

 THE UNIVERSITY OF IOWA

OFFICE OF THE
Ombudsperson

29th ANNUAL REPORT

2014-2015

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**THE UNIVERSITY OF IOWA
OFFICE OF THE OMBUDSPERSON
29th Annual Report
July 1, 2014 - June 30, 2015**

Contents

THE OFFICE OF THE OMBUDSPERSON.....	1
IN MEMORIAM: MAILE SAGEN.....	1
YEAR 29 ACTIVITIES.....	2
VISITOR STATISTICS.....	2
Faculty, Staff and Student Visitors.....	2
Demographic Information.....	4
CONSULTATIONS.....	5
VISITOR CONCERNS.....	5
Codes Used for Visitor Concerns.....	5
Total Visitor Concerns.....	6
Faculty Concerns.....	6
Undergraduate Student Concerns.....	7
Graduate and Professional Students, Postdocs, Residents, and Fellows.....	7
Merit Staff Concerns.....	8
P&S and Merit Exempt/Confidential Staff Concerns.....	8
Discrimination and Harassment.....	9
Disrespectful Behavior.....	9
Organizational Risk.....	10
CAMPUS ISSUES	10
Pregnancy and Childbirth-Related Concerns.....	10
Pre-Tenure Faculty Joint Appointments.....	11
Roommate Disputes in Off-Campus Housing.....	12
Mediation.....	13
EVALUATION AND OUTCOMES	13
CONCLUSION.....	14

THE OFFICE OF THE OMBUDSPERSON

The Office of the Ombudsperson is a resource for any member of the University community, including students, staff and faculty, with a problem or concern. We provide informal conflict management and information on policies, procedures, and options, and we advocate for fair treatment and fair process.

Our services are based on the principles of confidentiality, neutrality, informality, and independence from other campus offices and resources. Among other things, these principles mean that we do not keep records or disclose confidential information (unless we hear of possible future physical harm to anyone or are required to disclose by a court or the law); we will not participate in or testify in any formal proceeding, even if asked; and we are not an office of record, so that communicating with an Ombudsperson does not mean that you are putting The University of Iowa on notice about your concerns.

In addition to providing information and informal conflict management to members of the University community, we also watch for trends on campus and report them to University administrators when we can do so without compromising the confidentiality of our visitors.

Currently, Cynthia Joyce is the staff Ombudsperson, and Susan Johnson, Professor in the Carver College of Medicine, is the faculty Ombudsperson. Renée Sueppel is our office manager. Both Susan and Cynthia are available to help anyone on campus. To find out more about our office, visit our website at <http://www.uiowa.edu/ombuds/>.

IN MEMORIAM: MAILE SAGEN



Maile Sagen, who served as Ombudsperson for The University of Iowa for 16 years, from 1989 until her retirement in 2005, passed away on June 20, 2015. She had a profound influence on ombuds practice on this campus and nationally. She received the Iowa Board of Regents Staff Excellence Award and the University of Iowa Distinguished Achievement Award for Women in recognition of her impact on campus. At the national level, she provided formal and informal mentoring and training to colleagues and was an active member of the University and College Ombuds Association (UCOA). She served on the UCOA Board of Directors for five years; helped craft UCOA's Standards of Practice and Statement of Ethics, which informed the subsequent development of the International Ombudsman Association (IOA) Code of Ethics; and was the mentoring coordinator for UCOA, forming the basis for IOA's mentoring program. In recognition

of her contributions to the ombuds field, Maile received the Distinguished Emeritus Award from IOA in 2006.

YEAR 29 ACTIVITIES

In 2014-2015, the 29th year of the Office of the Ombudsperson, Cynthia and Susan gave 32 presentations of the office's 28th *Annual Report* and provided 39 presentations about the Ombuds Office to various units and administrators across campus. In addition to these presentations, which are designed to give members of campus information about our office, we delivered 45 workshops on conflict management concepts and skills to faculty, staff and students.

Cynthia and/or Susan served on the Behavior Risk Management Committee, the Working at Iowa Steering Committee, and the Confidential Offices Working Group in 2014-15. In addition, Susan and Cynthia have continued to meet quarterly with the President, the Vice President of Human Resources, the Chief Diversity Officer, Organizational Effectiveness, and Faculty and Staff Disability Services.

Off-campus outreach activities include ongoing communication with other ombudspersons in Iowa and throughout the Midwest and participation in our professional association, the [International Ombudsman Association](#) (IOA). Both Susan and Cynthia are members of IOA and attended the annual IOA conference in Atlanta in April 2015. In addition, Susan and Cynthia attended the annual Summer Meeting of Academic Ombuds at Marquette University in July 2014, and Cynthia co-taught a one-day course for new academic ombuds.

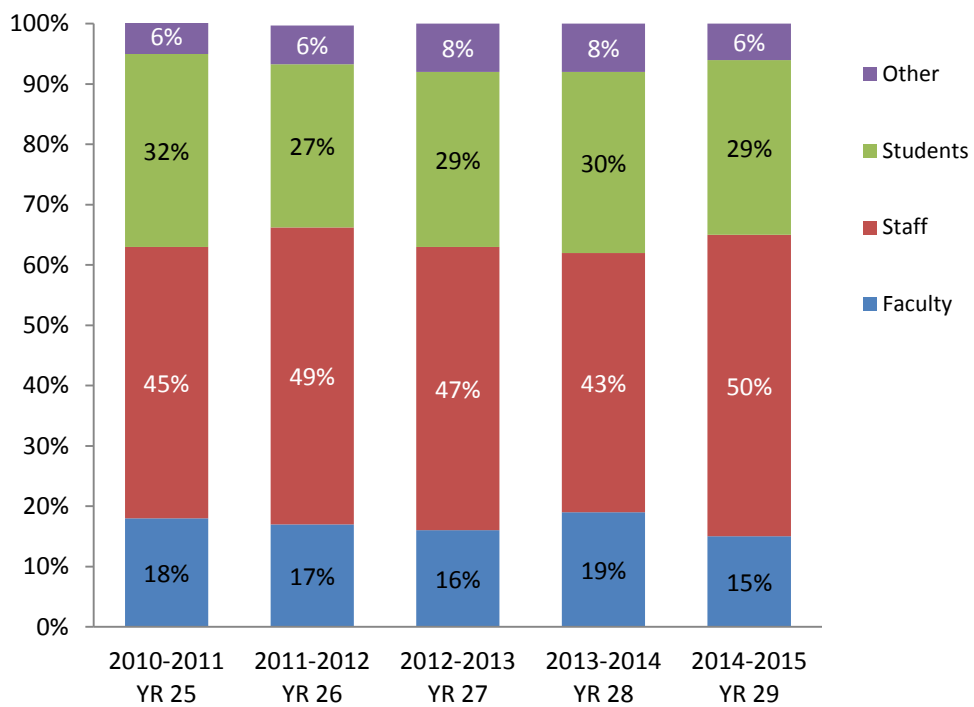
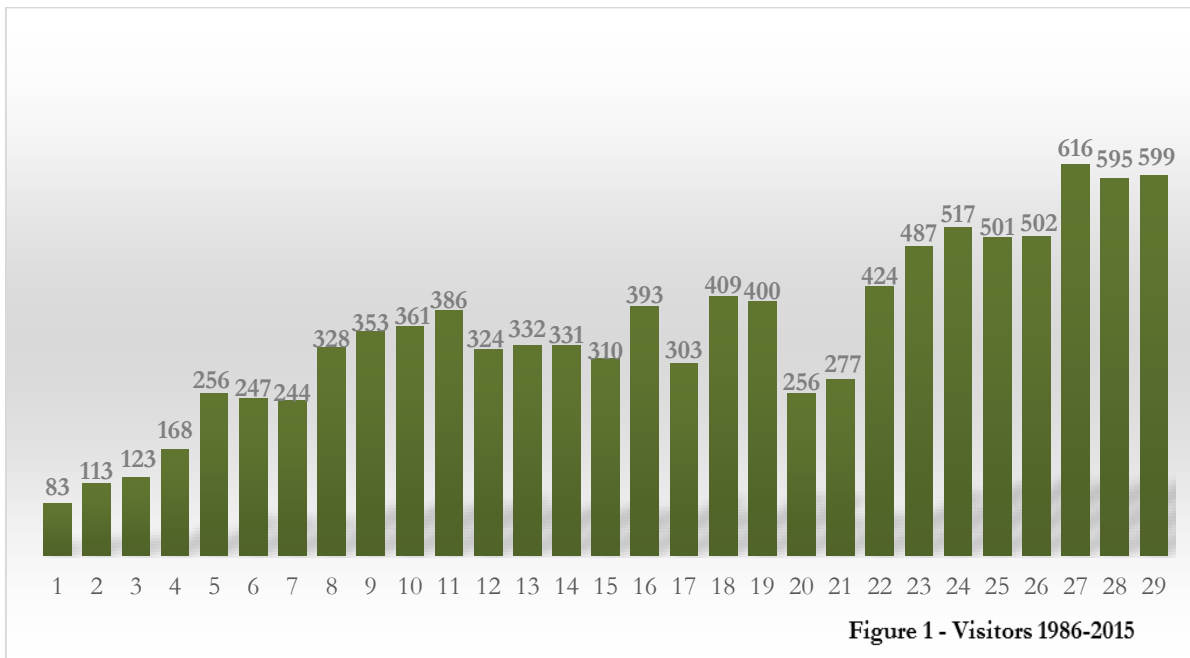
During the summer of 2015, we worked with our first graduate student intern in the Ombuds Office. Patrick Bigsby, who is a joint graduate student in Journalism and Mass Communication and the College of Law, contacted us with an interest in alternative dispute resolution. He met with us weekly to discuss the ombuds role and (with each visitor's permission) observed several meetings with undergraduate and graduate student visitors.

VISITOR STATISTICS

Faculty, Staff and Student Visitors

We keep a database that includes demographic information and codes about visitor concerns but no personally identifying information, which we used to generate the data in this report. We have seen about 600 visitors each of the last two years, and, with 599 visitors this year, we continued that trend. Figure 1 shows the number of visitors each year since the office began in 1985. Of our 599 visitors this year, 90 were faculty, 296 were staff, 176 were students, and 37 were "other" visitors (alumni, community members, former or prospective employees, parents,

patients, and vendors). Figure 2 shows that the percentages of faculty, staff and student visitors in Year 29 are similar to those over the last four years.



Another way to look at our visitors is to compare our numbers to the total population of each group on campus. In Year 29, 4% of faculty, 2% of staff, and 1% of students visited the Ombuds Office. Overall, the office served 1.3% of the total campus population (599/47,811). This is consistent with the experiences of other ombuds offices, which typically serve between one and five percent of their offices' constituents.

Figure 3 displays the last five years of visitors in each category. We saw a substantial increase in Merit visitors compared to last year, and fewer faculty and "Other" visitors, but otherwise there were no major changes this year.

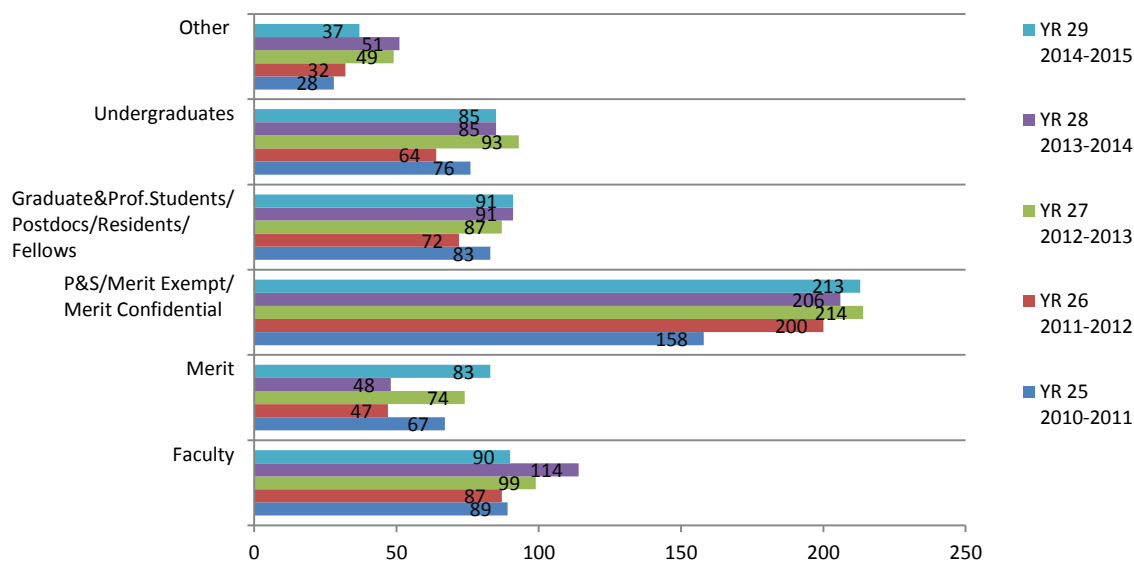


Figure 3 - Visitors to Ombuds Office by Status

Demographic Information

As in the past, the Ombuds Office served more visitors with racial or ethnic minority backgrounds and more female visitors than would be expected given campus demographics.

Race

In Year 29, we had demographic information for 444 (74%) of our 599 visitors. Over one fifth (22%, 96/444) of these visitors were racial or ethnic minorities, compared to 14% (6,589/47,811) who identified as racial or ethnic minorities on the campus as a whole.¹

¹ Race/ethnicity 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 2014" 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 November 2014" prepared by the Chief Diversity Office.

Gender

This year, 69% of our visitors were female, compared with 61% last year and 56% in the University community.²

CONSULTATIONS

The Ombuds Office continues to track the number of supervisors, administrators and HR representatives who contact us for a consultation. In consultations, supervisors or HR representatives talk confidentially with an Ombuds about workplace problems they seek to address (rather than problems they are dealing with personally). The Ombuds helps develop options but does not usually get directly involved in the situation.

In Year 29, 49 of our 599 visitors (8%) requested consultations, slightly higher than last year (6%). Almost 70% of these consultations were with staff (including supervisors, administrators, or HR professionals). Every consulting visitor who responded to our satisfaction survey reported satisfaction with their experience with the Ombuds Office.

VISITOR CONCERNS

Codes Used for Visitor Concerns

We use codes developed by the International Ombudsman Association (IOA) to categorize visitor concerns (Table 1).

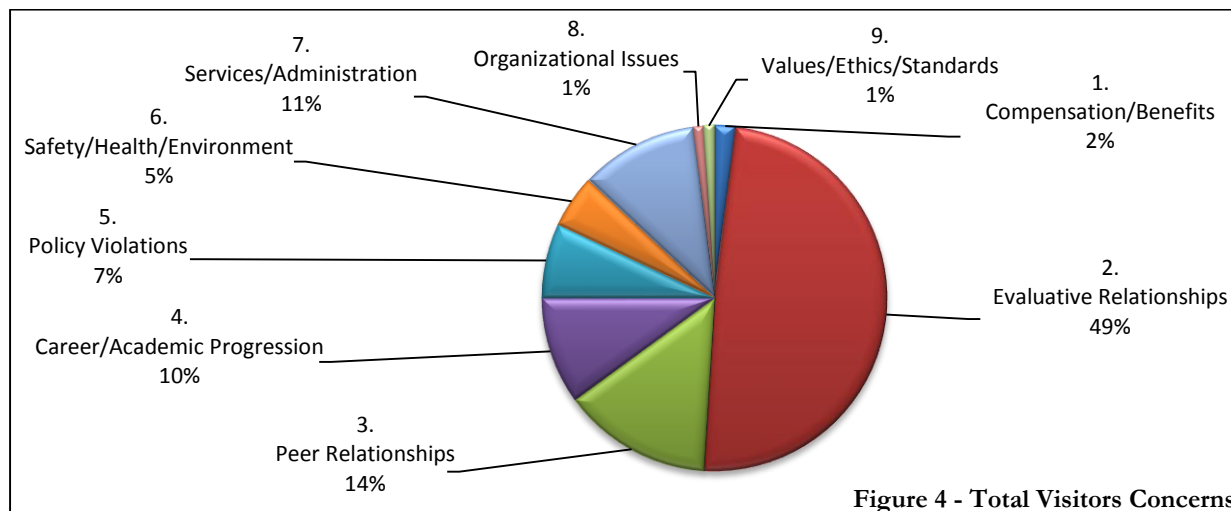
	IOA Code	IOA Code Description
1	Compensation/Benefits	Compensation & Benefits: salary, raises, health insurance, retirement, etc.
2	Evaluative Relationships	Evaluative Relationships: concerns about hierarchical relationships including respect, trust, communication, performance evaluation, workload, etc.
3	Peer Relationships	Peer/Colleague Relationships: issues about respect, trust, communication, etc.
4	Career/Academic Progression	Career & Academic Progression/Development: application processes, job classification, tenure, resignation, etc.
5	Policy Violations	Violation of Policy: Legal, Regulatory, Financial & Compliance: criminal activity, fraud, harassment, discrimination, disability, etc.
6	Safety/Health/Environment	Safety, Health & Physical Environment: working conditions, parking, housing, security, health concerns, etc.
7	Services /Administration	Services/Administrative Issues: quality and/or timeliness of services; administrative decisions
8	Organizational Issues	Organizational, Strategic, & Mission Related: leadership, reorganizations, organizational climate, etc.
9	Values/Ethics/Standards	Values, Ethics, and Standards: codes of conduct, plagiarism, research misconduct, etc.

Table 1 – Codes Used for Visitor Concerns

² Figures for UI students are from "A Profile of Students Enrolled at The University of Iowa Fall 2014" 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 November 2014" prepared by the Chief Diversity Office.

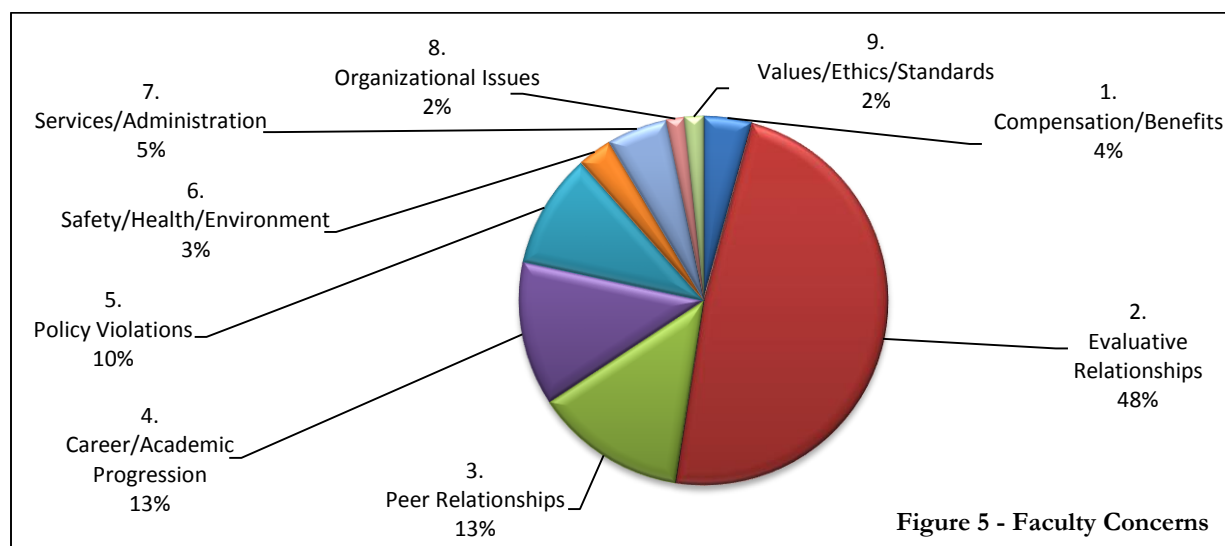
Total Visitor Concerns

Once again, about half (49%) of all visitor concerns in 2014-15 involved an evaluative relationship (Figure 4). This includes problems between supervisors and employees, administrators and faculty members, advisors and graduate students, teaching assistants and undergraduates, etc. Any relationship that involves a power difference can be stressful and can lead to conflicts. Not surprisingly, concerns about evaluative relationships also were the most frequent concerns for every separate group of visitors except undergraduates.



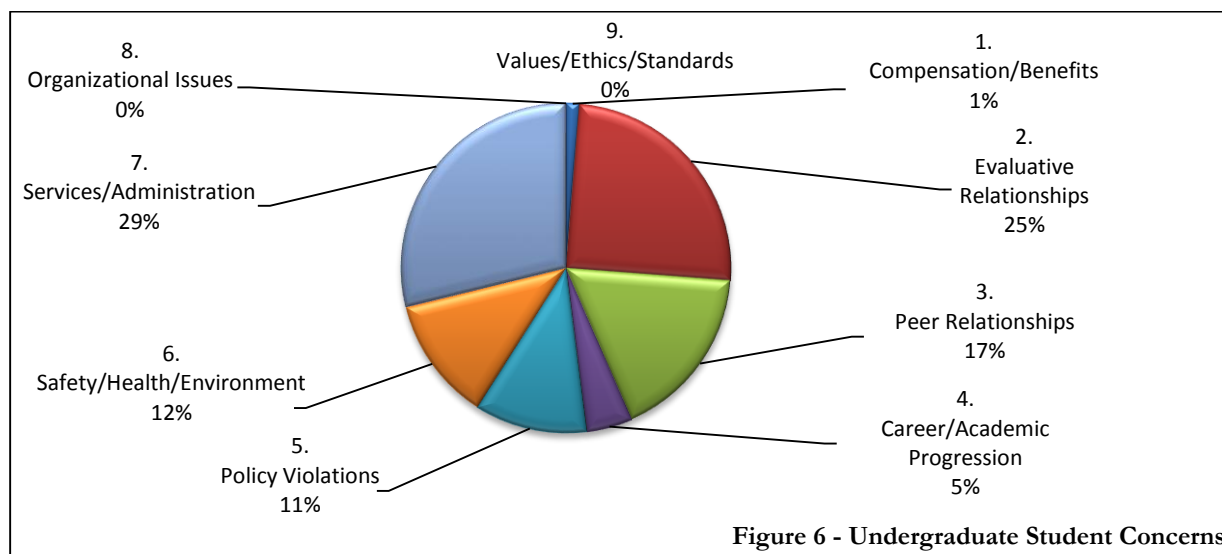
Faculty Concerns

The pattern of faculty visitor concerns was similar to last year (Figure 5), with almost half of faculty visitor concerns involving an evaluative relationship. Problems with peer relationships, concerns about career progression, and policy violations were the other major categories of concerns.



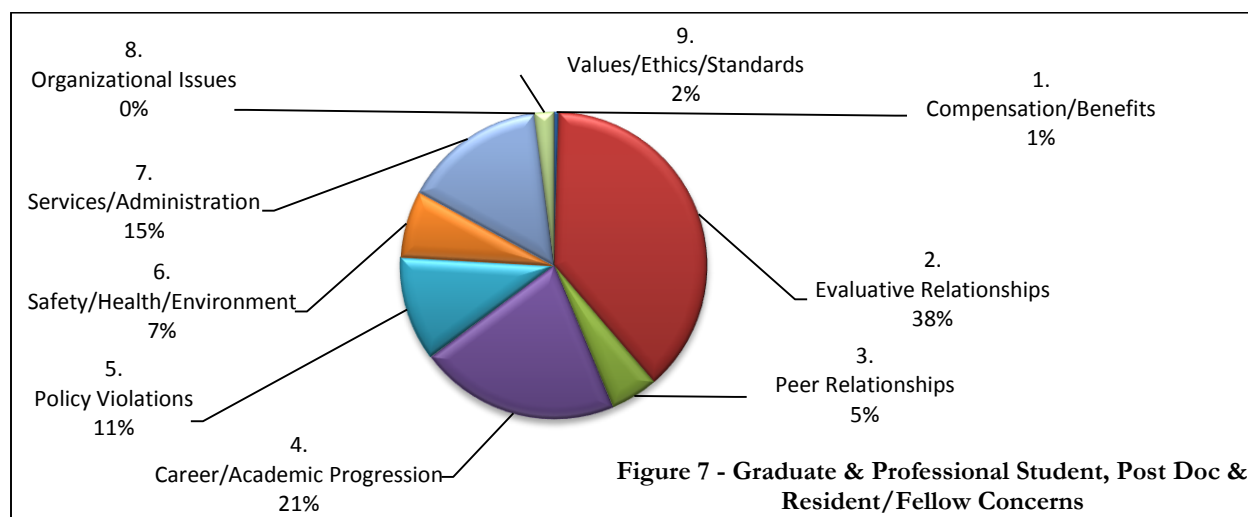
Undergraduate Student Concerns

Undergraduate visitor concerns showed a very different pattern this year (Figure 6). Almost a third involved issues with services/ administration, which include administrative decisions as well as financial concerns. A quarter involved evaluative relationships, and 17% involved peer relationships, an unusually high number for undergraduates. Twelve percent were concerns about safety, health and environment, and 11% were concerns about a policy violation.



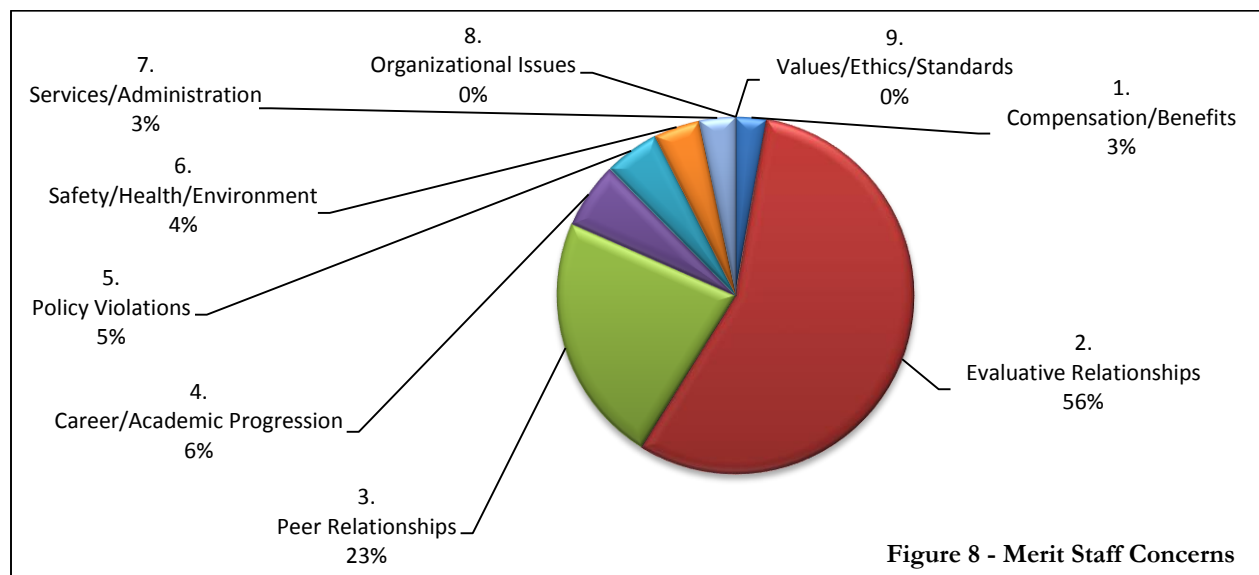
Graduate and Professional Student, Post Doc, Resident and Fellow Concerns

As in the past, we have combined concerns from graduate and professional students, post docs, residents, and fellows. Over a third of concerns expressed by this group of visitors involved an evaluative relationship, 21% involved academic progression issues, 15% related to services/administration, and 11% involved policy violations (Figure 7).



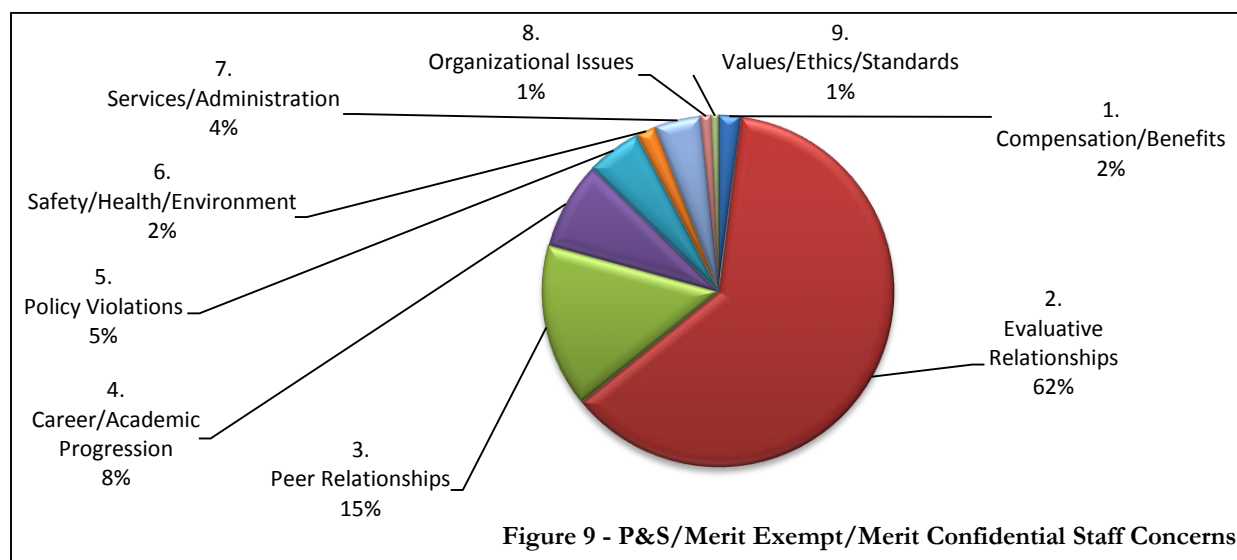
Merit Staff Concerns

The number of Merit staff visitors to the Ombuds Office has continued to fluctuate, and this year we saw a significant increase. In Year 29, more than half of Merit visitor concerns involved an evaluative relationship (Figure 8). In addition, almost a quarter of Merit visitor concerns involved a peer relationship, a striking increase from last year.



P&S and Merit Exempt/Confidential Staff Concerns

Professional and Scientific (including Merit Exempt and Merit Confidential) staff continue to be by far the largest group of visitors to our office and this year were 36% of the total. The pattern of P&S visitor concerns has been very consistent over the last few years (Figure 9), with 62% involving an evaluative relationship and 15% involving a peer relationship.



Discrimination and Harassment

Ombuds Office visitor concerns related to discrimination or harassment have been relatively stable over the last nine years. This year, 9% (53/599) of our visitors had concerns about discrimination and harassment (Figure 10), the same percentage as last year. Harassment and discrimination concerns expressed by visitors included sexual harassment (34) (a significant increase from previous years), other forms of harassment (4), disability-related issues (8), and discrimination unrelated to disabilities (11).

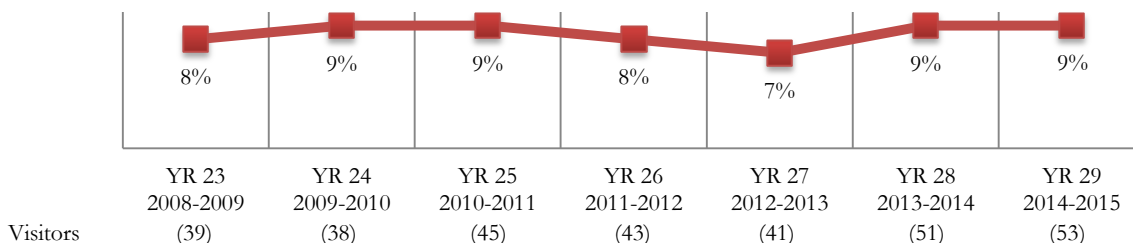


Figure 10 - Discrimination and Harassment

Disrespectful Behavior

This year, 27% (164/599) of our visitors raised concerns about disrespectful behavior, the same percentage as last year (Figure 11). This percentage is considerably higher than the 2014 Working at Iowa results:

My supervisor treats me with respect: 9.9% disagreed

Individuals in my unit are civil and respectful to each other: 13.9% disagreed

The UI treats faculty/staff with respect: 16.1% disagreed

Although the Working at Iowa results related to respect have improved over time, the number of ombuds visitor concerns about disrespect have gradually increased over the last seven years.

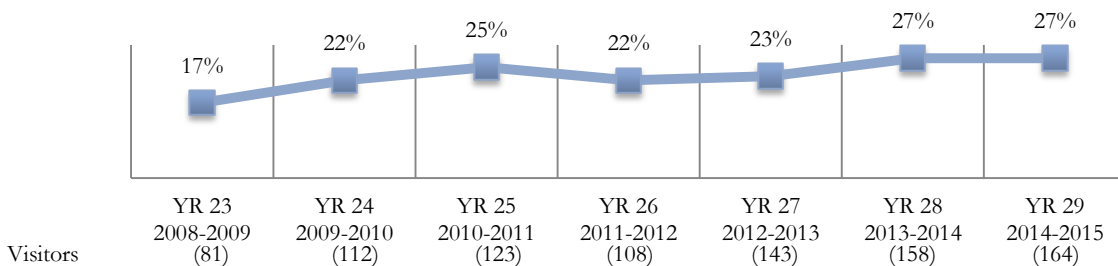


Figure 11 - Disrespectful Behavior

Disrespectful behavior includes bullying, and explicit complaints about bullying were made by 49 (8%) of our visitors this year, which is an increase from the 5% seen in the previous three years. Of the complaints about bullying, 32 (65%) involved a supervisory relationship, and 17 (35%) involved a peer relationship.

Organizational Risk³

To try to measure organizational risks, such as turnover, negative publicity, or violence, involved in cases we handled this year, we assigned every visitor to one or more categories of risk based on their self-report during our initial contact with them. Of our 599 visitors in 2014-15, 61% (367) indicated the possibility of a significant organizational risk. The specific risks we assessed are listed in Table 2; since each visitor could indicate the possibility of more than one organizational risk, the total is greater than 61%.

Organizational Risk	Percent of Visitors Indicating Risk
Loss of Productivity Due to Pervasive Conflict	29%
Staff Turnover Due to Conflict	12%
Possible Negative Publicity	3%
Significant Policy Violations	15%
Potential for Internal/External Grievances	15%
Potential for Litigation	7%
Serious Safety Concerns	7%

Table 2 – Organizational Risk Percentages

CAMPUS ISSUES

Every year, the Ombuds Office identifies trends or themes of note, with the intent of starting a conversation with the campus about these issues. This year, we have identified four such topics.

Pregnancy and Childbirth-Related Concerns. In the past two or three years, we have seen a number of women, including university faculty, staff, and students, with concerns and fears about how pregnancy and childbirth might affect their position on campus. These issues are not unique to the University of Iowa, but still warrant attention on our campus. The concerns range from new staff members in their probationary period worried that they might be terminated when the pregnancy becomes known, to anxiety about insufficient accrued time to cover maternity leave or doctors' visits for themselves or an ill newborn, to frustration with inflexible work schedules, to negative or uninformed attitudes toward breastfeeding in the workplace. Some visitors have expressed anger at what they perceive as an insufficient amount of leave allowed, requirements for "making up work in advance," and unwillingness of units to agree to temporary flexible work arrangements, consistent with the Flexible Work Arrangements policy, even when there appears to be no business reason not to do so.

Underlying these concerns is often the feeling that colleagues and supervisors are not sympathetic, and in some cases hostile, to these issues. Coworkers, in particular, may resent

³ Adapted from Katherine Y. Biala, "A Simple Methodology for Increasing Visibility and Capturing Organizational Ombuds Worth" *Journal of the International Ombudsman Association* 6(2) (2013): 60.

having to fill in for a colleague on maternity leave, often with no additional compensation. Recent literature confirms that concerns about resentment and lack of sympathy may be warranted. A 2012 systematic literature review of pregnancy in the workplace between 1990 and 2010 concluded that pregnancy discrimination was prevalent, and one of the core recommendations included “shifting organizational culture to support women in pregnancy” (Salihi et al, Occupational Medicine 2012; 62:88-97; <http://occmed.oxfordjournals.org/content/62/2/88.full>).

Federal law (<http://www.eeoc.gov/laws/types/pregnancy.cfm>) and University policy set the boundaries for how the University must behave as an employer. Of note, this year the University added pregnancy as a protected class to its Human Rights Policy. Here are links to key University policies:

- III.22.7 Family and Medical Leave Act (FMLA): <http://opsmanual.uiowa.edu/human-resources/paid-absences/family-and-medical-leave-act>
- III.22.8 Parental Leave Policy: <http://opsmanual.uiowa.edu/human-resources/paid-absences/parental-leave-policy>
- III.24 Flexible Work Arrangements: <http://opsmanual.uiowa.edu/human-resources/flexible-work-arrangements>
- II.3 Human Rights: <http://opsmanual.uiowa.edu/community-policies/human-rights>

We are satisfied that, in most cases, FMLA and parental leave policies are carried out appropriately in the cases presented to us. We have been impressed with how hard some units work to do what they can within the limits of these policies. Still, we think that the Flexible Work Arrangements policy could be used more often. After all, as the policy itself states, “A flexible work arrangement allows the application of an innovative approach to achieve a highly productive, harmonious work environment that is responsive to the changing professional and personal needs of today's workforce.”

We also have concerns that some coworkers and supervisors may consciously or unconsciously be expressing discriminatory attitudes and opinions toward women who are pregnant. In response, some women may feel uncomfortable about their family planning decisions. We hope supervisors and unit leaders will set the right tone in supporting families' choices and will think carefully about their own words and actions. Resources that can help as supervisors and others consider responses to these situations include Faculty and Staff Disability Services in University Human Resources (<http://hr.uiowa.edu/fsds>) and the Leave and Disability Office at University of Iowa Health Care (contact Melissa Fiacco at Melissa-fiacco@uiowa.edu).

Pre-Tenure Faculty Joint Appointments. Joint appointments of faculty between departments, and sometimes between colleges, are common on this campus and offer important benefits to

the individual faculty member and to their departments in research, teaching and service. The majority of these appointments are zero-percent appointments, in which there are no resources contributed by the secondary department, and the input into review and promotion is negotiated by the departments in advance. This type of appointment is rarely raised with the Ombuds Office, suggesting it is a relatively problem-free situation.

The other type of joint appointment, in which there is a real splitting of effort and resources between departments (at the extreme, 50%-50%) *can* cause difficulties, and we want to call special attention to the problems we have seen when pre-tenure faculty members are jointly appointed in this way. A critical step in this situation is for the two departments to develop a Memorandum of Understanding (MOU) before the faculty member is appointed, to clarify expectations on all sides (<http://provost.uiowa.edu/joint-secondary-and-tertiary-appointments>). Most of the time, these MOUs are completed, but occasionally they are not. Even when there is an MOU, we have seen disagreements or different understandings develop over time between departments about the details of what constitutes fulfillment of the MOU expectations in teaching, service and research. We also have seen differences in judgment about progress toward promotion and tenure, which can result in unreasonable expectations for the faculty member. Sometimes there is covert or overt antagonism between the two departments or colleges, which can lead to breakdowns in communication and problem-solving. The faculty member can feel caught in the middle, with nowhere to turn, and no apparent avenue for resolution and reconciliation. Sometimes the only solution appears to be to leave the University. We see this problem as especially worthy of discussion because the joint appointment hiring mechanism often is used to recruit the very best new faculty into the campus's high-profile cluster hire initiatives and other interdisciplinary programs, and these are among the very faculty we want to support and retain.

Roommate Disputes in Off-Campus Housing. The Ombuds Office, Student Legal Services (SLS), the Office of the Dean of Students, and the Center for Student Involvement and Leadership (CSIL) met last summer to talk about the increase we were seeing in serious conflicts involving undergraduate students living off campus. By the time these disputes reach one of our offices, the conflict usually has escalated beyond the point of collaborative problem-solving. Roommates in these situations may be fearful of one another, may have moved out already, and/or may have contacted property managers, a variety of offices on and off campus, and sometimes even the police for assistance. Usually, all parties involved have signed a lease and are legally obligated to pay rent, making these situations particularly difficult to resolve. Dissolving a roommate situation often means that someone needs to move out and all the other roommates need to absorb the extra rent or agree on a sublease, or, in rare occasions, the person who moves out continues to pay rent despite living elsewhere.

Here is how each office can help in these situations:

- CSIL, in collaboration with SLS, offers education for students moving off campus through the Off-Campus Housing Fair and the Off-Campus Housing Services website, <https://offcampushousing.uiowa.edu/>. An especially helpful section of this website is Off-Campus Housing Resources, <https://offcampushousing.uiowa.edu/resource/iowa>.
- The Office of the Dean of Students provides support for students, problem-solving, and referrals as appropriate.
- The Ombuds Office helps students develop and implement options, offers mediation, and makes referrals to additional resources.
- SLS cannot provide legal assistance with student to student conflicts but does offer mediation. SLS also has developed a very useful Rental Guide: <http://legal.studentlife.uiowa.edu/rental-guide/>.

Mediation. We have seen a striking increase in interest in mediation on campus this year. Most commonly, a supervisor or Human Resources representative contacts us for assistance with two staff members in conflict, although this service is available to faculty and students as well. Occasionally, one of the parties involved in the conflict contacts us directly to request a mediation. We are delighted to see this interest and encourage others on campus to take advantage of mediation, which is especially well-suited to significant interpersonal conflict when the parties involved will continue to have a working relationship.

When it seems that mediation might be appropriate, we ask to meet with each person involved individually, to understand his/her perspective, discuss the possibility of mediation, and begin to prepare for mediation. If both people are willing and mediation seems appropriate, we schedule a longer meeting with both people together. After a brief introduction, including clarification of the role of the mediator, an overview of the mediation process, and establishment of ground rules, each person talks about his/her experience in the conflict while the other listens. Once each person has spoken, the participants exchange responses and ask questions. The last stages of mediation are to discuss possible options for the future and to develop a plan that both people can accept. Data and experience suggest that mediation is successful at least 80 percent of the time. We encourage early use of mediation when possible, since the more entrenched the dispute, the harder it is to resolve through mediation.

EVALUATION AND OUTCOMES

The Office of the Ombudsperson routinely surveys visitors about their experience with the office. This year, the overall response rate to our online satisfaction survey was 49%, up slightly from last year (46%). Of survey respondents, 85% expressed satisfaction with the services we provided (up from 72% last year), and 67% stated that interactions with the Ombuds Office helped them develop skills or learn approaches that might be useful in resolving future problems (up from 59% last year). This year we also looked at survey results by demographic subgroups, including comparing results by gender, and we did not see differences in satisfaction rates.

When asked “If you had not contacted the Office of the Ombudsperson, what would you have done?,” the results were very similar to the last three years. One fifth (22%) of the respondents said they would have used a formal conflict management option (e.g., grievance). About two-fifths (43%) stated that they would have avoided the problem by not talking about it, looking for another position on campus or off, or leaving the University. The rest (35%) were unsure about what they would have done.

CONCLUSION

We are honored that so many members of the campus community--and beyond--have chosen to talk with us about their concerns, and we remain committed to work with everyone who seeks our help. And as always, we want to thank all the faculty, staff, administrators and departments who have helped to resolve campus conflicts this year. We send a special thanks to Sally Mason for her staunch support of our office throughout her tenure as President--we could not have asked for a better boss, and we wish her all the best in her retirement.