

# 2019-2020

The University of Texas at San Antonio

Office of the University Ombuds



## [ANNUAL REPORT – UNIVERSITY OMBUDS 2019-2020]

## **Table of Contents**

|                                |        |
|--------------------------------|--------|
| Introduction                   | 2      |
| An Unusual Name                | 2      |
| What is an Ombudsperson        | 2      |
| Office Mission & History       | 2      |
| Why Work with the Ombuds       | 3      |
| The Process                    | 3      |
| Other Activities of the Ombuds | 4      |
| Visitor Traffic                | 5      |
| Gender                         | 5      |
| How the Ombuds Helps           | 5      |
| Employment Related Concerns    | 6 – 10 |
| Conclusion                     | 10     |
| Feedback from Visitors         | 10     |
| Stop By                        | 11     |

## **Introduction**

The seventh annual report for the Office of the University Ombuds at the University of Texas at San Antonio covers the 2019-2020 academic year from September 1, 2019 through August 31, 2020. This was an unusual year due to the Covid-19 pandemic and workplace disruptions. In the spring and summer of 2020, visitations were conducted via phone or using an online video service like Teams, Zoom or WebEx.

This report presents data from the year that includes the number of contacts, the number of cases opened and the nature of the concerns. Information recognizing trends and other issues are part of this report. The University Ombuds realizes the Administration is privy to information the Ombuds may not see. Thus, the Administration may choose to act or not to act on the information provided here.

For the reader, this report is a summary of issues and concerns brought to the University Ombuds. The report is not asserting facts or presenting information on known incidents. Visitors share their concerns and the Ombuds helps them explore options.

## **The Ombuds Office – An Unusual Name with an Important Service**

The Office of the University Ombuds at UTSA is a place where all employees, including faculty, staff, student employees, and administrators can come in (or phone) to talk about their concerns in a safe and welcoming environment. The Ombuds is an alternative resource that is voluntary, confidential, informal and neutral. The Ombuds empowers visitors to overcome conflicts, disputes and barriers by helping them develop options moving forward.

## **What is an Ombudsperson?**

The term ombudsman is rooted in the Old Norse word *umboðsmaðr*, meaning representative. The modern term finds its origins in the Swedish language and dates back to the 17<sup>th</sup> century and King Charles XII. He established the Office of the Supreme Ombudsman in 1703. The word Ombudsman is gender neutral, but for other forms of the word, Ombudsperson or Ombuds are accepted.

According to the International Ombudsman Association (IOA), an Ombudsman is an individual who serves the community as “a designated neutral” within a specific organization.<sup>1</sup> The guiding principles of the position provide for confidential, informal, independent, and neutral assistance using various problem-solving methods.

The Ombuds does not advocate on behalf of any one person or group but will advocate for an unbiased process and consider the rights and concerns of all those involved.

## **Office Mission and History**

The Office of the University Ombuds provides off-the-record assistance to all employees so they may develop mechanisms for handling employment related concerns.

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<sup>1</sup> “What is an Organizational Ombudsman?” The International Ombudsman Association, 2007-2015, accessed June 5, 2015.

The Ombuds office was originally established under the Division of Research in 2012. A reorganization moved the office into Academic Affairs under the Provost in 2013. The office once again moved, this time a name change occurred. The Office of the University Ombuds fell under Institutional Compliance and Risk Services in fall of 2018. This was a temporary destination and in the summer of 2019, the office moved once more to the Office of Inclusive Excellence under the Vice President for Inclusive Excellence.

Placing the Ombuds office under the Inclusive Excellence umbrella is an opportunity for expansion. The ability to provide visitors with an informal experience stays true for the Ombuds office using the guiding principles of the International Ombudsman Association (IOA).

### **Why Work with the University Ombuds?**

There are a myriad of reasons to work with the University Ombuds as faculty, staff, student employees and administrators all have their unique issue. The Ombuds empowers the visitor to address conflict safely and meaningfully. Some visitors may have tried to resolve their concern through a formal channel. Some may have tried to resolve an issue in other ways without success. The visitor is provided a safe place to discuss their concerns while maintaining control of the process. The Ombuds helps visitors determine their own path to resolution.

In order to provide a safe and welcoming environment, the University Ombuds maintains privacy and holds all communications with those seeking help in strict confidentiality. There are exceptions to confidentiality: the permission of the visitor, if it is a violation of University policy or the law, or if there is a perceived imminent risk to self or others.

Visiting with the Ombuds is voluntary and always an option. A visitor does not need permission from anyone to see the Ombuds. Information collected is not identifying, so the visitor can feel safe to speak openly without worry.

### **The Ombuds Process**

#### *Initial Contact*

The Ombuds meets with visitors in person or by telephone. Face-to-face meetings may take place in the Ombuds office, a conference room or at another location on one of the three UTSA campuses. Since work has been remote for the spring and summer of 2020, consultations have been virtual. Virtual consultations will remain a part of the ombuds availability resources for the convenience of the visitor.

At the outset of the meeting and before discussing the visitor's concerns, the Ombuds reiterates the confidential, neutral, independent and informal tenets of the Ombuds Office.

The Ombuds informs the visitor that they do not give legal or psychological advice; do not keep records; and do not become involved in the substance of formal proceedings or actions. If the visitor is concerned, they are advised that there may be formal remedies available (i.e., grievances, complaints, legal actions). If the visitor wants to pursue a formal remedy, the Ombuds will refer the visitor to the appropriate UTSA office.

#### *Consultations*

The structure of a consultation necessarily depends upon the circumstances: including the visitor's emotional state, the urgency of the visitor's situation, and limitations on the Ombuds. It is therefore impossible to predict how the conversation will develop.

The Ombuds will begin by encouraging a candid discussion of the visitor's concerns. The Ombuds listens to the visitor's story. When appropriate, the Ombuds asks questions to elicit relevant details.

Once the visitor has conveyed the significant aspects of their concern, the Ombuds takes a moment to summarize the current situation. The Ombuds will acknowledge and discuss any formal processes available and any applicable university policies and rules.

The Ombuds will make visitors aware of the importance of consulting other professionals and stakeholders to help visitors make informed decisions. The Ombuds will discuss the range of potential options for resolution, and highlight the significant costs and benefits of each. The Ombuds will assist the visitor in developing a strategy for resolving the concerns.

#### *Follow-Up Meetings*

Further communications between the Ombuds and visitor may be necessary if the visitor's concerns are not addressed in the initial meeting. Follow-up communications from the Ombuds are as discrete as possible. Unless permission is expressly given, the Ombuds will not identify the office, or disclose substantive matters in voicemail messages for visitors. The Ombuds also will avoid substantive discussions by email.

#### *Withdrawing From Matters*

If the Ombuds is unable to work with a visitor in an impartial manner, the Ombuds shall disclose that fact to the visitor promptly and withdraw from the matter. If possible, the Ombuds will refer the visitor to other resources that may provide assistance.

### **Other Activities of the University Ombuds**

The University Ombuds serves as a permanent member on the Behavioral Intervention Team (BIT). The BIT provides the University community the ability to report concerning behavior through an online platform. Concerns may involve any member of UTSA as well as visitors to campus. As a member of the BIT, the Ombuds provides support and discussion points concerning various policies and helps with focused outreach to departments and offices. The Ombuds has been a member of the BIT since 2016.

The University Ombuds also participates as a member of the Diversity, Equity, Inclusive and Belonging (DEIB) Task Force within the International Ombudsman Association (IOA). Within this group, the Ombuds serves on the subcommittee charged with revising the Terms of Agreement between the DEIB and the IOA Board.

In late spring of 2020 the University Ombuds collaborated with a professor in the Department of Psychology to create a workshop concerning the "new normal" of working remotely. Conditions under Covid-19 isolation along with the demands of work necessitated a need for discussions around the idea of "coping". In early summer, the Ombuds and professor provided an hour-long virtual workshop to the UTSA employed community. A total of 59 faculty and staff participated in the virtual workshop. The workshop was such a success, the Ombuds plans to continue the discussions with new topics into the 20/21 academic year.

**Visitor Traffic**

The University Ombuds had 165 contacts with visitors between September 2019 and August 2020. Of the 165 contacts, 138 constituted visitors with employment issues or questions and 27 (19.5%) developed into cases. Of the 27 cases, three went unresolved in this office and moved forward with formal processes.

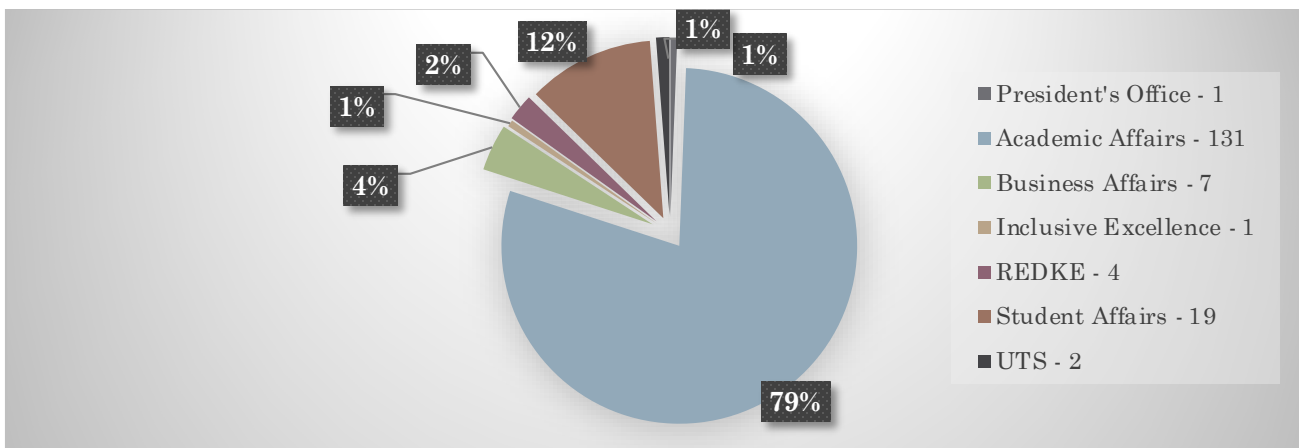
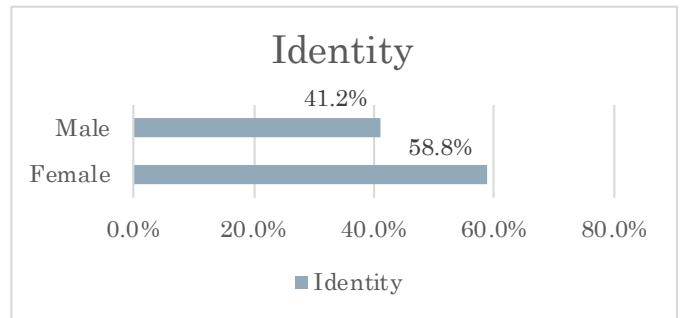
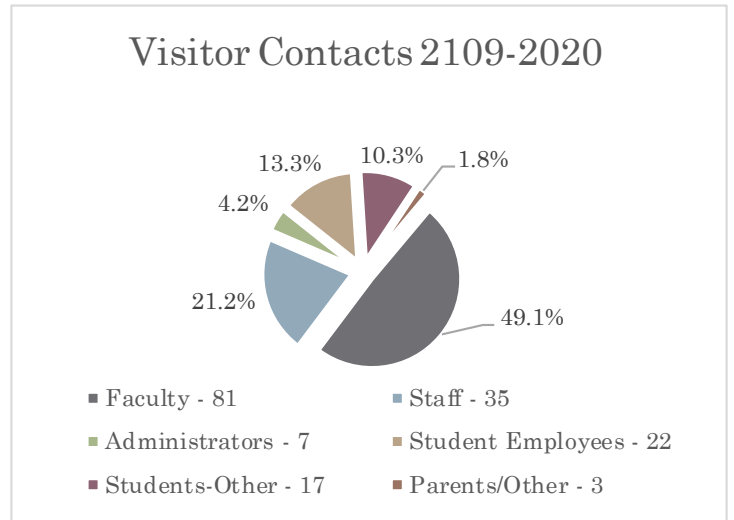
Most visitors are from various colleges and departments with Academic Affairs. New visitors this year include areas within Business Affairs, but traffic from this area is low. The Ombuds referred non-employee visitors to appropriate areas, including the Student Ombudsperson.

**Gender**

This office saw more female visitors (97) than male visitors (68) during the 2019-2020 cycle. In the previous cycle 2018-2019, the Ombuds interacted with more individuals who identified as male. Expansion of identity categories is forthcoming.

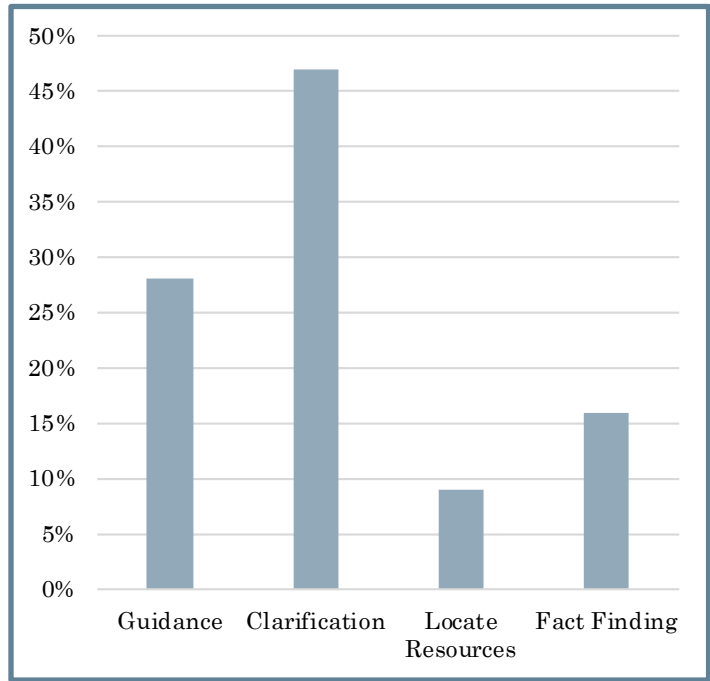
**By Divisions**

A new addition this year is contacts by divisions or areas including the President’s Office, Academic Affairs, Business Affairs, Inclusive Excellence, Research, Economic Development and Knowledge Enterprise (REDKE), and University Technology Solutions (UTS). There is significant use of Ombuds services by visitors from Academic Affairs with Student Affairs visitors utilizing services with 12%. Visitors from Business Affairs (4%) have slowly begun to visit with the Ombuds, but as with other areas, the Ombuds must do more outreach to increase visibility.

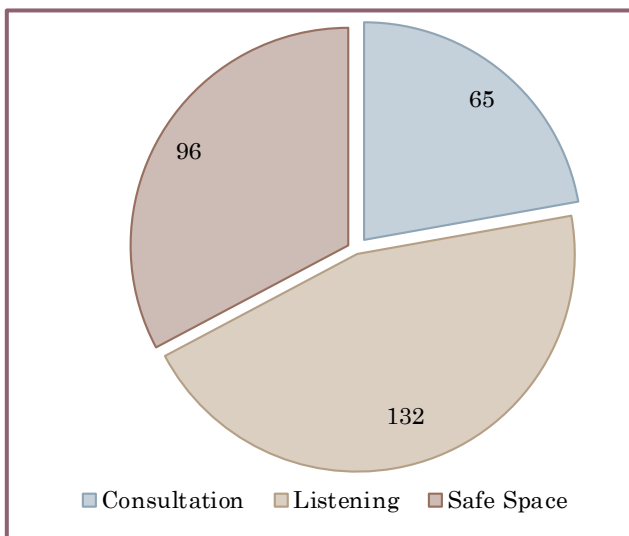


**How the Ombuds Helps**

The University Ombuds provides assistance through listening, consultation and a safe space. Guidance and clarification of concerns or policy are at the top of the services. Clarification, for example, may be about a policy in the Handbook of Operating Procedures (HOP). Guidance is part of a facilitated discussion with an individual to support their ability to self-direct the process of decision-making. Guidance may also include assistance with facilitated discussions between two or more parties seeking to resolve an issue through the informal processes. Guidance can involve coaching, which usually occurs when a visitor is unsure of how to approach a challenging situation. For example, a visitor is unsure of how to approach their supervisor or colleague to have a discussion about conflicting views over a



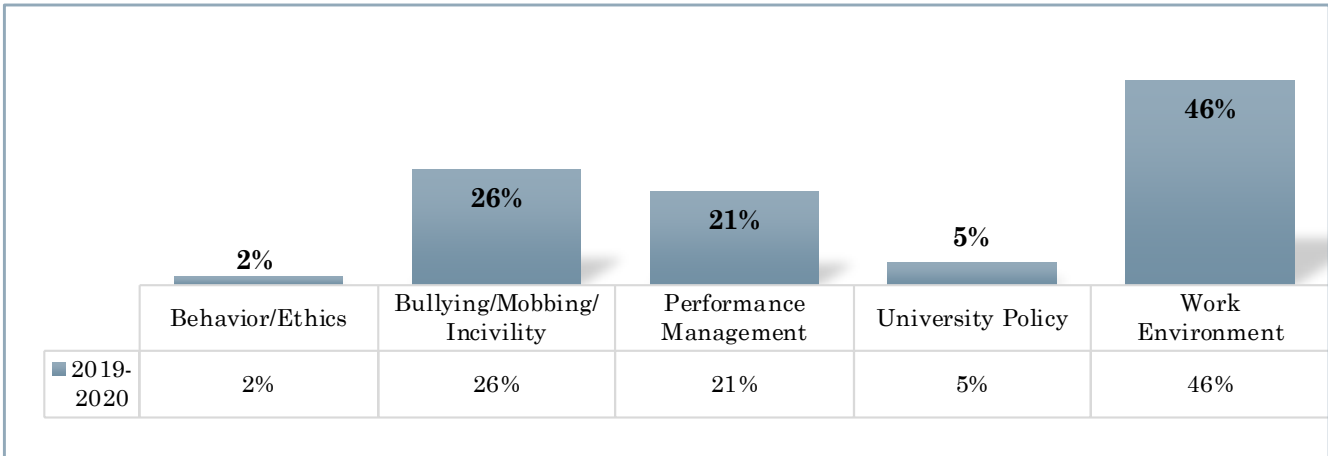
project. This affords visitors the opportunity to discuss and evaluate their situation and develop options for effective problem solving. Fact-finding and resources may fall under general information or be a very specific. The Ombuds has received inquiries as to how policies may be changed or updated. Policy discussions lead the Ombuds to research what is possible or develop the suggested update and forward to the appropriate entity. Resource questions may include “how do I find the Management department on the UTSA webpage” or “who would be the appropriate person to help with purchasing...” General information such as this warrant referrals when the Ombuds feels it is more appropriate for the subject matter expert to advise.



Visitors seek someone who will listen to their concerns in a safe space and discuss options. The University Ombuds provides such a service. The chart to the left, *listening, safe space and consultations* provides a snapshot of the interactions taking place with the Ombuds. Data in the chart overlaps, as visitors will state several reasons for seeking guidance with the Ombuds Office. Of the 165 contacts, 58 were visitors the Ombuds had seen before. This is an indication of trust being built between the Ombuds and the UTSA employed community. New visitors, primarily from Academic Affairs, made up the other 107 contacts. Visiting the Ombuds Office can be an effective option, but options may include the visitor moving forward with a more formal avenue to seek resolution.

## Employment Related Concerns

The 2019-2020 academic year is like previous semesters with one notable twist, the Covid-19 pandemic created an online workforce in the 2020 spring semester. Concerns continue to cross the university community with face-to-face encounters in the fall of 2019 to online situations in the spring and summer of 2020. Several categories or themes depict concerns relayed to the Ombuds: work environment, performance management, behavior and ethics, bullying, mobbing, or incivility, and university policy.



Within these categories, issues revolved around communication challenges, interpersonal conflict, and perceived conduct of a supervisor, colleague, staff member or coworker. The term *perceived* is used as the role of the University Ombuds is a neutral and informal resource. A visitor discusses their concern and the Ombuds may provide, for example, clarification of a policy the visitor feels is violated. Occasionally, the Ombuds will refer a visitor to a subject matter expert for follow up.

Staff, faculty and student employees provided information that developed into themes. Work environment ranked first with the most concerns.

### Work Environment (46%)

- Staff Concerns
  - Employee/supervisor relationship
    - Some visitors felt their immediate supervisor did not value them and was confrontational in front of others.
  - Concerns over differential treatment
    - Visitors voiced concerns of differential treatment based on age, ethnicity, gender or identity.
    - Concerns of these types are referrals to EOS.
    - Other concerns of differential treatment centered on power dynamics within an area between staff/supervisor, student employee/supervisor, faculty/staff. Visitors received guidance and coaching in most cases as communication styles seemed to be at the center of these concerns.
  - Allegations of retaliation
    - Forms of retaliations dealt with removal from a position, workload, harassment and even bullying, mobbing and incivility.
    - These types of concerns were discussed, guidance provided and in some cases, visitors were referred to subject matter experts.



- Faculty (tenured, tenure-track, and non-tenured) Concerns:
  - Concerns about fairness and delegation of courses required to teach
    - Some visitors saw the delegation of courses as a form of retaliation.
    - Concerns expressed were communications or arguments that may have taken place with the department chair.
  - Inquiries about processes including workload
    - Is workload defined or is it documented? Some visitors feel that workload for junior faculty may be excessive without the help of a teaching assistant. For instance, a faculty may have classes and labs they teach and/or oversee, but feel overwhelmed due to course/lab sizes.
  - Concerns about lack of communication within an area or department
    - When faculty receive communications from the department, it may not always include NT and NTT. The perception is a disconnect between fulltime tenured and fulltime/parttime NTT/NT
  - Power dynamics between faculty/chair
    - There are concerns relayed to the Ombuds that involve junior faculty and their ability to discuss issues with department chairs or senior faculty. Again, communication styles are the perceived challenge.
- Student Employees:
  - Concerns about the frequency that student employees lose positions
    - This includes the lack of communication from the visitor's supervisor and inquiries about that process
    - Visitors have presented that they may have received an email that they would not be hired the following semester. Those visitors felt this was unprofessional.
    - Others have brought forward concerns of showing up to a position, only to be told they were not renewed for the upcoming semester.  
In these cases, coaching and guidance were used, including to help the visitor either make an appointment with Career Services or visit with them immediately.
  - Power dynamics between student employee/supervisor
    - This includes possible personality conflicts among coworkers that leads to reprimands
    - Communication break down due to the student employee having never been employed before

*Bullying, Mobbing, Incivility (26%)*

- Bullying, mobbing or incivility
  - Visitors who brought allegations of bullying presented information that a colleague and/or others in their department were purposefully targeting them with verbal assaults and in some instances physical abuse.
  - Mobbing through the visitor's perspective meant groups of colleagues intentionally "attacking" them verbally within the department through either discredit, intimidation, or rumor. Some felt isolation and/or humiliation.
  - Incivility for visitors constituted another person verbally aggressive through in-person or online in a meeting, or via email.
  - Information, guidance and coaching were provided to some. Referrals to more formal resources were provided for others.

Performance Management (21%)

- Staff evaluation process and ability to respond
  - Staff have suggested the evaluation is not fair and the scoring allows for favoritism within an area. Responding to the evaluation is seen as a “set up” for retaliation by a supervisor if the response is negative.
- Faculty review process
  - The faculty review process is discussed and often the visitor is referred to a subject matter expert in Academic Affairs.
- Inquiries concerning the management of challenging subordinates
  - Visitors have made inquiries about having difficult conversations with subordinates who may have demanding personalities
- Salary equity
  - Visitors may have concerns with salary equity, especially during the evaluations or review processes. Visitors usually understand that it may be beyond their managers control or wish to pursue other options towards a resolution. Visitors are referred to subject matter experts in these cases.
- Concerns of fairness with the internal hiring process
  - Concerns of fairness during the hiring process have been brought forward. As an example, a staff member may not have had the same questions asked of them as another candidate.
- Merit
  - Merit is of constant concern for visitors. After a discussion, the visitor may wish to discuss with a subject matter expert, like a representative in Financial Affairs, so a referral is made.
- Promotion and tenure processes
  - The promotion and tenure process is usually referred to Academic Affairs and the Provost’s Office as they provide a subject matter expert.

University Policy and Administrative (5%)

University policy and administrative concerns:

- Concerns about information flow, especially involving the University administration
  - Anxiety about information flow concerning changes within the University is one example involving the administration
- Inquiries about lack of clarity usually involving the Handbook of Operating Procedures (HOP)
  - Staff grievance is brought forward as the timeline to make for a staff member to make a decision to file a grievance is short while a faculty grievance may take a few months. This is very stressful for a staff member and can be seen as a deterrent to filing a grievance. The University Ombuds suggested a slight change to Human Resources, owner of the policy. To date, a change has not happened, but it may be worth making the suggestion again.
  - Faculty grievance involves two processes beginning with the informal stage. Some faculty have difficulties with this concept.
  - Conflict of interests is a confusing HOP policy and needs some clarification. The Ombuds will often suggest the visitor with HR or Research Integrity, the owner of the policy to seek clarification.
- FMLA policy
  - When discussing this with a visitor, a referral is suggested to seek consultation with Human Resource expert.

### Behavior and Ethics (2%)

- Behavior relates to visitors who either reported a behavior that did not meet the University's code of conduct or felt as though retaliation would have occurred if reported through formal channels. The Ombuds referred some of these cases to the appropriate area/s including the Behavioral Intervention Team or Research Integrity.

### Other Referrals

Non-student employee or other non-employee related concerns constitute referrals to the Director of Student Services if they involve a student, or other subject matter expert offices. In some cases, there is a need for collaboration between the University Ombuds and the Student Ombudsperson.

Challenges faced by students range from lack of clarity with course requirements and grades, to course structure. Medical withdraw and course petitions were issues brought to this office. Again, referrals to the Director of Student Ombuds Services were appropriate.

### Conclusion

The Office of the University Ombuds provides a neutral, impartial and confidential environment for the employed UTSA community to express concerns related to work life at the University of Texas at San Antonio. The ombuds provides assistance to help staff and faculty develop strategies and options for effective problem solving. The University Ombuds Office also helps the University uphold the institutional core values and mission of UTSA by providing access to a safe space for dialogue to happen.

Confidentiality is a priority, so this report represents a snapshot of the factors that contribute to conflict within the workplace. This academic year was different due in part to the interruption of workspace and how work was performed. This added a level of stress to the overall issues visitors brought to the Ombuds Office. Concerns shared with various stakeholders included topics previously described.

Changes will occur for the upcoming 20-21 academic year report. New areas of data will be collected and a better illustration of the information such as a dashboard will be developed. The University Ombuds will continue to reach out to areas in all divisions. Informing the UTSA community on the advantages of interacting with the Ombuds to resolve concerns in an informal setting before they escalate will continue to be part of a communication campaign.

### Feedback from Visitors

*Thank you so much for looking into this so quickly!*

*Thanks so much again for meeting with me yesterday and for listening so patiently to my babble. It was helpful to me to get all of my thoughts out so I can start organizing a plan of action.*

*Thanks very much for taking the time to meet me and discuss my concerns.*

*Thank you very much for meeting with me and your very helpful information.*

*Thanks for reiterating the process for me.*

**Stop By**

Please set up a consultation if you are experiencing challenges in the workplace. Visiting with the Ombuds is a safe space to have thoughtful discussion about your concerns relating to your work environment or anything else you feel is causing your challenges. Having an informal dialogue is an easy way to gather your thoughts, discuss options and even devise a plan of action. You may decide to seek a referral to a subject matter expert, if you do, the Ombuds can help you prepare for that visit.

*Donna Edmondson, M.A.*

University Ombuds for faculty and staff  
The University of Texas at San Antonio  
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