a component of their conflicts. One category of disrespectful behavior, workplace bullying, was first explicitly discussed in the 20th report of the office and remains a serious concern of the office. We believe there is no excuse for disrespectful behavior in the workplace. We urge campus to work toward a shared agreement on what constitutes respectful behavior as well as agreement that respectful treatment of all members of the University community is foundational to our shared academic enterprise.
- **Continued discomfort and/or lack of experience with conflict management, and consequent avoidance of conflict.** This pattern is especially serious when it involves staff and faculty supervisors who are charged with responding to conflict in their areas. Conflicts that are ignored usually escalate, drawing more and more individuals into the problem and making it less and less likely that a positive outcome is possible.
- **Problems with accurate performance evaluations.** Providing staff and faculty with feedback that is more positive than warranted may reduce conflict in the short run but is a disservice to individuals and the institution in the long run.
- **Concern about mental health issues on campus.** Despite all the efforts made to increase mental health resources on campus, students, staff and faculty remain reluctant to disclose mental health concerns, and departments and programs do not always respond appropriately to these concerns when voiced.
- **Concern about vulnerable populations.** These include graduate, transfer, nontraditional, and international students; junior faculty; postdocs; and probationary staff.

AND KUDOS TO...

In addition to identifying concerns, the annual reports of the Office of the Ombudsperson also have celebrated positive news on campus. In that vein, a number of projects and offices are worth mentioning as furthering constructive conflict management at The University of Iowa.

- The Student Employment Pilot Project, carried out in 2009-11 by the Division of Student Life, reported that student employees on campus develop a number of life skills, including conflict resolution. These skills can contribute to success at the University and in their future professional and personal lives.

- Academic Programs and Services in the College of Liberal Arts and Sciences has been very helpful in resolving a number of conflicts between undergraduates and college faculty or teaching assistants, and also has worked to address systemic problems such as lack of consistency across the college in the handling of plagiarism charges.
- The 2011-2013 AFSCME Collective Bargaining Agreement requires training for clerical employees on workplace “violence, harassment and mobbing.” This is a great opportunity to increase employee knowledge of these important issues.
- Despite ongoing concerns about sexual harassment and misconduct on campus, the University has made great strides over the last 25 years in developing policies prohibiting sexual harassment and misconduct, educating students, staff, and faculty about these policies, and developing resources to help victims.
- Although the P&S Compensation and Classification Redesign Project has led in the short run to inevitable disagreements over some of the resulting new classifications, we are optimistic that, in the long run, it will produce a more logical and flexible system that will allow quicker and easier resolution of classification and compensation problems across campus.

CONCLUSION

The Operations Manual states that “The Ombudsperson's mission is to ensure that all members of the University community receive fair and equitable treatment within the University system.” In the fourth annual report of the office, prepared in May 1990, the campus is urged to:

“...consider the Ombudsperson a facilitator who aids and directs aggrieved individuals in coping with and solving their problems. Whether this requires listening, investigating, mediating, or negotiating, the Ombudsperson must be ready to serve.”

Much has changed at the University over the last 25 years, but the Ombuds Office remains a resource to help students, staff and faculty with effective conflict management. We are proud to continue to serve the University.

We thank everyone on campus who has worked with us to resolve conflicts, who has worked to solve systemic issues, and/or who has taken steps to improve conflict management across campus. As always, we thank President Sally Mason for her staunch support of our office.

51 Universities or Colleges reviewed in all
Ombuds Office reports to President 59% of time (30 out of 51)
Ombuds Office reports to Provost 20% of time (10 out of 51)
Other reporting structure 21% of time (11 out of 51)

Report to President or Chancellor:

1. Iowa State University
2. University of Pennsylvania
3. University of Maryland
4. University of California at Berkeley
5. Clemson (according to standards of practice)
6. Stanford
7. Cornell
8. Louisiana State University
9. Columbia
10. University of North Carolina at Chapel Hill
11. Southern Illinois University
12. Northern Illinois University
13. Boston University
14. Montana State University
15. California State University at Long Beach
16. Stony Brook University
17. University of California at San Diego
18. University of Southern Maine
19. Florida Gulf Coast University
20. Michigan State University
21. Hamline University
22. University of Nevada – Reno
23. Oberlin College
24. University of North Texas
25. Washington and Lee University
26. University of Arizona
27. UCLA
28. University of Iowa
29. University of Washington – Seattle
30. UC San Diego

Report to Provost:

1. Washington State University
2. University of Oklahoma
3. Harvard
4. Princeton
5. William and Mary
6. Northeastern University
7. Western Michigan University

8. University of Texas at Austin
9. University of Wisconsin – Madison
10. Georgia Institute of Technology

Report to Senior VP:

1. Marquette University

Report to Office of Equal Opportunity and Diversity:

1. University of Massachusetts – Amherst

Reports to Assistant to Chancellor:

1. University of Nebraska at Omaha
2. UC Berkeley

Reports to Graduate School, EVP for Academic Affairs and Provost:

1. Purdue University

Reports to Office of Graduate Studies and Office of Injured Employee Counsel:

1. Texas A&M University

Reports to Equal Opportunity Office:

1. University of Georgia

Reports to Office for Conflict Resolution:

1. University of Minnesota – Twin Cities

Reports to “Senior Administrators”

1. University of Virginia

Reports to VP for Academic Affairs

1. Rutgers University – New Brunswick

Reports to Human Resources:

1. UC Davis

CHARTER of the COLUMBIA UNIVERSITY OMBUDS OFFICE

I. Introduction

The Columbia University Ombuds Office was established in 1991 upon the recommendation of the President and the Provost to foster a collaborative environment for surfacing concerns and resolving conflicts within the Columbia University community.

II. Purpose

The Ombuds Office helps to promote civility, mutual respect and ethical conduct, and to identify ways to prevent disruptive conflict by alerting the administration to policy issues and recommending changes in University practices. The Ombuds Office is designed to be an accessible entry-point for individuals at all levels of the University to bring concerns about misunderstandings, incivility or possible wrongdoing; it is intended to be a safe and open place to discuss issues without fear of retaliation. The Ombuds Office fills a need for those whose complaints do not fall within the scope of any existing policies, procedures, or jurisdictions – providing a resource for people with unusual or “grey area” concerns, or whose conflicts could not be resolved by other University processes.

III. Scope of Services

The Ombuds Officers are designated neutrals who are available to provide independent, confidential, neutral and informal problem solving and conflict resolution assistance to all faculty, staff and students of the University.

The Ombuds Office is a place where members of the University community can seek guidance regarding disputes or concerns at no cost and at any stage in the resolution process, as a first step or a last resort. The Ombuds Office is a resource for information about University structure, policies, procedures, and practices; it confidentially receives concerns or complaints about allegations and perceptions of interpersonal conflicts, improprieties or unfairness, or broader systemic problems. The Ombuds Officers listen, provide information and referrals, and offer a flexible range of options for resolving a problem. The Ombuds Office supplements but does not replace the existing resources for conflict resolution and fair practice at Columbia University.

IV. Standards of Practice and Code of Ethics

The practice of the Columbia University Ombuds Office adheres to the Code of Ethics and Standards of Practice of the International Ombudsman Association (IOA,

<http://www.ombudsassociation.org/>). These principles require that the Ombuds Officers function independently of the organization, observe confidentiality and neutrality, and limit the scope of their services to informal means of dispute resolution. Columbia University expects its Ombuds Officers to be members of IOA and to keep up to date with professional developments by participating in IOA continuing education and other programs. The Ombuds Office is responsible for explaining its standards of practice to all people using the services of the Ombuds Office, and for making these publicly available.

INDEPENDENCE

The Ombuds Office will be, and appear to be, free from interference in the performance of its duties. This independence is assured primarily through organizational recognition, reporting structure, and neutrality. The Ombuds Office is directly responsible to the President of the University, who has responsibility for the appointment and removal of the University Ombuds Officer.

To fulfill its functions, the Ombuds Office is given sufficient budget and appropriate space to meet operating needs and pursue continuing professional development. The University Ombuds Officer has the authority to manage the budget and operations of the Ombuds Office, and the discretion to function independently. The Ombuds Office staffing will be sufficient to meet the needs of those who seek the services of the office. The Ombuds Office will be assigned space that is appropriate to the office's independence and neutrality (in a location separate from senior decision-makers), confidentiality (in a location that is discrete and off-the-beaten-track, and with sufficient sound-proofing and means of securing information), as well as safety (with access to campus security if necessary in emergency).

CONFIDENTIALITY

Communication with the Ombuds Office is confidential and off-the-record. The Ombuds Office does not create or maintain records for the University with individually identifiable information. The Ombuds Officers do not confirm or deny the identity of someone who contacts the office and do not discuss a visitor's concerns in any individually identifying way without the visitor's permission.

Communication to the Ombuds Officers does not constitute notice to the University.

This includes allegations that may be perceived to be violations of laws, regulations or policies. The Ombuds Officers will give information about the appropriate Columbia University office(s) for formal reporting or grievance procedures to individuals reporting a belief of inconsistencies with policies, rules, regulations or law. The goal of the Ombuds Office is to surface concerns that would benefit from investigation or remedy by appropriate administrators while at the same time protecting individual confidentiality.

The only exception to confidentiality occurs when the Ombuds Officers believe that disclosure is necessary to prevent imminent risk of serious harm to self or others, and in the judgment of the Ombuds Officer there is no other reasonable option. If such an

exception to confidentiality is made, the Ombuds Officers endeavor to limit the exception as much as possible and return to the normal confidentiality principles as soon as possible.

The protection of confidentiality is supported in a number of ways. The Ombuds Office makes the confidentiality policy widely known through publications, website, and presentations. Every visitor to the office receives a copy of the brochure; every contact with an inquirer begins with a statement from the Ombuds Officer that explains the principles of confidentiality, neutrality, and informality. The “implied contract” of confidentiality is expressed on the website and in the brochure as a “Nondisclosure Agreement.”

The University has agreed not to call the Ombuds Officers, in their role as such, to testify or participate in any formal procedure of grievance or investigation within the University. On occasion, the Ombuds Officer(s) may require legal advice or representation in order to fulfill his or her required functions. The University will provide separate and independent legal counsel, and has also committed to asserting a confidentiality privilege for the Ombuds Office.

IMPARTIALITY

As designated neutrals, the Ombuds Officers advocate for fair process, do not take sides, and consider the rights and interests of all parties including the University. They do not “represent” or advocate for any one party.

The Ombuds Officers have no personal or private stake in the outcome of any situation in which they are involved. They must disclose any potential conflict of interest to all parties in a conflict resolution process, and recuse themselves when any conflict or perceived conflict of interest would compromise their neutrality or perceived neutrality.

INFORMALITY

Regardless of permission, the Ombuds Officers do not participate in any formal process; they do not make decisions and do not formally investigate, arbitrate, judge, discipline or reward any member of the University community. They have no power to make, change, overrule or set aside administrative decisions or University policy.

V. Authority and Limits of the Ombuds Officers

Ombuds Officers have the authority to contact senior officers and all other members of the University community, to gather information in the course of looking into a problem, to mediate or negotiate settlements to disputes, to bring concerns to the attention of those in authority, and informally to attempt to expedite and resolve administrative processes.

The Ombuds Officers do not provide services that substitute for any procedures covered by a collective bargaining agreement, and do not look into any allegations or complaints of inadequate representation of employees by their designated union representatives.

However, Ombuds Officers have a responsibility – while protecting the confidentiality of individuals – to provide upward feedback to the administration about trends and make recommendations for constructive change in areas in need of improvement.

All members of the University community have the right to consult with the Ombuds Officers. Retaliation for exercising that right will not be tolerated.

Additional information about the Ombuds Office is available on the website, www.columbia.edu/cu/ombuds.