

2018-2019

The University of Texas at San Antonio

Office of the University Ombuds



[ANNUAL REPORT – UNIVERSITY OMBUDS 2018-2019]

Introduction

The seventh annual report for the Office of the University Ombuds at the University of Texas at San Antonio covers the 2018-2019 academic year from September 1, 2018 through August 31, 2019.

This report presents data 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 through 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 17th century and King Charles XII. He established the Office of the Supreme Ombudsman in 1703.

According to the International Ombudsman Association (IOA), an Ombudsman is an individual who serves the community as “a designated neutral” within a specific organization.¹ 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.

The office was originally established under the Division of Research in 2012. It then moved into Academic Affairs under the Provost in 2013. The office once again moved and became the Office of the University Ombuds in 2018 under Institutional Compliance and Risk Services, then to its final destination in 2019, under the Vice President for Inclusive Excellence.

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

Why Work with the University Ombuds?

There are a myriad of reasons to work with the University Ombuds and 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 by 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. 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 visitor is told that the Ombuds does not give legal or psychological advice; does not keep records; and does 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 salient 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

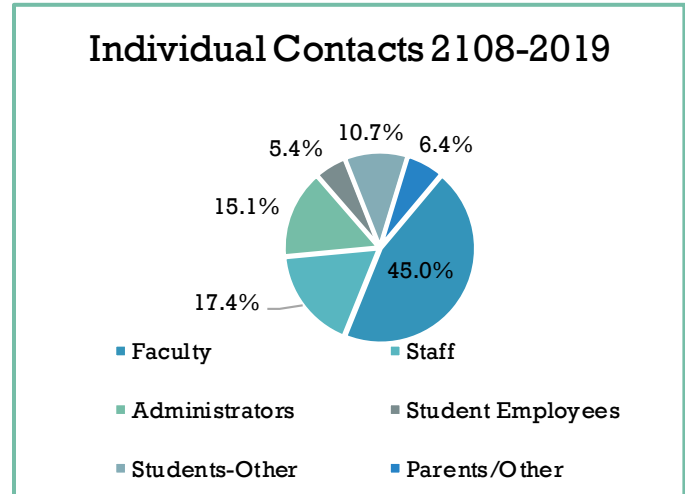
Further communications between the Ombuds and visitor may be necessary if the visitor's concerns are not addressed in the initial meeting. Follow-up communications from the Ombuds are as discrete as possible. Unless permission is expressly given, the Ombuds will not leave his/her full name, identify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

Withdrawing From Matters

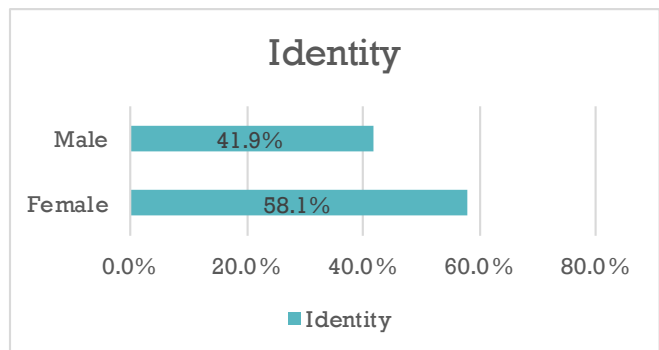
If the Ombuds is unable to work with a visitor in an impartial manner, the Ombuds shall disclose that fact to the visitor promptly and withdraw from the matter. If possible, the Ombuds will refer the visitor to other resources that may provide assistance.

Visitor Traffic

The University Ombuds had 391 contacts with visitors between September 2018 and August 2019. Faculty, administrators, staff, and student employees constituted 83% of contacts. Of the 391 employment related contacts, 173 constituted visitors with employment issues and 37 developed into cases. Of the 37 cases, three went unresolved in this office and moved into the grievance phase.



Most visitors are from various colleges and departments. The Ombuds referred non-employee visitors to the appropriate areas.

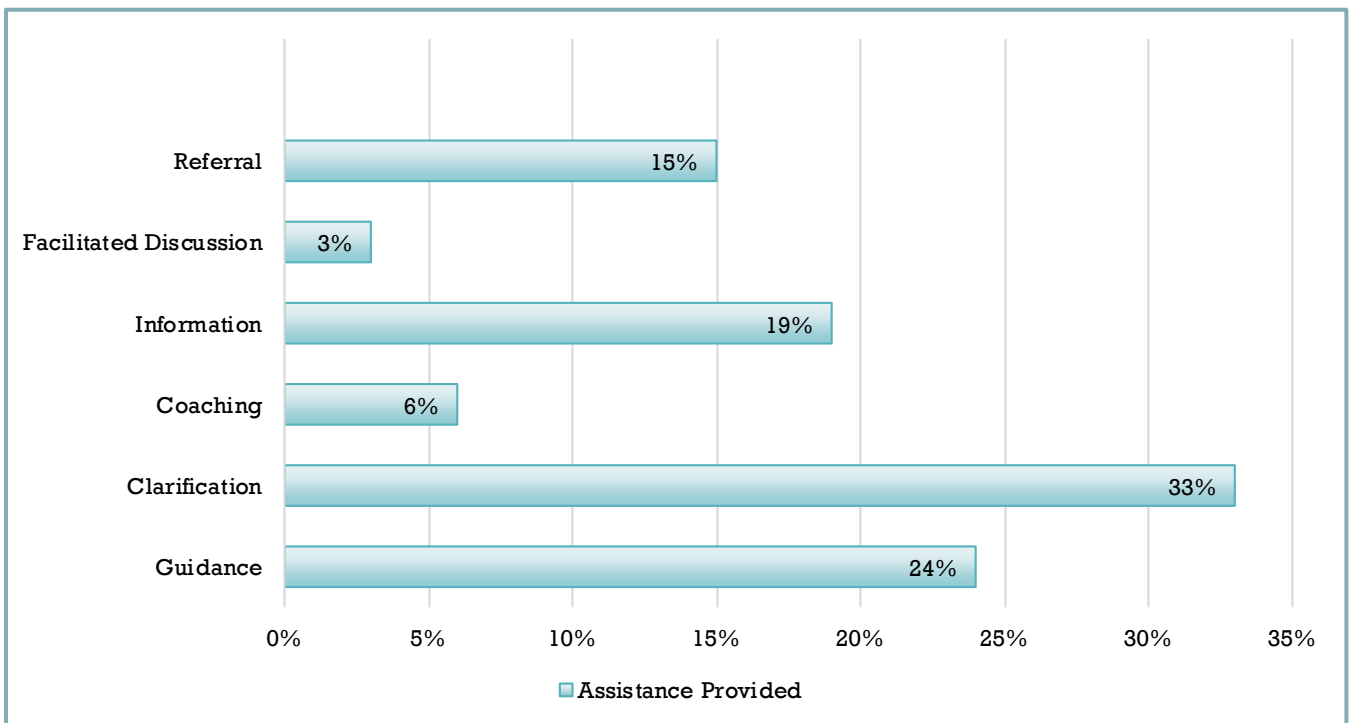


Gender

This office saw more female visitors than male visitors during the 2108-2019 cycle. 58.1% of the visitors identified as female and 41.9% identified as male.

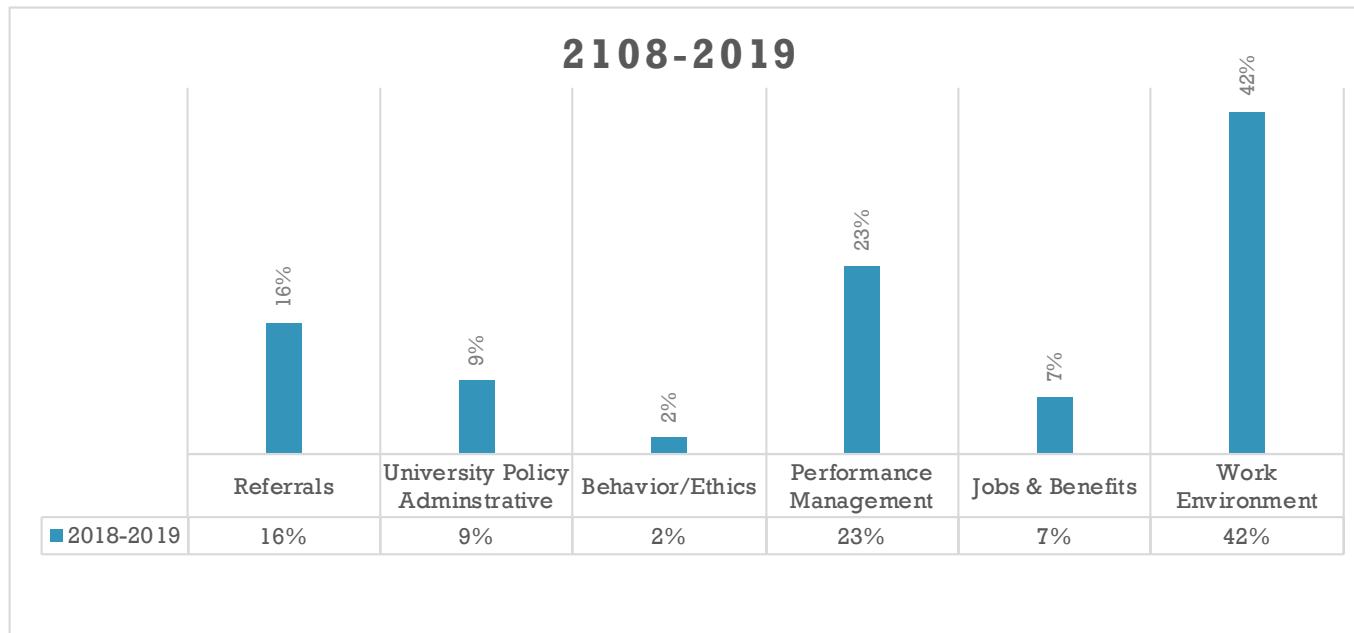
How the Ombuds Helps

The University Ombuds provides assistance through clarification and guidance of concerns brought forth. Clarification, for example, may be a policy in the Handbook of Operating Procedures (HOP). Sometimes this may include visitors also receive assistance with facilitated discussions if asked and both parties are willing to meet. Coaching is another method provided and this usually occurs when a visitor is unsure of how to approach a challenging situation. General information, for example, may include “how do I find the Management department on the UTSA webpage” and referrals are done when the Ombuds feels it is more appropriate for the subject matter expert to advise. This affords visitors the opportunity to discuss and evaluate their situation and develop options for effective problem solving.



Staff and Faculty Concerns

During the 2018-2019 academic year, concerns crossed the university community and fell into several broad categories: work environment, job and benefits, performance management, behavior and ethics, services or administrative issues, university policy, and student referrals. Within these categories, issues revolved around communication challenges, interpersonal conflict, and conduct of a supervisor, colleague, staff member or coworker.



Themes are based on information brought to this office. Work environment ranked first with the most concerns. Staff, faculty and student employees brought forward the below issues:

Work environment (42%)

- Employee/supervisor relationship concerns including department chair/faculty
- Bullying, mobbing or incivility
- Concerns over inequality
- Allegations of differential treatment or retaliation
- Managing confrontational subordinates

Concerns unique to faculty (tenured, tenure-track, and non-tenured) include:

- Concerns about fairness and delegation of courses required to teach
- Inquiries about processes including workload
- Concerns about lack of communication within the area (this is mainly non-tenured faculty)

Student employees shared anxieties that included:

- The frequency of student employees losing positions and inquiries about that process
- Not being paid in a timely manner (students with stipends)

Performance Management (23%)

- Staff evaluation process and ability to respond
- Faculty review process
- Inquiries concerning the management of challenging subordinates

Jobs and Benefits (7%)

- Salary equity
- Concerns of fairness with the internal hiring process
- Concerns over inequality
- Merit
- Promotion and tenure processes

University Policy and Administrative (9%)

University policy and administrative concerns:

- Concerns about information flow, especially involving the University administration
- Lack of communication between supervisors and staff/faculty
- Anxiety about information flow concerning changes within the University
- Inquiries about lack of clarity usually involving the Handbook of Operating Procedures (HOP).
 - Staff grievance
 - Faculty grievance
 - Conflict of interests
 - Administrative leave
- FMLA policy

Behavior and Ethics (2%)

- Research ethics

Referrals (16%)

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

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.

Overall

The Office of the University Ombuds provides a neutral, impartial and confidential environment for staff and faculty 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.

This report is a snapshot of some of the factors that contribute to conflict within the workplace. Recommendations shared with various stakeholders included topics described above. Confidentiality is a priority and only issues are discussed. This office helps the University uphold the institutional core values and mission of UTSA.

In the upcoming 19-20 academic year, the University Ombuds will begin to reach out to areas in all divisions, with a goal of visiting each department within two years. Informing the UTSA community on the advantages of interacting with the Ombuds to resolve concerns in an informal setting before they escalate will 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.

Donna Edmondson, M.A.

University Ombuds
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<http://www.utsa.edu/ombuds/>