

Northern Illinois University

OFFICE OF THE OMBUDSPERSON

ANNUAL REPORT

May 16, 2020—May 15, 2021

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University Ombudsperson

Acknowledgments

The people of NIU make NIU what it is. The students, the staff, and the faculty are the heart of this institution. It has been my honor to serve the people who further the mission of NIU for the past nine years. I thank you for your support of the Office of the Ombudsperson, and for allowing me to participate in the background in shifting the culture of the institution to a modern viewpoint that better values the people who live, learn, and work at NIU.

Of all of the people I work with on a daily basis, my unending appreciation goes to Office Administrator Gay Campbell. She makes the Office of the Ombudsperson “go.” She keeps us moving forward, and she is the biggest ambassador for the office’s mission. Gay is a font of knowledge about NIU, and she exudes kindness and respect for every person who enters the office doors. Another wonderful quality in Gay is that she is open to, and provides others with, new perspectives. If you want to have a thoughtful conversation and think about things from a different lens, sit down and talk with Gay.

Pat Erickson has also been key to the success of the Office of the Ombudsperson. Pat is universally known for being helpful and kind, but she will also tell you what you need to know, even when you don’t know what you don’t know. I sincerely appreciate Pat’s expansive knowledge, as well as her thoughtfulness and humor. And her unending patience with me and my benefits usage statements. Sigh.

The shared governance bodies on campus, their leadership, and the personnel advisors have all been fantastic resources to the Office of the Ombudsperson. Cooperation and collaboration with these individuals and bodies is essential to the success of the office. They have not let me or the office down in nine years. They are always good for a frank conversation and strategy session on important policy issues.

Many other individual members of the NIU community helped us to serve the campus this year through administrative and policy assistance, collaboration, and being referral points for individual concerns. Although you are not named specifically here, please know that we are deeply appreciative of your efforts and assistance.

Background

Office Composition

The Office of the Ombudsperson exists to help visitors find “a way ahead,” no matter their situation. Without a path forward, even a path that the visitor never considered or doesn’t think is ideal, is still a path that equals hope and a vision for the future. Visitors need to see that they have a way forward through even the most difficult of situations. Coming to the Office of the Ombudsperson should be the best part of any distressed

visitor's day.

Due to budget difficulties during COVID, the Office of the Ombudsperson was not permitted to hire any graduate assistants (GAs) in the past year. I strongly recommend that the university re-establish the graduate assistant program in the coming year. GAs are essential in performing outreach for the office, as well as being a resource for undergraduates who need assistance. At this point, the ombudsperson is solely responsible for attending to the needs of all visitors, performing mediations and facilitated conversations (which are quite time consuming), as well as performing all outreach and presentations. It is too much for one person to do.

It would have been helpful to be able to transition the office administrator position to an associate ombuds. The current office administrator would have been excellent in that role. However, the required job duties would have been well outside of the current job description and duties for her classification. It was not possible to transition the position.

The ideal office composition for the future would be a university ombudsperson; an associate ombudsperson who can take care of administrative tasks as well as work with visitors; and two graduate assistants who can do outreach, handle office reception, and meet with undergraduate visitors. The ombudsperson attends a LOT of meetings across campus that help in the functioning of the office. Freeing the ombudsperson up for those meetings by having additional personnel in the future would be incredibly helpful. A realistic operating budget that does not require the staff to make significant purchases with their own money would also be helpful.

Some have indicated that it is not necessary for the ombudsperson to attend the shared governance meetings, presidential commissions, graduate council, leadership meetings, etc. The point has been made that it is a law of diminishing returns in that it is not entirely helpful for the ombuds to use their time to be there. However, I have found that attending meetings is actually essential. First, the ombudsperson is a resource for each of these bodies. Second, it never fails that I attend a meeting and then have to use the information learned or contacts made in that meeting in a visitor meeting in the following week. Third, the Office of the Ombudsperson operates in the background. Visibility at meetings reminds community members that the office exists. It never fails that I attend a meeting and then at least a couple of people from the meeting talk with me about their own concerns or refer other students and colleagues to me. Finally, the ombudsperson's participation in these meetings brings a helpful perspective to those meetings. The ombudsperson sees things happening all across campus. In participating in these meetings, the ombudsperson is able to help people make connections, avoid duplication of efforts, cross silos to assist in collaborations, etc.

Who We Are and What We Do

The Office of the Ombudsperson (Office) is

- confidential
- neutral
- informal
- independent

We maintain the International Ombudsman Association Standards of Practice found at http://www.ombudsassociation.org/sites/default/files/IOA_Standards_of_Practice_Oct09.pdf. As such, the only exceptions to confidentiality are for instances of an imminent risk of serious physical harm, or as required by law. Regardless, even when filing Clery reports, the ombudsperson does not disclose names or identifying information.

Pursuant to (current) Article 11 of the Bylaws of NIU (found at <https://www.niu.edu/university-council/uc/constitution/bylaws/article11.shtml>), the university ombudsperson reports to the President and is evaluated by the University Council.

The Office is a resource for conflict resolution at NIU – to prevent conflict from occurring or getting worse, to work through it while it is happening, and to find a path forward after it has concluded. The ombudsperson will recommend changes to policies and procedures that can in turn improve the university community. In this way, the Office of the Ombudsperson seeks to reduce incidents of conflict and to make the NIU experience successful for everyone who works and attends school here.

The Office serves

- faculty
- staff
- students
- administrators
- families
- community members

Individuals come to the Office with simple procedural questions, as well as many-layered, complex issues. As a result, the Office of the Ombudsperson will

Actively Listen

- Gather information
- Explore values and goals
- Clarify and narrow issues
- Assist in viewing others' perspectives

Analyze, Strategize, and Generate Options

- Understand relevant policies and procedures
- Understand organizational politics
- Role play
- Generate and explore all options
 - Informal
 - Formal
 - On-campus
 - Off-campus
- Coach re communication best practices
 - Go back to the person first
- Develop strategy
- Provide feedback on written/oral communication
- Provide referrals
- Consult with others
- Find the "steps forward" or "action steps"
- Empower visitors to advocate for themselves

Ombud's Intervention

- Leadership/"upward" feedback
- Advocate for fairness and equity in policy and procedure
- Facilitated discussion
- Mediation
- Training
- Shuttle negotiation
- Convene stakeholders

What we cannot do:

- Provide legal advice
- Advocate for an individual
- Act as an "office of notice" for NIU

Neutrality

The Ombudsperson is a designated neutral in all matters that come to the office. According to the Ombudsperson's job description, "As a designated neutral party, the

Ombudsperson shall not serve as an advocate for any individual.” This office also complies with the Standards of Practice of the International Ombudsman Association, including the standards of Neutrality and Impartiality. Section 2 of the Standards of Practice elaborates on the concept of neutrality, stating in part:

2.1 The Ombudsman is neutral, impartial, and unaligned.

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

Therefore, although the ombudsperson absolutely does not advocate on behalf of any individual, she can and does advocate for fair and equitably administered processes within the institution. If we receive reports that a policy is not being applied fairly, or that a new policy has been created that is not fair and equitable on its face (e.g. a new attendance policy), the ombudsperson will talk with the decision-maker on the creation or application of that policy to ask questions about the background of the policy or practice, to discuss the matter further, and to make recommendations on how to tweak the policy to make it more fair in order to avoid future conflict on the issue. In discussing the issue with the decision-maker, the ombudsperson looks at the bigger picture beyond individual concerns, toward how to prevent the issue from gaining momentum and causing bigger conflicts for all involved.

What Makes the Ombudsperson Unique and Valuable to NIU

- Confidentiality + Neutrality + Independence = Trust
- Extensive knowledge of policy and procedure
- Knowing the best resources for different situations, both people and places
- Relationships across campus that help us gather necessary information
- Experts in effective communication and mediation
- Coaching and strategy development skills
- Leadership development skills
- Policy development and modification advice
- Perspective -- Seeing the people and the whole institution simultaneously
- Risk management – prevention of formal complaints and litigation by helping individuals be effectively heard and their concerns addressed
- Focus on equity and fairness
- Focus on realistic, logical, practical advice and steps forward
- An objective view of each situation
- Helping others make connections across campus

The Data

This year's data reflects a campus working through the challenges of COVID, as well as the incremental re-opening. We worked with 587 members of the NIU community on issues involving policy, financial concerns, academic status, student conduct, instruction, faculty/staff performance, employment, etc.

- Because we did not have any graduate assistants, the ombudsperson saw all 587 visitors by herself
- A decrease of 65 visitors from the previous year
- Very few traditional opportunities for outreach, as well as not being "seen" in populated Teams meetings meant fewer visitors, as the Office was not top of mind
- I began working with Internal Communications regarding a communication plan for the future to make sure the community continues to be aware/reminded of the office as a resource even if we have to go remote again. However, being the only person to handle all 587 visitors meant that effecting the communication plan during the school year was a significant challenge
- In a typical year, the NIU Office of the Ombudsperson, with one professional ombudsperson, typically sees the same number, if not more visitors than ombuds offices at other academic institutions with twice the populations and more than double the professional staff
- The number of visitors this year does not reflect the complexity of the cases. Many, many cases were extremely complex and required multiple visits. Many of those would have been resolved more quickly if everything had been able to be done in person.
- The number of faculty and SPS visitors to the Office was up this past year. Those increased numbers were frequently due to consultations about student interactions, policy application, academic freedom issues, and salary concerns combined with job classification and duty changes.

	2018-19	2019-20	2020-21
Students	258	242	220
Faculty	126	75	87
Operating Staff	159	126	105
SPS	215	138	156

In addition, the ombudsperson also

- Created and presented workshops and outreach for the Office itself, Teaching Effectiveness Institute, Teaching Assistant Orientation, JOBS Plus and Graduate School Professional Development, Employee Assistance, SPSC, and OSC.
- Continued on the Board of Directors of the International Ombuds Association, the premier professional organization for organizational ombuds
- Continued as Chair of Governance and Nominations Committee of International Ombudsman Association
- Continued as co-chair of Government Policy Committee
- Primary drafter of the International Ombudsman Association's public comment to the US Department of Education regarding Title IX.
- Conducted 103 mediations and/or facilitated discussions between members of NIU community
- Committee member and co-drafter in Student Grievance Procedure Working Group
- Attended and participated ex officio, non-voting in shared governance meetings for University Council, Faculty Senate, OSC, and SPSC
- Participated ex officio, non-voting at PCPD, PCSOGI, PCSW, PCSM
- Attended many Graduate Council meetings as schedule permitted
- Attended many Board of Trustees meetings as schedule permitted

Trends and Comments

Work From Home

The past academic year has been an example of the NIU community (with a few exceptions) working together in uncertain times to make the best of the situation and do well for our students, staff, and faculty. People all over campus worked in creative ways to make the remote learning and working environment successful.

Some frustration existed between people who were perceived to not have enough to do while working from home, and people who had way too much to do. Those conversations and working through that imbalance was challenging. In addition, communication that was already strained between different groups of people was made even more challenging at times with so many people working remotely.

Budget, Classifications, and Salary

Budget concerns persisted, but fluctuated, as the year progressed. "Doing less with less" was a nice concept to ponder but was not reality in many places across campus as positions were eliminated through attrition, but the job duties did not go away. Instead, they were shifted to the people who were left. A continued frustration is the inability or lack of willingness to compensate individuals for doing significantly more work (taking on two or more other staff members' job duties), even if it is in the same classification of duties. Both staff and faculty members want to do their best and want to do the best they can for the success of their departments. So, they keep taking on work. Then, they end up working beyond their hourly limits, or other tasks fall through the cracks or are not done up to standards.

Not filling positions seems like an example of efficiency. However, it is frequently an illusion and is just a piling on for other employees. Some supervisors have been heard to say, "you want a pay increase? Do you know how many tasks I have taken on without extra compensation?" That position is understandable, and supervisor time is valuable too. However, it is not an excuse for not compensating employees who are already at the lowest levels of pay in the university.

As in previous years, concerns have continued about the migration of SPS to civil service. How job classifications are determined, whether specialty factors should be used, and how salaries are determined are serious issues. Hiring managers and facilitators have also expressed consistent concerns about the timeliness of communication with HRS, as well as the clarity of explanations. In addition, consistent use and recognition of items such as the "preferred name" form make it a struggle for many employees to feel as though they belong at NIU. Dr. Edghill-Walden and her leadership team were able to tackle some of these issues, but it will be really helpful for the permanent CHRO to start in August.

Communication

Communication issues between supervisors and employees, as well as students and faculty/administrators, were primary visitor concerns this past year. That led to a record number of mediations and facilitated discussions (103 visitors). Those mediations usually

surrounded grading standards, clarifying mutual expectations, clarifying differences between messaging from the president and provost v. messaging from department chairs and directors, and job descriptions/duties.

These same issues also appeared in consultations with visitors who did not end up in facilitated discussions or formal mediations. Concerns about working conditions, both in relation to facilities and resources, as well as interpersonal relationships in the workplace were a top issue (174 visitors). Unprofessionalism (162 visitors) and relationships with supervisors (96 visitors) as top concerns affecting their ability to do their jobs, and their desire to stay at their jobs.

Discrimination

Concerns regarding discrimination were on the top of people's minds this year (102 visitors). Issues that seemed not too serious when taken in a vacuum really pushed people past the point of what they could accept when seen in a pattern that built on top of itself. The key breakdown tended to be individual intentions v. the effects of the actions as well as people not wanting to take responsibility for the effects of their actions. Simply listening to an individual's concerns, seeing their perspective and how the situation affected them, genuinely apologizing for those effects, and committing to do better in specific ways would go a long way to making situations better. Instead, the Office witnessed a significant amount of defensiveness, denial, and a "closing of ranks" in an act of defensiveness. Most of the time, that just made the situation worse.

Supervisor and Leadership Training

Breakdowns in communication and individuals feeling as though they are not respected, not being treated as professionals, and not having a voice in processes continue to resonate as main issues across campus. As was stated last year, in order to foster leadership and a stakeholder/leader mentality amongst more employees, we should provide significant training, mentorship, and coaching in leadership skills. An extensive, mandatory program with new supervisors and department chairs would help people understand their roles as leaders at all levels of the institution, as well as to set expectations, help individuals receive feedback in a constructive manner, learn that actively listening to people does not mean that you are ceding authority, etc.

The idea of "ennobling dignity," listening and hearing, and clearly communicating with one another should be central in all areas of leadership for all members of the campus community. That change will be perceptible when the expectation is set at the highest levels of the university and followed by all. In addition, it is essential that the highest levels of administration empower individuals at the dean, associate dean, and director level to make positive changes and to address concerns brought to them.

Student Concerns

Students continued to be the Office's largest constituency at 37% of total visitors.

Outreach to students was a challenge this year. The Office relied significantly on referrals and communication with shared governance, in addition to a variety of presentations to reach students.

Grading Standards, Flexibility, and Quality of Instruction

Student concerns this year focused on grade standards (118 visitors) and subsequent grade appeals/changes (68 visitors). Students also contributed to the aforementioned concerns about unprofessionalism (162 visitors) and quality of instruction (100 visitors). Quality of instruction and grading standards provided significant concern when syllabi did not appear consistent with what was happening in class, questions arose around what online resources/study aids were permitted outside of class resources, and when students felt that faculty expectations did not meet the flexibility discussed in provost communications. This feeling was persistent when students experienced technical difficulties in accomplishing tasks online. They felt that they extended grace to their faculty members when they had technical difficulty, but the grace was not necessarily returned when students had difficulties. On the other side, many faculty felt as though they bent over backwards to be flexible with students, to the point that some students took advantage of that flexibility.

In addition to the above concerns with quality of instruction, students and some colleagues brought up concerns about faculty not following the online teaching policy in an extreme way and the personal conduct of faculty while teaching from their homes. In addition, many concerns arose about faculty using easily available test banks verbatim instead of creating their own materials, and then penalizing students for academic misconduct for utilizing the common online resources (e.g., Quizlet) that included the test bank questions. Discrimination also came up as a repeated concern in quality of instruction and grading standards cases (102 visitors).

As discussed last year, greater transparency about course expectations and grading standards would significantly reduce the concerns of students coming to the Office of the Ombudsperson. Syllabi need increased standardization beyond the minimal requirements for an ADA statement. Again, as stated in previous years, having minimal requirements for syllabi is not an issue of Academic Freedom, but is an issue of transparency and notice for students and faculty alike. Specific statements regarding the definitions of academic misconduct, grading standards, office hours, assignment schedules, and diversity would be optimal. It would also help instructors avoid time-consuming grade appeals. The lack of basic information in syllabi in many areas of campus is completely unhelpful in retaining students and preventing dismissals.

Academic Misconduct

A need also exists for an appeal process for academic misconduct allegations that is separate from the Student Conduct process. Student Conduct has no control over grades. That rightfully remains with the faculty, department, and college. Students can sometimes appeal academic misconduct cases through grade appeals; however, that process is completely insufficient. First, it is usually presumed that the faculty member making the allegation is correct, and the appeal is ineffective. Second, a grade appeal is of a final grade, usually at the end of the semester. However, the academic misconduct allegations can have serious, deleterious effects earlier in the semester, and the student has little to no recourse. Third, academic misconduct cases sometimes get conflated with other issues in a grade appeal, making it next to impossible for a student to be successful. Finally, gradations of seriousness, course sanctions, and cultural concerns (mainly with international students) are extremely challenging to pursue successfully. A separate process to appeal findings and sanctions needs to exist within Academic Affairs.

Conclusion

Again, expectation and accountability surrounding the concept of “ennobling dignity,” increasing meaningful communication, and demonstrating respect would go a long way in retention of students, as well as faculty and staff. In addition, the university needs to be ready for issues concerning the return to campus for people who have been relatively isolated for the past 18 months. Tensions that were under the surface are likely to rise to the top of people’s minds in the fall, and individuals might have significantly less patience than they had previously.

Mental and physical health, and specifically the mental health of underrepresented populations of students, faculty, and staff are a huge concern moving forward as we continue to experience the many layers and incidents of racial and social injustice. We have many employees and student leaders (e.g., police officers, cultural center directors, faculty, HRS professionals, other staff, and SGA leadership) who are members of underrepresented populations affected by incidents at hand, who also have jobs that require them to lead others through trauma and pain surrounding those incidents. Managing those different layers of identity at the same time as dealing with one’s own emotional and physical response is going to continue to be a multifaceted issue that cannot be ignored. The campus would benefit from a greater emphasis on specialized mental health and coaching services for underrepresented populations.

Thank you for taking the time to consider these observations and recommendations.

Data Tables

When interpreting the data displayed throughout the following pages, it is crucial to keep the following points in mind in order to place the data in the proper context.

- These data represent the largely unsubstantiated and uninvestigated allegations of individuals contacting the Office of the Ombudsperson for assistance. They are, at best, honest singular perceptions, not the objective judgments of uninvolved parties.
- The incidents reflected in the data represent concerns presented by individuals who chose to contact our Office for advice and assistance.

Questions or comments regarding this report are welcome and may be directed to the NIU Office of the Ombudsperson.

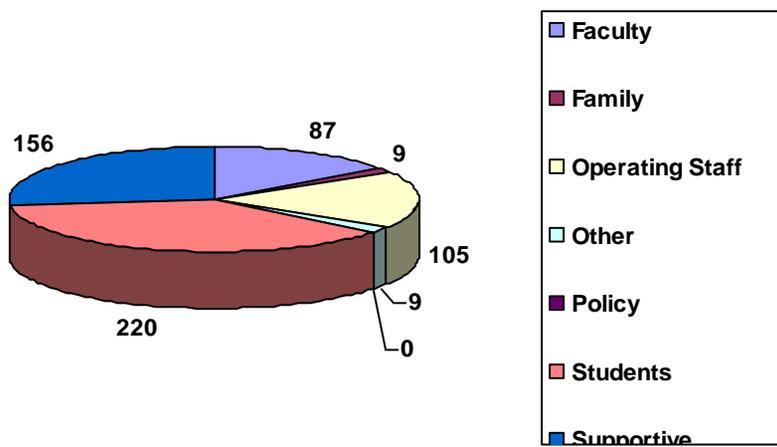
Table 1
Status, Gender and Ethnicity of Office Contacts in 2020-2021

Status of Contact	Male	Female	Unkn.	Policy	TOTAL	African-Am.	Asian	Cauc.	Latina/o	Other	Unkn.	Policy	TOTAL
Undergraduate	66	45	0	0	111	40	7	56	8	0	0	0	111
Graduate	19	30	0	0	49	7	12	25	5	0	0	0	49
TA/GA	21	12	1	0	34	3	5	23	3	0	0	0	34
Student-at-Large	0	0	0	0	0	0	0	0	0	0	0	0	0
Former Student/Alum	24	2	0	0	26	9	0	17	0	0	0	0	26
Faculty (Tenured)	35	30	0	0	65	2	8	61	1	0	0	0	72
Faculty (tenure track-nontenured)	4	4	0	0	8	0	0	7	1	0	0	0	8
Faculty (Temporary)	4	2	0	0	6	0	0	6	0	0	0	0	6
Supportive Professional Staff	79	77	0	0	156	18	8	128	0	2	0	0	156
Civil Service	28	77	0	0	105	19	10	69	7	0	0	0	105
Family	2	7	0	0	9	8	0	1	0	0	0	0	9
Policy	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	1	8	0	0	9	0	0	8	0	1	0	0	9
Post-Graduate	0	0	0	0	0	0	0	0	0	0	0	0	0
Faculty (Instructor)	1	0	0	0	1	0	0	1	0	0	0	0	1
Faculty (Adjunct)	0	0	0	0	0	0	0	0	0	0	0	0	0
	284	294	1	0	579	106	50	402	25	3	* 0	0	586

Policy Development Cases: 0
Total: 587

Simple Referrals to Other Offices: 0

Visit to Ombudsperson Website: 0

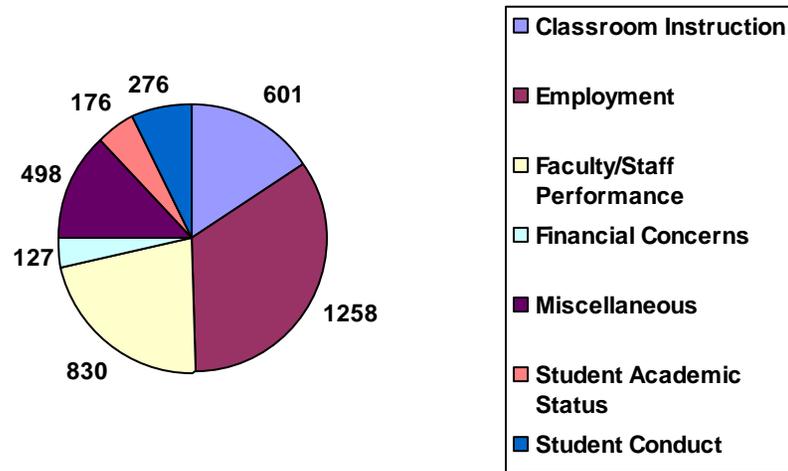


* unable to determine via phone or email communications

**does not include participants in workshops, presentations by members of the Office staff, or consultations with external entities

Table 2
All Issues (Primary and Secondary) Presented in 2020-2021 Sorted by Constituency*

Types of Concerns	Supportive						
	Students	Faculty	Staff	Professional Staff	Operating	Family	Policy
Financial Concerns	68	5	34	17	3	0	0
Student Academic Status	119	23	26	2	6	0	0
Student Conduct	183	42	39	8	4	0	0
Classroom Instruction	416	79	84	9	13	0	0
Faculty/Staff Performance	351	143	214	112	9	0	1
Employment	99	262	398	499	0	0	0
Miscellaneous	147	68	164	93	9	0	17
	0	0	0	0	0	0	0



*These data represent only allegations and should not be interpreted as confirmed incidents.

Table 3
All Issues Presented in 2020-2021*

Financial Concerns	emergency funding(8), encumbrances(13), fees(3), financial aid(31), insurance(2), policy issue(31), refunds(1), scholarship(23), tuition(8), tuition waiver(7)
Student Academic Status	academic advising(3), add/drop(1), admission(10), class permits(27), class scheduling(15), clinical/student teaching course(1), degree/graduation requirements(43), incompletes(1), medical withdrawal(1), policy issue(41), program admission(2), program dismissal(9), reinstatement(2), repeat courses(11), testing(1), thesis/dissertation(4), transcripts(2), withdrawals(2)
Student Conduct	Academic misconduct(47), assault(3), battery(3), classroom disruption(5), deceitfulness(7), discrimination(1), due process(42), harassment(4), intimidation(19), other(3), policy issue(45), sanctions(48), student conduct(49)
Classroom Instruction	Attendance(1), Course syllabus(91), discriminatory grading(20), faculty absences(4), faculty office hours(10), final exams(4), grade appeals(65), grade change(68), grading standards(118), make-up work(16), other(2), personality conflicts(21), policy issue(81), quality of instruction(100)
Faculty/Staff Performance	deceitfulness(55), derogatory comments(87), discrimination(102), favoritism(2), harassment(21), inaccurate advising(3), inattentiveness(99), incompetence(89), intimidation(55), other(1), retaliation(68), rudeness(69), Title IX(16), unprofessionalism(162)
Employment	academic freedom(20), disciplinary action(9), discrimination(33), grievance(19), hiring process(33), inadequate staffing(4), insubordination(9), job classification(33), job description(32), job duties(64), lay-off(8), merit raise(1), morale(101), other(4), payroll(2), performance evaluation(31), personality conflicts(62), policy issue(149), poor supervisory skills(96), probation(4), promotion(7), retirement(12), salary/benefits(39), separation(14), sexual harassment(1), student employment(27), supervisor/employee relations(91), tenure(23), termination(13), transfer(14), union(53), work schedule(34), working conditions(174), workload(42)
Miscellaneous	career advising(9), disability accommodations(25), environmental issues(1), ethical considerations(22), FERPA(10), health concerns(68), immigration issues(2), interpersonal problems(20), legal issues(73), mediation(103), off-campus housing concerns(3), on-campus housing concerns(7), policy development(12), policy issue(59), privacy issues(15), records retention(4), safety issues(52),

* Data represent only allegations and should not be interpreted as confirmed incidents.