

# 2021-2022

The University of Texas at San Antonio

Office of the University Ombuds



## [ANNUAL REPORT – UNIVERSITY OMBUDS 2021-2022]

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## **Introduction**

The eighth-annual report for the Office of the University Ombuds at the University of Texas at San Antonio covers the 2021-2022 academic year from September 1, 2021 through August 31, 2022. 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 17<sup>th</sup> 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.<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 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

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<sup>1</sup> “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 experience that stays true to the Ombuds guiding principles of the International Ombudsman Association of informal, impartial, confidential, and independent.

### **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 visitors 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 2021-2022 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*

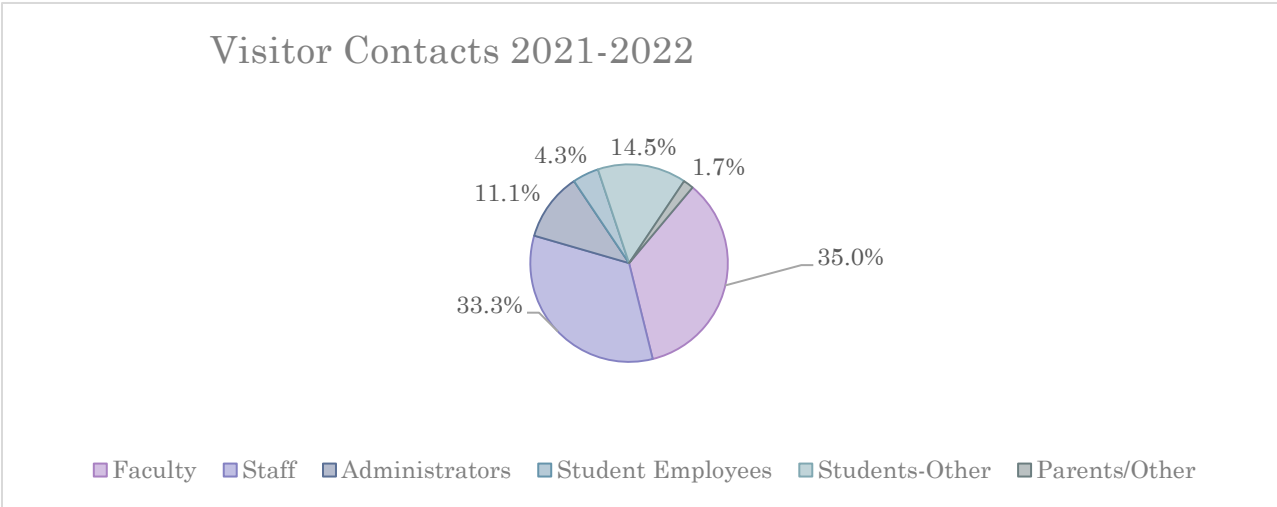
If the Ombuds is unable to work with a visitor in an impartial manner, the Ombuds shall disclose that fact to the visitor promptly and withdraw from the matter. If possible, the Ombuds will refer the visitor to other resources for assistance.

**Visitor Traffic**

The University Ombuds had 119 contacts with visitors between September 2021 and August 2021. Faculty, administrators, staff, and student employees constituted 83% of contacts. Of the 119 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.

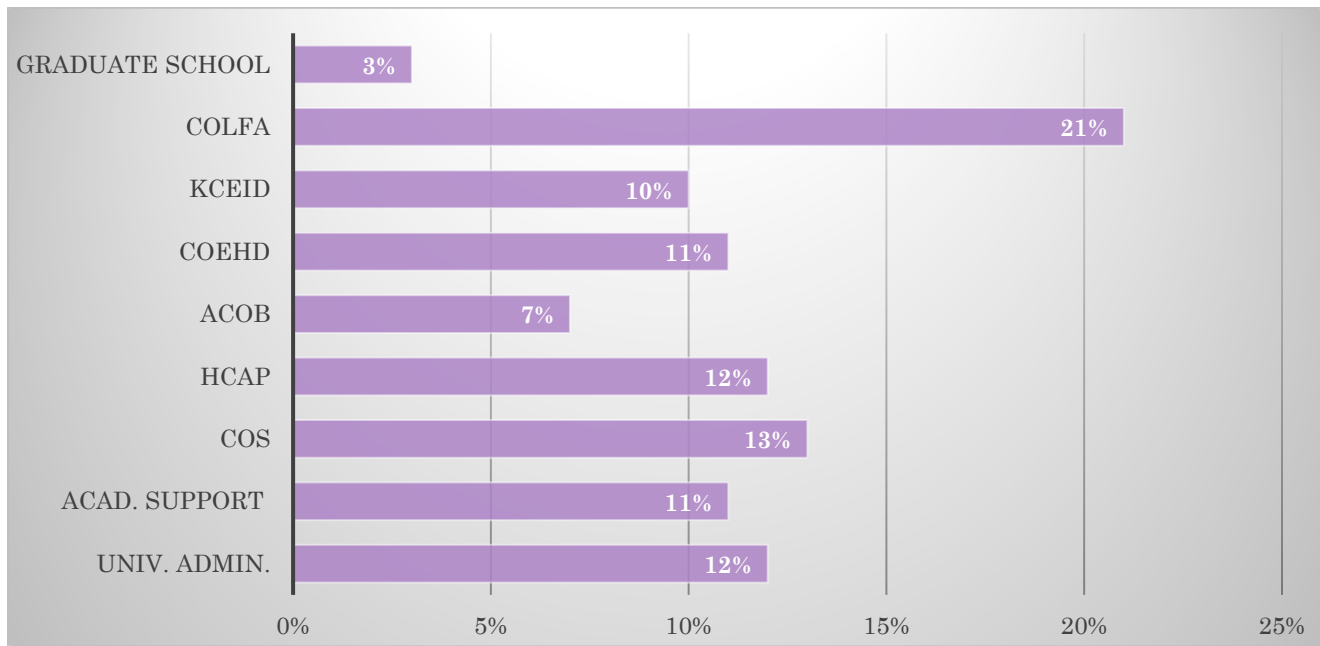


## **Gender**

This office saw more visitors who identified as male (43.7%) during the 2021-2022 cycle, which was a 14.6% increase. Female visitors accounted for 56.3% of those seeking consultation. 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 and their reporting offices, Business Affairs and Research, 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.

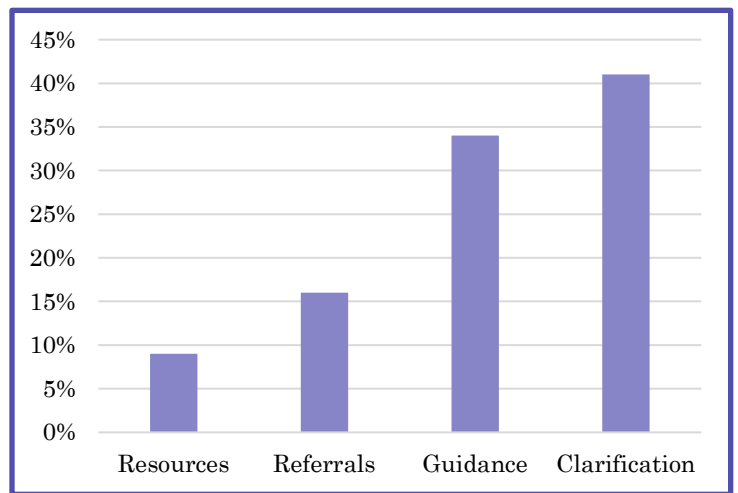


## **How the Ombuds Helps**

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 discuss 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 117 contacts, 28 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 89 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 2021-2022 academic year continued with a remote workforce as Covid-19 created uncertainty with in-person work. Concerns continue a cross the university community with face-to-face encounters to online situations creating a challenging work environment. 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. In some cases 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. Work environment ranked first with the most concerns.

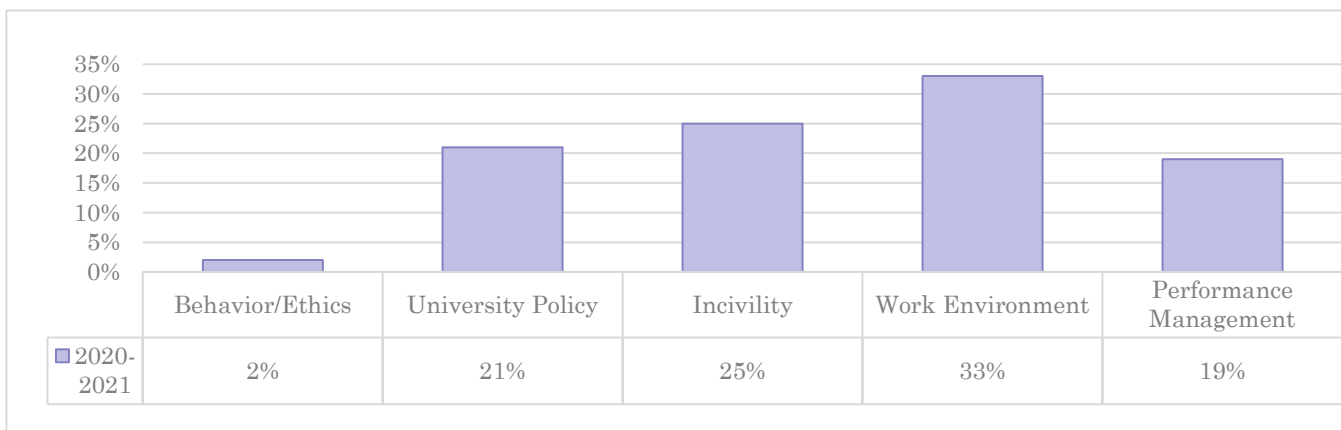
#### Performance Management (19%)

- 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 (33%)

- 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 (25%)

- 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 (21%)

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 (2%)

- 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 Student Assistant Services, 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 Student Assistant 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 submitted a proposal for staff mentoring in Fall of 2021. The proposal is a collaborative effort 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 was resubmitted to People Excellence in Spring of 2022.

### Training and Outreach

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 Dr. Mary McNaughton-Cassill, 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 2021 and summer of 2022, a total of seven webinars reached 96 employed members of the UTSA community. *Coping on the Fly* has gained popularity and is now a permanent part of the Ombuds outreach programming.

In fall of 2021, the University Ombuds developed and delivered two workshops on the topic of civility in the workplace. Both were well attended and participants earned credit through People Excellence Training and Development. The workshops were held virtually which allowed for wider audience participation. A total of 122 participants from around campus participated including faculty, staff and some department chairs.

In spring of 2022, the University Ombuds delivered another civility workshop specifically for a department with 14 participants. The Ombuds also developed and delivered a workshop on communication styles in the workplace. Two communication workshops occurred with a total of 102 participants.

Workshops specifically for faculty were developed and delivered in collaboration with professor Dr. Mary McNaughton-Cassill and Faculty Success. These addressed compassion fatigue and participants received the book and workbook “The Compassion Fatigued Organization: Restoring Compassion to Helping Professionals” by Michelle Graff. It was well received and this workshop will continue into the next reporting cycle. Two workshops were for tenured faculty and one for non-tenured or tenure track faculty. A follow up “Lunch and Learn” discussion took place in the summer after participants had the chance to read the book. Themes from this event were confidentially shared with the appropriate stakeholders.

The University Ombuds would like to see this type of workshop offered to staff as they too deal with complex issues and concerns in the workplace. To offer this workshop, the Ombuds would need support from the Administration since there would be a cost in supplying books.

### **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.

For the upcoming 22-23 academic year 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 includes reintroduction of the Ombuds role, as there are newly hired faculty and staff. Popular webinars addressing incivility and communication styles will continue as well as adding a new webinar addressing bullying in the workplace.

### **Feedback from Visitors**

*“Thank you for meeting with me and helping me to navigate my questions. I appreciate your insight and guidance during this time.”*

*“I just wanted to thank you for taking the time to meet with me today. The whole situation is a very difficult one but I am at least feeling more optimistic about my future at UTSA than I did before. Thank you!”*

*“This is great information! Thank you for your time. I will be in touch again should any other questions arise.”*