



Fiscal
Year
2017
2018

Ombuds Office Annual Report

WILLIAM & MARY

Mark H. Patterson, University Ombuds

"Out beyond right and wrong there is a field. I will meet you there."

Rumi, 13th Century poet, philosopher and teacher

Ombuds Office Mission

Empowering individuals and organizations to transform conflict into quality work and learning.

The mission of the College of William and Mary Ombuds Office is to ensure that employees (staff, professional/professional faculty (P/PF), faculty and student employees) have access to a resource for informally addressing workplace concerns in a fair and equitable manner. The Ombuds Office carries out this mission by way of two complementary approaches:

- 1) Receiving and assisting individuals toward the resolution of concerns on a confidential and informal basis; and
- 2) Supporting procedures that advance the goal of a fair conflict management system.

The Ombuds Office is an independent, neutral, confidential and informal resource where University employees can obtain assistance in resolving conflicts or problems. The College of William & Mary supports the Ombuds Office and acknowledges it as a key organizational resource for its workforce.¹

¹ From the Ombuds Office [Terms of Reference](#) (underlined terms are hyperlinks in the online document)

"Peace is not absence of conflict, it is the ability to handle conflict by peaceful means."

Ronald Reagan



Mark Patterson is W&M's University Ombuds. Before becoming the University Ombuds, Mark served as an attorney in the Air Force for 24 years, with multiple postings and deployments in the United States, Europe and Asia. He retired at the rank of colonel. Mark received a juris doctor from Duke University and a Master of Laws in international dispute resolution from Fordham University.

The W&M Ombuds Office adheres to International Ombudsman Association standards of confidentiality, independence, neutrality and informality. (See Ombuds Office Statement of Best Practices)

Overview

Mark Patterson began service as William & Mary's university ombuds on January 4, 2018, midway through the 2018 fiscal year. He assumed the position from Dr. Tatia Granger who accepted a full-time teaching position with the Mason School of Business in 2017.

The William & Mary Ombuds Office served as a voluntary, confidential, impartial and informal resource for all categories of employees and faculty seeking assistance with workplace concerns. Leaders also consulted with the ombuds in confidence on managing workplace conflict. The University Ombuds supported other employee conflict-related resources such as Human Resources, Diversity and Inclusion and Compliance. All visitors were treated as anonymous unless they agreed otherwise.

This is the ten-year anniversary of the founding of the ombuds office at William & Mary. The position was funded at 75 percent, and the Ombuds Office was open four days per week accordingly. Services the Ombuds Office provided for individuals and organizations included confidential listening, information gathering, option generation, coaching, multiparty facilitation, mediation, informal climate surveys,

conflict strategy development, conflict pattern identification and assessment, and customized workshops. The University Ombuds did not produce any formal reports (other than this one) or serve as an agent of notice or responsibility for any formal processes involving the University.

Year 10 Activities

To raise awareness of ombuds services and build campus relationships, the University Ombuds met with over 30 faculty and staff leaders and introduced ombuds services to various groups including Staff, P/PF, and Faculty Assemblies, a Facilities Management “All Hands” meeting, School of Education faculty, Business School faculty, Arts & Sciences Faculty and the Arts & Sciences Faculty Council. The University Ombuds also spoke at two Faculty Writing workshops and a veteran services training event.

From the beginning of calendar year 2018 through the end of June, the University Ombuds conducted seven training sessions and workshops on topics including “Difficult Conversations,” “The Walk from ‘No’ to ‘Yes’” and how to use feedback as a relationship-building tool. In conducting workshops and training, the University Ombuds partnered with Human Resources, Swem Library, the Vice Provost for Academic & Faculty Affairs, and the Arts & Sciences Graduate Ombudsperson.

"Don't ever take a fence down until you know why it was put up."

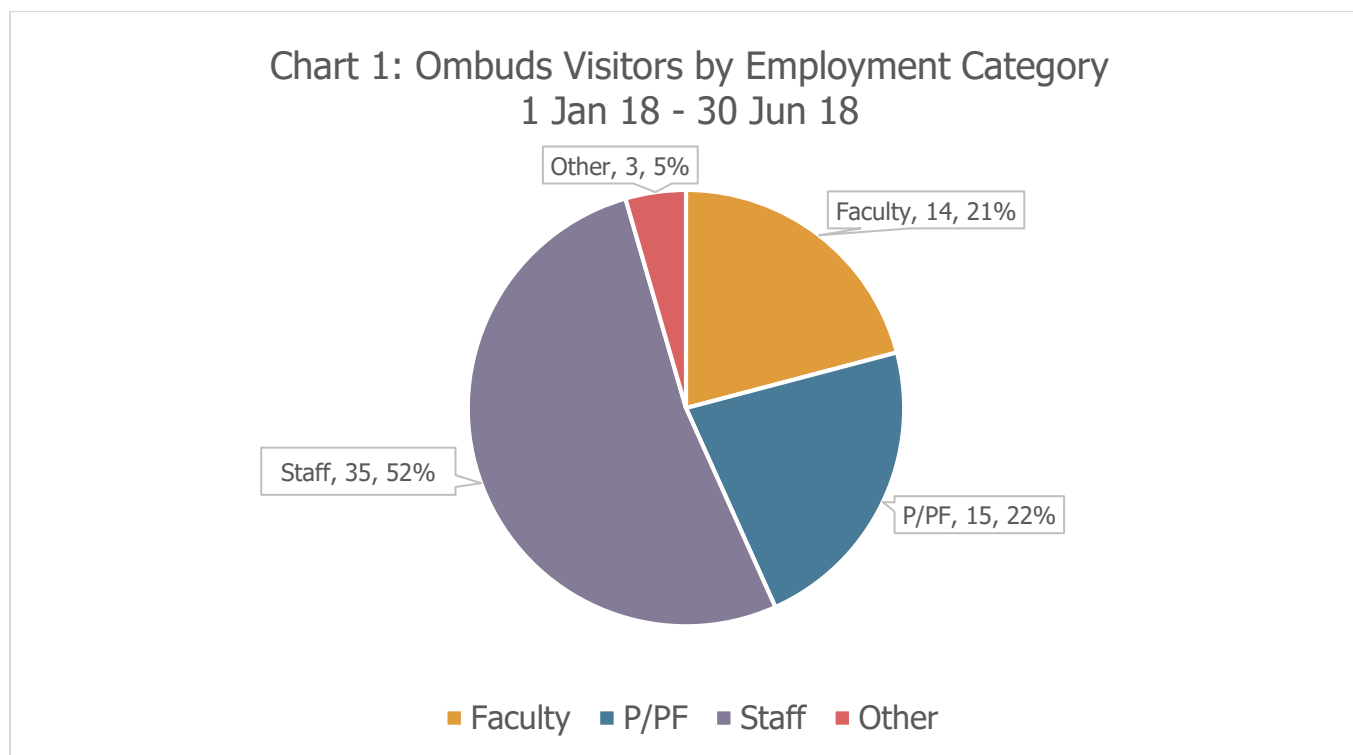
Robert Frost

To improve the Office’s ability to provide pattern insight and risk management support, the University Ombuds created an intake system and database. The intake system also promotes consistency of visitor treatment in accordance with International Ombudsman Association standards and facilitates the gathering of demographic data (which will be discussed below) while safeguarding confidentiality and avoiding the creation of personally-identifiable records. The University Ombuds also created a confidential visitor feedback form to assess the perceived effectiveness of ombuds support. In addition to collecting data about the quality of services, the feedback form gathered data regarding visitor confidentiality expectations. The Ombuds Office received 15 responses as of the end of June. With only one exception, all respondents found the Ombuds Office to be a valuable confidential resource and strongly recommended the service to others. In June, the ombuds added questions to assess what visitors might have pursued in the absence of ombuds support. Insufficient data exists to assess patterns, but two noted they would not have talked to anyone else and two said they would have left the University.

The University Ombuds updated the Ombuds webpage to make it easier to find and to provide “self-help” training. (The upgrade was complete in July.) The University Ombuds also established a Twitter account to populate the W&M Ombuds webpage with conflict competence tips and to raise the profile of William & Mary in the Conflict Resolution field.

In addition to providing ombuds services at William & Mary, the University Ombuds worked with the University’s Veteran Support Network and the University’s Threat Assessment Team. The University Ombuds assisted the Law School in conducting mock job interviews for first-year law students. Outside of William & Mary, the University Ombuds agreed to Co-Chair the International Ombudsman Association’s Conference Committee and served on the IOA’s Communications and Government and Policy Committees, served on the American Bar Association Dispute Resolution Section’s Ombuds Committee and was involved in organizing and promoting the first-ever “Ombuds Day” on October 11th with the ABA.

Visitor Data



Total Individual Visitors

53

Total Visits/Discussions

78

"If necessity is the mother of invention, conflict is its father."

Kenneth Kaye

Table 1: Gender

Male	42%
Female	58%
Other	0%

Table 2: Supervisory Role

Supervisor	40%
Non-Supervisor	60%

Table 3: Years at W&M

0-1	10%
2-5	38%
6-10	15%
11-20	25%
More	12%

Table 4: Race/Ethnicity of Visitors

Caucasian	75%
Hispanic	2%
African	14%
E Asian	4%
S Asian	0%
W Asian	2%
Native Am/Pacific Island	4%

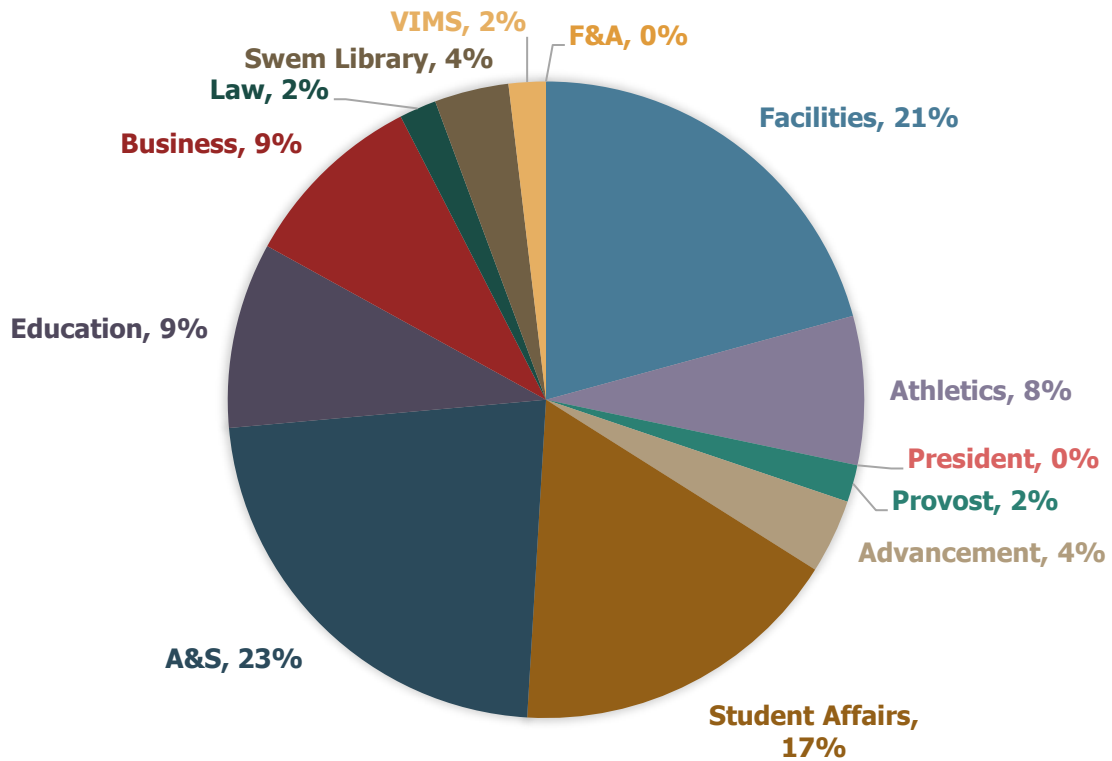
Table 5: Number of Visitors Who Raised Status Concern(s)*

Age	5
LGBTQ	2
Gender	3
Ethnicity/Race	1
Other	0

* Some visitors raised more than one status concern issue

In total, 21% of visitors raised status concerns during the course of their discussion

Chart 2: Visitors by Department



Note: The President, Provost and Finance & Administration categories include all organizations that report to them not included in other categories. They are not necessarily the President’s, Provost’s or Vice President’s personal staffs.

Table 6: Potential Scope of Impact of the Issue(s) Raised by Individual Visitors

1-5 Employees	23%
Entire Office	47%
Full Department	26%
Employment Category	2%
University-wide	2%

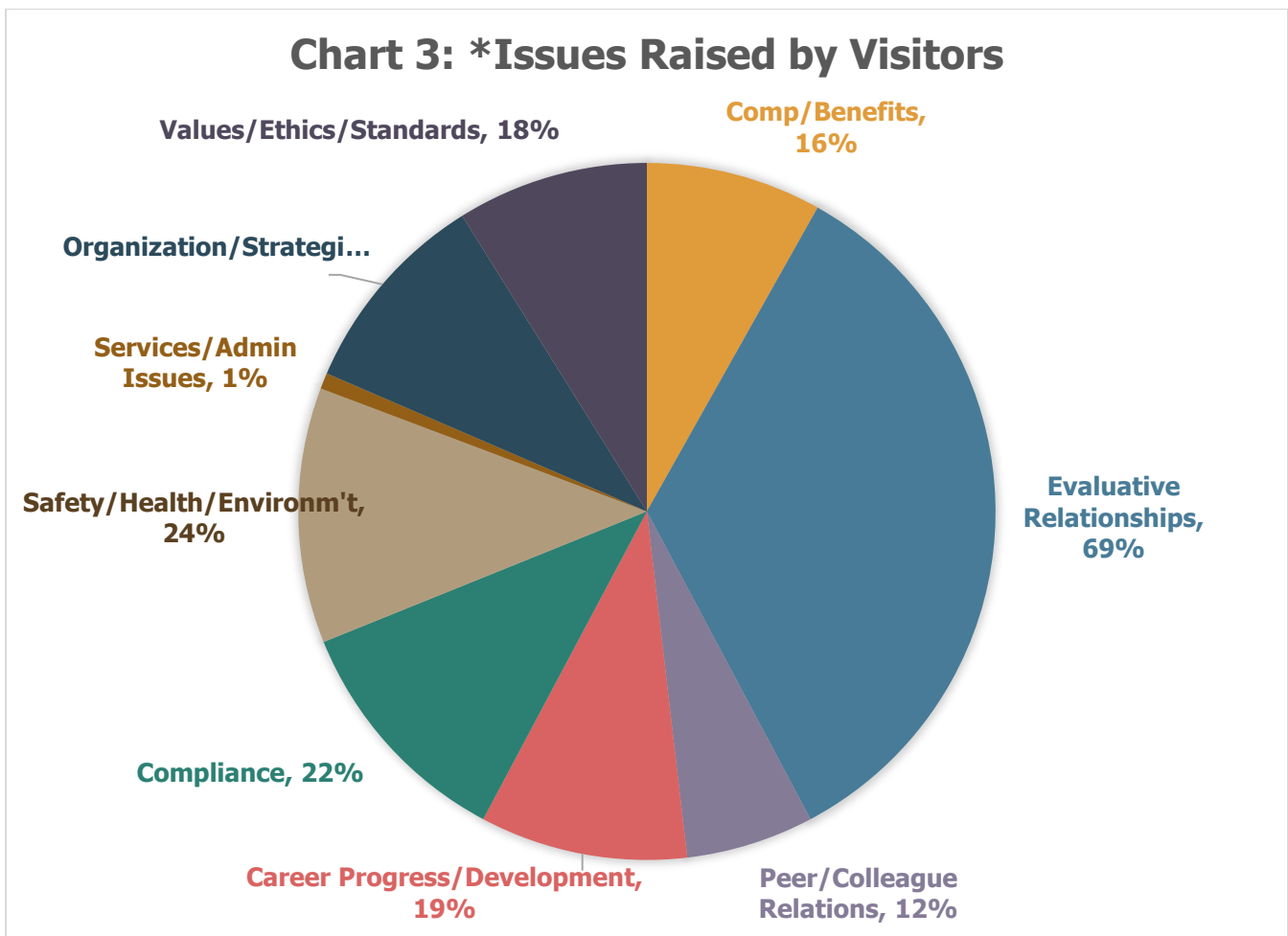
Table 7: Institutional Trust Issues Raised

Fear of Retaliation	12%
Don’t Trust Leadership	8%
Don’t Trust HR/Compliance	8%
Two or More Trust Issues	31%

Note: Tracking began on 30 April 2018. The University Ombuds saw 26 visitors from that date until the end of June. Each category is mutually exclusive (there is no overlap).

"In business, when two people always agree, one of them is irrelevant."

William Wrigley



Note: 84% of visitors raised two or more issues and 25% raised three issues.

*Issue categories are based on categories used by the International Ombudsman Association in its reporting.

Observations and Concerns

In general, visitor traffic has been distributed fairly evenly across campus organizations. (See Chart 2.) Some organizations may appear slightly over-represented due to the fact that this report covers only calendar year 2018 (no data is available in CY17 due to a turnover in the University Ombuds position). Therefore, a temporary spike in visitors from one organization in the course of a few weeks might have an outsize impact in the short term. Within employment categories (staff, P/PF and faculty), non-faculty W&M employees are somewhat more likely than faculty to take advantage of ombuds services at W&M, which is consistent with the experience of ombuds offices at other institutions of higher learning. (See Chart 1.) Women at W&M use the University Ombuds more often than men, which is also consistent with other universities. (See Table 1.) The overall utilization rate for the University Ombuds is 4 percent, assuming an employee base of 2,500 and an annualized visitor total of 106. This too is consistent with other universities, which typically experience between 1-5 percent utilization.

Race and ethnicity breakdowns appear to be roughly consistent with national averages, although African-American utilization may be somewhat less than the overall W&M employee population. (See Table 4.) Looking at length of employment, nearly half of visitors are in the first five years of their employment. (See Table 3.) This may be due to friction adjusting to new supervisory styles, considering that approximately two-thirds of visitors contact the University Ombuds due to difficulties with a supervisor or a supervisor with a direct report. (See "Evaluative Relationships" in Chart 3 above).

Confidentiality precludes sharing issues raised by individual visitors. However, common concerns identified by visitors include threatening behaviors by supervisory personnel and senior faculty members, paranoid comments by colleagues and supervisory personnel, concerns about disparate pay, inappropriate intrusion into personal lives, concerns about protection of intellectual property, pressure to violate professional standards or to perform uncompensated work, and termination of responsibilities for arbitrary reasons. In cases where visitors identified potential violations of law or university policy, the University Ombuds tried to eliminate uncertainty about the consequences of reporting so that visitors could feel confident to raise concerns through formal channels. Regardless of whether any policy violations may have occurred, the University Ombuds always worked to help visitors organize their thoughts, understand issues better and develop options to move forward on their own terms (according to anonymous and in-person feedback). It is noteworthy that most visitors came to the ombuds office with complex problems: over 80 percent of visitors raised concerns regarding two or more issues. (See Chart 3.) Also, over three quarters of visitors identified issues that could potentially affect six or more members of the W&M community (e.g., an entire office or department), if the facts relayed were accurate

and conditions recurred (e.g., if a policy or practice claimed to have generated conflict for the particular visitor were to be applied to other similarly situated employees). (See Table 6.)

"If war is the violent resolution of conflict, then peace is not the absence of conflict, but rather, the ability to resolve conflict without violence."

C.T. Lawrence Butler

Approximately one out of every five visitors raised concerns about unlawful discrimination in connection with issues raised. (No visitors contacted the ombuds office to raise allegations of discrimination but raised concerns in connections with other issues.) Concerns about discrimination were distributed across multiple categories, including age, race, gender and sexual identity. (See Table 5.) The pervasiveness of concerns about unlawful discrimination as an engine for conflict suggest that—at least for individuals involved in conflict—perceptions of a generally non-inclusive employment culture exist at William & Mary. Similarly, and perhaps more troubling, over two-thirds of visitors identified “trust issues” during the course of their interactions with the ombuds office. That is, they said they feared retaliation from leadership if they raised issues openly, or believed leaders, HR and/or Compliance could not be trusted to address issues appropriately. It should be noted these are perceptions *not* evidence of actual discrimination, retaliatory behavior or unwillingness to act upon credible evidence. And the University Ombuds takes steps to allay these fears when appropriate. Nonetheless, the pervasiveness of these perceptions too challenge leaders to continue to work to foster a more open and conflict-competent employment culture.

There are other challenging perceptions identified through ombuds work over the course of the past year. I emphasize these are perceptions identified through discussions, workshops and meetings and are *not* scientifically established. First, there is a perception that expectations for staff vary widely across campus organizations, even taking into account differing personnel requirements and missions. For example, some organizations appear to be far stricter than others regarding accounting for time and far less willing to consider telecommuting options. Next, there is an appearance of a “class system” of sorts between different employment categories (probationary staff, operational staff², P/PF and faculty) because they operate under different employment policies. Aggravating the “class system” perception is a feeling that faculty receive unique employment benefits beyond what is needed to maintain academic independence. Within the faculty realm, the separate personnel system contributes to perceptions of leader intrusion into non-academic matters. Also, treatment of non-tenure-eligible,

² Classified employees are under the purview of the Commonwealth and not considered for perception purposes.

instructional and adjunct faculty continues to vary dramatically, with few institutional norms consistently applied. Finally, there is an impression that inertia drives many organizational practices. Again, it should be noted that these are perceptions, not findings.

Future Initiatives

Ombuds Support for Students

Currently, the University Ombuds Office serves all categories of employees but does not serve students. Nonetheless, ombuds support has been available to some categories of students at William & Mary for some time. VIMS students receive support through a peer and faculty-governed [program at VIMS](#) and graduate students in Arts & Sciences receive support through a [member of the A&S Faculty](#). These programs have provided valuable support in the past and are evidence of current interest among students for confidential conflict resolution services. However, these programs are not managed by the University Ombuds and do not operate under the same charter. Moreover, undergraduate students and graduate students in the Mason School of Business, the School of Law and the School of Education receive no confidential conflict management support.

To address these disparities in support for students, the University Ombuds has received provisional approval from the Provost to explore expanding services to students. For undergraduates, the University Ombuds met with the Dean of Students and the Associate Dean of Students & Director of Community Values & Restorative Practices. He has requested a meeting with the director of Residence Life. For graduate students, the University Ombuds met with the Dean of the Law School and has received approval to develop a pilot program for law students. Additionally, the University Ombuds met with the Dean of Arts & Sciences and is pending a meeting with the A&S Graduate Ombudsperson to develop closer coordination and to avoid overlapping services. The University Ombuds has requested to meet with members of the ombuds program for VIMS students. Support for other graduate programs will be explored in turn.

Conflict Management Systems Consultation

In September 2017, the Department of Education, Office for Civil Rights, issued "[Q&A on Campus Sexual Misconduct](#)" which authorized informal dispute resolution under Title IX. The document stated: "If all parties voluntarily agree to participate in an informal resolution that does not involve a full investigation and adjudication after receiving a full disclosure of the allegations and their options for formal resolution and if a school determines that the particular Title IX complaint is appropriate for such a process, the school may facilitate an informal resolution, including mediation, to assist the

parties in reaching a voluntary resolution.” With the swearing in of the new President in July and the pending hire of a Title IX officer, there is an opportunity to explore whether additional informal resolution processes might work for William & Mary. Because the University Ombuds possesses advanced education regarding conflict management systems design and is experienced in informal dispute resolution, he is well situated to undertake an assessment of existing processes and to make recommendations for updates, if warranted. The Provost has agreed that such a study would be worthwhile and has agreed to commission the University Ombuds to undertake the project, pending agreement on specific terms.

Publicizing the Availability of Confidential Ombuds Support

Outreach efforts following Mark Patterson’s assumption of duties as University Ombuds provided a valuable opportunity to connect with key stakeholders in the W&M community. Personal meetings enhanced confidence in the Ombuds officer’s skills and approach to conflict management and also made it possible for the University Ombuds to more effectively raise issues of concern to leaders. Consequently, the University Ombuds will seek to meet again with key leaders and policymakers this winter. He will also continue to speak at various departmental meetings of staff and faculty and to develop workshops. To enhance awareness among the general population, the University Ombuds will promote “Ombuds Day” on October 11 in conjunction with other ombuds offices worldwide, perhaps including a proclamation from the University President. Outside of William & Mary, the University Ombuds will be presenting at the California Caucus of College and University Ombuds annual meeting in November. The presentation will showcase efforts made to enhance the W&M Ombuds website and facilitate a discussion regarding best website practices for smaller universities.

Conclusion

Although calendar year 2017 visitor data is not available, the number of visitors to the Ombuds Office for the first six months of calendar year 2018 (the last six months of the fiscal year) suggests that the Ombuds Office will serve over 100 visitors next year with over 150 individual meetings. Campus support and interest in ombuds services is broad and there is interest in collaboration to resolve conflicts, address systemic issues, and improve campus functioning and climate. On the other hand, there are continuing challenges in gaining employee trust in addressing workplace concerns.

Many thanks to everyone on campus who has worked with the University Ombuds this year, and to the Provost and his staff for excellent support.