

 THE UNIVERSITY OF IOWA  
OFFICE OF THE  
*Ombudsperson*



**ANNUAL REPORT**  
**2015-2016**

**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 visiting our website at <http://www.uiowa.edu/ombuds/reports-and-documents>.

**THE UNIVERSITY OF IOWA**  
**OFFICE OF THE OMBUDSPERSON**  
**30<sup>th</sup> Annual Report**  
**July 1, 2015 - June 30, 2016**

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## 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, problem-solving, and information on policies, procedures, and options. We also advocate for fair treatment and fair process.

This year we mark a milestone in the history of the office, our thirtieth year on campus. While we believe this longevity reflects the value the Ombuds Office brings to our community, we know the support of University administration and continued collaboration with faculty, staff and students is crucial.

We follow the [International Ombudsman Association's Code of Ethics](#), which includes confidentiality, neutrality, informality, and independence. This year, we highlight neutrality and informality:

**Neutrality.** As neutrals, ombuds are not advocates for any person in a problem or conflict. Our role is to learn all we can about the interests, concerns and desired outcomes of everyone involved in the conflict, understand the relevant policies and procedures, and help the parties find a solution that satisfies everyone or at least meets the standard of procedural fairness. "Multi-partiality," in which the ombuds supports the interests of every party, is sometimes used to describe this process. If an outcome satisfactory to our visitor cannot be attained, this may be misinterpreted as our being an advocate for the "other side." And sometimes visitors want an advocate, and we can't fill that role.

We *can* be said to be advocates for the fair application of policies and procedures. We encourage decision makers to follow fair and transparent processes, and sometimes this leads them to think we are acting as advocates for our visitor. On the flip side, if we conclude that the process did appear to be fair, sometimes visitors believe we are "on the side" of the decision-maker. In fact, our focus in both situations is on fairness, not advocacy for either side.

**Informality.** Ombuds try to resolve problems at informal stages and do not participate in formal processes. We do not have the authority to impose outcomes, and we do not investigate or interpret or enforce policies. If visitors are not satisfied with an informal outcome, we help them understand the formal processes available to pursue their concerns.

In addition to working with members of the University community to resolve problems, we also watch for trends on campus. We report these trends to University administrators when we can do so without compromising the confidentiality of our visitors. To find out more about how we work, visit our website at <http://www.uiowa.edu/ombuds/>.

## OFFICE PERSONNEL

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.

This year marked the first time we worked with student interns. We were approached separately by two students interested in serving as interns, which led to our benchmarking the practice with other university ombuds offices and getting approval from the President. Our current guidelines for student interns include training in our Code of Ethics, agreement to our office confidentiality, and a differential role for graduate and undergraduate students. Graduate student interns are allowed to sit in on meetings with student visitors who give permission in advance. Undergraduate student interns assist with marketing the office and providing conflict management workshops to students.

Patrick Bigsby served as an intern with us during the summer of 2015 and is a graduate student in Law and in Journalism and Mass Communication. Alexandria Miller, an undergraduate double-major in Psychology and Music, started serving as an intern with us during the spring of 2016 and will continue in 2016-17. Working with these interns has been so positive for the Ombuds Office that we will consider future inquiries from students interested in serving as interns.

## YEAR 30 ACTIVITIES

In 2015-2016, Cynthia and Susan gave 29 presentations of the office's *29<sup>th</sup> Annual Report* and provided 37 presentations about the Ombuds Office to various units and administrators across campus. In addition to these presentations, which are designed to give the campus community information about our office, we delivered 45 workshops on conflict management concepts and skills to faculty, staff and students.

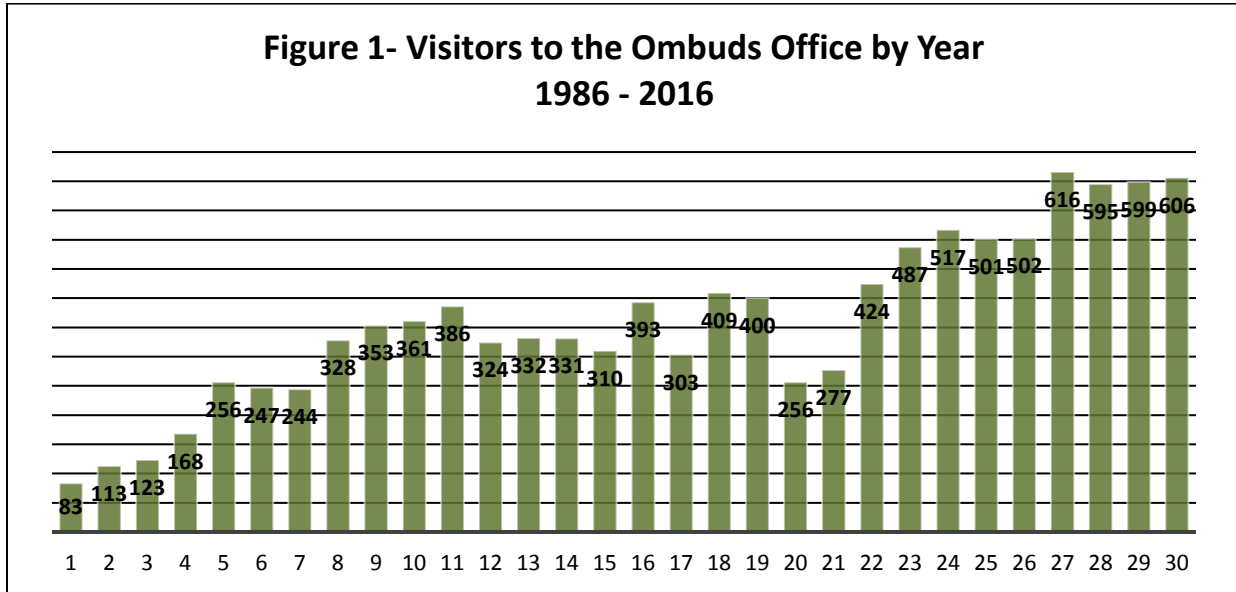
Cynthia and/or Susan served on the Behavior Risk Management Committee, the Working at Iowa Steering Committee, and the Confidential Offices Working Group. In addition, Susan and Cynthia continue to meet quarterly with the Vice President of Human Resources, the Chief Diversity Officer, the Office of the Sexual Misconduct Response Coordinator, the Threat Assessment Team, Organizational Effectiveness, Faculty and Staff Disability Services, and Employee and Labor Relations.

Off-campus outreach activities include ongoing communication with other ombudspersons in Iowa, throughout the Midwest and across the country, and participation in our professional association, the [International Ombudsman Association](#) (IOA). Both Susan and Cynthia are members of IOA. Cynthia attended the annual IOA conference in Seattle in April 2016 and the annual Summer Academic Ombuds Meeting at Northern Illinois University in July 2015.

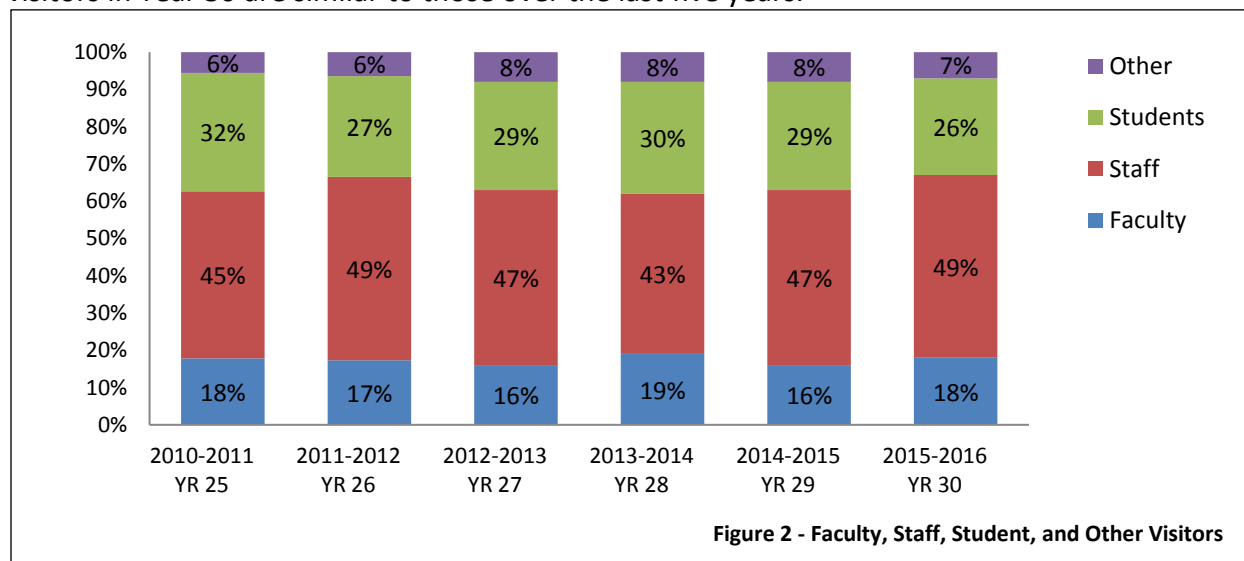
## VISITOR STATISTICS

### Faculty, Staff and Student Visitors

The database used to generate the data in this report includes demographic information and codes about visitor concerns but no personally identifying information. We have seen about 600 visitors in each of the last four years, including 606 visitors this year. Figure 1 shows the number of visitors each year since the office began in 1985.

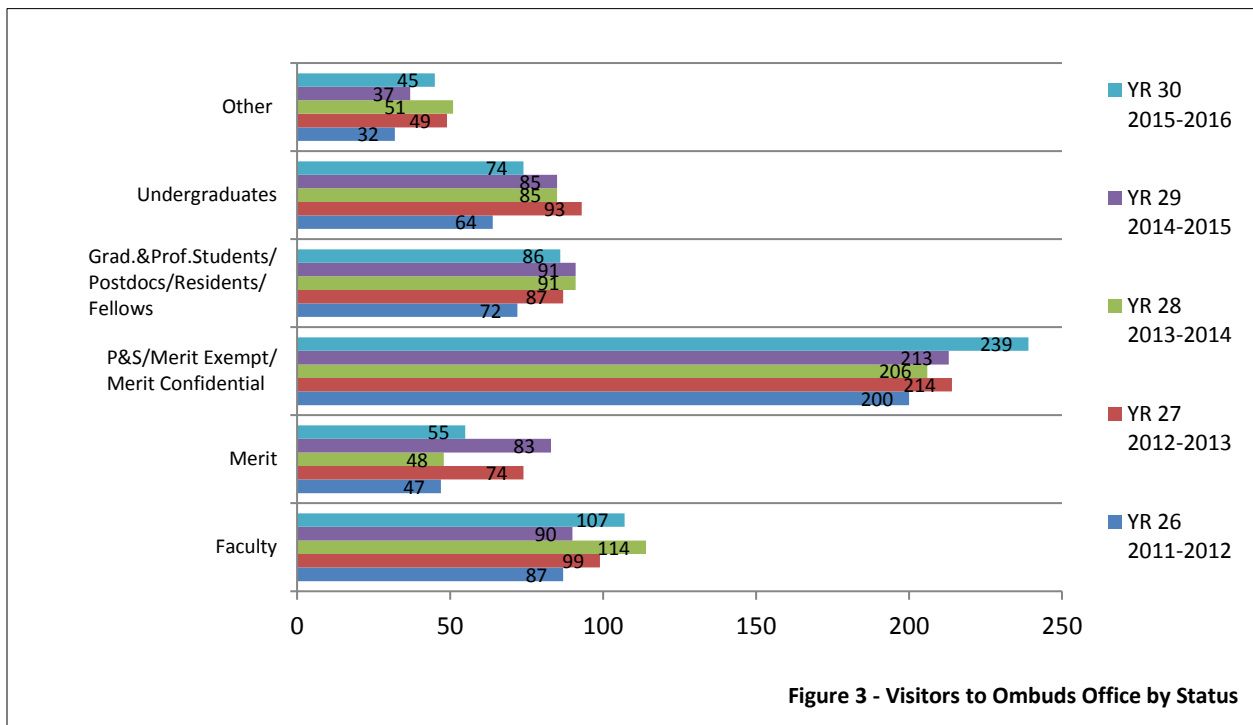


Of our 606 visitors this year, 107 were faculty, 294 were staff, 160 were students, and 45 were “other” visitors (alumni, community members, former or prospective employees, parents, patients, and vendors). Figure 2 shows that the percentages of faculty, staff and student visitors in Year 30 are similar to those over the last five years.



Another way to look at our visitors is to compare our numbers to the total population of each group on campus. In Year 30, 4% of faculty, 2% of staff, and 1% of students visited the Ombuds Office. Overall, the office directly served 1% of the total campus population (606/49,131). 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 by campus status. We saw increases in faculty and Professional and Scientific staff visitors, and a decrease in Merit visitors, compared to last year.



### 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 30, we had demographic information for 451 (74%) of our 606 visitors. Over a quarter (26%, 117/451) of these visitors were racial or ethnic minorities, an increase from 22% last year. This is significantly higher than the 15% (7,314/49,131) of UI students, staff and faculty who identify as racial or ethnic minorities.<sup>1</sup>

<sup>1</sup> 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 2015" 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 2015" prepared by the Chief Diversity Office.



## Gender

This year, 67% of our visitors were female, compared to 56% in the University community.<sup>2</sup>

## VISITOR CONCERNS

### Codes Used for Visitor Concerns

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

	<b>IOA Code</b>	<b>IOA Code Description</b>
1	Compensation/Benefits	Salary, raises, health insurance, retirement, etc.
2	Evaluative Relationships	Concerns about hierarchical relationships, including respect, trust, communication, performance evaluation, workload, etc.
3	Peer Relationships	Peer/colleague relationships, including concerns about respect, trust, communication, etc.
4	Career/Academic Progression	Application processes, job classification, tenure, resignation, career development, etc.
5	Policy Violations	Legal, regulatory, financial and compliance issues, including criminal activity, fraud, harassment, discrimination, disability, etc.
6	Safety/Health/Environment	Safety, health and physical environment issues such as working conditions, parking, housing, security, health concerns, etc.
7	Services/Administration	Quality and/or timeliness of services; administrative decisions.
8	Organizational Issues	Organizational, strategic, and mission-related issues, including leadership, reorganizations, organizational climate, etc.
9	Values/Ethics/Standards	Codes of conduct, plagiarism, research misconduct, etc.

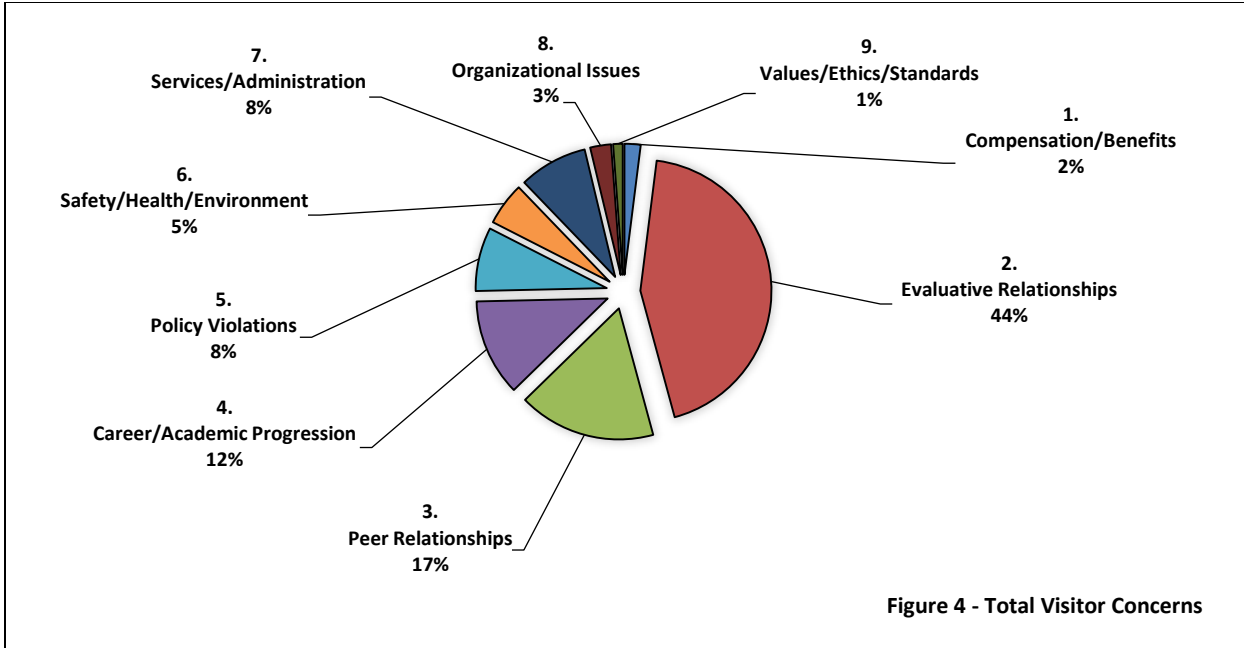
Table 1 – Codes Used for Visitor Concerns

### Total Visitor Concerns

Of all visitor concerns in 2015-16, 44% 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 were the most frequent concerns for every separate group of visitors.

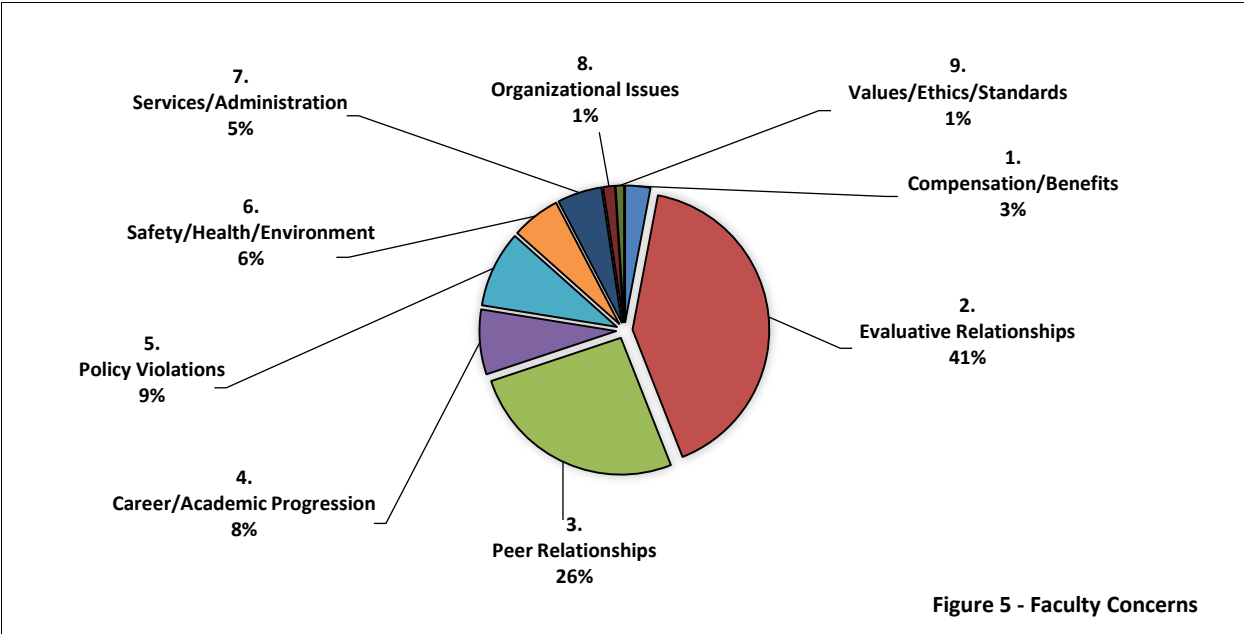
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<sup>2</sup> Figures for UI students are from "A Profile of Students Enrolled at The University of Iowa Fall 2015" prepared by the Office of the Registrar; figures for UI faculty and staff are from the "Annual Equal Employment Opportunity and Affirmative Action Workforce Report November 2015" prepared by the Chief Diversity Office.



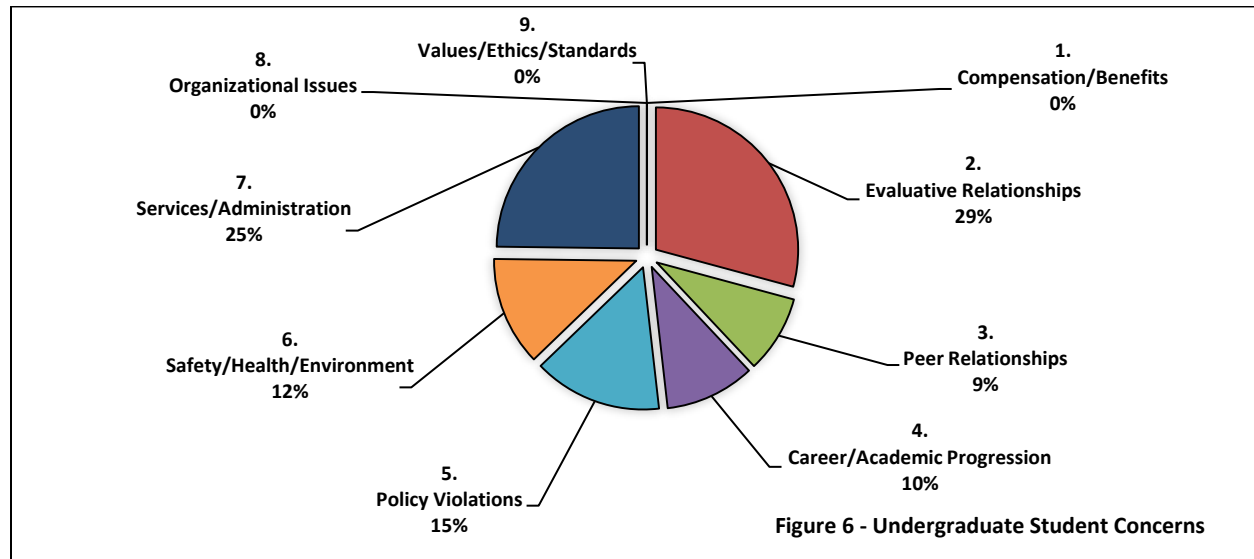
**Faculty Concerns**

Figure 5 shows the categories of faculty visitor concerns in Year 30, with 41% involving an evaluative relationship (a decrease from 48% last year). Concerns about peer relationships among faculty doubled from 13% last year to 26% this year.



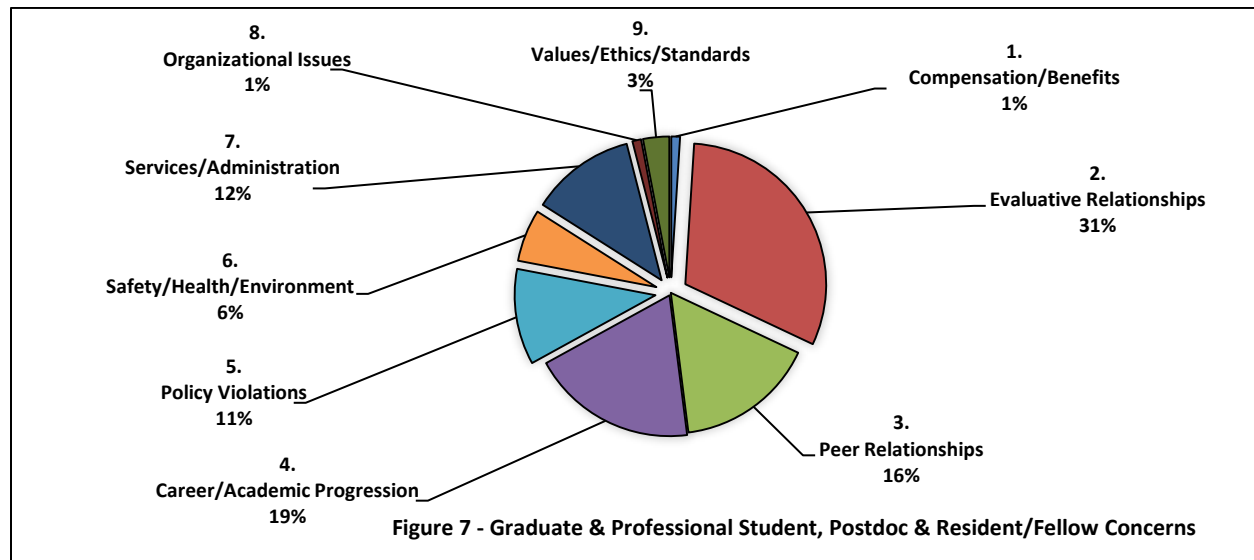
### Undergraduate Student Concerns

The pattern of undergraduate visitor concerns this year was very similar to last year (Figure 6). Almost a third (29%) involved evaluative relationships, and a quarter (25%) involved services/administration (including administrative decisions and financial concerns). The other dominant categories were policy violations (15%), safety/health/environment (12%), and academic progression (10%).



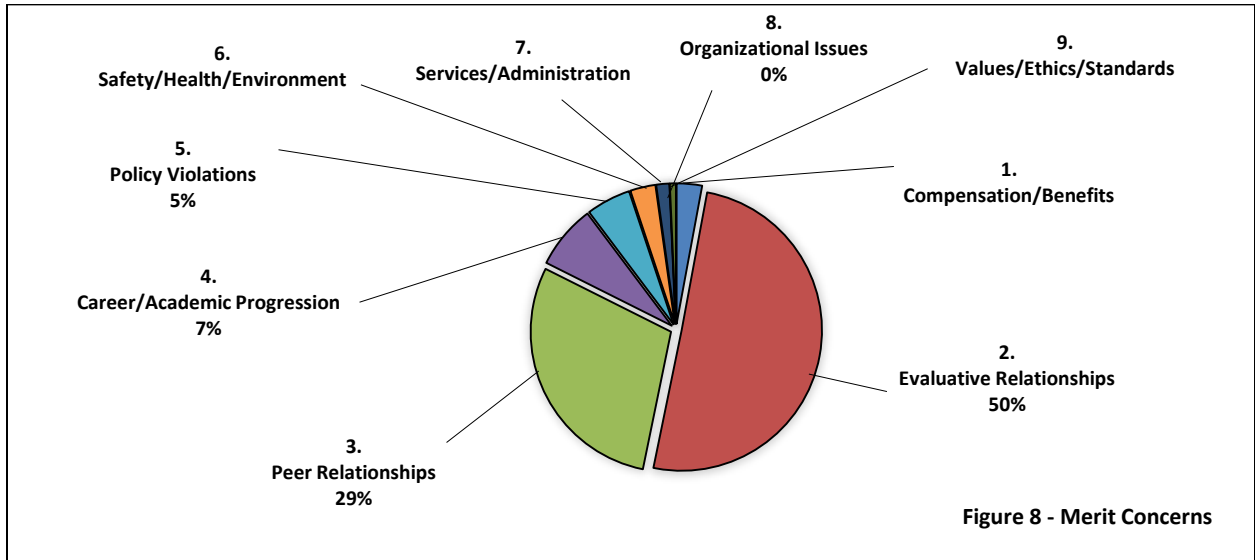
### Graduate and Professional Student, Postdoc, Resident and Fellow Concerns

As usual, we have combined concerns from graduate and professional students, postdocs, residents, and fellows. Almost a third (31%) of concerns expressed by this group of visitors involved an evaluative relationship, 19% involved academic progression issues, 16% involved peer relationships (an increase from last year), 12% related to services/administration, and 11% involved policy violations (Figure 7).



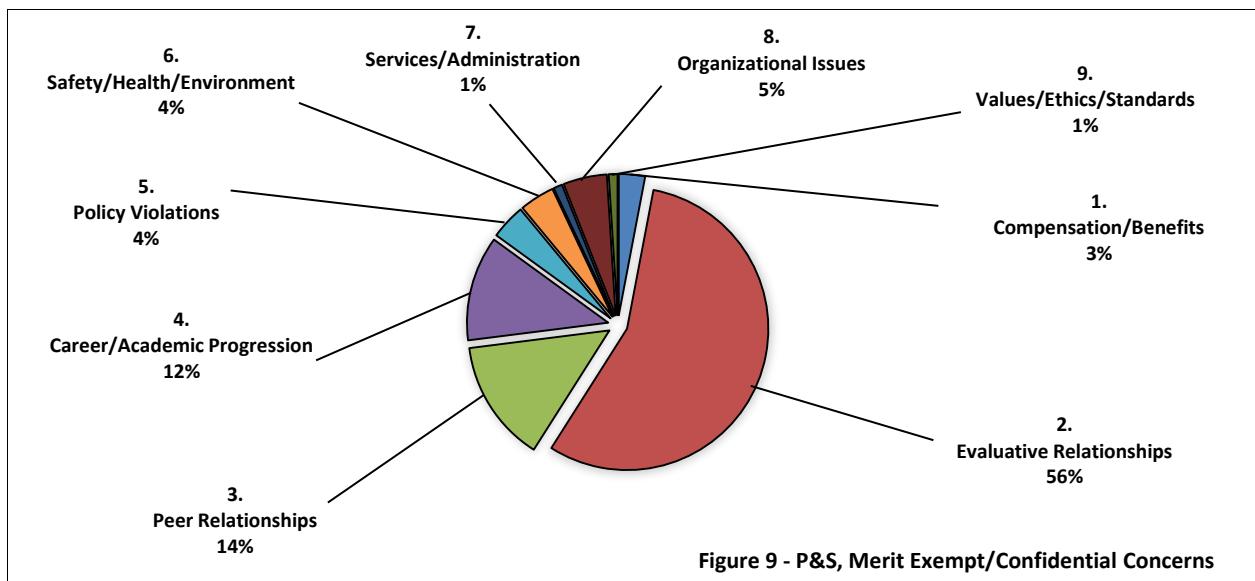
### Merit Staff Concerns

The number of Merit staff visitors to the Ombuds Office has continued to fluctuate, and this year we saw a significant decrease. In Year 30, half (50%) of Merit visitor concerns involved an evaluative relationship (Figure 8), and 29% of Merit visitor concerns involved a peer relationship.



### P&S and Merit Exempt/Confidential Staff Concerns

Professional and Scientific (including Merit Exempt and Merit Confidential) staff continue to be the largest group of visitors to our office and this year comprised 39% of the total. The pattern of P&S visitor concerns has been very consistent over the last few years (Figure 9). This year, 56% involved an evaluative relationship, 14% involved a peer relationship, and 12% related to career progression.

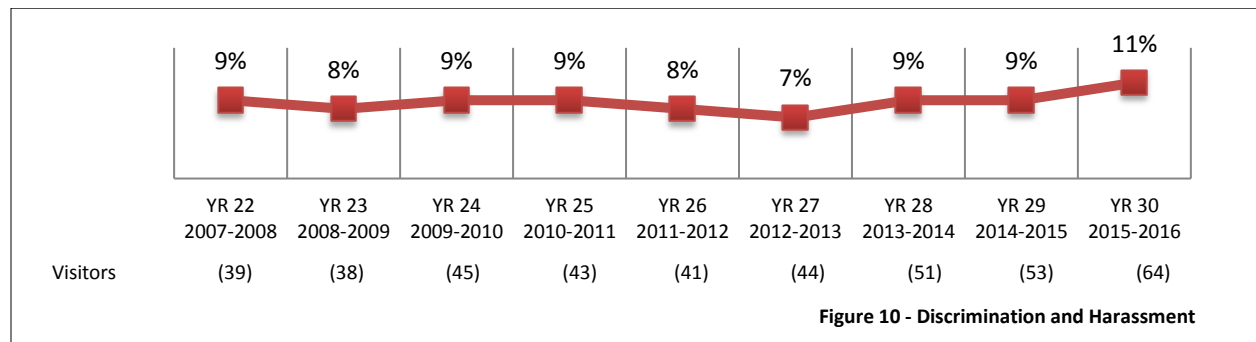


### Consultations

In Year 30, 50 of our 606 visitors (8%) requested consultations, the same percentage as last year. In a consultation, an administrator or HR representative seeks our input about a workplace issue they are responsible for addressing, rather than a problem they are facing personally. Almost 63% of these consultations were with staff (including supervisors, administrators, or HR professionals) and 33% were with faculty administrators. Every consulting visitor who responded to our satisfaction survey reported satisfaction with their experience with the Ombuds Office.

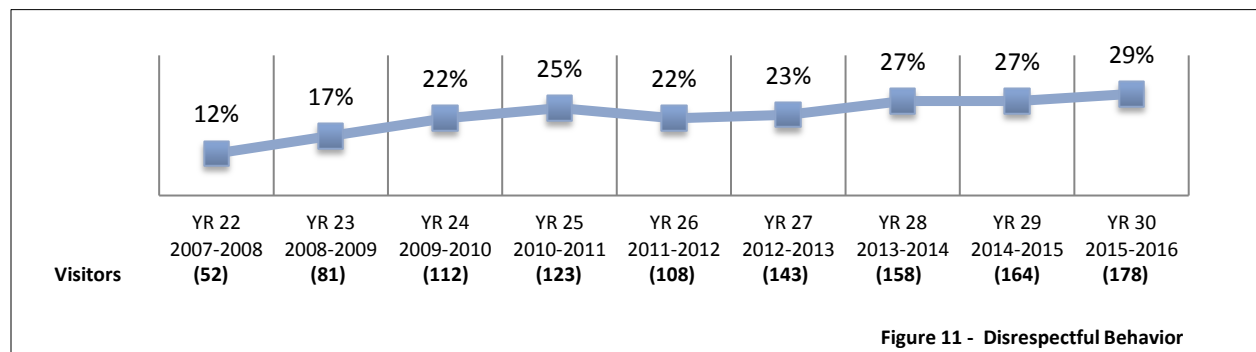
### Discrimination and Harassment

Ombuds Office visitor concerns related to discrimination or harassment have been relatively stable over the last nine years. This year 11% (64/606) of our visitors had concerns about discrimination and harassment (Figure 10), an increase from 9% last year. Specific concerns by visitors were sexual harassment (25), which includes visitors with personal concerns, third parties, and people accused of policy violations; other forms of harassment (11); disability-related issues (6); and discrimination unrelated to disabilities (25). Since each visitor could be dealing with more than one type of discrimination or harassment, the total number of concerns (67) is greater than the total number of our visitors with these concerns (64).



### Disrespectful Behavior

This year, 29% (178/606) of our visitors raised concerns about disrespectful behavior (Figure 11). We speculate that the gradual increase in disrespectful behavior we have seen since 2007 reflects greater awareness of disrespectful behavior, rather than an increase in this behavior on campus.



Disrespectful behavior includes bullying, and explicit complaints about bullying were made by 51 (8%) of our visitors this year, the same percentage as last year. Of the complaints about bullying, 35 (69%) involved a supervisory relationship, and 16 (31%) involved a peer relationship.

### Organizational Risk<sup>3</sup>

To try to measure organizational risks, such as turnover, negative publicity, or violence, involved in cases we handle, we assign visitors to one or more categories of risk based on their self-report during our initial contact with them. Of our visitors in 2015-16, 64% indicated the possibility of one or more significant organizational risks. The specific risk categories are listed in Table 2; since each visitor could indicate the possibility of more than one organizational risk, the total is greater than 100%.

Organizational Risk	Percent of Visitors Indicating Risk
Loss of Productivity Due to Pervasive Conflict	34%
Staff Turnover Due to Conflict	14%
Possible Negative Publicity	4%
Significant Policy Violations	15%
Potential for Internal/External Grievances	15%
Potential for Litigation	9%
Serious Safety Concerns	7%
No Identified Risk	36%

Table 2 – Organizational Risk Percentages

### FOLLOW-UP ON PREVIOUS ISSUES

We wanted to follow up on two issues discussed in our 29<sup>th</sup> Annual Report, pregnancy and mediation.

Pregnancy and Childbirth-Related Concerns. The campus issue we raised last year that got the most attention involved pregnancy and post-pregnancy concerns among staff, faculty and students. UI Family Services and UI Faculty and Staff Disability Services have taken a number of steps to help educate the campus community about pregnancy and childbirth-related issues. They developed a [Parental Leave Resources](http://hr.uiowa.edu/parental-leave-resources) webpage (<http://hr.uiowa.edu/parental-leave-resources>) that includes information on policies and best practices for employees, supervisors, and Human Resource representatives, and a [New Parent Resources](http://hr.uiowa.edu/family-services/new-parent-resources) webpage (<http://hr.uiowa.edu/family-services/new-parent-resources>), which offers a number of other resources for expecting or new parents. In addition, UI Faculty and Staff Disability Services and UI Family Services provided presentations on these topics to Human Resource representatives on both sides of campus last winter.

<sup>3</sup> 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.

Mediation. We are pleased to see continued interest in mediation involving staff, faculty and students. We continue to provide mediation as requested but also want to note some factors that can help predict the success of mediation, including:

- The conflict is not completely entrenched, and there is reasonable hope for resolution.
- The people involved recognize that they have some responsibility for the conflict, and no one sees him/herself as solely a victim.
- The people involved share an interest in solving the problem and are willing to listen to one another and work together to solve the problem.

This year, we also offered “talking circles,” which are guided group discussions that give all participants an opportunity to share their perspectives. These have been very productive for groups in conflict and for groups that wish to deepen their communication. Contact Cynthia if you’re interested in more information about this approach.

## **CAMPUS ISSUES**

Each year, we choose several issues of concern on campus to highlight. This year, we discuss two related issues around hiring staff, a concern around mental health across campus, and a gap in legal assistance for students.

### **Hiring Issues**

We have seen two types of hiring situations involving internal candidates that can result in conflict.

**Promotion from Within.** The first is when an employee is promoted to be a supervisor from within his/her work unit, or a new supervisor was previously supervised by or even hired by someone in the unit. These situations are inevitably awkward. Employees are often uncomfortable with the change in their relationship with the new supervisor, and the new supervisor needs to adapt his/her interactions given the new role. The situation is exacerbated if peers think the person should not have been promoted and/or if there were other candidates from the same unit who weren’t chosen. It’s even more difficult when the new supervisor has close friends in the unit; the friendships are often disrupted, and, rightly or wrongly, others in the unit may perceive favoritism toward these employees. Sometimes the new supervisor, in an effort *not* to play favorites, actually acts more harshly towards former friends. It also can be difficult for employees to make the change from communicating as peers to communicating as employee to supervisor, which can lead to the perception of a lack of respect for the new supervisor or even insubordination.

While we are not opposed to internal promotions, we do recommend that explicit efforts be made to recognize and mitigate the predictable interpersonal pitfalls. Managers and HR staff can develop an action plan ahead of time and then provide ongoing support and coaching for

the new supervisor. It also may be helpful to work with employees in the work unit, to help them handle the situation more effectively.

**Unsuccessful Internal Candidates.** The second situation arises when an employee applies for a different position within the same unit and is not hired, or, in some cases, not even interviewed. The disappointment of the employee in these situations is understandable. When there are concerns about the fairness of the hiring process, the disappointment is even greater and may last longer. To make matters worse, the hiring committee and/or supervisor's discomfort with this type of situation can lead to avoidance and silence.

We recommend that supervisors develop explicit guidelines about how to handle internal applicants. These guidelines, which should align with relevant University policies, can be shared with the unit before a hiring process begins. In particular, internal applicants deserve the same degree of communication about their application as external applicants, if not more. The situation still may be uncomfortable, but taking steps to try to maintain a positive work climate will encourage continued productivity and reduce future turnover.

### **Hidden Effects of Mental Health Conditions**

We have written in past reports about the ways in which emotional well-being and mental health issues take a toll on the lives of many members of our community and can affect conflicts and their resolution. This year, we want to address an additional concern about how some supervisors, faculty members and administrators react when staff, faculty or students with serious mental health conditions do not make requested changes in performance or behavior after approved accommodations have been made. We have seen a tendency to blame the individual in these situations and believe that supervisors, faculty members and administrators may not be aware that many mental health conditions make it difficult to make decisions and follow through.

We understand that every employee, faculty member and student ultimately must be able to meet the relevant performance standards in order to be successful, with accommodations if appropriate. Our hope, however, is that supervisors, faculty members and administrators will become aware of these "hidden" effects of mental health conditions and, instead of reacting with moral judgment, will recognize the challenges individuals with mental health concerns face and respond empathetically.

### **Legal Assistance for Students**

We also have seen a gap in assistance for students with legal concerns involving the University or another student. Student Legal Services cannot help in these cases because of conflict of interest concerns, and the purview of the College of Law Legal Clinic is limited. It can be challenging for students to get pro bono or fee-reduced legal assistance off campus. We believe students would benefit from affordable legal advice in these cases.



## **EVALUATION**

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 52%, up slightly from last year (49%). Of survey respondents, 85% expressed satisfaction with the services we provided (the same as last year and up from 72% in Year 28), and 67% (the same as last year) stated that interactions with the Ombuds Office helped them develop skills or learn approaches that might be useful in resolving future problems.

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. About one-fifth (17%) of the respondents said they would have used a formal conflict management option (e.g., grievance), and about two-fifths (38%) 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. Almost half (45%) of visitors were unsure what they would have done if the Ombuds Office wasn’t available.

## **CONCLUSION**

As we reflect on the UI Office of the Ombudsperson in its thirtieth year, we’re struck more by the state of the campus than the state of the office. The Ombuds Office continues to provide a much-needed service to campus, as demonstrated by the high number of visitors and the excellent partnerships we have across the University. We also have great stability in our office staff and are well positioned to continue to provide conflict management and problem solving to campus.

We see good news on campus, with amazing academic achievements, remarkable fundraising successes, increased collaboration across the institution, improved human resource and financial practices, and increased capacity for positive conflict management. At the same time, UI is dealing with a striking number of challenges, including a disputed Presidential search, retirements of key administrators, the implementation of TIER, tension with the Board of Regents, ongoing economic challenges, a stunning number of major building projects, national tension about race and politics, and more. These would test any campus, and we fully recognize the stress they place on administrators, staff, faculty and students. At the same time, we’re concerned that this stress sometimes leads to disrespectful behavior, which is at odds with the Iowa culture we expect. We’d like to ask our campus community to rise to the occasion and to address these challenges and recognize diversity of views in appropriate ways.