

STAFF OMBUDS OFFICE



2018-2020 BIENNIAL REPORT

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Aerial view of UC Berkeley campus and Campanile

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Director's Message

As 2020 began, it looked like any other new year. But little did we know that in less than two and a half months our campus, state, country and world would face an unprecedented health and economic crisis in the form of COVID-19. Berkeley responded swiftly to protect the health and safety of the campus community. Since March, Berkeley has moved to remote instruction and all employees who do not support essential operations have been working from home. This unprecedented transition to an online world, has put an incredible strain on staff. For many employees, workloads ballooned to meet new challenges brought on by this crisis and were exacerbated by increased family demands as child care and schools closed. In addition, many employees struggled with stress and anxiety regarding their own health and that of vulnerable family members. The BIPOC (Black, Indigenous, People of Color) community has been especially hard hit by the disproportionate impact of COVID-19. In the midst of this pandemic, the brutal killing of George Floyd by police on May 25th added an additional layer of intense anxiety, fear, anger, outrage, re-traumatization, and hopelessness.

This ugly history of racist police brutality and the disproportionate effect of COVID-19 on the BIPOC community caused many Americans to take a hard look at the structural racism inherent in public policies, procedures, practices and norms that reenforce racial group inequities. The Staff Ombuds Office encourages this same reflection of our own organizational systems. The following report provides recommendations for systemic change to improve processes, procedures, policies, and structures that disproportionately impact historically marginalized groups.

This report is just a starting point. The Staff Ombuds Office recognizes that many campus partners and community members may have new or even better recommendations to address the problems at hand. Indeed, Berkeley is known worldwide for research promoting equity, inclusion and belonging. By leveraging this expertise and bringing best practices to its own workforce, Berkeley may become recognized not only as a model academic institution, but as a model workplace.

Sincerely,

Sara Thacker, J.D., LL.M.
Director & Ombudsperson
University of California, Berkeley
Staff Ombuds Office

17%

of front-line/essential workers in the U.S. are Black, despite making up only 11.9% of the population, increasing the disproportionately high rates of COVID-19 infection and death in Black communities



Per capita, the Navajo Nation has the highest infection rate of COVID-19 in the U.S.

49%

of the Latinx population say they or someone in their household had to take a pay cut and/or lost their job due to COVID-19, compared to on average 33% of adults in the U.S.



Since the start of the COVID-19 pandemic, racist physical and verbal attacks on Asians and Pacific Islanders have increased worldwide

Source: Mental Health in America. (2020). BIPOC Communities and COVID-19. <https://mhanational.org/bipoc-communities-and-covid-19>.

Executive Summary

The Staff Ombuds Office serves as a resource for members of the campus community who have concerns about the fairness of University processes, procedures, and policies to talk confidentially about their experiences. With permission from the individual, the Ombudsperson can alert appropriate administrators to the specific problem, provide insight into the employee experience, and advocate for systemic change that fosters fairness and equity. The Ombudsperson, upon their own initiative, may also provide feedback and recommendations for systemic change without disclosing confidential information. In this sense, the Staff Ombuds Office serves as a campus equity advisor.

This report is the culmination of two years of analysis of systemic issues identified by the Staff Ombuds Office and provides recommendations to:

- Improve processes and procedures to enhance pay equity.
- Decrease structural barriers limiting access to compliance resources that address inequities.
- Promote equitable and inclusive environments through changes to discrimination policy and procedures.
- Leverage Berkeley faculty expertise and financial resources to advance equity and inclusion in the workplace.

“A healthy campus climate will foster equity of experience and ensure that staff, students, and faculty of all backgrounds feel safe, welcome, and included.”

~ UC Berkeley Strategic Plan

In addition to this systemic work, the Staff Ombuds Office is more widely known for its confidential and informal conflict resolution and problem-solving services. From July 1, 2018 – June 30, 2020, the Staff Ombuds Office served 534 employees. Traditionally, Staff Ombuds Office biennial reports analyze general trends from this aggregate data set. This year, the Staff Ombuds Office provides an analysis of these employee concerns based on the diverse identities of our workforce, including age, length of service, gender, and race/ethnicity.

By examining the root causes of workplace problems, the Staff Ombuds Office submits this report to advance Berkeley’s strategic plan to create a healthy campus climate that fosters equity of experience -- where staff of all backgrounds feel safe, welcomed and included.

Staff Ombuds Office Services

The Staff Ombuds Office abides by the International Ombudsman Association Standards of Practice and Code of Ethics. It provides confidential, impartial, and informal conflict resolution and problem-solving services for all staff, non-senate academics and faculty who perform management functions.

As a strictly confidential resource, the Staff Ombuds Office is a safe place for employees to voice and clarify their concerns, understand conflict situations, identify problem-solving strategies, and plan for next steps. Its services include:



Conflict Analysis



Conflict Coaching



Mediation



Group Facilitation



Training



Resource Referrals

The Staff Ombuds Office is wheelchair accessible. Language translation services including ASL are available free of charge.

Confidentiality

Unless there is an imminent risk of serious physical harm to self or others, the Ombudsperson holds all information, including the identity of individuals, in strict confidence. Communications with the Staff Ombuds Office does not place the University on notice. Without additional action by the individual, the discussions with an Ombudsperson will not result in any action by the University. In this way, individuals are able to maintain control of their situation and decide how to proceed at their own pace.

Impartiality

The Ombudsperson does not take sides in a conflict or dispute, nor does the Ombudsperson favor one person over another. While the Staff Ombuds Office does not advocate for individuals, it does advocate for systemic change that fosters fairness and equity in policies, procedures, systems, and organizational culture.

Informality

The Staff Ombuds Office assists individuals in resolving conflicts at informal levels. While the Staff Ombuds Office may refer individuals to formal grievance resources, it does not participate in any internal or external investigative or adjudicative procedures, nor does it have the authority to render decisions.

Independence

The Staff Ombuds Office is independent from other University entities or authorities. It reports to the Associate Chancellor for administrative purposes only and does not report on the substance of individual cases or concerns.

Observations & Systemic Recommendations

“The Ombudsman advocates for fair and equitably administered processes and does not advocate on behalf of any individual.”

~ International Ombudsman Association Standard of Practice 2.2

Since 2008, the Staff Ombuds Office has provided extensive analysis and recommendations for systemic change. The following systemic recommendations identify organizational, structural, procedural, and policy changes that will greatly enhance equity and inclusion for Berkeley employees.

Pay Inequity: A Case Study

One may wonder, how can an Ombudsperson who is designated to be neutral or impartial in handling individual workplace complaints also serve as an advocate for systemic change? To illustrate, the following is a hypothetical example of how an Ombudsperson works in accordance with this Standard as both an advocate and neutral.

Janela¹, a woman of color, made an appointment with the Ombudsperson to discuss her salary. She was terribly upset when she discovered that a recently hired white colleague with similar qualifications made \$15,000 more than she did. When Janela negotiated her salary with her current department five years ago, the department held firm to the policy that she could not make more than 25% above her current salary.² Unfortunately, Janela did not negotiate when she was first hired at Berkeley and was paid at the bottom of her salary grade. Janela had never worked for the University before and just wanted to get her foot in the door. In addition, she didn't feel empowered to negotiate and felt it would be held against her if she tried.

The Ombudsperson provided a general overview of the equity process and the importance of getting the supervisor's support, which was needed in order to have her request move forward to the Compensation unit for approval.³ The Ombudsperson also coached Janela to talk with her supervisor to request an equity increase using objective data and constructive forms of communication.⁴



Negotiation*

- Women are viewed as less likable when they negotiate and are less likely than men to get a raise when they ask for one.
- Black job seekers are expected to negotiate less than their White counterparts. When this expectation is violated, Black job seekers are penalized with lower salary outcomes.

*See *infra*, note 5.

¹ Janela is a fictional name. This hypothetical scenario is provided to illustrate the way in which the Staff Ombuds Office may operate.

² At the time of her hire, PPSM 30 stated “An employee's total salary increase in a single fiscal year cannot exceed 25 percent of base salary.” On November 20, 2018, in support of the University's commitment to pay equity, UCOP removed the 25% annual salary increase limit from PPSM 30. See University of California, PPSM 30: Compensation Policy 23 (2018). <https://policy.ucop.edu/doc/4010400/PPSM-30>.

³ Under University compensation procedures, employees who have concerns about pay equity need to work directly with their managers and seek management approval for increases to eliminate salary inequities. If a manager disagrees with an employee's request for an equity increase and the salary is within the minimum range for the classification, an employee is currently unable to obtain assistance from the Compensation Unit or directly petition for review.

⁴ Other options include, but are not limited to, mediation with the supervisor or referring the employee to Employee & Labor Relations to lodge a complaint.

While Janela’s supervisor ultimately supported her equity request, the Ombudsperson noticed several systemic issues that reinforced the structural pay gap between men and women, and white and BIPOC employees. Accordingly, the Staff Ombuds Office makes the following recommendations:

1. **Awareness.** Educate managers and supervisors about unconscious bias and how it impacts salary negotiations⁵ and perpetuates pay inequities for historically marginalized groups.⁶ Increase awareness around issues of salary equity, which could be highlighted each year around Equal Pay Day.⁷

2. **Education.** Educate hiring managers and HR professionals about the new PPSM 30⁸ policy and the rationale for eliminating the 25% annual salary increase limit in order to remove policy barriers to pay equity. Educate hiring managers and HR professionals about Assembly Bill 168 (AB 168)⁹, which prohibits employers from inquiring into an applicant’s salary history.¹⁰ Even if salary information is known or available, it should not be relied upon or used as a factor to make hiring decisions or set salaries.¹¹ This education is essential to eliminating structural inequities in compensation based on race and gender.

3. **Implementation.** Under Berkeley’s [Guide to Managing Human Resources](#), a stipend may be provided when a manager temporarily assigns a career employee duties from a higher salary grade or temporarily assigns a career employee significant new projects or duties that are not part of the employee’s regular position. This Guide instructs managers to provide a stipend at a percentage of the employee’s monthly pay rate and consequently temporarily sets the salary using existing salary information. Moreover, the maximum increase managers are instructed to provide is 15% for any temporary assignment. With this guidance, employees who take on



Wage Gap*

For every dollar paid to White men employed full time, year-round:

- Latina women were paid 54¢
- Native American women were paid 57¢
- Black women were paid 62¢
- White women were paid 79¢
- Asian American women were paid 90¢

*See *infra*, note 6.

⁵ Bowles, H. R., & Babcock, L. (2012). How Can Women Escape the Compensation Negotiation Dilemma? Relational Accounts Are One Answer. *Psychology of Women Quarterly*, 37(1), 80-96. doi:10.1177/0361684312455524; see also Hernandez, M., Avery, D. R., Volpone, S. D., & Kaiser, C. R. (2019). Bargaining while Black: The role of race in salary negotiations. *Journal of Applied Psychology*, 104(4), 581-592. doi:10.1037/apl0000363

⁶ Bleiweis, Robin. (2020). Quick Facts About the Gender Wage Gap. Center for American Progress.

<https://www.americanprogress.org/issues/women/reports/2020/03/24/482141/quick-facts-gender-wage-gap/>

⁷ See also Staff Ombuds Office. (2018). 2016-2018 Biennial Report (p. 19). Retrieved from <https://staffombuds.berkeley.edu/reports>

⁸ Even though UCOP removed the 25% annual salary increase limit from PPSM 30 in November 2018, until August 28, 2019, Berkeley’s Guide to Managing Human Resources provided that “hiring departments are authorized to grant promotional and reclassification increases, not to exceed 25% in the fiscal year.” Once notified, Central Human Resources (now People & Culture) removed the outdated language.

⁹ Assembly Bill 168 amended California Labor Code §432.3, effective January 1, 2018.

¹⁰ “On October 12, 2017 Governor Brown signed into law Assembly Bill 168, which prohibits employers from inquiring into an applicant’s salary history, effective January 1, 2018. The legislation is intended to address inequity in pay practices based on gender and other protected class designations such as race, age and disability. The regulations include the following:

- Prohibit an employer from relying on salary history information of an applicant for employment as a factor in determining whether to offer employment or what salary to offer
- Prohibit an employer orally or in writing, personally or through an agent, from seeing salary history information, including compensation and benefits, about an applicant for employment.
- An employer must provide the pay scale for a position to an applicant applying for employment upon reasonable request.”

University of California Systemwide Human Resources. Assembly Bill 168 Staff FAQ (2018). <https://ucnet.universityofcalifornia.edu/working-at-uc/your-career/talent-management/talent-acquisition-employment/ab168-faqs-draft12.14.18.pdf>.

¹¹ Ibid.

duties of an employee in a higher salary grade can be denied equitable compensation even if they are performing these duties more than 50% of the time. In addition, if an employee is not paid an equitable salary in their current position, this inequity is further exacerbated by using existing salary information.

4. **Enforcement.** Publicize information about how potential violations of AB 168 and PPSM 30 should be handled.¹²
5. **Research.** Conduct and publish a study of staff salaries, including analysis by gender and ethnicity similar to reports conducted for faculty.¹³
6. **Review Process.** Create a transparent review process whereby employees can request an objective analysis of their salary and allow non-represented employees to directly petition the Compensation Unit for review.¹⁴ New research “reveals that disclosing how wages and salaries are set, how pay raises are decided and the criteria for awarding bonuses can mitigate the unconscious bias of managers and HR leaders who determine compensation.”¹⁵
7. **Further Transparency.** Make current salary information accessible to all employees on CalAnswers.¹⁶ Several studies show that pay transparency helps reduce discrimination and unconscious bias and allows for greater opportunities to correct structural inequities.¹⁷

Structural Barriers to Equity & Inclusion

A. Complaint Processes

Over the years, the Staff Ombuds Office has heard from several employees who reached out to campus resources with the expectation that an investigation would be conducted regarding workplace discrimination, harassment or other policy violations. In some cases, the Staff Ombuds Office referred employees to formal complaint processes for this purpose. When employees returned the Staff Ombuds Office, they conveyed frustration that their cases did not warrant an investigation. In essence, their complaints were stopped short and never passed on to an investigator. Instead, their cases ended at the intake or inquiry phase. In some situations when formal investigations were conducted, employees returned to the Staff Ombuds Office to convey their dissatisfaction with the process because they believed information provided during the intake phase was either not passed on to investigators or was not included in the final reports.

¹² According to UC Systemwide Human Resources, if it is discovered that a question regarding salary history information is asked, “[t]his is similar to any violations of discrimination laws prohibiting illegal questions about race, color, religion, sex, national origin, age, disabilities, and sexual orientation being asked of applicants. The information should be reported to an appropriate campus office for follow-up. The Human Resources office, Equal Employment office, or the Whistleblower hotline can address complaints and investigate possible policy violations.” Ibid.

¹³ Supra note 7.

¹⁴ Supra note 7.

¹⁵ Miller, S. (2020, April 24). Transparency Shrinks Gender Pay Gap. Society of Human Resource Professionals.

<https://www.shrm.org/resourcesandtools/hr-topics/compensation/pages/transparency-shrinks-gender-pay-gap.aspx> (citing PayScale study drawing upon analysis of 1.6 million survey responses from 2017-2019).

¹⁶ While UC Office of the President publishes salary information of all employees in a searchable database available at <https://ucannualwage.ucop.edu/wage/>, this salary information is typically outdated since salaries for the calendar year ending in December aren't uploaded until the following summer. For example, UCOP recently released 2019 salary information in August 2020.

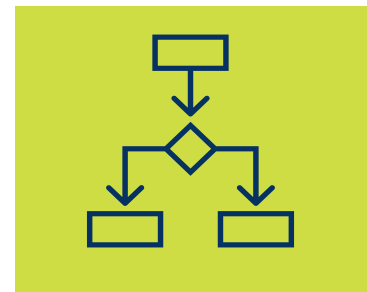
¹⁷ Wong, K. (2019, January 20). Want to Close the Pay Gap? Pay Transparency Will Help. New York Times.

<https://www.nytimes.com/2019/01/20/smarter-living/pay-wage-gap-salary-secrecy-transparency.html>.

These situations highlight the importance of a strong intake process, which enhances access to equity and inclusion. In this spirit, the Staff Ombuds Office recommends:

1. **Single Intake Process.** Create a single intake process for all complaints so that employees do not have to contact multiple campus investigation units (e.g. People & Culture formerly Central Human Resources and the Office for Civil Rights and Whistleblowing Investigations, which now includes the Office for Prevention of Harassment and Discrimination). Provide clear and complete contact information for the Intake Coordinator, including name, phone and email information.¹⁸ This streamlining of the intake process will allow complaints that fall under multiple jurisdictions to be handled more efficiently.
2. **Responsiveness.** Ensure that a dedicated, confidential phone line will be answered by an Intake Coordinator during regular business hours, and if not, ensure that messages will be returned within 1-2 business days.
3. **Triage.** If a complainant has allegations involving both civil rights and other HR policy violations, triage these cases quickly from one unit to another so employees don't wait months for their complaints to be addressed. In addition, if a case is moved from one unit to another, promptly inform the complainant of the change.
4. **Streamline.** Ensure that all information provided to the Intake Coordinator is passed down to the investigator(s). Alternatively, notify employees that any information provided to the Intake Coordinator needs to be repeated to the investigator assigned to their case.

5. **Process Clarity.** Ensure that the complaint process is explained thoroughly during the initial intake and send employees an email with a [process map](#) that describes what to expect at each stage of the process. For additional clarity, follow up emails to employees could be sent as their case progresses through the process describing which stage their case currently resides. Many times, employees contact the Staff Ombuds Office and they are unsure whether a formal investigation is being conducted. Often, employees believe a formal investigation is taking place when in fact Human Resources or OPHD is only conducting an initial assessment or inquiry. In some cases, HR or OPHD decided not to move forward with a formal investigation yet did not notify the employee in a timely manner. Unfortunately, many employees don't understand the difference between inquiry and investigation and there are unclear expectations regarding how Human Resources or OPHD will follow-up with employees about their claims of misconduct.



¹⁸ Currently, employees are supposed to contact their HR Partners with complaints of policy violations. After HR Partners conduct intake, they are to refer these cases to the appropriate resource, including the new Office of Civil Rights and Whistleblowing Investigations for an improper governmental activity, sexual violence, sexual harassment or other identity-based discrimination or Employee & Labor Relations for other HR policy violations. There is not a uniform intake process for HR Partners nor is there a uniform referral process. As a result, some HR Partners conduct their own fact finding instead of referring these cases to Employee & Labor Relations to handle.

B. Organizational Structures

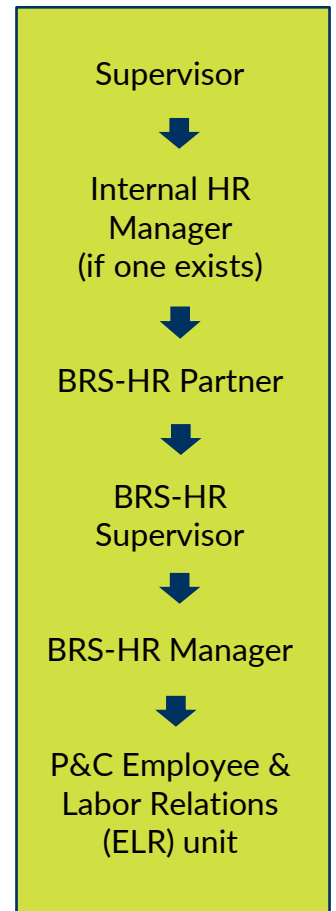
With the creation of Berkeley Regional Services (BRS) and People & Culture (P&C), employees have a difficult time understanding which resource to contact for HR support. On a weekly basis, the Staff Ombuds Office spends time trying to help employees figure out who is their BRS-HR Partner or internal departmental Human Resource manager.¹⁹ In addition, when an employee does not get adequate support from their BRS-HR Partner, it's difficult for employees to escalate their concerns and unclear how to do so.

Each step of this escalation process takes time and creates an additional barrier for employees. It is unclear how BRS-HR and P&C HR interface and coordinate, and how employees should proceed if they do not obtain an adequate response from their internal HR manager or BRS-HR Partner. Indeed, many times employees feel uncomfortable escalating a concern to their HR Partner's manager or supervisor, and as a result, want to reach out directly to P&C Employee & Labor Relations. This escalation matrix becomes even more unclear when situations involve both staff and academic personnel who turn to the Academic Personnel Office for support.²⁰

In sum, these organizational structures create significant barriers for employees to access University resources that provide recourse for discrimination, harassment, workplace bullying, or other misconduct. When employees are unable to successfully surmount these barriers, the University effectively inhibits workplace diversity, equity, inclusion and belonging, especially for historically marginalized groups.

To improve the accessibility and delivery of HR services, the Staff Ombuds Office recommends:

1. Establishing simple and clear pathways for employees to escalate concerns.
2. Publicizing this escalation matrix in multiple ways via BRS and P&C websites, newsletters and forums, Wisdom Café announcements, and campus-wide communications.
3. Changing the organizational structure and reporting relationships between regional and central HR to increase coordination, information sharing, consistency, and efficiency of services.



¹⁹ Some units have not transitioned to Berkeley Regional Services HR (formerly known as Campus Shared Services) and still rely on internal departmental Human Resource managers; however, no organizational chart or document exists that describes which departments are not supported by BRS-HR.

²⁰ In addition, many employees don't know when they should use the Berkeley ServiceNow online system and/or the UCPath Online Portal to obtain HR service.

Hostile Work Environment: Promoting an Inclusive Workplace through Policy Change

On September 30, 2018, Governor Brown signed into law Senate Bill 1300 which clarifies the legislative intent and legal standard needed to establish a hostile work environment claim under the California Fair Employment and Housing Act (FEHA).²¹ Under the law, a single incident of harassment has to be so “severe or pervasive” as to create a hostile work environment. Prior to SB 1300, a stringent interpretation of this legal standard effectively prevented many hostile work environment claims from being tried in court. For example, in *Brooks v. City of San Mateo*, the Ninth Circuit Court of Appeals found that unwelcomed sexual advances involving touching the stomach and bare breast of a co-worker²² did not meet the “severe or pervasive” standard and thus affirmed the dismissal of the hostile work environment claim.²³

More than 18 years after *Brooks*, the Legislature expressly rejected the Ninth Circuit’s opinion in SB 1300 stating that “the opinion shall not be used in determining what kind of conduct is sufficiently severe or pervasive” under FEHA. Effective January 1, 2019, this legislation made clear that a single incident of harassment could lead to an actionable hostile work environment claim “if the harassing conduct has unreasonably interfered with the plaintiff’s work performance or created an intimidating, hostile, or offensive working environment.”²⁴ Moreover, SB 1300 affirmed the standard set by Justice Ruth Bader Ginsburg in her *Harris v. Forklift Systems* concurrence that the plaintiff in a workplace harassment suit “need not prove that his or her tangible productivity has declined as a result of the harassment. It suffices to prove that a reasonable person subjected to the discriminatory conduct would find, as the plaintiff did, that the harassment so altered working conditions as to make it more difficult to do the job.”²⁵

So why is this legislation significant here at Berkeley? Certain campus and systemwide policies use some form of the “severe or pervasive” standard. For example:

²¹ [Senate Bill 1300](#) amended the [California Fair Employment and Housing Act, Government Code §12923](#).

This law prohibits all forms of discrimination on the basis of:

- Race, color
- Ancestry, national origin
- Religion, creed
- Age (over 40)
- Disability, mental and physical
- Sex, gender (including pregnancy, childbirth, breastfeeding or related medical conditions)
- Sexual orientation
- Gender identity, gender expression
- Medical condition
- Genetic information
- Marital status
- Military or veteran status

²² The following content describes details of sexual harassment and sexual assault that readers may find emotionally challenging and potentially triggering. “Patricia Brooks, a telephone dispatcher for the City of San Mateo, California, and her coworker, senior dispatcher Steven Selvaggio, manned the city’s Communications Center, taking 911 calls on the evening shift. At some point during the evening, Selvaggio approached Brooks as she was taking a call. He placed his hand on her stomach and commented on its softness and sexiness. Brooks told Selvaggio to stop touching her and then forcefully pushed him away. Perhaps taking this as encouragement, Selvaggio later positioned himself behind Brooks’s chair, boxing her in against the communications console as she was taking another 911 call. He forced his hand underneath her sweater and bra to fondle her bare breast. After terminating the call, Brooks removed Selvaggio’s hand again and told him that he had ‘crossed the line.’ To this, Selvaggio responded ‘you don’t have to worry about cheating [on your husband], I’ll do everything.’ Selvaggio then approached Brooks as if he would fondle her breasts again.” *Brooks v. City of San Mateo* (2000) 229 F.3d 917. Selvaggio subsequently plead no contest to misdemeanor sexual assault charges and spent 120 days in jail. *Ibid.*

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ See *supra* note 22 (quoting *Harris v. Forklift Systems, Inc.*, 510 U.S. 17 (1993)).

- [UC Berkeley Workplace Bullying Prevention Policy](#): "Bullying is a pattern of repeated behavior that a reasonable person would find hostile, offensive, and unrelated to the University's legitimate business interests. . . . A single physical, verbal, or written act or behavior generally will not constitute bullying unless especially severe and egregious."²⁶
- [University of California Sexual Violence and Sexual Harassment Policy](#): "Hostile Environment: such conduct is sufficiently severe, persistent or pervasive that it unreasonably denies, adversely limits, or interferes with a person's participation in or benefit from the education, employment or other programs, activities or services of the University, and creates an environment that a reasonable person would find to be intimidating or offensive."

Notably, in the [University of California Discrimination, Harassment, and Affirmative Action in the Workplace Policy](#), hostile work environment is not defined; however, according to the UC Office of the President, each campus has the ability to adopt local implementing procedures to clarify how this policy will be interpreted and applied.

Accordingly, the Staff Ombuds Office recommends that Berkeley add clarifying language to its policies or establish local implementing procedures that reflect the new interpretation of the legal standards for hostile work environment. Specifically,

- A single incident of harassing conduct **is sufficient** to establish a hostile work environment if the harassing conduct has unreasonably interfered with the complainant's work performance or created an intimidating, hostile, or offensive working environment; and
- Complainants need not prove their tangible productivity has declined as a result of the harassment. It suffices to prove that a reasonable person subjected to the discriminatory conduct would find that the harassment so altered working conditions as to make it more difficult to do the job.



Without this clarifying language, employees, managers, and HR professionals may be confused about the legal standard and not have the information needed to adequately assess or analyze hostile work environment claims. By mirroring the language set forth in SB 1300 that prevents a stringent interpretation of the "severe or pervasive" standard, the University reaffirms its commitment to establishing an equitable and inclusive environment for all employees.

²⁶ [UC Berkeley Guidelines for Preventing and Responding to Faculty Bullying and Other Demeaning & Disruptive Behavior](#) uses a similar "severe and egregious" standard.

Resources to Advance Workplace Equity & Inclusion

Berkeley is known worldwide for its prestigious institutes and centers that promote diversity, equity, inclusion and belonging. For example, The [Othering & Belonging Institute](#), led by Faculty Director John A. Powell, uses multidisciplinary approaches to find solutions for society's most pressing issues, including but not limited to:

- [Disability Studies](#)
- [Diversity and Democracy](#)
- [Diversity and Health Disparities](#)
- [Economic Disparities](#)
- [LGBTQ Citizenship](#)
- [Race, Diversity, and Educational Policy](#)
- [Religious Diversity](#)

The human condition is one about belonging. We simply cannot thrive unless we are in relationship . . . And so, when you look at what groups are doing, whether they are disability groups or whether they are groups organized around race, they are really trying to make a claim of, "I belong. I'm a member."

John A. Powell, Opening to the Question of Belonging [Interview by 939087376 734231953 K. Tippett, Transcript]. (2015, June 25).

Led by Faculty Director Laura Kray, the [Center for Equity, Gender, and Leadership](#) (CEGL) educates Equity Fluent Leaders to "use their power to address barriers, increase access, and drive change for positive impact."²⁷ Examples of Equity Fluent Leadership provided by CEGL include:

- *Recruitment, Retention, and Advancement*: Equity Fluent Leaders understand that achieving leadership diversity involves intentionally expanding the hiring pipeline, as well as focusing on attraction, retention, development, and advancement at all levels.
- *Inclusive Culture*: Equity Fluent Leaders consciously create a culture that thrives on the inclusion of diverse backgrounds and perspectives, leading to higher collective intelligence in decision making, innovation, and enhanced team productivity.
- *Brave Dialogue*: Equity Fluent Leaders start and encourage bold and courageous dialogue inside the organization, and create an inclusive climate for all points of view to be shared, heard, and respected.
- *Leave Programs*: Equity Fluent Leaders recognize that competitive leave programs, for both women and men, positively contribute to the retention of all employees and enhances organizational value.
- *Compensation Equity*: Equity Fluent Leaders collect and analyze their company's global compensation data based on gender, race, and ethnicity, and take sustainable action to achieve equity.²⁸

Led by Faculty Director Dacher Keltner, the [Greater Good Science Center](#) supports "groundbreaking scientific research into social and emotional well-being" and "help[s] people apply this research to their personal and professional lives."²⁹ The Greater Good Science Center offers three online courses to improve individuals' work lives, including:

²⁷ Center for Equity, Gender, and Leadership. (n.d.). Examples of Equity Fluent Leadership. Retrieved from <https://haas.berkeley.edu/equity/about/>

²⁸ Ibid.

²⁹ Greater Good Science Center. (n.d.). Our Mission. Retrieved from https://ggsc.berkeley.edu/who_we_are/about.

- Empathy & Emotional Intelligence at Work
- The Foundations of Happiness at Work
- Mindfulness and Resilience to Stress at Work

Through its work, the GGSC “[e]mpowers people to become agents of change in their own communities and organizations, improving institutions from the inside out.”³⁰ More than 140,000 individuals around the world have registered for these GGSC courses, which foster equity, inclusion and belonging in the workplace by increasing empathy, emotional intelligence, happiness, mindfulness and resilience to many of the stressors employees face in the workplace.

Inspired by the words of the Greater Good Science Center to “improve institutions from the inside out,” the Staff Ombuds Office calls upon Berkeley’s prestigious faculty to come together to apply the multidisciplinary research used around the world to advance diversity, equity and inclusion in the Berkeley workplace. A faculty led effort to improve the Berkeley workplace by advancing DEI could garner more resources and be used as a model for collaboration between faculty and staff where faculty research is not only recognized, but implemented. Instrumental to such an approach is collaboration with the Division of Equity & Inclusion, which continues to provide Multicultural Education Program courses for staff, and People and Culture (formerly Central HR), which has adopted a new philosophy focused on changing organizational culture and to this end has reorganized to create a new Director for Diversity, Equity, Inclusion & Belonging position³¹. Through these efforts Berkeley could become known as one of the Great Colleges to Work For as highlighted by the Chronicle of Higher Education³² or improve its Forbes ranking as a Best Employer in California, which currently stands at 152/194.³³

With over 12,500 employees, including approximately 8,800 staff and 3,700 non-senate academics, Berkeley is one of the largest employers in the East Bay. In order to support diversity, equity, inclusion and belonging in our own workforce, significant resources and personnel are needed.³⁴ To fund this effort, Berkeley could expand its Light the Way Campaign by providing a structure for all donors to commit 1% or more to light the way for diversity, equity, inclusion and belonging for Berkeley employees.³⁵ Requesting donors to contribute just 1% of their donations could produce enough support to bring Berkeley’s renown research that advances equity and inclusion around the world to its own workforce. This investment can be a source of pride and inspiration – where Berkeley is recognized as a model workplace as well as a model academic institution.

³⁰ Greater Good Science Center. (2019). 2019 Annual Report. Retrieved from https://ggsc.berkeley.edu/images/uploads/GGSC_2019_Annual_Report.pdf.

³¹ The new Director for Diversity, Equity, Inclusion & Belonging position now in People & Culture was formerly the Director of Staff Diversity Initiatives in the Division for Equity & Inclusion. The new position is jointly funded and now has a solid reporting line to People & Culture (formerly Central HR) and a dotted reporting line to the Division of Equity & Inclusion.

³² The Chronicle of Higher Education. (2018, July 20). The Academic Workplace. (“The Chronicle’s Great Colleges to Work For survey is based on responses from more than 53,000 people at 253 institutions: 165 four-year colleges (95 private and 70 public) and 88 two-year colleges. All accredited institutions in the United States with an enrollment of at least 500 were invited to participate, at no cost to them.”)

³³ Valet, V. (E.d.). (2020, August 24). America’s Best Employers by State, Forbes. <https://www.forbes.com/best-employers-by-state/#45d5d602487a>.

³⁴ Unfortunately, many women and BIPOC employees volunteer or are asked to participate on committees or groups to advance equity and inclusion in addition to their regular work. This often places an undue burden on these groups that is not theirs to carry.

³⁵ In 2020, Berkeley announced an ambitious [Light the Way Campaign](#) to raise \$6 billion by 2023.

Progress on Prior Recommendations to Improve Performance Management

Achieve Together: A New Performance Management Model for Non-Represented Employees

The Staff Ombuds Office is pleased to report that in 2020, People & Culture (formerly Central Human Resources) officially launched a new performance management program for non-represented employees entitled Achieve Together. This new performance management model has several changes that should significantly reduce employee concerns.

Employee Concerns ³⁶	Achieve Together Innovations
<p>Missing Ongoing Feedback. Employees did not receive feedback throughout the year and were surprised by feedback contained in their annual review.</p>	<p>Triannual Check-Ins. Employees are no longer blindsided at the end of the annual review period and have an opportunity to make improvements. Each 4-month review period should be given similar weight.</p>
<p>Recency Effect. Employees' performance at the end of the annual review period was given more weight than the rest of the year.</p>	<p>Responsibility for Evaluations. Performance evaluations can be completed by managers who supervised them for each 4-month period.</p>
<p>Absent Supervisor. Annual performance evaluations are completed by managers who did not supervise employees for the vast majority of the review period.</p>	<p>Correct Misunderstandings. Employees have greater opportunity to correct any misunderstandings or errors before they are documented in their evaluation.</p>
<p>Evaluation Errors. Employees felt they did not have the opportunity to correct errors in their annual written performance evaluation.</p>	<p>Opportunity for Clarity. Employees can ask questions to obtain more clarity and improve their ability to meet performance expectations.</p>
<p>Vague Feedback. Employees had difficulty understanding vague feedback provided by supervisors in their annual performance evaluation.</p>	<p>Dynamic Goals. Goals now can be created for any length of time and revised when priorities or circumstances change.</p>
<p>Failure to Adjust Goals. Supervisors did not adjust goals as priorities or circumstances changed.</p>	<p>Achievement Criteria. Employees are now evaluated using the following five criteria: Job Mastery, Goal Accomplishment, Innovation, Inclusion & Belonging, and Collaboration.</p>
<p>Unclear expectations and metrics. Supervisors did not provide S.M.A.R.T. goals and employees did not understand how their performance would be measured.</p>	

³⁶ Staff Ombuds Office. (2016). 2014-2016 Biennial Report (pp. 23-24). Retrieved from <https://staffombuds.berkeley.edu/reports>.

In addition to these employee concerns, in its 2016-2018 Biennial Report, the Staff Ombuds Office recommended that the performance evaluation system be modified so that unprofessional or uncivil conduct can be more effectively managed and addressed.³⁷ Under the new Achieve Together criteria, every employee is now evaluated on their engagement with others.

Under the Collaboration and Innovation & Belonging Achieve Criteria, employees who exhibit unprofessional or uncivil conduct, should receive a 1 or (Needs Attention) rating if they:

- *Do not proficiently and clearly communicate with others in a professional and timely manner.*
- *Fail to develop and maintain successful relationships with others.*
- *Can be unduly inflexible and/or unconstructive.*
- *Cause interpersonal conflicts when participating in [cross-organizational] initiatives.*
- *Value own interests above others' or shuts down lines of communication across groups.*
- *Do not demonstrate inclusiveness.*
- *Fail to recognize the value of differences.*
- *Use language or behavior that is exclusionary or offensive in nature.*

Most importantly, supervisors and managers should receive a 1 or (Needs Attention) rating if they “Do not hold members of the team accountable to the behaviors listed above [in the Inclusion and Belonging Achieve Criteria].” This criteria should help increase management accountability to address workplace bullying and other uncivil conduct that damages employee effectiveness and engagement.³⁸

To help managers and supervisors evaluate employees under the Achieve Criteria, each triannual performance check-in conversation should include the following 6 questions:



1. *What goals did you accomplish this period? In what ways does your work connect to our overall strategy and/or mission?*
2. *What do you like best about your work?*
3. *How have you supported others work and/or collaborated with others on your work this period?*
4. *How have you innovated to seek efficiencies or improve work outcomes?*
5. *How have you fostered diversity, equity, inclusion and/or belonging on our team and campus?*
6. *What can I do as your supervisor to better support your success? What additional knowledge, resources, or tools are needed to successfully do your job?*

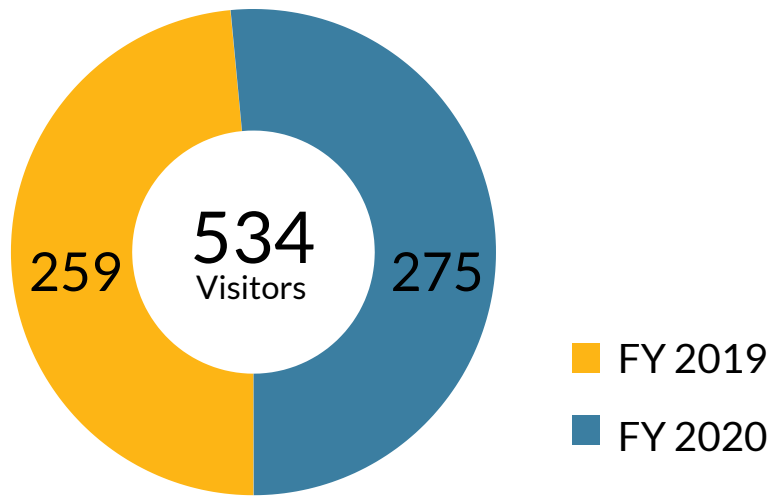
Noticeably missing from this list, is a question regarding what could be done differently or what are areas of growth? Some supervisors or managers need this question to provide an opportunity for them to open up a conversation about areas for improvement.³⁹ As a result, the Staff Ombuds Office recommends adding a question regarding improvement opportunities. Not only will this increase accountability, but it will encourage employee self-reflection and support a growth mindset.

³⁷ The Staff Ombuds Office recommended (1) managers commit to take responsibility to monitor and manage for acceptable conduct and performance; (2) managers use the same process to manage conduct and performance; (3) modification of the performance evaluation form to support managers in addressing unacceptable conduct. See Staff Ombuds Office. (2018). 2016-2018 Biennial Report (pp. 16-17). Retrieved from <https://staffombuds.berkeley.edu/reports>.

³⁸ Ibid.

³⁹ During the pilot and early phases of the Achieve Together program, the Staff Ombuds Office also heard from some employees who dreaded these Achieve Together conversations as their supervisors did not follow the Achieve Together question format and instead used these conversations as an opportunity to berate employees. Employees did not feel as if there was a mechanism to hold supervisors accountable to follow the Achieve Together format and did not feel empowered to have their supervisor's behavior addressed by management.

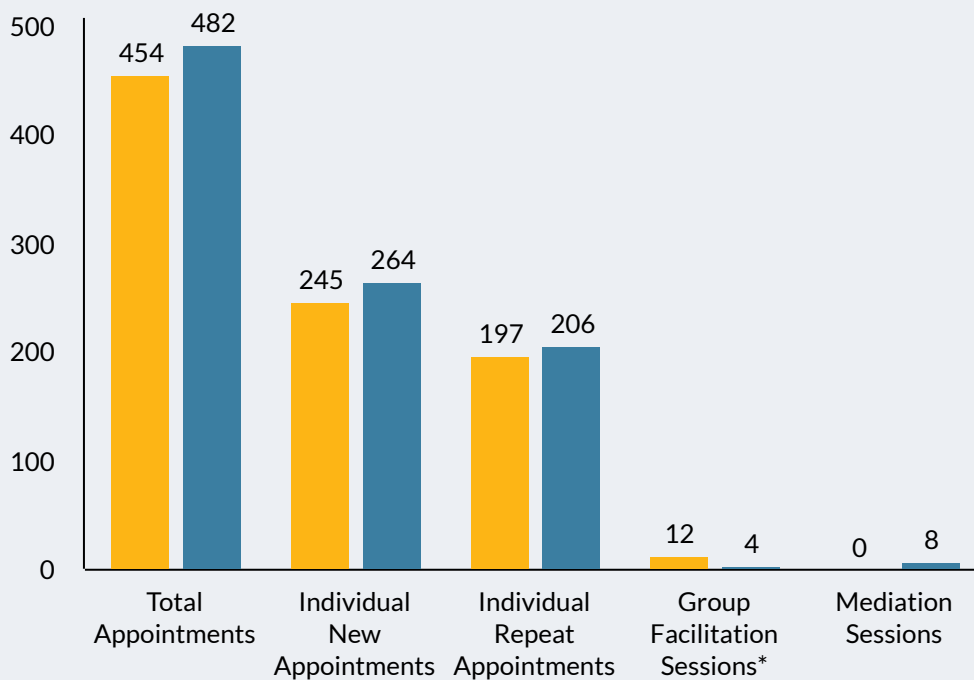
Staff Ombuds Office Utilization



Each person that has an appointment with the Staff Ombuds Office is referred to as a **Visitor**.

Visitors engaged in the following types of appointments: Individual New Appointments, Individual Repeat Appointments, Group Facilitation Sessions, and/or Mediation Sessions.

Appointment Types



936

Total Appointments

43%

of Visitors had more than one appointment



Mediation

Because mediation is completely voluntary, the Staff Ombuds Office cannot require participation. While mediation is a valuable option to resolve conflict, many employees do not feel comfortable engaging in this process when job security is low or psychological safety does not exist.

* Some Groups included new Visitors who did not have Individual Appointments. In FY 2019, 14 new Visitors were served in Groups, and in FY 2020, 11 new Visitors were served in Groups.

COVID-19



The Staff Ombuds Office saw an upward trend in appointments after the shelter-in-place was imposed due to the COVID-19 pandemic. In June 2020, the Staff Ombuds Office had 54 appointments, 46% more than in June of the prior year. The COVID-19 pandemic, transition to remote work environments, fear of layoffs, and impact of systemic racial injustice caused many employees to contact the Staff Ombuds Office for assistance. In addition, many employees reached out to discuss long standing conflicts with team members or sought assistance when they observed inequitable treatment in the workplace.

Job Type

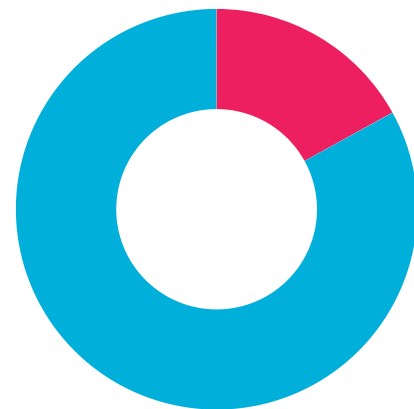


Management Status



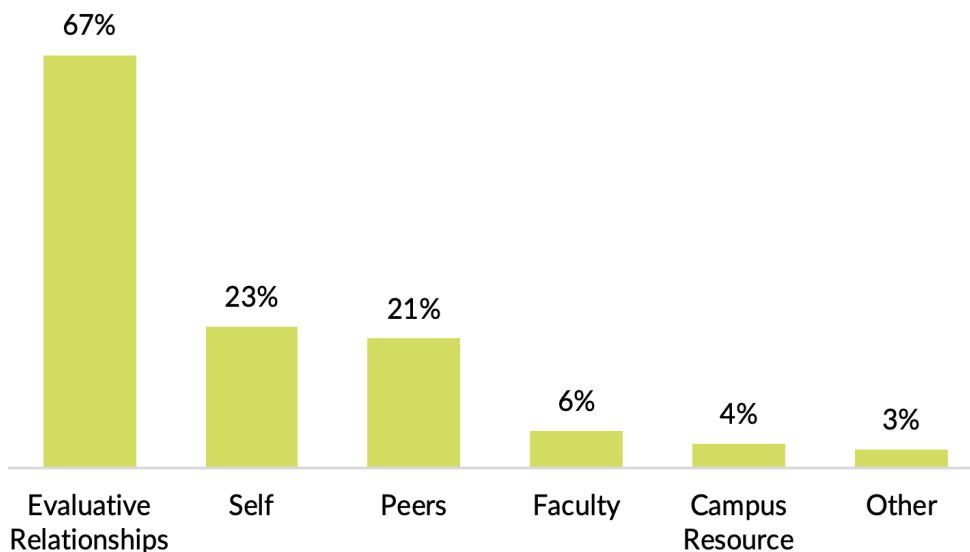
■ Supervisor (43%) ■ Non-Supervisor (57%)

Union Status



■ Union (17%) ■ Non-Union (83%)

Relationship Profile



Relationship Profile defines the relationship between the Visitor and the individual with whom they are in conflict. Self refers to Visitors who are not in conflict with anyone in particular but want to explore individual strategies and options. Visitors can have multiple relationship profiles.

Top 7 Workplace Concerns

1 Respect/Civility 56%

2 Work Styles 32%

3-5 General Climate
Trust/Integrity 28%
Job/Role Clarity

6 Fairness 27%

7 Excessive Stress 26%



On average, Visitors spend a total of **7** hours per week on their conflict situation before working with the Staff Ombuds Office. Time spent per week ranges from less than an hour per week to over 20 hours, greatly impacting employee morale and productivity.



Historically, disrespect and incivility in the workplace have been the most common concerns brought to the Staff Ombuds Office. The Staff Ombuds Office dedicated its 2016-2018 Biennial Report to analyzing this issue. See <https://staffombuds.berkeley.edu/reports>.



In previous reports, Performance Issues appeared in the Top Workplace Concerns. In contrast, this year, Performance Issues dropped to 8th. Fairness is now a top concern, including concerns about favoritism, exclusion, lack of belonging, and equity. People who experience a lack of fairness may also experience Discrimination as described below.

How is the data collected? / What does that data represent?

The Staff Ombuds Office captures concerns that are specifically mentioned by Visitors during their appointment with an Ombudsperson. This data represents mainly self-selected staff who decided to address their conflict situation or discuss workplace concerns in an informal, confidential manner. While this data is not representative of the entire staff experience at the University, it provides an opportunity to address trends and systemic issues to improve equity and employee engagement.

Respect and Civility

298
Visitors

Left unaddressed such behavior can become the culture on a team and/or escalate into more damaging behavior. See the Staff Ombuds Office [2016-2018 Biennial Report](#) for more information.

Workplace Bullying

114
Visitors

76% Complainant
13% Manager
23% Bystander
8% Accused

Of those who responded, 24% of Visitors who experienced bullying said that their conflict situation had an effect on their partner, family and friends.

Discrimination

106
Visitors

came to the Staff Ombuds Office to get support with issues around discrimination in the workplace.

- Almost half (45%) of the discrimination cases were on the basis of gender, 29% based on race, and 18% involved sexual harassment.
- Other types of discrimination included age, disability, national origin and sexual orientation.
- 12% of the cases involved multiple types of discrimination.



76% Complainant
27% Bystander
18% Manager
15% Accused

Almost 1/3 of the cases involved **several roles** in discrimination. Visitors often were both complainants and bystanders of discrimination. Visitors expressed that it is really difficult to take proactive steps to address such behavior when it feels like the discriminatory behavior is well known to everyone on the team but no one does anything about it.



Both people who are complainants and accused of discrimination often express that there are few places where they can openly share their perspective and experience. The Staff Ombuds Office is a place where people can reflect on their behavior and brainstorm about constructive ways to address discrimination.



The length of time employees have been concerned about discrimination before they came to the Staff Ombuds Office:

<6 months (31%) 6 months - 2 years (45%) >2 years (24%)



There is a noticeable difference between ethnic groups in raising discrimination as a concern in the Staff Ombuds Office. Discrimination ranks as the **7th most common concern** for **Latinx/Chicanx** and **Black/African American Visitors**. In comparison, Discrimination is the 15th most common concern for all Visitors to the Staff Ombuds Office.

Hostile Work Environment

65

of the 106 Visitors who raised the issue of Discrimination also expressed concerns about Hostile Work Environment (HWE), which is bullying based on protected class/identity-based characteristics.



Took over 5 years to raise:

- 15% Workplace Bullying
- 12% Hostile Work Environment
- 6% Average for all concerns

8

hours spent on average per work week by employees dealing with issues involving Hostile Work Environments.



Of those who responded, 92% of Visitors who experienced discrimination and 89% of Visitors who experienced hostile work environments said the promise of confidentiality was extremely important in deciding to discuss their issue with an Ombudsperson.

Differences By Ethnicity

15%

Asian and Pacific Islander

79

Visitors

#6 **Conflict Management** includes concerns from employees about their managers' skills or willingness to address conflict directly in teams. Additionally, many managers and supervisors shared they were struggling with their ability to manage conflict between employees they supervised. Asian and Pacific Islander Visitors presenting this issue to the Staff Ombuds Office were split nearly evenly between managerial and non-managerial positions.

#10 Average ranking for Visitors of all ethnicities to the Staff Ombuds Office.

#11 **Career Advancement** includes questions or concerns about resources to support advancing one's career and/or communication strategies to support career mobility and can be brought by staff in both supervisory and non-supervisory roles. Three in five Asian and Pacific Islander Visitors with this issue were non-supervisory staff.

#18 Average ranking for Visitors of all ethnicities to the Staff Ombuds Office.

18%

UC Berkeley
Employee
Population

12%

Black/African American

66

Visitors

#4 **Performance Issues** can be raised by employees who are concerned about their own performance or by supervisors who are concerned about their supervisees' performance. This can include not only job mastery and goal attainment, but also collaboration and on-the-job behavior. It also encompasses concerns about the evaluation process.

#8 Average ranking for Visitors of all ethnicities to the Staff Ombuds Office.

#5 **Workplace Bullying** ranked highest for Black Visitors than any other identity-based group. Behaviors include open expressions of hostility, threats, insults, put-downs, personal attacks, belittling, public humiliation, isolation/exclusion/ostracism, name-calling/swearing, severe or nasty tone of voice, yelling, glaring, constantly interrupting, physical intimidation, or interference with work.

#12 Average ranking for Visitors of all ethnicities to the Staff Ombuds Office.

7%

UC Berkeley
Employee
Population

17%

Latinx/Chicanx

90

Visitors

#7 Discrimination experienced by Latinx/Chicanx Visitors was mainly on the basis of race and gender. About two thirds of Latinx/Chicanx Visitors raising the issue of discrimination with the Staff Ombuds Office were complainants. Other roles include accused, managers, bystanders, and multiple roles. Discrimination also ranked #7 for Black/African American Visitors.

#15 Average ranking for Visitors of all ethnicities to the Staff Ombuds Office.

#16 Peer Performance concerns involve individuals in a non-evaluative relationships. In expressing this concern, Latinx/Chicanx Visitors often describe how poor peer performance impacts their own work and ability to succeed. They also express frustration with management that a peer is not held accountable for their performance and/or behavior.

#24 Average ranking for Visitors of all ethnicities to the Staff Ombuds Office.

12%

UC Berkeley Employee Population

57%

White

303

Visitors

#7 Recognition refers to whether Visitors feel their work or contributions are valued or rewarded. Of White Visitors concerned about recognition, nearly four out of five identified as women.

#13 Average ranking for Visitors of all ethnicities to the Staff Ombuds Office.

#9 Management Skills are concerns employees expressed about managers' lack of knowledge in one or more of the following areas, including strategic planning, change management, technical or substantive expertise, or relevant policies or procedures needed to manage.

#14 Average ranking for Visitors of all ethnicities to the Staff Ombuds Office.

48%

UC Berkeley Employee Population

Native American/ American Indian/ Alaska Native

2%

of Visitors identified as Native American or American Indian or Alaska Native

Top Concerns:

- Respect/Civility
- Excessive Stress
- Recognition
- Workload
- Performance Issues

<1%

UC Berkeley
Employee
Population

"It was helpful for me to step out of seeing things just through my own lens and separate my hurt ego from the issue itself."

-Anonymous Visitor

"The Ombudsperson... set me straight on an issue of importance: my role as a supervisor when the employee I am supervising is exposed to racial slurs and incivility in the workplace. Thank you!"

-Anonymous Visitor



Middle Eastern or North African

Historically, the Staff Ombuds Office utilized the University's data collection categories for ethnicity, which provides Middle Eastern or North African as a sub-category of White. Starting in FY 2020, the Staff Ombuds Office created an additional choice for employees to select Middle Eastern or North African identities as separate categories. In FY 2019 and FY 2020, less than 1% of visitors who identified as White also selected Middle Eastern or North African. Additionally, less than 1% of the Visitors self-selected Middle Eastern or North African in FY 2020.

In 2020, the new Middle Eastern, North African, South Asian (MENASA) Staff Organization formed in order to provide more visibility and support for MENASA staff. The Staff Ombuds Office also changed its data collection categories to recognize the unique identities and diversity of employees.



Multiple Ethnicities

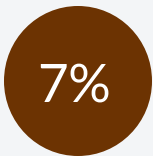
The Staff Ombuds Office allows Visitors to select as many ethnicities as they prefer. In contrast, UC Berkeley Employee Population data comes from CalAnswers, which allows employees with multiple ethnicities to select either one ethnicity or "two or more races."



UC Berkeley Employee Population

"[The Staff Ombuds Office] allows staff to fully express concerns without fear of retribution, and provides a means of strategizing possible solutions."

-Anonymous Visitor



Unknown/Did Not State

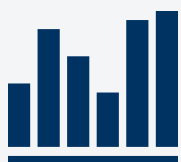
Visitors to the Staff Ombuds Office also have the option to decline to state their ethnicity. For the UC Berkeley Employee Population, "unknown/did not state" responses to campus ethnicity data collection have gradually increased over the past reporting periods from 7% in 2014; to 9% in 2016; to 11% in 2018; to 13% in 2020.



UC Berkeley Employee Population

"I left the appointment [with the Staff Ombuds Office] feeling in control of a situation that was seeming to be out of my control."

-Anonymous Visitor



Campus Benchmarks: Berkeley Employee Population

UC Berkeley Employee Population demographics are calculated using CalAnswers HR Census data averaged from April 2018 - April 2020. The average headcount for this reporting period was 12,142, including 8,536 staff members and 3,606 non-senate academics.

"[The Staff Ombuds Office] creates a safe space to talk about what you're struggling with and learn about your options and resources. It helped me take what I was feeling and turn it into action."

-Anonymous Visitor

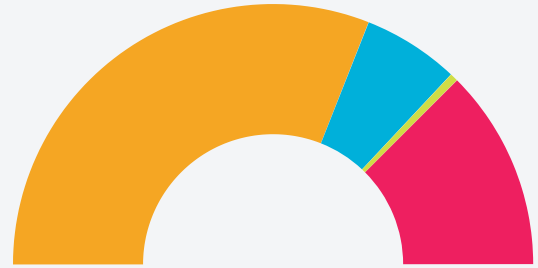
Differences by Gender Identity

Non-Binary, Transgender

The Staff Ombuds Office changed its data gathering so Visitors can express their gender identity by selecting multiple gender expressions: Woman or Female, Man or Male, Non-Binary, Transgender, and Prefer to Self-Describe.

Due to the low number of Visitors that identified as Non-Binary and/or Transgender, the Staff Ombuds Office is unable to provide data on visitor concern trends in these groups.

Sexual Orientation



■ Heterosexual (62%)
 ■ LGBTQ (12%)
 ■ Prefer to Self-Describe (1%)
 ■ Decline to State/Unknown (25%)

73%

Women
Visitors

Workplace Bullying

Lack of respect/civility was the number one issue for both men and women in the workplace. However, women expressed concerns about workplace bullying, a severe form of incivility often involving abuse or misuses of power, nearly six times more often than men. Of employees who said they experienced workplace bullying, 85% were women.

Workload

Concerns about workload ranked 9th among issues that women brought to the Staff Ombuds Office compared to 18th for men. Women visitors often express that they don't feel comfortable drawing boundaries in taking on additional workload.

Please note the gender disparity in utilization of ombuds services compared to campus benchmarks comports with well-documented trends that show consistent gender differences in initiating contact for assistance.

54%

UC Berkeley
Employee
Population

25%

Men
Visitors

General Climate

Concerns about general climate was the 2nd most common concern for men compared to 7th for women. General Climate includes concerns about group morale, negative gossip or rumors, high turnover, and/or issues with prevailing behaviors, norms or attitudes within the organization.

Reputation

Worries about one's professional reputation is the 4th most common issue men wanted to discuss with an Ombudsperson. In comparison, Reputation ranked as the 15th most common concern for women. Visitors were often concerned about another employee making statements that damaged their reputation. This category also included conversations with an Ombudsperson where Visitors sought to improve their reputation.

45%

UC Berkeley
Employee
Population

Notable
Differences
Between
Women and
Men

Differences by Generation

1946
- 1964

129

Baby Boomer
Visitors

1965
- 1980

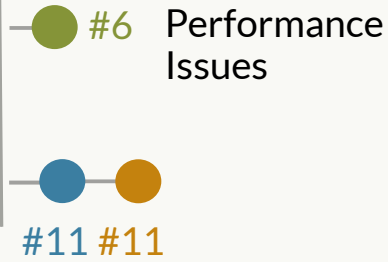
251

Generation X
Visitors

1981
- 2000

140

Millennial
Visitors



Workplace Concerns Change with Length of Service

Less than 1 years
of service

< VS >

Over 20 years
of service

Work Styles #2

Excessive Stress #4

General Climate #5

Management Skills #7

Recognition #11

Workplace Bullying #29

General Climate #2

Workplace Bullying #4

Recognition #6

Work Styles #8

Excessive Stress #12

Management Skills #14

Accomplishments and Activities



The Staff Ombuds Office conducted **32** outreach events reaching nearly **1,100** employees.

This includes monthly presentations at New Employee Reception & Orientation (NERO), NOW Conference and Summerfest tabling events, Ombuds Day open house, as well as tailored presentations to departments and groups on campus.

The Ombuds Office staff met with over **40** campus leaders and staff organization chairs, and participated in various committees and groups across campus.

Groups and committees include but are not limited to the following: Dismantling Racism Study and Action Group, Constituent Board (part of the Developing a More Equitable and Inclusive Environment for Staff Initiative), Coordinated Community Review Team for Sexual and Gender-Based Violence and Misconduct (CCRT), and the Disability Advisory Review Team (DART).



"[I learned] how to effectively deal with some issues that I currently face in the office in a way that would get a positive outcome"

-Anonymous Course Participant

"I identified some of my own areas of improvement or things that might be in the way of collaborating"

-Anonymous Course Participant



411 UC Berkeley staff members participated in **18** trainings provided by the Staff Ombuds Office. The Berkeley People Management Program now includes a new, full-day course Analyzing and Resolving Conflict. These courses are funded with support from People & Culture's Learning & Organizational Development unit.

Workplace Civility: Respect in Action

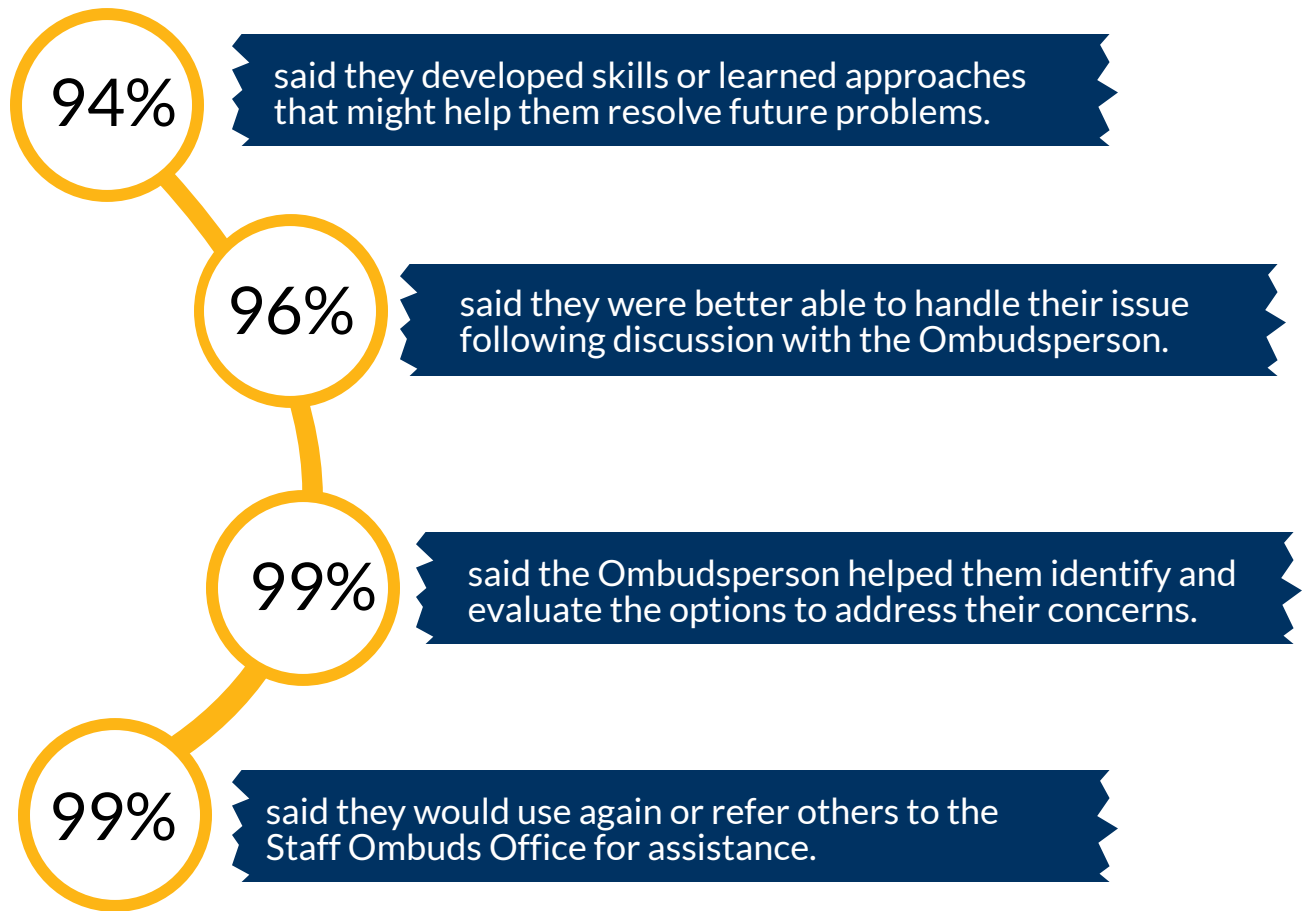
Collaborating Effectively in the Workplace

Identifying and Addressing Workplace Bullying

Analyzing and Resolving Conflict

Staff Ombuds Office workshops were attended by 259 staff members in FY2019 and 152 staff members in FY 2020. Due to COVID-19, the Staff Ombuds Office was only able to conduct 6 trainings in FY 2020. Participant evaluations averaged a satisfaction score of 8.7 out of 10.

Satisfaction with Ombuds Office Services



The Staff Ombuds Office obtains this data through Assessment of Services surveys. The average return rate for surveys for FY 2018-2020 was 33%. In FY 2019, the return rate was 36%; however, in FY 2020, the return rate dropped to 30%. This was likely due to the shift to remote work in March 2020 as the Office was no longer able to give Visitors paper surveys at their initial in-person appointment and instead relied upon the U.S. Postal Service to distribute surveys. In addition, Visitors may have been nervous to mail items or receive mail because of COVID-19.

"The most helpful aspect of my visit was being able to honestly and authentically share what I have been struggling with. I felt seen and heard."

-Anonymous Visitor

"[Staff] don't have much workplace power and so we need this resource to engage in our own empowerment and to learn tools and strategies and feel supported."

-Anonymous Visitor