24th ANNUAL REPORT

Office of the Ombudsperson

2009 – 2010
The University of Iowa

Office of the Ombudsperson

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

At The University of Iowa, the Office of the Ombudsperson works to fulfill the two duties traditionally associated with the role of an ombudsperson. The first of these is to provide information and informal dispute resolution services to individuals who have complaints or problems concerning the University, University personnel, or University policies. The second is to observe the life of the University with a view to noting trends or substantive or procedural unfairness, and to report such trends or unfairness to University administration.

The Office of the Ombudsperson is a resource for any member of the University community - faculty, staff and students - with a problem or concern. We provide informal conflict resolution services, and we advocate for fair treatment and fair process. Our services are confidential; we will not disclose any information without the express permission of the visitor who provided it, and we do not keep permanent records. We are neutral in our approach to a problem, siding neither with the person who brings a complaint to our attention nor with the person or people complained about. Rather, we seek to advance the interests of all parties and the institution as a whole through informal, consensual dispute resolution. Finally, our office operates independently of other campus offices and resources. Though our office budget is handled by the Office of the President, and we discuss the larger campus trends we observe with the University president, we have no role in any formal complaint or grievance procedures, and we do not report to anyone about the visitors who confide in us.

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.

INTRODUCTION

After two difficult years, with the flood, the world-wide economic collapse, and numerous other challenges, the campus during the 2009-2010 academic year seemed calmer from our view in Seashore Hall. Despite this impression, we actually served 6% more visitors in year 24, for an all-time high of 517.

We do not have a clear explanation for the increase, but we do have some ideas. We hope that two factors are increased visibility of the office, accompanied by the belief that early intervention in conflicts is of value. We think that problems and conflicts are ubiquitous, regardless of environmental stresses, and we are pleased that more and more people find it safe to seek our assistance.

We also are pleased that progress has been made on several of the issues raised in our 23rd Annual Report, and we continue to follow those issues. However, we have seen a further rise in disrespectful behavior, which is disappointing and disturbing.

This year, we have chosen to highlight several issues related to communication on campus, including cross-cultural challenges, feedback, email, and social media. We look forward to having conversations with members of the campus community on these and other topics as we meet with groups around campus to discuss this report.

OFFICE STAFF

Our office underwent several staff changes this year. Lois Cox, the faculty ombudsperson, completed her term of service in December, and Susan Johnson began a four year term in that role on January 1. Susan has been a faculty member in the Carver College of Medicine since 1980, and served as an associate dean and then associate provost prior to joining our office. Our office manager Liz McIntire
moved on to the Tippie College of Business in the spring, and Lisa Von Muenster joined us as a temp from the College of Nursing before joining the staff of the Office of the Provost. We are pleased to have Stormie DeJaynes serve as our new office manager. Stormie worked as a secretary for Southern Illinois University School of Medicine and the State of Illinois prior to coming to the UI.

**YEAR 24 ACTIVITIES**

In 2009-2010, Cynthia, Lois and Susan provided 29 presentations of the office’s 2008-09 23rd Annual Report, gave 13 informational presentations about the Ombuds Office to various units across campus, and delivered 19 workshops on conflict management to faculty, staff and students. We also had office visits from approximately 70 student groups taking College Transition courses.

Cynthia, Lois, and/or Susan served on the following committees and groups in 2009-10:

- Behavioral Health Working Group
- Behavior Risk Management Committee
- Compensation and Classification Redesign Expert Panel
- Confidential Offices Working Group
- Conflict Management Advisory Group (formerly the Dispute Resolution Committee)
- Employee Assistance Program (EAP) Advisory Group
- Faculty Development Committee
- Student Mental Health Discussion Group
- Threat Assessment Outreach Group

Outreach activities beyond campus included convening meetings with other ombudspersons throughout the State of Iowa and continuing to provide support for the Iowa State University Ombuds Office. In addition, we participated in a panel presentation at Grinnell College, as part of their exploration of a possible future ombuds office.

**NEW VISITORS**

**Faculty, Staff and Student Visitors**

In 2009-10, the Ombuds Office provided services to 517 visitors, a 6% increase over the 487 visitors served in the previous year. The percentages of faculty, staff and student visitors have remained relatively constant over the past three years (see Figure 1).
This year, 48% of visitors were staff, 30% were students, 17% were faculty members, and 5% were Other visitors (such as alumni, community members, former or prospective employees, parents, patients, and vendors). Figure 2 shows increases in every category of visitor except Merit staff and Other visitors.

![Figure 2 - Visitors to Ombuds Office by Status](image)

**Codes Used for Visitor Concerns**
We have changed our system for coding visitor concerns to conform to recommendations made by our professional association, the International Ombudsman Association. The new codes are described in Table 1. For every category of visitor except Others, the primary concerns raised involved an evaluative relationship such as supervisor/employee, administrator/faculty member, advisor/student, etc.

<table>
<thead>
<tr>
<th>Number</th>
<th>IOA Code</th>
<th>IOA Code Description</th>
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<tbody>
<tr>
<td>1.</td>
<td>Compensation/Benefits</td>
<td>Compensation &amp; Benefits: salary, health insurance, retirement, etc.</td>
</tr>
<tr>
<td>2.</td>
<td>Evaluative Relationships</td>
<td>Evaluative Relationships: supervisor/employee, faculty/DEO, TA/student, etc.</td>
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<tr>
<td>3.</td>
<td>Peer Relationships</td>
<td>Peer/Colleague Relationships: issues about respect, trust, communication, etc.</td>
</tr>
<tr>
<td>4.</td>
<td>Career/Academic Progression</td>
<td>Career &amp; Academic Progression/Development: application processes, job classification, tenure, resignation, etc.</td>
</tr>
<tr>
<td>5.</td>
<td>Policy Violations</td>
<td>Violation of Policy: Legal, Regulatory, Financial &amp; Compliance: criminal activity, fraud, harassment, discrimination, disability, etc.</td>
</tr>
<tr>
<td>6.</td>
<td>Safety/Health/Environment</td>
<td>Safety, Health &amp; Physical Environment: working conditions, parking, housing, security, health concerns, etc.</td>
</tr>
<tr>
<td>7.</td>
<td>Services/Administration</td>
<td>Services/Administrative Issues: quality, timeliness of services; administrative decisions</td>
</tr>
<tr>
<td>8.</td>
<td>Organizational Issues</td>
<td>Organizational, Strategic, &amp; Mission Related: leadership, reorganizations, organizational climate, etc.</td>
</tr>
<tr>
<td>9.</td>
<td>Values/Ethics/Standards</td>
<td>Values, Ethics, and Standards: codes of conduct, plagiarism, research misconduct, etc.</td>
</tr>
</tbody>
</table>

*Table 1 – Codes Used for Visitor Concerns*
Faculty Concerns
Almost half (48%) of the concerns raised by faculty visitors involved a supervisory relationship, such as a relationship with a DEO or administrator (Figure 3). Concerns about career progression and development, especially tenure, were raised by 14% of faculty visitors, and 11% of faculty concerns involved issues with colleagues.

Merit Staff Concerns
Of the concerns raised by Merit staff visitors in 2009-10, 56% involved a supervisory relationship and 19% involved a peer relationship (Figure 4).

P & S and Merit Exempt/Confidential Staff Concerns
Of the concerns raised by P&S staff visitors (including Merit Exempt and Merit Confidential staff), 60% involved a supervisory relationship, such as problems with respect, trust/integrity, communication, and supervisory effectiveness (Figure 5). Fifteen percent of P&S concerns involved a peer relationship.
Undergraduate Student Concerns
Half of the concerns raised by undergraduate student visitors involved a supervisory relationship, such as a relationship with a faculty member, TA, or student employment supervisor (Figure 6). Of these concerns, the two primary problems were respect and grades. Twenty percent of concerns raised by undergraduates involved policy violations, primarily criminal activity and disability issues.

Graduate and Professional Students, Post Docs and Residents/Fellows Concerns
Due to small numbers, we have combined concerns raised by graduate and professional students, post docs, residents and fellows. Almost 60% of the concerns raised by this group this year involved a supervisory relationship (Figure 7); of these concerns, the most frequently mentioned was performance appraisal/grading. In addition, 12% of graduate/professional students raised concerns about administrative decisions, 11% about peer relationships, and 9% about career/academic progression.

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, 19% of our visitors self-identified as racial/ethnic minorities, compared to 10% for the campus as a whole (Figure 8). In addition, 61% of our visitors were female compared with 56% in the University community.
Discrimination and Harassment
Nine percent (45) of our visitors complained of discrimination and harassment this year, which is very similar to figures from previous years (Figure 9). Of these complaints, 14 involved sexual misconduct/harassment, and 10 involved disabilities. The remainder included complaints about race, gender, age, sexual orientation, pregnancy, nationality, religion and University status.

Disrespectful Behavior
Of our 517 visitors this year, 22 % (112) complained of disrespectful behavior. We have seen a steady increase in incidents of disrespectful behavior over the last four years (Figure 10), which is alarming. Disrespectful behavior includes bullying, and explicit complaints about workplace bullying were made by 52 (10%) of our visitors this year; this is almost identical to last year (50 complaints or 10%). Of the 52 complaints about bullying, 38 involved a supervisory relationship and 14 involved a peer relationship.
EVALUATION AND OUTCOMES

This year, the response rate to our online satisfaction survey was 43%. Of the respondents, 77% expressed satisfaction with the services we provided and 59% stated that interactions with the Ombuds Office helped them develop skills or learn approaches that might help them in resolving future problems.

Because of our confidentiality, it is challenging to convey the success stories we are involved with on a daily basis. Here are some examples of positive outcomes achieved 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 for a medical withdrawal from classes.
- A graduate student or post doc resolves long-standing conflict through changing advisors.
- A faculty member is assisted in getting an extension to the tenure clock.
- An employee understands how to file a sexual harassment/misconduct complaint.
- A supervisor feels empowered to address a bullying employee.
- An administrator develops a plan to address chronic disrespectful behavior in his/her area.
- A patient resolves a billing problem.

FOLLOW-UP ON PREVIOUS CONCERNS

Many of the concerns raised in last year’s report were more complex and less tangible than others we have identified in the past, and therefore less amenable to specific action plans. The concerns we discussed were:

- avoidance of long-standing problems by supervisors and administrators
- issues of privilege on campus (especially race, faculty status, and University status)
- several health issues including the negative cycle of health problems and poor work performance that can affect faculty and staff, mental health, and confusion about the Family Medical Leave Act (FMLA).

As always, we hope that discussing concerns in meetings across campus raises awareness of campus patterns and plants the seeds for steps to improve campus climate.

In addition to our efforts to support supervisors and administrators as they deal with long-standing problems, Organizational Effectiveness and other units in Human Resources continue to work to empower campus leaders to address chronic issues in their areas. New initiatives, including Onboarding: Getting Started at UI (for all employees), New Supervisor Onboarding, the Performance Management Miniseries, and the Workforce and Workload Planning Toolbox (an online resource), have been designed to help campus leaders better meet the challenges they face.

Many offices continue to work to address issues of racial privilege on campus, including but not limited to the Chief Diversity Office, the Office of Equal Opportunity and Diversity, the Center for Diversity and Enrichment, the UI Diversity Charter Committee, and other resources including cultural centers and councils and academic diversity programs. Notable is a workshop on white privilege given as part of the Office of International Students and Scholars’ Building our Global Community series.

The confusion about the Family Medical Leave Act (FMLA) we discussed last year has been addressed by Faculty and Staff Disability Services (FSDS) in several ways. FSDS has re-assessed how the campus handles FMLA requests, continues to provide educational presentations and workshops across the
University, continues to improve resources on their website, and has increased their staffing to better support the campus.

A number of campus services are designed to enhance the mental health of faculty, staff and students. Faculty and Staff Services/EAP, University Counseling Service (for students), and Student Health Service continue to provide direct care, educational presentations, and workshops across campus. In addition, these offices are increasing their collaboration through efforts such as the fall Suicide Prevention campaign in partnership with the Crisis Center and other community resources. The new Campus Recreation and Wellness Center offers a wide variety of health and wellness services to faculty, staff and students, including referrals for additional behavioral health support. Faculty and Staff Disability Services has developed a new program, the University of Iowa Work Support Program, specifically designed to help employees with mental health concerns manage these effectively in the workplace. The Threat Assessment Team is another resource serving the entire campus that can help members of the University community access behavioral health resources. We are optimistic that all these services will improve the mental health of UI faculty, staff and students.

CAMPUS ISSUES

Our comments this year all relate to effective communication on campus.

Cross-Cultural Challenges
One issue that contributes to conflict on campus is differing communication styles. Such differences can be based on family experience, culture, and gender, among other factors. The example we emphasize this year is the cultural difference between what could be considered a Midwestern “indirect” style in contrast to a more direct communication style. The more indirect Midwestern style can include an expectation of polite speech (e.g., moderate tone of voice, no interrupting) even in the midst of conflict, and a preference for non-confrontational behavior, such as reluctance to overtly challenge those in positions of authority. Community members originally from other regions of the U.S. or other countries where a direct style is common may expect and engage in direct communication, which can be perceived by some Midwesterners as rude and even threatening; in turn, people from areas or cultures with a more direct style can be frustrated by the lack of direct feedback. Neither communication style is right or wrong, but a mismatch in styles can cause tension, breakdowns in relationships, poor reputations, poor performance evaluations, and even loss of campus position. This pattern is rarely discussed, and we believe that steps to orient new members of the campus community to Midwest norms are uncommon. We hope the University can become more aware of and sensitive to this form of diversity in our community.

Feedback
Regular formal feedback is a part of UI’s system. As an institution, we do pretty well in completing these formal evaluations, and that’s good.

However, we continue to see situations involving feedback that we would describe as inadequate. Sometimes performance appraisals do not reflect significant concerns about an individual’s work, which can lead to longstanding misunderstandings by faculty and staff about their performance and sometimes misplaced expectations regarding promotions and merit increases. Some written performance appraisals are completely positive, but verbal feedback does not match, leading to confusion on the part of the faculty or staff member. At other times, rather than supervisors providing feedback as problems arise, criticisms surface in the written review that have never been expressed before; the recipient’s surprise at this new information can make it very difficult for him/her to “hear” the concerns. In other situations, the recipient of a written evaluation fails to realize that criticism is actually being given. We have seen this in the context of the annual review of assistant professors; we think that asking a trusted senior colleague to read the review will help to minimize this problem. We
believe that most of these situations could be improved by regular clear discussions between the supervisor and the faculty or staff member.

Email
We frequently see situations in which conflict is initiated, escalated or otherwise adversely influenced by the use of email communication.

Several reasons are given for using email when there is conflict: a) the belief that a written message is more likely to “be clear” than a verbal one; b) the desire to create a record; c) a desire to make individuals outside the immediate situation aware of the conflict; and e) an interest in avoiding additional conflict that the sender anticipates may occur if there is a face-to-face conversation.

Written communication, of course, lacks certain elements that are present in person-to-person conversations, especially body language and verbal tone. Email messages, in particular, can be created and sent – to dozens of people – before the sender has really thought through the style, tone, and format. And of course, emails sent through the University system are a public record, which can come back to haunt the sender in the future.

The kinds of practices that can be problematic in emails include use of language (angry, rude, and/or condescending) that would ordinarily not be used in a face-to-face conversation; indiscriminate copying of messages; the forwarding of long “strings” containing information that should not be shared with later recipients; and last minute messages (especially from a supervisor) to which the sender expects an immediate response – and failing that, an angry follow up. A different kind of problem occurs when a message is interpreted by the recipient as angry, rude, and/or condescending, when a more neutral reader sees no evidence of any of these.

We believe that many conflicts are better handled in person (or even by telephone), rather than through email. Contact our office if you are interested in a presentation/facilitated discussion on this topic for your unit.

Social Media
The potential problems associated with the use of social media have been in the news over the last year, and messages posted to social media can have all the pitfalls described for email. In addition, by its nature, messages sent to social media are often intended to be just that –“social” – and the poster is not thinking of the potential effect of the message on work relationships. Posting to social media sites (as well as widespread copying of emails) allows individuals completely outside the normal scope of the conflict (e.g., off campus) to be pulled into a conflict, with the potential for escalation that can be impossible to control.

We are seeing an increasing number of situations in which information posted on Facebook or some other social media site either begins a conflict or worsens an existing one, with possible serious consequences including threat of loss of position at the University. UI Human Resources has developed guidelines for faculty and staff (Social Media Use on the Internet), and we refer readers to this resource.

CONCLUSION
An increase in visitors to the Ombuds Office can be interpreted as bad news—more problems on campus—or good news—more people seeking effective ways to resolve conflicts. We choose to see the increase as good news and hope the pattern of more visitors will continue. We also hope to see steps taken to improve communication on campus. To that end, we will continue to offer workshops on conflict management, including communication skills, and we will offer a new workshop on the appropriate use of email. We want to encourage everyone on campus to communicate respectfully and to take every step possible to reduce the incidence of disrespectful behavior at The University of Iowa.
We thank everyone on campus who has helped resolve conflicts and/or made efforts to increase conflict management skills on campus. We thank President Sally Mason for her continued support of the office, and we also express our gratitude to those former members of our office who have been so essential to the office functioning, including Lois Cox, Liz McIntire, and Lisa Von Muenster.
APPENDIX – A

Links Cited

- Building our Global Community
  - http://international.uiowa.edu/oiss/training/faculty-staff.asp
- Campus Recreation and Wellness Center
  - http://reconserv.uiowa.edu/Apps/Facilities/CRWC.aspx
- Faculty and Staff Disability Services
  - http://www.uiowa.edu/hr/fsds/index.html
- Faculty and Staff Services/EAP
  - http://www.uiowa.edu/hr/fsseap/index.html
- Family Medical Leave Act (FMLA)
  - http://www.uiowa.edu/hr/fsds/medleave/fmla/index.html
- International Ombudsman Association
  - http://www.ombudsassociation.org
- Organizational Effectiveness
  - http://www.uiowa.edu/hr/oe
- Performance Management Miniseries
  - http://www.uiowa.edu/~fusstfdv/series/index.html#pmm
- Social Media Use on the Internet
  - http://www.uiowa.edu/hr/administration/social_media.html
- Student Health Service
  - http://studenthealth.uiowa.edu
- Threat Assessment Team
  - http://www.uiowa.edu/hr/tat
- University Counseling Service
  - http://www.uiowa.edu/ucs
- Workforce and Workload Planning Toolbox
  - http://www.uiowa.edu/hr/workconsult/toolbox
SUMMARY – Office of the Ombudsperson 2009-2010 Annual Report

Visitors

<table>
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<tr>
<th></th>
<th>Number</th>
<th>Percentage</th>
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<tr>
<td>Faculty</td>
<td>89</td>
<td>17.2%</td>
</tr>
<tr>
<td>Staff</td>
<td>248</td>
<td>48.0%</td>
</tr>
<tr>
<td>Students</td>
<td>155</td>
<td>30.0%</td>
</tr>
<tr>
<td>Other</td>
<td>25</td>
<td>4.8%</td>
</tr>
<tr>
<td>Total*</td>
<td>517</td>
<td></td>
</tr>
</tbody>
</table>

*This represents a 5.8% increase from the 487 visitors we served in 2008-2009

Primary Visitor Concerns

- **Faculty**: Supervisory Relationships (48%); Career Progression (14%); Peer Relationships (11%)
- **Merit Staff**: Supervisory Relationships (56%); Peer Relationships (19%)
- **P&S Staff**: Supervisory Relationships (60%); Peer Relationships (15%)
- **Undergraduates**: Supervisory Relationships (50%); Policy Violations (20%)
- **Graduate Students**: Supervisory Relationships (58%); Administrative Decisions (12%); Peer Relationships (11%); Career/Academic Progression (9%)

Visitor Demographics

- 19% of our visitors were racial/ethnic minorities.
- 61% of our visitors were female.

Discrimination/Harassment

- 45 visitors had concerns about discrimination/harassment
  - 14 involved concerns about sexual misconduct/harassment.
  - 10 involved disabilities.
  - 21 involved other discrimination complaints.

Disrespectful Behavior

- 22% of visitor complaints involved disrespectful behavior; increase from 17% in 2008-09.

Campus Concerns

- Cross-cultural challenges
- Feedback
- Email
- Social Media

Presentations/Workshops

- 29 annual report presentations.
- 13 informational presentations.
- 19 workshops on conflict management.

Visitor Evaluation of Office

- 43% response rate.
- 77% positive responses.
- 59% reported acquiring skills that will be helpful in resolving future problems.