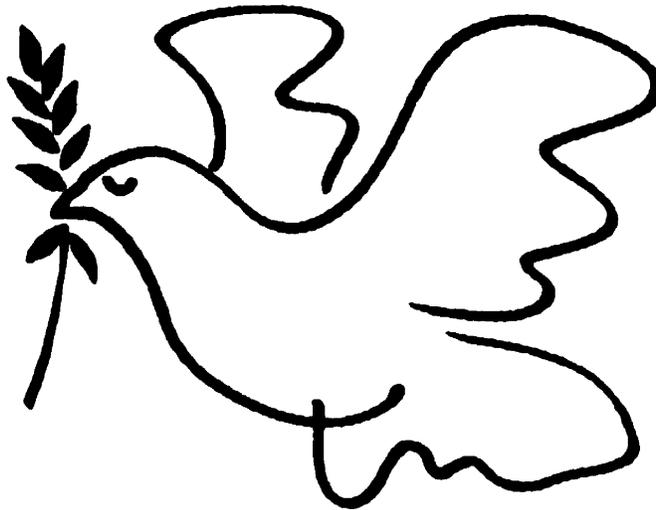


Staff Ombuds Office Report

2002-2004



**Margo Wesley, Director and Ombudsperson
Carmen McKines, Ombudsperson
Michele J. Bernal, Assistant Ombudsperson**

University of California, Berkeley

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. The sole exception to confidentiality is any situation in which, in our estimation, there is an imminent threat 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.

- Like those who handle *compliance-related functions* such as investigation of whistleblower complaints or allegations of discrimination, we encourage people to report wrongdoing, help them learn about options for resolution, and assist them in finding safe, constructive ways to come forward. However, unlike compliance offices, we do not conduct formal investigations or serve as an office of notice or record.

Our primary activities in support of constructive approaches to dealing with workplace conflict 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.

MAJOR ACTIVITIES

Advising and Mediating: Between fiscal years 2002 and 2004 we advised 874 individuals, the majority of whom were seen more than once. This represents a 12% increase over the previous reporting period. Working with these individuals often involved contacting several others in order to assess the situation thoroughly and facilitate resolution. We also conducted 44 mediation sessions involving 83 individuals, including two-person and multi-party sessions. Mediations entail extensive preparation of the parties.

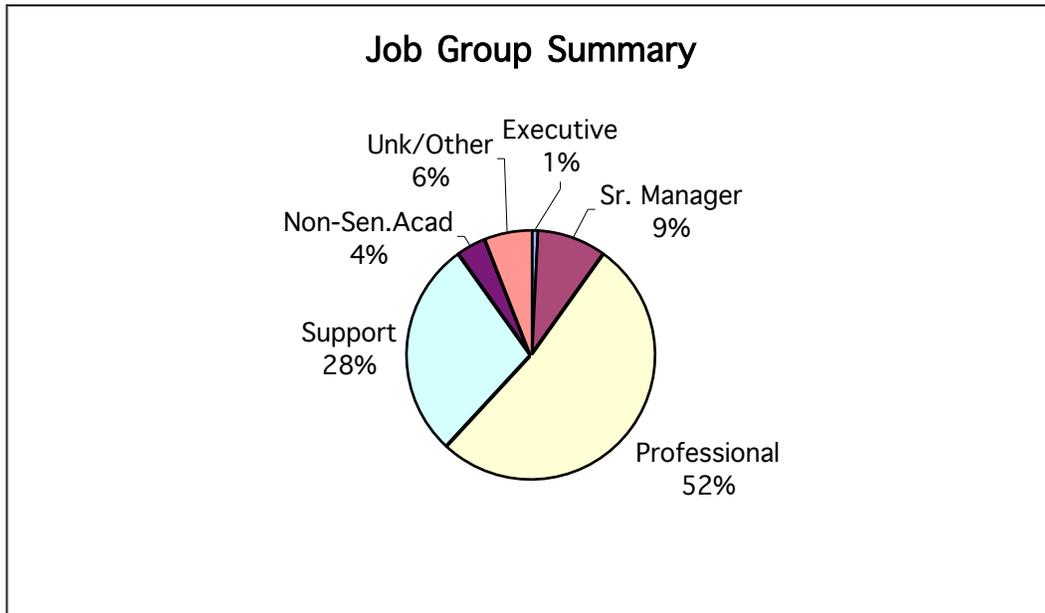
Training: We offered fifty-one workshops on a variety of topics, including Resolving Conflicts, Civility: Respect in Action, E-Mail Civility, Managing and Mediating Conflict for Supervisors and Managers, Dealing With Difficult Situations and Behavior in the Workplace, as well as segments on conflict resolution for the Leadership Development Program and the Supervisory

Development Lab. Several unique workshops were developed based on an assessment of the specific needs of particular departments.

Consulting: We met with staff organizations and served on several 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.

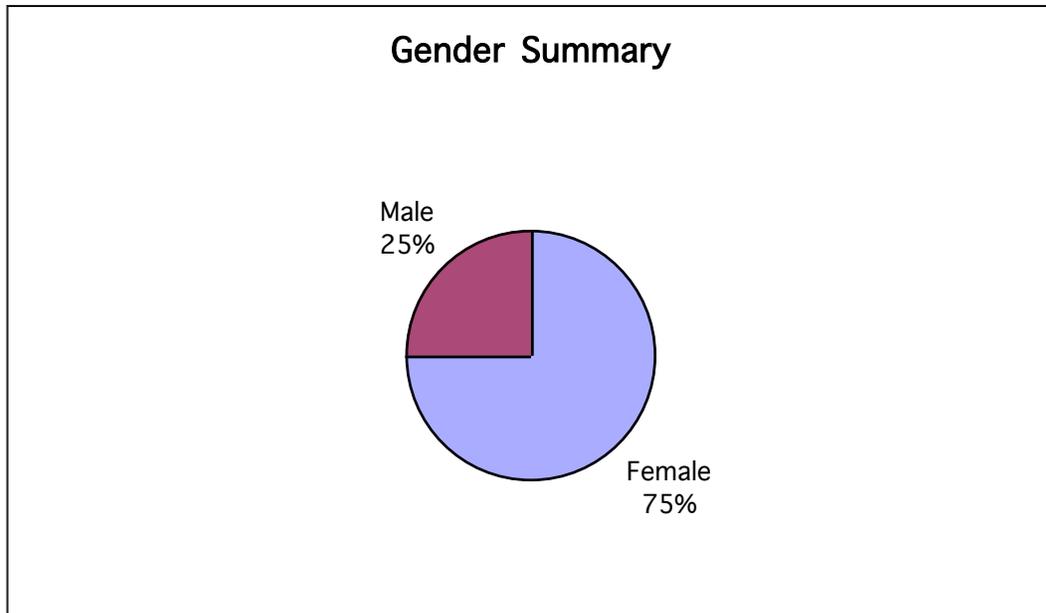
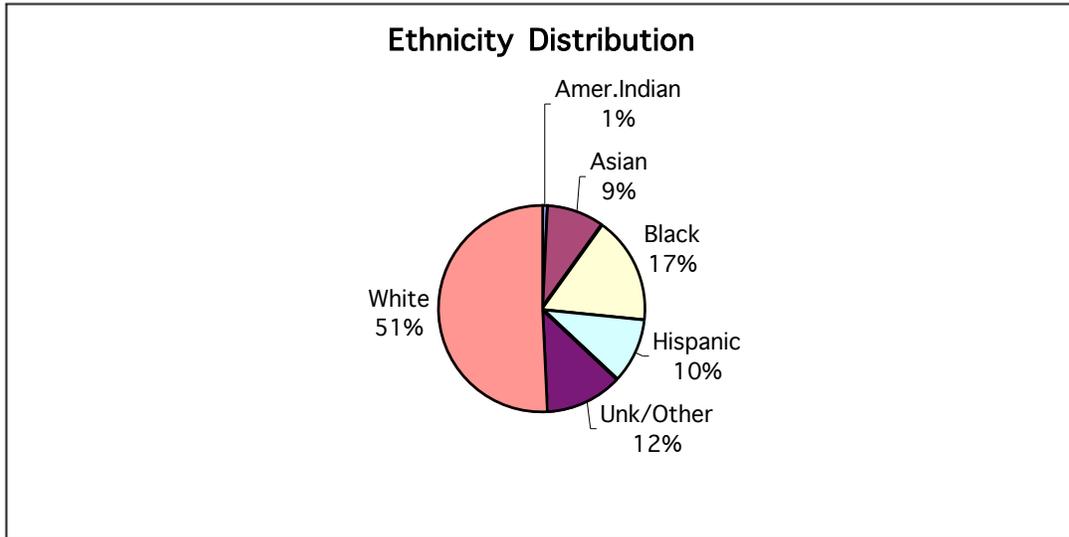
WHO USES OUR SERVICES?

Job Groups: 50% of our visitors are staff in non-supervisory positions, 43% are supervisors/managers, and the remaining 6% 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. Approximately 4% of our visitors were non-Senate academics, some of whom were referred to our office by the Academic Senate Ombuds. Although the numbers are small, the academic cases tend to be particularly complex. In terms of major campus job group categories, the distribution is as follows:



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. The number whose racial designation is unknown (largely due to phone appointments) has remained at 12%. 51% of those whose racial designation is known were White (down from 56%), 17% were Black (up from

14%), 9% were Asian (down from 12%), 10% were Hispanic (up from 5%), and 1% were American Indian (holding steady). The gender distribution is 75% female and 25% male, a figure which has remained quite steady over the years.



WHAT CONCERNS DO PEOPLE BRING?

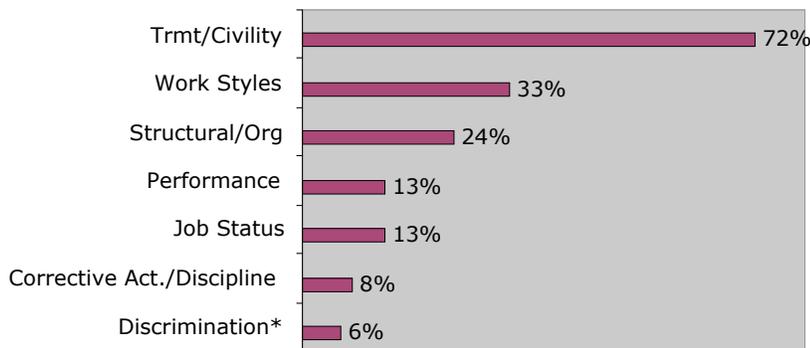
Nature of the Relationships: 78% of the problems brought to our attention concern relationships between employees and their supervisors or others in

management. This is down from 85% during the previous reporting period. 22% of the problems concern relationships with someone at approximately the same level within the work unit (up from 13%), and 13% concern relationships with people outside the work unit (no change). (Totals exceed 100% because people sometimes present multiple relationship issues.) More same-level conflict could be due to a competitive atmosphere brought about by organizational uncertainty, reorganizations, increased workloads, and competition for limited resources.

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 invariably needing to be addressed when attempting to resolve conflicts.

Treatment/Civility remains the top category among other sources of conflict described by employees. 72% of situations involved concerns about Treatment/Civility, 33% concerned Work Styles, 24% revolved around Structure/Organization, 13% were about Performance Evaluation, 13% concerned Job Status, 8% were about Corrective Action/Discipline, and 6% alleged Discrimination. Each other category of conflict (Compensation, Workload, Layoff, Flexible Work Arrangements, Ethics, Health/Safety, Selection, Reprisal) involved fewer than 5% of cases. (Totals exceed 100% because people often bring multiple issues.)

Leading Conflict Issues



*Of the 6% of cases alleging discrimination, Race was the primary concern (42% of the Discrimination category, down from 48% in the past report). The next most frequent category was discrimination based on Gender (30%, up from 28% in the last report). Discrimination concerns regarding Disability/Health increased

from 6% to 13% in the Discrimination category. Allegations of other forms of discrimination, such as Sexual Orientation, Age, Religion, National Origin, together comprised 21% of the Discrimination category. (Totals exceed 100% because people may allege multiple bases of discrimination.)

MAJOR ACCOMPLISHMENTS

Training: Being fully staffed with Margo Wesley (Director/Ombudsperson), Carmen McKines (Ombudsperson) and Michele Bernal (Asst. Ombudsperson/Analyst) has allowed us to greatly increase the number of training sessions conducted over the past 2 years: from 37 in the previous reporting period up to 51 (a 38% increase), with a corresponding increase in the total number of participants--931, up from 855 (a 9% increase).

There has been a tremendous increase in the number of requests for conflict management training tailor-made to the needs of individual departments. Themes of civility in general and civility in use of e-mail were the most popular requests. The satisfaction rating of employee participants in our trainings averaged 8.96 out of a possible 10.

Influencing the Campus Climate: The Staff Ombuds Office influences systemic change in many ways, including:

- providing an “early warning system”--identifying problematic trends before they emerge as formal complaints or malfunctions;
- suggesting options for improvement to appropriate entities;
- encouraging broad-based input as appropriate;
- opening up effective avenues of communication and encouraging people to come forward; and
- reinforcing positive trends

In support of these change efforts, we met with several staff organizations, the Chancellor’s Staff Advisory Committee, and a number of management groups to share input, broaden perspectives, and identify potential options for resolving systemic problems and moving in new directions. We also participated on several committees and task forces aimed at improving the campus climate. We are not voting members of committees because acting as such might compromise Ombuds independence and impartiality; however, we have influenced systemic change by providing insights on problem areas, opening up perspectives, serving as a sounding board, and offering suggestions in support of fair, inclusive, and effective processes for bringing about improvement.

TRENDS AND RECOMMENDATIONS

Selection and Training of Supervisors: An ongoing systemic problem is inadequate selection and training of supervisors. Effective supervision is always essential to attainment of the institution's goals, but it takes on even greater importance when resources are severely limited, as they have been during this reporting period. Placing people in supervisory positions who lack the aptitude for, and experience in, supervising, and who then receive little or no training, can lead to a multitude of problems. Conversely, greater attention to the selection and training of supervisors can make a tremendous difference to the ability of the campus to recruit, develop, and retain motivated staff.

Cultural Sensitivities in the Face of Change: One trend we have noticed during this period relates to heightened cultural sensitivities between supervisors and employees as departments reorganize and try to bring about change. These play out in two common ways: 1) some supervisors brought in from the outside report that employees seem stuck in outdated methods and are resistant to change; and 2) some employees report that new supervisors seem to have prematurely decided what needs to be done, and to be dismissive of their experience and knowledge. We recommend that workshops be offered in effective methods for bringing about change, including approaches to dealing respectfully with the inevitable stresses associated with change. A team effort by the Staff Ombuds Office, the Office of Human Resources, and CARE Services might be very effective in this regard. We also recommend that workshops be offered on effective communication, including communication in the face of differing perspectives, experiences, and values.

Workload: Another major concern is workload, especially workload increases resulting from reorganizations and reductions in resources. Employees should not be required to do more with less—yet it is not always easy for supervisors to determine fair distribution of workloads, nor is it easy for work groups to develop streamlined ways of operating. We recommend that the campus provide more resources for helping departments assess whether work is distributed fairly and effectively. Organizational development training would be particularly helpful.

Recognition and Equity: Often, complaints about excessive workload or inadequate compensation mask other, deeper problems—such as feelings of not being recognized or perceptions of favoritism. We recommend that all supervisors pay closer attention to assuring that whatever they do is fair in both appearance and reality. For example, criteria for significant decisions should be fair and should be communicated clearly; and when feasible, employees should be given an opportunity to provide recommendations regarding the development of criteria. We also recommend that, in the absence of resources for significant

financial rewards, supervisors pay particular attention to providing other forms of recognition. What these forms of recognition might be should be based on significant input from employees.

Finally, it is imperative that campus leaders model the values they espouse.



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