

# **Staff Ombuds Office Report**

## **2004-2006**



**Margo Wesley, Director and 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 agent 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 2004 and 2006 we advised 784 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 28 mediation sessions involving 48 individuals, including two-person and multi-party sessions. Mediations entail extensive preparation of the parties.

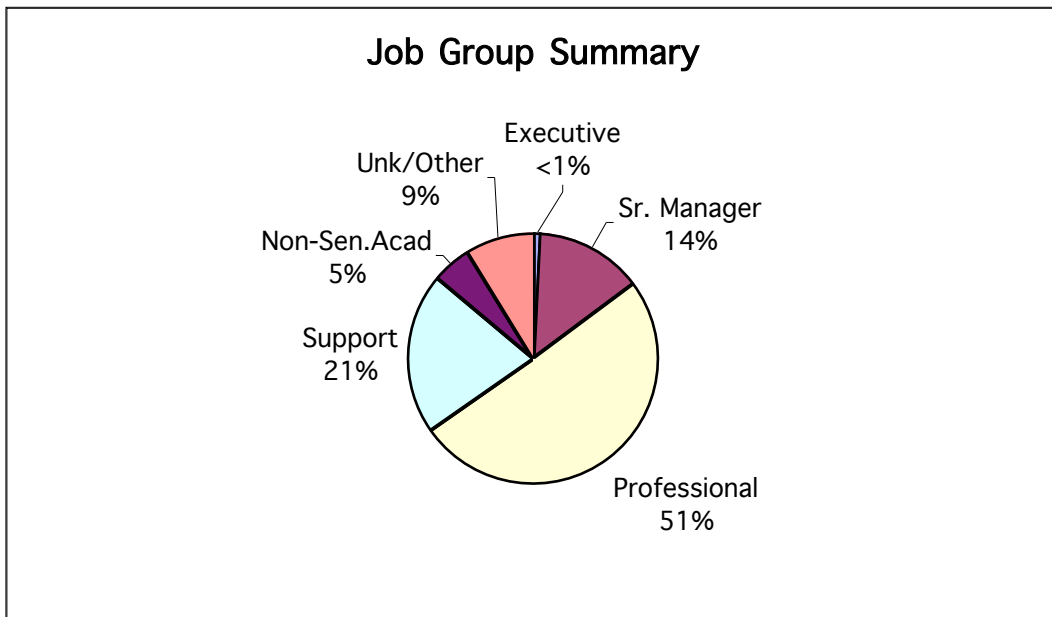
**Training:** We offered forty-five workshops to 885 participants on a variety of topics, including Resolving Conflicts, Civility: Respect in Action, E-Mail Civility, Managing and Mediating Conflict for Supervisors and Managers, Dealing With Difficult Situations and Behavior in the Workplace, Communicating Effectively During Conflict, Crucial Conversations, Bullies and How to Deal With Them, Introduction to Mediation, and Conflict Management for Human Resources

Professionals. We also presented 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.

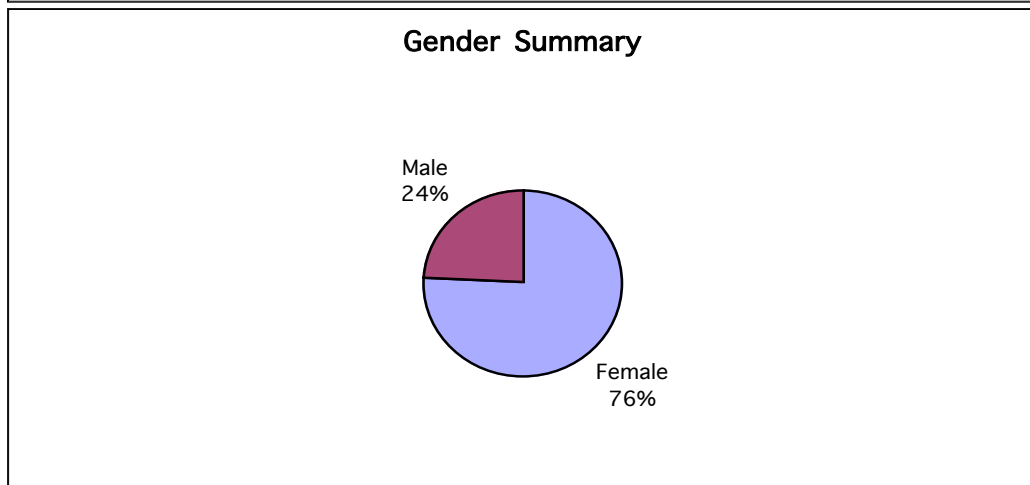
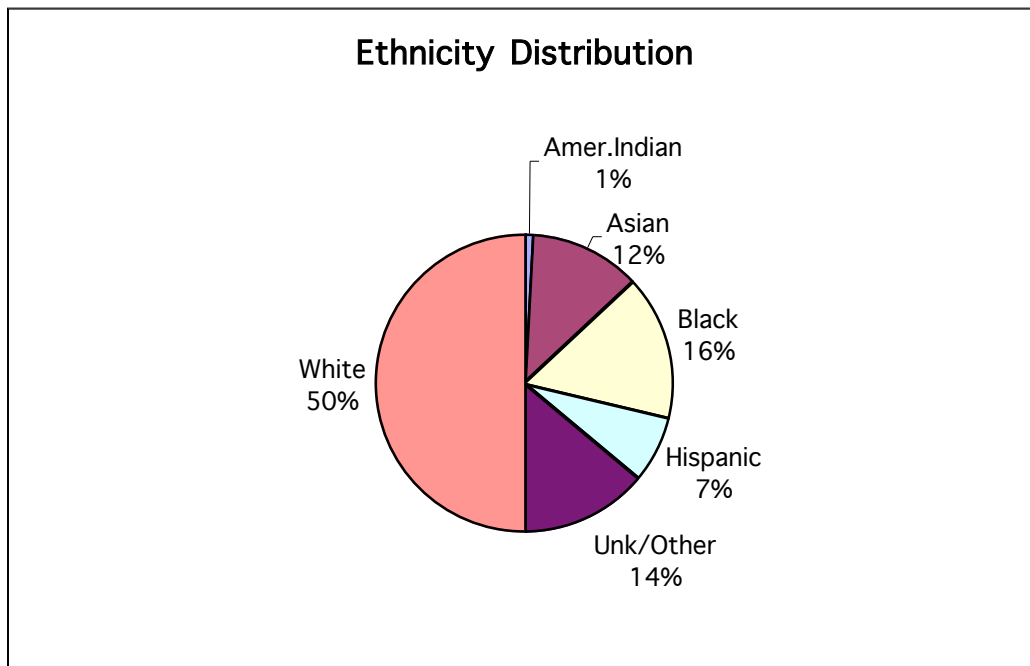
**Consulting:** We met with staff organizations and served on several campus committees, not as regular, voting members, but in order to give and receive information regarding the campus climate and to assure fair process and the inclusion of many voices. We also actively participated in monthly New Employee Orientations to ensure that new hires were aware of our services.

### WHO USES OUR SERVICES?

46% of our visitors were staff in non-supervisory positions, 45% were supervisors/managers, and the remaining 9% were unknown/others (such as members of the public or representatives of other UC's). Almost all of our visitors were in career staff positions; approximately 5% were in probationary, limited status, or contract positions. 5% 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) was 14%. 50% of those whose racial designation is known were Caucasian, about the same as in the last reporting period. 16% were Black (also about the same), 12% were Asian (up from 9%), 7% were Hispanic (down from 10%), and approximately 1% were American Indian (holding steady). The gender distribution is 76% female and 24% male, a figure which has remained quite steady over the years.



## WHAT CONCERNS DO PEOPLE BRING?

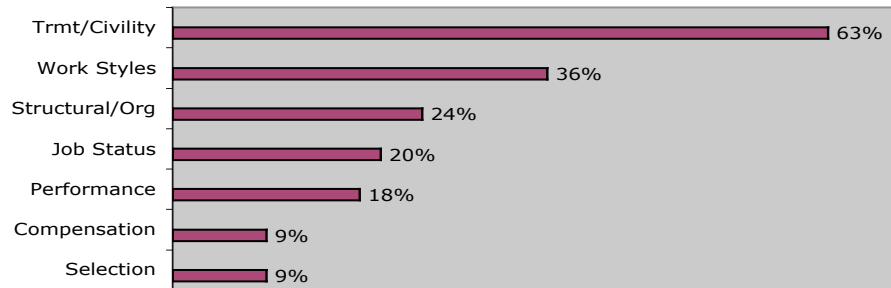
**Nature of the Relationships:** 74% of the problems brought to our attention concern relationships between employees and their supervisors or others in management. 23% of the problems concern relationships with someone at approximately the same level within the work unit and 18% concern relationships with people outside the work unit or campus. (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 invariably needing to be addressed when attempting to resolve conflicts.

Treatment/Civility remains the top category among other sources of conflict described by employees. 63% of situations involved concerns about Treatment/Civility, 36% concerned Work Styles, 24% revolved around Structure/Organization, 20% concerned Job Status, 18% were about Performance Evaluation issues, 9% concerned issues of Compensation and 9% concerned Selection. Workload issues were noted in 6% of cases. Other categories of conflict (Corrective Action/Dismissal, Discrimination, Layoff, Flexible Work Arrangements, Ethics, Health/Safety, Reprisal) involved 5% or fewer of cases. (Totals exceed 100% because people often bring multiple issues.)

Of the 5% of cases alleging discrimination, Gender was the primary concern (42% of the Discrimination category, up from 30% in the past report). The next most frequent category was discrimination based on Race (30%, down from 42% in the last report). Disability/Health remained about the same at 12% of discrimination cases. Allegations of other forms of discrimination, such as Sexual Orientation, Age, Religion, National Origin, and Other/Misc each comprised less than 9% of the Discrimination category. (Totals exceed 100% because people may allege multiple bases of discrimination.)

### Leading Conflict Issues



## MAJOR ACCOMPLISHMENTS

**Training:** There has been a steady 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 continued to be the most popular requests.

Of the 45 conflict resolution workshops we offered to 885 employees (see list on page 3), four were new offerings developed in response to our assessment of campus needs: "Bullies and How to Deal With Them," "Crucial Conversations," "Introduction to Mediation," and an intensive workshop on conflict management designed for departmental human resources managers (developed in collaboration with Human Resources).

The satisfaction rating of employee participants in our trainings averaged 8.8 on a scale of 1-10.

**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 a variety of constituent groups to share input, broaden perspectives, and identify potential options for resolving systemic problems and moving in new directions. We participated on two panels at Berkeley's "Diversity in Action" forum in May 2006. 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.

**Professional Leadership and Public Service:** The Staff Ombuds Office continued to take a leadership role in the organizational ombuds profession, both within the University of California system and beyond. As an officer of the International Ombudsman Association, the Director worked on key initiatives such as ombuds ethics and standards of practice, development of best practices, and efforts to create shield laws protecting ombuds confidentiality. The Director's article, "The Compleat Ombuds: A Spectrum of Resolution Services" (*California Public Employee Relations Journal* 166:3(2004)) has been widely requested. Such endeavors serve the campus by keeping Staff Ombuds Office practice at the cutting edge of the profession.

## TRENDS AND RECOMMENDATIONS

**Selection and Training of Supervisors:** Every report issued by the Staff Ombuds Office over the past ten years has highlighted the fact that many ongoing systemic problems are caused, or exacerbated, by inadequate selection and training of supervisors. Improvement in supervisory selection and training would enhance the campus climate and contribute to our ability to recruit, develop, and retain high-performing staff members.

*Recommendations:* Improvement in this complex area will be enhanced through collaborative efforts—which the newly formed Health and Human Services division is well-positioned to lead. One area for improvement is assuring that supervisors are evaluated in regard to their effectiveness in leading, coaching, and developing those whom they supervise.

**Problems Related to Organizational Change:** This has been a period of enormous change for the campus, with new leadership and organizational structures as well as an influx of employees bringing new visions and skills. These changes have created marvelous opportunities for enhancements of all

sorts, and have reenergized many areas of the campus. However, they have also presented some significant challenges. A considerable number of people seeking assistance from the Staff Ombuds Office have described problems that stem, at least in part, from the following perspectives related to organizational change:

- Some managers coming to campus from different cultures, such as corporate or military, believe that they have been brought in to effect major improvements, and become frustrated when they experience resistance to change. This resistance is often couched by their staff in phrases such as “You don’t understand why we’ve been doing things this way.”
- Some long-term staff members believe that their skills, experiences, and insights have been devalued by managers coming from outside the campus culture. These staff members, who often fall within the “baby-boomer” demographic, tell us that the time that they had looked forward to as the crowning moment of their long University career has become instead a period of marginalization, of being treated as though they are “past it.”

*Recommendations:* A comprehensive approach to addressing the underlying concerns mentioned above might include:

- increased efforts to acclimatize newcomers to the Berkeley culture
- encouraging new managers to actively engage staff in change efforts
- encouraging staff to attend support programs on coping with change, such as those offered by CARE Services
- expanding workshops on key communication skills, including giving and receiving feedback
- providing managers with ready access to experts who can assist them with major “organizational development”-type efforts (climate surveys, strategic planning, organizational redesign, and effective use of staff retreats)

The Staff Ombuds Office looks forward to collaborating with those involved in such efforts.

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