

Northern Illinois University

OFFICE OF THE OMBUDSMAN
ANNUAL REPORT

May 10, 1998 - May 9, 1999

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University Ombudsman

ACKNOWLEDGEMENTS

The effectiveness of the Office of the Ombudsman is dependent upon on the effectiveness of the members of its staff. Our staff members provide invaluable support to the ombudsman and deserve special mention for their contributions and assistance this past year.

Mary Ann Erickson, the program services specialist in the office, is a vital member of the staff. As the initial contact person for most clients, Mary Ann handles most referrals and interacts directly with virtually every client in addition to her work as office manager and staff supervisor. These duties require her to have an extensive understanding of university policies and procedures and to know the appropriate university personnel available to address clients' concerns. It also requires her to demonstrate the ability to effectively communicate with angry and/or frustrated clients in a professional and courteous manner. Her patience and wisdom in interactions with clients and other staff members are immensely valuable and greatly appreciated.

The Office of the Ombudsman was also fortunate to have two graduate assistants on staff who did a commendable job this past year. Mona Kenyon Dowiat and Christopher Hughes provided direct client services to over 200 undergraduate students during the course of the year. Their work in a variety of supportive roles, including the marketing of the office, was greatly appreciated.

The Office of the Ombudsman also acknowledges and offers its gratitude to the multitude of other individuals throughout the university community, too numerous to mention by name, who demonstrated a willingness to cooperate with efforts in the resolution of client concerns over the past year. Their assistance is crucial to the equitable processes of the institution.

INTRODUCTION

In an organization as large, complex, de-centralized, and diverse as NIU, specific situations inevitably develop for individual members of its community that require special assistance. When individuals "fall through the cracks" of the organization's structures and procedures, they may seek to explore what are to them unknown techniques or opportunities that may accomplish their educational, professional, and/or personal goals. Such contacts from students, faculty, staff, and others provide the Office of the Ombudsman with not only the chance to assist in the retention of qualified community members, but also provide a data base of issues and concerns that is invaluable in identifying needed institutional change.

The concerns or problematic circumstances that most people present in the Office of the Ombudsman are multi-faceted and, therefore, frequently require the assistance or intervention of

multiple individuals or offices for resolution. When the concerned individual seeks assistance and resolution of those concerns in the Office of the Ombudsman, the complex nature of the concern can be clarified. By helping the individual to recognize these distinctions and by directing the person to the appropriate points at which to address each part of the concern, this office endeavors to prevent the frustration that individuals in these types of situations can typically experience. It is the philosophy of this office that such assistance is likely to bring about more efficient resolution to conflicts and curtail the unnecessary involvement of inappropriate faculty and staff.

Studies confirm that the perception of increased litigiousness among university faculty, staff, and students is well founded. Resolution of a case that might otherwise have resulted in formal litigation more than offsets the annual cost of the Office of the Ombudsman and is one of the more valuable contributions accomplished through the services of the Office. There are additional benefits to the institution from an effective ombuds office. Our office strives to effect significant increases in the following areas:

- the number of "win/win" resolutions through nontraditional and informal dispute resolution techniques
- efficiency in the answering of questions and the clarification of institutional policies and procedures
- expeditious resolution of minor concerns and misunderstandings
- understandings on the part of administrators regarding the organizational system, including areas that need attention
- good relations between the institution and individual members of the institutional community
- the sense on the part of individuals of the responsiveness and ethic of care of the institution
- the sense of empowerment on the part of individuals by enabling them to actively participate in the resolution of their concern
- communication among individuals and units at all levels and positions within the institutional community
- the overall efficiency of the institution in the accomplishment of its mission

CONFIDENTIALITY

A fundamental philosophical tenet of the Office of the Ombudsman is confidentiality. Clients contacting the Office of the Ombudsman often need to discuss very sensitive issues and require an environment in which they can feel secure in doing so. They frequently express trepidation over the potential for retaliation should the knowledge that they were in contact with this office become known. Therefore, prior to a client's sharing of even the most basic aspects of their concerns, it is vital that staff members assure a client that their identity will be kept confidential. While the

assurance of confidentiality is not a unique aspect of the services provided by the office, it is certainly one that is essential for many clients.

One of the important challenges for staff in the Office of the Ombudsman is to assist clients in determining the likelihood of an acceptable resolution to the concerns presented while maintaining the individual's anonymity. While some concerns are best resolved by referral to and assistance from a confidential resource, such as the counseling center or health service, there are other concerns which simply cannot be addressed without involving staff members in other campus offices where confidentiality is not guaranteed. Assisting the client in weighing the importance of a resolution against the maintenance of anonymity is one of the services provided. In addition to practical and logistical aspects of a potential resolution, pertinent moral and ethical issues are also frequently included in such discussions.

NEUTRALITY

A second fundamental philosophical tenet of the Office of the Ombudsman and one that is practiced by members of the ombudsman profession at most colleges and universities is neutrality. Thus, the ombudsman maintains a neutral position in regard to all client cases. The Northern Illinois University Constitution and Bylaws stipulates adherence to this stance for the NIU ombudsman and associated staff members. This service is unique among all other units within the institution. Since staff members in the Office of the Ombudsman are the only individuals in the entire university community with this requirement, it is arguably the single-most important aspect of the services provided by the office.

The presence of one or more neutral parties on the campus is essential. The ethical statements and standards of practice statements of all major dispute resolution and mediation professional associations specifically stipulate that ethically acceptable mediation can only be conducted by a designated neutral party. In addition, clients contacting the office with their concerns can be assured by the neutral status of the staff in that office that the information they receive will be complete and unbiased due to the independent status accorded a neutral party. With no personal or professional stake in the outcome or resolution of the client's concern, the neutral party is in a unique position to offer such assistance.

The designation of neutrality pervades all aspects of the office's operations. It requires nonjudgmental listening responses to inquiries. Training provided to members of the staff in the Office of the Ombudsman therefore includes materials on empathic and nonjudgmental listening skills, body language, cross-cultural communications, and phrases designed to elicit additional information that are not easily interpreted as reflecting support for a particular university policy, procedure, individual, or unit. Should "shuttle diplomacy" or formal mediation be the most attractive option to the resolution of a concern, the existence of a neutral ombudsman enables this to

occur in an ethically acceptable and professionally appropriate manner.

Some clients require or request the assistance of an advocate to address their concerns. This need cannot be met by the staff in the Office of the Ombudsman due to their neutral status. However, office staff are familiar with numerous individuals on the campus who formally or informally are available to serve as advocates. In such cases, the client is typically provided with the names and phone numbers of such individuals.

Because of the neutral and non-judgmental nature of the Office of the Ombudsman, no determinations are made or conclusions reached about the veracity of the information presented by clients. Indeed, there are numerous instances during a typical year in which significant diversity in the perceptions of various parties involved in a given situation or incident is revealed. The position of the Office of the Ombudsman is that all reasonable perceptions are valuable and must be respected if any mutually agreeable resolution to a conflict is to be achieved. Primarily to ensure client confidentiality, the vast majority of cases brought to the office do not involve active or lengthy investigation. Case data presented throughout this report are based largely on allegations made by clients.

Occasionally, clients request that their statements in our office be considered "notice" to the institution or that their allegations be "put on record." It would be entirely inappropriate for a confidential and informal resource such as the Office of the Ombudsman to act in such an "official" capacity. Instead, individuals who make such requests in this office are informed of one or more alternative methods to appropriately accomplish this goal.

CLIENT SERVICES

Referrals

Some of the daily interactions with the Office of the Ombudsman are of a simple informational or referral nature. Typically, such a caller or visitor asks a relatively simple question, such as "Where can I find an academic advisor?" or "Where can a student go who needs a lawyer?" Deliberate active listening and posing questions for clarification may be necessary to adequately identify the issue(s) involved and determine the appropriate referral(s) to offer. These callers, termed "referrals" within the office, are simply referred to the appropriate office or individual authorized to address the concern presented. Usually, the person is also invited to contact the Office of the Ombudsman again should the person or office to whom they have been referred be unable to resolve their concern satisfactorily.

No detailed records of such contacts are maintained in the Office of the Ombudsman due to the expense, space and time requirements of recording such data. Instead, a simple numeric tally is made for record-keeping purposes. A total of 396 such contacts took place in the office this past

year. Referral numbers are not included in the figures represented in other sections of this report, with the exception of Addendum A. Individuals seeking more than simple information, which typically includes a more detailed situational analysis and/or the development of multiple resolution options, are classified as clients.

The importance of the referral function, though not extensively described in this report, should not be underestimated. In an organization as large, complex, unique, de-centralized, and rapidly changing as Northern Illinois University, even long-time community members may be unclear as to what entity has authority over what particular function at the present point in time. The staff in the Office of the Ombudsman maintains broad knowledge of current institutional policies, procedures, and practices. Being provided with such information can make a community member's efforts to resolve a concern easily successful instead of time-consuming and frustrating.

Student Clients

A total of 371 students were classified as clients in the Office of the Ombudsman during 1998-99. Of these, 281 were undergraduates and 71 were graduate students. An additional 19 were former students or alumni. Unsurprisingly, the largest categories of student client concerns were issues of academic status and classroom instruction. These situations often involved miscommunications or misunderstandings regarding course or degree completion requirements. The majority of such issues were resolved fairly easily once the client was made aware of available procedures and advised of an appropriate strategic approach. Subcategories of student concerns frequently presented included allegations of unfair grading, discrimination and harassment, charges of violation of the code of student conduct, intimidation, faculty/staff inattentiveness or incompetence, and on- and off-campus housing concerns. Given feedback received from student clients who had concerns regarding dismissal from the university for one reason or another, we estimate that over 100 students were eventually retained at NIU as a direct or indirect result of consultation with the Office of the Ombudsman.

Faculty Clients

The number of faculty clients served in the Office of the Ombudsman during 1998-99 is 61. Most of those clients presented issues primarily related to promotion and tenure and were also referred to the faculty personnel advisor or to an alternative faculty advocate. However, nearly all faculty clients expressed concerns relating to issues beyond those that could be appropriately addressed through existing formal personnel or grievance procedures. The faculty members were provided assistance in exploring the potential options for the resolution of their concerns through available formal and informal means. The concerns of faculty clients included working relationships with other faculty and staff members as well as other issues that can best be categorized as inquiries regarding ethical behavior, deceitfulness, intimidation, and harassment.

Staff Clients

Fifty members of the operating staff were classified as clients during the past year. In addition, 47 members of the supportive professional staff availed themselves of client services in the Office of the Ombudsman. Predictably, the vast majority of these individuals had concerns directly related to issues in their work environment. Allegedly unethical behavior on the part of themselves or others was a common concern for discussion. Of most frequent primary concern, however, was incompetence or disrespectful treatment by supervisors or co-workers. The number of concerns related to these matters from this constituency begs for the extension of improved civility and collaborative efforts to enhance mutually respectful behavior among co-workers, supervisors, and subordinates.

OTHER SERVICES

Discrimination Hotline

The Office of the Ombudsman remains the unit designated to monitor the "Discrimination Hotline" in order to accept reports of discrimination on the campus. Reports of alleged incidents are received in a confidential manner during normal office hours as well as via voice mail when the office is closed. The majority of such reports are from callers who wish to remain anonymous. Occasionally, a report of alleged discrimination is received at another campus unit and forwarded to the Office of the Ombudsman.

During the past year, two Discrimination Hotline reports were received from students, faculty, and staff members. They included allegations of discrimination or harassment based on race, ethnicity, sexual orientation, age, familial status and/or employment status. When requested and authorized by the complainant, the ombudsman contacts other individuals who have the authority to address such alleged behaviors.

Consultation with Campus Entities

During the past year, the ombudsman interacted with numerous university committees charged with the development of policies and procedures, consulted privately and confidentially with individuals who were charged with such responsibilities, and responded to requests to critique many current or proposed documents relating to institutional practices. The ombudsman also consulted with scores of individuals regarding issues related to classroom management, work environment, morale, staffing, and ethical concerns. These consultations included services provided to administrators and supervisors as well as to students, faculty, and staff. The opportunity to provide such input during the initial development of policies and procedures is greatly welcomed by the

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External Consultations

The ombudsman is frequently contacted for input and consultation by individuals not traditionally thought of as members of the NIU community. Over the course of the past academic year, such individuals have included parents and other family members, alumni, DeKalb residents, representatives of DeKalb businesses, as well as other institutions of higher education and corporate entities seeking advice on the development or implementation of alternative dispute resolution and/or customer service strategies.

Numerous universities across the United States are seeking to satisfy new statutory requirements mandating the existence of an ombuds office (States of California and Florida) and/or simply seeking to implement alternative dispute resolution and organizational development strategies designed to most efficiently meet the needs of their respective institutions. Several representatives of higher education institutions made unsolicited contact with NIU's Office of the Ombudsman with regard to such activities.

Other Activities

During the past year the ombudsman remained an active member in the University and College Ombuds Association (UCOA). His activities included the presentation of a session at the annual conference of the organization. The NIU ombudsman is an active member of the UCOA Ethics and Standards of Practice Committee, contributing to the development of new statements and standards for professional practice within the field. He is co-chair of the organization's Bylaws Committee and was elected to membership on the Executive Board.

In addition to the committee consultations referred to earlier, the ombudsman served within the NIU community as a non-voting member of the President's Commission on the Status of Minorities, President's Advisory Committee on Sexual Orientation, Faculty Resources Network, and the Affirmative Action/Equity Services Coordinating Committee. He also served as the convener of meetings of the chairs of diversity-related commissions, committees, and task forces. The ombudsman remains active in the development and delivery of UNIV 101, "The University Experience" for freshmen, once again teaching a section of the course in the fall semester. As time permitted, the ombudsman also attended the meetings of, and provided service to, the University Council, the Faculty Senate, the Supportive Professional Staff Council, and the Operating Staff Council. The ombudsman presented workshops or training sessions in a variety of departments including Student Housing and Dining Services, Political Science, the "Northern Star," College of Law, and the office of Orientation and Campus Assistance.

TRENDS, ISSUES AND CONCLUSIONS

One significant phenomenon of the campus during the past year has been the improvement of the physical work environment for many offices, often including relocation to new facilities. In the short term, such relocations typically produce increased levels of stress caused by temporary increases in work duties, brief interruptions of regular services available, and the uncertainties that accompany change. However, it is likely that the longterm benefits of an improved physical environment will ultimately result in increased productivity, morale, and employee satisfaction which will, in turn, have a positive impact on service to constituents.

An issue that directly impacts every member of the university community is that of diversity. There is no doubt that the student body will continue to diversify in characteristics including age and ethnicity. The demographics of our service area make it clear that in order to remain competitive with other institutions of higher education serving the same region NIU must continue to explore means by which it can more effectively serve the needs of this increasingly diversified population. The welcomeness of the campus environment as perceived by older and more ethnically diverse students will be a key factor in attracting and retaining such students for some time to come.

One indicator of this welcomeness is represented by the number and types of concerns expressed in the Office of the Ombudsman by individuals alleging disparate treatment through discriminatory and/or harassing behaviors on the part of other members of our institutional community. During the past year, 146 individuals alleged such incidents. Keeping in mind that the vast majority of such incidents go unreported to any campus office or entity, the total number of people perceiving such indications of an unwelcome environment is a matter of significant concern. The institution must take a proactive and more intensive approach to addressing these issues through various strategies. Such strategies might include broad-based training, employee accountability and supervision, and publicly-stated expectations of community members at large.

The single, most important factor in both the perception of community welcomeness and in terms of employee morale and productivity is the issue of interpersonal civility. As a marketplace of ideas, the university campus can be a highly contentious environment. When encountering the inevitable conflicts that arise in such a setting, we must all conduct ourselves within the standards of basic human dignity and respect appropriately accorded other members of our community. The use of thoughtful phrasing in order to reduce or prevent perceptions of personal insult must be inculcated and encouraged by all means possible. It is the responsibility of supervisors to foster and communicate expectations of respectful treatment among employees within their purview and to model such behavior in their own treatment of employees. Faculty and others must assert their concerns to colleagues whom they witness or have reason to believe are engaging in behavior of an uncivil, unethical, or intolerant nature. Intimidation, threats, coercion, and retaliatory actions are patently incompatible with the concept of a civil and welcoming community.

In conclusion, staff members in the Office of the Ombudsman recognize the fact that they deal on a daily basis with individual constituents who, collectively, do not represent a random sample of the university community. We are constantly aware of the fact that the vast majority of our community members comport themselves in a manner consistent with the higher goals and ideals of the institution's mission. Most faculty, staff, and students have experiences interacting with other members of the community which are primarily positive and constructive in nature. We believe that the quantity and nature of concerns present within our institutional environment in no way indicate problematic conditions beyond those present at other similar institutions. In fact, the very presence of the Office of the Ombudsman (as well as additional services too numerous to mention here) leads to the conclusion that Northern Illinois University is doing an excellent job of meeting its service mission. The institution is providing its faculty, staff, and students with an environment conducive to the effective achievement of their respective educational and professional goals. We are proud to be a part of this community and look forward in the coming year to continuing to provide assistance to individual members of the institutional community in resolving specific concerns as well as offering information and services that enhance organizational development and performance.

Addendum A

INSTITUTIONAL STATUS OF 1998-99 CLIENTS

Students		371
Undergraduate	281	
Graduate	54	
TA/GA	12	
Student-at-Large	5	
Former Student/Alum	19	
Teaching Faculty		61
Tenured Faculty	47	
Non-tenured Faculty	11	
Temporary/Part-time	2	
Operating Staff		50
Supportive Professional Staff		47
Parents/Family Members		28
Policy Development		10
Other		17
Total Clients		584
Total Referrals (status undetermined)		396
University Community Members Directly Served		*980

*This number does not include participants in training workshops and work environment assessment activities, attendees at presentations by members of the office staff, and consultations with external agencies.

Addendum B

1998-99 PRIMARY ISSUES PRESENTED TO THE OFFICE OF THE OMBUDSMAN*

Financial Concerns	50 cases
Contracts, encumbrances, fees, financial aid, insurance, leases, paycheck, refunds, tuition, other	
Academic Status	86 cases
Academic probation/dismissal, add/drop, admission, class permits, class scheduling, clinical/student teaching course, closed classes, credit transfer, degree/graduation requirements, incompletes, medical withdrawal, program dismissal, registration, reinstatement, repeat courses, thesis/dissertation, transcripts, withdrawals, other	
Student Conduct	57 cases
Academic misconduct, assault, battery, classroom disruption, deceitfulness, discrimination, due process, harassment, judicial system, residence hall misconduct, roommate disputes, sanctions, sexual harassment, theft, other	
Classroom Instruction	66 cases
Attendance, course syllabus, discriminatory grading, grading standards, make-up work, personality conflicts, quality of instruction, other	
Faculty/Staff Performance	78 cases
Deceitfulness, derogatory comments, discrimination, harassment, inaccurate advising, inattentiveness, incompetence, intimidation, rudeness, sexual harassment, theft, other	
Employment	109 cases
Academic freedom, discrimination, disciplinary action, grievance, harassment, hiring process, job classification, job description, morale, performance evaluation, personality conflicts, poor supervisory skills, promotion, salary/benefits, sexual harassment, student employment, supervisor/employee relations, suspension, termination, work schedule, working atmosphere, workload, other	
Policy Issues	52 cases
Ethical Considerations	15 cases
Off-Campus Problems	14 cases
Parking	14 cases
Disability Accommodations	7 cases
Safety Issues	6 cases
On-campus Housing Concerns	6 cases
Interpersonal Problems	6 cases
Miscellaneous	18 cases

*These data represent client allegations only and should not be interpreted as confirmed incidents. It should also be noted that these data only represent allegations that were reported to the Office of the Ombudsman and do not incorporate reports to other campus office.