

NDSU

NORTH DAKOTA STATE UNIVERSITY

NDSU OFFICE OF THE OMBUD

ANNUAL REPORT: 2017-2018

North Dakota State University - Office of the Ombud
1201 Albrecht Blvd – P.O. Box 6050
Kristine.Paranica@ndsu.edu 701.231.5114

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I. INTRODUCTION

The Office of the NDSU Ombudsperson¹ was established through the office of the Vice President of Academic Affairs in 2013. **The Mission of the NDSU Ombud's Office** is to provide a safe environment where members of the NDSU Community may explore their concerns, consider the impact of all options, receive information and referrals, and design their best course of action in addressing their concerns. The vision for the office is to serve Academic Affairs and, if successful, expand to serve students and/or staff as well.

Kristine Paronica serves as the NDSU Ombud as an independent, impartial, and informal resource for NDSU faculty and graduate students with a focus on early-stage, informal dispute resolution. The Ombud is not an advocate for individuals or the university but rather a facilitator of fairness.

The charge of the Ombudsperson is to: 1) help maintain the Ombud's office, 2) assist with the resolution of conflicts and concerns, 3) serve as a resource of information and referral, 4) provide advice and guidance on policies and procedures, 5) conduct periodic training and outreach, 6) prepare annual and other reports, 7) identify problem areas within the university, 8) recommend areas for improvement to university policies and procedures, 9) follow IOA standards and best practices, and 10) develop professional skills through IOA membership and regular training.

The Ombud reports to the Provost and is evaluated by the Provost with input from the Ad-Hoc Committee of the Special Affairs Committee of the Faculty Senate.

II. OVERVIEW OF THE OFFICE OF THE OMBUD

A. Purpose & Scope of Services

The Office provides early-stage, informal dispute resolution services for NDSU faculty (including instructors and other academic appointments, academic staff) and graduate students. The Office receives informal complaints, concerns, or questions about alleged acts, omissions, improprieties, and/or broader systemic problems. The response of the Office is tailored to the dynamics of the situation and the visitor's concerns.

The Ombud helps individuals by:

- Listening to and clarifying issues and concerns;
- Making informal inquiries and otherwise reviewing matters received;
- Exploring options and resources, including referrals to other campus resources;
- Providing consultation, individual coaching, and mediating disputes;

Services of the Office supplement, but do not replace, other processes (formal or informal) available to the University community.

The Ombud serves as an information and communication resource, facilitator, dispute resolution expert, and source of recommendations for institutional change for the University. The Ombud also

¹ The name "Ombudsman" (om budz man) comes from Swedish and literally means "representative." At the most fundamental level, an Ombudsman is one who assists individuals and groups in the resolution of conflicts or concerns. There are a number of different titles or names for this position: "Ombudsman," "Ombudsperson" or "Ombuds" among others. (For the purpose of this document, the term "Ombud" will be used.). Source: International Ombudsmen Association.

provides workshops and training in the broad field of conflict resolution. The Ombud provides feedback to the University when trends, patterns, policies, or procedures of the University generate concerns or conflicts.

B. Standards Of Practice & Code Of Ethics

The NDSU Ombud's Office practices under the International Ombudsman Association (IOA) Standards of Practice and Code of Ethics, and this Charter adopts and incorporates by reference the IOA Standards of Practice, IOA Code of Ethics, and IOA Best Practices. The Ombud is a member of IOA, and attends IOA conferences and trainings as they are available. The IOA Standards, Code, and Best Practices are minimum standards, and the Office will also strive to operate to best practices in a way that serves the interests of the University community.

The Office functions independently of other university offices and functions. Conversations with the Ombud endeavor to be confidential by agreement and the Ombud works as an impartial neutral. The primary scope of services is limited to informal means of dispute resolution. The Office will publicize the confidential, independent, neutral, and informal nature of its services and will explain these ethical standards to each visitor.

1. Independence

The Office is and must appear to be free from interference in the performance of its duties. This independence is effected primarily through organizational recognition, reporting structure, and neutrality. The Ombud will exercise sole discretion over whether and how to act regarding individual matters or systemic concerns.

To fulfill its functions, the Office has a specific allocated budget, adequate space, and sufficient resources to meet operating needs and pursue continuing professional development. The Ombud may manage the budget and operations of the Office and reports to the Office of the Provost regarding administrative and budgetary matters.

2. Confidentiality

The Office endeavors to keep all visits confidential, and will not disclose any information unless required by law, nor without the party's express permission and, even with that permission, any communication will be at the sole discretion of the Office. Confidentiality will be respected even if disclosure may prevent resolution of a problem. The Office may, however, disclose confidential information if and when there is an imminent risk of physical harm, a violation of Title IX, or when North Dakota's Open Records Laws require disclosure.

The Office offers mediation services and follows ND State law and policy governing the confidentiality of the mediation process. Mediated agreements or other documents otherwise discoverable are not considered confidential whether or not they were created as part of the mediation process.

The Office will not keep record of the identity of visitors. The Office is not part of any formal investigation or process inside or outside the University. Visitors shall be put on notice that the use of email is a public activity and any email or other formal correspondence sent to the Ombud will be not be considered confidential.

3. Neutrality

The Office is neutral in its activities, and will not take sides in any conflict, dispute, or issue. The Ombud will impartially consider the interests and concerns of all parties involved in a situation with the aim of facilitating communication and assisting the parties in reaching mutually acceptable agreements that are fair, equitable, and consistent with the mission and policies of the University.

The Office will avoid involvement in matters where there may be a conflict of interest. (A conflict of interest occurs when the Ombud's private interests, real or perceived, supersede or compete with their dedication to the neutral and independent role of the Office.) When a conflict of interest exists, the Ombud will take all steps necessary to disclose and/or avoid the conflict.

4. Informality

The Office is a resource for *informal* dispute resolution. The Office does not formally investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. Use of the Office is voluntary and not a required step in any grievance process or University policy, with the exception of mediation services which may be required by University policy.

C. Authority & Limits Of The Office

The authority of the Office derives from the University Administration as manifest by the endorsement of the NDSU Provost and Faculty Senate.

1. Initiating Informal Inquiries

The Office may inquire informally about any issue concerning the University that come to its attention after having received a specific complaint from an affected member of the University community. The purpose of such inquiry is in the spirit of resolving disputes, gathering relevant information, providing guidance to the visitor, and/or making recommendations to the University.

2. Access to Information

The Office may request access to information related to visitors' concerns from files and offices of the University. Campus individuals who are contacted by the Office with requests for information are expected to cooperate and, as much as possible, to provide appropriate information as requested. The Office will not request a department or individual to breach confidentiality. University departments are expected to respond with reasonable promptness to requests made by the Office.

3. Ending Involvement in Matters

The Office may discontinue providing service and disassociate from a matter at any time.

4. Discussions with Visitors and Others

The Office has the authority to discuss a range of options available to its visitors, including both informal and formal processes. The Office may make any recommendations it deems appropriate with regard to resolving problems or improving policies, rules, or procedures. However, the Office has no actual authority to impose remedies or sanctions or to enforce or change any policy, rule, or procedure.

Limitations on the Authority of the Office

1. Receiving Notice for the University

Communication that alleges violations of laws, regulations, or policies, such as sexual harassment, issues covered by whistleblower policy, or incidents are subject to reporting under the Clery Act. Although the Office may receive such allegations, it is not a "campus security authority" as defined in the Clery Act. If a visitor discloses such allegations and expresses a desire to make a formal report, the Office will refer the visitor to the appropriate office(s) for administrative or formal grievance processes. *Acts of violence, child abuse, sexual assault, harassment, discrimination, or misconduct, and other matters addressed in Title IX, must be reported as required by University Policy and State and Federal Law.

2. Formal Processes and Investigations

The Office will not conduct formal investigations on behalf of the University or anyone else. It will only participate in the substance of any formal dispute processes, outside agency complaints or lawsuits, either on behalf of a visitor to the Office or on behalf of the University, if required by law.

3. Record Keeping

The Office will not create or maintain documents or records for the University about a visitor's name or other identifying information. Notes and any other materials related to a matter will be maintained in a secure location and manner, and will be destroyed as soon as possible and in accordance with applicable records retention policies.

5. Advocacy for Parties

The Office will not act as an advocate for any party in a dispute, nor will it represent administration, employees, or visitors to the office.

6. Adjudication of Issues

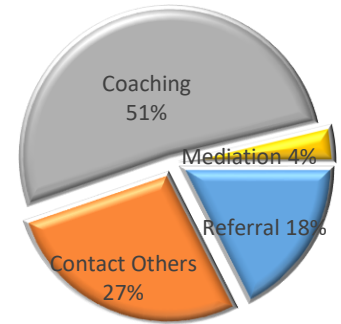
The Office will not have authority to adjudicate, impose remedies or sanctions, or to enforce or change University policies or rules.

D. Support For Using The Office Of The Ombud

The University and its agents will not retaliate against individuals for the sole reason of consulting with the Office. The University community respects the mission of the Office, its ethics and responsibilities, and encourages the use of the services provided.

E. Services Provided To NDSU

1. Consultation & Coaching: Every visitor begins with **consultation**, which often leads to coaching (51% of all visits). **Coaching** involves listening to the concerns, helping to think through options, identifying strategies, researching policies and developing an understanding of these policies or procedures, as well as a more formal skill or leadership based relationship.



In 27% of cases, the Ombud was asked also to **contact others** in pursuit of resolution of matters.

2. Mediation: Mediation between two or more parties is also offered on a voluntary basis and allows for parties to resolve conflicts with the support of a neutral mediator. The Ombud is a professional mediator with over 25 years of experience as a qualified neutral. Mediation begins with individual intake interviews of each participant, followed by one or more 2-3 hour sessions. Group mediation is offered for conflict management, with services designed to meet the needs of that particular group. The mediation process is sequenced to begin with initial intakes followed by coaching sessions to get parties ready for a successful mediation, culminating with the mediation meeting (or series of meetings).
 - *Mediation is voluntary, as success depends on both parties' good faith participation.*
 - *Confidentiality in mediation is specifically protected by North Dakota state law.*
 - *Mediation must be facilitated by an impartial mediator.*

Parties in mediation often wish to be heard and understood, as well as to persuade others to see the situation differently or to act differently. It can be a safe space to have difficult conversations and discuss sensitive matters.

In 2017-18, mediation was used by 7 groups of two (the previous year saw 6 mediation cases), with 6 cases involving faculty, including Deans and Chairs, and in 1 case, academic staff. The issues were primarily relational in nature, versus transactional, and in all cases, involved high levels of miscommunication, and perceived lack of trust and respect. In 6 of 7 cases, the parties felt satisfied with the process, and in the other, felt no progress made.

3. Group Facilitation and Training/Workshops: These services involve larger numbers of people and a much longer time frame. Under Group Facilitation services, 94 people were served. Four involved strategic planning and visioning, which is typically a service provided over a significant period of time (3-9 months). There is often a great amount of preparation such as meetings with all participants, developing surveys, and facilitating live sessions, as well as follow-up and reporting. Two departments had related services to plan for budget cuts and hiring concerns. Seven groups had issues related to climate, communication, and team development and worked on strategies to improve departmental climate.

The Ombud provided 11 different training events and workshops on a number of topics to groups across campus. The groups included department chairs and emerging leaders, new faculty, individual departments, college retreats, Graduate Student Orientation, and other small groups. In total, over 400 people were in attendance at these events.

Topics included:

- Introduction to the Ombud's Office & Ombud's Annual Reporting
 - Conflict Management and Strategies for Having Difficult Conversations
 - Departmental Climate/Culture
 - Bullying
 - Change Management
 - Civility in the Workplace
4. Referrals: Following the initial consultation, the Ombud referred visitors to other campus resources in 18% of all visits, while continuing service at the same time.
5. Outreach and Leadership
The Ombud's services are publicized through focused outreach meetings with leadership in Provost's Office, Deans' Offices, The NDSU Extension Service, Human Resources, Equity and Diversity, the Commission on the Status of Women Faculty, and other organizational units; participation at campus events such as Graduate College's Welcome for New Students, New Faculty Welcome and Faculty Development events. The Ombud also provides workshops for Chairs and Administrators in Academic Affairs, and sends a monthly email with tips related to conflict management to Chairs, Faculty and Graduate students. A website and office literature have been developed for marketing the office as a resource. The office has developed a flyer that was distributed to all faculty departments and graduate students, as well as at various events, trainings and workshops, and in new faculty packets. The Office provides consultation to organizations, collaborates on developing conflict management competency within NDSU, and assists committees where issues directly relevant to the mission of the Office are addressed.

III. GOALS & ACCOMPLISHMENTS FOR THE 2017-18 ACADEMIC YEAR

A. Goals for the Year:

1. Maintain record-keeping for the office in compliance with IOA standards;
 - i. Completed as required.
2. Market the office and its services, standards and ethics through presentations, web presence, individual meetings, email, and other means available on campus;
 - i. Presentations were made across campus to faculty, staff and students
 - ii. The Annual Report was distributed, outlining ethics, standards, processes
 - iii. Web site is updated regularly
 - iv. Email is sent monthly to chairs/deans/faculty leaders, and quarterly to students
 - v. Brochure, flyers, and business cards were distributed
3. Ensure that Administrators, Deans, Directors, Chairs and others know the Ombud personally, and make use of her office directly and through referrals;
 - i. Ombud met with Deans, presented to Chairs, Department Heads, and faculty and also communicated via email on a monthly basis, and attended events.
 - ii. Ombud collaborated with the Graduate School to best serve Graduate Students; and also met with the Dean on a regular basis. She is a presence at the Graduate Student Orientations each year.

4. Continue to learn and understand the policies and procedures related to faculty and academic affairs; meet with offices with responsibilities for administering policies to ensure accuracy in my understanding of how the policies work, their intent, and the accompanying procedures;
 - i. Attendance at a variety of meetings related to policies and procedures including Faculty Senate, CSWF, Rapid Response Team, and others
 - ii. Research and study of relevant policies and procedures
 - iii. Meetings with key individuals on campus related to policies/procedures
5. Work with others on campus to develop protocols for dealing with difficult behaviors and situations, including review of current policies and procedures, and development of strategies to manage situations fairly and effectively at the lowest levels.
 - i. Work with the Graduate College on new policies and procedures has begun;
 - ii. Continued advisement with CSWF to develop anti-bullying policies;
 - iii. Collaborating with Equity/Diversity to work on these concerns.
6. Provide a private physical environment to welcome visitors.
 - i. The current location of the office in the lower level of the library on campus has proven to be an ideal location for providing the privacy needs required by visitors. Although some find it difficult to find, the location has not been a deterrent.
 - ii. The Ombud is willing to find other locations that meet the needs of visitors, including other campus locations, off-campus locations, the use of telecommunications and other technology to meet.
7. Maintain office hours and availability that meet the needs of the faculty, including meetings in person, via phone or skype, and at locations on and off campus when requested;
 - i. The Ombud is available to faculty, staff and students at any reasonable hour by request and meets with visitors in person primarily – either in her office or at a location requested by the visitor, and also by telephone and skype.
8. Ensure proper usage of the Ombud's office and services;
 - i. In 2017-18 there were no improper requests of the Ombud's time.
9. Strive to reduce and resolve conflict and improve communication and climate through consultation, coaching, negotiation, mediation, education/training;
 - i. All services listed above were offered to visitors and others on campus.
10. Attend the IOA Conference to continue professional education, connect with colleagues, and maintain active membership with the IOA;
 - i. The Ombud attended her 4th IOA Conference.
 - ii. The Ombud has also taken a series of webinars offered by the IOA on topics such as diversity, ethics and standards, and other relevant issues.
 - iii. In 2017-18, the Ombud was on the IOA conference committee, set up the room hosts for the conference, and organized the sector meetings. She also became an IOA Mentor for new Ombudsmen in the field.
11. Provide a complete report at the end of the year (consistent with IOA standards) that demonstrates the value of the Ombuds Office in several ways; and provides guidance and suggestions for changes for the University;
 - i. Completed
12. Continue to serve faculty, academic staff, and graduate students, as well as anyone experiencing bullying and to groups/departments in conflict, including Extension Offices.

- i. At the end of the 2015-16 fiscal year, the Ombud began offering service to NDSU graduate students in May, 2016.
- ii. In 2017-18, the Ombud saw 26 graduate students, an increase of 4 students from the 2016-17 academic year.
- iii. Exit Interviews for faculty were added to the Ombud's responsibilities in May 2016. In-person interviews have been held with 14 faculty, and several have completed an online survey. In 2017-18, 45 departures were sent to the office for exit interviews and 22 responded by coming in for an interview or completing an online survey.

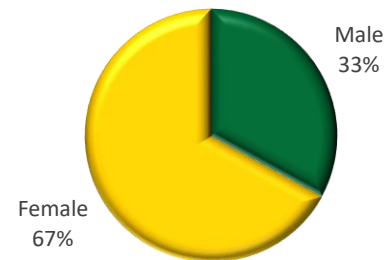
B. Accomplishments Through Visitor Statistics

1. Number of Visits

208 Separate Visits	156 Visitors	46 Faculty	16 Non-Faculty Academic
47 Administrators	26 Graduate Students	5 Undergraduate	16 Staff

2. Visits by Gender

Of total visitors, 67% were female and 33% male. By total of faculty at NDSU, 49% of Female Faculty visited (8% increase), and just over 13% of Male Faculty (6% increase) visited the office. Overall, there were 52 more visits to the office, and increase of 33% in visitors to the office, the largest in 4 years.



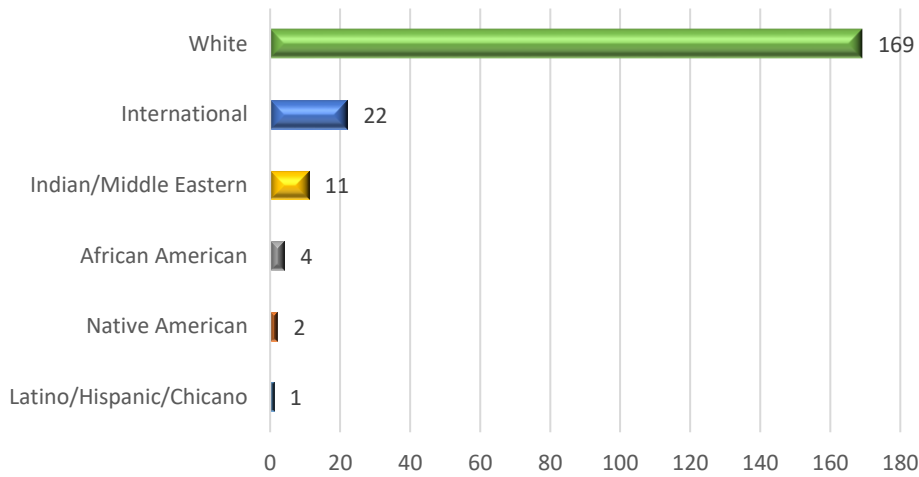
3. Visitors by Ethnicity

81% White 10.5% International 8% People of Color

*There are 137 Faculty who identify as a Person of Color at NDSU and 29% of this group visited the office; 504 identify as Caucasian at NDSU as a whole.

Based on the number of women and the number of those who identify as persons of color at NDSU at large, the number of visitors who fit in these categories are significantly higher by percentage than those who are white or male. Some reasons that more women and people of color visit the Ombud's Office with greater frequency include their experience of feeling marginalized, misunderstood, treated unfairly due to their gender or cultural background; feeling voiceless, uncertain about majority culture norms and communication styles, and/or anxious about the effect of their gender or culture on their process for tenure and promotion. (Some who are International are also listed as non-white/poc).

Total Visitors by Ethnicity



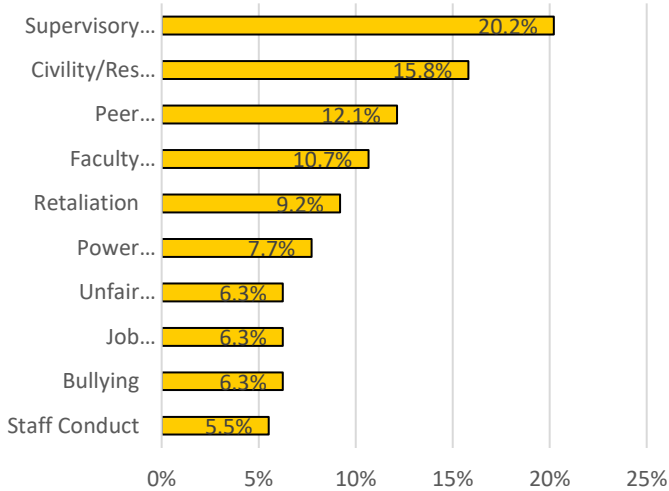
*There are factors that are not captured by the Ombud's Office to avoid revealing the identity of visitors. These factors include names, departments, colleges, titles, or examples of singular incidents or experiences.

C. Concerns & Risks:

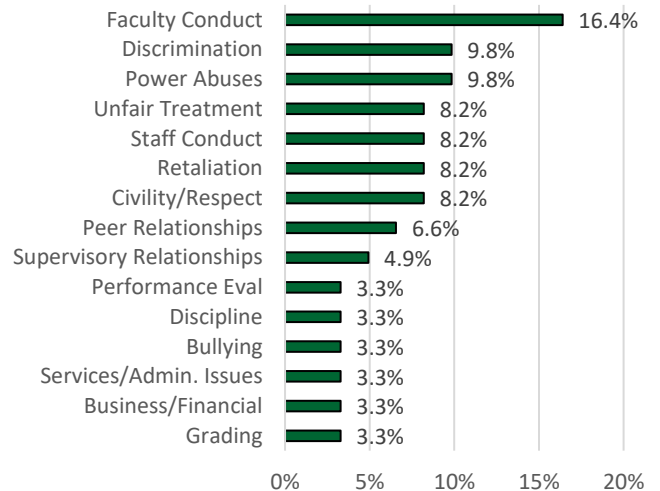
1. Primary Purpose for Visiting the Ombud:

Visitors may have 1, 2, or 3 concerns that are recorded. Often two or more come hand in hand, such as Supervisory Relationships and Faculty Conduct, Peer Relationships and Respect, etc.

Concerns by Ethnicity (Caucasian)

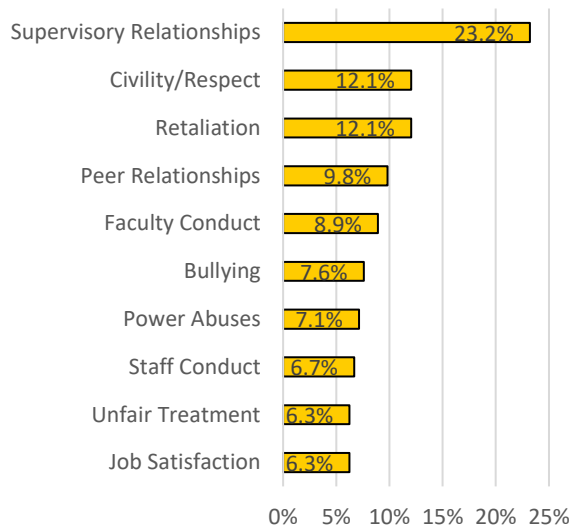


Concerns by Ethnicity (Persons of Color)

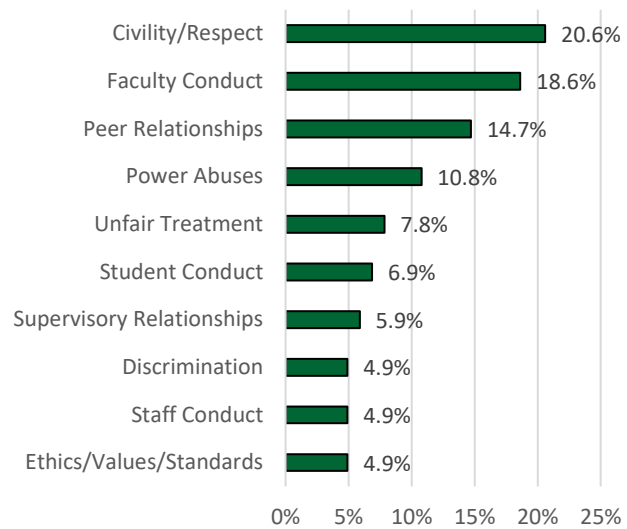


Comments: Overall, grouping all categories together, the top three were civility, power abuse, retaliation and ethical concerns (tied). This represents a change over each of the past 3 years where supervision, faculty conduct and civility were the top. In terms of ethnicity, the reasons for coming to the office are very different. For the Caucasian identifier, the three top issues are supervisory relationships, civility and respect, and peer relationships. For those identifying as a Person of color or international faculty, their primary reasons are treatment by other faculty toward them, discrimination and power abuses. This may not seem surprising in comparison to other forms of data comparing the experiences of these groups in the workplace. In the first group, people tend to experience discrimination and power abuse less often, except in the case of women.

Concerns by Gender - Females



Concerns by Gender - Males



Comments: There are also remarkable differences between the concerns that men and women come with. For women, almost ¼ of concerns involve supervisory relationships, both when a female is a supervisor and a supervisee (e.g., Chair and faculty member), although there are vast fewer female faculty in supervisory roles than men. For men only about 6% experienced issues with supervision, but 1/5 experienced a lack of civility or respect and were most concerned with faculty and peer conduct, whereas civility/respect came in second for women. Retaliation was higher for women, and not listed for men. These statistics are fairly consistent with similar findings in the 2017 Climate/Work-life survey at NDSU.

While NDSU has taking great strides in equalizing the opportunities for advancement for women, there is more to be done. Compare 2016-17 fiscal year with 2017-18 using the breakdown of faculty by gender:

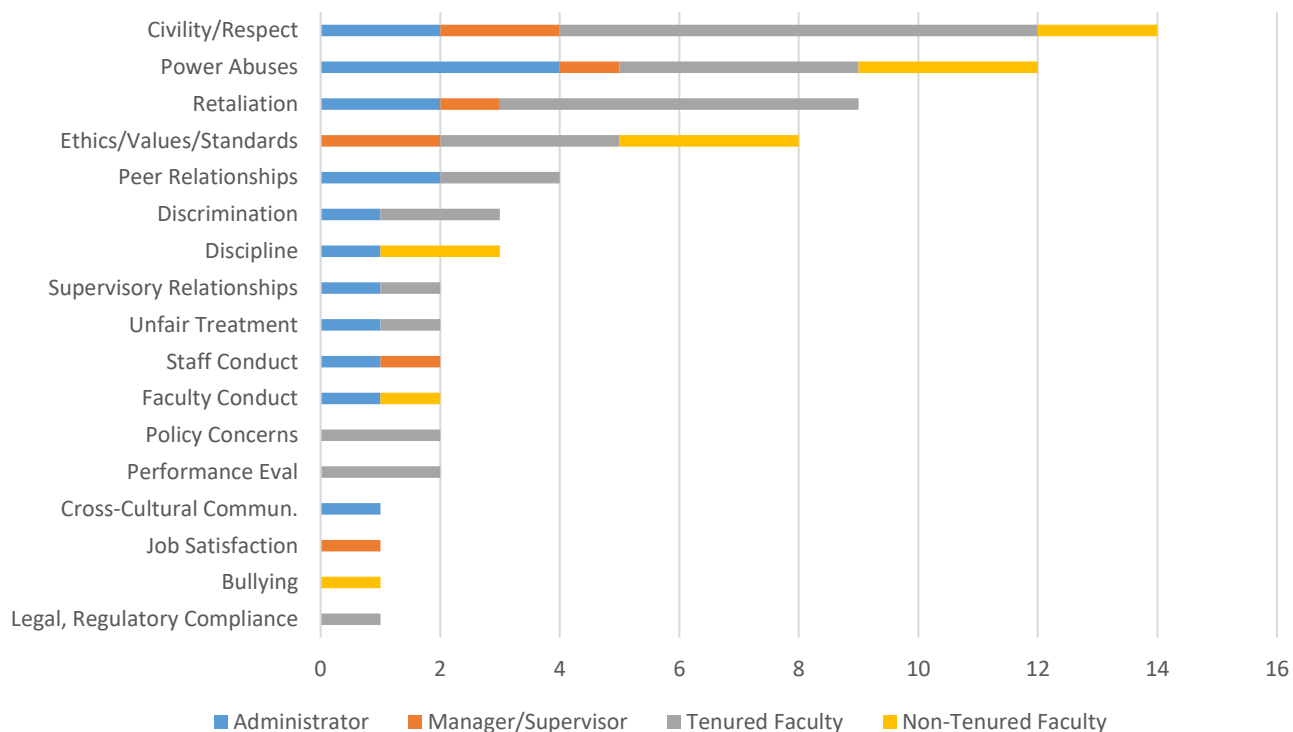
16-17: Full Professors: 192 Female 42 Male 150 / 168 Caucasian 24 People of Color
 17-18: Full Professors: 207 Female 47 (+5) Male 160 (+10) / 182 Caucasian (+14) 24 People of Color (+0)

16-17: Associate Professors 221 Female 79 Male 141 / Caucasian 170 51 People of Color
 17-18: Associate Professors 214 Female 81 (+2) Male 133 (-8)/ Caucasian 159 (-11) 52 People of Color (+1)

16-17: Assistant Professors 242 Female 119 Male 123 / Caucasian 179 63 PoC
 17-18: Assistant Professors 230 (-12) Female 114 (-5) Male 116 (-7)/ Caucasian 163 (-16) 61 PoC (-2)

There were 14 fewer faculty in these 3 categories in the 2017-18 academic year. Female Full Professors make up 23% and Male 77%, with an increase in twice as many men achieving this status last year. People of color had no increase in promotion to Full Professor meaning that all promotions were Caucasian. Females and People of Color made a small increase to Associate, with a reduction for males. There was a significant reduction in Assistant Professors, likely due to budget cuts.

Concerns by Visitor Status (Faculty)



Concerns by Employment Status:

Compared to last year, where power abuses, civility, supervisory relationships, bullying and unfair treatment were among the high concerns, this year ranks some of them lower.

Administrators (primarily deans, assoc. deans, VP's) were the only group with concerns about cross-cultural communication, but were most concerned about power abuses by those at higher levels.

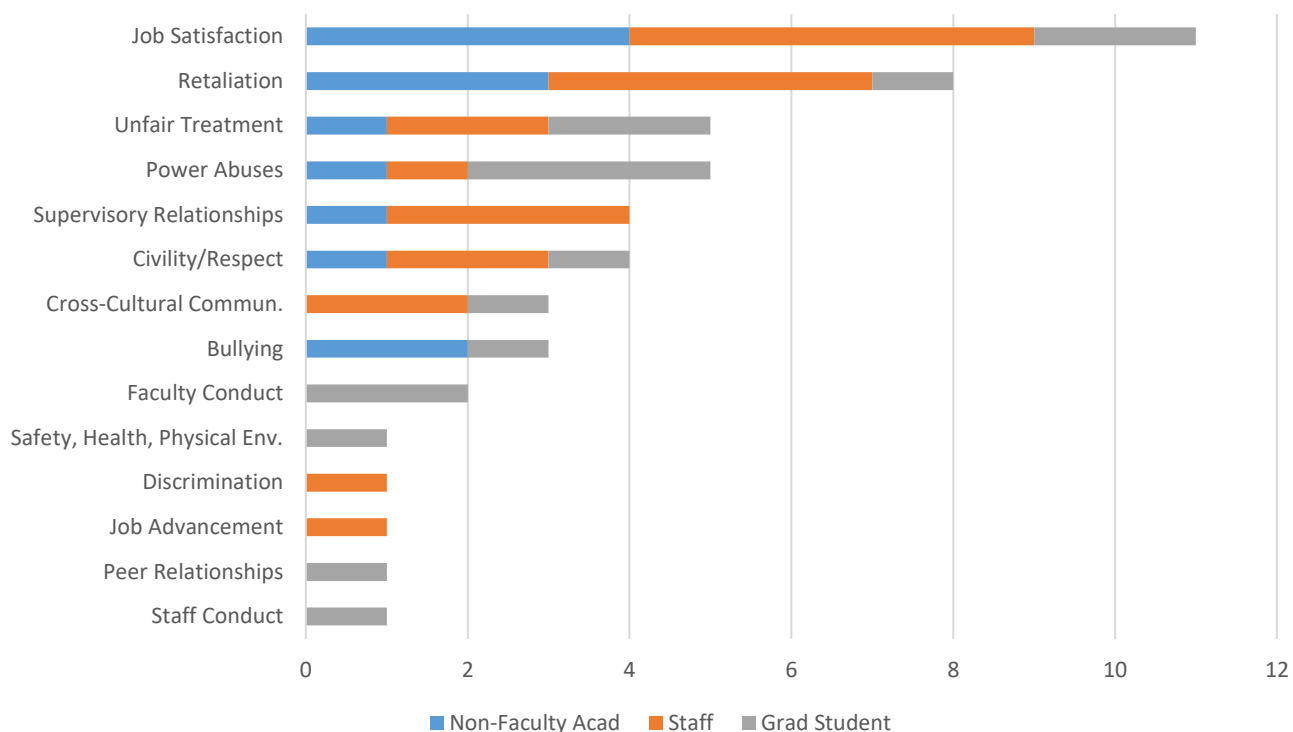
Chairs and Department Heads (managers/supervisors) were the only to list job satisfaction and were most concerned with civility/respect, as well as ethics/values/standards.

Tenured faculty had the highest concerns about civility/respect, as well as retaliation, power abuses, and were the only faculty with standards and policies, performance evaluation, and legal compliance.

As for tenure-track faculty, power abuses by higher administration stand out along with ethics/values/standards, civility and respect, as well as discipline and bullying.

In comparison to the 2017 Climate/Work-life balance survey, members of underrepresented identity groups reported lower satisfaction with climate due to experiences of disrespect, under-appreciation; also, all groups surveyed mentioned decreased moral due to budget cuts and increased workloads. An additional source of lack of moral was due to overall poor attitudes toward higher education from stakeholders within North Dakota. In the Ombud's exit surveys, these factors were also mentioned.

Concerns by Visitor Status (Grad Students, Non-Faculty Academic, Staff)



Concerns by Other:

Graduate students' most common concern was power abuses along with faculty conduct, unfair treatment and job satisfaction, which is similar to the previous year. They also had concerns with safety, peer relationships, faculty conduct, and staff conduct.

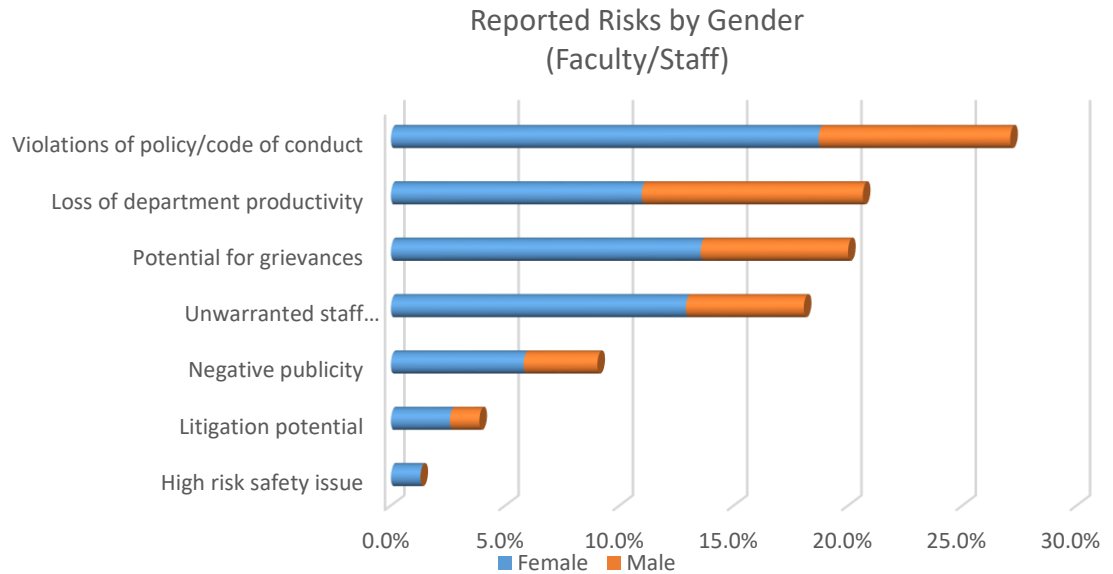
Non-faculty academic (researchers, professors or practice, lecturers, instructors, etc.) listed job satisfaction as their highest concern, along with retaliation, compared to last year where they had concerns about peer relationships and unfair treatment.

Staff had the highest number of concerns with job satisfaction, retaliation and supervisory relationships. They were also the only to list discrimination and job advancement as a concern. In the previous year, their concerns centered around civility/respect, and ethic/values/standards, supervisory relationships and power abuses. The impact of budget cuts may have begun to impact concerns, such as losing staff and faculty and having to maintain work-loads.

D. Accomplishments Related to the Reported Risks:

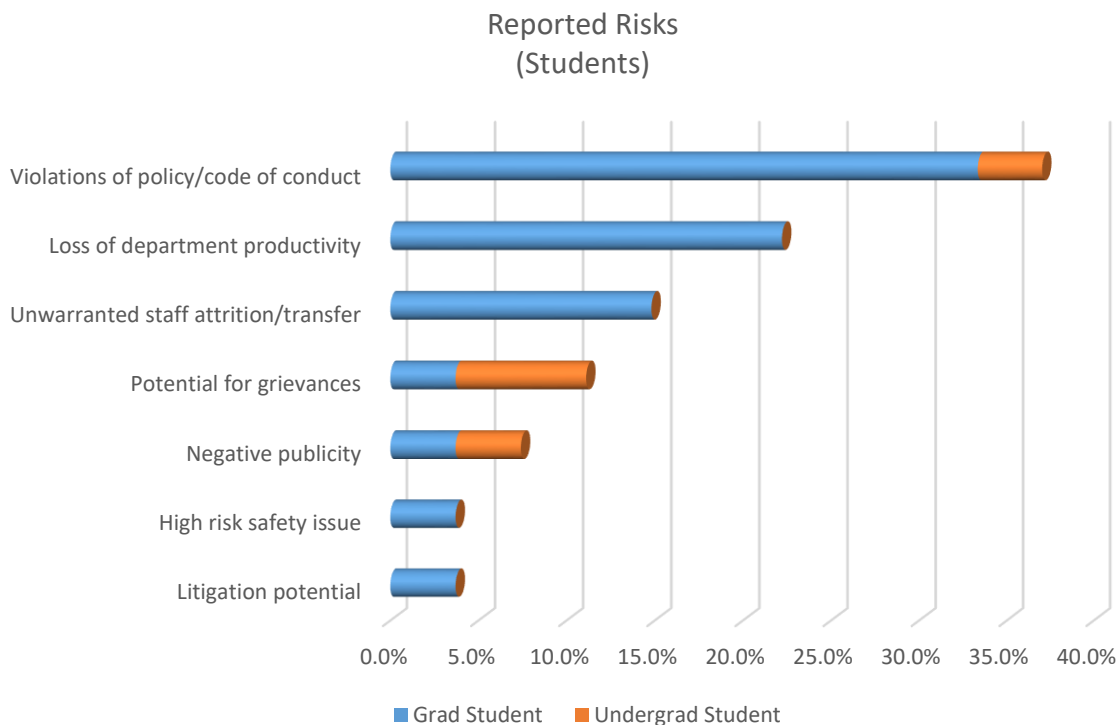
This is a type of tracking suggested by the IOA in order to determine the level of risk related to the concerns brought to the organizational Ombudsperson. These risks are voiced by the visitor based on what action they are considering at the time of the visit. This is under the category of accomplishments because of the return on investment in the Office of the Ombud compared to cost savings through frequent use of the informal strategies to remedy concerns when possible.

1) Risk-Related Numbers:



i. Faculty & Staff by Gender:

As the chart indicates, the majority of female faculty and staff visitors believed the greatest risk was violation of policy and codes of conduct. In organizations where policy and procedure are not followed with consistency and applied equitably, climates were much more troubling. The impact is a loss of trust in leadership at every level. For male visitors, the greatest risk was loss of productivity and violations of policy. Women were also considering grieving or leaving the university, and also concerns with loss of departmental productivity. The reported risk of litigation continues to remain low over 3 years.



ii. **Student-listed Risk:**

Graduate Students most often reported violations of policy, procedure and/or codes of conduct as the highest risk. Their 2nd highest concern was loss of productivity due to their situation. The 3rd concern was attrition – leaving graduate studies prior to graduation. This differs from the previous year where they listed the highest risks in both the potential for grievances as well as reporting violations of policy/procedure. Their complaints centered around advisory relationships with faculty. With the few undergraduate students visiting the office, they were at the point of filing grievances.

In regard to international students, a significant number have come to the Ombud's office with serious concerns of discrimination based on national origin. Some examples include experiencing abusive behavior, stereotyping, retaliation involving international status-related threats, and poor cross-cultural communication resulting in very serious implications for the student. These students are at added risk due to their international status and can easily be maltreated intentionally, and also unintentionally. More should be done to protect all students who come to NDSU from such treatment.

2) **Risk Minimization:**

- i. The Office of the Ombud can help minimize the risks by helping each visitor:
 - consider the implications of one's situation as well as their best course of action in addressing their concerns (including formal action)
 - discuss strategies for managing conflicts at their lowest level
 - weigh the costs and benefits of their options
 - refer to other offices and services on campus that can address their concerns
 - use the services of the Ombud's Office to address the concerns
 - learn skills to manage their situation more effectively
- ii. In the annual electronic Satisfaction Survey conducted in May, 2018, faculty and staff participating stated that as a result of their visit to the Ombud's Office:
 1. The vast majority indicated that their concerns were resolved by their own action or by the Ombud, and in many cases, that no other action was required.
 2. In about ¼ of cases, the issue remains unresolved.
 3. Those using services for their department said the services of the Ombud helped their dept/workplace in about ½ of cases.
- iii. In terms of other possible actions that the visitors considered taking had they not used the office of the Ombud:
 1. The majority would have gone to colleagues for help, used formal and/or external resources including litigation to resolve their concerns on campus, or would have done nothing about their concerns.
 2. Eight reported that they would have left NDSU or would have taken other steps (unspecified)
 3. The vast majority would and have referred others to the Ombud's Office

3) Costs of Associated Risks:

The Ombud's Office is an important part of a University's conflict management system aimed at providing to their community neutral and private services for intervening in conflict at the every stage, thereby reducing some of the risks mentioned here. Each of these risks have an associated cost to the visitor and to the University.

- i. Time Waste: There are several factors to consider related to cost to the organization when conflict arises. It is estimated that wasted employee time due to workplace conflict is 3 hours per week, and often more for managers.
- ii. Stress: The stress of interpersonal conflict takes its toll mentally, emotionally and often physically. For example, the cost to the workplace of an unhappy employee who is engaged in conflict has been quantified in two studies:
- iii. Productivity: "Parties in conflict suffer a 5-20% loss in productivity." Harris (2008, p. 97)
- iv. Effects of Incivility: "Workplace incivility has the following effect on the victim:"
 - 48% decreased their work effort
 - 47% decreased their time at work
 - 38% decreased their work quality
 - 66% said their performance declined
 - 80% lost work time worrying about the situation
 - 63% lost time avoiding others involved
 - 78% said their commitment to the organization declinedPorath & Pearson (2009, p.24) U.S. sample survey of more than 1000 responses.
- v. Time Waste: Two other studies quantified time waste due to time spent in conflict management activities and concluded that 20-42% is spent on conflict. Murtha (2005, p. 42); (Thomas & Schmidt, 1976, p. 315).
 - A recent study interviewed higher level managers and found that 3-4 hours per day or 38% of their time was spent on conflict. (Katz & Flynn 2013, p. 403).
 - Furthermore, a study of over 5,000 full-time employees in 9 countries, including the US, found that 2.8 hours per week was spent on conflict (\$359 billion in salaries); and
 - 51% of Human Resource staff spent 1-5 hours on conflict. (CPP, 2008, p. 2, p. 5).
- vi. Turnover obviously has a detrimental cost to any organization, and has been quantified in several studies.
 - Should an employee leave, 50-120% of the annual salary is used to calculate the loss, and subsequent hiring and training of a new employee (depending on type and level of position).
 - Also interesting, is that in a study done in 2005, 85% of departing employees cited internal conflicts as their reason for leaving their position. (Murtha, 2005, p. 42).
- vii. Grievances and Litigation: The cost of conflict that are not resolved in informal dispute resolution are higher and often easier to quantify.
 - Internal grievances take a toll on the bottom line with two studies indicating that 10-14 days are spent by management, HR staff, in-house counsel, and others preparing for, holding hearings, and deliberating and deciding grievances. Multiplying these hours by the salary dollars results in high costs.

- External actions, e.g., litigation, can cost the organization close to \$100,000 in legal fees for an employment dispute case, not including costs associated with losing in litigation. (Murtha, 2005, p. 42).
- The costs of negative publicity to the organization is also considered with public grievances and litigation.

4) Actions taken by the Ombud related to Primary Concerns & Risks:

- i. Offered leadership training for supervisors (Chairs, Deans, Directors, etc.) in areas such as conflict management, civility/respect, diversity, evaluation/feedback, meeting management, bullying, etc. (Ombud's and Provost's Office)
- ii. Feedback to campus leadership on visitor concerns, where appropriate, as well as uncovering inequities with particular policies and procedures.
- iii. Continuation of monthly tips on topics related to visitor concerns for Chairs/Deans based on positive feedback and sharing of the email with others down the chain of command.
- iv. Addition of faculty-wide email from the Ombud, and also to Graduate Students.
- v. Changes and increase in training available to *new* faculty on topics such as communication, managing expectations, setting boundaries, and other topics. (Ombud's and Provost's Office).
- vi. Increased outreach to Graduate Students at NDSU.
- vii. Issue identification based on exit interview data collected by the Ombud.
- viii. Policy input by Ombud:
 - a. Bullying Policies and Procedures (with CSWF)
 - b. Attendance at meetings on campus including Faculty Senate, the Commission on the Advancement of Women Faculty, Rapid Response Team, etc.
 - c. Input for various colleges' and departments' policies and procedures (with Chairs/Deans)
 - d. Annual reporting related overall campus climate
 - e. Work with Graduate College on rights, responsibilities, and grievance process for students.

E. Results of The Satisfaction Survey (Administered Electronically - May 2018)

- 1) Two surveys were sent out this year to Faculty at all levels and including Administrators, and another to Graduate Students. Staff, generally, were not included in the survey as the office doesn't serve staff, however, those in faculty offices were encouraged to share their survey with academic staff.
- 2) Faculty/Staff Response Rate: There was a 78% increase in responses this year.
 - i. Breakdown:

1. 44 Administrators
 2. 101 Tenured
 3. 37 Tenure track
 4. 16 Professors of Practice
 5. 21 Adjunct/Lecturers
 6. 47 Academic Staff
 7. 5 (Other)
- 3) Student Response Rate: The response rate doubled this year.
- i. Breakdown:
124 PhD Students and 120 Masters' Students
- 4) Specific Responses to Questions:
- i. In the Faculty/Staff survey, all but 10% knew of the Ombud's services.
 - ii. In the Graduate Student survey, 60% of the Ph.D students and 40% of the Masters' students had heard of the office.
 - iii. For those answering no – not aware, 45% of Master's and 55% of Ph.D students responding would have used the office, and 44% of faculty.
 - iv. Marketing: The most effective outreach was:
 1. Email, NDSU Campus Announcements, and attending a presentation for Faculty, and email and announcements for students.
 2. Other sources: Website, Provost's office, from their Chair or Dean, or Graduate College, and from a colleague who referred them.
 - v. Understanding the multiple roles of the Ombud:
 1. Compared to previous years, a greater number of respondents do understand the multiple roles of the Ombud.
 - vi. Access & Quality of Service.
 1. Most visitors' experience was that the office was accessible, flexible and welcoming.
 2. They also found that the Ombud was easy to understand, knowledgeable, supportive, flexible, private/confidential, and resourceful.
 3. There are a minority each year who do not find the Ombud helpful due to lack of power in the office to effect change.
 - vii. The results of the visit to the Ombud's Office:
 1. For Faculty, more than 50% received information or coaching, and no other action was required; For Students, over 70% agreed.
 2. Fac/Staff: In 40%, the Ombud and/or the visitor took action and the issues were resolved; about 50% students found their issues resolved.
 3. Fac/Staff: 45% of visitors believed the Ombud helped their department/center, and students noted no significant change.
 - viii. "If I had not gone to the Ombud's Office, I would have:
 1. The majority of Faculty respondents would have gone to formal resources either on or off campus, or done nothing.
 2. Students would have done nothing or used external resources.
 - ix. A Few Positive Comments and Recommendations (the full surveys are attached to read all comments):
 1. Administrators:
 - a. Need clarity of the role of the Ombuds in resolving graduate student issues involving faculty. Student issues should either be resolved

informally at the department level and formally by the Graduate School.

- b. Meet with the Deans' Executive Team of all Colleges at least once a year to promote the Office services and identify issues and problems within the Colleges you might be able to help with.
- c. Kristine does a great job! I would like to see more trainings offered to the campus because they create a "safe space" for people to learn about how to confront and manage difficult relationships and situations. Plus, these opportunities create exposure for her personally and the services she provides which might help people to be more comfortable contacting her for an individual or team consultation.
- d. 1st and foremost, our Ombud's person has a great personality and is very approachable. I have been tempted to involve her in departmental conflict situations of which I may still contact her in the future.

2. Faculty:

- a. While the Ombud's Office claims to be independent, I don't think the faculty trust that it is because the office reports to the Provost.
- b. In situations that call for a systemic change, it would be good if Kristine is able to provide her recommendations to administrators, without violating privacy to the extent possible. That way recurrent themes and issues can be more easily identified and documented, to eventually arrive at a solution.
- c. The Ombud should evaluate departments (either when the unit is up for their program review, or as requested by the unit, or as by requested by the unit's supervisor - if there is an issue). So often serious issues exist, but no one (or not the 'right' person) actively seeks assistance. If the Ombud could evaluate the unit (like a 360 review), it might help identify and dealt with problems (hopefully proactively).
- d. The Ombud's office was critical for helping me resolve a difficulty with one of my employees. This employee was causing conflict with other employees in my group. Kristine was extremely helpful. She went above and beyond in providing counseling to the employee, and helping me, as the supervisor, determine the course of formal action to resolve the issue. The times I met with her were so helpful that I feel like I was getting counseling myself regarding how to work through my feelings regarding this employee. I also learned many management skills in the process. I would definitely use the Ombud's office again, and would consider using it for a wider range of issues than I would have before this conflict with my employee occurred.
- e. Kristine has helped me with issues about 2-3 times over the last 4 years. She is very helpful, easy to work with, non-judgmental and provides good advice on handling emotionally charged situations.

3. Students:

- a. The Ombud's office took the liberty and initiative to communicate with the top level administrators to explicitly explain the nature of my case to bring a lasting solution, to pursue my studies and graduate without any problem.
- b. I'm not sure if it was in the past year, but I was having some very serious issues with some of my professors singling me out. I thought I was imagining it but some friends of mine said that it was obvious to

- them. Beyond that, I spoke to my counselor about it and she referred me to the ombud's office. Kristine was very helpful and understanding. She listened to all of my concerns and was very objective.
- c. Maybe attend or host a few departmental seminars, one in each college. Or have a grad student luncheon for each of the colleges or departments to have us open up about some things that could be happening in the department. Then you can offer advice, hear what other grad students are advising each other, possibly correct some of our misplaced advice, and inform us how you could help us further with our situations or future situations.
 - d. I learned about the Ombud's Office at the Biological Sciences graduate student orientation. I have not used any of the services since that time, but it was reassuring to know that these services are available if I ever need them.
- x. There were also Concerns and Suggestions in these areas:
1. Faculty and Staff:
 - a. The office lacks power to require action
 - b. More people should be aware of and use the services, and for areas with problems, her services should be mandated
 - c. Concerned that she answers directly to the Provost
 - d. Staff are less aware of the services and when they can use them
 - e. Make the office accessible to all staff on campus
 2. Students:
 - a. Increase awareness of services and how we can use the office
 - b. Mention the services of the Ombud's in other policies like grade appeals.

Rankings indicate high satisfaction in the way the visitors were treated by the Ombud, as well as the level of service and knowledge. Most were happy with the outcome whether they were looking to take action or not. There are many reasons why issues are not resolved, including a decision not to act by the visitor or the others involved, as well as actions desired may not be possible due to resources, policy, or law. One important aspect to mention is that several respondents find it difficult that the Ombud is powerless to require action or change, signifying a misunderstanding of the very nature of the role as well as the ethics.

IV. Observations

In reviewing the visitors' concerns brought to the Office of the Ombud in 2017-2018, the following themes were identified. In describing these themes, the Ombud hopes to bring the University's attention to areas for focus in the coming year.

*Power Abuse, *Retaliation, & *Ethical Concerns:

This is the **first year in 4 years** that these 3 concerns were in the top issues that visitors came with. They could be connected with budget cuts where people's sense of security and sense of control are typically diminished. Common themes in this area included a lack of transparency of how decisions are made and by whom; lack of voice and choice in governance, especially by faculty; and retaliation in subtle forms such as being ignored, losing committee positions, or in grading (for students). The ethical concerns had to do with behavior including dishonesty, or conflicts of interests with students, but also the appearance of unethical behaviors such as policies applying to some but not others, promotions without process, and dismissals or demotions without due process. The concern for the campus is that, if these issues continue,

the trust of administration as a whole will suffer and the ideals of academic freedom and also shared governance could fade. Likely impacts could include loss of employees and difficulty in recruiting due to low morale.

*Inequality, *Discrimination:

Despite efforts by campus to increase the number of women who achieve tenure and promotion, there is still some disparity (see p. 12). This highlights the need for continued focus on equal opportunities regardless of gender, or identity. Maintaining and following policies and procedures that arose with the AdvanceForward grant and programs are critical to gender equity (such as hiring practices); and the non-discriminatory practices involving other protected classes should be a primary concern in making hiring and promotion and decisions.

Cultural competency is considered a marker of a successful organization, and it requires consistent attention and value placement in the community. In order to demonstrate growth in this area, we need stronger messages from the upper levels of administration in favor of consistent application of policy, general respect and acceptance for all community members, as well as *against* acts of racism, disrespect, intolerance, and favoritism. Without a strong message from the top and encouragement for the other layers of employees and students to follow suit, we can appear weak in this area and lacking in integrity.

*Lack of Civility/Respect – especially in peer relationships:

As in all previous years, respectful communication is a common theme in the vast majority of visits. Visitors struggle in communications with peers, supervisors and students. Difficulties ranged from communication that is harsh or demeaning to communication that is insufficient, confusing or absent. Within the diverse NDSU community, various communication styles sometime lead to parties misinterpreting each other's intentions, e.g., cross-cultural communications.

For international faculty and students, for whom English is not their primary language, cultural misunderstandings can create unnecessary stress, conflict, and attrition. Patience and tolerance are needed, as well as understanding the unique culture of NDSU and in the Upper Plains in general and also understanding people from other cultural frameworks. Investing in employees is costly, as is losing employees when such loss could be avoided.

Effective communication skills can prevent perceptions of unfair treatment, incivility, or inaccurate evaluation. Additionally, lack of clear information from the institution about policies, directives, initiatives, or change can contribute to uncertainty and interpersonal conflict. A few specific areas include:

- Absence of collegiality in dealing with peers; aggressive and competitive stances; lack of collaboration or cooperation; and lack of top-down action to dissuade and prevent incivility, bullying, and difficult behavior.
- Lack of adequate feedback, including positive feedback and recognition, as well as a lack of constructive criticism regularly related to both job performance and behavioral concerns.
- Passive communication can lead to a poor climate due to high levels of silence and passive aggression, as well as a higher-than-average fear and

intolerance for disagreement and displays of emotion. This concern often points to cultural differences, intolerance, and misunderstanding.

- The impact of these communication misunderstandings and misperceptions is that employees may feel ashamed and afraid to speak about their concerns or bring their concerns to those in positions of power – especially if it is a criticism of a supervisor or colleague in a superior position. When members are afraid to voice concerns, it creates a threat to a healthy climate and culture at any university, college or workplace generally.
- Conflict competency is needed across campus. While there are many who are naturally skilled in this area, there are more who are not. Dealing with conflict directly and with tact and civility is a critical skill for everyone on campus, and a requirement for those in leadership and supervision.

*Supervisory Relationships:

Concerns related to supervision by those in that role (chairs/Deans, etc.) captured a high percentage particularly for women, as well as faculty in the majority culture. A fairly high number of concerns were related to:

- Power abuses (this is also a part of perceived bullying behaviors)
- Retaliation, both the potential for and experienced/perceived actions
- Lack of civility and respect
 - The reports were equal for those in supervisory positions as well as those who are supervisees, indicating it can cut both ways
- The perceived lack or adherence to ethics, values and standards is higher this year than in past years. Faculty, as a whole, report concerns when those in higher administrative positions bypass policy, ignore best practices and standards of practice. When policies and procedures that are supposed to support equitable practices are not followed, employees tend to distrust those decision-makers and judge their actions as unethical. While many faculty and staff will push through difficult times with strong support from leadership, they are more likely to leave if trust is diminished.

Concerns for Graduate Students:

Graduate students' most common concern was power abuse along with faculty conduct, unfair treatment and job satisfaction, which is similar to the previous year. They were the only to list concerns with safety, peer relationships, faculty conduct, and staff conduct. Power abuses by advisors and other faculty have been disclosed, including a lack of policies and procedures governing graduate student expectations, rights, and grievance procedures. In those cases, graduate students are at risk to lose their enrollment, their assistanceship, and suffer irreparable harm to their academic record without due process.

There were significant cases in the past year concerning international students who are at risk for many reasons, including gender, ethnicity, and visitor status involving visa's and other issues. Some concerns include lack of financial stability, threats to loss of legal status, maltreatment by advisors (disrespect, intolerable working conditions, inappropriate relationships, excessive expectations, discrimination, etc.). Some concerns included lack of timely housing resulting in temporary homelessness, verbally abusive behavior toward students in a shared language not understood by English-speakers, discriminatory comments made publicly, forcing onerous research hours per week

under threat of ending an assistanceship or lack of renewal of visas, and an obvious failure to communicate, advise, and assist students with thesis and dissertations.

Recommendations

A key role of the Office of the Ombud is to serve as an information and communication resource, consultant, dispute resolution expert and catalyst for institutional change. The following recommendations are based on my experience in providing services to the NDSU community under our IOA-based charter.

1. Increase learning and develop opportunities in the areas of:

a. Diversity and inclusion:

- 1) Follow hiring and other policies that are meant to address diversity, inclusion and fair employment practices;
- 2) Training that addresses the ex-patriot experience for new international faculty;
- 3) Ensuring people of color, LGBTQ community members, and others are part of the leadership and planning of diversity initiatives;
- 4) Continue efforts to address unconscious bias, and improve cultural humility and cross-cultural communication.
- 5) Strengthen the understanding and complexity of the experience of international students and ensure all offices, staff, faculty and administrators act with cultural competency by adding and strengthening policies and procedures and developing protections for graduate students who need to report behaviors committed by those in greater power.
- 6) Strengthening the messaging from the President and Provost's offices, as well as Deans and Chair, in support of fair standards and procedures, as well as support for bottom-up initiatives.

b. Bullying: Continue to work toward adopting anti-bullying policies and procedures for faculty, staff and students, and provide education and training for the campus in what bullying is and is not, and how to create a more civil work environment.

2. Initiatives: Consider development of campus initiatives to reward progress in the above areas.

Initiatives, such as the development of principles of community, can help support civility, respectful communication, equitable treatment, and effective teams. To increase inclusion and respect of difference, policies and education aren't enough – measurable action steps should be encouraged. Engagement of previous Forward-related initiatives would help support women on campus as well.

3. Emphasize communication, conflict management, and supervision as required skills for new managers/chairs/heads. Utilize criteria that supports strong supervision skills in hiring people into supervisory positions. Provide mentors for new supervisors in these critical supervision and team-creating skills.

4. Ensure fairness in policies and processes for Faculty and Students.

At times, with the best of intentions, our processes do not operate fairly for all. Procedural justice requires a) fairness in the process; b) transparency in action; c) opportunities for voice;

and d) impartiality in decision-making. Too many times, transparency and opportunities for voice are undermined in support of efficiency and ease.

Finally, the Exit Interviews conducted in 2017-18 mirror some of what you see in the general statistics of the Ombud's office. The primary reason for leaving NDSU was upward mobility and higher pay, and the next was lack of resources and adequate support, which have some links to the budget crisis at the state level as well as the perception of ill-will by ND law makers. Spousal accommodations that failed on some level or another were also a source of frustration, and those that left for that reason did find a better situation elsewhere. The data sends a message that while we allow for accommodations, we don't always take steps to make these work for the spouse/partner, and the department they enter.

Conclusion/Summary

The Office of the Ombud is in evolutionary development at NDSU, having added NDSU Graduate Students and also faculty exit interviews to the services of the office. These additions require the acquisition of new understanding and new partnerships in order to best serve those who come to the Ombud. The number of visitors rose considerably in the past year and is likely to remain at this higher level in the next year.

The NDSU Ombud's Office continues to be unique in the number of services offered since its' inception, including the services of mediation, group facilitation and training. Still, the need for the services of a confidential, neutral, independent, informal problem resolution resource is especially important in an ever-changing, diverse community. Having a safe place to talk about concerns, think through options, connect to other resources, and realize solutions helps people to feel heard, understood, and even empowered to act in best interests.

Without the key principles that exist within the Office of the Ombud, a person involved in a conflict, contemplating a grievance, experiencing harassment or discrimination, or concerned about another issue within the institution might not choose to raise the concern in a timely or appropriate way to address the concern. Consequently, he or she may believe there are fewer options and may choose to file a grievance, complaint, or take legal action; may not raise a concern directly, but suffer "silently;" or possibly leave the institution. Services can be accessed by many members of the NDSU community, from leadership to faculty, staff, and students. As a "resource of first resort" the Office is positioned to help visitors explore their options and address problems at the lowest, most informal level.

A goal and intention of the Ombud's Office is to increase conflict competence across campus and provide a productive, effective way for people to focus on their research, teaching, learning, and working in community with one another. The office endeavors to promote an environment of fairness, equity, and respect. In so doing, the office might help the University to improve in both subtle and sweeping ways for the betterment of all who learn and work here.

Appendices

NDSU Office of the Ombud Charter

IOA Code of Ethics

IOA Standards of Practice

IOA Uniform Reporting Categories

Charter of the NDSU Office of Ombudsperson

I. INTRODUCTION

The Office of the NDSU Ombudsperson was established through the office of the Vice President of Academic Affairs in 2013. The vision for the office is to serve Academic Affairs in the first year, and, if successful, may be expanded to serve staff and/or students as well. The position description states:

This is a newly-formed, full-time, benefitted position serving as an independent, impartial, and informal resource for NDSU faculty with a focus on early-stage, informal dispute resolution. The Ombudsperson is not an advocate for individuals or the university but rather a facilitator of fairness. The Ombudsperson shall 1) help establish and maintain the Ombuds office, 2) assist with the resolution of the conflicts and concerns, 3) serve as a resource of information and referral, 4) provide advice and guidance on policies and procedures, 5) conduct periodic faculty training and outreach, 6) prepare annual and other reports, 7) identify problem areas within the university, 8) recommend areas for improvement to university policies and procedures, 9) follow IOA standards and best practices, and 10) develop professional skills through IOA membership and training through IOA and other professional groups. The Ombudsperson will be evaluated by the Office of the Provost with input from the Faculty Affairs Committee under the direction of the Faculty Senate Executive Committee. The evaluation shall be comprised of self-assessment, client evaluation, using both quantitative and qualitative measures.

II. PURPOSE AND SCOPE OF SERVICES

The Office provides early-stage, informal dispute resolution services for NDSU faculty who have a concern. Members of the University community can seek guidance regarding disputes or concerns at no cost.

The Office receive informal complaints, concerns, or questions about alleged acts, omissions, improprieties, and/or broader systemic problems. The response of the Office is tailored to the dynamics of the situation and the visitor's concerns. The Ombud listens, makes informal inquiries or otherwise reviews matters received, offers resolution options, makes referrals, and mediates disputes independently and impartially. Services of the Office

supplement, but do not replace, other processes (formal or informal) available to the University community.

The Ombud serves as an information and communication resource, consultant, conflict coach, mediator, dispute resolution expert, and source of recommendations for institutional change for the University. The Ombud also provides workshops and training related to conflict resolution. The Ombud provides feedback to the University when trends, patterns, policies, or procedures of the University generate concerns or conflicts.

III. STANDARDS OF PRACTICE AND CODE OF ETHICS

The Office practices under the International Ombudsman Association (IOA) Standards of Practice and Code of Ethics, and this Charter adopts and incorporates by reference the IOA Standards of Practice, IOA Code of Ethics, and IOA Best Practices. The Office functions independently of other university offices and functions. Conversations with the Ombud are confidential by agreement and the Ombud works as an impartial neutral. The scope of services is limited to informal means of dispute resolution. The Ombud is a member of IOA, and will attend IOA conferences and trainings as they are available. The IOA Standards, Code, and Best Practices are minimum standards, and the Office will also strive to operate to best practices in a way that serves the interests of the University community.

The Office will publicize the confidential, independent, neutral, and informal nature of its services and will explain these ethical standards to each visitor.

A. Independence

The Office is and must appear to be free from interference in the performance of its duties. This independence is effected primarily through organizational recognition, reporting structure, and neutrality. The Ombud will exercise sole discretion over whether and how to act regarding individual matters or systemic concerns. Evaluation of the office will be conducted by the Office of the Provost with input from the Faculty Affairs Committee under the direction of the Faculty Senate Executive Committee.

To fulfill its functions, the Office has a specific allocated budget, adequate space, and sufficient resources to meet operating needs and pursue continuing professional development. The Ombud has the authority to manage the budget and operations of the Office and reports to the Office of the Provost regarding administrative and budgetary matters.

B. Confidentiality

The Office endeavors to keep all visits confidential, and will not disclose any confidential information unless required by law, nor without the party's express permission and, even with that permission, any communication will be at the sole discretion of the Office. Confidentiality will be respected even if disclosure may prevent resolution of a problem.

The Office may, however, disclose confidential information if and when there is an imminent risk of physical harm, a violation of Title IX, or when North Dakota's Open Records Laws require disclosure.

The Office offers mediation services and follows ND State law and policy governing the confidentiality of the mediation process. Mediated agreements or other documents otherwise discoverable are not considered confidential whether or not they were created as part of the mediation process.

The Office will not keep record of the identity of visitors. The Office is not part of any formal investigation or process inside or outside the University. Visitors shall be put on notice that the use of email is a public activity and any email or other formal correspondence sent to the Ombud will be not be considered confidential.

C. Neutrality

The Office is neutral in its activities, and will not take sides in any conflict, dispute, or issue. The Ombud will impartially consider the interests and concerns of all parties involved in a situation with the aim of facilitating communication and assisting the parties in reaching mutually acceptable agreements that are fair, equitable, and consistent with the mission and policies of the University.

The Office will avoid involvement in matters where there may be a conflict of interest. (A conflict of interest occurs when the Ombud's private interests, real or perceived, supersede or compete with their dedication to the neutral and independent role of the Office.) When a conflict of interest exists, the Ombud will take all steps necessary to disclose and/or avoid the conflict.

D. Informality

The Office is a resource for *informal* dispute resolution. The Office does not formally investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. Use of the Office is voluntary and not a required step in any grievance process or University policy, with the exception of mediation services which may be required by University policy.

IV. AUTHORITY AND LIMITS OF THE OFFICE OF THE OMBUD

The authority of the Office derives from the University administration as manifest by the endorsement of the NDSU Provost.

A. Authority of the Office

1. Initiating Informal Inquiries

The Office may inquire informally about any issue concerning the University that come to its attention after having received a specific complaint from an affected member of the University community. The purpose of such inquiry is in the spirit of resolving disputes, gathering relevant information, providing guidance to the visitor, and/or making recommendations to the University.

2. Access to Information

The Office may request access to information related to visitors' concerns from files and offices of the University. Campus individuals who are contacted by the Office with requests for information are expected to cooperate and, as much as possible, to provide appropriate information as requested. The Office will not request a department or individual to breach confidentiality. University departments are expected to respond with reasonable promptness to requests made by the Office.

3. Ending Involvement in Matters

The Office may discontinue providing service and disassociate from a matter at any time.

4. Discussions with Visitors and Others

The Office has the authority to discuss a range of options available to its visitors, including both informal and formal processes. The Office may make any recommendations it deems appropriate with regard to resolving problems or improving policies, rules, or procedures. However, the Office has no actual authority to impose remedies or sanctions or to enforce or change any policy, rule, or procedure.

B. Limitations on the Authority of the Office

1. Receiving Notice for the University

Communication that alleges violations of laws, regulations, or policies, such as sexual harassment, issues covered by whistleblower policy, or incidents are subject to reporting under the Clery Act. Although the Office may receive such allegations, it is not a "campus security authority" as defined in the Clery Act. If a visitor discloses such allegations and expresses a desire to make a formal report, the Office will refer the visitor to the appropriate office(s) for administrative or formal grievance processes. Acts of violence, child abuse, sexual assault, harassment, discrimination, or misconduct, and other matters addressed in Title IX, must be reported as required by University Policy and State and Federal Law.

2. Formal Processes and Investigations

The Office will not conduct formal investigations on behalf of the University or anyone else. It will not participate willingly in the substance of any formal dispute processes, outside agency complaints or lawsuits, either on behalf of a visitor to the Office or on behalf of the University, unless required by law.

3. Record Keeping

The Office will not create or maintain documents or records for the University about a visitor's name or other identifying information. Notes and any other materials related to a matter will be maintained in a secure location and manner, and will be destroyed as soon as possible and in accordance with applicable records retention policies.

4. Advocacy for Parties

The Office will not act as an advocate for any party in a dispute, nor will it represent administration, employees, or visitors to the office.

5. Adjudication of Issues

The Office does not have authority to adjudicate, impose remedies or sanctions, or to enforce or change University policies or rules.

V. SUPPORT FOR USING THE OFFICE OF THE OMBUDS

The University and its agents will not retaliate against individuals for the sole reason of consulting with the Office. The University community respects the mission of the Office, its ethics and responsibilities, and encourages the use of the services provided.

Code of Ethics of the IOA

PREAMBLE

The IOA is dedicated to excellence in the practice of Ombudsman work. The IOA Code of Ethics provides a common set of professional ethical principles to which members adhere in their organizational Ombudsman practice.

Based on the traditions and values of Ombudsman practice, the Code of Ethics reflects a commitment to promote ethical conduct in the performance of the Ombudsman role and to maintain the integrity of the Ombudsman profession.

The Ombudsman shall be truthful and act with integrity, shall foster respect for all members of the organization he or she serves, and shall promote procedural fairness in the content and administration of those organizations' practices, processes, and policies.

ETHICAL PRINCIPLES

Independence

The Ombudsman is independent in structure, function, and appearance to the highest degree possible within the organization.

Neutrality and Impartiality

The Ombudsman, as a designated neutral, remains unaligned and impartial. The Ombudsman does not engage in any situation which could create a conflict of interest.

Confidentiality

The Ombudsman holds all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm.

Informality

The Ombudsman, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.

Rev. 1/07

IOA STANDARDS OF PRACTICE

PREAMBLE

The IOA Standards of Practice are based upon and derived from the ethical principles stated in the IOA Code of Ethics.

Each Ombudsman office should have an organizational Charter or Terms of Reference, approved by senior management, articulating the principles of the Ombudsman function in that organization and their consistency with the IOA Standards of Practice.

STANDARDS OF PRACTICE

INDEPENDENCE

1.1 The Ombudsman Office and the Ombudsman are independent from other organizational entities.

1.2 The Ombudsman holds no other position within the organization which might compromise independence.

1.3 The Ombudsman exercises sole discretion over whether or how to act regarding an individual's concern, a trend or concerns of multiple individuals over time. The Ombudsman may also initiate action on a concern identified through the Ombudsman's direct observation.

1.4 The Ombudsman has access to all information and all individuals in the organization, as permitted by law.

1.5 The Ombudsman has authority to select Ombudsman Office staff and manage Ombudsman Office budget and operations.

NEUTRALITY AND IMPARTIALITY

2.1 The Ombudsman is neutral, impartial, and unaligned.

2.2 The Ombudsman strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The Ombudsman advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the organization.

2.3 The Ombudsman is a designated neutral reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures. The Ombudsman should not report to nor be structurally affiliated with any compliance function of the organization.

2.4 The Ombudsman serves in no additional role within the organization which would compromise the Ombudsman's neutrality. The Ombudsman should not be aligned with any formal or informal associations within the organization in a way that might create actual or perceived conflicts of interest for the Ombudsman. The Ombudsman should have no personal interest or stake in, and incur no gain or loss from, the outcome of an issue.

2.5 The Ombudsman has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration.

2.6 The Ombudsman helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best options.

CONFIDENTIALITY

3.1 The Ombudsman holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, including the following: The Ombudsman does not reveal, and must not be required to reveal, the identity of any individual contacting the Ombudsman Office, nor does the Ombudsman reveal information provided in confidence that could lead to the identification of any individual contacting the Ombudsman Office, without that individual's express permission, given in the course of informal discussions with the Ombudsman; the Ombudsman takes specific action related to an individual's issue only with the individual's express permission and only to the extent permitted, and even then at the sole discretion of the Ombudsman, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombudsman Office. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm, and where there is no other reasonable option. Whether this risk exists is a determination to be made by the Ombudsman.

3.2 Communications between the Ombudsman and others (made while the Ombudsman is serving in that capacity) are considered privileged. The privilege belongs to the Ombudsman and the Ombudsman Office, rather than to any party to an issue. Others cannot waive this privilege.

3.3 The Ombudsman does not testify in any formal process inside the organization and resists testifying in any formal process outside of the organization regarding a visitor's contact with the Ombudsman or confidential information communicated to the Ombudsman, even if given permission or requested to do so. The Ombudsman may, however, provide general, non-confidential information about the Ombudsman Office or the Ombudsman profession.

3.4 If the Ombudsman pursues an issue systemically (e.g., provides feedback on trends, issues, policies and practices) the Ombudsman does so in a way that safeguards the identity of individuals.

3.5 The Ombudsman keeps no records containing identifying information on behalf of the organization.

3.6 The Ombudsman maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including management), and has a consistent and standard practice for the destruction of such information.

3.7 The Ombudsman prepares any data and/or reports in a manner that protects confidentiality.

3.8 Communications made to the Ombudsman are not notice to the organization. The Ombudsman neither acts as agent for, nor accepts notice on behalf of, the organization and shall not serve in a position or role that is designated by the organization as a place to receive notice on behalf of the organization. However, the Ombudsman may refer individuals to the appropriate place where formal notice can be made.

INFORMALITY AND OTHER STANDARDS

4.1 The Ombudsman functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and – with permission and at Ombudsman discretion – engaging in informal third-party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves.

4.2 The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.

4.3 The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the organization.

4.4 The Ombudsman supplements, but does not replace, any formal channels. Use of the Ombudsman Office is voluntary, and is not a required step in any grievance process or organizational policy.

4.5 The Ombudsman does not participate in any formal investigative or adjudicative procedures. Formal investigations should be conducted by others. When a formal investigation is requested, the Ombudsman refers individuals to the appropriate offices or individual.

4.6 The Ombudsman identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.

4.7 The Ombudsman acts in accordance with the IOA Code of Ethics and Standards of Practice, keeps professionally current by pursuing continuing education, and provides opportunities for staff to pursue professional training.

4.8 The Ombudsman endeavors to be worthy of the trust placed in the Ombudsman Office.

1. Compensation & Benefits

Questions, concerns, issues or inquiries about the equity, appropriateness and competitiveness of employee compensation, benefits and other benefit programs.

- 1.a **Compensation** (rate of pay, salary amount, job salary classification/level)
- 1.b **Payroll** (administration of pay, check wrong or delayed)
- 1.c **Benefits** (decisions related to medical, dental, life, vacation/sick leave, education, worker's compensation insurance, etc.)
- 1.d **Retirement, Pension** (eligibility, calculation of amount, retirement pension benefits)
- 1.e **Other** (any other employee compensation or benefit not described by the above sub-categories)

2. Evaluative Relationships

Questions, concerns, issues or inquiries arising between people in evaluative relationships (i.e. supervisor-employee, faculty-student.)

- 2.a **Priorities, Values, Beliefs** (differences about what should be considered important – or most important – often rooted in ethical or moral beliefs)
- 2.b **Respect/Treatment** (demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.)
- 2.c **Trust/Integrity** (suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)
- 2.d **Reputation** (possible impact of rumors and/or gossip about professional or personal matters)
- 2.e **Communication** (quality and/or quantity of communication)
- 2.f **Bullying, Mobbing** (abusive, threatening, and/or coercive behaviors)
- 2.g **Diversity-Related** (comments or behaviors perceived to be insensitive, offensive, or intolerant on the basis of an identity-related difference such as race, gender, nationality, sexual orientation)
- 2.h **Retaliation** (punitive behaviors for previous actions or comments, whistleblower)
- 2.i **Physical Violence** (actual or threats of bodily harm to another)
- 2.j **Assignments/Schedules** (appropriateness or fairness of tasks, expected volume of work)
- 2.k **Feedback** (feedback or recognition given, or responses to feedback received)
- 2.l **Consultation** (requests for help in dealing with issues between two or more individuals they supervise/teach or with other unusual situations in evaluative relationships)

2.m Performance Appraisal/Grading

(job/academic performance in formal or informal evaluation)

- 2.n **Departmental Climate** (prevailing behaviors, norms, or attitudes within a department for which supervisors or faculty have responsibility.)
- 2.o **Supervisory Effectiveness** (management of department or classroom, failure to address issues)
- 2.p **Insubordination** (refusal to do what is asked)
- 2.q **Discipline** (appropriateness, timeliness, requirements, alternatives, or options for responding)
- 2.r **Equity of Treatment** (favoritism, one or more individuals receive preferential treatment)
- 2.s **Other** (any other evaluative relationship not described by the above sub-categories)

3. Peer and Colleague Relationships

Questions, concerns, issues or inquiries involving peers or colleagues who do not have a supervisory-employee or student-professor relationship (e.g., two staff members within the same department or conflict involving members of a student organization.)

- 3.a **Priorities, Values, Beliefs** (differences about what should be considered important – or most important – often rooted in ethical or moral beliefs)
- 3.b **Respect/Treatment** (demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.)
- 3.c **Trust/Integrity** (suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)
- 3.d **Reputation** (possible impact of rumors and/or gossip about professional or personal matters)
- 3.e **Communication** (quality and/or quantity of communication)
- 3.f **Bullying, Mobbing** (abusive, threatening, and/or coercive behaviors)
- 3.g **Diversity-Related** (comments or behaviors perceived to be insensitive, offensive, or intolerant on the basis of an identity-related difference such as race, gender, nationality, sexual orientation)
- 3.h **Retaliation** (punitive behaviors for previous actions or comments, whistleblower)
- 3.i **Physical Violence** (actual or threats of bodily harm to another)
- 3.j **Other** (any peer or colleague relationship not described by the above sub-categories)

4. Career Progression and Development

Questions, concerns, issues or inquiries about administrative processes and decisions regarding entering and leaving a job, what it entails, (i.e., recruitment, nature and place of assignment, job security, and separation.)

- 4.a **Job Application/Selection and Recruitment Processes** (recruitment and selection processes, facilitation of job applications, short-listing and criteria for selection, disputed decisions linked to recruitment and selection)
- 4.b **Job Classification and Description** (changes or disagreements over requirements of assignment, appropriate tasks)
- 4.c **Involuntary Transfer/Change of Assignment** (notice, selection and special dislocation rights/benefits, removal from prior duties, unrequested change of work tasks)
- 4.d **Tenure/Position Security/Ambiguity** (security of position or contract, provision of secure contractual categories)
- 4.e **Career Progression** (promotion, reappointment, or tenure)
- 4.f **Rotation and Duration of Assignment** (non-completion or over-extension of assignments in specific settings/countries, lack of access or involuntary transfer to specific roles/assignments, requests for transfer to other places/duties/roles)
- 4.g **Resignation** (concerns about whether or how to voluntarily terminate employment or how such a decision might be communicated appropriately)
- 4.h **Termination/Non-Renewal** (end of contract, non-renewal of contract, disputed permanent separation from organization)
- 4.i **Re-employment of Former or Retired Staff** (loss of competitive advantages associated with re-hiring retired staff, favoritism)
- 4.j **Position Elimination** (elimination or abolition of an individual's position)
- 4.k **Career Development, Coaching, Mentoring** (classroom, on-the-job, and varied assignments as training and developmental opportunities)
- 4.l **Other** (any other issues linked to recruitment, assignment, job security or separation not described by the above sub-categories)

5. Legal, Regulatory, Financial and Compliance

Questions, concerns, issues or inquiries that may create a legal risk (financial, sanction etc.) for the organization or its members if not addressed, including issues related to waste, fraud or abuse.

- 5.a **Criminal Activity** (threats or crimes planned, observed, or experienced, fraud)
- 5.b **Business and Financial Practices** (inappropriate actions that abuse or waste organizational finances, facilities or equipment)
- 5.c **Harassment** (unwelcome physical, verbal, written, e-mail, audio, video psychological or sexual conduct that creates a hostile or intimidating environment)
- 5.d **Discrimination** (different treatment compared with others or exclusion from some benefit on the basis of, for example, gender, race, age, national origin, religion, etc. [being part of an Equal Employment Opportunity protected category – applies in the U.S.])
- 5.e **Disability, Temporary or Permanent, Reasonable Accommodation** (extra time on exams, provision of assistive technology, interpreters, or Braille materials including questions on policies, etc. for people with disabilities)
- 5.f **Accessibility** (removal of physical barriers, providing ramps, elevators, etc.)
- 5.g **Intellectual Property Rights** (e.g., copyright and patent infringement)
- 5.h **Privacy and Security of Information** (release or access to individual or organizational private or confidential information)
- 5.i **Property Damage** (personal property damage, liabilities)
- 5.j **Other** (any other legal, financial and compliance issue not described by the above sub-categories)

6. Safety, Health, and Physical Environment

Questions, concerns, issues or inquiries about Safety, Health and Infrastructure-related issues.

- 6.a **Safety** (physical safety, injury, medical evacuation, meeting federal and state requirements for training and equipment)
- 6.b **Physical Working/Living Conditions** (temperature, odors, noise, available space, lighting, etc)
- 6.c **Ergonomics** (proper set-up of workstation affecting physical functioning)
- 6.d **Cleanliness** (sanitary conditions and facilities to prevent the spread of disease)
- 6.e **Security** (adequate lighting in parking lots, metal detectors, guards, limited access to building by outsiders, anti-terrorists measures (not for classifying "compromise of classified or top secret" information)

- 6.f **Telework/Flexplace** (ability to work from home or other location because of business or personal need, e.g., in case of man-made or natural emergency)
- 6.g **Safety Equipment** (access to/use of safety equipment as well as access to or use of safety equipment, e.g., fire extinguisher)
- 6.h **Environmental Policies** (policies not being followed, being unfair/ineffective, cumbersome)
- 6.i **Work Related Stress and Work–Life Balance** (Post-Traumatic Stress, Critical Incident Response, internal/external stress, e.g. divorce, shooting, caring for sick, injured)
- 6.j **Other** (any safety, health, or physical environment issue not described by the above sub-categories)

7. Services/Administrative Issues

Questions, concerns, issues or inquiries about services or administrative offices including from external parties.

- 7.a **Quality of Services** (how well services were provided, accuracy or thoroughness of information, competence, etc.)
- 7.b **Responsiveness/Timeliness** (time involved in getting a response or return call or about the time for a complete response to be provided)
- 7.c **Administrative Decisions and Interpretation/Application of Rules** (impact of non-disciplinary decisions, decisions about requests for administrative and academic services, e.g., exceptions to policy deadlines or limits, refund requests, appeals of library or parking fines, application for financial aid, etc.)
- 7.d **Behavior of Service Provider(s)** (how an administrator or staff member spoke to or dealt with a constituent, customer, or client, e.g., rude, inattentive, or impatient)
- 7.e **Other** (any services or administrative issue not described by the above sub-categories)

8. Organizational, Strategic, and Mission Related

Questions, concerns, issues or inquiries that relate to the whole or some part of an organization.

- 8.a **Strategic and Mission-Related/ Strategic and Technical Management** (principles, decisions and actions related to where and how the organization is moving)
- 8.b **Leadership and Management** (quality/capacity of management and/or management/leadership decisions, suggested training, reassignments and reorganizations)

- 8.c **Use of Positional Power/Authority** (lack or abuse of power provided by individual's position)
- 8.d **Communication** (content, style, timing, effects and amount of organizational and leader's communication, quality of communication about strategic issues)
- 8.e **Restructuring and Relocation** (issues related to broad scope planned or actual restructuring and/or relocation affecting the whole or major divisions of an organization, e.g. downsizing, off shoring, outsourcing)
- 8.f **Organizational Climate** (issues related to organizational morale and/or capacity for functioning)
- 8.g **Change Management** (making, responding or adapting to organizational changes, quality of leadership in facilitating organizational change)
- 8.h **Priority Setting and/or Funding** (disputes about setting organizational/departmental priorities and/or allocation of funding within programs)
- 8.i **Data, Methodology, Interpretation of Results** (scientific disputes about the conduct, outcomes and interpretation of studies and resulting data for policy)
- 8.j **Interdepartment/Interorganization Work/Territory** (disputes about which department/organization should be doing what/taking the lead)
- 8.k **Other** (any organizational issue not described by the above sub-categories)

9. Values, Ethics, and Standards

Questions, concerns, issues or inquiries about the fairness of organizational values, ethics, and/or standards, the application of related policies and/or procedures, or the need for creation or revision of policies, and/or standards.

- 9.a **Standards of Conduct** (fairness, applicability or lack of behavioral guidelines and/or Codes of Conduct, e.g., Academic Honesty, plagiarism, Code of Conduct, conflict of interest)
- 9.b **Values and Culture** (questions, concerns or issues about the values or culture of the organization)
- 9.c **Scientific Conduct/Integrity** (scientific or research misconduct or misdemeanors, e.g., authorship; falsification of results)
- 9.d **Policies and Procedures NOT Covered in Broad Categories 1 thru 8** (fairness or lack of policy or the application of the policy, policy not followed, or needs revision, e.g., appropriate dress, use of internet or cell phones)
- 9.e **Other** (Other policy, procedure, ethics or standards issues not described in the above sub-categories)