



Staff Ombuds Annual Report 2000

INTRODUCTION

Stable staffing during the past two years ('98-'99 and '99-'00) has permitted the Staff Ombuds Office to direct greater attention to developing preventative measures to address the needs of a workforce that has been experiencing considerable challenges related to major new programs and activities. These measures include placing greater emphasis on training and on involvement with committees that affect the campus climate.

MISSION

The Staff Ombuds Mission, which is consistent with the Principles and Values incorporated in Berkeley's Administrative Vision, continues to guide all our efforts:

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.

In fulfilling this mission, our focus ranges from extreme close-up (one-on-one coaching of individuals with unique problems) to the widest range (working with campus groups and the highest levels of management on programs and problems of broad effect). This 'zoom lens' gives us a comprehensive view of the campus that enables us to serve as an early warning system on systemic problems related to staff, and to provide feedback on trends and practices.

ABOUT OMBUDSING

Ombudsing is a growing profession because it is increasingly recognized as a highly effective means of reducing conflict and thereby creating an effective workplace climate. In carrying out our responsibilities, we subscribe to the standards of practice and codes of ethics of the University and College Ombuds Association and The Ombudsman Association.

The essential elements of ombudsing are *independence, impartiality, confidentiality, informality, and concern for justice and fairness*. These form the foundation of our effectiveness, so we zealously guard against encroachments in any of these areas.

Examples:

Impartiality means that we strive to provide an objective assessment to both those who seek our services and those with whom they are experiencing difficulties. We do not represent or serve as personal advocates for anyone. We are advocates for fair process, not for persons.

Independence means that we are not in the management line and cannot (nor would it be appropriate for us to) compel anyone to take any particular course of action. Our strength comes through helping people to gain perspective on their situations, identify their underlying interests (and those of other parties), learn about their rights and responsibilities, avail themselves of resources, and become more effective in communicating their concerns. Although we serve on a variety of committees seeking to improve the quality of campus life, our role is to assure fair process, not to vote on policies. We do not take on any roles that would compromise our impartiality or independence.

Informality means that our focus is on assisting people to resolve problems at the lowest possible level. We offer people a wide array of options for informal resolution and help them weigh possible courses of action, but we do not tell them what actions to take. We inform people about how to gain access to rights under various formal processes, but we do not participate in formal proceedings (with the exception of formal mediation, which is explained below). Because we work strictly at the informal level, and because of our impartiality, independence, and confidentiality, communications with the Staff Ombuds Office do not constitute notice to the University.

To safeguard **confidentiality**, we do not act as an office of record for any kind of complaint. We do not keep records on individuals, nor do we reveal that anyone has used our services without their explicit permission. The ultimate decision on confidentiality belongs to our office, not to the users of our services. For example, we will not normally participate in formal proceedings even if someone gives us permission to; but we would breach confidentiality if, in our sole judgment, a situation presents an imminent threat of serious harm and there is no other reasonable course of action.

Our concern for **justice and fairness** leads us to do what we can to "level the playing field" when there are significant power imbalances, and to advocate for fair process and systemic change. We continually try to heighten the awareness of members of the campus community concerning the University's stated values and principles, and we do what we can, within the limits of confidentiality, to influence people to adhere to them.

HOW WE WORK TOWARD OUR GOALS

We use a variety of methods to meet our goals:

Individual Counseling and Coaching. Over the past two years we have had a total of 963 appointment contacts (an increase of 2% over the previous period). 638 of these were new cases (a decrease of 7%). About two-thirds of the people were seen once and the rest were seen twice or more. We try to provide a wide array of options and extensive coaching in the initial session, so that follow-up sessions are less necessary. In these sessions, employees have a chance to "tell their story" -- often for the first time in any depth. We then help them to explore the roots of the problem; inform them of options, rights, responsibilities, and internal and external resources available to them;

explore what steps might be taken to improve the situation; and help them weigh alternatives. We also do a great deal of coaching on effective listening and speaking skills.

Referrals. 27% of visitors were referred to other offices (often in conjunction with continuing to work with our office). Most of the referrals were to various levels of departmental management, units within Human Resources, and CARE Services (the employee assistance program). We also have productive working relationships with other offices that can assist employees, such as Academic Personnel, Workers' Compensation/Vocational Rehabilitation, the Sexual Harassment (Title IX) office. Before referring anyone to another office, we help the person gain a broader perspective and identify underlying issues, so the person can make the best possible use of these other resources.

Investigating and Facilitating Although we do not conduct formal investigations, we do a great deal of exploration behind the scenes in order to assess a situation. (We have access to any necessary records or individuals on campus for this purpose.) After assessing the situation, we help people to hear, be heard, and try to work out mutually satisfactory solutions. Most often we do this by counseling and coaching the affected parties in private, but sometimes we bring two or more people together for a facilitated conversation.

Mediation. Mediation is the process by which an independent third party, the mediator, assists two disputants to reach an agreement. Mediation is becoming a very popular tool worldwide, because it often prevents problems from escalating into formal grievances or lawsuits. The number of formal mediations has been growing slowly. We averaged 21 formal mediations per year over the past two years, (compared to 19 the previous year and an average of 16 over the previous four years).

Formal mediation is the only formal dispute resolution process in which we participate. While formal mediation is a very effective means for resolving certain kinds of conflict, there are many situations for which it is not the best approach. It does not work well, for example, when there is an extreme imbalance in power, or when one party is not motivated to reach agreement. Many conflicts are addressed more effectively through less formal means, such as facilitation (a kind of informal mediation) and coaching. One of our office's greatest contributions in this area is training supervisors to serve as informal mediators, facilitating the effective resolution of conflicts within their units.

Training. We believe that increased training (both unit-specific and campus-wide) holds the greatest promise for preventing and reducing conflict over the long term. Over the past two years we presented 23 classes and workshops to 948 members of the campus community -- 53% more classes to more than three times as many people as in the previous two years. These classes taught skills such as effective listening and speaking, dealing with anger, addressing cultural differences, making a fresh start, dealing with particularly difficult behavior, and informal mediation of conflict.

Some of our training sessions were collaborations with other units such as Human Resources and CARE Services. We also encouraged self-

training by increasing our book and video holdings and putting more resources on our website.

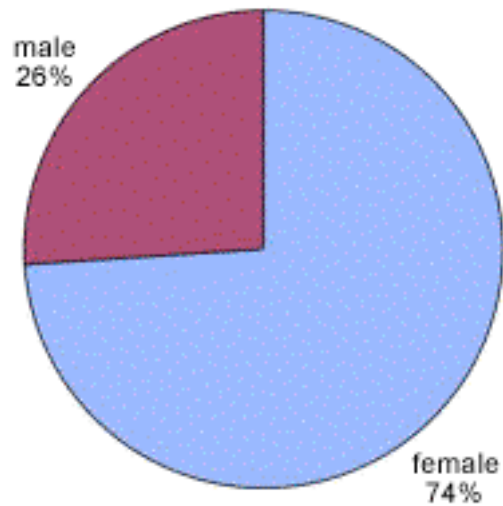
Other advantages of our increased emphasis on training is that it brings creative insights to seemingly intractable situations and builds community.

WHO USES OUR SERVICES?

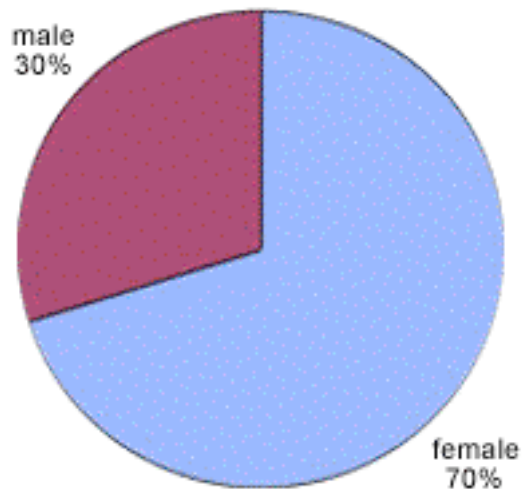
We see staff at all levels and those with whom they interact, including faculty, executives, managers, and supervisors. We also see non-Senate academics in a variety of titles, normally upon referral by the Academic Senate Ombuds Office.

Gender. The ratio of female to male visitors (70% female to 30% male in '99-'00) is about the same as it has been in recent years. The ratio of females to males in the campus staff workforce (roughly 60% to 40%) has also remained fairly steady. Thus, we continue to see somewhat more females than males in relation to their presence in the workforce.

Gender Summary 98-99

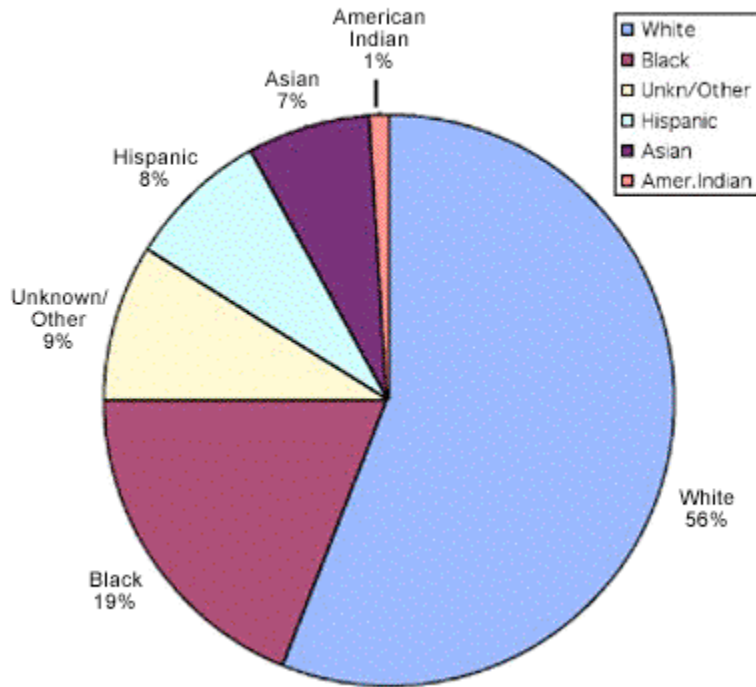


Gender Summary 99-00

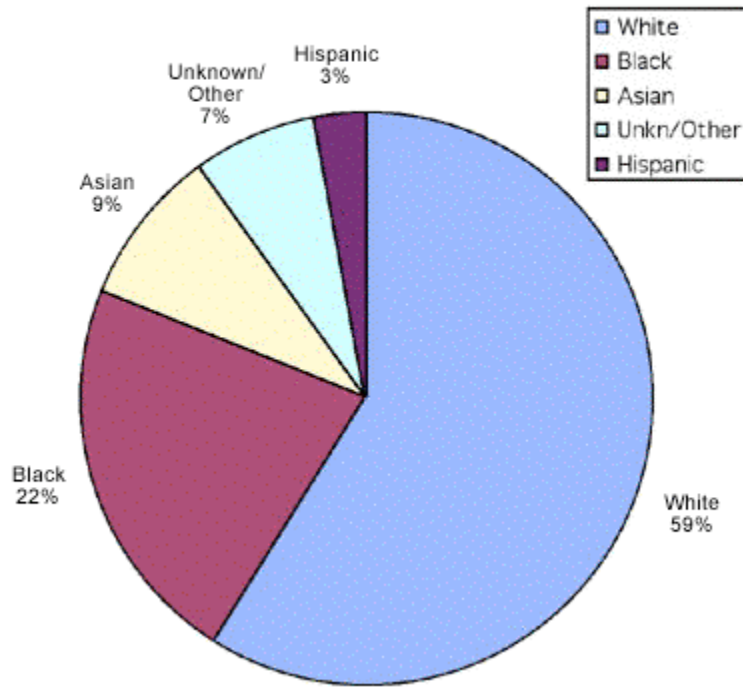


Race. The racial composition of our visitors has also remained fairly steady. For '99-'00, the figures are: 59% White, 22% Black, 3% Hispanic, 9% Asian, and 7% Unknown/Other. Comparing these figures to the composition of the campus staff workforce (57% White, 15% Black, 10% Hispanic, 17% Asian, 1% Unknown/Other), we continue to see more Blacks and fewer Asians than their proportions in the workforce would suggest. However, there has been a slight increase in the percentage of visitors from each of these categories (Black up from 19% to 22%, Asian up from 7% to 9%). The percentage of Hispanic visitors is down from 8% to 3%, which is significantly less than their proportion in the campus workforce (9%). This is an area we plan to look into in the coming year.

Ethnic Distribution 98-99



Ethnic Distribution 99-00



Job Types. We restructured this category to align it with current personnel programs. This restructuring makes it difficult to make comparisons to previous years. Nevertheless, a few patterns can be seen to emerge:

The number of visitors who are not supervisors dropped from 63% in '98-'99 to 57% in '99-'00. This does not necessarily constitute a trend because no comparisons can be made to earlier years, when we did not collect data on this category. Another complication in assessing this category is that the data is not necessarily reliable: some of our visitors consider themselves to be supervisors when they may not be designated as such in the payroll/personnel system. In fact, one systemic problem is that employees -- both supervisors and others -- are sometimes unclear as to their roles and their job classifications.

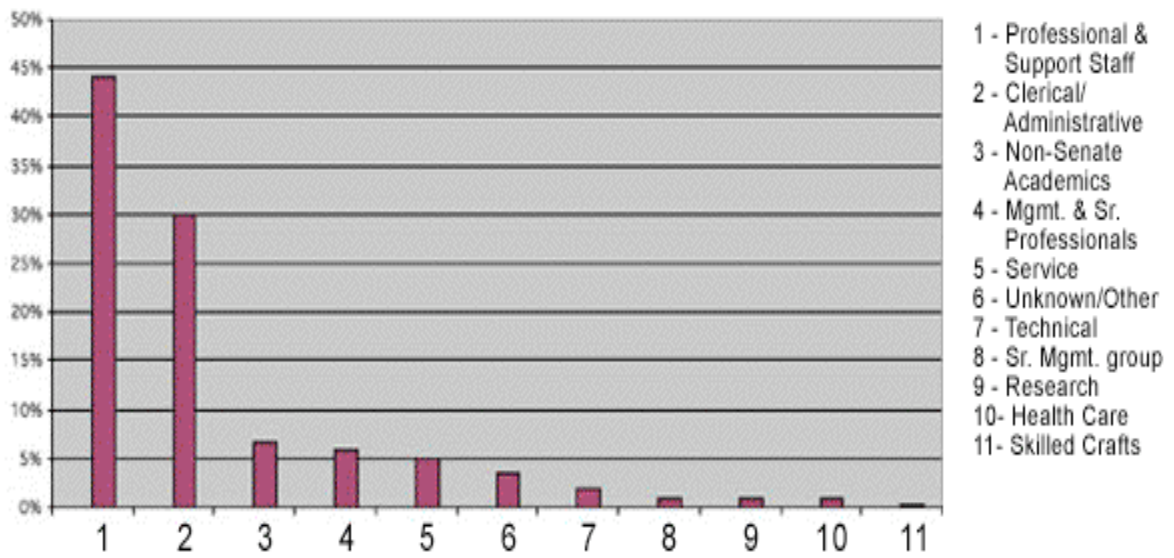
8% of our visitors are mid- or upper-level management (Management and Senior Professionals and Senior Management Group). This level has remained fairly steady over the past few years.

24% of our visitors in '99-'00 were in the Clerical/Administrative group, which seems to be part of a downward trend (from an average of around 40% in the years '93-'97, down to 30% in '97-'98 and '98-'99). The Staff Affirmative Office report likewise indicates a downward trend in Clerical and Allied positions, from 37% of the workforce in '96 to 32% in '00 ("Low-level jobs are decreasing; professional and managerial jobs are on the rise." -- Control Unit Staff Affirmative Action Plan 2000-2001, p. 17).

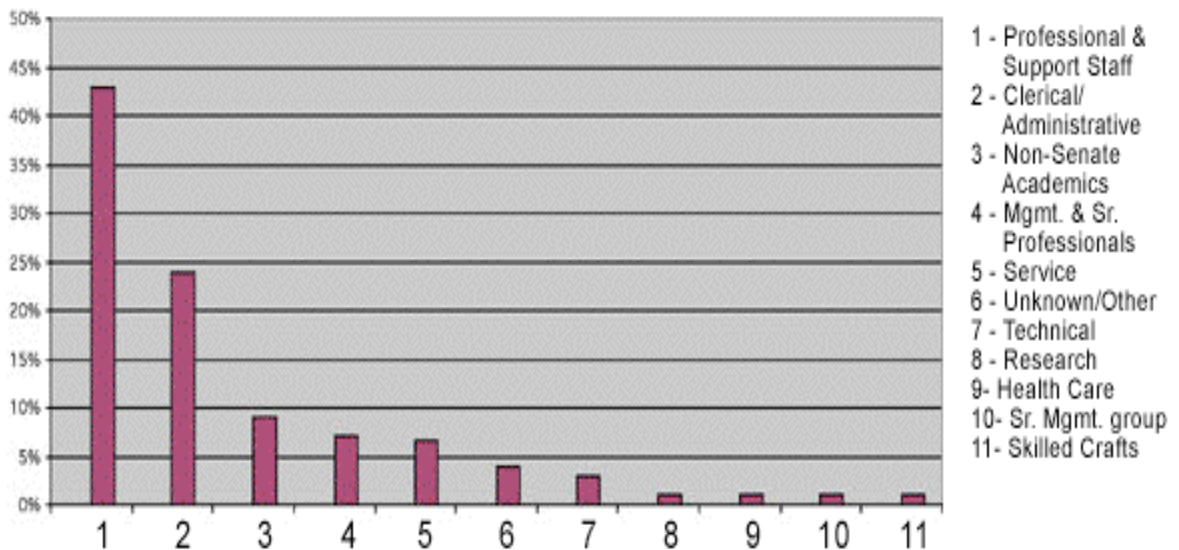
The percentage of non-Senate academic visitors has increased to 9%. This represents a significant (38%) increase over the previous two years. Although the numbers for this group are small (28 visitors), their cases tend to be complex and time-consuming, often involving coordination with several offices. These visitors are typically referred to us by the Academic Ombuds Office in the Academic Senate. They represent a wide variety of titles, including Academic Specialists, Academic Coordinators, and several research and teaching titles.

As in previous years, fewer than 5% of visitors were in each of the following categories: probationary, casual, and contract positions.

Job Type Summary 98-99



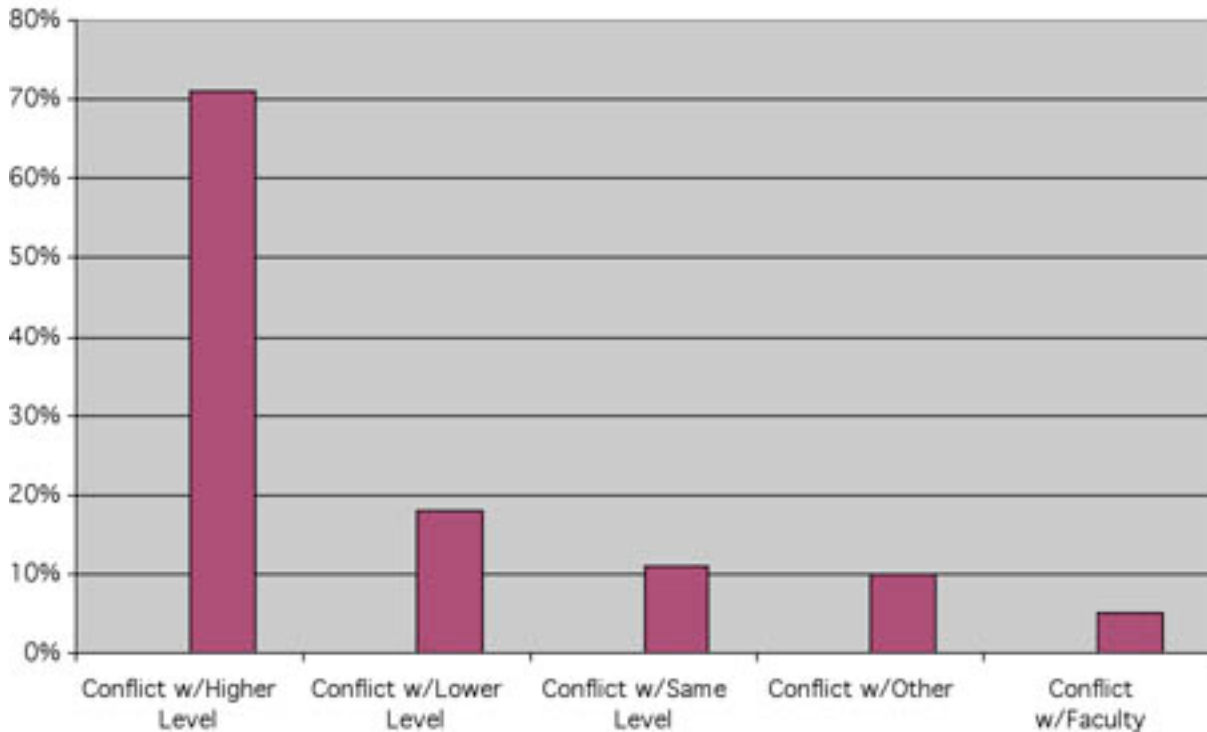
Job Type Summary 99-00



WHAT CONCERNS DO PEOPLE BRING?

Most problems (an average of 71% over the past two years) concern relationships between employees and their supervisors/managers or others at a higher level. 18% concern conflict with someone at a lower level, 11% involve someone who is at approximately the same level, and 10% are with others (such as people outside the unit). (Totals exceed 100% because people often bring more than one kind of conflict to our office.)

Conflict Profile Summary 98-00



Four types of concerns dominate the range of problems people bring to the Staff Ombuds Office:

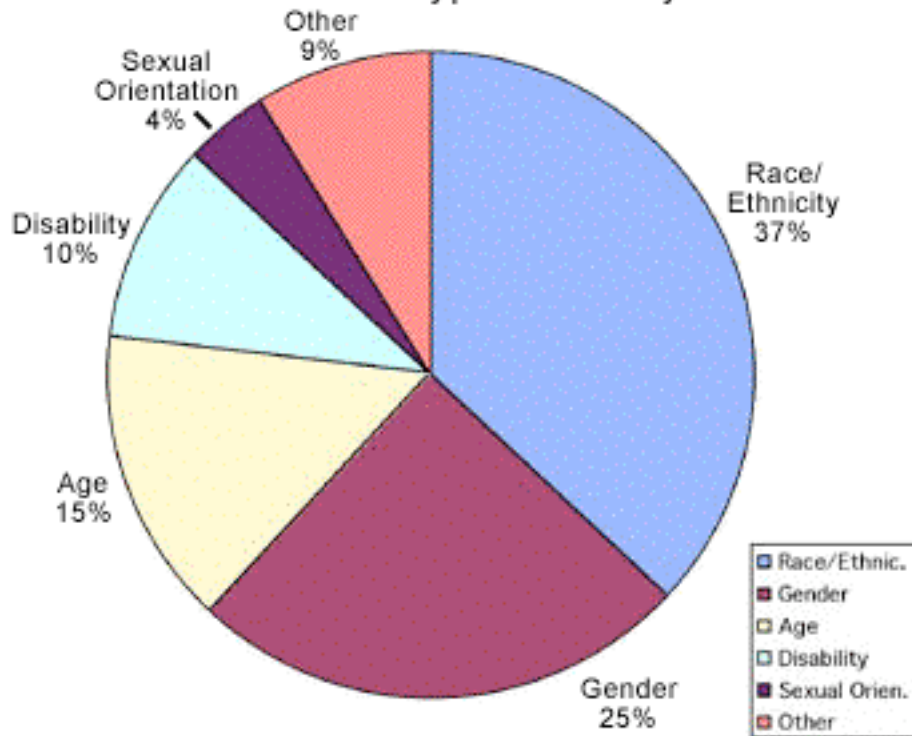
1. Communication (41% of the new client contact over the past two years),
2. Maltreatment/Abuse (31%), Structure/Organization and Workstyles (each at 25%)
3. Job Status (16%), Performance Evaluation (12%),
4. Discrimination (11%). Many other concerns were also brought forward, but none of these reached the 10% level.

(Totals exceed 100% because most people bring more than one issue.)

There were no major shifts in rankings of concerns compared to previous years.

Discrimination. The ratio of concerns about discrimination to all other concerns is up somewhat (11% of new client contacts over the two-year period, compared to 9% over the previous two-year period). Of the 11% of visitors who alleged discrimination, about a third (37%) believed the discrimination was based on race/ethnicity (down significantly from the 55% in the previous two-year period and 48% over the four preceding years), 25% saw it as based on gender (up significantly over a long-term 16% average), 15% on age (reflecting a gradual upward trend over recent years), 10% on disability (the same as over the previous two-year period), 4% on sexual orientation (down from 7%), and 9% on all other categories combined.

Discrimination Type Summary 98-00



LOOKING BACK: ACCOMPLISHMENTS

Most of our accomplishments are described above, under "How We Work Toward Our Goals." We are seeing an increasing number of academic employees: faculty who have issues with staff they supervise, and non-Senate academics who bring their own individual concerns. To better serve this population, we are developing our expertise in matters of particular concern to academics, such as intellectual property.

We continue to present tailor-made classes to departments and special-interest groups upon request, following a needs assessment. Most of these revolve around transforming conflict or communications skills. We have also made presentations to other campuses and to Office of the President.

We have continued to expand our library holdings (books and tapes). The library is a popular reference resource for managers and employees, and encourages self-help.

Many of our efforts are collaborative: courses with CARE Services and Human Resources, and participation (as non-voting members) on many campus committees, including the Leadership Development Program Advisory Committee, the Chancellor's Advisory Committee on Dependent Care, Chancellor's HIV/AIDS Committee, Health and Construction Committee, Health Care Facilitator Committee, Disability Management Committee, and others.

We are also active in organizations that are shaping the profession, such as the University and College Ombuds Association, The Ombudsman Association, and the Bay Area Ombuds Forum. We also assist other universities who are exploring the establishment of ombuds programs.

To be effective in influencing systemic change, we listened with great attention to the concerns of the campus community, then spoke out in appropriate forums to provide feedback on problem areas and suggest directions for change. Much of the listening was done via the hundreds of people who came to us for individual appointments, but we also acquired a great deal of information from the problems people brought forward in our workshops, the committees on which we serve, and the many campus forums on staff concerns which we attended. We also met with staff organizations, the Chancellor's cabinet, the Council of Deans, and the Chancellor's Staff Advisory Committee, and in October '99 our Director made a presentation on staff concerns to The Regents.

LOOKING FORWARD: TRENDS AND RECOMMENDATIONS

Many of the problems people bring to us might never have arisen if supervisors had been more effective in using the basic tools of supervision, such as gathering input from staff on changes that affect them, establishing clear roles, providing training, setting performance standards, coaching, and providing meaningful feedback and recognition. Our impression is that more staff members are being placed in supervisory positions even though they lack basic supervisory skills or even aptitude. (This may be a result of the fairly high job vacancy rate on campus.)

On the positive side, we are glad to see that more faculty members who supervise staff are recognizing their lack of expertise in this area and are actively seeking guidance. At the same time, unfortunately, we are hearing of more cases of faculty supervisors who are "absentee landlords," off doing research and rarely exercising any oversight. This kind of supervisory vacuum allows many kinds of staff conflicts to arise.

Recommendation: *No one should be placed in a supervisory role who does not have the time and desire to exercise adequate supervisory oversight.*

As stated in the previous report, we would welcome the opportunity to be involved in training new department chairs, and we see a particularly acute need for training people who are making the transition to first-time supervision. Every supervisor, whether faculty or staff, could benefit from an introduction to methods of identifying and successfully managing conflict -- or at least a brief orientation to the services we can offer them.

Recommendation: *All supervisors (both faculty and staff) should be given training in basic supervisory skills, including conflict management. Priority should be given to the training of first-time supervisors, including new department chairs.*

As in the past, communication and treatment remain the primary issues brought to this office. (The percentages in these two categories appear to be down somewhat, which is encouraging, but direct comparison to previous years is not possible because of a change in our reporting categories.) The topic of civility is arising increasingly on campus (as in society as a whole), and incivility is certainly integrally related to communications breakdowns and mistreatment. A new class, "Civility : Respect in Action," was being developed during the period covered by this report, and new attention will be paid in classes to methods for dealing with anger and bullying, and the effective use of apologies.

Recommendation: *Workshops on methods for developing and sustaining a civil workplace should be offered to the campus community on a regular basis.*

The development and implementation of new financial and human resources systems brought many complaints about the pressures and difficulties of learning new technologies in the midst of continuing staffing problems. People who were willing to "tough it out" over the short term

eventually began to conclude that the new technologies, even once thoroughly learned, would not necessarily reduce workloads and might in fact increase them -- and that positions would in many cases be more demanding than in the past on a long-term basis.

Recommendation: *Staff workloads should be reviewed for reasonableness in light of demands resulting from new ways of doing work, such as systems innovations.*

The vast majority of people who come to us say that they like their jobs and want to stay where they are, if only the situations that are currently troubling them could be effectively resolved. And an overwhelming majority very much want to stay at UC Berkeley. With improved attention to the workload concerns attendant upon technological advances, more training of supervisors (including faculty who are supervisors) in basic supervisory skills, and more training of both supervisors and staff members in communication and conflict resolution skills, the campus could make great strides toward becoming the kind of workplace for staff that has been envisioned in the many eloquent statements issued in recent years concerning vision, principles, and values.

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