

2020-2021

The University of Texas at San Antonio

Office of the University Ombuds



[ANNUAL REPORT – UNIVERSITY OMBUDS 2020-2021]

Table of Contents

Introduction	2
An Unusual Name	2
What is an Ombudsperson	2
Office Mission & History	2-3
Why Work with the Ombuds	3
The Ombuds Process	3-4
Visitor Traffic	4
Gender	5
By College or Area	5
How the Ombuds Helps	5-6
Employment Related Concerns	6 - 8
Service and Committees	9
Training and Outreach	9
Conclusion	9 - 10
Feedback from Visitors	10

Introduction

The eight-annual report for the Office of the University Ombuds at the University of Texas at San Antonio covers the 2020-2021 academic year from September 1, 2020 through August 31, 2021. This year the global pandemic remained a factor in continued remote or telecommuting work. Visitations continued via phone or using an online video service like Teams or Zoom.

This report presents data from the year to include 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, phone or use video services 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 at the lowest level and move 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 at the lowest level.

Originally established under the Division of Research in 2012, the Ombuds office has seen several iterations from a move to Academic Affairs under the Provost in 2013, Institutional Compliance and Risk Services in

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

fall of 2018, and finally landing in the Office of Inclusive Excellence under the Vice President for Inclusive Excellence in the summer of 2019.

Placing the Ombuds office under the Inclusive Excellence umbrella provides visitors with an informal experience that stays true to the Ombuds guiding principles of the International Ombudsman Association.

Why Work with the University Ombuds?

There is 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. Providing a visitor a safe place to discuss their concerns allows them to maintain 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 confidence. There are exceptions to confidentiality: permission by the visitor to divulge information, a violation of University policy or the law, or 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, by telephone or via Teams or Zoom. During the 2020-2021 academic year, face-to-face meetings did not take place in the Ombuds office, a conference room or at any other location at one of the three UTSA campuses. Meetings were conducted primarily through Teams or Zoom.

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 or complaints). 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

If the visitor’s concerns are not addressed during the initial meeting, subsequent communications between the Ombuds and visitor may be necessary. 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

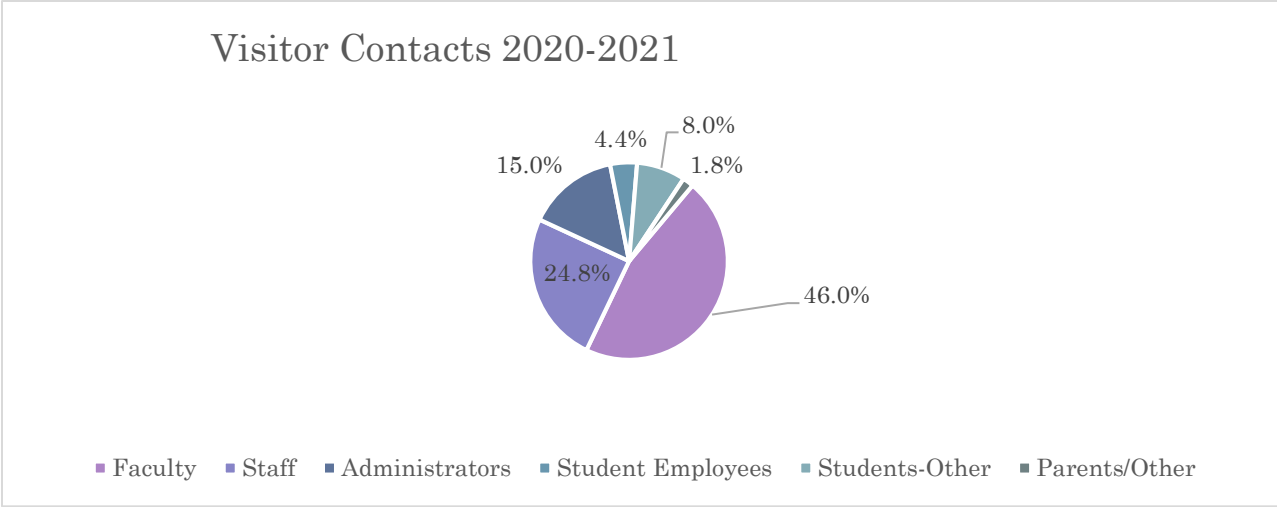
If the Ombuds is unable to work with a visitor in an impartial manner, the Ombuds shall disclose that fact to the visitor promptly and withdraw from the matter. If possible, the Ombuds will refer the visitor to other resources for assistance.

Visitor Traffic

The University Ombuds had 113 contacts with visitors between September 2020 and August 2021. Faculty, administrators, staff, and student employees constituted 83% of contacts. Of the 113 contacts, 73 constituted visitors with employment issues and 27 developed into cases. Of the 27 cases, three went unresolved in this office and moved into the grievance phase.

Interactions with visitors include contact via email, phone, Teams or Zoom. These interactions total 695, with several recurring cases reaching 20+ hours in meetings, consultations, and facilitations per case.

Most visitors are from various colleges and departments within Academic Affairs or Academic Affairs Support areas including Student Affairs. New visitors this year include areas within VPBA, VPIMT, VPREDKE and Office of the President. The Ombuds referred non-employee visitors to the appropriate areas, including the Student Ombudsperson.

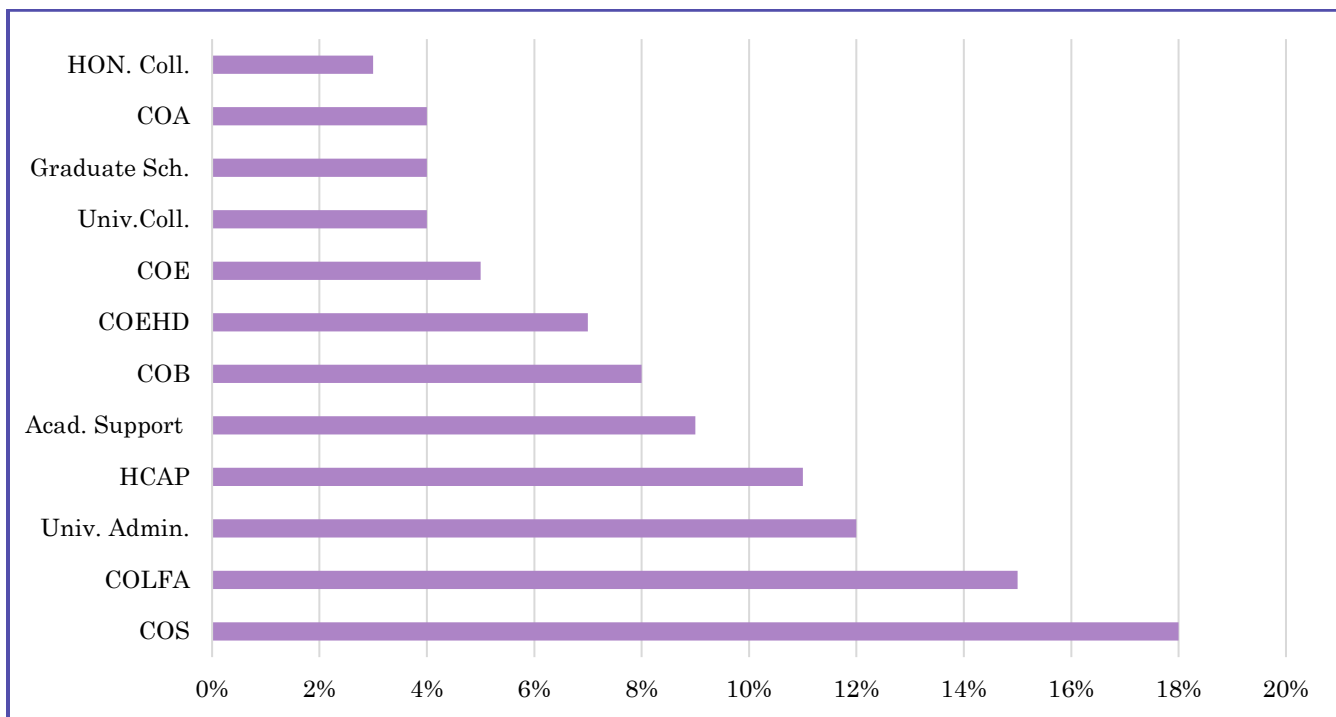


Gender

This office once again saw more visitors who identified as female (71.7%) than those who identified as male (28.3%) during the 2020-2021 cycle. The office did not collect other data to include those who do not identify as either male or female.

By College or Areas

A new addition this year is contacts by college within Academic Affairs and Academic Support Divisions. Other areas include President's Office, Business Affairs, Research, and Inclusive Excellence, which are statistically insignificant. This could be due to lack of knowledge that the Ombuds is available to other divisions. This concern is being addressed through marketing including visiting departments.

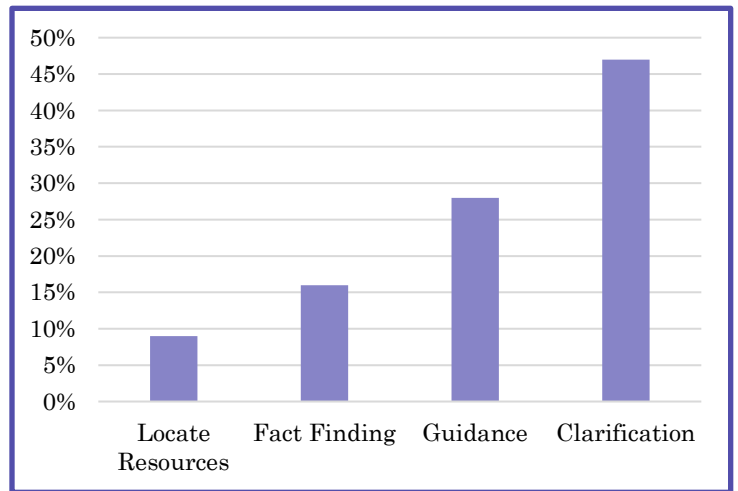


How the Ombuds Helps

The University Ombuds provides assistance through active 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. Resources fall under general information. For example, 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. This affords visitors the opportunity to discuss and evaluate their situation and develop options for effective problem solving.

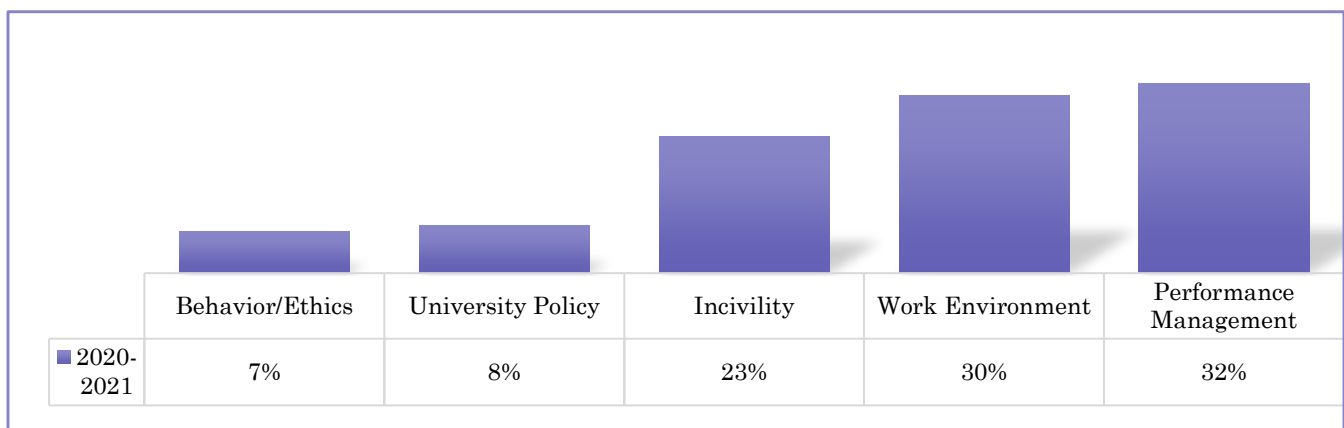
The University Ombuds will listen to a visitor’s concerns in a safe space and discuss options. Of the 113 contacts, 37 were visitors the Ombuds had seen before. This is an indication of trust being built between the Ombuds and the UTSA employed community. New visitors primarily from Academic Affairs made up the other 76 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 2020-2021 academic year is like previous semesters with one notable twist, the Covid-19 pandemic continue with a mostly online workforce. Concerns continue to cross the university community with face-to-face encounters in the fall of 2020 to online situations in the spring and summer of 2021. 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 because the role of the University Ombuds is as 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. Often, the Ombuds will refer a visitor to a subject matter expert for follow up.

Staff, faculty and student employees provided information that developed into the below themes. Performance management ranked first with the most concerns.



Performance Management (32%)

- New staff evaluation process
 - The ability to respond to the various areas of the new evaluation process left visitors challenged. Some felt the process deviated too much from academia and more into the corporate realm. Some visitors felt the rating process was unfair due to perceived expectations while working at home.
- Faculty review process
 - Discussions take place, but often times this is a referral to the Provost's informational pages.
- Inquiries concerning the management of challenging subordinates
 - Visitors (faculty – tenured, tenure track/non-tenure track and staff) reach out to discuss strategies when working with challenging personalities. Sometimes it is resolved, but in some cases a referral to People Excellence is warranted.
- Merit
 - Merit is a yearly concern brought to this office.
- Options are discussed with all visitors and, in some cases, referrals are made.

Work Environment (30%)

- Employee/supervisor relationship also includes department chair/faculty concerns.
 - Some visitors felt their immediate supervisor did not value them and was confrontational in front of others.
- Concerns over differential treatment
 - Visitors (faculty – tenured, tenure track/non-tenure track and staff) presented concerns that they were treated differently based on age, ethnicity, gender or identity. Concerns of these types were referred to EOS.
 - Other concerns of differential treatment were centered on power dynamics within an area between faculty/chair, staff/supervisor, student employee/supervisor, faculty/staff. Guidance and coaching were provided to visitors in most cases.
- Allegations of retaliation
 - Forms of perceived retaliations dealt with removal from a position, workload, harassment and even bullying and incivility.
 - These types of concerns were discussed, guidance provided and visitors were referred to subject matter experts.
- Guidance, coaching and concerns unique to faculty (tenured, tenure-track, and non-tenured) include:
 - Working during the summer when on a 9-month contract.
 - Concerns about fairness and delegation of courses required to teach.
 - Concerns about lack of communication within the area (brought forward mainly by non-tenured faculty).
- Student employees shared anxieties including:
 - The frequency of student employees losing positions and inquiries about that process
 - Some student employees have never been employed before coming to UTSA, so guidance dealing with concerns in the workplace and the processes affiliated with work study or student worker positions were discussed. In these cases, student workers were referred to the UTSA Career Center.
 - Not being paid in a timely manner
 - Visitors brought concerns of earnings not paid in a timely manner. Some issues dealt with stipends and visitors were referred to their respective colleges or departments.

Incivility (23%)

- Includes bullying, mobbing or incivility
 - Visitors who brought allegations of bullying presented information that a colleague and/or other in their department were purposefully targeting them with verbal assaults and in some instances physically. Instances of bullying via online increased during this reporting cycle.
 - 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 and due to remote work these feelings were elevated.
 - Incivility for visitors constituted a coworker or colleague being verbally aggressive through email, in-person or in an online meeting.
 - Information, guidance and coaching were provided to some. Referrals to more formal resources were provided including HR Business Partners and the Employee Assistance Program (EAP).

University Policy and Administrative (8%)

University policy and administrative concerns:

- Concerns about information flow, especially involving the University administration in response to the climate survey seemed to be a topic of contention. Perception by visitors indicated that the University administration was not being transparent with information.
- Lack of communication between supervisors and staff/faculty
 - Some visitors feel supervisors are not as forthcoming with information about possible policy changes or information affecting their area.
 - Role play and guidance were provided to help the visitor develop strategies and confidence to address concerns. Other resources were provided.
- Inquiries about lack of clarity usually involving the Handbook of Operating Procedures (HOP).
 - Staff grievance
 - Faculty grievance
 - Supplemental payments
 - Work hours and flexibility
 - Visitors were directed to the HOP Policy Process which offer links to the HOP Committee and information about suggesting policy changes.

Behavior and Ethics (7%)

- Behavior relates to visitors who report a behavior that does not meet the University's code of conduct, there is a perception for mental health concerns or felt as though retaliation would occur if reported through formal channels. The Ombuds referred some cases to the appropriate area and others were discussed and options developed. Ethics issues were based on perceived retaliation or other information concerning compliance with University standards. Visitors were directed to the appropriate office.

Other Referrals

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

Service and Committees

The University Ombuds is a permanent member of the Behavioral Intervention Team (BIT) with service beginning in 2015. The BIT is a collaborative of various offices including UTSA-PD, Student Conduct, Student Counseling, HR Business Partners, Legal Affairs, a faculty, an administrator from Academic Affairs, and the University Ombuds. The team reviews cases submitted via an online form and makes recommendations to other entities within the University based on severity of the concern. This team is confidential and the Ombuds role is limited to review and occasionally contacting reporters.

The University Ombuds serves on the Staff/Faculty Well-being Committee and is developing a proposal for staff mentoring. The proposal is a collaborative with contributions from Campus Recreation and College of Business. Staff mentoring provides not only a benefit to an employee of UTSA, but a benefit to the University at large. The University gains a better engaged and more knowledgeable workforce as well as a reputation for providing professional development and career advancement. The proposal will be submitted in Fall of 2021.

Training and Outreach

The Office of the University Ombuds offers a variety of trainings to the UTSA employed community including customized workshops that address communication styles, civility and customer service. The University Ombuds is a certified True Colors facilitator who collaborates with other trained facilitators from Student Affairs to provide workshops.

The University Ombuds in collaboration with a professor from the Department of Psychology, provide a series of 30-minute webinars, *Coping on the Fly (COF)*, each semester addressing various topics including stress management, working from home, time management, boundaries, and job engagement. Between fall of 2020 and summer of 2021, a total of nine webinars reached 287 employed members of the UTSA community. The summer 2021 webinar addressed the employee's return to campus. *Coping on the Fly* has gained popularity and is now a permanent part of the Ombuds outreach programming.

In spring of 2021, the University Ombuds delivered a presentation to the 16th Annual International Ombudsman Association. This conference was virtual which allowed for wider audience participation. The presentation illustrated how the *Coping on the Fly* model could be used in any setting from university to government to private industry and non-profits. A total of 45 participants from around the world participated including ombuds from the United Nations and NASA.

Conclusion

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

The annual report is 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 because of the global pandemic. 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. Confidentiality was a priority and only issues were presented.

Annual report changes for the upcoming 21-22 academic year report include new areas of data and a better illustration of the information. The University Ombuds will continue to reach out to areas in all divisions. Engaging with 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 and marketing campaign. The University Ombuds' engagement model with new workshops and webinars includes reintroduction of the Ombuds role, webinars addressing incivility, communication, and bullying.

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.*