



Annual Report 1997-1998

INTRODUCTION

Following several years of staffing transitions, the Staff Ombuds Office has benefited from the stable staffing of the past year. When staffing was in flux, counseling on individual conflict situations occupied most of our efforts. Now that we are fully staffed (with Ella Wheaton as Director, Margo Wesley as Associate Ombuds, and Michele Bernal as Assistant Ombuds), we have been able to devote more effort to developing programs that will have long-term effects in preventing conflict from developing.

The groundwork was laid last year with the development of the four-year report (*Staff Ombuds Report 1993-1997*). This long-term retrospective served to highlight the directions in which we must move in order to serve the future needs of the campus community. Since the Report was more comprehensive than a typical one-year report, we will excerpt pertinent portions of it here rather than reiterating all the background information contained in it. (The complete report may be viewed at this site: <http://stfombuds.berkeley.edu/93-97AR.html/stfomb.report.1998.html>.)

MISSION

The Staff Ombuds Mission, which is consistent with the Principles and Values incorporated in Berkeley's Administrative Vision, continues to guide all our efforts:

The Staff Ombuds Office advocates for fairness, equity, justice, and humane treatment in the workplace. From these principles, the Staff Ombuds Office offers a confidential, impartial, objective, informal alternative for resolution of work-related concerns for staff, student employees, and managers of staff.

In fulfilling this mission, our focus ranges from extreme close up (one-on-one coaching of individuals with unique problems) to the widest range (working with campus groups and the highest levels of management on programs and problems of broad effect). This 'zoom lens' gives us a comprehensive view of the campus that enables us to serve as an early warning system on systemic problems related to staff, and to provide feedback on trends and practices.

ABOUT OMBUDSING

Ombudsing is a growing profession because it is increasingly recognized as a highly effective means of reducing conflict and thereby creating an effective workplace climate. In carrying out our responsibilities, we subscribe to the standards of practice and code of ethics of the University and College Ombuds Association and The Ombudsman Association. The essential elements of ombudsing are *independence, impartiality, confidentiality, informality, and concern for justice and fairness*. These form the foundation of our effectiveness, so we zealously guard against encroachments in any of these areas. Examples:

Impartiality enables us to advocate for justice and fairness, but mandates that we not be personal advocates on behalf of individuals. We do not represent either employees or management, but seek to bring about fairness for everyone.

Independence means that we are not in the management line. Our strength comes through facilitation and influence, not through mandating action. Although we serve on a variety of committees seeking to improve the quality of campus life, we do not take on any additional roles that would compromise our impartiality or independence.

Informality means that our focus is on offering a wide array of options for informal resolution. Although we inform people about their rights and how to gain access to various formal processes, we do not participate in any formal proceedings, whether internal or external (with the exception of formal mediation, which is explained below). Consistent with this, communications with the Staff Ombuds Office do not constitute notice to the University, and do not require the University to take action.

To safeguard *confidentiality*, we do not act as an office of record for any kind of complaint. We do not keep records on individuals (working notes are shredded as soon as possible), nor do we reveal that anyone has used our services without their explicit permission. The ultimate decision on confidentiality belongs to our office, not to the users of our services. For example, while we will not participate in any way in formal proceedings, we can breach confidentiality if, in our sole judgment, a person represents a threat of immediate physical harm to her/himself or another person.

HOW WE WORK TOWARD OUR GOALS

We use a variety of methods to meet our goals:

Individual Counseling and Coaching. Last year we saw 328 employees on an individual basis--an increase of 14% over fiscal year '96-97 (and 11% over the '93-97 average). Of these, 226 (or 69%) were seen once, and the rest were seen twice or more. We have been moving in the direction of providing an array of options and extensive coaching in the initial session, so that follow-up sessions are less necessary. In these sessions, employees have a chance to "tell their story"--often for the first time in any depth. We then help them to explore the roots of the problem; inform them of options, rights, responsibilities, and internal and external resources available to them; explore what steps might be taken to improve the situation; and help them weigh alternatives. We also do a great deal of coaching on effective listening and speaking skills.

Referrals. Of the 328 employees we saw last year on an individual basis, 206 of them (or 63%) were also referred to other resources for additional assistance. Most of these referrals (60, or 29% of those referred) were to departmental management, in keeping with our goal of helping people resolve problems as informally as possible. Before referring anyone to department management, we try to provide them with the tools they need to engage in effective dialogue, and with an understanding of the issues and individuals they need to address. We also have productive working relationships with other offices that can assist employees, including CARE Services (our employee assistance program), Human Resources, Workers' Compensation/Vocational Rehabilitation, the Sexual Harassment (Title IX) office, and others.

The previous year ('96-'97) most referrals were (in descending order) to Human Resources, departmental management, and CARE Services, with referrals to other units remaining low and steady. This past year, the order has changed: most referrals are to departmental management, second most are still to CARE Services, and third to Human Resources. (This reduction in referrals to Human Resources (from 30% to 20% of people referred) may be reflective of transitions in Human Resources and/or the addition of a personnel policy and grievance expert to the Staff Ombuds Office staff.)

Investigating and Facilitating Although we do not conduct formal investigations, we do a great deal of exploration behind the scene in order to assess a situation and to develop options for

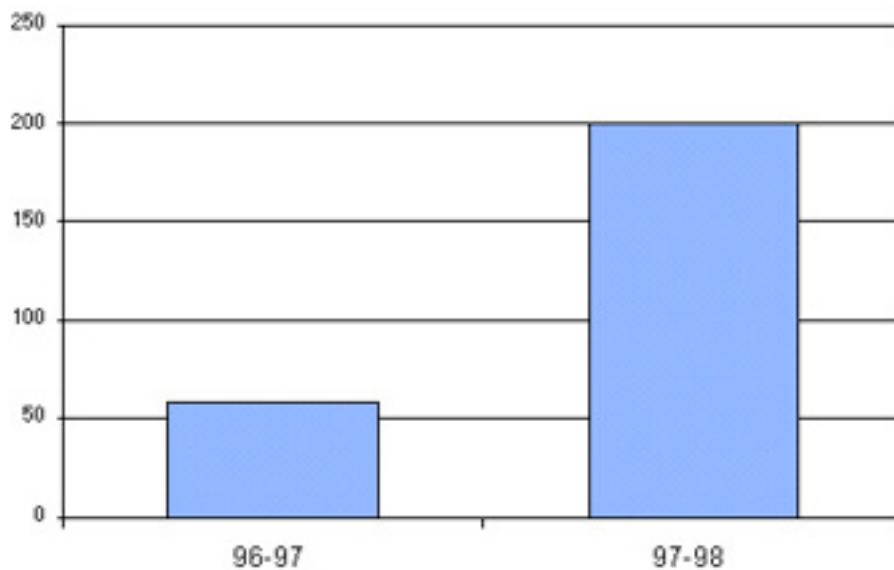
resolution. (We have access to any necessary records or individuals on campus for this purpose.) We try to bring people together who are having difficulty communicating, and create an atmosphere and a process through which they can seek to hear, be heard, and work out a satisfactory solution. Most often we do this by counseling and coaching the other affected parties in private (often entailing numerous phone conversations as well as some face-to-face counseling), but sometimes (18 times in the past year, as opposed to 23 the previous year) we bring two or more people together for an informal facilitated conversation.

Mediation. Mediation is the process by which an independent third party (the mediator) assists two disputants to reach an agreement. Mediation is becoming a very popular tool worldwide, because it can be very effective in preventing problems from escalating into formal grievances or lawsuits. The Director and the Associate Ombuds are both trained mediators. Last year we conducted 19 formal mediations (compared to 16 the previous year--an increase of 19%).

Mediation is the only formal dispute resolution process in which the Staff Ombuds Office participates. While formal mediation is a very effective means for resolving certain kinds of conflict, it is not a panacea. (It does not work well, for example, when there is an extreme imbalance in power, or when one party is not motivated to reach agreement.) Many conflicts are addressed more effectively through less formal means, such as informal mediation, facilitation, and coaching. We believe that one of the greatest contributions we can make in this area is through training supervisors to mediate conflicts among their staff members informally.

Training. We believe that increased training (both unit-specific and campus-wide) holds the greatest promise for preventing and reducing conflict over the long term. Last year we increased our class offerings from 5 to 10, and were thus able to train 200 campus supervisors and employees (more than triple the number--58--we reached last year). These classes taught skills such as effective listening and speaking, dealing with anger, addressing cultural differences, making a fresh start, dealing with particularly difficult behavior, and informal mediation.

Course Participants



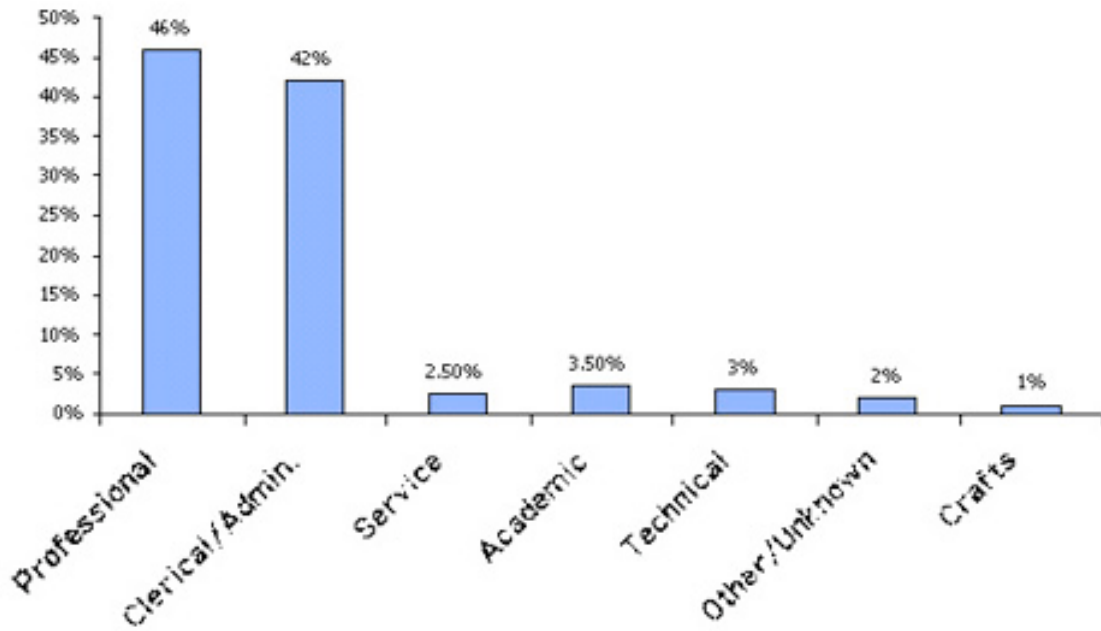
We also participated in training sessions sponsored by other units (such as presenting the conflict assessment session in Human Resources' Performance Evaluation series). And we increased tools for self-training, by increasing our book and video holdings, and by developing and distributing a brochure on Flexible Work Arrangements--the first in the University of California system.



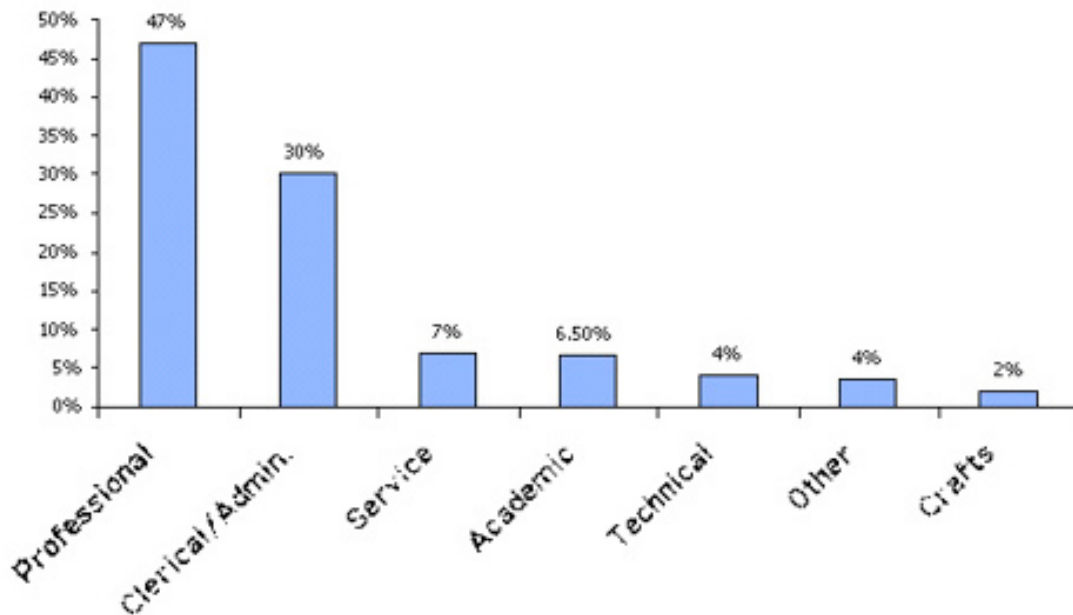
WHO USES OUR SERVICES?

We see staff at all levels, as well as executives, managers, and supervisors. We also see faculty regarding interactions with staff, as well as non-Senate academics. Nearly half of our visitors (47%) are professionals (including managers, administrators, and executives). There has been a decrease in the percent of clerical/administrative visitors, and there have been increases in use of our services by academics and by service employees.

Job Groups 96-97



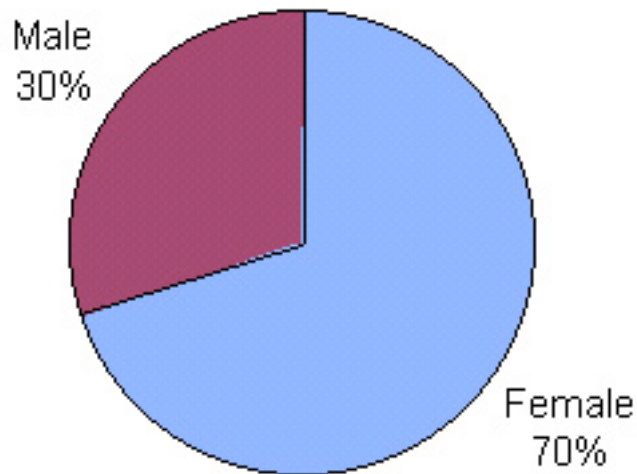
Job Groups 97-98



In the past year, the profile of the users of our services has changed in ways that make it more reflective of the campus workforce profile, in terms of both gender and ethnicity.

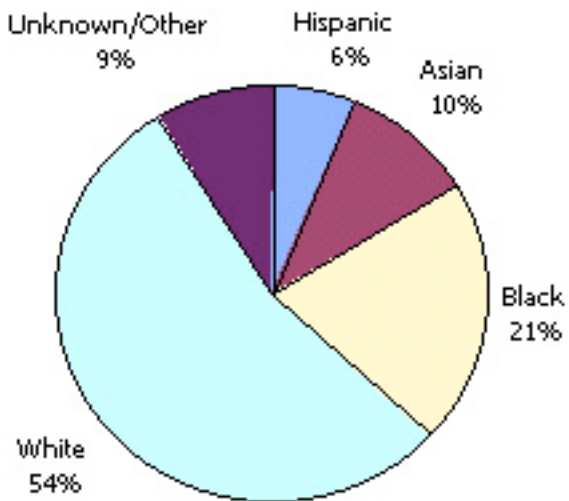
Gender. 70% of our visitors last year were female and 30% were male, whereas in the previous year 78% of our visitors had been female and 22%, male. This moves us closer to the campus workforce ratio of 60% female/40%male.

Gender Distribution 97-98

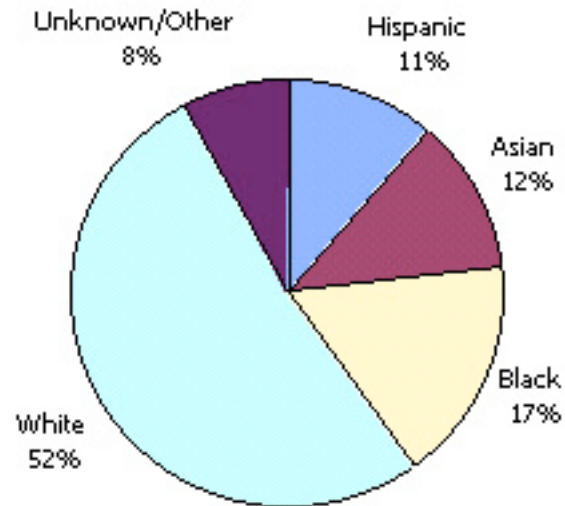


Ethnicity. There has been a 79% increase in the number of Hispanics using our services. 11% of our visitors in the past year have been Hispanic, compared to 6% in the previous year. This brings the usage in line with the proportion within the campus population (10%). There has been a 13% increase in Asian visitors. They now represent 12% of our total visitors, up from 10% in the past, and are those moving closer to the percent of this population in the campus workforce (17%). Slightly fewer Black staff used our services than in the previous year (from 64 down to 59 in numbers; from 21% down to 17% in terms of percent of total visitors). This brings the user ratio closer to the campus workforce profile figure (15%). The use of our services by White staff has remained fairly constant (a slight increase in raw numbers, and a slight decrease in percent of total visitors), and is slightly below their proportion in the campus workforce (52% of our visitors versus 57% of the campus workforce).

Ethnic Distribution 96-97



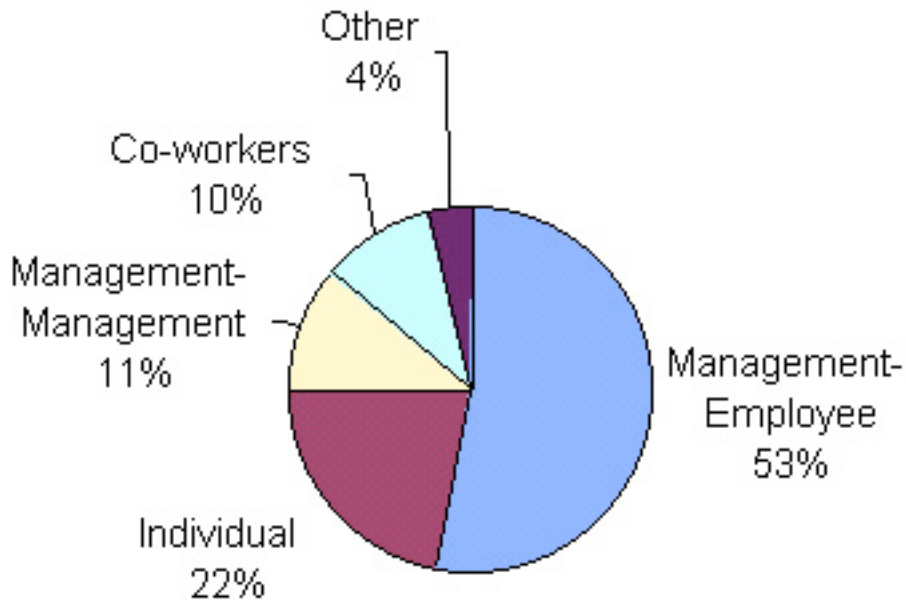
Ethnic Distribution 97-98



WHAT CONCERNS DO PEOPLE BRING?

Most problems (53%) concern relationships between employees and their supervisors/managers. These concerns may be brought to the Staff Ombuds Office by either the employee or the supervisor/manager.

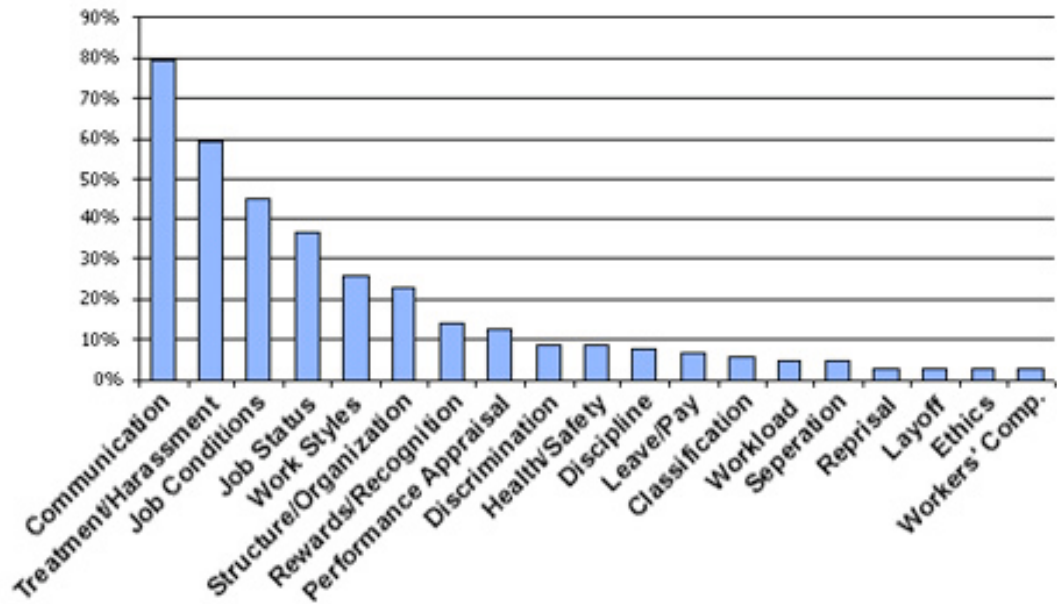
Profile of Parties



Four types of concerns dominate the range of problems people bring to the Staff Ombuds Office: *Communication* (79% of the new client contacts); *Treatment/Harassment* (59%), *Job Conditions* (45%), and *Job Status* (37%). (Numbers total more than 100% because most people bring more than one issue.)

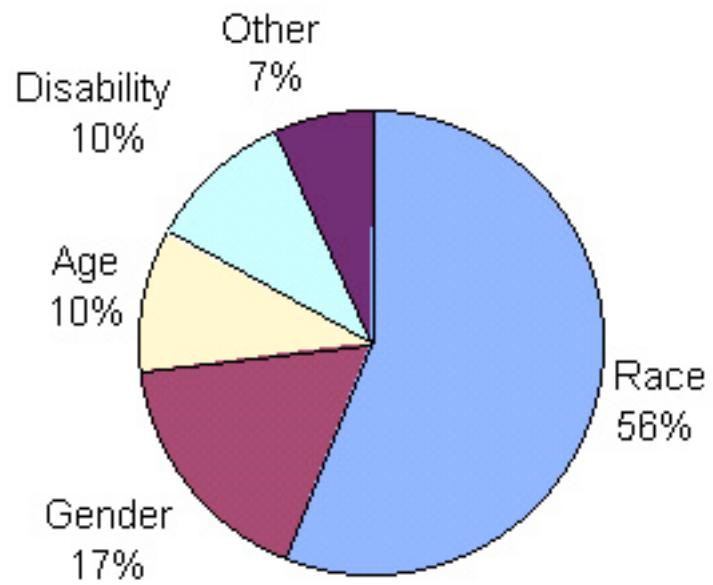
Other types of concerns are brought far less frequently than these four. They are: *Work Styles* (26%), *Structure/Organization* (23%), *Rewards/Recognition* (14%), *Performance Appraisal* (13%), *Discrimination and Health/Safety* (each 9%), *Discipline* (8%), *Leave/Pay* (7%), *Classification* (6%), *Workload and Separation* (each 5%), *Reprisal, Layoff, Ethics, and Workers' Compensation* (each 3%). There were no major shifts in rankings of concerns compared to previous years.

Concerns

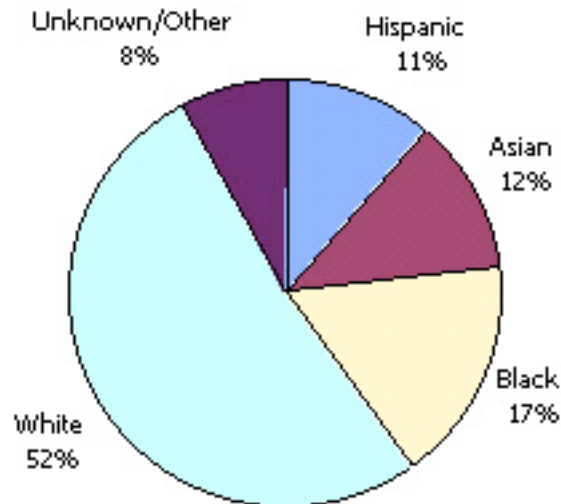


Discrimination. There were fewer allegations of discrimination than in the previous year (down from 41 to 31 clients), but the ratio of concerns about discrimination to all other concerns remained about the same (9% of new client contacts, 5% of primary issues). Also remaining stable was the profile of the forms which discrimination allegedly took: as in previous years, more than half involved concerns about race/ethnicity, while allegations of other forms of discrimination (gender, age, disability, etc.) remained much lower (all well under 20% of the total discrimination allegations).

Discrimination Allegations 96-97



Ethnic Distribution 97-98



LOOKING BACK: ACCOMPLISHMENTS

Most of our accomplishments are described above, under "How We Work Toward Our Goals." As noted, we are seeing an increasing number of academic employees: faculty who have issues with staff they supervise, and non-Senate academics who bring their own individual concerns. We have been working with the Academic Senate to develop ways in which we can be of greater service to them in them in problem resolution. For example, we have acquired a degree of expertise in intellectual property matters.

The four-year retrospective report we produced last year enabled us to do comprehensive planning for future needs, and to commence some new initiatives during the past year. For example, we developed and presented (with CARE Services) a new program, "Making a Fresh Start," which is designed to help employees who find themselves in entrenched situations that are not working well for them and/or for their department.

We published the Flexible Work Arrangements booklet, which has been of considerable interest both at Berkeley and at the systemwide level.

We continue to present tailor-made classes to departments and special-interest groups upon request, following a needs assessment. Most of these revolve around transforming conflict or communications skills. Our "Dealing with Difficult Situations and Behavior" classes (co-sponsored with CARE Services) remain popular, as do our "Managing and Mediating Conflict" classes for supervisors.

We were given additional space, which enabled us to expand our library holdings (books and tapes). The library is a popular reference resource for managers and employees, and encourages self-help.

Many of our efforts are collaborative: courses with CARE Services, a component of the performance management series with Human Resources, and participation on several campus committees (including the Chancellor's Advisory Committee on Dependent Care, the HIV/AIDS Committee, the Behavior Risk Assessment Team, the Disability Management Committee, and others).

We are also active in organizations that are shaping the profession. Our Director is President of the University and College Ombuds Association (UCOA), is a board member of The Ombudsman Association (TOA), and is active on the American Bar Association's alternative dispute resolution subcommittee dealing with confidentiality laws. Our Associate Ombuds is active in UCOA and in the California Caucus of University and College Ombuds (a national organization), and is on the editorial board of their refereed professional journal. We hosted meetings of the Bay Area Ombuds Forum and the University of California ombuds group, and co-hosted a campus visit by a newly-formed Russian university ombuds delegation. These professional commitments are important because the ombuds community is attempting to influence legal and policy matters of considerable impact to the profession.

LOOKING FORWARD: TRENDS AND RECOMMENDATIONS

Trends. The trends identified in the four-year report continue in effect on campus. They are, in brief: greater awareness of the gap between stated principles and actual treatment; greater complexity of the workplace with consequent loss of clarity on rights and responsibilities; communications and treatment becoming greater concerns than policy violations; and professionals and managers increasingly seeking alternative means of dispute resolution. Other trends that we have identified in the past year include employees' perceptions of management inflexibility and "micro-management."

In the four-year report we made five major recommendations to the campus to address these concerns: more management training, including training of managers who are academics; top-down emphasis on informal resolution of staff concerns as the norm; management held accountable for upholding the campus Principles and Values; emphasis on appropriate use of communications technology; and training in multicultural competencies targeted to all levels. These recommendations remain as important now as they were a year ago. We reaffirm them, and we continue to look for ways to support related campus efforts in all our activities.

The fact that *communication* and *treatment* remain the primary issues brought to this office is not surprising given the media's continual reporting of a nationwide decline in *civility*. (Civility is integrally related to communications breakdowns and concerns about treatment.) We believe that the office is in a prime position to help reverse this trend, and to help the campus move in a direction that fosters the Principles and Values espoused in Berkeley's Administrative Vision. We propose to do so by strengthening our efforts in four areas: developing more varied *training programs*, providing more *self-help tools*, *communicating* our services to the broadest possible constituency, and strengthening *collaborative relationships* between our office and other campus groups concerned with the quality of campus life for staff employees. We would welcome the opportunity to be involved in training new department chairs, and we see a particularly acute need for training people who are making the transition to first-time supervision. By offering programs of this sort, we can help the campus to move from the current emphasis on dispute *resolution* to dispute *prevention*.

Text and Graphics: Margo Wesley
Data: Michele J. Bernal

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