



Annual Report 1993-1997

A Message from the Director

June 1998

To the Campus Community:

The past four years have been times of rapid change for the Berkeley campus. I am pleased that the Staff Ombuds Office has been able to assist members of the community in finding ways to deal creatively with these changes.

During this period, a new administrative vision, entitled "Partnership for Excellence in the 21st Century: Berkeley's Administrative Vision," was developed by the campus community. It provides a framework for creating a campus climate that brings out the best in all of us. We look forward to working with employees and managers as we all move toward realizing this vision.

During this period of transition, interpersonal interactions and teamwork will continue to be a challenge. As always, we stand ready to assist you in the development and maintenance of effective relationships.

Ella Wheaton
Director
Staff Ombuds Office

THE OMBUDS MISSION

The Staff Ombuds Office provides an extensive array of services to assist campus managers and staff employees to live out, in daily workplace interactions, the "Principles and Values" expressed in Berkeley's Administrative Vision. Our particular contribution centers on the commitment expressed in that document to promote "a community that fosters integrity, civility, respect, professionalism, trust and pride in a healthy and safe environment [and] the highest standards of ethical conduct."

This is the stated mission of the Staff Ombuds Office:

The Staff Ombuds Office advocates for fairness, equity, justice, and humane treatment in the workplace. From these principles, the Staff Ombuds Office offers a confidential, impartial,

objective, informal alternative for resolution of work-related concerns for staff, student employees, and managers of staff.

The "work-related concerns" often arise as some sort of conflict between individuals or among groups. While some degree of workplace conflict is inevitable, conflict is neither good nor bad in itself. Handling it effectively can stimulate innovation and growth; handling it poorly can damage individuals and operations. Managing conflict is a complex topic, especially at a place as complex as the Berkeley campus, with its many and varied positions, decentralized structure, shared governance, diversity of cultures, represented and non-represented groups, and so forth. In such an environment, conflict can arise from many different *sources* and can take many different *forms*.

As conflicts surface, the Staff Ombuds Office offers a versatile set of tools to enable the campus community to:

resolve specific problems as they arise
identify broader problem areas and strategies for addressing them
institutionalize principles and values that will forge an increasingly harmonious work environment

A UNIQUE ROLE

The sources and forms of workplace conflict can be subtle: hard to identify, and even harder to deal with. In recognition of this difficulty, the Chancellor established the Staff Ombuds Office in 1984. The office was placed in a unique position, with an unusual degree of *independence* from and *access* to the highest levels, to enable it to identify and address these concerns, and to influence management to address them, as appropriate. This is consistent with the ombuds profession as a whole. (Ombuds offices were first created in nineteenth-century Scandinavia to help citizens navigate bureaucracy, and to provide an independent perspective on, and critique of, its workings.) We subscribe to the standards of practice and code of ethics of the University and College Ombuds Association (UCOA) and The Ombuds Association (TOA).

The essential elements of ombuds effectiveness are:

1. *independence* (being outside the management line)
2. *impartiality* (not advocating for either party to a dispute)
3. *confidentiality* (never revealing who has been here or what was said, unless explicitly authorized by the visitor)
4. *informality* (never participating in a formal arena, whether for an individual or for the institution)
5. concern for *justice and fairness*

These qualities create an environment where people feel safe raising concerns.

THE MANY TOOLS OF OMBUDSING

Ombud services are delivered in many forms--all with the goal of providing people with the specific tools they need to resolve their work-related problems. Our chief ways of working with people are counseling, referring, facilitating, mediating, training, and consulting:

Counseling. The Staff Ombuds Office helps staff at all levels to identify the nature of their work-related concerns, and the means for resolving them. Because visitors feel safe to express concerns and explore issues, the office serves as a *safety valve* for the campus. For many clients, 'being heard' for what may seem to them like the first time is the most valuable service we provide. The next step is to move beyond the surface to identify *underlying concerns*--the 'questions beneath the question.' This helps prevent other problems from developing. We help *identify options*, and we coach on *potential strategies* for resolving the problems.

Referring. We provide clients with information on resources (both internal and external), and on rights and responsibilities. The campus has a rich array of resources, including policies and programs that support fair treatment--but employees often do not know they exist, or how to use them. The Staff Ombuds Office is *the 'place to go when you don't know where to go'*--the office that helps make sense of what may seem like a daunting bureaucracy.

Facilitating. Most work-related conflicts involve at least a partial--and sometimes a total--breakdown in communications. The Staff Ombuds Office works to restore relationships by helping people *remove barriers to open, effective communication*. Facilitation operates on a larger scale as well: we often *collaborate* with other offices (such as CARE Services; Human Resources; Workers' Compensation/Vocational Rehabilitation; Environment, Health and Safety; Title IX Office; UC Police Department; and Internal Audit) to address *multi-faceted and/or systemic problems*.

Mediating. The Staff Ombuds Office mediates disputes informally, and provides formal *mediation services* when warranted. Informal mediation often entails 'shuttle diplomacy' between the parties to bring them together. Through mediation, the parties attempt to reach an agreement satisfactory to both. Because mediation works best when there is not a power imbalance, sometimes we assist in leveling the playing field.

Training. Much of the training takes the form of one-on-one *coaching*, but many group events (*classes, workshops, discussion sessions*) are offered as well, for both managers and staff. Training is offered in conflict resolution, communication (particularly effective listening, effective speaking, and raising concerns with management), dealing with difficult situations or individuals, and other matters as the need arises. Many training programs are *tailor-made* to address the concerns of particular work groups, and all training addresses issues of *cultural sensitivity and inclusivity*.

Consulting. Because we work with staff at all levels, and with top management and faculty as they touch upon staff concerns, the Staff Ombuds Office is in a unique position to 'read' the campus climate. In so doing, the office serves as an *early warning system* for management, identifying problem areas and systemic sources of conflict. On the positive side, we also identify *best practices*. In identifying both negative and positive practices and trends, we aid campus planning efforts.

WHO USES THE STAFF OMBUDS OFFICE?

Total Client Contacts. The Staff Ombuds Office provides *service to over a thousand staff employees a year*. (The four-year average is 1,031.) These service contacts include individual and group sessions and training programs. The average of all service contacts dropped during the past two years as a result of significantly reduced staffing between October 1995 and January 1997. (In order to maintain the level of individual and group client appointments in the face of this temporary staffing reduction, fewer classes were offered.) Client appointments have remained steady over the past four years, averaging 489 per year. Of these, an average of 314 per year (64%) were new clients.

Departments. The number of campus departments using Staff Ombuds Office services has increased from 106 to 115 over the past four years. Although this is not a large increase in terms of raw numbers, it is statistically significant in view of the fact that campus streamlining and reorganizations have significantly reduced the number of departments on campus. Consequently, the more significant figures are these: *four years ago 25% of campus departments used our services; today, 48% do.*

Job Classifications. By far the largest client groups are the Professionals/Management tier and the Clerical/Administrative tier. Use of our services by the *Professionals/Management group* has grown somewhat (from 38% of our client base to 46%), so that this *is now our largest group of users*. The Clerical/Administrative percent has dropped slightly during this same four-year period, from 49% to 42%. Usage by staff in other classifications is much smaller and has remained fairly steady over the past four years: Technical, Service, and Academic approximately 3% each; Other/Unknown 2%; and Crafts 1%. (Note: There is a separate Academic Ombuds Office on campus. Academics seen by the Staff Ombuds Office are primarily those who are supervising staff employees.)

The Four Personnel Program Tiers. Approximately 1% of our clients are in the Senior Management tier, 6% in the Management and Senior Professionals tier, and 47% in the Professional and Support Staff tier. *Approximately 42% are covered by collective bargaining agreements.* (This figure has remained fairly steady over the past four years.) The vast majority of our clients (93%) are in career positions, but we also assist clients in all other kinds of appointments (casual, casual/restricted, contract, and per diem). Only 3% of our clients are probationary employees.

Gender. 75% of clients over the past four years have been *female* (as compared to 60% of the campus staff population). The figures for males are 25% for our office versus 40% of the campus population. Thus, the Staff Ombuds Office has a disproportionately large number of female visitors.

Race/Ethnicity. The percent of clients who are *white* (54%) is roughly proportionate to the white staff members on campus (57%). The percentage of black and Hispanic clients is higher than the proportion on campus (22% *black*, as compared to 16% on campus; 9% *Hispanic*, versus 6% on campus). The percentage of *Asian* clients is noticeably low (9%, as compared to 17% on campus).

WHAT KINDS OF PROBLEMS DO PEOPLE BRING?

Relationships in Which Conflict Arises. The vast majority of problems (an average of 59% over the past four years) concern problems *between employees and their managers/supervisors*. There is a big drop to the next biggest category: concerns that managers/supervisors are having with other managers/supervisors (16%). Problems between co-workers represent 13% of those seen, and individual concerns represent 9%. 3% of clients have some other sort of concern.

Primary Conflict Issues. The primary issue which brings people to the Staff Ombuds Office is difficulty in *communication* (37.8%). Next in importance are *job conditions* (25.8%) and *job status* (22.0%). These three strongly predominate; the fourth issue, discrimination, represents 4.8% of cases. Other primary issues (reprisal and ethics) represent very small percentages. Of the forms of *discrimination* brought to our office, discrimination based on race/ethnicity is by far the highest category (47.7%). Other forms of discrimination, in order of frequency, are: disability (16.7%), gender (15.6%), age (9.2%), and sexual orientation (3.7%). All other forms of discrimination total 7.1%.

Secondary Conflict Issues. When people visit the Staff Ombuds Office, they often bring several issues to explore. Those which are not the primary reason for the visit, yet are sources of significant underlying concern, are termed "secondary issues." Of these, *treatment strongly predominates* (28.1%). Next in rank are *work styles* (15.3%) and *structural/organizational problems* (13.9%). There is a significant drop in numbers for the other secondary issues: performance evaluation, 6.3%; discipline, 5.0%; workload, 4.5%; rewards/recognition, 4.4%; and health/safety and classification, both 3.8%. Concerns with still lower percentages are, in descending order of importance, layoff, leaves/pay, separation, and workers' compensation/vocational rehabilitation.

OMBUDS OFFICE ACTIONS

The Staff Ombuds Office, like all ombuds offices, has no line authority. *Its power is the power of influence.* Typically, after a client is given the necessary counseling, coaching, and training to be able to address the problem with the appropriate party(ies), she or he is referred to the place/places where effective management action can most likely occur. *Typically the employee is given the tools, then pointed to the most effective place to put them into action.* Often, the office needs to do some *preliminary investigations* (always protecting the employee's confidentiality) in order to counsel appropriately. (Approximately 20% of cases entail investigation.)

The Ombuds Office does on occasion take *direct action*, as when there is a direct and immediate threat to safety. Other direct actions include frequent *informal mediation*, and, less frequently, *formal mediation*. (Both the Director and the Associate Ombudsperson have received extensive formal training as mediators, in accordance with *alternative dispute resolution (ADR)* professional standards.) Upon management request, we occasionally conduct *departmental interventions*, in which a report is produced following extensive exploration and analysis. We also inform management of *significant trends* in order to *influence the campus climate* to be more responsive to staff concerns (see discussion below).

Referrals. Clients are most often referred, almost equally, to the *Personnel Office (28.8%)* and/or the client's own departmental *line management (28.0%)*. Because issues are sometimes complex (for example, they may involve family problems, health problems, or psychological components), a large percentage of clients (20.5%) are referred to the employee assistance program (CARE Services). Other referrals are far less frequent: Vocational Rehabilitation/Workers' Compensation (5.8%), Internal Audit and Title IX Officer (2.8% each), and the UC Police Department (1.7%). There are many other places to which we refer clients, both within and outside the university (Payroll, outside agencies, community resources, and so forth). They total 9.6%.

Training. A large proportion of the work of the Staff Ombuds Office is preventative: training employees and managers in conflict resolution, effective communications, workplace treatment, putting the principles and values into action, and related issues. Besides regular classes offered via the Employee Development and Training catalog, many of our classes are *tailor-made* to the needs of particular campus groups. We were not able to offer many classes during our temporary staff reduction, but with the office now fully staffed, we expect to meet or exceed our earlier level of more than 20 classes per year with over a thousand participants. Staff Ombuds Office training sessions have received uniformly enthusiastic and high ratings, *averaging 8.8 on a scale of 1-10.*

Committee Service. In order to keep apprised of the campus climate, and to influence it to put into action the principles and values expressed in the campus administrative vision statement, we participate in approximately a dozen campus committees and task forces each year. Collaborations have included chairing the Employee Involvement Committee and the Staff Recognition Awards Committee; co-chairing the Behavior Risk Assessment Team (BRAT); and serving on the Chancellor's Advisory Committee on Dependent Care, the Chancellor's Committee on Alcohol and Other Drugs, the Disability Management Team, the Cal Awards Committee, the Faculty/Staff Health Advisory Committee, the Committee on HIV/AIDS, the Emergency Preparedness Task Force, and many others, including search teams for key positions.

RECENT ACCOMPLISHMENTS

Communications. The effectiveness of the Staff Ombuds Office requires that staff be made aware of the kinds of services we offer. Great strides has been made recently in communicating our services to the campus community. These have been in the form of *publications* (a new brochure and a bookmark), a *web site*, and greater presence at *campus forums*. To support campus flexibility, and in conjunction with our participation on the Chancellor's Advisory Committee on Dependent Care, we have written a *booklet on flexible work arrangements* which will be both a part of the new Guide to Dependent Care as well as a free-standing document.

Training. We have designed customized training programs for several departments in major transition or conflict. We worked with CARE Services to develop a new program on dealing with difficult situations and behaviors in the workplace, and a new component on dealing with angry people for our regular classes. We are currently collaborating with CARE Services and Human Resources to determine how to deliver training that meets assessed campus training needs. We incorporate reference to the campus principles and values in all our training efforts.

Other Collaborations. Because so many of the issues we identify are multi-faceted , we collaborate extensively with other campus departments to address them. Some examples: We chaired the team that developed assessment tools for, and training to address, potential workplace violence (BRAT team). We established regular meetings with staff organizations to keep apprised of the campus climate and to help them develop plans for putting the campus principles and values in place.

TRENDS

Because we see staff at all levels, as well as managers and faculty who have staff-related concerns--and because our role as a confidential, impartial office leads people to communicate concerns that they do not necessarily feel comfortable expressing at their work site--we are often able to identify department-wide, control-unit-wide, or campus-wide trends. Here are some *campus trends* we have identified recently:

The development of Berkeley's Administrative Vision, together with several systemwide pronouncements as the new personnel program was developed, has made staff more aware of the *gap* between the campus community's stated intentions and how we all actually behave. *Employees are increasingly expecting to be treated in accordance with stated principles.* The workplace has become more complex, with multi-faceted new laws (such as FMLA and the ADA) and new personnel and other administrative programs. As a result, employees, and managers as well, seem to be *less clear as to their rights and responsibilities.*

Workplace conflict is less often a result of alleged policy violations, and more and more a result of *communications breakdowns* or perceived *disrespectful treatment*. (Note: Extensive *inappropriate use of e-mail* also seems to have contributed significantly to communication breakdowns.) *Professional staff and managers are increasingly seeking ombuds help*, in regard to interactions with those to whom they report as well as those they supervise.

Trends at the national level include:

rapid growth in alternative dispute resolution (ADR) as an effective means of resolving conflicts that is less costly than resort to the courts or outside agencies, and has fewer long-term negative effects

rapid growth in the ombuds profession as an effective means of identifying and addressing staff concerns

GOALS

In addition to our on-going goals of providing effective direct client services to both individuals and groups, we have several specific goals for the immediate future:

To take a lead in developing community-building activities on campus

To provide mediation skills training for management

To meet with the Chancellor and control unit heads on a regular basis to provide a neutral perspective on campus staff issues

To develop closer ties with the Academic and Student Ombuds Offices to jointly address campus concerns

To focus more on prevention by developing new training programs and new means for alternative dispute resolution (ADR)

RECOMMENDATIONS

Based on our assessment of the campus climate, we offer the following recommendations:

1. Many of the problems that are brought to the Staff Ombuds Office could have been prevented with adequate management training. We recommend that the campus consider whether the time is now ripe for *instituting mandatory training* of those who manage staff (including academic managers).
2. As the first step in creating a campus climate that fosters the stated principles and values for treatment of employees, management should convey an expectation that the *norm* is to resolve difficulties *informally*. Too often, managers attempt to 'win' in a formal forum rather than to thoroughly explore informal methods that might achieve a potentially more effective long-term solution (one that addresses root causes).

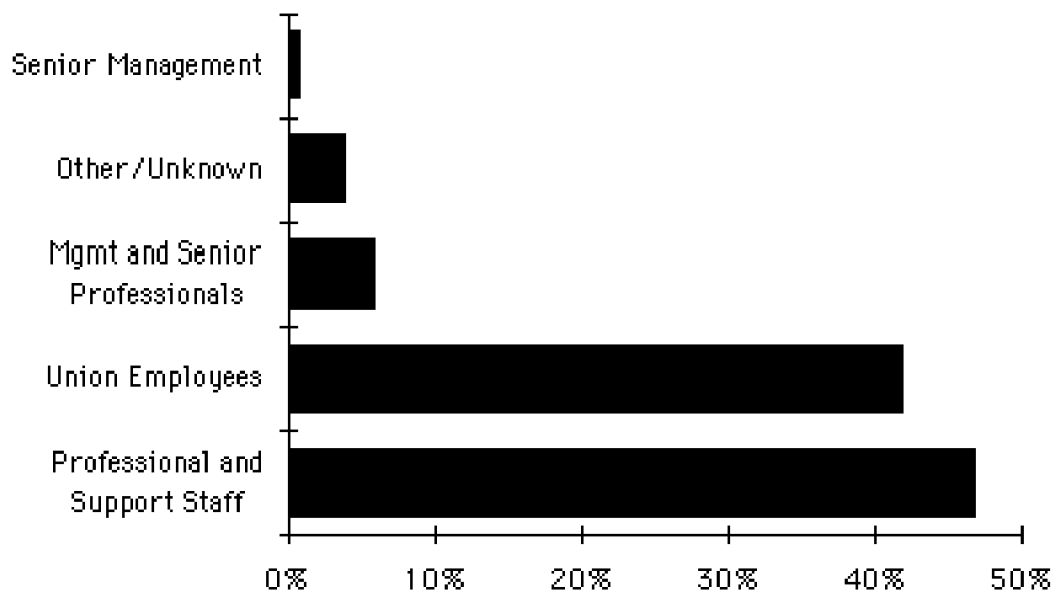
3. Most staff conflicts are about *treatment*, not about policy violations. Lack of attention to human dignity frequently escalates problems and creates wounds that lead to future problems. We recommend that the campus community be held accountable for respectful treatment as described in the campus "Principles and Values" statement. This requires *building treatment into performance requirements, and developing mechanisms for obtaining feedback.*
4. Because *communications breakdowns* play such a large part in creating conflict, the campus must take steps to insure that interpersonal interactions do not take a back seat to technological developments. Emphasis needs to be placed on the *appropriate use of communications technology* (including e-mail and voice mail), so that it does not contribute to discord.
5. To support the campus commitment to diversity, there is a need for on-going *training in multicultural competencies*, targeted to all levels.

These are some of the key ways in which the campus can begin to translate principles and values into forms of treatment that will enable Berkeley to recruit, retain, and motivate a first-rate staff.

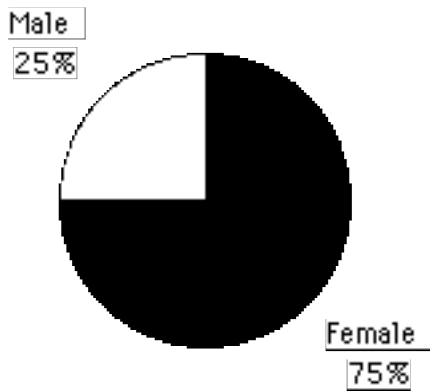
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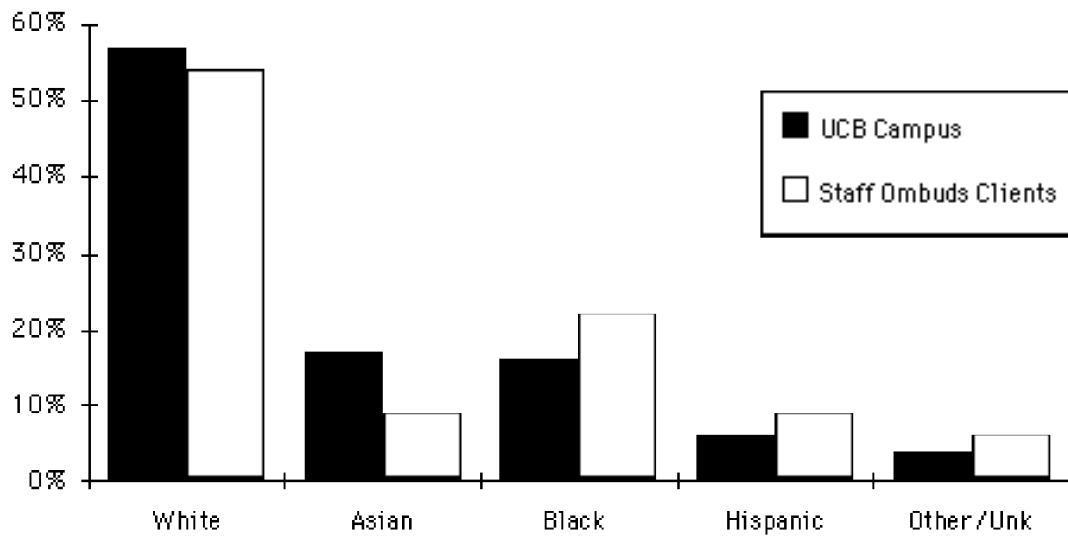
Personnel Program Tiers



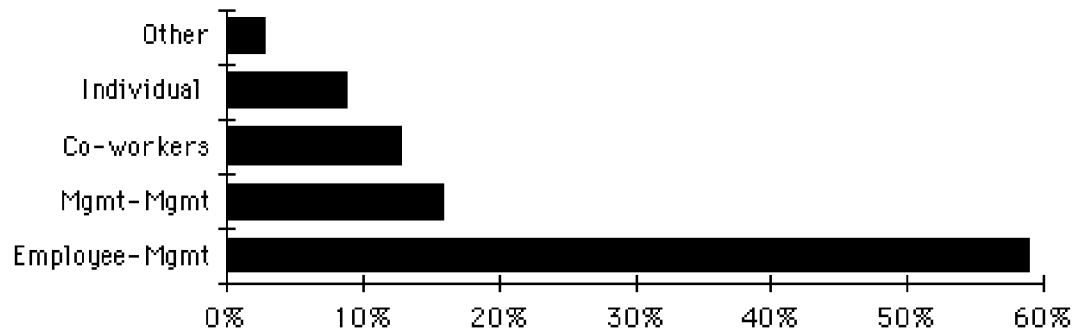
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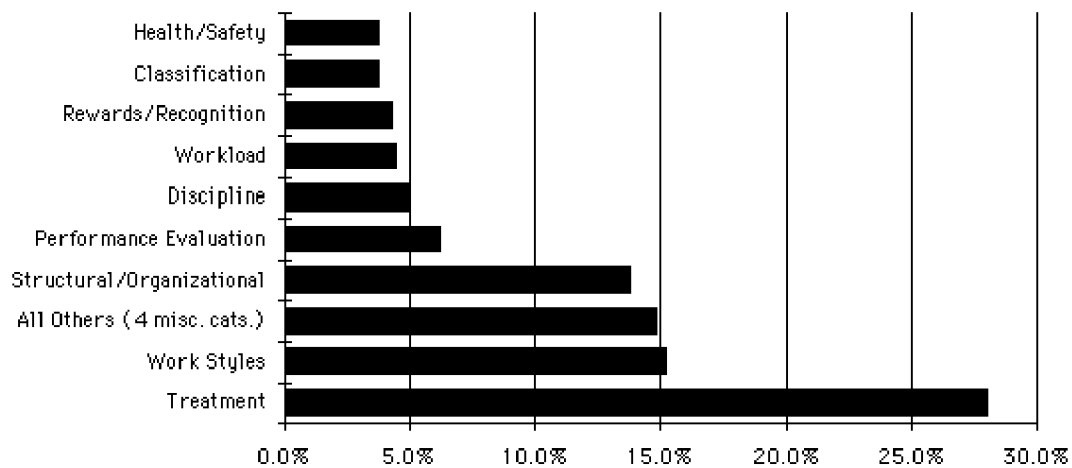
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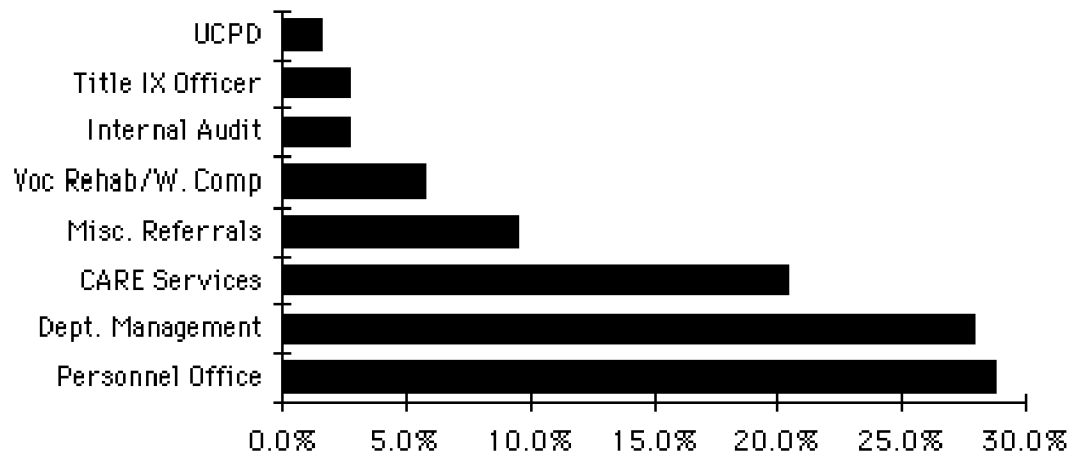
Primary Conflict Issues



Secondary Conflict Issues



Referrals



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