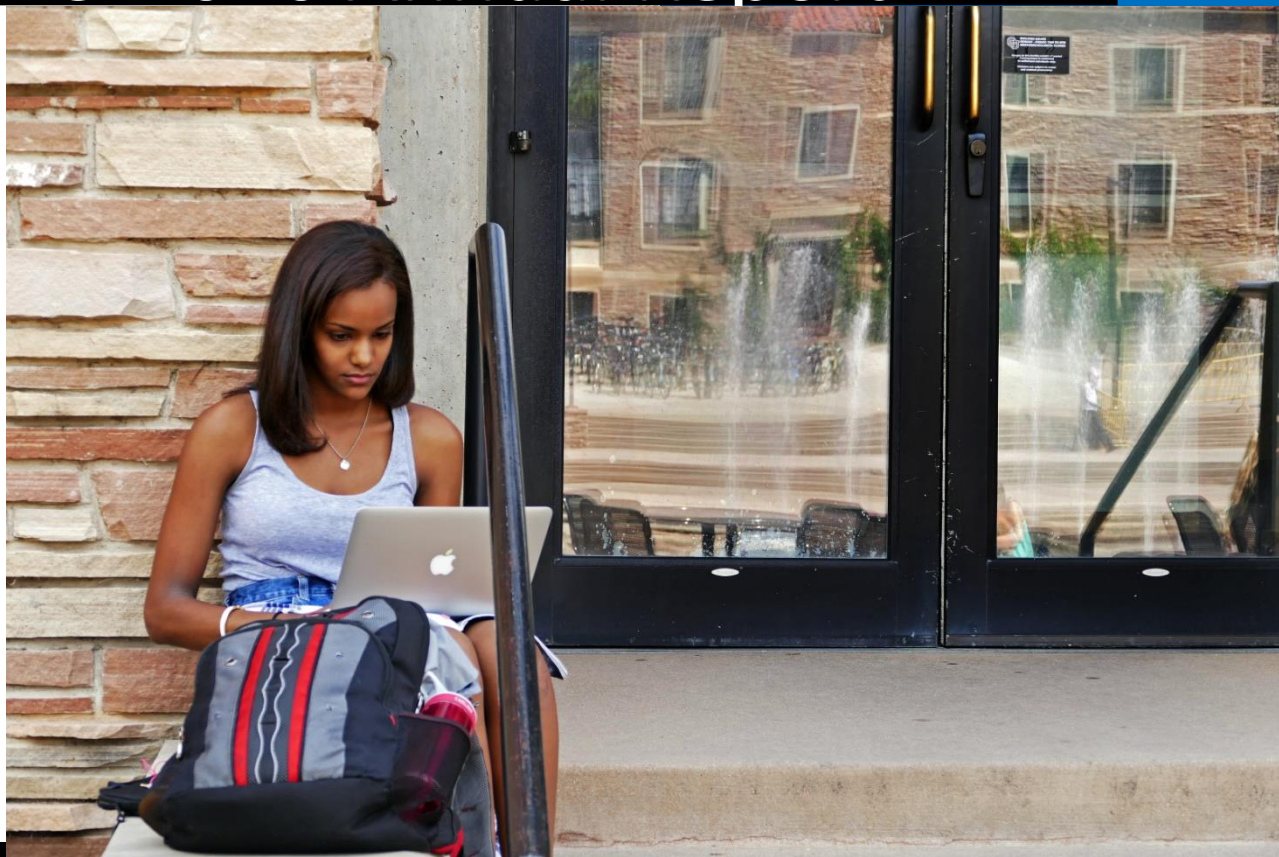


# 2019-2020 Annual Report



Office of the Ombuds  
*University of Colorado Boulder*

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## Message from the Director

*The University of Colorado Boulder Ombuds Office is a team of skilled professionals dedicated to promoting the highest standard of university governance; furthering the university's commitment to the principles of equality of opportunity; and provide confidential and anonymous mechanisms for people to seek guidance on how to report violations of the law and policies. The Ombuds Office is trained to help people identify options to resolve conflicts and disputes and, without breaching confidentiality, to identify policies, practices, and emerging trends for the university where systemic change may be appropriate.*

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The COVID-19 pandemic truly left its mark, with a campus shutdown in mid-March and the Ombuds Office working remotely since then. The campus has had to grapple with an enormous shift in working, teaching, and research. Some of our work was cut short as we transitioned to remote work during our busiest months - experiencing a downturn in business throughout April and May. Remote work has also hindered our ability to gather self-reported data.

Nevertheless, we have persevered. We made a seamless transition to working from home with no interruption in service. The Ombuds Office consulted with 448 people seeking assistance in Fiscal Year 2019-20. In addition, we pivoted and significantly bolstered our online presence. We have served thousands of people through blog articles in [Ombuzz](#), and our [Small Bites. Big Impact. Lunch and Learn Webinar Series](#). Noteworthy among these was our collaborative effort with Associate Professor Donna Mejia - "[Staying In Conversation About Racism](#)" series - which launched in June with 300 live attendees and over 1000 people watching the recording on our [YouTube channel](#). Many of the online participants are people we would not have otherwise reached.

We continue to follow trends regarding historically marginalized or vulnerable groups on campus. This year, 32% of our visitors self-identify as having a historically marginalized racial or sexual identity, as being gender diverse, or being disabled. This is 5% higher than last year, and likely would have been higher if we had been able to consistently gather these data between March and June. It is notable that among our student visitors, the percentages are greater – 54% for undergraduate students and 49% for graduate students. We also heard from an increased number of visitors who experienced racist behavior by other CU Boulder community members. However, this increase does not represent all of the racism related cases we saw this year. Significant numbers of our cases raise concerns about subtle and non-overt instances of racism as well as sexism and other forms of implicit bias even though few of these concerns rise to the level of protected class discrimination.

For the second year in a row, we have seen a decrease in cases regarding abrasive conduct. This is very encouraging, as it represents a 42% decrease in abrasive behavior cases over a two-year period:

- FY 2017-18: 190
- FY 2018-19: 145
- FY 2019-20: 110

We continue to foster close collaboration with departments throughout the campus. We received 171 referrals from other campus departments and referred 466 visitors to services in other departments. We believe that this close collaboration helps prevent people from falling through the cracks when they do not know where to turn, or their concerns don't fit squarely within the purview of a particular department.

Finally, we moved into our new office space this year, which provides a greater degree of security, confidentiality, and usable space for consultations. We are grateful to the Provost for supporting this project.

Respectfully Submitted,

Kirsi Ahmavaara Aulin, LMFT, CO-OP®

Director

# EXECUTIVE SUMMARY 2019-2020

## ABOUT THE OMBUDS OFFICE

The University of Colorado Boulder (UCB) Ombuds Office is an organizational ombuds program designated as a confidential, informal, impartial and independent resource available to all members of the UCB community and adheres to the International Ombudsman Association's Standards of Practice and Code of Conduct.

## TOP FIVE VALUES: 2019-2020

### Healthy Conflict Engagement

- Communication coaching
- Conflict coaching
- Model constructive approaches
- Mediation
- Restore relationships and build trust

### Reputational Awareness

- Help the university and individuals avoid unnecessary reputational harm
- Help visitors report misconduct

### Liability Mitigation

- Elevate whistle blower concerns and mitigate lawsuits
- Share timely information with leadership
- Detect and illuminate compliance gaps and glitches

### Identify and Surface Trends and Systemic Issues

- Spotlight organizational disconnects
- Provide credible insights

### Organizational Strategist

- Help individuals navigate university systems, processes and procedures
- Identify and refer to campus resources

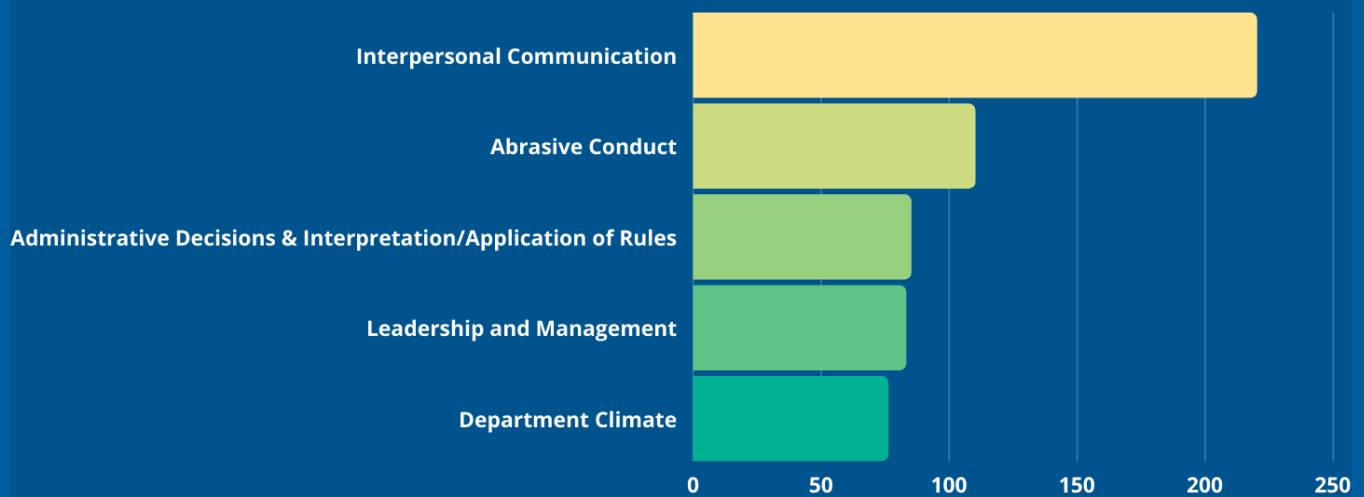
# VISITORS

**448** visitor consultations

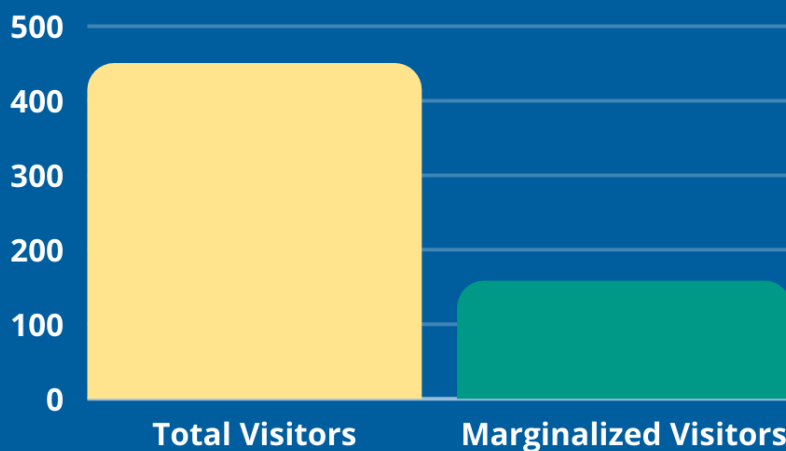
**638** people directly impacted

**66,550** people indirectly impacted

## TOP FIVE ISSUES FOR ALL VISITORS



# HISTORICALLY MARGINALIZED VISITORS



- Marginalized visitors is the number of visitors who self reported as belonging to a marginalized group including person of color, LGBTQ, gender diverse, or disabled.
- Incomplete data due to COVID-19.

## OUTREACH

Numbers represent the number of attendees and blog visitors.

Stakeholder engagements: 48



Presentations, workshops and webinars: 1968



Ombuzz Blog: 2,787 visitors



## Demographics and Data Summary

In FY 2019-20, 448 people from the following groups requested assistance from the Ombuds Office:

- Staff: 32%
- Graduate Students: 20%
- Faculty: 16%
- Undergraduate Students: 18%
- Researchers (including PRAs): 5%
- Other: 5%
- Academic Administrators: 4%

The self-identified gender of individuals consulting with our office has remained consistent over the last four years:

- Female: 58 %
- Male: 41%
- Gender Diverse: 1%

The self-identified racial and ethnic identity of our visitors is also fairly consistent compared to last year:

- White, Caucasian, European American: 63%
- Unknown: 11%
- Asian, Asian American, Native American, Pacific Islander: 9%
- Middle Eastern, North African, Arab, Arab American: 4%
- African American/Black: 3%
- Biracial: 3%
- Latino, Hispanic, Spanish American: 3%
- Mexican, Mexican American, Chicano: 2%
- Multiracial: 1%

## Assessing and Mitigating Risk

At the end of a consultation, we ask visitors to fill out a questionnaire identifying what they were planning to do about their concern before coming to the Ombuds Office. This year, our questionnaire response rate was 35%. However, following the COVID-19 campus shut down in mid-March, it was very difficult to gather this information. Accordingly, our survey results largely reflect information collected before shutdown. Visitors consistently report a low level of interest in filing lawsuits and a greater desire to find other avenues to address their concerns. Unfortunately, we saw a 10% increase in visitors reporting that they felt like “giving up and remaining disgruntled.”

FY 2019-20 questionnaires:

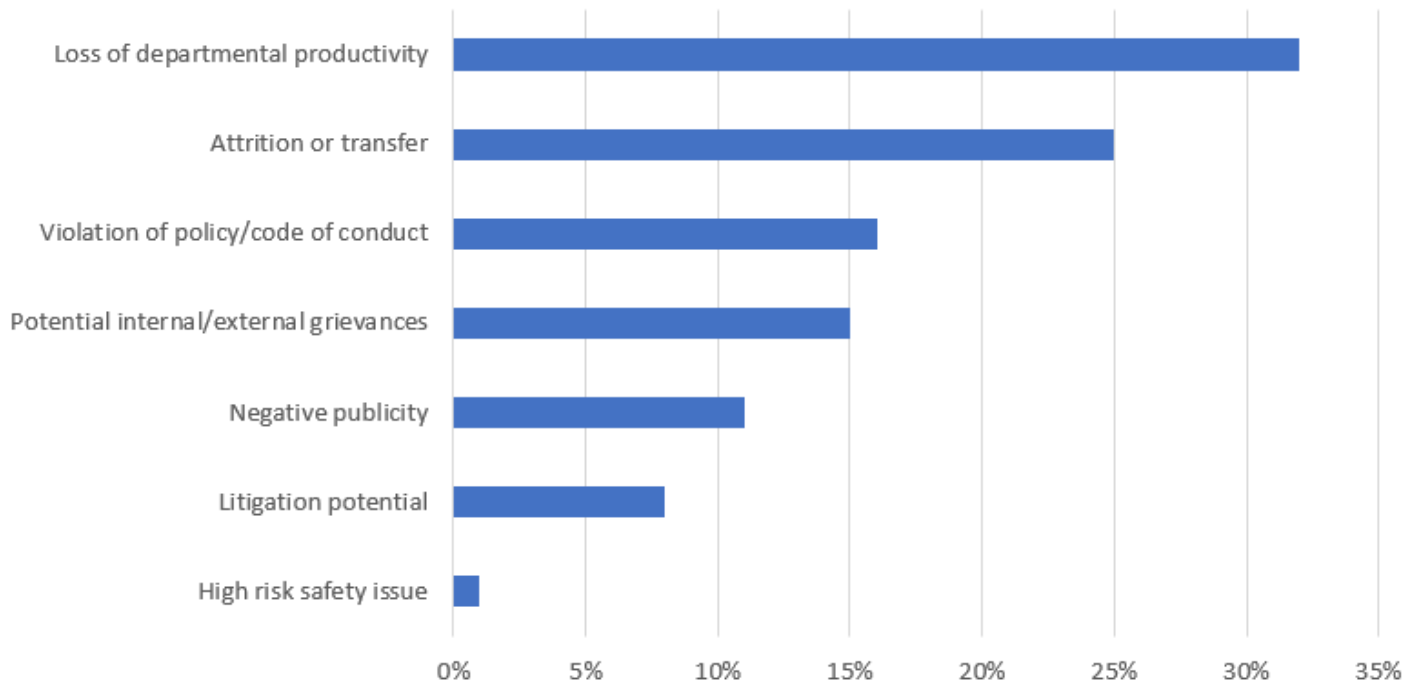
Before I came to the Ombuds Office, I was considering...	Under-graduate	Graduate Student	Staff	Faculty	Adminis-trator*	Researcher	Other*	Overall
Giving up and remaining disgruntled	72%	53%	40%	40%	0%	28%	0%	46%
Not talking to anyone about the issue	27%	31%	20%	40%	0%	14%	0%	25%
Filing a grievance or complaint	27%	31%	25%	7%	0%	14%	0%	24%
Filing a lawsuit	9%	16%	13%	0%	0%	14%	0%	12%
Leaving my position	27%	29%	42%	7%	0%	43%	0%	31%

\* No Administrator or Other category visitors filled out this section of the questionnaires.

<i>Response rate to risk self-assessment</i>	Under-graduate	Graduate Student	Staff	Faculty	Adminis-trator	Researcher	Other	Overall
	28%	48%	32%	88%	35%	32%	5%	32%

Once a case is closed, the Ombuds handling the case assesses the potential risks the case represents for CU Boulder as well as for the visitor. Over the past four years, *loss of departmental productivity* and *attrition or transfer* have been the risk categories most often noted.

## Ombuds Assessment of Risk Percentage of Cases by Type of Risk



### Observations

This year we have worked with academic departments, student groups, and campus wide constituent groups to help resolve problems.

After each visitor consult, we capture the fundamental areas of concern presented. *Interpersonal communication* and *abrasive conduct* are top concerns for every constituent group. Approximately half of our visitors need assistance with *interpersonal communication*.

### Staff

This year, 143 staff sought assistance from our office, and 27% of them self-identify as part of a historically marginalized racial or sexual identity, as gender diverse or as disabled.

For the past four years, the top five staff concerns have remained the same, albeit in a different order of priority year to year:

- Interpersonal Communication

- Leadership and Management
- Departmental Climate
- Abrasive Conduct
- Administrative Decision and Interpretation/Application of Rules

Staff concerns regarding *leadership and management* include several issues related to supervisory duties, such as: unclear expectations, unequal treatment of staff, not holding people accountable, avoiding necessary conflict, not holding 1:1 meetings, and not adhering to policies. In addition, there were reports of behavior by managers and supervisors such as lack of availability, inconsistent allowance of flextime for supervisees, discouraging attendance of Employee and Organizational Development training, placing blame on supervisees for supervisor errors, and using supervisees as a personal confidante. Some staff reported their departments had high levels of tension, low trust and low morale. In addition, we received reports of racist comments and behavior by supervisees, managers, and colleagues. When targets of racist behavior tried to speak up, they were deemed 'difficult' and sometimes even disciplined for the way in which they raised concerns. Finally, staff conveyed concerns related to conflict of interest and inconsistency across the university regarding policies that govern conflict of interest.

"I appreciate the resources provided, examples used and thinking through my various options and potential outcomes. The Ombuds was super helpful and very knowledgeable. The Ombuds listened and did not in any way diminish my situation and feelings."

## Faculty

Of the 71 faculty visitors, 21% self-identify as part of a historically marginalized racial or sexual identity, as gender diverse or as disabled. The most common issues faculty raised were:

- Interpersonal Communication
- Abrasive Conduct
- Administrative Decisions & Interpretation/Application of Rules
- Respect / Treatment
- Reputation
- Leadership & Management
- Use of Positional Power & Authority
- Small Group Communication

"The discussion was very helpful. A neutral third-party suggestion was and is much needed. I am so happy that I came to your office."

The concerns of faculty often begin with unsatisfactory communication with the unit head. Major contributing factors included faulty faculty assumptions about a chair's actions, faulty inquiry by the chair when a complaint was lodged about faculty conduct, acting on hearsay, failure to gather information and ask questions, and generally not adhering to the procedures set forth under *Professional Rights and Duties*.

1. Acting/behaving upon hearsay / assumptions -> Standards of Conduct [-breaching confidentiality, -talking behind backs, -inappropriately sharing info w/ grad students (i.e. gossiping)]

Faculty members continue to express concern over lack of transparency. These expressions tended to focus on decisions by the dean or chair that raise questions of procedural fairness, and administrator decisions with opaque grounds for decisions that gave rise to perceptions of bias. As a subset of this concern, several faculty members complained about administrative actions that appeared to violate procedural norms for personnel actions, including extraordinary demands by the college or school outside the normal protocols for a promotion decision, or failure to adhere to standards set by the Office of Faculty Affairs processes and college or school norms.

In addition to the foregoing, concern was expressed that political and gender biases influenced personnel evaluations, which lead to devaluing certain colleagues' work, and negatively impacted promotion decisions. Bias training is strongly recommended for promotion and tenure reviews and retention committees.

With respect to confidentiality, faculty visitors often expressed concern that the chair or colleagues were not adhering to the standards of conduct outlined in the *Professional Rights and Duties* policy. Breaching confidentiality, talking behind a colleague's back (gossiping), and sharing personnel information with graduate students were among the complaints. The chair, the executive committee, and retention committees were perceived as sources of the problem. Equally, leaks that breached confidentiality appear to have gone unaddressed despite apparent evidence of the source. Faculty complained that chairs were not doing their job by failing to insist on confidentiality by those privy to sensitive personnel information, or in some instances, themselves inappropriately sharing it. Chairs are reminded that information pertaining to personnel matters may be shared with those who require the information in order to arrive at a decision, such as a personnel committee, and upstream administrators on a need-to-know basis, but with no one else.

Faculty concerns about *leadership and management* are always situational. Nonetheless, the faculty become distrustful of chairs perceived to make decisions that serve the chair's own best interests, that are inflexible and unaccommodating of special circumstances, and that cherry-pick information to support a negative evaluation or decision. Equally, faculty expressed frustration with chairs who are conflict avoidant and will not address problems.

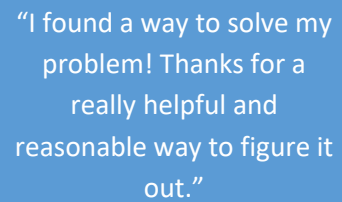
Finally, the Ombuds Office had an uptick in mediations involving faculty. Each case, to some degree, involved personnel decisions that bore on the career trajectories of one of the parties. Asymmetrical power dynamics had to be navigated to arrive at a mutually acceptable resolution. Each case involved resolving issues that were deeply distressing and had fractured trust. Such deeply felt mutual grievances were already spilling into the units, with the corrosive impact of open invitations for colleagues to choose sides. Interestingly, three of the mediations disclosed information of which either one or both parties were unaware, bore on participants' perceptions of animus, and fueled negative relations, but produced an apparent change of attitude once disclosed.

## Graduate Students

The number of graduate student visitors was 93. Significantly, 49% of graduate visitors self-identify as part of a historically marginalized racial or sexual identity, as gender diverse, or as disabled.

The top five concerns for graduate students:

- Advisor/Advising
- Interpersonal Communication
- Career Development
- Abrasive Conduct
- Administrative Decisions & Interpretation/Application of Rules



"I found a way to solve my problem! Thanks for a really helpful and reasonable way to figure it out."

The two top concerns, *advisor/advising* and *interpersonal communication*, remain consistent with trends in past years. Of note, a substantial number of graduate student visitors reported lack of clarity, responsiveness, accessibility, or consistency in communication with their advisors. This differs from past trends which surfaced an almost isomorphic relation between concerns over *interpersonal communication* and *abrasive communication or behavior*. Closely tied to *advisor/advising* and *communication* are real and perceived concerns about graduate students' *career development*. Graduate students continue to experience a lack of voice or agency in terms of advisor directions. They frequently mentioned that the kind of projects they were told they would be doing are not what they have been asked to work on, prompting some to consider leaving the university or moving to a different department.

The pandemic created new stresses for advisor/advisee relations. Graduate student visitors reported experiencing a reluctance by some faculty to devote time to face-to-face zoom meetings. Zoom technology could have played a part; due to a lack of familiarity with it or other remote communication platforms. However, several graduate students noted that their advisors appeared unwilling to factor in the unusual life circumstances their advisees were experiencing because of the pandemic and its effects on them and their families, their educational plans, and their ability to complete assignments that required a physical presence.

There was an uptick in reports of discriminatory comments, such as off the cuff comments about ethnicity or about countries experiencing large COVID-19 outbreaks, sometimes made in the presence of international students. Graduate students of color reported being pressured to conform and manage their emotions to suit the comfort of white faculty members. There was a noticeable pattern of complaints by Asian/South Asian and Middle Eastern women in STEM disciplines. At times these involved perceptions of unfair treatment, that male colleagues were given preferential assignments and greater attention/support by advisors, particularly if they were the lone female in a lab.

Although *mental health concerns* did not rise to the top five, as occurred last academic year, issues around mental stress and work/life balance are still frequently mentioned. Also, we note that a few faculty members raised concerns about graduate students' mental health to our office.

With respect to professional and shorter graduate programs, we observed that some of these graduate students appeared to not have as much onboarding support as in other programs, especially established

programs with teaching assistants and research assistants. As a result, they were not well informed about OIEC mandated reporting, honor code, or departmental grading norms.

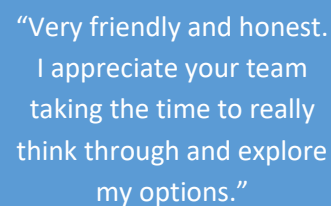
We are gratified to see the promotion of additional Graduate School resources and the increasing opportunities for presentations and outreach to this population. Resources such as the Graduate School Advising Agreement, mentoring guides, and the availability of peer advising help graduate students work with advisors to set expectation early on.

## Undergraduate Students

This fiscal year, 80 undergraduate students consulted with us, which is about the same as last year. Significantly, 54% of them self-identified as part of a historically marginalized racial or sexual identity, as gender diverse or as disabled.

The top five concerns for undergraduate students this year were:

- Interpersonal Communication
- Grading
- Abrasive Conduct
- Honor Code/Academic Dishonesty
- Administrative Decisions and Interpretation/Application of Rules



“Very friendly and honest. I appreciate your team taking the time to really think through and explore my options.”

For the past four years, *interpersonal communication, grading, and administrative decisions and interpretation/application of rules*, remain in the top five issues of concern.

Undergraduate student concerns brought to the Ombuds Office largely deal with academic life: classroom management, unclear expectations (lack of syllabi or ambiguous syllabi), unclear guidelines for group projects, changing class expectations or grade calculation mid-semester, harsh communication from faculty, and unreasonable expectations from faculty. Some undergraduate students also expressed unreasonable expectations regarding grading standards.

In addition to academic concerns, undergraduate students expressed how difficult it is navigating the CU Boulder bureaucracy. They often have difficulty determining whom to contact or who makes the decisions. They often find themselves referred from office to office without resolution. In some cases, frontline workers turn undergraduate students away simply because they do not fully understand that their department handles the student’s concern.

Finally, we fielded COVID-19 related concerns from students regarding coursework, grading, and housing.

## Researchers

As in past years, the number of researchers that visited the Ombuds Office is small, 22. Nonetheless, the success of sponsored research is crucial for the university and its reputation. This group is largely comprised of Professional Research Assistants or Associates, not research faculty. PRA's make up about 50% of the total research visitors, with the remainder largely postdocs. Many are supported through grant funding and often are on temporary appointments. While it is difficult to do outreach to this constituency, we met with the Director of Postdoctoral Affairs in FY19 to build communication channels and discussed shared interests in supporting postdocs on campus.

The top five concerns for researchers were:

- Interpersonal Communication
- Leadership and Management
- Business and Financial Practices
- Performance Appraisal/Performance Management
- Abrasive Conduct

Similar to the previous year, *interpersonal communication* and *leadership and management* are major concerns. These two top concerns are frequently expressed around project management, sometimes involving lab managers, other times principal investigators (PIs) who display inconsistent treatment toward researchers. In some cases, promises of co-authorship or project placement on the part of the PI were not fulfilled as originally communicated. Conflicts over unfair treatment or lack of resources in the lab often linger and fester over time because conflict avoidance has become the norm for faculty and PIs overseeing projects.

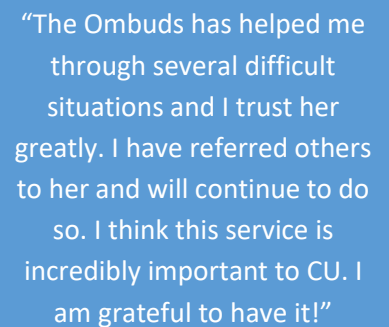
"The Ombuds Office has been a valuable resource for me and I appreciate the time and effort that has been given to help me."

Concerns related to *performance appraisals* rose to a higher level than previous year. Researchers indicated they received lower ratings based on what they saw as unfair evaluations. In some cases, abrasive conduct on the part of lab managers, PI's, or other researchers was reported, including instances of reputational falsehoods manipulative and unprofessional behavior, or rumors about researchers being spread.

Roughly 30% of all concerns raised were regarding *business and financial practices*. Business practices raised included diverting research funds outside the intended scope of a grant, concerns around administrative decisions that excluded senior researchers from budget discussions, and concerns about administrative decisions that adversely affected the group's research project.

## Administrators

Administrators, in most cases, visit the Ombuds Office to consult about *communication* issues in their units, with 12 of the total 17 raising this as a significant problem they were trying to address. These ranged from interpersonal issues with a specific faculty member or mediating differences among colleagues, to group issues, such as those between students in a graduate seminar and the instructor. These issues often involved perceptions of *abrasive communication* by a faculty colleague that was having a negative impact on others, such as on relations between colleagues, with the chair or unit head, or between an instructor and students. They also perceived that *abrasive communication* was having a deleterious effect on *departmental climate*.



"The Ombuds has helped me through several difficult situations and I trust her greatly. I have referred others to her and will continue to do so. I think this service is incredibly important to CU. I am grateful to have it!"

The top five concerns for administrators were:

- Interpersonal Communication
- Departmental Climate
- Abrasive Conduct
- Leadership and Management
- Work-Related Stress, Work/Life Balance

The top five concerns account for 54% of concerns raised by administrators.

Administrators also sought advice and coaching for difficult conversations with colleagues with whom they had strained relations, or to seek mediation with colleagues who had a history of acting independently, in order to address unmet expectations and arrive at an agreement on acceptable behavior going forward.

## Other

The other category captures visitors who are connected to the university but are not part of any on-campus constituency including parents, alumni, spouses, former students and community members. Twelve of the twenty-two visitors in this category were parents. Nineteen were referred to us by other campus departments. The high number of referrals indicates our office's ability to assist individuals not served by other campus units.

## Concluding remarks

The Ombuds Office strives to support the university's mission and strategic goals, actively serves the campus community across multiple constituencies and venues, and frequently assists faculty, staff, and students navigate the complexities of the university. We have contributed to campus change initiatives through attending meetings and participating in discussion on issues such as the revision of the *Professional Rights and Duties* policy, and Title IX revisions. Through communication and collaboration with colleagues across campus, we deepen our understanding of issues and concerns recurrently voiced by visitors and stay abreast of resources and options.

In keeping with the larger campus attention to supporting diverse populations, we have been tracking concerns that centered on racist and sexist experiences. We saw an increased number of visitors who had these experiences. Within this trend we have been following historically marginalized or vulnerable groups on campus because they tend to experience themselves as disenfranchised at greater rates than the general population. This year 32% of our visitors self-identify as part of a historically marginalized racial or sexual identity, as gender diverse or as disabled which is an overrepresentation disproportionate to their numbers on campus.

This fiscal year, our involvement in major campus issues included:

- Uncovering cases of fraud and other fiscal misconduct.
- Bringing to leadership information regarding violations of policy and abrasive conduct.
- Continuing to address conflict among groups, including faculty, staff, and students.
- Serving as a sounding board for chairs, deans, and staff administrators.
- We continued to be a primary resource for mediations on campus, conducting 25 this year.
- Continuing to bring concerns regarding campus climate to decision-makers, particularly around racism, sexism and discrimination based on disability and LGBTQ identity.
- Providing timely, informative webinars and blog posts as the campus adjusted to remote work.

We continue to receive very positive feedback for our work from visitors and campus departments alike. Our online presence was much stronger this year than in previous years. Webinars were a new venture for us, and through our feedback surveys we know that participants feel they are timely and salient. Having met the challenges of this past academic year with resiliency, we look forward to creating new innovations in the coming year and to fostering new collaborations to serve the university community.

## Appendices

### Appendix A: Definition of an Ombuds

What is an Ombudsman (Ombuds)?

The name “ombudsman” (om budz man) comes from Swedish and literally means “representative.” At the most fundamental level, an ombudsman is one who assists individuals and groups in the resolution of conflicts or concerns. At CU Boulder, the Ombuds Office is affiliated with the professional association International Ombudsman Association (IOA), and Certified Organizational Ombuds Practitioners® (CO-OP®) which is the certifying body for Organizational Ombuds, and it adheres to IOA’s standards of practice and code of conduct. The IOA defines an Organizational Ombuds as: “a designated neutral who is appointed or employed by an organization to facilitate the informal resolution of concerns of employees, managers, students and, sometimes, external clients of the organization.” At CU Boulder, the Ombuds Office has been designated to serve this function as a confidential, informal, impartial, and independent resource available to all members of the CU Boulder community.

### Appendix B: Standards of Practice and Code of Ethics

We adhere to the [\*International Ombudsman Association’s Standards of Practice and Code of Ethics\*](#)