



Staff Ombuds Annual Report 2000-2002

OUR MISSION

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.

This mission, which guides all our endeavors, derives from UC Berkeley's Administrative Vision. To accomplish this mission, we work at many different levels:

individual: helping staff employees, and those who work with them, to approach workplace problems constructively. We do this by identifying options and resources, making referrals, coaching in effective conflict resolution skills, and facilitating dialogue.

group: identifying underlying problems and interests, facilitating constructive resolution of differences, mediating disputes, providing targeted training.

campuswide: serving on committees which influence the campus climate; identifying systemic problems and advising campus management on effective approaches for addressing them.

Working at all these levels, we provide staff employees and those who interact with them, including faculty and managers, with the tools they need to resolve work-related problems constructively. Our overarching goal is to promote fairness, equity, justice, and humane treatment.

OPERATING PRINCIPLES

As mentioned in our mission statement, essential principles of the Staff Ombuds Office are **independence, impartiality, confidentiality, and informality**. These four principles are consistent with the principles of the University and College Ombuds Association and The Ombudsman Association.

Independence means that we are not part of the management "line" and cannot compel anyone to take any particular course of action. Our strength is in opening up constructive dialogue, helping people to help

themselves, and bringing to light systemic problems or processes which seem unfair, unjust, uncaring, or in other respects counter-productive to the well-being of the campus community.

Impartiality means that we strive to provide an objective assessment to both those who seek our services and those with whom they are experiencing difficulties. We do not represent or serve as personal advocates for anyone, but we do advocate for fair process and we do encourage people to adhere to the University's values of fair treatment, respect, civility, and the creation of a caring environment in which staff can flourish while contributing to the accomplishment of the campus mission.

Confidentiality means that we do not serve as an office of record or an office of notice to the institution, and we do not disclose information provided in confidence without explicit permission from the person who provided the information (unless required by law to do so). The sole exception to confidentiality is any situation in which, in our estimation, there is an imminent risk of serious harm. The promise of confidentiality is essential to the role of Ombuds because it helps create a safe space where people feel free to say what is on their minds. The more we know about a situation, the more helpful we can be in developing a range of options for visitors to consider as possibilities for dealing with the situation constructively. In addition, for many visitors the mere fact of being respectfully and safely "heard" is a tremendous benefit, and is the first step in enabling them to engage in effective problem-solving.

Informality means that we encourage people to resolve problems at the lowest effective level. Although we inform people about many possible resources and courses of action, including access to formal processes such as grievance procedures and external complaint arenas, we do not participate in any formal processes. A major purpose in having an Ombuds office is to help people resolve problems before they escalate to the point at which formal resolution seems necessary.

A UNIQUE ROLE

While bearing some similarity to and often collaborating with other offices, the Ombuds role is truly unique. Like Human Resources, we help people to understand the policies, procedures, and rights which apply to them. However, we do not develop policies, provide official interpretations, participate in formal arenas (such as grievances, arbitrations, or lawsuits), or advocate on behalf of any parties. Like CARE Services (the campus Employee Assistance Program), we help people to identify their underlying concerns and needs. However, our focus is not on psycho-social assessment and referral, but on practical, constructive methods for addressing workplace conflicts.

Our primary activities in support of constructive conflict resolution are:

advising and informing individuals and groups concerning options and resources,

referring people to appropriate individuals and offices and opening avenues of communication,

facilitating constructive dialogue,

mediating conflicts between individuals and within groups,

training and coaching individuals and groups, and

consulting with campus management to identify patterns, provide an early warning system regarding systemic problems, and recommend systemic solutions.

PRIMARY ACTIVITIES

Advising and Mediating: Between fiscal years 2000 and 2002 we advised 779 individuals, the majority of whom were seen more than once. Working with these individuals often involved contacting several others in order to assess the situation thoroughly and facilitate resolution. We also conducted mediations for 37 parties, including two-person and multi-party mediations. Mediations entail extensive preparation of the parties. These numbers are down somewhat over the previous two-year period (when we had worked with 963 individuals and conducted mediations for 42 parties) because of temporary reductions in staff (leaves and retirement). By the end of the period covered by this report we were once again fully staffed, with Margo Wesley as Director and Ombudsperson, Carmen McKines as Ombudsperson, and Michele Bernal as Assistant Ombudsperson/Analyst.

Training: Despite temporary staffing reductions, we were able to increase the number of workshops offered from 23 to 37. However, fewer people were trained (down from 948 to 855) because our training space in our new home, Fox Cottage, is small. But we have found that offering smaller, more frequent classes works best for the participants. People appreciate having more choices of topics and dates, and the smaller class size allows for more individual attention. And Fox Cottage provides the ideal home for ombudsing because it conveys a sense of privacy and hospitality.

We developed two new classes which have proven to be very popular: "Civility: Respect in Action" and a spin-off, "Civility in the Use of E-Mail." These new

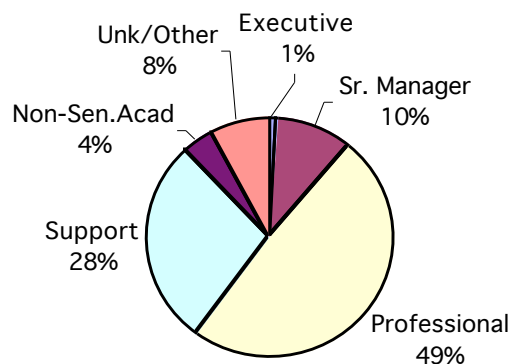
workshops complement our existing course offerings: “Managing and Mediating Conflict,” “Resolving Conflict for Staff,” “Dealing with Difficult Situations and Behavior in the Workplace,” a session on understanding the campus climate offered as part of the Leadership Development Program, and sessions on conflict resolution presented regularly as part of the Supervisory Development Labs offered through Human Resources. In addition, several ad hoc workshops were tailor-made to address the needs of specific departments.

Consulting: We met with several staff organizations and served on thirteen campus committees, not as regular, voting members, but in order to give and receive information regarding the campus climate and to assure fair process and the inclusion of many voices.

WHO USES OUR SERVICES?

Job Groups: 52% of our visitors are staff in non-supervisory positions, 43% are supervisors/managers, and the remaining 5% are unknown/other (such as members of the public). Almost all of these visitors were in career staff positions; fewer than 5% were in probationary, limited status, or contract positions. 11% of them came from the ranks of mid- and upper-level management. Approximately 4% of our visitors were non-Senate academics; they were typically referred to our office by the Academic Senate Ombuds. Although the numbers are small, the academic cases tend to be particularly complex, often involving coordination with several offices.

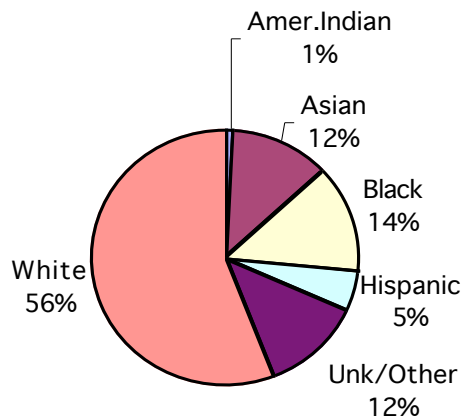
Job Group Summary



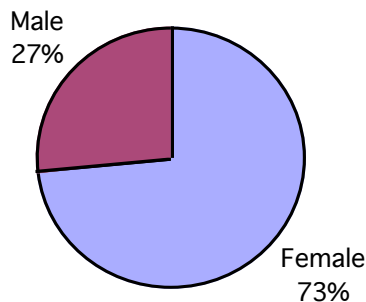
Race and Gender: The racial and gender distribution of users of our services has remained fairly steady, and is fairly close to the campus workforce

distribution. However, an important consideration is that the number whose racial designation is unknown has increased from 7% to 12% (largely due to more phone appointments), thus making the statistics harder to analyze. 56% of those whose racial designation is known were White (down from 59%), 14% were Black (down from 22%), 12 % were Asian (up from 9%), 5% were Hispanic (up from 3%), and 1% were American Indian (holding steady). The gender distribution is 73% female and 27% male, a figure which has remained quite steady over the years and is close to the campus workforce distribution.

Ethnicity Distribution



Gender Summary



WHAT CONCERNS DO PEOPLE BRING?

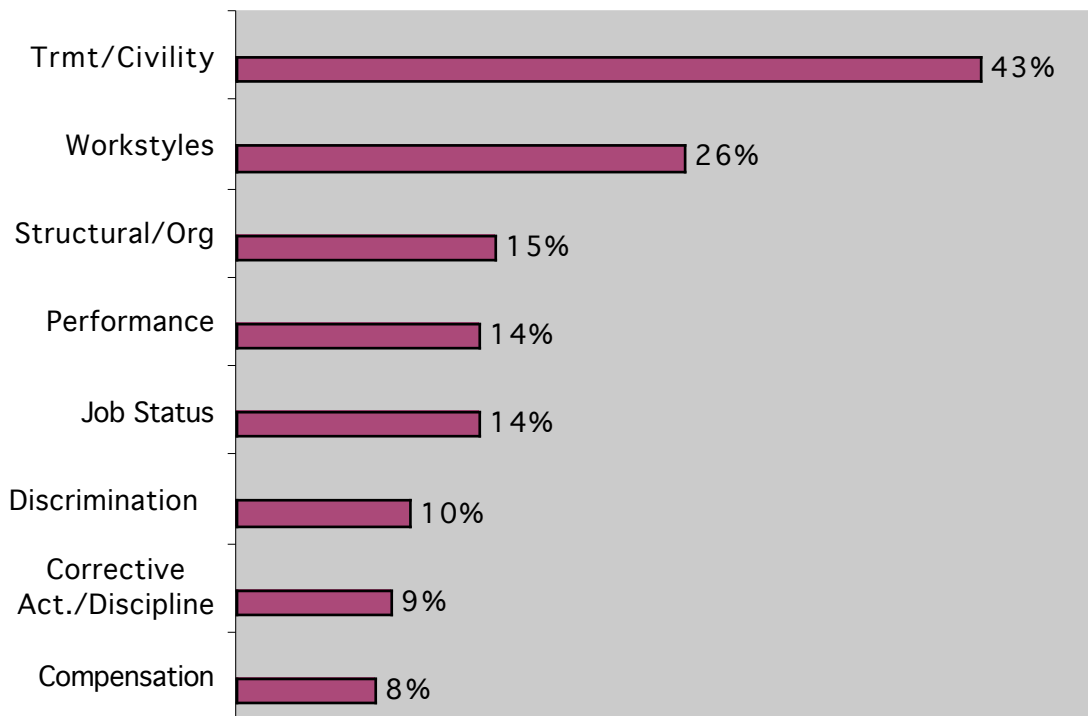
Nature of the Relationships: 85% of the problems brought to our attention concern relationships between employees and their supervisors or others at differing levels within the work unit. This is up from 71% during the previous

reporting period. 13% of the problems concern relationships with someone at approximately the same level within the work unit, and 13% concern relationships with people outside the work unit. (Totals exceed 100% because people sometimes present multiple relationship issues.)

Sources of Conflict: We no longer keep statistics on how many situations involve breakdowns in communication, because over the years we have found that the vast majority of cases were caused or exacerbated by communication problems. Thus, we consider Communication to be a “given” – a primary area needing to be addressed when attempting to resolving conflicts.

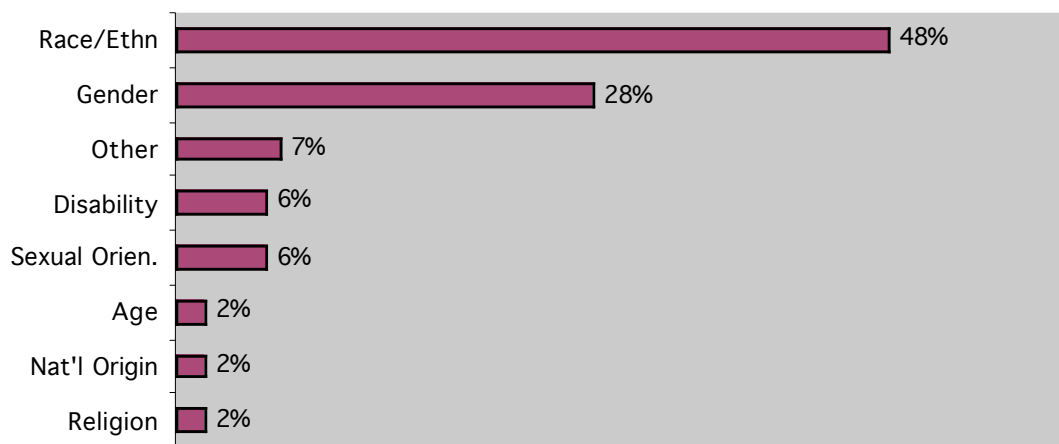
Now that we have eliminated Communication as a separate statistical category, Treatment/Civility has risen to the top position. 43% of situations involved concerns about Treatment/Civility, 26% concerned Work Styles, 15% concerned issues of Structure/Organization, 14% were about Performance Evaluation, and 10% alleged Discrimination. The figures cannot be compared directly to previous reports because the methods of categorization have changed somewhat, but the general distribution among categories remains fairly stable. (Totals exceed 100% because people often bring multiple issues.)

Leading Conflict Issues



10% of cases concerned possible discrimination, down from 12% in the previous report. Of this 10%, discrimination based on Race was the primary concern (48% of the Discrimination category, up from 37% in the last report). This shift is in line with the long-term average for this category. The next most frequent category was discrimination based on Gender (28%, up from 25% in the last report). Concerns about Disability decreased from 10% to 6% of the Discrimination category, and concerns about Sexual Orientation increased from 4% to 6% of the category. Allegations of other forms of discrimination remained essentially stable at 11% of the Discrimination category. Other concerns were brought forward, but none approached the 10% level. (Totals exceed 100% because people may bring multiple issues.)

Discrimination Allegations



MAJOR ACCOMPLISHMENTS

Advising and Mediating: We survey approximately 25% of our individual visitors each year. Last year, 100% of the respondents said they were treated in a courteous, respectful, and professional manner, 21% said they had planned to take formal action before coming to the Staff Ombuds Office, and 90% said they would use the office again if they needed assistance.

Training: We developed two new workshops, each of which was offered twice. “Civility: Respect in Action” was so popular that we developed a spin-off, “Civility in the Use of E-Mail.” These new workshops and our continuing programs all received very high ratings from participants, approaching 9 on a scale of 1-10. As a result, word has spread and we are getting far more requests for individual coaching to improve on skills learned in the workshops, and for tailor-made classes for individual departments.

Influencing the Campus Climate: We met with staff organizations, the Chancellor's Staff Advisory Committee, and a variety of management groups, and we participated on thirteen committees and task forces aimed at improving the campus climate. Although we are not voting members of any of these committees so as not to compromise Ombuds independence and impartiality, we do offer suggestions to support them in using fair, inclusive processes, help them identify systemic problems, and encourage them to operate from broad, inclusive perspectives. Our role is essentially to give and receive input on the campus climate and to look for opportunities to enhance collaborative problem-solving. In response to the tragic events of September 11, 2001 and their aftermath, then-Director Anita Madrid spoke on behalf of staff at the campuswide memorial gathering. We also worked with campus groups and outside professional organizations to develop effective response plans to the after-effects of September 11 (such as anxiety, mistrust, and heightened sensitivity) and to plan to support the campus in the event of future cataclysmic events. Based on these planning efforts, Director and Ombudsperson Margo Wesley served on a panel, "Ombuds Responses to September 11: Lessons Learned," presented at a joint conference of the University and College Ombuds Association and The Ombudsman Association in Washington, D.C. last year.

TRENDS AND RECOMMENDATIONS

Selection and Training of Supervisors: A major recommendation which we have made in each of our reports in recent years is that more attention needs to be paid to the selection and training of supervisors. Once again, we cannot emphasize too strongly the critical importance to the campus community of paying more attention to this concern. Effective supervision takes on increased importance in these lean budget times. Many problems which come to our attention are the result of placing people in supervisory positions who lack the aptitude and/or experience of supervising, and who then receive no significant training in how to become effective supervisors. Greater attention to the selection and training of supervisors would make a tremendous difference to the ability of the campus to recruit, develop, and retain motivated staff.

Workload: Another major concern is workload. The addition of new systems, some of which have required a considerable amount of staff training and have created new responsibilities for staff, together with staffing cutbacks, has resulted in a situation in which many employees feel they have been asked to do more with less. We recommend that attention be paid to assuring that workloads are not excessive. (Human Resources and the Center for Organizational Effectiveness are among the campus resources for assessing whether work is distributed fairly and effectively.)

Civility and Fairness: Issues of respectful treatment continue to arise. While there is, fortunately, no identifiable trend toward greater mistreatment, we continue to be concerned when we hear of actions of patent disrespect, such as supervisors yelling at staff or making major changes in their work responsibilities without true dialogue. Multicultural differences are often not dealt with respectfully. In a “Post-9/11 World,” cultural sensitivities are heightened, so training in methods of addressing them is more important than ever. Instances of abuse, neglect, cultural insensitivity or bias, and unfair selection practices have an impact well beyond their numbers. News of such situations spreads quickly and can have broad negative repercussions. We recommend that training in civility and multicultural sensitivity be encouraged, and that selection practices be carefully monitored to assure lack of bias.

Collaboration and Risk-Taking: Campus management is encouraging staff at all levels to engage in more forms of collaboration and creative risk-taking. These are wonderful directions in which to move, because they will allow the campus to build community, tap the skills of staff, make work more satisfying, and respond to changing needs. However, we are concerned that sometimes managers “talk” collaboration yet seem to have already made up their minds, and that sometimes they seem to encourage risk-taking by members of their staff, yet be in reality risk-averse or overly critical if new directions do not play out as well as had been hoped. We recommend that managers and supervisors support true collaboration, not merely the appearance of collaboration, and that they be encouraged to attend training programs on dealing effectively with change. Staff would also benefit from such training.

Finally, top management must, of course, model all of the above behaviors.

*Text: Margo Wesley
Data: Michele J. Bernal*