

NDSU

NORTH DAKOTA STATE UNIVERSITY

NDSU OFFICE OF THE OMBUD

ANNUAL REPORT: 2019-2020

North Dakota State University - Office of the Ombud
1201 Albrecht Blvd – P.O. Box 6050
Kristine.Paranica@ndsu.edu 701.231.5114

TABLE OF CONTENTS	Page
I. Introduction	3
II. Overview of the Office	3
A. Purpose & Scope of Service	3
B. Standards of Practice & Ethics	4
C. Authority and Limits of the Office	5
D. Support for the office	6
E. Services	7
III. Goals and Accomplishments	9
A. Goals	9
B. Visitor Statistics	10
C. Visitor Concerns	12
D. Reported Risks	15
E. Satisfaction Survey	19
F. Exit Interview Data	21
IV. Observations & Recommendations	22
V. Conclusion	26
VI. Appendices	28
NDSU Office of the Ombud Charter	
IOA Code of Ethics	
IOA Standards of Practice	
IOA Uniform Reporting Categories	

I. INTRODUCTION

The Office of the NDSU Ombudsperson¹ was established through the office of the Vice President of Academic Affairs in 2013. **The Mission of the NDSU Ombud's Office** is to provide a safe environment where members of the NDSU Community may explore their concerns, consider the impact of all options, receive information and referrals, and design their best course of action in addressing their concerns. The vision for the office is to serve Academic Affairs and, if successful, expand to serve students and/or staff as well.

Kristine Paranica serves as the NDSU Ombud as an independent, impartial, and informal resource for NDSU faculty and graduate students with a focus on early-stage, informal dispute resolution. The Ombud is not an advocate for individuals or the university but rather a facilitator of fairness.

The charge of the Ombudsperson is to: 1) help maintain the Ombud's office, 2) assist with the resolution of conflicts and concerns, 3) serve as a resource of information and referral, 4) provide advice and guidance on policies and procedures, 5) conduct periodic training and outreach, 6) prepare annual and other reports, 7) identify problem areas within the university, 8) recommend areas for improvement to university policies and procedures, 9) follow IOA standards and best practices, and 10) develop professional skills through IOA membership and regular training.

The Ombud reports to the Provost and is evaluated by the Provost with input from the Ad-Hoc Committee of the Special Affairs Committee of the Faculty Senate, and an NDSU Graduate Student.

II. OVERVIEW OF THE OFFICE OF THE OMBUD

A. Purpose & Scope of Services

The Office provides early-stage, informal dispute resolution services for NDSU faculty (including instructors and other academic appointments, academic staff) and graduate students. The Office receives informal complaints, concerns, or questions about alleged acts, omissions, improprieties, and/or broader systemic problems. The response of the Office is tailored to the dynamics of the situation and the visitor's concerns.

The Ombud helps individuals by:

- Listening to and clarifying issues and concerns;
- Making informal inquiries and otherwise reviewing matters received;
- Exploring options and resources, including referrals to other campus resources;
- Providing consultation, individual coaching, and mediating disputes;

Services of the Office supplement, but do not replace, other processes (formal or informal) available to the University community.

The Ombud serves as an information and communication resource, facilitator, dispute resolution expert, and source of recommendations for institutional change for the University. The Ombud also provides workshops and training in the broad field of conflict resolution. The Ombud provides feedback to the University when trends, patterns, policies, or procedures of the University generate concerns or conflicts.

B. Standards Of Practice & Code Of Ethics

¹ The name "Ombudsman" (om budz man) comes from Swedish and literally means "representative." At the most fundamental level, an Ombudsman is one who assists individuals and groups in the resolution of conflicts or concerns. There are a number of different titles or names for this position: "Ombudsman," "Ombudsperson" or "Ombuds" among others. (For the purpose of this document, the term "Ombud" will be used.). Source: International Ombudsmen Association.

The NDSU Ombud's Office practices under the International Ombudsman Association (IOA) Standards of Practice and Code of Ethics, and this Charter adopts and incorporates by reference the IOA Standards of Practice, IOA Code of Ethics, and IOA Best Practices. The Ombud is a member of IOA, and attends IOA conferences and trainings as they are available. The IOA Standards, Code, and Best Practices are minimum standards, and the Office will also strive to operate to best practices in a way that serves the interests of the University community.

The Office functions independently of other university offices and functions. Conversations with the Ombud endeavor to be confidential by agreement and the Ombud works as an impartial neutral. The primary scope of services is limited to informal means of dispute resolution. The Office will publicize the confidential, independent, neutral, and informal nature of its services and will explain these ethical standards to each visitor.

1. Independence

The Office is and must appear to be free from interference in the performance of its duties. This independence is effected primarily through organizational recognition, reporting structure, and neutrality. The Ombud will exercise sole discretion over whether and how to act regarding individual matters or systemic concerns.

To fulfill its functions, the Office has a specific allocated budget, adequate space, and sufficient resources to meet operating needs and pursue continuing professional development. The Ombud may manage the budget and operations of the Office and reports to the Office of the Provost regarding administrative and budgetary matters.

2. Confidentiality

The Office endeavors to keep all visits confidential, and will not disclose any information unless required by law, nor without the party's express permission and, even with that permission, any communication will be at the sole discretion of the Office. Confidentiality will be respected even if disclosure may prevent resolution of a problem. The Ombud is listed as a confidential resource for Title IX concerns as well. The Office may, however, disclose confidential information if and when there is an imminent risk of physical harm or when North Dakota's Open Records Laws require disclosure.

The Office offers mediation services and follows ND State law and policy governing the confidentiality of the mediation process. Mediated agreements or other documents otherwise discoverable are not considered confidential whether or not they were created as part of the mediation process.

The Office will not keep record of the identity of visitors. The Office is not part of any formal investigation or process inside or outside the University. Visitors shall be put on notice that the use of email is a public activity and any email or other formal correspondence sent to the Ombud will be not be considered confidential.

3. Neutrality

The Office is neutral in its activities, and will not take sides in any conflict, dispute, or issue. The Ombud will impartially consider the interests and concerns of all parties involved in a situation with the aim of facilitating communication and assisting the parties in reaching mutually acceptable agreements that are fair, equitable, and consistent with the mission and policies of the University.

The Office will avoid involvement in matters where there may be a conflict of interest. (A conflict of interest occurs when the Ombud's private interests, real or perceived, supersede or compete with their

dedication to the neutral and independent role of the Office.) When a conflict of interest exists, the Ombud will take all steps necessary to disclose and/or avoid the conflict.

4. Informality

The Office is a resource for *informal* dispute resolution. The Office does not formally investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. Use of the Office is voluntary and not a required step in any grievance process or University policy, with the exception of mediation services which may be required by University policy.

C. Authority & Limits Of The Office

The authority of the Office derives from the University Administration as manifest by the endorsement of the NDSU Provost and Faculty Senate.

1. Initiating Informal Inquiries

The Office may inquire informally about any issue concerning the University that come to its attention after having received a specific complaint from an affected member of the University community. The purpose of such inquiry is in the spirit of resolving disputes, gathering relevant information, providing guidance to the visitor, and/or making recommendations to the University.

2. Access to Information

The Office may request access to information related to visitors' concerns from files and offices of the University. Campus individuals who are contacted by the Office with requests for information are expected to cooperate and, as much as possible, to provide appropriate information as requested. The Office will not request a department or individual to breach confidentiality. University departments are expected to respond with reasonable promptness to requests made by the Office.

3. Ending Involvement in Matters

The Office may discontinue providing service and disassociate from a matter at any time.

4. Discussions with Visitors and Others

The Office has the authority to discuss a range of options available to its visitors, including both informal and formal processes. The Office may make any recommendations it deems appropriate with regard to resolving problems or improving policies, rules, or procedures. However, the Office has no actual authority to impose remedies or sanctions or to enforce or change any policy, rule, or procedure.

Limitations on the Authority of the Office

1. Receiving Notice for the University

Communication that alleges violations of laws, regulations, or policies, such as sexual harassment, issues covered by whistleblower policy, or incidents are subject to reporting under the Clery Act. Although the Office may receive such allegations, it is not a "campus security authority" as defined in the Clery Act. If a visitor discloses such allegations and expresses a desire to make a formal report, the Office will refer the visitor to the appropriate office(s) for administrative or formal grievance processes. *Acts of violence, child abuse, sexual assault, harassment, discrimination, or misconduct, and other matters addressed in Title IX, must be reported as required by University Policy and State and Federal Law.

2. Formal Processes and Investigations

The Office will not conduct formal investigations on behalf of the University or anyone else. It will only participate in the substance of any formal dispute processes, outside agency complaints or lawsuits, either on behalf of a visitor to the Office or on behalf of the University, if required by law.

3. Record Keeping

The Office will not create or maintain documents or records for the University about a visitor's name or other identifying information. Notes and any other materials related to a matter will be maintained in a secure location and manner, and will be destroyed as soon as possible and in accordance with applicable records retention policies.

5. Advocacy for Parties

The Office will not act as an advocate for any party in a dispute, nor will it represent administration, employees, or visitors to the office.

6. Adjudication of Issues

The Office will not have authority to adjudicate, impose remedies or sanctions, or to enforce or change University policies or rules.

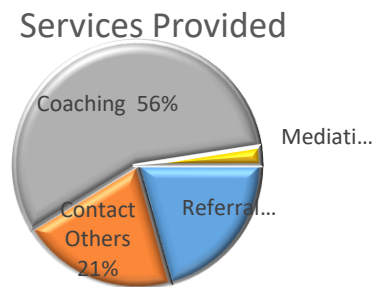
D. Support For Using The Office Of The Ombud

The University and its agents will not retaliate against individuals for the sole reason of consulting with the Office. The University community respects the mission of the Office, its ethics and responsibilities, and encourages the use of the services provided.

E. Services Provided To NDSU

1. Coaching: Every visitor begins with consultation, which often leads to coaching (56% of all visits). **Coaching** involves listening to the concerns, helping to think through options, identifying strategies, researching policies and developing an understanding of these policies or procedures, as well as a more formal skill or leadership based relationship.

In 21% of cases, the Ombud was asked to make a **referral** and also to **contact others** in pursuit of resolution of issues.



2. Mediation: Mediation between two or more parties is also offered on a voluntary basis and allows for parties to resolve conflicts with the support of a neutral mediator. The Ombud is a professional mediator with over 25 years of experience as a qualified neutral. Mediation begins with individual intake interviews of each participant, followed by one or more 2-3 hour sessions. Group mediation is offered for conflict management, with services designed to meet the needs of that particular group. The mediation process is sequenced to begin with initial intakes followed by coaching sessions to get parties ready for a successful mediation, culminating with the mediation meeting (or series of meetings).
 - *Mediation is voluntary, as success depends on both parties' good faith participation.*
 - *Confidentiality in mediation is specifically protected by North Dakota state law.*
 - *Mediation must be facilitated by an impartial mediator.*

Parties in mediation often wish to be heard and understood, as well as to persuade others to see the situation differently or to act differently. Mediation provides a safe space to have difficult conversations and discuss sensitive matters, apologize or change views.

This year, mediation was used by 5 groups of 2-5 parties involving faculty. The issues were primarily relational in nature, versus transactional, and in all cases, involved high levels of miscommunication, and perceived lack of trust and respect. PTE were at issues in two of the cases. In all cases, the parties felt satisfied with the process.

3. Group Facilitation and Training/Workshops: These services involve larger numbers of people and a much longer time frame. Under Group Facilitation services, 56 people were served in 4 groups and all involved strategic planning and visioning, which is typically a service provided over a significant period of time (3-9 months). There is often a great amount of preparation such as meetings with all participants, developing surveys and creating thematic summaries, and facilitating live sessions, as well as follow-up and reporting.

The Ombud provided 16 different training events and workshops on a number of topics to groups across campus. The groups included department chairs and emerging leaders, new faculty, individual departments, college retreats, Graduate Student Orientation, staff, and other small groups. In total, 315 people were in attendance at these events.

Topics included:

- Introduction to the Ombud's Office & Ombud's Annual Reporting
- Conflict Management, Conflict Styles, Strategies for Having Difficult Conversations
- Departmental Climate/Culture
- Communicating Effectively, Communicating intent/impact

- Managing Priorities
- Change Management
- Civility in the Workplace

4. Outreach:

The Ombud's services are publicized through focused outreach meetings with leadership in Provost's Office, Deans' Offices, The NDSU Extension Service, Human Resources, Equity and Diversity, the Commission on the Status of Women Faculty, and other organizational units; participation at campus events such as Graduate College's Welcome for New Students, New Faculty Welcome and Faculty Development events. The Ombud also provides workshops for Chairs and Administrators in Academic Affairs, and sends a monthly email with tips related to conflict management to Chairs, Faculty and Graduate students. A website and office literature have been developed for marketing the office as a resource. The office has developed a flyer is distributed at a variety of events for faculty departments and graduate students. The Office provides consultation to organizations, collaborates on developing conflict management competency within NDSU, and assists committees where issues directly relevant to the mission of the Office are addressed. The Ombud's has also provided workshops for NDSU Extension Services and other NDSU entities that are not on the Fargo campus.

Leadership:

At NDSU, the Ombud is ethically prevented from serving as a member of any committees that make decisions, or that would imply a bias toward members of the University Community. However, she may serve as an ad hoc member, attend meetings, and offer thoughts and suggestions within her expertise. For example, the Ombud's has attended meetings of the various Senates on campus, and has contributed to meetings of the Council on the Status of Women Faculty as well as FORWARD, and also the Rapid Response Team, and a variety of other meetings by invitation. The Ombud has provided expertise and research for the CSWF in their work with the Anti-Bullying Policy, and has made suggestions for other policies.

The Ombud serves her professional organization, the International Ombudsmen's Association (IOA) as a Mentor for new Ombuds, as a member of the Professional Development Committee, and as a member of the annual conference committee. She has presented webinars for IOA and organized facilitated dialogue at conferences. The Ombud's also continues to maintain her credentials as a licensed Attorney in North Dakota, and as a Certified Transformative Mediator™ by attending continuing education, and also by coaching new mediators, serving as a Fellow with the Institute for the Study of Conflict Transformation, and training mediators twice annually in North Dakota. She is one of two available mediators for the North Dakota Department of Education, Special Education Unit.

III. GOALS & ACCOMPLISHMENTS FOR THE 2019-20 ACADEMIC YEAR

A. Goals:

- Maintain record-keeping for the office in compliance with IOA standards.
- Provide a private physical environment to welcome all visitors.
- Market the Ombud's services, standards and ethics through presentations, web presence, individual meetings, email, and other means available on campus.
- Ensure that Administrators, Deans, Directors, Chairs, Faculty, Graduate Students, and others know me personally, make use of my office directly and appropriately, and provide referrals.
- Continue to learn and understand the policies and procedures related to faculty, academic affairs, and graduate students; meet with offices with responsibilities for administering policies to ensure accuracy in understanding of how the policies work, their intent, and the accompanying procedures; and work on policies that need clarity to improve fair and equitable application.
- Work with other on campus to develop protocols for dealing with difficult behaviors and situations, including a review of current policies and procedures, and development of strategies to manage situations fairly and effectively at the lowest levels.
- Maintain office hours and availability that meet the needs of the faculty and graduate students, including meetings in person, via phone or skype, and at locations on and off campus when requested.
- Ensure appropriate usage of the Ombud's office and services.
- Improve communication and climate and strive to reduce and resolve conflict through consultation, coaching, negotiation, mediation, education/training.
- Attend the IOA Conference annually to continue professional education, connect with colleagues, and maintain active membership with the IOA.
- Provide a complete report at the end of the year (consistent with IOA standards) that demonstrates the value of the Ombuds Office in several ways; and provides guidance and suggestions for changes for the University.
- Provide feedback to the Institution annually regarding exit interviews conducted by the Ombud's office, and in a way that is consistent with the ethics of the office.

*All of the goals were met in 2019-2020.

B. Accomplishments Through Visitor Statistics

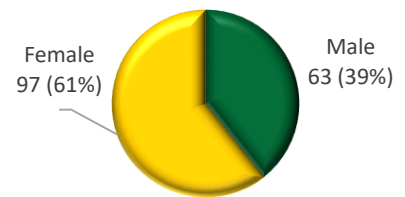
1. Number of Visits

198 Separate Visits / 160 Visitors (cases): 75 Faculty 8 Non-Faculty Academic 1 Other
 58 Chairs/Heads/Administrators 36 Graduate Students 3 Undergraduate 17 Staff

2. Visits by Gender

Of total visitors, there was a 5% increase over last year. 61% were female (a 10% decrease from last year) and 39% male, a 10% increase over last year. There was an 18% increase in the number of separate visits to the office than last year, including repeat visits.

Visitors by Gender



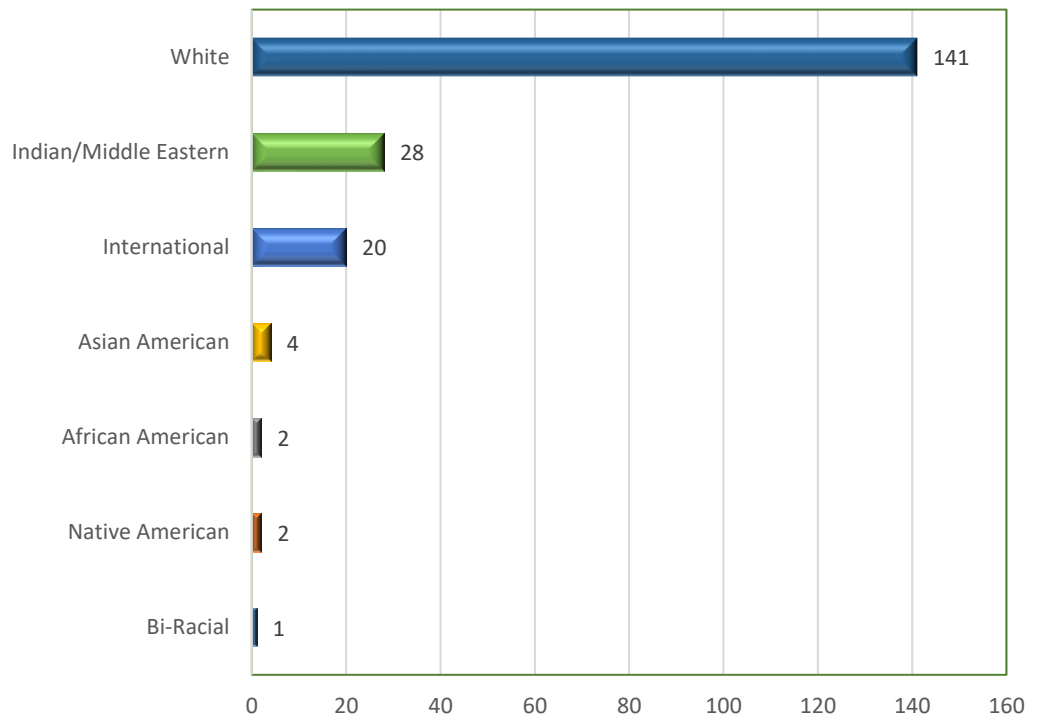
3. Visitors by Ethnicity

82% White

15% International

13% People of Color

Total Visitors by Ethnicity



57 Persons of Color visited the office, including International faculty/ students of which all were non-white. 141 visitors identified as Caucasian who visited the office. As the faculty and students at NDSU are primarily white, this number indicates there is a higher percentage of People of Color experience issues for which they seek the Ombud’s office. Visitors who identify as a person of color or international increased by over 20% this year.

Some reasons that more women and people of color visit the Ombud’s Office with greater frequency include their experience of feeling marginalized, misunderstood, treated unfairly due to their gender or cultural background; feeling voiceless, uncertain about majority culture norms and communication styles, and/or anxious about the effect of their

gender or culture on their process for tenure and promotion. Especially vulnerable are international faculty and students who are in marginalized groups and have much to lose should they fail to remain employed or enrolled on campus.

*There are factors that are not captured by the Ombud’s Office to avoid revealing the identity of visitors. These factors include names, departments, colleges, titles, or examples of singular incidents or experiences. Sometimes, visitors request not to include an aspect of their identity.

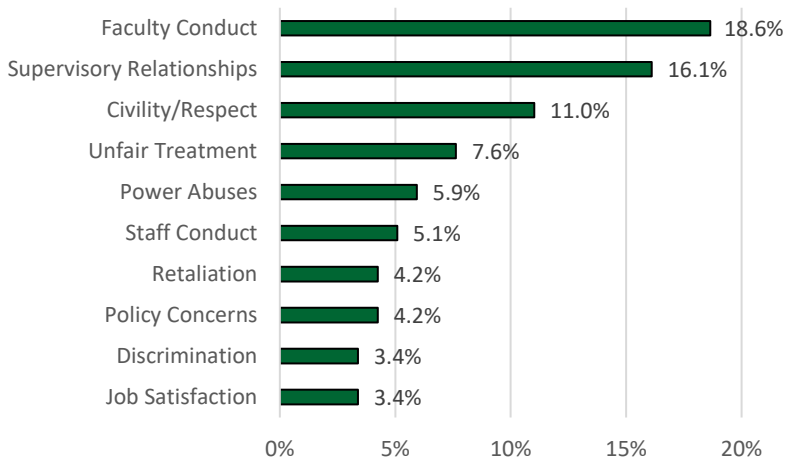
C. Visitor Concerns:

1. Primary Purpose for Visiting the Ombud:

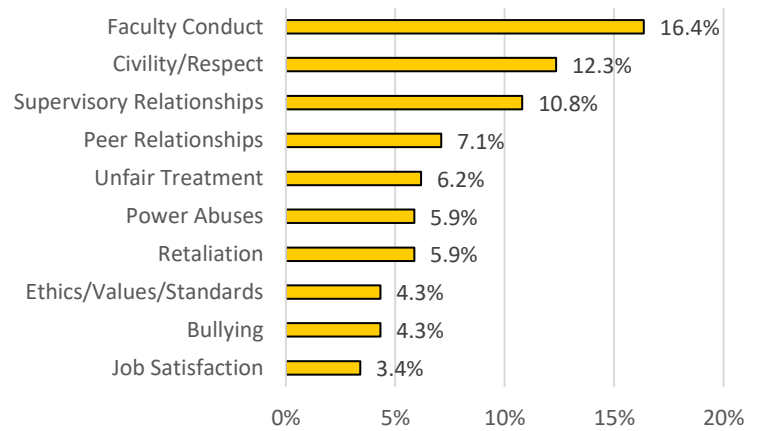
Visitors may have 1, 2, or 3 concerns that are recorded. Often two or more come hand in hand, such as Supervisory Relationships and Faculty Conduct, Peer Relationships and Respect, etc.

Concerns by Ethnicity:

Top 10 Concerns by Ethnicity - Persons of Color



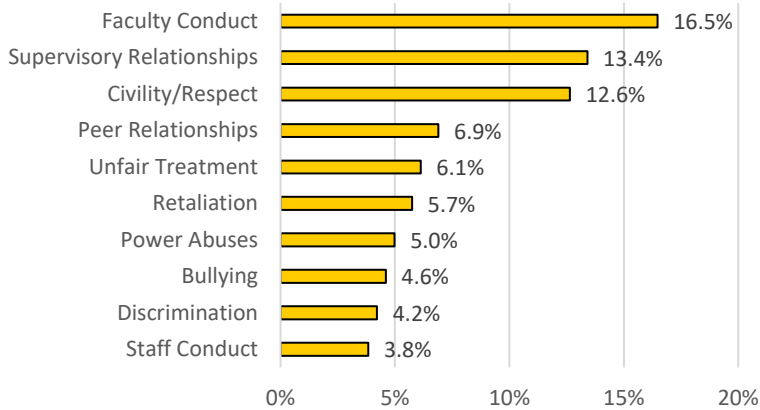
Top 10 Concerns by Ethnicity - Caucasian



Overall, grouping all categories together, the top concerns brought to the Ombud’s office were 1) Faculty conduct/peer relationships; 2) supervisory relationships, and 3) Civility and Respect. This is similar to last year.

Looking at ethnicity, there were really few notable differences. Concerns for majority culture are 1) faculty conduct, 2) civility, 3) supervisory relationships. For Persons of Color, the top concern is also faculty conduct, followed by supervisory relationships, and civility/respect. Only PoC had concerns about discrimination, and bullying was mentioned only by white visitors, as well as ethical concerns.

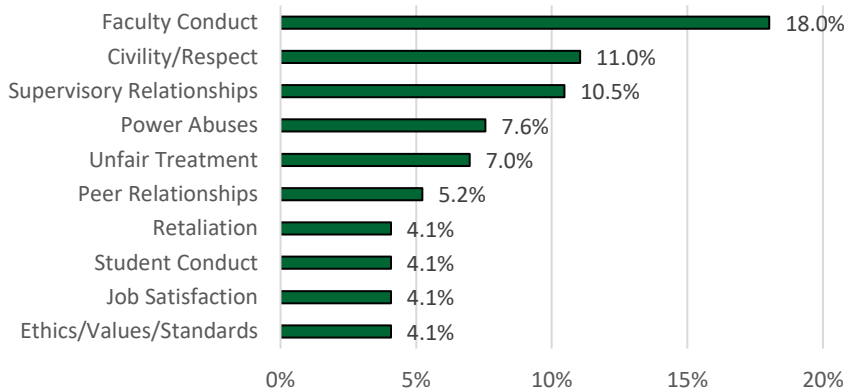
Top 10 Concerns by Gender - Females



Concerns by Gender:

For both genders, faculty conduct was their top concern, with supervisory relationships 2nd for women, and civility respect for men, which was 3rd for females. There are also remarkable differences between the concerns that men and women came with. Women experienced more issues with their supervisory relationships, both when a female is a supervisor and a supervisee (e.g., Chair and faculty member), although there are vast fewer female faculty in supervisory roles than men. Only females listed staff conduct and bullying as a concern.

Top 10 Concerns by Gender - Males



For men, the sense of power abuse and unfair treatment were higher than for women. These statistics are fairly consistent with similar findings in the 2017 Climate/Work-life survey at NDSU. Men were also the only to list job satisfaction and student conduct as a concern.

While NDSU has taking great strides in equalizing the opportunities for advancement for women, there is more to be done.

Concerns by Employment Status: This section looks at concerns by visitor status.

Administrators (primarily deans, assoc. deans, VP's) were most concerned with faculty conduct, civility/respect, and supervisory relationships.

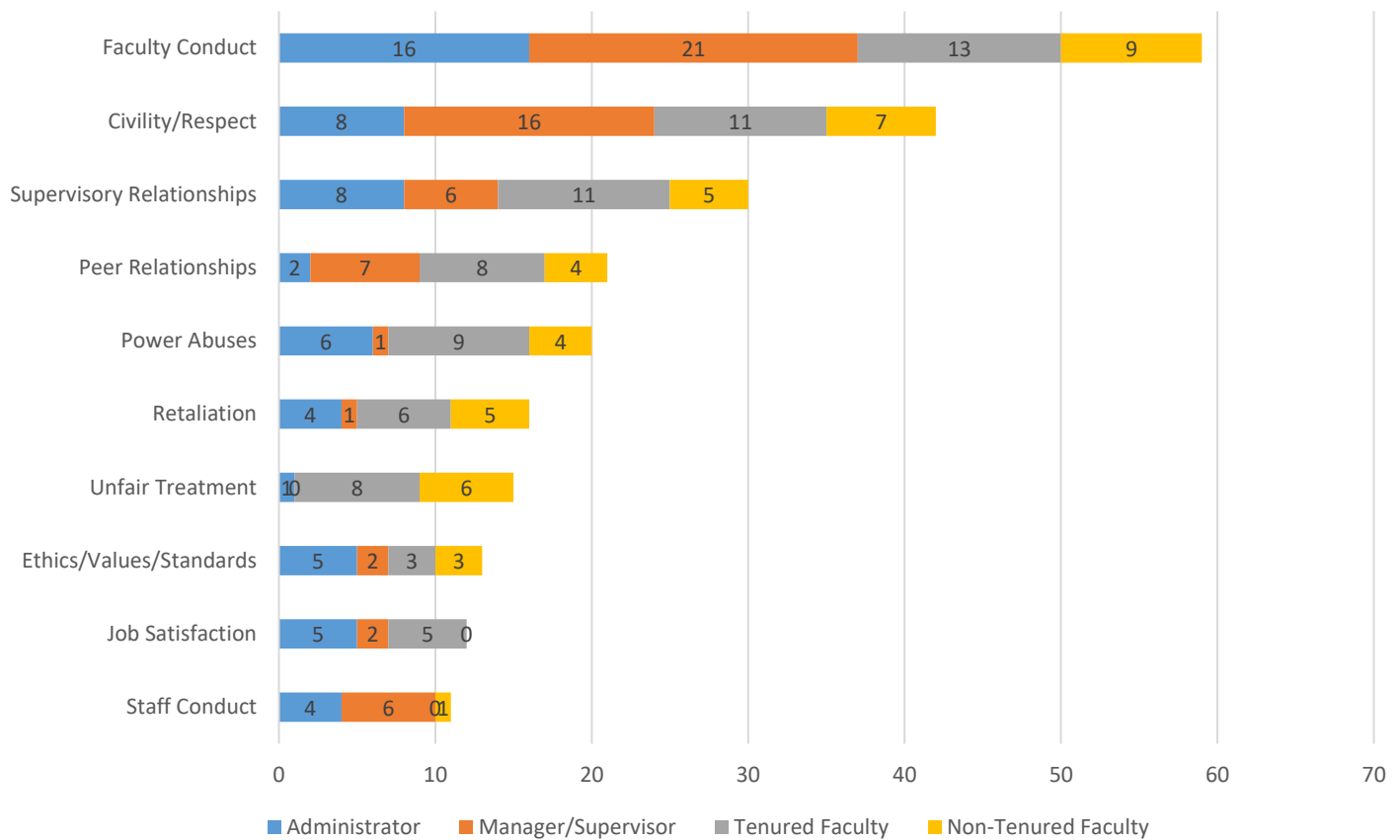
Chairs and Department Heads (*managers/supervisors*) were the group who had the most concerns about faculty conduct and civility/respect, with peer relationships also high (peer relationships usually means with faculty, not other chairs/heads).

Tenured faculty had the highest concerns about faculty conduct, civility/respect and supervisory relationships. They were highest with concerns with power abuses, peer relationships and unfair treatment.

Tenure-track faculty were concerned with faculty conduct, civility and unfair treatment. They were the only group concerned with staff conduct and were statistically higher to be concerns with retaliation, unfair treatment, and ethical concerns than tenured faculty.

In comparison to the 2017 Climate/Work-life balance survey, members of underrepresented identity groups reported lower satisfaction with climate due to experiences of disrespect, under-appreciation; also, all groups surveyed mentioned decreased moral due to budget cuts and increased workloads.

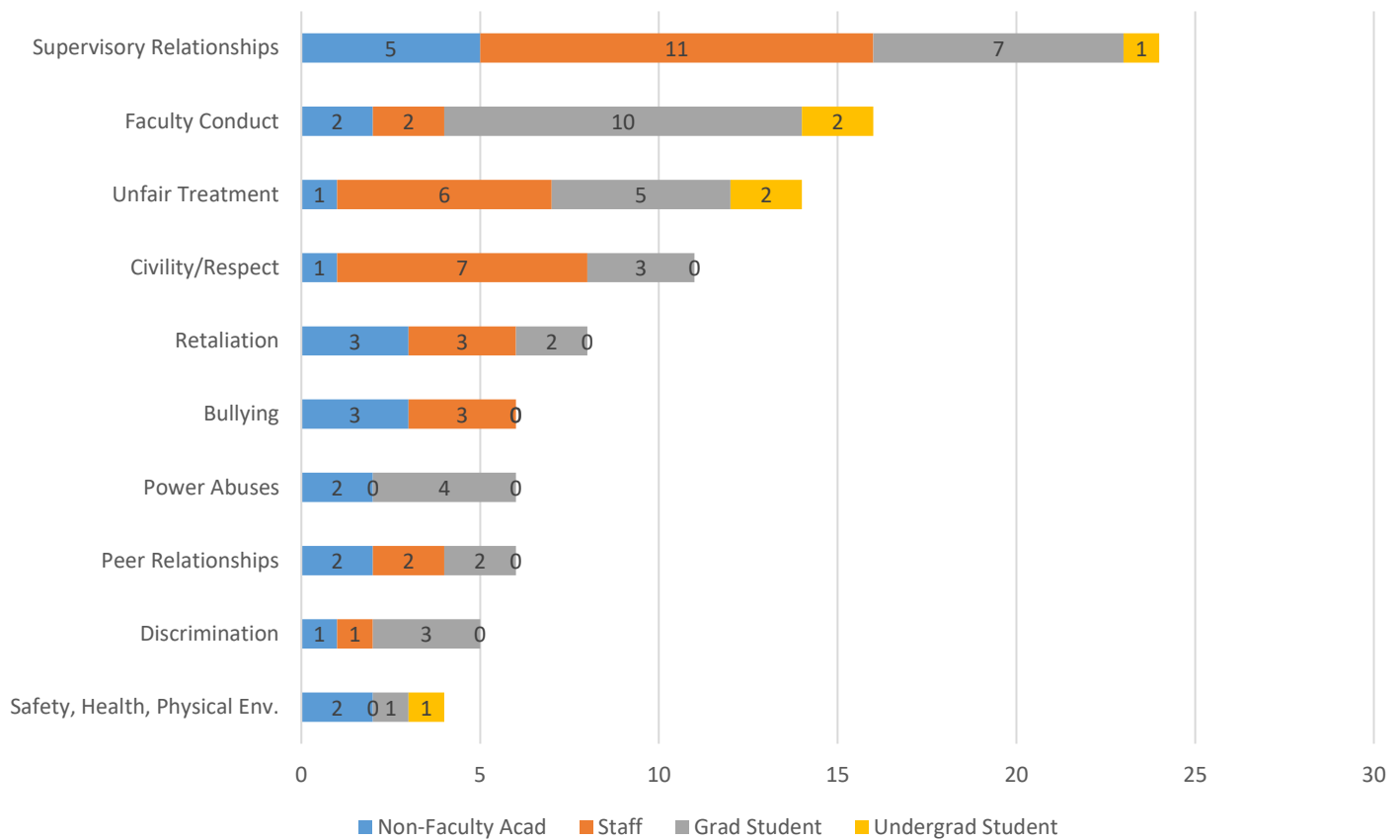
Concerns by Visitor Status (Faculty All Levels)



Below is an example of a typical visit to the Ombud’s office, and how difficult situations can impact others. The information gathered for this case study comes from a conglomeration of several similar visitors/cases.

Case Study: A tenure-track faculty member suspects that they may have angered or irritated a couple of tenured faculty members in the department. They notice a decrease communication and feel disrespected. It seems safest to keep their head down and to minimize interactions, so they work more at home and with their office door shut. After a tense interaction in a faculty meeting, the faculty member steps into the Chair/Head’s office and states their experience. The Chair sympathizes and says, “well that’s how Jordan is – it’s best to use avoidance like you have been. You could try talking to Emily as she’s easier to deal with”. The faculty member tries both and while things get better with Emily, they seem worse with Jordan. The Chair suggests they speak with the Ombud. During that meeting, we develop strategies to build relationships in the department, to protect themselves, to reduce the impact of the negative interactions, and to encourage action by the Chair. The faculty member feels heard, understood, and more empowered to manage the situation.

Concerns by Visitor Status (Non-Fac Academic, Staff, Graduate Students, Undergrads)



Concerns by Graduate Students, Non-Faculty Academic, Undergraduates, and Staff:

Graduate students' most common concern was faculty conduct, supervisory relationships, and unfair treatment. In 3 cases, there were discrimination concerns, as well as power abuses. After the first year of serving graduate students, there were nearly 50% more graduate students who visited the Ombuds office, and number is similar this year.

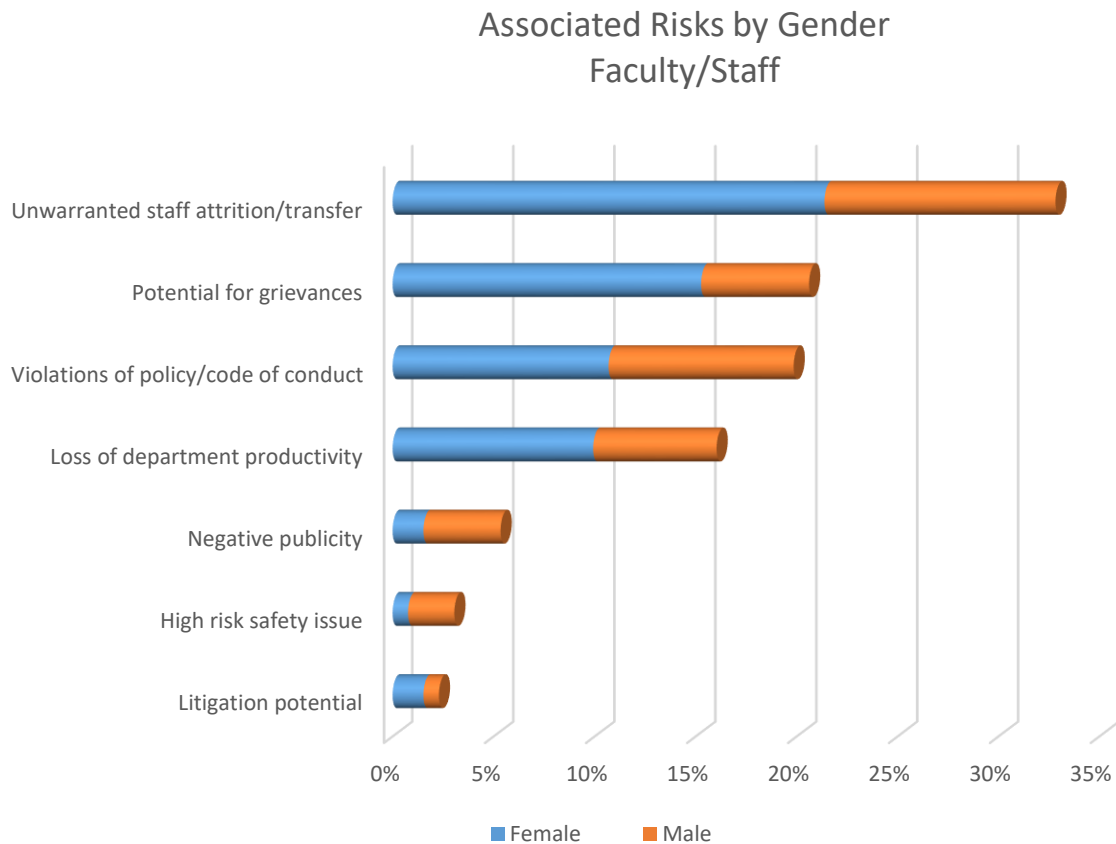
Non-faculty academic (researchers, professors of practice, lecturers, instructors, etc.) listed supervisory relationships, retaliation, and bullying.

Staff had the highest number of concerns with supervisory relationships, civility/respect and perceived unfair treatment. They also listed retaliation and bullying. Staff who come to the Ombud's office are typically part of academic departments, and although they can also seek help from Human Resources, they prefer to have a confidential resource as a first resort in many cases.

A graduate student visits the Ombud's office to discuss their relationship with their advisor. While their relationship was good to start, over the course of their 2nd year, the advisor has gone on sabbatical and isn't responding to email, texts or phone calls. The student is concerned about the research and their thesis, and asks the Chair for help. Since the research is in a subject area that the Chair is not an expert in, they ask the student to see another faculty member. That member is too busy and the student goes another two months without help. The student comes to the Ombud's office and is considering leaving NDSU. The student gives the Ombud permission to speak to the advisor and the Chair, and the Ombud advises the student to talk to the Graduate College to better understand their rights. These conversations result in a co-advisor for the student and an increase in communication with the original advisor, so the student could complete their work and graduate in a timely manner. (This is an example of a typical visit to the Ombud's office, and how difficult situations can impact others. The information gathered for this case study comes from a conglomeration of several similar visitors/cases.)

D. Accomplishments Related to the Reported Risks:

This is a type of tracking suggested by the IOA in order to determine the level of risk related to the concerns brought to the organizational Ombudsperson. These risks are voiced by the visitor based on what action they are considering at the time of the visit. This is under the category of accomplishments because of the return on investment in the Office of the Ombud compared to cost savings through frequent use of the informal strategies to remedy concerns when possible.



1)

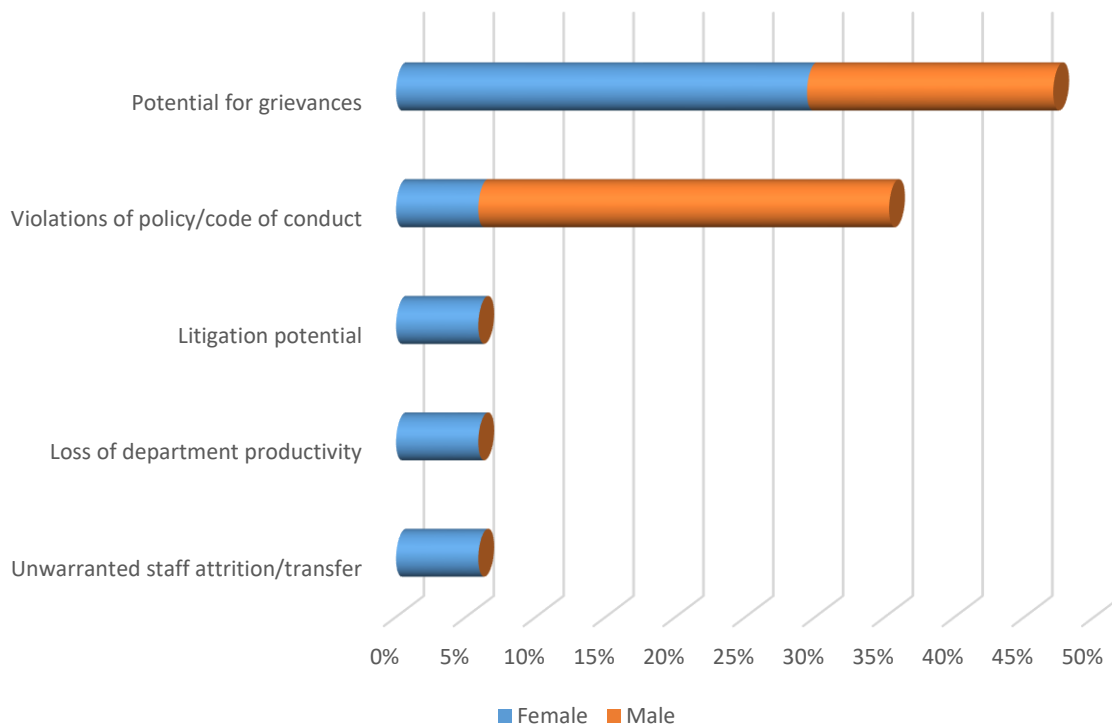
Risk-Related Numbers:

i. Faculty & Staff by Gender:

As the chart indicates, the majority of female faculty and staff visitors believed the greatest risk was the need to leave their employment at NDSU if their situation didn't change. The next in order: grievance filing, violation of policy and codes of conduct, and loss of productivity. For male visitors, the greatest risks were similar, but lower in number. They were also thinking of leaving employment, but also felt that there was risk of violations of policy and procedure, and a loss of productivity. It is important to note that, when policy and procedure are not followed, trust erodes over time and diminishes job satisfaction. The reported risk of litigation continues to remain low, but did increase slightly this year, as well as the safety risk and the risk of negative publicity for NDSU.

ii. **Other Risk:** Administrators (VPs, Deans, Chairs, Heads) had concerns that increased the likelihood of grievances filed, loss of faculty/staff, and in violations of policy or procedure, in that order. The time waste associated with conflict, abrasive conduct, lack of adherence to policies/procedures, etc., is well-documented in workplace climate research.

Associated Risks by Gender Graduate Students



iii. Graduate Student Risk:

Graduate Students most often reported the desire to file grievances related mostly to violations of policy, procedure and/or codes of conduct. This has remained consistent for the past 3 years. They also noted the loss of productivity due to their situation and the desire to leave NDSU if things do not improve. This was the first year that litigation potential has shown up as a risk for Graduate Students.

In regard to international students, a significant number have continued to come to the Ombud’s office with serious concerns of discrimination based on national origin and religion. Some examples include experiencing abusive behavior, extreme demands of their time, discrimination, retaliation involving international status-related threats, and poor cross-cultural communication resulting in very serious implications for the student. These students are at added risk due to their international status and more should be done to protect all students from such treatment. Bystanders are often witnessing misconduct but are afraid to report it, opening the University to liability.

2) Risk Minimization:

- i. The Office of the Ombud can help minimize the risks by helping each visitor:
 - consider the implications of one’s situation as well as their best course of action in addressing their concerns (including formal action)

- discuss strategies for managing conflicts at their lowest level
 - weigh the costs and benefits of their options
 - refer to other offices and services on campus that can address their concerns
 - use the services of the Ombud's Office to address the concerns
 - learn skills to manage their situation more effectively
- ii. In the annual electronic Satisfaction Survey conducted in June, 2020, administrators, faculty and staff participating stated that as a result of their visit to the Ombud's Office:
1. The about 70% indicated that their concerns were resolved by their own action or by the Ombud, and in many cases, that no other action was required. In less than 20% of cases, the issue remains unresolved.
 2. Those using services for their department said the services of the Ombud helped their department/workplace in 2/3 of cases, and in 1/3, there was no change. As to other possible actions that faculty and staff considered taking had they not used the office, 37% would have used formal and/or external resources including litigation to resolve their concerns; 40% would have done nothing or at least talked to a colleague; 15% would have left the university.
 3. A majority (88%) would and have referred others to the Ombud's Office.
- iii. Graduate students participating in the Satisfaction survey stated that that as a result of their visit to the Ombud's Office:
1. Out of 9 responses, 6 indicated that their concerns were resolved by their own action or by the Ombud, and that it was helpful to their department.
 2. In 13 responses, had the issues not been resolved, the students planned to take legal action, use external resources to help, or take formal action on campus; and in 2 cases, the student planned to leave.
 3. Most (80%) who visited would refer others to the Ombud's office.

3) Costs of Associated Risks:

The Ombud's Office is an important part of a University's conflict management system aimed at providing to their community neutral and private services for intervening in conflict at the every stage, thereby reducing some of the risks mentioned here. Each of these risks have an associated cost to the visitor and to the University.

- i. Time Waste: There are several factors to consider related to cost to the organization when conflict arises. It is estimated that wasted employee time due to workplace conflict is 3 hours per week, and often more for managers.
- ii. Stress: The stress of interpersonal conflict takes its toll mentally, emotionally and often physically. For example, the cost to the workplace of an unhappy employee who is engaged in conflict has been quantified in two studies:
- iii. Productivity: "Parties in conflict suffer a 5-20% loss in productivity." Harris (2008, p. 97)
- iv. Effects of Incivility: "Workplace incivility has the following effect on the victim:"
 - 48% decreased their work effort
 - 47% decreased their time at work
 - 38% decreased their work quality
 - 66% said their performance declined
 - 80% lost work time worrying about the situation
 - 63% lost time avoiding others involved

- 78% said their commitment to the organization declined
Porath & Pearson (2009, p.24) U.S. sample survey of more than 1000 responses.
- v. Time Waste: Two other studies quantified time waste due to time spent in conflict management activities and concluded that 20-42% is spent on conflict. Murtha (2005, p. 42); (Thomas & Schmidt, 1976, p. 315).
 - A recent study interviewed higher level managers and found that 3-4 hours per day or 38% of their time was spent on conflict. (Katz & Flynn 2013, p. 403).
 - Furthermore, a study of over 5,000 full-time employees in 9 countries, including the US, found that 2.8 hours per week was spent on conflict (\$359 billion in salaries); and
 - 51% of Human Resource staff spent 1-5 hours on conflict. (CPP, 2008, p. 2, p. 5).
- vi. Turnover obviously has a detrimental cost to any organization, and has been quantified in several studies.
 - Should an employee leave, 50-120% of the annual salary is used to calculate the loss, and subsequent hiring and training of a new employee (depending on type and level of position).
 - Also interesting, is that in a study done in 2005, 85% of departing employees cited internal conflicts as their reason for leaving their position. (Murtha, 2005, p. 42).
- vii. Grievances and Litigation: The cost of conflict that are not resolved in informal dispute resolution are higher and often easier to quantify.
 - Internal grievances take a toll on the bottom line with two studies indicating that 10-14 days are spent by management, HR staff, in-house counsel, and others preparing for, holding hearings, and deliberating and deciding grievances. Multiplying these hours by the salary dollars results in high costs.
 - External actions, e.g., litigation, can cost the organization close to \$100,000 in legal fees for an employment dispute case, not including costs associated with losing in litigation. (Murtha, 2005, p. 42).
 - The costs of negative publicity to the organization is also considered with public grievances and litigation.

4) Actions taken by the Ombud related to Primary Concerns & Risks:

- i. Offered leadership training for supervisors (Chairs, Deans, Directors, etc.) in areas such as conflict management, communication, civility/respect, diversity, evaluation/feedback, meeting management, bullying, etc. (Ombud's and Provost's Office)
- ii. Feedback to campus leadership on visitor concerns, where appropriate, as well as uncovering inequities with particular policies and procedures.
- iii. Continuation of monthly tips on topics related to visitor concerns for Chairs/Deans based on positive feedback and sharing of the email with others down the chain of command.
- iv. Faculty-wide email from the Ombud, and also to Graduate Students.
- v. Changes and increase in training available to *new* faculty on topics such as communication, managing expectations, setting boundaries, and other topics. (Ombud's and Provost's Office).

- vi. Increased outreach to Graduate Students at NDSU including presence twice a year to welcome incoming graduate students.
- vii. Issue identification based on exit interview data collected by the Ombud.
- viii. Policy input by Ombud:
 - a. Bullying Policies and Procedures (with CSWF)
 - b. Attendance at meetings on campus including Faculty Senate, the Commission on the Advancement of Women Faculty, Rapid Response Team, etc.
 - c. Input for various colleges' and departments' policies and procedures (with Chairs/Deans)
 - d. Annual reporting related to overall campus climate
 - e. Work with Graduate College on rights, responsibilities, and grievance process for students.

E. Satisfaction Survey Data: Comments and Recommendations

Administrators (VPs, Deans, Chairs, Heads):

- I consider the Ombud to be a great resource and sounding board. I don't need to be reminded of her existence.
- In one instance, where I used her services as a resource for how to work with a direct report, I would have gone with my best guess. In another, where I was the director of a grad student program where a student had issues with an advisor, I wouldn't have even known that it was happening except for the Ombud. BIG help!
- I understand that her office needs to be off the beaten path in order to be confidential, but it is kind of hidden in the basement of the library. Could we have two Ombuds--one for staff and students and one for faculty? She seems very busy to me and in demand. Perhaps she could have an assistant to deal with the paperwork?
- In this time of budget crises, I would do everything possible to make sure that the Ombud is not cut, since she and her services will be more needed than ever in coming days.
- I'm personally not aware of anyone in [my department] using your services, Kristine, but I'm always impressed with your information and calm attitude when presenting to the provost's forum of unit heads. An earlier question in this survey regarding roles of your office made me think about whether the roles given were in fact defined, or pragmatic, or aspirational. Made me think, and I really didn't know. You might consider publicizing the actual roles of the office. Thank you for the opportunity to respond.
- Re: monthly messages to faculty:
 - Thanks for sharing this, Kristine. I've heard similar comments about your work from several people—you are making such a positive difference on campus! (personal email)
 - Thank you Kristine. I really enjoy reading your messages.
 - This is such a sweet and reassuring message, thank you
 - Thanks, Kristine! Appreciate the message and encouraging words!

Faculty:

- I wanted to thank you again for the help you provided me earlier when another colleague and I had "difficulties" with a third colleague. Your guidance and help were fantastic and I really appreciated it!
- Kristine could be more direct in focusing the conversation as needed, summarize what has been said, and give clear feedback about what is needed, or what will happen. These aspects were a bit vague in my experience.
- TO be strictly independent of the Administration
- marketing and communication power to subpoena management to answer questions truthfully
- Kristine is great. We are lucky to have her.
- Find a new ombudsperson who understands and respects objectivity.
- I wish the administration took the Ombud's recommendations and suggestions more seriously and that she had more impact on outcomes, when possible.

- To my knowledge, not all of junior people know that NDSU has the Ombud's Office, and also some (maybe majority) people who know however overlook the importance of such service to our university.
- Could you do a presentation as part of the new faculty orientation on the services that you can provide?
- Just writing to say as a new faculty member at NDSU (since 2019), I have appreciated reading your emails so much. I feel as if your messages really set the tone for the campus culture and climate. They're helpful *and* they (at least to me) emphasize not just work productivity, but life happiness and well-being. Thank you for being a great part of my past year here at NDSU. Your emails make such a positive impact that I've even brought them up on phone/video calls with others as evidence of the quality of institution I'm at. (personal email)
- I just got to hear from my Chair that, the __ got approved. It couldn't have been possible without your help and support from the Provost office. I sincerely appreciate your time with me and supporting me both emotionally and to help build my request! A HUGE THANK YOU from my end!!! (private email)
- Thank you Kristine, I appreciate your help and am appreciative of our Dean's and Chair's willingness to help. I felt great anxiety meeting with all of you, but in the end I was glad that I did it and have been feeling better because of it. I feel I have support should anything else happen, and that makes a real difference. (private email)
- I love the Gentle Academic Saying and I am putting it up in my office. Thank you for sending that. It is such a nice reminder and really exemplifies what I strive for as a faculty member! (response to monthly email)
- Informally and personally, I wanted to take the opportunity to thank you for meeting with me just over one year ago, prior to my departure from a faculty position at NDSU, to help me understand and contextualize issues and concerns regarding voluntary separation. I can tell you that I found our meeting quite helpful and informative. I am happy in my new position but I miss NDSU. The work you do is very important. I hope that your office continues to see success and I wish you all the best. (personal email)

Students:

- It is a wonderful service to students
- Much more marketing
- I did not know about the office, but another graduate student suggested it as an option.
- Kristina was very helpful and understanding when I met with her on two different occasions. I felt that she understood what I was saying and truly wanted to help resolve the situation.
- The person who told me about it used the Ombud's person to help mediate a situation(s), and found it to be extremely helpful and has always advocated for the Ombud to graduate students
- A great help for students
- Strategies for managing communication regarding sensitive topics
- I am really grateful for your kind advice and support during a very difficult time. Graduate school considered and resolved the issue amicably. My advisor has been changed and I am continuing my research at NDSU.
- Once again thanks for your kind advice and guidance. (personal email)
- I wanted to thank you for bringing up such a nice topic. I will go through the links. Keep up the good work. Thanks. (email to grad students)
- I want to share good news with you. I have successfully completed my Ph.D. defense. Everything went well. I'm working on the corrections in the document. I thank you sincerely for your help in my I-20 extension process. Because of this extension, I was able to peacefully work on my dissertation.

Rankings indicate high satisfaction in the way the visitors were treated by the Ombud, as well as the level of service and knowledge. The majority of visitors were happy with the outcome whether they were looking to take action or not. There are many reasons why issues are not resolved, including a decision not to act by the visitor or the others involved, as well as actions desired may not be possible due to resources, policy, or law. One important aspect to mention is that several respondents find it difficult that the Ombud is powerless to require action or change, signifying a misunderstanding of the very nature of the role as well as the ethics of an organizational ombudsman.

F. Exit Interview Data

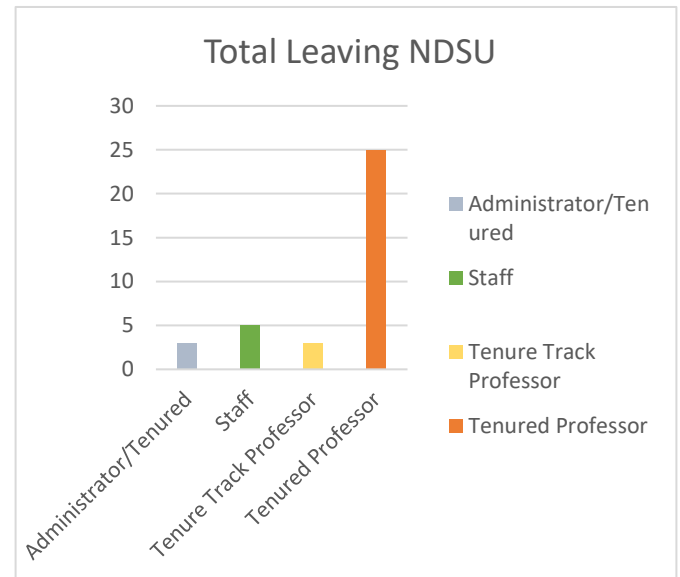
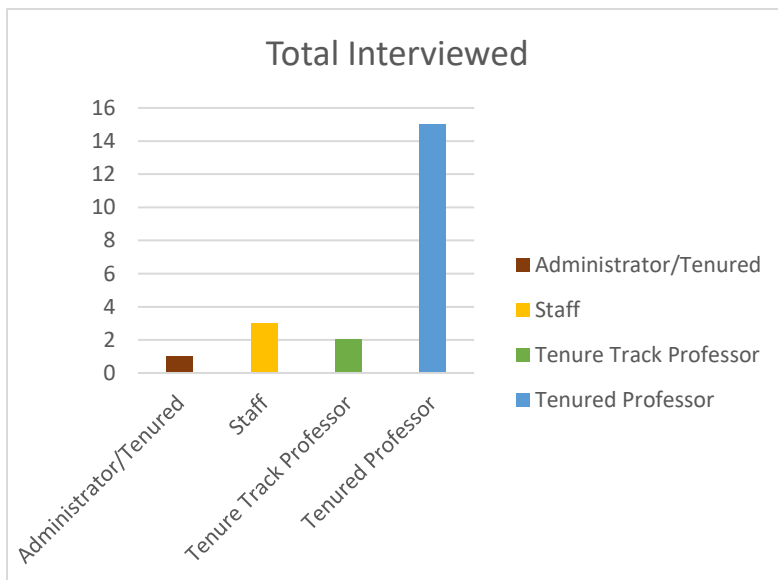
Exit Interviews were conducted with 12 employees, and another 9 completed the online survey. In all, 36 were invited to participate who were identified as employees who have notified the Provost's office of their intent to leave the institution. Of the 21 who responded, 16 were female, and 5 were male (77% to 23%). Five of the respondents were Persons of Color, and 16 Caucasian. The length of time they were at NDSU varied from 9 months to 40 years, with an average of 17 years:

- 4 stayed 0-10 years
- 7 stayed over 10 years,
- 10 Stayed over 20 years

College Representation/other:

- Engineering 5
- Science & Mathematics 4
- Business 4
- Agriculture 4
- AHSS 4
- HSE 4
- Health Professions 2
- Chairs/Heads, Dean/Assoc. Dean, VP - 5

Employment Status:



The vast majority came to NDSU due to location and opportunity, as well as programs of interest. For just under 2/3, NDSU met their expectations, and for 1/3, there expectations were met at first, then waned, and for 3 people, expectations were not met. While many praised the benefits, supportive relationships and collaboration, the negatives included lack of clear expectations, leadership, funding, R1 research opportunities, and inclusivity. Those who felt unsupported pointed to funding for new faculty, graduate students, and research, favoritism/politics, and policy violations.

Their experiences with PTE was very positive for over 60% and attribute that to clear policies and expectations, FORWARD improvements to procedures, fairness and transparency, and strong mentorship. Those with negative experiences felt at the mercy of politics/favoritism, lack of clear guidelines in the department, gender bias regarding service requirements, and a poor quality process specifically in the 360 degree reviews.

The reasons for leaving:

Retirement: 9 Looking: 10 Recruited: 3 Location: 3 Burnout: 1 Following Spouse: 1
Climate was also mentioned as a factor in leaving NDSU: Dept/college climate (16), NDSU climate (11), Not at all (8). Examples of poor climate - NDSU: no upward mobility, lack of support for Native American faculty, poor compensation, increase in genderism/racism, lack of leadership, budget cuts, poor treatment of graduate students, poor research practices, incivility among faculty.
Examples of positive experiences: Wonderful place to work (x8), collegial, collaborative, supportive, culture of good will, strong team, land grant mission

Examples of positive Departmental/College Climate: Supportive, collaborative, collegial, strong leaders.
Negative Dept/College climate: Gender bias, lack of leadership (averse to risk, defensive, unaccountable, abuses of power, poor communication, self-serving agendas), faculty rudeness, bullying, retaliation, hostility, communication, clicks/in-groups, competition at all costs.

Most enjoyed the Fargo/Moorhead area and created friendships on and off campus, including many amenities, education, family activities, etc. Some struggled making friends outside academia and did not feel welcomed (e.g., “they only like us for football”).

When asked what they would tell someone applying for their position, most had very positive, encouraging and hopeful comments (e.g., great place, supportive, work hard, productive, support students, etc.). Some had real concerns around genderism, needing mentors, staying out of politics, and the budget situation.

Like the previous year, most are concerned about the current and future direction of the institution due to budget and staff cuts and negative assumptions about higher education at the State level, as well as lack of faculty support and involvement in decisions (shared governance), and concerns that the administration does not support diversity, equity, and inclusion.

IV. Observations

In reviewing the visitors’ concerns brought to the Office of the Ombud in 2019-2020, the following themes were identified. In describing these themes, the Ombud hopes to bring the University’s attention to areas for focus in the coming year.

*Faculty Conduct/Peer Relationships, Supervisory Relationships, and Civility/Respect:

As in past years, these are top 3 concerns for all faculty. These three concerns are often connected: *my peer is not treating me/others with respect, and the chair/head isn’t doing anything about it and so it continues and creates a hostile environment to work in.* Chairs/Heads often do not feel empowered to limit abrasive behavior and may question if they have support of their Dean, or may be concerned about their relationships with faculty in their department. Furthermore, they may not feel competent to coach faculty in interpersonal skills, and/or may not be willing to engage and afraid things could actually get worse if they do. There may be some relationship to budget cuts where frustrations rise when people’s sense of security and sense of control are diminished.

The University must be always working toward supporting and maintaining a healthy workplace climate that is inviting to new employees and supports existing employees. At its best, the university wants to support everyone to achieve their potential – students, faculty and staff. We know that allowing abrasive behavior to go unchecked and uncontrolled breeds more of the same behavior, and often results in loss of strong employees. Therefore, having structures in place to deter that same behavior is critical.

It should be mentioned that these concerns related to civility, discrimination, were higher for female faculty and faculty of color, with the latter also reporting discrimination. It is critical that the same rules and protections are available to all people, to recognize where the power and privilege lies so that we can be full partners with those without.

Maintaining and following policies and procedures and ensuring everyone is subject to them is part of an ethical working environment and supports a healthy climate. The policies supported by Forward and the Commission on the Status of Women Faculty are critical to gender equity (such as hiring practices); and the non-discriminatory practices involving other protected classes should be a primary concern in making hiring and promotion and decisions.

Cultural competency is considered a marker of a successful organization, and it requires consistent attention and value placement in the community. In order to demonstrate growth in this area, we need stronger messages from the upper levels of administration in favor of consistent application of policy, general respect and acceptance for all community members, as well as *against* acts of racism, disrespect, intolerance, and favoritism. Without a strong message from the top and encouragement for the other layers of employees and students to follow suit, we can appear weak in this area and lacking in integrity. The impact can be felt in the recruitment of top students, faculty and staff.

*Communication Generally:

Respectful communication remains a consistent theme in the vast majority of visits. We often struggle in communications with peers, supervisors and students. Difficulties range from communication that is harsh or demeaning to communication that is insufficient, confusing or absent. Within the diverse NDSU community, various communication styles sometime lead to parties misinterpreting each other's intentions, e.g., cross-cultural communications.

For international faculty and students, for whom English is not their primary language, cultural misunderstandings can create unnecessary stress, conflict, and attrition. Patience and tolerance are needed, as well as understanding the unique culture of NDSU and in the Upper Plains in general and also understanding people from other cultural frameworks. Investing in employees is costly, as is losing employees when such loss could be avoided.

Effective communication skills can prevent perceptions of unfair treatment, assumptions, incivility, or inaccurate evaluation. Additionally, lack of clear information from the institution about policies, directives, initiatives, or change can contribute to uncertainty and interpersonal conflict. A few specific areas include:

- Absence of collegiality in dealing with peers; aggressive and competitive stances; lack of collaboration or cooperation; and lack of top-down action to dissuade and prevent incivility, bullying, and abrasive behavior both in personal interactions and more public spaces (e.g., committee meetings).
- Passive communication can lead to a poor climate due to high levels of silence and passive aggression, as well as a higher-than-average fear and intolerance for

disagreement and displays of emotion. This concern often points to cultural differences, intolerance, and misunderstanding.

- The impact of these communication misunderstandings and misperceptions is that employees may feel ashamed and afraid to speak about their concerns or bring their concerns to those in positions of power – especially if it is a criticism of a supervisor or colleague in a superior position. When members are afraid to voice concerns, it creates a threat to a healthy climate and culture at any university, college or workplace generally.
- Conflict competency is needed across campus. While there are many who are naturally skilled in this area, there are more who are not. Dealing with conflict directly and with tact and civility is a critical skill for everyone on campus, and a requirement for those in leadership and supervision.

*Supervisory Relationships:

Concerns related to supervision by those in that role (chairs/Deans, etc.) captured a high percentage for all - faculty, staff and students. A fairly high number of concerns were related to the allowing of or ignoring of:

- Power abuses (this is also a part of perceived bullying behaviors)
- Retaliation, both the potential for and experienced/perceived actions
- Lack of civility and respect
 - The reports were equal for those in supervisory positions as well as those who are supervisees, indicating it can cut both ways
 - Deans/Chairs/Heads experience disrespect and incivility despite making their best efforts to support everyone in their department/college

*Administrators/Deans/Chairs/Heads:

Concerns for this group included the most of same things as faculty for the first time. Lack of civility, relationships with supervisees, and faculty conduct are on their minds. Adherence to basic kindness, ethics, values and standards, and rules of fairness are so important, especially in these times of budget cuts and a pandemic. It's critical that policies and procedures that support equitable practices are followed, so that we don't lose trust in our decision-makers nor judge their actions as unethical. This is critical to strong morale and climate.

Concerns for Graduate Students:

Graduate students' most common concern this year were faculty conduct, supervisory treatment (advisors) and unfair treatment. There have been some significant instances of maltreatment of International students in research settings in the past 24 months. While these issues are small in number, they send a powerful message to students about how they will be treated on campus and can impact recruitment and enrollment. Some of the complaints included abusive/abrasive behavior, changing expectations for students, higher than allowable standards and working requirements, and racial discrimination. In those cases, graduate students are at risk to lose their enrollment, their assistantship, and suffer irreparable harm to their academic record without due process. For International students, it can mean losing their visa and status and having to leave for their home country without a degree and at great expense. Requiring adherence to standards of ethics is crucial.

Recommendations

A key role of the Office of the Ombud is to serve as an information and communication resource, consultant, dispute resolution expert and catalyst for institutional change. The following recommendations are based on my experience in providing services to the NDSU community under our IOA-based charter.

I. Increase learning and develop opportunities in the areas of:

a. Diversity and inclusion:

- 1) Create disincentives for genderism, favoritism, and policy violations; encourage hiring, promotion, and support through an equity/diversity lense and reward supervisors for ensuring equity and fairness, including listening to all (not just a chosen few).
- 2) Follow hiring and other policies that are meant to address diversity, inclusion and fair employment practices;
- 3) Training that addresses the ex-patriot experience for new international faculty and graduate students;
- 4) Ensuring that the voices of people of color including international, American Indian, and also LGBTQ community members are heard, and are part of the leadership and planning of diversity initiatives;
- 5) Continue efforts to address unconscious bias, and improve cultural humility and cross-cultural communication. Recognize the positive aspects of “ND/MN Nice” as well as the negative aspects (passive/aggression, emotional distancing, exclusion of difference, etc.);
- 6) Strengthen the understanding and complexity of the experience of all graduate students, in particular, international students, and ensure all offices, staff, faculty and administrators act with cultural competency.
- 7) Consider adding and strengthening policies and procedures that increase protections for graduate students who need to report behaviors committed by those in greater power (faculty, advisors, Chairs/Heads) and who have an impact on their future.
- 8) Strengthening the messaging from the President and Provost’s offices, as well as Deans and Chair, in support of fair application of standards and procedures, as well as support for bottom-up initiatives that support inclusion, equity and diversity.

2. Emphasize communication, conflict management, and other supervisory skills as required skills for new managers/chairs/heads. Utilize criteria that supports strong supervision skills in hiring people into supervisory positions. Provide mentors for new supervisors in these critical supervision and team-creating skills.

3. Ensure fairness in policies and processes for Faculty and Students.

At times, with the best of intentions, our processes to do not operate fairly for all. Procedural justice requires a) fairness in the process; b) transparency in action; c) opportunities for voice; and d) impartiality in decision-making. Too many times, transparency and opportunities for voice are undermined in support of efficiency and ease.

FEEDBACK:

Just writing to say as a new faculty member at NDSU (since 2019), I have appreciated reading your emails so much. I feel as if your messages really set the tone for the campus culture and climate. They're helpful *and* they (at least to me) emphasize not just work productivity, but life happiness and well-being.

Thank you for being a great part of my past year here at NDSU. Your emails make such a positive impact that I've even brought them up on phone/video calls with others as evidence of the quality of institution I'm

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Appendices

NDSU Office of the Ombud Charter

IOA Code of Ethics

IOA Standards of Practice

IOA Uniform Reporting Categories

Charter of the NDSU Office of Ombudsperson

I. INTRODUCTION

The Office of the NDSU Ombudsperson was established through the office of the Vice President of Academic Affairs in 2013. The vision for the office is to serve Academic Affairs in the first year, and, if successful, may be expanded to serve staff and/or students as well. The position description states:

This is a newly-formed, full-time, benefitted position serving as an independent, impartial, and informal resource for NDSU faculty with a focus on early-stage, informal dispute resolution. The Ombudsperson is not an advocate for individuals or the university but rather a facilitator of fairness. The Ombudsperson shall 1) help establish and maintain the Ombuds office, 2) assist with the resolution of the conflicts and concerns, 3) serve as a resource of information and referral, 4) provide advice and guidance on policies and procedures, 5) conduct periodic faculty training and outreach, 6) prepare annual and other reports, 7) identify problem areas within the university, 8) recommend areas for improvement to university policies and procedures, 9) follow IOA standards and best practices, and 10) develop professional skills through IOA membership and training through IOA and other professional groups. The Ombudsperson will be evaluated by the Office of the Provost with input from the Faculty Affairs Committee under the direction of the Faculty Senate Executive Committee. The evaluation shall be comprised of self-assessment, client evaluation, using both quantitative and qualitative measures.

II. PURPOSE AND SCOPE OF SERVICES

The Office provides early-stage, informal dispute resolution services for NDSU faculty who have a concern. Members of the University community can seek guidance regarding disputes or concerns at no cost.

The Office receive informal complaints, concerns, or questions about alleged acts, omissions, improprieties, and/or broader systemic problems. The response of the Office is tailored to the dynamics of the situation and the visitor's concerns. The Ombud listens, makes informal inquiries or otherwise reviews matters received, offers resolution options, makes referrals, and mediates disputes independently and impartially. Services of the Office supplement, but do not replace, other processes (formal or informal) available to the University community.

The Ombud serves as an information and communication resource, consultant, conflict coach, mediator, dispute resolution expert, and source of recommendations for institutional change for the University. The Ombud also provides workshops and training related to conflict resolution. The Ombud provides feedback to the University when trends, patterns, policies, or procedures of the University generate concerns or conflicts.

III. STANDARDS OF PRACTICE AND CODE OF ETHICS

The Office practices under the International Ombudsman Association (IOA) Standards of Practice and Code of Ethics, and this Charter adopts and incorporates by reference the IOA Standards of Practice, IOA Code of Ethics, and IOA Best Practices. The Office functions independently of other university offices and functions. Conversations with the Ombud are confidential by agreement and the Ombud works as an impartial neutral. The scope of services is limited to informal means of dispute resolution. The Ombud is a member of IOA, and will attend IOA conferences and trainings as they are available. The IOA Standards, Code, and Best Practices are minimum standards, and the Office will also strive to operate to best practices in a way that serves the interests of the University community.

The Office will publicize the confidential, independent, neutral, and informal nature of its services and will explain these ethical standards to each visitor.

A. Independence

The Office is and must appear to be free from interference in the performance of its duties. This independence is effected primarily through organizational recognition, reporting structure, and neutrality. The Ombud will exercise sole discretion over whether and how to act regarding individual matters or systemic concerns. Evaluation of the office will be conducted by the Office of the Provost with input from the Faculty Affairs Committee under the direction of the Faculty Senate Executive Committee.

To fulfill its functions, the Office has a specific allocated budget, adequate space, and sufficient resources to meet operating needs and pursue continuing professional development. The Ombud has the authority to manage the budget and operations of the Office and reports to the Office of the Provost regarding administrative and budgetary matters.

B. Confidentiality

The Office endeavors to keep all visits confidential, and will not disclose any confidential information unless required by law, nor without the party's express permission and, even with that permission, any communication will be at the sole discretion of the Office. Confidentiality will be respected even if disclosure may prevent resolution of a problem.

The Office may, however, disclose confidential information if and when there is an imminent risk of physical harm, a violation of Title IX, or when North Dakota's Open Records Laws require disclosure.

The Office offers mediation services and follows ND State law and policy governing the confidentiality of the mediation process. Mediated agreements or other documents otherwise discoverable are not considered confidential whether or not they were created as part of the mediation process. The Office will not keep record of the identity of visitors. The Office is not part of any formal investigation or process inside or outside the University. Visitors shall be put on notice that the use of

email is a public activity and any email or other formal correspondence sent to the Ombud will be not be considered confidential.

C. Neutrality

The Office is neutral in its activities, and will not take sides in any conflict, dispute, or issue. The Ombud will impartially consider the interests and concerns of all parties involved in a situation with the aim of facilitating communication and assisting the parties in reaching mutually acceptable agreements that are fair, equitable, and consistent with the mission and policies of the University.

The Office will avoid involvement in matters where there may be a conflict of interest. (A conflict of interest occurs when the Ombud's private interests, real or perceived, supersede or compete with their dedication to the neutral and independent role of the Office.) When a conflict of interest exists, the Ombud will take all steps necessary to disclose and/or avoid the conflict.

D. Informality

The Office is a resource for *informal* dispute resolution. The Office does not formally investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. Use of the Office is voluntary and not a required step in any grievance process or University policy, with the exception of mediation services which may be required by University policy.

IV. AUTHORITY AND LIMITS OF THE OFFICE OF THE OMBUD

The authority of the Office derives from the University administration as manifest by the endorsement of the NDSU Provost.

A. Authority of the Office

1. Initiating Informal Inquiries

The Office may inquire informally about any issue concerning the University that come to its attention after having received a specific complaint from an affected member of the University community. The purpose of such inquiry is in the spirit of resolving disputes, gathering relevant information, providing guidance to the visitor, and/or making recommendations to the University.

2. Access to Information

The Office may request access to information related to visitors' concerns from files and offices of the University. Campus individuals who are contacted by the Office with requests for information are expected to cooperate and, as much as possible, to provide appropriate information as requested. The Office will not request a department or individual to breach confidentiality. University departments are expected to respond with reasonable promptness to requests made by the Office.

3. Ending Involvement in Matters

The Office may discontinue providing service and disassociate from a matter at any time.

4. Discussions with Visitors and Others

The Office has the authority to discuss a range of options available to its visitors, including both informal and formal processes. The Office may make any recommendations it deems appropriate with regard to resolving problems or improving policies, rules, or procedures. However, the Office has no actual authority to impose remedies or sanctions or to enforce or change any policy, rule, or procedure.

B. Limitations on the Authority of the Office

1. Receiving Notice for the University

Communication that alleges violations of laws, regulations, or policies, such as sexual harassment, issues covered by whistleblower policy, or incidents are subject to reporting under the Clery Act. Although the Office may receive such allegations, it is not a "campus security authority" as defined in the Clery Act. If a visitor discloses such allegations and expresses a desire to make a formal report, the Office will refer the visitor to the appropriate office(s) for administrative or formal grievance processes. Acts of violence, child abuse, sexual assault, harassment, discrimination, or misconduct, and other matters addressed in Title IX, must be reported as required by University Policy and State and Federal Law.

*In 2016, there was a declaration supported by the The U.S. Department of Education ("DOE") Office for Civil Rights ("OCR") that nothing in Title IX or the Clery Act requires that an institution consider its ombuds to be a "responsible employee" or "campus security authority." "Responsible employee" and "campus security authority" status is inconsistent with the ombuds' foundational tenets of independence, neutrality and impartiality, confidentiality, and informality, and undermine the ombuds' effectiveness. The weight of authority supports the proposition that ombuds are not offices of notice, particularly where the ombuds and the ombuds' institution make clear that communications with the ombuds do not constitute notice to the institution.

2. Formal Processes and Investigations

The Office will not conduct formal investigations on behalf of the University or anyone else. It will not participate willingly in the substance of any formal dispute processes, outside agency complaints or lawsuits, either on behalf of a visitor to the Office or on behalf of the University, unless required by law.

3. Record Keeping

The Office will not create or maintain documents or records for the University about a visitor's name or other identifying information. Notes and any other materials related to a matter will be maintained in a secure location and manner, and will be destroyed as soon as possible and in accordance with applicable records retention policies.

4. Advocacy for Parties

The Office will not act as an advocate for any party in a dispute, nor will it represent administration, employees, or visitors to the office.

5. Adjudication of Issues

The Office does not have authority to adjudicate, impose remedies or sanctions, or to enforce or change University policies or rules.

V. SUPPORT FOR USING THE OFFICE OF THE OMBUDS

The University and its agents will not retaliate against individuals for the sole reason of consulting with the Office. The University community respects the mission of the Office, its ethics and responsibilities, and encourages the use of the services provided.

Code of Ethics of the IOA

PREAMBLE

The IOA is dedicated to excellence in the practice of Ombudsman work. The IOA Code of Ethics provides a common set of professional ethical principles to which members adhere in their organizational Ombudsman practice.

Based on the traditions and values of Ombudsman practice, the Code of Ethics reflects a commitment to promote ethical conduct in the performance of the Ombudsman role and to maintain the integrity of the Ombudsman profession.

The Ombudsman shall be truthful and act with integrity, shall foster respect for all members of the organization he or she serves, and shall promote procedural fairness in the content and administration of those organizations' practices, processes, and policies.

ETHICAL PRINCIPLES

Independence

The Ombudsman is independent in structure, function, and appearance to the highest degree possible within the organization.

Neutrality and Impartiality

The Ombudsman, as a designated neutral, remains unaligned and impartial. The Ombudsman does not engage in any situation which could create a conflict of interest.

Confidentiality

The Ombudsman holds all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm.

Informality

The Ombudsman, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.

IOA STANDARDS OF PRACTICE

PREAMBLE

The IOA Standards of Practice are based upon and derived from the ethical principles stated in the IOA Code of Ethics.

Each Ombudsman office should have an organizational Charter or Terms of Reference, approved by senior management, articulating the principles of the Ombudsman function in that organization and their consistency with the IOA Standards of Practice.

STANDARDS OF PRACTICE

INDEPENDENCE

1.1 The Ombudsman Office and the Ombudsman are independent from other organizational entities.

1.2 The Ombudsman holds no other position within the organization which might compromise independence.

1.3 The Ombudsman exercises sole discretion over whether or how to act regarding an individual's concern, a trend or concerns of multiple individuals over time. The Ombudsman may also initiate action on a concern identified through the Ombudsman's direct observation.

1.4 The Ombudsman has access to all information and all individuals in the organization, as permitted by law.

1.5 The Ombudsman has authority to select Ombudsman Office staff and manage Ombudsman Office budget and operations.

NEUTRALITY AND IMPARTIALITY

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.

2.3 The Ombudsman is a designated neutral reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures.

The Ombudsman should not report to nor be structurally affiliated with any compliance function of the organization.

2.4 The Ombudsman serves in no additional role within the organization which would compromise the Ombudsman's neutrality. The Ombudsman should not be aligned with any formal or informal associations within the organization in a way that might create actual or perceived conflicts of interest for the Ombudsman. The Ombudsman should have no personal interest or stake in, and incur no gain or loss from, the outcome of an issue.

2.5 The Ombudsman has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration.

2.6 The Ombudsman helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best options.

CONFIDENTIALITY

- 3.1** The Ombudsman holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, including the following:
The Ombudsman does not reveal, and must not be required to reveal, the identity of any individual contacting the Ombudsman Office, nor does the Ombudsman reveal information provided in confidence that could lead to the identification of any individual contacting the Ombudsman Office, without that individual's express permission, given in the course of informal discussions with the Ombudsman; the Ombudsman takes specific action related to an individual's issue only with the individual's express permission and only to the extent permitted, and even then at the sole discretion of the Ombudsman, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombudsman Office. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm, and where there is no other reasonable option. Whether this risk exists is a determination to be made by the Ombudsman.
- 3.2** Communications between the Ombudsman and others (made while the Ombudsman is serving in that capacity) are considered privileged. The privilege belongs to the Ombudsman and the Ombudsman Office, rather than to any party to an issue. Others cannot waive this privilege.
- 3.3** The Ombudsman does not testify in any formal process inside the organization and resists testifying in any formal process outside of the organization regarding a visitor's contact with the Ombudsman or confidential information communicated to the Ombudsman, even if given permission or requested to do so. The Ombudsman may, however, provide general, non-confidential information about the Ombudsman Office or the Ombudsman profession.
- 3.4** If the Ombudsman pursues an issue systemically (e.g., provides feedback on trends, issues, policies and practices) the Ombudsman does so in a way that safeguards the identity of individuals.
- 3.5** The Ombudsman keeps no records containing identifying information on behalf of the organization.
- 3.6** The Ombudsman maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including management), and has a consistent and standard practice for the destruction of such information.
- 3.7** The Ombudsman prepares any data and/or reports in a manner that protects confidentiality.
- 3.8** Communications made to the Ombudsman are not notice to the organization. The Ombudsman neither acts as agent for, nor accepts notice on behalf of, the organization and shall not serve in a position or role that is designated by the organization as a place to receive notice on behalf of the organization. However, the Ombudsman may refer individuals to the appropriate place where formal notice can be made.

INFORMALITY AND OTHER STANDARDS

- 4.1** The Ombudsman functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and – with permission and at Ombudsman discretion – engaging in informal third-party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves.
- 4.2** The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.

- 4.3** The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the organization.
- 4.4** The Ombudsman supplements, but does not replace, any formal channels. Use of the Ombudsman Office is voluntary, and is not a required step in any grievance process or organizational policy.
- 4.5** The Ombudsman does not participate in any formal investigative or adjudicative procedures. Formal investigations should be conducted by others. When a formal investigation is requested, the Ombudsman refers individuals to the appropriate offices or individual.
- 4.6** The Ombudsman identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.
- 4.7** The Ombudsman acts in accordance with the IOA Code of Ethics and Standards of Practice, keeps professionally current by pursuing continuing education, and provides opportunities for staff to pursue professional training.
- 4.8** The Ombudsman endeavors to be worthy of the trust placed in the Ombudsman Office.
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1. Compensation & Benefits

Questions, concerns, issues or inquiries about the equity, appropriateness and competitiveness of employee compensation, benefits and other benefit programs.

- 1.a Compensation (rate of pay, salary amount, job salary classification/level)
- 1.b Payroll (administration of pay, check wrong or delayed)
- 1.c Benefits (decisions related to medical, dental, life, vacation/sick leave, education, worker's compensation insurance, etc.)
- 1.d Retirement, Pension (eligibility, calculation of amount, retirement pension benefits)
- 1.e Other (any other employee compensation or benefit not described by the above sub-categories)

2. Evaluative Relationships

Questions, concerns, issues or inquiries arising between people in evaluative relationships (i.e. supervisor-employee, faculty-student.)

- 2.a Priorities, Values, Beliefs (differences about what should be considered important – or most important – often rooted in ethical or moral beliefs)
- 2.b Respect/Treatment (demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.)
- 2.c Trust/Integrity (suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)
- 2.d Reputation (possible impact of rumors and/or gossip about professional or personal matters)
- 2.e Communication (quality and/or quantity of communication)
- 2.f Bullying, Mobbing (abusive, threatening, and/or coercive behaviors)
- 2.g Diversity-Related (comments or behaviors perceived to be insensitive, offensive, or intolerant on the basis of an identity-related difference such as race, gender, nationality, sexual orientation)
- 2.h Retaliation (punitive behaviors for previous actions or comments, whistleblower)
- 2.i Physical Violence (actual or threats of bodily harm to another)
- 2.j Assignments/Schedules (appropriateness or fairness of tasks, expected volume of work)
- 2.k Feedback (feedback or recognition given, or responses to feedback received)
- 2.l Consultation (requests for help in dealing with issues between two or more individuals they supervise/teach or with other unusual situations in evaluative relationships)

2.m Performance Appraisal/Grading

(job/academic performance in formal or informal evaluation)

- 2.n Departmental Climate (prevailing behaviors, norms, or attitudes within a department for which supervisors or faculty have responsibility.)
- 2.o Supervisory Effectiveness (management of department or classroom, failure to address issues)
- 2.p Insubordination (refusal to do what is asked)
- 2.q Discipline (appropriateness, timeliness, requirements, alternatives, or options for responding)
- 2.r Equity of Treatment (favoritism, one or more individuals receive preferential treatment)
- 2.s Other (any other evaluative relationship not described by the above sub-categories)

3. Peer and Colleague Relationships

Questions, concerns, issues or inquiries involving peers or colleagues who do not have a supervisory-employee or student-professor relationship (e.g., two staff members within the same department or conflict involving members of a student organization.)

- 3.a Priorities, Values, Beliefs (differences about what should be considered important – or most important – often rooted in ethical or moral beliefs)
- 3.b Respect/Treatment (demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.)
- 3.c Trust/Integrity (suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)
- 3.d Reputation (possible impact of rumors and/or gossip about professional or personal matters)
- 3.e Communication (quality and/or quantity of communication)
- 3.f Bullying, Mobbing (abusive, threatening, and/or coercive behaviors)
- 3.g Diversity-Related (comments or behaviors perceived to be insensitive, offensive, or intolerant on the basis of an identity-related difference such as race, gender, nationality, sexual orientation)
- 3.h Retaliation (punitive behaviors for previous actions or comments, whistleblower)
- 3.i Physical Violence (actual or threats of bodily harm to another)
- 3.j Other (any peer or colleague relationship not described by the above sub-categories)

4. Career Progression and Development

Questions, concerns, issues or inquiries about administrative processes and decisions regarding entering and leaving a job, what it entails, (i.e., recruitment, nature and place of assignment, job security, and separation.)

- 4.a Job Application/Selection and Recruitment Processes (recruitment and selection processes, facilitation of job applications, short-listing and criteria for selection, disputed decisions linked to recruitment and selection)
- 4.b Job Classification and Description (changes or disagreements over requirements of assignment, appropriate tasks)
- 4.c Involuntary Transfer/Change of Assignment (notice, selection and special dislocation rights/benefits, removal from prior duties, unrequested change of work tasks)
- 4.d Tenure/Position Security/Ambiguity (security of position or contract, provision of secure contractual categories)
- 4.e Career Progression (promotion, reappointment, or tenure)
- 4.f Rotation and Duration of Assignment (non-completion or over-extension of assignments in specific settings/countries, lack of access or involuntary transfer to specific roles/assignments, requests for transfer to other places/duties/roles)
- 4.g Resignation (concerns about whether or how to voluntarily terminate employment or how such a decision might be communicated appropriately)
- 4.h Termination/Non-Renewal (end of contract, non-renewal of contract, disputed permanent separation from organization)
- 4.i Re-employment of Former or Retired Staff (loss of competitive advantages associated with re-hiring retired staff, favoritism)
- 4.j Position Elimination (elimination or abolition of an individual's position)
- 4.k Career Development, Coaching, Mentoring (classroom, on-the-job, and varied assignments as training and developmental opportunities)
- 4.l Other (any other issues linked to recruitment, assignment, job security or separation not described by the above sub-categories)

5. Legal, Regulatory, Financial and Compliance

Questions, concerns, issues or inquiries that may create a legal risk (financial, sanction etc.) for the organization or its members if not addressed, including issues related to waste, fraud or abuse.

- 5.a **Criminal Activity** (threats or crimes planned, observed, or experienced, fraud)
- 5.b **Business and Financial Practices** (inappropriate actions that abuse or waste organizational finances, facilities or equipment)
- 5.c **Harassment** (unwelcome physical, verbal, written, e-mail, audio, video psychological or sexual conduct that creates a hostile or intimidating environment)
- 5.d **Discrimination** (different treatment compared with others or exclusion from some benefit on the basis of, for example, gender, race, age, national origin, religion, etc.[being part of an Equal Employment Opportunity protected category – applies in the U.S.])
- 5.e **Disability, Temporary or Permanent, Reasonable Accommodation** (extra time on exams, provision of assistive technology, interpreters, or Braille materials including questions on policies, etc. for people with disabilities)
- 5.f **Accessibility** (removal of physical barriers, providing ramps, elevators, etc.)
- 5.g **Intellectual Property Rights** (e.g., copyright and patent infringement)
- 5.h **Privacy and Security of Information** (release or access to individual or organizational private or confidential information)
- 5.i **Property Damage** (personal property damage, liabilities)
- 5.j **Other** (any other legal, financial and compliance issue not described by the above sub-categories)

6. Safety, Health, and Physical Environment

Questions, concerns, issues or inquiries about Safety, Health and Infrastructure-related issues.

- 6.a **Safety** (physical safety, injury, medical evacuation, meeting federal and state requirements for training and equipment)
- 6.b **Physical Working/Living Conditions** (temperature, odors, noise, available space, lighting, etc.)
- 6.c **Ergonomics** (proper set-up of workstation affecting physical functioning)
- 6.d **Cleanliness** (sanitary conditions and facilities to prevent the spread of disease)
- 6.e **Security** (adequate lighting in parking lots, metal detectors, guards, limited access to building by outsiders, anti-terrorists measures (not for classifying "compromise of classified or top secret" information)

- 6.f **Telework/Flexplace** (ability to work from home or other location because of business or personal need, e.g., in case of man-made or natural emergency)
- 6.g **Safety Equipment** (access to/use of safety equipment as well as access to or use of safety equipment, e.g., fire extinguisher)
- 6.h **Environmental Policies** (policies not being followed, being unfair/ineffective, cumbersome)
- 6.i **Work Related Stress and Work-Life Balance** (Post-Traumatic Stress, Critical Incident Response, internal/external stress, e.g. divorce, shooting, caring for sick, injured)
- 6.j **Other** (any safety, health, or physical environment issue not described by the above sub-categories)

7. Services/Administrative Issues

Questions, concerns, issues or inquiries about services or administrative offices including from external parties.

- 7.a **Quality of Services** (how well services were provided, accuracy or thoroughness of information, competence, etc.)
- 7.b **Responsiveness/Timeliness** (time involved in getting a response or return call or about the time for a complete response to be provided)
- 7.c **Administrative Decisions and Interpretation/Application of Rules** (impact of non-disciplinary decisions, decisions about requests for administrative and academic services, e.g., exceptions to policy deadlines or limits, refund requests, appeals of library or parking fines, application for financial aid, etc.)
- 7.d **Behavior of Service Provider(s)** (how an administrator or staff member spoke to or dealt with a constituent, customer, or client, e.g., rude, inattentive, or impatient)
- 7.e **Other** (any services or administrative issue not described by the above sub-categories)

8. Organizational, Strategic, and Mission Related

Questions, concerns, issues or inquiries that relate to the whole or some part of an organization.

- 8.a **Strategic and Mission-Related/ Strategic and Technical Management** (principles, decisions and actions related to where and how the organization is moving)
- 8.b **Leadership and Management** (quality/capacity of management and/or management/leadership decisions, suggested training, reassignments and reorganizations)

- 8.c **Use of Positional Power/Authority** (lack or abuse of power provided by individual's position)
- 8.d **Communication** (content, style, timing, effects and amount of organizational and leader's communication, quality of communication about strategic issues)
- 8.e **Restructuring and Relocation** (issues related to broad scope planned or actual restructuring and/or relocation affecting the whole or major divisions of an organization, e.g. downsizing, off shoring, outsourcing)
- 8.f **Organizational Climate** (issues related to organizational morale and/or capacity for functioning)
- 8.g **Change Management** (making, responding or adapting to organizational changes, quality of leadership in facilitating organizational change)
- 8.h **Priority Setting and/or Funding** (disputes about setting organizational/departmental priorities and/or allocation of funding within programs)
- 8.i **Data, Methodology, Interpretation of Results** (scientific disputes about the conduct, outcomes and interpretation of studies and resulting data for policy)
- 8.j **Interdepartment/Interorganization Work/Territory** (disputes about which department/organization should be doing what/taking the lead)
- 8.k **Other** (any organizational issue not described by the above sub-categories)

9. Values, Ethics, and Standards

Questions, concerns, issues or inquiries about the fairness of organizational values, ethics, and/or standards, the application of related policies and/or procedures, or the need for creation or revision of policies, and/or standards.

- 9.a **Standards of Conduct** (fairness, applicability or lack of behavioral guidelines and/or Codes of Conduct, e.g., Academic Honesty, plagiarism, Code of Conduct, conflict of interest)
- 9.b **Values and Culture** (questions, concerns or issues about the values or culture of the organization)
- 9.c **Scientific Conduct/Integrity** (scientific or research misconduct or misdemeanors, e.g., authorship; falsification of results)
- 9.d **Policies and Procedures NOT Covered in Broad Categories 1 thru 8** (fairness or lack of policy or the application of the policy, policy not followed, or needs revision, e.g., appropriate dress, use of internet or cell phones)
- 9.e **Other** (Other policy, procedure, ethics or standards issues not described in the above sub-categories)