
The Ombuds Office 2019-2020 Annual Report

University of Idaho

July 1, 2019 – June 30, 2020

PREPARED BY
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University Ombuds

September 30, 2020

Message from the Ombuds



This 2019-2020 Ombuds Office Annual Report represents the second report in my tenure as the University's eighth Ombuds. This report also represents the first complete report, representing 12 full months, of my tenure due to a vacancy in the office for several months prior to my assuming the role on October 1, 2018. It is my pleasure and my honor to serve the students, staff, faculty, and administrators as a resource for constructive and respectful communication and collaboration. I appreciate this University's commitment to providing an excellent education to all of our students.

I appreciate President Scott Green, Provost and Executive Vice President John Wiencek, Interim Provost and Executive Vice President Torrey Lawrence and the Faculty Senate, the Staff Council and ASUI for their continuing support of the Ombuds Office and for recognizing how this office is integral to accomplishing the University's Strategic Plan particularly as it pertains to building a culture of safety, respect and an environment conducive to learning for all of us. I hear every day from visitors how much they appreciate the opportunity to visit with somebody outside of their chain of command, somebody who can help them informally solve problems and somebody who listens without judgment, and with solely an intent to hear and support. The scaffolding of communication and conflict management skill sets I am able to offer and the support I am able to give is due in large part to the unique nature of the ethical tenets by which this office operates: confidentiality, impartiality, informality and independence. Campus-wide support of this office reflects the deep commitment to valuing each and every person who makes up the University of Idaho family. It is an honor for me to be of service to all of you.

Warmly,

Laura

Laura C. Smythe, M.A., M.A., J.D.

University of Idaho Ombuds, September 30, 2020

“Empathy with others occurs only when we have successfully shed all preconceived ideas and judgments about them.”— Marshall B. Rosenberg ¹

¹Marshall B. Rosenberg, p.91, *Nonviolent Communication: A Language of Life*.

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University of Idaho

History of the University of Idaho Ombuds Office

The Ombuds Office at the University of Idaho has now been in place for 28 years and has grown from one part-time Faculty Ombuds to a full-time Ombuds serving the entire university population, including faculty, staff, students, administrators and the occasional concerned parent, retiree, or alumni. The first full-time Ombuds serving all constituents, R. Ellen Schreiber, retired at the end of 2015. Laura C. Smythe joined the University in October 2018 as the eighth Ombuds. See Appendix A for the history of the Office.

Mission, Purpose and Function

The mission of the University of Idaho Ombuds Office is to foster and support a positive and productive working, learning and living environment for faculty, staff, students, and administrators. The office fulfills this mission by promoting mutual respect, scaffolding mindful communication, enabling fair processes and helping to manage and resolve problems that emerge within the university.

The Ombuds Office officially became policy in 1999. The *Faculty-Staff Handbook (FSH) 3820 A-1* states *“The establishment of an ombuds office is predicated on the following premises: (1) disagreements are inevitable in human organizations; (2) unresolved conflict inhibits productive enterprise and disrupts interpersonal relationships; and (3) an impartial third party may afford insights and informal processes for conflict resolution.”*

The primary purpose of the Ombuds Office is to assist members of the university community with resolving their own problems or conflicts informally, and at the lowest level possible, by providing a safe place where individuals can speak confidentially and candidly about their issues of concern. The Ombuds services are voluntary, and people contacting the Ombuds are referred to as “visitors”. Visitors receive assistance with clarifying their concerns, understanding applicable policies and procedures, and identifying resources and response options to address their concerns. Like many U.S. academic Ombuds offices, the UI Ombuds Office embraces a

The Ombuds Office adheres to and operates by the ***Standards of Practice and the Code of Ethics*** established by the International Ombudsman Association (IOA) for Organizational Ombuds. The four key tenets are:

- **Confidentiality***
- **Impartiality/Neutrality**
- **Informality**
- **Independence**

(Definitions Appendix B)

**Certain limitations apply, e.g., concern for imminent harm to self or others and abuse of populations that cannot take care of themselves.*

solutions-focused approach to problem solving. Although the Ombuds may help the visitor to identify possible response options, the visitor always remains empowered to, and responsible for, selecting her or his own course of action or non-action. The office also serves as a catalyst for positive change by helping to identify issues of concern, and by providing timely upward feedback when appropriate.

The Ombuds Office mission and purpose are accomplished by the following:

- Listening to concerns compassionately and non-judgmentally
- Analyzing problems and exploring possible response options
- Providing information about policies and services
- Providing leadership, management and supervisory consultation/coaching
- Referring to campus and community resources
- Coordinating with other university offices
- Working with groups of all sizes to develop cultures of respect and collaboration
- Providing individual and group/unit conflict coaching
- Facilitating dialogue between individuals and groups
- Mediating disputes
- Providing training in human relations, communication and conflict management
- Noting trends and impacts
- Identifying means to improve problematic systemic trends

The benefit to the University of Idaho is the potential for greater workplace satisfaction, improved morale, greater retention of students and employees, higher efficiencies and fewer unnecessary formal processes, including legal action.

The Ombuds Office does not maintain identifiable records about individual or group issues. The office keeps only non-identifying statistical information and keeps it only long enough to generate this report.

An Ombuds is not an official agent of the university and will not serve as a witness nor offer testimony in any formal proceeding, unless required by law. Individuals using the services of the Ombuds Office retain their rights to all formal procedures ordinarily available to them and are solely responsible for determining their course of action.

Year in Review

2019-2020 resulted in a caseload that reflects an increasing usage of the Ombuds Office. The Ombuds had 276 individual cases with a definitive increase in complex cases and cases involving 4 or more visits per case. As is highlighted on p.9 of this report – in 2020, 64 cases involved 4 or more visits per case, reflecting a 100% increase of cases with 4 or more visits compared to 2019. The Ombuds conducted 16 mediations, 61 facilitated discussions and 17 group facilitations; provided 75 visitors with long-term coaching; and gave 26 trainings and 2 guest lectures. See Appendix C for descriptions of each type of service. *This work reflects a significant increase in long-term coaching and larger group work than in previous years. Note particularly the increase in long-term coaching. Last year, the Ombuds worked with 13 visitors on a long-term coaching basis. This year that number increased by 477% with 75 visitors working with the Ombuds on a long-term basis for ongoing coaching.*

“When we treat people in the workplace in ways they perceive to be disrespectful, we deactivate the parts of their brains that are capable of performing the tasks they were hired to complete.” – Paul Meshanko, p.35 *The Respect Effect*

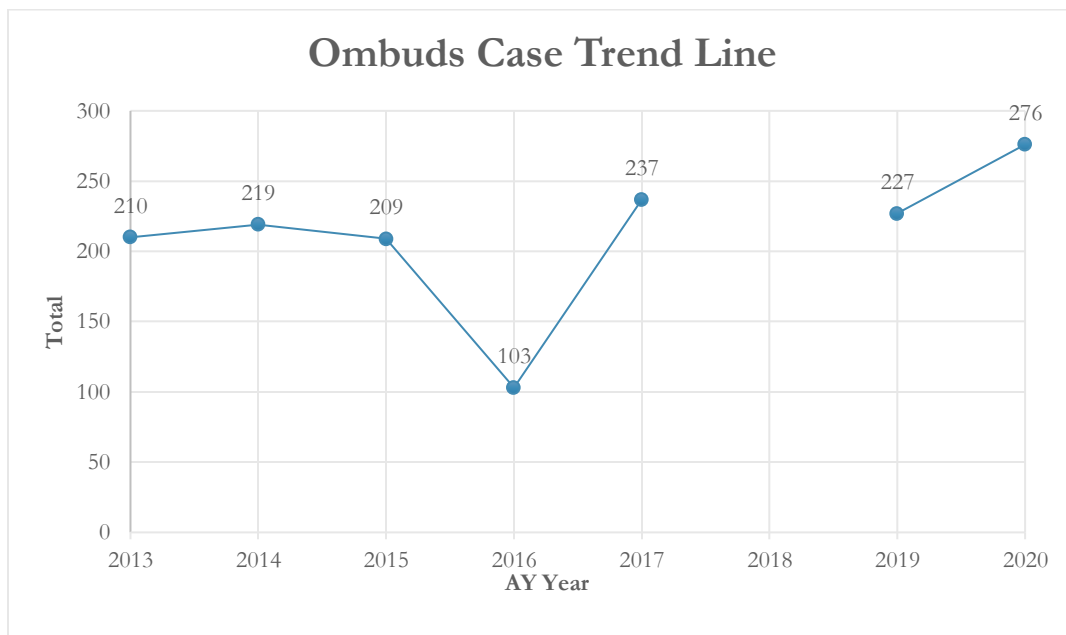


Figure 1: Total number of Ombuds cases by year. Note that 2016 was a transition year with no Ombuds during one month and three different Ombuds throughout the year, resulting in variations in data collecting methods. 2018 was another transition year without a full-time Ombuds and 2019 was an incomplete year reflecting data from 9 months rather than 12 months.

Number of Cases by Month

The case distribution by month reflects a decrease in cases at the end of each semester when most students, staff and faculty are preoccupied with wrapping up the details of the semester. In previous years the middle of Summer was slower but that trend was not as obviously evident in the Summer of 2019. February and April were particularly busy in large part due to the evaluation period and the impact of budget reductions and layoffs.

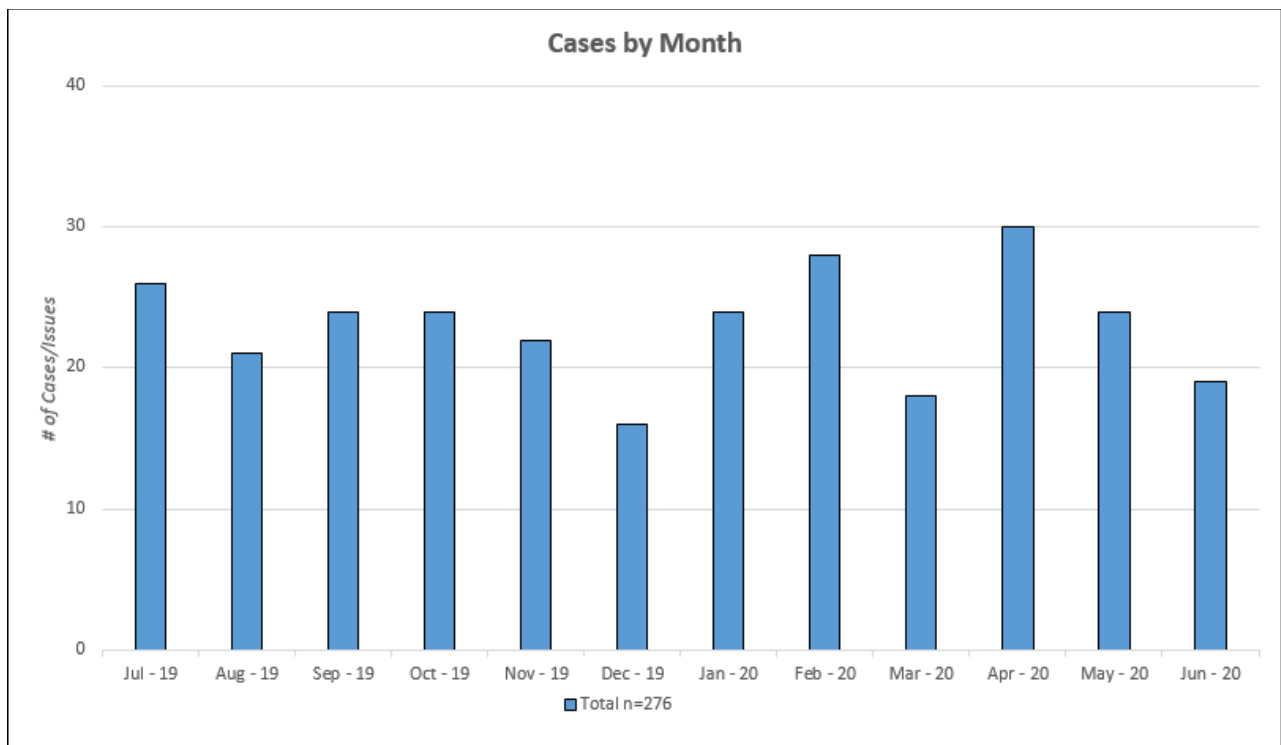


Figure 2: Cases by month, 2019-2020

Nature of Visitors and Contacts

Table 1: Nature of Visitors and Contacts, 2019-2020

Female	Male	Self-Referred	Referred
62%	38%	82%	18%

This year saw an increase in the percentage of female visitors (from 56% in 2019 to 62% in 2020) and a decrease in male visitors (from 44% in 2019 to 38% in 2020). Eighteen percent of visitors were referred, and 82% were self-referred. This represents a decrease over the number of visitors referred in the last annual report (40%). This increase in self-referrals and decrease in third-party referrals may reflect the number of visitors with whom I met many times. The increase in female visitors is also, in part, a reflection of the number of visitors with whom I worked on a long-term coaching basis. The majority of those were females. I think it is also important to note that given the increasing sensitivity to the fact that gender identity is no longer perceived to be as binary as it once was – the Ombuds office is considering the ongoing utility of this particular statistic.

University Affiliation

The Ombuds Office provides services to all faculty, staff, students, and administrators of the university with the affiliation designation tied to the party initiating an individual case. The affiliation of all parties within a case is not documented. The people involved in any one case may include one or multiple administrators; chairs; supervisors; exempt, classified, part-time, temporary staff; students; or other individuals connected with the university. The ‘Other’ category includes temporary help (TH), consultants, visiting faculty, former students, former employees, parents, employment applicants, retirees, and campus visitors that are tracked as long as an issue pertains to a current experience with the university.

Table 2 on the next page shows the distribution of cases based on the initiators’ university affiliation. Visitor affiliation changed a bit as compared to the previous five years. Although exempt and classified staff continue to make-up the largest number of cases at 47%, the composition of that percentage has changed. In 2020 exempt staff increased significantly from 16% to 35% and classified staff decreased significantly from 27% to 12%. Tenured and non-tenured faculty cases combined were 26% and this represents only a slight decrease from last

year's 30%. Graduate and undergraduate student cases combined represented 15% of cases and administrators, including directors, comprised 12% of visitors.

Table 2: University Affiliation

<i>Affiliation</i>	<i>2013-14</i>	<i>2014-15</i>	<i>2015-16</i>	<i>2016-2017</i>	<i>2017-18</i>	<i>2018-19</i>	<i>2019-20</i>
Percentage	%	%	%	%	%	%	%
Classified Staff	37	33	31	23		27	12
Exempt	19	12	15	18		16	35
Faculty (tenure-track)	20	16	22	22		30	26
Faculty (non-tenure track)	1	5	4	6		0.4	0
Administrator (Director up)	9	8	7	6		13	12
Undergraduate	7	10	10	8		9	12
Graduate Student	3	8	4	9		2	2
Graduate Assistant (TA & RA)	0	0	0	4		2.5	1
Other (Alum)	4	7	6	4		0.1	0
Retiree	0	0	0	1		0	0
Total							100%

The most significant deviations from the previous Annual Report are a decrease in classified staff (27% to 12%), and an increase in exempt staff (16% to 35%). This can be explained, in part, by the work the Ombuds did with multiple departments across campus. Faculty, administrators and students (combined) all remained fairly similar.

Volume of Individuals and Number of Contacts per Case

Figure 3 and Table 3 show that single party cases remain the most common from last year to this year, although the statistics for this year reflect an increase in the number of contacts per case with the Ombuds Office with an increase from 14% in in 2019 of 4 or more contacts to 23% in 2020. *The total number of cases increased from 227 to 276 and the number of visitors increased from 786 to 1,225.*

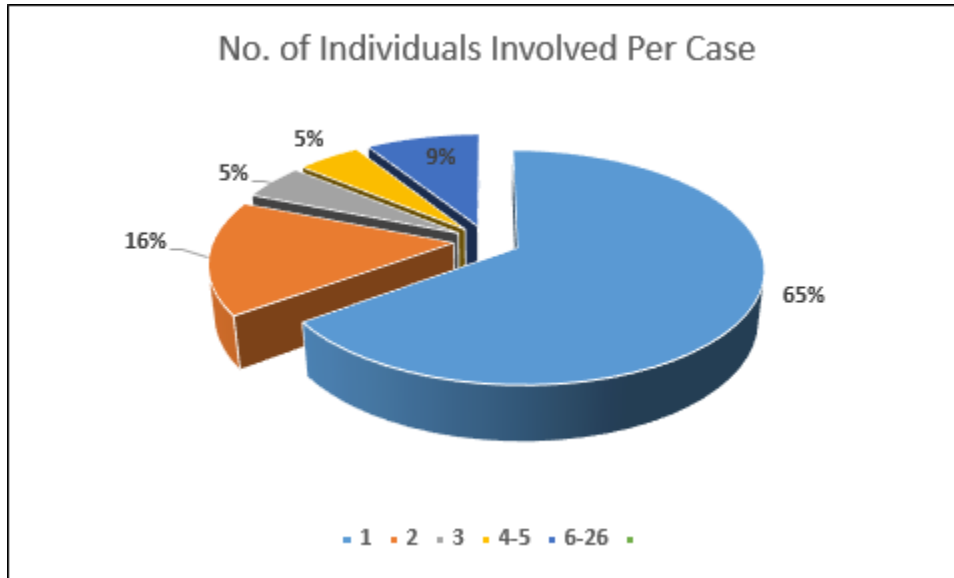


Figure 3: Number of Individuals Involved Per Case, 2019-2020

Table 3: Number of Contacts by Case

<i>Number of Ombuds Contacts/Case</i>	<i>No. of Cases/% of Cases</i>
1	135 / 49%
2	36 / 13%
3	41 / 15%
4-5	47 / 17%
6-24	17 / 6%
Totals: 1-24	276 / 100%

* Note that these contacts could represent one or more visitors. A contact/case represents the number of meetings the Ombuds had with the major participants regarding any one issue/concern.

Types of Appointments

Face-to-face consultations were the preferred type of contact for visitors, accounting for 36% of all visits. Those face-to-face consultations ended abruptly in March and did not resume in this reporting period. As a result, the other types of appointments increased significantly beginning in March. 17% were by phone 32% were conducted by email, 11% were conducted by Zoom and 4% were conducted by text. Many cases involved multiple forms of contact. These numbers reflect the primary mode of communication.

“It’s easy to focus so intently on getting something from someone else – more work from a coworker, more respect from a boss...that you lose sight of the fact that inside every person is a real person who’s just as afraid or nervous or in need of empathy as anyone else.” – Mark Goulston, p.53 *Just Listen*

Visitors continue to report that being able to talk openly with an informed, confidential and impartial person about their concern and to have their concerns discussed without judgment was instrumental in feeling emotionally heard and empowered to move forward.

Cases vary significantly for involvement needed. This involvement was reported as ‘*number of contacts*’ in Table 3. 49% of cases (compared with 51% in 2019) involved one visit or contact with no further Ombuds/visitor/other involvement. This single contact may involve several hours of consultation in a single session. A typical session is scheduled for 60-90 minutes; however, many last longer than this. The remaining cases involved multiple consultations or contacts, either with the visitor alone (the person bringing the case) and/or with others as needed. The total number of contacts for 2018-2019 was 1,225 as noted above. *Note in particular the significant increase in the number of cases involving four or more contacts. The number of these cases increased from 32 cases (14% of cases) to 64 cases (representing 23% of cases). The increase in hours invested per case is difficult to overstate. Visitors to the Ombuds office in this year had significant concerns and asked for ongoing support in numbers never before experienced in previous years in this office.*

In addition, the number of people involved in a case has increased. 36 cases (up from twenty-seven cases in 2019) involved five to twenty-four visitors. These cases were complex and often involved multiple contacts and contacts with others who were not directly involved in the cases. Those secondary contacts were not counted.

Nature of Problems

Every organization has concerns or problems that emerge within the normal course of conducting business. The University of Idaho, similar to other organizations, provides multiple resources in addition to the Ombuds Office to help members of the community address their issues constructively. It is the confidential, impartial, informal and independent features of the Ombuds Office that most often prompt visitors to seek Ombuds services, especially as an initial resource. While contact with the Ombuds Office is confidential, the presenting *issues* are tracked. In noting the *nature* of problems, the Ombuds Office can inform the University of areas requiring attention. Figure 3 below, shows the distribution of problem categories received by the Ombuds Office across three years, 2017, 2019 and 2020. Descriptions of each category are in Appendix D.

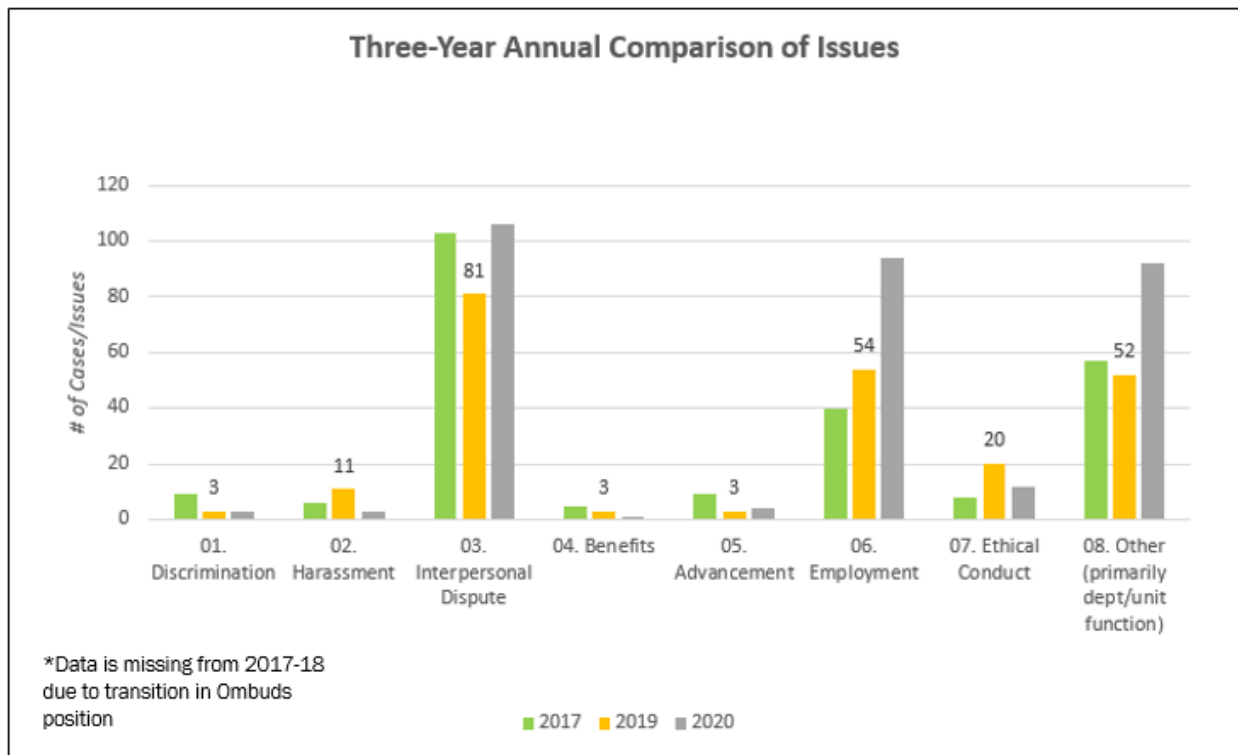


Figure 4: Problem type by FY years, 2017, 2019 and 2020. Please note that the number does not exactly match the number of cases (276) in 2020. Some cases involved several enmeshed issues. See also Appendix D on p. 25.

Resolution of Problems

The Ombuds use a variety of strategies to assist visitors with addressing concerns, and most cases involve multiple actions. Therefore, the Strategies categories below are *not* mutually exclusive. Five basic categories of Ombuds’ strategies are summarized in Table 4.

Table 4: Strategies Used by Ombuds 2018-2019

Strategy	Cases	% of Cases*
Information	161	58%
Problem exploration	190	69%
Intercession (e.g. mediation, shuttle diplomacy, facilitated discussions)	99	36%
Referrals (e.g. EAP, Counseling & Testing, HR, Civil Rights, Diversity)	44	16%
Longer Term Coaching	94	34%
Witnessing	9	3%
Training	26	9%

* Cases, n = 276. Note that it is common to use one or more strategy per case. Categories are not mutually exclusive and therefore exceed 100%.

Outreach and Other Services

The Ombuds Office contributes to the University’s Strategic Plan most directly by supporting Goals 3 and 4 respectively: *Increasing our educational impact and Fostering an inclusive, diverse community of students, faculty and staff to improve cohesion and morale*. The Ombuds addresses issues of concern for students, faculty and staff that would otherwise pose barriers to the relationships the students and faculty have with one another and with their peers thus creating an environment that feels, and is, safer and is also therefore more conducive to both learning and teaching. The Ombuds also works with individuals and entire units and departments to develop and promote respectful communication and conduct which enhances collaboration and the sense of feeling valued both of which result in improved efficiency and increased retention of students and employees. The numbers of administrators and unit leaders seeking the support of the Ombuds speaks to both the increasing complexity of concerns on campus as well as the willingness of our leaders to continue learning and seek assistance when they are frustrated with a situation. The ability of leaders within an organization of higher education to role model continuous learning is invaluable for the climate of our entire

University. *This increase may also reflect the number of conflicts that are not being resolved at the lowest level but are, in fact, consuming the resources and time of many levels of leadership.*

Outreach activities include training/teaching respectful communication, facilitating difficult conversations, mediation skills, conflict management, change management, strategic planning and visioning, leading vs. managing, and self-care classes for Professional Development and Learning (PDL), individual seminars and group facilitations for academic departments, support units and for student groups.

Outreach

Throughout this past year I worked on optimizing the Ombuds website and adding links to other pages across campus so that my office, and the services I provide, are more visible to varying constituencies. I also participated in more than 15 orientation meetings and facilitated 6 off-campus retreats for various units. I also traveled to Boise several times, worked with several units across the state and offered trainings in person to the Eastern Extension District, the Central Extension District and the Southern Extension District. These opportunities allowed me to meet our colleagues located in different regions and resulted in many direct contacts and requests for assistance from across the state.

Other Services

Employee and Student Development

The Ombuds provided employee professional development classes, unit and department in-service trainings and retreat facilitation, culture coaching, student leadership trainings, and student group presentations. Occasionally, faculty members and unit leaders invite the Ombuds to give guest lectures on communication skills, conflict management, change management, leadership and more. These sessions emphasize communication skills, navigating difficult conversations, self-care, leadership versus management, navigating change and developing positive and respectful cultures. Additionally, the Ombuds participates in orientation sessions for directors, faculty, staff and students.

University Service

The Ombuds provided service to the broader university community through continuing ex-officio participation on the Professional Development Coordinating Committee, on the Ubuntu Sub-Committee addressing and drafting an Anti-Bullying Policy and consulted with various units in cross-referrals for services as needed.

Professional Service

The Ombuds is a member of the International Ombudsman Association (IOA) and the Ombuds Committee in the Dispute Resolution Section of the American Bar Association (ABA).

In the Spring of 2020, the Ombuds was asked to work with a state (confidentially) to address system change across the entire state in its work to address prevention of substance misuse and abuse.

Professional Development

The Ombuds is committed to ongoing professional development and engages regularly in reflective practice with other experienced academic, healthcare, government and corporate Ombuds through video conferencing, email and phone consultation, when opportunities become available. Reading and research on relevant topics are also part of the Ombuds' regular practice. In 2019-2020, the Ombuds planned to attend both the IOA annual conference and the ABA Dispute Resolution Section annual conference. Both were cancelled due to Covid 19. The Ombuds attended various webinars and teleseminars as time permitted.

Efficacy of the Ombuds Office

The definition of a successful outcome and Ombuds efficacy cannot be gauged by whether a problem is ultimately resolved according to a visitor's satisfaction or an Ombuds' preference. It is always the visitors' decision regarding how, or whether, they choose to resolve their issues. There are multiple descriptors of success:

- Visitor better understands her concern and identifies solution options.
- Visitor feels better supported and less stressed.
- Visitor is better informed and prepared to self-advocate, act or not act and better understands the potential benefits and consequences of his choices.
- A potential problem is avoided.
- Further deterioration or escalation of a situation is avoided.
- A manifest problem is resolved.
- A policy or system problem (and a potential modification) is identified.
- Observations and recommendations are made to one or both of the governing bodies.
- Entire units are scaffolded to recognize and address barriers to successful and respectful communication and collaboration.

Helping visitors and all parties to be more respectful, effective, constructive and fair in seeking solutions to their concerns, and to reduce harmful tensions or hostility are considered successful outcomes from the perspective of the Ombuds Office.

However, there are many problems where no remedies or resolution options are available. Some cases can leave visitors with few options, such as:

- Termination for cause or performance;
- Intractable disagreement over disciplinary actions and/or evaluation ratings;
- Differing expectations for a position and/or for the corresponding compensation;
- Many academic or employment decisions with clear processes and policies; and
- Many academic or employment decisions where no clear procedures or policies exist.

In these cases, being heard and being able to confirm that a relevant policy or action was appropriately or fairly applied, including talking about possible next steps, are crucial to moving forward for all parties. Where procedures or policies are vague, this also helps visitors gain insight that can assist their decision-making about next steps.

I assume the validity of the experience and perspective of each visitor. This is critical to the quality of being heard and understood that most visitors tell me is invaluable. Because I do not judge their experience or their perspective, visitors are empowered to be honest and to be vulnerable and because I listen without judgment, visitors often feel safe enough to explore their own conduct, response to others' conduct and to take responsibility for that which they can control. Each year this intervention alone has likely lessened the emergence of unnecessary escalation. The most common and highly appreciated benefit reported to the Ombuds is being heard without judgment or fear of retaliation and being assisted with sorting out issues and response options. Visitors report appreciating the safety they feel that results from the confidentiality, impartiality, informality and independence of the office. Visitors report feeling supported, respected, calmed and empowered with specific skill sets to address their situation.

When assessing the impact of Ombuds services, results are difficult to measure since visitor perceptions of outcomes are often tied to factors outside of an Ombuds' role (an Ombuds cannot reverse decisions, change a grade, or adjudicate complaints, etc.) In addition, confidentiality precludes the use of many of the usual forms of evaluation.

Assessment

The Ombuds Office uses three methods to assess the outcomes and impacts of services. The first is a feedback and evaluation form. For individual visitor meetings, a voluntary anonymous feedback form is given to each visitor with instructions to send it directly to the President's Office. These forms are summarized for the annual Ombuds' evaluation discussion. A voluntary anonymous feedback form is also given to individuals who have received group training from the Ombuds. These are also delivered to the President's Office.

The third form of assessment is based on the Ombuds' self-analysis of completed cases ranking each case resolution between 'Satisfactory', 'Neutral', and 'Unsatisfactory'. These assessments are not a measure of visitor satisfaction. They are used as an element of reflective practice.

The scale attempts to help the Ombuds evaluate the service provided and outcome of each case as objectively as possible. Appendix E describes the Outcome Identifiers that fall within each category and that guide the Ombuds' appraisals.

As in previous years, the greater number of cases gauged to be positive outcomes reflects the Ombuds' observation that the activities noted below generally contributed to more positive and less negative outcomes for most issues. This was true even when the visitor had received an irrevocable action from the University. Despite not attaining a full resolution, an adverse situation that stabilizes and does not decline further, may at best be considered a satisfactory or, at the least, a neutral outcome.

Contributing to more positive and less negative outcomes:

- Non-judgmentally actively listening, empathizing and understanding
- Working through an issue or problem with an impartial skilled listener
- Developing a broader perspective on the problem
- Identifying relevant policies and procedures
- Developing constructive response options
- Having difficult conversations mediated directly or indirectly

“The ombuds is encouraged to comment on policies, procedure and processes with an eye to positive future change. These observations should be shared with the administrators and bodies with jurisdiction over those policies, procedures, and processes.” (FSH 3820 B-6)

Ombuds Observations and Comments

Most concerns or problems brought to the Ombuds Office are specific to a set of circumstances or particular individuals. However, when issues appear to be systemic within a college or division, or reflect broader trends that might warrant further attention, the Ombuds may share these directly with the relevant administrator(s) and make recommendations in accordance with the provisions of *Faculty-Staff Handbook*. Individuals bringing the concerns are still kept confidential and when possible, individual colleges and departments are kept confidential.

Workplace Culture and Climate

In last year's report the Ombuds noted the following:

“The Ombuds has observed significant fatigue and stress resulting from the many changes in leadership, the high turnover in staff, unfilled vacancies in staff and faculty positions, concerns about student enrollment/retention and budget constraints and the many initiatives that have been started, stopped, and changed direction as a result of changing leadership and changing vision.” The turnover and reorganizations have caused many to feel that their work load is unsustainable and have caused others to have new position

descriptions presented to them with very little sense of agency regarding the changes in those new descriptions. Changes in leadership cause stress due to the inherent uncertainty regarding anticipated changes in vision and priorities for the University. Concerns about a restricted budget cause stress not only due to increasing/changing workloads but also due to worry about employment security.”

Those comments remain relevant this year and are, in fact exacerbated by a global pandemic, ongoing budgetary stressors and an enrollment prospect that is complicated by Covid 19. Indicators that reflect this exacerbated stress level are, in particular, the 447% increase in visitors seeking long-term and ongoing assistance. For many visitors, resources were so limited and options so few and budgetary restrictions so severe, they requested almost weekly meetings with the Ombuds in order to have a safe and confidential space to vent, to problem solve, to grieve and to look for hope.

The manifestations of fatigue, stress, anxiety and other emotional and physical indicators of weariness that have walked through the Ombuds office this year are devastatingly significant and widespread across units, across departments and across our campuses. Times have been challenging for so long that many are losing hope that their situation, let alone the health of the University and the world will improve soon enough to be meaningful for them. Hope is key to finding a way through difficult times.

It is incumbent upon supervisors at all levels to be mindful of this current culture and to create moments of celebration, joy and hope where and when it is appropriate. Accomplishments do not need to be huge in order to merit celebration. No people or fiscal resources need to be used in order to appreciate your employees with words, a smile, or a public acknowledgment of work well done or effort rewarded. Consider the following suggestions to communicate to your supervisees how much you appreciate them as people and as contributors to the University of Idaho and its mission.

- Consider designating one or two hours per week as “quiet time” for your unit or department when no meetings are scheduled, no intra-departmental phone calls are made and the flurry of activity abates somewhat. This creates a window of time that can be counted on to review and respond to emails without feeling time-pressured, to reflect on work completed and work yet to be addressed and it provides a psychological break from the constant feeling of always needing to be available to anyone and everyone who asks. This is particularly valuable for units that have experienced significant employee loss and/or budgetary reductions. Studies show that purposefully creating this space within the week helps employees to feel valued, to be more mindful in their communications and to develop unit cohesion.
- Assume the validity of a complaint about offending conduct. Take it seriously and look into it. This does not mean that you need necessarily agree that it is a problem or that it

is offensive. To validate how somebody is feeling is not the same as agreeing. It is validating to let an employee know that you can see he is concerned and that you care enough to explore the circumstances that have caused his concern. It is very discouraging to have a problem and feel as though no one believes you or cares enough to support you as you attempt to resolve it. The Ombuds can certainly help to address these situations, and, at some point, if the employee chooses to stay employed, s/he must return to their work environment. Many visitors to the Ombuds office feel as though they have no advocate anywhere within the University when they have trouble working with a supervisor. As an impartial office, the Ombuds can support a visitor, scaffold skill sets, facilitate and mediate conversations and brainstorm possible responses. The Ombuds cannot, however, advocate for a visitor. Most visitors expect their supervisors to be their advocate and they feel hopeless when it is their supervisor who is either the source of the conflict or who appears to be non-responsive to a concern expressed. As is noted in the book Difficult Conversations – "...in the great majority of cases, the reason the other person is not listening to you is not because they are stubborn but because they don't feel heard," p.166. We can encourage others to listen to us by first listening to them.

- Consider developing a code of conduct for your unit which all within the unit help to co-create so that everybody is invested both in adhering to it and in ensuring their peers adhere to it too. It is difficult to overstate the value of having a code of conduct in writing. It is a common scenario in all organizations, including the University of Idaho, for an employee to behave in a way that some feel to be inappropriate or disrespectful and for the employee to believe was very justified given the circumstances. Without a code of conduct, the supervisor and employee are left to exchange opinions about what constitutes respectful/responsible behavior. It is a much more constructive conversation when there is a code of conduct that clarifies conduct and that can be relied upon as a legitimate and "impartial" parameter against which to consider the conduct in question.
- Consider proactively assigning mentors for all within your unit rather than reactively creating a mentoring committee in response to a disciplinary action. Employees report feeling very alone and without support when they are in conflict with a supervisor or a colleague. When people feel alone they are more likely to feel discouraged, depressed and antagonistic. We humans are social beings and we become better, more effective problem solvers when we feel like somebody has our back and we aren't alone.
- Consider scheduling team lunches where no discussions of work are allowed. Getting to know our colleagues as three-dimensional people who have lives outside of their roles at the University of Idaho is critical to our ability to continue to see them as people when they disappoint us or frustrate us. We are much more likely to assume that somebody who hurt us did so unintentionally when we feel we have any sort of personal connection with them.

- Consider a mid-winter retreat for your team when the weather is lousy and Spring Break seems far away. Many units hold retreats during the Summer to address new policies/procedures or to offer professional development or to integrate new team members. Most people report feeling happier with warmer days and longer hours of sunlight. Changing the timing of a retreat may be a useful way to break up the Winter doldrums.

There IS cause for hope. It is important to remain mindful of that. Despite the many challenges of this past year, and the fact that many of our colleagues have left (either voluntarily or not), the University of Idaho, through the determination of each and every one of you, made tremendous progress in this last fiscal year, toward reducing and eliminating the budget deficit, toward reaching new demographics of potential Vandals, and toward fulfilling the mission to educate our next generation in an environment of captivating learning through excellent teaching and remarkable services support. Celebrating successes is important. Please celebrate your/our accomplishments. We made them happen.

Supervisor-Supervisee Relations

As was noted in last year's report and in the 2017 report, many visitors to the Ombuds office share concerns about their relationship with their supervisor. In fact, as alluded to in Figure 4 on page 11 of this report, and further elucidated within Appendix D on page 25 of this report, 61 of 106 interpersonal disputes were focused on a concern about a supervisor's behavior. Moreover, the majority of visitors who requested long-term coaching in this reporting year were leaders of units who felt that their supervisor was not providing clear and consistent guidance, or support with new and changing expectations and/or were communicating something to them and then subverting that by communicating something very different to others. Note the character of these concerns. These visitors were not seeking assistance from the Ombuds due to challenges brought on by budgetary cuts such as the inability to refill positions or due to the stress of a possible layoff for themselves or a team member (although some of this was certainly part of the conversation) or even the added stress of Covid 19. The tipping point that caused many visitors to feel so stressed that they requested repeated and ongoing visitors with me was that they felt they had no other support for problem-solving their various stressors other than the Ombuds office. More importantly, they often felt that not only did their supervisor fail to support them, they often felt that their supervisor did not take any time to consider their concerns.

It is certainly true that none of us are currently at our best. The stress of an ongoing global pandemic, years of budget cuts and frequent changes in leadership have taken a toll. As a result, many of us are feeling as though we have more to do with less time to do it, fewer resources to

attend to it and less patience with which to address it. Practicing self-compassion and compassion for others is critical. The concerns I noted in last year's report remain sufficiently relevant and so are repeated here:

"The leadership capacity of our supervisors is an ongoing area of concern for this Ombuds. Interpersonal disputes were by far the largest category of concerns that visitors brought to the Ombuds Office during the 9 months covered in this report and within that category the most frequent concern was supervisees expressing concern about their supervisors. These concerns were varied and were predominantly about conduct that was perceived to be unprofessional, unethical, unfair, and/or unkind. In the estimation of the Ombuds these concerns were not made by supervisees who disliked their work or were attempting to shirk their responsibilities. There is a widespread perception among supervisees that supervisors of all sorts (as noted in the above quote) were promoted to a position of leadership for which they were offered no, or inadequate, training and support. This is not an isolated perception nor does it impact a single demographic.

This perception impacts culture, productivity, morale, retention and our reputation as our employees and our students feel, and discuss, the discomfort of strained relationships in various units across campus. In addition, there is also a widespread perception that many supervisors are conflict-averse. This is particularly challenging for supervisees who are in conflict with a colleague or with their supervisor. Many supervisees report going to their immediate supervisor for assistance with an interpersonal dispute (as they are encouraged to do by varied UI policies) and report experiencing responses that vary from no support to ineffective support to retaliation. There is a tremendous need to scaffold communication, conflict management and leadership skills among our supervisors."

Having focused, as was necessary to do, on our fiscal health during the last few years, I respectfully suggest that this upcoming year it is appropriate to focus on our social and emotional health as an organization. Communication skills and interpersonal skills are often referred to as "soft skills". I find that fascinating. In my experience there is no "tougher" set of skills to master than mindfully, respectfully and creatively approaching conflicts and problems with people who view the situation very differently. Moreover, every year, business leaders are asked what skill they value most in their employees and consistently they report that it is the ability to respectfully and collaboratively work with others to accomplish goals and overcome interpersonal conflicts and barriers of all sorts that is most difficult to find. We have the opportunity, as an institution of higher learning, to role model for our students, who are current and future employees, how best to scaffold every employee to feel skilled and supported in addressing conflict and change.

The Ombuds Office exists to informally help individuals and bring observations and recommendations, as noted above, to the awareness of the governing bodies of the University. While the totality of issues brought to the Ombuds represents a limited number of people, they are nonetheless significant. It is generally understood that for every single visitor, there are likely many others who do not come forward and who have the same or similar issues. When responded to effectively by those who have both the responsibility and authority to manage this University, they are likely to steer the course of a culture to a more positive place. The Ombuds remains committed to helping all individuals collectively and collaboratively reach their individual and mutual goals in support of the University of Idaho's mission and values.

Appendix A

History of the Ombuds Office

A faculty member first proposed the Ombuds Office to the Faculty Council in 1988. The office was established in 1992 under President Elizabeth Zinser and operated under the title of Office of the Faculty Ombudsman. The office was originally staffed by a half-time faculty member whose responsibility was to serve the faculty.

In response to a growing need for staff ombudsman services, Carol Hahn was appointed interim staff ombudsman in 1994, and served for one year. The following year, the faculty ombudsman's services were formally expanded to include staff. Due to the increase in caseload by 1998, President Robert Hoover approved the addition of a half-time, non-faculty ombudsman. R. Ellen Schreiber was appointed to the position.

From 1998 through 2009, the Ombuds Office expanded to include staff and eventually students. In January 2010, upon the retirement of then Co-Ombuds James Fazio, Ombuds R. Ellen Schreiber became the University's first full-time ombuds charged with serving administrators, faculty, staff and students.

The terms 'Ombudsman', 'Ombudsperson' and 'Ombuds' are used interchangeably in the profession. During approximately the last ten years, the shortened version 'Ombuds' has become the dominant name for this position.

Evolution of the University of Idaho Ombuds Office 1988-present

Office

- 1998-2009 **Students** officially allowed to use the services of the Ombuds Office
- 1995 **Staff** officially allowed to use the services of the Faculty Ombuds Office; 'Faculty' dropped from the name
- 1992 **President Elizabeth Zinser** officially established the Faculty Ombuds Office staffed by a half-time faculty member
- 1988 **Ombuds Office** proposed by faculty member to Faculty Council

Ombuds

- 2018-present **Laura C. Smythe**
- 2016-2018 **Barbara L. Beatty**
- 2010-2015 **R. Ellen Schreiber** became the first full-time Ombuds
- 2006-2009 **James R. Fazio**, Dept. of Conservation Social Sciences
- 2003-2005 **Charles Morrison**, Counseling and Testing Center
- 1999-2003 **Thomas V. Trotter**, Dept. of Counseling and School Psychology, Special Education and Educational Leadership
- 1998 **R. Ellen Schreiber** was appointed as a half-time non-faculty Ombuds
- 1994 **Carol Hahn** was appointed as an interim staff Ombuds
- 1992-1999 **David J. Walker**, Dept. of Agricultural Economics/Rural Sociology

Appendix B

Tenets of the Organizational Ombuds

In fulfilling its purpose, the Ombuds Office at the University of Idaho adheres to and operates by the ***Standards of Practice*** and the ***Code of Ethics*** for Organizational Ombuds as established by the International Ombudsman Association (IOA). Organizational Ombuds differ from Classical/Executive Ombuds and other types of Ombuds in that they do not conduct formal investigations where confidentiality cannot be maintained. Nor do they advocate for anything other than fair process. Organizational Ombuds are not official agents of the University and therefore are not required to report certain events as mandated by Federal law.

Confidentiality. All contacts, conversations and information exchanged with the Ombuds remain confidential and are not disclosed by the Ombuds without the consent of all parties involved. Exceptions to confidentiality exist when disclosure is necessary to protect someone from imminent harm and when otherwise required by law.

Neutrality and Impartiality. An Ombuds is an impartial person on behalf of all members of the university community. As such, the Ombuds remains impartial and unaligned. An Ombuds does not take sides, serve as an agent, represent or advocate on behalf of any party or the university. Rather, it is the role of the Ombuds to consider the facts, rights, interests, and safety of all parties involved in a search for a fair resolution to a problem. An Ombuds promotes and advocates fairness and justice.

Informality. Consultations are conducted ‘off the record’ and *do not constitute notice to the university* in any way. Organizational Ombuds are not mandated reporters for most Federal and State laws. An Ombuds does not become involved in, or part of, formal institutional processes (such as mandatory reporting, formal complaints, investigations, appeals, etc.), unless otherwise specified in policy, and then only as a neutral process observer. No personal information is retained or used for subsequent formal proceedings. An Ombuds will not serve as a witness nor offer testimony in any formal proceeding, unless required by law. Individuals using the services of the Ombuds Office retain their rights to all formal procedures ordinarily available to them and are solely responsible for determining their course of action.

Independence. To ensure objectivity, the office operates independently of all university entities and reports to the highest possible level of the organization. *An Ombuds exercises sole discretion over whether or how to act regarding an individual’s concern, a trend or concerns of multiple individuals over time* (IOA Standards of Practice).

Appendix C

Types of Services Offered by the Ombuds

A 'case' is any new or recurrent *issue* (after a previous case closure) that is brought to the Ombuds' attention by one or more individuals seeking assistance. While the Ombuds Office does market its services, it does not proactively seek or initiate cases.

Cases vary from a single informational visit to highly complex interventions involving multiple parties and meetings and requiring considerable time. There may be more than one case initiated by a single visitor if each issue requires independent follow-up.

The number of cases represents a conservative figure since numerous contacts occur informally and spontaneously in the course of conducting Ombuds business, such as during university meetings, training workshops, periodic involvement within units (when multiple concerns emerge) and during training and outreach visits.

While some of these encounters do result in case entries, numerous others are part of the Ombuds' routine function and are not entered for tracking purposes. The number of *issues* and number of contacts tracked are far better reflections of the time the Ombuds spends on cases rather than the number of individual visitors.

Mediations are formal facilitated discussions where an agreement is reached regarding future conduct. Some mediations result in written agreements. When legal issues are involved, the mediations are binding and an official agent of the university signs the agreement. Other mediations are non-binding, good faith agreements between parties.

Facilitated Discussions are similar to mediations however, they are more informal, and rarely have written agreements.

Group Facilitations can be focused on team building, conflict management, culture development or a myriad of other subjects and are a combination of training and working through the leadership's objectives for the group.

Appendix D

Types of Issues Presented

Figure 4, Page 11

Discrimination: Three cases involving a potential discrimination issue came directly to the Ombuds Office. All three cases alleged sexual discrimination. The situations were discussed and the visitors were referred to the appropriate resources. This number is up slightly from 2 cases in last year's Annual Report.

Harassment: Three cases of harassment came directly to the Ombuds Office. This is six fewer than in the previous Annual Report. One involved general harassment or actual or perceived bullying, one was regarding sexual harassment and one was regarding racial/ethnic harassment. All three were referred to the Office of Civil Rights and Investigations.

Interpersonal

Dispute: The largest category of disputes this year were with or between individuals, totaling 106 cases. This is significantly higher than last year with 64 cases. It is also important to remember that last year's report reflected only 9 months of data and this year's report includes 12 months of data. Of these, the majority were with supervisors, followed by disputes with supervisees.

Benefits: There was only one case (compared to two in the last Report) attributed to benefit issues. This case was about health care insurance coverage.

Advancement: There were 4 cases related to faculty advancement (compared to two in the last Report). All of these cases were about tenure/non-reappointment.

Employment: The employment category had 94 cases relating to specific areas of concern. This number represents *50 more cases* in this category than in the last Report. This was the second largest category of problems brought to the Ombuds Office in this reporting period. The most common sub-categories within the employment category concerned workload, working conditions and evaluations. This statistic is a reflection of the widespread stress that our employees experienced in this last year.

Ethical: There were 12 ethical concerns. This is 5 fewer concerns reported in this category this year as compared to last year. Seven cases dealt with records management and three cases were about health/safety.

Other: The 'Other' category allows for the Ombuds to fill in an issue that is not listed in the other categories. There were 92 cases listed in this category as compared to 43 cases in the previous Report. This represents a significant increase. 45 of these cases dealt with department/unit function. The majority of the remaining cases, 23 of them, were not specified and left as 'miscellaneous'. Many of these were Covid 19-related. Also included in this category were concerns about committee function, academic issues, Unit head/department chair and disciplinary actions.

Appendix E
Ombuds Self-Appraisal of Outcomes/Impacts of Cases 2018-2019
n = 276

Outcome Category and Specifier

Resolved satisfactorily with Ombuds Office assistance n=218	80%
<ul style="list-style-type: none"> • <i>Mediation</i>: agreement/compromise reached through mediation; formal action avoided; visitor given another chance or situation otherwise satisfactorily resolved. • <i>Miscellaneous Techniques</i>: conflict resolved short of mediation; may involve “shuttle diplomacy” or similar workshops intervention, with entire unit, or other techniques; formal action not taken. • <i>Facilitated Discussions</i>: Ombuds served, by invitation or suggestion, as neutral observer; may involve role as moderator, but not mediator; visitor satisfied with outcome; formal action not taken. • <i>Coaching</i>: Long-term coaching provided. • <i>Information only or “light coaching”</i> was provided by Ombuds; and/or helps party to self-advocate. Visitor satisfied. • <i>Policy/Procedure</i> or system modification/improvement. • <i>Other</i> 	7% 4% 20% 34% 35% 0% 0%
Neutral Outcome (Ombuds had no direct impact) n=52	18%
<ul style="list-style-type: none"> • <i>Neutral Listener</i>: Ombuds role was primarily as a neutral listener; little or no ‘coaching’/or additional information was provided. Visitor already had or did not need information but needed ‘someone to listen’; may have received confirmation of ideas/plans, but nothing new added by Ombuds. • <i>Cancels or ‘vanishes’</i>: Visitor initiated and then canceled or ‘vanished’ after setting appointment or before follow-up action was completed. • <i>‘Unrepairable’</i>: situation upon arrival (e.g. temporary help, already terminated, tenure was denied for appropriate reason, or visitor resigned). • <i>Other</i> 	80% 10% 10% 0%

Results Unsatisfactory n=6

2%

- | | |
|--|-----|
| • <i>Visitor disgruntled</i> : with Ombuds efforts and discontinued visits or contacts. | 0% |
| • <i>Visitor disregarded</i> : advice/solution and suffered consequences. | 50% |
| • <i>Lack of cooperation</i> : unfair practice or situation not resolved nor corrected due to lack of cooperation. | 50% |
| • <i>Other</i> | 0% |

On occasion, problems would re-surface or new issues arose with previously served parties. Situations that deteriorate after concluding Ombuds involvement are not reflected in the Ombuds' assessment above.

“It’s hard to hear someone else when we are feeling unheard, even if the reason we feel unheard is that we have chosen not to share. Our listening ability often increases remarkably once we have expressed our own strong feelings.” – Stone,D.;

Patton, B.; Heen, S. ³

³ Douglas Stone, Bruce Patton and Sheila Heen are the authors of *Difficult Conversations: How to discuss what matters most*, p.90
