

**NDSU**

NORTH DAKOTA STATE UNIVERSITY

# NDSU OFFICE OF THE OMBUDS

## ANNUAL REPORT: 2022-2023

North Dakota State University - Office of the Ombuds  
1201 Albrecht Blvd – P.O. Box 6050  
Kristine.Paranica@ndsu.edu 701.231.5114

TABLE OF CONTENTS	Page
I. Introduction	3
II. Overview of the Office	3
A. Purpose & Scope of Service	3
B. Standards of Practice & Ethics	4
C. Authority and Limits of the Office	5
D. Support for the office	6
E. Services	6
III. Goals and Accomplishments	8
A. Goals	8
B. Visitor Statistics	9
C. Visitor Concerns	11
D. Reported Risks	15
E. Professional Devel., Committees, Tasks	19
F. Satisfaction Survey	20
G. Exit Interview Data	22
IV. Observations & Recommendations	28
V. Conclusion	31
VI. Appendices	33
NDSU Office of the Ombuds Charter	
IOA Code of Ethics	
IOA Standards of Practice	
IOA Uniform Reporting Categories	

## I. INTRODUCTION

The Office of the NDSU Ombudsperson<sup>1</sup> was established through the office of the Vice President of Academic Affairs in 2013. **The Mission of the NDSU Ombuds' Office** is to provide a safe environment where members of the NDSU Community may explore their concerns, consider the impact of all options, receive information and referrals, and design their best course of action in addressing their concerns. The **vision** for the office: *To serve Faculty, Graduate Students, and Academic Staff by supporting agency, lifting voices, and improving workplace climate.*

Kristine Paranica serves as the NDSU Ombuds as an independent, impartial, confidential and informal resource with a focus on early-stage, informal dispute resolution. The Ombuds is not an advocate for individuals or the university but rather an advocate and facilitator of fairness.

The charge of the Ombudsperson is to: 1) maintain the Ombuds' office, 2) assist with the resolution of conflicts and concerns, 3) serve as a resource of information and referral, 4) provide advice and guidance on policies and procedures, 5) conduct periodic training and outreach, 6) prepare annual and other reports, 7) identify problem areas within the university, 8) recommend areas for improvement to university policies and procedures, 9) follow IOA standards and best practices, and 10) develop professional skills through IOA membership and regular training.

The Ombuds reports to the Provost and is evaluated by the Provost with input from the Ad-Hoc Committee of the Special Affairs Committee of the Faculty Senate comprised of 3 faculty and a Graduate Student.

## II. OVERVIEW OF THE OFFICE OF THE OMBUDS

### A. Purpose & Scope of Services

The Office provides early-stage, informal dispute resolution services for NDSU faculty (including instructors and other academic appointments, academic staff) and graduate students. The Office receives informal complaints, concerns, or questions about alleged acts, omissions, improprieties, and/or broader systemic problems. The response of the Office is tailored to the dynamics of the situation and the visitor's concerns.

The Ombuds helps individuals by:

- Listening to and clarifying issues and concerns;
- Making informal inquiries and otherwise reviewing matters received;
- Exploring options and resources, including referrals to other campus resources;
- Providing consultation, individual coaching, and mediating disputes;
- Raising concerns to leaders to improve campus climate, fair processes, and reduce risk.

The Ombuds serves as an information and communication resource, facilitator, dispute resolution expert, and advocate for institutional change for the University. The Ombuds also provides workshops and training in the broad field of conflict resolution, mediation, communication, leadership and other areas. The Ombuds provides feedback to the University when trends, patterns, policies, or procedures of the University generate concerns or conflicts.

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<sup>1</sup> The name "Ombudsman" (om budz man) comes from Swedish and literally means "representative." At the most fundamental level, an Ombudsman is one who assists individuals and groups in the resolution of conflicts or concerns. There are a number of different titles or names for this position: "Ombudsman," "Ombudsperson" or "Ombuds" among others. (For the purpose of this document, the term "Ombuds" will be used.). Source: International Ombudsmen Association.

## **B. Standards Of Practice & Code Of Ethics**

The NDSU Ombuds' Office practices under the International Ombudsman Association (IOA) Standards of Practice and Code of Ethics, and this Charter adopts and incorporates by reference the IOA Standards of Practice, IOA Code of Ethics, and IOA Best Practices. The Ombuds is a member of IOA, and attends IOA conferences and trainings as they are available. The IOA Standards, Code, and Best Practices are minimum standards, and the Office will also strive to operate to best practices in a way that serves the interests of the University community.

The Office functions independently of other university offices and functions. Conversations with the Ombuds endeavor to be confidential by agreement and the Ombuds works as an impartial neutral. The primary scope of services is limited to informal means of dispute resolution. The Office will publicize the confidential, independent, neutral, and informal nature of its services and will explain these ethical standards to each visitor.

### **1. Independence**

The Office is and must appear to be free from interference in the performance of its duties. This independence is affected primarily through organizational recognition, reporting structure, and neutrality. The Ombuds will exercise sole discretion over whether and how to act regarding individual matters or systemic concerns.

To fulfill its functions, the Office has a specific allocated budget, adequate space, and sufficient resources to meet operating needs and pursue continuing professional development. The Ombuds may manage the budget and operations of the Office and reports to the Office of the Provost regarding administrative and budgetary matters.

### **2. Confidentiality**

The Office endeavors to keep all visits confidential and will not disclose any information unless required by law, nor without the party's express permission and, even with that permission, any communication will be at the sole discretion of the Office. Confidentiality will be respected even if disclosure may prevent resolution of a problem. The Ombuds is listed as a confidential resource for Title IX concerns as well. The Office may, however, disclose confidential information if and when there is an imminent risk of physical harm or when North Dakota's Open Records Laws require disclosure.

The Office offers mediation services and follows ND State law and policy governing the confidentiality of the mediation process. Mediated agreements or other documents otherwise discoverable are not considered confidential whether they were created as part of the mediation process.

The Office will not keep records of the identity of visitors. The Office is not part of any formal investigation or process inside or outside the University. Visitors shall be put on notice that the use of email is a public activity and any email or other formal correspondence sent to the Ombuds may be not be considered confidential.

### **3. Neutrality**

The Office is neutral in its activities, and will not take sides in any conflict, dispute, or issue. The Ombuds will impartially consider the interests and concerns of all parties involved in a situation with the aim of facilitating communication and assisting the parties in reaching mutually acceptable agreements that are fair, equitable, and consistent with the mission and policies of the University.

The Office will avoid involvement in matters where there may be a conflict of interest. (A conflict of interest occurs when the Ombuds' private interests, real or perceived, supersede or compete with their dedication to the neutral and independent role of the Office.) When a conflict of interest exists, the Ombuds will take all steps necessary to disclose and/or avoid the conflict.

#### 4. Informality

The Office is a resource for *informal* dispute resolution. The Office does not formally investigate, arbitrate, decide or in any other way participate in any internal or external formal process or action. Use of the Office is voluntary and not a required step in any grievance process or University policy, except for mediation services which may be required by University policy.

### C. Authority & Limits Of The Office

The authority of the Office derives from the University Administration as manifest by the endorsement of the NDSU Provost and Faculty Senate.

#### 1. Initiating Informal Inquiries

The Office may inquire informally about any issue concerning the University that come to its attention after having received a complaint from an affected member of the University community. The purpose of such inquiry is in the spirit of resolving disputes, gathering relevant information, providing guidance to the visitor, and/or making recommendations to the University.

#### 2. Access to Information

The Office may request access to information related to visitors' concerns from files and offices of the University. Campus individuals who are contacted by the Office with requests for information are expected to cooperate and, as much as possible, to provide appropriate information as requested. The Office will not request a department or individual to breach confidentiality. University departments are expected to respond with reasonable promptness to requests made by the Office.

#### 3. Ending Involvement in Matters

The Office may discontinue providing service and disassociate from a matter at any time.

#### 4. Discussions with Visitors and Others

The Office has the authority to discuss a range of options available to its visitors, including both informal and formal processes. The Office may make any recommendations it deems appropriate with regard to resolving problems or improving policies, rules, or procedures. However, the Office has no actual authority to impose remedies or sanctions or to enforce or change any policy, rule, or procedure.

### Limitations on the Authority of the Office

#### 1. Receiving Notice for the University

Communication that alleges violations of laws, regulations, or policies, such as sexual harassment, issues covered by whistleblower policy, or incidents are subject to reporting under the Clery Act. Although the Office may receive such allegations, it is not a "campus security authority" as defined in the Clery Act, and the Ombuds is considered a confidential resource. If a visitor discloses such allegations and expresses a desire to make a formal report, the Office will offer support and may refer the visitor to the appropriate office(s) for administrative or formal grievance processes.

## 2. Formal Processes and Investigations

The Office will not conduct formal investigations on behalf of the University or anyone else. It will only participate in the substance of any formal dispute processes, outside agency complaints or lawsuits, either on behalf of a visitor to the Office or on behalf of the University, if required by law.

## 3. Record Keeping

The Office will not create or maintain documents or records for the University that reveal a visitor's name or other identifying information. Notes and any other materials related to a matter will be maintained in a secure location and manner and will be destroyed as soon as possible and in accordance with applicable records retention policies.

## 5. Advocacy for Parties

The Office will not act as an advocate for any party in a dispute, nor will it represent administration, employees, or visitors to the office.

## 6. Adjudication of Issues

The Office will not have authority to adjudicate, impose remedies or sanctions, or to enforce or change University policies or rules.

### D. Support for Using the Office of the Ombuds

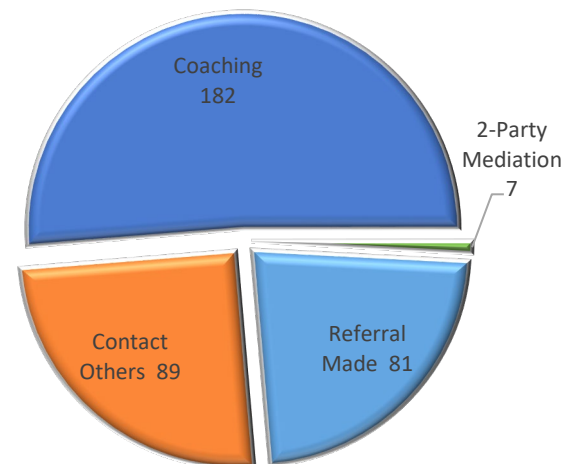
The University and its agents will not retaliate against individuals for the sole reason of consulting with the Office. The University community respects the mission of the Office, its ethics and responsibilities, and encourages the use of the services provided.

### E. Services Provided To NDSU

1. Coaching: Every visitor begins with consultation, which led to coaching in 51% of all visits. **Coaching** involves listening to concerns, helping to think through options, identifying strategies, researching policies and developing an understanding of these policies or procedures, as well as skills and leadership coaching.

In 23% of cases, the Ombuds made a **referral** and in 25% **contacted others** in pursuit of resolution of issues.

2. Mediation: Mediation between two or more parties is offered on a voluntary basis and allows for parties to resolve conflicts with the support of a neutral mediator. The Ombuds is a professional mediator with over 25 years of experience as a qualified neutral. Mediation begins with individual intake interviews of each participant, followed by one or more 2-3 hour sessions. Group mediation is offered for larger than 4 people, with services designed to meet the needs of that particular group. The mediation process is sequenced to begin with initial intakes followed by coaching sessions to get parties ready for a successful mediation, culminating with the mediation meeting (or series of meetings).



- *Mediation is voluntary, as success depends on good faith participation of the parties.*
- *Confidentiality in mediation is specifically protected by North Dakota state law.*
- *Mediation must be facilitated by an impartial mediator.*
- *Mediators cannot advise either party, nor advocate, and cannot be a decision-making.*

Parties in mediation often wish to be heard and understood, as well as to persuade others to see the situation differently or to act differently. Mediation provides a safe space to have difficult conversations and discuss sensitive matters, get clearer about the situation, even apologize or change views.

This year, the Ombuds' conducted 7 mediations. All but 1 case involved 2 people, with 1 had 4 parties. Those using mediation included 1 graduate student, 9 faculty members, and 2 Chair/Dean, and 4 staff. The issues included bias, lab concerns, incivility/respect, financial inequities, PTE, workload, communication, discrimination, and peer relationships. Most were Caucasian, and 3 included PoC. In all but one case, there was a satisfactory resolution. In all cases, the parties achieved clarity, new understandings.

3. Facilitation: These services involve larger numbers of people and a much longer time. This year, the Ombuds conducted 1 group facilitation for a faculty department regarding climate and peer relationships. Fifteen people were served. In these cases, there may be a great amount of preparation such as meetings with all participants, developing surveys and creating thematic summaries, and facilitating live sessions, as well as follow-up.

Restorative Practices: The Ombuds also works with the Dean of Students to provide training in restorative practices and plan for the training for staff, faculty and students, and is supporting implementation on campus as well as facilitating circles to create a sense of community. This year, the Ombuds participated in 3 restorative circles: 1) Intro to circles for faculty and staff, 2) Circle following President/Provost's Listening session, 3) Circle for Women's History Month.

Training: The Ombuds provided 13 different training events and workshops on a number of topics to groups across campus, in specific colleges and departments and Senates. The groups included Chairs, Heads, emerging leaders, new faculty, all faculty, Graduate Students, Staff. 348 people were served at these events. The Ombuds collaborated with faculty and staff on some presentations.

Topics included:

- Improving workplace climate
- Conflict / Cultural communication (x3)
- Difficult Conversations
- Ombuds' Office/Annual Reporting (x2)
- Creating a Positive Climate (x2)
- Relationship Violence
- Burnout/Stress (x3)

4. Outreach:

The Ombuds' services are publicized through focused outreach meetings with leadership in Provost's Office, Deans' Offices, The NDSU Extension Service, Human Resources, Equity and Diversity, the Commission on the Status of Women Faculty, and other organizational units;

participation at campus events such as Graduate College's Welcome for New Students, New Faculty Welcome and Faculty Development events.

The Ombuds also provides workshops for Chairs and Administrators in Academic Affairs and sends a monthly email with tips related to conflict management to Chairs, Faculty and Graduate students. A website and office literature are available as a resource and to market the office. The office has developed a flyer that is distributed at a variety of events for faculty departments and graduate students.

The Office provides consultation to campus organizations, collaborates on developing conflict management competency within the campus, is a guest lecturer in a variety of courses, and sits ad-hoc on committees where issues relevant to her expertise are valued. The Ombuds' has also provided workshops for NDSU Extension Services, Nursing, and other NDSU entities that are not in the Fargo area.

#### Leadership:

At NDSU, the Ombuds is ethically prevented from serving as a formal voting member of any committees that make decisions, or that would imply a bias toward members of the University Community. However, she may serve as an ad hoc member, attend meetings, and offer thoughts and suggestions within her expertise. For example, the Ombuds' has attended meetings of the various Senates on campus and has contributed to meetings of the Council on the Status of Women Faculty as well as FORWARD, the President's Council on Diversity, Inclusion and Respect, and a variety of other departmental and college level meetings by invitation. The Ombuds has provided expertise and research for the CSWF in their work with the Anti-Bullying Policy (151), and has made suggestions on other policies, including the SCOFR process and policies, through a lens of fairness/equity.

The Ombuds serves her professional organization, the International Ombudsman's Association (IOA) as Chair of Membership Engagement Committee, as Mentor for new Ombuds, as a member of the Program Committee for the annual conference. She has presented webinars for IOA and organized facilitated dialogue at conferences. The Ombuds also continues to maintain her credentials as a Certified Transformative Mediator™ by attending continuing education, and also by coaching new mediators, serving as a Fellow with the Institute for the Study of Conflict Transformation, serves the State of North Dakota as one of two available mediators for the North Dakota Department of Education Special Education Unit.

### **III. GOALS & ACCOMPLISHMENTS FOR THE 2022-23 ACADEMIC YEAR**

#### **Goals set by the NDSU Ombuds for the 2022-23 Academic Year:**

- A. Maintain record-keeping for the office in compliance with IOA standards.
- B. Provide a private, comfortable physical environment to welcome all visitors.
- C. Market the Ombud's services, standards and ethics through presentations, web presence, individual meetings, email, and other means available on campus.
- D. Ensure that Administrators, Deans, Directors, Chairs, Faculty, Graduate Students, and others know the Ombud personally, make use of the office directly and appropriately, and provide referrals.

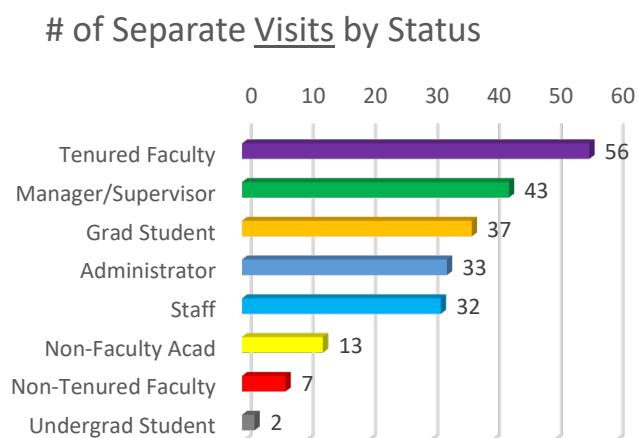
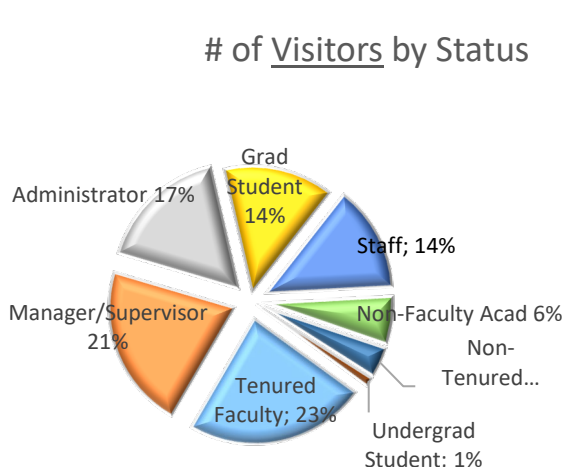


- E. Understand the policies and procedures related to faculty, academic affairs, and graduate students; meet with offices with responsibilities for administering policies to ensure accuracy in understanding of how the policies work, their intent, and the accompanying procedures; and work on policies that need clarity to improve fair and equitable application.
- F. Work with others on campus to develop skills and protocols for dealing with difficult behaviors and situations, review policies and procedures, and develop strategies to manage situations fairly and effectively at the lowest level.
- G. Maintain office hours and availability that meet the needs of the faculty and graduate students, including meetings in person, via phone, Zoom, or Teams, and at locations on and off campus when requested.
- H. Ensure appropriate usage of the Ombud's office and services.
- I. Support positive communication and climate on campus and strive to reduce and resolve conflict through consultation, coaching, negotiation, mediation, education/training.
- J. Commit to continuous professional development and learning, including annual attendance at the IOA Conference to continue professional education, connect with colleagues, and maintain leadership with the IOA.
- K. Provide a complete report at the end of the year (consistent with IOA standards) that demonstrates the value of the Ombuds Office in several ways; and provides guidance and suggestions for changes for the University.
- L. Provide feedback to the Institution annually regarding exit interviews conducted by the Ombud's office, and in a way that is consistent with the ethics of the office.

\*All of the goals were met in 2022-2023.

## A. Accomplishments Through Visitor Statistics

### Number of Cases & Visits



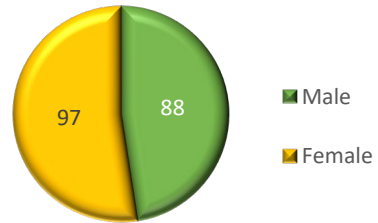
223 Separate Visits / 185 Visitors (cases):

50 Tenured and 7 non-tenured faculty, 11 Non-faculty academic, 39 Chairs/Heads, 31 Administrators, 25 Staff, 26 Graduate Students, and 1 undergraduate students visited the Ombuds in the past year. The majority of staff work in academic units, or come for referrals.

This year also represents another increase in visits by Chairs/Heads and Administrators using an informal, confidential approach to difficult situations. Faculty numbers were higher by over 1/3, and Grad Students were up by double. The data shows that staff cases, work with Chairs/Heads, Tenured faculty and Administrators required more time to close cases, and some staff cases were unresolved.

**1. Visitors by Gender**

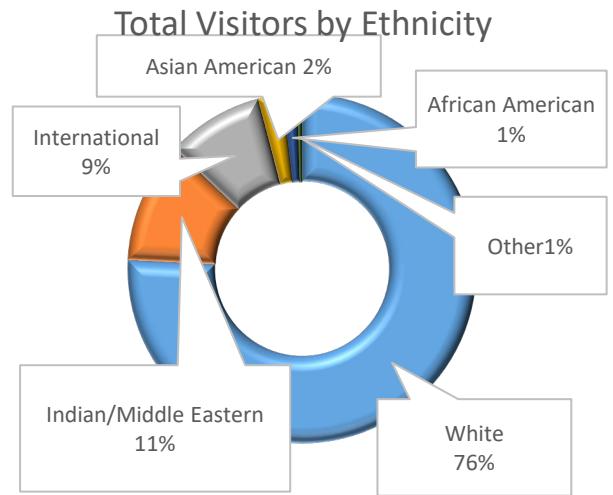
This year females decreased to 52%, and male visitors increased to 48%, a change that was more even than in the past year.



**2. Visitors by Ethnicity**

**76% White    9% International    14% People of Color**

These statistics are similar to the past year, although numbers are higher. There were 163 caucasian visitors, an increase in 23; and 31 Persons of Color including International visited the office, an increase in 6. There were no visitors identifying as American Indian or bi-racial this year. As the NDSU community members are primarily white, this number indicates there is a higher *percentage* of People of Color who experience issues for which they seek the Ombuds’ office than their White counterparts.



Some reasons that a higher percentage of women and people of color visit the Ombuds’ Office with greater frequency include their experience of feeling marginalized, misunderstood, treated unfairly due to their gender, culture, or religion; feeling voiceless, uncertain about majority culture norms and communication styles, and/or anxious about the effect of their gender or culture on their process for evaluation, tenure and promotion. Especially vulnerable are international faculty and students who are in marginalized groups and have much to lose should they fail to remain employed or enrolled on campus.

\*There are factors that are not captured by the Ombuds’ Office to avoid revealing the identity of visitors. These factors include names, departments, colleges, titles, or examples of singular incidents or experiences, etc. Sometimes, visitors request not to include an aspect of their identity.

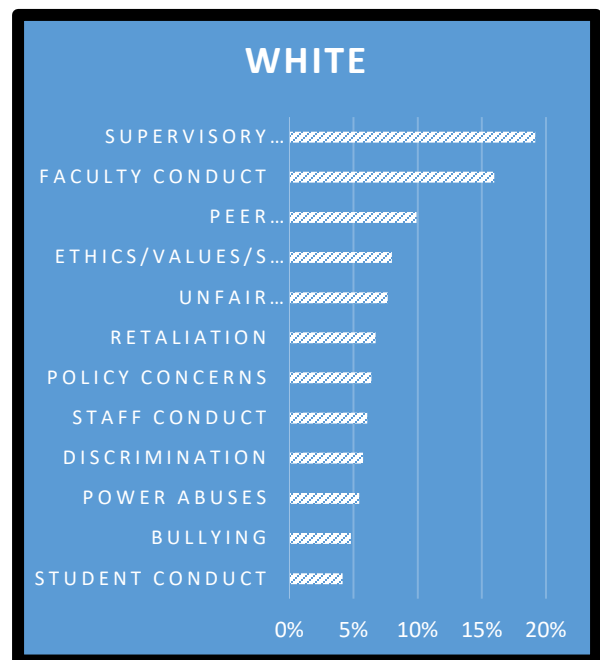
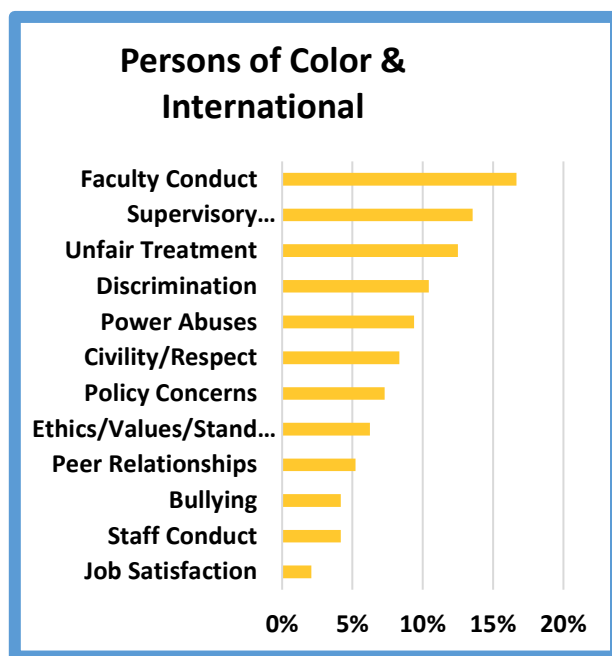
## B. Visitor Concerns:

### 1. Primary Purpose for Visiting the Ombuds:

Visitors may have 1, 2, or 3 concerns that are recorded. Often two or more come hand in hand, such as Supervisory Relationships and Faculty Conduct, Peer Relationships and Respect, etc.

While we saw a drop in the number of concerns with supervisory relationships last year, they are back on top and tied with faculty conduct by all visitors, usually meaning that both supervisors and faculty/staff are struggling in the relationship. For Persons of Color (PoC), their next top concern was the perception unfair treatment, discrimination and power abuses, followed by civility/respect, policy concerns and ethics/valuse. For Whites, peer relationships, ethics/values, and unfair treatment were high, followed by retaliation, policy concerns and staff conduct.

With the necessary budget cuts across campus over the past few years, a sense of distrust has developed as employees perceive inequities in processes, decision-making, and impacts. While employees may not be in a position to understand decisions, the appearance of non-adherence to policies, ethics, values and standards deeply impact trust in leadership. It is a critical time to demonstrate we all are following our policies in order to improve the sense of campus climate.



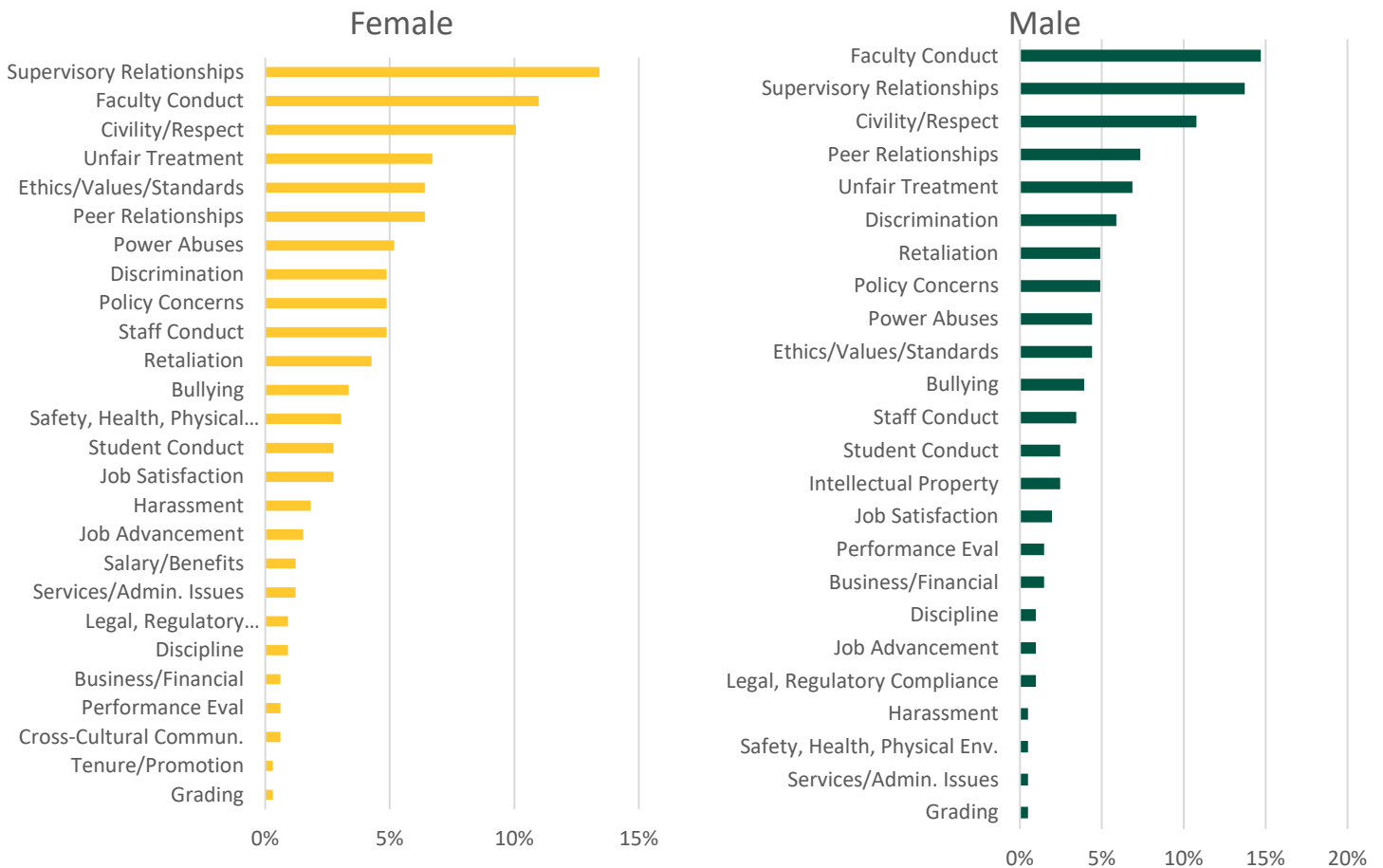
### Concerns by Gender:<sup>2</sup>

Faculty on campus comprise of nearly 40% female and 60% male. As for the 47 Chairs/Heads, 17 are female, 25 are male, and 5 are POC. Of 11 Deans and Vice Presidents, 6 are female and 5 males, and all white. Currently, full professors comprise of 25% female, and 75% male, however promotions to full were 59% female, and 41% male 2022-23, while 31% of females were promoted to Associates compared to 69% of males.

For the third year, supervisory relationships were the top concern **females**, followed by faculty conduct, civility/respect with unfair treatment, ethics/standards, and peer relationships following. **Male** visitors list faculty conduct first, followed by supervisory relationships, civility/respect, and peer relationships. To a higher degree, **women** experienced the following concerns: equity/values/standards, safety, harassment, salary/benefits, service/admin issues, tenure/promotion and cross-cultural communication. Men reported similarly as women in most categories but were the only to report issues with intellectual property.

<sup>2</sup> When using the terms female and male, the intent is to include those identifying as male/female. Unless given permission, I do not include other gender terms such as gay, lesbian, conforming/non-conforming, etc. To date, I have not been given permission to reveal non-conforming gender identities for my data.

It is noteworthy to mention that that there are fewer female faculty than men, and fewer in supervisory roles and so issues with these relationships are more impactful. While NDSU's Forward Program and Commission on the Status of Women Faculty made strides in equalizing the opportunities for advancement for women, there is more to be done.



\*The past few Campus Climate Survey and Graduate Student Climate Surveys also reflects a higher percentage of women experiencing difficult behaviors, as do People of Color and people with disabilities.

**Concerns by Employment Status:** This section looks at concerns by the visitor's employment status.

Administrators (primarily deans, assoc. deans, VP's) were most concerned with policy, staff conduct, supervisory relationships, faculty conduct, civility, ethics/values/standards.

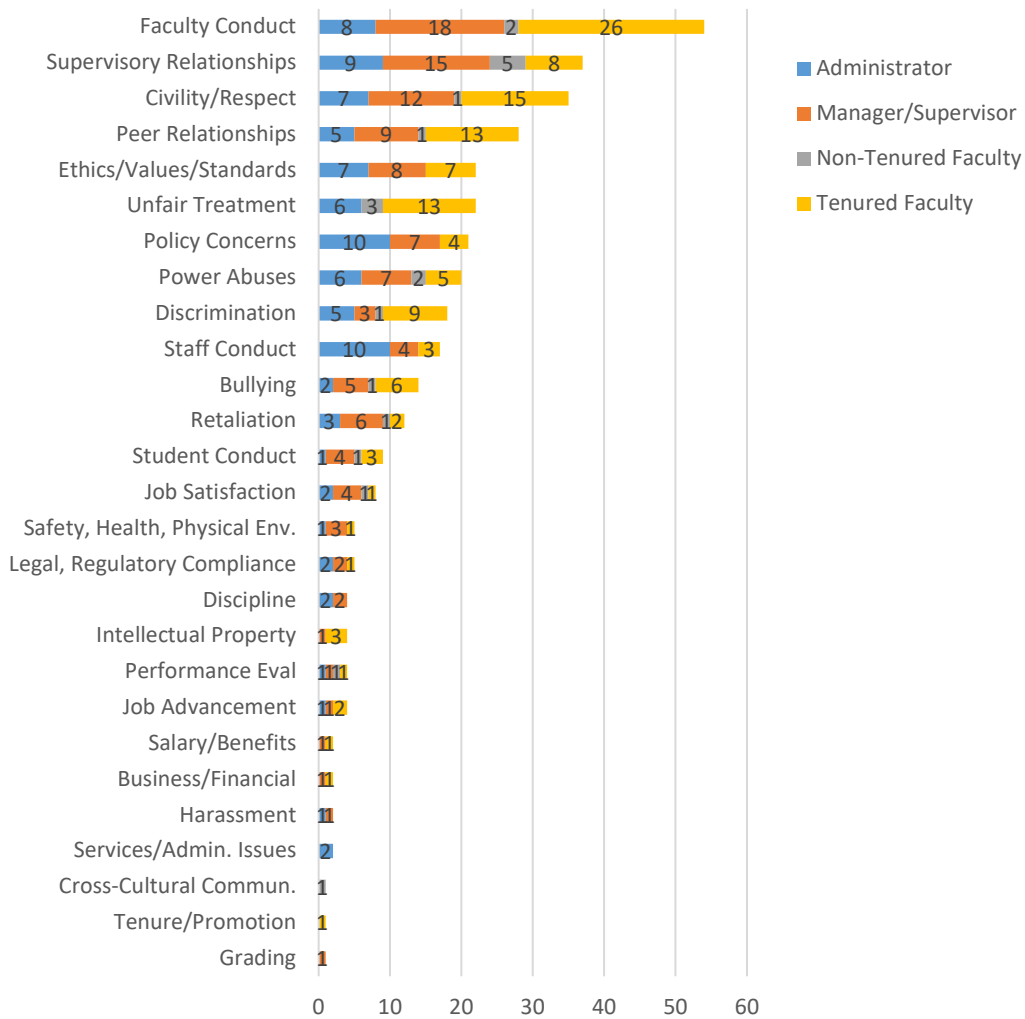
Chairs and Department Heads (*managers/supervisors*) were the group who had the most concerns about faculty conduct, supervisory relationships, civility/Respect, Peer relationships, policy, power abuses.

This year, tenured faculty had the highest concerns regarding faculty conduct, civility/respect, peer relationships, unfair treatment, discrimination, and ethics/values/standards, and highest for bullying.

Tenure-track faculty were concerned with Supervisory relationships, faculty conduct, unfair treatment, and power abuses.

In comparison to the 2021 Climate/Work-life balance survey, members of underrepresented identity groups reported lower satisfaction with climate due to hostile behaviors in the workplace and poor working climate; also, all groups surveyed mentioned decreased morale due to budget cuts, increased workloads.

### Admins, Chairs/Heads, Tenured + Tenure-Track Faculty



### **Anonymous Case Study:**

A faculty department has experienced divisiveness and some difficult conversations over the past few years. Some faculty and staff in the unit have visited the Ombuds' Office to share concerns about what they witnessed. They came individually, and others do not know that they have come for assistance. It's important that the Ombuds preserves confidentiality while tracking some of the issues important to the visitors. Until recently, no one had given the Ombuds permission to speak to others, and rather, provided conflict coaching.

An incident increases tensions and the Chair asks for assistance from the Ombuds to help figure out how to reduce the conflict, stress and discord. The Ombuds suggests surveying the group and the Chair notifies them, and the Ombuds starts with individual conversations, and then develops themes and ideas for the department. A full meeting of the department with the Ombuds helps to bring out the best ideas of faculty and staff to improve their climate. Afterward, the Ombuds is available but does not guiding the internal processes as they work together.

*(This is an example of a typical visit to the Ombuds' office, and how difficult situations can impact others. The information gathered for this case study comes from a conglomeration of several visitors and years.)*

### **Concerns by Status (continued):**

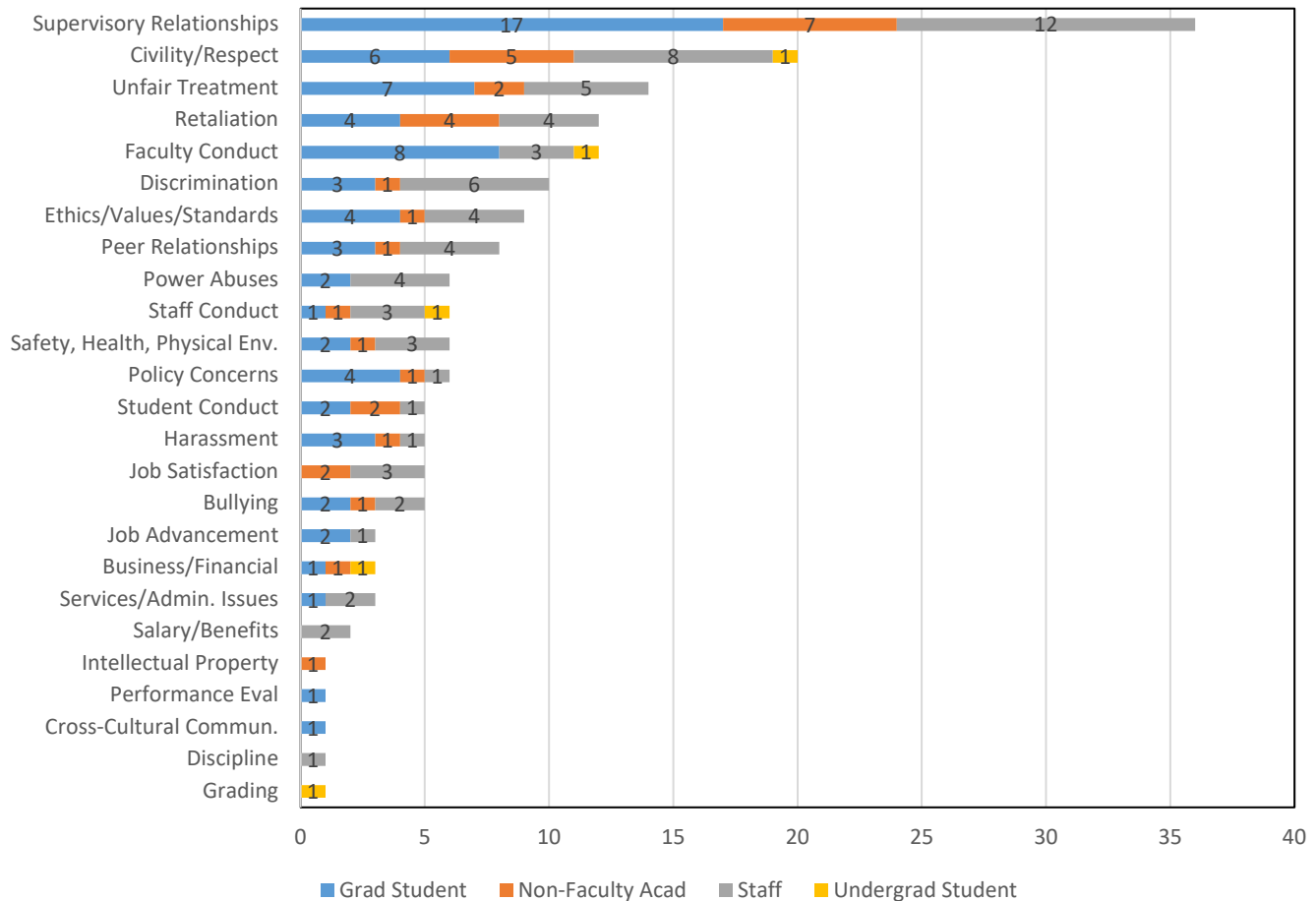
Graduate students' most common concern this year was supervisory relationships, followed by a perception of unfair treatment, civility/respect, retaliation, ethics/values/standards, and tied at 3 each were discrimination, peer relationships and harassment. The concerns of graduate student visitors tend to take much more time to resolve and involve more people.

Non-faculty academic (researchers, professors of practice, lecturers, instructors, etc.) were higher than last year (11) and listed supervisory relationships, civility/respect, and retaliation as their top concerns.

Staff have visited the Ombuds in search of confidential services. Their top concerns included supervisory relationships, followed by civility/respect, discrimination (higher than past years), unfair treatment, followed by retaliation, ethics, peer relationships and power abuses. Staff who come to the Ombuds' office are typically part of academic departments, and although they can also seek help from Human Resources, they often come for confidentiality as a first resort.

Undergraduate students were most concerned with supervisory relationships, civility/respect, discrimination, unfair treatment retaliation and ethics/values/standards.

## Graduate Students, Staff, Non-Faculty Academic, Undergrads



### Graduate Student Case Study:

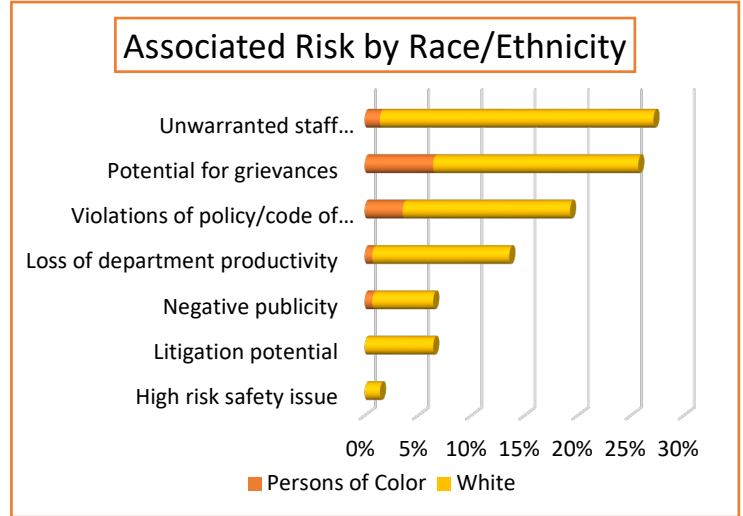
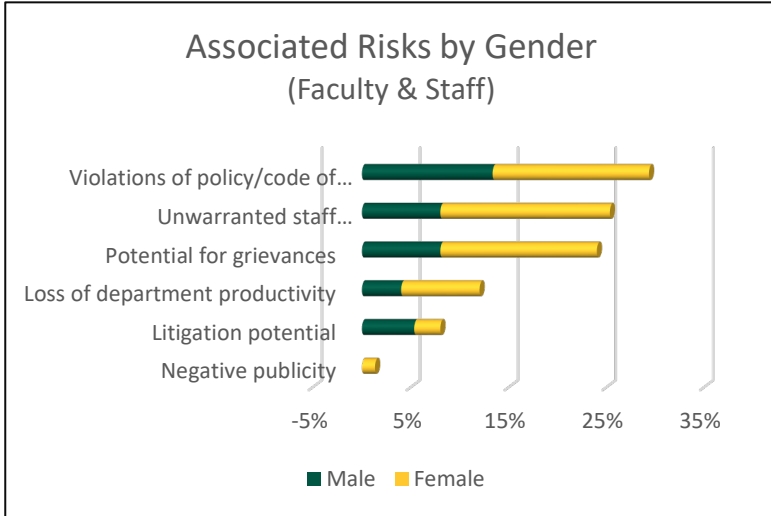
**A graduate student visits the Ombuds' office** to discuss issues they are having with their advisor. While they enjoy lab work and performing research, they are struggling with a lack of support by their advisor who is gone on a research sabbatical. Before leaving, the advisor set up meetings to continue communication with the student, however, both the student and the advisor have missed meetings. The student decides to ask the department's Graduate Advisor and asks to be moved to another advisor and lab. When the advisor finds out, they speak with the student, asking them to stay in the lab, but the student refuses. The advisor then files an academic misconduct complaint against the student. The student visits the Ombuds for advice in responding to the charges, and believes the actions are retaliatory. The Ombuds reviews the policies with the student as well as options available them.

The student gives permission to the Ombuds to speak with the advisor to informally seek a resolution to the matter. After hearing both of them and then mediating with them together, they realized what the underlying concerns were and reached an agreement. The complaint was withdrawn, and the student finished out the semester with the advisor before seeking a change. Both parties were satisfied with the outcome.

(This is an example of a typical visit to the Ombuds' office, and how difficult situations can impact others. The information gathered for this case study comes from a conglomeration of several visitors concerns.)

## Accomplishments Related to the Reported Risks:

This is a type of tracking suggested by the IOA in order to determine the level of risk related to the concerns brought to the organizational Ombuds. These risks are voiced by the visitor based on what action they are considering at the time of the visit. This is under the category of accomplishments because of the return on investment that the Office of the Ombuds creates in cost savings through frequent use of the informal strategies to remedy concerns when possible and appropriate.



### 1) Risk-Related Numbers:

#### i. Faculty & Staff by Gender:

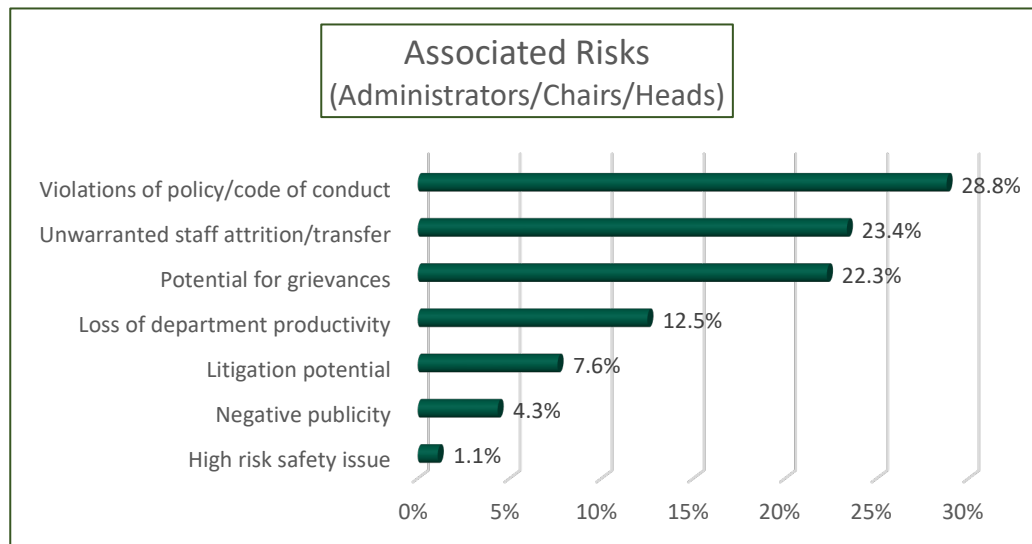
As the chart indicates, the majority of male and female faculty+staff reported the highest risk as violations of policy/codes of conduct, 2<sup>nd</sup> for women was leaving the University, and to grieve violations. Male visitors saw the next greatest risk was filing a formal grievance, then leaving the university and litigation. While both groups saw leaving NDSU as a high risk, there are many reasons that may be the case, such as years of budget cuts, lost personnel, as well as difficult behaviors experienced by some. It is also important to note that when policy and procedure are not followed, trust erodes over time and diminishes job satisfaction, and can diminish trust in leadership.

#### ii. Associated Risk by Ethnicity:

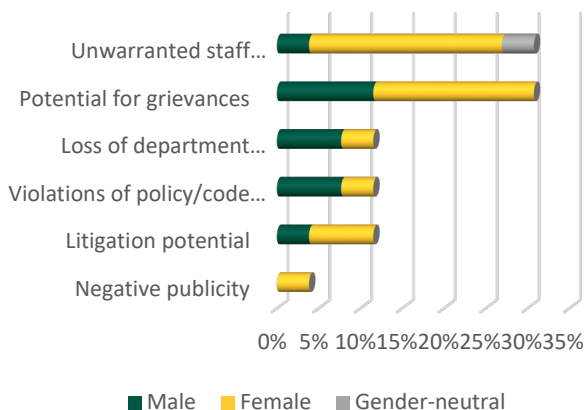
1. People of Color listed filing grievances most often, followed by violations of policy/codes of conduct. Whites most saw attrition as the highest risk, followed by grievances, violations of policy and loss of productivity. They also listed litigation, negative publicity and high risk safety violations



- iii. **Administrators (VPs, Deans, Chairs, Heads)** - This year, administrators saw a higher concern with violations of policy/codes of conduct, followed by attrition and grievances. They were also concerned about loss of productivity, litigation potential and negative publicity.



Associated Risks by Gender (Graduate Students)



v. **Graduate Students Risk:**

Over 20% of **female** graduate student visitors reported unwanted attrition, followed by filing grievances or litigating. **Male** graduate students listed potential for grievances higher, followed by violations of policy and loss of productivity as a risk.

Out of 26, there were 11 **international students** who visited the Ombuds' office representing a higher percentage. These students are at added risk due to their international status and need protection when appropriate. Bystanders often witness misconduct but are afraid to report it, opening the University to liability.

2) **Risk Minimization:**

- i. The Office of the Ombuds can help minimize the risks by helping each visitor:
  - consider the implications of one's situation as well as their best course of action in addressing their concerns (including formal action)
  - discuss strategies for managing conflicts at their lowest level
  - weigh the costs and benefits of their options
  - understand University policies and procedures
  - refer to other offices and services on campus that can address their concerns
  - use the services of the Ombuds' Office to address the concerns
  - learn skills to manage their situation more effectively

- ii. In the annual electronic Satisfaction Survey conducted in June, 2023, administrators, faculty and staff participating stated that as a result of their visit to the Ombuds' Office:
  1. Administrators reported that in all cases, 1/3 met with the Ombuds and nothing further was required by the Ombuds, 1/3 took action on their own and issues was resolved, and 1/3 was resolved by the Ombuds' action.
  2. Tenured Faculty reported that their issues were resolved after meeting with the Ombuds in 75% of cases. Tenure Track faculty reported receiving coaching and decided not to take action in all cases, and in one case, the Ombuds was helpful to the department as a whole. In less than 20% of cases, the issues remain unresolved.
  3. Staff reported receiving consultation and decided not to take action, 25% took action and resolved their concerns, in 25% of cases, the Ombuds found resolution, in 33%, the visitor acted with no resolution, and in 77%, the Ombuds helped the department.
  4. Other actions visitors considered taking had they not used the office: 25% would have talked with colleagues and used formal channels; 13% would have used outside resources; 11% would have left or done nothing, and 5% considered legal action.
  5. 80% of respondents have or would have referred others to the Ombuds' Office.
- iii. Twenty-eight Graduate students participated in the Satisfaction survey. Eleven were Masters' Students, and 17 were Doctoral Students. However, only 4 completed the survey and a few sporadically responded. As a result of their visit to the Ombuds' Office:
  1. Four indicated that their concerns were resolved by their own action or by the Ombuds, and 1 student indicated it was helpful to their department.
  2. Seven reported that, had the issues not been resolved, the students planned to use external resources and/or gone to colleagues, 4 students would have left or used formal resources.
  3. All but 1 student who visited would refer others to the Ombuds' office.

### 3) Costs of Associated Risks (The value of the office):

The Ombuds' Office is an important part of a University's conflict management system aimed at providing to their community neutral and private services for intervening in conflict at every stage, thereby reducing some of the risks mentioned here. Each of these risks has an associated cost to the visitor and to the University.

- i. Time Waste: There are several factors to consider related to cost to the organization when conflict arises. It is estimated that wasted employee time due to workplace conflict is 3 hours per person per week, and often more for managers.
- ii. Stress: The stress of interpersonal conflict takes its toll mentally, emotionally and often physically. For example, the cost to the workplace of an unhappy employee who is engaged in conflict has been quantified in two studies:
- iii. Productivity: "Parties in conflict suffer a 5-20% loss in productivity." Harris (2008, p. 97)
- iv. Effects of Incivility: "Workplace incivility has the following effect on the victim:"
  - 48% decreased their work effort
  - 47% decreased their time at work
  - 38% decreased their work quality
  - 66% said their performance declined

- 80% lost work time worrying about the situation
  - 63% lost time avoiding others involved
  - 78% said their commitment to the organization declined
- Porath & Pearson (2009, p.24) U.S. sample survey of more than 1000 responses.
- v. Time Waste: Two other studies quantified time waste due to time spent in conflict management activities and concluded that 20-42% is spent on conflict. Murtha (2005, p. 42); (Thomas & Schmidt, 1976, p. 315).
    - A recent study interviewed higher level managers and found that 3-4 hours per day or 38% of their time was spent on conflict. (Katz & Flynn 2013, p. 403).
    - Furthermore, a study of over 5,000 full-time employees in 9 countries, including the US, found that 2.8 hours per week was spent on conflict (\$359 billion in salaries); and
    - 51% of Human Resource staff spent 1-5 hours on conflict. (CPP, 2008, p. 2, p. 5).
  - vi. Turnover obviously has a detrimental cost to any organization, and has been quantified in several studies.
    - Should an employee leave, 50-120% of the annual salary is used to calculate the loss, and subsequent hiring and training of a new employee (depending on type and level of position).
    - Also interesting, is that in a study done in 2005, 85% of departing employees cited internal conflicts as their reason for leaving their position. (Murtha, 2005, p. 42).
  - vii. Grievances and Litigation: The cost of conflict that are not resolved in informal dispute resolution are higher and often easier to quantify.
    - Internal grievances take a toll on the bottom line with two studies indicating that 10-14 days are spent by management, HR staff, in-house counsel, and others preparing for, holding hearings, and deliberating and deciding grievances. Multiplying these hours by the salary dollars results in high costs.
    - External actions, e.g., litigation, can cost the organization close to \$100,000 in legal fees for an employment dispute case, not including costs associated with losing in litigation. (Murtha, 2005, p. 42).
    - The costs of negative publicity to the organization is also considered with public grievances and litigation.

#### 4) Actions taken by the Ombuds related to Primary Concerns & Risks:

- i. Offered leadership training for supervisors (Chairs, Deans, Directors, etc.) as well as for faculty and staff in areas such as conflict management, communication, civility/respect, diversity, evaluation/feedback, meeting management, bullying, etc. (Ombuds' and VPAA Office) and supporting the Restorative Practice Network to provide community building through talking circles.
- ii. Feedback to campus leadership on visitor concerns, when appropriate, as well as identifying inequities with particular policies and procedures.
- iii. Communication via email of monthly tips on topics related to visitor concerns for informal learning, community building, including conflict managing, stress, cultural communication, difficult conversations and many other related topics from the Ombuds for Faculty, Staff and Graduate Students.
- iv. Workshops for *new* Faculty on topics such as climate, communication, managing expectations, setting boundaries, and other topics. (Ombuds' and Provost's Office).

- v. Increased outreach to Graduate Students at NDSU including presence twice a year to welcome incoming graduate students, teaching professional skills.
- vi. Exit interviews conducted by the Ombuds with feedback to the Institution.
- vii. Policy input by Ombuds:
  - a. Policies 151 Code of Conduct and Procedures and other policies with the Council on the Status of Women Faculty
  - b. Review of the policies and procedures for SCOFR hearings
  - c. Attendance at meetings on campus including Faculty Senate, Staff Senate, the President's Council on Diversity, Inclusion and Respect, etc.
  - d. Input on various colleges' and departments' policies and procedures (with Chairs/Deans/Faculty)
  - e. Annual reporting on policies and procedures related to overall campus climate
  - f. Work with Graduate College on surveying graduate students on campus climate along with Institutional Research & Analysis
- viii. Ensuring visitors feel heard, understood, and find the resources they need to resolve their situation; to understand their own personal risk and benefits of any options available to them; and to offer to assist through coaching, talking with others (with permission), or mediating discussions informally to find resolution.

E. Professional Development, Projects, Committees and Tasks:

Projects/Meetings

- Lead on Restorative Practices Network with Dean of Students
- Offer training and circles to University Community
- Graduate Student Survey
- Grad Resource Fair
- Ombuds Annual Report & Evaluation, presentations
- Commission on the Status of Women Faculty (policies 168, 151)
- President's Council on Diversity, Inclusion and Respect
- Faculty Retention and Morale

Committees & Tasks

- Record Keeping
- Research for visitors' issues
- Monthly email to campus
- Exit Interviews/Compile Data
- Restorative Practices committees
- Departmental climate surveys
- Long term coaching for visitors
- Academic Leaders planning group
- Academic Affairs Directors
- Feedback to leaders
- Communication presentation for Cobre Grant

### Professional Development

- IOA Conference
- Professional Development with IOA
- IOA: Mentorship Committee
- IOA Chair of Membership Engagement Committee
- IOA Conference and Programming Committees
- ISCT Fellow and Mediation / Conflict Coaching Practice opportunities
- Mediator training (ND DPI Special Education)
- Webinar on Restorative Practices

## F. Satisfaction Survey Data, Comments and Recommendations

### Administrators/Faculty and Staff Satisfaction Survey:

Responses were positive in this group, with 30% receiving coaching without further action; 25% took action and resolved their situation; in 25% of situations, the Ombuds took action and resolved the issues. In 33% of cases, the visitor acted but the situations have not fully resolved. In 71%, the Ombuds was found to help the department as a whole.

Visitors stated that, had they not used the office, they would have taken formal action in 25% of cases, 25 % would have spoken to a colleague, 11% would have left or done nothing, 13% would have contacted external resources, and 5% would have contacted a lawyer or taken other action. 80% said they would refer others to the office, and almost all prefer both virtual and in-person meeting options. 100% found the office accessible and helpful.

### Comments by Administrators (VPs, Deans, Chairs, Heads):

- The Ombuds' services are very helpful.
- NDSU doesn't address bad behavior and unethical practices.
- The Office is accessible and resourceful and offers helpful services including mediation.
- The problem is lack of accountability and action, lack of, leaving people suffering for years.
- She has good recommendations for strategies for dealing with challenging situations.

### Faculty:

- Thanks for the mediation. I found it to be extremely helpful and productive, especially the way that you structured the meeting and the insights you provided. What a valuable resource you are!
- I really appreciate the email that has me thinking about my student retention work, especially the information-gathering part, in new ways. Thanks for sharing it!
- Thank you for meeting with me and providing valuable resources
- I appreciate your time and efforts to make NDSU a better and more cohesive place to work.
- Thank you, Kristine, for the good observations and new things for me to think about.
- I really appreciate the conversations we have had this morning and in our previous meetings, it helps me as I go through the current situation.
- I actually really needed to read this today, so your timing is impeccable! Thank you for all the work you do!
- Thanks for a balanced and practical response to my situation.
- I appreciate the email message that comes from the Ombudsperson's office -- they are well done, kind, and have different ways to consider our roles at NDSU and how to make the environment better for everyone.

### Staff:

- And then there's your office. No one says, "Hey, I'm feeling great! I'm going to go see the Ombudsperson!" Thank you for all you do, on the down low, that we don't hear about, to keep the campus sane.
- Thank you for sharing this information, Kristine. It has more impact than I suspect you may have ever anticipated.
- I just wanted to tell you that I have really appreciated your messages that go out to staff. They always have a softly spoken but strong message. I can't say enough how helpful she was for me in my situation
- Your messages often provide guidance to employees, both in how to thinking about things and how we can support others.
- Kristine initiated a process that allowed my department to identify serious issues.
- I appreciate that you are willing to help anyone who contacts you. It is so important to have a confidential resource and to resolve issues at the lowest level.
- The Ombuds gave me a deeper understanding of the issues and gave me the courage, advice, and support to move my concern forward. The office is an invaluable resource.
- Ensure that the new President knows that the office is essential on campus

### Graduate Students Satisfaction Survey:

There were 28 responses by graduate students of which 17 are Doctoral and 11 are Masters students, though many answered only a few questions. All stated they would refer others to the office, and had there been no Ombuds office, 28% would have gone to external resources and spoken to colleagues, 18% would have left the university of taking formal action.

### Student Comments:

- I just wanted to say thanks and provide you with an update on my situation. I found an advisor in the another Department who is willing to support me financially.
- Thank you for all the help.
- The Ombuds' Office needs to be a big part of graduate student orientation so all students know about her.
- Market more to graduate students with flyers and email, and differentiate between this office and the Title IX office and what they do.
- I always ensure new graduate students in my department know how to reach the Ombuds.
- As the head of a student organization, I suggest students visit the office to help resolve conflict.
- She provided rational responses to my particular case and directed me towards the appropriate authorities to take my case further.
- Kristine really helped me find a way forward and without her help I will be lost.

Overall, the Satisfaction Survey rankings indicate high satisfaction in the way the visitors were treated by the Ombuds, as well as the level of service and knowledge. The majority of visitors were happy with the outcome whether they were looking to take action or not. There are many reasons why issues are not resolved, including a decision not to act by the visitor or the others involved, the visitor may have been in the wrong, or actions desired may not be possible due to resources, policy, or law. Several respondents find it difficult that the Ombuds is powerless to require action or change, signifying a misunderstanding of the very nature of the role as well as the ethics of an organizational Ombudsman.

## **G. Data from Exit Interviews AY 2022-2023**

This year, exit survey data was provided to the Ombuds NDUS (system) in addition to the in-person exit interviews the Ombuds conducted. Most of the data is combined, but some are separated as well.

### **Participants: 28**

- **NDSU** Exit interviews conducted: 14 Female, 11 male, 22 Caucasian, 3 PoC
  - 13 provided responses, 12 declined an exit interview. Of those responding:
    - Females 4 – Male 3
    - Years at NDSU: 2: 5 years; 1: 11 years; 4: 15-19 years
- Exit interviews via the **NDUS**: 15 respondents: 3 male, 12 female, 1 PoC, 14 Caucasian
  - Years at NDSU: 1=0-1 year, 2=3-5 years, 5=6-10, 3=11-15, 4=21+

### **Employment Status (Combined):**

- Responders:
  - Admin: 1
  - Tenured Faculty: 7
  - Tenure Track: 2
  - Professional Staff: 16
  - Support Services/Trades: 1
- Non-Responders:
  - Tenured Professor: 5
  - Tenure Track: 2
  - Senior Lecturer: 1
  - Staff: 4

### **College Representation:** (all who left, not just responders/NDUS data unavailable)

AHSS: 7      Sciences & Mathematics: 2      Agriculture: 1      HSE: 1  
Libraries: 6      Health Professions: 2      Engineering: 1

### **Reasons for coming to NDSU (can be multiple):**

- Offered tenure-track position aligned with my interests
- Spouse was offered a visiting assistant professor position
- Hired as visiting professor and stayed for 19 years
- A chance to teach in the industry of my studies
- I was an NDSU graduate and started as an Assistant Professor
- It was troubled because I gave up a tenured position, then the NDSU provost denied tenure coming in, but eventually was tenured
- I was happy to join the department at NDSU and received funding for my research
- I received very good support and appreciated working with Dean Fitzgerald
- Came to get administrative experience
- Happy to be at NDSU to work in my field
- I came with experience which filled the lack of professional development opportunities available
- Hired in a position with ability to grow

## **Did NDSU Meet Your Expectations:**

Yes: 8      No: 2      Partial: 2

### **Positives:**

- Good start up package
- Supportive Dean
- Supported until budget cuts happened
- Doing work I enjoyed
- I met people and worked collaboratively on grants
- Happy for 1<sup>st</sup> 3 years when expectations were clear and appreciated
- I felt supported by my colleagues at first
- I came in with a cohort with a Cobre grant

### **Concerns:**

- Inequities across campus
- Unmet expectations
- Tenure was denied
- Work focus changed without my consent
- 80 hour work week imposed
- 2022 re-organization created mass chaos and is the new normal
- Lack of maternity leave for faculty
- Lack of resources for new program
- Lack of work-life balance
- No credit for advising PhD students, no effort to find balance in my department
- Lack of direction under new Dean and lack of respect for my work x 3
- Terrible for past 18 months under new Dean, lost many staff and those remaining were significantly impacted with too much work
- Toxic culture in my department
- Too many changes with administration and feels chaotic, lack of information sharing
- Poor treatment of a previous Dean who retired; lack of transparency in naming interim Dean

**NDUS** Survey Concerns completed by NDSU employees, in order of highest response:

- Salary
- Leadership/Supervision
- Lack of recognition and opportunities for advancement
- Lack of professional development, high workloads, and family concerns
- Benefits, resources and other
- Career change, Facilities, and relocation

## **Did You Receive Adequate Support:**

Yes: 4    Partially: 6    No: 4

### **Positives:**

- Strong support with previous supervisor and Dean



- Supported with previous Dean and interim Dean
- Grew professionally under previous supervisor/dept. head
- Partially supported by Dean, but we've had to cut materials/subscriptions

Concerns:

- Lack of support by new Dean for a group of us
- Dean part of rumor mill that marginalized a group of people
- Lack of accountability over actions of Dean
- My Dean didn't understand the work I was hired to do
- Dean is reflexively defensive and easily slighted

**Experience with PTE / Evaluations at NDSU:**

Positive Experience: 3    Poor Experience: 6

Comments:

- Positive experiences:
  - Good experience in my college. The Provost then was very helpful. The college PTE committee thought I needed more time and service, even after taking on administrative appointment, but they were not following their own policy.
  - I came in with tenure which was accepted fully.
  - My Department supported me, was fair, and I have tried to support my faculty as well.
- Poor experiences:
  - While the PTE process was transparent and clear, it wasn't applied fairly after exceeding publications and funding. In our dysfunctional environment, I decided to leave without tenure
  - In my 3<sup>rd</sup> year review I felt misunderstood by members from other departments who didn't understand my field and so it felt unfair (e.g., one person said I need a career grant, which is unheard of in my field). When I went up for Full, no problem.
  - When I served later on PTE committees, I made sure the candidate's department was treated fairly with *their* requirements. However, on both department and college committees, I was disappointed by comments like, "not sure about credentials, but I like him"; although teaching was poor and I was the only "no" vote; as well as cases where a person wasn't likeable and did not get tenure primarily due to that reason.
  - We need to do a better job with yearly PTE meetings to help junior faculty meet expectations.
  - I noted inconsistencies and lack of adherence to norms in departments across campus, including not following policies, unclear and contradictory guidance given, and I was treated unfairly when I went up for tenure.
  - I was in an administrative position with a different background than others and never felt understood or sometimes respected. I worked 80 hours a week and had a positive 3-year review before leaving.
  - Over the years, it was tedious at best, sometimes fair; but most recent evaluations done by the Dean were meaningless as they didn't know me or my role.
  - Evaluation process was frustrating as Dean didn't know me and said I had too many goals in a meeting that was very disorganized.

- Evaluations were meaningful under my previous supervisor; this year, the Dean gave everyone “meets expectations”.

### **Reasons for leaving:**

- Recruited: 7
- Looking for new opportunity/upward mobility: 7
- Lack of support: 6
- Retirement: 0
- End of PhD Program: 1
- Asked to leave: 1
- Budget Cuts: 5
- North Dakota leaders’ attitudes toward higher education: 3
- Lack of leadership: 6
- Was climate/low morale a factor in leaving?
  - Yes – NDSU climate: 4
  - Yes - Dept/College climate: 10
  - No: 2 (Dept level)

### **Perceptions of the Organizational Climate and Culture:**

- NDSU as a whole:
  - Positive comments:
    - Thanks to Advance Forward initiatives, there is an effort to be inclusive
    - Enjoyed flexibility, my colleagues and the students
    - Loved working with students and colleagues x 6
    - Took pride in my work
    - Helping leaders in community and statewide
    - Variety of professional development
    - Committee work across campus
  - Negative comments:
    - At NDSU, there are the haves and have-nots when it comes to resources
    - Difficult climate due to budget crisis that could have been averted x 3
    - Budget cuts have been disproportionate across campus x 5
    - Loss of DCE was a bad decision
    - We are in survival mode of “do job, keep your head down”
    - Hopeless with Finance VP in charge during budget crisis
    - No one takes responsibility for Gen Ed; chaotic leadership at best
    - We need more international student support now that the office is gone, and students are suffering though few are talking about it
    - It is discouraging when upper administration doesn’t follow our policies
    - Lack of meaningful performance evaluations x 4
    - Poor complaint resolution for staff through HR
    - No place for new ideas in staff positions
- College and Department Level:
  - Positive Comments:
    - I loved working with my colleagues in my area, as well as the college I served.x4

- I worked hard to build relationships, good will and connections over 9 years
- I had great support from faculty and students I helped
- Negative Comments:
  - Department has been gutted with much uncertainty; College morale is at an all-time low; workplace feels fractured into clicks and alliances
  - Supervision is key to the work environment and without accountability, can be bad
  - Too much scarcity and fear of speaking or getting let go
  - College of A&S lacks shared values, e.g., learning assessment, quality curriculum, allowing boutique courses
  - Department is toxic and lacks accountability
  - Lack of collegiality in department due in part to inadequate staffing, lack of clear mission, and lack of accountability related to incivility and disrespect x 6
  - Lack of accountability in Department and College: unequitable teaching loads, lack of support for junior faculty, too many over-loads, disrespectful language in meetings meant to intimidate people, bullying
  - We vs. they mentality in our building with new leadership; Dean hired without notice to all employees and skirting policies; meetings are chaotic, disorganized and poorly run x 5
  - The culture has shifted into high tension, hostility from Dean, wasting of resources, creation of in-groups, favoritism is blatant
  - Huge concern about how many people have left and the weight on the remaining staff, and lack of plan for hiring makes me feel badly for leaving my colleagues
  - Dean only gets feedback with front desk staff vs. professional staff
  - Libraries are treated as an after-thought, devalued, even disposable.

### **Thoughts about FM Area:**

- Comments:
  - Family oriented town with great food and cultural events x 4
  - Good schools and place to work for mid-career opportunities, lots of autonomy with broad range of activities.
  - Met good people. We all help each other when needed. X 2
  - ND Politics are unfriendly toward higher ed and anyone who isn't white/straight x 4
  - Many are "ND Nice" – insincere and don't really invite you in
  - It is really cold in the winter
  - Loved living downtown Fargo, biking all over the area and enjoying greenways
- **What I would tell someone applying for my position:**
  - Good collaboration across the State
  - Great place to work x 5
  - Loved working with my colleagues in my department
  - Research support is good, although lack of clear mission
  - Fargo has a good range of amenities for its size but very cold
  - Don't apply here until NDSU is more stable with budget and leadership x 8
  - The climate is poor at NDSU and lacks emotional/psychological safety currently x 5
  - Lack of competitive pay compared to MSUM and UND x 3
  - Set boundaries around your workloads

- Shared governance is dismissed as a rule and the administration does not listen to faculty in any meaningful way
- Do not come here as we are not supported by the Dean, too many overloads on staff, lack of respect and civility, lack of accountability in our area. X 5

### **Other general comments:**

- **Exit interviews:**
  - I hope chairs, heads, deans, directors, VP's and President actually read our exit interviews along with the climate survey to create needed change x 3
  - I don't believe anyone will read these or take our concerns seriously. There will be no change without equity, equality, professionalism and appreciation
- **Leadership**
  - We have lost leadership and institutional knowledge with the kind of cuts made
  - No one seems to know what the formula is for Transform. If this is equitable, the formula should be transparent and shared. Our actions seem inconsistent with the intent of the SBHE and Chancellor.
  - When I left, there was no acknowledgement of my work and success. Current leadership is killing NDSU. I can only hope NDSU will be well again in the future.
  - Fear that Pharmacy Sciences will be dismantled despite their high productivity and world renowned research and teaching. Huron recommended and Provost supported elimination of P.S. because focus isn't on undergrads, but if they do, R1 Status will disappear. Pharmacy is one of the most profitable units, and many are upset by the treatment of Dean Peterson at the end of his 34 years here, then stonewalled by the Administration. The interim dean search was a sham and lacked transparency. Faculty and staff no longer trust Old Main.
- **Favoritism / Equity**
  - Lack of repercussion for those who target people, have favorites, refuse to communicate, create silos, and treat people disrespectfully
  - College mergers and budget cuts are rife with favoritism and lack equity; I foresee continued lack of cohesion and increase in fighting for resources.
  - I'm afraid no one cares what has happened to our Libraries in the past year; most librarians have left with no hiring, and the departments are starting to feel the lack of service. x 3

### **Observations**

In reviewing the visitors' concerns brought to the Office of the Ombuds in 2020-2021, the following themes were identified. In describing these themes, the Ombuds hopes to bring the University's attention to areas for focus in the coming year.

#### **\*Faculty Conduct , Civility/Respect and Faculty Conduct:**

These are the top 3 concerns for all groups (faculty, chairs/heads, administrators, graduate students, staff). These three concerns are often connected: *my professor/ my peer is not treating me/others with respect, and no one has not been able to stop the behavior, and it is creates a difficult environment to work in.*

Why is civility and respect lacking? Generally, we all are more stressed than ever due to causes outside our immediate control, such as the pandemic, politics, budget deficits, lack of resources, and personal

matters. When we are stressed, we don't always bring our best selves to the table. We may lack awareness of how stressed we are until we lash out at someone and realize that we need support ourselves. Departmental and organizational culture play a role as well. In some disciplines and cultures, communication is more direct, even terse, while others are passive and compliant. And some people regularly exhibit difficult behaviors either as a choice, a habit, and/or have not been asked to act differently, and more in line with Policy 151. *The topic of how we communicate and what is/is not acceptable should be on the table at group meetings and not left to assumptions.*

There are many reasons that some Chairs/Heads do not deal well with abrasive behavior. They may not feel empowered to limit incivility and may question if they have support of their Dean, or may be concerned about their own relationships with the faculty in their department. Furthermore, they may not feel competent to coach faculty in interpersonal skills, or may not be willing to engage out of fear that it may make things worse.

The University (and each College and Department) must be always working toward supporting and maintaining a healthy workplace climate that is inviting to new employees and supports existing employees, as well as students. At its best, the university strives to support everyone to achieve their potential – students, faculty and staff. We know that allowing abrasive behavior to go unchecked and uncontrolled breeds more of the same behavior, and often results in loss of strong employees. Therefore, having structures in place to deter that same behavior is critical.

My visitors who are People of Color (PoC) had more concerns about discrimination, faculty conduct, unfair treatment, policy, civility and bullying. Concerns related to discrimination were higher for faculty of color. Supervisory relationships and civility was bit higher for those identifying as Caucasian, and were also concerned with application of ethics/standards.

It is critical that the same rules and protections are available to all people, regardless of gender, ethnicity, status, etc., and to recognize where the power and privilege lies so that we can be full partners with those without. And, of course, these types of concern can lead to grievances and litigation. The best way to help is to intervene early and often when you see acts of incivility, unfairness, discrimination, etc., and to have the courage to stand up for others.

Cultural competency is considered a marker of a successful organization, and it requires consistent attention and value placement in the community. In the past year, NDSU has strengthened its messages related to diversity, equity and inclusion from upper administration. Consistent messaging along with application through action, policy and procedure is critical to ensure we walk the talk. General respect and acceptance for all community members, as well as *against* acts of racism, disrespect, intolerance, and favoritism will also demonstrate our commitment and integrity.

Adherence to policies and procedures was a concern for all groups visiting the Office. For example, Policy 151 provides guidance for minimum standards of behavior. Violations of this policy can result in an informal or formal reprimand and other steps to ensure a respectful work environment. The policies supported by Forward and the Commission on the Status of Women Faculty are critical to gender equity (such as hiring practices); and the non-discriminatory practices involving other protected classes should be a primary concern in making hiring and promotion and decisions. Violations of our own policies and procedures leads to mistrust of our leaders and erosion in morale, especially if it appears policies and rules apply to some and not others. *Accountability should be equitable (fair/impartial).*

\*Administrators/Deans/Chairs/Heads:

Concerns for this group included lack of civility, relationships with supervisees, and faculty conduct. The potential of administrators to make positive change is real. The Chair/Head is the first stop in many cases and their ability to manage conflict, clarify communication, and take action is critical. Deans are at the next highest level to consider the situations objectively and help the Chair/Head through advice, support, correction, or action. A positive impact on the climate is often felt when these things all work together.

\*Concerns for Graduate Students:

There were fewer graduate students who visited the office the past year, likely due to the pandemic. Graduate students were most concerned this year about faculty conduct, advisory relationships, and unfair treatment (similar to previous years). They also had concerns related to policy violations, and for students of color who are also international, discrimination was also reported.

In the recent past, my office has heard instances of maltreatment of International students in research settings. These experiences send a powerful message to students about how they will be treated on campus and can impact recruitment and retention. Some of the complaints include abusive/abrasive behavior, changing expectations for students, higher than allowable standards and working requirements, and racial discrimination. The 2021 Survey of Graduate Students conducted on campus this year supports the Ombuds' data. It is important to recognize the risks including: loss of retention, assistantships; irreparable harm to their academic record without due process; loss of visa status and residence in the US; loss of income, health benefits, and supports, etc.

\*Communication Generally:

Respectful communication remains a consistent theme in the vast majority of visits. We often struggle in communications with peers, supervisors and students. Difficulties range from communication that is harsh or demeaning to communication that is insufficient, confusing or absent. Within the diverse NDSU community, various communication styles sometime lead to parties misinterpreting each other's intentions, due to a lack of understanding of cross-cultural communication.

For international faculty and students, for whom English is not their primary language, cultural misunderstandings can create unnecessary stress, conflict, and attrition. Patience and tolerance are needed, as well as understanding the unique culture of NDSU and in the Upper Plains in general and also understanding people from other cultural frameworks. Investing in employees is costly, as is losing employees when such loss could be avoided.

Effective communication skills and an open, inclusive mind can prevent unfair treatment, assumptions, incivility, or inaccurate evaluation. Additionally, lack of clear information from the institution about policies, directives, initiatives, or change can contribute to uncertainty and interpersonal conflict. Here are some examples of communication that create difficulties:

- Absence of collegiality in dealing with peers; aggressive and competitive stances; lack of collaboration or cooperation; and lack of accountability from the top-down to dissuade and prevent incivility, bullying, and abrasive behavior both in personal interactions and more public spaces (e.g., committee meetings).
- Passive communication can lead to a poor climate due to high levels of silence and passive aggression, as well as a higher-than-average fear and intolerance for disagreement and displays of emotion (forcing PoC in particular to confine

themselves). This concern often points to cultural differences, intolerance, and misunderstanding, and bystander (vs. upstander) behavior.

- The impact of these misunderstandings and misperceptions is that employees may feel ashamed and afraid to speak about their concerns or bring their concerns to those in positions of power – especially if it is a criticism of a supervisor or colleague in a superior position. When members are afraid to voice concerns, it creates a threat to a healthy climate and culture at any university, college or workplace generally.
- Conflict competency is needed across campus. While there are many who are naturally skilled in this area, there are more who are not. Dealing with conflict directly and with tact and civility is a critical skill for everyone on campus, and a requirement for those in leadership and supervision.

## Recommendations

A key role of the Office of the Ombuds is to serve as an information and communication resource, consultant, dispute resolution expert and catalyst for institutional change. The following recommendations are based on my experience in providing services to the NDSU community under our IOA-based charter.

### I. Increase learning and develop opportunities in the areas of:

#### a. Diversity and inclusion:

- 1) Create disincentives for genderism, favoritism, and policy violations and hold those behaviors to account; encourage hiring, promotion, and support through an equity/diversity lens and reward supervisors for ensuring equity and fairness, including listening to all (not just a chosen few). Ask: Who is speaking, who is not; who always sits together; who is listened to; who gets credit?
- 2) Follow the hiring policies in place through FORWARD that address diversity, inclusion and fair employment practices;
- 3) Create on-boarding that addresses the ex-patriot experience for new international faculty and graduate students, which help them and their families to feel welcomed and comfortable here;
- 4) Ensure voices of people of color and international, American Indian, and LGBTQ members are heard, and are part of the leadership and planning of diversity initiatives;
- 5) Continue efforts to address unconscious bias, and improve cultural humility and cross-cultural communication. Recognize the positive aspects of “ND/MN Nice” as well as the negative aspects (passive/aggression, emotional distancing, exclusion, insincerity, etc.);
- 6) Strengthen the understanding and complexity of the experience of all graduate students, in particular, international students, and ensure all offices, staff, faculty and administrators act with cultural competency.
- 7) Consider adding and strengthening policies and procedures that increase protections for graduate students who need to report behaviors committed by those in greater power (faculty, advisors, Chairs/Heads) and who have an impact on their future. Perhaps create graduate forums where they can speak about their experience, with anonymous options (e.g., the recent graduate student survey);
- 8) Strengthen accountability from the Administration in support of fair application of standards and procedures, and for actionable initiatives that support inclusion, equity and diversity.

### 2. Communicate Better:

Emphasize communication, conflict management, and other supervisory skills as required skills for new managers/chairs/heads. Utilize criteria that supports strong supervision skills in hiring people into supervisory positions. Provide mentors for new supervisors in these critical supervision and team-creating skills.

3. Ensure fairness in policies and processes for Faculty and Students.

At times, with the best of intentions, our processes do not operate fairly for all. Too many times, transparency and opportunities for voice are undermined in support of efficiency and ease.

\*Procedural justice requires

- a) fairness in the process;
- b) transparency in action;
- c) opportunities for voice; and
- d) impartiality in decision-making.

## Conclusion/Summary

The Office of the Ombuds is a necessary and unique service on campus due to the number of services offered since its inception, including confidential resource, conflict coaching, referrals, policy advice, mediation, group facilitation (e.g., strategic planning), and training. The need for the services of a confidential, neutral, independent, informal resolution resource is especially important in an ever-changing, diverse, and sometimes polarizing community. Having a safe place to talk about concerns, think through options, connect to other resources, find new solutions, and build community can help people to feel heard, understood, and even empowered to act in their own and the Institution's best interests.

Without the key principles that exist within the Office of the Ombuds, a person involved in a conflict, contemplating a grievance, experiencing harassment or discrimination, or concerned about an important issue might not choose to raise the concern in a timely or appropriate way. Consequently, a growing problem may linger until too late, creating cost to the University. The employee may believe the only option is to file a grievance, complaint, or take legal action; or may not raise a concern directly, but suffer "silently;" or possibly leave the institution.

The services of the Ombuds are accessed by many members of the NDSU community, from leadership to faculty, staff, and students. As a "resource of first resort" the Office is positioned to help visitors explore their options and address problems at the lowest, most informal level. Each year, visitors praise the existence of the office as a safe space to visit when they are struggling, and one that they refer colleagues to.

A goal and intention of the Ombuds' Office each year is to increase conflict competence across campus and provide a productive, effective way for people to focus on their research, teaching, learning, and working in community with one another. The office endeavors to promote an environment of fairness, equity, and respect. In so doing, the office might help the University to improve in both subtle and sweeping ways for the betterment of all who learn and work here.



## Appendices

NDSU Office of the Ombuds Charter

IOA Code of Ethics

IOA Standards of Practice

IOA Uniform Reporting Categories

### **Charter of the NDSU Office of Ombudsperson**

#### **I. INTRODUCTION**

The Office of the NDSU Ombudsperson was established through the office of the Vice President of Academic Affairs in 2013. The vision for the office is to serve Academic Affairs in the first year, and, if successful, may be expanded to serve staff and/or students as well. The position description states:

This is a newly-formed, full-time, benefitted position serving as an independent, impartial, and informal resource for NDSU faculty with a focus on early-stage, informal dispute resolution. The Ombudsperson is not an advocate for individuals or the university but rather a facilitator of fairness. The Ombudsperson shall 1) help establish and maintain the Ombuds office, 2) assist with the resolution of the conflicts and concerns, 3) serve as a resource of information and referral, 4) provide advice and guidance on policies and procedures, 5) conduct periodic faculty training and outreach, 6) prepare annual and other reports, 7) identify problem areas within the university, 8) recommend areas for improvement to university policies and procedures, 9) follow IOA standards and best practices, and 10) develop professional skills through IOA membership and training through IOA and other professional groups. The Ombudsperson will be evaluated by the Office of the Provost with input from the Faculty Affairs Committee under the direction of the Faculty Senate Executive Committee. The evaluation shall be comprised of self-assessment, client evaluation, using both quantitative and qualitative measures.

#### **II. PURPOSE AND SCOPE OF SERVICES**

The Office provides early-stage, informal dispute resolution services for NDSU faculty who have a concern. Members of the University community can seek guidance regarding disputes or concerns at no cost.

The Office receive informal complaints, concerns, or questions about alleged acts, omissions, improprieties, and/or broader systemic problems. The response of the Office is tailored to the dynamics of the situation and the visitor's concerns. The Ombuds listens, makes informal inquiries or otherwise reviews matters received, offers resolution options, makes referrals, and mediates disputes independently and impartially. Services of the Office supplement, but do not replace, other processes (formal or informal) available to the University community.

The Ombuds serves as an information and communication resource, consultant, conflict coach, mediator, dispute resolution expert, and source of recommendations for institutional change for the University. The Ombuds also provides workshops and training related to conflict resolution. The

Ombuds provides feedback to the University when trends, patterns, policies, or procedures of the University generate concerns or conflicts.

### **III. STANDARDS OF PRACTICE AND CODE OF ETHICS**

The Office practices under the International Ombuds Association (IOA) Standards of Practice and Code of Ethics, and this Charter adopts and incorporates by reference the IOA Standards of Practice, IOA Code of Ethics, and IOA Best Practices. The Office functions independently of other university offices and functions. Conversations with the Ombuds are confidential by agreement and the Ombuds works as an impartial neutral. The scope of services is limited to informal means of dispute resolution. The Ombuds is a member of IOA, and will attend IOA conferences and trainings as they are available. The IOA Standards, Code, and Best Practices are minimum standards, and the Office will also strive to operate to best practices in a way that serves the interests of the University community.

The Office will publicize the confidential, independent, neutral, and informal nature of its services and will explain these ethical standards to each visitor.

#### **A. Independence**

The Office is and must appear to be free from interference in the performance of its duties. This independence is effected primarily through organizational recognition, reporting structure, and neutrality. The Ombuds will exercise sole discretion over whether and how to act regarding individual matters or systemic concerns. Evaluation of the office will be conducted by the Office of the Provost with input from the Faculty Affairs Committee under the direction of the Faculty Senate Executive Committee.

To fulfill its functions, the Office has a specific allocated budget, adequate space, and sufficient resources to meet operating needs and pursue continuing professional development. The Ombuds has the authority to manage the budget and operations of the Office and reports to the Office of the Provost regarding administrative and budgetary matters.

#### **B. Confidentiality**

The Office endeavors to keep all visits confidential, and will not disclose any confidential information unless required by law, nor without the party' express permission and, even with that permission, any communication will be at the sole discretion of the Office. Confidentiality will be respected even if disclosure may prevent resolution of a problem.

The Office may, however, disclose confidential information if and when there is an imminent risk of physical harm, a violation of Title IX, or when North Dakota's Open Records Laws require disclosure.

The Office offers mediation services and follows ND State law and policy governing the confidentiality of the mediation process. Mediated agreements or other documents otherwise discoverable are not considered confidential whether or not they were created as part of the mediation process. The Office will not keep record of the identity of visitors. The Office is not part of any formal investigation or process inside or outside the University. Visitors shall be put on notice that the use of email is a public activity and any email or other formal correspondence sent to the Ombuds may not be considered confidential.

### **C. Neutrality**

The Office is neutral in its activities, and will not take sides in any conflict, dispute, or issue. The Ombuds will impartially consider the interests and concerns of all parties involved in a situation with the aim of facilitating communication and assisting the parties in reaching mutually acceptable agreements that are fair, equitable, and consistent with the mission and policies of the University.

The Office will avoid involvement in matters where there may be a conflict of interest. (A conflict of interest occurs when the Ombuds's private interests, real or perceived, supersede or compete with their dedication to the neutral and independent role of the Office.) When a conflict of interest exists, the Ombuds will take all steps necessary to disclose and/or avoid the conflict.

### **D. Informality**

The Office is a resource for *informal* dispute resolution. The Office does not formally investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. Use of the Office is voluntary and not a required step in any grievance process or University policy, with the exception of mediation services which may be required by University policy.

## **IV. AUTHORITY AND LIMITS OF THE OFFICE OF THE OMBUDS**

The authority of the Office derives from the University administration as manifest by the endorsement of the NDSU Provost.

### **A. Authority of the Office**

#### **1. Initiating Informal Inquiries**

The Office may inquire informally about any issue concerning the University that come to its attention after having received a specific complaint from an affected member of the University community. The purpose of such inquiry is in the spirit of resolving disputes, gathering relevant information, providing guidance to the visitor, and/or making recommendations to the University.

#### **2. Access to Information**

The Office may request access to information related to visitors' concerns from files and offices of the University. Campus individuals who are contacted by the Office with requests for information are expected to cooperate and, as much as possible, to provide appropriate information as requested. The Office will not request a department or individual to breach confidentiality. University departments are expected to respond with reasonable promptness to requests made by the Office.

#### **3. Ending Involvement in Matters**

The Office may discontinue providing service and disassociate from a matter at any time.

#### **4. Discussions with Visitors and Others**

The Office has the authority to discuss a range of options available to its visitors, including both informal and formal processes. The Office may make any recommendations it deems appropriate with regard to resolving problems or improving policies, rules, or procedures. However, the Office

has no actual authority to impose remedies or sanctions or to enforce or change any policy, rule, or procedure.

## **B. Limitations on the Authority of the Office**

### **1. Receiving Notice for the University**

Communication that alleges violations of laws, regulations, or policies, such as sexual harassment, issues covered by whistleblower policy, or incidents are subject to reporting under the Clery Act. Although the Office may receive such allegations, it is not a "campus security authority" as defined in the Clery Act. If a visitor discloses such allegations and expresses a desire to make a formal report, the Office will refer the visitor to the appropriate office(s) for administrative or formal grievance processes. Acts of violence, child abuse, sexual assault, harassment, discrimination, or misconduct, and other matters addressed in Title IX, must be reported as required by University Policy and State and Federal Law.

\*In 2016, there was a declaration supported by the The U.S. Department of Education ("DOE") Office for Civil Rights ("OCR") that nothing in Title IX or the Clery Act requires that an institution consider its Ombuds to be a "responsible employee" or "campus security authority." "Responsible employee" and "campus security authority" status is inconsistent with the Ombuds' foundational tenets of independence, neutrality and impartiality, confidentiality, and informality, and undermine the Ombuds' effectiveness. The weight of authority supports the proposition that Ombuds are not offices of notice, particularly where the Ombuds and the Ombuds' institution make clear that communications with the Ombuds do not constitute notice to the institution.

### **2. Formal Processes and Investigations**

The Office will not conduct formal investigations on behalf of the University or anyone else. It will not participate willingly in the substance of any formal dispute processes, outside agency complaints or lawsuits, either on behalf of a visitor to the Office or on behalf of the University, unless required by law.

### **3. Record Keeping**

The Office will not create or maintain documents or records for the University about a visitor's name or other identifying information. Notes and any other materials related to a matter will be maintained in a secure location and manner, and will be destroyed as soon as possible and in accordance with applicable records retention policies.

### **4. Advocacy for Parties**

The Office will not act as an advocate for any party in a dispute, nor will it represent administration, employees, or visitors to the office.

### **5. Adjudication of Issues**

The Office does not have authority to adjudicate, impose remedies or sanctions, or to enforce or change University policies or rules.

## V. SUPPORT FOR USING THE OFFICE OF THE OMBUDSS

The University and its agents will not retaliate against individuals for the sole reason of consulting with the Office. The University community respects the mission of the Office, its ethics and responsibilities, and encourages the use of the services provided.

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### *Code of Ethics of the IOA*

#### *PREAMBLE*

The IOA is dedicated to excellence in the practice of Ombudsman work. The IOA Code of Ethics provides a common set of professional ethical principles to which members adhere in their organizational Ombudsman practice.

Based on the traditions and values of Ombudsman practice, the Code of Ethics reflects a commitment to promote ethical conduct in the performance of the Ombudsman role and to maintain the integrity of the Ombudsman profession.

The Ombudsman shall be truthful and act with integrity, shall foster respect for all members of the organization he or she serves, and shall promote procedural fairness in the content and administration of those organizations' practices, processes, and policies.

#### *ETHICAL PRINCIPLES*

##### *Independence*

The Ombudsman is independent in structure, function, and appearance to the highest degree possible within the organization.

##### *Neutrality and Impartiality*

The Ombudsman, as a designated neutral, remains unaligned and impartial. The Ombudsman does not engage in any situation which could create a conflict of interest.

##### *Confidentiality*

The Ombudsman holds all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm.

##### *Informality*

The Ombudsman, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.

# IOA STANDARDS OF PRACTICE

## PREAMBLE

The IOA Standards of Practice are based upon and derived from the ethical principles stated in the IOA Code of Ethics.

Each Ombudsman office should have an organizational Charter or Terms of Reference, approved by senior management, articulating the principles of the Ombudsman function in that organization and their consistency with the IOA Standards of Practice.

## STANDARDS OF PRACTICE

### INDEPENDENCE

**1.1** The Ombudsman Office and the Ombudsman are independent from other organizational entities.

**1.2** The Ombudsman holds no other position within the organization which might compromise independence.

**1.3** The Ombudsman exercises sole discretion over whether or how to act regarding an individual's concern, a trend or concerns of multiple individuals over time. The Ombudsman may also initiate action on a concern identified through the Ombudsman's direct observation.

**1.4** The Ombudsman has access to all information and all individuals in the organization, as permitted by law.

**1.5** The Ombudsman has authority to select Ombudsman Office staff and manage Ombudsman Office budget and operations.

### NEUTRALITY AND IMPARTIALITY

**2.1** The Ombudsman is neutral, impartial, and unaligned.

**2.2** The Ombudsman strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The Ombudsman advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the organization.

**2.3** The Ombudsman is a designated neutral reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures.

The Ombudsman should not report to nor be structurally affiliated with any compliance function of the organization.

**2.4** The Ombudsman serves in no additional role within the organization which would compromise the Ombudsman's neutrality. The Ombudsman should not be aligned

with any formal or informal associations within the organization in a way that might create actual or perceived conflicts of interest for the Ombudsman. The Ombudsman should have no personal interest or stake in, and incur no gain or loss from, the outcome of an issue.

**2.5** The Ombudsman has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration.

**2.6** The Ombudsman helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best options.

### CONFIDENTIALITY

**3.1** The Ombudsman holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, including the following:

The Ombudsman does not reveal, and must not be required to reveal, the identity of any individual contacting the Ombudsman Office, nor does the Ombudsman reveal information provided in confidence that could lead to the identification of any individual contacting the Ombudsman Office, without that individual's express permission, given in the course of informal discussions with the Ombudsman; the Ombudsman takes specific action related to an individual's issue only with the individual's express permission and only to the extent permitted, and even then at the sole discretion of the Ombudsman, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombudsman Office. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm, and where there is no other reasonable option. Whether this risk exists is a determination to be made by the Ombudsman.

**3.2** Communications between the Ombudsman and others (made while the Ombudsman is serving in that capacity) are considered privileged. The privilege belongs to the Ombudsman and the Ombudsman Office, rather than to any party to an issue. Others cannot waive this privilege.

**3.3** The Ombudsman does not testify in any formal process inside the organization and resists testifying in any formal process outside of the organization regarding a visitor's contact with the Ombudsman or confidential information communicated to the Ombudsman, even if given permission or requested to do so. The Ombudsman may, however, provide general, non-confidential information about the Ombudsman Office or the Ombudsman profession.

**3.4** If the Ombudsman pursues an issue systemically (e.g., provides feedback on trends, issues, policies and practices) the Ombudsman does so in a way that safeguards the identity of individuals.

**3.5** The Ombudsman keeps no records containing identifying information on behalf of the organization.

**3.6** The Ombudsman maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including management), and has a consistent and standard practice for the destruction of such information.

**3.7** The Ombudsman prepares any data and/or reports in a manner that protects confidentiality.

**3.8** Communications made to the Ombudsman are not notice to the organization. The Ombudsman neither acts as agent for, nor accepts notice on behalf of, the organization and shall not serve in a position or role that is designated by the organization as a place to receive notice on behalf of the organization. However, the Ombudsman may refer individuals to the appropriate place where formal notice can be made.

## **INFORMALITY AND OTHER STANDARDS**

**4.1** The Ombudsman functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and – with permission and at Ombudsman discretion – engaging in informal third-party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves.

**4.2** The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.

**4.3** The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the organization.

- 4.4** The Ombudsman supplements, but does not replace, any formal channels. Use of the Ombudsman Office is voluntary, and is not a required step in any grievance process or organizational policy.
- 4.5** The Ombudsman does not participate in any formal investigative or adjudicative procedures. Formal investigations should be conducted by others. When a formal investigation is requested, the Ombudsman refers individuals to the appropriate offices or individual.
- 4.6** The Ombudsman identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.
- 4.7** The Ombudsman acts in accordance with the IOA Code of Ethics and Standards of Practice, keeps professionally current by pursuing continuing education, and provides opportunities for staff to pursue professional training.
- 4.8** The Ombudsman endeavors to be worthy of the trust placed in the Ombudsman Office.
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### 1. Compensation & Benefits

Questions, concerns, issues or inquiries about the equity, appropriateness and competitiveness of employee compensation, benefits and other benefit programs.

- 1.a Compensation (rate of pay, salary amount, job salary classification/level)
- 1.b Payroll (administration of pay, check wrong or delayed)
- 1.c Benefits (decisions related to medical, dental, life, vacation/sick leave, education, worker's compensation insurance, etc.)
- 1.d Retirement, Pension (eligibility, calculation of amount, retirement pension benefits)
- 1.e Other (any other employee compensation or benefit not described by the above sub-categories)

### 2. Evaluative Relationships

Questions, concerns, issues or inquiries arising between people in evaluative relationships (i.e. supervisor-employee, faculty-student.)

- 2.a Priorities, Values, Beliefs (differences about what should be considered important – or most important – often rooted in ethical or moral beliefs)
- 2.b Respect/Treatment (demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.)
- 2.c Trust/Integrity (suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)
- 2.d Reputation (possible impact of rumors and/or gossip about professional or personal matters)
- 2.e Communication (quality and/or quantity of communication)
- 2.f Bullying, Mobbing (abusive, threatening, and/or coercive behaviors)
- 2.g Diversity-Related (comments or behaviors perceived to be insensitive, offensive, or intolerant on the basis of an identity-related difference such as race, gender, nationality, sexual orientation)
- 2.h Retaliation (punitive behaviors for previous actions or comments, whistleblower)
- 2.i Physical Violence (actual or threats of bodily harm to another)
- 2.j Assignments/Schedules (appropriateness or fairness of tasks, expected volume of work)
- 2.k Feedback (feedback or recognition given, or responses to feedback received)
- 2.l Consultation (requests for help in dealing with issues between two or more individuals they supervise/teach or with other unusual situations in evaluative relationships)

### 2.m Performance Appraisal/Grading

(job/academic performance in formal or informal evaluation)

- 2.n Departmental Climate (prevailing behaviors, norms, or attitudes within a department for which supervisors or faculty have responsibility.)
- 2.o Supervisory Effectiveness (management of department or classroom, failure to address issues)
- 2.p Insubordination (refusal to do what is asked)
- 2.q Discipline (appropriateness, timeliness, requirements, alternatives, or options for responding)
- 2.r Equity of Treatment (favoritism, one or more individuals receive preferential treatment)
- 2.s Other (any other evaluative relationship not described by the above sub-categories)

### 3. Peer and Colleague Relationships

Questions, concerns, issues or inquiries involving peers or colleagues who do not have a supervisory-employee or student-professor relationship (e.g., two staff members within the same department or conflict involving members of a student organization.)

- 3.a Priorities, Values, Beliefs (differences about what should be considered important – or most important – often rooted in ethical or moral beliefs)
- 3.b Respect/Treatment (demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.)
- 3.c Trust/Integrity (suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)
- 3.d Reputation (possible impact of rumors and/or gossip about professional or personal matters)
- 3.e Communication (quality and/or quantity of communication)
- 3.f Bullying, Mobbing (abusive, threatening, and/or coercive behaviors)
- 3.g Diversity-Related (comments or behaviors perceived to be insensitive, offensive, or intolerant on the basis of an identity-related difference such as race, gender, nationality, sexual orientation)
- 3.h Retaliation (punitive behaviors for previous actions or comments, whistleblower)
- 3.i Physical Violence (actual or threats of bodily harm to another)
- 3.j Other (any peer or colleague relationship not described by the above sub-categories)

### 4. Career Progression and Development

Questions, concerns, issues or inquiries about administrative processes and decisions regarding entering and leaving a job, what it entails, (i.e., recruitment, nature and place of assignment, job security, and separation.)

- 4.a Job Application/Selection and Recruitment Processes (recruitment and selection processes, facilitation of job applications, short-listing and criteria for selection, disputed decisions linked to recruitment and selection)
- 4.b Job Classification and Description (changes or disagreements over requirements of assignment, appropriate tasks)
- 4.c Involuntary Transfer/Change of Assignment (notice, selection and special dislocation rights/benefits, removal from prior duties, unrequested change of work tasks)
- 4.d Tenure/Position Security/Ambiguity (security of position or contract, provision of secure contractual categories)
- 4.e Career Progression (promotion, reappointment, or tenure)
- 4.f Rotation and Duration of Assignment (non-completion or over-extension of assignments in specific settings/countries, lack of access or involuntary transfer to specific roles/assignments, requests for transfer to other places/duties/roles)
- 4.g Resignation (concerns about whether or how to voluntarily terminate employment or how such a decision might be communicated appropriately)
- 4.h Termination/Non-Renewal (end of contract, non-renewal of contract, disputed permanent separation from organization)
- 4.i Re-employment of Former or Retired Staff (loss of competitive advantages associated with re-hiring retired staff, favoritism)
- 4.j Position Elimination (elimination or abolition of an individual's position)
- 4.k Career Development, Coaching, Mentoring (classroom, on-the-job, and varied assignments as training and developmental opportunities)
- 4.l Other (any other issues linked to recruitment, assignment, job security or separation not described by the above sub-categories)

## 5. Legal, Regulatory, Financial and Compliance

Questions, concerns, issues or inquiries that may create a legal risk (financial, sanction etc.) for the organization or its members if not addressed, including issues related to waste, fraud or abuse.

- 5.a **Criminal Activity** (threats or crimes planned, observed, or experienced, fraud)
- 5.b **Business and Financial Practices** (inappropriate actions that abuse or waste organizational finances, facilities or equipment)
- 5.c **Harassment** (unwelcome physical, verbal, written, e-mail, audio, video psychological or sexual conduct that creates a hostile or intimidating environment)
- 5.d **Discrimination** (different treatment compared with others or exclusion from some benefit on the basis of, for example, gender, race, age, national origin, religion, etc. [being part of an Equal Employment Opportunity protected category – applies in the U.S.] )
- 5.e **Disability, Temporary or Permanent, Reasonable Accommodation** (extra time on exams, provision of assistive technology, interpreters, or Braille materials including questions on policies, etc. for people with disabilities)
- 5.f **Accessibility** (removal of physical barriers, providing ramps, elevators, etc.)
- 5.g **Intellectual Property Rights** (e.g., copyright and patent infringement)
- 5.h **Privacy and Security of Information** (release or access to individual or organizational private or confidential information)
- 5.i **Property Damage** (personal property damage, liabilities)
- 5.j **Other** (any other legal, financial and compliance issue not described by the above sub-categories)

## 6. Safety, Health, and Physical Environment

Questions, concerns, issues or inquiries about Safety, Health and Infrastructure-related issues.

- 6.a **Safety** (physical safety, injury, medical evacuation, meeting federal and state requirements for training and equipment)
- 6.b **Physical Working/Living Conditions** (temperature, odors, noise, available space, lighting, etc.)
- 6.c **Ergonomics** (proper set-up of workstation affecting physical functioning)
- 6.d **Cleanliness** (sanitary conditions and facilities to prevent the spread of disease)
- 6.e **Security** (adequate lighting in parking lots, metal detectors, guards, limited access to building by outsiders, anti-terrorists measures (not for classifying "compromise of classified or top secret" information))

- 6.f **Telework/Flexplace** (ability to work from home or other location because of business or personal need, e.g., in case of man-made or natural emergency)
- 6.g **Safety Equipment** (access to/use of safety equipment as well as access to or use of safety equipment, e.g., fire extinguisher)
- 6.h **Environmental Policies** (policies not being followed, being unfair/ineffective, cumbersome)
- 6.i **Work Related Stress and Work-Life Balance** (Post-Traumatic Stress, Critical Incident Response, internal/external stress, e.g. divorce, shooting, caring for sick, injured)
- 6.j **Other** (any safety, health, or physical environment issue not described by the above sub-categories)

## 7. Services/Administrative Issues

Questions, concerns, issues or inquiries about services or administrative offices including from external parties.

- 7.a **Quality of Services** (how well services were provided, accuracy or thoroughness of information, competence, etc.)
- 7.b **Responsiveness/Timeliness** (time involved in getting a response or return call or about the time for a complete response to be provided)
- 7.c **Administrative Decisions and Interpretation/Application of Rules** (impact of non-disciplinary decisions, decisions about requests for administrative and academic services, e.g., exceptions to policy deadlines or limits, refund requests, appeals of library or parking fines, application for financial aid, etc.)
- 7.d **Behavior of Service Provider(s)** (how an administrator or staff member spoke to or dealt with a constituent, customer, or client, e.g., rude, inattentive, or impatient)
- 7.e **Other** (any services or administrative issue not described by the above sub-categories)

## 8. Organizational, Strategic, and Mission Related

Questions, concerns, issues or inquiries that relate to the whole or some part of an organization.

- 8.a **Strategic and Mission-Related/ Strategic and Technical Management** (principles, decisions and actions related to where and how the organization is moving)
- 8.b **Leadership and Management** (quality/capacity of management and/or management/leadership decisions, suggested training, reassignments and reorganizations)

- 8.c **Use of Positional Power/Authority** (lack or abuse of power provided by individual's position)
- 8.d **Communication** (content, style, timing, effects and amount of organizational and leader's communication, quality of communication about strategic issues)
- 8.e **Restructuring and Relocation** (issues related to broad scope planned or actual restructuring and/or relocation affecting the whole or major divisions of an organization, e.g. downsizing, off shoring, outsourcing)
- 8.f **Organizational Climate** (issues related to organizational morale and/or capacity for functioning)
- 8.g **Change Management** (making, responding or adapting to organizational changes, quality of leadership in facilitating organizational change)
- 8.h **Priority Setting and/or Funding** (disputes about setting organizational/departmental priorities and/or allocation of funding within programs)
- 8.i **Data, Methodology, Interpretation of Results** (scientific disputes about the conduct, outcomes and interpretation of studies and resulting data for policy)
- 8.j **Interdepartment/Interorganization Work/Territory** (disputes about which department/organization should be doing what/taking the lead)
- 8.k **Other** (any organizational issue not described by the above sub-categories)

## 9. Values, Ethics, and Standards

Questions, concerns, issues or inquiries about the fairness of organizational values, ethics, and/or standards, the application of related policies and/or procedures, or the need for creation or revision of policies, and/or standards.

- 9.a **Standards of Conduct** (fairness, applicability or lack of behavioral guidelines and/or Codes of Conduct, e.g., Academic Honesty, plagiarism, Code of Conduct, conflict of interest)
- 9.b **Values and Culture** (questions, concerns or issues about the values or culture of the organization)
- 9.c **Scientific Conduct/Integrity** (scientific or research misconduct or misdemeanors, e.g., authorship; falsification of results)
- 9.d **Policies and Procedures NOT Covered in Broad Categories 1 thru 8** (fairness or lack of policy or the application of the policy, policy not followed, or needs revision, e.g., appropriate dress, use of internet or cell phones)
- 9.e **Other** (Other policy, procedure, ethics or standards issues not described in the above sub-categories)