

University
Ombuds
Office
Biennial
Report

2013-
2015

Kellie Harmon, University Ombuds
Prof. Maria Orive, Faculty Ombuds
Prof. Stephen Grabow, Faculty Ombuds

University of
Kansas

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University Ombuds Office Report University of Kansas

July 1, 2013 – June 30, 2015

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According to the University Senate Rules and Regulations, Article VI, Section 2.2.2, the University shall submit an annual report to the University community. The purpose of this report is to summarize the activities of the University Ombuds Office and identify important trends we observed during the 2013 - 2015 academic years. Due to Ombuds confidentiality, this is done in a generic way without identifying individuals, units, or departments.

ROLE AND MISSION OF THE UNIVERSITY OMBUDS OFFICE

The mission of the University Ombuds Office is to ensure that all members of the university community receive fair and equitable treatment. The Ombuds Office carries out its mission via two complementary approaches: (1) receiving and attempting to resolve individual grievances on a confidential, informal basis; and 2) supporting systems change that advance the goal of a fair conflict management system.

The University Ombuds Office assists students, staff, faculty, alumni, and others who have questions, concerns, complaints or disputes regarding University policies and procedures as well as to manage unproductive conflict in the workplace, classroom, or other campus settings. The role of an Ombuds includes, but is not limited to, consultation, shuttle diplomacy, coaching, conciliation, and/or facilitation, and providing information and referrals to other university resources.

The University Ombuds Office adheres to the International Ombudsman Association (IOA) Standards of Practice and Code of Ethics. There are four principles that guide the University and Faculty Ombuds in our role: 1) Informal; 2) Independent; 3) Confidential; and 4) Impartial. For more information on each principle, please visit our website at <http://ombuds.ku.edu/principles>. Also posted is our Statement of Best Practices (established in 2008) that outlines the standards and principles to the Ombuds profession and describes the authority and limitations of the office, as well as other important information that relates specifically to the operation procedures of the KU Ombuds Office.

(<http://ombuds.ku.edu/sites/ombuds.ku.edu/files/docs/Statement%20of%20Best%20Practices%203-2016.pdf>)

HISTORY OF THE OMBUDS OFFICE AT KU

The University Ombudsman Office at the University of Kansas has a well-established history beginning in 1977 as a response to internal concerns that began during the strife and protests of the mid-1960s. These concerns primarily related to the civil rights movement, the Vietnam War, and women's issues. Student involvement in campus government also grew during this time and there was a movement away from *in loco parentis* to more individual student responsibility.

As a result of these and other cultural factors, the administration and University Senate agreed that establishing an Ombudsman Office would assist in a more open environment conducive to better communication between constituents and in serving the needs and interests of the campus community. Professor William Balfour, the first Vice Chancellor of Student Affairs, was also appointed the first ombudsman in 1977. In 1985, the second ombudsman, Professor Robert Shelton, served in this capacity for eighteen years, followed by Professor Doug Whitman for three years. Currently, the Ombuds Office staff consists of one full-time Ombuds professional, Kellie Harmon, and two part-time Faculty Ombuds' professionals, Professor Maria Orive and Professor Stephen Grabow. The office was fortunate to add a Graduate Assistant position in March 2015. During the reporting period, that position was held by Erinn Taylor Barroso, a Ph.D. candidate in Higher Education Administration.

Ombudsman definition: The word, "Ombudsman," is Swedish in origin and means "representative" or "a person who has an ear to the people". An Ombuds is the "ear" that provides feedback to promote responsible systems change based on input we hear throughout the year while maintaining visitor confidentiality. Although, "ombudsman" is not gender specific in the Swedish language, most universities use the terms, "ombuds" and "ombudsperson" in an effort to make the term more gender neutral in the English language. In 2007, the name of the office at KU changed from "ombudsman," to "ombuds" and the titles changed "ombudsperson" or "ombuds" to reflect a gender-neutral title more consistent with other university Ombuds offices in the United States. At the University of Kansas, the title "Faculty Ombuds" refers to the fact that the person in that position is a faculty member yet serves beyond the faculty community. Both the University Ombuds and the Faculty Ombuds serve the entire university community, including students, staff, and faculty.

WHAT THE UNIVERSITY OMBUDS DOES AND DOES NOT DO

What the University Ombuds Does

- Listen and discuss concerns, complaints, and grievances
- Help identify and evaluate options for an informal resolution
- Serve as a neutral facilitator between individuals
- Maintain confidentiality
- Answer questions and make referrals
- Explain university policies and procedures

- Advise individuals about steps to resolve problems informally
- Advise individuals about formal and administrative options
- Point out patterns of problems or potential problems to administrators (“upward feedback”)
- Make appropriate referrals

What the University Ombuds Office Does *Not* Do

- Advocate for individuals
- Have a stake in the outcome
- Breach confidentiality (unless there is an imminent risk of serious harm or we have permission to do so from the visitor)
- Determine “guilt” or “innocence”
- Make binding or administrative decisions
- Participate or provide testimony in formal grievance procedures
- Maintain official records on behalf of the University
- Provide legal advice
- Receive official “notice” for the University about complaints
- Assign sanctions to individuals
- Require individuals to come to our office
- Receive direction from anyone within KU about how to do ombuds work

As previously stated, the Ombuds Office does not store records or any type of identifiable information; however, the Ombuds Office keeps track of trends or patterns so we can assist in positive change in the university’s organizational system.

VALUE OF AN OMBUDS OFFICE

There are many advantages for an organization in having an Ombuds Office. One of the most important advantages lies in the confidential and “off-the-record” nature of the Ombuds office, which allows individuals to bring issues forward in a safe environment without fear of retaliation or judgment. This encourages discussion of issues that might not otherwise surface.

The International Ombudsman Association provides the following list of the many benefits of having an Ombuds Office:

- Offers a safe place for members of the [university community] to discuss concerns and understand their options without fear of retaliation or fear that formal action will be taken simply by raising concerns.
- Helps identify undetected and/or unreported criminal or unethical behavior, policy violations, or ineffective leadership.
- Helps employees [and students] become empowered and take responsibility for creating a better workplace [and educational environment].

- Facilitates two-way, informal communication and dispute resolution to resolve allegations of harassment, discrimination and other workplace issues that could otherwise escalate into time-consuming and expensive formal complaints or lawsuits.
- Provides the ability to address subtle forms of insensitivity and unfairness that do not rise to the level of a formal complaint but nonetheless create a disempowering work [and educational] environment.
- Aids compliance with the Sarbanes-Oxley Act and the U.S. Federal sentencing guidelines.
- Provides an early warning diagnosis system that identifies and alerts institutions about new negative trends.
- Helps employee [and student] satisfaction, morale and retention by humanizing the institution through the establishment of a resource that provides safe and informal opportunities to be heard.
- Provides upward feedback to management about organizational trends.
- Helps avoid negative press by addressing issues at the lowest and most direct level possible.
- Provides the organization with an independent and impartial voice, which fosters consistency between organizational values and actions.
- Serves as a central information and referral resource for policies, processes and resources within the organization.

STATISTICAL INFORMATION AND DISCUSSION

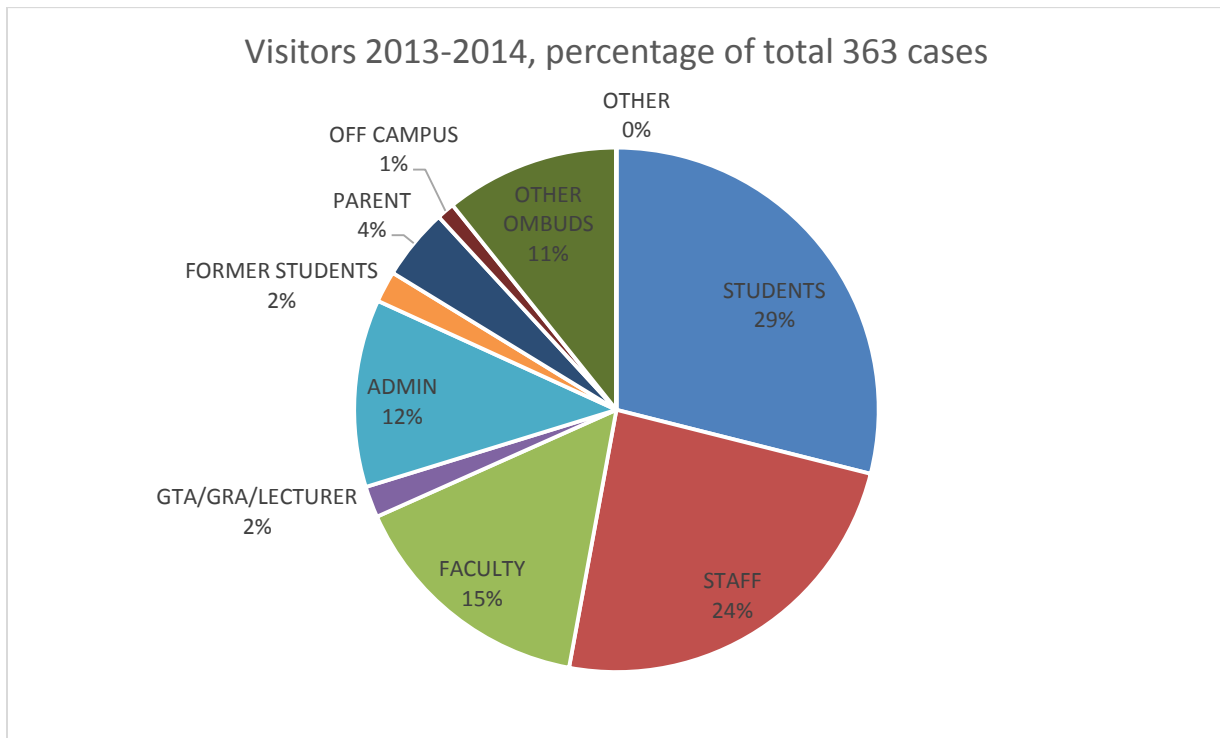
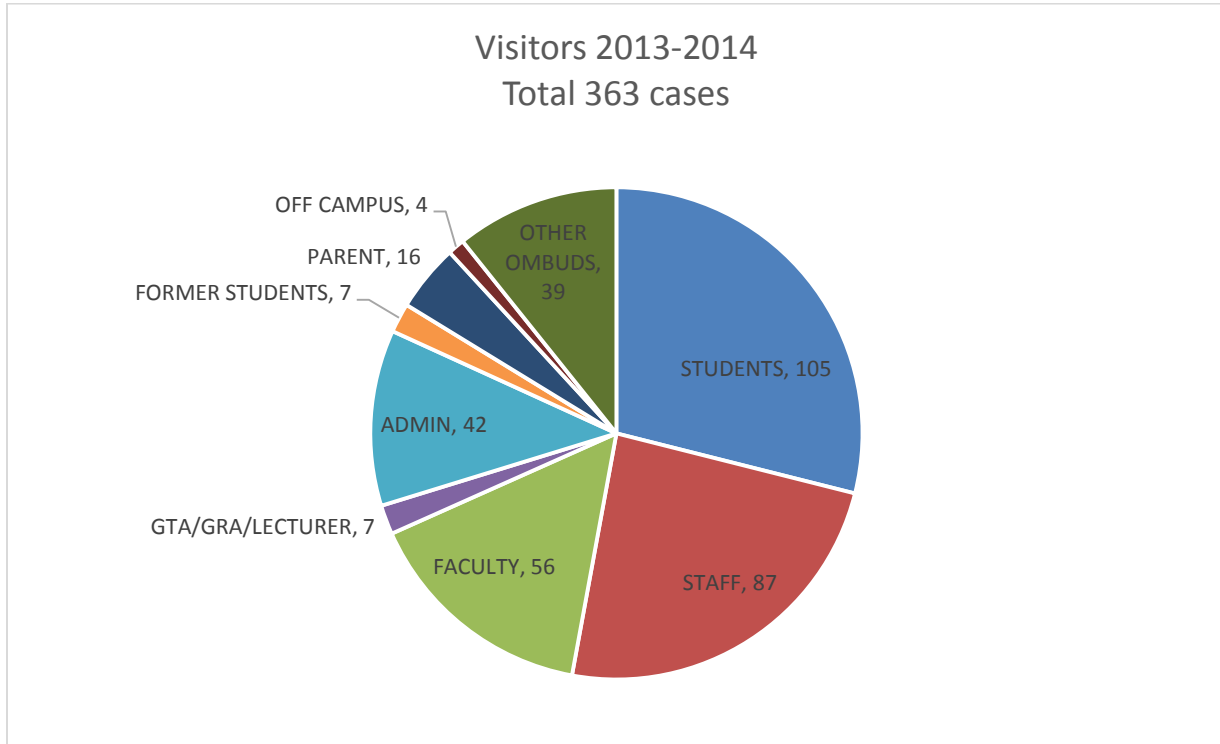
Conflict is an inevitable part of a large, complex organization. While it is unrealistic to solve all of the conflicts that occurs on campus, it is realistic to aspire to identify issues and try to manage conflict once it occurs. One of the ways the Ombuds Office identifies concerns is keeping track of trends and patterns of issues that are brought to this office. In adherence to the ombuds principle of confidentiality, this is done without keeping any identifiable information.

The following numbers represent visitors who contacted the Ombuds Office from July 1, 2013 through June 30, 2015, either by telephone, or in person. Since the Ombuds role is impartial, we prefer not to use the term “client,” to describe people who come to the office for assistance, as that term commonly implies advocacy. Instead, we use the term “visitor.” Although not a perfect term because sometimes we assist people over the telephone, it more appropriately describes the nature of our contacts given our neutral role.

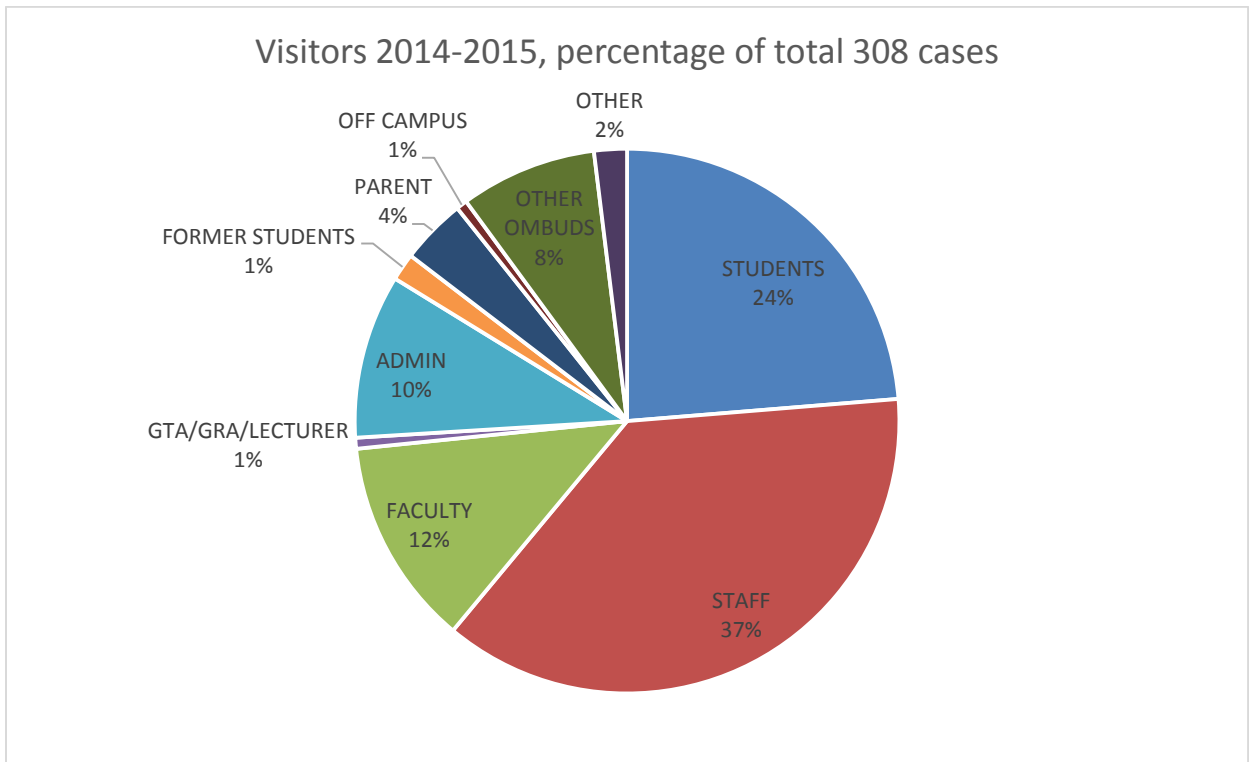
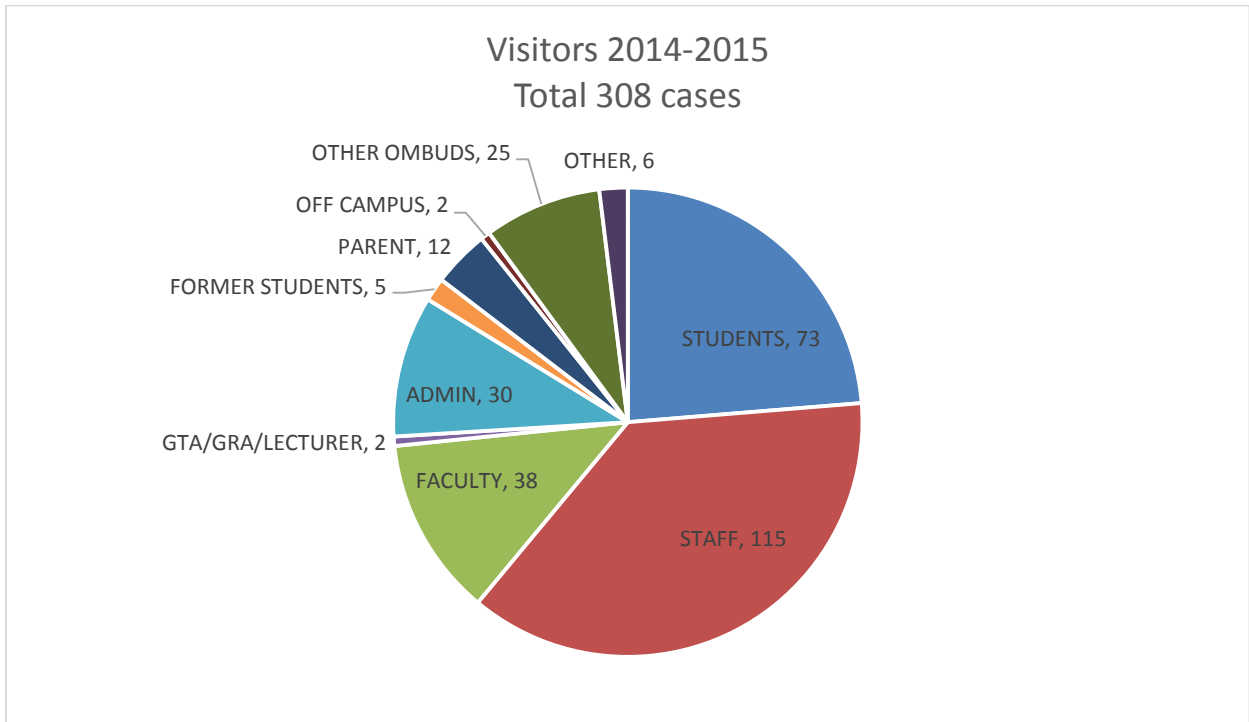
The contact is only counted once, so if an Ombuds consults with a visitor multiple times on the same issue, the contact is not counted again. The time and response to visitors varies from a brief consultation to a large amount of time involving other individuals and campus units. The more complex the issue, the more time and additional follow-up is needed. We also consult with faculty and staff about cases with a visitor’s permission. The Ombuds Office is a confidential, impartial, independent, and

informal resource for every person involved in a dispute or issue and thus, all contacts are counted and reported.

From July 1, 2013 – June 30, 2014, the Ombuds Office had **363** total contacts.



From July 1, 2014 – June 30, 2015, the Ombuds Office had **308** total contacts.



Ombuds Office Contacts	2013-2014	2014-2015
Total Contacts	363	308
Staff	87	115
Students	105	73
Faculty	56	38
Admin	42	30
GTA/GRA	7	2
Former Stu	7	5
Parent	16	12
Off-Campus	4	2
Other Ombuds	39	25

The numbers represent the total number of visitors from the campus community with whom we had significant contact. Each visitor is counted only once even if the situation warranted more visits to the office. Most of the visitors contacted us because of concerns or issues they wanted to discuss, while a lesser number contacted us because they were involved in a contact instigated by another visitor and an Ombuds was granted permission to talk with that person or we contacted them to provide us information about a policy, procedure, etc.

Comparing the statistical information from the last two years, there was a decrease in the 2014-2015 academic year in total numbers as well as the number of students compared to the previous academic year (2013-2014). However the number of staff members seeking assistance rose significantly during the 2014-2015 year compared to the year before.

Most Common Issues For Seeking Ombuds Office Assistance

The list below describes issues that were brought to our office by students, faculty, and staff **in order of importance, with the issue involving the largest number of visits brought to the office listed first and so on:**

Undergraduate Student Issues

- Grade issues
- Course management issues (attendance policy, assignment issues, exam issues, instructor expectations, etc.)
- Academic misconduct
- Disability accommodations
- Religious holidays and exams conflict
- Harassment and discrimination concerns and consultations
- Conflict with a specific university unit (i.e., Parking, Student Housing, Financial Aid, University Registrar, Bursar Office, IOA)
- KU club/organization conflicts
- Presidential visit and being “excused” or “not excused” for missing class
- Conflict with another student(s)

Graduate Student Issues

Conflict with advisor and/or P.I. (i.e., lack of communication, lack of guidance and feedback, personality conflicts)
Grade issues
Thesis/dissertation issues
Program dismissal
Research integrity issues
Breach of confidentiality and privacy concerns
Unclear/inconsistent department policies and graduation requirements
Employment and other work issues

Faculty Issues

Conflict with colleague, chair, associate dean, dean
Consultation regarding a student
Policy consultation (i.e., academic misconduct, exams and religious holidays)
Teaching load and workload concerns
Tenure process and Post-tenure review
Scholarly misconduct questions and consultation
Intellectual property concerns
Harassment and discrimination policy consultation

Staff Issues

Office/work climate issues
Job description and duties (examples include but are not limited to: being overworked – doing the job of two or three previous positions that is now one position; consequences of budget cuts; stress due to job insecurities and possible furlough)
Disability accommodation concerns
Termination or notice of non-reappointment as well as the non-reappointment notification process
Performance evaluation issues
Salary inequities and market study concerns
Communication issues (including incivility, “bullying,” general harassment; lack of communication)
Conflict with colleague, supervisor, Chair, Associate Dean, Dean, or university unit
Perceived bias and not being treated fairly
Privacy and confidentiality concerns of a university unit
Discrimination and harassment consultation and policy information
Consultation regarding a student (information for; concern regarding behavior)

Other Issues

Parents seeking information and/or expressing concerns (i.e., Housing, Financial Aid, Bursar Office, Presidential visit; University Registrar – transcript, residency, and retroactive withdrawal)

Presentations

Consult with other Ombuds colleagues; mentor new Ombuds; or information on how to become an Ombuds or start a new Ombuds program

PROFESSIONAL DEVELOPMENT AND ACTIVITIES FROM JULY 1, 2013- JUNE 30, 2015

Kellie Harmon, University Ombuds:

During the period of this report (July 1, 2013 – June, 30, 2015), Ms. Harmon met with the majority of visitors and contacted other participants as needed. Ombuds Harmon attended the annual IOA conference in Denver, CO, April 4-9, 2014. She also engaged in IOA committee work at during the meeting. Ombuds Harmon also participated in IOA webinars designed to provide targeted information to practicing ombudsmen and serve as professional development credits towards recertification as a Certified Organizational Ombudsman Practitioner. She participated in 4 webinars each year.

In addition, Ombuds Harmon is on the IOA Mentoring Committee and also serves as a mentor to new ombuds all over the country. The IOA Mentoring Committee meets once a month via conference call for an hour and a half. The IOA Mentoring Committee also involves matching new Ombuds to a mentor and this can consist of several phone calls and e-mails to find the best match possible. Mentoring a specific new Ombuds consists of many phone consultations and discussions as questions arise during their first year of Ombuds service. It involves discussing the ombuds role to those who are interested in becoming an Ombuds, how to break into the Ombuds field, and how to establish an Ombuds Office, and other related topics.

Finally, Ombuds Harmon served on the Carruth O’Leary Building Advisory Board that discusses emergency preparedness plans.

Faculty Ombuds Orive:

Professor Maria Orive met with visitors and contacted other participants as needed throughout the report period. Ombuds Orive also provided office coverage whenever needed, such as during training and conference travel by Ombuds Harmon, or to cover vacation and sick leave. Ombuds Orive also attended the annual IOA conference in Denver, CO, April 4-9, 2014, and participated in a pre-conference course entitled “*Developing and Enhancing Facilitative Communication Skills for the Practicing Ombudsperson.*”

Additionally, Ombuds Orive continues to be involved with other aspects of campus outreach for the University Ombuds Office.

Faculty Ombuds Grabow:

Professor Grabow handled met with visitors and contacted other participants as needed throughout the report period. Ombuds Grabow also provided phone coverage

whenever needed, such as during training or conference travel by Ombuds Harmon and Ombuds Orive, or to cover vacation and sick leave.

OTHER OMBUDS ACTIVITIES

Campus Dispute Assistance Services

If any person or group on campus would like to request mediation services, Campus Dispute Assistance Services (CDAS) is available for this purpose. The Ombuds Office keeps a list of trained faculty mediators who are available for mediation services. Although the Ombuds Office maintains the list and helps recruit mediation volunteers, the office itself is not directly involved in the mediation process. The list of mediators is not made public, but it is important to be aware that mediators are available and volunteer a considerable amount of their time and energy for this very important service.

Threat Assessment Team

The University Ombuds Office is a member of the Threat Assessment Team. This team of various staff members meets on occasion to review situations that potentially may be a threat of violence, but does not involve an immediate threat. For more information about this team, please visit the Human Resources and Equal Opportunity web page at http://www.hreo.ku.edu/policies_procedures/emergency_procedures/workplace_violence

OBSERVATIONS AND COMMENTARY

1. Staff concerns with non-reappointment process

During the report period, we observed an increase in the number of staff and former staff members who visited with us regarding non-reappointment. Unsurprisingly, many staff members are caught off guard when they receive such notices, and many expressed frustration with a lack of transparency in the process. Staff members conveyed a sense of loss and alienation during the remainder of their time in their positions, and felt there was a lack of support from the institution in assisting them to figure out their next step. Several had no knowledge of non-reappointment resources available on the HR website. Many found it particularly vexing that they received no feedback from their supervisors or human resources as to a reason they were not being reappointed – many expressed a desire to know why they were being “let go”. This often led to speculation on the part of the staff members, adding anxiety to an already stressful situation.

2. Concerns/issues with accessibility and accommodations and ADA/FMLA

Concerns regarding accessibility and accommodations appear to be an issue that affects multiple constituent groups at the University. As in years past, there were several cases of students indicating they knew little about the institutional process for seeking accommodations relating to their coursework. Many expressed they felt judged by instructors once accommodations were approved through the AAAC and were in place. Additionally, in a few cases, student visitors who had experienced family or personal emergencies communicated no knowledge of resources in place through the AAAC regarding student emergencies. Many of these visitors voiced frustration that they had done poorly in or failed classes and were met with instructor pushback when they experienced an emergency situation, and felt they could have ameliorated their situation had they known the AAAC is equipped to provide assistance to students in such circumstances.

Students were not the only visitor group to indicate they had concerns regarding accessibility and accommodations. Increasingly, staff, and to a lesser extent faculty, visited with an Ombuds to discuss uneasiness in seeking workplace accommodations due to disability or illness. Staff who visited with an Ombuds during the report period were often distraught and fearful of making an accommodation request, or requesting FMLA, because they felt they would be judged, that it would affect their work environment, and cause tension in relationships with coworkers or supervisors. Despite reassurance that institutional policy clearly states medical information or relating to accommodations or FMLA not be shared by HR or supervisors, several staff members indicated they felt apprehensive that their coworkers would view any FMLA time taken or accommodations as favoritism or special treatment, as opposed to provisions they are legally entitled to. Some divulged that in instances where they had self-disclosed illness or disability to coworkers and supervisors that such disclosures resulted in them feeling they were treated differently, ostracized, or passed over for projects.

3. Graduate student conflict with their graduate advisor or PI

The most common issue for graduate students visiting the University Ombuds Office concerns conflict with their graduate advisor or the principle investigator (PI) of their research team. While the details of each situation vary from case to case, a common theme of miscommunication and of lack of communication regarding expectations runs through many of the cases. Two important “best practices” can mitigate these types of issues substantially. The first is the establishment of a clear statement of the expectations for all members of a lab or research group (sometimes such a statement is posted on the lab website, or the website of the graduate advisor). The second is the establishment of regular meetings between the graduate student and the advisor (in whatever format is best for the individuals involved), where progress and expectations are clearly discussed. While some departments and units require such meetings (either with the advisor, or with the thesis committee), this is not universal, and a structured process can greatly help with guiding the graduate student/advisor relationship.

EVALUATION OF THE OMBUDS OFFICE

Due to the unique role and confidentiality of the Ombuds Office, the general community often does not hear about positive outcomes that were achieved at least in part due to the involvement of the Ombuds Office. Once a year, an e-mail is sent by University Governance inviting students, staff, and faculty who contacted the Ombuds Office to complete a confidential survey. The Ombuds user survey was sent in the spring of 2014 and 2015. A total of 17 people responded to the on-line survey in 2014 and 22 people responded in 2015.

The results of the surveys overwhelmingly indicated that individuals who contacted the office were appreciative of how they were treated by Ombuds Office staff, that they had a positive experience with the office, and that they valued having the Ombuds Office as a confidential resource to address their concerns. While we are pleased with the feedback, we've received low response rates every year (approximately 5% and 7% for 2014 and 2015, down from approximately 16% in 2013).

Replies to the user survey indicated that the Ombuds Office contributed to student, staff, and faculty retention at the University of Kansas. Many visitors commented that they felt listened to, were thankful they had a place to go to express their concerns in a confidential manner; and that they felt they were treated with respect and fairness.

In the user survey, when asked, "What would you have done without the University Ombuds Office?" the following sample of anonymous comments demonstrates how the Ombuds Office contributed to student, staff, and faculty retention:

- resigned
- hired an attorney
- would have left KU
- would have nowhere else to go
- there would have been an escalation to the problem, additional staff time spent at increasingly higher levels of responsibility and cost

No one solution, department, or university unit can respond effectively to all situations. It is important that the University of Kansas provides both formal and informal options for campus members to address their concerns.

HOW TO CONTACT THE OMBUDS OFFICE

Because of staff limitations, it is best to schedule an appointment ahead of time with the Ombuds Office as we are not always available for walk-ins. Given the confidential nature of the office and the fact that email is not a confidential means of communication, we do not consult over e-mail; however, we will set up an appointment via email: ombuds@ku.edu. You may also contact us to set up an in person or phone appointment at (785) 864-7261. To provide you with the best assistance, all Ombuds

related calls should go through the Ombuds Office so it can be determined if you should meet with the University Ombuds or a Faculty Ombuds depending on your situation, Ombuds availability, and potential conflicts of interest.

Who And Where We Are

The University Ombuds Office is located in room 36 Carruth O'Leary Hall, 1246 West Campus Road, Lawrence, KS 66045. Our telephone number is (785) 864-7261.

Kellie Harmon, the University Ombudsperson and full-time staff, is located in room 36, Carruth O'Leary Hall. She has served as University Ombuds since 2007, and was Interim University Ombuds in 2006.

Maria Orive, Faculty Ombuds and a professor in Ecology and Evolutionary Biology, began her faculty ombuds tenure beginning in January, 2007. Ombuds Orive can be reached at the Ombuds Office phone number listed above.

Stephen Grabow, Faculty Ombuds and a professor in the School of Architecture, is located in Marvin Hall but can be reached at the Ombuds Office main phone number listed above. He also began his faculty ombuds tenure in 2007.

Erinn Taylor Barroso, Graduate Assistant, is a Ph.D. candidate in the School of Education's Higher Education Administration program. She can be reached at the Ombuds Office main phone number and office location. She began her tenure with the office in March, 2015.

CONCLUSION

The mission of the Ombuds Office is greatly enriched by the support and cooperation of many individuals who are in positions that can create positive organizational changes on this campus. Their willingness to hear feedback and to collaborate on many issues to try and bring about fair and equitable outcomes is deeply appreciated.

The value of having an Ombuds Office cannot be understated. The Ombuds Office is the only service on campus that is confidential, off-the-record, impartial, informal, and independent. This enables University constituents to feel initial comfort in bringing forward issues they otherwise might not report, as not everyone feels comfortable discussing an issue or concern formally. Having an Ombuds Office demonstrates the University's commitment to fairness and justice, and provides a space for all those within the campus community to be heard.

At the University of Kansas, we are all part of a community of scholarship and learning. The Ombuds Office learns much from our visitors during the dialogue and collaborative process that defines the Ombuds role. This role is immensely rewarding and it is a privilege to represent the Ombuds profession and serve the University of Kansas community.