

FY2016

ANNUAL REPORT OF THE
UNIVERSITY OMBUDS OFFICE
FOR THE PERIOD
JULY 1, 2015 TO JUNE 30, 2016

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Resolution Services for Conflicts and Concerns

1. Introduction

“So... what exactly does an Ombuds Office *do*?”

Throughout my first year as an Ombuds at the University of Massachusetts I have heard many variations of this question. As I've spoken with people about the role and the office, it's become clear that there are many different ideas about the services we offer. Some people appear to see the office as a kind of help desk and others see it as a complaints department, but these labels don't fully encompass the breadth of Ombuds services or the potential impact of the office at the University. The extended format of this annual report is intended to clarify the work of the Ombuds Office in terms that not only explain what we do, but also give our work context and demonstrate its value.

In the past year the Ombuds Office has undergone substantial change. Based on Faculty Senate recommendations, the Ombuds job transitioned from a revolving faculty appointment to become a professional staff position. The Ombuds position description states that the Ombuds should operate the office consistent with the Standards of Practice and Code of Ethics of the International Ombuds Association (IOA), which requires the office to be confidential, neutral, informal, and independent as described below. These changes have resulted in a thorough review of the Office's practices and scope; it's been an important if not always easy process that will continue into the coming year. In early FY16 the process management of the Academic Honesty and Academic Grievance Policies was moved from the Ombuds Office to the Provost's Office (undergrads) and the Graduate Dean's Office (grad students). This was an important step in bringing the Ombuds Office into compliance with IOA Standards, since housing a formal disciplinary process within the Ombuds Office is contrary to the principles of informality, independence and neutrality. The Ombuds Office remains available to those who have questions or concerns about the policies or would like assistance with reaching informal resolutions.

The answer to the question of what the office does is this: The Ombuds Office serves three critical roles on the University of Massachusetts campus. The Office assists faculty, students, and staff to prevent, identify, manage, and resolve campus-related conflicts and concerns. The Ombuds Office also works to increase conflict competence across the campus through presentations and workshops about communication, conflict management, and resolution strategies. Additionally, the Office provides insight and recommendations to University leadership about trends and systemic issues identified through its work.

2. Standards of Practice

The International Ombuds Association's (IOA) Standards of Practice and Code of Ethics are fully described at <https://www.ombudsassociation.org/About-Us/IOA-Standards-of-Practice-IOA-Best-Practices/Code-of-Ethics.aspx> . The University of Massachusetts Ombuds Office complies with IOA standards by working according to the following principles:

Confidentiality The Ombuds Office maintains the confidentiality of its visitors' identities and communications with two exceptions: if there is an imminent risk of serious harm or if required by law (such as Title IX) to disclose. All visitors have the option to speak with the Ombuds Office without disclosing personally identifying information if they choose. Consistent with its obligation to protect confidentiality, Ombuds records consist of non-identifying information and statistical data. Providing information to the Ombuds Office does not constitute legal notice to the University.

Neutrality The Ombuds Office supports all visitors to the office with the goal of helping to resolve their issues; the Ombuds does not take sides, act as an advocate, or enforce policy. The staff maintain neutrality while working with visitors and related others to help all parties achieve a fair resolution of their conflicts and concerns. The Ombuds Office does not have the authority to make decisions or impose sanctions.

Informality The Ombuds offers a wide range of informal resolution options, such as coaching, mediation, and facilitated dialogues. Ombuds services complement, but do not replace, formal channels of conflict resolution on campus. Resolution through the Ombuds Office is not a required step in any formal grievance or complaint process. Ombuds services are always voluntary; use of the services of the Ombuds Office cannot be imposed or required.

Independence The Ombuds reports directly to the Chancellor's Office for administrative purposes and is otherwise not part of any managerial chain of authority. This allows the Ombuds to maintain its status as an unaligned, neutral resource for the entire campus community.

Why are these Standards important?

Conflict and related misconduct that no one reports have the potential to put the University at risk¹. In addition to the formal resources dedicated to dealing with known problems,² institutions like UMass need a dispute resolution channel that serves to encourage those who are reluctant to come forward to disclose their concerns. Without the confidentiality, neutrality, informality, and independence of the Ombuds Office, many campus community members will be silenced by a fear of retaliation, a lack of knowledge of resolution options, a need to have an informal conversation to explore and understand their issues fully before deciding how to proceed, the fear of the loss of work or social relationships and opportunities, concern that they will lose control over what happens if they proceed through a formal channel, and many other concerns. By offering constituents an option that feels safe for them to discuss their concerns, the University provides a ‘release valve’ for personal and campus stress as well as a path for issues that would otherwise be unaddressed to be surfaced and resolved. The University can also be kept abreast of conflict trends and developing issues it would otherwise not know about. The ability of the Ombuds Office to offer services consistent with the IOA standards makes it an integral yet unique part of the University’s dispute resolution system and an effective partner in creating a respectful campus climate.

3. Function and Value of the Ombuds Office

1. Conflicts and Concerns³ Resolution

In its role as a resolution center, the Ombuds Office provides a safety zone for discussing conflicts and concerns, and impartial assistance in identifying and achieving fair resolution. Individual and group discussions with an Ombuds provide a model for new ways of perceiving, speaking about, and addressing conflict. The Ombuds’ success in resolving conflicts informally results in a reduction of the use of more formal, resource and cost draining methods of

¹ These risks include an inconsistent campus climate, legal liability, fraught relationships, loss of reputation, loss of faculty and staff with associated costs, and others. (Williams, Randy and Thacker, Sara *Organizational Ombuds: Filling the Gap in Effective Dispute Resolution Systems*, American Bar Association Dispute Resolution Newsletter, 2014, Retrieved from the American Bar Association website: http://www.americanbar.org/content/dam/aba/events/dispute_resolution/Newsletter%20articles/Williams_Thacker_filling_the_gap.authcheckdam.pdf)

² Human Resources, EO&D, policy compliance boards, UMPD, grievance procedures, Legal Department, and Labor Relations, among others.

³ Not all matters discussed with the Ombuds are already conflicts. Many discussions focus on how visitors’ concerns can be addressed early and informally so that they never become a more serious conflict.

conflict resolution (board hearings, disciplinary proceedings, or legal action). The availability of an Ombuds Office supports campus constituents by reducing the amount of time and stress they must expend on managing conflict on their own. Since Ombuds services can help reduce conflict-related miscommunication and stress, the Office can also contribute to a reduction in absenteeism, an increase in productivity, and assist with the retention of students, faculty, and staff. The Ombuds Office provides a place people feel listened to, understood, and where they find hope that their issues can be addressed.⁴ When concerns are received and addressed by the Ombuds Office, visitors leave not only with a sense of relief, but also with a sense that the University has provided them with an important benefit. By maintaining the confidentiality that encourages visitors to speak openly, and the neutrality that manifests fairness to all parties, the Ombuds Office gives concrete form to the University's values of Engagement, Equity, Integrity and Responsibility⁵.

2. Conflict Education

Conflict is present in all of our lives, and yet few people have confidence about how to handle it effectively. When conflict exists in work or academic life, its impact can be anything from distracting to disastrous. Conflict acceptance, management, and prevention are important competencies; the more faculty and staff who possess these skills, the fewer disruptive incidents of misconduct will need to be addressed. Those who oversee or supervise others have a particular need to understand conflict resolution. Students will be far better prepared for life after graduation and leadership in the careers they have chosen if they possess these necessary skills.⁶ The Ombuds' role in campus conflict education contributes directly to the University's goal of achieving a respectful campus climate. The neutrality and independence of the Ombuds Office make it an excellent partner in providing skill building workshops, materials, and presentations. Over the past year the Ombuds Office has worked with Equal Opportunity & Diversity, Workplace Learning and Development, Teaching Excellence and Faculty Development, the Graduate School, and other campus entities to build conflict capacity.

3. Organizational Self-Analysis

From its work with a broad spectrum of UMass faculty, staff, and students, the Ombuds Office is well situated to gain insight into campus issues. The Office hears about issues that would otherwise not surface, and collects data that provide information about conflict hot-spots, evolving dynamics, and trending issues. The Ombuds' ability to provide data to the University is a direct result of the confidentiality of its services, which ensures that students, faculty and staff all feel free to give voice to their concerns without fear that their identities will be revealed. This information in turn allows leadership to engage in informed action to address needed change.

⁴ For instance, in the Workplace Bullying Survey one Ombuds visitor responded: "I felt like I had nowhere to turn until I contacted the Ombuds Office and they helped me write a letter, offered mediation, and most of all listened and took me seriously."

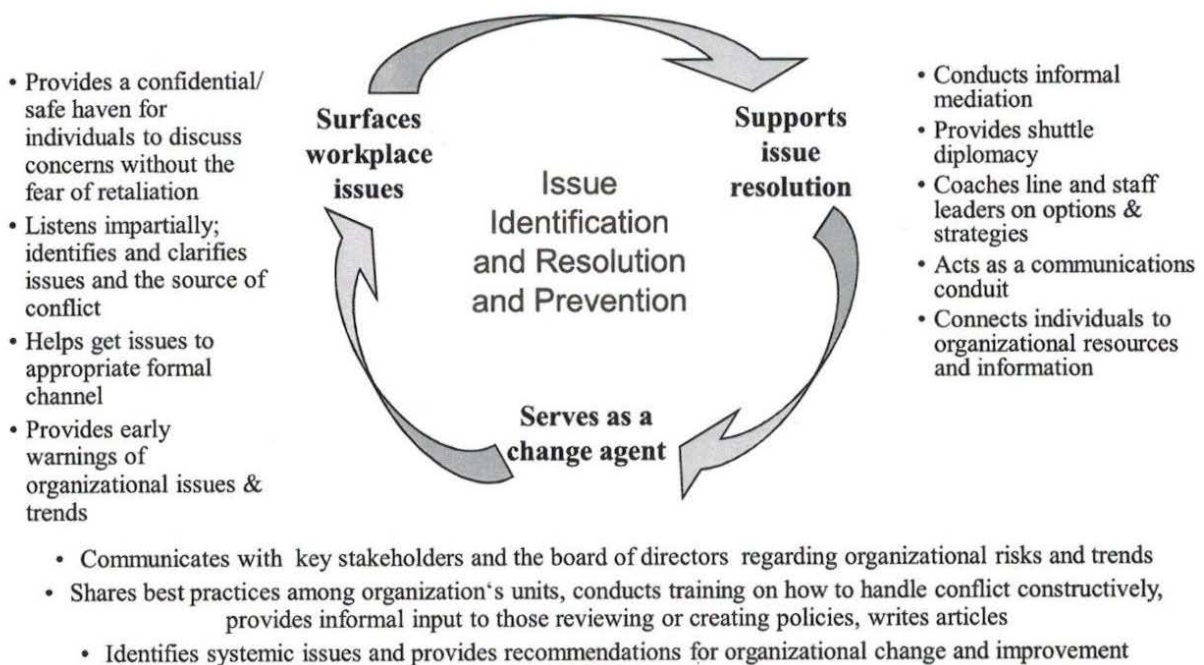
⁵ *Innovation and Impact: Renewing the Promise of the Public Research University*, found at <http://www.umass.edu/chancellor/sites/default/files/pdf/jtfs0-phase-i-report2.pdf>, 2013 p.4

⁶ See Student Affairs and Campus Life Strategic Plan, Goal 1, Objective 7, found at <http://www.umass.edu/studentlife/print/583>. The ability to resolve differences effectively is an important part of a multicultural skill set.

This aspect of the Ombuds' role also serves to ensure that the University becomes aware of instances in which its actions may be inconsistent with its stated policies and values. The Ombuds Office provides trend and issue information broadly in its Annual Report, and also through communication with campus partners relevant to their areas and authority.

The following graphic⁷ shows the interconnectedness of these three roles and the ways they serve the University:

Organizational Ombuds Role in the Dispute Resolution System: Protect Reputation, Minimize Risk and Ensure a Values Driven/Ethical Culture



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Value Additions

⁷ Williams, Randy and Thacker, Sara *Organizational Ombuds: Filling the Gap in Effective Dispute Resolution Systems* Appendix A, American Bar Association Dispute Resolution Newsletter, 2014, Retrieved from the American Bar Association website:

http://www.americanbar.org/content/dam/aba/events/dispute_resolution/Newsletter%20articles/Williams_Thacker_filling_the_gap.authcheckdam.pdf

In addition to the direct contributions of the Ombuds Office described above, Andrea Schenck and John Zinsser⁸ described the ‘value additions’ of an organizational Ombuds Office, stating that “(t)here is clearly overlap between contributions and value additions and all are significant”⁹ The added value of the Ombuds’ services stems from the multiple layers of University life affected by the presence of the Ombuds Office: more satisfied employees, offices and departments that run more smoothly, and managers with more time to manage proactively. The chart below demonstrates some of the ‘value additions’ of an Ombuds Office like the one at the University of Massachusetts.¹⁰

Framework of Potential Ombuds Program Value Additions		
Economic	Organizational	Humanistic
• Expanded productivity	• Supplemented programs	• Increased engagement
• Increased retention	• Navigated systems	• Strengthened organizational trust
• Preserved management time	• Heightened transparency	• Expanded fairness
• Enhanced operational efficiency	• Enhanced accountability	• Enhanced creativity & risk taking
• Advanced individual and team development	• Protected and maximized personal responsibility	• Augmented individualized-career development
• Reduced disputing process and outcome costs	• Increased ethical and compliant behavior	• Heightened respect
• Improved reputation/brand protection	• Advanced pre/pro-ventative conflict posture	• Improved and preserved working relationships
• Reduced incivility (sabotage/theft)	• Advantaged under the Federal Sentencing Guidelines if wrong doing is proven	• Reduced incivility (bullying/mobbing/isolating)
• Lowered or eliminated insurance costs		

(Schenck and Zissner, 2014)¹¹

4. FY 2016 Service Statistics, Contributions, and Challenges

⁸ Schenck, A. and Zinsser, J. (2014). Prepared to Be Valuable: Positioning Ombuds Programs. *Journal of the International Ombuds Association*, 7. Retrieved from the International Ombuds Association (IOA) website: http://www.ombudsassociation.org/IOA_Main/media/SiteFiles/docs/JIOA-14-V7-1_FINAL_0.pdf

⁹ *Ibid.*

¹⁰ An Organizational Ombuds Office, as opposed to a Legislative or Advocate Ombuds.

¹¹ Schenck, A. and Zinsser, J. (2014). Prepared to Be Valuable: Positioning Ombuds Programs. *Journal of the International Ombuds Association*, 7. Retrieved from the International Ombuds Association (IOA) website: http://www.ombudsassociation.org/IOA_Main/media/SiteFiles/docs/JIOA-14-V7-1_FINAL_0.pdf

Visitors Served

The data kept by the Ombuds Office consist of the status of its visitors, the types of concerns they brought forward, the services provided, the results, and the relationship between conflicted parties. Some of the information gathered is different from prior years, so side by side comparisons with prior years are not exact. An “x” in the box means that is not a category we tracked in FY16.

This year the office served 702 visitors, a slight increase over the 691 visitors served last year.

STATUS OF VISITORS

Visitor Category	2015/16	2014/15	2013/14
Information not supplied (new)	13		
Employees			
03 Employee	11	4	8
Classified Employee	31	43	42
Faculty Member	142	153	100
Graduate Student Employee	x	1	1
Professional Employee	65	49	53
Undergraduate Student Employee	x	0	3
Sub-total	262	250	207
Others	x		
Alumnus/a	14	8	8
Off-campus	13	9	17
Parent	21	34	21
Unknown	x	1	1
Sub-total	48	52	47
Undergraduate Students			
Unknown class		21	19
First Year	47	44	42
Sophomore	66	76	65
Junior	78	92	73
Senior	122	82	128
Sub-total	313	315	327
Graduate Students			
Masters	26	29	26
Doctoral		28	25

	36		
Other	x	0	1
Unknown Class	8	2	5
Non-degree	x	1	2
Sub-total	70	60	59
Other Students			
Continuing Ed	8	6	8
University Without Walls	1		
Inactive	x	6	1
Special	x	2	0
Sub-total	9	14	9
TOTAL VISITORS	702	691	649

GENDER ID OF VISITORS (New Category)

Gender Identification	
Information Not Supplied	62
Female	389
Male	248
Transgender	1
Group	1
Other	1
Total	702

CONCERNS RAISED

TYPE OF CONCERN	2015/16	2014/15	2013/14
Academic			
Admission to Program	x	5	9
Admission to Course	x	5	3
Classroom Civility	7		
Course Requirements	25	1	10
Graduation (Degree) Requirements	18	11	20
Program Requirements	21	6	4
Academic Grievances (Grades)	55	91	86
Grading Policy & Practice (incl. absences)	112	23	37
Academic Honesty Question	74	98	76
Exam Policy	x	28	29
Academic Discipline	4	6	4
Late Drop/Retro Withdrawal	9	13	7
Student/Teacher	See below*	50	64

Classroom Accommodations (Learning Disability)	22	6	6
Continuation in Program	x	16	13
Miscellaneous Academic	x	69	76
Quality of Instruction	6	38	-
Working with Advisor	8	2	-
Absences (<i>new</i>)	x	57	-
Total	361	525	444
<i>Civility</i>			
Discrimination - other	5	2	9
Harassment/Bullying	62	36	27
Racial Harassment	3	4	4
Sexual Harassment	11	6	4
Gender Harassment	2	2	0
Racism	0	0	1
Interpersonal Conflict	29	22	21
Conflict of Interest	x	0	0
LGB Harassment	x	0	0
Workplace Accommodations	6	4	6
Miscellaneous Civility	x	36	9
Total	141	81	63

TYPE OF CONCERN (continued)	2015/16	2014/15	2013/14
<i>Administration</i>			
Health Fee/Coverage	x	4	4
Medical Judgment (<i>dropped</i>)	x	-	0
Financial Aid	11	19	11
Housing Assignment/Removal	7	3	3
Discipline/Code of Conduct	x	5	7
Parking Enforcement/Assignment	x	5	0
Bursar/Billing	12	9	13
Meal Plan	x	2	0
Delay in Service (<i>dropped</i>)	x	-	0
Administrative Withdrawal (<i>dropped</i>)	x	-	0
Conflict of Interest	x	2	0
Eviction/Housing Removal (<i>dropped</i>)	x	-	2
Miscellaneous Administrative	9	12	21
Total	39	61	61
<i>Personnel</i>			
Termination (includes layoff)	4	5	10
Layoff	x	1	1
Assessment/Evaluation	7	2	2

Appointment/Reappointment	13	4	5
Misuse of Authority	22	3	3
Student Employment	x	1	4
Payroll	x	2	3
Working Conditions	12	-	10
Supervisor/Employee	See below*	45	43
Employer/Employee	See below*	10	9
Promotion/Demotion	2	8	3
Insurance	x	0	0
Compensation/Benefits (formerly Salary)	6	2	3
Miscellaneous Personnel	x	30	45
Workplace <i>Climate (new)</i>	x	25	-
Allocation of Resources	2		
Retirement	1		
Total	69	138	141
Miscellaneous			
All Other Concerns	92	38	50
Total of all concerns reported (new)	702		

*New breakdown of relationship categories

Issue is with	2015/16
Information not supplied	75
Colleague, coworker, or other Peer	46
Supervisor, Faculty or other in a Superior position	288
Employee, Student or other in a Subordinate position	81
Department or Organizational Area	153
University Rule or Policy	60
Other	20
Sub-total	723
Services Provided	
Not Specified	47
Discuss/Develop Options	459
Information and Referral	103
Explain Policies and Procedures	355
Answer Related Questions	154
Make Inquires/Feedback to Visitor	147
Conflict Coaching	167
Facilitated Dialogue	16
Mediation	5
Social Justice Mediation	1

Shuttle Diplomacy	33
Identified Trends	38
Reported Issues to Leadership	3
Worked with Other Campus Departments	6
Total	1,534

General Resolution	
Referral to Off Campus Resource	6
Referral to On Campus Resource	41
Services Terminated	1
Prior Formal Process in Progress	2
Direct Ombuds Services Successful	614
Other/Not reported	38
Total	702

Specific Results	
Requested Changes Occurred	114
Relationships Improved	25
Increased Understanding or Policy, Procedure or Resources	532
Increased Understanding of Options for Resolution	279
Resolved by Visitor after Discussion with Ombuds	35
Resolved Through Specific Ombuds Conflict Resolution Services	31
Increased Conflict Resolution Skills	58
Formal Process Initiated by Visitor	7
Resolved by External Intervention	1
Resolved by UMass Intervention	1
Total	1,083

Other Contributions

The two UMass Ombuds and the Graduate Assistant Ombuds also provided additional services to the campus. They provided programming to incoming graduate students in Psychology and

Nursing, spoke to Supervisory Leadership Development Program participants, RAs, those attending the Graduate Student Fair, the Employee Benefits Fair, and met with over 35 Deans, Directors, and Vice Chancellors for initial introductory meetings. In addition, Ombuds sat on the Assessment and Care Team, the Risk Assessment Team, Student Services, Parking and Transit Advisory Board, Workplace Concerns, and consulted with many others to develop and deliver programming.

Challenges

As the structure and responsibilities of the Ombuds Office have expanded, the Office finds itself stretched to capacity yet far short of its potential. The increasing demand for more time-intensive services such as mediation and group dialogue leaves less time for the broader impact work of educational programs and working with leadership on trend identification and remediation. As the Office reorganizes in light of administrative changes, we will look at the most effective staffing to meet the needs of the campus.

The Ombuds Office has more work to do to ensure that the campus knows what it does, how it operates, and how to access its services. To that end, its publications will soon include a subtitle to go with its name; new materials will include “Resolution Services for Conflicts and Concerns” along with the Ombuds Office designation. In addition to this explanatory language, the office needs a clearer and more useful website, better print materials, and a social media presence, all of which we will be working on in the coming year.

Conclusion

By modeling a fair and effective process for resolving differences through respectful communication, by increasing conflict resolution skills across campus, and by apprising leadership about conflict trends and issues, the Ombuds Office stands as an important strategic partner in fostering a value-based and ethical campus culture.