

Annual Report 2007 – 2008



Office of the Ombuds
University of Hawai'i at Manoa
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In 2007-08 the Ombuds Office handled 387 cases, an eight percent increase over 2006-07. There were several important differences between this year's cases and last. Cases involving interpersonal disputes and incivility increased in 2007-08 making those the most common issues that we encountered during the past year. Grade disputes rose from last year to become the second most common 2007-08 issue. While they did not occur as often as those two other issues, students' difficulties with financial aid were among the most challenging issues that we faced. Later in this report we take a close look at these issues and suggest ways of dealing with them.

How does the UHM Ombuds Office Operate?

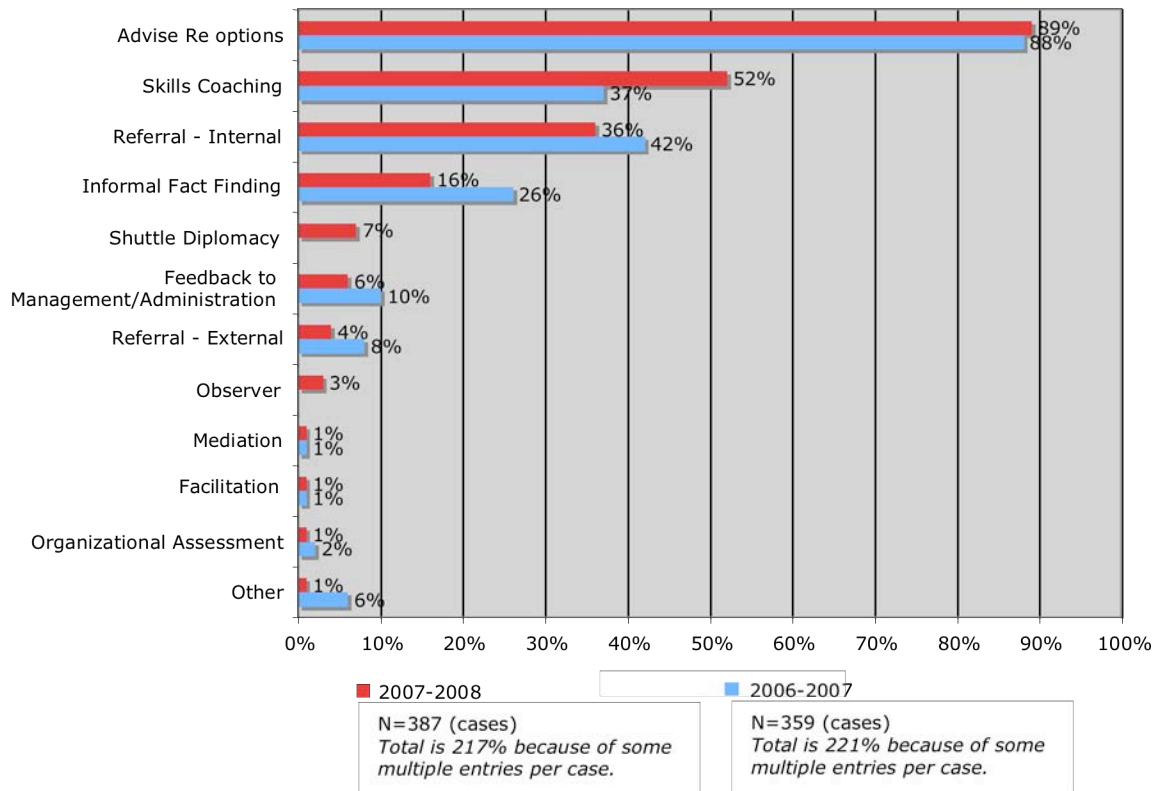
Principles and Practices

We continue to operate according to the International Ombudsman Association (IOA) Code of Ethics and Standards of Practice. The foundations of our work are confidentiality, impartiality, informality, and independence. These are described in detail in our 2006-07 report (manoa.hawaii.edu/ombuds).

Activities

Table 1 compares our 2006-07 and 2007-08 activities.

**Table 1
Ombuds Involvement
2006-2007 and 2007-2008**



Advising people about their options remains by far our most common activity. It is almost always the first thing we do after listening to a person describe his or her problem. In 2007-08 we did more skills coaching, carried out less informal fact-finding, and made slightly fewer referrals than we had done the year before. Overall, though, our most common case-related activities remain much the same: initially hearing out people's problems, helping them see a range of ways of dealing with these problems, and assisting visitors in developing ways of handling their issues sometimes by themselves while at other times with the help of others, including the UHM Ombuds Office. The number of ombuds activities per case remained stable. In both 2006-07 and 2007-08 we averaged 2.2 activities per case. That means that typically there is at least one step following our discussion of options.

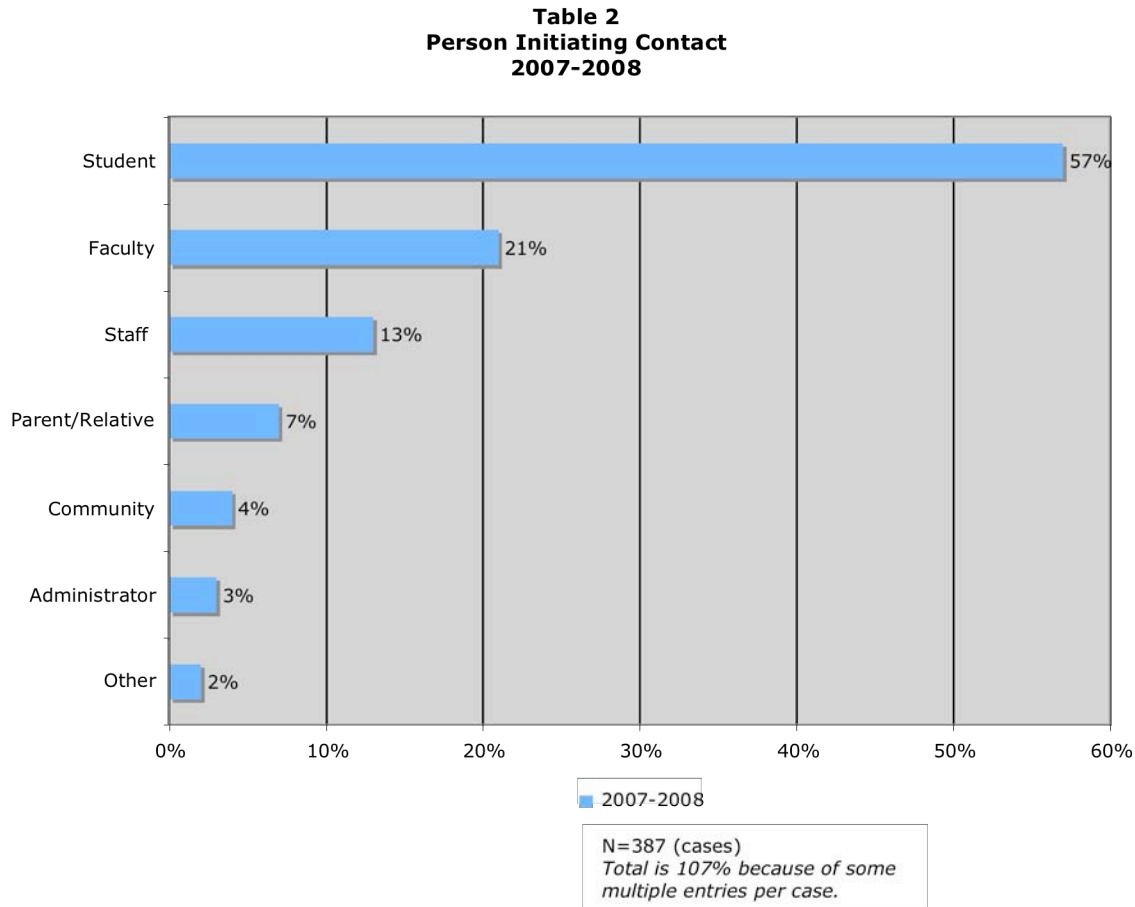
Those next steps can vary greatly from one situation to another to include any of the activities listed in Table 1. The small percentage of mediations underestimates the amount of conflict resolution work that we do. Much of our work involves conflict resolution. Often we hold discussions with people in conflict and help them work through these conflicts. These discussions often resemble mediation. Always they involve mediation skills. These typically involve what ombuds offices call "facilitated discussions" that help people come to agreement. These discussions are informal and may continue on and off for weeks or months.

Training: Compared to 2006-07, our office was much more extensively involved in training others. During the past year, we offered 17 workshops on how to deal with bullying. Over 350 people took these workshops. We also offered a series of more general workshops on workplace conflict, which close to 80 people attended. Some of our training has been open to the entire UHM community, some to specific segments of the UHM community, and some have been tailored to the needs of the particular groups that requested our training.

Looking for Patterns and Trends: When we work on individual cases, we sometimes discover issues and problems that go beyond that case. When necessary and in ways that protect confidentiality, we report these to those who can take action. Our annual report is another way we open problematic trends we have observed to public review, discussion and, hopefully, eventual remediation.

Who initiated the cases?

Table 2 shows that students are to be the most likely to initiate contact with our office.

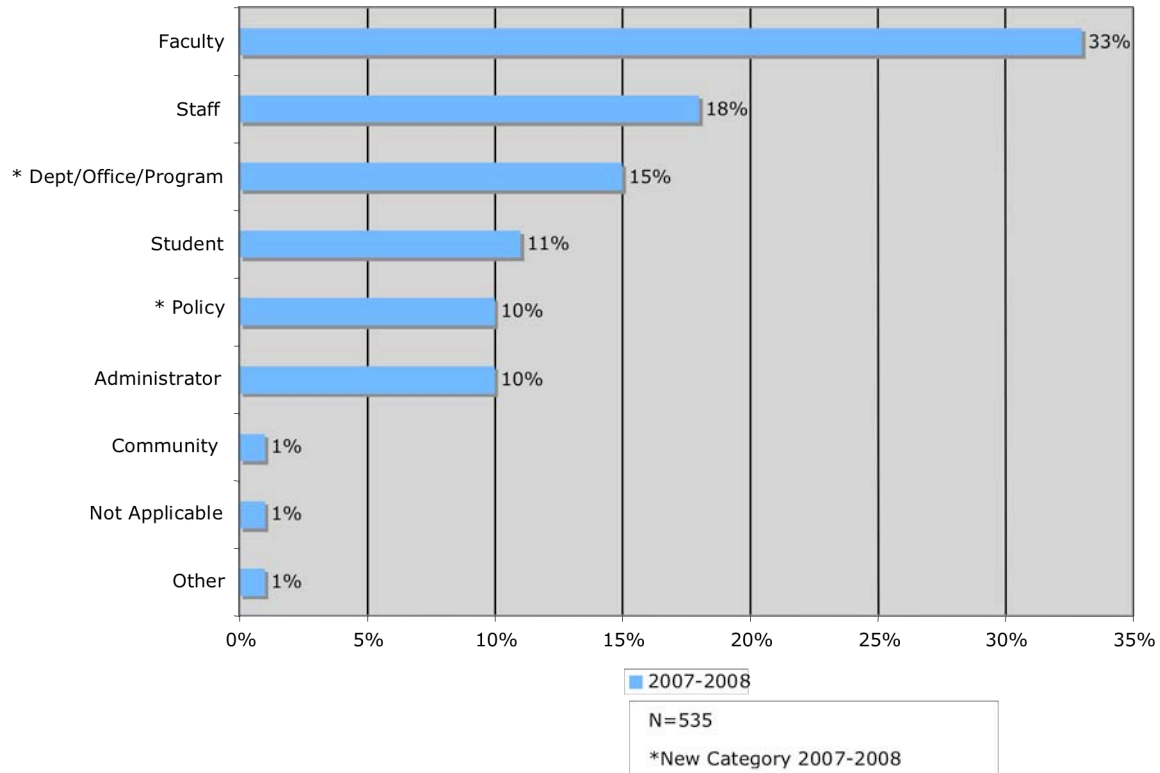


Sixty percent of the students were undergraduates. Faculty members continued to be the second most likely group to contact the Ombuds Office. Compared to 2006-07, the percentage of cases that students initiated decreased somewhat (from 62% to 57%) while faculty use increased slightly (from 19% to 21%). Staff member cases also increased slightly, from 9% to 13%. Overall, though, 2007-08 initiator patterns closely resemble 2006-07's. It is important to keep in mind, however, that these figures are based solely on case intake. If the number of follow-up meetings involved with cases were measured, it is likely that the faculty usage figures would increase substantially.

Once a Case Was Initiated, Who Else Was Involved?

According to Table 3, faculty members (including department chairs) were most likely to be identified as the foci of a visitor’s concern.

Table 3
Other Involved Person
2007-2008



Thirty-three percent of the cases involved faculty members, a decrease from the previous year’s 39%. Another 15% involved department or program offices. In 2007-08 we changed our intake forms to include “Department/office/program” and “Policy” categories. We did this in order to more accurately record cases that are less about particular individuals and more about programs and policies. That partially explains why the percentages for administrators, staff, and faculty are smaller than the previous year’s.

What Kinds of Issues do We Encounter?

Table 4 ranks the most common issues we encountered.

Table 4

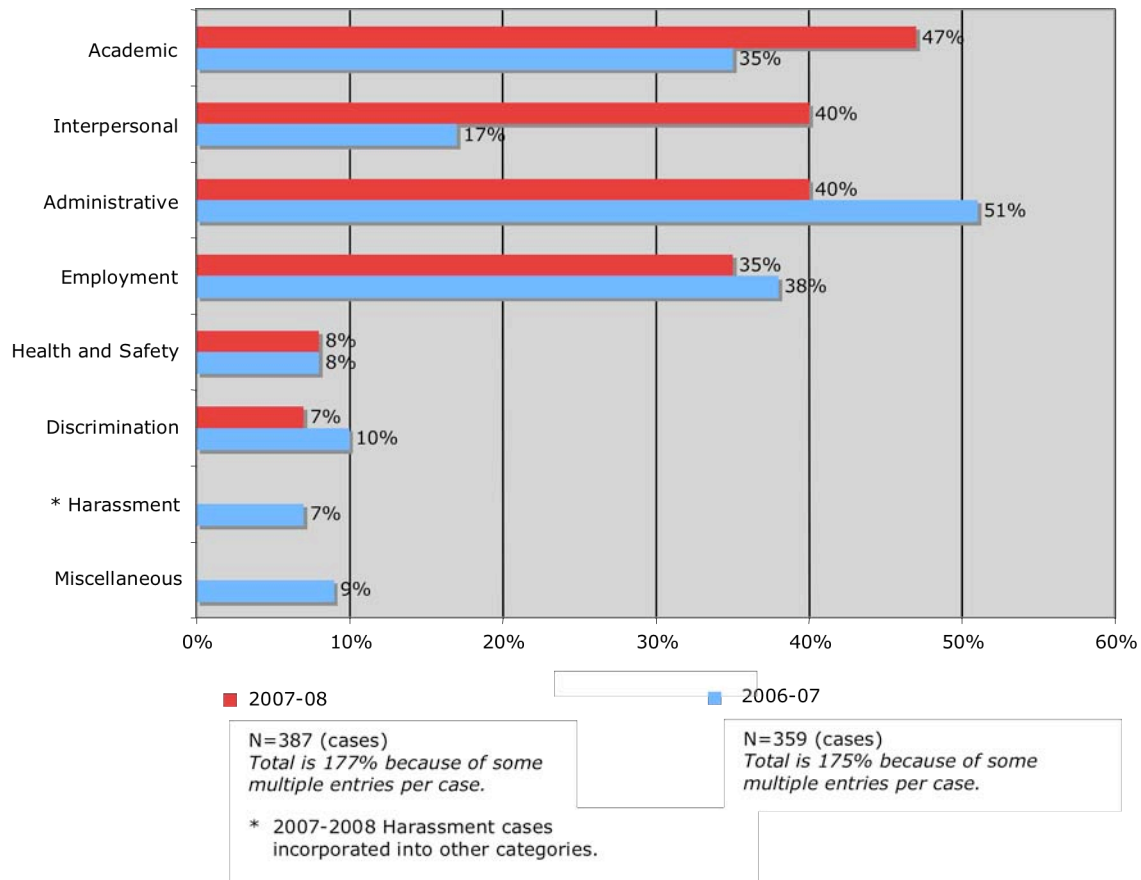
**Most Frequent UHM Ombuds Issues
(Percentage of Cases)
2007-2008**

Incivility	17%
Grading	13%
Progress Toward Degree	9%
Procedures and Policies	9%
Financial Aid	8%
Registration	8%

Considering how much of our work involves students, it is not surprising that most of the issues listed in Table 4 are matters that concern students. But the issue most frequently raised, incivility, applies to everyone. In 2007-08 issues of incivility were raised by every segment of the UHM community.

Table 5 shows that there have been very important changes in the types of cases that we faced in 2007-08. A key part of these changes involved interpersonal disputes.

Table 5
Types of Issues
2006-2007 and 2007-2008



Academic issues include admissions, grading, plagiarism, Student Conduct Code violations, advising, course availability and requirements, and progress toward degree. Administrative issues include financial aid, registration, housing, parking, food services, and policies and procedures related to these issues. Administrative issues came up less often in 2007-08, partially because there were fewer situations involving housing or registration. Academic issues increased, partially because of an increase in grade disputes.

The most significant change is in the percentage of cases involving interpersonal issues. In 2006-07 these issues appeared in only 17% of our cases. In 2007-08 the percentage increased more than twofold to 40% of our cases. But it is important to note that this comparison alone overestimates the increase in incivility cases because Table 5 measures issues, not cases. In 2007-08 we increased the number of issues falling within the “interpersonal” category in order to get a more detailed picture of the range of behaviors that are involved in a dispute. We also eliminated the “Harassment” category by merging the “sexual harassment” issue into the “Discrimination” category, and by merging the

“nonsexual harassment” issue into the “Interpersonal” category. Our new system makes it easier to separate out different kinds of interpersonal issues. At the same time, the new method makes it more likely that we record more issues per case. As a result, taken alone, Table 5 alone exaggerates the changes between this year and last. Table 5 indicates that the *issues*, as opposed to *cases* appear over twice as often as they did in 2006-07.

In fact there has been an increase in interpersonal/incivility *cases*. In 2006-07 interpersonal matters were involved in about one of every five cases (19%). In 2007-08 that percentage increased to slightly more than one in four (27%), a substantial portion of our diverse caseload. If we remove from consideration calls that we got from parents, none of which raised incivility issues, the percentage increases from 27% to 31%. For comparative purposes, Table 6 uses the lower percentage. The table shows that over the past two years incivility cases have increased more than either administrative or academic cases.

Table 6
Percentage of Cases Involving
Administrative, Academic and Incivility Issues

	<u>2006-07</u>	<u>2007-08</u>	<u>Difference</u>
Administrative	38%	34%	-4%
Academic	29%	30%	+1%
Incivility	19%	27%	+8%

Our 2007-08 statistics show that women, who overall make up only a slight majority of our case initiators, are three times as likely as men to initiate cases involving interpersonal conflicts. Students are by far the most likely to bring these issues to our office’s attention, except that staff members are the most common initiators of “bullying” cases. Administrators seldom initiate incivility complaints. Overall, a faculty member is by far the most likely to be the other party involved. Faculty members are more likely to be the other involved party in incivility cases (52%) than they are in cases overall (33%).

Bullying and harassment are seldom the only issues involved in “interpersonal” cases. Grade disputes, which were the second most common 2007-08 issue, are examples of this mix. Thirty-three percent of the grading cases also involved incivility issues. The mixture of grading and incivility is not surprising. The stakes feel very high to the student with a grade issue, and if the student has

spoken with the instructor about the grade, the instructor may feel that his or her integrity or professional judgment is being threatened.

Typically our ombuds role in these disputes is to help the student clarify the student's understanding of what is going on (which includes providing a reality check) and identify available options. If the student chooses to press his or her case, the Ombuds Office will work with the parties to try to make it possible for the instructor, student, and perhaps the department chair to have a productive discussion.

Three Key Issues: Financial Aid, Grade Disputes, and the Climate of Incivility

Our 2007-08 experiences indicate that there are at least three serious issues -- financial aid, grades, and incivility -- that need further attention on a systemic level.

Issue 1 - Financial Aid: Though financial aid issues appear less often than grading or interpersonal issues, financial aid cases are among the most frustrating for the visitor.

Under the best of circumstances financial aid requirements can be difficult to navigate. They involve a complicated process with many rules, many of which are established by the federal government. A decision made by the financial aid office can dramatically affect a student's life and/or possibly their parents' financial condition.

Unfortunately, UHM's financial aid process has its challenges aside from federal regulations. The financial aid office is understaffed. There is no user-friendly database that allows students easily to keep track of their financial aid status. There are too many overpayments to students, requiring them to pay back money that they may no longer have available. There is no formal payback plan for situations where students discover the need to pay back money that they did not realize they owed. Issues involving small amounts of money may drag on because those who are on the front line often do not have the resources or the authority to act. Consequently, problems remain in limbo for long periods of time, sometimes for months, as the cases fall between the cracks. In these cases UHM Ombuds may spend a great deal of time trying to get staff and administrators to meet promised deadlines, sometimes to no avail.

There are at least three things that might be done to make the financial aid process better.

First, the Financial Aid Office needs to be fully staffed with stable leadership. UHM administrators have begun to address this problem, which has gone on for many years, and doing so becomes more important in light of our other two recommendations.

Second, the University would best serve students by putting into place a database that allows students to match credit and academic status with financial aid status. Students need to have a clearer, more timely picture of where they stand.

Third, the University must look for ways that reduce the large number of overpayments. When overpayments do occur, the Financial Aid Office should notify the student of the overpayment in a timely manner and clearly state the reasons why that student needs to refund money. Timeliness is the key here. Because students are often in marginal financial circumstances, money that comes in may be utilized immediately. Whoever may be considered responsible for this -- the University for overpayment or the student for spending the monies -- the funds may no longer be retrievable by the student. Simply demanding return of the funds does not address the fact that although the situation may not have been of the students doing, the remedy is placed entirely on the student's shoulders. The Ombuds Office believes that the University should investigate ways effectively to eliminate overpayments. If this is not possible, there should be ways of helping students to deal with the dislocation that return of monies may create. And if the University has made a mistake that costs a student money, then the University should quickly take responsibility and rectify the error.

We want to make it very clear that the Financial Aid Office cannot be held solely responsible for either the problem or solution. The solution to this longstanding problem may require changes in UH rules and procedures, and additional resources, training, and workplace morale-boosting. Such solutions will require creativity, flexibility and sustained commitment by the Chancellor and Vice-Chancellor of Student Affairs.

Issue 2 - Grading: It would be helpful if UHM re-examined the way it deals with grade disputes. Although the Academic Grievance Procedures went through some revisions in 1993, the premises behind the present Academic Grievance Procedures have been in place for a long time. The re-examination of AGC should consider grade disputes as a whole—how

and where they arise, and what adjustments to the procedure would facilitate a speedy and fair resolution of the issues.

No matter how accommodating a formal grade grievance procedure becomes, however, the bulk of these issues are likely to be handled informally by the student and the instructor, with the possible assistance of the department chair. There may be ways to make this informal process work better. Incorporating alternative dispute resolution mechanisms and techniques into the resolution of grade disputes should be examined. Helping faculty to understand ways of avoiding misunderstandings about grading procedures and learning ways of providing students earlier and more timely feedback about how they are doing in the class should be an institutional goal.

Issue 3 - Incivility and Bullying: As our case statistics indicated, interpersonal disputes are common and may have increased significantly. Besides our case statistics, there are other indications that people who work or study at UHM worry about incivility. For example, the UHM Ombuds Office bullying workshops have been heavily attended. Some attendees relate that workplace incivility is a constant. We recommend that administration consider the following:

Incivility and bullying should be addressed as an organizational issue. Often people act in nasty ways because no one around them has seriously called this behavior into question. After a time the unchallenged behavior becomes “natural” (“That’s just how he is.” “That’s just her.” “That’s just the way we do things”). Others, especially those with little power, adjust by avoiding any encounters with the bully, consequently removing themselves from effectively participating in workplace decisions. Such responses are understandable, but they perpetuate, encourage, and even justify bad behavior and increase the chances that the behavior will become an accepted, possibly even an acceptable way of doing business. This anger, withdrawal and resentment become part of the culture, whether it is a department, office, or classroom. Students stop coming to class. Untenured faculty members stop participating in department meetings. Secretaries and custodians call in sick. Getting rid of incivility means changing this culture, which requires a clear and sustained commitment by all levels of administration.

Interests of the parties may need reexamination and rebalancing. The University of Hawai'i has a Workplace Non-Violence Policy that prohibits both physical and emotional intimidation, and encourages people to come forward with their complaints. But the Policy is subject to privacy protections under state law and collective bargaining rules. Because privacy considerations have been determined to prohibit certain disclosures about an employee's employment record, people who file actions under the Non-Violence Policy feel frustrated because they are not notified that any remedial action has been taken on the issues they raised. The Ombuds Office certainly appreciates the tension between the legitimate concerns of privacy and the need to know that the institution is being responsive to a person's concern for their physical and emotional well-being. As Ombuds, we too must always walk the tightrope of assiduously respecting confidentiality in the face of the possible consequence that a solution to a problem may not be possible. Nonetheless, these divergent interests concerning workplace violence incidents create a legitimacy problem for the existing policy by making people skeptical about the University's commitment. We suggest that those who are involved in administering the workplace non-violence policy and procedures take a look at whether something more can be done to balance confidentiality and appropriate feedback.

No matter how well designed workplace non-violence policies are, other more proactive measures are needed to address the problem of incivility. One is to recognize the beginnings of incivility and to deal with it swiftly. That puts more responsibility on department chairs, supervisors, deans, and fellow workers. We ask that the University establish ways to help the UHM community develop the necessary skills to spot and to deal with difficult behaviors at the earliest stage possible. The Ombuds Office will continue its training efforts in this area.

Acknowledgments

We want to thank all the individuals who helped us in 2007-08. Unfortunately, because of confidentiality we can't list your names. It makes an enormous difference to our office, which after all cannot force compliance on anyone, to have people willing to help bring about fair solutions to problems. We also want to thank those who have asked UHM Ombuds to do outreach and training. Time is a very precious commodity at UHM. We appreciate your willingness to invest some of that valuable time with us. Finally we want to thank the students, faculty, staff, and administrators who have come to us for assistance. It has been especially gratifying to discover how many of you want our office to help you develop the tools so that in the future you can help yourselves.

Respectfully submitted,

The Office of the Ombuds

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