



# Ombuds Complaint & Grievance Data Report

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## *South Texas College - Conflict Resolution Center*

The Conflict Resolution Center/ Ombudsperson is required to submit an Annual Report on the performance of the Ombuds functions at South Texas College. The 2012-2013 Annual Report provides details of the numbers of complaints, grievances, and grade appeals and highlights the most significant cases of the year.

## Summary

The Conflict Resolution Center (CRC) and the Office of the Ombudsperson provides guidance to the South Texas College community regarding College policy, procedures and processes to assists and counsels students in resolving disputes and conflicts in a way that facilitates individual responsibility, contributes to their maturation, and promotes the development of self-advocacy skills. The primary role of the ombudsperson is to serve as a go between or intermediary between parties.

There are a variety of different types of ombuds programs; they include the Classical Ombudsman Program, the Organizational Ombudsman Program, and the Advocacy Ombudsman Program. There are many different models currently in use worldwide. These offices and their function can vary significantly depending on the specific organization or the constituents who utilize the office. Programs often adapt to fit the needs of the organization; there are some common elements that exist in all ombuds programs.

The Classical Ombudsman Program is often created by Legislative or Executive authorization, the Organizational Ombudsman Program, is usually found in corporate and academic settings, and the Advocacy Ombudsman Program, is most often used in long-term care settings or programs involving patients or persons with disabilities.

The Classical Ombuds Program model includes the Legislative Ombuds and the Executive Ombuds. The legislative ombuds is established by the legislature and is part of the legislative branch that receives complaints from the general public or internally. The executive ombuds may be located in either the public or private sector, this office receives complaints from the general public or internally. The Organizational Ombuds Program model includes the College and University Ombuds Programs and Corporate Ombuds Programs. The College and University Ombuds Programs and Corporate Ombuds Program models are typically used to facilitate fair and equitable resolutions of concerns that arise within the organization. The Advocacy Ombuds Program model includes Long-term Care. The Long-term Care Ombuds is typically used to advocate on behalf of a population that is designated in their office charter.

Students contact the Conflict Resolution Center to inquire about situations they are experiencing while attending South Texas College. In 2011-2012 about 21% of the contacts the Conflict Resolution Center received were to ask a question or find information; while in 2012-2013 about 39% of the contacts the Conflict Resolution Center received were to ask a question or find information. A representative from the Conflict Resolution Center meets with the student face to face, gets an idea of what the concerns are and then explains what policies and procedures, and processes that are relevant and discussed possible options. A key service provided for these cases is conflict coaching; a process whereby the student is provided tips and strategies to help them resolve issues on their own.

It is important to point out that in many of these instances students rarely request to move into a more formal process. These cases are closed out and in most instances the student does not pursue the issues any further.

In 2011-2012 about 35% of the contacts the Conflict Resolution Center received the student filed a complaint against a faculty or staff member, while in 2012-2013 about 23% of the contacts the Conflict Resolution Center received the student filed a complaint against a faculty or staff member. These cases are referred to the immediate supervisor who conducts an investigation, makes a determination, notifies the student and maintains the records of the complaint. The complaint process ends with the immediate supervisor’s determination.

In 2011-2012 about 3% of the contacts the Conflict Resolution Center received the student filed a grievance against a faculty or staff member, while in 2012-2013 about 8% of the contacts the Conflict Resolution Center received the student filed a grievance against a faculty or staff member. The student complainant has to demonstrate that the issue meets certain criteria which indicate a student’s rights were violated. These cases are referred to the immediate supervisor who conducts an investigation, makes a determination, notifies the student and maintains the records of the grievance. Depending upon the nature of the allegation, the Conflict Resolution Center may be required to forward the grievance directly to the Human Resources Department. Students may follow the grievance process to its final step, the VP’s Ad hoc committee.

In 2011-2012 about 41% of the contacts the Conflict Resolution Center received the student filed a grade appeal, while in 2012-2013 about 30% of the contacts the Conflict Resolution Center received the student filed a grade appeal. A grade appeal may only be filed after the final grade for the course post to the student’s transcript. These cases are referred to three stages; Stage 1 the instructor of record, Stage 2 the Division Dean, who has no authority to change the grade, and Stage 3 VP’s Ad hoc committee, which does have authority to make recommendations and to change grades.

The list below reflex’s the number of cases the Conflict Resolution Center saw each year since fall of 2005.

- 05-06, 75
- 06-07, 182°
- 07-08, 127
- 08-09, 161°
- 09-10, 193°
- 10-11, 192
- 11-12, 295\*°
- 12-13, 235
- 13-14, 186°°

\*°As of 3/29/12 the Conflict Resolution Center had received 295 cases, at this time the previous year the Conflict Resolution Center had only seen 89 cases. Of the 295 cases, 145 cases were from the NAH Division where informal conflict resolution options were request to assist students in understanding division policy and discuss potential challenges to grades at the end of the semester. The average number of cases the Conflict Resolution Center sees over the course of a year is about 175, this is near the national average for ombuds offices which is reported to be around 185 cases over the course of the year; this includes colleges and universities such as the University of Texas, Texas AM University, the University of Iowa and the University of Chicago.

°During 06-07, 08-09, 09-10, and 11-12 the number of case increased, this increase appeared to coincide with changes in college or program policies, i.e. repeat fees, developmental repeat fees, minimum program passing grades, parking fees, developmental placement scores, and registration fees.

°°As of June 4, 2014

## Placing the College on Notice

In accordance with the International Ombudsman Association Code of Ethics, the Conflict Resolution Center and the Office of the Ombudsperson are an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to their attention.

Under Section 3.2, 3.4, and 3.7, the Conflict Resolution Center and the Office of the Ombudsperson reserves the right and authority to redact personally identifiable information to protect the rights and confidentiality of those using the office.

Additionally, in accordance with the International Ombudsman Association Standards of Practice, Section 3.8, the Conflict Resolution Center and the Office of the Ombudsperson does not accept **NOTICE** for the college. However, the Conflict Resolution Center and the Office of the Ombudsperson reserves the right and authority to place the college on **NOTICE** when deemed appropriate.

## Size of Caseload

The case load size of the Conflict Resolution Center is of comparable size to that of other institutions around the country. The University of Texas for example had one full time ombudsperson, a graduate assistant and an administrative assistant who assist students (they have separate offices that assist faculty and staff). When looking at caseload size and student body population the national average for a college having an enrollment of 30,000 to 33,000 students falls between 120 to 250 cases per academic year.

The University of Iowa has a total student body population of about 31,000 students. For the academic year of 08 to 09 the ombudsperson had 130 cases, and for 06 to 07 there were 280 cases.

The University of Chicago has a total student body population of about 16,000. For the academic year 05 to 06 the ombudsperson saw 99 cases, for 06 to 07 they saw 60 cases, and for 07 to 08 they saw 82 cases.

The University of Kansas has a total student body population of about 30,000. For the academic year 08 to 09 the ombudsperson saw 490 cases (it is important to note that the University of Kansas ombudsperson counts total number of contacts and not individual cases).

## **Explanation of Services & Presentations Provides**

The Conflict Resolution Center provides a number of services designed to help students, faculty and staff resolve their issues in a peaceful manner that will result in a mutually beneficial outcome. These services include:

### **Services Provided**

- **Informal Notice or Inquiry/ Consultations**

Referrals (complaint, grievance, grade appeal) when students simply wish to have a sounding board for their concerns or to have policy, procedure or process explained or clarified. Staff at the Conflict Resolution Center will also provide conflict coaching, a process whereby the student is provided tips and strategies to help them resolve issues on their own.

- **Shuttle Diplomacy**

This process includes the use of shuttle diplomacy; communication between individual parties is conducted by carrying messages back and forth. This technique is used when parties have vastly different daily schedules or when anger and tension levels are so high that it would not be appropriate to have the parties meet face to face.

- **Mediation**

A form of alternative dispute resolution or ADR is a way to resolve disputes between two parties. A trained, a third party, the mediator, facilitates the meeting of the parties and assists them in communicating, negotiating, and reaching an agreement. Under Texas State law, Texas Alternative Dispute Resolution Act, Chapter 154 Alternative Dispute Resolution Procedures, mediators are required to complete a 40 hour basic mediation training course.

The term mediation refers to any instance when a neutral third party helps others reach agreement. The process is private and confidential, and in some case may be enforced by law. Participation in mediation is voluntary and should never be forced.

- **Group Facilitation and Strategic Planning**

This process is designed to assist student organizations and other groups run productive and impartial meetings. Group facilitation and strategic planning serves the needs of a group of individuals who have a common purpose but may be having issues with decision making, solving a problem, or simply the exchange ideas and information.

## Trainings and Presentations

- **Faculty and Staff Conflict Resolution Training**

Participants learn to manage the differences that impair teamwork, quality, decision-making, job motivation, and cooperation. This training is designed for any employees who work interdependently with others. It is considered a life skill and a core workplace competency that can also be used to enhance personal relationships. Completion of training may qualify the individual to receive CEU Credit.

- **Conflict Resolution**

This presentation provides participants information to help them begin to resolve conflicts on their own. The participants learn basic conflict management skills, including dealing with angry and aggressive people.

- **Cyber Bullying**

Increasingly students are becoming more and more vulnerable to cyberbullying through email, cell phones, pager text messages, instant messaging, and chat rooms. They are finding these hurtful tactics and messages that are intended to place harm on their social media accounts. It is important to note that cyberbullying, like any other form of bullying hurts relationships, and is about power, and control. This type of bullying enables bullies to hide behind the anonymity of the Internet provides. This presentation looks at how cyberbullying effects individuals in our community and offers ways to combat this behavior.

- **Sexual Harassment**

Sexual harassment covers unwanted and offensive sexual advances or of sexually offensive remarks or acts. These acts can be the perpetrated by someone in a supervisory position or when acquiescence to such behavior is a condition of continued employment, promotion, or satisfactory evaluation. This presentation looks at the types of sexual harassment and offers advised and information on how to combat this behavior and when and where to report it.

- **Diversity Awareness Profile (DAP)**

The Diversity Awareness Profile, commonly known as DAP, is a self-assessment tool designed to help individuals improve working relationships by increasing their awareness of their behavior toward people and how it affects them and how individual's behavior affects others.

- **Intercultural Conflict Style (ICS) Inventory**

The Intercultural Conflict Style (ICS) Inventory assessment is designed to identify core approaches for resolving conflict across cultural and ethnic differences. With the Intercultural Conflict Style (ICS) Certification program, participants learn the five intercultural conflict skill sets identified by Dr. Hammer that are most effective in bridging conflict style differences across cultural communities.

## **Complaints, Grievances and Grade Appeals** **Fall, Spring & Summer 2012-2013**

### **Contact Categories**

#### **Complaint:**

A student complaint is an informal process used to express dissatisfaction with a procedure or policy, address an issue, communicate the actions of an individual, or otherwise make your opinion known.

#### **Grievance:**

A student grievance is a formal process involving written documentation; the student complainant must demonstrate that the issue meets certain criteria to file a formal grievance.

#### **Grade Appeal:**

A student at South Texas College has the right to appeal academic grades which they consider manifestly unjust or erroneous.

#### **Informal Notice or Inquiry/ Consultation:**

This process is similar to the appreciative inquiry in that it creates energy and pace, improves morale and transforms working relationships. Victors are provided a forum to discuss their concerns and provided with options to help resolve their issues. This process does not always result in the filing of a complaint, grievance or grade appeal.

There were 235 total contacts for the academic year Fall 12 to SS III 13.

**Breakdown by term:**

201210	78
201220	81
201230	29
201240	47

**Breakdown by term & Gender:**

	Male	Female
201210	24	54
201220	29	52
201230	7	22
201240	13	34

**Breakdown by campus:**

Pecan	152
Starr	5
Mid-Valley	14
Nursing Allied Health	24
Technology	17
Internet	23

**Breakdown by campus & Gender:**

	Male	Female
Pecan	47	105
Starr	2	3
Mid-Valley	5	9
Nursing Allied Health	5	19
Technology	10	7
Internet	4	19

**Party Involved:**

Faculty/ Instruction	157
Staff	11
Another Student	26
Specific Department	32
Policy/ Procedure	06
Safety/ Security	1
Service Related	1
Facility	0
Non-Student	1

**Multiple Mentions/ Multiple Submissions**

- There were 12 faculty members who were mentioned 2 times.
- There were 3 faculty members who were mentioned 3 times.
- There were 4 faculty members who were mentioned 4 times.
- There were 2 faculty members who were mentioned 5 times.
- There were 2 faculty members who were mentioned 6 times.
- There was 1 student who was mentioned 5 times (the student was referred to Judicial Affairs).
- There were 3 departments who were mentioned 2 times.
- There was 1 department that was mentioned 2 times.
- There was 1 department that was mentioned 6 times.
- There was 1 department that was mentioned 18 times.
- Numbers of Students Submitting More than 1 Complaint During the Academic Year 16

**Requested Service:**

Complaint	55
Grievance	19
Grade Appeal	70
Informal Notice/ Consultation	91
Request for Mediation/ Facilitation	59
Collaborative Problem-Solving for Groups	2

**Breakdown by enrollment status:**

Has taken <30hrs	65
Has taken >80hrs	62
Has taken 30hrs-80hrs	92
Transfer Student	2
Returning after one term	11
Continuing Education	3

**Breakdown by enrollment status & gender:**

	Male	Female
Has taken <30hrs	15	50
Has taken >80hrs	21	41
Has taken 30hrs-80hrs	31	61
Transfer Student	01	1
Returning after one term	04	7
Continuing Education	01	2

**Complaints**

55

A complaint is an informal process used to express dissatisfaction with a procedure or policy, address an issue, communicate the actions of an individual, or otherwise make your opinion known. Submitting a complaint does not guarantee the complainant will receive their desired outcome.

**Student Affairs & Enrollment Management**

Admissions and Records	2
Business Office/ Cashiers	2
Student Financial Services (Financial Aid)	1
Counseling/ Advising/ Retention	2
Job Placement	1
Assessment Center (Testing)	1
Out Reach/ Student Information	2
Veteran Affairs	1
Security/Facilities	0
Center for Learning Excellence	0
Information Support Desk	0
Student (Conduct Related)	1

**Complaints Continued**Academic Affairs

Business and Technology	
AOC/ Legal Assisting	1
Computer Aided Drafting & Design	1
Information Technology	1
Business Administration	0
Electrician Assistance Program	0
LASS	
ENGL	4
Developmental Reading	3
Developmental English	2
Child Development	1
GOVT	1
KINS	1
PHIL/ HIST	2
CRIM/ PSYC/ SOCI/ ANTH/SW	1
Visual Arts/ Music	1
World Languages	7
College Success	0
BIOL	
Biology	1
Physics/ Chemistry/ Engineering	2
NAH	
ADN	3
LVN	4
Patient Care	1
Radiological Technology	1
Respiratory Therapy	2
MATH	
Math	1
Developmental Math	1

**Grievance****19**

A grievance is a formal process involving written documentation. Submitting a grievance does not guarantee the complainant will receive their desired outcome.

Division	Total	Department
SAEM	1	Student Activities
	1	Student (Conduct Related)
LASS	4	Developmental Reading
	1	Child Development
	1	English
	1	Kinesiology
	1	CRIM/ PSYC/ SOCI/ ANTH/SW
NAH	2	Respiratory Theory
	0	ADN
BUSINESS/ TECHNOLOGY	2	Culinary Arts
	1	HVACRT
MATH/ SCIENCE	2	Math
	2	Developmental Math
	0	Biology

**Grade Appeal****70**

Students at South Texas College have the right to appeal final course grades which they consider manifestly unjust or erroneous. The grade appeal process is a three step process that begins with the student having a conversation with the course instructor who issued the final grade. There were a total of 70 grade appeals.

**Step 1 of the Grade Appeal Process: 55 concluded at this step**

At Step 1 of the grade appeal process, informal options (Mediation, Facilitation, and Collaborative Problem-Solving for Groups) were used to resolve 15 of the cases. Of the remaining 40 grade appeals 11 requested to move forward to Step 2 of the grade appeal process. In 29 cases the student decided not to pursue the matter any further.

**Step 2 of the Grade Appeal Process: 11 requested to move forward, 6 concluded at this step**

At Step 2 of the grade appeal process, informal options (Mediation, Facilitation, and Collaborative Problem-Solving for Groups) were used to resolve 6 of the cases. Of the 5 remaining cases, 4 requested to go to the final step of the grade appeal process. One student decided not to pursue the matter any further.

**Step 3 of the Grade Appeal Process: 4**

Four cases were heard by the grade appeal committee.

Breakdown by Division

Liberal Arts/ Social Sciences	39	
Government		2
Child Development		3
English		17
History		4
Philosophy		1
Kinesiology		0
CJ/ Psych/ Soci/ Anth/ SW		4
Visual Arts/ Music		2
World Languages/ ASL/ Huma/ Span		6
Developmental English		0
Developmental Reading		0
Bachelors Programs	1	
Computer and Information Technology		0
Medical and Health Services Management		1
Math/ Science	14	
Math		5
Developmental Math		1
Biology		0
Physics/ Chemistry/ Engineering		3
Computer Science		5
Business/ Technology	7	
Legal Assisting		1
Automotive Tech/ Diesel		1
Business/ Administration		3
Information Tech		1
Computer Aided Drafting Design		1
NAH	9	
ADN		6
RSPT		1
LVN		0
PTA		1
HMAS		1

**Informal Notice or Inquiry/ Consultation****91**

An Informal Notice/ Consultation is a process by which a student informs the Conflict Resolution Center/ Ombudsperson about a situation that they are a party to and that they are concerned about.

A representative from the Conflict Resolution Center meets with the student face to face, gets an idea of what the concerns are and then explains what policies and procedures are relevant and discuss possible options.

These contacts do not result in the student filing a complaint, grievance or a grade appeal. In some cases the student simply wants to let an individual at the college know, i.e. to place the college on notice. Because the Conflict Resolution Center/ Ombudsperson is a neutral, it cannot accept notice on behalf of the college. Students are advised of this and provided information about what steps they should take, including Collaborative Problem Solving Groups, Facilitated Dialogue or Shuttle Diplomacy, Mediation, or when appropriate filing a complaint or grievance.

Should the Conflict Resolution Center notice a pattern or trend in their contact data they may place the College and individual department heads on notice. This is done by the Conflict Resolution Center compiling an Individual Reference & Interaction Summary, in the past we have called the summary an Inquiry Report. However, do to confusion with the word report, and an assumption that a formal investigation had taken place and the individual referenced in that document was found guilty the document has been renamed Individual Reference & Interaction Summary or IRIS and the Conflict Resolution Center is no longer providing supervisory staff with recommendations on how to proceed with the information or how issues can be resolved.

The summaries will continue to be forwarded to individual department heads, including the Director of Human Resources and the Employee relations Office and potentially the Title IX Coordinator when appropriate. This is in accordance with Section 1, subsection 1.3 and 1.4 of the Standards of Practice of the International Ombudsman Association.

Additionally, students who prefer not to follow formal college procedure or processes have advised that:

- There is a fear retaliation
- The college/ administration will not do anything
- They do not believe anything will change
- No one will believe them if they come forward
- No wanting to get people in trouble
- Not wanting anyone (fellow students) to know
- Planned to drop the course anyway
- Not enough proof or documentation (concerns about intrusive questioning)

**Request for Mediation/ Facilitation** 61

These students requested or were referred to alternative dispute resolution services, which included conversations with the students, faculty and staff members face to face to resolve their issues.

**Collaborative Problem Solving Groups** 2

A collaborative problem solving group is designed for people to work together face-to-face in order to focus on solving real world problems.

**Facilitated Dialogue or Shuttle Diplomacy** 13

This process includes an outside party in the role of intermediary between or among the principal parties to a dispute, and may not include direct principal-to-principal contact.

**Mediation** 46

This process is a form of alternative dispute resolution, and is a way of resolving disputes between two or more parties with concrete effects. The mediator may assist parties to reach an agreement, have a broader understanding of different perspectives, and to clarify issues that may have never come to light.

## International Ombudsman Association Uniform Reporting Categories

The International Ombudsman Association uniform reporting categories help to create an apples to apples comparison from the data collection from year to year and from Ombuds office to office.

Issues that have been brought to the attention of the Conflict Resolution Center (including complaint, grievances and grade appeals) are related to 7 of the 9 categories as defined by the International Ombudsman Association's uniform Reporting Categories list (Appendix C), they are:

- Section 2. Evaluative Relationships
- Section 3. Peer and Colleague Relationships
- Section 5. Legal, Regulatory, Financial and Compliance
- Section 6. Safety, Health, and Physical Environment
- Section 7. Services/Administrative Issues
- Section 8. Organizational, Strategic, and Mission Related
- Section 9. Values, Ethics, and Standards

**Section 2. Evaluative Relationships** consist of questions, concerns, issues or inquiries arising between people in evaluative relationships such as supervisor-employee or faculty-student.

**Section 3. Peer and Colleague Relationships** consist of questions, concerns, issues or inquiries involving peers or colleagues who do not have a supervisory-employee or student-professor relationship such as two staff members within the same department or conflict involving members of a student organization.

**Section 5. Legal, Regulatory, Financial and Compliance** consist of questions, concerns, issues or inquiries that may create a legal risk for the institution or its members if not addressed, including issues related to waste, fraud, or abuse.

**Section 6. Safety, Health, and Physical Environment** consist of questions, concerns, issues or inquiries about Safety, Health and Infrastructure-related issues.

**Section 7. Services/Administrative Issues** consist of questions, concerns, issues or inquiries about services or administrative offices including from external parties.

**Section 8. Organizational, Strategic, and Mission Related** consist of questions, concerns, issues or inquiries that relate to the whole or some part of an organization.

**Section 9. Values, Ethics, and Standards** consist of 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.

**Issues under Section 2. Evaluative Relationships consist of or included the following:**

- **Priorities, Values, Beliefs**, differences about what should be considered important, or most important, often rooted in ethical or moral beliefs.
- **Respect and Treatment**, demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.
- **Trust and Integrity**, suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.
- **Communication**, quality and/or quantity of communication.
- **Bullying, Mobbing**, abusive, threatening, and/or coercive behaviors.
- **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.
- **Retaliation**, punitive behaviors for previous actions or comments, whistleblower.
- **Assignments and Schedules**, appropriateness or fairness of tasks, expected volume of work.
- **Feedback**, feedback or recognition given, or responses to feedback received.
- **Consultation**, requests for help in dealing with issues between two or more individuals they supervise or teach or with other unusual situations in evaluative relationships.
- **Performance Appraisal and Grading**, job or academic performance in formal or informal evaluation.
- **Departmental Climate**, prevailing behaviors, norms, or attitudes within a department for which supervisors or faculty have responsibility.
- **Supervisory Effectiveness**, management of department or classroom, failure to address issues.
- **Insubordination**, refusal to do what is asked.
- **Equity of Treatment**, favoritism, one or more individuals receive preferential treatment.

**Issues under Section 3. Peer and Colleague Relationships consist of or included the following:**

- **Priorities, Values, Beliefs**, differences about what should be considered important, or most important, often rooted in ethical or moral beliefs.
- **Respect and Treatment**, demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.
- **Trust/Integrity**, suspicion that others are not being honest.
- **Reputation**, impact of rumors and/or gossip about professional or personal matters.
- **Communication**, quality and/or quantity of communication.
- **Bullying, Mobbing**, abusive, threatening, and/or coercive behaviors.
- **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.
- **Retaliation**, punitive behaviors for previous actions or comments, whistleblower.
- **Physical Violence**, actual or threats of bodily harm to another.

**Issues under Section 5. Legal, Regulatory, Financial and Compliance consist of or included the following:**

- **Harassment**, unwelcome physical, verbal, written, e-mail, audio, video, psychological or sexual conduct that creates a hostile or intimidating environment.
- **Disability, Temporary or Permanent, Reasonable Accommodation**, extra time on exams, provision of assistive technology, interpreters, or Braille materials including questions or policies for people with disabilities.
- **Criminal Activity**, threats or crimes planned, observed, or experienced, fraud.
- **Harassment**, unwelcome physical, verbal, written, e-mail, audio, video psychological or sexual conduct that creates a hostile or intimidating environment.
- **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.
- **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.
- **Accessibility**, removal of physical barriers, providing ramps, elevators, etc.
- **Property Damage**, personal property damage, liabilities.

**Issues under Section 6. Safety, Health, and Physical Environment consist of or included the following:**

- **Ergonomics**, proper set-up of workstation affecting physical functioning.
- **Safety**, physical safety, injury, medical evacuation, meeting federal and state requirements for training and equipment.
- **Physical Working/Living Conditions**, temperature, odors, noise, available space, lighting, etc.
- **Environmental Policies**, policies not being followed, being unfair ineffective, cumbersome.
- **Work Related Stress and Work–Life Balance**, Post-Traumatic Stress, Critical Incident Response, internal/external stress, e.g. divorce, shooting, caring for sick, injured.

**Issues under Section 7. Services/Administrative Issues consist of or included the following:**

- **Quality of Services**, how well services were provided, accuracy or thoroughness of information, competence, etc.
- **Responsiveness and Timeliness**, time involved in getting a response or return call or about the time for a complete response to be provided.
- **Administrative Decisions and Interpretation and 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.
- **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.

**Issues under Section 8. Organizational, Strategic, and Mission Related consist of or included the following:**

- **Communication**, content, style, timing, effects and amount of organizational and leader's communication, quality of communication about strategic issues.
- **Change Management**, making, responding or adapting to organizational changes, quality of leadership in facilitating organizational change.
- **Organizational Climate**, issues related to organizational morale and/or capacity for functioning.
- **Leadership and Management**, quality/capacity of management and/or management/leadership decisions, suggested training, reassignments and reorganizations.
- **Communication**, content, style, timing, effects and amount of organizational and leader's communication, quality of communication about strategic issues.
- **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.
- **Organizational Climate**, issues related to organizational morale and/or capacity for functioning.

**Issues under Section 9. Values, Ethics, and Standards consist of or included the following:**

- **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.
- **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.
- **Values and Culture**, questions, concerns or issues about the values or culture of the organization.

### **Recommendations from the Conflict Resolution Center**

Issues with instructors ranged from complaints about instructors ability to teach or their qualifications, confrontations in the classroom, lack of information in the syllabus, being unavailable outside the classroom, rudeness, posting grade in front of the classroom, allegations of sexual harassment or making students feel uncomfortable (looks or facial expressions, standing to close), language barriers, and grading issues.

The Conflict Resolution Center will continue to have a proactive approach to resolving conflict. This will include the following:

1. Conflict Resolution Academy for students
2. Development of Office Charter to define roles and responsibilities

### **Institutional Recommendations:**

1. Timely dissemination of correct and valuable information.
  - Add information to the syllabus when possible.
  - Pass out or read information at the beginning or end of class.
2. Review and update the college's policy on sexual harassment
  - Develop a policy on retaliation separate from the sexual harassment policy
3. Revise and update the student complaint and grievance process
  - Clarify the role of the Conflict Resolution Center
  - Clarify the role and responsibility of the supervisory staff who receive complaints from the Conflict Resolution Center
4. Develop formal processes to handle Title IX complaints and ADA complaints

## Appendices

### A. **International Ombudsman Association Code of Ethics**

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.

### B. **International Ombudsman Association Standards of Practice**

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

### C. **International Ombudsman Association Uniform Reporting Categories Chart V2**

Serves as a reference tool to help with classifying visitor's questions, concerns, issues or inquiries.

## Appendix A



# INTERNATIONAL OMBUDSMAN ASSOCIATION

## IOA CODE OF ETHICS

### 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.

[www.ombudsassociation.org](http://www.ombudsassociation.org)

Rev. 1/07

## Appendix B



### INTERNATIONAL OMBUDSMAN ASSOCIATION

## 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.

Appendix C



**INTERNATIONAL OMBUDSMAN ASSOCIATION**  
Uniform Reporting Categories

VERSION 2  
October 2007

**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 in actual 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-terrorism measures (not for classifying "comprised 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, impatient, 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/departamental 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 Interdepartmental/Intra-organization 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 misstatements, 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, procedures, ethics or standards issues not described in the above sub-categories)