



# **OFFICE OF THE OMBUDSPERSON**

**23RD ANNUAL REPORT**

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Additional copies of this report may be obtained by contacting our office or by visiting our website, [www.uiowa.edu/~ombud](http://www.uiowa.edu/~ombud).

**THE UNIVERSITY OF IOWA  
OFFICE OF THE OMBUDSPERSON**

23<sup>rd</sup> ANNUAL REPORT  
July 1, 2008 – June 30, 2009

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## **THE OFFICE OF THE OMBUDSPERSON**

At The University of Iowa, the Office of the Ombudsperson works to fulfill the two duties traditionally associated with the role of an ombudsperson. The first of these is to provide information and informal dispute resolution services to individuals who have complaints or problems concerning the university, university personnel, or university policies. The second is to observe the life of the university with a view to noting trends or substantive or procedural unfairness, and to report such trends or unfairness to university administration.

The Office of the Ombudsperson is a resource for any member of the university community - including students, faculty, and staff - with a problem or concern. We provide informal conflict resolution services, and we advocate for fair treatment and fair process. Our services are confidential; we will not disclose any information without the express permission of the visitor who provided it, and we do not keep records. We are neutral in our approach to a problem, siding neither with the person who brings a complaint to our attention nor with the person or people complained about. Rather, we seek to advance the interests of all parties and the institution as a whole through informal, consensual dispute resolution. Finally, our office operates independently of other campus offices and resources. Though our office budget is handled by the Office of the President, and we discuss the larger campus trends we observe with the university president, we have no role in any formal complaint or grievance procedures, and we don't report to anyone about the visitors who confide in us.

Cynthia Joyce is the staff Ombudsperson, and Lois Cox, Clinical Professor in the College of Law, is the faculty Ombudsperson. Liz McIntire is our office manager.

## **INTRODUCTION**

In many ways, the academic year 2008-09 was uniquely devastating for our community. In some respects - the flood and the economic recession - the university community shared in the misfortunes of the larger community and the nation as a whole. Yet other events had a particular effect upon the university and contributed to an atmosphere of demoralization and consternation.

A highly publicized charge of sexual assault involving university athletes caused the university to question how it responds to students in crisis and resulted in the discharge of two senior administrators. Two faculty members committed suicide following student allegations of misconduct. Colleagues in many departments, especially on the arts campus, found their possessions and scholarly materials destroyed by the flood and their usual places for work and study inaccessible, in some cases for years to come. These deprivations seem particularly acute as other parts of the campus returned to normal rather quickly, and colleagues in those areas were able to congratulate themselves that the flood damage was no worse.

For months, university employees feared furloughs, layoffs, and pay cuts. Though the worst of those fears have not been realized, and most of the anticipated job losses have been at least postponed, some layoffs and furloughs proceed as this report is prepared, and worries persist that the economy will not recover in time to prevent job losses next year. In the meantime, some colleagues have chosen to take pay cuts, early retirements, and even layoffs that they would not have chosen in better times. Other colleagues have postponed planned retirements, forced to work longer than they had hoped due to shrunken retirement resources. In addition, the academic environment is harmed by smaller budgets for university travel and library materials, cancelled faculty searches, and fewer teaching resources.

However, this year also has had its bright spots. Perhaps chief amongst them was the amazing community response to the flood. That display of cooperation and fellow-feeling has been carried through in many ongoing efforts to assist with flood recovery, to minimize the effects of displacement on departments and

individuals, and in serious efforts by central administration to involve the entire community in decision-making about rebuilding the arts campus. In addition, revising policies and procedures for handling complaints of sexual misconduct should yield clearer understanding of campus resources and a safer campus. The appointment of Monique DiCarlo as Sexual Misconduct Response Coordinator is a very positive step. The record-breaking amount of funding raised from external sources represents a phenomenal achievement in tough economic times. The combined effects of the university's receipt of federal stimulus money and delayed effects of the recession in Iowa have cushioned the harsh effects of the economic downturn at least slightly, and will allow for better planning and minimization of involuntary job loss. Even problems with diminishing resources for teaching and learning have produced some innovative compensations. For example, many faculty members and administrators have responded to the provost's request for volunteers to teach small seminars for first year students, to increase the opportunities for entering students to receive instruction from a faculty member in a small group setting.

In the Office of the Ombudsperson, the difficulties of the recently concluded academic year have been more in evidence than its successes. The clearest indication of that is the sheer number of our visitors, which grew by 15% this year. We also perceive that the sorts of problems presented to us are more difficult to resolve as resources shrink. Our concerns this year include patterns of avoidance of long-standing problems, issues of privilege on campus, and a variety of health-related concerns. Our overriding impression of the state of our campus is that people's nerves are frayed and their ability to respond with good nature and flexibility to changing conditions has been sorely tried. We continue to admire the patience and resourcefulness of most of our visitors, as well as the helpful attitude with which most of our calls to their supervisors, supervisees, and co-workers are received. We appreciate the help and courtesy extended to us by central administration and the staff of Human Resources (HR), and by a host of others across the campus. The concerns highlighted in this report are serious, we believe. But we look forward to continued work with our administrator, faculty, staff, and student colleagues to address them.

## **YEAR 23 ACTIVITIES**

In 2008-2009, Cynthia and Lois provided 34 presentations of the office's 2007-08 22<sup>nd</sup> *Annual Report*, an increase from 27 presentations in the previous year. In addition, Cynthia and Lois made 7 informational presentations about the Ombuds Office to various units across campus and delivered 24 workshops on conflict management to staff, faculty and students. We also provided overviews of the new conflict management website ([www.uiowa.edu/~confmgmt](http://www.uiowa.edu/~confmgmt)) to four campus groups, including Faculty Senate and Staff Council.

A major focus of the office in 2008-09 was outreach to students. In addition to six presentations of the 22<sup>nd</sup> *Annual Report* to student organizations and departments serving students, the office made 18 presentations to student groups and offices that work closely with students. We also distributed materials about the office, including pencils, magnets, flyers, posters, and bulletin board displays, had announcements in the University of Iowa Hospitals and Clinics' (UIHC) *Noon News* and an article in the *Parent Times*, developed ITC screen savers about the office, and volunteered on Move-In Day.

Cynthia and/or Lois have served on the following committees and groups:

- Public Safety Committee
- Conflict Management Advisory Group (formerly the Dispute Resolution Committee)
- Behavior Risk Management Committee
- Threat Assessment Outreach Group
- Employee Assistance Program (EAP) Advisory Group
- Behavioral Health Working Group

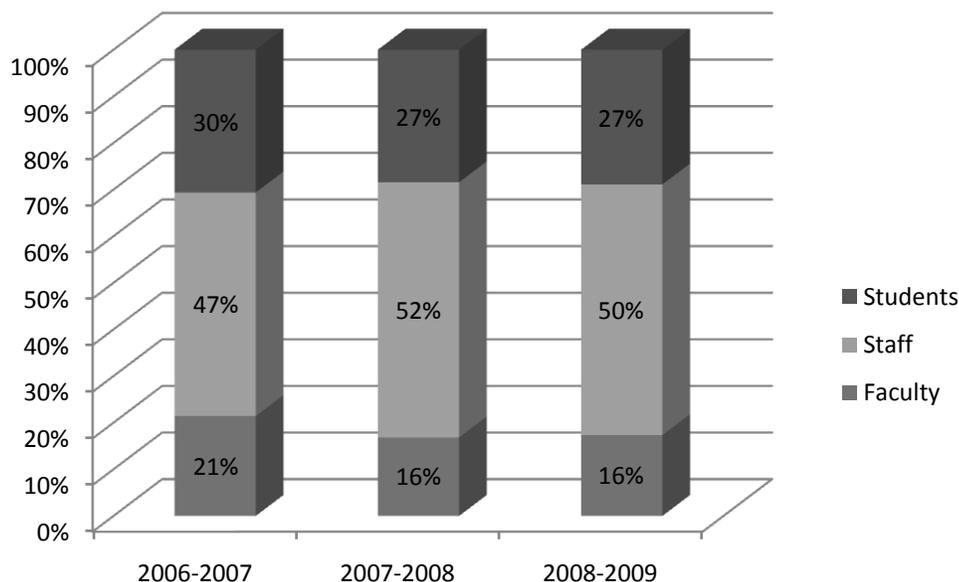
- Student Mental Health Discussion Group
- Anti-Violence Campus Coalition
- Respect Campaign Steering Group
- Succession Planning Team
- Faculty Development Committee
- Compensation and Classification Redesign Expert Panel.

Other activities conducted by the office include:

- participating in a workshop on promotion and tenure offered by the Faculty Senate, the Office of the Provost, and the University of Iowa Chapter of the American Association of University Professors (AAUP);
- working on development of the new Sexual Misconduct Involving Students policy;
- continuing work on revisions to the Professional Ethics and Academic Responsibility policy for faculty;
- developing a new website for the office ([www.uiowa.edu/~ombud](http://www.uiowa.edu/~ombud));
- redesigning the office brochure;
- providing support for the new ombuds at Iowa State University; and
- convening meetings with other ombudspersons throughout the State of Iowa.

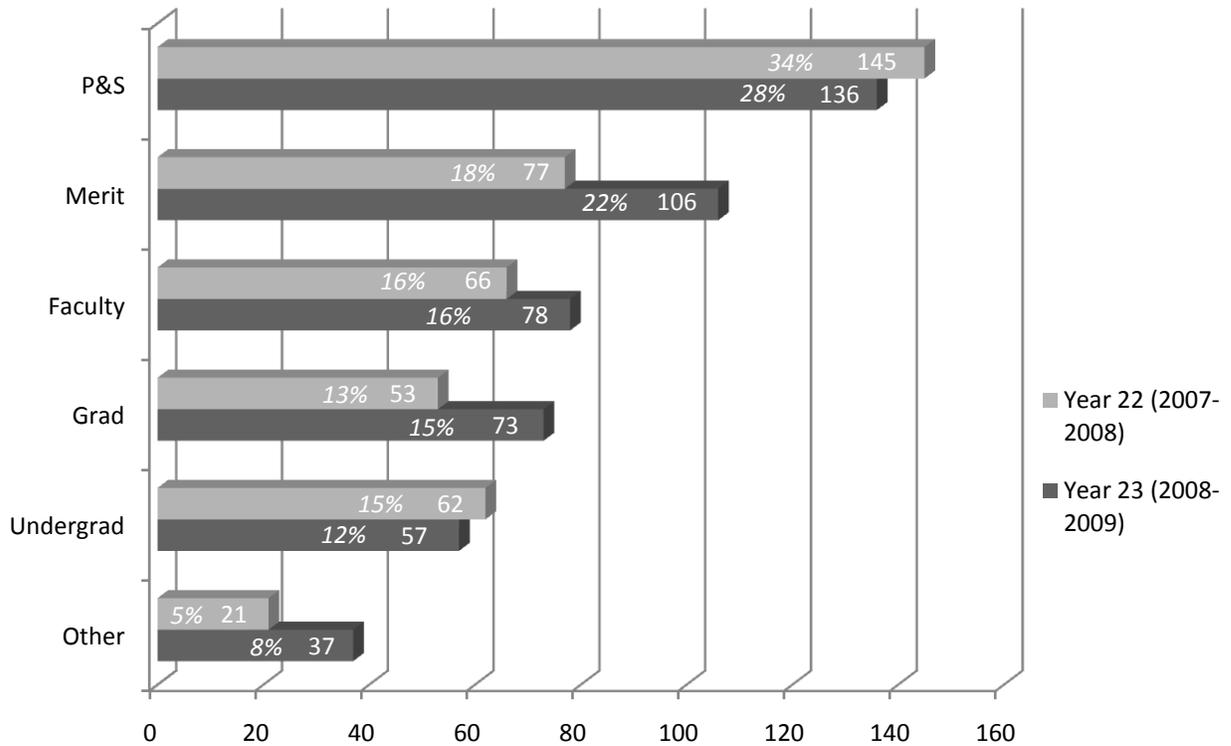
## NEW CONTACTS

In 2008-09, the Ombuds Office provided services to 487 visitors, a 15% increase over the 424 visitors served in the previous year. The percentages of student, staff and faculty visitors have remained relatively constant over the past three years (see Figure 1).



**Figure 1**  
**Student, Staff and Faculty Visitors**

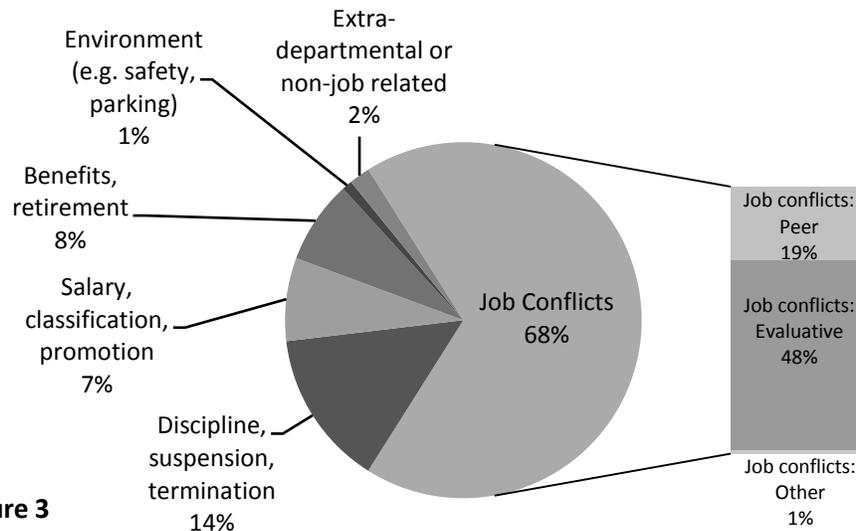
This year, 50% of visitors were staff, 27% were students, 16% were faculty members, and 8% fell outside these categories (alumni, parents, etc.). Figure 2 shows increases in every category of visitor except P&S staff and undergraduates.



**Figure 2**  
**Visitors to Ombuds Office by Status**

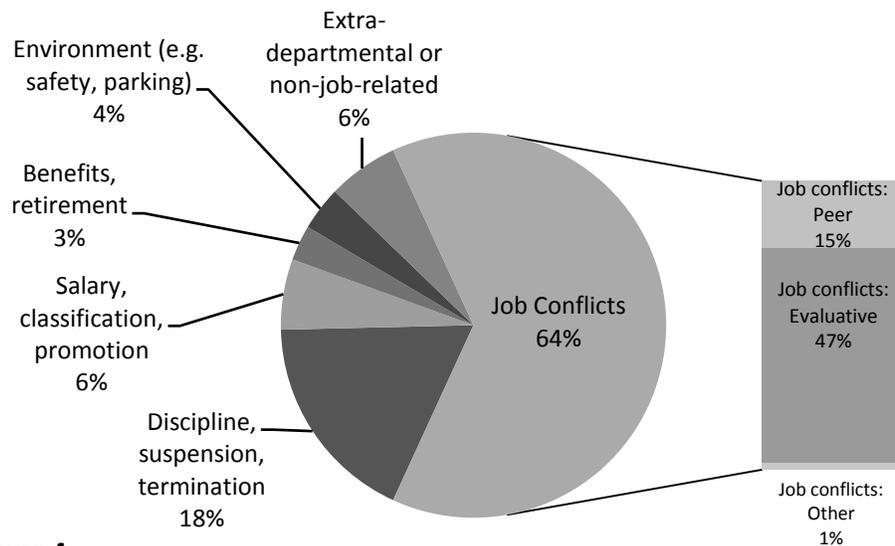
Beginning in June of 2009, we saw 13 visitors with issues related directly to the flood. These cases concerned housing problems, lost or damaged property, workplace conflicts related to the flood, and the impact of flooded offices and labs on research. We are convinced that many more of the problems visitors brought to our attention were exacerbated by the flooding or its aftermath.

Job conflicts, at 68%, continued to be the most common reason that Merit staff members sought help from the Ombuds Office (Figure 3). This year, we divided job conflicts into two categories: job conflicts between people in an evaluative relationship, where one person evaluates the work of the other (e.g., supervisor and employee), and job conflicts between peers, where both people have similar work status. Forty-eight percent of Merit visitors had complaints related to an evaluative relationship, and 19% had complaints related to a peer relationship.



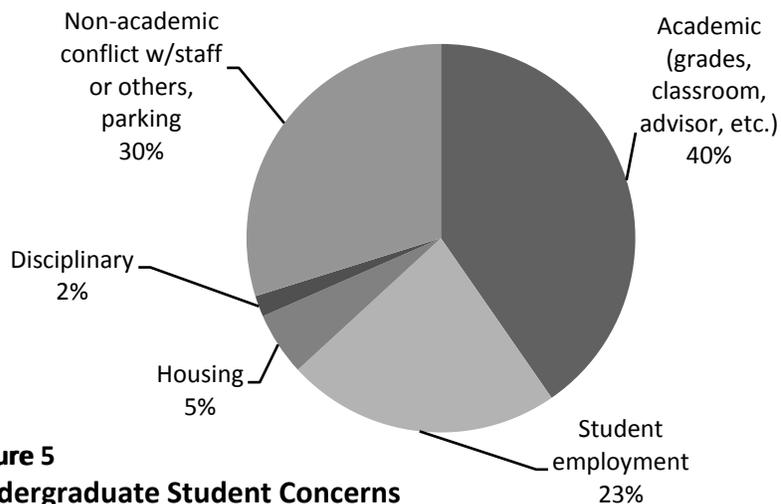
**Figure 3**  
**Merit Concerns**

The most common concern raised by P&S visitors also was job conflicts, at 64%, with 47% related to an evaluative relationship and 15% related to a peer relationship (Figure 4).



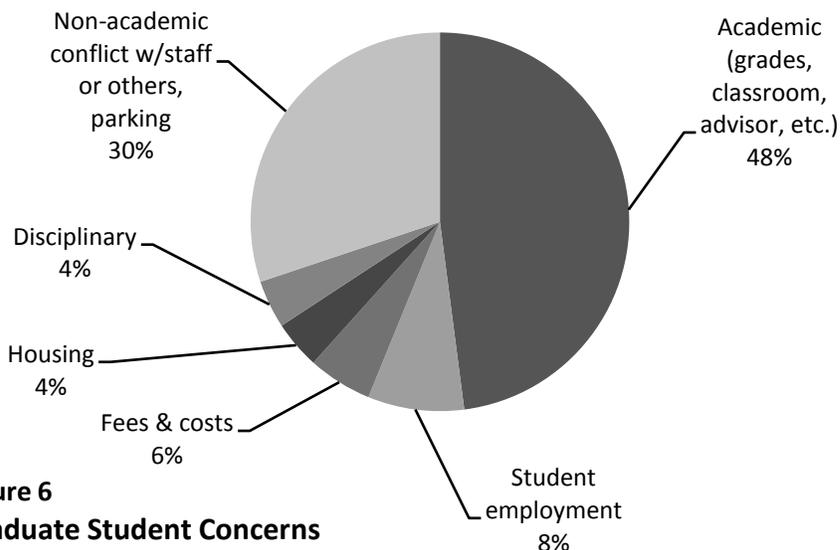
**Figure 4**  
**P & S Concerns**

The primary concern for undergraduate students remained academic conflicts, including grade disputes, conflicts with faculty or TAs, etc. (Figure 5). Markedly, disciplinary concerns dropped from 34% last year to 2% this year. This dramatic decrease may account for the decrease in the total number of undergraduate visitors to our office. See the next section of this report, “Follow-up on Previous Concerns.” However, concerns about student employment rose from 10% last year to 23% this year. Non-academic conflicts rose from 13% last year to 30% this year, with more than half of these conflicts involving problems with other students. Overall, 44% of our undergraduate student visitors expressed concerns about an evaluative relationship, including relationships with faculty members, teaching assistants or work supervisors.



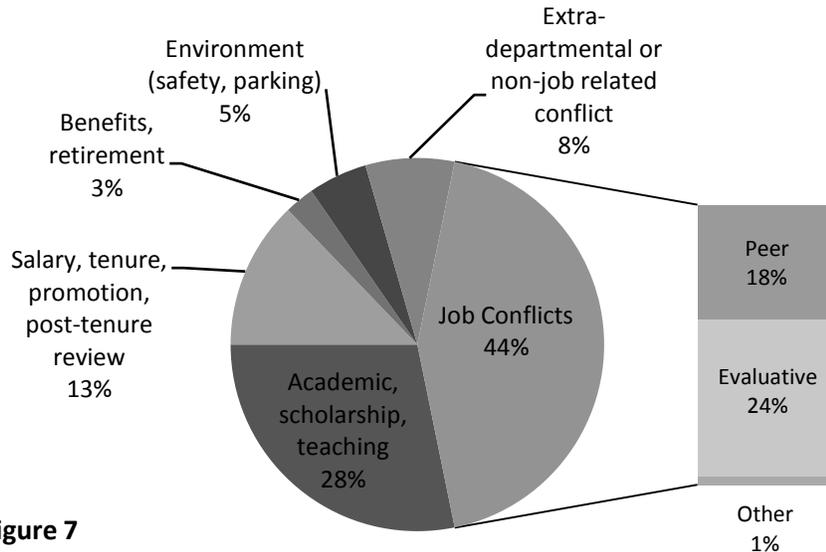
**Figure 5**  
**Undergraduate Student Concerns**

Graduate and professional student concerns raised with the Ombuds Office this year were very similar to those raised last year, with almost half of graduate student concerns involving academic conflicts (Figure 6). Graduate student non-academic concerns were at 30% this year, compared with 28% last year; one-third of these concerns related to conflicts with other graduate students (a drop from last year). Graduate student employment concerns fell from 13% last year to 8% this year. Overall, 36% of graduate student concerns involved an evaluative relationship with a faculty member or other supervisor, and 14% involved concerns about career progression.



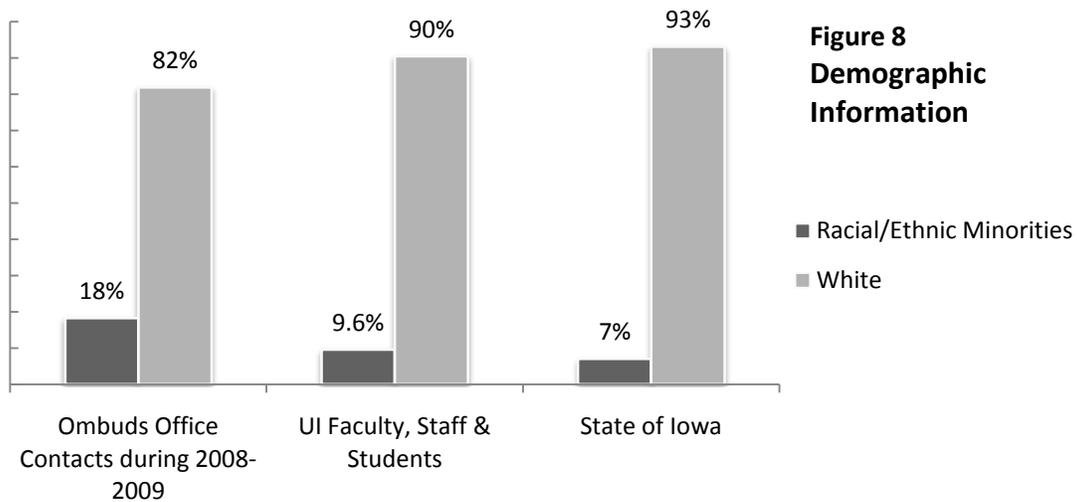
**Figure 6**  
**Graduate Student Concerns**

For faculty members, the biggest change from last year to this was the drop in concerns about job conflicts from 55% to 44%. Twenty-four percent of faculty concerns involved conflicts with DEOs or administrators, and 18% involved conflicts with colleagues (Figure 7).



**Figure 7**  
**Faculty Concerns**

This year, we saw a markedly higher percentage of minority visitors to our office than the university demographics would predict (18% vs. 9.6%, Figure 8), and 64% of our visitors were female compared with 51% in the university community.



**Figure 8**  
**Demographic Information**

NOTE: Race/ethnicity information for Ombuds Office visitors is based on the number of respondents who chose to answer this optional question. Figures for UI students are from "A Profile of Students Enrolled at The University of Iowa Fall 2008," by the Office of the Registrar; figures for UI faculty and staff are from the "Annual Equal Employment Opportunity and Affirmative Action Workforce Report October 2008" prepared by Equal Opportunity and Diversity. Figures for the State of Iowa are from the 2007 American Community Survey (ACS) update of the 2000 U.S. Census Data.

Eight percent (38) of our visitors complained of discrimination and harassment this year, compared with 10% in 2006-07 and 9% in 2007-08. Allegations of racial discrimination increased from 4 last year to 9 this year. Complaints of sexual harassment dropped from 21 last year to 9 this year; one possible explanation for the drop is that cases that would otherwise come to our office are being handled by the new Sexual Misconduct Response Coordinator. Other complaints of discrimination this year included 8 related to temporary or permanent disabilities, 3 related to gender, and 9 related to religion, nationality, age, military background, pregnancy, sexual orientation, or other.

We have seen a continued increase in complaints about disrespectful behavior on campus, from 8% (23) of visitors in 2006-07 to 12% (52) in 2007-08 to 17% (81) this year. This pattern is striking and disturbing, and it may reflect behavior that is exacerbated by the multiple stresses the campus has faced. Fifty (10%) of our visitors explicitly complained about bullying behavior, including 43 in an evaluative relationship and 7 in a peer relationship.

This year, the response rate to our online satisfaction survey was 47%, with 81% of respondents expressing satisfaction with the services we provided compared to 72% last year. In addition, 62% of respondents said that interactions with the Ombuds Office helped them develop skills or learn approaches that might help them in resolving future problems, a significant increase from 49% last year.

## **FOLLOW-UP ON PREVIOUS CONCERNS**

The main effort we made to follow up on the concerns described in our 2007-08 22<sup>nd</sup> *Annual Report* was to discuss these concerns with a wide variety of groups on campus through many presentations of the report. Additional follow up for each concern from last year included:

1. Challenges with supervisors providing feedback, including performance evaluations and other difficult conversations. We continue to encourage supervisors and employees to have difficult conversations when they are necessary and to make these conversations as productive as possible. In addition to individual coaching provided by our office, Central Human Resources and local HR representatives, we deliver workshops on conflict management skills and difficult conversations. On a related issue, Central Human Resources has clarified to staff that they have the right to respond in writing to performance evaluations.
2. Poor treatment of staff and faculty in transitional employment situations (e.g., job applicants, resigning staff and faculty, furloughed staff, etc.). Central Human Resources and Equal Opportunity and Diversity have taken steps to encourage hiring departments to communicate with candidates who have not been offered positions. We also have met with Employee and Labor Relations to discuss the concerns expressed to us about the furlough process, to be sure the process is as transparent and supportive of affected employees as possible. Although we did not hear much support for shortening probationary periods for Professional and Scientific employees, we continue to see employees with workplace problems who feel vulnerable and silenced due to their prolonged probation.
3. Student trends, including problems with the undergraduate disciplinary process and graduate student conflicts. We met with administrators in Student Services to talk about the number of concerns we had heard last year about student discipline. Strikingly, the percentage of our undergraduate visitors complaining about disciplinary issues dropped from 34% last year to 2% this year, which may indicate that the problems with the disciplinary process have been addressed. We also discussed the possibility of an ethics code for graduate students with a number of graduate student groups and offices serving graduate students. In particular, we met with the Graduate Council, which seemed interested in the idea and planned to move forward with it.

## NEW CONCERNS

In some respects, this year in the Office of the Ombudsperson was similar to other years. Students, staff, and faculty members brought serious concerns to our door, and we were honored to work with them to seek fair resolutions. We worked through grade disputes and housing issues with students, benefits issues and co-worker conflicts with staff, and promotion and tenure issues with faculty members. But when we think back and try to identify the year's themes, it is the inter-relatedness of problems that strikes us. As already stated in the Introduction to this document, anxiety pervaded our campus this year. It made everything worse, and it intensified many conflicts. Viewed in that light, this year's overriding theme is that coping mechanisms, which may work serviceably in ordinary years, fray in years like the one just concluded. Anxiety makes people less resilient. It makes them less likely to engage with problems at more than a superficial level. It makes them cling to their privileges. It makes them ill. The new concerns described here may not seem new at all. They reflect, we believe, problems that infect any large academic institution and that were magnified this year by a host of internal and external difficulties.

1. Avoidance of Long-Standing Problems. This year, 44% of our cases involved relationships between two (or more) people, one of whom evaluates the work or academic performance of the other. We frequently confer with supervisors – be they central administrators, deans, department chairs, faculty members, directors, managers, or frontline supervisors – about issues raised by persons whose work they evaluate. Unfortunately, we often see reluctance on the part of those supervisors to engage on more than a superficial level with the problems. Though sometimes the superficial approach to a problem is due to insufficient understanding of its complexity, at other times the supervisors acknowledge their unwillingness to become more deeply involved and explain it by citing lack of resources to take on messy issues, the futility of additional attempts to tackle intractable problems, or the fact that the problem arose during a predecessor's time in office. Some supervisors even cite the longevity of problems as a reason not to address them.

Though it is certainly understandable, this sort of conflict avoidance is counterproductive. Despite the frequent hope that problems will go away (for example, through retirement), this approach allows existing problems to fester. The popular notion of academia as benevolent and high-minded, along with the commendable tendency of those in academia to behave courteously, can contribute to conflict avoidance by over-valuing the appearance of collegiality. This year we have seen several examples of situations in which serious conflicts were avoided by supervisors over long periods of time and finally erupted in damaging ways. We urge our colleagues across the university to pursue timely and effective solutions to problems as they emerge. Resources – including our office – are available to assist supervisors as they undertake the hard work of conflict resolution.

2. Privilege. There are a number of ways in which privilege in different forms manifests itself on campus and contributes to conflict.

Race. We continue to see situations in which white staff, students, and faculty members are not aware of the experiences of their minority colleagues and therefore cannot take these different, often painful, experiences into account in conflicts. Obviously, this is a national issue, exacerbated in Iowa and on our campus by the very small minority population here. Many members of our community find it difficult to talk directly about race and ethnicity and to deal with these differences comfortably and respectfully.

Faculty Status. Another form of privilege that can cause problems is the deference accorded faculty members. In many ways, academia is as hierarchical as the military, and faculty members occupy

the top of the hierarchy. This power difference can lead to faculty members treating staff and students dismissively and even disrespectfully. A particular example of conflict related to this status differential can be seen in interactions between faculty members and the many staff on campus who have PhDs or other advanced degrees. Staff in these situations can resent the many benefits faculty members accrue by virtue of their status, and can be frustrated by the lesser recognition accorded their contributions to the campus community.

University Status. Another privilege we have seen involves the effort expended to relocate high or relatively high-level staff to new positions when their jobs are eliminated or their work situations are deteriorating. We seldom see the same effort made for lower-status, lower-paid staff (although it is certainly possible that we don't see the positive steps taken to relocate these staff). This pattern raises questions of fairness and equity in the university community, questions that are particularly troubling in hard economic times.

All these forms of privilege produce resentment. In the case of race and ethnicity, it is a moral imperative to work to erase the privilege. Where privilege relates to elevated status within the university, eradication of the privilege altogether may not be feasible or even desirable. But our campus climate would be improved if we could ensure that actual advantage accompanies academic or administrative status only when it is warranted and necessary.

### 3. Health.

Health and Work Performance. We have seen numerous examples this year of staff and faculty members who are caught in a downward spiral of poor health and poor work performance. It's frequently unclear what precipitates this cycle; sometimes it seems to be the onset of chronic physical or mental health problems, while sometimes it may be a stressful work environment involving problems with co-workers, fears of downsizing or reorganization, or a bullying supervisor. The consequences, however, are clear: health problems worsen, work performance deteriorates, and relationships with supervisors and colleagues deteriorate as well. Staff and faculty members are usually reluctant to talk openly about their health problems, so others around them may not know what is going on and how to explain the worsening job performance. Of particular concern to us are situations in which job problems seem to cause or exacerbate stress-related health problems, some of which become serious enough that employees leave the university for other employment or are no longer able to work.

Mental Health. We continue to be concerned about how mental health problems are dealt with on campus. The stigma of mental health issues makes it difficult for staff, students and faculty members to identify a problem, seek appropriate treatment, and deal effectively with the consequences of the problem in their work and/or learning environments.

FMLA. We have seen a number of visitors this year with issues related to Family Medical Leave Act (FMLA) leaves. Often, staff or faculty members are uncomfortable disclosing health problems, particularly mental health issues, which can prevent them from benefitting from FMLA protection. In addition, incomplete understanding of FMLA can cause anxiety for employees, conflict between employees and supervisors, and misunderstanding with co-workers.

## CONCLUSION

We were pleased to see that the Working at Iowa survey had such a high participation rate (over 60%), and especially pleased that progress has been made on managing work-related conflict since the last survey. However, constructive management of work-related conflict continues to be one of the top five concerns of faculty and staff members, so more work remains to be done in this area. We strongly encourage supervisors and administrators to address long-standing workplace problems to benefit everyone affected. We hope that greater awareness of the different forms of privilege on campus can reduce the resentment privilege can cause. We also urge all members of the university community to address health problems as early, as openly, and as respectfully as possible, to reduce their effects on working and learning environments.

This year, we have seen an increase in our visitors and in the number of visitors who complain about disrespectful behavior. One of the dynamics that may be at play on our campus this year is the discrepancy between expectations of business as usual and the extraordinary times that have confronted us. Clearly, these difficult times have resulted in extreme stress for administrators, faculty, staff, and students, and it is our worry that this stress has contributed to disrespectful behavior on campus. We urge all members of our community to rise above the stress and challenges and to strive to treat one another with respect, understanding, and kindness.

We thank President Sally Mason for her support of our office and of our efforts to make The University of Iowa the best possible place to study and work.

## Appendix: Summary

### Office of the Ombudsperson 2008-2009 Annual Report

#### New Cases

Staff	242	(50%)
Students	130	(27%)
Faculty	78	(16%)
Other	37	( 8%)
<b>TOTAL</b>	<b>487</b>	<b>(2007-2008 = 424, 15% increase)</b>

Primary staff concerns: job conflicts (65%)

Primary faculty concerns: job conflicts (44%)

Primary student concerns: academic (45%)

Presentations and workshops provided: 83

#### Trends

- Staff job conflicts primarily related to problems with supervisors.
- Significant decrease in undergraduate disciplinary concerns (34% last year, 2% this year).
- Increase in undergraduate concerns about student employment (10% last year, 23% this year).
- Rise in undergraduate non-academic concerns, from 13% last year to 30% this year, with more than half of these involving problems with other students.
- Fewer graduate student concerns related to conflicts with other graduate students.
- 36% of graduate student concerns involved an evaluative relationship with a faculty member or other supervisor.
- Decrease in faculty concerns about job conflicts.
- 18% of visitors minorities, 64% of visitors female.
- 8% of visitors complained about possible discrimination.
- Decrease in concerns about sexual harassment, from 21 cases last year to 9 this year.
- 81 (17%) cases involved disrespectful behavior, compared to 12% last year and 8% in 2006-07.

#### Concerns

- Avoidance of long-standing problems by supervisors and administrators
- Privilege
  - Race
  - Faculty status
  - University status
- Health
  - Health and work performance
  - Mental health
  - FMLA

#### Evaluation of Office

- 47% response rate
- 81% positive responses
- 62% reported acquiring skills that will be helpful in resolving future problems.