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1. Providing Information/Serving as a Sounding Board

The Ombuds Helps a Foreign Post-Doctoral Fellow Accused of Plagiarism

A post-doctoral fellow came to see that ombuds in a panic because he was being accused of plagiarism. He was African and had published academic papers in his home country and in another country before coming to the United States. He said his current professor had asked him to write a paper on a certain topic and then accused him of using others' work without citing them. Further, he was told that if he was found guilty, some or all of his past publications could be rescinded very publicly.

When the ombuds asked if he had spoken to anyone else about this, the fellow said he had only spoken with his wife. He said that this situation was so humiliating to him that he didn't want anyone else to know about it. When he heard the ombuds kept information confidential, it was the only option he would consider other than hiring an attorney to defend himself.

The ombuds asked him whether he had been formally accused or not and he did not know the answer to that question. Part of his panic had to do with not understanding what was happening and being new to the United States. He didn't know where to turn.

The ombuds asked him if he had spoken with his supervisor and his department chair. He said he had spoken with both, and they were awaiting the outcome of an investigation so they could not tell him anything. The ombuds also asked if he had spoken with anyone in the Academic Dishonesty Office, and he said he had not heard of that office.

The ombuds gave him the contact information and the location on the campus for that office. The ombuds also advised that the office's website outlined the investigation process. Just being able to read about the process provided some relief for the fellow.

A few weeks later, the fellow called the ombuds to say thanks for the help and to report that he had been cleared of any accusations in the investigation. He reiterated that it was such a huge help to him to have an office where he could talk confidentially about something that was so embarrassing without having to worry about the information being shared with others. Before he found the ombuds, he said that he thought his only option was to hire an attorney, but he did not have the money to do that. Had he done so, however, the university would have had to defend the lawsuit. As it was, he was exonerated, and his career was not ruined.

An Ombuds Is Especially Helpful for Middle Management

Many people assume that ombuds exist in organizations primarily to help lower-level employees understand and deal with workplace conflict and how to most effectively surface issues of concern to them. The reality is that most experienced ombuds report that people at all levels in their organization consult with them. What is most surprising to people, however, is the typically large number of "middle managers" and "team leaders" who approach an ombuds on their own to have confidential conversations.

One experienced ombuds reported that these folks describe themselves as "stuck in the middle" or disrespected and bypassed by upper management. Mostly what they want is someone to listen and validate them. Many times, the ombuds can provide them coaching on communicating more effectively with their bosses. The ombuds also serves as a valuable sounding board for these middle managers as they try to implement directives from upper management or address conflict and other issues among the team members they supervise. Even though the options offered by the ombuds often include a willingness to participate in a facilitated conversation between a middle manager and his or her boss, in most instances this offer is rejected. Middle managers fear a confrontation with the boss and the perception that they need help. Because they are part of management, they often are not comfortable taking issues to HR or other formal channels. On some occasions the ombuds, at the request of a middle management visitor, is able to take an issue (without attribution) to upper management with suggestions on how to promote better conflict management and communication training but this is not common.

Procedural Irregularities in Tenure Process

An associate professor sought promotion to full professor. Upon review of the associate professor's exemplary dossier that checked all the boxes, the associate professor's department and primary unit's evaluation committee unanimously recommended promotion. The dean, who had the responsibility of making recommendations to the vice chancellor's advisory committee (responsible for the campus's tenure and promotion review and making recommendation to the chancellor), met with the candidate and indicated that they would likely affirm the department and committee's recommendation but had not made a final decision.

Upon receipt of the department's recommendation, however, the associate dean in charge of faculty affairs and responsible for managing the tenure and promotion process for the university, wrote a lengthy report opposing the department's recommendation and discounting most of the faculty member's many publications. This report, however, was not in accordance with established tenure review procedures, and the associate dean had based it on his own desired publication requirements rather than adhering to what university policy required. The report also accused the department of a sloppy evaluation process. In light of this report, it was unclear what decision the dean would reach on the tenure question.

The associate professor up for tenure was angry and confused. She did not feel safe going to the dean's office and was prepared to seek legal counsel if she did not receive the promotion. Before moving forward, she decided to visit with the ombuds because she wanted an impartial, independent, and confidential place to make sense of the situation and explore her options.

After taking the time necessary to hear the faculty member's story and ask questions, the ombuds thought that while this could be a bad-faith effort to defeat the tenure recommendation and undermine the department's process, the associate dean also could have been basing his response on information not in the professor's dossier. The essential questions were whether the associate dean's actions were a personal vendetta or a legitimate concern and whether the department's tenure recommendations had gone awry.

The associate professor initially wanted to resolve the matter before the dean made a decision. The ombuds, however:

1. Provided and explained the current university policy regarding the tenure and promotion process.
2. Explained the role of academic affairs, which included overseeing faculty tenure and promotion.
3. Explained the current internal appeal process available to the faculty member if the dean rendered an adverse decision.

The visitor and ombuds also explored various options, including:

1. The associate professor or the ombuds (with the associate professor's permission) could meet with the associate dean in an effort to understand more fully their perspective and concerns.
2. The associate professor or ombuds (with the associate professor's permission) could speak with the associate vice chancellor for academic affairs to discuss the procedural irregularity involving the associate dean's report.

The associate professor, not previously aware that a review by the associate vice chancellor of academic affairs was an option, decided to contact academic affairs (rather than have the ombuds initiate the contact) and ask them to review the situation, render an opinion, and, if appropriate, address the associate dean's behavior and ensure a fair process.
The associate professor chose this option, to give the associate vice chancellor and the dean the opportunity to "do the right thing." She indicated that if the dean then rendered an adverse decision, she would use the information the ombuds provided and avail herself of the university's internal appeal processes rather than file a lawsuit.

The Ombuds as a Sounding Board

An employee from the campus computing center office came to the ombuds concerned about her workload. She said her team was being asked to produce much more than was reasonable. She described working long hours and feeling under immense pressure. She said she was getting headaches and felt tightness in her shoulders.

When the ombuds asked if she had ever missed a deadline, she admitted she had. When asked what the consequences were for missing a deadline, the visitor paused, obviously thinking, and said, "I guess nothing. I never thought about that. Nothing happens. We just get lectured and we continue working on the project until it is completed."

The visitor thanked the ombuds for the insight. She said she could now go back to her office and work on projects without feeling the pressure because now she realized that there were actually no consequences.

This employee had been considering starting a job search, and after this discussion was able to recommit herself to her job. Eventually this employee became the president of the

campus-wide staff organization. Sometimes just having a confidential resource available to talk through an issue is all a visitor may need.

The Importance of Confidentially Discussing the Process BEFORE Raising Sexual Harassment Complaint

An employee came to the ombuds with concerns about sexual harassment the employee was experiencing from a supervisor. The employee wanted the harassment to stop and yet was uncertain about reporting it for fear that her issues might not be taken seriously. The employee was also afraid that reporting her concerns could result in victim blaming, shaming, retaliation, and a ruined career. Yet, she also was concerned that not coming forward would leave others vulnerable to the same or similar conduct by the supervisor.

The ombuds talked through with the visitor the pros and cons of both reporting and not reporting her issues. After an extensive conversation about these issues, the employee gave the ombuds permission to consult with HR leadership in the region where she worked (but without disclosing any information that might identify her or her supervisor) to find out exactly what would happen if a sexual harassment case were reported.

After finding out this information from the regional HR office, the ombuds reported back to the employee that the alleged perpetrator would be placed on paid administrative leave while an investigation into the claims was conducted and that an independent professional investigator would be used to fully investigate the claims. The employee was relieved to learn this process and thought that having the supervisor out of the workplace on administrative leave while the investigation occurred would allow her to be in a safe environment.

With this information, the employee decided to come forward and report. The process transpired exactly as promised, which the employee appreciated tremendously. The investigation resulted in her allegations being substantiated. The employee and her supervisor had no further professional interactions.

Referral to an Internal Resource Helps Avoid a Lawsuit and Resolve a Pension Issue

A former employee who had recently accepted a voluntary separation package during a restructuring program contacted the ombuds. They were having difficulty resolving issues with their pension and were very frustrated with the way the company had been responding to their questions and concerns. They were about to engage the services of legal counsel to pursue their issues.

The ombuds listened to the concerns of the former employee and provided them with them with direct contact information for an internal pension advocate, who the ombuds said was there to assist employees and former employees with just such issues.

The pension advocate worked with and on behalf of the former employee and was able resolve all of their issues without the necessity of their having to retain a lawyer or bring suit. Clearly, the company also benefited from the resolution of this dispute without a lawsuit.

Information about Formal Channels Helps an Employee Respond to Sexual Harassment

An administrative aide called the ombuds, afraid and upset. She chose to call the ombuds because she wanted to understand what formal processes were available and how to stop the situation that she was experiencing. She explained that she is the first person you see when you enter the department, and that part of her role is welcoming visitors and giving out helpful information about paperwork or the location of classrooms. She further shared that several days before, a man had showed up at her desk, and per her job, she welcomed him to the department and asked if she could be helpful. The man was reportedly disheveled and a bit agitated, and he told her that he was the father of one of the students in the program. He asked when a specific class would be over, and she gave him that information. She then went back to her work. The man continued to stand there by her desk, and then found a seat in the area. He stayed there for several hours. She called a coworker/friend who worked in the same building, and her friend walked her out of the office that day.

The next day, the man returned and approached her desk. He leaned toward her, invading her personal space, and asked her out to lunch. She politely declined. He then returned to the seat in the area. The administrative aide then reached out to her boss, who was at meetings off-site all week. He suggested she reach out to public safety. She held off on that, and the man left about an hour later, only to be in the parking lot at the end of the day, standing outside his car. The next morning, she saw that his car was in the parking lot in a different space, close to the door of her building. She called a coworker, who walked her to her desk, and the man appeared "out of nowhere" and asked her out again. She politely declined, and the man yelled, "Do you think you are better than me?", causing several other coworkers to come into the space. One of the coworkers stated that the man should leave now, which he did.

At this point, the administrative aide called the ombuds. The ombuds informed the visitor about the Title IX Office as well as HR. The administrative aide wanted to understand what happened in the Title IX process, and specifically, if it was confidential and if it could help stop the behavior of this man, who was not an employee or student. The ombuds explained the Title IX process and sent her a link to the Title IX office webpage as well as the policy and procedure concerning Title IX. The ombuds also shared the phone number and email for public safety and explained the way in which public safety could be helpful. The visitor said she was going to reach out to the Title IX office that night and had programmed the public safety number into her phone during the phone call.

Information from the Ombuds Makes a Difference

A post-doctoral fellow came into the ombuds office worried that her boss was going to fire her. She was from another country, and she did not want to go home in disgrace. She said her

boss yelled at her and always criticized her written work. She also reported having no friends and feeling lonely. She said she didn't know how to make friends and missed her family.

The ombuds talked with her about ways to get suggestions before she wrote a paper and discussed resources on campus such as clubs that she could join to meet others. The ombuds also mentioned the Employee Assistance Program in order to deal with her depression and perhaps to talk about assertiveness (in response to her statement about it being difficult being a woman in science.)

The visitor was very excited about the idea of getting help with assertiveness and effusively thanked the ombuds for her various suggestions.

The university could have lost a post-doctoral fellow, and the student was able to build her confidence. Upon follow-up, the fellow reported that she was now getting along with her professor and publishing a paper.

Helping a Nontenured Faculty Member Focus on What Was Important to Her Avoids a Discrimination Lawsuit

A faculty member came to see the ombuds about what she considered to be racist or discriminatory treatment. She was a junior faculty member with multiple degrees, one of which was from the campus where she currently worked. Now, as a contract employee of the university, she felt like she was being left out of important meetings and treated differently than her male peers. They were being mentored and she was not. She had also found out she was being paid less than others to do the same work and that her contract had been cancelled. She was considering suing the university for discrimination.

The ombuds listened and heard all the pain the visitor felt from being marginalized and left out. The visitor was ambitious and had dreams about doing research and having her own lab. She didn't know where to go for help. Human resources on that campus did not assist faculty, and she had already spoken to the department chair, the dean, and the provost. The dean had promised to help her but had done nothing to date. The department chair was new and said he was just supporting the decision of the previous chair to cancel her contract. The provost listened and said the dean has the right to make decisions in his school.

At this point, she was very angry and wanted to get even. As a minority woman, she felt fairly certain that she could win in a lawsuit because she had not been accused of any wrongdoing, yet her contract was being canceled.

The ombuds asked the visitor to think about what she most wanted, encouraging her to think about what her life would be like, on that campus if she sued and won, or elsewhere if she sued and lost. The ombuds asked her if all the negative time and energy was worth the time it would take out of her career and moving forward on her research and writing projects.

The visitor did some thinking and reflecting on the advice from the ombuds and came back a week later. She asked the ombuds if the ombuds would help her find resources to assist her with her resume and job search. The ombuds gave her a list of local and campus resources and met with her a few more times to give her chances to vent her anger.

A few months later, the visitor secured an assistant professor position with her own lab and mentor at a prominent university. She was so excited about her new opportunity that she was no longer interested in suing the university.

The ombuds, in this case, helped spare both the university and the faculty member from the cost and stress of a discrimination lawsuit and, with the counseling from the ombuds, enabled the faculty member to realize her dreams.

Ombuds Helps a Visitor Surface a Fraud Issue Through the Whistleblower Hotline

A visitor asked the ombuds for assistance with a case she was afraid could get her fired. She was a research assistant and she thought that her boss, a grant primary investigator, was asking her to use grant funds illegally. He was basically asking her to move monies from one account to another in a way that was in direct violation of the applicable federal guidelines.

As the research assistant, it was her job to keep the grant operating within the guidelines, so she was worried she could either get fired by the supervising federal agency for not following protocol or by her boss if she didn't follow his instructions.

The ombuds discussed options, such as filing a grievance, making a report to the federal agency, or transferring to another research project. The ombuds also discussed the possibility of talking with another senior research assistant who might know a legal way to reach the primary investigator's goals while staying within applicable rules.

Of course, the ombuds also pointed out that she could quit her job, but the visitor said she needed it to support her family and for the medical benefits. She did not want to report the primary investigator in any way that would allow him to identify her involvement. Given these concerns, the ombuds mentioned the possibility of filing an anonymous comment on the Whistleblower Hotline. That option helped the visitor feel safe from retaliation, so she agreed to do that as well as start her job search as a backup plan because she no longer wanted to continue to work with that investigator. She was committed to not breaking the rules regardless of the pressure to do so.

Proceeding in this way could bring the issue to the attention of the university, which could conduct an investigation. The university and its reputation would be protected from the unethical acts of the primary investigator if they responded to the report on the hotline and the visitor's concerns were validated. Regardless, the employee was relieved to have options so she could live according to her conscience.

An Undergraduate Student Grade Dispute

An undergraduate student who was planning to hire an attorney and sue the university came to the ombuds with a complaint about the grade the student had received from a professor with a highly irregular approach to a class that the student had been enrolled in.

The professor had an unconventional grading scheme, with no syllabus, no grading rubric, and no requirements for the class. The professor did not take attendance and assigned grades to students based on undefined parameters, although the professor had expressly told the students that participation in class would earn an A. He also said that if students were not meeting his expectations, he would email them to let them know.

The visitor to the ombuds had received a B in this professor's class but thought they deserved an A. When the student raised the issue with the professor, he provided reasons that did not align with his prior statements and practices.

The ombuds explained internal processes available to the student for raising this issue with the university, including the fact that the student had three levels of appeal. After learning of the internal appeal options, the student decided to engage in internal processes to pursue the matter further.

Communication Chaos

The faculty in a university department hired a new professor following an extensive search. At first, everything seemed to be working well with the professor's teaching and research. However, a few months later, problems started to arise.

The department's administrative assistant felt that this professor was too closed off and unfriendly. The assistant had invited the professor to group lunches and other gatherings, and each time the professor politely declined. The assistant began taking this personally and spoke with the department chair and other faculty about the behavior.

While most faculty didn't see a problem, some of them were also concerned. Instead of approaching the new professor directly about their concerns, colleagues communicated with him in a passive-aggressive and indirect manner. The new professor began to feel as though he had made a mistake in taking the position and didn't know what to do. He decided he should start looking for another position and spoke to a colleague about his situation. The colleague advised him to talk to the ombuds.

In the first meeting, the professor described behaviors that he thought were hostile and directed at him by the administrative assistant and some of the faculty members. He could not imagine why they appeared to be acting this way, as even though he tended to keep to himself he always made it a point to say "hello" and to be polite to everyone in the office, including student workers. The ombuds asked permission to speak to others in the department and the professor agreed.

In the subsequent meetings, the ombuds discovered that the others who were upset with the professor had made many assumptions about his manner, behavior, and choices to not join group activities. They took his absence as a personal affront, assuming he did not want to get to know them or befriend them. At least one of them expressed the wish that the professor would leave the university.

After sharing their concerns (with permission) with the professor, the professor acknowledged that their basic description of his actions was accurate, but he believed that they had misunderstood his intentions. He told the ombuds about his education, which took place in another country and culture, and also about his work experience where professional distance was strictly adhered to. In his training, faculty did not mix business with pleasure except in rare circumstances. Furthermore, he had young children at home and preferred to spend his meals with them and his wife as they were still struggling to feel comfortable in this new community.

The ombuds asked him if he would be willing to meet with the ombuds and some of the other people to help clear the air about his behavior and intentions, as well as theirs. He agreed, as did the others. At that meeting, each person was able to talk about what they experienced, what the department's norms were, and began to understand better each other's behavior and assumptions. They apologized, shook hands, and learned some important lessons in cultural communication. With the greater understanding the new professor ceased looking for a new job and intradepartmental communication improved.

Ombuds Provides Resources to a Foreign Student to Resolve Problems with his Living Arrangements

During the COVID-19 pandemic, the ombuds received a voice message from a first-year international student residing with his extended family in a poor Eastern European country. His parents lived in a rural community two hours away, and he had been living for the past two years with an aunt and his father's parents. The student explained to the ombuds that he was feeling emotionally drained by family members who he perceived had some mental health issues. In the course of the conversation with the student, the ombuds learned that the student had limited space in a small apartment and that the aunt and grandparents were yelling constantly at him and his nine-year-old cousin. When the student tried to inquire about the anger, he was told that if he didn't stop the questioning, the aunt and grandparents would kill themselves.

The student had tried to schedule an appointment with the college's counselling and mental health office (CMHO). He was directed to the ombuds office, however, because the CMHO was restricted from offering any services outside of the state where the college is located.

The ombuds met with the student by online video conferencing and helped him think through and role-play a discussion with his elder relatives. The ombuds also located an on-call telehealth service that the student could use as a resource and provided the student with white papers on attentive listening and difficult conversations that the student could read and use as self-help. The ombuds stayed connected by setting up follow-up conference calls over the next few weeks.

With access to these additional resources, the student was able to negotiate removing himself from his relatives' apartment and moved back to his parents' home and continued to participate in remote virtual classes from there for the remainder of the semester.

Ombuds Helps a Manager Resolve Issues with HR and Her Boss

A hiring manager came to see the ombuds, after determining that reaching out to HR for clarification "was making things worse." This visitor to the ombuds office was tasked with hiring someone from a particular role, who would directly report to her. She and her manager had together come up with the job description and job qualifications for this role, and she had thought they were on the same page. However, after HR forwarded the top four candidates for her review (and her manager's reading), things started to change. She explained how she had thoughtfully reviewed the top four candidates and immediately culled the group to two candidates. She then let her manager know of her decision. Her manager immediately stepped in and explained she needed to interview at least three candidates, and that one of the two she had dismissed from the pile was a "must-see" candidate. The visitor to the ombuds explained to her manager that the "must-see" candidate was seriously lacking in one of the most important skills-sets and that the other two candidates were far more experienced in this skillset. However, her manager did not budge. Instead, he noted that this candidate had another skillset, not anywhere on the job description and not part of the role as it had been envisioned, that he thought could be helpful later on with a plan he had to grow the role.

This hiring manager and the hiring team then interviewed three of the four candidates, including the one her manager insisted she meet. The group determined that one of the candidates was "head and shoulders" above the rest, and the candidate her manager insisted be interviewed not only communicated poorly, but also admitted that she had never done the work required for this vacant role. The visitor then shared her and the hiring team's decision with her manager. In response, her manager demanded that she hire the least qualified candidate. She was frustrated and angry, as she was the named hiring manager and her selected candidate needed to be able to accomplish the job requirements.

The ombuds pulled up the policy and procedure regarding the hiring process to discuss it with the visitor. In the policy, the hiring manager was authorized to be the final decision-maker and was also directed to take into account the feedback from the hiring committee. The ombuds talked with the visitor about the option of returning to HR and telling them about the situation, where she, as the hiring manager, as well the hiring committee, all agreed on this one candidate, and her manager was trying to make an end-run around the process. She was relieved to learn that the policy language supported her perspective, and she decided to meet with HR. She later shared that HR supported the hiring of the candidate that both she and the hiring committee had selected.

A Probationary Employee Clarifies a Policy Without Hurting his Career

The organization president issued a policy statement to all employees mandating a furlough. The policy stated that all employees had to take a certain amount of time off without pay and that they could do so when they chose, in partial day increments, one day at a time, or in multiple day blocks up to five consecutive days.

An employee still in probationary status (having worked for the organization for less than one year) contacted the ombuds office because, contrary to the directive from the president, his supervisor had dictated when employees had to take the unpaid days off. Because he was still in his probationary period, the employee was unwilling to raise the issue directly out of fear that doing so would hurt his chances for employment when his probationary period ended.

After discussing various options, the employee gave the ombuds permission to contact the HR office to raise the issue generically. Once HR became aware of the issue, it revised the FAQs on its website to address the issue with a question on whether a department or division could mandate when furlough is taken. The answer to this question given by HR was "No. A department should not dictate when the required furlough days must be taken by an employee or a department." This information was disseminated to all departments, including the department in which the employee worked, and the problem was eliminated.

The Need for a Truly Confidential Discussion and Help from the Ombuds

An employee contacted the ombuds, relying on the promise of confidentiality, to discuss possible implications of a serious health problem that the employee had involving a chronic and deteriorating (but noncommunicable) disease. He wanted to know the benefits that would be available to his wife when he died. The employee indicated that he is able to function well at present but did not trust HR to keep such an inquiry confidential. He also did not want to inform his supervisor because he did not believe he would be incapacitated anytime soon and was afraid that he would not be taken seriously for promotions or new responsibilities if others know about his life-threatening illness.

The ombuds helped him research all of the applicable company policies to answer his questions on death benefit policies. The ombuds also raised with him a concern over the fact that because no one else in the organization knew about his condition, it could be a problem for the organization if he were to be incapacitated or die suddenly. The ombuds and the employee discussed several options, and the employee decided to prepare a sealed envelope with instructions that it only be opened in the event that a medical crisis occurs while he is at work.

Policy Clarification Wanted but Fear of Asking

The organization had a drug-testing policy for safety-sensitive positions. An employee came to the ombuds to ask whether he would have to take the drug test if notified to do so. He said that he objected to the drug test on principle, not because he had any fear of the results. He

was afraid to ask for a clarification of the policy, however, because that may mark him as a "dangerous druggie" or cause him to lose his sensitive duty status or even his job.

The ombuds reviewed the policy with the inquirer. Among other options presented by the ombuds was the possibility that the ombuds could make an inquiry of the director in charge without naming any employee to see if there were any exceptions or "wiggle room" in the policy. That was the option selected by the inquirer. When the ombuds made the inquiry, the answer was that no exceptions were permitted because the test was required by federal policies. When this information was communicated back to the inquirer, he understood and very much appreciated the chance to raise the issue without being the person identified with doing so.

New Employee's Religious Concerns Accommodated

A new hospital tech employee was required, as part of her orientation, to scrub into an operating room to observe a surgery. She subsequently learned that the scrub uniform she would have to wear included pants. Her religious tenets prohibited her from wearing pants—normally she wore long uniform skirts that did not interfere with her work. She came to the ombuds because, as a new employee, she felt vulnerable and did not want to cause a problem. Confidentiality was important because she wanted to discuss available options before taking any action with a supervisor or the hospital itself.

After speaking with the ombuds, she gave the ombuds permission to make inquiries in other areas of the hospital, including surgery, the intensive care unit, and the hospital laundry. The ombuds learned that disposable (and sterile) long sleeve skirt-like garments were used for patients in the ICU. The ombuds was also able to arrange for the tech (whose identity still had not been disclosed) to wear that garment in the operating room, provided that she wore regular scrubs under it. That solution satisfied everyone, and the problem was resolved.

Confidential Requests for Information

Two situations that frequently involve confidential communications with an ombuds are in connection with internal job postings and post-employment restrictions on them.

The concern over internal job postings is that, despite many common policies that favor internal transfers and movement of employees, employees fear that their managers will react adversely if it becomes known that the employee is looking to transfer. There is a fear that the assignments, bonuses, etc., given by the current manager will be adversely affected by any signs of disloyalty. ombuds are thus the sounding board for employees on how they can protect themselves in the process of searching for a new job inside the organization. This process often involves multiple conversations and suggestions for options for dealing with issues at various stages in the process.

The second persistent problem is employees who believe that they may have post-employment restrictions. Departing employees often do not have a copy of an agreement they may have signed when they began work but are reluctant to request a copy of the agreement. ombuds have been able to advise HR that it is in management's best interests to routinely give a copy of such agreements to an employee upon departure and to coach an employee on how they may be able to ask for or get a copy of any such agreement if it is not given to them as a matter of course.

Ombuds Helps an Employee Learn about Appeal Rights

An employee who received a proposed one-day suspension for alleged misconduct wanted to speak confidentially with the ombuds to learn what the employee could do to challenge the suspension. The employee said that the supervisor had imposed the one-day suspension without speaking to the employee, and the employee thought that the supervisor had acted without knowing all of the facts and context of the incident involved. The employee was also interested in maintaining a good relationship, if possible, with the supervisor.

The ombuds discussed a number of options with the employee, including the employee's appeal right in the case of any disciplinary action was upheld. With a better sense of how to proceed, the employee indicated that he wanted to submit both a written appeal of the proposed discipline and that he planned to have a verbal discussion with the supervisor. The ombuds helped the employee become organized and map out an outline of the discussion items with the supervisor.

Ombuds Helps Employees Understand the Process

Several employees who were being investigated for time and attendance irregularities reached out to the ombuds for help to better understand what their time and attendance responsibilities were and what their rights they had in connection with the investigative process. Given the pending investigations, the employees wanted to have these discussions in a confidential setting.

In one case, the employee questioned the process itself. This employee's job necessitated being "out and about." The employee believed that the documentation being requested as part of the investigation to prove the employee's whereabouts was unduly burdensome, unfair, and a misuse of the process. The employee asked the ombuds for help finding out whether these types of requests for documentation were appropriate.

The ombuds found an internal guide for administrative investigations, which addressed time and attendance cases. It instructed investigators to give employees under investigation the opportunity to explain discrepancies. It further stated, "If uncertainty remains about an individual's presence at his or her assigned duty location or other location in an official capacity, the employee usually receives the benefit of the doubt."

The employee did not give the ombuds permission to reveal their identity. During the process the ombuds learned that there were about a dozen ongoing time and attendance investigations. Given this large number, the employee felt comfortable with being able to remain anonymous and gave the ombuds permission to discuss the broad concerns with the director of investigations. This leader took the feedback seriously and followed up with all investigators to ensure the process was fair and being conducted properly in accordance with the internal investigation guidelines.

Concerns over Possible Copyright Infringement

A staff member contacted the ombuds after seeing a university bulletin referencing copyright issues. The staff member was very upset with a concern that their downloading some ebooks may have been a university copyright policy violation and that that their continued employment was at risk.

In discussing how the staff member could proceed, the ombuds identified options, including the staff member discussing the issue with their direct report. The option selected by the staff member, however, was for the ombuds to seek additional information about the potential impact of the described actions without disclosing the identity of the staff member or any other identifying information.

The ombuds then spoke with Employee Relations and Office of General Counsel to learn more about the copyright policy and how it might be enforced. These resources noted that while copying ebooks was potentially a serious situation, it was not likely to put an employee's employment at risk.

The ombuds shared this Information with the staff member, who said that they planned to discuss the situation with their spouse over the weekend and then determine how to proceed.

2. Confidential Coaching and Guidance

Restoring Morale and Improving Communication

When the COVID-19 stay-at-home directives were put in place, not all teams embraced the required changes. The ombuds heard from staff across the university that, in many units, there was no plan and leaders were dropping the ball. Some visitors had not heard from their supervisors in weeks. The ombuds provided communication coaching to empower visitors to initiate and frame conversations with their supervisors to address remote team communication and other issues resulting from the stay-at-home directives.

In one case, the visitor was new to their position and fearful of raising their concerns. They were also not comfortable giving the ombuds permission to speak directly with their supervisor. Rather, they gave the ombuds permission to reach out to others in the university who could possibly help discreetly address the situation systemically. The ombuds reached out to those offices to share the visitor's concerns—but without disclosing the identity of the visitor—and helped devise a plan to intervene and support the team without the supervisor knowing the impetus.

Helping an International Graduate Student Navigate the Bureaucracy

An international graduate student came to the ombuds after he was moved to a new residence hall following an incident in which he had been involved at his previous residence hall. The student's move to his new room occurred shortly after another student who had been occupying that room moved out. The student who moved out left the bathroom and kitchen in a filthy condition, as documented through video evidence shared with the ombuds. Both the graduate student visitor and his mother, who also contacted the ombuds from abroad, shared their concerns about the condition of the room and the lack of response by the university.

In essence, the graduate student visitor had been unsuccessful in getting the Residence Life office to provide the typical room cleaning that occurs when there is a transition in residents. Unlike most room transitions, however, this transition had occurred in the middle of a semester. The assumption by Residence Life seemed to have been that the outgoing student would have cleaned the room before his departure and that there would be no need for the type of cleaning that was usually done at the end of the semester. The visitor and his mother were very frustrated at the lack of response to the student's requests.

The ombuds discussed with the visitor options to address this issue, including contacting the Director of Facilities, who oversees custodial services, to ask if they could help resolve the issue. The ombuds was familiar with the Director of Faculties and thought the Director of Facilities would likely respond positively even though the student had not been able to get a response by contacting the Residence Life channels. The visitor had been unaware of the role of the Facilities office. At the request of the visitor, the ombuds sent an email to both the Director of Residence Life and the Director of Facilities requesting assistance for the student. Once the Director of Facilities heard of the issue, he directed his crew to provide the desired cleaning, for which the student expressed his appreciation to the ombuds.

Assistance Provided to a Senior Leader Outside of the United States

In an emerging markets region, due to rapid business growth and employee turnover, some talented employees were promoted to senior positions before they had received sufficient supervisory or leadership training. One such employee came to the ombuds for advice because she was feeling overwhelmed. She was very capable and had demonstrated excellent performance in her previous technical role, but after she was promoted, she began managing a large team (more than one thousand employees) and multiple projects across different countries.

She was confident in her substantive abilities and learning quickly in her new role. She wanted to know how other leaders had handled situations similar to those she was encountering and wanted to benefit from understanding best practices for managing and motivating large teams. She said she considered the ombuds a trusted coach and discussed with the ombuds alternatives in a variety of situations with which she was dealing.

One example she shared involved a member of her leadership team who had taken a lead role at a new site. At the beginning of the assignment, he was quite engaged and passionate. After a few months, however, his performance declined significantly. He expressed to her that, due to the COVID-19 impact and personal challenges he was facing with relocating his family, he would like to return to a role in his home city.

Unfortunately, there were no available jobs for him there at this time. The new manager asked the ombuds whether she should approach this from a performance management perspective or a leadership development dimension to take the best approach for both this highly talented employee and the organization. The ombuds inquired about the background of the site, her expectations for the employee, and any performance gaps. Together with the new manager, the ombuds reviewed the pros and cons of each option for approaching this issue. The new manager ultimately sought other candidates for the site lead role and searched for other jobs for the current site lead in a more suitable position closer to his home base.

The ombuds also advised the new manager about her further development as a leader and encouraged her to leverage her supervisor and shared company training options for additional skill building. The ombuds suggested that she register in the company's mentorship program to identify a senior leader outside of her work group who might provide regular guidance to her.

Counseling a Manager who Received Performance Coaching

A manager reached out to the ombuds office after receiving a disciplinary coaching memo. The memo was the outcome of an investigation into allegations made by one of his direct reports that he had been refusing to conduct one-to-one meetings with subordinates and demonstrated an abrasive communication style. The manager felt that this disciplinary action was unfair because there were rumors that the direct report who raised the issue had complained about others in the past. The manager feared that this would ruin his reputation. For the last couple of weeks—since the investigation—the manager reported that he and the direct report had avoided each other.

The ombuds acknowledged to the manager how difficult it is to go through an investigation and more so when the subject of the investigation and the complainant must continue working together. The ombuds explained that, irrespective of whether the employee had lodged prior complaints against others, this particular issue had been investigated by the company and disciplinary action had been decided upon. This was something that the manager needed to accept.

The ombuds also explored with him the opportunities that the advice in this coaching memo might bring to help him improve as a manager and to ultimately advance his career. The ombuds suggested that he make regular one-to-one meetings with direct reports a priority, articulate his desire to change any behaviors that were making them uncomfortable, and encourage them to let him know if they were troubled at any time by his actions—without fear of retaliation. The ombuds helped the manager to understand that avoiding the direct report who had raised the issue was not a viable or productive option and would appear to be retaliatory because he did not treat other subordinates in that manner.

The manager indicated that he would move forward with the advice received and that he understood the importance of changing some of his behaviors.

Guidance for a Foreign Student on Dealing with Professorial and Peer Pressure

An undergraduate student in a political science class addressing politics and academic freedom came to the ombuds to discuss how to deal with pressures from his professor and classmates that he participate in a demonstration that he feared, as an international student, could adversely affect his visa status.

The student said that the class had been encouraged by their professor to take part in a peaceful demonstration at the state capitol to raise awareness about climate change. Because he was an international student, he was reluctant to attend the demonstration for fear of jeopardizing his visa status. Nevertheless, he felt a great deal of peer pressure and consternation and was even called out in class by another student as being a "climate denier." He said that he was concerned that his refusal to participate may affect his grade, particularly because the professor did not intervene when he was shamed in class. The student wondered whether he should take the risk and attend the demonstration in order to avoid both social and academic consequences.

The ombuds and the student explored various options. He could attend the demonstration, but he quickly ruled that out because the risk was too great. He could soldier on and hope that once the demonstration had come and gone the class would move on, although there was no assurance that the issue would blow over. He could also request a mediated conversation with the professor to share what he was experiencing in the hope that she would back down. The option selected by the student was to have the ombuds reach out to the professor, hear what she had to say, and if both were in agreement, facilitate a conversation between the two of them.

When the ombuds met with the professor, it became apparent that she was not aware of the student's full story and, in particular, the visa concern. Regarding the in-class shaming, she stated that she did hear an exchange among students and the use of the phrase "climate denier" but did not know the context so let it go. She also stated that it was her intention to let the students decide for themselves if they wanted to attend the demonstration. However, because it required cancelling class the day of the demonstration, those who were not going would be required to write a short paper on climate change.

The professor acknowledged that her manner of delivery regarding those factors may not have been sufficiently clear. In sum, she felt sorry about how events unfolded for the student and wanted very much to meet with him to say so directly. Additionally, she stated that she planned to emphasize to the class that every individual could choose whether to attend and reinforce that not participating in the demonstration could be for a whole host of reasons and did not equate to climate-denying.

The ombuds hosted the facilitated conversation soon thereafter. The professor listened intently to the student's account; and when he was done, she apologized for her lack of awareness, particularly with respect to the reaction of some of the class members regarding the student's decision not to attend the demonstration. She asked the student whether he would be comfortable with her making a statement to the class about these points, and after some discussion, he agreed provided she did not single him out or refer to him personally. She agreed to the caveat, and they both left the meeting having a much better understanding of each other. It also resulted in a teachable moment for the class regarding mutual respect and recognition of diversity of thought.

Helping an Employee Exit Gracefully and Avoid Reputational Damage

A faculty member at a university was denied tenure. Prior to coming to the university, she had held an important role in the community and still had many significant connections in the area. In her discussion with the ombuds, she explained that she did not feel that the tenure process had been fair in that the policies regarding expectations in the area of professional development had not been sufficiently clear.

After discussion and exploring various options with the ombuds, the visitor decided that she did not wish to appeal the denial because she did not want to continue working with a department that apparently did not want to retain her. She did, however, want to share her concerns about the process that had been used in her tenure denial decision. After further discussion, she decided to write an email to the President and Provost of the university to notify them that she did not wish to appeal the tenure decision but also to indicate that she wanted to meet with them to share her concerns over process and policy in the tenure decision.

The ombuds helped her craft the email to make it as constructive as possible and then followed up with the administrators to encourage them to accept her request to meet. The President and Provost agreed to meet with her, and they subsequently had the discussion she had

sought. The faculty member was grateful for this assistance, as she had a chance to be heard by senior administration. This allowed her to leave on a somewhat more positive note.

In its annual report, the ombuds office addressed the systemic issues raised by the faculty member's concerns and recommended that all academic departments develop clear guidelines regarding discipline-specific expectations for tenure.

Difficult Boss and Policy Guidance Regarding Annual Reviews

A faculty member came to the ombuds with a myriad of issues regarding her department chair. One of the issues involved the chair's practices around the annual review process. The faculty member explained that at annual review time, her department chair would expect her to read, digest, and sign her review in front of him. He essentially would give her no time to respond or clarify the review before expecting her to sign it.

In the ombuds' discussion with the faculty member, the ombuds explained that Faculty Handbook policy allowed a faculty member to compose and submit a written response to a review if they so desired. The ombuds also explained that the policy provided that signing a review did not necessarily mean that a faculty member agreed with it; it simply meant that one had read it.

The ombuds helped the visitor consider various options for how to proceed and, ultimately, the visitor decided that she would like the ombuds to contact the dean (the department chair's supervisor) to inquire as to her expectations regarding how chairs should conduct annual reviews with their own supervisees. The understanding was that the ombuds would not identify the faculty member or department in question.

When the ombuds spoke with the dean, the dean explained that she expected the annual review to be a conversation and that that conversation should be seen as an opportunity to make any reasonable edits to the review. As a result of the conversation with the ombuds, the dean agreed to remind all chairs of her view of how the process should work, as well as of the policies regarding faculty's right to submit a response.

The faculty member's improved understanding of her rights in the process, along with the dean's reminder to all chairs, allowed the faculty member to have a more productive conversation regarding her performance and made the process fairer for all, without compromising confidentiality.

Ombuds Helps Clinical Fellow Stop Unwanted Attention from A Senior Colleague

A new female Clinical Fellow contacted the ombuds to discuss her discomfort with attention she was receiving from a senior male clinician. The senior clinician, an internationally recognized physician and author of a popular medical textbook, had been progressively contacting the fellow by phone and text, complimenting her appearance, and offering her a

valuable collaborative clinical research opportunity during her fellowship. The fellow did not wish to make a formal complaint because of the impact on her career, the embarrassment it would cause the senior clinician, and because the senior clinician had not asked her out, touched her, or said anything exceedingly inappropriate. However, she had a clear sense he was interested in her romantically and may cross those boundaries in the future. She said she only wanted a professional relationship and to be able to complete the fellowship. She indicated that she had not talked to anyone else affiliated with the hospital about the situation and presently had no intention to do so.

The fellow and the ombuds discussed keeping a record of the texts and a journal of the inordinate contact as a backup measure and then began exploring ways the fellow could more clearly communicate her discomfort to the senior clinician either directly or through an intermediary. She decided that as a first step, it would be most appropriate for her to respond to a text message she received that she's noticing he's contacting her quite a bit and that it makes her somewhat uncomfortable and that she'd prefer to communicate by email only with her professional relationships. As a secondary measure if the excessive contact persists, she indicated that she may ask the ombuds to speak to the clinician confidentially on her behalf. Several weeks later the fellow returned to ask the ombuds to speak to the senior clinician so he would stop.

The ombuds subsequently asked the senior clinician to meet and explained the "off the record" nature of the ombuds office. When they met, the ombuds simply said that the ombuds was asked by a fellow if he, the senior clinician, would honor a request made of him about communicating by email. The senior clinician, understanding the confidentiality and informality of the ombuds office, expressed gratitude for the message.

The fellow reported back to the ombuds a few months later that the excessive contact from the senior clinician had stopped and she was now more comfortable dealing with her colleague.

Ombuds Helps New Director Receive Additional Training

A department that supports hospital operations had recently gone through several leadership changes and was being managed by a new Director. One of the employees of the department shared with the ombuds her concerns that she was being micromanaged, that her manager was abusive towards her, and that some duties were being arbitrarily removed from her area of responsibility. The visitor also alleged that the Director was discriminating against her on the basis of sexual orientation. The employee said she had requested the Director to participate in a facilitated discussion to discuss these issues, but the Director had declined to do so.

Over the course of the next few months, several other employees in the department approached the ombuds office with similar concerns about the Director and their fear that they would be retaliated against if they were identified as persons bringing concerns forward to formal channels. The employees gave the ombuds permission to discuss their concerns with the Associate Vice President but without sharing their identities. The Associate Vice President also wanted to loop in an HR Director to provide guidance and consultation on addressing the

concerns. Working together with the ombuds and HR, the Associate Vice President developed a training and development plan for the Director, and the Director was also assigned an external coach with which to work on a regular basis. The concerns were discussed with the Director, as well as expectations going forward.

The visitors were made aware of this and were asked to update the ombuds on their interactions with the Director and to bring further concerns forward confidentially to the ombuds. To date the coaching and additional training appear to be working well.

Coaching to Improve Communication Skills

A male employee found an image ridiculing him stored in a shared folder on the company computer system that had been posted by a female team member. The employee thought that the image was offensive and did not think it should have been posted in the shared folder. When he brought this issue to his manager, the manager's response was that it was just a lighthearted joke. The male employee, however, felt that he had never been close to that female coworker and did not have a joking rapport with her. He remained upset about the continued presence of this image on the shared folder and was frustrated by the fact that his manager had not taken his concerns seriously. The male worker also believed that he had been the victim of a double standard—had he posted a similar image about the female coworker, the manager would have responded very differently.

Having tried to raise this issue with his manager without success, the male employee wanted to speak with the ombuds confidentially about how further to address the issue. The ombuds listened to the employee to understand why the image upset him and discussed his expectations on how this should have been handled. They also discussed his working relationship with his coworker and what the implications might be from different approaches he might take on his and her future interactions at work. The employee decided not to take any further formal action but requested the ombuds to coach him (which the ombuds did) on how to engage in conversation with his supervisor and his coworker to better express his reaction to this posting and to have better communication in the future.

Ombuds Arranges for an Anonymous Call to a Formal Channel at the Request of an HR Team to Address the Conduct of their HR VP

A few employees on a regional HR team had been talking among themselves about the arrogant, dismissive, and disorganized behavior of their HR VP, which they thought indicated a lack of accountability. The HR team had more than twenty people; and while some of them worked in the same office as the HR VP, others worked in offices in different states. The employees working in the same office as the VP, in particular, were able to observe these troubling behaviors by the VP, including the extreme favoritism he showed to certain individuals.

With frustration mounting and many of the employees finding it increasingly difficult to focus on their jobs, three employees from this HR team contacted the ombuds to confidentially discuss their concerns because they greatly feared retribution from the VP if he were to learn that they had spoken up about him. They also said that they did not trust any of the other resources in the organization to address their concerns. In their conversation with the ombuds, they said that they were looking to find a way to raise their concerns anonymously. After listening to the concerns expressed and understanding what the employees had already attempted to do to resolve the problem, the ombuds discussed various options.

The option selected by the employees was for the ombuds to contact an ethics and compliance representative, in order to avoid conflict within the HR organization, to arrange for an anonymous telephone call between the employees and a VP counsel for the company, a compliance representative, and a senior compliance investigator. The understanding was that the ombuds would make all of the arrangements for the call and that the HR employees could speak to the company representatives without identifying themselves. The ombuds coordinated the call and once all participants were connected, the ombuds dropped off the call so as not to be part of a formal, but unusual, teleconference. As a result of the conversation, an investigation was begun into the leadership behavior of the VP. The investigation confirmed deficiencies in the VP's leadership and management style that were then referred to Corporate HR Leadership.

The VP was provided coaching by the corporate HR leadership to address his behaviors. When the ombuds followed up with employees to see how they were doing, they thanked the ombuds for the opportunity to raise this issue confidentially with the ombuds. Also, the compliance team reached out to thank the ombuds for coordinating the call and providing them a chance to speak directly with concerned employees. They said that it had made a big difference.

An Advisor's Failure to Advise

A female graduate student came to the ombuds to talk about concerns she had about completing her PhD Her advisor had left employment at the University to join industry but was still advising students by distance. The student had heard about the ombuds through a presentation at the Graduate College and decided to bring her concerns to the ombuds due to the confidentiality afforded by the office. As a graduate student, she feared retaliation by her advisor and, possibly, her committee members should she use formal channels to complain.

The graduate student described a pattern of neglect by the advisor who often made comments about the student's financial status as well as comments about her immigration status. The student believed that the advisor assumed the student was international, when in fact, she was a US citizen. Since the student was self-funded, the advisor refused to treat her the same as those students on grant projects and left her without adequate assistance. As the student prepared for the defense of her dissertation, the advisor cancelled meetings and ignored email and voice mail. While her dissertation was accepted and she was a 4.0 student, she failed her oral defense and was given only two weeks for a second defense, with no advice from her advisor. The external member on her committee noted the irregularity in the lack of support by her advisor,

and the "gotcha" type of questioning in the defense, and suggested she reach out to the Department Chair.

At that point, the student decided to speak to the ombuds. After hearing the student's concerns, the ombuds asked to speak to the external committee member and received permission. The external committee member confirmed what the student had reported and added that the advisor also said that if the student was going to return to her country of origin, then the advisor would pass her, but not if she stayed in the US. The external committee member was from the same country as the student but knew she was a US citizen and was appalled by the statement. None of the other committee members said anything. He convinced the student to file a discrimination complaint with the Title IX office, which she did but held off on the investigation, fearing retaliation.

After meeting and coaching by the ombuds over the course of four weeks, the student spoke with the Department Chair and the Graduate Advisor, both of whom refused to listen to the student and tried to convince her to accept a Masters' degree instead. Finally, the student allowed the ombuds to speak to the Vice Provost and the Dean of the Graduate College about the situation, about her fear of retaliation, and need for an advocate in her department. The Graduate Dean was able to convince the Department to provide a new advisor, cancel the second defense due to the comments made and lack of advisement, and provide a stipend to the student to stay and defend again and pass her defense. The student, after being awarded her PhD, chose to drop the discrimination complaint against the University.

Abusive Advisor and Language Issues

An international graduate student came to the ombuds' office in a highly emotional state after an alarming interaction with his professor/advisor. The ombuds listened attentively to the student as he described what sounded like ongoing abuse of students by a faculty member. The student was frightened and confused. Like many students, he was reluctant to report anything to the university out of fear of retaliation.

The student had been contacted by two students who had left the university, one with their PhD, and one who had accepted a Masters' despite being in a PhD program. For two years, all three students had been in the same laboratory with the same professor. The two former students decided that they couldn't watch their fellow students continue to be abused in this way. They sent a letter to the Department Chair, who didn't take any action. The Department Chair apparently believed the faculty member to be upstanding and productive.

The former students suggested the student consult with the ombuds due to the confidential nature of the services. All of them described abusive conduct by the professor, including speaking only in their native language in the lab (all three of the students and the professor were from the same country of origin), and calling the students derogatory names; throwing papers, computers, and other equipment across the room; and making them work over 40 hours per week in the lab. If they weren't in the lab, the professor would track them down and find them at their homes. He also gave the students in his lab the answers to the exams so they

wouldn't have to waste time studying and would be able to work more in the lab. The students had kept the email correspondence related to the exams and presented it to the ombuds.

The ombuds discussed a variety of possible actions the student could take but the course of action that felt most safe for the student was to provide an anonymous report of the academic misconduct based on the exams which is what the ombuds helped him to do. This resulted in an investigation into the matter by the Provost's office and Faculty Academic Affairs. The professor was fired after all of the allegations came out and more students came forward. After this case, the graduate college of the university created a policy stating that the language used in labs and classrooms must be English and provided training and education on appropriate standards and treatment in laboratories.

These students had considered contacting the local newspaper to report what was going on before coming to the ombuds but had been hesitant to do so. Had they done so, it would have had a devastating impact on the reputation of the institution, and probably would have resulted in costly and protracted hearings.

Ombuds Mediation Helps Faculty Members Resolve Issues Themselves

A faculty member contacted the ombuds about a conflict over course planning. She and another faculty member had been working together on the same course for years with a course director. This year they had a new course director who was also new to the campus. The visitor wanted help with finding a way to work with the new course director whom she viewed as highly rigid and opinionated. She had come to see the ombuds because Human Resources told her they don't work with faculty and that she should go to the Provost. She didn't want to go to the Provost over such a small concern.

After telling the ombuds about the challenges of working with this new person, the visitor decided she wanted to bring her colleague to meet with the ombuds. So, at the next meeting with both faculty members, the ombuds discussed different ways to negotiate or problem solve. The colleagues decided to try those techniques.

Two weeks later they were back to meet with the ombuds and said that they were feeling very frustrated. They had tried working with the new course director and had even gone to the department chair to complain about her. The department chair told them to work it out themselves. At this point, the ombuds offered shuttle diplomacy and mediation, and the two faculty members readily agreed to mediate.

Neither faculty member, however, wanted to invite the course director to the mediation. They felt intimidated by her. So, the ombuds called and invited the course director to meet with her and also invited her to a mediation with the two faculty members. The course director agreed to meet with the ombuds but spent most of the meeting denying there was a problem. She insisted that she had given the faculty members clear instructions as to how to do their jobs and they just needed to do what she said. Reluctantly, the course director agreed to try mediation as long as she could leave whenever she wanted.

During the mediation, the parties identified their primary differences. They realized that the two faculty were used to planning in-person classes and the new course director had only experienced planning online courses. Once they identified the problem, they were better able to find common ground.

They made a plan in the mediation to have the ombuds be present at two planning sessions to help them get started. By the end of the second session, they no longer felt they needed the ombuds to continue to meet with them.

The importance of this case was that this class was being planned with only three weeks to go before the semester started. A large number of students would have been adversely impacted if this group had not been able to find a way to work together.

Ombuds Helps a Group Find a Common Vision

A university president hired an executive director to start a pipeline program for underprivileged students from the geographic area in which the university is located to get into the university's STEMM programs. It was a huge undertaking to hire staff, make arrangements with local schools and collaborate with the university medical faculty.

Toward the end of the first year, the director of this program was so frustrated with several of the staff that she was ready to fire them all and start over. She came to see the ombuds to ask for help. After a couple of meetings, the ombuds asked the director if she would be willing to allow the ombuds to meet with each of her team individually to learn their perspectives on what was going on. Of course, the ombuds insisted that the information shared in the conversations with staff would have to remain confidential. The director was anxious to get the program launched so she agreed.

The director knew that the program was a high priority project, so she was feeling a lot of pressure. The fewer people that knew her challenges, the better, so that is why she did not want to go to Human Resources.

The ombuds met with each of program's team members, promised confidentiality, and asked them how they viewed how things were going. Each of the eight people interviewed had a different perspective and wanted the program to develop the way they thought it should.

As a result, and without disclosing the comments of any of the individual team members, the ombuds suggested to the director that the group either have a retreat or discuss organizational development. She agreed to do both but asked the ombuds to lead the organizational development discussion first.

During that discussion, the group realized that in order to get started, someone had to offer a vision and having eight different visions was slowing down their progress. They agreed to

let the director lead with her vision and to fine tune their goals and objectives in a strategic planning retreat.

The director was pleased with the results of the retreat and decided not to fire her team. She also asked the ombuds for resources for team building and Myers-Briggs training. This program went on to get multiple federal grants and awards. They continue to provide the pipeline to this day. The director frequently publicly states that this high-profile town/gown program might not have survived without the help from the ombuds.

The Ombuds Helps a Foreign Post-Doctoral Fellow Accused of Plagiarism

A post-doctoral fellow came to see that ombuds in a panic because he was being accused of plagiarism. He was African and had published academic papers in his home country and in another country before coming to the United States. He said his current professor had asked him to write a paper on a certain topic and then accused him of using others' work without citing them. Further, he was told that if he was found guilty, some or all of his past publications could be rescinded very publicly.

When the ombuds asked if he had spoken to anyone else about this, the fellow said he had only spoken with his wife. He said that this situation was so humiliating to him that he didn't want anyone else to know about it. When he heard the ombuds kept information confidential, it was the only option he would consider other than hiring an attorney to defend himself.

The ombuds asked him whether he had been formally accused or not and he did not know the answer to that question. Part of his panic had to do with not understanding what was happening and being new to the United States. He didn't know where to turn.

The ombuds asked him if he had spoken with his supervisor and his department chair. He said he had spoken with both, and they were awaiting the outcome of an investigation so they could not tell him anything. The ombuds also asked if he had spoken with anyone in the Academic Dishonesty Office, and he said he had not heard of that office.

The ombuds gave him the contact information and the location on the campus for that office. The ombuds also advised that the office's website outlined the investigation process. Just being able to read about the process provided some relief for the fellow.

A few weeks later, the fellow called the ombuds to say thanks for the help and to report that he had been cleared of any accusations in the investigation. He reiterated that it was such a huge help to him to have an office where he could talk confidentially about something that was so embarrassing without having to worry about the information being shared with others. Before he found the ombuds, he said that he thought his only option was to hire an attorney, but he did not have the money to do that. Had he done so, however, the university would have had to defend the lawsuit. As it was, he was exonerated, and his career was not ruined.

A Restorative Justice Approach Helps Address What Were Perceived to be Racist Comments

A visitor came to the ombuds looking for help with a sensitive situation. She felt she had been humiliated and that the motivation had been racism when a colleague challenged her in a large meeting. She wasn't sure whether she wanted the other person to pay in some way, but she did want to address the problem and not sweep it under the rug.

The ombuds, who was trained in restorative justice practices, thought this might be a perfect opportunity to help people deal with the sensitive issue of racism in a way that leads to empathy and understanding rather than accusations and punishment.

When the ombuds described the circle process and discussed with the visitor why it is used, the visitor was receptive to the idea. Since the woman who insulted her was a colleague with whom she needed to continue to work, she decided her goal was to seek understanding and behavior change.

The ombuds asked the visitor who she would like to have in the meeting, and she selected the person who she thought had made the insulting comments and both of their supervisors. She wanted all of the other three to understand how the situation impacted her.

All three of the other parties agreed to participate in the circle. Two parties were Black and two were White. The discussion lasted two hours. There were tears and there were promises that all would be sensitive to how they talk to others and especially in front of others.

This is the kind of situation that many people do not address. Their feelings are hurt, and the other person is not held accountable or given a chance to learn from the situation. By having the ombuds suggest and help with this restorative justice process, hopefully both the individuals and their supervisors benefited by their new understanding of how they should treat others in the future. And, by helping to resolve the conflict in this manner, the university and its culture were also beneficiaries.

Helping a Nontenured Faculty Member Focus on What Was Important to Her Avoids a Discrimination Lawsuit

A faculty member came to see the ombuds about what she considered to be racist or discriminatory treatment. She was a junior faculty member with multiple degrees, one of which was from the campus where she currently worked. Now, as a contract employee of the university, she felt like she was being left out of important meetings and treated differently than her male peers. They were being mentored and she was not. She had also found out she was being paid less than others to do the same work and that her contract had been cancelled. She was considering suing the university for discrimination.

The ombuds listened and heard all the pain the visitor felt from being marginalized and left out. The visitor was ambitious and had dreams about doing research and having her own lab.

She didn't know where to go for help. Human resources on that campus did not assist faculty, and she had already spoken to the department chair, the dean, and the provost. The dean had promised to help her but had done nothing to date. The department chair was new and said he was just supporting the decision of the previous chair to cancel her contract. The provost listened and said the dean has the right to make decisions in his school.

At this point, she was very angry and wanted to get even. As a minority woman, she felt fairly certain that she could win in a lawsuit because she had not been accused of any wrongdoing, yet her contract was being canceled.

The ombuds asked the visitor to think about what she most wanted, encouraging her to think about what her life would be like, on that campus if she sued and won, or elsewhere if she sued and lost. The ombuds asked her if all the negative time and energy was worth the time it would take out of her career and moving forward on her research and writing projects.

The visitor did some thinking and reflecting on the advice from the ombuds and came back a week later. She asked the ombuds if the ombuds would help her find resources to assist her with her resume and job search. The ombuds gave her a list of local and campus resources and met with her a few more times to give her chances to vent her anger.

A few months later, the visitor secured an assistant professor position with her own lab and mentor at a prominent university. She was so excited about her new opportunity that she was no longer interested in suing the university.

The ombuds, in this case, helped spare both the university and the faculty member from the cost and stress of a discrimination lawsuit and, with the counseling from the ombuds, enabled the faculty member to realize her dreams.

Ombuds Helps a Visitor Surface a Fraud Issue Through the Whistleblower Hotline

A visitor asked the ombuds for assistance with a case she was afraid could get her fired. She was a research assistant and she thought that her boss, a grant primary investigator, was asking her to use grant funds illegally. He was basically asking her to move monies from one account to another in a way that was in direct violation of the applicable federal guidelines.

As the research assistant, it was her job to keep the grant operating within the guidelines, so she was worried she could either get fired by the supervising federal agency for not following protocol or by her boss if she didn't follow his instructions.

The ombuds discussed options, such as filing a grievance, making a report to the federal agency, or transferring to another research project. The ombuds also discussed the possibility of talking with another senior research assistant who might know a legal way to reach the primary investigator's goals while staying within applicable rules.

Of course, the ombuds also pointed out that she could quit her job, but the visitor said she needed it to support her family and for the medical benefits. She did not want to report the primary investigator in any way that would allow him to identify her involvement. Given these concerns, the ombuds mentioned the possibility of filing an anonymous comment on the Whistleblower Hotline. That option helped the visitor feel safe from retaliation, so she agreed to do that as well as start her job search as a backup plan because she no longer wanted to continue to work with that investigator. She was committed to not breaking the rules regardless of the pressure to do so.

Proceeding in this way could bring the issue to the attention of the university, which could conduct an investigation. The university and its reputation would be protected from the unethical acts of the primary investigator if they responded to the report on the hotline and the visitor's concerns were validated. Regardless, the employee was relieved to have options so she could live according to her conscience.

Coaching Helps Visitors Develop Bystander Training Initiative

Leaders (almost all scientists) from an established women's resource group wanted to address common issues they were facing in the workplace and were feeling very discouraged by what they felt was unconscious bias in hiring and promotion in their fields. Representatives of the group approached the ombuds looking for suggestions and guidance about how they could start a conversation in the organization to begin a dialogue on these issues.

The ombuds provided the visitors with references to articles, analytical models, and other materials on topics such as microaggressions, psychological safety, dignity in the workplace, and ways to engage witnesses and bystanders to take action. The ombuds also proved guidance and other tools on how the visitors could begin creating awareness of the importance of speaking up about issues people observed and unconscious bias in the workplace. The leader of the women's resource group was then able to use the articles and tools that the ombuds had provided to create traction around these concepts in various units in the organization.

One result of her efforts was an initiative that led to the formation of an employee resource group to raise awareness of the importance of active bystanders speaking up. This "bystander" employee resource group then took on the task of providing training to employees about how to combat microaggressions and unconscious bias by speaking up when they observed such behavior.

While neither the women's resource group nor the bystander training group operated under the direction of the ombuds, the ombuds had provided the tools and guidance that was a catalyst that empowered these groups to make a constructive and positive impact on training employees on these critical issues.

Communication Chaos

The faculty in a university department hired a new professor following an extensive search. At first, everything seemed to be working well with the professor's teaching and research. However, a few months later, problems started to arise.

The department's administrative assistant felt that this professor was too closed off and unfriendly. The assistant had invited the professor to group lunches and other gatherings, and each time the professor politely declined. The assistant began taking this personally and spoke with the department chair and other faculty about the behavior.

While most faculty didn't see a problem, some of them were also concerned. Instead of approaching the new professor directly about their concerns, colleagues communicated with him in a passive-aggressive and indirect manner. The new professor began to feel as though he had made a mistake in taking the position and didn't know what to do. He decided he should start looking for another position and spoke to a colleague about his situation. The colleague advised him to talk to the ombuds.

In the first meeting, the professor described behaviors that he thought were hostile and directed at him by the administrative assistant and some of the faculty members. He could not imagine why they appeared to be acting this way, as even though he tended to keep to himself he always made it a point to say "hello" and to be polite to everyone in the office, including student workers. The ombuds asked permission to speak to others in the department and the professor agreed.

In the subsequent meetings, the ombuds discovered that the others who were upset with the professor had made many assumptions about his manner, behavior, and choices to not join group activities. They took his absence as a personal affront, assuming he did not want to get to know them or befriend them. At least one of them expressed the wish that the professor would leave the university.

After sharing their concerns (with permission) with the professor, the professor acknowledged that their basic description of his actions was accurate, but he believed that they had misunderstood his intentions. He told the ombuds about his education, which took place in another country and culture, and also about his work experience where professional distance was strictly adhered to. In his training, faculty did not mix business with pleasure except in rare circumstances. Furthermore, he had young children at home and preferred to spend his meals with them and his wife as they were still struggling to feel comfortable in this new community.

The ombuds asked him if he would be willing to meet with the ombuds and some of the other people to help clear the air about his behavior and intentions, as well as theirs. He agreed, as did the others. At that meeting, each person was able to talk about what they experienced, what the department's norms were, and began to understand better each other's behavior and assumptions. They apologized, shook hands, and learned some important lessons in cultural communication. With the greater understanding the new professor ceased looking for a new job and intradepartmental communication improved.

When a Senior Leader is the Problem

Over a period of months, a number of people in a department individually consulted with the ombuds. The visitors had roles at varying levels in the hierarchy and in a variety of disciplines, but they all shared concerns about the same senior member of the organization's leadership. Visitors expressed confusion or concern about the senior leader's quick ascension in the organization and about the appropriateness or justness of his promotions and power.

The visitors also described the senior leader's conduct, including insulting or publicly disparaging people, interfering with projects or work, character assassinations, attacking professional reputations, and terminating people unfairly or unjustly. Some considered this conduct as bullying. Others perceived the behavior as antithetical to the organization's code of conduct or other policies. Some questioned the legality of the leader's conduct. Given the overall perception of the senior leader's power in the organization, visitors expressed a variety of fears. In particular, visitors were afraid that if it were discovered that they sought help from the ombuds, they would become the next target or otherwise suffer retaliation for speaking up. Many of these individuals were at such a loss that they said they were considering leaving the organization.

Trusting that the ombuds office was strictly confidential, visitors met with the ombuds—often more than once—to share their concerns and to obtain guidance and support in addressing them in a meaningful way. In every session, the ombuds provided support and advice, including on how to address individual communications as they were evolving. (On request, the ombuds provided direct, individual, real-time, one-on-one coaching.) The ombuds and visitors talked about words the visitor might use directly with the senior leader, meetings that they might hold with others, emails they might write to document plans, other senior leaders who could lend assistance, and policies that were at play. The ombuds and visitors also discussed the organization's resources for support, including persons higher in their chain of command, the Human Resources department, the ethics and compliance hotline, and of course the ombuds office.

In addition to serving as coach to individual visitors, an option that the ombuds offered was for the ombuds to serve as a conduit to improve communications, to serve as a mediator to open and improve direct dialogue, and to raise the pattern of concerns to other senior leadership who were well placed to hear and address the concerns. While a systemic pattern of concerns had clearly emerged, the ombuds continued to work with visitors individually to help them work through their individual goals or needs but the ombuds eventually sought permission to bring the matter forward as a pattern while preserving the confidentiality of all visitors.

Ultimately, the ombuds took the pattern of concerns to senior leadership, which engaged the organization's formal investigation processes. The investigation uncovered conduct that was in violation of the organization's policies, and appropriate corrective action was taken.

The ombuds was thus able to help to provide direct and immediate help to each of the individual visitors while working with them to find an effective way to bring the existence of the systemic issue to the attention of senior leaders who could order an investigation and take

corrective action. As a result, none of the visitors left the organization and many of them have expressed their appreciation to the ombuds and how much happier they are.

Healing a Rift

The ombuds had received a significant number of cases from members of a department in the organization who expressed concerns about how the department was being managed. Visitors shared that they were frustrated, furious, or outraged, and some said that they might seek legal counsel to address the matter. Low morale was widespread across the department.

As more details emerged, it became clear that visitors were describing a rift within the department, with essentially two disciplines in the department having been pitted against one another. Visitors described examples of infighting and poor professionalism. Visitors suggested that the rift had been created by the department's leadership when leadership encouraged people to choose sides using a heavy-handed approach. Others described apathy on the part of some members of the department's leadership. Overall, the department's internal warring resulted in confusion, unrest, and disorganization, which negatively affected people individually and may have also resulted in losses both in employee retention and in the department's productivity.

Visitors said that numerous complaints about these concerns had been made to the organization's HR and compliance offices but had not produced results. This only increased their frustration and confusion.

Visitors wanted to be sure that the organization was made aware of their concerns. Their objectives included improved communication, response to concerns, clarity in work roles, and fairness in schedules, treatment, and pay. They wanted to be freed up to do their jobs effectively and feel good about working as one cohesive team again.

When the visitors came to the ombuds individually, the ombuds listened to each person actively and provided a safe, confidential space for them to share all that was on their mind. In a very real way, the assurance of privacy and commitment by the ombuds not to share with anyone that they were meeting with the ombuds gave them the opportunity to fully open up and express their concerns. The ombuds met with many of these visitors on a recurring basis and offered suggestions on how they might better handle the situation themselves immediately and provided individual coaching and support. As a result, visitors gained confidence in themselves, even though their work situation hadn't changed.

Because the many individual concerns also represented a significant systemic dysfunction within the department, with the permission of the visitors the ombuds engaged in a series of facilitated discussions that included members of the organization's senior leadership. These discussions with senior leadership raised their overall awareness and understanding of the broad and complex nature of the concerns in the department. Ultimately, significant changes were made, including structural improvements, leadership changes, communications plans, and changes in workflow.

After these changes, the department was functioning cohesively as one unified whole. Communications and morale also improved. The changes were so pronounced that visitors reported back to the ombuds to let the ombuds know how much better things had become, describing the difference before and after the ombuds involvement as the difference between "night and day."

Ombuds Helps a Visitor Develop a Plan

An associate director of a department reached out to the ombuds to express his concern about what he perceived as preferential treatment by the dean of the department towards a new hire. The associate director was concerned that he was not being included in key decisions as he previously had been. There were also some organizational changes taking place.

The associate director said he had met with the dean several times to offer help and to request that he be included. His past performance reviews reflected that his contributions had been invaluable to the department. Yet, he still felt excluded and became a bit anxious about his position. As the associate director's conversation with the ombuds progressed, it became apparent to the ombuds that the associate director was uncertain and feeling insecure about what to do.

The ombuds listened and after a good conversation, the ombuds and the associate director discussed strategies for how the associate director could become more empowered. They discussed ways the associate director could increase his value within the department, and the associate director left with a plan to identify critical and top issues facing the department. The plan was for him to help the dean by presenting *specific* new ideas to address the critical issues facing the department. He also was planning to include in his proposal the desire and need to collaborate with the new hire to implement specific deliverables.

The plan developed by the associate director with the help of the ombuds must have worked. In a later conversation with the ombuds, the associate director was not anxious and much happier and more confident.

Facilitated Conversation Leads to Agreement on a Plan for an International Student

An International student who was enrolled in a joint Masters-PhD program at the university came to see the ombuds about problems with the Principal Investigator (PI) for whom the student worked in a psychology research lab.

The PI is from Spain and had been at the university for the past 5 years, but the student had previously worked with the PI while the student was in an undergraduate program in Europe. The student said that he had observed the PI treat people disrespectfully, but he also noted that the PI was capable of being very gracious and complimentary when he needed someone to support his research. The student thought he was a valued member of the lab and that his previous work with PI had allowed him to build trust with the PI as well. The student's problem,

however, was that he wanted to return to his home country. His family and children were there, and they could not come to the US. The student was adamant that he could do the work required of him for their lab from his home country. In response to this request, the student reported that the PI said that he could return to his home country but that if he were to do so, it might not be possible for the student to return and complete his program and receive his degree.

After many meetings with the ombuds, during which the ombuds listened to the student and helped develop options for the student to address this problem, the option selected by the student was to send an email to the PI asking for a facilitated conversation between the two of them and proposing that the ombuds participate as a neutral to facilitate the conversation. The student subsequently drafted the email and sought comment from the ombuds on it. After making a few revisions based on comments from the ombuds, the student sent the email to the PI.

The PI responded to the student a few days later and pushed back at the student's proposal, stating that he did not think they needed a neutral person to facilitate a conversation. This response left the student feeling very angry with the PI for not being willing to consider having a neutral help them address this issue.

Not long thereafter, the ombuds received a telephone call from the PI. The PI wanted to know what the ombuds could do as a neutral to help facilitate the resolution of an issue he was having with a research grad student. After listening to the PI, the ombuds explained how such a process would work with the ombuds acting as a neutral and participating to support a fair process for everyone. Ultimately, the PI agreed to having the ombuds facilitate a discussion of the issue with the grad student.

The facilitated conversation took place via Zoom teleconferencing. After the PI and the student each shared their perspectives on the issue, the ombuds asked both individuals to explore and share options that they felt would be appropriate to address their joint concerns. The student asked why he could not complete his degree from his home country, as he had been off campus and working remotely for over 4 months. The PI said that he wanted the team to be able to be together to draft a paper collectively based on the research they had been doing. The student and the PI continued the discussion constructively and finally reached an agreement that the student would return to the university for a 6-month period once a year for the balance of his PhD work. They both agreed that the final timeline for such a schedule would have to be determined by the student's Thesis Committee.

Both participants left the facilitated conversation feeling it was a positive experience and, in a post-meeting survey, each gave the ombuds high praise for facilitation skills and helping the parties communicate effectively through a difficult situation.

Consultation with the Ombuds Helps an Employee Deal Directly with Her Supervisor

An assistant director of a staff department at a university came to the ombuds office to seek guidance on how to deal with a dispute with her supervisor over her job description (JD).

The assistant director reported that during her recent performance review with her supervisor, she pointed out that 50% of her work responsibilities were not in her job description and that she had asked her supervisor to amend her JD. In response, the supervisor told her that if she was "seeking a new position or wanted a salary raise she needed to submit a specific job offer that was made to her, and they could then discuss specifics." The assistant director shared with the ombuds that she was not seeking a new position or a raise. She said that she just wanted her JD to reflect the work she was actually doing and that she wanted her performance review to be based on that work. The supervisor, however, had refused to make the changes to the JD, indicating that the work the assistant director felt was outside her JD was actually within it because it fell under the category: "other duties as assigned by your direct supervisor."

The ombuds and the assistant director discussed options that she might consider. The assistant director decided she would consider all of her options and get back to the ombuds after she thought about it for a few days. Among the options under consideration were that the assistant director could:

a) Contact the human resource office and meet with them about how she could amend her JD;
b) Meet with the supervisor alone and try again explaining her reasoning, and if the supervisor still felt an amendment is not needed to ask her if she would consider a facilitated conversation with the ombuds acting as a neutral facilitator.
c) Make the changes herself to her JD and submit it to the supervisor and the HR department at the same time; and
d) Indicate in the comments section of her present Performance Review that the JD is not up to date and specify the new information there and file it with the supervisor and the HR department.

A week later the assistant director met with the ombuds again and shared that she had amended the JD on her own and shared it with her supervisor and the HR department. No further concerns were raised by the supervisor who actually signed off on the new JD.

Ombuds Provides Resources to a Foreign Student to Resolve Problems with his Living Arrangements

During the COVID-19 pandemic, the ombuds received a voice message from a first-year international student residing with his extended family in a poor Eastern European country. His parents lived in a rural community two hours away, and he had been living for the past two years with an aunt and his father's parents. The student explained to the ombuds that he was feeling emotionally drained by family members who he perceived had some mental health issues. In the course of the conversation with the student, the ombuds learned that the student had limited space in a small apartment and that the aunt and grandparents were yelling constantly at him and his nine-year-old cousin. When the student tried to inquire about the anger, he was told that if he didn't stop the questioning, the aunt and grandparents would kill themselves.

The student had tried to schedule an appointment with the college's counselling and mental health office (CMHO). He was directed to the ombuds office, however, because the CMHO was restricted from offering any services outside of the state where the college is located.

The ombuds met with the student by online video conferencing and helped him think through and role-play a discussion with his elder relatives. The ombuds also located an on-call telehealth service that the student could use as a resource and provided the student with white papers on attentive listening and difficult conversations that the student could read and use as self-help. The ombuds stayed connected by setting up follow-up conference calls over the next few weeks.

With access to these additional resources, the student was able to negotiate removing himself from his relatives' apartment and moved back to his parents' home and continued to participate in remote virtual classes from there for the remainder of the semester.

A Referral to an EAP Program Helps an Employee Cope

An employee who was working from home due to COVID-19 was struggling to cope with work and looking after their children. They contacted the ombuds as they were suffering high levels of anxiety and did not want to raise the matter with management because they thought it would put their job in jeopardy. More than anything, the employee just wanted to have a confidential discussion about what options were available to provide assistance.

The ombuds presented and discussed a number of options with the employee, including the use of a confidential counsellor through a third-party employee assistance program (EAP). The employee was willing to pursue that option, and the ombuds provided the employee with the contact information for the EAP counsellor. The ombuds and the employee also agreed that the ombuds would check-in with the employee again to find out how they were doing.

When the ombuds then followed up with the employee, the employee reported that the EAP counsellor had been very helpful and that their anxiety levels had gone down. The employee also informed the ombuds that they were now going to contact management to discuss a change in their work pattern to help them better cope with their situation.

A Referral to an Internal Resource Helps Avoid a Lawsuit and Resolve a Pension Issue

A former employee who had recently accepted a voluntary separation package during a restructuring program contacted the ombuds. They were having difficulty in resolving issues with their pension and were very frustrated with the way the company had been responding to their questions and concerns. They were about to engage the services of legal counsel to pursue their issues.

The ombuds listened to the concerns of the former employee and provided them with them with direct contact information for an internal Pension Advocate, who the ombuds said was there to assist employees and former employees with just such issues.

The Pension Advocate worked with and on behalf of the former employee and was able resolve all of their issues without the necessity of their having to retain a lawyer or bring suit. Clearly, the company also benefited from the resolution of this dispute without a lawsuit.

Ombuds Helps an Employee Experiencing Bullying Resolve a Hostile Work Environment Claim and the Company Avoid a Lawsuit

An employee contacted the ombuds about an abusive manager. The employee described how the manager bullied the employee and also a number of coworkers. The employee told the ombuds that they had been the only person to raise the matter with their local HR team. In fact, they had twice gone to the local HR team, but no action had been taken in connection with the abusive manager. Compounding the abusive behaviors and bullying from the manager, the employee also reported being subjected to retaliation for having made the reports to HR. The employee was on the verge of leaving the company and retaining counsel to bring suit against the company. Under these circumstances, it was clear that a confidential conversation with the ombuds was extremely important to the employee.

The ombuds and the employee explored various other internal options available to the employee before the drastic action of leaving the company and filing suit against it. One of the options was for the employee to collect evidence of the manager's abusive and retaliatory conduct and then to contact the ethics and compliance office (ECO) with a request to conduct an investigation. The ombuds coached the employee on how to collect and collate their evidence and also how to then discuss the matter with the ECO.

The employee took this option, collected the relevant evidence, and contacted the ECO. The ECO investigated the issue and found that the employee had been subjected to a hostile work environment and also had been subject to retaliation. The manager concerned was disciplined and removed from the company. The employee was able to continue working for the company in a greatly improved work environment.

A Confidential Conversation with the ombuds Helps an Employee Find a New Career Path in the Company

An employee contacted the ombuds because they thought they wanted to move to a new role within their company and wanted to use the ombuds as a confidential sounding board.

The ombuds provided a confidential place to discuss the employee's strengths and then helped the employee identify jobs in the company that they thought might be a better fit for them. It was evident by the end of this discussion that the employee had concluded that they wanted to try to move to a different job and role in the company. The ombuds then provided

coaching, including role playing, to help the employee improve their communication and interview techniques.

The employee later reported back to the ombuds that after a number of interviews they had moved to a new role and career path that best suited to their skills. The employee also expressed appreciation for all the help the ombuds had provided. The company also benefited from an energized employee in an area in which the employee was more likely to succeed.

Ombuds' Referral to an Outside Resource Helps an Employee Plan for Retirement Without the Risk of Being Targeted in an Upcoming Restructuring Plan

An employee contacted the ombuds to have a confidential conversation about their anticipated retirement from the company in two years without alerting management to the fact that the employee was contemplating retirement and without risking the possibility that the employee might be added to an upcoming restructuring plan.

The ombuds discussed the employee's questions and concerns and presented the employee with various ways to obtain more information about retirement and the company's pension plan. One of these options was for the employee to contact directly the third party that managed the company's pension services to obtain more information. The ombuds provided the employee with the contact information to use. The employee was then able to use the information they obtained from the pension services firm to better financially plan for their future.

Coaching Helps Empower a Mid-level Manager

A mid-level manager who was experienced and competent in her field and had received excellent performance evaluations for over a decade, came to see the ombuds. She was furious, and she chose to come to the ombuds because she wanted some coaching on what to say to a new interim manager who she explained, had "crossed a line." Her new interim manager was regularly asking her to do personal errands for her, including picking up dry-cleaning and take-out and walking her dog. The visitor indicated that she was having trouble calming down and asked for some coaching on how to have a clarifying conversation with this new interim manager. The visitor also expressed that she did not want to participate in a formal process because she thought she could handle this situation herself and the situation was largely not about work itself.

The visitor shared with the ombuds that she had offered to help the manager one evening, one time, to walk her dog, because the manager indicated she had an emergency situation. However, since that day, this manager had been asking her to do errands regularly, including during weekday lunch time. The ombuds talked with the visitor about strategies for managing her emotions, as well as strategies for having a productive conversation, including giving the interim manager feedback and setting boundaries. The employee and the ombuds engaged in a role play, too.

The mid-level manager ended up having the conversation, during which the interim manager apologized and expressed that she had misunderstood the employee's one-time emergency offer. The visitor reported that the interim manager's improper behavior immediately stopped, and though things were awkward, they were better.

Ombuds Perseveres in Working with Employees to Resolve Favoritism Issues with Their Manager

Over a period of a month, five employees of different minority backgrounds came to see the ombuds separately about a mid-level manager of a different minority background. Each visitor asserted that this mid-level manager was favoring a new employee of her same background/ethnicity who was not as experienced as any of the other member of the team. This new employee was in the same role as the five employees who came to see the ombuds. Each employee explained to the ombuds how the favoritism occurred—granting this person special assignments, relaxing rules about when this person arrived to the office or left the office, allowing this new employee to not take extra shifts that everyone else was forced to take, and giving this new employee first choice on vacation time.

The ombuds worked with each of the employees separately to talk about different options, including having them consider reaching out to HR (which two of them did), and trying to have a conversation with the middle manager (with one of them did) or the middle manager's manager, who also was new to the organization (which one of them did). These conversations were reported to have gone fine to well, and the HR discussions resulted in the beginning of an investigation (that ended up getting stalled for reasons outside of the situation discussed here). A couple of months after the initial visits, four of the five employees were back in the ombuds office, reporting that nothing had really changed, and in fact, the new employee had now been given authority over the other five employees on a new project.

This second time around, the ombuds asked the individuals if any of them felt comfortable reporting the situation to the head of the department. Each of them shared that they were concerned about retaliation and thus, did not want to report the situation. The ombuds then asked if they wanted the ombuds to reach out to the head of the department instead. There was unanimous support for this plan. The ombuds then reached out to the head of the department, who had already learned a bit about the matter from HR. The ombuds also offered to check in with HR to see what was holding up the closing of the investigation, which the ombuds also received support for and did. The matter closed soon thereafter, and, among other outcomes, the new employee who had been found to have been favored was moved to a different work team under a different manager.

Ombuds Helps a Manager Resolve Issues with HR and Her Boss

A hiring manager came to see the ombuds, after determining that reaching out to HR for clarification "was making things worse." This visitor to the ombuds office was tasked with hiring someone from a particular role, who would directly report to her. She and her manager had

together come up with the job description and job qualifications for this role, and she had thought they were on the same page. However, after HR forwarded the top four candidates for her review (and her manager's reading), things started to change. She explained how she had thoughtfully reviewed the top four candidates and immediately culled the group to two candidates. She then let her manager know of her decision. Her manager immediately stepped in and explained she needed to interview at least three candidates, and that one of the two she had dismissed from the pile was a "must-see" candidate. The visitor to the ombuds explained to her manager that the "must-see" candidate was seriously lacking in one of the most important skills-sets and that the other two candidates were far more experienced in this skillset. However, her manager did not budge. Instead, he noted that this candidate had another skillset, not anywhere on the job description and not part of the role as it had been envisioned, that he thought could be helpful later on with a plan he had to grow the role.

This hiring manager and the hiring team then interviewed three of the four candidates, including the one her manager insisted she meet. The group determined that one of the candidates was "head and shoulders" above the rest, and the candidate her manager insisted be interviewed not only communicated poorly, but also admitted that she had never done the work required for this vacant role. The visitor then shared her and the hiring team's decision with her manager. In response, her manager demanded that she hire the least qualified candidate. She was frustrated and angry, as she was the named hiring manager and her selected candidate needed to be able to accomplish the job requirements.

The ombuds pulled up the policy and procedure regarding the hiring process to discuss it with the visitor. In the policy, the hiring manager was authorized to be the final decision-maker and was also directed to take into account the feedback from the hiring committee. The ombuds talked with the visitor about the option of returning to HR and telling them about the situation, where she, as the hiring manager, as well the hiring committee, all agreed on this one candidate, and her manager was trying to make an end-run around the process. She was relieved to learn that the policy language supported her perspective, and she decided to meet with HR. She later shared that HR supported the hiring of the candidate that both she and the hiring committee had selected.

Ombuds Helps HR Employees Surface Abusive Treatment by a New HR Manager

The ombuds heard from at least eight different individuals over a three-week period about the turmoil in the HR department with the arrival of a new high-level HR manager. These individuals were in different roles in HR, and each described the mean, dismissive, and noncommunicative behavior of this new HR manager toward them and others. They also expressed that this new manager had selected a few favorite employees who were treated very well. This new manager also made critical changes in the department after being there only a few weeks. More specifically, with no explanation, the new manager removed long-time managers to individual contributor positions and also moved several employees, who had never had any management experience, to managerial roles.

While the ombuds worked with each individual to come up with some options for moving forward, after several weeks, it was clear that this new manager was perceived by many to be wreaking havoc. Most of the employees who had talked with the ombuds were concerned about retaliation (based on a recent situation in the department regarding someone who had challenged the new HR manager), but after learning that a number of people had come forward, seven of the eight employees gave the ombuds permission to bring the issue to the head of HR and the head of employee and labor relations.

The two HR leaders listened to the ombuds' perspective and indicated that they were somewhat surprised by what they were hearing. They had noted the new leader had a different style and that it was this change that may have been causing some of the trouble. They also indicated that each of them had an extremely heavy workload and not enough time to tackle the issue alone. They did decide, however, to hire an outside consultant to interview the whole staff and issue a report.

This report found widespread discontent among the staff since the arrival of the new leader and included suggested practical next steps for the new HR manager and the entire department to take to improve the situation. The new manager was ultimately asked to leave the organization.

Coaching from the Ombuds Helps a High-Level Leader Resolve a Compensation Issue

A high-level leader approached the ombuds after a committee meeting to ask if the ombuds had a few minutes. The employee had been told three times by her manager that she was going to get a considerable salary increase after she had agreed to take on an additional role as interim in addition to her original role. She had now been waiting three months for this increase to take place, and when she checked in with HR, she was told that her boss had yet to complete the needed paperwork. This visitor was particularly nervous as her boss was known to be a difficult woman who played favorites, sidelined people who challenged her, and wielded a lot of power.

This visitor and the ombuds spent considerable time talking about how the previous three conversations went with her manager, whether or not there was a written record of the conversation to obtain an increase in salary, and what the organizational policy and procedure for short-term pay increases looked like. After 90 minutes, and visitor said she was ready to reapproach her manager. One month later the visitor reported happily that the salary increase had gone through.

New Employee Appreciates the Ombuds Breaching Confidentiality After Concluding that there was an Imminent Threat of Serious Harm

The ombuds had been working for several months with a new employee who was having ongoing communication issues with two coworkers. These coworkers had worked together closely for many years. The employee described the two coworkers as being rude and

condescending and also explained that they withheld key information from her that she needed to be successful in the job. Her manager, who worked offsite, recommended that she speak with the ombuds because the issues were largely relational, and the manager felt like she could not help this employee. The visitor also described feeling marginalized and ignored by the larger group throughout the workday, even after she had made multiple efforts to connect with individuals in the group.

In one of the meetings with the ombuds, the employee revealed that she had depression and anxiety. The employee had also told the ombuds that she had psychological support from a therapist and was taking anti-anxiety and anti-depression medicines

The ombuds worked with the employee at first on helping her to prepare to have conversations with the two members of the team with whom she was having the hardest time. She reported that these conversations went well, and things seemed better all around. The ombuds also worked with the employee to prepare for a conversation with the manager of the team, who had "handed her over to the ombuds," instead of helping her work out issues with the team. The visitor reported that that conversation was fine, and she felt on better footing.

A month later, the visitor emailed the ombuds from home in the evening to say that after she had had a brief outburst, one of the team members had just stopped talking to her and refused to even acknowledge her presence. She asked if there was any way the ombuds could connect with her that evening. It was during this conversation that the visitor revealed that she felt lousy and that her depression had taken hold.

Among other things, the ombuds asked about whether the visitor was in touch with her support system, and the visitor had said that she had seen her therapist that day and had another appointment in three more days. The ombuds asked if she felt comfortable calling her therapist, and the visitor refused to do so because she did not want to end up in mental hospital, and she was sure she would. The employee also said that her family supports were largely non-existent now that her adult daughter had moved out of her home. The ombuds asked the visitor if she felt like she was safe, and she said she felt like she wanted to end things. After asking the visitor some follow-up mental health questions, the visitor told the ombuds that she did have a plan that she was starting to form to hurt herself. The ombuds told the visitor that she was very concerned, and that she thought that what she was hearing met the threshold of "imminent risk of serious harm," which could allow the ombuds to break the visitors' confidence. The visitor was very upset on the phone but understood that the ombuds felt compelled to do something to ensure her safety.

The ombuds reached out to HR and then to the local police non-emergency number to find out about the protocol for mental health emergencies in the local geographic area during after work hours. After learning about the existence of a 24/7 suicide prevention organization that was near where the employee lived, the ombuds also learned that the employee would have to drive herself there or would need the police to take her there (but this would occur in handcuffs, the usual protocol). The ombuds called the visitor back and told her about the suicide prevention organization and asked if she felt like she could drive herself there. The visitor said she thought she could and agreed to call the ombuds once she arrived at the organization, which

she did. The employee remarked the next day and several times thereafter that she was grateful for the support and intervention. After that evening, the ombuds also helped the employee navigate taking a leave of absence due to her medical issue.

Confidential Coaching from the Ombuds Helps a Supervisor

The ombuds received a visit from a supervisor to discuss options for dealing with an ongoing workplace dispute that had been very disruptive to the employees in the supervisor's group. The supervisor clearly recognized the problem was having a broad impact on the rest of the office and wanted help in finding a way to improve the atmosphere.

Through confidential conflict coaching, the ombuds helped the supervisor create a plan for communicating with the team. The ombuds also coached the supervisor on how to better deal with workplace conflict going forward.

The supervisor reported back to the ombuds that meeting with the ombuds had been helpful and that the communications plan and other strategies had alleviated tension in the group.

Confidential Conflict Coaching Enables an Employee to Act on His Own to Discuss Concerns with Management

An employee came to the ombuds because he wanted to discuss in confidence the retaliation he felt he was experiencing after returning from military reserve duty. Specifically, the employee said that he felt that he was not receiving opportunities being given to other employees and that, as a result, he had received a lower than usual performance evaluation. The employee felt that fulfilling reservist obligations should not be seen in a negative light or result in adverse consequences. The employee was looking for guidance on how to raise these concerns.

The ombuds provided various options to the employee on how he might try to raise this issue. The option selected by the employee was to have the ombuds help him raise the issue himself. Through conflict coaching and help preparing an outline of talking points, the ombuds helped the employee gain raise the issue the issue himself directly with management in an appropriate, professional manner.

After speaking with management about his concerns, the employee contacted the ombuds to express appreciation for the guidance and said that he was confident that management would give this matter due attention.

Help to All in Times of Organizational Change

Broadly speaking, the ombuds can be particularly useful during times of significant organizational change and help everyone (leaders on down) work through how to deal with significant change and transformation. The ombuds office's goal is to help everyone address areas

of confusion and frustration, bridge communication gaps, foster collaboration, increase transparency, and, with a view of early resolution, share micro and macro instances where outcomes do not match the intended goal.

When significant change occurred in one organization, it soon became clear that a number of new programs and initiatives had interrelated contingencies and overlapping responsibilities. As a result, there was a lot of confusion about how it was all supposed to work, and even those implementing it were trying to figure it all out. It was at this point that the program managers collectively approached the ombuds for assistance. They admitted that they knew that their task to "build the plane while flying" was extraordinarily difficult, but they sought out the ombuds because they also had a deep appreciation for the help the ombuds could provide.

The program managers acknowledged the challenges they were facing and wanted to work proactively with the ombuds to help them manage the process to make it work better for employees and the organization. With assistance from the ombuds, they were able to implement a constant cycle of communication to employees in the organization. They also encouraged and allowed the ombuds to serve as an intermediary between leadership and employees affected by changes in processes and the resulting decisions and actions.

Ombuds Provides Guidance to Employees Returning from Paid Leave Pending Investigations and to their Supervisors

When employees return to work after being placed on extended paid leave during administrative and security investigations, the reentry process can sometimes be difficult. Some of these returning employees have wanted to have confidential assistance from the ombuds about how to make their return to work less disruptive. Generally, one is placed on paid administrative leave by the organization because the initial allegations are substantial enough that keeping the employee on site would cause unacceptable risk for a variety of reasons. In light of the fact that even just an allegation prompting an administrative leave can have an adverse reputational impact on an employee, a resolution of an investigation that allows the employee to return to work often places the employee is a difficult situation with both peers and supervisors. In one organization, employees returning to work from paid administrative leave after an investigation raised the following issues and concerns in their conversations with the ombuds:

- Possible misuse/abuse of the security investigative process, whereby anyone could submit a maliciously false claim that must be investigated and is likely to send the employee home;
- The impact of rumors about why the employee was escorted out, including privacy concerns about what was shared with team members;
- Investigation timeliness, which in a couple cases took over a year; and
- The employee's uncomfortable return when the claims were not substantiated or successfully appealed.

In most of these cases, the ombuds provided conflict coaching to the returning employee and discussed with them a variety of informal and formal options for dealing with their concerns. One of the most useful options has been the ombuds' willingness to facilitate a conversation with

the employee's new manager to help them and the employee develop a strategy for successful reintegration. This, of course, requires consent from both the employee and the supervisor.

After having dealt with these issues on several occasions, the ombuds in this organization was also able to raise a systemic issue with senior management to address collateral issues resulting from the organization's failure to conclude investigations in a timely manner. The ombuds recommended that the senior leaders develop processes to regularly track and proactively require regular status reports, including expected completion dates, on all pending investigations of employees out on paid leave to expedite their disposition. These processes were helpful for both the organization and the supervisors of the employees involved.

A Supervisor Seeks the Ombuds' Assistance with New Production Rules

A supervisor sought assistance from the ombuds after senior management introduced new production rules that contradicted the process and guidance given by subject matter experts in his group. The new rules led to confusion about the work process and were causing concern and disruption in the supervisor's group.

The ombuds discussed various options with the supervisor and also engaged in conflict coaching to help the supervisor better address the concerns both with employees in the group and with senior management. The supervisor decided that the option that would be the most helpful was to give employees in his group an opportunity to share their concerns anonymously with the ombuds with the understanding that the ombuds would then share those concerns, without attribution, to senior management. A high percentage of employees participated in this process and were comforted that their perspectives, but not their identities, would be shared.

Once the ombuds had heard from most employees in the supervisor's group, the ombuds provided senior management (and the supervisor) with a broad range of comments from the supervisor's work group, including compliments, concerns, and recommendations. In other words, this feedback included feedback about what the work group was doing well and should continue, areas of improvement, and most importantly, anonymous feedback from employees about what changes would be most valued and make the biggest impact.

This feedback led to an interactive process among senior management, the supervisor, and his work group aimed at improving the work process and clarifying the group's mission, strategic goals, and internal processes. Overall, this process helped improve trust among the work group. Whereas the employees were previously concerned about providing critical feedback, they saw improvements to how the supervisor responded. Specifically, and with some coaching from the ombuds, the supervisor and senior leaders were genuinely thankful for the feedback and were responsive by developing and executing an action plan. This in turn made the employees more comfortable speaking up going forward.

The Ombuds Helps an Employee Raise Issues about Inappropriate Workplace Activity

An employee contacted the ombuds after an inappropriate, offensive, and discriminatory video was shown in the workplace. The employee did not feel that the situation had been properly addressed and wanted to have a confidential conversation to learn what options were available to pursue the matter further.

The ombuds and the employee discussed several options and the pros and cons of each. The ombuds also provided contact information for equal employment opportunity personnel in case the employee wanted to file a formal complaint. The employee, however, expressed concern about potential backlash for raising this matter, being labeled as a "complainer," and how addressing it could potentially disrupt what had been a great team and make things incredibly uncomfortable. The employee was clearly caught in the middle between wanting to raise this issue and fearing the repercussions from possibly doing so.

It was only in the course of several such confidential conversations that the employee decided to address the matter directly with the first-line supervisor. These conversations revolved around the ombuds helping the employee think about if they wanted to raise it, with whom, and the best way to frame the matter. The employee also suspected that the supervisor knew about the situation and wasn't doing anything about it, which if true, called into questions the supervisor's integrity.

When the employee ultimately decided to raise the issue with her supervisor, she learned that the supervisor was completely unaware of what had happened, and moreover was shocked and appalled once it was reviewed. The employee was very pleased to have talked to the ombuds, which helped her have the courage to raise the issue in the most productive way. She reported back the ombuds that the supervisor was immediately responsive to the matter, that the video was taken down immediately, and although the supervisor said he couldn't divulge personnel matters, he also said "appropriate measures were taken to ensure this never happens again."

Confidential Feedback to a Senior Leader on Language

A staff member contacted the ombuds office after speaking with a coworker of color who expressed concern about language used during a Zoom meeting by a senior leader of the unit. The concern was on language used to connote excitement and whether it was inappropriate and essentially insensitive language appropriation. The staff member visitor was clear that they did not want to contact either the senior leader or their coworker about the issue out of fear of retaliation or other repercussions.

After discussing various options with the staff member visitor, the ombuds was asked by the visitor if the ombuds would discuss the concern with the senior leader while maintaining the confidentiality of the source. The ombuds agreed to do so. The ombuds did some language "research" and then contacted the senior leader. At the beginning of the ombuds' conversation with the senior leader, the ombuds explained the ombuds' role, including the confidential and impartial aspects, and the senior leader was receptive to discussing the language concern.

In the course of the discussion, it became clear that the senior leader had also previously reviewed the word origin of the expression at issue, and prior to hearing from the ombuds, had believed the usage was appropriate. However, with this feedback from the ombuds, the senior leader decided to stop using the word. The leader also expressed appreciation that the ombuds had raised the issue and that it could be discussed and addressed informally and confidentially.

Senior Leader Seeks the ombuds' Advice About a Sensitive Personal Matter that Implicates the Organization's Policies

A Senior Vice President of the company came to the ombuds after discovering that inappropriate material of a sexual nature had mistakenly been sent to his company-provided mobile device by a family member. The senior leader knew the company's policy on the use of information technology (IT) and wanted to do the right thing but wasn't sure what was the right thing to do in this case. The Senior Vice President also expressed an awareness of his position in the company and that that misbehavior at the top of an organization could damage trust and the perception of fairness throughout the organization.

The ombuds was able to openly and confidentially review with the SVP visitor the applicable policies as well as the typical ways IT usage at the company was monitored. The visitor was able to ask questions openly about the likelihood that the material would be discovered if he chose not to disclose it himself, the process involved in an investigation, and the range of consequences possible if the material was discovered.

After discussing several options and hypothetical scenarios, including 1) up front disclosure to the company by the SVP or 2) deletion of the material and sending a strongly worded reply message to the sender, the SVP opted to be proactive in disclosing the situation to the company.

Although he did not disclose this particular incident with the people in his department, he used this experience as an opportunity to reinforce the importance of compliance with the policy with his department. The Senior Vice President also expressed appreciation to the ombuds for the having the opportunity to discuss this situation with the ombuds confidentially and without triggering an investigation and for the impartial advice of the ombuds in discussing the options he might take.

Ombuds Helps Address Both Individual and Systemic Issues Involving Racial Aggression in the Workplace

An African American laboratory technician visited the ombuds to talk about a recent race discrimination complaint that he had brought to HR. The matter involved the use of the "N" word in the visitor's presence by a white coworker. According to the visitor, an investigation by a white HR professional involving the three levels of management for both colleagues (all of whom were white), resulted in no finding of violation of the racial harassment policy. Despite the fact that the subject of the investigation admitted to using the offensive

language, his behavior was found not to be a violation of the policy because the coworker had not known that the African American visitor was present.

The ombuds provided a confidential and safe space for the visitor to share his feelings and worries about the situation and his future. The visitor was hurt and emotional about his treatment. In his words, the experience made him feel "insignificant."

The ombuds and the visitor discussed options at the individual level and actions that could be taken at a systemic level. The ombuds presented possible options at the visitor's level, including requesting a review of the investigation, creating a plan for future interactions with this coworker, building and strengthening the network of support at work for the visitor, refocusing the visitor's effort on high performance, transferring to a new department, and finding an ally supervisor/manager with whom the visitor could have a difficult conversation about the realities of racial tensions in the work environment. In this case, the visitor decided to get more involved with plant diversity and inclusion (D&I) initiatives and to focus his efforts on doing a great job while preparing to apply for a job in another department.

At the systemic level, the ombuds and the visitor discussed local diversity and inclusion (D&I) activities and organizations. The visitor gave the ombuds permission to raise the issue as a systemic issue while not identifying the visitor. Since the ombuds had received information from a number of visitors about racial tensions, the ombuds concluded that these comments represented a systemic issue of both micro- and more blatant aggressions in the workplace centered on race.

The ombuds was able to include this general information in providing upward feedback to senior leadership and several key D&I leaders locally. The ombuds was also able to refer managers and D&I leaders to local racial justice initiatives and training resources for incorporation into the organization's future. The D&I leaders were extremely receptive and several enrolled in antiracist workshops that were recommended.

Insubordination or Doing the Right Thing?

When an employee noticed costly errors made by their manager, the employee approached the manager with their concerns. The manager insisted the employee was wrong and told them to process the work, as instructed. The employee researched company policy and provided written documentation about the correct way to proceed. Again, the manager insisted the employee was wrong and told them to follow orders.

Estimating that these errors could cost the company hundreds of thousands of dollars, the employee sought assistance from a colleague who agreed with the employee's assessment. The colleague reminded the employee that the company provided outside counsel to advise on such issues and suggested that the employee seek an opinion from this resource.

The employee contacted outside counsel who concurred that the manager's errors were clear. Armed with this opinion, the employee approached the manager for a third time. However,

instead of admitting to the mistakes, the manager told the employee to proceed as directed or be written up for insubordination. Fearing reprisal from the manager and not knowing where else to go, the employee visited the ombuds.

The ombuds coached the employee to speak up at the correct level within formal channels and offered four options for doing so. The employee made a formal report and an investigation followed, resulting in corrective actions, including termination of the manager and restructuring of the broader group. The investigation confirmed that, if the issues had not been reported, the compounding errors might have cost the company more than $1 million over the next few years.

Ombuds Helps Avert Retaliation

During discussions with the ombuds, a visitor revealed explicit employment-related actions their manager had threatened if the visitor were to report errors for which the manager was accountable. Fearing reputational damage, loss of employment, and difficulties in securing a new job in a somewhat closed field, the visitor was reluctant to make a formal report.

The ombuds reviewed the organization's anti-retaliation policy and coached the employee on how to speak up in formal channels. Feeling relieved about the organization's stance on retaliation, the visitor spoke up, an investigation ensued, corrective actions were taken, and the visitor's reporting structure was eventually changed.

While satisfied with the new structure, the visitor began to feel uncomfortable—as though the new manager was "walking on eggshells." In a follow-up visit with the ombuds, the visitor stated that they "couldn't put their finger on it", but they felt there was something looming that made the new manager act this way. The ombuds asked for permission to check-in with the formal channel to whom the visitor had made the report.

The ombuds learned that the senior department head—who had never been informed of the former manager's threats—believed the visitor was complicit in the issue, by not reporting it more quickly. He was in the process of working with HR to issue a warning letter. The ombuds explained how the manager's threats had impeded the visitor's decision to report quickly and further explained that issuing a warning letter would be tantamount to retaliation.

Given the new information, the senior leader and HR agreed not to issue the warning and the relationship between the visitor and the new manager improved and progressed well

Assistance in Advocating for Fair Compensation

A newly promoted SVP learned that her compensation was very close to that of her former male peers, who now reported to her. Concerned that the company's compensation practices were discriminatory, she contacted the ombuds.

Together, they reviewed her career history, comparing her trajectory to that of her former peers. They quickly deduced that, because she had joined the organization in an entry-level position, many years ago, it had placed her at a compensation disadvantage having nothing to do with gender. Despite a consistent track record of compensation increases, she simply hadn't caught up to peers who had joined from other organizations, already commanding a higher salary. There didn't appear to be any discriminatory decisions or practices, as they had all been paid within the same salary band for similar roles.

Relieved that discrimination was not the issue, the SVP wanted help in preparing to address her true concern—to be fairly compensated for the leadership role she had just assumed. Through coaching, the ombuds helped the SVP determine what "fair compensation" might mean for her. Together, they developed a reasonable range of options so that she had a concrete platform from which to negotiate. The ombuds also helped her to role play the negotiation with her manager, including working through "what if" scenarios, based on whether she got all, none, or some of what she was asking for.

When the SVP then met with her new manager, the manager was impressed with her approach to the negotiations. He was able to provide an initial bump in her compensation, and he committed to continue to advocate for her, provided she continued to meet and/or exceeded expectations in her new role.

The SVP was so pleased with her experience that she referred other professional women to the ombuds. Over the next two years, based on the initial referral from this SVP, the ombuds assisted six women, from four countries, with similar negotiations related to salary, bonus, job classification and/or title. These women stated that, by helping them to more effectively advocate for their own careers, the ombuds had also helped the organization to retain female talent.

Coaching and Trend Reports help Both an Individual and the Organization

An employee had seen an online posting for a job in another department that he thought he would be a good fit for him, in light of his qualifications and experience. He applied for the job and thought the interview went well. He was excited about the prospect of the new job, but there was no follow up after the interview. Some weeks later, he met the new person who had been hired for the job.

The employee was bothered that he had never received any feedback on the interview and had not even been informed that the position was filled by someone else. He did not want to complain to HR or the other department, however, out of fear that he would be seen as a troublemaker or get a reputation that would hurt his chances for a transfer in the future. He contacted the ombuds to discuss how best to handle the situation.

After discussion, the employee decided that the best option was to approach HR for a candid conversation about his qualifications. The ombuds coached him on how to handle the discussion so that it would be positively received and help him identify ways to improve so that he could be in a better position if there were future openings.

The ombuds also knew that other employees had also raised the issue of not receiving feedback after an interview or hearing of the final decision, and without disclosing the names or any of the circumstances of the people who had come to the ombuds office, noted this in a trend report to higher level management as an issue that should be addressed throughout the organization.

Personal Coaching for Senior Employee Improves the Workplace

A long tenured senior employee had been the subject of numerous complaints to the ombuds over a period of time. One day, that employee himself came to the ombuds, and when the ombuds asked how he hoped the ombuds could be of assistance, he responded with "I don't want to be an a_ _h_ _ _ anymore."

Over the course of several meetings, the ombuds provided coaching around stress, conflict, and anger management. The ombuds also provided the employee with resources for additional self-learning.

Even after the lapse of two years no further issues dealing with this employee have been brought to the ombuds.

Organizational Culture Can be a Barrier to New Employees

The organization reorganized its sales force and brought in several new employees with no background or understanding of the organizational culture, terminology, and philosophy. They were also not given any background on the reasons for the reorganization. Unfortunately, the prevailing culture in this organization was to let new employees learn on the job and not to provide them with training or orientation.

The new employees' excitement with being a new and reenergized part of the organization soon gave way to confusion and frustration, as management and the new employees were not communicating effectively with each other. Some of the new employees reached out to the ombuds and were coached on various aspects of the organization and the history of the reorganization that led to their hiring. The ombuds also presented then with options for how to raise the issue of the need for better communications going forward.

The employees chose the option of requesting an opportunity to sit down with management and discuss their frustration over the lack of training and communication. The ombuds was given permission to make this request to management. Management agreed to the meeting, and as a result of it, management recognized that it needed to provide a better understanding of the organization and reorganization to these new employees. Roles were clarified, training implemented, and the employees gained a better understanding of the organization's needs, style, and expectation

Suspicions of Misconduct but a Fear of Reporting

An employee believed his supervisor had a falsified resume, including on it advanced degrees that the supervisor never earned. He thought this was wrong and wanted it reported but only if his name could be separated from the report. The employee was not willing to allow any action to be taken unless he can be assured that his identity would be protected.

After hearing various options explained by the ombuds, the employee decided that he would use the organization's hotline option since he now understood that information communicated to the hotline was passed directly to the chief of HR, who had responsibility for conducting an investigation. The ombuds coached the employee on the process of calling the organization's hotline and advised the employee how to include enough information in the report to allow the investigators to assess and investigate the allegation.

Once the information was disclosed, the investigation revealed that the information was correct, and the supervisor was disciplined.

Confidential Coaching for Faculty Members

A department chair came to the ombuds with a concern over a mentoring relationship between a minority female junior faculty member that the chair had recruited and a senior white male faculty member who was assigned to be her mentor. The chair had a high regard for both faculty members and thought that it would be good for each of them to be in this mentoring relationship but perceived that both parties were having problems with it. The chair was concerned about losing the junior woman, since the department had experienced difficulties in recruiting and retaining good minority and female faculty members. The chair did not want to go to the dean with this issue or involve anyone else out of concern that it could affect everyone's reputation and career.

The ombuds discussed mentoring guidelines and successful practices with the department chair. They considered various options, including coaching by the ombuds of one or both faculty members; coaching the department chair and then having the chair conduct separate and joint conversations with the faculty members; having the ombuds conduct a facilitated conversation between the faculty members with a view toward developing an agreed-upon action plan; hiring external coaches for one or both faculty members; and having the ombuds sit in on several mentoring activities to help assess the situation and make further recommendations.

The department chair chose a combination of these options. The ombuds provided individual coaching to the department chair and the junior female faculty member. The chair had a private conversation with the male faculty member and provided funds for an external coach for him for a reasonable period. The chair then followed up periodically with each of the faculty members to provide support. As a result, the department chair believes that the issues were addressed without blemishing anyone's career, and the junior faculty member continues to make good progress in her career on a tenure track.

Ombuds' Sensitivity to Cultural Issues Gives Inquirer More Options

A female doctoral student from a Muslim country came to the ombuds only after carefully checking out the documentation available about the program's confidentiality. After the initial conversation about the office and how it operates, the visitor engaged in a somewhat extended conversation about her home country during which the ombuds demonstrated a sensitivity to her culture and customs.

Only after this extended conversation, during which the ombuds perceived that the visitor was trying to determine whether or not to trust the ombuds, did the visitor reveal her principal concern: she had become sexually active while at the university, but she was going to be completing her program soon and her family expected her to return home to an arranged marriage. She was terrified of the potential ramifications on her, her family, and on the planned marriage. While there were other places that the visitor could have gone to discuss the personal and cultural issues involved, her desire for confidentiality and the ability to explore options were paramount and led her to the ombuds.

The ombuds reaffirmed the principle of neutrality and, without making value judgments, indicated a willingness to discuss a full range of potential options with the visitor from going home to the arrange marriage as planned to reject the arranged marriage and not going home.

The option selected by the visitor, and one she had not previously considered, was to pursue a position in a post-doctoral program, which would give her more time to assess the situation and decide how she wanted to proceed ultimately.

Effective Counseling Avoids a Lawsuit

An Employee came to the ombuds with concerns that his boss was discriminating against him because of his sexual orientation. He was adamant that he did not want to raise this issue with anyone in HR or with his boss, for fear of further retaliation. He was very fully aware of his legal rights and was close to a decision just to quit the company and bring a lawsuit against the company and his boss for retaliation.

The ombuds worked with the employee for an extended period to try to identify options that the employee could feel comfortable with to deal with the issue. At last, the employee and the ombuds were able to identify a manager in another area who was willing to work with the employee to help him look for another job both inside the company and elsewhere.

The employee was very grateful to have had help in finding a manger with whom he could discuss his concerns and from whom to seek advice. The employee ultimately located another job outside of the company, and a lawsuit was avoided.

Local Management Ethical Issues Raised Safely Through ombuds

Some employees at one unit of the company were aware that key contract terms were being changed by their local management after a contract had been agreed to and signed by the customer but prior to being submitted to the company's corporate offices. This practice resulted in bonuses to local management larger than what they should have received. Corporate Audit was generally aware there had been problems with certain types of contracts in the field but had been unable to pinpoint the specifics or the people involved.

The employees who knew about this practice feared that they would be retaliated against if they raised this issue through formal channels, especially since it involved their local management. Some of these employees contacted the ombuds because they thought it would be a safe way to obtain guidance on how to deal with the problem.

The ombuds, with permission of the employees, was able to facilitate the involvement of formal resources in a way that maintained the anonymity of the employees raising the issue and resulted in an investigation, eventual discipline of those involved in the fraudulent contracts, and a change in policy to prevent similar problems in the future.

Ombuds Helps an Employee Receive Medical Help and Use the Organization's Dispute Resolution Process

An employee with a previous exceptional performance record came to the ombuds with concerns over treatment by his new boss. His former boss had been promoted, resulting in the employee being reassigned to another director who had not been consulted or given any say in the reassignment. The employee said that his new boss had indicated that there were problems with his work and work ethic and had given him a poor performance rating.

At the same time, the employee told the ombuds that a terminally ill parent was living with him and had to be cared for daily, including being delivered to and from an adult care facility while the employee worked. The employee had used vacation time and sick leave for the extra time that this required, but he had recently learned that he may be eligible under FMLA for additional time off. His director, however, had told him that he could not leave early or arrive late; and when he did apply for FMLA leave, the director denied his request without explanation. The employee was distraught by this situation and did not know where else to go. He himself was also experiencing stress and other health-related concerns as a result of the situation.

In the course of consultations with the ombuds, the ombuds was able to help the employee first consult with medical services to attend to his own health problems while they worked on the other issues. They discussed various options to try to address the continuing issues with the director. The option selected by the employee was to use the organization's dispute resolution process to appeal the performance rating that he had been given by the director.

As a result of the dispute resolution process, the employee's performance rating was changed, the FMLA request was granted, and the director was reprimanded for his actions.

Help Me Understand

The ombuds received a call from a U.S.-based expatriate executive asking for help in understanding the culture in China. The caller told the ombuds that he was not having much success or cooperation in his new organization and felt like it was due to his lack of understanding of the norms and culture of the country. Because the caller was new to the organization, he was unwilling to raise these concerns through any of the formal channels and was afraid that his failure to understand the culture would adversely affect his evaluation.

The ombuds was able to provide the caller with helpful information about local practices, background, and cultural norms in China. The ombuds was also able to suggest a website and other resources that had extensive information about doing business in China and the cultural norms and practices in the area. The executive was pleased to be able to obtain this guidance without going through formal channels. Without it, the caller said he would have continued to struggle with living and working in his new environment or disclose his difficulties to higher management.

Ombuds' Assistance to a Manager without Breaching Confidentiality

Several employees in a country other than the United States came to the ombuds to express concern about a new country manager for their organization. He was an expatriate American, and his communication style and approach were different from and clashed with their local culture. To the locals, he was "rough, rude and loud." They also found him unapproachable. That country's team morale started to fall, and absenteeism spiked.

Before any action was taken on the concerns expressed by the several employees, the country manager himself also contacted the ombuds office, asking for help and guidance on how to become a better leader in that culture. Without revealing that any employees had raised concerns about him, the ombuds was able to provide suggestions to the manager, such as changing his style of communication and advising him on how to participate in various activities to better understand the local culture

When a Supervisor and HR are Part of the Problem

A mid-level manager came to the ombuds with concerns about how she was being treated by both her direct supervisor and her local HR representative. She felt that both were undermining her and not supporting her as she attempted to correct employee behaviors and improve the morale and production of the team she supervised. She felt very unsafe raising her concerns to anyone within the formal structure and reached out to the ombuds so she could have confidential conversations there. She had repeated conversations with the ombuds regarding options and strategies.

Conversations with this manager continued over the course of approximately three months, after which time she had built up enough confidence and trust to reach out to her VP of

HR with the assistance of the ombuds. As a result, a personal visit was made to her supervisor by the VP of HR, and changes were made in the HR department that addressed the concerns of the manager, as well as similar concerns of other employees that had surfaced through discussions with the ombuds.

A Sense of Empowerment from Discussion with Ombuds

A staff member contacted the ombuds to discuss interactions with their direct supervisor. The staff member visitor said that at times the supervisor was supportive; however, the staff member was also concerned about what she believed was harassing behavior. When she first talked with the ombuds describing the situation and lack of trust she felt toward her supervisor she was quite upset. During several phone meetings over a week, however, she and the ombuds were able to identify and explore various options to address her concerns. These ranged from direct communication with her supervisor, to meeting with another unit director, to having the ombuds obtain information about the Equal Opportunity and Equity office and information about the Faculty and Staff Assistance Program.

At the conclusion of this series of meetings the staff member felt empowered to make decisions about how to proceed. She connected with resources within her unit as well as multiple other on-campus resources.

In a follow up call, the ombuds learned that while there was some discussion of shifting the staff member to another supervisor, this was not done. The staff member was continuing to work remotely and said she would decide what to do once work moved back on campus. The staff member remarked that while she wanted a shift in supervisor, she still felt better about her situation. She felt that people had listened to her, had been supportive, and she was now better able to make decisions.

No Formal Action Taken but Systemic Issue Identified

Several female director-level staff members came to the ombuds as a group with concerns about treatment in the workplace by their next level report. Their concerns were gender based. In discussing these concerns with them, the ombuds provided information about the Equal Opportunity and Equity office. Other communication channels were also explored, and the visitors decided to take a couple of weeks to consider next steps.

At a follow up meeting with the ombuds, the visitors expressed a sense of connection and support from each other. They also said that they appreciated the opportunity to share their concerns and both individually and together with the ombuds, but they decided not to take any formal steps at the time. They said that they would continue in their work while paying attention to behaviors in the workplace and raise with each other as needed. They also indicated that they would look for work outside of the university.

One of the ideas shared they shared with the ombuds was that when hiring at senior staff levels, the university should consider national searches rather than internal hiring of the interim. This was presented as a way to expand the diversity of the hiring pool and also move away from "like hiring like."

After this matter was closed, the idea of making hiring decisions after broader searches rather than just promoting from existing employees was shared by the ombuds with various campus leaders as a systemic issue that they may want to address to expand the diversity of staff and add new perspectives to the university.

Fear of Repercussions for Signing a Petition

A staff member of color contacted the ombuds seeking information and discussion about whether to sign a petition supporting the change of name for an on-campus building. The visitor's concern was whether they would be retaliated against and/or risk losing their job if they signed the petition.

In the course of their discussion, the ombuds and the staff member reviewed the university's free speech policy along with its guidelines. An option identified by the ombuds was for the staff member to contact their direct report along with other colleagues within the college to seek advice. With permission from the visitor, the ombuds made confidential contacts with the Equal Opportunity and Equity office, the office of General Counsel, and Employee Relations (without disclosing the identity or any information about the visitor) to learn more about potential impacts of signing a petition.

In a second meeting, the ombuds relayed to the visitor the information that the ombuds had obtained, including that these formal channels said that it was an individual decision about signing and that doing so as a private individual, not public employee, makes it a private matter even if it had to do with a public concern. The ombuds also indicated that the contacts said that there should not be retaliation from an employment perspective. The staff member also shared with the ombuds information the staff member had drawn from their discussions with colleagues that still made them concerned about signing the petition. The ombuds and the staff member discussed that there were aspects of any private act of signing that could potentially shift beyond the control of the staff member.

Although the staff member expressed appreciation for the opportunity to discuss this issue with the ombuds, the fear of retaliation and possible job loss was just too great, and the staff member decided, primarily based on colleague discussion, to not sign the petition.

Guidance for a Foreign Student on Dealing with Professorial and Peer Pressure

An undergraduate student in a political science class addressing politics and academic freedom came to the ombuds to discuss how to deal with pressures from his professor and

classmates that he participate in a demonstration that he feared, as an international student, could adversely affect his visa status.

The student said that the class had been encouraged by their professor to take part in a peaceful demonstration at the State Capitol to raise awareness about climate change. Because he was an international student, he was reluctant to attend the demonstration for fear of jeopardizing his visa status. Nevertheless, he felt a great deal of peer pressure and consternation and was even called out in class by another student as being a "climate denier." He said that he was concerned that his refusal to participate may affect his grade, particularly because the professor did not intervene when he was shamed in class. The student wondered whether he should take the risk and attend the demonstration in order to avoid both social and academic consequences.

The ombuds and the student explored various options. He could attend the demonstration, but he quickly ruled that out because the risk was too great. He could soldier on and hope that once the demonstration had come and gone the class would move on, although there was no assurance that the issue would blow over. He could also request a mediated conversation with the professor to share what he was experiencing in the hope that she would back down. The option selected by the student was to have the ombuds reach out to the professor, hear what she had to say, and if both were in agreement, the ombuds would facilitate a conversation between the two of them.

When the ombuds met with the professor, it became apparent that she was not aware of the student's full story and, in particular, the visa concern. Regarding the in-class shaming, she stated that she did hear an exchange among students and the use of the phrase "climate denier" but did not know the context so let it go. She also stated that it was her intention to let the students decide for themselves if they wanted to attend the demonstration. However, because it required cancelling class the day of the demonstration, those who were not going would be required to write a short paper on climate change.

The professor acknowledged that her manner of delivery regarding those factors may not have been sufficiently clear. In sum, she felt sorry about how events unfolded for the student and wanted very much to meet with him to say so directly. Additionally, she stated that she planned to emphasize to the class that every individual could choose whether to attend and reinforce that non-participation in the demonstration could be for a whole host of reasons and does not equate to climate-denying.

The ombuds hosted the facilitated conversation soon thereafter. The professor listened intently to the student's account; and when he was done, she apologized for her lack of awareness, particularly with respect to the reaction of some of the class members regarding the student's decision not to attend the demonstration. She asked the student whether he would be comfortable with her making a statement to the class about these points, and after some discussion, he agreed provided she did not single him out or refer to him personally. She agreed to the caveat, and they both left the meeting having a much better understanding of each other. It also resulted in a teachable moment for the class regarding mutual respect and recognition of diversity of thought.

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3. Policy Questions/Ombuds Acting on Own Initiative

Restoring Morale and Improving Communication

When the COVID-19 stay at home directives were put in place, not all teams embraced the required changes. The ombuds heard from staff across the university that in many units, there was no plan, and that leaders were dropping the ball. Some visitors had not heard from their supervisors in weeks. The ombuds provided communication coaching to empower visitors to initiate and frame conversations with their supervisors to address remote team communication and other issues resulting from the stay-at-home directives.

In one case, the visitor was new to their position and fearful of raising their concerns. They were also not comfortable giving the ombuds permission to speak directly with their supervisor. Rather, they gave the ombuds permission to reach out to others in the university who could possibly help discreetly address the situation systematically. The ombuds reached out to those offices to share the visitor's concerns—but without disclosing the identity of the visitor—and helped devise a plan to intervene and support the team without the supervisor knowing the impetus.

Unpaid Labor

Through a series of visitor consultations, the ombuds identified a pattern of unpaid labor for graduate students. Because this issue appeared to be a systemic issue involving multiple locations in the university, the ombuds brought this issue to the university's legal counsel without providing any identifying information relating to any of the visitors who had raised the issue with the ombuds. As a result, the university's counsel was able to investigate the issue and then develop a resolution of the matter campus-wide.

Addressing Need for More Communication During a Pandemic

A hospital ombuds noticed that with all the rapid changes happening at the hospital after the outbreak of the COVID-19 pandemic, as the hospital was trying to respond to the many challenges of COVID-19, communication with hospital staff was generally becoming confusing about various initiatives.

In particular, the ombuds noticed that several employees were asking various questions about reassignments. The ombuds office gathered the questions and made a recommendation to a leader in HR that preparation of an FAQ could help address employee concerns and improve communications. The feedback was accepted, and an FAQ addressing these questions was subsequently posted on the website.

Facilitating Better Communication During a Pandemic

An employee called the ombuds and expressed his fear of coronavirus infection if he continued to work at his assigned location. In discussing the matter further, the ombuds discovered that several employees were working closely together in a small office. Although the

ombuds' visitor had approached his supervisor with his concern, he had not heard anything back in several weeks.

The employee said that he chose to raise this issue with the ombuds because he also was afraid of being labeled a troublemaker if he approached HR or upper management with his concern. With the employee's permission and while maintaining confidentiality, the ombuds was able to bring this potential health concern to the appropriate leader. The leader discovered that there had been a blockage in the communication channel and the issue was soon resolved.

Speak-Up Culture

An employee who had been with the company more than 15 years called the ombuds. He wanted to have a confidential and off-the record conversation with someone because he felt he had been threatened by his supervisor and sent to HR when he refused to undertake an assignment. He indicated to the ombuds that he had refused the supervisor's direction because he had not received the training required to do this work and was concerned about safety. The employee believed that the HR manager he spoke with had not listened to his side of story to understand the safety issue or the training requirements involved. He also felt that the HR manager had not listened to other employees on the floor who had been trained.

The employee expressed his frustration and disappointment over how poorly this incident had been handled, especially in light of company policies that required an employee to obtain proper training and be certified to perform the work that he had been asked to do. The employee told the ombuds that the environmental health and safety department (EHS) previously had been involved on this issue and had agreed that it was a policy violation for management to ask an employee to do things that they were not trained and certified to do. The employee also indicated that EHS had previously instructed his supervisor to make improvements. However, almost a year later, this issue had not been resolved. This situation made the employee think the culture of the company was to punish employees who reported issues and to permit management to disregard its responsibly to address policy violations and safety concerns.

In discussing possible ways to proceed with the employee, the ombuds asked if the employee would be willing to speak directly with an EHS representative to follow up on this issue and help identify the root cause for why this issue had not been resolved. The employee agreed that he should be more proactive and agreed to do so. The employee told ombuds that he would schedule a meeting with EHS to follow up on the issue. Since the employee did not contact the ombuds Office again, the ombuds concluded that the employee had apparently his issue.

Meanwhile, the ombuds was aware that the employee's concerns were not the first case arising in his facility involving management's failure to follow company policy in ways that raised safety issues. Another employee had previously contacted the ombuds about similar management issues. Since the HR manager involved was planning to retire very soon, the ombuds decided to visit the facility after the replacement HR manager came on board and host a

focus group board to solicit employees' perspectives and insight on the organization's culture overall and then work with the new HR manager on the safety issues identified by employees.

After the new HR manager came on board, the ombuds hosted two on-site training sessions (one for salary and hourly employees and another one for managers and supervisors) to speak about the company's ombuds Program and to create more awareness on how and when to use ombuds' services that were available to everyone. The ombuds also hosted a separate focus group where employees were given an opportunity to provide extra feedback on company's practices.

With this information the ombuds then met one-on-one with the new HR manager and provided a summary of the feedback from the employees. The ombuds and the HR manager reviewed safety and quality training records and identified individuals who had not received training that they should have received. And finally, ombuds and the and the HR manager reviewed the supervisor on-boarding process and identified areas in which the company had not provided appropriate leadership training when someone was promoted to manage a group of people.

In the course of the meeting with the new HR manager, the ombuds recommended that all shop floor employees be given refresher training on EHS and quality control cardinal rules as well as giving some groups refresher technical training. The ombuds also recommended that mandatory leadership training be part of the on-boarding process for new supervisors and that new supervisors be assigned to a senior manager mentor to improve their management style and skills.

By proceeding this way, the ombuds was able to enable the employee who first brought the issue to the ombuds to resolve his issue directly but then went further to address on a broader level these systemic issues with the new HR manager.

Policy Interpretation

A male employee contacted the ombuds because he had begun a romantic relationship with a coworker. He found his way to the ombuds after first starting to explore the issue with HR. The HR representative, however, was sensitive to how uncomfortable he was discussing the issue with HR and offered him the option of contacting the ombuds first, explaining that he could discuss the matter there in complete privacy.

To complicate matters, the employee's spouse also worked for the organization. The employee regarded his relationship with the coworker as private, but he also understood that it could have an effect on his professional life. He was unsure of what he was required to disclose to the company and what he could keep private. He was also nervous about what the organization would do once he disclosed the relationship. He was particularly concerned that the organization would reveal the relationship to his spouse.

The ombuds was able to leverage its experience in the organization and expertise with policy to provide the employee with guidance on the aspects of the relationship with the coworker that would be relevant to the organization. For example, it was important to ensure that the relationship did not present any conflict of interest. Because the coworker was not in his reporting line and did not work with him on a regular basis, the ombuds advised that it did not appear to be a conflict of interest that would require reporting.

The ombuds explained that he would be able to obtain a definitive answer confidentially from the organization if he desired to do so. This was could be accomplished anonymously through the compliance hotline or a compliance interactive online tool. Finally, in view of the fact that he was married and embarking on a new romantic relationship, the ombuds provided him with the contact information for the Employee Assistance Program where he could obtain counseling and guidance on the impact of this on his personal and family life.

Manager Violating Company Policy

Multiple sales representatives reached out to the ombuds office to discuss what they believed was a violation of company policy. The visitors shared that they feared reprisal from their manager.

The concerns raised involved the district manager (DM) to whom they reported. They discovered that she had been recording virtual sales calls between employees and customers without their knowledge. She did not provide any prior notice of her intent to record sales calls with customers, and no consent or disclosure was made to employees or the customers that their meetings were being recorded. When one of the sales reps learned that this was happening, she confronted the DM.

The DM explained that the purpose of the recordings was to provide the sales reps with feedback on their communication style and marketing techniques. During normal times, this type of feedback would have been provided during ride-alongs with her. Because of the pandemic, however, all sales calls were virtual. So, she came up with this idea to accomplish that purpose. The sales reps remained uncomfortable with this practice but were afraid to raise this concern to senior leadership because they were unsure if it had been endorsed by upper management. They decided to seek guidance from the ombuds office.

The ombuds was able to share with the visitors that company policy prohibited unauthorized recording of communications. They discussed the sales reps' obligation as employees to report the DM's behavior and to ensure that they do not participate in any further recorded calls. The ombuds encouraged them to report the concern via the compliance hotline which could be done anonymously.

In addition, because multiple visitors had come forward to the ombuds office with the same issue, the ombuds was able to separately take the issue forward as a trend to local HR and compliance departments for investigation. During the inquiry, additional privacy law concerns

about this practice were identified. The organization ultimately communicated to the entire sales force that the unauthorized recording of calls was strictly prohibited.

Systemic Issue Report Results in Policy Change

To control costs, the finance and HR departments of the company changed the company's travel policy. Under the new policy, reimbursement rates for domestic travel accommodations were reduced to half the amount previously allowed.

The new policy had an immediate and national impact, resulted in dozens of employees contacting the ombuds office to complain about the changes. Because they had not been involved in developing the new policy, these employees did not believe they could approach management directly to discuss their concerns. Yet, they all believed that the new reduced reimbursement limits were unacceptable and disrespectful because the only hotels or motels available to them at rates within amounts specified by the new policy were of very low quality, dirty, and unsafe. The employees expressed both their personal concerns and the concerns of their families about the health implications of the new policy. As a result, the impact on morale was great; the employees thought the company was not treating them like human beings and that the company only cared about the money that could be saved by the new policy.

After speaking with the employees who raised this issue, the ombuds concluded that it was a systemic issue that needed to be raised directly with management. The ombuds reviewed both the old policy and the new policy and then met with the HR director. The ombuds presented information on the reality of possible accommodation options under the new budget, which corroborated the employees' concern. As a result of this intervention by the ombuds, the policy was changed to increase the amounts that could be reimbursed to employees for accommodation costs.

Some of the employees expressed their gratitude to the ombuds that the policy was changed and said if they had not been able to consult with the ombuds, they would not have known how or where to raise their concerns. Just as importantly, the HR director thanked the ombuds for bringing the issue forward to give the company an opportunity to review the implications of the new policy and to make changes.

Abusive Advisor and Language Issues

An international graduate student came to the ombuds' office in a highly emotional state after an alarming interaction with his professor/advisor. The ombuds listened attentively to the student as he described what sounded like ongoing abuse of students by a faculty member. The student was frightened and confused. Like many students, he was reluctant to report anything to the university out of fear of retaliation.

The student had been contacted by two students who had left the university, one with their PhD, and one who had accepted a Masters' despite being in a PhD program. For two years,

all three students had been in the same laboratory with the same professor. The two former students decided that they couldn't watch their fellow students continue to be abused in this way. They sent a letter to the Department Chair, who didn't take any action. The Department Chair apparently believed the faculty member to be upstanding and productive.

The former students suggested the student consult with the ombuds due to the confidential nature of the services. All of them described abusive conduct by the professor, including speaking only in their native language in the lab (all three of the students and the professor were from the same country of origin), and calling the students derogatory names; throwing papers, computers, and other equipment across the room; and making them work over 40 hours per week in the lab. If they weren't in the lab, the professor would track them down and find them at their homes. He also gave the students in his lab the answers to the exams so they wouldn't have to waste time studying and would be able to work more in the lab. The students had kept the email correspondence related to the exams and presented it to the ombuds.

The ombuds discussed a variety of possible actions the student could take but the course of action that felt most safe for the student was to provide an anonymous report of the academic misconduct based on the exams which is what the ombuds helped him to do. This resulted in an investigation into the matter by the Provost's office and Faculty Academic Affairs. The professor was fired after all of the allegations came out and more students came forward. After this case, the graduate college of the university created a policy stating that the language used in labs and classrooms must be English and provided training and education on appropriate standards and treatment in laboratories.

These students had considered contacting the local newspaper to report what was going on before coming to the ombuds but had been hesitant to do so. Had they done so, it would have had a devastating impact on the reputation of the institution, and probably would have resulted in costly and protracted hearings.

When a Senior Leader is the Problem

Over a period of months, a number of people in a department individually consulted with the ombuds. The visitors had roles at varying levels in the hierarchy and in a variety of disciplines, but they all shared concerns about the same senior member of the organization's leadership. Visitors expressed confusion or concern about the senior leader's quick ascension in the organization and about the appropriateness or justness of his promotions and power.

The visitors also described the senior leader's conduct, including insulting or publicly disparaging people, interfering with projects or work, character assassinations, attacking professional reputations, and terminating people unfairly or unjustly. Some considered this conduct as bullying. Others perceived the behavior as antithetical to the organization's code of conduct or other policies. Some questioned the legality of the leader's conduct. Given the overall perception of the senior leader's power in the organization, visitors expressed a variety of fears. In particular, visitors were afraid that if it were discovered that they sought help from the ombuds, they would become the next target or otherwise suffer retaliation for speaking up. Many

of these individuals were at such a loss that they said they were considering leaving the organization.

Trusting that the ombuds office was strictly confidential, visitors met with the ombuds—often more than once—to share their concerns and to obtain guidance and support in addressing them in a meaningful way. In every session, the ombuds provided support and advice, including on how to address individual communications as they were evolving. (On request, the ombuds provided direct, individual, real-time, one-on-one coaching.) The ombuds and visitors talked about words the visitor might use directly with the senior leader, meetings that they might hold with others, emails they might write to document plans, other senior leaders who could lend assistance, and policies that were at play. The ombuds and visitors also discussed the organization's resources for support, including persons higher in their chain of command, the Human Resources department, the ethics and compliance hotline, and of course the ombuds office.

In addition to serving as coach to individual visitors, an option that the ombuds offered was for the ombuds to serve as a conduit to improve communications, to serve as a mediator to open and improve direct dialogue, and to raise the pattern of concerns to other senior leadership who were well placed to hear and address the concerns. While a systemic pattern of concerns had clearly emerged, the ombuds continued to work with visitors individually to help them work through their individual goals or needs but the ombuds eventually sought permission to bring the matter forward as a pattern while preserving the confidentiality of all visitors.

Ultimately, the ombuds took the pattern of concerns to senior leadership, which engaged the organization's formal investigation processes. The investigation uncovered conduct that was in violation of the organization's policies, and appropriate corrective action was taken.

The ombuds was thus able to help to provide direct and immediate help to each of the individual visitors while working with them to find an effective way to bring the existence of the systemic issue to the attention of senior leaders who could order an investigation and take corrective action. As a result, none of the visitors left the organization and many of them have expressed their appreciation to the ombuds and how much happier they are.

Healing a Rift

The ombuds had received a significant number of cases from members of a department in the organization who expressed concerns about how the department was being managed. Visitors shared that they were frustrated, furious, or outraged, and some said that they might seek legal counsel to address the matter. Low morale was widespread across the department.

As more details emerged, it became clear that visitors were describing a rift within the department, with essentially two disciplines in the department having been pitted against one another. Visitors described examples of infighting and poor professionalism. Visitors suggested that the rift had been created by the department's leadership when leadership encouraged people to choose sides using a heavy-handed approach. Others described apathy on the part of some

members of the department's leadership. Overall, the department's internal warring resulted in confusion, unrest, and disorganization, which negatively affected people individually and may have also resulted in losses both in employee retention and in the department's productivity.

Visitors said that numerous complaints about these concerns had been made to the organization's HR and compliance offices but had not produced results. This only increased their frustration and confusion.

Visitors wanted to be sure that the organization was made aware of their concerns. Their objectives included improved communication, response to concerns, clarity in work roles, and fairness in schedules, treatment, and pay. They wanted to be freed up to do their jobs effectively and feel good about working as one cohesive team again.

When the visitors came to the ombuds individually, the ombuds listened to each person actively and provided a safe, confidential space for them to share all that was on their mind. In a very real way, the assurance of privacy and commitment by the ombuds not to share with anyone that they were meeting with the ombuds gave them the opportunity to fully open up and express their concerns. The ombuds met with many of these visitors on a recurring basis and offered suggestions on how they might better handle the situation themselves immediately and provided individual coaching and support. As a result, visitors gained confidence in themselves, even though their work situation hadn't changed.

Because the many individual concerns also represented a significant systemic dysfunction within the department, with the permission of the visitors the ombuds engaged in a series of facilitated discussions that included members of the organization's senior leadership. These discussions with senior leadership raised their overall awareness and understanding of the broad and complex nature of the concerns in the department. Ultimately, significant changes were made, including structural improvements, leadership changes, communications plans, and changes in workflow.

After these changes, the department was functioning cohesively as one unified whole. Communications and morale also improved. The changes were so pronounced that visitors reported back to the ombuds to let the ombuds know how much better things had become, describing the difference before and after the ombuds involvement as the difference between "night and day."

An Opportunity to be Heard and an Apology

An internal formal reporting program referred the visitor to the ombuds. Prior to talking to the ombuds office, the visitor had decided to file a complaint against a manager for retaliation. The visitor perceived that they were retaliated against by their manager when the manager dismissed written recommendations submitted by the visitor for their program and because of way the manager handled the mid-year performance review for the visitor in the days following the visitor's submission of the recommendations.

The visitor had submitted a letter of resignation due to the conflict with the manager and had requested the help of the formal channel to facilitate an exit interview with their manager, but the manager had declined to meet with the visitor because the resignation. The formal reporting office advised the visitor that the alleged retaliatory behavior could be investigated but that the visitor might consider consulting with the ombuds to seek assistance from the ombuds to see if a facilitated discussion with the manager could be arranged.

The visitor contacted and shared this story with the ombuds. The visitor also revealed being upset about having to pay back all of the relocation expenses to the organization because the visitor would not have worked for the organization for twelve months (after which no reimbursement would be required) due to being 'just weeks' from hitting the twelve-month mark. The visitor specifically wanted to request an exemption for the relocation reimbursement expenses and to have a conversation to provide feedback to the manager. The ombuds informed the visitor that that informal facilitation, assisted by the ombuds, was an option if the manager agreed.

Because of the end date of employment for the visitor was looming, prompt action was important. With the visitor's permission and after the visitor requested the manager to contact the ombuds, the manager contacted the ombuds. During this conversation with the manager, the ombuds spoke about the request for an informal facilitated discussion and the voluntary nature of the process. The manager shared with the ombuds the manager's perspective about the visitor and agreed to the ombuds assisting with a neutral facilitation via telephone. The visitor also agreed to a telephone conference call with the manager and the ombuds prior to the final date of employment. The manager understood that the employee wanted to be 'heard.' A telephone-based facilitation was scheduled.

After the ombuds reminded the parties of the ombuds' neutral role as facilitator and of the ground rules for the facilitation, the visitor expressed their frustration with the way the performance review had been conducted and the visitor's concerns around psychological safety and lack of accountability within the department. During the discussion, the manager responded with an apology and agreed to consider the visitor's feedback to make the performance feedback process feel more psychologically safe.

The visitor also inquired about having to pay back the full amount of relocation expenses. The manager indicated that he had already appealed to higher level management for a relocation expenses reimbursement exemption; however, the manager also agreed to a new request to limit any reimbursement ultimately required to only a partial reimbursement of relocation expenses based on a pro-rated model. The manager agreed to follow up on these matters by a specific date to provide the visitor with the answer.

The visitor undoubtedly appreciated the opportunity to be heard. The manager expressed appreciation for the work the employee had done on a project and tried, as expressed in the facilitation, to help eliminate—or at least reduce—any relocation reimbursement obligation. The organization benefited from the ombuds services because the likelihood of any subsequent litigation was substantially reduced. And finally, the organization benefited by the cooperation between informal and formal channels, since the initial referral to the ombuds office was because

the formal office perceived the ombuds to be relevant and useful in potentially resolving a conflict informally and without the cost and risk inherent in a formal process.

Benefits and Inclusion for Same-Sex Marriages

A female employee in a same-sex marriage contacted the ombuds to express her frustration about a limitation in the company-provided insurance benefits. In this discussion, the ombuds learned that the employee and her wife had been preparing over the past few years to start a family of their own, with the employee being the one to carry the child. At first, they assumed that IVF (in vitro fertilization) was the only option, a procedure where the woman's egg is stimulated, retrieved, fertilized, and transferred back to the female. But upon researching further, they found IUI (intrauterine insemination) was the best option for them. This is a procedure where sperm is simply injected into a uterus. IUI is a lower-cost option and a much more practical avenue for same-sex female couples who do not require additional fertilization techniques to conceive.

The employee stated that she had made several calls to the company's insurance provider for information and was told IUI was only covered after the couple "tries to conceive" for one year and that they would need to prove their "exposure to semen" in order to be covered. The inquirer indicated that she thought the company's insurance coverage was antiquated and unfair; although it provided extensive, often expensive, coverage for women in heterosexual relationships facing infertility issues, the plan did not consider being in a same-sex marriage (and a very healthy individual) to be a valid reason for fertility benefits coverage.

The employee also strongly felt that the company's public statements conflicted with the coverages in the plan it provided for employees. The company continued to raise flags in celebration of PRIDE month and had discussions of inclusion, but this lack of coverage for same-sex couples was not consistent with that message. The employee also felt that it would be humiliating to try to address this with her local management, as the terms of coverage in company insurance policies is determined at the corporate headquarters level.

After this discussion with the ombuds, the inquirer agreed that since this was a companywide topic and if the ombuds were to raise this issue it would not necessarily be linked to her in particular, the employee granted the ombuds permission to share the concern with the global benefits vice president and their team for review. As a result, the company's policies were changed to allow all employees equal access to fertility benefits: the criteria of needing a diagnosis of infertility to access infertility benefits was removed; the cost of donor sperm would be covered by the plan; and cryopreservation would be covered for both eggs and sperm for up to 12 months.

The ombuds also made sure these changes would be mentioned in various LGBTQ communications materials that the company put together each year.

An Observant Ombuds Addresses a Needed Accommodation

The ombuds of a large organization usually used the north entrance to the building where she worked. From time to time, the ombuds saw an employee using a walker and moving very slowly to approach the same north entrance to the building. When they both arrived at the entrance at about the same time, the ombuds would usually say hello and, if possible, hold the door for the employee to enter. Although the north entrance had a ramp to the entrance, it did not have a button to push for the door to open automatically.

On one of these occasions, the ombuds also inquired whether the employee had thought of using use the south entrance to the building, which did have a button to push to open the door automatically. In response, the employee said that the south entrance was not an option because of the greater distance to the elevator and the location of the employee's office.

Soon thereafter, it occurred to the ombuds that as an advocate for fair process, she may be able to address the need for an accommodation. Without disclosing that the inquiry was based on her own direct observation and without seeking or receiving permission to raise the issue on behalf of the employee with the walker, the ombuds merely inquired of the head of facilities if anyone had ever thought to add a button on the north entrance to automatically open the door. The ombuds also made the same inquiry to the local HR representative. Within a month, the ombuds noticed that an automatic opening button had been added to the north entrance door and that the employee with the walker no longer struggled to open the door or needed assistance from a coworker to open it. Rather, the employer had provided an accommodation to assist employees. The employee with the walker—and any others with a disability—no longer would have to struggle to get in the building to go to work.

New Employee Appreciates the Ombuds Breaching Confidentiality After Concluding that there was an Imminent Threat of Serious Harm

The ombuds had been working for several months with a new employee who was having ongoing communication issues with two coworkers. These coworkers had worked together closely for many years. The employee described the two coworkers as being rude and condescending and also explained that they withheld key information from her that she needed to be successful in the job. Her manager, who worked offsite, recommended that she speak with the ombuds because the issues were largely relational, and the manager felt like she could not help this employee. The visitor also described feeling marginalized and ignored by the larger group throughout the workday, even after she had made multiple efforts to connect with individuals in the group.

In one of the meetings with the ombuds, the employee revealed that she had depression and anxiety. The employee had also told the ombuds that she had psychological support from a therapist and was taking anti-anxiety and anti-depression medicines

The ombuds worked with the employee at first on helping her to prepare to have conversations with the two members of the team with whom she was having the hardest time.

She reported that these conversations went well, and things seemed better all around. The ombuds also worked with the employee to prepare for a conversation with the manager of the team, who had "handed her over to the ombuds," instead of helping her work out issues with the team. The visitor reported that that conversation was fine, and she felt on better footing.

A month later, the visitor emailed the ombuds from home in the evening to say that after she had had a brief outburst, one of the team members had just stopped talking to her and refused to even acknowledge her presence. She asked if there was any way the ombuds could connect with her that evening. It was during this conversation that the visitor revealed that she felt lousy and that her depression had taken hold.

Among other things, the ombuds asked about whether the visitor was in touch with her support system, and the visitor had said that she had seen her therapist that day and had another appointment in three more days. The ombuds asked if she felt comfortable calling her therapist, and the visitor refused to do so because she did not want to end up in mental hospital, and she was sure she would. The employee also said that her family supports were largely non-existent now that her adult daughter had moved out of her home. The ombuds asked the visitor if she felt like she was safe, and she said she felt like she wanted to end things. After asking the visitor some follow-up mental health questions, the visitor told the ombuds that she did have a plan that she was starting to form to hurt herself. The ombuds told the visitor that she was very concerned, and that she thought that what she was hearing met the threshold of "imminent risk of serious harm," which could allow the ombuds to break the visitors' confidence. The visitor was very upset on the phone but understood that the ombuds felt compelled to do something to ensure her safety.

The ombuds reached out to HR and then to the local police non-emergency number to find out about the protocol for mental health emergencies in the local geographic area during after work hours. After learning about the existence of a 24/7 suicide prevention organization that was near where the employee lived, the ombuds also learned that the employee would have to drive herself there or would need the police to take her there (but this would occur in handcuffs, the usual protocol). The ombuds called the visitor back and told her about the suicide prevention organization and asked if she felt like she could drive herself there. The visitor said she thought she could and agreed to call the ombuds once she arrived at the organization, which she did. The employee remarked the next day and several times thereafter that she was grateful for the support and intervention. After that evening, the ombuds also helped the employee navigate taking a leave of absence due to her medical issue.

Lines for Lattes

Several employees complained to the ombuds about wasted time involved in getting coffee from the organization's coffee shop. In looking into to this issue the ombuds noted that during the morning rush, which lasted from about 6:30 to 9:30 am, about 20 people at a time waited in line for coffee, and it took each of them about 20 minutes to get their coffee. Mathematically, that time equaled thousands of minutes of standing in line per day, which equated to a yearly cost of over several hundred thousand dollars of lost productivity.

The ombuds concluded that this was a systemic issue that should be brought to the attention of the facilities management office. When the ombuds raised this issue, the representative from the facilities office stated that they once before piloted a second register at the coffee shop, but it did not decrease the wait time, so they removed it. They felt that the space was too small to accommodate more registers and that added personnel in the space did not speed the line either.

When the ombuds pointed out the amount time and lost productivity of employees and overall cost to the organization stemming from employees trying to buy their morning coffee, the facilities representative agreed to ask the food-service vendor to see what improvements could be made to speed up service. A second register was ultimately added and was designated as an "express lane" for simple orders. Many users reported back that wait times were cut in half. The result was improved service for employees and a reduction in loss of productivity and cost to the organization.

Relocation and Reimbursement Process

The ombuds was contacted by several visitors with questions about the organization's relocation payment policy. This case was particularly complex as it involved multiple components of the policy and application of the policy to different situations.

Because of the larger policy issues implicated, the ombuds brought these concerns to management with the permission of the visitors but without disclosing who they were. The ombuds also provided additional input to help management clarify the process, identify the decision-makers, articulate expected timelines for making a decision, and describe what appeal processes were available. The resulting revised policy was much clearer and addressed the issues that visitors had brought to the ombuds.

A Policy Recommendation Addresses the Performance Review Concerns of an Employee (and Possibly Many Others)

In the ombuds' organization, annual performance evaluations were typically communicated to employees by November. When an employee contacted the ombuds in mid-April to complain that the employee's performance evaluation had not been completed, the ombuds discussed various options the employee could take to address the problem directly, and the employee then took action to do so. Unfortunately, none of the steps taken by the employee were successful, and the employee came back to the ombuds for further guidance.

At this point the ombuds understood that the problem this employee had experienced was a systemic issue that also could be adversely affecting other employees. The ombuds also concluded that the solution to the problem likely was to raise the issue at the level of senior management. After discussing this option with the employee and receiving permission to raise the issue generally (and without identifying the employee who had raised the issue), the ombuds recommended to senior leaders that there was a need for them to develop procedures for following

up on the annual evaluation process to ensure there were no outstanding annual appraisals in the organization.

Ultimately a change was made to the software system that allowed for better monitoring. Thereafter, HR was able to print more detailed reports and follow up with specific supervisors missing performance management deadlines, and the problem was resolved.

Concern over Both Practices and Lack of All the Facts Results in Policy Reform

An employee came to the ombuds with concerns that his manager may be using company funds to pay for personal expenses and possibly expenses related to the board of directors of another company on which the manager served. It was not against his employer's policy for the manager to serve on that board, but the inquirer said that he had noticed that trips taken by his manager on company business often appeared to have been arranged to coincide with board meetings for the other company. The inquirer said that he thought he was the only person who was aware of these patterns and felt uncertain about reporting them because he was not sure if what the manager was doing was wrong, or if he (the inquirer) knew all the facts. He was also worried about what would happen if he made an accusation and was wrong.

After discussing various options with the ombuds, the inquirer agreed that he would like the ombuds to raise the issue anonymously with the compliance office. The ombuds did this, and compliance's examination of the manager's travel patterns revealed no wrongdoing but suggested that the manager may have created the risk of a conflict of interest. As a result, the company changed its ethics rules to prohibit managers in the position of this manager from serving on boards of companies like the one involved in this case, and the manager subsequently resigned from the board of the other company.

The employee expressed his appreciation to the ombuds that the company was able to address his concerns anonymously and by the way in which it addressed the policy issue involved.

Prompt Action by Ombuds Assists Leadership on Control Issues

A visitor scheduled an appointment with the ombuds to discuss a stressful work environment that focused on results over quality. At the start of the meeting, the visitor communicated that this was their last day with the organization.

The visitor presented the ombuds with a lengthy document detailing instances where the work climate had resulted in policy breaches over the past few months. As the ombuds questioned the visitor about each item, the ombuds learned that the visitor and colleagues had spoken up as each issue occurred and line management had, in fact, addressed them. However, the ombuds also learned that employees now felt pressured about continuing to speak up and, in some cases, were told specifically not to discuss anything with HR or the ombuds.

When the ombuds asked if there were any open issues that hadn't been reported, the visitor pointed to the final item and said, "That's why I'm here. I wanted to put it on the record, confidentially, before I leave today," and then proceeded to communicate a recent breach of controls that, if left unchecked, could take the organization out of regulatory compliance.

As the ombuds reiterated that speaking with this office did not constitute "putting it on the record," the visitor began to back off, stating that they'd done their job and weren't willing to do more. Then the visitor stood up to leave, and the ombuds quickly asked, "What if I were able to arrange for the head of compliance to speak with you right now, assuming they are available? Would you be willing to repeat what you've just told me?" The visitor was hesitant and didn't fully believe that would happen but gave permission for the ombuds to try. The ombuds then immediately got the head of compliance on the phone to speak with the visitor and stepped out of earshot, so as not to be part of the notice chain as the visitor made their report.

A few days later, the ombuds learned that the internal audit team had been engaged to investigate the visitor's allegation. They identified a control issue, as described by the visitor. The head of the business was notified, and appropriate controls were restored, just days before a regulatory audit began. New processes were put in place to shore up both the control environment and the climate in this group, freeing individuals to continue to speak up before any issue became significant.

A Probationary Employee Clarifies a Policy Without Hurting his Career

The organization president issued a policy statement to all employees mandating a furlough. The policy stated that all employees had to take a certain amount of time off without pay and that they could do so when they chose, in partial day increments, one day at a time, or in multiple day blocks up to five consecutive days.

An employee still in probationary status (having worked for the organization for less than one year) contacted the ombuds office because, contrary to the directive from the president, his supervisor had dictated when employees had to take the unpaid days off. Because he was still in his probationary period, the employee was unwilling to raise the issue directly out of fear that doing so would hurt his chances for employment when his probationary period ended.

After discussing various options, the employee gave the ombuds permission to contact the HR office to raise the issue generically. Once HR became aware of the issue, it revised the FAQs on its website to address the issue with a question on whether a department or division could mandate when furlough is taken. The answer to this question given by HR was "No. A department should not dictate when the required furlough days must be taken by an employee or a department." This information was disseminated to all departments, including the department in which the employee worked, and the problem was eliminated.

Trend Report Results in Policy Change

Company policies required employees to notify the company of any change in the number of dependents covered under benefits provided by the company. The policy required that an employee furnish the necessary documentation within 30 days of the event giving rise to the change.

Several employees contacted the ombuds for guidance in dealing with difficulties they had experienced in complying with this policy when they had a child. Thirty days frequently appeared not to be enough time to obtain a birth certificate, resulting in a number of otherwise qualified dependents not being covered by important benefits such as health insurance.

This trend was quickly spotted and reported to the corporate benefits office. As a result, the policy was changed to allow employees up to six months to furnish the necessary documentation.

Systemic Issue Identified by Ombuds Leads to Better Policies

Several employees reported in separate communications with the ombuds that they were confused by various written and oral warnings that they had received. Often employees were surprised when they were told that the verbal warning stage was over, and a written warning had been issued.

The ombuds identified this confusion by employees over the various levels of oral and written warnings as an issue in the ombuds' mid-year trend report.

As a result of this feedback, HR reviewed its warning policies and how they were being implemented. The review resulted HR revising the applicable procedures to simplify the process and to more clearly define and articulate when each type of warning should be given. As a result, significantly fewer instances of confusion over the meaning of a warning were presented to the ombuds.

Help for Pregnant Employee and in Enforcement of Global Policies

An employee from a location outside of the United States contacted the ombuds to say that her boss had called her into his office to tell her that he noticed that she was pregnant and that he knew she was unmarried. She said that the boss had told her that if she were not married by the time the baby was delivered, she would be fired. Such conduct was not illegal in the country where she worked but violated the company's policies. She was uncertain what to do, afraid of losing her job, and feared retaliation by management of the company in her country, who she felt would support her manager.

The ombuds discussed various options on how to proceed and assured her that such action would violate company policy. With her permission, the ombuds forwarded her issue to a

formal channel at the company headquarters, which intervened with local management to reinforce the company's policies and reiterated to local management that retaliation against her for bringing this issue to the attention of the company would not be tolerated.

The ombuds also worked with those responsible for the company's newsletter, which was sent to tens of thousands of employees around the world, to address the issue prospectively and generically (no reference to any names or locations) in a question-and-answer format to advise everyone in the company that it would violate the company's policies for a supervisor to discipline a female subordinate for being pregnant and unmarried and that attempting to do so would subject the supervisor to discipline, including possible dismissal. Such clear and direct guidance not only helped reinforce the company's global policies but may have spared other women throughout the world and in these circumstances from having to deal with the threat of termination and/or retaliation.

Help in Clarifying a Policy

An employee contacted the ombuds to discuss a time-off policy that was written vaguely, as it pertained to part-time professionals taking a sabbatical. When the employee had requested time off, their manager brushed it off as a benefit offered only to full-time employees. Unsatisfied by this interpretation, the employee suggested they seek clarification from HR.

The manager became inexplicably concerned about involving HR. Rather than doing so, he offered to be creative, instructing the employee to keep this between the two of them and schedule the time off without recording it anywhere. The employee was concerned about two issues: (1) the undocumented time off might violate policy and put the employee and company at risk and, (2) without a policy clarification, other part-time employees might be denied the benefit.

The employee visited the ombuds and expressed both concerns but, fearing reprisal from the manager, refused to make a formal report, nor to give the ombuds permission to speak with their manager or HR about the specific incident of suggesting the undocumented sabbatical.

After some discussion, the employee gave permission for the ombuds to speak with HR about the vagueness of the policy and to reference, more generally, that this had already led to a manager's suggestion to take undocumented time off. After the ombuds had this discussion with HR, HR updated the policy quickly and without further incident.

Ombuds Identifies Need for a New Policy to Address Serious Accidents or Death

The ombuds at a public sector organization learned of an incident in which one of its personnel was injured in a foreign country in a car accident on a weekend. While the other people in the car suffered only minor injuries, the person in question had a major injury that was not immediately visible and thus her supervisor did not take it seriously and thought she was

faking it. The injured person felt abandoned by the organization and that she was being discriminated against because of her national origin.

By the time the ombuds learned about the matter, the injured person had been med-evacuated back to the United States and was facing serious surgery. Once the seriousness of her injury had become apparent, representations had been made by others in the organization to her that could not have been acted on. Also, even though the injured person did finally receive proper medical treatment, the ombuds realized that the organization did not have a policy in place to deal with serious injuries or death of people in such circumstances and brought the issue of a lack of an appropriate policy to the attention of senior leadership in the organization.

Senior leadership agreed that such a policy was needed and developed just such a policy in the event that similar events occurred in the future.

4. Fear of Reporting or Retaliation

Fraud, Amorous Relationship, Conflict of Interest, and Fear of Reporting

The ombuds worked with a visitor for two years. At first the issue presented was a benign interpersonal conflict. After the ombuds established trust with the visitor, the visitor began sharing documentation and information that revealed a fraud scheme apparently orchestrated by the visitor's leader, a well-regarded tenured professor who brought in millions of dollars for the university each year. The visitor did not want to be a whistleblower due to fear for their position, career, reputation, and physical safety.

The ombuds presented the visitor with various ways the issue might be surfaced or investigated. Eventually the visitor gave the ombuds permission to raise the issue anonymously with the university's financial compliance department, which has the ability to discretely review records and intervene or refer the matter to internal audit for a formal investigation if they determine the concerns may have merit. In this case, given the positive working relationship between the financial compliance analyst and the ombuds, the analyst took all of the information provided by the ombuds and immediately initiated an informal and extremely discreet review of the leader's unit's records. Literally, no one else knew it was happening.

This review surfaced a myriad of concerns, including conflicts of interest (using university position and resources for personal gain), financial fraud (funneling money to a private business), and sexual misconduct (an amorous relationship between the leader and a direct report). The financial compliance analysist then referred the matter to the university's internal audit department and a formal investigation ensured. The compliance department told the leader under investigation that it had discovered information during a routine check. Once internal audit released its report to the Vice-Chancellor of Research, the university terminated the leader, restructured the unit, and imposed new restrictions and policies to address the types of transactions at issue.

Restoring Morale and Improving Communication

When the COVID-19 stay at home directives were put in place, not all teams embraced the required changes. The ombuds heard from staff across the university that in many units, there was no plan, and that leaders were dropping the ball. Some visitors had not heard from their supervisors in weeks. The ombuds provided communication coaching to empower visitors to initiate and frame conversations with their supervisors to address remote team communication and other issues resulting from the stay-at-home directives.

In one case, the visitor was new to their position and fearful of raising their concerns. They were also not comfortable giving the ombuds permission to speak directly with their supervisor. Rather, they gave the ombuds permission to reach out to others in the university who could possibly help discreetly address the situation systematically. The ombuds reached out to those offices to share the visitor's concerns—but without disclosing the identity of the visitor—and helped devise a plan to intervene and support the team without the supervisor knowing the impetus.

Fear of Repercussions for Signing a Petition

A staff member of color contacted the ombuds seeking information and discussion about whether to sign a petition supporting the change of name for an on-campus building. The visitor's concern was whether they would be retaliated against and/or risk losing their job if they signed the petition.

In the course of their discussion, the ombuds and the staff member reviewed the university's free speech policy along with its guidelines. An option identified by the ombuds was for the staff member to contact their direct report along with other colleagues within the college to seek advice. With permission from the visitor, the ombuds made confidential contacts with the Equal Opportunity and Equity office, the office of General Counsel, and Employee Relations (without disclosing the identity or any information about the visitor) to learn more about potential impacts of signing a petition.

In a second meeting, the ombuds relayed to the visitor the information that the ombuds had obtained, including that these formal channels said that it was an individual decision about signing and that doing so as a private individual, not public employee, makes it a private matter even if it had to do with a public concern. The ombuds also indicated that the contacts said that there should not be retaliation from an employment perspective. The staff member also shared with the ombuds information the staff member had drawn from their discussions with colleagues that still made them concerned about signing the petition. The ombuds and the staff member discussed that there were aspects of any private act of signing that could potentially shift beyond the control of the staff member.

Although the staff member expressed appreciation for the opportunity to discuss this issue with the ombuds, the fear of retaliation and possible job loss was just too great, and the staff member decided, primarily based on colleague discussion, to not sign the petition.

Concern over Possible Fraud in Obtaining Fuel

A custodial employee came to the ombuds to express concerns about a colleague. One of these concerns involved the visitor's belief that the colleague had used his supervisor's fuel PIN fraudulently to purchase fuel for personal use while the supervisor was on sick leave. She was reluctant to report her concern to her supervisor, however, because she had reason to believe that he might have been complicit in, or at least aware of, the fraud. Reporting her concerns to her supervisor's supervisor also did not seem to be a viable option, because there was a lack of trust in that relationship as well.

The visitor felt that the ombuds provided a much more confidential channel through which she could make her concerns known. With the visitor's permission, the ombuds contacted the Internal Audit Office to share the allegation without disclosing how the issue had been raised. That office conducted an investigation, which determined that the date of the supervisor's sick leave did correspond with a date when the PIN was used, yet because the video feed from the

fuel pump had been deleted by the time the allegation was made, the person who had used the PIN could not be identified with certainty.

Nevertheless, as a result of the anonymous report which the ombuds passed along to Internal Audit, supervisors were reminded of the importance of not sharing their fuel PIN with anyone, including colleagues.

Ombuds Helps Clinical Fellow Stop Unwanted Attention from A Senior Colleague

A new female Clinical Fellow contacted the ombuds to discuss her discomfort with attention she was receiving from a senior male clinician. The senior clinician, an internationally recognized physician and author of a popular medical textbook, had been progressively contacting the fellow by phone and text, complimenting her appearance, and offering her a valuable collaborative clinical research opportunity during her fellowship. The fellow did not wish to make a formal complaint because of the impact on her career, the embarrassment it would cause the senior clinician, and because the senior clinician had not asked her out, touched her, or said anything exceedingly inappropriate. However, she had a clear sense he was interested in her romantically and may cross those boundaries in the future. She said she only wanted a professional relationship and to be able to complete the fellowship. She indicated that she had not talked to anyone else affiliated with the hospital about the situation and presently had no intention to do so.

The fellow and the ombuds discussed keeping a record of the texts and a journal of the inordinate contact as a backup measure and then began exploring ways the fellow could more clearly communicate her discomfort to the senior clinician either directly or through an intermediary. She decided that as a first step, it would be most appropriate for her to respond to a text message she received that she's noticing he's contacting her quite a bit and that it makes her somewhat uncomfortable and that she'd prefer to communicate by email only with her professional relationships. As a secondary measure if the excessive contact persists, she indicated that she may ask the ombuds to speak to the clinician confidentially on her behalf. Several weeks later the fellow returned to ask the ombuds to speak to the senior clinician so he would stop.

The ombuds subsequently asked the senior clinician to meet and explained the "off the record" nature of the ombuds office. When they met, the ombuds simply said that the ombuds was asked by a fellow if he, the senior clinician, would honor a request made of him about communicating by email. The senior clinician, understanding the confidentiality and informality of the ombuds office, expressed gratitude for the message.

The fellow reported back to the ombuds a few months later that the excessive contact from the senior clinician had stopped and she was now more comfortable dealing with her colleague.

Surfacing Concerns of Suspected Fraud

A disciplinary department operated a specialty clinic within the hospital that is staffed by residents, staff clinicians, medical assistants, and departmental financial staff. Two members of the department who work in the clinic contacted the ombuds to share their suspicion that a certain clinician on occasion had violated hospital policy and possibly state compliance regulations. Though they had no documentation, they said that they believed the clinician was requiring residents to sign records and orders under the clinician's name when the clinician was not present. The visitors said that they did not want to report their suspicions to the internal audit office both because they are not certain about the infractions and because they could be identified in the department as the "whistleblowers."

After discussing several options and the implications of doing nothing, the visitors agreed to allow the ombuds to contact the internal auditors. The ombuds, without mentioning any individuals, asked if the auditors could move the specialty clinic to the top of their "randomized" preliminary audits as there may be compliance risks occurring in "clinician of record" coding on orders and authorizations. Though the auditors were disappointed they couldn't meet with the sources of these suspicions, they agreed to do a preliminary review of clinician coding and explain to the department it was a routine cyclical audit check (a regular practice at the hospital). The auditors indicated they would pursue any serious irregularities aggressively, but even if no "red flags" arose, they usually find some sloppy coding mistakes in such reviews. In that case, they would issue guidance to all clinicians in the clinic as a reminder of proper clinician record coding. The ombuds offered to serve as a conduit if the auditors needed to ask for more detail from the sources of the concerns. The original visitors were satisfied with this approach and were pleased to see the auditors reviewing records within a few weeks.

Though no further follow up occurred with the original visitors, the auditors chose to call the ombuds and report they found only minor coding mistakes and issued the guidance to all clinicians and staff in the department. They also mentioned they welcomed being alerted to potential compliance and financial risks in the future as this example was a good process for their office.

Facilitating Better Communication During a Pandemic

An employee called the ombuds and expressed his fear of coronavirus infection if he continued to work at his assigned location. In discussing the matter further, the ombuds discovered that several employees were working closely together in a small office. Although the ombuds' visitor had approached his supervisor with his concern, he had not heard anything back in several weeks.

The employee said that he chose to raise this issue with the ombuds because he also was afraid of being labeled a troublemaker if he approached HR or upper management with his concern. With the employee's permission and while maintaining confidentiality, the ombuds was able to bring this potential health concern to the appropriate leader. The leader discovered that there had been a blockage in the communication channel and the issue was soon resolved.

Accommodation of Religious Concerns of a New Employee

A new hospital tech employee was required, as part of her orientation, to scrub into an operating room to observe a surgery. She subsequently learned that the scrub uniform she would have to wear included pants. Normally she wore long uniform skirts that did not interfere with her work. She came to the ombuds because, as a new employee, she felt vulnerable and did not want to cause a problem by challenging this requirement. Confidentiality was important because she wanted to discuss available options before taking any action with a supervisor or the hospital itself.

After speaking with the ombuds, she gave the ombuds permission to make inquiries in other areas of the hospital, including surgery, the intensive care unit, and the hospital laundry. The ombuds learned that disposable (and sterile) long sleeve skirt-like garments were used for patients in the ICU. The ombuds was able to arrange for the tech (whose identity still had not been disclosed) to wear that garment in the operating room, provided that she wore regular scrubs under it. That solution was satisfactory to everyone.

Ombuds Arranges for an Anonymous Call to a Formal Channel at the Request of an HR Team to Address the Conduct of their HR VP

A few employees on a regional HR team had been talking among themselves about the arrogant, dismissive, and disorganized behavior of their HR VP, which they thought indicated a lack of accountability. The HR team had more than twenty people; some of them worked in the same office as the HR VP, others worked in offices in different states. The employees working in the same office as the VP, in particular, were able to observe these troubling behaviors by the VP, including the extreme favoritism he showed to certain individuals.

With frustration mounting and many of the employees finding it increasingly difficult to focus on their jobs, three employees from this HR team contacted the ombuds to discuss their concerns confidentially because they greatly feared retribution from the VP if he were to learn that they had spoken up about him. They also said that they did not trust any of the other resources in the organization to address their concerns. In their conversation with the ombuds, they said that they were looking to find a way to raise their concerns anonymously. After listening to the concerns expressed and understanding what the employees had already attempted to do to resolve the problem, the ombuds discussed various options with them.

The option selected by the employees was for the ombuds to contact an ethics and compliance representative, in order to avoid conflict within the HR organization, to arrange for an anonymous telephone call between the employees and a VP counsel for the company, a compliance representative, and a senior compliance investigator. The understanding was that the ombuds would make all of the arrangements for the call and that the HR employees could speak to the company representatives without identifying themselves. The ombuds coordinated the call and once all participants were connected, the ombuds dropped off the call so as not to be part of a formal, but unusual, teleconference. As a result of the conversation, an investigation was begun into the leadership behavior of the VP. The investigation confirmed deficiencies in the VP's

leadership and management style that were then referred to corporate HR leadership.

The VP was provided coaching by the corporate HR leadership to address his behaviors. When the ombuds followed up with employees to see how they were doing, they thanked the ombuds for the opportunity to raise this issue confidentially with the ombuds. Also, the compliance team reached out to thank the ombuds for coordinating the call and providing them a chance to speak directly with concerned employees. They said that it had made a big difference.

Identifying, Surfacing, and Correcting a Potentially Serious Hazard

The visitor was a staff member who was concerned because the visitor had observed that a studio available over the years to students to use power tools to build art installations and theatre scenery had become very loosely supervised. Historically, full time staff had been responsible for supervising the studio, and the studio had regular hours and had been carefully locked it up when the supervisor was not present. The visitor stated that in the last year the full-time supervisor had retired and was replaced with student supervisors. The visitor thought that the student supervisors had been trained but that the studio doors were often left open, apparently as favors to accommodate students' schedules, and that students were often alone in the studio without supervision.

The visitor decided to visit the ombuds office after becoming aware of an accident at another university where a student had been hurt by a power tool in a similar studio. The visitor had not been able to determine who was currently in charge of the studio and did want to get anyone in trouble. The visitor was not directly involved in the studio but was concerned about using the ethical tip line because they didn't know how it worked and didn't trust that it was really confidential. Those were the stated reasons for going to the ombuds rather than somewhere else to raise this concern.

In the course of their conversation, the ombuds and visitor come up with several options:

- The visitor could go online and use the confidential ethics and compliance reporting system (or print it out and put it in campus mail)
- The visitor could go to Environmental Health and Safety and let them know
- They could figure out which department has oversight of the studio and let them know
- With permission from the visitor, the ombuds could do any of the above and relay the information while not disclosing the identity of the person who brought the issue to the attention of the ombuds

The visitor requested that the ombuds go to Environmental Health and Safety and let them know of the concern without saying where the information came from and the ombuds agreed to do so.

EHS and the ombuds had a good working relationship from previous matters, and EHS was very welcoming of the information and the situation was remedied quickly without repercussions for any individual.

An Advisor's Failure to Advise

A female graduate student came to the ombuds to talk about concerns she had about completing her PhD Her advisor had left employment at the University to join industry but was still advising students by distance. The student had heard about the ombuds through a presentation at the Graduate College and decided to bring her concerns to the ombuds due to the confidentiality afforded by the office. As a graduate student, she feared retaliation by her advisor and, possibly, her committee members should she use formal channels to complain.

The graduate student described a pattern of neglect by the advisor who often made comments about the student's financial status as well as comments about her immigration status. The student believed that the advisor assumed the student was international, when in fact, she was a US citizen. Since the student was self-funded, the advisor refused to treat her the same as those students on grant projects and left her without adequate assistance. As the student prepared for the defense of her dissertation, the advisor cancelled meetings and ignored email and voice mail. While her dissertation was accepted and she was a 4.0 student, she failed her oral defense and was given only two weeks for a second defense, with no advice from her advisor. The external member on her committee noted the irregularity in the lack of support by her advisor, and the "gotcha" type of questioning in the defense, and suggested she reach out to the Department Chair.

At that point, the student decided to speak to the ombuds. After hearing the student's concerns, the ombuds asked to speak to the external committee member and received permission. The external committee member confirmed what the student had reported and added that the advisor also said that if the student was going to return to her country of origin, then the advisor would pass her, but not if she stayed in the US. The external committee member was from the same country as the student but knew she was a US citizen and was appalled by the statement. None of the other committee members said anything. He convinced the student to file a discrimination complaint with the Title IX office, which she did but held off on the investigation, fearing retaliation.

After meeting and coaching by the ombuds over the course of four weeks, the student spoke with the Department Chair and the Graduate Advisor, both of whom refused to listen to the student and tried to convince her to accept a Masters' degree instead. Finally, the student allowed the ombuds to speak to the Vice Provost and the Dean of the Graduate College about the situation, about her fear of retaliation, and need for an advocate in her department. The Graduate Dean was able to convince the Department to provide a new advisor, cancel the second defense due to the comments made and lack of advisement, and provide a stipend to the student to stay and defend again and pass her defense. The student, after being awarded her PhD, chose to drop the discrimination complaint against the University.

Abusive Advisor and Language Issues

An international graduate student came to the ombuds' office in a highly emotional state after an alarming interaction with his professor/advisor. The ombuds listened attentively to the

student as he described what sounded like ongoing abuse of students by a faculty member. The student was frightened and confused. Like many students, he was reluctant to report anything to the university out of fear of retaliation.

The student had been contacted by two students who had left the university, one with their PhD, and one who had accepted a Masters' despite being in a PhD program. For two years, all three students had been in the same laboratory with the same professor. The two former students decided that they couldn't watch their fellow students continue to be abused in this way. They sent a letter to the Department Chair, who didn't take any action. The Department Chair apparently believed the faculty member to be upstanding and productive.

The former students suggested the student consult with the ombuds due to the confidential nature of the services. All of them described abusive conduct by the professor, including speaking only in their native language in the lab (all three of the students and the professor were from the same country of origin), and calling the students derogatory names; throwing papers, computers, and other equipment across the room; and making them work over 40 hours per week in the lab. If they weren't in the lab, the professor would track them down and find them at their homes. He also gave the students in his lab the answers to the exams so they wouldn't have to waste time studying and would be able to work more in the lab. The students had kept the email correspondence related to the exams and presented it to the ombuds.

The ombuds discussed a variety of possible actions the student could take but the course of action that felt most safe for the student was to provide an anonymous report of the academic misconduct based on the exams which is what the ombuds helped him to do. This resulted in an investigation into the matter by the Provost's office and Faculty Academic Affairs. The professor was fired after all of the allegations came out and more students came forward. After this case, the graduate college of the university created a policy stating that the language used in labs and classrooms must be English and provided training and education on appropriate standards and treatment in laboratories.

These students had considered contacting the local newspaper to report what was going on before coming to the ombuds but had been hesitant to do so. Had they done so, it would have had a devastating impact on the reputation of the institution, and probably would have resulted in costly and protracted hearings.

An Ombuds Can Only Do So Much to Raise Issues to Proper Channels

Over the period of a month, five different faculty members from the same department independently met with the ombuds to share concerns about their new department chair. They had a wide range of complaints such as sexual harassment, many forms of verbal abuse, and public humiliation, as well as arbitrary changing of policies and responsibilities. All five also reported that one of them was being bullied.

None of the faculty members had chosen to go to human resources because all of them had had bad experiences with that office in the past. A human resources staff member had told

one of them, “It’s not wise to take on a department chair. You will lose.” All five were afraid to confront the chair or file a grievance or Title IX complaint because they each believed the chair would punish them. None of them wanted to lose their jobs, and they all reported having enjoyed their jobs until the new chair arrived. While they were all faculty, they were all on contracts that could be cancelled at any point, about which the chair was known to remind them on multiple occasions.

After discussing various other options such as the whistleblower hotline, mediation, and the previously mentioned formal processes, all of the parties preferred to meet with the Provost as a group if their identities could be protected. The parties gave the ombuds permission to briefly describe the problem to the Provost and to request a group meeting. The group met with the Provost and explained the problems. He listened and promised to look into it. Nothing happened for three months, so the female faculty member who was being bullied filed a Title IX complaint. The complaint was found to be a violation, but since it was a one-time event, the chair was not sanctioned. From that point on, the faculty members reported that chair’s treatment of the complainant worsened visibly.

Finally, a committee was formed to investigate the chair’s conduct. The person appointed to lead the committee had previously been the mentor for the chair under investigation, which demoralized the faculty members who had consulted with the ombuds. The investigation interviewed many people but seemed to drag on and on. Close to the second anniversary of the original contact with the ombuds, the chair was finally fired. By this time, however, four of the five faculty members had left the university for jobs elsewhere.

Even though the ombuds had found a way to bring the faculty members’ concerns to the attention of the Provost in a timely fashion and before a Title IX complaint or a lawsuit was filed, the lack of prompt and appropriate action on the part of the university cost the department four faculty members who were part of a leadership team that had led to 98% placement of their graduates in jobs upon graduation. The faculty member who was bullied and harassed hired an attorney, and, to settle her claims, the university paid her a year of salary for severance. The loss of these faculty members in such a short period adversely affected the university’s reputation in the field in which the faculty specialized. The principal lesson of this example is that while the ombuds did everything possible to help both the faculty members and the university identify and address the concerns with the department chair, the ombuds has no managerial authority, and the benefit of having an ombuds often depends on those having the authority to act taking timely and appropriate action.

The Ombuds Helps a Foreign Post-Doctoral Fellow Accused of Plagiarism

A post-doctoral fellow came to see that ombuds in a panic because he was being accused of plagiarism. He was African and had published academic papers in his home country and in another country before coming to the United States. He said his current professor had asked him to write a paper on a certain topic and then accused him of using others’ work without citing them. Further, he was told that if he was found guilty, some or all of his past publications could be rescinded very publicly.

When the ombuds asked if he had spoken to anyone else about this, the fellow said he had only spoken with his wife. He said that this situation was so humiliating to him that he didn't want anyone else to know about it. When he heard the ombuds kept information confidential, it was the only option he would consider other than hiring an attorney to defend himself.

The ombuds asked him whether he had been formally accused or not and he did not know the answer to that question. Part of his panic had to do with not understanding what was happening and being new to the United States. He didn't know where to turn.

The ombuds asked him if he had spoken with his supervisor and his department chair. He said he had spoken with both, and they were awaiting the outcome of an investigation so they could not tell him anything. The ombuds also asked if he had spoken with anyone in the Academic Dishonesty Office, and he said he had not heard of that office.

The ombuds gave him the contact information and the location on the campus for that office. The ombuds also advised that the office's website outlined the investigation process. Just being able to read about the process provided some relief for the fellow.

A few weeks later, the fellow called the ombuds to say thanks for the help and to report that he had been cleared of any accusations in the investigation. He reiterated that it was such a huge help to him to have an office where he could talk confidentially about something that was so embarrassing without having to worry about the information being shared with others. Before he found the ombuds, he said that he thought his only option was to hire an attorney, but he did not have the money to do that. Had he done so, however, the university would have had to defend the lawsuit. As it was, he was exonerated, and his career was not ruined.

Ombuds Helps a Visitor Surface a Fraud Issue Through the Whistleblower Hotline

A visitor asked the ombuds for assistance with a case she was afraid could get her fired. She was a Research Assistant (RA) and she thought that her boss, a grant Primary Investigator (PI), was asking her to use grant funds illegally. He was basically asking her to move monies from one account to another in a way that was in direct violation of the applicable federal guidelines.

As the RA, it was her job to keep the grant operating within the guidelines, so she was worried she could either get fired by the supervising federal agency for not following protocol or by her boss if she didn't follow his instructions.

The ombuds discussed options such as filing a grievance, making a report to the federal agency or transferring to another research project. The ombuds also discussed the possibility of talking with another senior RA who might know a legal way to reach the PI's goals while staying within applicable rules.

Of course, the ombuds also pointed out that she could also quit her job, but the visitor said she needed it to support her family and for the medical benefits. She did not want to report the PI in any way where he could identify her involvement. Given these concerns, the ombuds mentioned the possibility of filing an anonymous comment on the Whistleblower Hotline. That option helped the visitor feel safe from retaliation, so she agreed to do that as well as start her job search as a back-up plan because she no longer wanted to continue to work with that PI. She was committed to not breaking the rules regardless of the pressure to do so.

By proceeding in this way, the issue could be brought to the attention of the university, which could conduct an investigation. The university and its reputation would be protected from the unethical acts of the PI if they responded to the report on the hotline and the visitor's concerns were validated. Regardless, the employee was relieved to have options so she could live according to her conscience.

When a Senior Leader is the Problem

Over a period of months, a number of people in a department individually consulted with the ombuds. The visitors had roles at varying levels in the hierarchy and in a variety of disciplines, but they all shared concerns about the same senior member of the organization's leadership. Visitors expressed confusion or concern about the senior leader's quick ascension in the organization and about the appropriateness or justness of his promotions and power.

The visitors also described the senior leader's conduct, including insulting or publicly disparaging people, interfering with projects or work, character assassinations, attacking professional reputations, and terminating people unfairly or unjustly. Some considered this conduct as bullying. Others perceived the behavior as antithetical to the organization's code of conduct or other policies. Some questioned the legality of the leader's conduct. Given the overall perception of the senior leader's power in the organization, visitors expressed a variety of fears. In particular, visitors were afraid that if it were discovered that they sought help from the ombuds, they would become the next target or otherwise suffer retaliation for speaking up. Many of these individuals were at such a loss that they said they were considering leaving the organization.

Trusting that the ombuds office was strictly confidential, visitors met with the ombuds—often more than once—to share their concerns and to obtain guidance and support in addressing them in a meaningful way. In every session, the ombuds provided support and advice, including on how to address individual communications as they were evolving. (On request, the ombuds provided direct, individual, real-time, one-on-one coaching.) The ombuds and visitors talked about words the visitor might use directly with the senior leader, meetings that they might hold with others, emails they might write to document plans, other senior leaders who could lend assistance, and policies that were at play. The ombuds and visitors also discussed the organization's resources for support, including persons higher in their chain of command, the Human Resources department, the ethics and compliance hotline, and of course the ombuds office.

In addition to serving as coach to individual visitors, an option that the ombuds offered was for the ombuds to serve as a conduit to improve communications, to serve as a mediator to open and improve direct dialogue, and to raise the pattern of concerns to other senior leadership who were well placed to hear and address the concerns. While a systemic pattern of concerns had clearly emerged, the ombuds continued to work with visitors individually to help them work through their individual goals or needs but the ombuds eventually sought permission to bring the matter forward as a pattern while preserving the confidentiality of all visitors.

Ultimately, the ombuds took the pattern of concerns to senior leadership, which engaged the organization's formal investigation processes. The investigation uncovered conduct that was in violation of the organization's policies, and appropriate corrective action was taken.

The ombuds was thus able to help to provide direct and immediate help to each of the individual visitors while working with them to find an effective way to bring the existence of the systemic issue to the attention of senior leaders who could order an investigation and take corrective action. As a result, none of the visitors left the organization and many of them have expressed their appreciation to the ombuds and how much happier they are.

Healing a Rift

The ombuds had received a significant number of cases from members of a department in the organization who expressed concerns about how the department was being managed. Visitors shared that they were frustrated, furious, or outraged, and some said that they might seek legal counsel to address the matter. Low morale was widespread across the department.

As more details emerged, it became clear that visitors were describing a rift within the department, with essentially two disciplines in the department having been pitted against one another. Visitors described examples of infighting and poor professionalism. Visitors suggested that the rift had been created by the department's leadership when leadership encouraged people to choose sides using a heavy-handed approach. Others described apathy on the part of some members of the department's leadership. Overall, the department's internal warring resulted in confusion, unrest, and disorganization, which negatively affected people individually and may have also resulted in losses both in employee retention and in the department's productivity.

Visitors said that numerous complaints about these concerns had been made to the organization's HR and compliance offices but had not produced results. This only increased their frustration and confusion.

Visitors wanted to be sure that the organization was made aware of their concerns. Their objectives included improved communication, response to concerns, clarity in work roles, and fairness in schedules, treatment, and pay. They wanted to be freed up to do their jobs effectively and feel good about working as one cohesive team again.

When the visitors came to the ombuds individually, the ombuds listened to each person actively and provided a safe, confidential space for them to share all that was on their mind. In a

very real way, the assurance of privacy and commitment by the ombuds not to share with anyone that they were meeting with the ombuds gave them the opportunity to fully open up and express their concerns. The ombuds met with many of these visitors on a recurring basis and offered suggestions on how they might better handle the situation themselves immediately and provided individual coaching and support. As a result, visitors gained confidence in themselves, even though their work situation hadn't changed.

Because the many individual concerns also represented a significant systemic dysfunction within the department, with the permission of the visitors the ombuds engaged in a series of facilitated discussions that included members of the organization's senior leadership. These discussions with senior leadership raised their overall awareness and understanding of the broad and complex nature of the concerns in the department. Ultimately, significant changes were made, including structural improvements, leadership changes, communications plans, and changes in workflow.

After these changes, the department was functioning cohesively as one unified whole. Communications and morale also improved. The changes were so pronounced that visitors reported back to the ombuds to let the ombuds know how much better things had become, describing the difference before and after the ombuds involvement as the difference between "night and day."

Benefits and Inclusion for Same-Sex Marriages

A female employee in a same-sex marriage contacted the ombuds to express her frustration about a limitation in the company-provided insurance benefits. In this discussion, the ombuds learned that the employee and her wife had been preparing over the past few years to start a family of their own, with the employee being the one to carry the child. At first, they assumed that IVF (in vitro fertilization) was the only option, a procedure where the woman's egg is stimulated, retrieved, fertilized, and transferred back to the female. But upon researching further, they found IUI (intrauterine insemination) was the best option for them. This is a procedure where sperm is simply injected into a uterus. IUI is a lower-cost option and a much more practical avenue for same-sex female couples who do not require additional fertilization techniques to conceive.

The employee stated that she had made several calls to the company's insurance provider for information and was told IUI was only covered after the couple "tries to conceive" for one year and that they would need to prove their "exposure to semen" in order to be covered. The inquirer indicated that she thought the company's insurance coverage was antiquated and unfair; although it provided extensive, often expensive, coverage for women in heterosexual relationships facing infertility issues, the plan did not consider being in a same-sex marriage (and a very healthy individual) to be a valid reason for fertility benefits coverage.

The employee also strongly felt that the company's public statements conflicted with the coverages in the plan it provided for employees. The company continued to raise flags in celebration of PRIDE month and had discussions of inclusion, but this lack of coverage for

same-sex couples was not consistent with that message. The employee also felt that it would be humiliating to try to address this with her local management, as the terms of coverage in company insurance policies is determined at the corporate headquarters level.

After this discussion with the ombuds, the inquirer agreed that since this was a companywide topic and if the ombuds were to raise this issue it would not necessarily be linked to her in particular, the employee granted the ombuds permission to share the concern with the global benefits vice president and their team for review. As a result, the company's policies were changed to allow all employees equal access to fertility benefits: the criteria of needing a diagnosis of infertility to access infertility benefits was removed; the cost of donor sperm would be covered by the plan; and cryopreservation would be covered for both eggs and sperm for up to 12 months.

The ombuds also made sure these changes would be mentioned in various LGBTQ communications materials that the company put together each year.

Surfacing an Issue Without Becoming a Whistleblower

An executive assistant (EA) to a senior executive called the ombuds to discuss their concern which they said could not be taken forward to management through *any* formal channel. In particular, the EA believed that, at a time of corporate restructuring to save costs, the senior executive with whom the EA worked was making fraudulent claims on his monthly expense claims.

When asked how the EA was aware of the alleged fraudulent claims, the EA said they prepared the monthly claims from the information provided by the senior executive but knew that some of the information was false. The EA believed that this conduct was not appropriate and that it should be reported. Yet, since only the senior executive and the EA were privy to what was on the monthly expense claims before they were submitted, the EA was also extremely afraid of what would happen personally to them if they were identified as the whistle-blower in any investigation into the expense reports.

The ombuds and the EA discussed a number of options to surface the EA's concerns, including an option in which the ombuds could ask the internal audit team to carry out a review of the monthly expense claims of all the other people at the same level as the senior executive throughout the business and without identifying who had brought this issue to the ombuds, the specifics of the false claims, or the identity any particular senior executive about whom there was concern. The EA gave permission to the ombuds to take the matter forward on this basis.

When the ombuds alerted the internal audit team to this concern and made the request for the internal audit, the internal audit team audited the expense reports of all the senior executives at that level. With all the senior executives at that level included, no one could have thought that any particular person was being targeted.

The results of the audit demonstrated that the senior executive was not alone in submitting fraudulent expense reports; others had done so as well. All of those senior executives were fired. The EA who brought the issue to the attention of the ombuds was never identified and subsequently was assigned to work for the replacement of the senior executive for whom the EA previously worked.

Ombuds Helps an Employee Experiencing Bullying Resolve a Hostile Work Environment Claim and the Company Avoid a Lawsuit

An employee contacted the ombuds about an abusive manager. The employee described how the manager bullied the employee and also a number of coworkers. The employee told the ombuds that they had been the only person to raise the matter with their local HR team. In fact, they had twice gone to the local HR team, but no action had been taken in connection with the abusive manager. Compounding the abusive behaviors and bullying from the manager, the employee also reported being subjected to retaliation for having made the reports to HR. The employee was on the verge of leaving the company and retaining counsel to bring suit against the company. Under these circumstances, it was clear that a confidential conversation with the ombuds was extremely important to the employee.

The ombuds and the employee explored various other internal options available to the employee before the drastic action of leaving the company and filing suit against it. One of the options was for the employee to collect evidence of the manager's abusive and retaliatory conduct and then to contact the ethics and compliance office (ECO) with a request to conduct an investigation. The ombuds coached the employee on how to collect and collate their evidence and also how to then discuss the matter with the ECO.

The employee took this option, collected the relevant evidence, and contacted the ECO. The ECO investigated the issue and found that the employee had been subjected to a hostile work environment and retaliation. The manager involved was disciplined and removed from the company. The employee was able to continue working for the company in a greatly improved work environment.

Ombuds Perseveres in Working with Employees to Resolve Favoritism Issues with Their Manager

Over a period of a month, five employees of different minority backgrounds came to see the ombuds separately about a mid-level manager of a different minority background. Each visitor asserted that this mid-level manager was favoring a new employee of her same background/ethnicity who was not as experienced as any of the other member of the team. This new employee was in the same role as the five employees who came to see the ombuds. Each employee explained to the ombuds how the favoritism occurred—granting this person special assignments, relaxing rules about when this person arrived to the office or left the office, allowing this new employee to not take extra shifts that everyone else was forced to take, and giving this new employee first choice on vacation time.

The ombuds worked with each of the employees separately to talk about different options, including having them consider reaching out to HR (which two of them did), and trying to have a conversation with the middle manager (with one of them did) or the middle manager's manager, who also was new to the organization (which one of them did). These conversations were reported to have gone fine to well, and the HR discussions resulted in the beginning of an investigation (that ended up getting stalled for reasons outside of the situation discussed here). A couple of months after the initial visits, four of the five employees were back in the ombuds office, reporting that nothing had really changed, and in fact, the new employee had now been given authority over the other five employees on a new project.

This second time around, the ombuds asked the individuals if any of them felt comfortable reporting the situation to the head of the department. Each of them shared that they were concerned about retaliation and thus, did not want to report the situation. The ombuds then asked if they wanted the ombuds to reach out to the head of the department instead. There was unanimous support for this plan. The ombuds then reached out to the head of the department, who had already learned a bit about the matter from HR. The ombuds also offered to check in with HR to see what was holding up the closing of the investigation, which the ombuds also received support for and did. The matter closed soon thereafter, and, among other outcomes, the new employee who had been found to have been favored was moved to a different work team under a different manager.

Bullying and Hostile Work Environment

The ombuds received a number of visitors from one office who expressed concerns about a specific leader's treatment of people and whether the leader made ethical business decisions. None of them wanted a formal investigation, which would likely require their on-the-record testimony. They were comfortable raising the issue with the ombuds but did not want to become enmeshed in a formal investigation. Several also said that they "did not want anything bad to happen" to the leader. Rather, they just wanted to see the behaviors change and the environment improve.

The ombuds met with more than ten current and former employees from that office who described the conditions in that office using expressions such as: a "reign of terror," "a remarkably toxic atmosphere," and an "abusive" and "hostile" environment. Among other comments expressed by employees was that they felt the leader "created fear," "beats people into submission," was "extremely condescending," "intentionally makes you feel like you're stupid" by "constantly pointing out mistakes, making you feel terrible about it," where "nothing you do is ever right . . . ever." These vivid and graphic descriptions clearly reflected an extreme and difficult work environment.

With permission from the employees, the ombuds compiled the comments without attribution and shared them with a more senior executive in that office for information and action as appropriate. The ombuds reiterated that it was up to the senior leader to initiate any investigation but that these comments suggested that there was an opportunity to address perceptions and reinforce expected leadership behaviors. The senior executive confirmed with the

ombuds that a couple of other issues were raised before, but nothing was this serious and widespread. The ombuds confirmed that a large number of employees were doing everything they could to stay in the good graces of this leader, which meant not speaking up for fear of retaliation, which colleagues stated took the form of low performance evaluations.

The senior executive: 1) used the ombuds' non-attributable feedback to put the leader "on notice" about expected behaviors surrounding respectful treatment; 2) created an open door for all employees to freely make direct contact; and 3) gave the leader a one-year ultimatum to improve or find another opportunity. While things improved slightly for a short amount of time, ultimately the bad habits did not change, and the leader left the organization.

The Importance of Confidentially Discussing the Process BEFORE Raising Sexual Harassment Complaint

An employee came to the ombuds with concerns about sexual harassment the employee was experiencing from a supervisor. The employee wanted the harassment to stop and yet was uncertain about reporting it for fear that her issues might not be taken seriously. The employee was also afraid that reporting her concerns could result in victim-blaming, shaming, retaliation, and a ruined career. Yet, she also was concerned that not coming forward would leave others vulnerable to the same or similar conduct by the supervisor.

The ombuds talked through with the visitor the pros and cons of both reporting and not reporting her issues. After an extensive conversation about these issues, the employee gave the ombuds permission to consult with HR leadership in the region where she worked (but without disclosing any information that might identify her or her supervisor) to find out exactly what would happen if a sexual harassment case were reported.

After finding out this information from the regional HR office, the ombuds reported back to the employee that the alleged perpetrator would be placed on paid administrative leave while an investigation into the claims was conducted and that an independent professional investigator would be used to fully investigate the claims. The employee was relieved to learn this process and thought that having the supervisor out of the workplace on administrative leave while the investigation occurred would allow her to be in a safe environment.

With this information, the employee decided to come forward and report. The process transpired exactly as promised, which the employee appreciated tremendously. The investigation resulted in her allegations being substantiated. The employee and her supervisor had no further professional interactions.

Ombuds Helps an Employee Raise Issues about Inappropriate Workplace Activity

An employee contacted the ombuds after an inappropriate, offensive, and discriminatory video was shown in the workplace. The employee did not feel that the situation had been properly

addressed and wanted to have a confidential conversation to learn what options were available to pursue the matter further.

The ombuds and the employee discussed several options, including the pros and cons of each option. The ombuds also provided contact information for equal employment opportunity personnel in case the employee wanted to file a formal complaint. The employee, however, expressed concern about potential backlash for raising this matter, being labeled as a "complainer," and how addressing it could potentially disrupt what had been a great team and make things incredibly uncomfortable. The employee was clearly caught in the middle between wanting to raise this issue and fearing the repercussions from possibly doing so.

It was only in the course of several of such confidential conversations that the employee decided to address the matter directly with the first-line supervisor. These conversations revolved around the ombuds helping the employee think about if they wanted to raise it, with whom, and the best way to frame the matter. The employee also suspected that the supervisor knew about the situation and wasn't doing anything about it, which if true, called into questions the supervisor's integrity.

When the employee ultimately decided to raise the issue with her supervisor, she learned that the supervisor was completely unaware of what had happened, and moreover was shocked and appalled once it was reviewed. The employee was very pleased to have talked to the ombuds, which helped her have the courage to raise the issue in the most productive way. She reported back the ombuds that the supervisor was immediately responsive to the matter, that the video was taken down immediately, and although the supervisor said he couldn't divulge personnel matters, he also said "appropriate measures were taken to ensure this never happens again."

An Ombuds Helps Government Contractors Avoid Retribution for Raising Issues with Government Supervisor

Three contractors of a federal agency came to the ombuds together with claims of retribution. The contractors had raised concerns inside their company regarding behavior of their civil servant supervisor at the federal agency. The company had then raised the issue with the agency's HR personnel. A month later, the contracts of these three contractors were terminated, and the explanation given to them by the federal agency was that there wasn't enough work for their contracts to continue.

With the permission of the three contractors, the ombuds looked into the situation on both the agency and the contractor side and found different explanations were being given for the decision. From the questions posed to the agency's management, the ombuds concluded that the firing decision had been made by the made by the contractors' civil servant supervisor with little oversight from either higher management or HR. However, based on the questions that had been posed by the agency ombuds, higher management reviewed the decision to terminate the contractors. Although this review concluded that the project that they had been working on did not need them, there was other work in the area for which they were well suited and they were rehired.

Help in Clarifying a Policy

An employee contacted the ombuds to discuss a time-off policy that was written vaguely, as it pertained to part-time professionals taking a sabbatical. When the employee had requested time off, their manager brushed it off as a benefit offered only to full-time employees. Unsatisfied by this interpretation, the employee suggested they seek clarification from HR.

The manager became inexplicably concerned about involving HR. Rather than doing so, he offered to be creative, instructing the employee to keep this between the two of them and schedule the time off without recording it anywhere. The employee was concerned about two issues: (1) the undocumented time off might violate policy and put the employee and company at risk and, (2) without a policy clarification, other part-time employees might be denied the benefit.

The employee visited the ombuds and expressed both concerns but, fearing reprisal from the manager, refused to make a formal report, nor to give the ombuds permission to speak with their manager or HR about the specific incident of suggesting the undocumented sabbatical.

After some discussion, the employee gave permission for the ombuds to speak with HR about the vagueness of the policy and to reference, more generally, that this had already led to a manager's suggestion to take undocumented time off. After the ombuds had this discussion with HR, HR updated the policy quickly and without further incident.

Ombuds Helps Avert Retaliation

During discussions with the ombuds, a visitor revealed explicit employment-related actions their manager had threatened if the visitor were to report errors for which the manager was accountable. Fearing reputational damage, loss of employment, and difficulties in securing a new job in a somewhat closed field, the visitor was reluctant to make a formal report.

The ombuds reviewed the organization's antiretaliation policy and coached the employee to speak up in formal channels. Feeling relieved about the organization's stance on retaliation, the visitor spoke up, an investigation ensued, corrective actions were taken, and the visitor's reporting structure was eventually changed.

While satisfied with the new structure, the visitor began to feel uncomfortable—as though the new manager was "walking on eggshells." In a follow-up visit with the ombuds, the visitor stated that they "couldn't put their finger on it," but they felt there was something looming that made the new manager act this way. The ombuds asked for permission to check in with the formal channel to whom the visitor had made the report.

The ombuds learned that the senior department head—who had never been informed of the former manager's threats—believed the visitor was complicit in the issue, by not reporting it more quickly. He was in the process of working with HR to issue a warning letter. The ombuds

explained how the manager's threats had impeded the visitor's decision to report quickly and further explained that issuing a warning letter would be tantamount to retaliation.

Given the new information, the senior leader and HR agreed not to issue the warning and the relationship between the visitor and the new manager improved and progressed well.

Local Management Misconduct and a Fear of Retaliation

Employees at one unit of the company had been using company products and equipment to create their own personal business, resulting in a loss of customers and revenues for the company. Some of the people involved in the scheme were members of the local management. As a result, employees who knew about this misconduct felt that they could not report it to local management and were afraid to raise it through formal channels. They were not sure how to contact or approach higher levels of management or if higher management might also be involved.

Some of the employees who knew about the scheme came to the ombuds office because they understood that it was independent and confidential. After discussing the issue with the ombuds, the ombuds, at their request, facilitated contact with the compliance office, which investigated and eventually terminated the employment of those involved in the scheme. The employees who came to the ombuds office stated that the experience made them more comfortable raising issues with the company's compliance office.

Concern over Both Practices and Lack of All the Facts Results in Policy Reform

An employee came to the ombuds with concerns that his manager may be using company funds to pay for personal expenses and possibly expenses related to the board of directors of another company on which the manager served. It was not against his employer's policy for the manager to serve on that board, but the inquirer said that he had noticed that trips taken by his manager on company business often appeared to have been arranged to coincide with board meetings for the other company. The inquirer said that he thought he was the only person who was aware of these patterns and felt uncertain about reporting them because he was not sure if what the manager was doing was wrong, or if he (the inquirer) knew all the facts. He was also worried about what would happen if he made an accusation and was wrong.

After discussing various options with the ombuds, the inquirer agreed that he would like the ombuds to raise the issue anonymously with the compliance office. The ombuds did this, and compliance's examination of the manager's travel patterns revealed no wrongdoing but suggested that the manager may have created the risk of a conflict of interest. As a result, the company changed its ethics rules to prohibit managers in the position of this manager from serving on boards of companies like the one involved in this case, and the manager subsequently resigned from the board of the other company.

The employee expressed his appreciation to the ombuds that the company was able to address his concerns anonymously and by the way in which it addressed the policy issue involved.

Departing Employee Finally Discloses his Concerns

Two weeks after the announcement of a major layoff, the ombuds was contacted by an employee who was included in the layoff and who would be leaving the organization at the end of the month. Given his imminent departure, the employee had decided to share concerns about expense voucher abuse on the part of his supervisor. Although the employee had been aware of the abuse for over a year, he had only now decided to talk about it because he was leaving the organization and his fear of retribution was diminished. He also expressed concern for the organization because the supervisor, who was also being laid off, was being considered for another position in the organization.

The employee provided the ombuds with multiple examples of expense voucher misconduct by the supervisor and authorized the ombuds to forward the information to the formal channels of the organization. When the ombuds forwarded the information to the formal channels, an investigation by the formal channels validated the allegations.

The supervisor was dropped from consideration for another position in the organization.

Ombuds Helps an Employee Use the Hotline

An employee came to the ombuds because she was concerned that a colleague in her office was tampering with time sheets. She said that she would normally have reported this to her supervisor but could not do so in this situation because she was one of the few people who knew that the colleague and their supervisor were having an affair. She felt that, under the circumstances, the supervisor would not be an appropriate person to whom to make the report, and she was afraid that if she tried to report this to someone else, she would be asked why she had not reported it to the supervisor. She did not want to have to lie or answer that question.

The employee and the ombuds discussed various options to surface the issue, including speaking with her supervisor's supervisor, an anonymous letter sent through intraoffice mail, and an anonymous call to the organization's hotline. She still was uncomfortable raising the issue with a formal channel or the supervisor's supervisor directly. Since hotline calls were received by an off-site independent company, she felt that was a better option than sending an anonymous letter to someone at the company. She decided to raise the issue that way. The ombuds worked with her to explain how to include in the hotline call sufficient hard facts to adequately describe the problem for the investigators.

Help in Enforcement of Global Policies

An employee from a location outside of the United States contacted the ombuds to say that her boss had called her into his office to tell her that he noticed that she was pregnant and that he knew she was unmarried. She said that the boss had told her that if she were not married by the time the baby was delivered, she would be fired. Such conduct was not illegal in the country where she worked but violated the company's policies. She was uncertain what to do, afraid of losing her job, and feared retaliation by management of the company in her country, who she felt would support her manager.

The ombuds discussed various options on how to proceed and assured her that such action would violate company policy. With her permission, the ombuds forwarded her issue to a formal channel at the company headquarters, which intervened with local management to reinforce the company's policies and reiterated to local management that retaliation against her for bringing this issue to the attention of the company would not be tolerated.

The ombuds also worked with those responsible for the company's newsletter, which was sent to tens of thousands of employees around the world, to address issue prospectively and generically (no reference to any names or locations) in a question and answer format to advise everyone in the company that it would violate the company's policies for a supervisor to discipline a female subordinate for being pregnant and unmarried and that attempting to do so would subject the supervisor to discipline, including possible dismissal. Such clear and direct guidance not only helped reinforce the company's global policies but may have spared other women throughout the world and in these circumstances from having to deal with the threat of termination and/or retaliation.

Only After Extended Conversations with Ombuds Does an Employee Come Forward

A long-term employee nearing retirement contacted the ombuds office anonymously to discuss concerns over possible ethics violations by management in vendor contracts. Being so close to retirement and fearing retaliation, the employee refused to reveal, even to the ombuds, his name, location or anything else that he felt could reveal his identity. The employee, however, was willing to generically discuss the behaviors that he felt were unethical.

The ombuds presented various options to the employee. The ombuds and the employee then discussed and considered the possible ramifications of each option to the employee if he were to reveal his identity. After several conversations, the employee agreed to let the ombuds contact HR with a scenario that he and the ombuds had developed to ascertain what HR's response and process would be if he chose to reveal his identity and participate in an investigation.

The ombuds spoke with HR and then with the employee on several occasions thereafter as they tried to work through how to proceed. Although it took some time, the employee gradually came to trust both the ombuds and HR as resources that were available to him. Finally, he agreed to meet with HR based on the repeated promise that retaliation would not be tolerated.

As a result of the information that the employee provided, an investigation was conducted, resulting in the termination of high-level personnel. The employee felt supported not only by the ombuds office, but also by HR and the organization. He retired soon thereafter and expressed his appreciation to the ombuds for helping him work through the decision to come forward on the ethical violations that had bothered him.

Suspicions of Misconduct but a Fear of Reporting

An employee believed his supervisor had a falsified resume, including on it advanced degrees that the supervisor never earned. He thought this was wrong and wanted it reported but only if his name could be separated from the report. The employee was not willing to allow any action to be taken unless he could be assured that his identity would be protected.

After hearing various options explained by the ombuds, the employee decided that he would use the organization's hotline option since he now understood that information communicated to the hotline was passed directly to the chief of HR, who had responsibility for conducting an investigation. The ombuds coached the employee on the process of calling the organization's hotline and advised the employee how to include enough information in the report to allow the investigators to assess and investigate the allegation.

Once the information was disclosed, the investigation revealed that the information was correct, and the supervisor was disciplined.

Job Protection and Fear Above All Else

The ombuds received an anonymous call from an employee in a multinational organization through an overseas operating center. The caller was extremely nervous about calling but was put at ease by the ombuds first explaining how the ombuds office works (confirming confidentiality, neutrality, informality and independence) and by being able to speak in the person's first language. The caller explained that he worked in a unit that had high security, separate badge access, and security cameras because the unit dealt with valuable assets and financial information. He also explained that his supervisor had been harassing his unit for over a year with veiled threats about employees losing their jobs, asking for personal errands, bullying them and instigating rough play games (such as hitting, boxing, wearing blindfolds, tying people with a rope).

The so-called "games" were played in an area with no security camera coverage and supposedly were to have "fun" and break the monotony in the work area. Even though there were at least twenty employees in the unit who had been subjected to these practices and an HR office and higher supervisors located in the same building, there was so much fear of potential job loss that no one spoke up for a year. Finally, when a coworker had to leave work discreetly to go to the hospital because he broke several ribs in one of the "games" and did not report the incident, the caller decided to call the ombuds in the US since he had heard that it was

confidential and had seen announcements about the ombuds when the ombuds visited his location several months earlier.

The ombuds and the caller discussed various ways that the issue could be raised. The caller decided to give the ombuds permission to contact HR and Security, but he was too fearful to give permission for the ombuds to contact the higher up supervisor (a vice president of the organization) because he believed that immediate supervisor was extremely well regarded by that person. The ombuds, without revealing the identity of the employee who had made the call, passed along information to HR and Security concerning the type of activity that had apparently been occurring. They then investigated the matter by interviewing many of the employees separately at an outside location.

The investigation corroborated the allegations, and the supervisor and a higher-ranking supervisor were terminated from the organization.

Persistent Retaliation

An employee came to the ombuds with concerns over retaliation by her manager for a complaint that the employee had made to HR about the manager. In the course of her discussion with the ombuds, it came out that the employee had been at the company for only one year and that the manager was hired from another company by the next-level manager, a vice president, with whom the manager was a long-time friend. The employee, the manager, and the vice president were all women.

The employee had first complained to HR about her manager making negative comments in front of other employees about the employee's looks and the fact that she was from another country. She had also informed HR about other encounters with her manager and the manager's behavior in meetings at which the employee was present and tried to speak. HR had brought the issue to the attention of the manager and the vice president, but the manager responded by later confronting the employee about the complaint made to HR. The employee also felt that once HR had become involved, the manager was reducing the employee's work without justification. The employee believed that HR had not handled the matter confidentially and she was most concerned about further retaliation. She wanted to speak to the ombuds confidentially about what could be done.

In the course of the discussions with the ombuds, the employee indicated that she thought that the manager had violated the company's code of conduct but was afraid to report it out of fear of further retaliation. With coaching from the ombuds and after discussing various options, the employee filed an anonymous report on the possible violation. Once she did so, however, she came back to the ombuds to share the latest experiences of retaliation, because although the report was anonymous, the manager and the vice president had assumed that she had filed it and were making her life very difficult. After receiving permission from the employee, the ombuds spoke with a senior person about the investigation that had been undertaken with respect to the code of conduct allegation and the persistent retaliation.

By escalating the issue in this manner, both the code of conduct issue and the retaliation were fully investigated. This enabled the employee to express her concern directly in connection with the investigation.

The company found that the manager had, in fact, been retaliating against the employee, and the manager's employment was terminated. The vice president was reprimanded for her involvement in the matter. The employee was able to retain her position and report to a new manager.

Extended Communications with Ombuds allows an Employee to Agree to Report

The ombuds received a call from a compliance officer at an unrelated but affiliated organization about possible financial misconduct by the president of that organization. The inquirer was so concerned about her identity being compromised that she made the call from a public telephone at a mall. She was the compliance officer of her organization, but it was a relatively small organization, and she was afraid that she could not successfully accuse or investigate the president of the organization without being victimized herself.

After discussing various options to surface the issue, the inquirer remained uncomfortable with her identity being disclosed and was unwilling to select any of the options suggested by the ombuds. The conversation ended with the caller remaining anonymous and with the ombuds encouraging her to call back later so that they could continue to discuss how to raise the issue. Similar conversations took place several times over the next few months—the inquirer calling from a mall to avoid Caller ID and continuing to remain anonymous.

The inquirer also continued to be unwilling to select an option to permit the issue to be raised. At the end of each conversation, the ombuds encouraged a further call from the inquirer after they each had more time for reflection. After several such calls, however, the inquirer began to appreciate the fact that significant misconduct may be involved and that it needed to be reported. As she began to trust the ombuds more and more to preserve her confidentiality (especially since no word had leaked out about her calls), she grew more comfortable with the idea of initiating an investigation.

She finally gave the ombuds permission to reveal basic information, including the identity of her organization and the nature of her concerns, to other formal channels who could conduct an investigation. With this permission, the ombuds then made the authorized disclosure, and an investigation and audit were commenced. The investigation revealed a multimillion-dollar fraud that ultimately sent the organization's president to prison. Throughout all of this, the inquirer insisted on remaining anonymous, even to the ombuds.

Effective Counseling Avoids a Lawsuit

An employee came to the ombuds with concerns that his boss was discriminating against him because of his sexual orientation. He was adamant that he did not want to raise this issue with

anyone in HR or with his boss, for fear of further retaliation. He was very fully aware of his legal rights and was close to a decision just to quit the company and bring a lawsuit against the company and his boss for retaliation.

The ombuds worked with the employee for an extended period to try to identify options that the employee could feel comfortable with to deal with the issue. At last, the employee and the ombuds were able to identify a manager in another area who was willing to work with the employee to help him look for another job both inside the company and elsewhere.

The employee was very grateful to have had help in finding a manger with whom he could discuss his concerns and from whom to seek advice. The employee ultimately located another job outside of the company, and a lawsuit was avoided.

Local Management Ethical Issues Raised Safely Through Ombuds

Some employees at one unit of the company were aware that key contract terms were being changed by their local management after a contract had been agreed to and signed by the customer but prior to being submitted to the company's corporate offices. This practice resulted in bonuses to local management larger than what they should have received. Corporate Audit was generally aware there had been problems with certain types of contracts in the field but had been unable to pinpoint the specifics or the people involved.

The employees who knew about this practice feared that they would be retaliated against if they raised this issue through formal channels, especially since it involved their local management. Some of these employees contacted the ombuds because they thought it would be a safe way to obtain guidance on how to deal with the problem.

The ombuds, with permission of the employees, was able to facilitate the involvement of formal resources in a way that maintained the anonymity of the employees raising the issue and resulted in an investigation, eventual discipline of those involved in the fraudulent contracts, and a change in policy to prevent similar problems in the future.

Checking Out the Process Can Be Very Involved

The ombuds was contacted by a woman who said that she was employed by the organization but who disclosed neither her name nor the area in which she worked. She said that she was gathering information about what the ombuds office did and did not do, but she was quite thorough: the initial call lasted forty-five minutes. This is a fairly typical action by some people who, before doing anything, want to "check out the process."

A few weeks later, the same woman called again, although the ombuds knew this only by recognizing her voice (and later confirmed it); she made no reference to having spoken to the ombuds before. She scheduled an appointment with the ombuds office but used an assumed name. When she met with the ombuds, she did not disclose either her position or where she

worked in the organization. Her concerns focused on a number of issues she said she had been having with colleagues and her supervisor, including a general lack of civility (basic rudeness) and the need for clarification of responsibilities. She said that her issue with the supervisor was that he was not engaged as a manager and not managing staffing problems. The ombuds provided coaching for her and gave her options on how she could address the issues.

Approximately a month later, she returned for another discussion with the ombuds. They discussed how things had been going and strategized other options for her. More coaching was provided, and she left again to address her issues on her own.

When she returned again approximately a month later, the ombuds assumed it was for another debriefing and further guidance, but at this point the woman revealed that all of the prior discussions had not been on the "real issue" and that she had resolved all of the other matters. During this discussion she disclosed that she was a post-doctoral graduate student working in a lab under the direction of a principal investigator (PI) who was well known both in their particular specialized field and at the organization as a major researcher and senior faculty member. In addition, only at this point did she disclose that from the beginning, the true issue was this PI's sexual harassment of her. She admitted that she had raised all the other issues to see if the ombuds really knew what the ombuds was talking about, appreciated the political realities of her position, and was "truly confidential."

She said that she had gone through the extended "checking out the process" period because she was extremely concerned at how vulnerable her position was. The PI was eminent in his field and had the power to make or break her career. She was clear that she did not want to engage any formal process, but she wanted the harassment to stop.

After long discussions on a few occasions about various options, she finally decided that she would attempt to leave his lab and find another one. In the research world, this approach can be very problematic on many levels, especially if the PI of the lab being left attempts to prevent someone from transitioning to another lab or poisons the person's reputation. To address this issue, she asked the ombuds to speak with the PI to see if he would consent to her departure.

The ombuds then had a confidential, informal, neutral, and frank conversation with the PI and helped him realize that it was in everyone's best interest for him to support her leaving his lab as a great opportunity for her "intellectual and professional development." He agreed and she found a new lab, where she has flourished.

Fear of Retaliation is so Great that Employee Will Trust Only Ombuds

An employee was concerned that a supervisor was misappropriating funds by submitting false entertainment vouchers. The employee was extremely concerned about possible retaliation and the consequences of raising these issues about her supervisor. She said that she was not prepared to submit any documents or to speak to anyone other than the ombuds because the ombuds' communications were confidential.

After several rounds of conversation with the ombuds during which they discussed options for raising the issue, she finally agreed to speak with an internal auditor but only anonymously. The ombuds arranged for an anonymous call between her and internal audit. The employee, communicating through the ombuds as an intermediary, was also able to provide internal audit with other information they needed to commence the investigation, but the employee's identity was never disclosed.

The audit revealed misconduct and the supervisor was terminated.

Systemic Management Problem but Fear of Retaliation

Several inquirers came to the ombuds over many months with concerns about the director of their department. He was variously described as a bully and a task master, and he reportedly retaliated against those he perceived as challenging him. At first, none of the inquirers were willing to speak directly with him or even participate in facilitated discussions with the ombuds as a third-party mediator. After a while, a few became willing to permit their concerns to be expressed to higher management, but only if their names were not revealed for fear that disclosure of their identities would come back to haunt them—both from retaliation by the director and because they feared that higher management would see them as whiners and disloyal.

When the ombuds raised the issue with an executive in higher management generically, the executive communicated to the ombuds that he wanted to encourage the employees to speak with him directly. After numerous follow up discussions with the employees and with the executive, two employees told the ombuds that they would be willing to speak with the executive directly. Other employees agreed to write out their concerns for the ombuds to give to the executive but would not agree to be identified.

The executive met with the two employees, received the written comments, and subsequently undertook his own analysis of the situation. Ultimately, the executive determined that management had enough information to relieve the director of his duties. A new director was installed, and the previous inquirers reported much improved functioning and morale.

Local Management Misconduct and Fear of Retaliation

Employees at one unit of the company had been using company products and equipment to create their own personal business, resulting in a loss of customers and revenues for the company. Some of the people involved in the scheme were members of the local management. As a result, employees who knew about this misconduct felt that they could not report it to local management and were afraid to raise it through formal channels. They were not sure how to contact or approach higher levels of management or if higher management might also be involved.

Some of the employees who knew about the scheme came to the ombuds office because they understood that it was independent and confidential. After discussing the issue with the ombuds, the ombuds, at their request, facilitated a contact with the compliance office, which investigated and eventually terminated the employment of those involved in the scheme. The employees who came to the ombuds office stated that the experience made them more comfortable raising issues with the company's compliance office.

Make Him Stop but Don't Disclose that I Brought It Up

A manager made a comment in front of several employees that the area where they worked "smelled like a whorehouse." An employee brought this issue to the ombuds but was not willing to take it to other management or HR because of concerns that the manager who made the comment would retaliate against the employee.

After discussing various options to address the issue, the employee gave the ombuds permission to disclose the comment but not the employee's identity to HR. When HR was informed of the comment, it conducted an investigation and confirmed from several sources that the comment had been made.

The manager was disciplined, and HR provided additional harassment training to the entire unit.

Limited Disclosure Solves the Problem and Protects the Informant

An employee came to the ombuds to report that he suspected that one of the subcontractors working on plant renovations at the facility where he worked was not doing the work to code. The employee felt that this should be brought to the attention of the company for safety reasons but because he was a union member in the same trade as the subcontractor, he was unwilling to be the one to raise the issue with a formal channel. He was certain that he would suffer retaliation by other members of the union if it became known that he had been the person who reported the issue.

After discussing various options, the employee agreed to permit the ombuds to contact the facility manager to advise him that it would be advisable to have an inspection of the construction work by the local building inspector, but no other information was revealed. The manager arranged for the inspection, which uncovered the defective work, and the company required the subcontractor to correct it. Since the inspection appeared to be a routine inspection by the building inspector, the identity of the employee who came to the ombuds was protected.

An Alert from Ombuds Helps the Organization Avoid Committing Illegal Acts

Information was conveyed to the ombuds that the organization may have been skirting the law in hiring foreign nationals, but the source of this information was unwilling to come

forward directly or to permit disclosure of his identity. The inquirer was willing, however, to permit the ombuds to alert the COO of the organization that this type of activity might be occurring.

With the alert from the ombuds, policies and procedures were tightened to eliminate the potential for misconduct. In the process, the COO was able to reinforce to those responsible for hiring what the law and the organization required and that violations would not be tolerated.

No further concerns on this issue were brought to the ombuds.

Where Does a Vice President Go with Concerns About the President?

The ombuds of a multinational organization received a call from a regional vice president with concerns about an international region president. The inquirer expressed concerns that the regional president was acting strangely and making improper comments about people at an offsite meeting where over a dozen other vice president–level organization officials were present, together with several outside counsel, professionals, and other consultants to the organization. The inquirer was concerned that the regional president could have a drug problem, as the strange behavior had been evident for at least the preceding few months. The vice president making the call, however, was also obviously concerned that he may be wrong and was worried about the possible impact on his own career.

The ombuds discussed various ways this issue could be surfaced and investigated. The inquirer gave the ombuds permission to convey information about the regional president's conduct at the off-site meeting (but not the inquirer's identity) to the top levels of the organization at its international headquarters. When this information was relayed to the president of the entire organization and the head of HR, they instigated an investigation almost immediately by having many of the attendees of the offsite meeting interviewed. The regional president was also interviewed.

As a result of this investigation, they made the decision to remove the regional president from his position and announced that he was relocating back to the organization headquarters. He retired from the organization not long thereafter.

Ombuds Arranges for an Anonymous Call to a Formal Channel

Multiple employees on a regional sales team had been talking among themselves about the disrespectful, abusive, unsupportive behavior of their mutual supervisor. The employees all worked in different states and were connected only by way of a virtual network, so that their interaction with each other, their supervisor, and potential resources was entirely by phone and email. They expressed great fear of retribution from the supervisor if they spoke up. They also did not trust other resources in the organization. With frustration mounting and many of them finding it increasingly difficult to focus on their jobs, a representative of the employees contacted the ombuds in search of a way to anonymously raise their concerns.

After listening to the concerns expressed and understanding what the employees had already attempted to do to resolve the problem, the ombuds discussed various options. The option selected was for the ombuds to contact HR to arrange for an anonymous telephone call between a regional HR director and some of the employees. The understanding was that the ombuds would coordinate the conference call and that four employees would participate in it with the HR director but that the employees would not identify themselves. The ombuds coordinated the call and once all participants were connected, the ombuds dropped off so as not to be part of a formal, but unusual, teleconference.

As a result of the conversation, an investigation was begun into the leadership behavior of the supervisor in question. In the end, the supervisor was switched to a nonleadership role in the organization.

First a Test, and Then the Real Issue

An ombuds who works outside of the United States received a call from an inquirer who lived in a Middle Eastern country and worked for a unit of the organization located in that country. The ombuds and the inquirer were of different nationalities and worked in different countries. The inquirer, who wished to remain anonymous, presented the ombuds with what appeared to be a relatively minor issue dealing with a business process within the organization. The ombuds was given permission to raise the issue, which the ombuds did. The issue was resolved and that appeared to be the end of the matter.

Approximately three months later, the same inquirer called the ombuds again, but this time it was with a concern over what later was determined to be a major fraud. In the course of dealing with the inquirer on the second matter, the inquirer disclosed his identity, and it came out that he had been the person who had raised the first issue. The inquirer indicated that while his real concern all along had been the fraud issue, he raised the first issue to test the ombuds to make sure that his identity would be protected and to see if there would be any attempt by management to identify him and retaliate against him. He said that since the handling of the minor matter had shown that the ombuds could be trusted to keep information confidential, he felt comfortable raising the fraud issue with the ombuds.

After discussing options on how to deal with the fraud issue, the inquirer had a greater understanding of the process and indicated that he would be willing to disclose his identity and meet with investigators for the organization. The fraud was investigated, uncovered, and resolved.

Not Wanting to Be a Whistleblower: Risk Management and Anonymous Reporting

A technician in a biology lab that was studying the way that COVID-19 is transmitted between people came to the ombuds to discuss whether to report concerns about a breach of protocol in the lab; and if so, how to do so without hurting his job or academic career.

The technician told the ombuds that a Principal Investigator (PI) from a different lab in the same building had on several occasions asked housekeeping staff, after regular business hours, to provide her with entry into the COVID-19 lab without the knowledge of the PI in charge of the COVID-19 lab. He had learned this from one of the housekeeping staff members who confided in him when they happened to cross paths during the day. The housekeeping staff member stated that she did not feel she was in a position to question the faculty member who she knew worked in the same building, and she assumed it was on the up and up.

The visitor was quite concerned about this breach of protocol and the safety issues it raised. The visitor indicated, however, that the "intruding" PI was also a tenured professor and that he was a student in one of her classes, which was a required course for his graduate program. Further, he was concerned about the risk of exposing housekeeping staff to negative repercussions. He said he wanted to discuss with the ombuds how to anonymously report this activity without being discovered to have been the whistleblower.

The ombuds and the visitor discussed the nature of the protocol breach in university-required lab operating procedures, and the visitor came to the conclusion that the intruding PI had clearly violated stated safety practices and put community members and the University itself at great risk. He also stated that if the PI's behavior led to adverse consequences, he would never forgive himself for not speaking up.

The ombuds explained that the student had at least two choices for reporting this behavior. One would be to reach out to the University's Risk Management and Mitigation team to report what he knew. However, it would be difficult to do so anonymously because they were not set up to receive anonymous reports. Alternatively, he could call the University's Safety Compliance Hotline to anonymously report. Because of his fear of exposure as the whistleblower, the visitor was inclined to go with the anonymous hotline. He had concern, however, that this still could result in the housekeeping staff member suffering repercussions.

The ombuds inquired whether there might be a way to cast a wider net, such that it would not be evident that this particular lab was the target and so that it would appear that the report could have come from a variety of different directions. They discussed whether, for example, the visitor thought he may be able to anonymously identify the building at issue and state that he has observed serious safety violations. He could then recommend that the Safety Compliance team conduct a building-wide safety audit, which should include review video cameras that run continuously in the building during the window of time of the violations. This approach would serve to protect both the visitor and the housekeeping staff member and lead the Safety team to observe the PI entering the lab of concern. The visitor stated that he felt that this approach would enable an effective report to be filed and at the same time protect the individuals involved in the reporting, and he stated that he would move forward with that approach.

While the visitor never returned to the ombuds office to report any outcomes or changes, there were no further reports of incidents caused by safety violations in the labs of that building.

5. Fraud and Compliance

Fraud, Amorous Relationship, Conflict of Interest, and Fear of Reporting

The ombuds worked with a visitor for two years. At first the issue presented was a benign interpersonal conflict. After the ombuds established trust with the visitor, the visitor began sharing documentation and information that revealed a fraud scheme apparently orchestrated by the visitor's leader, a well-regarded tenured professor who brought in millions of dollars for the university each year. The visitor did not want to be a whistleblower due to fear for their position, career, reputation, and physical safety.

The ombuds presented the visitor with various ways the issue might be surfaced or investigated. Eventually the visitor gave the ombuds permission to raise the issue anonymously to the university's financial compliance department, which has the ability to discretely review records to determine whether the concerns have merit. If they conclude that the concerns might have merit, they may intervene or refer the matter to internal audit for a formal investigation. In this case, given the positive working relationship between the financial compliance analysist and the ombuds, the analyst took all of the information provided by the ombuds and immediately initiated an informal and extremely discreet review of the leader's unit's records. Literally, no one else knew it was happening.

Ultimately, this review surfaced a myriad of concerns, including conflicts of interest (using university position and resources for personal gain), financial fraud (funneling money to a private business), and sexual misconduct (an amorous relationship between the leader and a direct report). The financial compliance analysist then referred the matter to the university's internal audit department and a formal investigation ensured. The compliance department told the leader under investigation that it had discovered information during a routine check. Once internal audit released its report to the Vice-Chancellor of Research, the university terminated the leader, restructured the unit, and imposed new restrictions and policies to address the types of transactions at issue.

Compliance Issue Outside of the United States

An employee shared with the ombuds that he was asked by his manager to do something wrong. Specifically, his manager had requested that employees on his team surreptitiously gather information about customers in violation of the company's corporate policy. The company is global, and the manager explained that this was a very common practice locally and that employees should not worry about the corporate policy. The employee explained to the ombuds that he did not want to hurt his relationship with his manager by reporting the misconduct, particularly because he was up for a promotion. So, the employee had gone ahead and gathered the information, as requested.

After several months went by, the employee learned that a different employee on his team had received the promotion instead of him. The employee was furious and reached out to the ombuds office for guidance. He said he had decided that he was going to report his manager for the earlier inappropriate conduct, but he was also concerned that he would be in trouble too because he had done as his manager had requested.

The ombuds listened to the background, clarified the issues and reviewed the information presented. She discussed the pros and cons of possible next steps with the employee. The ombuds advised the employee that, pursuant to company policy, he had a duty to report his manager's request when it was first made and that the company's global corporate policies apply irrespective of any local custom to the contrary. The ombuds encouraged the employee to report the issue to a formal channel now and provided him with several ways in which to do so. He could bring the issue to his second-level manager or HR and explain his reluctance to come forward earlier due to his manager's advice that the corporate policy did not apply and his fear of retaliation. He was also provided with other options by which he could report the issue anonymously either through the company's compliance hotline or the compliance website.

The ombuds stressed the importance of honesty in the event that the employee was interviewed as part of a formal investigation. Failure to provide truthful responses to questions asked during the investigation would be grounds for disciplinary action against him, up to and including termination. The ombuds candidly told the employee that it was likely that he would be disciplined in connection with the inappropriate gathering of information but if he reported the issue that might be considered a mitigating factor.

The employee left the meeting saying that he intended to report the concern through the Compliance hotline right away.

Concern over Possible Fraud in Obtaining Fuel

A custodial employee came to the ombuds to express concerns about a colleague. One of these concerns involved the visitor's belief that the colleague had used his supervisor's fuel PIN fraudulently to purchase fuel for personal use while the supervisor was on sick leave. She was reluctant to report her concern to her supervisor, however, because she had reason to believe that he might have been complicit in, or at least aware of, the fraud. Reporting her concerns to her supervisor's supervisor also did not seem to be a viable option, because there was a lack of trust in that relationship as well.

The visitor felt that the ombuds provided a much more confidential channel through which she could make her concerns known. With the visitor's permission, the ombuds contacted the Internal Audit Office to share the allegation without disclosing how the issue had been raised. That office conducted an investigation, which determined that the date of the supervisor's sick leave did correspond with a date when the PIN was used, yet because the video feed from the fuel pump had been deleted by the time the allegation was made, the person who had used the PIN could not be identified with certainty.

Nevertheless, as a result of the anonymous report which the ombuds passed along to Internal Audit, supervisors were reminded of the importance of not sharing their fuel PIN with anyone, including colleagues.

Surfacing Concerns of Suspected Fraud

A disciplinary department operated a specialty clinic within the hospital that is staffed by residents, staff clinicians, medical assistants, and departmental financial staff. Two members of the department who work in the clinic contacted the ombuds to share their suspicion that a certain clinician on occasion had violated hospital policy and possibly state compliance regulations. Though they had no documentation, they said that they believed the clinician was requiring residents to sign records and orders under the clinician's name when the clinician was not present. The visitors said that they did not want to report their suspicions to the internal audit office both because they are not certain about the infractions and because they could be identified in the department as the "whistleblowers."

After discussing several options and the implications of doing nothing, the visitors agreed to allow the ombuds to contact the internal auditors. The ombuds, without mentioning any individuals, asked if the auditors could move the specialty clinic to the top of their "randomized" preliminary audits as there may be compliance risks occurring in "clinician of record" coding on orders and authorizations. Though the auditors were disappointed they couldn't meet with the sources of these suspicions, they agreed to do a preliminary review of clinician coding and explain to the department it was a routine cyclical audit check (a regular practice at the hospital). The auditors indicated they would pursue any serious irregularities aggressively, but even if no "red flags" arose, they usually find some sloppy coding mistakes in such reviews. In that case, they would issue guidance to all clinicians in the clinic as a reminder of proper clinician record coding. The ombuds offered to serve as a conduit if the auditors needed to ask for more detail from the sources of the concerns. The original visitors were satisfied with this approach and were pleased to see the auditors reviewing records within a few weeks.

Though no further follow up occurred with the original visitors, the auditors chose to call the ombuds and report they found only minor coding mistakes and issued the guidance to all clinicians and staff in the department. They also mentioned they welcomed being alerted to potential compliance and financial risks in the future as this example was a good process for their office.

Ombuds Helps a Visitor Surface a Fraud Issue Through the Whistleblower Hotline

A visitor asked the ombuds for assistance with a case she was afraid could get her fired. She was a research assistant and she thought that her boss, a grant primary investigator, was asking her to use grant funds illegally. He was basically asking her to move monies from one account to another in a way that was in direct violation of the applicable federal guidelines.

As the research assistant, it was her job to keep the grant operating within the guidelines, so she was worried she could either get fired by the supervising federal agency for not following protocol or by her boss if she didn't follow his instructions.

The ombuds discussed options, such as filing a grievance, making a report to the federal agency, or transferring to another research project. The ombuds also discussed the possibility of

talking with another senior research assistant who might know a legal way to reach the primary investigator's goals while staying within applicable rules.

Of course, the ombuds also pointed out that she could quit her job, but the visitor said she needed it to support her family and for the medical benefits. She did not want to report the primary investigator in any way that would allow him to identify her involvement. Given these concerns, the ombuds mentioned the possibility of filing an anonymous comment on the Whistleblower Hotline. That option helped the visitor feel safe from retaliation, so she agreed to do that as well as start her job search as a backup plan because she no longer wanted to continue to work with that investigator. She was committed to not breaking the rules regardless of the pressure to do so.

Proceeding in this way could bring the issue to the attention of the university, which could conduct an investigation. The university and its reputation would be protected from the unethical acts of the primary investigator if they responded to the report on the hotline and the visitor's concerns were validated. Regardless, the employee was relieved to have options so she could live according to her conscience.

Surfacing an Issue Without Becoming a Whistleblower

An executive assistant (EA) to a senior executive called the ombuds to discuss their concern which they said could not be taken forward to management through any formal channel. In particular, the EA believed that, at a time of corporate restructuring to save costs, the senior executive with whom the EA worked was making fraudulent claims on his monthly expense claims.

When asked how the EA was aware of the alleged fraudulent claims, the EA said they prepared the monthly claims from the information provided by the senior executive but knew that some of the information was false. The EA believed that this conduct was not appropriate and that it should be reported. Yet, since only the senior executive and the EA were privy to what was on the monthly expense claims before they were submitted, the EA was also extremely afraid of what would happen personally to them if they were identified as the whistle-blower in any investigation into the expense reports.

The ombuds and the EA discussed a number of options to surface the EA's concerns, including an option in which the ombuds could ask the internal audit team to carry out a review of the monthly expense claims of all the other people at the same level as the senior executive throughout the business and without identifying who had brought this issue to the ombuds, the specifics of the false claims, or the identity any particular senior executive about whom there was concern. The EA gave permission to the ombuds to take the matter forward on this basis.

When the ombuds alerted the internal audit team to this concern and made the request for the internal audit, the internal audit team audited the expense reports of all the senior executives at that level. With all the senior executives at that level included, no one could have thought that any particular person was being targeted.

The results of the audit demonstrated that the senior executive was not alone in submitting fraudulent expense reports; others had done so as well. All of those senior executives were fired. The EA who brought the issue to the attention of the ombuds was never identified and subsequently was assigned to work for the replacement of the senior executive for whom the EA previously worked.

An Ombuds Help Raise Systemic Financial Manipulation of Foreign Graduate Students by Professor

A visitor came to the ombuds to inquire about how they might address their concerns with the conduct of a professor. The visitor was an international graduate student from the Middle East in a renowned campus program. They were taking a class with their professor advisor who was also the program director. The visitor stated that they needed an internship over the summer months and that the professor knew they were returning to their Farsi-speaking country for the next semester. The professor was also aware that a previously arranged internship had fallen through at the last minute. The visitor said that the professor indicated that she could use support on a book she was presently writing. She proposed that if the student was willing to translate the book into Farsi and ascertain if there was a market in their country for the book, the professor would help the student obtain internship credit and consider hiring them as a teaching assistant in the fall semester when they returned (to offer them some remuneration for their work). The visitor shared that they saw this as an excellent opportunity.

The visitor undertook the translation and helped market the professor's material. The visitor also connected the professor to a network of future opportunities to utilize when the book was completed. Upon their return to the campus, the student met with the professor but was told that she had already hired her teaching assistant for the fall semester. The visitor reported that the professor was adamant that she had never promised anything to the student in the way of compensation for their work and insisted that internship credit should have been viewed as substantial value to the student.

The visitor told the ombuds they were aware of similar conduct by the professor in the past from alumni of the program and two other current students. In addition, the visitor said that they had contacted an administrative assistant to the professor and urged the assistant to contact the ombuds about the professor's conduct. The administrative assistant visited the ombuds and confirmed much of what the student had told the ombuds, describing their own experiences as well. The ombuds asked if the administrative assistant and the visitor would ask if the other current students might be interested in contacting the ombuds office. Eventually, several alumni, a few other students, and a couple of other administrative assistants contacted the ombuds office and shared similar stories of misrepresentations by the professor and manipulation of staff and students. The administrative assistants also shared that they were told to issue funds from specific budgets and grants to pay a few of the students, and that the professor had used students to translate her personal writings into several different languages but never gave the students any credit in the published books, papers, and articles.

The ombuds helped the individuals consider all of their options individually and in a small group. Everyone agreed it was best to share the information with campus leaders, including:

- the Equal Rights Director
- the Human Resource Director
- the Departmental Dean
- the Provost
- the University Legal Counsel

The ombuds was asked to act as a neutral facilitator for the discussion.

The ombuds helped the students and administrative assistants prepare for this meeting by considering how best to share the information. The ombuds urged them to try role-playing the situation acting as themselves and as university leaders hearing and responding to this information. During this discussion the individuals raised concerns about retaliation by the professor, who remained the director of the program.

The students contacted the campus leadership, asking each of them if they would participate in this meeting and if they'd object to having the ombuds act as a neutral facilitator. No one objected to the process. The discussion went very well, lasting more than three hours, with the leaders asking many questions and thanking the individuals for coming forward with their concerns. They assured the students and staff that if any retaliation occurred, they should immediately contact the Equal Rights Director as it would not be tolerated.

Ombuds Helps a Mid-level Manager (and Other Employees) Surface Concerns When Formal Channels Fail After Former Peer is Promoted to Director

A mid-level manager who had worked for over 20 years at the organization reached out to the ombuds for a meeting. He shared that he had never worked with the ombuds before because he had never needed to do so. However, now that his manager had changed—a former peer was promoted to be the director—things were very challenging for him. He explained that his new director refused to listen to his opinions about initiatives involving his team and his area of expertise, and the new director was regularly making goals for him that were all but impossible to achieve. He also explained that the new director publicly called him out in meetings for "not being a team player" and in private for not being able to achieve the initiatives that the new director knew were impossible to achieve even with much more time and additional resources. As he tried to explain to the new director about why the goals were unachievable, he was told he was "insubordinate," and he was then written up.

The ombuds talked with the visitor at different points over five months regarding various options available to him. He tried multiple options, including reaching out to HR and asking the director for a facilitated conversation. The HR representative told the manager that the "director has discretion" to discipline him, and the director refused to engage in the requested facilitated conversation, telling the ombuds, "He just needs to get his work done."

Over the course of multiple additional months, at least seven other employees came to the ombuds to talk about the new director, sharing their perspectives about the abuse of power, the unfair and unproductive way he led, and the huge hit to morale that the whole department was experiencing. Again, the ombuds worked with each individual to generate options for moving forward, and also recognized that there was now a trend. After speaking with the mid-level manager and the other visitors who came to discuss this topic, the ombuds obtained permission to bring the issue to the head of the department. (No one wanted to do it themselves due to fear of retaliation.) The ombuds brought the issue to the head of the department, after which an outside vendor was hired to investigate the matter. The investigator found that the director had acted improperly and unfairly, had targeted the mid-level manager, and had poor leadership skills, generally. The new director was put on a Performance Improvement Plan and was ultimately asked to leave the organization.

Local Management Misconduct and a Fear of Retaliation

Employees at one unit of the company had been using company products and equipment to create their own personal business, resulting in a loss of customers and revenues for the company. Some of the people involved in the scheme were in the local management. As a result, those employees who knew about this misconduct felt that they could not report it to local management and were afraid to raise it through formal channels. They were not sure how to contact or approach higher levels of management or if higher management might also be involved.

Some of the employees who knew about the scheme came to the ombuds because they understood that it was independent and confidential. After discussing the issue with the ombuds, the ombuds at their request facilitated a contact with the compliance office, which investigated and eventually terminated the employment of those involved in the scheme. The employees who came to the ombuds office stated that the experience made them more comfortable raising issues with the company's compliance office.

An Ombuds' Careful Listening Helps Spot Possible Financial Abuse

A woman came to the ombuds for help on how to deal with what she perceived as discrimination in her work group. The visitor felt that women with children were being given more flexibility in work schedules than women without children. As a single woman, the visitor wanted to have flexibility for vacation time or flex hours to either go to school herself or take care of relatives. She claimed her supervisor always considered her requests behind those of women with children and their associated needs.

During the discussion with the ombuds, the visitor mentioned some financial behaviors she attributed to her supervisor and coworkers that, if true, could be breaches of the financial practices of the company. The ombuds tucked that information away and focused on coaching the visitor on how to advocate for her own needs.

At the end of the conversation with the visitor, the ombuds asked if she could ask a bit more about the financial behaviors the visitor had mentioned earlier. The visitor agreed to share more details with the ombuds and then described expensive meals, travel, and unapproved use of car services. The visitor later gave the ombuds permission to alert the internal audit group to these potential abuses.

The ombuds did alert internal audit to the possibility of financial abuse in this unit without disclosing the identity of the visitor, and an investigation was initiated. After several weeks, the ombuds learned that the investigation had uncovered vast fraud and abuse. Three people in the unit were terminated and disciplinary action was taken against others. The head of internal audit expressed great appreciation to the ombuds for bringing this issue to their attention. The discrimination issue first raised by the visitor became moot in light of the terminations and other disciplinary action that was taken.

Departing Employee Finally Discloses his Concerns

Two weeks after the announcement of a major layoff, the ombuds was contacted by an employee who was included in the layoff and who would be leaving the organization at the end of the month. Given his imminent departure, the employee had decided to share concerns about expense voucher abuse on the part of his supervisor. Although the employee had been aware of the abuse for over a year, he had only now decided to talk about it because he was leaving the organization and his fear of retribution was diminished. He also expressed concern for the organization because the supervisor, who was also being laid off, was being considered for another position in the organization.

The employee provided the ombuds with multiple examples of expense voucher misconduct by the supervisor and authorized the ombuds to forward the information to the formal channels of the organization. When the ombuds forwarded the information to the formal channels, an investigation by the formal channels validated the allegations.

The supervisor was dropped from consideration for another position in the organization.

Cooperation Between Audit and Ombuds

Internal audit received a report that a member of the research and development staff of twenty had been conducting a personal real estate business from his office computer. Two auditors arrived at the department one morning. They announced to the entire department that they were there to conduct an audit and then began at the office at the south end of the corridor.

An employee in the department, who or may not have been the whistleblower in the first place, realized that the office of the person with the personal business was on the north end of the corridor and that the auditors would not get there for several hours, giving the employee plenty of time to erase files. He immediately called the ombuds to describe the situation and gave only the office number of the suspected employee. He never disclosed who he was or any other

individual information. It then took the ombuds less than a minute to reach the chief of audit to relay the information. The chief of audit then immediately called the auditors in the field to inform them that they should begin in a specified office number at the north end of the corridor.

The audit discovered evidence of the employee's personal business on the company computer. Both the audit chief and the ombuds felt that the cooperation between the ombuds and audit worked well. Doubtless the employee making the call to the ombuds would agree.

Extended Communications with Ombuds allows an Employee to Agree to Report

The ombuds received a call from a compliance officer at an unrelated but affiliated organization about possible financial misconduct by the president of that organization. The inquirer was so concerned about her identity being compromised that she made the call from a public telephone at a mall. She was the compliance officer of her organization, but it was a relatively small organization, and she was afraid that she could not successfully accuse or investigate the president of the organization without being victimized herself.

After discussing various options to surface the issue, the inquirer remained uncomfortable with her identity being disclosed and was unwilling to select any of the options suggested by the ombuds. The conversation ended with the caller remaining anonymous and with the ombuds encouraging her to call back later so that they could continue to discuss how to raise the issue. Similar conversations took place several times over the next few months—the inquirer calling from a mall to avoid Caller ID and continuing to remain anonymous.

The inquirer also continued to be unwilling to select an option to permit the issue to be raised. At the end of each conversation, the ombuds encouraged a further call from the inquirer after they each had more time for reflection. After several such calls, however, the inquirer began to appreciate the fact that significant misconduct may be involved and that it needed to be reported. As she began to trust the ombuds more and more to preserve her confidentiality (especially since no word had leaked out about her calls), she grew more comfortable with the idea of initiating an investigation.

She finally gave the ombuds permission to reveal basic information, including the identity of her organization and the nature of her concerns, to other formal channels who could conduct an investigation. With this permission, the ombuds then made the authorized disclosure, and an investigation and audit were commenced. The investigation revealed a multimillion-dollar fraud that ultimately sent the organization's president to prison. Throughout all of this, the inquirer insisted on remaining anonymous, even to the ombuds.

Local Management Ethical Issues Raised Safely Through Ombuds

Some employees at one unit of the company were aware that key contract terms were being changed by their local management after a contract had been agreed to and signed by the customer but prior to being submitted to the company's corporate offices. This practice resulted

in bonuses to local management larger than what they should have received. Corporate Audit was generally aware there had been problems with certain types of contracts in the field but had been unable to pinpoint the specifics or the people involved.

The employees who knew about this practice feared that they would be retaliated against if they raised this issue through formal channels, especially since it involved their local management. Some of these employees contacted the ombuds because they thought it would be a safe way to obtain guidance on how to deal with the problem.

The ombuds, with permission of the employees, was able to facilitate the involvement of formal resources in a way that maintained the anonymity of the employees raising the issue and resulted in an investigation, eventual discipline of those involved in the fraudulent contracts, and a change in policy to prevent similar problems in the future.

Fear of Retaliation is so Great that Employee Will Trust Only Ombuds

An employee was concerned that a supervisor was misappropriating funds by submitting false entertainment vouchers. The employee was extremely concerned about possible retaliation and the consequences of raising these issues about her supervisor. She said that she was not prepared to submit any documents or to speak to anyone other than the ombuds because the ombuds communications were confidential.

After several rounds of conversation with the ombuds during which the ombuds and she discussed options for raising the issue, she finally agreed to speak with an internal auditor but only on an anonymous basis. The ombuds arranged for an anonymous call between her and internal audit. The employee, communicating through the ombuds as an intermediary, was also able to provide internal audit with other information they needed to commence the investigation, but the employee's identity was never disclosed.

The audit revealed misconduct and the supervisor was terminated.

Testing Ombuds Before Disclosing Real Concern

An employee came to the ombuds to inquire confidentially whether a supervisor who had insisted that the employees in his unit be at their desks at 8:30 could discipline an employee who arrived later than that but still before 9:00, which is the standard time work begins at the company. The ombuds provided the employee with information on the issue and coaching on how the employee could deal with the supervisor.

A month later, the employee again came to the ombuds with another concern and mentioned that no one had found out about the first contact. On this occasion, however, the employee explained that for the past year, the supervisor had been offering the employee gifts, bonuses, and perks and that the employee believed that these were an attempt by the supervisor

to give the employee "hush money" because of the employee's awareness of false claims on the supervisor's expense reports.

After discussing various options, the employee indicated a willingness to speak with a very senior person in the ethics office. The ombuds helped the employee understand the type of documentation that ethics officer would look for to document the allegation.

Local Management Misconduct and Fear of Retaliation

Employees at one unit of the company had been using company products and equipment to create their own personal business, resulting in a loss of customers and revenues for the company. Some of the people involved in the scheme were members of the local management. As a result, employees who knew about this misconduct felt that they could not report it to local management and were afraid to raise it through formal channels. They were not sure how to contact or approach higher levels of management or if higher management might also be involved.

Some of the employees who knew about the scheme came to the ombuds office because they understood that it was independent and confidential. After discussing the issue with the ombuds, the ombuds, at their request, facilitated a contact with the compliance office, which investigated and eventually terminated the employment of those involved in the scheme. The employees who came to the ombuds office stated that the experience made them more comfortable raising issues with the company's compliance office.

Ombuds Helps Student and Helps Preserve Evidence of Wrongdoing

A student employee came to the ombuds to describe a situation she did not know how to handle. She wanted to discuss the matter confidentially with the ombuds before taking any action.

The problem arose in connection with her job in the campus housing office. Her manager told her when she started work that his mother was sick and could not afford food or medicine, so he wanted to add six hours each week to her timesheet and assured her that she would still be paid for the eight hours a week that she in fact worked but that she would give him back the extra money so he could give it to his mother. The student agreed, and they operated under this arrangement for several months. When she received her W-2 form, however, she realized that not only would she owe taxes on the extra money, her earnings were so high that she would no longer be eligible for her scholarship.

The ombuds advised the student to turn herself in to the dean's office, but also offered options on how to deal with the misconduct of the manager. The ombuds was aware of the need to preserve evidence, an issue that had not occurred to the student. They agreed that, before the student went to the dean, the ombuds and the student would go to the senior vice president in charge of student life. Because of the ombuds'

knowledge of the university, the ombuds felt that going to the most senior level first was the best way to proceed and was able to arrange for such a meeting. The senior vice president immediately arranged for HR and security to gather the necessary information in a professional and discreet manner before alerting the manager involved. The ombuds had been concerned that a less thorough or easily noticed investigation might have been done if the matter had been reported at a lower level.

Only after this was accomplished did the student report the incident to the dean and deal with her own situation. Since the university had already obtained the incriminating documentation on the manager, there was no risk that he could destroy the evidence or flee. He was subsequently confronted, arrested, and later terminated from employment.

The student's assistance led to some leniency in terms of disciplinary action by the university and the financial aid office helped her explore other sources of financial aid, but her W-2 form was not changed, and she was ineligible for her scholarship for the following year.

Prompt Action by Ombuds Assists Leadership on Control Issues

A visitor scheduled an appointment with the ombuds to discuss a stressful work environment that focused on results over quality. At the start of the meeting, the visitor communicated that this was their last day with the organization.

The visitor presented the ombuds with a lengthy document detailing instances where the work climate had resulted in policy breaches over the past few months. As the ombuds questioned the visitor about each item, the ombuds learned that the visitor and/or colleagues had spoken up as each issue occurred and line management had, in fact, addressed them. However, the ombuds also learned that employees now felt pressured about continuing to speak up and, in some cases, were told specifically not to discuss anything with HR or the ombuds.

When the ombuds asked if there were any open issues that hadn't been reported, the visitor pointed to the final item and said, "That's why I'm here. I wanted to put it on the record, confidentially, before I leave today," and then proceeded to communicate a recent breach of controls that, if left unchecked, could take the organization out of regulatory compliance.

As the ombuds reiterated that speaking with this office did not constitute "putting it on the record", the visitor began to back off, stating that they'd done their job and weren't willing to do more. Then the visitor stood up to leave, and the ombuds quickly asked, "What if I were able to arrange for the head of Compliance to speak with you right now, assuming they are available? Would you be willing to repeat what you've just told me?" The visitor was hesitant and didn't fully believe that would happen; but gave permission for the ombuds to try. The ombuds then immediately got the head of Compliance on the phone to speak with the visitor and stepped out of earshot, so as not to be part of the notice chain as the visitor made their report.

A few days later, the ombuds learned that the internal audit team had been engaged to investigate the visitor's allegation. They identified a control issue, as described by the visitor.

The head of the business was notified, and appropriate controls were restored, just days before a regulatory audit began. New processes were put in place to shore up both the control environment and the climate in this group, freeing individuals to continue to speak up before any issue became significant.

First a Test, and Then the Real issue

An ombuds who works outside of the United States received a call from an inquirer who lived in a Middle Eastern country and worked for a unit of the organization located in that country. The ombuds and the inquirer were of different nationalities and worked in different countries. The inquirer, who wished to remain anonymous, presented the ombuds with what appeared to be a relatively minor issue dealing with a business process within the organization. The ombuds was given permission to raise the issue, which the ombuds did. The issue was resolved and that appeared to be the end of the matter.

Approximately three months later, the same inquirer called the ombuds again, but this time it was with a concern over what later was determined to be a major fraud. In the course of dealing with the inquirer on the second matter, the inquirer disclosed his identity, and it came out that he had been the person who had raised the first issue. The inquirer indicated that while his real concern all along had been the fraud issue, he raised the first issue to test the ombuds to make sure that his identity would be protected and to see if there would be any attempt by management to identify him and retaliate against him. He said that since the handling of the minor matter had shown that the ombuds could be trusted to keep information confidential, he felt comfortable raising the fraud issue with the ombuds.

After discussing options on how to deal with the fraud issue, the inquirer had a greater understanding of the process and indicated that he would be willing to disclose his identity to and meet with investigators for the organization. The fraud was investigated, uncovered, and resolved.

Concern over Both Practices and Lack of All the Facts Results in Policy Reform

An employee came to the ombuds with concerns that his manager may be using company funds to pay for personal expenses and possibly expenses related to the board of directors of another company on which the manager served. It was not against his employer's policy for the manager to serve on that board, but the inquirer said that he had noticed that trips taken by his manager on company business often appeared to have been arranged to coincide with board meetings for the other company. The inquirer said that he thought he was the only person who was aware of these patterns and felt uncertain about reporting them because he was not sure if what the manager was doing was wrong, or if he (the inquirer) knew all the facts. He was also worried about what would happen if he made an accusation and was wrong.

After discussing various options with the ombuds, the inquirer agreed that he would like the ombuds to raise the issue anonymously with the compliance office. The ombuds did this, and

compliance's examination of the manager's travel patterns revealed no wrongdoing but suggested that the manager may have created the risk of a conflict of interest. As a result, the company changed its ethics rules to prohibit managers in the position of this manager from serving on boards of companies like the one involved in this case, and the manager subsequently resigned from the board of the other company.

The employee expressed his appreciation to the ombuds that the company was able to address his concerns anonymously and by the way in which it addressed the policy issue involved.

Ombuds Helps an Employee Use the Hotline

An employee came to the ombuds because she was concerned that a colleague in her office was tampering with time sheets. She said that she would normally have reported this to her supervisor but could not do so in this situation because she was one of the few people who knew that the colleague and their supervisor were having an affair. She felt that, under the circumstances, the supervisor would not be an appropriate person to whom to make the report, and she was afraid that if she tried to report this to someone else, she would be asked why she had not reported it to the supervisor. She did not want to have to lie or answer that question.

The employee and the ombuds discussed various options to surface the issue, including speaking with her supervisor's supervisor, an anonymous letter sent through intraoffice mail, and an anonymous call to the organization's hotline. She still was uncomfortable raising the issue with a formal channel or the supervisor's supervisor directly. Since hotline calls were received by an off-site independent company, she felt that was a better option than sending an anonymous letter to someone at the company. She decided to raise the issue that way. The ombuds worked with her to explain how to include in the hotline call sufficient hard facts to adequately describe the problem for the investigators.

6. Concerns Over Suspected Misconduct

Fraud, Amorous Relationship, Conflict of Interest, and Fear of Reporting

The ombuds worked with a visitor for two years. At first the issue presented was a benign interpersonal conflict. After the ombuds established trust with the visitor, the visitor began sharing documentation and information that revealed a fraud scheme apparently orchestrated by the visitor's leader, a well-regarded tenured professor who brought in millions of dollars for the university each year. The visitor did not want to be a whistleblower due to fear for their position, career, reputation, and physical safety.

The ombuds presented the visitor with various ways the issue might be surfaced or investigated. Eventually the visitor gave the ombuds permission to raise the issue anonymously to the university's financial compliance department, which has the ability to discretely review records to determine whether the concerns have merit. If they conclude that the concerns might have merit, they may intervene or refer the matter to internal audit for a formal investigation. In this case, given the positive working relationship between the financial compliance analysist and the ombuds, the analyst took all of the information provided by the ombuds and immediately initiated an informal and extremely discreet review of the leader's unit's records. Literally, no one else knew it was happening.

Ultimately, this review surfaced a myriad of concerns, including conflicts of interest (using university position and resources for personal gain), financial fraud (funneling money to a private business), and sexual misconduct (an amorous relationship between the leader and a direct report). The financial compliance analysist then referred the matter to the university's internal audit department and a formal investigation ensured. The compliance department told the leader under investigation that it had discovered information during a routine check. Once internal audit released its report to the Vice-Chancellor of Research, the university terminated the leader, restructured the unit, and imposed new restrictions and policies to address the types of transactions at issue.

Concern about a Possible Misrepresentations by a Former Coworker

An employee contacted the ombuds with concerns over possible misrepresentations by a former coworker who had been rehired in a different job in a different region of the same organization. The employee contacting the ombuds thought that the employment of the former coworker had been terminated because of sexual harassment. The employee was not sure about the reason for the coworker's departure but feared that, if true, employees in the new location might be exposed to inappropriate behaviors. The employee wanted to speak with the ombuds confidentially about how such a concern might be surfaced.

After discussing various options with the ombuds, the employee gave the ombuds permission to speak with the coworker's previous supervisor without disclosing any information about the employee raising the issue. The previous supervisor confirmed that the employee had indeed been terminated for inappropriate behavior.

The ombuds then put the previous supervisor in touch with an HR specialist and the employee's current supervisor. HR discovered that the employee had not been truthful in several employment applications by not disclosing that he was previously terminated for sexual harassment. The organization promptly terminated the employee's employment. The ombuds also noted that this case underscored the need for the organization to consider establishing a common HR data system that would include all of the organization's locations.

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The employee and the ombuds discussed various options to surface the issue, including speaking with her supervisor's supervisor, an anonymous letter sent through intraoffice mail, and an anonymous call to the organization's hotline. She still was uncomfortable raising the issue with a formal channel or the supervisor's supervisor directly. Since hotline calls were received by an off-site independent company, she felt that was a better option than sending an anonymous letter to someone at the company. She decided to raise the issue that way. The ombuds worked with her by explaining how to include in the hotline call sufficient hard facts to adequately describe the problem for the investigators.

Ombuds Helps the Organization Avoid a Class Action Lawsuit

A female professional staff member contacted the ombuds office with concerns over actions by the predominantly male staff in her group. She had only been with the organization for a few years but was highly educated and at the cutting edge of her scientific field. She had also received high ratings as an employee. She related that she and other women in her group had experienced demeaning, disrespectful, and dishonest treatment by the male professional staff in her group. She thought one of the worst offenders was her former mentor, who was also a highly valued staff member responsible for bringing in millions of dollars of new business. She and the other female scientists and technical staff had been ignoring the demeaning behavior by him and the other male colleagues because they needed his skill and research projects.

The female staff member also mentioned an episode six months earlier in which a male staff member had created a dangerous condition in the lab with only women present. While the incident had been investigated and the male staff member transferred to another group, a verbal threat on her life had been made to her to prevent her from speaking about the episode. That event clearly had traumatized her, and she had not reported the threat. Since that time, however, she had been keeping a

record of the incidents and comments. In addition, the women in the group had been advising potential new recruits to the organization that they could not recommend working at the organization.

The ombuds discussed various options with her on several occasions. During this time, the staff member urged other women in her group also to speak with the ombuds. The ombuds thought that the facts outlined by the women created a real possibility of a class action lawsuit against the organization and was trying to find a way to help get the issue to senior management. While most of the women insisted on anonymity, two of the women with whom the ombuds spoke were willing to speak about their concerns with management.

The ombuds helped coordinate a meeting between those two women and the CEO. As a result of those conversations, an investigation was undertaken to deal with the issues in that group. In addition, senior management engaged workplace consultants to work with staff throughout the organization to raise awareness and deal with gender-related communication and interaction.

Suspicions of Misconduct but a Fear of Reporting

An employee believed his supervisor had a falsified resume, including on it advanced degrees that the supervisor never earned. He thought this was wrong and wanted it reported but only if his name could be separated from the report. The employee was not willing to allow any action to be taken unless he can be assured that his identity would be protected.

After hearing various options explained by the ombuds, the employee decided that he would use the organization's hotline option since he now understood that information communicated to the hotline was passed directly to the chief of HR, who had responsibility for conducting an investigation. The ombuds coached the employee on the process of calling the organization's hotline and advised the employee how to include enough information in the report to allow the investigators to assess and investigate the allegation.

Once the information was disclosed, the investigation revealed that the information was correct, and the supervisor was disciplined.

Only After Extended Conversations with Ombuds Does an Employee Come Forward

A long-term employee nearing retirement contacted the ombuds office anonymously to discuss concerns over possible ethics violations by management in vendor contracts. Being so close to retirement and fearing retaliation, the employee refused to reveal, even to the ombuds, his name, location, or anything else that he felt could reveal his identity. The employee, however, was willing to discuss generically the behaviors that he felt were unethical.

The ombuds presented various options to the employee. The ombuds and the employee then discussed and considered the possible ramifications of each option to the employee if he were to reveal his identity. After several conversations, the employee agreed to let the ombuds contact HR with a scenario that he and the ombuds had developed to ascertain what HR's

response and process would be if he chose to reveal his identity and participate in an investigation.

The ombuds spoke with HR and then with the employee on several occasions thereafter as they tried to work through how to proceed. Although it took some time, the employee gradually came to trust both the ombuds and HR as resources that were available to him. Finally, he agreed to meet with HR based on the repeated promise that retaliation would not be tolerated.

As a result of the information that the employee provided, an investigation was conducted, resulting in the termination of high-level personnel. The employee felt supported not only by the ombuds office, but also by HR and the organization. He retired soon thereafter and expressed his appreciation to the ombuds for helping him work through the decision to come forward on the ethical violations that had bothered him.

Job Protection and Fear Above All Else

The ombuds received an anonymous call from an employee in a multinational organization through an overseas operating center. The caller was extremely nervous about calling but was put at ease when the ombuds first explained how the ombuds office works (confirming confidentiality, neutrality, informality, and independence) and was able to speak in the person's first language. The caller explained that he worked in a unit that had high security, separate badge access, and security cameras because the unit dealt with valuable assets and financial information. He also explained that his supervisor had been harassing his unit for more than a year with veiled threats about employees losing their jobs, asking for personal errands, bullying them, and instigating rough-play games (such as hitting, boxing, wearing blindfolds, tying people with a rope). The so-called "games" were played in an area with no security camera coverage and supposedly were to have "fun" and break the monotony in the work area.

Even though there were at least twenty employees in the unit who had been subjected to these practices and an HR office and higher supervisors located in the same building, there was so much fear of potential job loss that no one spoke up for a year. Finally, when a coworker had to leave work discreetly to go to the hospital because he broke several ribs in one of the "games" and did not report the incident, the caller decided to call the ombuds in the United States since he had heard that it was confidential and had seen announcements about the ombuds when the ombuds had visited his location several months earlier.

The ombuds and the caller discussed various ways that the issue could be raised. The caller decided to give the ombuds permission to contact HR and security, but he was too fearful to give permission for the ombuds to contact the higher-up supervisor (a vice president of the organization) because he believed that his immediate supervisor was extremely well regarded by that person. The ombuds, without revealing the identity of the employee who had made the call, passed along information to HR and security concerning the type of activity that had apparently been occurring. They then investigated the matter by interviewing many of the employees separately at an outside location.

The investigation corroborated the allegations, and the immediate supervisor and a higher-ranking supervisor were terminated from the organization.

Limited Disclosure Solves the Problem and Protects the Informant

An employee came to the ombuds to report that he suspected that one of the subcontractors working on plant renovations at the facility where he worked was not doing the work to code. The employee felt that this should be brought to the attention of the company for safety reasons but because he was a union member in the same trade as the subcontractor, he was unwilling to be the one to raise the issue with a formal channel. He was certain that he would suffer retaliation by other members of the union if it became known that he had been the person who reported the issue.

After discussing various options, the employee agreed to permit the ombuds to contact the facility manager to suggest to him that it would be advisable to have an inspection of the construction work by the local building inspector, but not reveal any other information. The manager arranged for the inspection, which uncovered the defective work, and the company required the subcontractor to correct it. Since the inspection appeared to be a routine inspection by the building inspector, the identity of the employee who came to the ombuds was protected.

An Alert from Ombuds Helps the Organization Avoid Committing Illegal Acts

Information was conveyed to the ombuds that the organization may have been skirting the law in hiring foreign nationals, but the source of this information was unwilling to come forward directly or to permit disclosure of his identity. The inquirer was willing, however, to permit the ombuds to alert the COO of the organization that this type of activity might be occurring.

With the alert from the ombuds, policies and procedures were tightened to eliminate the potential for misconduct. In the process, the COO was able to reinforce to those responsible for hiring what the law and the organization required and that violations would not be tolerated.

No further concerns on this issue were brought to the ombuds.

When a Supervisor and HR are Part of the Problem

A mid-level manager came to the ombuds with concerns about how she was being treated by both her direct supervisor and her local HR representative. She felt that both were undermining her and not supporting her as she attempted to correct employee behaviors and improve the morale and production of the team she supervised. She felt very unsafe raising her concerns to anyone within the formal structure and reached out to the ombuds so she could have confidential conversations there. She had repeated conversations with the ombuds regarding options and strategies.

Conversations with this manager continued over the course of approximately three months, after which time she had built up enough confidence and trust to reach out to her VP of HR with the assistance of the ombuds. As a result, a personal visit was made to her supervisor by the VP of HR, and changes were made in the HR department that addressed the concerns of the manager, as well as similar concerns of other employees that had surfaced through discussions with the ombuds.

7. Sexual Harassment/Discrimination/ Misconduct

Ombuds Helps Clinical Fellow Stop Unwanted Attention from A Senior Colleague

A new female clinical fellow contacted the ombuds to discuss her discomfort with attention she was receiving from a senior male clinician. The senior clinician, an internationally recognized physician and author of a popular medical textbook, had been contacting the fellow repeatedly by phone and text, complimenting her appearance, and offering her a valuable collaborative clinical research opportunity during her fellowship. The fellow did not wish to make a formal complaint because of the impact on her career, the embarrassment it would cause the senior clinician, and because the senior clinician had not asked her out, touched her, or said anything exceedingly inappropriate. However, she had a clear sense he was interested in her romantically and may cross those boundaries in the future. She said she only wanted a professional relationship and to be able to complete the fellowship. She indicated that she had not talked to anyone else affiliated with the hospital about the situation and presently had no intention to do so.

The fellow and the ombuds discussed keeping a record of the texts and a journal of the inordinate contact as a backup measure and then began exploring ways the fellow could more clearly communicate her discomfort to the senior clinician either directly or through an intermediary. She decided that, as a first step, it would be most appropriate for her to respond to a text message she received that she's noticing he's contacting her quite a bit and that it makes her somewhat uncomfortable, and that she'd prefer to communicate with people with whom she had professional relationships by email only. As a secondary measure if the excessive contact persisted, she indicated that she may ask the ombuds to speak to the clinician confidentially on her behalf. Several weeks later the fellow returned to ask the ombuds to speak to the senior clinician so he would stop.

The ombuds subsequently asked the senior clinician to meet and explained the "off the record" nature of the ombuds office. When they met, the ombuds simply said that the ombuds had been asked by a fellow if he, the senior clinician, would honor a request made of him about communicating by email. The senior clinician, understanding the confidentiality and informality of the ombuds office, expressed gratitude for the message.

The fellow reported back to the ombuds a few months later that the excessive contact from the senior clinician had stopped and she was now more comfortable dealing with her colleague.

Ombuds Helps New Director Receive Additional Training

A department that supports hospital operations had recently gone through several leadership changes and was being managed by a new director. One of the employees of the department shared with the ombuds her concerns that she was being micromanaged, that her manager was abusive toward her, and that some duties were being arbitrarily removed from her area of responsibility. The visitor also alleged that the director was discriminating against her on the basis of sexual orientation. The employee said she had asked the Director to participate in a facilitated discussion on these issues, but the director had declined to do so.

Over the course of the next few months, several other employees in the department approached the ombuds office with similar concerns about the director and their fear that they would be retaliated against if they were identified as persons bringing concerns forward to formal channels. The employees gave the ombuds permission to discuss their concerns with the associate vice president but without sharing their identities. The associate vice president also wanted to loop in an HR director to provide guidance and consultation on addressing the concerns. Working together with the ombuds and HR, the associate vice president developed a training and development plan for the director, and the director was also assigned an external coach with which to work on a regular basis. The concerns were discussed with the director, as well as expectations going forward.

The visitors were made aware of this and were asked to update the ombuds on their interactions with the director and to bring further concerns forward confidentially to the ombuds. To date the coaching and additional training appear to be working well.

Helping a Nontenured Faculty Member Focus on What Was Important to Her Avoids a Discrimination Lawsuit

A faculty member came to see the ombuds about what she considered to be racist or discriminatory treatment. She was a junior faculty member with multiple degrees, one of which was from the campus where she currently worked. Now, as an employee, she felt like she was being left out of important meetings and treated differently than her male peers. They were being mentored and she was not. She had also found out she had been paid less than others do the same work. She was considering suing the university for discrimination.

The ombuds listened and heard all the pain the visitor felt from being marginalized and left out. The visitor was ambitious and had dreams about doing research and having her own lab. She didn't know where to go for help. Human resources on that campus did not assist faculty, and she had already spoken to the department chair, the dean, and the provost. The dean had promised to help her but had done nothing to date. The department chair was new and said he was just supporting the decision of the previous chair to cancel her contract. The provost listened and said the dean has the right to make decisions in his school.

At this point, she was very angry and wanted to get even. As a minority woman, she felt pretty certain that she could win in a lawsuit because she had not been accused of any wrongdoing, yet her contract was being cancelled.

The ombuds asked her to think about what she most wanted, encouraging the visitor to think about what her life would be like on that campus if she sued and won, or, if she sued and lost. The ombuds asked her if all the negative time and energy was worth the time it would take out of her career and moving forward on her research and writing projects.

The visitor did some thinking and reflecting on the advice from the ombuds and came back a week later. She asked the ombuds if the ombuds would help her find resources to help her

with her resume and job search. The ombuds gave her a list of local and campus resources and met with her a few more times to give her chances to vent her anger.

A few months later, the visitor secured an Assistant Professor position with her own lab and mentor at a prominent university. She was so excited about her new opportunity that she was no longer interested in suing the university.

The ombuds, in this case, helped spare both the university and the faculty member from the cost and stress of a discrimination lawsuit and, with the counseling from the ombuds, enabled the faculty member to realize her dreams.

Helping a Graduate Student Disengage from a Sexual Relationship with a Faculty Member

A graduate student pursuing a PhD in an engineering department came to the ombuds seeking guidance on how to terminate a sexual relationship she had had with a faculty member without ruining her career. She reported that during the past year (her third in the program) she had engaged in an affair with a faculty member who was married and who also served on her dissertation committee. The affair began when they both attended and presented at a conference in another city.

After three months, she decided to end the relationship, believing that it was not healthy and that it was interfering too much with her academic progress. She said that, unfortunately, the faculty member continued to pursue her, calling frequently and even cornering her in a hallway when no one else was around. When these overtures did not succeed, the faculty member conveyed that he was quite angry that she was sticking with her decision to end the affair and told her "you will pay for this."

She did not report the harassing behavior at the time, because of fear of retaliation, including his power to ruin her academic career, and because she didn't want to get him in trouble or do anything more to interfere with his marriage. The student had recently come to the conclusion that the faculty member was now retaliating against her by disparaging her to other faculty members and creating roadblocks in the progress of her dissertation. She was not sure how to handle the situation and asked the ombuds for guidance on what were her options.

The ombuds informed the student of University policies regarding graduate students. First, romantic relationships between a student and a faculty member where there is a direct academic connection (e.g., advisor, dissertation committee member) is prohibited. Accordingly, the faculty member could be subject to disciplinary action from his department or the University. The student quickly interjected that she did not want to hurt the faculty member professionally, and that was a factor that had to be taken into consideration. Second, the ombuds said that it was University policy that the student has the right to exclude faculty from her committee if she so desires. The student expressed concern that removing the faculty member from her committee could provoke him further. She simply wanted him to back off and leave her alone.

The ombuds inquired whether the student had any close relationships with senior tenured faculty members in whom she could confide. She stated that there was: a department chair in a different field of study, as well as one or two others. The ombuds asked whether the student could share her story with the department chair and ask whether the department chair might approach the other faculty member on the student's behalf. The idea would be to let the faculty member know that other faculty members were aware of the affair, that the University could be facing serious legal exposure because of his affair with the student, and that his continuing behavior could be construed as retaliation. The student was comfortable with the idea and said she would reach out to the department chair.

Several weeks later, the student returned to the ombuds office to provide an update. The department chair had spoken to the faculty member about the affair and then let the student know that she should move forward with removing him from her committee and identifying someone else, which she did. The student was appreciative because she thought she would be making good progress on her dissertation in the coming weeks and months. Because the faculty member had ratcheted down the behavior that had been fueled by his anger at being rejected, the likelihood that the student would have to resort to legal action to protect her academic career was significantly reduced.

Sexual Harassment and Complaint with Investigation

A female employee reached out to the ombuds after a terrible experience she'd had with a coworker at a social hour that followed a meeting. While she was sitting at a table with two other employees, another coworker joined them at the table. The coworker had been drinking and moved his hand over her leg and knee under the table. This wasn't the first time he had made advances towards her that she had rebuffed. With this second incident, where the coworker had touched her in an inappropriate and unwelcome way, she was ready to take action.

She called the ombuds not only to understand what her options were, but also to learn what an investigative scenario would look like once it unfolded. She had never been part of an investigation before and was anxious about it. The ombuds was able to identify for her the appropriate investigative resource and also explain the investigative process and what her role and experience would likely be. The ombuds encouraged her to share her questions and concerns with the investigator so that she could be reassured about how things would be handled. The ombuds explained to her that while participants in an investigation are instructed that they must not discuss the investigation with anyone, consulting the ombuds was considered an exception to that requirement. Consequently, she could stay in touch with the ombuds during the process if she wanted to.

This employee again called the ombuds at the conclusion of the formal investigation and described her mixed experience with it. Her allegations about the coworker had been validated and she was assured that he had been disciplined but was also told that he was not being terminated. This in itself did not trouble her. She had not necessarily wanted him to be fired. Initially, she just wanted his conduct to be addressed and for him to stop behaving inappropriately toward her or anyone else. However, once she was told that he was going to remain employed, she began to consider the practical implications. There would be future

meetings at hotels and social gatherings with alcohol served. Thinking about seeing him in those scenarios made her anxious and fearful. She had expressed her anxiety to the investigator and asked for guidance for both of them. The investigator replied with a response that she found insensitive: "Now that the decision had been made to retain him, the focus should be on business continuity. Everyone should just resume all normal work activities."

She wanted the ombuds' perspective on the response from the investigator. The ombuds helped her understand that the response from the investigator, despite being a formal channel, was not consistent with the organization's values. With her permission, the ombuds connected her with a senior leader in the business unit's HR organization. The senior HR leader was extremely supportive of her. The senior HR leader took action to make it clear that her coworker, because of his inappropriate behaviors, was no longer permitted to attend the meetings where she would be present. The investigator was also coached and reprimanded for the misguided response to her request for post-investigation assistance. She was also informed that her experience helped to inform the way the organization was going to address similar matters in the future.

Coaching Helps Visitors Develop Bystander Training Initiative

Leaders (almost all scientists) from an established women's resource group wanted to address common issues they were facing in the workplace and were feeling very discouraged by what they felt was unconscious bias in hiring and promotion in their fields. Representatives of the group approached the ombuds looking for suggestions and guidance about how they could start a conversation in the organization to begin a dialogue on these issues.

The ombuds provided the visitors with references to articles, analytical models, and other materials on topics such as micro-aggressions, psychological safety, dignity in the workplace, and ways to engage witnesses and bystanders to take action. The ombuds also proved guidance and other tools on how the visitors could begin creating awareness on the importance of speaking up about issues people observed and unconscious bias in the workplace. The leader of the women's resource group was then able to use the articles and tools that the ombuds had provided in order to create traction around these concepts in various units in the organization.

One result of her efforts was an initiative that led to the formation of an employee resource group to raise awareness of the importance of active bystanders speaking up. This "bystander" employee resource group then took on the task of providing training to employees about how to combat micro-aggressions and unconscious bias by speaking up when they observed such behavior.

While neither the women's resource group nor the bystander training group operated under the direction of the ombuds, the ombuds had provided the tools and guidance that was a catalyst that empowered these groups to make a constructive and positive impact in training employees on these critical issues.

Ombuds Helps a Contractor Address Attempts by Government Employee to Have an Inappropriate Relationship.

A government contractor came to the ombuds with concerns about a government employee who allegedly expressed an interest in engaging in a personal relationship with the contractor. The contractor explained that the government employee also had been designated as the contractor's point of contact with the government agency involved and oversaw the contractor's work. The contractor reported that when the government employee tried to shift the working relationship to something personal, the contractor immediately expressed disinterest to the government employee and asked for him to stop.

The government employee continued to show interest, however, both directly and indirectly. As a result, the contractor looked to the ombuds for guidance on what else the contractor might be able to do to make the unwanted attention stop. Sadly, the contractor divulged this situation to the company's HR office, which did not want their employee to "cause a problem" and risk the government looking unfavorably on their company.

Among the options discussed was having the ombuds make the government management aware of the contractor's concerns. Luckily the ombuds had prior experience with managers in this area who were consistently supportive and responsive to broad organizational concerns, and especially to concerns related to ethics and harassment. The contractor was comforted by this insight and selected this option. With permission from the contractor, the ombuds made management aware of the contractor's concerns and requested that the situation be investigated, or other appropriate action taken. The government supervisor took immediate action to ensure that the contractor was in a safe environment, and also talked to the company about being more forthcoming when situations like this arise.

Fraud, Amorous Relationship, Conflict of Interest, and Fear of Reporting

The ombuds worked with a visitor for two years. At first the issue presented was a benign interpersonal conflict. After the ombuds established trust with the visitor, the visitor began sharing documentation and information that revealed a fraud scheme apparently orchestrated by the visitor's leader, a well-regarded tenured professor who brought in millions of dollars for the university each year. The visitor did not want to be a whistleblower due to fear for their position, career, reputation, and physical safety.

The ombuds presented the visitor with various ways the issue might be surfaced or investigated. Eventually the visitor gave the ombuds permission to raise the issue anonymously to the university's financial compliance department, which has the ability to discretely review records to determine whether the concerns have merit. If they conclude that the concerns might have merit, they may intervene or refer the matter to internal audit for a formal investigation. In this case, given the positive working relationship between the financial compliance analysist and the ombuds, the analyst took all of the information provided by the ombuds and immediately initiated an informal and extremely discreet review of the leader's unit's records. Literally, no one else knew it was happening.

Ultimately, this review surfaced a myriad of concerns, including conflicts of interest (using university position and resources for personal gain), financial fraud (funneling money to a private business), and sexual misconduct (an amorous relationship between the leader and a direct report). The financial compliance analysist then referred the matter to the university's internal audit department and a formal investigation ensured. The compliance department told the leader under investigation that it had discovered information during a routine check. Once internal audit released its report to the Vice-Chancellor of Research, the university terminated the leader, restructured the unit, and imposed new restrictions and policies to address the types of transactions at issue.

The Importance of Confidentially Discussing the Process BEFORE Raising Sexual Harassment Complaint

An employee came to the ombuds with concerns about sexual harassment the employee was experiencing from a supervisor. The employee wanted the harassment to stop and yet was uncertain about reporting it for fear that her issues might not be taken seriously. The employee was also afraid that reporting her concerns could result in victim-blaming, shaming, retaliation, and a ruined career. Yet, she also was concerned that not coming forward would leave others vulnerable to the same or similar conduct by the supervisor.

The ombuds talked through with the visitor the pros and cons of both reporting and not reporting her issues. After an extensive conversation about these issues, the employee gave the ombuds permission to consult with HR leadership in the region where she worked (but without disclosing any information that might identify her or her supervisor) to find out exactly what would happen if a sexual harassment case were reported.

After finding out this information from the regional HR office, the ombuds reported back to the employee that the alleged perpetrator would be placed on paid administrative leave while an investigation into the claims was conducted and that an independent professional investigator would be used to fully investigate the claims. The employee was relieved to learn this process and thought that having the supervisor out of the workplace on administrative leave while the investigation occurred would allow her to be in a safe environment.

With this information, the employee decided to come forward and report. The process transpired exactly as promised, which the employee appreciated tremendously. The investigation resulted in her allegations being substantiated. The employee and her supervisor had no further professional interactions.

Policy Interpretation

A male employee contacted the ombuds because he had begun a romantic relationship with a coworker. He found his way to the ombuds after first starting to explore the issue with HR. The HR representative, however, was sensitive to how uncomfortable he was discussing the

issue with HR and offered him the option of contacting the ombuds first, explaining that he could discuss the matter there in complete privacy.

To complicate matters, the employee's spouse also worked for the organization. The employee regarded his relationship with the coworker as private, but he also understood that it could have an effect on his professional life. He was unsure of what he was required to disclose to the company and what he could keep private. He was also nervous about what the organization would do once he disclosed the relationship. He was particularly concerned that the organization would reveal the relationship to his spouse.

The ombuds was able to leverage its experience in the organization and expertise with policy to provide the employee with guidance on the aspects of the relationship with the coworker that would be relevant to the organization. For example, it was important to ensure that the relationship did not present any conflict of interest. Because the coworker was not in his reporting line and did not work with him on a regular basis, the ombuds advised that it did not appear to be a conflict of interest that would require reporting. The ombuds explained that he would be able to obtain a definitive answer confidentially from the organization if he desired to do so. This was could be accomplished anonymously through the compliance hotline or a compliance interactive online tool. Finally, in view of the fact that he was married and embarking on a new romantic relationship, the ombuds provided him with the contact information for the Employee Assistance Program where he could obtain counseling and guidance on the impact of this on his personal and family life.

Workplace Environment

A female employee visited the ombuds office and explained that she felt she was in a hostile work environment due to the behavior of her manager, another woman. The employee explained that the manager was a bully, yelled at her subordinates, and was very condescending. The manager had denied the employee recognition awards for which she had been nominated by other employees and did not allow the employee to collaborate with coworkers in other markets. The employee also said that she received a false and unfair performance review from her manager. And finally, she said that some other team members had been treated even worse by the manager than she had been.

The straw that broke the camel's back and caused the employee to reach out to the ombuds office was related to a job opportunity for which she had been encouraged to apply by her mentor. When she informed her manager that she was applying, the manager started screaming that she should not have applied for this job and demanded to know the name of the mentor. The employee feared that if she raised this issue to HR or the manager's manager, it would affect her career and worsen the relationship between them.

The ombuds explained that the company encourages employees to both explore new opportunities and develop their careers through mentorship. It prohibits managers from interfering in job movement unless there is a business necessity to keep the employee in the current role. They explored the employee's options which included having a direct conversation with her manager. She was not optimistic that this would help. They then discussed her right,

pursuant to the company's Open-Door policy, to escalate the issue to HR or her second-level manager. The ombuds also encouraged her to continue to solicit the support of her mentor. During the conversation with the ombuds, she mentioned how comforting and nourishing it was to speak with someone that was able to guide and advise on action she might take.

The employee subsequently emailed HR and the second-level manager to request time to meet. As soon as a date was confirmed, she reached out to the ombuds again. She was nervous about the repercussions this might have for her manager. The ombuds reassured her and explained that any negative impact on the manager was her manager's responsibility, not hers. Her only obligation was to report the facts truthfully. The company's subject-matter experts would investigate and determine the appropriate outcome based on company policy and practices. The ombuds also recommended the Employee Assistance Program which is able to provide emotional support to employees during stressful times, such as being part of an investigation. The employee was thankful and hopeful that there would be a positive outcome as a result of her meeting.

Sexual Harassment Claim

A female employee called the ombuds office because she was concerned with the conduct of a male supervisor about whom she had previously raised sexual harassment concerns. She was advised at the conclusion of the earlier investigation that the supervisor had received corrective action. The supervisor was no longer working in the same area as she due to a reorganization. However, she was recently approached by a number of female employees who were now working with this supervisor. They described to her experiencing similar conduct to that in which he had engaged with her, specifically: inappropriate touching, making offensive and sexually suggestive comments and leering at them. She was seeking guidance from the ombuds as to how best to help the other female employees without having to get involved herself in another investigation and potentially be retaliated against by the supervisor. She was also concerned because it seemed that nothing had been done to correct his inappropriate behavior as a result of the earlier investigation since he was "at it again."

During two meetings with the ombuds, the employee and the ombuds discussed options that would allow for the other female employees to bring concerns to the company's attention. The options included having her share with the other female employees the formal channels that were available (HR, Compliance or a manager that they trusted) who had a duty to act. The ombuds also provided the phone number and link for the compliance hotline and website where the employees' concerns could be reported anonymously. She was also encouraged to share contact information for the ombuds office to offer these other women a completely confidential, informal resource for discussing their issues and options for addressing them.

They then discussed her belief that "nothing" had happened as a result of the concerns she had initially raised. After exploring this more deeply, the ombuds helped her to understand that perhaps the company had taken action but, due to confidentiality reasons, any disciplinary action would not have been shared with her. That said, it appeared from the information shared by the other female employees that any disciplinary action had not been effective. They also

discussed that, unless the company was made aware that inappropriate conduct was continuing, the company would not be able to take any further action. And if indeed formal action had not been taken against the supervisor, the fact that there are now multiple individuals who have experienced similar conduct, by all of them coming forward (even anonymously), this would alert the company to a potentially serious issue requiring a new investigation.

In the end, the employee decided to share the resources available, including the ombuds office, with each of the other female employees who had spoken with her. This allowed her to avoid having to come forward again and be at the center of another investigation. Additionally, she decided to raise the concern anonymously through the compliance hotline to ensure that it was investigated even if none of the other women came forward.

Ombuds Helps an Employee Use the Hotline

An employee came to the ombuds because she was concerned that a colleague in her office was tampering with time sheets. She said that she would normally have reported this to her supervisor but could not do so in this situation because she was one of the few people who knew that the colleague and their supervisor were having an affair. She felt that, under the circumstances, the supervisor would not be an appropriate person to whom to make the report, and she was afraid that if she tried to report this to someone else, she would be asked why she had not reported it to the supervisor. She did not want to have to lie or answer that question.

The employee and the ombuds discussed various options to surface the issue, including speaking with her supervisor's supervisor, an anonymous letter sent through intraoffice mail, and an anonymous call to the organization's hotline. She still was uncomfortable raising the issue with a formal channel or the supervisor's supervisor directly. Since hotline calls were received by an off-site independent company, she felt that was a better option than sending an anonymous letter to someone at the company. She decided to raise the issue that way. The ombuds worked with her to explain how to include in the hotline call sufficient hard facts to adequately describe the problem for the investigators.

Checking Out the Process Can Be Very Involved

The ombuds was contacted by a woman who said that she was employed by the organization but who disclosed neither her name nor the area in which she worked. She said that she was gathering information about what the ombuds office did and did not do, but she was quite thorough: the initial call lasted 45 minutes. This is a fairly typical action by some people who, before doing anything, want to "check out the process."

A few weeks later, the same woman called again, although the ombuds knew this only by recognizing her voice (and later confirmed it); she made no reference to having spoken to the ombuds before. She scheduled an appointment with the ombuds office but used an assumed name. When she met with the ombuds, she did not disclose either her position or where she worked in the organization. Her concerns focused on a number of issues she said she had been

having with colleagues and her supervisor, including a general lack of civility (basic rudeness) and the need for clarification of responsibilities. She said that her issue with the supervisor was that he was not engaged as a manager and not managing staffing problems. The ombuds provided coaching for her and gave her options on how she could address the issues.

Approximately a month later, she returned for another discussion with the ombuds. They discussed how things had been going and strategized other options for her. More coaching was provided, and she left again to address her issues on her own.

When she returned again approximately a month later, the ombuds assumed it was for another debriefing and further guidance, but at this point the woman revealed that all of the prior discussions had not been on the "real issue" and that she had resolved all of the other matters. Not until this discussion did she disclose that she was a post-doctoral graduate student working in a lab under the direction of a primary investigator (PI), who was well known both in their particular specialized field and at the organization as a major researcher and senior faculty member. In addition, only at this point did she disclose that from the beginning, the true issue was this PI's sexual harassment of her. She admitted that she had raised all the other issues to see if the ombuds really knew what the ombuds was talking about, appreciated the political realities of her position, and was "truly confidential."

She said that she had gone through the extended "checking out the process" period because she was extremely concerned at how vulnerable her position was. The PI was eminent in his field and had the power to make or break her career. She was clear that she did not want to engage any formal process, but she wanted the harassment to stop.

After long discussions on a few occasions about various options, she finally decided that she would attempt to leave his lab and find another one. In the research world, this approach can be very be problematic on many levels, especially if the PI of the lab being left attempts to prevent someone from transitioning to another lab or poisons the person's reputation. To address this issue, she asked the ombuds to speak with the PI to see if he would consent to her departure.

The ombuds then had a confidential, informal, neutral and frank conversation with the PI and helped him realize that it was in everyone's best interest for him to embrace her leaving his lab as a great opportunity for her "intellectual and professional development." He agreed and she found a new lab where she has flourished.

Saving a Life and Saving a Career

A graduate student and her faculty advisor developed an intimate relationship. After several months, the graduate student tried to break off the relationship, but the faculty advisor threatened to prevent the student from graduating. In addition, the faculty advisor had planned an out-of-state trip and was demanding that the student share his hotel room. It was at this point that the graduate student contacted the ombuds office. She said she was on the verge of taking her own life.

In light of the student's fragile condition, the ombuds concluded that there was an imminent threat of serious harm and made limited disclosures to get the student access to mental health counseling. After her condition stabilized, the ombuds discussed options she might use to deal with her advisor. The option selected was to give the ombuds permission to contact the administration about the advisor. Since there had been other complaints about that advisor, the ombuds was able to indicate that concerns had been expressed by students generally, though no other details were provided.

The administration conducted its own investigation and determined that there was merit to the concerns raised. As a result, the faculty member was stripped of all advisor assignments. Since all of his advisees were reassigned to other advisors, neither this graduate student nor any of the other students who had complained were singled out. Once this episode was behind her, the student went on to graduate and is now a highly respected scholar in her field.

Benefits and Inclusion for Same-Sex Marriages

A female employee in a same-sex marriage contacted the ombuds to express her frustration about a limitation in the company provided insurance benefits. In this discussion, the ombuds learned that the employee and her wife had been preparing over the past few years to start a family of their own with the employee being the one to carry the child. At first, they assumed that IVF (in vitro fertilization) was the only option, a procedure where the woman's egg is stimulated, retrieved, fertilized, and transferred back to the female. But upon researching further, they found IUI (intrauterine insemination) was the best option for them. This is a procedure where sperm is simply injected into a uterus. IUI is lower cost option and a much more practical avenue for same-sex female couples who do not require additional fertilization techniques to conceive.

The employee stated that she had made several calls to the company's insurance provider for information and was told IUI was only covered after the couple "tries to conceive" for one year and that they would need to prove their "exposure to semen" in order to be covered. The inquirer indicated that she thought the company's insurance coverage was antiquated and unfair; although it provided extensive, often expensive, coverage for women in heterosexual relationships facing infertility issues, the plan but did not consider being in a same-sex marriage (and a very healthy individual) to be a valid reason for fertility benefits coverage.

The employee also strongly felt that the company's public statements conflicted with the coverages in the plan it provided for employees. The company continued to raise flags in celebration of PRIDE month and had discussions of inclusion, but this lack of coverage for same-sex couples was not consistent with that message. The employee also felt that it would be humiliating to try to address this with her local management, as the terms of coverage in company insurance policies is determined at the corporate headquarter level.

After this discussion with the ombuds, the inquirer agreed that since this was a companywide topic and if the ombuds were to raise this issue it would not necessarily be linked to her in particular, the employee granted the ombuds the permission to share the concern with

the global benefits vice president and their team for review. As a result, the company's policies were changed to allow all employees equal access to fertility benefits: the criteria of needing a diagnosis of infertility to access infertility benefits was removed; the cost of donor sperm would be covered by the plan; and cryopreservation would be covered for both eggs and sperm for up to 12 months.

The ombuds also made sure these changes would be mentioned in various LGBTQ communications materials that the company put together each year.

Help for a Pregnant Employee and in Enforcement of Global Policies

An employee from a location outside of the United States contacted the ombuds to say that her boss had called her into his office to tell her that he noticed that she was pregnant and that he knew she was unmarried. She said that the boss had told her that if she were not married by the time the baby was delivered, she would be fired. Such conduct was not illegal in the country where she worked but violated the company's policies. She was uncertain what to do, afraid of losing her job, and feared retaliation by management of the company in her country, who she felt would support her manager.

The ombuds discussed various options on how to proceed and assured her that such action would violate company policy. With her permission, the ombuds forwarded her issue to a formal channel at the company headquarters, which intervened with local management to reinforce the company's policies and reiterated to local management that retaliation against her for bringing this issue to the attention of the company would not be tolerated.

The ombuds also worked with those responsible for the company's newsletter, which was sent to tens of thousands of employees around the world, to address issue prospectively and generically (no reference to any names or locations) in a question and answer format to advise everyone in the company that it would violate the company's policies for a supervisor to discipline a female subordinate for being pregnant and unmarried and that attempting to do so would subject the supervisor to discipline, including possible dismissal. Such clear and direct guidance not only helped reinforce the company's global policies but may have spared other women throughout the world and in these circumstances from having to deal with the threat of termination and/or retaliation.

An Ombuds Can Only Do So Much to Raise Issues to Proper Channels

Over the period of a month, five different faculty members from the same department independently met with the ombuds to share concerns about their new department chair. They had a wide range of complaints such as sexual harassment, many forms of verbal abuse, and public humiliation, as well as arbitrary changing of policies and responsibilities. All five also reported that one of them was being bullied.

None of the faculty members had chosen to go to human resources because all of them had had bad experiences with that office in the past. A human resources staff member had told one of them, "It's not wise to take on a department chair. You will lose." All five were afraid to confront the chair or file a grievance or Title IX complaint because they each believed the chair would punish them. None of them wanted to lose their jobs, and they all reported having enjoyed their jobs until the new chair arrived. While they were all faculty, they were all on contracts that could be cancelled at any point, about which the chair was known to remind them on multiple occasions.

After discussing various other options such as the whistleblower hotline, mediation, and the previously mentioned formal processes, all of the parties preferred to meet with the Provost as a group if their identities could be protected. The parties gave the ombuds permission to briefly describe the problem to the Provost and to request a group meeting.

The group met with the Provost and explained the problems. He listened and promised to look into it. Nothing happened for three months, so the female faculty member who was being bullied filed a Title IX complaint. The complaint was found to be a violation, but since it was a one-time event, the chair was not sanctioned. From that point on, the faculty members reported that chair's treatment of the complainant worsened visibly.

Finally, a committee was formed to investigate the chair's conduct. The person appointed to lead the committee had previously been the mentor for the chair under investigation, which demoralized the faculty members who had consulted with the ombuds. The investigation interviewed many people but seemed to drag on and on. Close to the second anniversary of the original contact with the ombuds, the chair was finally fired. By this time, however, four of the five faculty members had left the university for jobs elsewhere.

Even though the ombuds had found a way to bring the faculty members' concerns to the attention of the Provost in a timely fashion and before a Title IX complaint or a lawsuit was filed, the lack of prompt and appropriate action on the part of the university cost the department four faculty members who were part of a leadership team that had led to 98% placement of their graduates in jobs upon graduation. The faculty member who was bullied and harassed hired an attorney, and, to settle her claims, the university paid her a year of salary for severance. The loss of these faculty members in such a short period adversely affected the university's reputation in the field in which the faculty specialized. The principal lesson of this example is that while the ombuds did everything possible to help both the faculty members and the university identify and address the concerns with the department chair, the ombuds has no managerial authority, and the benefit of having an ombuds often depends on those having the authority to act taking timely and appropriate action.

Effective Counseling Avoids a Lawsuit

An employee came to the ombuds with concerns that his boss was discriminating against him because of his sexual orientation. He was adamant that he did not want to raise this issue with anyone in HR or with his boss, for fear of further retaliation. He was very fully aware of his

legal rights and was close to a decision just to quit the company and bring a lawsuit against the company and his boss for retaliation.

The ombuds worked with the employee for an extended period to try to identify options that the employee could feel comfortable with to deal with the issue. At last, the employee and the ombuds were able to identify a manager in another area who was willing to work with the employee to help him look for another job both inside the company and elsewhere.

The employee was very grateful to have had help in finding a manger with whom he could discuss his concerns and from whom to seek advice. The employee ultimately located another job outside of the company, and a lawsuit was avoided.

Ombuds Helps the Organization Avoid a Class Action Lawsuit

A female professional staff member contacted the ombuds office with concerns over actions by the predominantly male staff in her group. She had only been with the organization for a few years but was highly educated and at the cutting edge of her scientific field. She had also received high ratings as an employee. She related that she and other women in her group had experienced demeaning, disrespectful, and dishonest treatment by the male professional staff in her group. She thought one of the worst offenders was her former mentor, who was also a highly valued staff member responsible for bringing in millions of dollars of new business. She and the other female scientists and technical staff had been ignoring the demeaning behavior by him and the other male colleagues because they needed his skill and research projects.

The female staff member also mentioned an episode six months earlier in which a male staff member had created a dangerous condition in the lab with only women present. While the incident had been investigated and the male staff member transferred to another group, a verbal threat on her life had been made to her to prevent her from speaking about the episode. That event clearly had traumatized her, and she had not reported the threat. Since that time, however, she had been keeping a record of the incidents and comments. In addition, the women in the group had been advising potential new recruits to the organization that they could not recommend working at the organization.

The ombuds discussed various options with her on several occasions. During this time, the staff member urged other women in her group also to speak with the ombuds. The ombuds thought that the facts outlined by the women created a real possibility of a class action lawsuit against the organization and was trying to find a way to help get the issue to senior management. While most of the women insisted on anonymity, two of the women with whom the ombuds spoke were willing to speak about their concerns with management.

The ombuds helped coordinate a meeting between those two women and the CEO. As a result of those conversations, an investigation was undertaken to deal with the issues in that group. In addition, senior management engaged workplace consultants to work with staff throughout the organization to raise awareness and deal with gender related communication and interaction.

Information about Formal Channels Helps an Employee Respond to Sexual Harassment

An administrative aide called the ombuds, afraid and upset. She chose to call the ombuds because she wanted to understand what formal processes were available and how to stop the situation that she was experiencing. She explained that she is the first person you see when you enter the department, and that part of her role is welcoming visitors and giving out helpful information about paperwork or the location of classrooms. She further shared that several days before, a man had showed up at her desk, and per her job, she welcomed him to the department and asked if she could be helpful. The man was reportedly disheveled and a bit agitated, and he told her that he was the father of one of the students in the program. He asked when a specific class would be over, and she gave him that information. She then went back to her work. The man continued to stand there by her desk, and then found a seat in the area. He stayed there for several hours. She called a coworker/friend who worked in the same building, and her friend walked her out of the office that day.

The next day, the man returned and approached her desk. He leaned toward her, invading her personal space, and asked her out to lunch. She politely declined. He then returned to the seat in the area. The administrative aide then reached out to her boss, who was at meetings off-site all week. He suggested she reach out to public safety. She held off on that, and the man left about an hour later, only to be in the parking lot at the end of the day, standing outside his car. The next morning, she saw that his car was in the parking lot in a different space, close to the door of her building. She called a coworker, who walked her to her desk, and the man appeared "out of nowhere" and asked her out again. She politely declined, and the man yelled, "Do you think you are better than me?", causing several other coworkers to come into the space. One of the coworkers stated that the man should leave now, which he did.

At this point, the administrative aide called the ombuds. The ombuds informed the visitor about the Title IX Office as well as HR. The administrative aide wanted to understand what happened in the Title IX process, and specifically, if it was confidential and if it could help stop the behavior of this man, who was not an employee or student. The ombuds explained the Title IX process and sent her a link to the Title IX office webpage as well as the policy and procedure concerning Title IX. The ombuds also shared the phone number and email for public safety and explained the way in which public safety could be helpful. The visitor said she was going to reach out to the Title IX office that night and had programmed the public safety number into her phone during the phone call.

A Sense of Empowerment from Discussion with Ombuds

A staff member contacted the ombuds to discuss interactions with their direct supervisor. The staff member visitor said that at times the supervisor was supportive; however, the staff member was also concerned about what she believed was harassing behavior. When she first talked with the ombuds describing the situation and lack of trust she felt toward her supervisor she was quite upset. During several phone meetings over a week, however, she and the ombuds were able to identify and explore various options to address her concerns. These ranged from direct communication with her supervisor, to meeting with another unit director, to having the

ombuds obtain information about the Equal Opportunity and Equity office and information about the Faculty and Staff Assistance Program.

At the conclusion of this series of meetings the staff member felt empowered to make decisions about how to proceed. She connected with resources within her unit as well as multiple other on-campus resources.

In a follow up call, the ombuds learned that while there was some discussion of shifting the staff member to another supervisor, this was not done. The staff member was continuing to work remotely and said she would decide what to do once work moved back on campus. The staff member remarked that while she wanted a shift in supervisor, she still felt better about her situation. She felt that people had listened to her, had been supportive, and she was now better able to make decisions.

Despite Cultural Differences, Post-Doc and Researcher Resolve Dispute with Ombuds' Help

A second-year post-doc had concerns with a researcher in the lab where she worked. She stated that the researcher was constantly bothering her. Every time they were in the lab together, he would come over and ask about her personal life, and even ask her for dating advice. Although she never felt that he had any romantic interest in her, she felt that this was extremely inappropriate. If that wasn't enough, he would interject himself into her work, looking over her shoulder at what she was doing and telling her what to do. She would answer politely and thank him for the help. Eventually, she couldn't stand it anymore and complained to the chief scientist of the lab. This was very difficult for her. She had been afraid of bothering the chief scientist, who was world renown, and she could tell by his reaction that he did not want to be involved in this dispute.

The scientist told the researcher that the post-doc had complained that he had been harassing her and that he had better change his behavior. He told the researcher that he had better get the problem fixed or he would not have a place in the lab. The researcher was shocked. The researcher felt like his whole world was imploding and that he would lose his position, his visa, and his entire future because of her story. The researcher suggested to the scientist that he and the post-doc mediate the issue. The scientist agreed to refer the post-doc to the ombuds but laid the responsibility on the researcher to resolve it.

It was at this point that the two parties in conflict reached out to the ombuds. First, the researcher came to the ombuds for help. According to the researcher, he and the post-doc had been good friends for the past year. He had done everything he could to make her feel welcome and to share his expertise with her. He had even changed his work schedule so that he could be available to her if she needed help. He felt that she owed him a great debt for his generosity. He felt betrayed at the fact that she complained about him. It seemed to him that she was making things up to sabotage his career because of his nationality. If she really believed what she had said to the scientist and that things were so bothersome, he thought that she should not have waited a year to raise these concerns. He wanted to repair their relationship and get

back to being friends and, at the same time, he wanted to prove to the chief scientist that he could resolve the issue. He embraced the option that the ombuds mediate a conversation between the two of them. He reached out to the post-doc to ask if she would be willing to have a conversation and suggested that she contact the ombuds.

When the ombuds met with the post-doc, she stated that she did not want to meet with the researcher for an in-person mediation. Instead, she requested that the ombuds convey her feelings and wishes to the researcher. She explained that in her culture, it was not at all acceptable to confront a senior professional, particularly a male. She explained that she had not brought up the issue earlier because she was afraid that her career would suffer if he was angry at her disrespectful attitude. She had thought that he would understand from her brief responses to him that she did not want to engage in a personal relationship. She requested that he change his hours back so that they did not match hers and that he not discuss his personal life or ask about her personal life.

When the ombuds relayed these sentiments back to the researcher, he immediately agreed and apologized for the misunderstanding. Although he would have preferred a face-to-face discussion and a remedy that would allow them to remain friends, he was relieved that his profession would not be affected. They both gave permission to the ombuds to inform the senior scientist of their agreements and that they had resolved their differences.

All parties were relieved to be able to move on and spend their time, energy, and focus on their work. No formal investigations were needed.

8. Other Types of Unfair Treatment

"Failed" Mediation Led to Good Result

A junior faculty member approached the ombuds with a concern about the culture of an academic and clinical department, what he considered "toxic" interactions during faculty meetings, and a performance evaluation from his department chair that he deemed unbalanced, unfair, and not reflective of his work and contributions to the department.

After sharing these concerns with the ombuds and discussing options during a consultation and coaching initial meeting, the junior faculty member requested that the ombuds facilitate a discussion so that he could share the concerns more fully with the chair via mediated discussion. The ombuds agreed to do so and then met with the chair to briefly discuss the nature of some of the concerns and to ask if he would consider participating in the discussion as requested. The chair agreed, and a meeting was held.

Though the chair had initially referred the junior faculty to the ombuds and had subsequently agreed to participation, during the meeting he seemed agitated and questioned several times, "Why are we here?" Sensing that this may have been intimidating for the junior faculty member, the ombuds interjected, reminding the chair that he had referred the faculty member, was made aware of the process, and had agreed to be present and listen in an effort to address the concerns. The ombuds also reminded the participants of the ombud's role as a neutral and described the training and experience that had prepared the ombuds to facilitate such a process. The meeting continued and concluded awkwardly. There was further discussion about the concerns, and the chair agreed to reconsider some of the language in the evaluation. However, the chair did not take responsibility for the alleged "toxic" environment in the department and believed that faculty should be able to freely express themselves in meetings even if some were offended.

Several months later, the ombuds had a chance encounter with the junior faculty member who asked if the ombuds remembered his case. The junior faculty member expressed profuse thanks to the ombuds for the assistance and explained that sometime after the mediated discussion he was able to change departments at his request and with the support of both department chairs. He reported that he was now in a much more collegial and supportive professional environment. Though the ombuds had recalled the intervention as unsuccessful, the faculty member reported that he believed that the assistance of the ombuds was helpful during a very difficult time, and that the coaching and intervention was the catalyst for a resolution to his situation.

Coaching to Improve Communication Skills

A male employee found an image ridiculing him stored in a shared folder on the company computer system that had been posted by a female team member. The employee thought that the image was offensive and did not think it should have been posted in the shared folder. When he brought this issue to his manager, the manager's response was that it was just a lighthearted joke. The male employee, however, felt that he had never been close to that female

coworker and did not have a joking rapport with her. He remained upset about the continued presence of this image on the shared folder and was frustrated by the fact that his manager had not taken his concerns seriously. The male worker also believed that he had been the victim of a double standard—had he posted a similar image about the female coworker, the manager would have responded very differently.

Having tried to raise this issue with his manager without success, the male employee wanted to speak with the ombuds confidentially about how further to address the issue. The ombuds listened to the employee to understand why the image upset him and discussed his expectations on how this should have been handled. They also discussed his working relationship with his coworker and what the implications might be from different approaches he might take on his and her future interactions at work. The employee decided not to take any further formal action but asked the ombuds to coach him (which the ombuds did) on how to engage in conversation with his supervisor and his coworker to better express his reaction to this posting and to have better communication in the future.

Inappropriate Conduct by Senior Leader

During a site visit in Latin America, several employees visited the ombuds with concerns involving a senior leader who was providing inappropriate directives to their team as well as violating company policy by making inappropriate "agreements" with government officials.

The employees who came to the ombuds were extremely fearful of retaliation. They did not trust their leadership chain, because they were unsure whether more senior leadership was aware of and supported the senior leader's conduct. Most of the employees who came to the ombuds for guidance had tried to advise the senior leader directly of their concerns. He responded, however, in a threatening manner and told them that he was their supervisor—they needed to abide by what he was telling them to do.

The ombuds discussed with each visitor the options they had for notifying the company of their concerns and how they could go about doing so. However, each felt that, because they had already expressed concerns to the supervisor in the past, he would know who it was that was complaining. The ombuds also had explained to the employees at the outset of each of their meetings with the ombuds that part of the ombuds office charter required that where three or more visitors approached the office with the same issue, the ombuds must raise that systemic issue to leadership for action.

In this situation, because the ombuds had had multiple employees come to the office with the same concerns, the ombuds was able to raise this "trend" to the most senior leader of the business unit for action. The ombuds also advised the visitors that it was important to document and gather any communications that they had with their supervisor on this topic so that they would be prepared to answer questions once the investigation was underway. They discussed how best to manage through the current environment, such as seeking clarity from the supervisor if he made additional similar requests so that conduct and guidance would also be documented.

After raising this "trend" to the most senior business leader, the matter was investigated. The investigation determined that the supervisor was indeed violating company policy, thereby placing the company at risk. The supervisor's employment was terminated, and the employees moved forward with performing their jobs in a manner consistent with company policy without fear of retaliation. Having the ombuds office bring forward this trend allowed the company to take corrective action and avoid a potentially major impact to the organization.

A Missed Opportunity to Avoid Multiple Departures

Three counselors from the student counseling center independently visited the ombuds office to express concerns about their workload. They felt they were being worked longer hours than industry standards outlined and that it was very difficult to take a day off. Vacations had to be requested a year in advance. Eventually, the department administrative assistant also came to see the ombuds with her own complaints as well, and she reported that the contracted psychiatrists were considering leaving too (which would have comprised the entire counseling center staff with the exception of the director and assistant director).

The ombuds discussed various options with each of the counselors and the administrative assistant, and the option that most appealed to them was a group mediation with their director and her supervisor, an Assistant Vice President (AVP). All four visitors thought it would be a waste of time to just meet with their director because they did not trust she would compromise or change her policies without pressure from her supervisor.

When the ombuds told the ombuds' (non-ombuds) supervisor that she was planning to mediate with a department in which everyone was threatening to quit, he asked her, "What business is that of yours? Let the supervisor of the student counseling center handle it. You should not be mediating. You should just tell them about their options such as the formal processes." However, by that point, all the parties had agreed to the mediation, so the plan proceeded.

Two mediations were held, and progress was being made. Various models for running counseling centers were discussed. The staff felt encouraged that the AVP seemed to understand their plight and they felt he was supporting them. However, at the end of the second mediation, the AVP got a phone call which appeared to have upset him, and he abruptly announced in the meeting that he no longer had time for this and ended the mediation.

As a result of the termination of the mediation and the continuation of unresolved issues, all three counselors resigned, and two psychiatrists cancelled their contracts with the university. Only three people, including the administrative assistant, who was close to retirement, and the director remained from the original staff of the counseling center, which meant that temporary contract counselors had to be hired almost immediately. It then took six months to hire replacement counselors.

This tragic loss of employees and interruption of important services for students likely could have been averted had the mediation been able to continue. This is also an example where

the person to whom the ombuds reported did not sufficiently understand that the role of the ombuds, as a trained mediator, is to utilize conflict resolution skills and not just provide referrals. Also, this example illustrates how important it is for formal channels and management to act when serious issues are raised by the ombuds.

Healing a Rift

The ombuds had received a significant number of cases from members of a department in the organization who expressed concerns about how the department was being managed. Visitors shared that they were frustrated, furious, or outraged, and some said that they might seek legal counsel to address the matter. Low morale was widespread across the department.

As more details emerged, it became clear that visitors were describing a rift within the department, with essentially two disciplines in the department having been pitted against one another. Visitors described examples of infighting and poor professionalism. Visitors suggested that the rift had been created by the department's leadership when leadership encouraged people to choose sides using a heavy-handed approach. Others described apathy on the part of some members of the department's leadership. Overall, the department's internal warring resulted in confusion, unrest, and disorganization, which negatively affected people individually and may have also resulted in losses both in employee retention and in the department's productivity.

Visitors said that numerous complaints about these concerns had been made to the organization's HR and compliance offices but had not produced results. This only increased their frustration and confusion.

Visitors wanted to be sure that the organization was made aware of their concerns. Their objectives included improved communication, response to concerns, clarity in work roles, and fairness in schedules, treatment, and pay. They wanted to be freed up to do their jobs effectively and feel good about working as one cohesive team again.

When the visitors came to the ombuds individually, the ombuds listened to each person actively and provided a safe, confidential space for them to share all that was on their mind. In a very real way, the assurance of privacy and commitment by the ombuds not to share with anyone that they were meeting with the ombuds gave them the opportunity to fully open up and express their concerns. The ombuds met with many of these visitors on a recurring basis and offered suggestions on how they might better handle the situation themselves immediately and provided individual coaching and support. As a result, visitors gained confidence in themselves, even though their work situation hadn't changed.

Because the many individual concerns also represented a significant systemic dysfunction within the department, with the permission of the visitors the ombuds engaged in a series of facilitated discussions that included members of the organization's senior leadership. These discussions with senior leadership raised their overall awareness and understanding of the broad and complex nature of the concerns in the department. Ultimately, significant changes were

made, including structural improvements, leadership changes, communications plans, and changes in workflow.

After these changes, the department was functioning cohesively as one unified whole. Communications and morale also improved. The changes were so pronounced that visitors reported back to the ombuds to let the ombuds know how much better things had become, describing the difference before and after the ombuds involvement as the difference between "night and day."

Mediated Discussion about Racist Comments Leads to a "Mountaintop Experience"

The ombuds received a call from two black women employees who were offended by comments made by a white male employee who had called their office for assistance. At the end of the call, the white male employee had made some racist comments. The two women were quite disturbed by the man's comments and decided that they wanted to address the issue with him. They called the ombuds for guidance on what they might do.

After listening to the women and discussing various options, including a possible mediation, the two women indicated that they would like the ombuds to explore whether a mediation was possible. When the ombuds contacted the male employee about a possible mediation, he agreed to participate.

Both women and the man came to the ombuds office on the day of the mediation willing to engage in a mediation process. The result was heartfelt reconciliation. The women were most forgiving. The man sincerely apologized. The process was such a powerful and poignant "mountain top" experience that it has remained one of the most significant experiences in the long career of the ombuds involved and inspired the ombuds to develop resources on the power of apologies and use an anonymous version of this matter as an example in discussing mediation as an option with subsequent visitors.

Facilitated Conversation Leads to Agreement on a Plan for an International Student

An International student who was enrolled in a joint Masters-PhD program at the university came to see the ombuds about problems with the Principal Investigator (PI) for whom the student worked in a psychology research lab.

The PI is from Spain and had been at the university for the past 5 years, but the student had previously worked with the PI while the student was in an undergraduate program in Europe. The student said that he had observed the PI treat people disrespectfully, but he also noted that the PI was capable of being very gracious and complimentary when he needed someone to support his research. The student thought he was a valued member of the lab and that his previous work with PI had allowed him to build trust with the PI as well. The student's problem, however, was that he wanted to return to his home country. His family and children were there, and they could not come to the US. The student was adamant that he could do the work required

of him for their lab from his home country. In response to this request, the student reported that the PI said that he could return to his home country but that if he were to do so, it might not be possible for the student to return and complete his program and receive his degree.

After many meetings with the ombuds, during which the ombuds listened to the student and helped develop options for the student to address this problem, the option selected by the student was to send an email to the PI asking for a facilitated conversation between the two of them and proposing that the ombuds participate as a neutral to facilitate the conversation. The student subsequently drafted the email and sought comment from the ombuds on it. After making a few revisions based on comments from the ombuds, the student sent the email to the PI.

The PI responded to the student a few days later and pushed back at the student's proposal, stating that he did not think they needed a neutral person to facilitate a conversation. This response left the student feeling very angry with the PI for not being willing to consider having a neutral help them address this issue.

Not long thereafter, the ombuds received a telephone call from the PI. The PI wanted to know what the ombuds could do as a neutral to help facilitate the resolution of an issue he was having with a research grad student. After listening to the PI, the ombuds explained how such a process would work with the ombuds acting as a neutral and participating to support a fair process for everyone. Ultimately, the PI agreed to having the ombuds facilitate a discussion of the issue with the grad student.

The facilitated conversation took place via Zoom teleconferencing. After the PI and the student each shared their perspectives on the issue, the ombuds asked both individuals to explore and share options that they felt would be appropriate to address their joint concerns. The student asked why he could not complete his degree from his home country, as he had been off campus and working remotely for over 4 months. The PI said that he wanted the team to be able to be together to draft a paper collectively based on the research they had been doing. The student and the PI continued the discussion constructively and finally reached an agreement that the student would return to the university for a 6-month period once a year for the balance of his PhD work. They both agreed that the final timeline for such a schedule would have to be determined by the student's Thesis Committee.

Both participants left the facilitated conversation feeling it was a positive experience and, in a post-meeting survey, each gave the ombuds high praise for facilitation skills and helping the parties communicate effectively through a difficult situation.

Ombuds Helps an Employee Experiencing Bullying Resolve a Hostile Work Environment Claim and the Company Avoid a Lawsuit

An employee contacted the ombuds about an abusive manager. The employee described how the manager bullied the employee and also a number of coworkers. The employee told the ombuds that they had been the only person to raise the matter with their local HR team. In fact, they had twice gone to the local HR team, but no action had been taken in connection with the

abusive manager. Compounding the abusive behaviors and bullying from the manager, the employee also reported being subjected to retaliation for having made the reports to HR. The employee was on the verge of leaving the company and retaining counsel to bring suit against the company. Under these circumstances, it was clear that a confidential conversation with the ombuds was extremely important to the employee.

The ombuds and the employee explored various other internal options available to the employee before the drastic action of leaving the company and filing suit against it. One of the options was for the employee to collect evidence of the manager's abusive and retaliatory conduct and then to contact the ethics and compliance office (ECO) with a request to conduct an investigation. The ombuds coached the employee on how to collect and collate their evidence and also how to then discuss the matter with the ECO.

The employee took this option, collected the relevant evidence, and contacted the ECO. The ECO investigated the issue and found that the employee had been subjected to a hostile work environment and also had been subject to retaliation. The manager concerned was disciplined and removed from the company. The employee was able to continue working for the company in a greatly improved work environment.

An Ombuds Help Raise Systemic Financial Manipulation of Foreign Graduate Students by Professor

A visitor came to the ombuds to inquire about how they might address their concerns with the conduct of a professor. The visitor shared that they were an international graduate student from the middle east in a renowned campus program. They were taking a class with their professor advisor who was also the program director. The visitor stated that they needed an internship over the summer months and that the professor knew they were returning to their Farsi speaking country for the next semester. The visitor shared that a previously arranged internship had fallen through at the last minute and that the professor was aware of this situation. The visitor said that the professor indicated that she could use support on a book she was presently writing. She proposed that if the student were willing to translate the book into Farsi and ascertain if there was a market in their country for the book, the professor would help the student obtain internship credit and consider hiring them as a Teaching Assistant (TA) in the fall semester when they returned (to offer them some remuneration for their work). The visitor shared that they saw this as an excellent opportunity.

The visitor undertook the translation and helped market the professor's material. The visitor also connected the professor to a network of future opportunities to utilize when the book was completed. Upon their return to the campus, the student met with the professor but was told that she had already hired her TA for fall semester. The visitor reported that the professor was adamant that she had never promised anything to the student in the way of compensation for their work and insisted that internship credit should have been viewed as substantial value to the student.

The visitor told the ombuds they were aware of similar conduct of the professor in the past from alumni of the program and two other present students. In addition, the visitor said that they had contacted an administrative assistant (AA) to the professor and urged the AA to contact the ombuds about the professor's conduct. The AA visited the ombuds and confirmed much of what the student had told the ombuds, describing their own experiences as well. The ombuds asked if the AA and the visitor would ask if the other current students might be interested in contacting the ombuds office. Eventually, several alumni, a few other students, and a couple of other AAs contacted the ombuds office and shared similar stories of misrepresentations by the professor and manipulation of staff and students. The AAs also shared that they were told to issue funds from specific budgets and grants to pay a few of the students, and that the professor had used students to translate her personal writings into several different languages but never gave the students any credit in the published books, papers and articles.

The ombuds helped the individuals consider all of their options individually and in a small group. Everyone agreed it was best to share the information with campus leaders, including:

- the Equal Rights Director
- the Human Resource Director,
- Departmental Dean,
- Provost, and
- University Legal Counsel.

The ombuds was asked to act as a neutral facilitator for the discussion.

The ombuds helped the students and AAs prepare for this meeting by considering how best to share the information. The ombuds urged them to try roleplaying the situation acting as themselves, as well as sitting as university leaders responding or hearing this information. During this discussion the individuals raised concerns about retaliation by the professor who remained the director of the program.

The students contacted the leadership asking each of them if they would participate in this meeting and if they'd object to having the ombuds act as a neutral facilitator. No one objected to the process. The discussion went very well lasting over 3 hours with the leaders asking many questions and thanking the individuals for coming forward with their concerns. They assured the students and staff that if any retaliation occurred, they should immediately contact the Equal Rights Director as it would not be tolerated.

Confidential Conflict Coaching Enables an Employee to Act on His Own to Discuss Concerns with Management

An employee came to the ombuds because he wanted to discuss in confidence the retaliation he felt he was experiencing after returning from military reserve duty. Specifically, the employee said that he felt that he was not receiving opportunities being given to other employees

and that, as a result, he had received a lower than usual performance evaluation. The employee felt that fulfilling reservist obligations should not be seen in a negative light or result in adverse consequences. The employee was looking for guidance on how to raise these concerns.

The ombuds provided various options to the employee on how he might try to raise this issue. The option selected by the employee was to have the ombuds help him raise the issue himself. Through conflict coaching and help preparing an outline of talking points, the ombuds helped the employee raise the issue himself directly with management in an appropriate, professional manner.

After speaking with management about his concerns, the employee contacted the ombuds to express appreciation for the guidance and said that he was confident that management would give this matter due attention.

The Ombuds Helps Address Both Individual and Systemic Issues Involving Racial Aggression in the Workplace

An African American laboratory technician visited the ombuds to talk about a recent race discrimination complaint that he had brought to HR. The matter involved the use of the "N" word in the visitor's presence by a white coworker. According to the visitor, an investigation by a white HR professional involving the three levels of management for both colleagues (all of whom were white), resulted in no finding of violation of the racial harassment policy. Despite the fact that the subject of the investigation admitted to using the offensive language, his behavior was found not to be a violation of the policy because the coworker had not known that the African American visitor was present.

The ombuds provided a confidential and safe space for the visitor to share his feelings and worries about the situation and his future. The visitor was hurt and emotional about his treatment. In his words, the experience made him feel "insignificant."

The ombuds and the visitor discussed options at the individual level and actions that could be taken at a systemic level. The ombuds presented possible options at the visitor's level including: requesting a review of the investigation; creating a plan for future interactions with this coworker; building and strengthening the network of support at work for the visitor; re-focusing the visitor's effort on high performance; transferring to a new department; and finding an ally supervisor/manager with whom the visitor could have a difficult conversation about the realities of racial tensions in the work environment. In this case, the visitor decided to get more involved with plant D&I initiatives and to focus his efforts on doing a great job while preparing to apply for a job in another department.

At the systemic level, the ombuds and the visitor discussed local Diversity and Inclusion (D&I) activities and organizations. The visitor gave the ombuds permission to raise the issue as a systemic issue while not identifying the visitor. Since the ombuds had received information from a number of visitors about racial tensions, the ombuds concluded that these comments

represented a systemic issue of both "micro" and more blatant aggressions in the workplace centered on race.

The ombuds was able to include this general information in providing upward feedback to Senior Leadership and several key D&I leaders locally. The ombuds was also able to refer managers and D&I leaders to local racial justice initiatives and training resources for incorporation into the organization's future. The D&I Leaders were extremely receptive and several enrolled in anti-racist workshops that were recommended.

Ombuds Helps Government Contractors Avoid Retribution for Raising Issues with Government Supervisor

Three contractors of a federal agency came to the ombuds together with claims of retribution. The contractors had raised concerns inside their company regarding behavior of their civil servant supervisor at the federal agency. The company had then raised the issue with the agency's HR personnel. A month later, the contracts of these three contractors were terminated, and the explanation given to them by the federal agency was that there wasn't enough work for their contracts to continue.

With the permission of the three contractors, the ombuds looked into the situation on both the agency and the contractor side and found different explanations were being given for the decision. From the questions posed to the agency's management, the ombuds concluded that the firing decision had been made by the made by the contractors' civil servant supervisor with little oversight from either higher management or HR. However, based on the questions that had been posed by the agency ombuds, higher management reviewed the decision to terminate the contractors. Although this review concluded that the project that they had been working on did not need them, there was other work in the area for which they were well suited and they were rehired.

Persistent Retaliation

An employee came to the ombuds with concerns over retaliation by her manager for a complaint that the employee had made to HR about the manager. In the course of her discussion with the ombuds, it came out that the employee had been at the company for only one year and that the manager was hired from another company by the next-level manager, a vice president, with whom the manager was a long-time friend. The employee, the manager, and the vice president were all women.

The employee had first complained to HR about her manager making negative comments in front of other employees about the employee's looks and the fact that she was from another country. She had also informed HR about other encounters with her manager and the manager's behavior in meetings at which the employee was present and tried to speak. HR had brought the issue to the attention of the manager and the vice president, but the manager responded by later confronting the employee about the complaint made to HR. The employee also felt that once HR

had become involved, the manager was reducing the employee's work without justification. The employee believed that HR had not handled the matter confidentially and she was most concerned about further retaliation. She wanted to speak to the ombuds confidentially about what could be done.

In the course of the discussions with the ombuds, the employee indicated that she thought that the manager had violated the company's code of conduct but was afraid to report it out of fear of further retaliation. With coaching from the ombuds and after discussing various options, the employee filed an anonymous report on the possible violation. Once she did so, however, she came back to the ombuds to share the latest experiences of retaliation, because although the report was anonymous, the manager and the vice president had assumed that she had filed it and were making her life very difficult. After receiving permission from the employee, the ombuds spoke with a senior person about the investigation that had been undertaken with respect to the code of conduct allegation and the persistent retaliation.

By escalating the issue in this manner, both the code of conduct issue and the retaliation were fully investigated. This enabled the employee to express her concern directly in connection with the investigation.

The company found that the manager had, in fact, been retaliating against the employee, and the manager's employment was terminated. The vice president was reprimanded for her involvement in the matter. The employee was able to retain her position and report to a new manager.

Ombuds Helps an Employee Receive Medical Help and Use the Organization's Dispute Resolution Process

An employee with a previous exceptional performance record came to the ombuds with concerns over treatment by his new boss. His former boss had been promoted, resulting in the employee being reassigned to another director who had not been consulted or given any say in the reassignment. The employee said that his new boss had indicated that there were problems with his work and work ethic and had given him a poor performance rating.

At the same time, the employee told the ombuds that a terminally ill parent was living with him and had to be cared for daily, including being delivered to and from an adult care facility while the employee worked. The employee had used vacation time and sick leave for the extra time that this required, but he had recently learned that he may be eligible under FMLA for additional time off. His director, however, had told him that he could not leave early or arrive late; and when he did apply for FMLA leave, the director denied his request without explanation. The employee was distraught by this situation and did not know where else to go. He himself was also experiencing stress and other health-related concerns as a result of the situation.

In the course of consultations with the ombuds, the ombuds was able to help the employee first consult with medical services to attend to his own health problems while they worked on the other issues. They discussed various options to try to address the continuing issues

with the director. The option selected by the employee was to use the organization's dispute resolution process to appeal the performance rating that he had been given by the director.

As a result of the dispute resolution process, the employee's performance rating was changed, the FMLA request was granted, and the director was reprimanded for his actions.

Make Him Stop But Don't Disclose that I Brought It Up

A manager made a comment in front of several employees that the area where they worked "smelled like a whorehouse." An employee brought this issue to the ombuds but was not willing to take it to other management or HR because of concerns that the manager who made the comment would retaliate against the employee.

After discussing various options to address the issue, the employee gave the ombuds permission to disclose the comment but not the employee's identity to HR. When HR was informed of the comment, it conducted an investigation and confirmed from several sources that the comment had been made.

The manager was disciplined, and HR provided additional harassment training to the entire unit.

Averting a Class Action Lawsuit

Several African American employees came to the ombuds office as a group to express frustration with their manager, who they felt continuously treated them inappropriately. They thought he was discriminating against them on the basis of their race and said that they were willing to file suit against the organization and the manager.

The ombuds reminded the employees that the ombuds office was neither an office of notice for claims against the organization nor a place to provide them with legal advice on any claims they may or may not have but, instead, an office where they could have confidential discussions to see if there might be an informal way to resolve their concerns. They said they wanted to speak confidentially. After a few meetings with the ombuds, during which a variety of options were discussed, they gave permission for the ombuds to contact the manager, share their concerns, and request that he meet with them as a group in a meeting facilitated by the ombuds.

When the ombuds spoke with the manager, he immediately expressed his own frustration at his inability to communicate effectively with this group of employees. It appeared to the ombuds that the manager was experiencing his own insecurities, and he clearly welcomed the opportunity to vent in a safe and confidential setting.

At the manager's request, the ombuds coached the manager on active listening and effective communication techniques. The manager then began implementing these new listening

and communication skills as he communicated with the employees he supervised, including the African American group.

Communication between the manager and his employees markedly improved and no facilitated meeting was ever needed. This manager contacted the ombuds on his own initiative thereafter when he felt stuck and needed to discuss options on how he might handle a situation. As a result, the manager continued to build better relations with the employees and to improve his own communication skills.

Ombuds Arranges for an Anonymous Call to a Formal Channel

Multiple employees on a regional sales team had been talking among themselves about the disrespectful, abusive, unsupportive behavior of their mutual supervisor. The employees all worked in different states and were connected only by way of a virtual network, so that their interaction with each other, their supervisor, and potential resources was entirely by phone and e-mail. They expressed great fear of retribution from the supervisor if they spoke up. They also did not trust other resources in the organization. With frustration mounting and many of them finding it increasingly difficult to focus on their jobs, a representative of the employees contacted the ombuds in search of a way to anonymously raise their concerns.

After listening to the concerns expressed and understanding what the employees had already attempted to do to resolve the problem, the ombuds discussed various options. The option selected was for the ombuds to contact HR to arrange for an anonymous telephone call between a regional HR director and some of the employees. The understanding was that the ombuds would coordinate the conference call and that four employees would participate in it with the HR director but that the employees would not identify themselves. The ombuds coordinated the call and once all participants were connected, the ombuds dropped off so as not to be part of a formal, but unusual, teleconference.

As a result of the conversation, an investigation was begun into the leadership behavior of the supervisor in question. In the end, the supervisor was switched to a non-leadership role in the organization.

9. Middle Managers

Restoring Morale and Improving Communication

When the COVID-19 stay at home directives were put in place, not all teams embraced the required changes. The ombuds heard from staff across the university that in many units, there was no plan, and that leaders were dropping the ball. Some visitors had not heard from their supervisors in weeks. The ombuds provided communication coaching to empower visitors to initiate and frame conversations with their supervisors to address remote team communication and other issues resulting from the stay-at-home directives.

In one case, the visitor was new to their position and fearful of raising their concerns. They were also not comfortable giving the ombuds permission to speak directly with their supervisor. Rather, they gave the ombuds permission to reach out to others in the university who could possibly help discreetly address the situation systematically. The ombuds reached out to those offices to share the visitor's concerns—but without disclosing the identity of the visitor—and helped devise a plan to intervene and support the team without the supervisor knowing the impetus.

Facilitated Discussion Helps with Training of Difficult Manager and Addresses Concerns in Unit

A Director at a large academic health center requested to consult with the ombuds regarding complaints she had been receiving from phlebotomists in a unit that served outpatient areas. The staff had reported that their manager had difficult interactions with them, information and expectations were not communicated consistently and clearly, there seemed to be favoritism in the unit (e.g., re granting vacation, overtime, etc.), that they perceived that they would be subject to retaliation if they spoke up regarding concerns, and that their unit was treated much differently (less than positive work climate) than phlebotomists who worked in the in-patient units. The Director also reported to the ombuds that were also conflicts between the staff themselves, particularly the group that was viewed to be "favored" and the ones who were not. The Director believed that the unit would benefit from assistance from the ombuds, and the employees were asked to contact the ombuds if they would like to further discuss concerns. The Director requested that all the employees in the outpatient unit (even those who had not previously discussed any concerns) schedule individual, confidential meetings to share their work experiences with the ombuds, as well as their perspectives on the communication and interactions in the unit.

In addition to meeting with the employees in the unit, the ombuds also met with the manager on the same confidential basis. On the basis of these meetings, the ombuds recommended to the Director that the entire group participate in a dialogue session with the ombuds that would provide a forum for raising concerns openly, an opportunity for the group to generate recommendations to address their concerns, and an opportunity for training in conflict resolution, effective communication, personality styles, and civility.

The Director agreed to this and agreed to hold an all-day session facilitated by the ombuds. (Because of scheduling challenges, this was held on a weekend, and treated as a paid

workday for employees.) Attendance was not required, but it was strongly suggested that staff be attendance so that resolutions could be jointly developed by the group. Almost of the staff attended the session and participated throughout the day, including the Director and the manager.

Using an appreciative inquiry approach, the ombuds asked all participants to answer a series of questions about what was working well, what should be improved, what an ideal working environment would look like, and each person's individual commitment towards addressing the issue and improving the team dynamics. The session included discussion of their responses to these initial questions, along with a facilitated discussion of the issues that had been raised in the earlier individual meetings. In the course of these discussions, the ombuds was also able to provide the training components mentioned above. The session resulted in a resolution plan developed by those in attendance that included recommendations for how concerns should be addressed, agreements about group behavior moving forward, and individual commitments from each staff member. Privately with the ombuds, the Director agreed to more closely oversee the performance of the manager and address further concerns via the performance management and coaching and development process.

Merged Unit with New Manager Resolves Conflict Issues with Ombuds' Help

The visitor, a new mid-level manager, was concerned about the lack of respectful communication within their group. The new manager was hired approximately one month after two teams were merged into one group. They believed that the conflict and backbiting was mostly due to differences in the culture of the two teams and how they each had previously communicated. The manager requested that the ombuds train the combined group on a personality inventory tool (DiSC®) to help them understand their differences and to improve communication.

While exploring options with the ombuds and clarifying what they hoped to see as a result of the DiSC or similar training, the manager related the hope that the conflict would subside because of improved communication. After the ombuds explained how it might be beneficial to understand the problems from the perspective of individual group members, the manager decided to inform the group about voluntarily sharing their point of view with the ombuds. They were all given the ombuds' contact information, including an anonymous line for those who did not want to be identified in any way. Several individuals did speak with the ombuds, both on the phone and in person.

Based on the input provided to the ombuds, individuals from one team revealed resentment toward the other team due to a perception of having to slow down to train the other team while already working many hours to get things done. The other team expressed frustration about not having enough guidance and feeling undervalued. This input also revealed that prior to the merger of the teams into one group one team was predominantly programmatic and the other team was predominantly support staff. The support staff team had previously been available to several groups in the division to provide cost estimates and purchasing. The programmatic staff team had been in charge of scheduling and execution of the work. In sum, three underlying

issues were identified: who was trained to do what, the lack of understanding of roles and responsibilities, and lack of clear expectations and timelines.

The manager found it tricky to navigate the conflict because the manager had been assigned to the group a month after the groups were combined without much discussion or preparation. As a result of the lack of clear guidance and communication around expectations, the two teams did not really understand the new roles and responsibilities in their new group, and the manager had received little or no guidance from their higher-level supervisor.

After the key issues were identified by the ombuds and discussed with the manager, the manager decided to develop roles and responsibilities based on the individuals' skill sets and the overall needs of the group. The manager outlined a process that would clarify expectations, how the work would be done by specific people or teams in the group, and what technical and other training might be needed. At the same time that the process was being revisited by the manager, the ombuds provided several communication classes for the group. The manager then met with the group to share a vision for the group, including specific tasks and deliverables, and how they would communicate with input from the group before implementing the process.

The group's manager expressed great appreciation to the ombuds because the manager had benefited from clarifying the underlying issues leading to interpersonal discord and from the guidance the ombuds had provided on creating clear and specific expectations for the group. Those group members who spoke to the ombuds benefited from being heard about what was of concern to them, and all group members benefited from participating in the communication skills classes that the ombuds had provided. The organization benefited from the group having developed a shared understanding of roles and responsibilities, identifying training needs for staff, a more efficient process, and improved communication skills.

Ombuds Helps New Director Receive Additional Training

A department that supports hospital operations had recently gone through several leadership changes and was being managed by a new Director. One of the employees of the department shared with the ombuds her concerns that she was being micromanaged, that her manager was abusive towards her, and that some duties were being arbitrarily removed from her area of responsibility. The visitor also alleged that the director was discriminating against her on the basis of sexual orientation. The employee said she had asked the director to participate in a facilitated discussion to discuss these issues, but the director had declined to do so.

Over the course of the next few months, several other employees in the department approached the ombuds office with similar concerns about the director and their fear that they would be retaliated against if they were identified as persons bringing concerns forward to formal channels. The employees gave the ombuds permission to discuss their concerns with the associate vice president but without sharing their identities. The associate vice president also wanted to loop in an HR director to provide guidance and consultation on addressing the concerns. Working together with the ombuds and HR, the associate vice president developed a training and development plan for the director, and the director was also assigned an external

coach with which to work on a regular basis. The concerns were discussed with the director, as well as expectations going forward.

The visitors were made aware of this and were asked to update the ombuds on their interactions with the director and to bring further concerns forward confidentially to the ombuds. To date the coaching and additional training appear to be working well.

People Manager Issue

A female manager, who had been recently promoted into that role, reached out to the ombuds to discuss an issue with an employee on her team who was struggling to keep up with the work assigned. The manager did not want to go to her manager for advice because she felt that he would not tolerate the underperformance and would demand that she take formal action. The manager wanted to try to address the matter more informally to see if the performance could be turned around without moving to a performance improvement plan.

The underperforming employee was a tenured employee over 60 years of age. She had been missing things and not completing work assigned in a timely manner. This was requiring the manager and others to pick up the slack and was also causing a delay in the group's output. The manager was concerned because, up until the past six months, the employee had been performing very well. Now, her whole team was focused on the lack of performance and the amount of work and pressure there was on everyone else to deliver results. The manager knew she needed to do something but wasn't sure how to approach the employee and the situation in a way that was fair and appropriate.

The ombuds discussed with the manager the performance management process at the company. They also discussed the negative impact of inaction on the manager's part for both the employee and the manager's team. The ombuds made clear that it is the manager's responsibility to coach employees and address underperformance. In addition, the ombuds explained that it is the responsibility of the employee to address identified areas of deficient performance.

They agreed that the manager would have a candid discussion with the employee about the areas in which her performance was not meeting expectations, with specific examples. She needed to hear the employee's perspective on her level of performance and ask whether there was anything that the employee wanted to share that may be causing her performance to deteriorate in such a short period of time. If the employee identified anything medical that might be having an impact, the manager would then need to refer her to the occupational health group, where she would learn of the benefits available to her, such as short-term disability leave or a reasonable accommodation, if appropriate. If the employee did not raise any medical issue, the manager needed to clearly set forth the performance expectations with milestones and timelines. She would schedule consistent one-to-one meetings to review the employee's performance and provide regular feedback.

To that end, the manager met with the employee and then followed up with an email, documenting their discussion. The manager's plan was to monitor the situation closely to determine whether the employee's performance improved, while continuing to coach and

document any continuing performance concerns. Her hope was that, by working closely with the employee, they could bring her performance to an acceptable level. However, if the performance did not improve, the manager would be in a good position to bring the matter forward to HR and her manager for formal action.

Facilitated Discussion Helps Employees Resolve their Workplace Issues

A supervisor in the business and accounting department called the ombuds concerned about conflict in his department. There were more than twenty-five women working in cubicles in the same large room, and they were complaining about room temperature, cooking odors, allergies, etc. The supervisor asked if the ombuds could help with this type of problem. He didn't know where else to turn.

The ombuds presented the supervisor with some options, including an offer to meet with the group and create a subcommittee that could work on a plan to address the complaints. The supervisor was thrilled with that offer and immediately scheduled a meeting time for the group.

The ombuds met with the large group and listened to their concerns and then created a subgroup of volunteers. Over the next six weeks, the subgroup met with the ombuds to formulate their plan. At the end, they presented it to the larger group and asked for feedback. A few alterations were made, and the department adopted the plan.

The ombuds checked in with the supervisor periodically over the next three months and all seemed to be working fine. The supervisor was greatly relieved.

This was a large department, and all the conflict was impacting productivity. The individual workers previously had been very uncomfortable at work every day. One pregnant employee had been considering suing the university for having an unhealthy work environment. The employees were much happier about their work environment and having had their concerns heard and a role in recommending the changes that were implemented.

Ombuds Helps a Group Find a Common Vision

A university president hired an executive director to start a pipeline program for underprivileged students from the geographic area in which the university is located to get into the university's STEMM programs. It was a huge undertaking to hire staff, make arrangements with local schools and collaborate with the university medical faculty.

Toward the end of the first year, the director of this program was so frustrated with several of the staff that she was ready to fire them all and start over. She came to see the ombuds to ask for help. After a couple of meetings, the ombuds asked the director if she would be willing to allow the ombuds to meet with each of her team individually to learn their perspectives on what was going on. Of course, the ombuds insisted that the information shared in the

conversations with staff would have to remain confidential. The director was anxious to get the program launched so she agreed.

The director knew that the program was a high priority project, so she was feeling a lot of pressure. The fewer people that knew her challenges, the better, so that is why she did not want to go to Human Resources.

The ombuds met with each of program's team members, promised confidentiality, and asked them how they viewed how things were going. Each of the eight people interviewed had a different perspective and wanted the program to develop the way they thought it should. As a result, and without disclosing the comments of any of the individual team members, the ombuds suggested to the director that the group either have a retreat or discuss organizational development. She agreed to do both but asked the ombuds to lead the organizational development discussion first.

During that discussion, the group realized that in order to get started, someone had to offer a vision and having eight different visions was slowing down their progress. They agreed to let the director lead with her vision and to fine tune their goals and objectives in a strategic planning retreat.

The director was pleased with the results of the retreat and decided not to fire her team. She also asked the ombuds for resources for team building and Myers-Briggs training. This program went on to get multiple federal grants and awards. They continue to provide the pipeline to this day. The director frequently publicly states that this high-profile town/gown program might not have survived without the help from the ombuds.

Coaching Helps Visitors Develop Bystander Training Initiative

Leaders (almost all scientists) from an established women's resource group wanted to address common issues they were facing in the workplace and were feeling very discouraged by what they felt was unconscious bias in hiring and promotion in their fields. Representatives of the group approached the ombuds looking for suggestions and guidance about how they could start a conversation in the organization to begin a dialogue on these issues.

The ombuds provided the visitors with references to articles, analytical models, and other materials on topics such as micro-aggressions, psychological safety, dignity in the workplace, and ways to engage witnesses and bystanders to take action. The ombuds also proved guidance and other tools on how the visitors could begin creating awareness on the importance of speaking up about issues people observed and unconscious bias in the workplace. The leader of the women's resource group was then able to use the articles and tools that the ombuds had provided in order to create traction around these concepts in various units in the organization.

One result of her efforts was an initiative that led to the formation of an employee resource group to raise awareness of the importance of active bystanders speaking up. This "bystander" employee resource group then took on the task of providing training to employees

about how to combat micro-aggressions and unconscious bias by speaking up when they observed such behavior.

While neither the women's resource group nor the bystander training group operated under the direction of the ombuds, the ombuds had provided the tools and guidance that was a catalyst that empowered these groups to make a constructive and positive impact in training employees on these critical issues.

An Ombuds Is Especially Helpful for Middle Management

Many people assume that ombuds exist in organizations primarily to help lower-level employees understand and deal with workplace conflict and how to most effectively surface issues of concern to them. The reality is that most experienced ombuds report that people at all levels in their organization consult with them, from upper management down to regular employees. What is most surprising to people, however, is the typically large number of "middle managers" and "team leaders" who approach an ombuds on their own to have confidential conversations.

One experienced ombuds reported that these folks describe themselves as "stuck in the middle" or disrespected and bypassed by upper management. Mostly what they want is someone to listen and validate them. Many times, the ombuds can provide them coaching on communicating more effectively with their bosses. The ombuds also serves as a valuable "sounding board" for these middle managers as they try to implement directives from upper management or address conflict and other issues among the team members they supervise. Even though the options offered by the ombuds often include a willingness to participate in a facilitated conversation between a middle manager and his/her boss, in most instances this offer is rejected. Middle managers fear a "confrontation" with the boss and the perception that they need help. Because they are part of management, they often are not comfortable taking issues to HR or other formal channels. On some occasions the ombuds, at the request of a middle management visitor, is able to take an issue (without attribution) to upper management with suggestions on how to promote better conflict management and communication training but this is not common.

The experience of helping middle managers has convinced this ombuds of the importance of the ombuds resource for listening and for off-the-record guidance for people who are the yeoman backbone of many organizations and who, by consulting with the ombuds, learn better communication and conflict management stills, more effectively lead their groups, and who become more skilled in communicating with senior leaders.

Coaching Helps Empower a Mid-level Manager

A mid-level manager who was experienced and competent in her field and had received excellent performance evaluations for over a decade, came to see the ombuds. She was furious, and she chose to come to the ombuds because she wanted some coaching on what to say to a new

interim manager who she explained, had "crossed a line." Her new interim manager was regularly asking her to do personal errands for her, including picking up dry-cleaning and take-out and walking her dog. The visitor indicated that she was having trouble calming down and asked for some coaching on how to have a clarifying conversation with this new interim manager. The visitor also expressed that she did not want to participate in a formal process because she thought she could handle this situation herself and the situation was largely not about work itself.

The visitor shared with the ombuds that she had offered to help the manager one evening, one time, to walk her dog, because the manager indicated she had an emergency situation. However, since that day, this manager had been asking her to do errands regularly, including during weekday lunch time. The ombuds talked with the visitor about strategies for managing her emotions, as well as strategies for having a productive conversation, including giving the interim manager feedback and setting boundaries. The employee and the ombuds engaged in a role play, too.

The mid-level manager ended up having the conversation, during which the interim manager apologized and expressed that she had misunderstood the employee's one-time emergency offer. The visitor reported that the interim manager's improper behavior immediately stopped, and though things were awkward, they were better.

Ombuds Helps a Mid-level Manager (and Other Employees) Surface Concerns When Formal Channels Fail After Former Peer is Promoted to Director

A mid-level manager who had worked for over 20 years at the organization reached out to the ombuds for a meeting. He shared that he had never worked with the ombuds before because he had never needed to do so. However, now that his manager had changed—a former peer was promoted to be the director—things were very challenging for him. He explained that his new director refused to listen to his opinions about initiatives involving his team and his area of expertise, and the new director was regularly making goals for him that were all but impossible to achieve. He also explained that the new director publicly called him out in meetings for "not being a team player" and in private for not being able to achieve the initiatives that the new director knew were impossible to achieve even with much more time and additional resources. As he tried to explain to the new director about why the goals were unachievable, he was told he was "insubordinate," and he was then written up.

The ombuds talked with the visitor at different points over five months regarding various options available to him. He tried multiple options, including reaching out to HR and asking the director for a facilitated conversation. The HR representative told the manager that the "director has discretion" to discipline him, and the director refused to engage in the requested facilitated conversation, telling the ombuds, "He just needs to get his work done."

Over the course of multiple additional months, at least seven other employees came to the ombuds to talk about the new director, sharing their perspectives about the abuse of power, the unfair and unproductive way he led, and the huge hit to morale that the whole department was

experiencing. Again, the ombuds worked with each individual to generate options for moving forward, and also recognized that there was now a trend. After speaking with the mid-level manager and the other visitors who came to discuss this topic, the ombuds obtained permission to bring the issue to the head of the department. (No one wanted to do it themselves due to fear of retaliation.) The ombuds brought the issue to the head of the department, after which an outside vendor was hired to investigate the matter. The investigator found that the director had acted improperly and unfairly, had targeted the mid-level manager, and had poor leadership skills, generally. The new director was put on a Performance Improvement Plan and was ultimately asked to leave the organization.

Confidential Coaching from the Ombuds Helps a Supervisor

The ombuds received a visit from a supervisor to discuss options for dealing with an ongoing workplace dispute that had been very disruptive to the employees in the supervisor's group. The supervisor clearly recognized the problem was having a broad impact on the rest of the office and wanted help in finding a way to improve the atmosphere.

Through confidential conflict coaching, the ombuds helped the supervisor create a plan for communicating with the team. The ombuds also coached the supervisor on how to better deal with workplace conflict going forward.

The supervisor reported back to the ombuds that meeting with the ombuds had been helpful and that the communications plan and other strategies had alleviated tension in the group.

Help to All in Times of Organizational Change

Broadly speaking, the ombuds can be particularly useful during times of significant organizational change and help everyone (leaders on down) work through how to deal with significant change and transformation. The ombuds office's goal is to help everyone address areas of confusion and frustration, bridge communication gaps, foster collaboration, increase transparency, and, with a view of early resolution, share micro and macro instances where outcomes do not match the intended goal.

When significant organization change occurred in one organization, it soon became clear that a number of new programs and initiatives had interrelated contingencies and overlapping responsibilities. As a result, there was a lot of confusion about how it was all supposed to work, and even those implementing it were trying to figure it all out. It was at this point that the program managers collectively approached the ombuds for assistance. They admitted that they knew that their task to "build the plane while flying" was extraordinarily difficult, but the sought out the ombuds because they also had a deep appreciation for the help the ombuds could provide.

The program managers acknowledged the challenges they were facing and wanted to work proactively with the ombuds to help them manage the process to make it work better for employees and the organization. With assistance from the ombuds, they were able to implement a

constant cycle of communication to employees in the organization. They also encouraged and allowed the ombuds to serve as an intermediary between leadership and employees affected by changes in processes and the resulting decisions and actions.

A Supervisor Seeks the Ombuds' Assistance with New Production Rules

A supervisor sought assistance from the ombuds after senior management introduced new production rules that contradicted the process and guidance given by subject matter experts in his group. The new rules led to confusion about the work process and were causing concern and disruption in the supervisor's group.

The ombuds discussed various options with the supervisor and also engaged in conflict coaching to help the supervisor better address the concerns both with employees in the group and with senior management. The supervisor decided that the option that would be the most helpful was to give employees in his group an opportunity to share their concerns anonymously with the ombuds with the understanding that the ombuds would then share those concerns, without attribution, to senior management. A high percentage of employees participated in this process and were comforted that their perspectives, but not their identities, would be shared.

Once the ombuds had heard from most employees in the supervisor's group, the ombuds provided senior management (and the supervisor) with a broad range of comments from the supervisor's work group, including compliments, concerns, and recommendations. In other words, this feedback included feedback about what the work group was doing well and should continue, areas of improvement, and most importantly, anonymous feedback from employees about what changes would be most valued and make the biggest impact.

This feedback led to an interactive process among senior management, the supervisor, and his work group aimed at improving the work process and clarifying the group's mission, strategic goals, and internal processes. Overall, this process helped improve trust among the work group. Whereas the employees were previously concerned about providing critical feedback, they saw improvements to how the supervisor responded. Specifically, and with some coaching from the ombuds, the supervisor and senior leaders were genuinely thankful for the feedback and were responsive by developing and executing an action plan. This in turn made the employees more comfortable speaking up going forward.

A Valuable Confidential Resource for New and Middle Managers

Despite training, many people managers lack the skills and knowledge necessary to handle complex employee relations issues. The ombuds, as supplemental to formal channels like HR, can provide confidential support for struggling managers who are trying to determine when and how to get help from their leadership and HR to cope with employee issues. HR and Legal departments, as well as supervisors, subordinates, and the organization in general, all benefit when employee relations matters are handled well. Unfortunately, many new and middle

managers are reluctant to go to their supervisors or HR to admit that they do not know what to do.

In this organization, the ombuds made it a priority to meet with all new front-line supervisors at a manufacturing plant, making it clear that ombuds services were available for every employee at every level, including supervisors, managers and senior leaders, and describing how the ombuds could provide assistance. New supervisors, in fact, visited the ombuds on multiple occasions to discuss team dynamics, employee performance and career development in a safe, non-threatening, and confidential environment. In more than one situation, a budding subordinate performance or conduct issue was identified and the supervisor received the support needed to confidently take the matter to HR. In other situations, supervisors felt comfortable indicating to subordinates that they could go to the ombuds for support. In cases like these, inexperienced supervisors may need a little extra support as they decide how to handle situations that come up and everyone benefits—the supervisor, the employee and the organization—when unnecessary conflict or disruption is avoided. The ombuds heard in this organization from supervisors, managers, and HR leaders that they very much appreciated the assistance that the ombuds provided.

Help for a New Manager

A newly promoted manager came to the ombuds with a concern about an employee who was described as volatile and intemperate but also a good friend and former peer and coworker of the new manager. The manager expressed the desire to preserve the friendship but also that he wanted to do a good job as manager. Because he was so new in the job, the manager was unwilling to reveal to higher management that he needed help in resolving this issue. Being able to have a confidential discussion of the problem was critical to him.

After exploring various options, the manager had the ombuds coach him on how to speak directly with the employee. The ombuds and the manager engaged in role playing, and the ombuds helped the manager craft language about the impact of the employee's problematic behavior and the manager's predicament as the "boss." The ombuds helped the manager finds ways to articulate his desire both to preserve the friendship and to be a good boss, but that he would have to be a good manager if the two roles conflicted and could not be reconciled.

In a follow up discussion much later, the manager reported that he had had the conversation and that it had been a very difficult one but that there had been no more incidents of volatility. The manager also expressed more comfort in being able to impose discipline if it became necessary.

Averting a Class Action Lawsuit

Several African American employees came to the ombuds office as a group to express frustration with their manager, who they felt continuously treated them inappropriately. They

thought he was discriminating against them on the basis of their race and said that they were willing to file suit against the organization and the manager.

The ombuds reminded the employees that the ombuds office was neither an office of notice for claims against the organization nor a place to provide them with legal advice on any claims they may or may not have but, instead, an office where they could have confidential discussions to see if there might be an informal way to resolve their concerns. They said they wanted to speak confidentially. After a few meetings with the ombuds, during which a variety of options were discussed, they gave permission for the ombuds to contact the manager, share their concerns, and request that he meet with them as a group in a meeting facilitated by the ombuds.

When the ombuds spoke with the manager, he immediately expressed his own frustration at his inability to communicate effectively with this group of employees. It appeared to the ombuds that the manager was experiencing his own insecurities, and he clearly welcomed the opportunity to vent in a safe and confidential setting.

At the manager's request, the ombuds coached the manager on active listening and effective communication techniques. The manager then began implementing these new listening and communication skills as he communicated with the employees he supervised, including the African American group.

Communication between the manager and his employees markedly improved and no facilitated meeting was ever needed. This manager contacted the ombuds on his own initiative thereafter when he felt stuck and needed to discuss options on how he might handle a situation. As a result, the manager continued to build better relations with the employees and to improve his own communication skills.

Help Me Understand

The ombuds received a call from a U.S.-based expatriate executive asking for help in understanding the culture in China. The caller told the ombuds that he was not having much success or cooperation in his new organization and felt like it was due to his lack of understanding of the norms and culture of the country. Because the caller was new to the organization, he was unwilling to raise these concerns through any of the formal channels and was afraid that his failure to understand the culture would adversely affect his evaluation.

The ombuds was able to provide the caller with helpful information about local practices, background, and cultural norms in China. The ombuds was also able to suggest a website and other resources that had extensive information about doing business in China and the cultural norms and practices in the area. The executive was pleased to be able to obtain this guidance without going through formal channels. Without it, the caller said he would have continued to struggle with living and working in his new environment or disclose his difficulties to higher management.

Ombuds Assistance to a Manager without Breaching Confidentiality

Several employees in a country other than the United States came to the ombuds to express concern about a new country manager for their organization. He was an expatriate American, and his communication style and approach were different from and clashed with their local culture. To the locals, he was "rough, rude and loud." They also found him unapproachable. That country's team morale started to fall, and absenteeism spiked.

Before any action was taken on the concerns expressed by the several employees, the country manager himself also contacted the ombuds office, asking for help and guidance on how to become a better leader in that culture. Without revealing that any employees had raised concerns about him, the ombuds was able to provide suggestions to the manager, such as changing his style of communication and advising him on how to participate in various activities to better understand the local culture

When a Supervisor and HR are Part of the Problem

A mid-level manager came to the ombuds with concerns about how she was being treated by both her direct supervisor and her local HR representative. She felt that both were undermining her and not supporting her as she attempted to correct employee behaviors and improve the morale and production of the team she supervised. She felt very unsafe raising her concerns to anyone within the formal structure and reached out to the ombuds so she could have confidential conversations there. She had repeated conversations with the ombuds regarding options and strategies.

Conversations with this manager continued over the course of approximately three months, after which time she had built up enough confidence and trust to reach out to her VP of HR with the assistance of the ombuds. As a result, a personal visit was made to her supervisor by the VP of HR, and changes were made in the HR department that addressed the concerns of the manager, as well as similar concerns of other employees that had surfaced through discussions with the ombuds.

Developing Options with an Assistant Department Director

An assistant department director visited the ombuds and shared that he was having difficulty working with a team of 4 millennials in the department. The department director was out of the country for the semester, and the visitor was at a loss as to how to help make the team function effectively. He was aware that this team had been having some communication issues in the recent past and said that the director had frequently became upset and angry during staff meetings with some of the team members when they had not met their assignment deadlines. The director had called out the team members and yelled at them in a very disrespectful manner.

The visitor also stated that he was concerned about the director finding out that he was concerned about this issue and that the director might retaliate against him, as director had been known to exhibit "bullying behavior" in the past.

The ombuds inquired about what options the assistant director/visitor might consider appropriate for the situation. The visitor shared the following as potential options:

- Create a better working environment while the director is gone,
- Work with the team to build strength among the staff, faculty and graduate student/ teaching assistants, to develop an "esprit de corps,"
- Work with the team so that there are expected normative behaviors, that might be appropriately shared with the director when he returns, and
- Talk to the head of the department about the behaviors observed and see if she has any input on positive ways to make some changes.

The visitor said that he had no concerns about the first three of these options, but he was concerned about the last one because he thought that the department head was close with the department director and would not be open to hearing about these concerns. The visitor thought that the department head would likely view these concerns as not appropriate to raise and might even state "Figure it out yourself!"

The ombuds and the visitor then discussed the other options and how those options might be implemented. Although the visitor seemed to want the ombuds to recommend one or more of these options, the ombuds refused to make advise the visitor as to which of the options to select. The ombuds did, however, tell the visitor that the ombuds would help the visitor consider the up and down sides to all of the options that seemed feasible to the visitor."

As the discussion continued, the visitor expressed uncertainty about what "norms" might work for the team. By inquiring about what behaviors of the director the visitor and other members of the team thought were unacceptable, the visitor began to focus on creating "norms" that he could create for the team, including,

- Respect for others,
- Ability to share openly, no interrupting,
- When issues arose work through them quickly and only with the individual(s) involved in a separate, private meeting,
- Different perspectives are welcomed.

The ombuds asked if the visitor thought the team might have other ideas and input. The visitor stated that he would be open to hearing from the team. The meeting closed out with the ombuds offering to come to a staff meeting and help facilitate a "brainstorming" session on norms for the team.

The visitor said as he left the meeting that he felt that there were some new opportunities to move forward and change the working relationships on the team while the director was gone.

The visitor called the ombuds the following week and asked if the ombuds would come and offer the session on norms that was discussed. The ombuds asked the assistant director if he would circulate an announcement about the upcoming session and urge anyone who would like to meet individually with the ombuds before the meeting to please contact the ombuds office. The ombuds was contacted by each of the other team members and heard their individual perspectives about the team and how it was functioning well and areas where improvement was desired.

The ombuds then met with the team a few weeks later and the following Norms were discussed without the assistant director in the room and then shared with the assistant director. The norms that the assistant director and the team agreed on included the following:

The following is the list the team and Assistant Director agreed upon:

- Listen respectfully to others.
- Be hard on issues, not on people.
- Push yourself
- If you are usually outspoken, hold back; if you are quiet, try speaking up.
- When differences exist, offer objective options to overcome the issues.
- Agreeing to disagree is acceptable
- When issues with others arise in large group, take them offline and attempt to resolve one on one, or seek third party mediator/ombuds support.
- We will be mindful and approach each other with kindness.
- We will be thoughtful about how to best communicate with our colleagues (e-mail, slack, telephone or face-to-face)
- We will respect one another's thinking and experience and recognize that differences make us stronger; past practices can be questioned, and it doesn't mean we think poorly of the folks who made those decisions
- We will do our best to find solutions that work for everyone
- We will be considerate of others by being aware of our non-verbal ways of expressing ourselves when we may disagree with things people say, e.g., rolling eyes when someone speaks, turning away, or having closed body language.

The assistant director and the team also decided it would be beneficial to post these in all of their offices and to post them on chart paper for use during all team meetings.

10. Senior Management

Senior Leader Seeks Interpersonal Relationship Advice

A male business unit president reached out to the ombuds office because he wanted some confidential guidance on how he might address an uncomfortable situation. A lower-level female employee was pursuing a relationship with him. He stated that he is not interested in a romantic relationship with her. However, he was concerned for her well-being because she had shared with him that she had experienced suicidal thoughts in the past. He said that he feared raising this with his manager or HR, because he thought they would jump to the conclusion that there did exist a romantic relationship between them, and he had no real way to prove that one did not exist.

The ombuds explored with him why he felt HR and his manager would believe that there was a relationship between them. He shared that he had been friends with her for many years and that, before he became president of the business unit, he and she would often get together outside of work. Their relationship was never sexual although she expressed that she did want a romantic relationship with him. In most cases, there were other employees present when they were together after work, but there were times when they were alone. On one of these occasions, she shared that she struggled with mental health issues due to abusive relationships in the past.

He also shared that when she first expressed that she wanted a relationship, he said that he was not interested because he was happy in a committed relationship already. She continued over the years to raise the possibility and—while he was flattered at first—he became uncomfortable over time. He eventually told his then-manager about her pursuing him and that he had told her he was not interested. His manager said that, even though she did not report to him, it would be a good idea to stop spending time outside of work with her. He thought that was a little harsh and would be upsetting to her. So, he did continue to see her outside of work but tried to include others in their outings. He asked his manager not to do anything and said that he could handle the situation. Since he had been promoted to the position as president, he had not raised the situation with his new manager.

Through several sessions, the ombuds discussed the president's actions with him, and he came to realize that he was sending a mixed message to the female employee by continuing to socialize with her after she had expressed her desire to move their relationship in a romantic direction. They discussed an action plan where he would clearly communicate to her that theirs would only ever be a professional relationship. He would also express empathy for her mental health struggles—which she continued to raise with him—and suggest that she reach out to the company's Employee Assistance Program (EAP).

They also explored asking his prior manager if he would be willing to go with the president to HR or his current manager, to share the discussion they previously had to establish that he had previously reported her unwelcome overtures. The president expressed his fear that if he clearly drew a line with her, she might retaliate by filing a claim against him. After all, it was his word against hers. The ombuds pointed out that having him make a new formal report to the company would be important to make a record that she was pursuing him, not the other way around.

The president ultimately decided to first clearly communicate to the female employee verbally, followed in writing, that theirs is and would only ever be a professional relationship. He would also provide EAP contact information to provide support to her. Additionally, he decided to ask his prior manager to go with him to speak with his current manager and HR to raise this concern, while accepting that perhaps he should have distanced himself from her, and even more so after he became a senior leader. He would stress to them that there was not now, nor had there ever been, a romantic relationship between them. The president had the difficult discussion with the female employee and promptly took the other steps upon which he had decided.

She expressed great upset, and a week later she raised allegations of sexual harassment against him. The report by the president to HR and his manager, prior to her claim being raised, allowed for his side of the story to be heard. The matter was investigated, and she received coaching along the lines that she would refrain from pursuing the personal relationship with him and behave in a professional manner toward him at all times. She was also provided with a list of resources and benefits available to her, including EAP and short-term disability leave. He also received coaching from the organization to ensure that in the future, he clearly separated his personal and professional relationships, particularly in the very senior role he now held.

Facilitated Discussion Helps with Training of Difficult Manager and Addresses Concerns in Unit

A director at a large academic health center requested to consult with the ombuds regarding complaints she had been receiving from phlebotomists in a unit that served outpatient areas. The staff had reported that their manager had difficult interactions with them, information and expectations were not communicated consistently and clearly, there seemed to be favoritism in the unit (e.g., re granting vacation, overtime, etc.), that they perceived that they would be subject to retaliation if they spoke up regarding concerns, and that their unit was treated much differently (less than positive work climate) than phlebotomists who worked in the in-patient units. The director also reported to the ombuds that were also conflicts between the staff themselves, particularly the group that was viewed to be "favored" and the ones who were not. The director believed that the unit would benefit from assistance from the ombuds, and the employees were asked to contact the ombuds if they would like to further discuss concerns. The director requested that all the employees in the outpatient unit (even those who had not previously discussed any concerns) schedule individual, confidential meetings to share their work experiences with the ombuds, as well as their perspectives on the communication and interactions in the unit.

In addition to meeting with the employees in the unit, the ombuds also met with the manager on the same confidential basis. On the basis of these meetings, the ombuds recommended to the director that the entire group participate in a dialogue session with the ombuds that would provide a forum for raising concerns openly, an opportunity for the group to generate recommendations to address their concerns, and an opportunity for training in conflict resolution, effective communication, personality styles, and civility.

The director agreed to this and agreed to hold an all-day session facilitated by the ombuds. (Because of scheduling challenges, this was held on a weekend, and treated as a paid

workday for employees.) Attendance was not required, but it was strongly suggested that staff be attendance so that resolutions could be jointly developed by the group. Almost of the staff attended the session and participated throughout the day, including the director and the manager.

Using an appreciative inquiry approach, the ombuds asked all participants to answer a series of questions about what was working well, what should be improved, what an ideal working environment would look like, and each person's individual commitment towards addressing the issue and improving the team dynamics. The session included discussion of their responses to these initial questions, along with a facilitated discussion of the issues that had been raised in the earlier individual meetings. In the course of these discussions, the ombuds was also able to provide the training components mentioned above. The session resulted in a resolution plan developed by those in attendance that included recommendations for how concerns should be addressed, agreements about group behavior moving forward, and individual commitments from each staff member. Privately with the ombuds, the director agreed to more closely oversee the performance of the manager and address further concerns via the performance management and coaching and development process.

When a Senior Leader is the Problem

Over a period of months, a number of people in a department individually consulted with the ombuds. The visitors had roles at varying levels in the hierarchy and in a variety of disciplines, but they all shared concerns about the same senior member of the organization's leadership. Visitors expressed confusion or concern about the senior leader's quick ascension in the organization and about the appropriateness or justness of his promotions and power.

The visitors also described the senior leader's conduct, including insulting or publicly disparaging people, interfering with projects or work, character assassinations, attacking professional reputations, and terminating people unfairly or unjustly. Some considered this conduct as bullying. Others perceived the behavior as antithetical to the organization's code of conduct or other policies. Some questioned the legality of the leader's conduct. Given the overall perception of the senior leader's power in the organization, visitors expressed a variety of fears. In particular, visitors were afraid that if it were discovered that they sought help from the ombuds, they would become the next target or otherwise suffer retaliation for speaking up. Many of these individuals were at such a loss that they said they were considering leaving the organization.

Trusting that the ombuds office was strictly confidential, visitors met with the ombuds—often more than once—to share their concerns and to obtain guidance and support in addressing them in a meaningful way. In every session, the ombuds provided support and advice, including on how to address individual communications as they were evolving. (On request, the ombuds provided direct, individual, real-time, one-on-one coaching.) The ombuds and visitors talked about words the visitor might use directly with the senior leader, meetings that they might hold with others, emails they might write to document plans, other senior leaders who could lend assistance, and policies that were at play. The ombuds and visitors also discussed the organization's resources for support, including persons higher in their chain of command, the

Human Resources department, the ethics and compliance hotline, and of course the ombuds office.

In addition to serving as coach to individual visitors, an option that the ombuds offered was for the ombuds to serve as a conduit to improve communications, to serve as a mediator to open and improve direct dialogue, and to raise the pattern of concerns to other senior leadership who were well placed to hear and address the concerns. While a systemic pattern of concerns had clearly emerged, the ombuds continued to work with visitors individually to help them work through their individual goals or needs but the ombuds eventually sought permission to bring the matter forward as a pattern while preserving the confidentiality of all visitors.

Ultimately, the ombuds took the pattern of concerns to senior leadership, which engaged the organization's formal investigation processes. The investigation uncovered conduct that was in violation of the organization's policies, and appropriate corrective action was taken.

The ombuds was thus able to help to provide direct and immediate help to each of the individual visitors while working with them to find an effective way to bring the existence of the systemic issue to the attention of senior leaders who could order an investigation and take corrective action. As a result, none of the visitors left the organization and many of them have expressed their appreciation to the ombuds and how much happier they are.

Assistance Provided to a Senior Leader Outside of the United States

In an emerging markets region, due to rapid business growth and employee turnover, some talented employees were promoted to senior positions prior to receiving sufficient supervisory or leadership training. One such employee came to the ombuds for advice because she was feeling overwhelmed. She was very capable and had demonstrated excellent performance in her previous technical role, but after she was promoted, she began managing a large team (more than one thousand employees) and multiple projects across different countries.

She was confident in her substantive abilities and learning quickly in her new role. She wanted to know how other leaders had handled situations similar to those she was encountering and wanted to benefit from understanding best practices for managing and motivating large teams. She said she considered the ombuds a trusted coach and discussed with the ombuds alternatives in a variety of situations with which she was dealing.

One example she shared involved a member of her leadership team who had taken a lead role at a new site. At the beginning of the assignment, he was quite engaged and passionate. After a few months, however, his performance declined significantly. He expressed to her that, due to the COVID-19 impact and personal challenges he was facing with relocating his family, he would like to return to a role in his home city.

Unfortunately, there were no available jobs for him there at this time. The new manager asked the ombuds whether she should approach this from a performance management perspective or a leadership development dimension in order to take the best approach for both

this highly talented employee and the organization. The ombuds inquired about the background of the site, her expectations for the employee, and any performance gaps. Together with the new manager, the ombuds reviewed the pros and cons of each option for approaching this issue. The new manager ultimately sought other candidates for the site lead role and searched for other jobs for the current site lead in a more suitable position closer to his home base.

The ombuds also advised the new manager about her further development as a leader and encouraged her to leverage her supervisor and shared company training options for additional skill building. The ombuds suggested that she register in the company's mentorship program to identify a senior leader outside of her work group who might provide regular guidance to her.

Ombuds Helps Provost and Senior Leaders Resolve Issue with Senior Faculty Member

An internationally recognized faculty member was referred to the ombuds by his department chairperson. The faculty member had been granted lab space and a stipend to run the lab in a new research center. The new research center director, however, determined that this was not a good use of resources. She needed to use the lab space to court new hires and for more cutting-edge projects. It appeared to her that the faculty member was not even using the space and not doing any work to justify the stipend. Plus, she felt that the new work that would be done there was not in his area of expertise.

The faculty member felt slighted by this. He felt that this was age discrimination and a sign that the university's leadership was trying to push him out before his time. He complained to the director and the dean above her. They said it was really out of their hands and that they had to do what they could with limited funding.

On the advice of his department chairperson, he went to the ombuds to discuss what he could do, although he said he had little hope of the ombuds doing anything. In his conversation with the ombuds, he threatened to have his attorney sue the university and he also threatened a social media campaign against the university. It became clear to the ombuds in the course of this discussion that prestige, respect, and recognition were of utmost importance to the faculty member.

One of the options the ombuds presented to the faculty member was to take the matter to the provost, which he did. He also gave the ombuds permission to speak with the provost. In speaking with the provost, the ombuds indicated that giving the faculty member an audience, listening, and acknowledging his importance and contributions might go a long way towards resolution. The provost subsequently invited the faculty member in to state his concerns. After listening empathetically to his concerns, the provost offered some nominal compensation.

The faculty member felt respected and declared to the ombuds that he had "won" the argument. He also stated that he had dropped his claim against the lab and the lawsuit. The director, dean, and provost were pleased to have the matter resolved.

Healing a Rift

The ombuds had received a significant number of cases from members of a department in the organization who expressed concerns about how the department was being managed. Visitors shared that they were frustrated, furious or outraged, and some said that they might seek legal counsel to address the matter. Low morale was widespread across the department.

As more details emerged, it became clear that visitors were describing a rift within the department, with essentially two disciplines in the department having been pitted against one another. Visitors described examples of infighting and poor professionalism. Visitors suggested that the rift had been created by the department's leadership when leadership encouraged people to choose sides using a heavy-handed approach. Others described apathy/disinterest on the part of some members of the department's leadership. Overall, the department's internal warring resulted in confusion, unrest and disorganization, which negatively impacted people individually and may have also resulted in losses both in employee retention and in the department's productivity.

Visitors said that numerous complaints about these concerns had been made to the organization's HR and compliance offices but had not produced results. This only increased frustration and confusion.

Visitors wanted to be sure that the organization was made aware of their concerns. Their objectives included improved communication, response to concerns, clarity in work-roles, and fairness in schedules, treatment and pay. They wanted to be freed up to do their jobs effectively and feel good about working as one cohesive team again.

When the visitors came to the ombuds individually, the ombuds listened to each person actively and provided a safe/confidential space for them to share all that was on their mind. In a very real way, the assurance of privacy and commitment by the ombuds not to share with anyone that they were meeting with the ombuds gave them the opportunity to fully open up and express their concerns. The ombuds met with many of these visitors on a recurring basis and offered suggestions in how they might better handle the situation themselves immediately and provided individual coaching and support. As a result, visitors gained confidence in themselves, even though their work situation hadn't changed.

Because the many individual concerns also represented a significant systemic disfunction within the department and with permission of the visitors, the ombuds also engaged in a series of facilitated discussions that included members of the organization's senior leadership. These discussions with senior leadership raised their overall awareness and understanding of the broad and complex nature of the concerns in the department. Ultimately, significant changes were made, including structural improvements, leadership changes, communications plans, and changes in workflow.

After these changes, the department was functioning cohesively as one unified whole. Communications and morale also improved. The changes were so pronounced that visitors reported back to the ombuds to let the ombuds know how much better things had become,

describing the difference before and after the ombuds involvement as the difference between "night and day."

Surfacing an Issue Without Becoming a Whistleblower

An executive assistant (EA) to a senior executive called the ombuds to discuss their concern which they said could not be taken forward to management through *any* formal channel. In particular, the EA believed that, at a time of corporate restructuring to save costs, the senior executive with whom the EA worked was making fraudulent claims on his monthly expense claims.

When asked how the EA was aware of the alleged fraudulent claims, the EA said they prepared the monthly claims from the information provided by the senior executive but knew that some of the information was false. The EA believed that this conduct was not appropriate and that it should be reported. Yet, since only the senior executive and the EA were privy to what was on the monthly expense claims before they were submitted, the EA was also extremely afraid of what would happen personally to them if they were identified as the whistle-blower in any investigation into the expense reports.

The ombuds and the EA discussed a number of options to surface the EA's concerns, including an option in which the ombuds could ask the internal audit team to carry out a review of the monthly expense claims of all the other people at the same level as the senior executive throughout the business and without identifying who had brought this issue to the ombuds, the specifics of the false claims, or the identity any particular senior executive about whom there was concern. The EA gave permission to the ombuds to take the matter forward on this basis.

When the ombuds alerted the internal audit team to this concern and made the request for the internal audit, the internal audit team audited the expense reports of all the senior executives at that level. With all the senior executives at that level included, no one could have thought that any particular person was being targeted.

The results of the audit demonstrated that the senior executive was not alone in submitting fraudulent expense reports; others had done so as well. All of those senior executives were fired. The EA who brought the issue to the attention of the ombuds was never identified and subsequently was assigned to work for the replacement of the senior executive for whom the EA previously worked.

Ombuds Helps HR Employees Surface Abusive Treatment by a New HR Manager

The ombuds heard from at least eight different individuals over a three-week period about the turmoil in the HR department with the arrival of a new high-level HR manager. These individuals were in different roles in HR, and each described the mean, dismissive, and non-communicative behavior of this new HR manager toward them and others. They also expressed that this new manager had selected a few favorite employees, who were treated very well. This

new manager also made critical changes in the department after being there only a few weeks. More specifically, with no explanation, the new manager removed long-time managers to individual contributor positions and also moved several employees, who had never had any management experience, to managerial roles.

While the ombuds worked with each individual to come up with some options for moving forward, after several weeks, it was clear that this new manager was perceived to be wreaking havoc by many. Most of the employees who had talked with the ombuds were concerned about retaliation (based on a recent situation in the department regarding someone who had challenged the new HR manager), but after learning that multiple people had come forward, seven of the eight employees gave the ombuds permission to bring the issue to the head of HR and the head of Employee and Labor Relations.

The two HR leaders listened to the ombuds perspective and indicated that they were somewhat surprised by what they were hearing. They had noted the new leader had a different style and that it was this change that may have been causing some of the trouble. They also indicated that each of them had an extremely heavy workload and not enough time to tackle the issue alone. They did decide, however, to hire an outside consultant to interview the whole staff and issue a report.

This report found widespread discontent since the arrival of the new leader and included suggested practical next steps for both the new HR manager, as well as the entire department, to take to improve the situation. The new hiring manager was ultimately asked to leave the organization.

Coaching from the Ombuds Helps a High-Level Leader Resolve a Compensation Issue

A high-level leader approached the ombuds after a committee meeting to ask if the ombuds had a few minutes. The employee had been told three times by her manager that she was going to get a considerable salary increase after she had agreed to take on an additional role as interim in addition to her original role. She had now been waiting three months for this increase to take place, and when she checked in with HR, she was told that her boss had yet to complete the needed paperwork. This visitor was particularly nervous as her boss was known to be a difficult woman who played favorites, sidelined people who challenged her, and wielded a lot of power.

This visitor and the ombuds spent considerable time talking about how the previous three conversations went with her manager, whether or not there was a written record of the conversation to obtain an increase in salary, and what the organizational policy and procedure for short-term pay increases looked like. After ninety minutes, the visitor said she was ready to approach her manager again. One month later the visitor reported happily that the salary increase had gone through.

Ombuds Helps Facilitate Better Communication Between a Supervisor and Supervisee

A high-level leader and an HR business partner reached out to the ombuds to ask if she could work with supervisor and supervisee in the leader's department to help them iron out their communication difficulties. HR had just published the findings of an investigation that grew out of a complaint filed by the supervisee against the supervisor, and one of the recommendations was for the parties to work together on their communication.

After explaining that the ombuds is a voluntary and informal resource, and what that meant for the ombuds' involvement, the ombuds reached out to the supervisor and supervisee separately to introduce herself and the idea of meeting together to have a facilitated conversation. Both parties agreed, and the ombuds met with the two employees five separate times—four times to talk together about the communication issues from each of the employee's perspectives and to provide the space for the parties to come up with an informal agreement about how they would communicate going forward, and one time to check-in with the employees about how they were doing and to see if the agreement was working well or if something had to be tweaked.

Over the course of the first four meetings, these two employees gave example after example of how the other person did not communicate well; these examples went back two full years and were exacerbated in part due to the fact they did not work in the same location, the supervisee had ongoing active caregiving responsibilities of her elderly, sick mother, and the supervisor and supervisee came from different countries with different cultural ways of expressing opinions. After sharing their perspectives, it was clear that each had different expectations (that neither had before fully shared with the other) of what communication should look like over email and phone, the frequency of these communications, and the tone (or assumed tone, over email) that should be used.

Together, with the ombuds, the parties developed a new communication plan which supported their individual and team needs. At the check-in meeting, the fifth meeting, the parties both reported that things were going much better. Each of them pointed to the parts of the agreement that really made a difference for them, and there was only one provision that they both agreed needed further attention. They both thanked the ombuds profusely and were relieved to be able to focus more on the work itself.

Confidential Feedback to a Senior Leader on Language

A staff member contacted the ombuds office after speaking with a coworker of color who expressed concern about language used during a Zoom meeting by a senior leader of the unit. The concern was on language used to connote excitement and whether it was inappropriate and essentially insensitive language appropriation. The staff member visitor was clear that they did not want to contact either the senior leader or their coworker about the issue out of fear of retaliation or other repercussions.

After discussing various options with the staff member visitor, the ombuds was asked by the visitor if the ombuds would discuss the concern with the senior leader while maintaining the

confidentiality of the source. The ombuds agreed to do so. The ombuds did some language "research" and then contacted the senior leader. At the beginning of the ombuds' conversation with the senior leader, the ombuds explained the ombuds' role, including the confidential and impartial aspects, and the senior leader was receptive to discussing the language concern.

In the course of the discussion, it became clear that the senior leader had also previously reviewed the word origin of the expression at issue, and prior to hearing from the ombuds, had believed the usage was appropriate. However, with this feedback from the ombuds, the senior leader decided to stop using the word. The leader also expressed appreciation that the ombuds had raised the issue and that it could be discussed and addressed informally and confidentially.

Where Does a Senior Leader Go for Advice About a Sensitive Personal Matter that Implicates the Organization's Policies?

A Senior Vice President of the company came to the ombuds after discovering that inappropriate material of a sexual nature had mistakenly been sent to his company-provided mobile device by a family member. The senior leader knew the company's policy on the use of information technology (IT) and wanted to do the right thing but wasn't sure what was the right thing to do in this case. The Senior Vice President also expressed an awareness of his position in the company and that that misbehavior at the top of an organization could damage trust and the perception of fairness throughout the organization.

The ombuds was able to openly and confidentially review with the SVP visitor the applicable policies as well as the typical ways IT usage at the company was monitored. The visitor was able to ask questions openly about the likelihood that the material would be discovered if he chose not to disclose it himself, the process involved in an investigation, and the range of consequences possible if the material was discovered.

After discussing several options and hypothetical scenarios, including 1) up front disclosure to the company by the SVP or 2) deletion of the material and sending a strongly worded reply message to the sender, the SVP opted to be proactive in disclosing the situation to the company.

Although he did not disclose this particular incident with the people in his department, he used this experience as an opportunity to reinforce the importance of compliance with the policy with his department. The Senior Vice President also expressed appreciation to the ombuds for the having the opportunity to discuss this situation with the ombuds confidentially and without triggering an investigation and for the impartial advice of the ombuds in discussing the options he might take.

What to Do with a Bullying Boss?

Several employees from one department in an organization came to the ombuds with concerns about the behavior of the department head. Most came separately, but a few came as a

small group. The department head was described by them all as being defensive, belittling, and absent from daily tasks.

After discussing various options, the visitors gave the ombuds permission to raise the concern—but not to identify them—with the head of the business. In this discussion with the business head and the ombuds, they concluded that more information was needed. The ombuds was asked by the head of business to conduct a confidential "climate survey" to determine more about the department head's behaviors and their impact on employees.

In conducting the "climate survey," the ombuds sent out an email to all people in the department inviting them to participate. The ombuds then met with each person individually and solicited comment and conversation around three questions: What is your leader doing well? In what areas could your leader improve? and How could you help improve the work environment?

The ombuds verbally shared a summary of the high-level themes from this "climate survey" with the business head and without disclosing the identities of any of the people who had visited the ombuds or who had responded to the survey. With this information, the business head determined that a warning letter should be issued to the department head along with an offer to provide coaching to help him change his behaviors. Ultimately, the department head decided on his own to move to a new assignment after he completed the coaching. The business head expressed appreciation to the ombuds for bringing this matter to his attention, remarking that he would not have been aware of it had the ombuds not brought it to him.

Ombuds Helps Avert Retaliation

During discussions with the ombuds, a visitor revealed explicit employment-related actions their manager had threatened if the visitor were to report errors for which the manager was accountable. Fearing reputational damage, loss of employment, and difficulties in securing a new job in a somewhat closed field, the visitor was reluctant to make a formal report.

The ombuds reviewed the organization's anti-retaliation policy and coached the employee to speak up in formal channels. Feeling relieved about the organization's stance on retaliation, the visitor spoke up, an investigation ensued, corrective actions were taken, and the visitor's reporting structure was eventually changed.

While satisfied with the new structure, the visitor began to feel uncomfortable—as though the new manager was "walking on eggshells." In a follow-up visit with the ombuds, the visitor stated that they "couldn't put their finger on it", but they felt there was something looming that made the new manager act this way. The ombuds asked for permission to check-in with the formal channel to whom the visitor had made the report.

The ombuds learned that the senior department head—who had never been informed of the former manager's threats—believed the visitor was complicit in the issue, by not reporting it more quickly. He was in the process of working with HR to issue a warning letter. The ombuds

explained how the manager's threats had impeded the visitor's decision to report quickly and further explained that issuing a warning letter would be tantamount to retaliation.

Given the new information, the senior leader and HR agreed not to issue the warning and the relationship between the visitor and the new manager improved and progressed well

Assistance in Advocating for Fair Compensation

A newly promoted SVP learned that her compensation was very close to that of her former male peers, who now reported to her. Concerned that the company's compensation practices were discriminatory, she contacted the ombuds.

Together, they reviewed her career history, comparing her trajectory to that of her former peers. They quickly deduced that, because she had joined the organization in an entry-level position, many years ago, it had placed her at a compensation disadvantage having nothing to do with gender. Despite a consistent track record of compensation increases, she simply hadn't caught up to peers who had joined from other organizations, already commanding a higher salary. There didn't appear to be any discriminatory decisions or practices, as they had all been paid within the same salary band for similar roles.

Relieved that discrimination was not the issue, the SVP wanted help in preparing to address her true concern—to be fairly compensated for the leadership role she had just assumed. Through coaching, the ombuds helped the SVP determine what "fair compensation" might mean for her. Together, they developed a reasonable range of options so that she had a concrete platform from which to negotiate. The ombuds also helped her to role play the negotiation with her manager, including working through "what if" scenarios, based on whether she got all, none, or some of what she was asking for.

When the SVP then met with her new manager, the manager was impressed with her approach to the negotiations. He was able to provide an initial bump in her compensation, and he committed to continue to advocate for her, provided she continued to meet and/or exceeded expectations in her new role.

The SVP was so pleased with her experience that she referred other professional women to the ombuds. Over the next two years, based on the initial referral from this SVP, the ombuds assisted six women, from four countries, with similar negotiations related to salary, bonus, job classification and/or title. These women stated that, by helping them to more effectively advocate for their own careers, the ombuds had also helped the organization to retain female talent.

Personal Coaching for Senior Employee Improves the Workplace

A long tenured senior employee had been the subject of numerous complaints to the ombuds over a period of time. One day, that employee himself came to the ombuds, and when

the ombuds asked how he hoped the ombuds could be of assistance, he responded with "I don't want to be an a_ _h_ _ _ anymore."

Over the course of several meetings, the ombuds provided coaching around stress, conflict, and anger management. The ombuds also provided the employee with resources for additional self-learning.

Even after the lapse of two years no further issues dealing with this employee have been brought to the ombuds.

A Department Chair wants Information Confidentially to Figure Out how to Correct a Mistake

The chair of an academic department came to the ombuds and disclosed that he had had a challenging relationship with another senior faculty member in the same department for a number of years. Over the years, the two of them had had very public heated disagreements, and he admitted that their disdain for each other was well known.

The issue that brought the department chair to the ombuds involved a dispute over the leadership of a national project, during which the chair made some decisions in haste and anger that adversely affected the other senior faculty member. The department chair conceded to the ombuds that he had made a mistake in judgment and needed additional information to decide how best to manage "damage control," but he was not willing to seek the information himself or disclose his mistake without considering this additional information. He requested the ombuds to approach HR, the general counsel's office, and the provost's office to request both general and specific information but to do so in a way that would not disclose who was asking for the information, identify the department involved, or reveal why the information was being sought.

The ombuds was able to obtain the information sought and then to discuss options with the department chair about what to do. In gathering the data, the ombuds also gained insight on the best way for the department chair to speak with someone in each of those areas, which he eventually did.

How Does a New Senior Manager Deal with a Lack of Support?

A senior manager scheduled a meeting after a lengthy phone conversation about how the ombuds office conducts its business (confidentiality, neutrality, informality, and independence). When he then met with the ombuds, he disclosed that he was new to the organization and had been hired after a national search. He said that both during the search process and after his accepting the position, he had had many discussions with the people above him about how his unit had not been performing well for many years. He said that he was told that his predecessor had been in the position for many years and was popular with employees but regarded as entrenched and resistant to change. The new manager believed he was given a "mandate" to make systemic changes within his unit.

After he accepted the job and began work, the manager experienced a great deal of resistance (covertly and overtly) from employees at various levels in the organization. Not fully appreciating the culture of the unit or the broader organization, he admitted to having made some tactical missteps that compromised his legitimacy and the respect of the employees. He felt unsupported by those above him and undermined by those below. Though given a mandate to make significant systemic changes because of the unit's history of poor performance, that mandate was never articulated to the employees in the unit. Rather, senior officials in public speeches praised the "wonderful work" that previously had been done by his unit. This created a perception that the changes were unnecessary. As a result, his initiatives were perceived by the employees in his unit as being motivated by his need to "reinvent the wheel" and to put his stamp on the unit. He felt very isolated and was seriously considering resigning. He said that he felt he could not discuss these issues either with those to whom he reported or those who reported to him (directly or indirectly).

During the course of many meetings to discuss options, strategy, and implementation, he and the ombuds also addressed the organization's culture, how to develop "buy-in", rebuild his reputation, and how to nudge those to whom he reported. While there continue to be challenges with his position, the manager did not resign and has reported that his situation has improved immensely.

Sometimes it is Necessary to Take an Issue to the CEO

Several employees and leaders expressed concern to the ombuds about a very senior leader's bad temper. His behavior was intimidating and caused his direct reports to be afraid to approach him, provide information, or seek guidance from him. Nevertheless, there was an imminent possibility that this leader would be elevated to the next-higher level despite his behavior. All of the employees who came to the ombuds were afraid to be identified as someone who had complained about him, but some of them requested the ombuds raise the issue with higher management without identifying them as the source.

The ombuds met with the CEO of the organization and indicated that concerns had been expressed about the conduct of this senior manager and provided some examples of his conduct that could have been easily observed by many people but did not reveal the identity of any person who had come to the ombuds.

The CEO expressed appreciation for the information and arranged for an executive coach to assist the leader.

Extended Communications with Ombuds Allows an Employee to Agree to Report

The ombuds received a call from a compliance officer at an unrelated but affiliated organization about possible financial misconduct by the president of that organization. The inquirer was so concerned about her identity being compromised that she made the call from a public telephone at a mall. She was the compliance officer of her organization, but it was a

relatively small organization, and she was afraid that she could not successfully accuse or investigate the president of the organization without being victimized herself.

After discussing various options to surface the issue, the inquirer remained uncomfortable with her identity being disclosed and was unwilling to select any of the options suggested by the ombuds. The conversation ended with the caller remaining anonymous and with the ombuds encouraging her to call back later so that they could continue to discuss how to raise the issue. Similar conversations took place several times over the next few months—the inquirer calling from a mall to avoid Caller ID and continuing to remain anonymous.

The inquirer also continued to be unwilling to select an option to permit the issue to be raised. At the end of each conversation, the ombuds encouraged a further call from the inquirer after they each had more time for reflection. After several such calls, however, the inquirer began to appreciate the fact that significant misconduct may be involved and that it needed to be reported. As she began to trust the ombuds more and more to preserve her confidentiality (especially since no word had leaked out about her calls), she grew more comfortable with the idea of initiating an investigation.

She finally gave the ombuds permission to reveal basic information, including the identity of her organization and the nature of her concerns, to other formal channels who could conduct an investigation. With this permission, the ombuds then made the authorized disclosure, and an investigation and audit were commenced. The investigation revealed a multimillion-dollar fraud that ultimately sent the organization's president to prison. Throughout all of this, the inquirer insisted on remaining anonymous, even to the ombuds.

Where Does a Vice President Go with Concerns About the President?

The ombuds of a multinational organization received a call from a regional vice president with concerns about an international region president. The inquirer expressed concerns that the regional president was acting strangely and making improper comments about people at an offsite meeting where over a dozen other vice president–level organization officials were present, together with several outside counsel, professionals, and other consultants to the organization. The inquirer was concerned that the regional president could have a drug problem, as the strange behavior had been evident for at least the preceding few months. The vice president making the call, however, was also obviously concerned that he may be wrong and was worried about the possible impact on his own career.

The ombuds discussed various ways this issue could be surfaced and investigated. The inquirer gave the ombuds permission to convey information about the regional president's conduct (but not the inquirer's identity) at the off-site meeting to the top levels of the organization at its international headquarters. When this information was relayed to the president of the entire organization and the head of HR, they instigated an investigation almost immediately by having many of the attendees of the offsite meeting interviewed. The regional president was also interviewed.

As a result of this investigation, they made the decision to remove the regional president from his position and announced that he was relocating back to the organization headquarters. He retired from the organization not long thereafter.

Ombuds Helps Resolve Staff Issues with Difficult Director

A high-level director had a reputation for being abrasive and sometimes unprofessional to her staff. Throughout the years, most staff members reporting to her feared retaliation and would not come forward to report her conduct. A couple of them who had come forward to file complaints had their complaints dismissed and ended up leaving the organization.

Over time, however, complaints to the ombuds about this director became more frequent. The principal issues involved bullying, overwork, and even alcohol use on the premises. The complainants still feared retaliation, even those who were more senior managers. The ombuds asked the complainants if they would be willing to come forward if others did. Some of them responded that they would, but only to a particular administrator whom they trusted and only in the presence of the ombuds. The ombuds arranged a meeting with the staff and administrator. The staff all told their stories.

The administrator subsequently informed the director of the issues that had been raised by her staff. The administrator also suggested that the director seek guidance from the ombuds who could mediate between the director and the staff. When the director declined to engage with the ombuds, the director and administrator negotiated a new role for the director where she would not need to supervise staff.

Some members of the staff in her former unit reported back to the ombuds that they felt like a great weight was lifted and noted that attrition in the unit dropped.

Reparation of Relationship Between Multiple Senior Managers After Breach of Trust and Respect

An officer of the organization made a series of decisions that resulted in preferential treatment of a manager who was a direct subordinate and with whom the officer had a longtime professional and personal relationship. The subordinate manager then used this preferential treatment to suggest that he was protected from critique and discipline, even though his actions were having an adverse effect on the work and working conditions of the staff members who reported to him. The staff members adversely affected by the manager's actions also worked indirectly with other officers and senior directors in other departments.

Several of these staff members initially came to the ombuds independently looking for guidance about how they might address this situation. None of them wanted to make formal or informal complaints about their manager's actions, which included possible ethical, safety, and financial breaches, out of fear of retaliation and out of concern that their complaints would not be taken seriously and/or that nothing would happen.

After multiple visitors came to the ombuds on multiple occasions, and then when a couple of them came together for a follow-up visit, the ombuds was given permission to escalate the concerns, without identifying the staff members, to other officers. The ways in which the officer at issue responded to and engaged with his officer colleagues regarding the situation resulted in a breach of trust and respect. The ombuds suggested and discussed optional resources to the president of the organization and possible actions to identify the reasons for the breakdown in the relationships and the potential paths for restoring those relationships. Upon the completion of internal investigations, the manager was separated from the organization. With the assistance of an organizational management consultant, the officers worked towards repairing and rebuilding their relationships.

Ombuds Facilitates Conversation between Senior Management and an Employee with a History of Threatening Behavior and Employment Litigation which Included Disparaging Statements in the Media

A professional with a respected resume was hired into an organization, even though he had been involved in litigation against his prior employer, about which he had spoken very publicly and disparagingly in the media. Once in his new position, this employee became the subject of multiple complaints to management from staff members, colleagues and business partners regarding the employee's inappropriate and threatening behavior, demeanor, and actions.

In connection with the organization's decision to terminate this employee's employment, visitors in management positions came to the ombuds to explore the ways in which they could engage in a productive conversation about separation from the organization with the employee. The employee involved also independently visited with the ombuds to discuss the situation. The employee then followed up with demands that the ombuds invite and engage senior directors in a facilitated conversation. When the ombuds declined to do as the employee demanded, adhering to the ombuds office's ethical principles of informality and impartiality, the employee engaged legal counsel and threatened to publicly denounce the organization and its management in the press and on social media.

After several additional conversations and at the request of the employee and management, the ombuds agreed to facilitate a discussion between a senior member of management and the employee. In an opening statement, the ombuds reiterated the ombuds' role as a neutral facilitator and emphasized the voluntary nature of the conversation, taking an unusual step to request that the visitors acknowledge these principles in an agreement regarding the facilitated conversation. This document included specific statements regarding the ombuds' standards of confidentiality and informality, as well as acknowledgements that the ombuds office was not an office of notice for the organization, that the participants would not call the ombuds as a witness in any administrative or judicial proceedings and that the conversation would not be recorded.

As a result of this facilitated conversation, the employer and employee proceeded to resolve the matter and the employee separated from the organization without litigation and without adverse publicity or a media campaign against the organization.

11. Union Issues

Union Leadership Referral about Director Behavior

The background for this case involved a highly regarded director who supervised twelve union members in a high-functioning unit. The unit had been acknowledged as one of the most productive in the organization, and the director had been a protégé of the CEO when the CEO was a vice president. Several of the union members in the unit had previously complained to the union leadership about the director's abrasive and bullying behavior and the culture of fear in the unit that he instilled. The union members had evidence of demanding email exchanges where members were asked to repeat already completed tasks, hearing disparaging comments about line supervisors, and were told by the director that mistakes, even minor errors such as typos in draft documents, were being documented. The members indicated that the supervisors who report to the director were sympathetic and tried to act as a buffer, but "are in a tough spot because they are suffering the same abuse." The supervisors, also union members, were unwilling to share their perspective with union leaders or participate in any type of complaint process.

Though none of the individual incidents were specific contract violations, the union leadership had the ability to assert an "on behalf of" grievance regarding the director's behavior. Based on prior experience this type of grievance action, which is similar to a class action claim, involves a protracted and labor-intensive series of hearings, interviews, and collection of evidence. In most cases, it fails to result in a resolution since no specific policy or contract violation can be identified. While a few members in this case felt they had nothing to lose, the majority of the complaining union members were adamantly opposed to filing such a grievance for fear their work environment and reputations would suffer further. Most of the union members were petrified that the director would find out they had even spoken to the union.

The union leadership contacted the ombuds to describe the situation and see if, given this background, an informal and confidential channel to the director or senior leadership could be established. The union leaders then recommended that the members meet with the ombuds individually or in small groups. After consulting with the union members over several weeks, the ombuds reached out to the supervisors to see if they would also be willing to have a confidential and informal conversation with the ombuds. The supervisors agreed and, when they met with the ombuds, confirmed the treatment described by the union members as well as their own personal difficulties with the director.

The ombuds then scheduled a meeting with the CEO to discuss the concerns brought to the ombuds office (without attribution to any individual). The CEO was initially surprised to hear the concerns but was alarmed by the breadth of discontent within the unit. The CEO decided to schedule a meeting with the director and the supervising vice president to alert them to concerns the CEO had heard about the way people were being treated in the unit, to reinforce the need to comply with the code of management conduct, and to encourage the director to meet with the ombuds to discuss ways to improve the culture in the unit. The ombuds agreed that this was a good plan and agreed to meet with the director if the director were to call the ombuds.

The director subsequently met with the ombuds on several occasions. Though frustrated with what the director referred to as the staff's incompetence, the director agreed to make changes in the approach and tone of email communications, to delegate more to the line

supervisors, and to refrain from threats about documenting mistakes. Several weeks later, the union leadership contacted the ombuds to relay that members reported that things had improved somewhat but that they had doubts the director could sustain the improvements.

After a couple of months, the union leaders again contacted the ombuds to report the director had returned to many of the same behaviors, including disparaging one of the supervisors in a team meeting with another unit. Many of the members had now agreed to the class action–type grievance over the recent events, while several members had met with the ombuds to provide an update on the team meeting episode. The ombuds, however, requested the union to hold off on filing the grievance for a week and then followed up with the CEO on the recent events. At this point, the CEO removed the director from supervising the unit and placed one of the supervisors in the role of interim director while a search could be conducted for a new director. The former director was reassigned to another role without supervision of employees and the grievance process was avoided.

The union leadership members were notified of the change in director and cooperated with the transition in leadership. The CEO later expressed appreciation to the union for using the ombuds channel rather than initiating an arduous grievance process and affirmed the institution's commitment to responsible management. Over the ensuing months, several of the union members contacted the ombuds office to relay their appreciation and their satisfaction with the work environment in the unit. The former director remains an asset to the institution in the new role without direct supervisory responsibility.

Labor and Management Unaware of Gap in Contract

A professional union had among its members a small subset of technicians who worked in research labs at an off-site location and who had minimal contact with colleagues at the main facility location. Several technicians independently contacted the ombuds to seek to discuss various workplace issues. Though not the reason for any of the visits over a two-year period, the ombuds noticed that the off-site technicians were not receiving performance appraisals according to the same practices used for union employees at the main facility. When asked, the technicians commented that the lack of evaluations was similar to other jobs they had previously had and assumed that the practice for their current positions was the same.

The ombuds, however, reviewed the union contract and noticed that an addendum to the contract contained a section on working conditions for the technician classification. Unlike the main contract, the addendum language in this section on technician positions was vague and did not reference procedures for performance evaluations, only mentioning that merit increases were based on job performance.

The ombuds contacted the union leadership to inquire about the different language for the technician positions in the addendum. The union leadership was unaware that the technicians were not receiving performance evaluations. Upon reviewing the language, the union leader recalled that the creation of technician positions was being contemplated during the last contract negotiations and, because no one then held those positions, the language was added as an

addendum at the request of management in the event that the organization were to hire for these positions. Due to ongoing negotiations over other matters that were occurring at the time, the union was hesitant to appear to be asking for a concession from the organization by requesting a revision of the addendum. The ombuds offered to serve as an intermediary between the union and the organization solely for the purpose of finding a remedy for the technician performance evaluation issue.

After obtaining permission from the union, the ombuds contacted the organization's general counsel's office to recommend the union and general counsel agree to revise the technician position addendum and make it compatible with performance evaluation practices for other union employees. The counsel's office also recalled the evolution of the addendum and agreed the technicians were now in an unfair position as employees. The ombuds and general counsel discussed the framework of remedies that appeared acceptable to the union leadership and the importance to separate the addendum from the ongoing negotiations of other matters. The ombuds reported back to the union leaders there was agreement on setting a separate meeting to revise the addendum.

Later that month, the general counsel and union leadership met and jointly produced a memorandum of understanding (MOU) revising the addendum for the balance of the current contract and aligning the performance evaluation process for technicians with the contractual practices of other unionized employees at the main facility.

After the MOU was signed, the general counsel and union leader independently contacted the ombuds to inform the ombuds of the resolution of the technician performance evaluations issue, share the MOU, and to express their gratitude for the ombud's assistance.

Union and Labor Relations Referral to the Ombuds

A union representative went to the labor relations office with a grievance involving a claim by one union member against his coworker, also a member of the union. The first worker was complaining that his coworker was bullying him and that it was creating a "hostile work environment." There was no implication of a protected class to warrant a claim of harassment. The supervisor was at a loss about what to do, stating that the first worker would often cry, but also indicated that the coworker had been there for many years, worked very hard, and had no problems working with anyone else. The union rep and labor relations thought that perhaps the ombuds could help.

The ombuds met with both of the workers individually. The first worker stated that the coworker was always yelling and threatening him with tools and equipment. The coworker stated that he just happens to have a loud voice, that he gestures emphatically, and that he usually has tools in his hand. He admitted that he is often frustrated by the first worker's poor progress in covering the shared workload.

The ombuds suggested to both workers that one option was that they have a facilitated conversation with the ombuds, but the first worker was too afraid. In fact, the first worker was

afraid to be in the same room with the coworker. With permission from each worker, the ombuds shared each worker's perspective with the other worker. The first worker did not think that he could ever have a working relationship with the coworker. (Incidentally, the ombuds also referred the first worker to the Employee Assistance Program to deal with what appeared to be an irrational fear). The coworker felt that he had done everything he could to be kind and gentle.

In separate conversations with each worker, the ombuds asked them what outcome they would like to see and told them that this was their opportunity to come up with a solution since the union and the supervisor couldn't fix the situation.

After a number of conversations, by way of the ombud's shuttle diplomacy, the workers agreed that they would split the work area so that each had a separate, specific area to cover, and would time their shifts so that they wouldn't run into each other. They agreed to share the plan with management, and the first worker—and the union—dropped the grievance.

The ombuds subsequently ran into each of them periodically, and they both have indicated that they are happy with the arrangement.

Union Member's Request to Confirm Benefits Eligibility and Coverage

A female staff member, who was also a union member, came to the ombuds indicating that she was uncomfortable making direct inquiries regarding her eligibility for parental leave benefits and the requirements of providing notice to her supervisor or to the organization's human resources department. Based on past experiences, she also said that she was worried about reaching out to the union with her questions. She said that she was concerned about providing too much advance notice and then being perceived or treated differently due to her pregnancy status.

Without disclosing the identity of the visitor or any facts pertaining to her specific circumstances, the ombuds obtained clarification with human resources and benefits staff regarding her eligibility for leave and other benefits coverage, as well as applicable procedural information. Based on the information the ombuds provided, the staff member indicated she had received the answers to her questions, understood the process and procedural requirements, and felt comfortable with how and when she would provide notice regarding her request for a leave.

12. New Hires

Communication Chaos

The faculty in a university department hired a new professor following an extensive search. At first, everything seemed to be working well with the professor's teaching and research. However, a few months later, problems started to arise.

The department's administrative assistant felt that this professor was too closed off and unfriendly. The assistant had invited the professor to group lunches and other gatherings, and each time the professor politely declined. The assistant began taking this personally and spoke with the department chair and other faculty about the behavior.

While most faculty didn't see a problem, a couple of them were also concerned. Instead of approaching the new professor directly, the communication was passive/aggressive and indirect. The new professor began to feel as though he had made a mistake in taking the position and didn't know what to do. He decided he should start looking for another position and spoke to a colleague about his situation. The colleague advised him to talk to the ombuds.

In the first meeting, the professor described behaviors that he thought were hostile and directed at him by administrative assistant and a couple of the faculty members. He could not imagine why they appeared to be acting this way, as even though he tended to keep to himself he always made it a point to say "hello" and to be polite to everyone in the office, including student workers. The ombuds asked permission to speak to others in the department and the professor agreed.

In the subsequent meetings, the ombuds discovered that the others who were upset with the professor had made many assumptions about his manner, behavior, and choices to not join group activities. They took his absence as a personal affront, assuming he did not want to get to know them or befriend them. At least one of them expressed the wish that the professor would leave the university.

After sharing their concerns (with permission) with the professor, the professor acknowledged that their basic description of his actions was accurate, but he believed that they had misunderstood his intentions. He told the ombuds about his education, which took place in another country and culture, and also about his work experience where professional distance was strictly adhered to. In his training, faculty did not mix business with pleasure except in rare circumstances. Furthermore, he had young children at home and preferred to spend his meals with them and his wife as they were still struggling to feel comfortable in this new community.

The ombuds asked him if he would be willing to meet with the ombuds and some of the other people to help clear the air about his behavior and intentions, as well as theirs. He agreed, as did the others. At that meeting, each person was able to talk about what they experienced, what the department's norms were, and began to understand better each other's behavior and assumptions. They apologized, shook hands and learned some important lessons in cultural communication. With the greater understanding the new professor ceased looking for a new job and intradepartmental communication improved.

Ombuds Helps a Manager Resolve Issues with HR and Her Boss

A hiring manager came to see the ombuds, after determining that reaching out to HR for clarification "was making things worse." This visitor to the ombuds office was tasked with hiring someone from a particular role, who would directly report to her. She and her manager had together come up with the job description and job qualifications for this role, and she had thought they were on the same page. However, after HR forwarded the top four candidates for her review (and her manager's reading), things started to change. She explained how she had thoughtfully reviewed the top four candidates and immediately culled the group to two candidates. She then let her manager know of her decision. Her manager immediately stepped in and explained she needed to interview at least three candidates, and that one of the two she had dismissed from the pile was a "must-see" candidate. The visitor to the ombuds explained to her manager that the "must-see" candidate was seriously lacking in one of the most important skills-sets and that the other two candidates were far more experienced in this skillset. However, her manager did not budge. Instead, he noted that this candidate had another skillset, not anywhere on the job description and not part of the role as it had been envisioned, that he thought could be helpful later on with a plan he had to grow the role.

This hiring manager and the hiring team then interviewed three of the four candidates, including the one her manager insisted she meet. The group determined that one of the candidates was "head and shoulders" above the rest, and the candidate her manager insisted be interviewed not only communicated poorly, but also admitted that she had never done the work required for this vacant role. The visitor then shared her and the hiring team's decision with her manager. In response, her manager demanded that she hire the least qualified candidate. She was frustrated and angry, as she was the named hiring manager and her selected candidate needed to be able to accomplish the job requirements.

The ombuds pulled up the policy and procedure regarding the hiring process to discuss it with the visitor. In the policy, the hiring manager was authorized to be the final decision-maker and was also directed to take into account the feedback from the hiring committee. The ombuds talked with the visitor about the option of returning to HR and telling them about the situation, where she, as the hiring manager, as well the hiring committee, all agreed on this one candidate, and her manager was trying to make an end-run around the process. She was relieved to learn that the policy language supported her perspective, and she decided to meet with HR. She later shared that HR supported the hiring of the candidate that both she and the hiring committee had selected.

New Employee Appreciates the Ombuds Taking Action to Help by Breaching Confidentiality After Concluding that there was an Imminent Threat of Serious Harm

The ombuds had been working for several months with a new employee who was having ongoing communication issues with two coworkers. These coworkers had worked together closely for many years. The employee described the two coworkers as being rude and condescending and also explained that they withheld key information from her that she needed to be successful in the job. Her manager, who worked offsite, recommended that she speak with the

ombuds because the issues were largely relational, and the manager felt like she could not help this employee. The visitor also described feeling marginalized and ignored by the larger group throughout the workday, even after she had made multiple efforts to connect with individuals in the group.

In one of the meetings with the ombuds, the employee revealed that she had depression and anxiety. The employee had also told the ombuds that she had psychological support from a therapist and was taking anti-anxiety and anti-depression medicines

The ombuds worked with the employee at first on helping her to prepare to have conversations with the two members of the team with whom she was having the hardest time. She reported that these conversations went well, and things seemed better all around. The ombuds also worked with the employee to prepare for a conversation with the manager of the team, who had "handed her over to the ombuds," instead of helping her work out issues with the team. The visitor reported that that conversation was fine, and she felt on better footing.

A month later, the visitor emailed the ombuds from home in the evening to say that after she had had a brief outburst, one of the team members had just stopped talking to her and refused to even acknowledge her presence. She asked if there was any way the ombuds could connect with her that evening. It was during this conversation that the visitor revealed that she felt lousy and that her depression had taken hold.

Among other things, the ombuds asked about whether the visitor was in touch with her support system, and the visitor had said that she had seen her therapist that day and had another appointment in three more days. The ombuds asked if she felt comfortable calling her therapist, and the visitor refused to do so because she did not want to end up in mental hospital, and she was sure she would. The employee also said that her family supports were largely non-existent now that her adult daughter had moved out of her home. The ombuds asked the visitor if she felt like she was safe, and she said she felt like she wanted to end things. After asking the visitor some follow-up mental health questions, the visitor told the ombuds that she did have a plan that she was starting to form to hurt herself. The ombuds told the visitor that she was very concerned, and that she thought that what she was hearing met the threshold of "imminent risk of serious harm," which could allow the ombuds to break the visitors' confidence. The visitor was very upset on the phone but understood that the ombuds felt compelled to do something to ensure her safety.

The ombuds reached out to HR and then to the local police non-emergency number to find out about the protocol for mental health emergencies in the local geographic area during after work hours. After learning about the existence of a 24/7 suicide prevention organization that was near where the employee lived, the ombuds also learned that the employee would have to drive herself there or would need the police to take her there (but this would occur in handcuffs, the usual protocol). The ombuds called the visitor back and told her about the suicide prevention organization and asked if she felt like she could drive herself there. The visitor said she thought she could and agreed to call the ombuds once she arrived at the organization, which she did. The employee remarked the next day and several times thereafter that she was grateful

for the support and intervention. After that evening, the ombuds also helped the employee navigate taking a leave of absence due to her medical issue.

How Does a New Senior Manager Deal with a Lack of Support?

A senior manager scheduled a meeting after a lengthy phone conversation about how the ombuds office conducts its business (confidentiality, neutrality, informality, and independence). When he then met with the ombuds, he disclosed that he was new to the organization and had been hired after a national search. He said that both during the search process and after his accepting the position, he had had many discussions with the people above him about how his unit had not been performing well for many years. He said that he was told that his predecessor had been in the position for many years and was popular with employees but regarded as entrenched and resistant to change. The new manager believed he was given a "mandate" to make systemic changes within his unit.

After he accepted the job and began work, the manager experienced a great deal of resistance (covertly and overtly) from employees at various levels in the organization. Not fully appreciating the culture of the unit or the broader organization, he admitted to having made some tactical missteps that compromised his legitimacy and the respect of the employees. He felt unsupported by those above him and undermined by those below. Though given a mandate to make significant systemic changes because of the unit's history of poor performance, that mandate was never articulated to the employees in the unit. Rather, senior officials in public speeches praised the "wonderful work" that previously had been done by his unit. This created a perception that the changes were unnecessary. As a result, his initiatives were perceived by the employees in his unit as being motivated by his need to "reinvent the wheel" and to put his stamp on the unit. He felt very isolated and was seriously considering resigning. He said that he felt he could not discuss these issues either with those to whom he reported or those who reported to him (directly or indirectly).

During the course of many meetings to discuss options, strategy, and implementation, he and the ombuds also addressed the organization's culture, how to develop "buy-in," rebuild his reputation, and how to nudge those to whom he reported. While there continue to be challenges with his position, the manager did not resign and has reported that his situation has improved immensely.

Organizational Culture Can be a Barrier to New Employees

The organization reorganized its sales force and brought in several new employees with no background or understanding of the organizational culture, terminology, and philosophy. They were also not given any background on the reasons for the reorganization. Unfortunately, the prevailing culture in this organization was to let new employees learn on the job and not to provide them with training or orientation.

The new employees' excitement with being a new and reenergized part of the organization soon gave way to confusion and frustration, as management and the new employees were not communicating effectively with each other. Some of the new employees reached out to the ombuds and were coached on various aspects of the organization and the history of the reorganization that led to their hiring. The ombuds also presented then with options for how to raise the issue of the need for better communications going forward.

The employees chose the option of requesting an opportunity to sit down with management and discuss their frustration over the lack of training and communication. The ombuds was given permission to make this request to management. Management agreed to the meeting, and as a result of it, management recognized that it needed to provide a better understanding of the organization and reorganization to these new employees. Roles were clarified, training implemented, and the employees gained a better understanding of the organization's needs, style, and expectation.

Help for a New Manager

A newly promoted manager came to the ombuds with a concern about an employee who was described as volatile and intemperate but also a good friend and former peer and coworker of the new manager. The manager expressed the desire to preserve the friendship but also that he wanted to do a good job as manager. Because he was so new in the job, the manager was unwilling to reveal to higher management that he needed help in resolving this issue. Being able to have a confidential discussion of the problem was critical to him.

After exploring various options, the manager had the ombuds coach him on how to speak directly with the employee. The ombuds and the manager engaged in role playing, and the ombuds helped the manager craft language about the impact of the employee's problematic behavior and the manager's predicament as the "boss." The ombuds helped the manager finds ways to articulate his desire both to preserve the friendship and to be a good boss, but that he would have to be a good manager if the two roles conflicted and could not be reconciled.

In a follow up discussion much later, the manager reported that he had had the conversation and that it had been a very difficult one but that there had been no more incidents of volatility. The manager also expressed more comfort in being able to impose discipline if it became necessary.

Improving the Organizational Culture

An employee with less than a year of service came to the ombuds to discuss what she should do with information she had learned during one of her assignments. She had been asked to create a new work guide for her department; and in so doing, she had spoken with individuals and work teams about what work instructions had already been created, what was useful, and what else might be needed. In the course of these meetings, she heard many concerns from employees about management and vice-versa. She knew that she was not in a position to "fix"

the problems but felt burdened to inform management. At the same time, she was in distress knowing this information because she still was a relatively new employee and uncertain what the impact on her would be if she were to raise the unfavorable issues with management.

After a discussion of various options and some role playing, the employee decided to speak directly with her boss by indicating that in the course of her work, various concerns had been expressed to her and then inquiring of her boss if he wanted to hear about them. Depending on his reaction, she was prepared to distance herself from the comments by indicating that she was only the messenger and reporting what she had heard.

She had the conversation with her boss and later informed the ombuds that it went well. She was later selected to sit on a staff-management panel to brainstorm possible resolution options.

New Employee's Religious Concerns Accommodated

A new hospital tech employee was required, as part of her orientation, to scrub into an operating room to observe a surgery. She subsequently learned that the scrub uniform she would have to wear included pants. Her religious tenets prohibited her from wearing pants—normally she wore long uniform skirts that did not interfere with her work. She came to the ombuds because, as a new employee, she felt vulnerable and did not want to cause a problem. Confidentiality was important because she wanted to discuss available options before taking any action with a supervisor or the hospital itself.

After speaking with the ombuds, she gave the ombuds permission to make inquiries in other areas of the hospital, including surgery, the intensive care unit, and the hospital laundry. The ombuds learned that disposable (and sterile) long-sleeve skirt-like garments were used for patients in the ICU. The ombuds was also able to arrange for the tech (whose identity still had not been disclosed) to wear that garment in the operating room, provided that she wore regular scrubs under it. That solution satisfied everyone, and the problem was resolved.

13. Difficult Bosses

Ombuds Helps Resolve Staff Issues with Difficult Director

A high-level director had a reputation for being abrasive and sometimes unprofessional with her staff. Throughout the years, most staff members reporting to her feared retaliation and would not come forward to report her conduct. A couple of them who had come forward to file complaints had their complaints dismissed and ended up leaving the organization.

Over time, however, complaints to the ombuds about this director became more frequent. The principal issues involved bullying, overwork, and even alcohol use on the premises. The complainants still feared retaliation, even those who were more senior managers. The ombuds asked the complainants if they would be willing to come forward if others did. Some of them responded that they would, but only to a particular administrator whom they trusted and only in the presence of the ombuds. The ombuds arranged a meeting with the staff and administrator. The staff all told their stories.

The administrator subsequently informed the director of the issues that had been raised by her staff. The administrator also suggested that the director seek guidance from the ombuds, who could mediate between the director and the staff. When the director declined to engage with the ombuds, the director and administrator negotiated a new role for the director where she would not need to supervise staff.

Some members of the staff in her former unit reported back to the ombuds that they felt like a great weight had been lifted and noted that attrition in the unit had dropped.

Abrasive Leader

Various members of the staff and faculty members came to the ombuds to express concerns about the director of their unit and that leader's behaviors and competencies.

After numerous consultations with a group of staff and faculty members to discuss the issues and coach them on how they could address the leader's issues themselves, the staff and faculty group gave the ombuds permission to elevate the matter to the Dean. Before going to the Dean, however, the ombuds met with the staff and faculty further to compartmentalize their concerns in an effort to clearly, concisely and credibly convey the issues to the Dean.

When the ombuds spoke with the Dean, the Dean was very receptive. The Dean took the issues and concerns that had been raised to the university's HR professionals, who informed the Dean that they also had been hearing and observing similar issues with this leader. As a result, the Dean took action and terminated the employment of that director.

Difficult Boss and Policy Guidance Regarding Annual Reviews

A faculty member came to the ombuds with a myriad of issues regarding her department chair. One of the issues involved the chair's practices around the annual review process. The

faculty member explained that at annual review time, her department chair would expect her to read, digest, and sign her review in front of him. He essentially would give her no time to respond or clarify the review before expecting her to sign it.

In the ombuds' discussion with the faculty member, the ombuds explained that Faculty Handbook policy allowed a faculty member to compose and submit a written response to a review if they so desired. The ombuds also explained that the policy provided that signing a review did not necessarily mean that a faculty member agreed with it; it simply meant that one had read it.

The ombuds helped the visitor consider various options for how to proceed and, ultimately, the visitor decided that she would like the ombuds to contact the dean (the department chair's supervisor) to inquire as to her expectations regarding how chairs should conduct annual reviews with their own supervisees. The understanding was that the ombuds would not identify the faculty member or department in question.

When the ombuds spoke with the dean, the dean explained that she expected the annual review to be a conversation and that that conversation should be seen as an opportunity to make any reasonable edits to the review. As a result of the conversation with the ombuds, the dean agreed to remind all chairs of her view of how the process should work, as well as of the policies regarding faculty's right to submit a response.

The faculty member's improved understanding of her rights in the process, along with the dean's reminder to all chairs, allowed the faculty member to have a more productive conversation regarding her performance and made the process fairer for all, without compromising confidentiality.

Ombuds Helps New Director Receive Additional Training

A department that supports hospital operations had recently gone through several leadership changes and was being managed by a new Director. One of the employees of the department shared with the ombuds her concerns that she was being micromanaged, that her manager was abusive towards her, and that some duties were being arbitrarily removed from her area of responsibility. The visitor also alleged that the Director was discriminating against her on the basis of sexual orientation. The employee said she had requested the Director to participate in a facilitated discussion to discuss these issues, but the Director had declined to do so.

Over the course of the next few months, several other employees in the department approached the ombuds office with similar concerns about the Director and their fear that they would be retaliated against if they were identified as persons bringing concerns forward to formal channels. The employees gave the ombuds permission to discuss their concerns with the Associate Vice President but without sharing their identities. The Associate Vice President also wanted to loop in an HR Director to provide guidance and consultation on addressing the concerns. Working together with the ombuds and HR, the Associate Vice President developed a training and development plan for the Director, and the Director was also assigned an external

coach with which to work on a regular basis. The concerns were discussed with the Director, as well as expectations going forward.

The visitors were made aware of this and were asked to update the ombuds on their interactions with the Director and to bring further concerns forward confidentially to the ombuds. To date the coaching and additional training appear to be working well.

Conflict with Manager

An employee reached out to the ombuds office because he wanted to explore his options on how to deal with his manager. The employee felt his manager had been retaliating against him after he had a straight talk with the manager regarding the manager's dictatorial management style and his confrontational comments during meetings.

The employee had raised his concerns of retaliation with both HR and his second-level manager, and, to date, his manager's conduct had not changed. Most recently, in the employee's mid-year review, a number of comments were made by the manager that were not accurate, and the manager had also provided feedback that the employee was disrespectful, too outspoken, and failed to follow the "chain of command." The employee felt that his manager's comments were contrary to the organization's open-door policy.

The employee was convinced that his only option was to leave the company. After discussing the pros and cons of that possibility, the ombuds suggested a number of other avenues for him to consider.

First, they discussed the possibility that the manager's cultural background (Asian) might be playing a role here. The ombuds pointed out that respect for and deference to those considered senior was an integral part of Asian culture and that while this would not excuse behaviors that violate company policy, it might explain and provide context for the manner in which the manager was acting. The ombuds noted that it was not the employee's role to address this potential cultural gap—that was the role of the company's formal channels. Next, they moved to a discussion of his options. These included following up with the second-level manager (in writing) to ask what the next steps would be based on the allegations of retaliation that he had raised. Another option was for him to escalate the concerns beyond local HR and his second-level manager—possibly to corporate employee relations—which would allow independent eyes to review the situation.

They also discussed the impact if he chose not to follow up or raise this to another formal channel: the opportunity would be lost to possibly see a change in the manager's behavior. Moreover, the employee could possibly feel compelled to leave the organization. In addition, advancing the concern would perhaps help others who report to this manager even if he did leave the company.

After considering all these options, the employee decided to both follow up with the second-level manager and then raise his concerns to the employee relations team, while simultaneously looking externally for a new job.

"Failed" Mediation Led to Good Result

A junior faculty member approached the ombuds with a concern about the culture of an academic and clinical department, what he considered "toxic" interactions during faculty meetings, and a performance evaluation from his department chair that he deemed unbalanced, unfair, and not reflective of his work and contributions to the department.

After sharing these concerns with the ombuds and discussing options during a consultation and coaching initial meeting, the junior faculty member requested that the ombuds facilitate a discussion so that he could share the concerns more fully with the chair via mediated discussion. The ombuds agreed to do so and then met with the chair to briefly discuss the nature of some of the concerns and to ask if he would consider participating in the discussion as requested. The chair agreed, and the meeting went forward as agreed.

Though the chair had initially referred the junior faculty to the ombuds and had subsequently agreed to participation, during the meeting he seemed agitated and questioned several times "why are we here." Sensing that this may have been intimidating for the junior faculty member, the ombuds interjected, reminding the chair that he had referred the faculty member, was made aware of the process, and had agreed to be present and listen in an effort to address the concerns. The ombuds also reminded the participants of the Ombud's role as a neutral and described the training and experience that had prepared the ombuds to facilitate such a process. The meeting continued and concluded awkwardly. There was further discussion about the concerns, and the chair agreed to reconsider some of the language in the evaluation. However, the chair did not take responsibility for the alleged "toxic" environment in the department and believed that faculty should be able to freely express themselves in meetings even if some were offended.

Several months later, the ombuds had a chance encounter with the junior faculty member who asked if the ombuds remembered his case. The junior faculty member expressed profuse thanks to the ombuds for the assistance and explained that sometime after the mediated discussion he was able to change departments at his request and with the support of both department chairs. He reported that he was now in a much more collegial and supportive professional environment. Though the ombuds had recalled the intervention as unsuccessful, the faculty member reported that he believed that the assistance of the ombuds was helpful during a very difficult time, and that the coaching and intervention was the catalyst for a resolution to his situation.

Facilitated Discussion Helps with Training of Difficult Manager and Addresses Concerns in Unit

A director at a large academic health center requested to consult with the ombuds regarding complaints she had been receiving from phlebotomists in a unit that served outpatient areas. The staff had reported that their manager had difficult interactions with them, information and expectations were not communicated consistently and clearly, and there seemed to be favoritism in the unit (e.g., concerning granting vacation, overtime, etc.). Also, they perceived that they would be subject to retaliation if they spoke up regarding concerns, and their unit was treated much differently (a less than positive work climate) than phlebotomists who worked in the inpatient units. The director also reported to the ombuds that there were also conflicts between the staff themselves, particularly the group that was viewed to be "favored" and the ones who were not. The director believed that the unit would benefit from assistance from the ombuds, and the employees were asked to contact the ombuds if they would like to further discuss concerns. The director requested that all the employees in the outpatient unit (even those who had not previously discussed any concerns) schedule individual, confidential meetings to share their work experiences with the ombuds, as well as their perspectives on the communication and interactions in the unit.

In addition to meeting with the employees in the unit, the ombuds also met with the manager on the same confidential basis. Based on these meetings, the ombuds recommended to the director that the entire group participate in a dialogue session with the ombuds that would provide a forum for raising concerns openly, an opportunity for the group to generate recommendations to address their concerns, and an opportunity for training in conflict resolution, effective communication, personality styles, and civility.

The Director agreed to this and agreed to hold an all-day session facilitated by the ombuds. (Because of scheduling challenges, this was held on a weekend, and treated as a paid workday for employees.) Attendance was not required, but it was strongly suggested that staff attend so that resolutions could be jointly developed by the group. Most of the staff attended the session and participated throughout the day, including the director and the manager.

Using an appreciative inquiry approach, the ombuds asked all participants to answer a series of questions about what was working well, what should be improved, what an ideal working environment would look like, and each person's individual commitment to addressing the issue and improving the team dynamics. The session included discussion of their responses to these initial questions, along with a facilitated discussion of the issues that had been raised in the earlier individual meetings. During these discussions, the ombuds was also able to provide the training components mentioned above. The session resulted in a resolution plan developed by those in attendance that included recommendations for how concerns should be addressed, agreements about group behavior moving forward, and individual commitments from each staff member. Privately with the ombuds, the director agreed to more closely oversee the performance of the manager and address further concerns via the performance management and coaching and development process.

Ombuds Arranges for an Anonymous Call to a Formal Channel at the Request of an HR Team to Address the Conduct of their HR VP

A few employees on a regional HR team had been talking among themselves about the arrogant, dismissive, and disorganized behavior of their HR VP, which they thought indicated a lack of accountability. The HR team had more than twenty people; and while some of them worked in the same office as the HR VP, others worked in offices in different states. The employees working in the same office as the VP, in particular, were able to observe these troubling behaviors by the VP, including the extreme favoritism he showed to certain individuals.

With frustration mounting and many of the employees finding it increasingly difficult to focus on their jobs, three employees from this HR team contacted the ombuds to confidentially discuss their concerns because they greatly feared retribution from the VP if he were to learn that they had spoken up about him. They also said that they did not trust any of the other resources in the organization to address their concerns. In their conversation with the ombuds, they said that they were looking to find a way to raise their concerns anonymously. After listening to the concerns expressed and understanding what the employees had already attempted to do to resolve the problem, the ombuds discussed various options.

The option selected by the employees was for the ombuds to contact an ethics and compliance representative, in order to avoid conflict within the HR organization, to arrange for an anonymous telephone call between the employees and a VP counsel for the company, a compliance representative, and a senior compliance investigator. The understanding was that the ombuds would make all of the arrangements for the call and that the HR employees could speak to the company representatives without identifying themselves. The ombuds coordinated the call and once all participants were connected, the ombuds dropped off the call so as not to be part of a formal, but unusual, teleconference. As a result of the conversation, an investigation was begun into the leadership behavior of the VP. The investigation confirmed deficiencies in the VP's leadership and management style that were then referred to Corporate HR Leadership.

The VP was provided coaching by the corporate HR leadership to address his behaviors. When the ombuds followed up with employees to see how they were doing, they thanked the ombuds for the opportunity to raise this issue confidentially with the ombuds. Also, the compliance team reached out to thank the ombuds for coordinating the call and providing them a chance to speak directly with concerned employees. They said that it had made a big difference.

Abusive Advisor and Language Issues

An international graduate student came to the ombuds' office in a highly emotional state after an alarming interaction with his professor/advisor. The ombuds listened attentively to the student as he described what sounded like ongoing abuse of students by a faculty member. The student was frightened and confused. Like many students, he was reluctant to report anything to the university out of fear of retaliation.

The student had been contacted by two students who had left the university, one with their PhD, and one who had accepted a Masters' despite being in a PhD program. For two years, all three students had been in the same laboratory with the same professor. The two former students decided that they couldn't watch their fellow students continue to be abused in this way. They sent a letter to the Department Chair, who didn't take any action. The Department Chair apparently believed the faculty member to be upstanding and productive.

The former students suggested the student consult with the ombuds due to the confidential nature of the services. All of them described abusive conduct by the professor, including speaking only in their native language in the lab (all three of the students and the professor were from the same country of origin), and calling the students derogatory names; throwing papers, computers, and other equipment across the room; and making them work over 40 hours per week in the lab. If they weren't in the lab, the professor would track them down and find them at their homes. He also gave the students in his lab the answers to the exams so they wouldn't have to waste time studying and would be able to work more in the lab. The students had kept the email correspondence related to the exams and presented it to the ombuds.

The ombuds discussed a variety of possible actions the student could take but the course of action that felt most safe for the student was to provide an anonymous report of the academic misconduct based on the exams which is what the ombuds helped him to do. This resulted in an investigation into the matter by the Provost's office and Faculty Academic Affairs. The professor was fired after all of the allegations came out and more students came forward. After this case, the graduate college of the university created a policy stating that the language used in labs and classrooms must be English and provided training and education on appropriate standards and treatment in laboratories.

These students had considered contacting the local newspaper to report what was going on before coming to the ombuds but had been hesitant to do so. Had they done so, it would have had a devastating impact on the reputation of the institution, and probably would have resulted in costly and protracted hearings.

An Opportunity to be Heard and an Apology

An internal formal reporting program referred the visitor to the ombuds. Prior to talking to the ombuds office, the visitor had decided to file a complaint against a manager for retaliation. The visitor perceived that they were retaliated against by their manager when the manager dismissed written recommendations submitted by the visitor for their program and because of way the manager handled the mid-year performance review for the visitor in the days following the visitor's submission of the recommendations. The visitor had submitted a letter of resignation due to the conflict with the manager and had requested the help of the formal channel to facilitate an exit interview with their manager, but the manager had declined to meet with the visitor because the resignation.

The formal reporting office advised the visitor that the alleged retaliatory behavior could be investigated but that the visitor might consider consulting with the ombuds to seek assistance from the ombuds to see if a facilitated discussion with the manager could be arranged.

The visitor contacted and shared this story with the ombuds. The visitor also revealed being upset about having to pay back all of the relocation expenses to the organization because the visitor would not have worked for the organization for twelve months (after which no reimbursement would be required) due to being 'just weeks' from hitting the twelve-month mark. The visitor specifically wanted to request an exemption for the relocation reimbursement expenses and to have a conversation to provide feedback to the manager. The ombuds informed the visitor that that informal facilitation, assisted by the ombuds, was an option if the manager agreed.

Because of the end date of employment for the visitor was looming, prompt action was important. With the visitor's permission and after the visitor requested the manager to contact the ombuds, the manager contacted the ombuds. During this conversation with the manager, the ombuds spoke about the request for an informal facilitated discussion and the voluntary nature of the process. The manager shared with the ombuds the manager's perspective about the visitor and agreed to the ombuds assisting with a neutral facilitation via telephone. The visitor also agreed to a telephone conference call with the manager and the ombuds prior to the final date of employment. The manager understood that the employee wanted to be 'heard.' A telephone-based facilitation was scheduled.

After the ombuds reminded the parties of the ombuds' neutral role as facilitator and of the ground rules for the facilitation, the visitor expressed their frustration with the way the performance review had been conducted and the visitor's concerns around psychological safety and lack of accountability within the department. During the discussion, the manager responded with an apology and agreed to consider the visitor's feedback to make the performance feedback process feel more psychologically safe. The visitor also inquired about having to pay back the full amount of relocation expenses. The manager indicated that he had already appealed to higher level management for a relocation expenses reimbursement exemption; however, the manager also agreed to a new request to limit any reimbursement ultimately required to only a partial reimbursement of relocation expenses based on a pro-rated model. The manager agreed to follow up on these matters by a specific date to provide the visitor with the answer.

The visitor undoubtedly appreciated the opportunity to be heard. The manager expressed appreciation for the work the employee had done on a project and tried, as expressed in the facilitation, to help eliminate—or at least reduce—any relocation reimbursement obligation. The organization benefited from the ombuds services because the likelihood of any subsequent litigation was substantially reduced. And finally, the organization benefited by the cooperation between informal and formal channels, since the initial referral to the ombuds office was because the formal office perceived the ombuds to be relevant and useful in potentially resolving a conflict informally and without the cost and risk inherent in a formal process."

An Ombuds Can Only Do So Much to Raise Issues to Proper Channels

Over the period of a month, five different faculty members from the same department independently met with the ombuds to share concerns about their new department chair. They had a wide range of complaints such as sexual harassment, many forms of verbal abuse, and public humiliation, as well as arbitrary changing of policies and responsibilities. All five also reported that one of them was being bullied.

None of the faculty members had chosen to go to human resources because all of them had had bad experiences with that office in the past. A human resources staff member had told one of them, "It's not wise to take on a department chair. You will lose." All five were afraid to confront the chair or file a grievance or Title IX complaint because they each believed the chair would punish them. None of them wanted to lose their jobs, and they all reported having enjoyed their jobs until the new chair arrived. While they were all faculty, they were all on contracts that could be cancelled at any point, about which the chair was known to remind them on multiple occasions.

After discussing various other options such as the whistleblower hotline, mediation, and the previously mentioned formal processes, all of the parties preferred to meet with the Provost as a group if their identities could be protected. The parties gave the ombuds permission to briefly describe the problem to the Provost and to request a group meeting. The group met with the Provost and explained the problems. He listened and promised to look into it. Nothing happened for three months, so the female faculty member who was being bullied filed a Title IX complaint. The complaint was found to be a violation, but since it was a one-time event, the chair was not sanctioned. From that point on, the faculty members reported that chair's treatment of the complainant worsened visibly.

Finally, a committee was formed to investigate the chair's conduct. The person appointed to lead the committee had previously been the mentor for the chair under investigation, which demoralized the faculty members who had consulted with the ombuds. The investigation interviewed many people but seemed to drag on and on. Close to the second anniversary of the original contact with the ombuds, the chair was finally fired. By this time, however, four of the five faculty members had left the university for jobs elsewhere.

Even though the ombuds had found a way to bring the faculty members' concerns to the attention of the Provost in a timely fashion and before a Title IX complaint or a lawsuit was filed, the lack of prompt and appropriate action on the part of the university cost the department four faculty members who were part of a leadership team that had led to 98% placement of their graduates in jobs upon graduation. The faculty member who was bullied and harassed hired an attorney, and, to settle her claims, the university paid her year of salary for severance. The loss of these faculty members in such a short period adversely affected the university's reputation in the field in which the faculty specialized. The principal lesson of this example is that while the ombuds did everything possible to help both the faculty members and the university identify and address the concerns with the department chair, the ombuds has no managerial authority, and the benefit of having an ombuds often depends on those having the authority to act taking timely and appropriate action.

A Missed Opportunity to Avoid Multiple Departures

Three counselors from the student counseling center independently visited the ombuds office to express concerns about their workload. They felt they were being worked longer hours than industry standards outlined and that it was very difficult to take a day off. Vacations had to be requested a year in advance. Eventually, the department administrative assistant also came to see the ombuds with her own complaints as well, and she reported that the contracted psychiatrists were considering leaving too (which would have comprised the entire counseling center staff with the exception of the director and assistant director).

The ombuds discussed various options with each of the counselors and the administrative assistant, and the option that most appealed to them was a group mediation with their director and her supervisor, an Assistant Vice President (AVP). All four visitors thought it would be a waste of time to just meet with their director because they did not trust she would compromise or change her policies without pressure from her supervisor.

When the ombuds told the ombuds' (non-ombuds) supervisor that she was planning to mediate with a department in which everyone was threatening to quit, he asked her, "What business is that of yours? Let the supervisor of the student counseling center handle it. You should not be mediating. You should just tell them about their options such as the formal processes." However, by that point, all the parties had agreed to the mediation, so the plan proceeded.

Two mediations were held, and progress was being made. Various models for running counseling centers were discussed. The staff felt encouraged that the AVP seemed to understand their plight and they felt he was supporting them. However, at the end of the second mediation, the AVP got a phone call which appeared to have upset him, and he abruptly announced in the meeting that he no longer had time for this and ended the mediation.

As a result of the termination of the mediation and the continuation of unresolved issues, all three counselors resigned, and two psychiatrists cancelled their contracts with the university. Only three people, including the administrative assistant, who was close to retirement, and the director remained from the original staff of the counseling center, which meant that temporary contract counselors had to be hired almost immediately. It then took six months to hire replacement counselors.

This tragic loss of employees and interruption of important services for students likely could have been averted had the mediation been able to continue. This is also an example where the person to whom the ombuds reported did not sufficiently understand that the role of the ombuds, as a trained mediator, is to utilize conflict resolution skills and not just provide referrals. Also, this example illustrates how important it is for formal channels and management to act when serious issues are raised by the ombuds.

Information and Guidance from the Ombuds Makes a Difference

A post-doctoral fellow came into the ombuds worried that her boss was going to fire her. She was from another country and she did not want to go home in disgrace. She said her boss yelled at her and always criticized her written work. She also reported having no friends and feeling lonely. She said she didn't know how to make friends and missed her family.

The ombuds talked with her about ways to get suggestions before she wrote a paper and discussed resources on campus like clubs that she could join to meet others. The ombuds also mentioned the Employee Assistance Program in order to deal with her depression and perhaps to talk about assertiveness (in response to her statement about it being difficult being a woman in science.)

The visitor was very excited about the idea of getting help with assertiveness and effusively thanked the ombuds for her various suggestions.

The university could have lost a post-doctoral fellow, and the student was able to build her confidence. Upon follow-up, the fellow reported that she was now getting along with her professor and publishing a paper.

Speaking with the Ombuds Helps Employee Deal with Difficult Boss and Focus on Her Career Goals

A visitor came to see the ombuds with concerns about racist treatment by her supervisor. The visitor was of mixed-race descent, and she worked in a department that worked to educate students about diversity and inclusion. The visitor gave many examples of times when her supervisor insulted her in public and said things like, "You don't know what it is like to be Black." The visitor, who is part Black, found these comments to be very offensive.

The discussion with the ombuds, however, branched out into a further discussion about career goals and whether or not the visitor should go to graduate school or not. As a result, the discussion of options included resources identified by the ombuds in two areas. The ombuds mentioned specialty coaching called "Abrasive Manager Coaching" (by Dr. Laura Crawshaw), as well as the campus human resources employee relations department. She also suggested using the services of the Career Specialist.

Because the visitor had a good relationship with her boss' supervisor, she said she planned to tell him about the Abrasive Manager Training for her supervisor. Furthermore, she was pleased to learn about the Career Specialist and planned to meet with her.

The ombuds later learned that the visitor's supervisor was required to take abrasive manager training and was later promoted to a responsible position on campus. The visitor was transferred to another department, so she did not have to interact with that supervisor as much, and she enrolled in graduate school.

Ombuds Mediation Helps Faculty Members Resolve Issues Themselves

A faculty member contacted the ombuds about a conflict over course planning. She and another faculty member had been working together on the same course for years with a course director. This year they had a new course director who was also new to the campus. The visitor wanted help with finding a way to work with the new course director whom she viewed as highly rigid and opinionated. She had come to see the ombuds because Human Resources told her they don't work with faculty and that she should go to the Provost. She didn't want to go to the Provost over such a small concern.

After telling the ombuds about the challenges of working with this new person, the visitor decided she wanted to bring her colleague to meet with the ombuds. So, at the next meeting with both faculty members, the ombuds discussed different ways to negotiate or problem solve. The colleagues decided to try those techniques.

Two weeks later they were back to meet with the ombuds and said that they were feeling very frustrated. They had tried working with the new course director and had even gone to the department chair to complain about her. The department chair told them to work it out themselves. At this point, the ombuds offered shuttle diplomacy and mediation, and the two faculty members readily agreed to mediate.

Neither faculty member, however, wanted to invite the course director to the mediation. They felt intimidated by her. So, the ombuds called and invited the course director to meet with her and also invited her to a mediation with the two faculty members. The course director agreed to meet with the ombuds but spent most of the meeting denying there was a problem. She insisted that she had given the faculty members clear instructions as to how to do their jobs and they just needed to do what she said. Reluctantly, the course director agreed to try mediation as long as she could leave whenever she wanted.

During the mediation, the parties identified their primary differences. They realized that the two faculty were used to planning in-person classes and the new course director had only experienced planning online courses. Once they identified the problem, they were better able to find common ground.

They made a plan in the mediation to have the ombuds be present at two planning sessions to help them get started. By the end of the second session, they no longer felt they needed the ombuds to continue to meet with them.

The importance of this case was that this class was being planned with only three weeks to go before the semester started. A large number of students would have been adversely impacted if this group had not been able to find a way to work together.

When a Senior Leader is the Problem

Over a period of months, a number people in a department individually consulted with the ombuds. The visitors had roles at varying levels in the hierarchy and in a variety of disciplines, but they all shared concerns about the same Senior Leader—a member of the organization's leadership. Visitors expressed confusion or concern about the Senior Leader's quick ascension in the organization and about the appropriateness or justness of his promotions and power.

The visitors also described the Senior Leader's conduct, including insulting or publicly disparaging people, interfering with projects or work, character assassinations, attacking professional reputations, and terminating people unfairly or unjustly. Some considered this conduct as bullying. Others perceived the behavior as antithetical to the organization's code of conduct or other policies. Some questioned the legality of the Leader's conduct. Given the overall perception of the Senior Leader's power in the organization, visitors expressed a variety of fears. In particular, visitors were afraid that if it were discovered that they sought help from the ombuds, they would become the next target or otherwise suffer retaliation for speaking up. Many of these individuals were at such a loss that they said that were considering leaving the organization.

Trusting that the ombuds office was strictly confidential, visitors met with the ombuds—often more than once—to share their concerns and to obtain guidance and support in addressing them in a meaningful way. In every session, the ombuds provided support and advice, including on how to address individual communications as they were evolving. (On request, the ombuds provided direct, individual, real-time, one-on-one coaching.) The ombuds and visitors talked about words the visitor might use directly with the Senior Leader, meetings that they might hold with others, emails they might write to document plans, other senior leaders who could lend assistance, and policies that were at play. The ombuds and visitors also discussed the organization's resources for support, including persons higher in their chain of command, the Human Resources department, the ethics and compliance hotline, and of course the ombuds office.

In addition to serving as coach to individual visitors, an option that the ombuds offered was for the ombuds to serve as a conduit to improve communications, to serve as a mediator/facilitator to open and improve direct dialogue, and to raise the pattern of concerns to other senior leadership who were well placed to hear and address the concerns. While a systemic pattern of concerns had clearly emerged, the ombuds continued to work with visitors individually to help them work through their individual goals or needs but the ombuds eventually sought permission to bring the matter forward as a pattern while preserving the confidentiality of all visitors.

Ultimately, the ombuds took the pattern of concerns to senior leadership, which engaged the organization's formal investigation processes. The investigation uncovered conduct that was in violation of the organization's policies, and appropriate corrective action was taken.

The ombuds was thus able to help to provide direct and immediate help to each of the ombuds' individual visitors while working with them to find an effective way to bring the existence of the systemic issue to the attention of senior leaders who could order an investigation and take corrective action. As a result, none of the visitors left the organization and many of them have expressed their appreciation to the ombuds and how much happier they are.

Ombuds Helps Resolve Staff Issues with Difficult Director

A high-level director had a reputation for being abrasive and sometimes unprofessional to her staff. Throughout the years, most staff members reporting to her feared retaliation and would not come forward to report her conduct. A couple of them who had come forward to file complaints had their complaints dismissed and ended up leaving the organization.

Over time, however, complaints to the ombuds about this director became more frequent. The principal issues involved bullying, overwork, and even alcohol use on the premises. The complainants still feared retaliation, even those who were more senior managers. The ombuds asked the complainants if they would be willing to come forward if others did. Some of them responded that they would, but only to a particular administrator whom they trusted and only in the presence of the ombuds. The ombuds arranged a meeting with the staff and administrator. The staff all told their stories.

The administrator subsequently informed the director of the issues that had been raised by her staff. The administrator also suggested that the director seek guidance from the ombuds who could mediate between the director and the staff. When the director declined to engage with the ombuds, the director and administrator negotiated a new role for the director where she would not need to supervise staff.

Some members of the staff in her former unit reported back to the ombuds that they felt like a great weight was lifted and noted that attrition in the unit dropped.

Healing a Rift

The ombuds had received a significant number of cases from members of a department in the organization who expressed concerns about how the department was being managed. Visitors shared that they were frustrated, furious or outraged, and some said that they might seek legal counsel to address the matter. Low morale was widespread across the department.

As more details emerged, it became clear that visitors were describing a rift within the department, with essentially two disciplines in the department having been pitted against one another. Visitors described examples of infighting and poor professionalism. Visitors suggested that the rift had been created by the department's leadership when leadership encouraged people to choose sides using a heavy-handed approach. Others described apathy/disinterest on the part of some members of the department's leadership. Overall, the department's internal warring resulted in confusion, unrest and disorganization, which negatively impacted people individually

and may have also resulted in losses both in employee retention and in the department's productivity.

Visitors said that numerous complaints about these concerns had been made to the organization's HR and compliance offices but had not produced results. This only increased frustration and confusion.

Visitors wanted to be sure that the organization was made aware of their concerns. Their objectives included improved communication, response to concerns, clarity in work-roles, and fairness in schedules, treatment and pay. They wanted to be freed up to do their jobs effectively and feel good about working as one cohesive team again.

When the visitors came to the ombuds individually, the ombuds listened to each person actively and provided a safe/confidential space for them to share all that was on their mind. In a very real way, the assurance of privacy and commitment by the ombuds not to share with anyone that they were meeting with the ombuds gave them the opportunity to fully open up and express their concerns. The ombuds met with many of these visitors on a recurring basis and offered suggestions in how they might better handle the situation themselves immediately and provided individual coaching and support. As a result, visitors gained confidence in themselves, even though their work situation hadn't changed.

Because the many individual concerns also represented a significant systemic disfunction within the department and with permission of the visitors, the ombuds also engaged in a series of facilitated discussions that included members of the organization's senior leadership. These discussions with senior leadership raised their overall awareness and understanding of the broad and complex nature of the concerns in the department. Ultimately, significant changes were made, including structural improvements, leadership changes, communications plans, and changes in workflow.

After these changes, the department was functioning cohesively as one unified whole. Communications and morale also improved. The changes were so pronounced that visitors reported back to the ombuds to let the ombuds know how much better things had become, describing the difference before and after the ombuds involvement as the difference between "night and day."

Consultation with the Ombuds Helps an Employee Deal Directly with Her Supervisor

An assistant director of a staff department at a university came to the ombuds office to seek guidance on how to deal with a dispute with her supervisor over her job description (JD).

The assistant director reported that during her recent performance review with her supervisor, she pointed out that 50% of her work responsibilities were not in her job description and that she had asked her supervisor to amend her JD. In response, the supervisor told her that if she was "seeking a new position or wanted a salary raise she needed to submit a specific job offer that was made to her, and they could then discuss specifics." The assistant director shared

with the ombuds that she was not seeking a new position or a raise. She said that she just wanted her JD to reflect the work she was actually doing and that she wanted her performance review to be based on that work. The supervisor, however, had refused to make the changes to the JD, indicating that the work the assistant director felt was outside her JD was actually within it because it fell under the category: "other duties as assigned by your direct supervisor."

The ombuds and the assistant director discussed options that she might consider. The assistant director decided she would consider all of her options and get back to the ombuds after she thought about it for a few days. Among the options under consideration were that the assistant director could:

a) Contact the human resource office and meet with them about how she could amend her JD;
b) Meet with the supervisor alone and try again explaining her reasoning, and if the supervisor still felt an amendment is not needed to ask her if she would consider a facilitated conversation with the ombuds acting as a neutral facilitator;
c) Make the changes herself to her JD and submit it to the supervisor and the HR department at the same time; and
d) Indicate in the comments section of her present Performance Review that the JD is not up to date and specify the new information there and file it with the supervisor and the HR department.

A week later the assistant director met with the ombuds again and shared that she had amended the JD on her own and shared it with her supervisor and the HR department. No further concerns were raised by the supervisor who actually signed off on the new JD.

The Ombuds Helps an Employee Experiencing Bullying Resolve a Hostile Work Environment Claim and the Company Avoid a Lawsuit

An employee contacted the ombuds about an abusive manager. The employee described how the manager bullied the employee and also a number of coworkers. The employee told the ombuds that they had been the only person to raise the matter with their local HR team. In fact, they had twice gone to the local HR team, but no action had been taken in connection with the abusive manager. Compounding the abusive behaviors and bullying from the manager, the employee also reported being subjected to retaliation for having made the reports to HR. The employee was on the verge of leaving the company and retaining counsel to bring suit against the company. Under these circumstances, it was clear that a confidential conversation with the ombuds was extremely important to the employee.

The ombuds and the employee explored various other internal options available to the employee before the drastic action of leaving the company and filing suit against it. One of the options was for the employee to collect evidence of the manager's abusive and retaliatory conduct and then to contact the ethics and compliance office (ECO) with a request to conduct an investigation. The ombuds coached the employee on how to collect and collate their evidence and also how to then discuss the matter with the ECO.

The employee took this option, collected the relevant evidence, and contacted the ECO. The ECO investigated the issue and found that the employee had been subjected to a hostile work environment and also had been subject to retaliation. The manager concerned was disciplined and removed from the company. The employee was able to continue working for the company in a greatly improved work environment.

An Ombuds Helps Resolve a Problem that Could Have Led to Congressional Action Against a Federal Agency and its Political Leadership

A visitor came to the ombuds at a federal agency concerned about what to do about their supervisor who was creating a hostile work environment. In addition to discussing the conduct of the supervisor, the visitor also disclosed during this first meeting that the visitor was like family with an influential Member of Congress who had already been notified about the visitor's issues with the supervisor.

After discussing various options on how the visitor might proceed with this concern, the visitor requested the ombuds to see if the supervisor would be amenable to having a facilitated conversation with the assistance of the ombuds. The ombuds approached the supervisor, who indicated their willingness to participate.

All of the visitor's concerns were successfully addressed through facilitated conversations and shuttle diplomacy. In addition, larger systemic issues were elevated to the highest level of the organization. As the visitor felt heard and was satisfied with the outcome, the Congressional Representative backed off on plans to stop the Senate Confirmation of the supervisor who was a Presidential Appointee.

Ombuds Perseveres in Working with Employees to Resolve Favoritism Issues with Their Manager

Over a period of a month, five employees of different minority backgrounds came to see the ombuds separately about a mid-level manager of a different minority background. Each visitor asserted that this mid-level manager was favoring a new employee of her same background/ethnicity who was not as experienced as any of the other member of the team. This new employee was in the same role as the five employees who came to see the ombuds. Each employee explained to the ombuds how the favoritism occurred—granting this person special assignments, relaxing rules about when this person arrived at the office or left the office, allowing this new employee to not take extra shifts that everyone else was forced to take, and giving this new employee first choice on vacation time.

The ombuds worked with each of the employees separately to talk about different options, including having them consider reaching out to HR (which two of them did), and trying to have a conversation with the middle manager (with one of them did) or the middle manager's manager, who also was new to the organization (which one of them did). These conversations were reported to have gone fine to well, and the HR discussions resulted in the beginning of an investigation (that ended up getting stalled for reasons outside of the situation discussed here). A

couple of months after the initial visits, four of the five employees were back in the ombuds office, reporting that nothing had really changed, and in fact, the new employee had now been given authority over the other five employees on a new project.

This second time around, the ombuds asked the individuals if any of them felt comfortable reporting the situation to the head of the department. Each of them shared that they were concerned about retaliation and thus, did not want to report the situation. The ombuds then asked if they wanted the ombuds to reach out to the head of the department instead. There was unanimous support for this plan. The ombuds then reached out to the head of the department, who had already learned a bit about the matter from HR. The ombuds also offered to check in with HR to see what was holding up the closing of the investigation, which the ombuds also received support for and did. The matter closed soon thereafter, and, among other outcomes, the new employee who had been found to have been favored was moved to a different work team under a different manager.

Ombuds Helps a Manager Resolve Issues with HR and Her Boss

A hiring manager came to see the ombuds, after determining that reaching out to HR for clarification "was making things worse." This visitor to the ombuds office was tasked with hiring someone from a particular role, who would directly report to her. She and her manager had together come up with the job description and job qualifications for this role, and she had thought they were on the same page. However, after HR forwarded the top four candidates for her review (and her manager's reading), things started to change. She explained how she had thoughtfully reviewed the top four candidates and immediately culled the group to two candidates. She then let her manager know of her decision. Her manager immediately stepped in and explained she needed to interview at least three candidates, and that one of the two she had dismissed from the pile was a "must-see" candidate.

The visitor to the ombuds explained to her manager that the "must-see" candidate was seriously lacking in one of the most important skills-sets and that the other two candidates were far more experienced in this skillset. However, her manager did not budge. Instead, he noted that this candidate had another skillset, not anywhere on the job description and not part of the role as it had been envisioned, that he thought could be helpful later on with a plan he had to grow the role.

This hiring manager and the hiring team then interviewed three of the four candidates, including the one her manager insisted she meet. The group determined that one of the candidates was "head and shoulders" above the rest, and the candidate her manager insisted be interviewed not only communicated poorly, but also admitted that she had never done the work required for this vacant role. The visitor then shared her and the hiring team's decision with her manager. In response, her manager demanded that she hire the least qualified candidate. She was frustrated and angry, as she was the named hiring manager and her selected candidate needed to be able to accomplish the job requirements.

The ombuds pulled up the policy and procedure regarding the hiring process to discuss it with the visitor. In the policy, the hiring manager was authorized to be the final decision-maker and was also directed to take into account the feedback from the hiring committee. The ombuds talked with the visitor about the option of returning to HR and telling them about the situation, where she, as the hiring manager, as well the hiring committee, all agreed on this one candidate, and her manager was trying to make an end-run around the process. She was relieved to learn that the policy language supported her perspective, and she decided to meet with HR. She later shared that HR supported the hiring of the candidate that both she and the hiring committee had selected.

Ombuds Helps HR Employees Surface Abusive Treatment by a New HR Manager

The ombuds heard from at least eight different individuals over a three-week period about the turmoil in the HR department with the arrival of a new high-level HR manager. These individuals were in different roles in HR, and each described the mean, dismissive, and non-communicative behavior of this new HR manager toward them and others. They also expressed that this new manager had selected a few favorite employees, who were treated very well. This new manager also made critical changes in the department after being there only a few weeks. More specifically, with no explanation, the new manager removed long-time managers to individual contributor positions and also moved several employees, who had never had any management experience, to managerial roles.

While the ombuds worked with each individual to come up with some options for moving forward, after several weeks, it was clear that this new manager was perceived to be wreaking havoc by many. Most of the employees who had talked with the ombuds were concerned about retaliation (based on a recent situation in the department regarding someone who had challenged the new HR manager), but after learning that multiple people had come forward, seven of the eight employees gave the ombuds permission to bring the issue to the head of HR and the head of Employee and Labor Relations.

The two HR leaders listened to the ombuds perspective and indicated that they were somewhat surprised by what they were hearing. They had noted the new leader had a different style and that it was this change that may have been causing some of the trouble. They also indicated that each of them had an extremely heavy workload and not enough time to tackle the issue alone. They did decide, however, to hire an outside consultant to interview the whole staff and issue a report.

This report found widespread discontent since the arrival of the new leader and included suggested practical next steps for both the new HR manager, as well as the entire department, to take to improve the situation. The new hiring manager was ultimately asked to leave the organization.

Ombuds Helps a Mid-level Manager (and Other Employees) Surface Concerns When Formal Channels Fail After Former Peer is Promoted to Director

A mid-level manager who had worked for over 20 years at the organization reached out to the ombuds for a meeting. He shared that he had never worked with the ombuds before because he had never needed to do so. However, now that his manager had changed—a former peer was promoted to be the director—things were very challenging for him. He explained that his new director refused to listen to his opinions about initiatives involving his team and his area of expertise, and the new director was regularly making goals for him that were all but impossible to achieve. He also explained that the new director publicly called him out in meetings for "not being a team player" and in private for not being able to achieve the initiatives that the new director knew were impossible to achieve even with much more time and additional resources. As he tried to explain to the new director about why the goals were unachievable, he was told he was "insubordinate," and he was then written up.

The ombuds talked with the visitor at different points over five months regarding various options available to him. He tried multiple options, including reaching out to HR and asking the director for a facilitated conversation. The HR representative told the manager that the "director has discretion" to discipline him, and the director refused to engage in the requested facilitated conversation, telling the ombuds, "He just needs to get his work done."

Over the course of multiple additional months, at least seven other employees came to the ombuds to talk about the new director, sharing their perspectives about the abuse of power, the unfair and unproductive way he led, and the huge hit to morale that the whole department was experiencing. Again, the ombuds worked with each individual to generate options for moving forward, and also recognized that there was now a trend. After speaking with the mid-level manager and the other visitors who came to discuss this topic, the ombuds obtained permission to bring the issue to the head of the department. (No one wanted to do it themselves due to fear of retaliation.) The ombuds brought the issue to the head of the department, after which an outside vendor was hired to investigate the matter. The investigator found that the director had acted improperly and unfairly, had targeted the mid-level manager, and had poor leadership skills, generally. The new director was put on a Performance Improvement Plan and was ultimately asked to leave the organization.

Bullying and Hostile Work Environment

The ombuds received a number of visitors from one office who expressed concerns about a specific leader's treatment of people and whether the leader made ethical business decisions. None of them wanted a formal investigation, which would likely require their on-the-record testimony. They were comfortable raising the issue with the ombuds but did not want to become enmeshed in a formal investigation. Several also said that they "did not want anything bad to happen" to the leader. Rather, they just wanted to see the behaviors change and the environment improve.

The ombuds met with more than ten current and former employees from that office who described the conditions in that office using expressions such as: a "reign of terror," "a remarkably

toxic atmosphere," and an "abusive" and "hostile" environment. Among other comments expressed by employees was that they felt the leader "created fear," "beats people into submission," was "extremely condescending," "intentionally makes you feel like you're stupid" by "constantly pointing out mistakes, making you feel terrible about it," where "nothing you do is ever right . . . ever." These vivid and graphic descriptions clearly reflected an extreme and difficult work environment.

With permission from the employees, the ombuds compiled the comments without attribution and shared them with a more senior executive in that office for information and action as appropriate. The ombuds reiterated that it was up to the senior leader to initiate any investigation but that these comments suggested that there was an opportunity to address perceptions and reinforce expected leadership behaviors. The senior executive confirmed with the ombuds that a couple of other issues were raised before, but nothing was this serious and widespread. The ombuds confirmed that a large number of employees were doing everything they could to stay in the good graces of this leader, which meant not speaking up for fear of retaliation, which colleagues stated took the form of low performance evaluations. The senior executive: 1) used the ombuds' non-attributable feedback to put the leader "on notice" about expected behaviors surrounding respectful treatment; 2) created an open door for all employees to freely make direct contact; and 3) gave the leader a one-year ultimatum to improve or find another opportunity. While things improved slightly for a short amount of time, ultimately the bad habits did not change, and the leader left the organization.

Misperceptions Lead to Productive Conversation and a Better Plan for the Future

An employee came to the ombuds with concerns and frustration over dealing with the employee's supervisor over the employee's need to go out on leave for an extended time. From the employee's perspective, the supervisor was giving the employee a hard time and seemed angry and resentful about the upcoming leave.

The ombuds presented the employee with various options for possible action, including the possibility of a facilitated conversation between the employee and the supervisor. This is the option that the employee asked the ombuds to assist with. When the ombuds spoke with the supervisor to inquire whether the supervisor might participate in such a process, it became clear to the ombuds that the supervisor's perspective was being driven by the need to make sure that the employee's work would be covered during the employee's absence. It was also clear to the ombuds that tempers and defensiveness on both sides had made communications short and ineffective.

With the permission of the employee and the agreement of the supervisor to participate, the ombuds arranged for another neutral third party to help mediate their differences over how to handle the employee's upcoming leave.

Both the employee and the supervisor later told the ombuds that the facilitated discussion was helpful and effective. It allowed them to work through many misunderstandings and developed a plan for how they could better address issues in the future.

What to Do with a Bullying Boss?

Several employees from one department in an organization came to the ombuds with concerns about the behavior of the department head. Most came separately, but a few came as a small group. The department head was described by them all as being defensive, belittling, and absent from daily tasks.

After discussing various options, the visitors gave the ombuds permission to raise the concern with the head of the business but not to identify them. In the discussion between the business head and the ombuds, they concluded that more information was needed. The ombuds was asked by the head of business to conduct a confidential "climate survey" to determine more about the department head's behaviors and the impact on employees.

To conduct the climate survey, the ombuds sent out an email to all people in the department inviting them to participate. The ombuds then met with each person individually and solicited comments and conversation around three questions: What is your leader doing well? In what areas could your leader improve? How could you help improve the work environment?

The ombuds verbally shared a summary of the high-level themes from this climate survey with the business head, without disclosing the identities of any of the people who had visited the ombuds or who had responded to the survey. With this information, the business head determined that a warning letter should be issued to the department head along with an offer to provide coaching to help him change his behaviors. Ultimately, the department head decided on his own to move to a new assignment after he completed the coaching. The business head expressed appreciation to the ombuds for bringing this matter to his attention, remarking that he would not have been aware of it had the ombuds not brought it to him.

Insubordination or Doing the Right Thing?

When an employee noticed costly errors made by their manager, they approached the manager with their concerns. The manager insisted the employee was wrong and told them to process the work, as instructed. The employee researched company policy and provided written documentation about the correct way to proceed. Again, the manager insisted the employee was wrong and told them to follow orders.

Estimating that these errors could cost the company hundreds of thousands of dollars, the employee sought assistance from a colleague who agreed with the employee's assessment. The colleague reminded the employee that the company provided outside counsel to advise on such issues and suggested that the employee seek an opinion from this resource.

The employee contacted outside counsel who concurred that the manager's errors were clear. Armed with this opinion, the employee approached the manager for a third time. However, instead of admitting to the mistakes, the manager told the employee to proceed as directed or be written up for insubordination. Fearing reprisal from the manager and not knowing where else to go, the employee visited the ombuds.

The ombuds coached the employee to speak up at the correct level within formal channels and offered four options for doing so. The employee made a formal report and an investigation followed, resulting in corrective actions, including termination of the manager and restructuring of the broader group. The investigation confirmed that, if the issues had not been reported, the compounding errors might have cost the company more than $1 million over the next few years.

Help With a Pregnant Employee and in Enforcement of Global Policies

An employee from a location outside of the United States contacted the ombuds to say that her boss had called her into his office to tell her that he noticed that she was pregnant and that he knew she was unmarried. She said that the boss had told her that if she were not married by the time the baby was delivered, she would be fired. Such conduct was not illegal in the country where she worked but violated the company's policies. She was uncertain what to do, afraid of losing her job, and feared retaliation by management of the company in her country, who she felt would support her manager.

The ombuds discussed various options on how to proceed and assured her that such action would violate company policy. With her permission, the ombuds forwarded her issue to a formal channel at the company headquarters, which intervened with local management to reinforce the company's policies and reiterated to local management that retaliation against her for bringing this issue to the attention of the company would not be tolerated.

The ombuds also worked with those responsible for the company's newsletter, which was sent to tens of thousands of employees around the world, to address issue prospectively and generically (no reference to any names or locations) in a question and answer format to advise everyone in the company that it would violate the company's policies for a supervisor to discipline a female subordinate for being pregnant and unmarried and that attempting to do so would subject the supervisor to discipline, including possible dismissal. Such clear and direct guidance not only helped reinforce the company's global policies but may have spared other women throughout the world and in these circumstances from having to deal with the threat of termination and/or retaliation.

Sometimes it is Necessary to Take an Issue to the CEO

Several employees and leaders expressed concern to the ombuds about a very senior leader's bad temper. His behavior was intimidating and caused his direct reports to be afraid to approach him, provide information, or seek guidance from him. Nevertheless, there was an imminent possibility that this leader would be elevated to the next higher-level despite of such behavior. All of the employees who came to the ombuds were afraid to be identified as someone who had complained about him, but some of them requested the ombuds to raise the issue with higher management without identifying them as the source.

The ombuds met with the CEO of the organization and indicated that concerns had been expressed about the conduct of this senior manager and provided some examples of his conduct that could have been easily observed by many people but did not reveal the identity of any person who had come to the ombuds.

The CEO expressed appreciation for the information and arranged for an executive coach to assist the leader.

Job Protection and Fear Above All Else

The ombuds received an anonymous call from an employee in a multinational organization through an overseas operating center. The caller was extremely nervous about calling but was put at ease by the ombuds first explaining how the ombuds office works (confirming confidentiality, neutrality, informality and independence) and by being able to speak in the person's first language. The caller explained that he worked in a unit that had high security, separate badge access, and security cameras because the unit dealt with valuable assets and financial information. He also explained that his supervisor had been harassing his unit for over a year with veiled threats about employees losing their jobs, asking for personal errands, bullying them and instigating rough play games (such as hitting, boxing, wearing blindfolds, tying people with a rope). The so-called "games" were played in an area with no security camera coverage and supposedly were to have "fun" and break the monotony in the work area. Even though there were at least twenty employees in the unit who had been subjected to these practices and an HR office and higher supervisors located in the same building, there was so much fear of potential job loss that no one spoke up for a year. Finally, when a coworker had to leave work discreetly to go to the hospital because he broke several ribs in one of the "games" and did not report the incident, the caller decided to call the ombuds in the US since he had heard that it was confidential and had seen announcements about the ombuds when the ombuds visited his location several months earlier.

The ombuds and the caller discussed various ways that the issue could be raised. The caller decided to give the ombuds permission to contact HR and Security, but he was too fearful to give permission for the ombuds to contact the higher up supervisor (a vice president of the organization) because he believed that immediate supervisor was extremely well regarded by that person. The ombuds, without revealing the identity of the employee who had made the call, passed along information to HR and Security concerning the type of activity that had apparently been occurring. They then investigated the matter by interviewing many of the employees separately at an outside location.

The investigation corroborated the allegations, and the supervisor and a higher-ranking supervisor were terminated from the organization.

Persistent Retaliation

An employee came to the ombuds with concerns over retaliation by her manager for a complaint that the employee had made to HR about the manager. In the course of her discussion with the ombuds, it came out that the employee had been at the company for only one year and that the manager was hired from another company by the next-level manager, a vice president, with whom the manager was a long-time friend. The employee, the manager, and the vice president were all women.

The employee had first complained to HR about her manager making negative comments in front of other employees about the employee's looks and the fact that she was from another country. She had also informed HR about other encounters with her manager and the manager's behavior in meetings at which the employee was present and tried to speak. HR had brought the issue to the attention of the manager and the vice president, but the manager responded by later confronting the employee about the complaint made to HR. The employee also felt that once HR had become involved, the manager was reducing the employee's work without justification. The employee believed that HR had not handled the matter confidentially and she was most concerned about further retaliation. She wanted to speak to the ombuds confidentially about what could be done.

In the course of the discussions with the ombuds, the employee indicated that she thought that the manager had violated the company's code of conduct but was afraid to report it out of fear of further retaliation. With coaching from the ombuds and after discussing various options, the employee filed an anonymous report on the possible violation. Once she did so, however, she came back to the ombuds to share the latest experiences of retaliation, because although the report was anonymous, the manager and the vice president had assumed that she had filed it and were making her life very difficult. After receiving permission from the employee, the ombuds spoke with a senior person about the investigation that had been undertaken with respect to the code of conduct allegation and the persistent retaliation.

By escalating the issue in this manner, both the code of conduct issue and the retaliation were fully investigated. This enabled the employee to express her concern directly in connection with the investigation.

The company found that the manager had, in fact, been retaliating against the employee, and the manager's employment was terminated. The vice president was reprimanded for her involvement in the matter. The employee was able to retain her position and report to a new manager.

Systemic Management Problem but Fear of Retaliation

Several inquirers came to the ombuds over many months with concerns about the director of their department. He was variously described as a bully and a task master, and he reportedly retaliated against those he perceived as challenging him. At first, none of the inquirers were willing to speak directly with him or even participate in facilitated discussions with the ombuds

as a third-party mediator. After a while, a few became willing to permit their concerns to be expressed to higher management, but only if their names were not revealed for fear that disclosure of their identities would come back to haunt them—both from retaliation by the director and because they feared that higher management would see them as whiners and disloyal.

When the ombuds raised the issue with an executive in higher management generically, the executive communicated to the ombuds that he wanted to encourage the employees to speak with him directly. After numerous follow up discussions with the employees and with the executive, two employees told the ombuds that they would be willing to speak with the executive directly. Other employees agreed to write out their concerns for the ombuds to give to the executive but would not agree to be identified.

The executive met with the two employees, received the written comments, and subsequently undertook his own analysis of the situation. Ultimately, the executive determined that management had enough information to relieve the director of his duties. A new director was installed, and the previous inquirers reported much improved functioning and morale.

Resolution Process

An employee with a previously exceptional performance record came to the ombuds with concerns over treatment by his new boss. His former boss had been promoted, resulting in the employee being reassigned to another director who had not been consulted or given any say in the reassignment. The employee said that his new boss had indicated that there were problems with his work and work ethic and had given him a poor performance rating.

At the same time, the employee told the ombuds that a terminally ill parent was living with him and had to be cared for daily, including being delivered to and from an adult care facility while the employee worked. The employee had used vacation time and sick leave for the extra time that this required, but he had recently learned that he may be eligible under the Family and Medical Leave Act (FMLA) for additional time off. His director, however, had told him that he could not leave early or arrive late; and when he did apply for FMLA leave, the director denied his request without explanation. The employee was distraught by this situation and did not know where else to go. He himself was also experiencing stress and other health-related concerns as a result of the situation.

In the course of consultations with the ombuds, the ombuds was able to help the employee first consult with medical services to attend to his own health problems while they worked on the other issues. They discussed various options to try to address the continuing issues with the director. The option selected by the employee was to use the organization's dispute resolution process to appeal the performance rating that he had been given by the director.

As a result of the dispute resolution process, the employee's performance rating was changed, the FMLA request was granted, and the director was reprimanded for his actions.

Make Him Stop but Don't Disclose that I Brought It Up

A manager made a comment in front of several employees that the area where they worked "smelled like a whorehouse." An employee brought this issue to the ombuds but was not willing to take it to other management or HR because of concerns that the manager who made the comment would retaliate against the employee.

After discussing various options to address the issue, the employee gave the ombuds permission to disclose the comment but not the employee's identity to HR. When HR was informed of the comment, it conducted an investigation and confirmed from several sources that the comment had been made.

The manager was disciplined, and HR provided additional harassment training to the entire unit.

Ombuds Arranges for an Anonymous Call to a Formal Channel

Multiple employees on a regional sales team had been talking among themselves about the disrespectful, abusive, unsupportive behavior of their mutual supervisor. The employees all worked in different states and were connected only by way of a virtual network, so that their interaction with each other, their supervisor, and potential resources was entirely by phone and e-mail. They expressed great fear of retribution from the supervisor if they spoke up. They also did not trust other resources in the organization. With frustration mounting and many of them finding it increasingly difficult to focus on their jobs, a representative of the employees contacted the ombuds in search of a way to anonymously raise their concerns.

After listening to the concerns expressed and understanding what the employees had already attempted to do to resolve the problem, the ombuds discussed various options. The option selected was for the ombuds to contact HR to arrange for an anonymous telephone call between a regional HR director and some of the employees. The understanding was that the ombuds would coordinate the conference call and that four employees would participate in it with the HR director but that the employees would not identify themselves. The ombuds coordinated the call and once all participants were connected, the ombuds dropped off so as not to be part of a formal, but unusual, teleconference.

As a result of the conversation, an investigation was begun into the leadership behavior of the supervisor in question. In the end, the supervisor was switched to a non-leadership role in the organization.

14. Difficult Employees and Coworker Conflict

Facilitated Conversation with Ombuds Addresses Abusive Colleague's Behavior

Nearly all residents in a highly respected training program complained about a second-year resident to faculty clinicians, including the program chair of residency training. The complaints centered on abrasive peer interactions, shirking of clinical duties, prioritizing moonlighting over clinic responsibilities, and speculation that the resident was more abrasive toward women and minority peers. The resident was among the least favorite among attending clinicians and was considered arrogant, though his clinical performance was considered slightly above average. The residency program chair had spoken to the resident on several occasions about these perceptions but had not issued discipline as there was no evidence of clinical or academic deficiencies. The chief resident, who had also tried to coach the resident, informed the program chair that the second-year resident's negative behavior had become more frequent and that it was time for the program chair to drop the resident from the program. The other residents felt that the program leadership was demonstrating a lack of care for their well-being and a lack of follow through about expectations of professional standards. Several residents indicated that they were considering submitting a formal complaint about discrimination to the EEO office; others were circulating a draft of a letter to the ACGME (Accreditation Council for Graduate Medical Education).

The program chair contacted the ombuds to seek assistance, understanding the informal, confidential, and neutral posture of the office. Several options were discussed, including more aggressive intervention by the chair, referral to a hospital-wide review committee, and facilitative intervention process organized by the ombuds. The chair wished to pursue the voluntary facilitative process before attempting more formal options and a plan was agreed upon whereby the chair would ask if the chief resident and the second-year resident would be willing to talk individually with the ombuds about the situation. Both were willing to participate.

The second-year resident was adamant that he believed there was no basis for the complaints but was willing to participate in a dialogue with the other residents if they thought it would help. The ombuds met with the chief resident and asked for background and the chief resident agreed to arrange several small meetings between the ombuds and the other residents. The residents agreed to abstain from submitting any formal complaints or letters until the facilitative process had an opportunity to proceed. After hearing from the residents and the second-year resident, the ombuds began serving as a go between, shuttling preliminary requests to and from the second-year resident, the Program Chair, and the other residents. Ultimately, the ombuds facilitated a group meeting that included the program chair, chief resident, and all other residents to discuss "ground rules" for behavior and a three-step protocol on how to respond to violation of those ground rules by any member. The entire process took place over six to eight weeks.

Facilitated Discussion Helps with Training of Difficult Manager and Addresses Concerns in Unit

A Director at a large academic health center requested to consult with the ombuds regarding complaints she had been receiving from phlebotomists in a unit that served outpatient

areas. The staff had reported that their manager had difficult interactions with them, information and expectations were not communicated consistently and clearly, there seemed to be favoritism in the unit (e.g., re granting vacation, overtime, etc.), that they perceived that they would be subject to retaliation if they spoke up regarding concerns, and that their unit was treated much differently (less than positive work climate) than phlebotomists who worked in the in-patient units. The Director also reported to the ombuds that were also conflicts between the staff themselves, particularly the group that was viewed to be "favored" and the ones who were not. The Director believed that the unit would benefit from assistance from the ombuds, and the employees were asked to contact the ombuds if they would like to further discuss concerns. The Director requested that all the employees in the outpatient unit (even those who had not previously discussed any concerns) schedule individual, confidential meetings to share their work experiences with the ombuds, as well as their perspectives on the communication and interactions in the unit.

In addition to meeting with the employees in the unit, the ombuds also met with the manager on the same confidential basis. On the basis of these meetings, the ombuds recommended to the Director that the entire group participate in a dialogue session with the ombuds that would provide a forum for raising concerns openly, an opportunity for the group to generate recommendations to address their concerns, and an opportunity for training in conflict resolution, effective communication, personality styles, and civility.

The Director agreed to this and agreed to hold an all-day session facilitated by the ombuds. (Because of scheduling challenges, this was held on a weekend, and treated as a paid workday for employees.) Attendance was not required, but it was strongly suggested that staff be attendance so that resolutions could be jointly developed by the group. Almost of the staff attended the session and participated throughout the day, including the Director and the manager.

Using an appreciative inquiry approach, the ombuds asked all participants to answer a series of questions about what was working well, what should be improved, what an ideal working environment would look like, and each person's individual commitment towards addressing the issue and improving the team dynamics. The session included discussion of their responses to these initial questions, along with a facilitated discussion of the issues that had been raised in the earlier individual meetings. In the course of these discussions, the ombuds was also able to provide the training components mentioned above. The session resulted in a resolution plan developed by those in attendance that included recommendations for how concerns should be addressed, agreements about group behavior moving forward, and individual commitments from each staff member. Privately with the ombuds, the Director agreed to more closely oversee the performance of the manager and address further concerns via the performance management and coaching and development process.

Coaching to Improve Communication Skills

A male employee found an image ridiculing him stored in a shared folder on the company computer system that had been posted by a female team member. The employee thought that the image was offensive and did not think it should have been posted in the shared

folder. When he brought this issue to his manager, the manager's response was that it was just a lighthearted joke. The male employee, however, felt that he had never been close to that female coworker and did not have a joking rapport with her. He remained upset about the continued presence of this image on the shared folder and was frustrated by the fact that his manager had not taken his concerns seriously. The male worker also believed that he had been the victim of a double standard—had he posted a similar image about the female coworker, the manager would have responded very differently.

Having tried to raise this issue with his manager without success, the male employee wanted to speak with the ombuds confidentially about how further to address the issue. The ombuds listened to the employee to understand why the image upset him and discussed his expectations on how this should have been handled. They also discussed his working relationship with his coworker and what the implications might be from different approaches he might take on his and her future interactions at work. The employee decided not to take any further formal action but requested the ombuds to coach him (which the ombuds did) on how to engage in conversation with his supervisor and his coworker to better express his reaction to this posting and to have better communication in the future.

The Ombuds Helps a Group Find a Common Vision

A university president hired an executive director to start a pipeline program for underprivileged students from the geographic area in which the university is located to get into the university's STEMM programs. It was a huge undertaking to hire staff, make arrangements with local schools and collaborate with the university medical faculty.

Toward the end of the first year, the director of this program was so frustrated with several of the staff that she was ready to fire them all and start over. She came to see the ombuds to ask for help. After a couple of meetings, the ombuds asked the director if she would be willing to allow the ombuds to meet with each of her team individually to learn their perspectives on what was going on. Of course, the ombuds insisted that the information shared in the conversations with staff would have to remain confidential. The director was anxious to get the program launched so she agreed.

The director knew that the program was a high priority project, so she was feeling a lot of pressure. The fewer people that knew her challenges, the better, so that is why she did not want to go to Human Resources.

The ombuds met with each of program's team members, promised confidentiality, and asked them how they viewed how things were going. Each of the eight people interviewed had a different perspective and wanted the program to develop the way they thought it should. As a result, and without disclosing the comments of any of the individual team members, the ombuds suggested to the director that the group either have a retreat or discuss organizational development. She agreed to do both but asked the ombuds to lead the organizational development discussion first.

During that discussion, the group realized that in order to get started, someone had to offer a vision and having eight different visions was slowing down their progress. They agreed to let the director lead with her vision and to fine tune their goals and objectives in a strategic planning retreat.

The director was pleased with the results of the retreat and decided not to fire her team. She also asked the ombuds for resources for team building and Myers-Briggs training. This program went on to get multiple federal grants and awards. They continue to provide the pipeline to this day. The director frequently publicly states that this high-profile town/gown program might not have survived without the help from the ombuds.

A Restorative Justice Approach Helps Address What Were Perceived to be Racist Comments

A visitor came to the ombuds looking for help with a sensitive situation. She felt she had been humiliated and that the motivation had been racism when a colleague challenged her in a large meeting. She wasn't sure whether she wanted the other person to pay in some way, but she did want to address the problem and not sweep it under the rug.

The ombuds, who was trained in restorative justice practices, thought this might be a perfect opportunity to help people deal with the sensitive issue of racism in a way that leads to empathy and understanding rather than accusations and punishment.

When the ombuds described the circle process and discussed with the visitor why it is used, the visitor was receptive to the idea. Since the woman who insulted her was a colleague with whom she needed to continue to work, she decided her goal was to seek understanding and behavior change.

The ombuds asked the visitor who she would like to have in the meeting, and she selected the person who she thought had made the insulting comments and both of their supervisors. She wanted all of the other three to understand how the situation impacted her.

All three of the other parties agreed to participate in the circle. Two parties were black and two were white. The discussion lasted two hours. There were tears and there were promises that all would be sensitive to how they talk to others and especially in front of others.

This is the kind of situation that many people do not address. Their feelings are hurt, and the other person is not held accountable or given a chance to learn from the situation. By having the ombuds suggest and help with this restorative justice process, hopefully both the individuals and their supervisors benefited by their new understanding of how they should treat others in the future. And, by helping to resolve the conflict in this manner, the university and its culture were also beneficiaries.

Ombuds Helps Facilitate Better Communication Between a Supervisor and Supervisee

A high-level leader and an HR business partner reached out to the ombuds to ask if she could work with supervisor and supervisee in the leader's department to help them iron out their communication difficulties. HR had just published the findings of an investigation that grew out of a complaint filed by the supervisee against the supervisor, and one of the recommendations was for the parties to work together on their communication.

After explaining that the ombuds is a voluntary and informal resource, and what that meant for the ombuds' involvement, the ombuds reached out to the supervisor and supervisee separately to introduce herself and the idea of meeting together to have a facilitated conversation. Both parties agreed, and the ombuds met with the two employees five separate times—four times to talk together about the communication issues from each of the employee's perspectives and to provide the space for the parties to come up with an informal agreement about how they would communicate going forward, and one time to check-in with the employees about how they were doing and to see if the agreement was working well or if something had to be tweaked.

Over the course of the first four meetings, these two employees gave example after example of how the other person did not communicate well; these examples went back two full years and were exacerbated in part due to the fact they did not work in the same location, the supervisee had ongoing active caregiving responsibilities of her elderly, sick mother, and the supervisor and supervisee came from different countries with different cultural ways of expressing opinions. After sharing their perspectives, it was clear that each had different expectations (that neither had before fully shared with the other) of what communication should look like over email and phone, the frequency of these communications, and the tone (or assumed tone, over email) that should be used.

Together, with the ombuds, the parties developed a new communication plan which supported their individual and team needs. At the check-in meeting, the fifth meeting, the parties both reported that things were going much better. Each of them pointed to the parts of the agreement that really made a difference for them, and there was only one provision that they both agreed needed further attention. They both thanked the ombuds profusely and were relieved to be able to focus more on the work itself.

New Employee Appreciates the Ombuds Taking Action to Get Her Help by Breaching Confidentiality After Concluding that there was an Imminent Threat of Serious Harm

The ombuds had been working for several months with a new employee who was having ongoing communication issues with two coworkers. These coworkers had worked together closely for many years. The employee described the two coworkers as being rude and condescending and also explained that they withheld key information from her that she needed to be successful in the job. Her manager, who worked offsite, recommended that she speak with the ombuds because the issues were largely relational, and the manager felt like she could not help this employee. The visitor also described feeling marginalized and ignored by the larger group

throughout the workday, even after she had made multiple efforts to connect with individuals in the group.

In one of the meetings with the ombuds, the employee revealed that she had depression and anxiety. The employee had also told the ombuds that she had psychological support from a therapist and was taking anti-anxiety and anti-depression medicines

The ombuds worked with the employee at first on helping her to prepare to have conversations with the two members of the team with whom she was having the hardest time. She reported that these conversations went well, and things seemed better all around. The ombuds also worked with the employee to prepare for a conversation with the manager of the team, who had "handed her over to the ombuds," instead of helping her work out issues with the team. The visitor reported that that conversation was fine, and she felt on better footing.

A month later, the visitor emailed the ombuds from home in the evening to say that after she had had a brief outburst, one of the team members had just stopped talking to her and refused to even acknowledge her presence. She asked if there was any way the ombuds could connect with her that evening. It was during this conversation that the visitor revealed that she felt lousy and that her depression had taken hold.

Among other things, the ombuds asked about whether the visitor was in touch with her support system, and the visitor had said that she had seen her therapist that day and had another appointment in three more days. The ombuds asked if she felt comfortable calling her therapist, and the visitor refused to do so because she did not want to end up in mental hospital, and she was sure she would. The employee also said that her family supports were largely non-existent now that her adult daughter had moved out of her home. The ombuds asked the visitor if she felt like she was safe, and she said she felt like she wanted to end things. After asking the visitor some follow-up mental health questions, the visitor told the ombuds that she did have a plan that she was starting to form to hurt herself. The ombuds told the visitor that she was very concerned, and that she thought that what she was hearing met the threshold of "imminent risk of serious harm," which could allow the ombuds to break the visitors' confidence. The visitor was very upset on the phone but understood that the ombuds felt compelled to do something to ensure her safety.

The ombuds reached out to HR and then to the local police non-emergency number to find out about the protocol for mental health emergencies in the local geographic area during after work hours. After learning about the existence of a 24/7 suicide prevention organization that was near where the employee lived, the ombuds also learned that the employee would have to drive herself there or would need the police to take her there (but this would occur in handcuffs, the usual protocol). The ombuds called the visitor back and told her about the suicide prevention organization and asked if she felt like she could drive herself there. The visitor said she thought she could and agreed to call the ombuds once she arrived at the organization, which she did. The employee remarked the next day and several times thereafter that she was grateful for the support and intervention. After that evening, the ombuds also helped the employee navigate taking a leave of absence due to her medical issue.

The Ombuds Helps Address Both Individual and Systemic Issues Involving Racial Aggression in the Workplace

An African American laboratory technician visited the ombuds to talk about a recent race discrimination complaint that he had brought to HR. The matter involved the use of the "N" word in the visitor's presence by a white coworker. According to the visitor, an investigation by a white HR professional involving the three levels of management for both colleagues (all of whom were white), resulted in no finding of violation of the racial harassment policy. Despite the fact that the subject of the investigation admitted to using the offensive language, his behavior was found not to be a violation of the policy because the coworker had not known that the African American visitor was present.

The ombuds provided a confidential and safe space for the visitor to share his feelings and worries about the situation and his future. The visitor was hurt and emotional about his treatment. In his words, the experience made him feel "insignificant."

The ombuds and the visitor discussed options at the individual level and actions that could be taken at a systemic level. The ombuds presented possible options at the visitor's level, including requesting a review of the investigation, creating a plan for future interactions with this coworker, building and strengthening the network of support at work for the visitor, refocusing the visitor's effort on high performance, transferring to a new department, and finding an ally supervisor/manager with whom the visitor could have a difficult conversation about the realities of racial tensions in the work environment. In this case, the visitor decided to get more involved with plant diversity and inclusion (D&I) initiatives and to focus his efforts on doing a great job while preparing to apply for a job in another department.

At the systemic level, the ombuds and the visitor discussed local diversity and inclusion (D&I) activities and organizations. The visitor gave the ombuds permission to raise the issue as a systemic issue while not identifying the visitor. Since the ombuds had received information from a number of visitors about racial tensions, the ombuds concluded that these comments represented a systemic issue of both micro- and more blatant aggressions in the workplace centered on race.

The ombuds was able to include this general information in providing upward feedback to senior leadership and several key D&I leaders locally. The ombuds was also able to refer managers and D&I leaders to local racial justice initiatives and training resources for incorporation into the organization's future. The D&I leaders were extremely receptive and several enrolled in antiracist workshops that were recommended.

The Ombuds Can Help Mediate Mid-Level Staff Conflict that Would Otherwise Impede Important Work in a University Department

A female staff member in the Office of the Dean of the Graduate School at a large public research university contacted the ombuds for help with what she called a "difficult" working relationship with a male Information Technology (IT) staff professional following a conversation

she described as “terrible.” The IT staff member routinely provided technical support for two large departments at the university, but two months previously had also began assisting the Office of the Dean of the Graduate School.

Among her many other responsibilities, the visitor to the ombuds had been assigned the task of administering the annual survey of graduate students. Among the first assignment given to the IT staff member by the Graduate School was to help the visitor develop and analyze the graduate student survey, which this year was likely to receive intense scrutiny from administrators and the public because of disturbing and numerous highly publicized allegations of sexual harassment and bullying of graduate students by faculty members across numerous academic departments. The climate for graduate students had become a hot topic on campus.

The visitor told the ombuds that while she was initially happy to have the IT staff member’s technical help with the survey, she knew he could only give 20 percent of his time to the work for the Graduate School Dean’s office. She said that she and several colleagues had found the male IT staff member to be completely unresponsive to emails. She said he was rarely available. He didn’t seem to recognize the constraints of the office’s budget because he had mentioned wanting to use some cutting-edge software that she thought they probably could not afford. She said that the “terrible” conversation occurred when he came to her office after learning she had asked someone else to help her with the graduate student survey while he was away. When he demanded to know why she “went around his back” she answered, “Because, I have to get this survey done and I haven’t even seen you for at least a week. Besides, you never answer my emails. So, I asked someone who agreed to help immediately, and, by the way, she used software we already had.” According to her, his response, before walking away, was, “Oh? Now I see why I was warned about you.”

The visitor was concerned about this exchange and asked the ombuds if mediation between the two of them might be a possibility. The ombuds asked if she would be willing to give the IT staff member an ombuds office brochure and invite him to call the ombuds for an appointment. She agreed, took a brochure, and left. The IT staff member called before the end of the day and arranged an appointment the next day.

When he came for his appointment, he also was clearly upset. He said he’d been doing his best to keep up with his work generally but having the Graduate School Dean’s office added to his workload had made an already hectic schedule even crazier. He explained that he had never been told how much time to give the Graduate School. He met with the female staff member in the Graduate School soon after he took on the Graduate School responsibility to find out about the survey. He said he assured her he could provide the technical help she needed; especially if the office could purchase new software that he was anxious to try because it would likely provide very robust results. He said she had seemed hesitant about purchasing the new software but said she’d investigate it. He never heard back from her about that. He acknowledged that she did send him several emails about the survey, but he said she never included any deadlines or due dates. So, with all he had to do for the other two departments, he assumed he would tackle her request after his wife had their first child, which had only occurred a week ago. He had then taken a week off from work because of the child’s birth. He said he was sleep deprived when he returned to work, so he was “not at his best” when he tried to talk to her

about the survey. Also, even though part of the survey work was now done, he was still going to be providing technical support for the analysis and, frankly, without the new software, he said he had less confidence about the quality of the data analysis he could provide.

After listening to his perspective, the ombuds asked if he would be interested in trying mediation with her. He readily agreed.

They both came to mediation ready to do the work required to improve their working relationship. They listened respectfully to one another, spoke honestly, asked good questions, took responsibility (and apologized) for their individual contributions to the conflict, and focused on what they could do differently in the future to improve their communication. With the assistance of the ombuds they resolved to take a variety of actions both to address the task at hand and to work more productively with each other in the future. Among the commitments they made were that the original visitor said that she would tell the Dean of the Graduate School that her IT colleague had not been told he was expected to work 20 percent for the Graduate School. They also committed to meet for coffee every two weeks to keep the lines of communication open.

Ombuds Helps the Organization Avoid a Class Action Lawsuit

A female professional staff member contacted the ombuds office with concerns over actions by the predominantly male staff in her group. She had only been with the organization for a few years but was highly educated and at the cutting edge of her scientific field. She had also received high ratings as an employee. She related that she and other women in her group had experienced demeaning, disrespectful, and dishonest treatment by the male professional staff in her group. She thought one of the worst offenders was her former mentor, who was also a highly valued staff member responsible for bringing in millions of dollars of new business. She and the other female scientists and technical staff had been ignoring the demeaning behavior by him and the other male colleagues because they needed his skill and research projects.

The female staff member also mentioned an episode six months earlier in which a male staff member had created a dangerous condition in the lab with only women present. While the incident had been investigated and the male staff member transferred to another group, a verbal threat on her life had been made to her to prevent her from speaking about the episode. That event clearly had traumatized her, and she had not reported the threat. Since that time, however, she had been keeping a record of the incidents and comments. In addition, the women in the group had been advising potential new recruits to the organization that they could not recommend working at the organization.

The ombuds discussed various options with her on several occasions. During this time, the staff member urged other women in her group also to speak with the ombuds. The ombuds thought that the facts outlined by the women created a real possibility of a class action lawsuit against the organization and was trying to find a way to help get the issue to senior management. While most of the women insisted on anonymity, two of the women with whom the ombuds spoke were willing to speak about their concerns with management.

The ombuds helped coordinate a meeting between those two women and the CEO. As a result of those conversations, an investigation was undertaken to deal with the issues in that group. In addition, senior management engaged workplace consultants to work with staff throughout the organization to raise awareness and deal with gender related communication and interaction.

A Desire to Protect Others but Uncertainty Over Whether Problem Continues

A female employee had filed a formal complaint about male employee's sexual harassment of her, including his inappropriate touching of her. The male employee was reprimanded and moved to another location. The female employee was given coaching and additional protection, including an escort to her car at the end of work.

The female employee sometime later came to the ombuds because she believed that the male employee, in his new work location, was engaged in the same conduct with another female employee, but the suspected conduct did not involve her, and she had no direct proof. She also did not want to be identified in any complaint, but she indicated that she was trying to protect other women from what she had gone through. After discussing various options with the ombuds about how this issue could be addressed, the female employee permitted the ombuds to contact HR to advise them that a person who wished to remain anonymous had concerns—but no direct proof—about sexual harassment by the male employee.

HR conducted its own investigation and concluded that the male employee was, in fact, sexually harassing another female employee. His employment was subsequently terminated.

15. Relationship and Reputation Issues

Facilitated Conversation with Ombuds Addresses Abusive Colleague's Behavior

Nearly all residents in a highly respected training program complained about a second-year resident to faculty clinicians, including the Program Chair of Residency Training. The complaints centered on abrasive peer interactions, shirking of clinical duties, prioritizing moonlighting over clinic responsibilities, and speculation that the resident was more abrasive towards women and minority peers. The resident was among the least favorite among attending clinicians and was considered arrogant, though his clinical performance was considered slightly above average. The Residency Program Chair had spoken to the resident on several occasions about these perceptions but had not issued discipline as there was no evidence of clinical or academic deficiencies. The Chief Resident, who had also tried to coach the resident, informed the Program Chair that the second-year resident's negative behavior had become more frequent and that it was time for the Program Chair to drop the resident from the program. The other residents felt that the program leadership was demonstrating a lack of care for their well-being and a lack of follow through about expectations of professional standards. Several residents indicated that they were considering submitting a formal complaint about discrimination to the EEO office; others are circulating a draft of a letter to the ACGME (Accreditation Council for Graduate Medical Education).

The Program Chair contacted the ombuds to seek assistance, understanding the informal, confidential, and neutral posture of the office. Several options were discussed including more aggressive intervention by the Chair, referral to a hospital-wide review committee, and facilitative intervention process organized by the ombuds. The Chair wished to pursue the voluntary facilitative process before attempting more formal options and a plan was agreed upon whereby the Chair would ask if the Chief Resident and the second-year resident would be willing to talk individually with the ombuds about the situation. Both were willing to participate.

The second-year resident believed adamantly there was no basis for the complaints but was willing to participate in a dialogue with the other residents if they thought it would help. The ombuds met with the Chief Resident and asked for background and the Chief Resident agreed to arrange several small meetings between the ombuds and the other residents. The residents agreed to abstain from submitting any formal complaints or letters until the facilitative process had an opportunity to proceed. After hearing from the residents and the second-year resident, the ombuds began serving as a go between, shuttling preliminary requests to and from the second-year resident, the Program Chair, and the other residents. Ultimately, the ombuds facilitated a group meeting that included the Program Chair, Chief Resident, and all other residents was held to discuss behavior "ground rules" and a three-step protocol on how to respond to violation of those ground rules by any member. The entire process took place over 6-8 weeks.

The ombuds was available to the residents over the next 18 months and was contacted a few times by various residents for updates and conversations about what was better and what remained difficult. Ultimately, no complaints were filed, and all residents graduated on schedule.

Facilitated Discussion Helps with Training of Difficult Manager and Addresses Concerns in Unit

A director at a large academic health center requested to consult with the ombuds regarding complaints she had been receiving from phlebotomists in a unit that served outpatient areas. The staff had reported that their manager had difficult interactions with them, information and expectations were not communicated consistently and clearly, there seemed to be favoritism in the unit (e.g., re granting vacation, overtime, etc.), that they perceived that they would be subject to retaliation if they spoke up regarding concerns, and that their unit was treated much differently (less than positive work climate) than phlebotomists who worked in the in-patient units. The director also reported to the ombuds that were also conflicts between the staff themselves, particularly the group that was viewed to be "favored" and the ones who were not. The director believed that the unit would benefit from assistance from the ombuds, and the employees were asked to contact the ombuds if they would like to further discuss concerns. The director requested that all the employees in the outpatient unit (even those who had not previously discussed any concerns) schedule individual, confidential meetings to share their work experiences with the ombuds, as well as their perspectives on the communication and interactions in the unit.

In addition to meeting with the employees in the unit, the ombuds also met with the manager on the same confidential basis. On the basis of these meetings, the ombuds recommended to the director that the entire group participate in a dialogue session with the ombuds that would provide a forum for raising concerns openly, an opportunity for the group to generate recommendations to address their concerns, and an opportunity for training in conflict resolution, effective communication, personality styles, and civility.

The director agreed to this and agreed to hold an all-day session facilitated by the ombuds. (Because of scheduling challenges, this was held on a weekend, and treated as a paid workday for employees.) Attendance was not required, but it was strongly suggested that staff be attendance so that resolutions could be jointly developed by the group. Almost of the staff attended the session and participated throughout the day, including the director and the manager.

Using an appreciative inquiry approach, the ombuds asked all participants to answer a series of questions about what was working well, what should be improved, what an ideal working environment would look like, and each person's individual commitment towards addressing the issue and improving the team dynamics. The session included discussion of their responses to these initial questions, along with a facilitated discussion of the issues that had been raised in the earlier individual meetings. In the course of these discussions, the ombuds was also able to provide the training components mentioned above. The session resulted in a resolution plan developed by those in attendance that included recommendations for how concerns should be addressed, agreements about group behavior moving forward, and individual commitments from each staff member. Privately with the ombuds, the director agreed to more closely oversee the performance of the manager and address further concerns via the performance management and coaching and development process.

Merged Unit with New Manager Resolves Conflict Issues with Ombuds' Help

The visitor- a new mid-level manager- was concerned about the lack of respectful communication within their group. The new manager was hired approximately one month after two teams were merged into one group. They believed that the conflict and back-biting was mostly due to differences in the 'culture' of the two teams and how they each had previously communicated. The manager requested that the ombuds train the combined group on a personality inventory tool (DiSC) to help them understand their differences and to improve communication.

While exploring options with the ombuds and clarifying what they hoped to see as a result of the DiSC or similar training, the manager related the hope that the conflict would subside because of improved communication. After the ombuds explained how it might be beneficial to understand the problems from the perspective of individual group members, the manager decided to inform the group about voluntarily sharing their point of view with the ombuds. They were all given the ombuds' contact information, including an anonymous line for those who did not want to be identified in any way. Several individuals did speak with the ombuds, both on the phone and in person.

Based on the input provided to the ombuds, individuals from one team revealed resentment toward the 'other' team due to a perception of having to slow down to 'train' the other team while already working many hours to get things done. The 'other' team expressed frustration about not having enough guidance and feeling undervalued. This input also revealed that prior to the merger of the teams into one group one team was predominantly programmatic and the other team was predominantly support staff. The support staff 'team' had previously been available to several groups in the division to provide cost estimates and purchasing. The programmatic staff 'team' were in charge of scheduling and execution of the work. In sum, three underlying issues were identified: who was trained to do what, the lack of understanding of roles and responsibilities, and lack of clear expectations and timelines.

The manager found it tricky to navigate the conflict because the manager had been assigned to the group a month after the groups were combined without much discussion or preparation. As a result of the lack of clear guidance and communication around expectations, the two teams did not really understand the new roles and responsibilities in their new group, and the manager had received little or no guidance from their higher-level supervisor.

After the key issues were identified by the ombuds and discussed with the manager, the manager decided to develop 'roles and responsibilities' based on the individuals' skill set and the overall needs of the group. The manager outlined a process that would clarify expectations, how the work would be done by specific people/teams in the group, and what technical and other training might be needed. At the same time that the process was being revisited by the manager, the ombuds provided several communication classes for the group. The manager then met with the group to share a vision for the group, including specific tasks and deliverables, and how they would communicate with input from the group before implementing the process.

The group's manager expressed great appreciation to the ombuds because the manager had benefitted from clarifying the underlying issues leading to interpersonal discord and from the guidance the ombuds had provided on creating clear and specific expectations for the group. Those group members who spoke to the ombuds benefitted from being heard about what was of concern to them, and all group members benefitted from participating in the communication skills classes that the ombuds had provided. The organization benefitted from the group having developed a shared understanding of roles and responsibilities, identifying training needs for staff, a more efficient process, and improved communication skills.

Communication Chaos

The faculty in a university department hired a new professor following an extensive search. At first, everything seemed to be working well with the professor's teaching and research. However, a few months later, problems started to arise.

The department's administrative assistant felt that this professor was too closed off and unfriendly. The assistant had invited the professor to group lunches and other gatherings, and each time the professor politely declined. The assistant began taking this personally and spoke with the department chair and other faculty about the behavior.

While most faculty didn't see a problem, some of them were also concerned. Instead of approaching the new professor directly about their concerns, colleagues communicated with him in a passive-aggressive and indirect manner. The new professor began to feel as though he had made a mistake in taking the position and didn't know what to do. He decided he should start looking for another position and spoke to a colleague about his situation. The colleague advised him to talk to the ombuds.

In the first meeting, the professor described behaviors that he thought were hostile and directed at him by the administrative assistant and some of the faculty members. He could not imagine why they appeared to be acting this way, as even though he tended to keep to himself he always made it a point to say "hello" and to be polite to everyone in the office, including student workers. The ombuds asked permission to speak to others in the department and the professor agreed.

In the subsequent meetings, the ombuds discovered that the others who were upset with the professor had made many assumptions about his manner, behavior, and choices to not join group activities. They took his absence as a personal affront, assuming he did not want to get to know them or befriend them. At least one of them expressed the wish that the professor would leave the university.

After sharing their concerns (with permission) with the professor, the professor acknowledged that their basic description of his actions was accurate, but he believed that they had misunderstood his intentions. He told the ombuds about his education, which took place in another country and culture, and also about his work experience where professional distance was strictly adhered to. In his training, faculty did not mix business with pleasure except in rare

circumstances. Furthermore, he had young children at home and preferred to spend his meals with them and his wife as they were still struggling to feel comfortable in this new community.

The ombuds asked him if he would be willing to meet with the ombuds and some of the other people to help clear the air about his behavior and intentions, as well as theirs. He agreed, as did the others. At that meeting, each person was able to talk about what they experienced, what the department's norms were, and began to understand better each other's behavior and assumptions. They apologized, shook hands, and learned some important lessons in cultural communication. With the greater understanding the new professor ceased looking for a new job and intradepartmental communication improved.

Ombuds Mediation Restores Respectful Communication

An employee came to the ombuds concerned about how one of her colleagues spoke to her. She said she liked him and respected him, but he didn't seem to respect her. She did not like the way he spoke to her in meetings.

The ombuds discussed various options, including conflict coaching, mediation, shuttle diplomacy, filing a grievance or Title IX complaint, or bringing it to her supervisor. The visitor did not trust the Human Resources department because they had violated her confidentiality in the past. She said that on a prior occasion her supervisor had been called by HR and told of her meeting with HR before she even returned to the office from the meeting. The visitor did not feel sufficiently confident to initiate a conversation with the person who she felt was disrespecting her, and she didn't want to get him in trouble since she was new to the department. She didn't think the matter rose to the importance of formal processes or telling their supervisor. She felt most comfortable with the mediation option.

The visitor invited her colleague to a mediation, and he readily accepted. The ombuds, however, first met with the second visitor in order to learn his perspective on the situation. In the mediation, the colleagues readily participated in the discussion with openness and authenticity. When the initiator said she did not appreciate it when he "mansplained" to her, he immediately and genuinely apologized. By the end of the discussion, both parties were smiling and complimenting each other. As it turned out, they learned from each other that their supervisor was causing divisiveness in their workgroup.

When the ombuds asked if there were any more issues to discuss when their time allotment was over, both parties said they enjoyed mediation and were looking forward to working with each other. The ombuds followed up with both of them over the next three months and they reported they were getting along fine. They also reported that they had initiated a team retreat to address the divisiveness.

Both the department and the individuals benefited from their visit to the ombuds.

Coaching Helps Visitors Develop Bystander Training Initiative

Leaders (almost all scientists) from an established women's resource group wanted to address common issues they were facing in the workplace and were feeling very discouraged by what they felt was unconscious bias in hiring and promotion in their fields. Representatives of the group approached the ombuds looking for suggestions and guidance about how they could start a conversation in the organization to begin a dialogue on these issues.

The ombuds provided the visitors with references to articles, analytical models, and other materials on topics such as micro-aggressions, psychological safety, dignity in the workplace, and ways to engage witnesses and bystanders to take action. The ombuds also proved guidance and other tools on how the visitors could begin creating awareness on the importance of speaking up about issues people observed and unconscious bias in the workplace. The leader of the women's resource group was then able to use the articles and tools that the ombuds had provided in order to create traction around these concepts in various units in the organization.

One result of her efforts was an initiative that led to the formation of an employee resource group to raise awareness of the importance of active bystanders speaking up. This "bystander" employee resource group then took on the task of providing training to employees about how to combat micro-aggressions and unconscious bias by speaking up when they observed such behavior.

While neither the women's resource group nor the bystander training group operated under the direction of the ombuds, the ombuds had provided the tools and guidance that was a catalyst that empowered these groups to make a constructive and positive impact in training employees on these critical issues.

Facilitated Conversation Between a Faculty Member and his Department Chair Clarifies Expectations and Builds a Better Relationship

A faculty member responsible for directing an academic center was very disappointed with his salary increase. The increase was below the average percentage that year. His performance review was good, not great. He reached out to the ombuds to express his disappointment and ask for guidance on how to proceed. He felt he was getting a message from his department chair but was not sure how to approach the chair. He enjoyed his job very much and did not want to resign but was considering it. He was feeling insecure and did not feel confident enough to speak to the chair on his own. He left after speaking with the ombuds about various options, wanting to think about what he wanted to do next.

The faculty member called the ombuds the next day to ask if the ombuds would reach out to the chair to set up a meeting with the department chair, him, and the ombuds. The ombuds agreed to do so, and when the ombuds spoke with the chair, the chair was very receptive. The chair confidentially told the ombuds that the faculty member was a valuable member of the department and indicated that it would be a challenge replacing him in a timely manner to teach

his courses. The chair also expressed concern that he had found it very difficult to give constructive feedback to the faculty member

During the meeting arranged by the ombuds, the chair assured the faculty member of his value to the department and highlighted some of his contributions. It also became apparent during the meeting that there was an honest misunderstanding. The faculty member was always trying to "please" the chair by asking many questions and following directions. The chair, however, wanted to see the faculty member take more initiative and demonstrate more leadership.

As a result of this meeting, the chair agreed to make a minor adjustment to the faculty member's salary, and the faculty member decided not to seek other employment and became more confident in taking initiative. The faculty member called the ombuds about four months later sounding much more confident and expressing gratitude for a better and more open relationship with the chair.

Mediated Discussion about Racist Comments Leads to a "Mountaintop Experience"

The ombuds received a call from two black women employees who were offended by comments made by a white male employee who had called their office for assistance. At the end of the call, the white male employee had made some racist comments. The two women were quite disturbed by the man's comments and decided that they wanted to address the issue with him. They called the ombuds for guidance on what they might do.

After listening to the women and discussing various options, including a possible mediation, the two women indicated that they would like the ombuds to explore whether a mediation was possible. When the ombuds contacted the male employee about a possible mediation, he agreed to participate.

Both women and the man came to the ombuds office on the day of the mediation willing to engage in a mediation process. The result was heartfelt reconciliation. The women were most forgiving. The man sincerely apologized. The process was such a powerful and poignant "mountain top" experience that it has remained one of the most significant experiences in the long career of the ombuds involved and inspired the ombuds to develop resources on the power of apologies and use an anonymous version of this matter as an example in discussing mediation as an option with subsequent visitors.

Healing Old Grievances

Two employees had been avoiding each other for ten years. One of them approached the ombuds to discuss how this rift might be healed. When the ombuds discussed various options with the employee, the option chosen by the employee was to see if the other employee would consider a facilitated conversation to discuss their differences and grievances with each other.

When the ombuds approached the other employee, that employee agreed to participate in a facilitated conversation led by the ombuds. When they all met, the ombuds described the process and then let each person, in turn, speak. In the course of leading this discussion, a number of misperceptions that had turn into grievances against each other came to light.

At the end of the mediation, the parties had mended their relationship and reconciled. The discussion itself was transformative. In other words, the structure of the mediation session, which was designed to be fair and balanced, gave the parties a framework for addressing, hearing, and resolving not only their past grievances but also any problems that might arise in the future.

The Ombuds Provides Guidance to Employees Returning from Paid Leave Pending Investigations and to their Supervisors

When employees return to work after being placed on extended paid leave during administrative and security investigations, the reentry process can sometimes be difficult. Some of these returning employees have wanted to have confidential assistance from the ombuds about how to make their return to work less disruptive. Generally, one is placed on paid administrative leave by the organization because the initial allegations are substantial enough that keeping the employee on site would cause unacceptable risk for a variety of reasons.

In light of the fact that even just an allegation prompting an administrative leave can have an adverse reputational impact on an employee, a resolution of an investigation that allows the employee to return to work often places the employee is a difficult situation with both peers and supervisors. In one organization, employees returning to work from paid administrative leave after an investigation raised the following issues and concerns in their conversations with the ombuds:

- Possible misuse/abuse of the security investigative process, whereby anyone could submit a maliciously false claim that must be investigated and is likely to send the employee home;
- The impact of rumors about why the employee was escorted out, including privacy concerns about what was shared with team members;
- Investigation timeliness, which in a couple cases took over a year; and
- The employee's uncomfortable return when the claims were not substantiated or successfully appealed.

In most of these cases, the ombuds provided conflict coaching to the returning employee and discussed with them a variety of informal and formal options for dealing with their concerns. One of the most useful options has been the ombuds' willingness to facilitate a conversation with the employee's new manager to help them and the employee develop a strategy for successful reintegration. This, of course, requires consent from both the employee and the supervisor.

After having dealt with these issues on several occasions, the ombuds in this organization was also able to raise a systemic issue with senior management to address collateral issues resulting from the organization's failure to conclude investigations in a timely manner. The ombuds recommended that the senior leaders develop processes to regularly track and proactively require regular status reports, including expected completion dates, on all pending investigations of

employees out on paid leave to expedite their disposition. These processes were helpful for both the organization and the supervisors of the employees involved.

Personal Coaching for Senior Employee Improves the Workplace

A long tenured senior employee had been the subject of numerous complaints to the ombuds over a period of time. One day, that employee himself came to the ombuds, and when the ombuds asked how he hoped the ombuds could be of assistance, he responded with "I don't want to be an a_ _h_ _ _ anymore."

Over the course of several meetings, the ombuds provided coaching around stress, conflict, and anger management. The ombuds also provided the employee with resources for additional self-learning.

Even after the lapse of two years no further issues dealing with this employee have been brought to the ombuds.

Cross-cultural Conflict Resolved with Facilitated Conversations

The visitor to the ombuds was an African American woman employee in her late thirties whose job required her to coordinate with a counterpart in another department: a white woman who was not comfortable with the expression of strong emotions. The visitor said that she had exhausted all other options to try to address what she perceived as a lack of communication between them and that the lack of direct communication between them was impacting her work performance. She requested the ombuds to facilitate an informal conversation to address the communication problem. When the ombuds spoke with the colleague, the colleague expressed her view that there was no problem and that she preferred to communicate by email.

The visitor gave the ombuds granted permission to speak with her own supervisor and to see if the supervisor of the colleague (they reported to different supervisors) might agree to participate in a facilitated conversation with all four people. All four agreed to participate in a facilitated conversation in this setting. The two workers and their supervisors met on several occasions in facilitated sessions with the ombuds, during which they identified issues; decided on issues to work on; brainstormed options, agreed on next steps toward resolution, and established activities to improve communication and teamwork. The process appeared to be successful, since the participants agreed on a plan of actions they would take.

When the ombuds followed up with the visitor a couple of months later to see how the group was doing, the visitor indicated that the initial issues had been addressed but that were other issues involving her and her supervisor that had not been fully addressed in the group facilitation. In particular, she expressed frustration that she had been unable to get her supervisor, who had been born and raised in a former British colony and who had come to America via Britain, to address issues she brought to him. She requested another facilitated conversation with just her supervisor. When approached by the ombuds with this request, he agreed to participate.

The facilitated conversation between the visitor and her supervisor lasted over three hours and revealed very different styles of interaction and that each clearly was frustrated by the other person's style. The visitor had a direct communication style and embraced conflict. Her approach was to say exactly what was on her mind. The supervisor was conflict avoidant and preferred a more indirect approach to dealing with conflict. The facilitated conversation allowed each person to better understand his or her own and the other person's approach to conflict and communication and gave them both insight into the source of their continued difficulty in working together. The ombuds also assisted them in developing mutually acceptable strategies for addressing future problems and conflict.

Help for a New Manager

A newly promoted manager came to the ombuds with a concern about an employee who was described as volatile and intemperate but also a good friend and former peer and coworker of the new manager. The manager expressed the desire to preserve the friendship but also that he wanted to do a good job as manager. Because he was so new in the job, the manager was unwilling to reveal to higher management that he needed help in resolving this issue. Being able to have a confidential discussion of the problem was critical to him.

After exploring various options, the manager had the ombuds coach him on how to speak directly with the employee. The ombuds and the manager engaged in role playing, and the ombuds helped the manager craft language about the impact of the employee's problematic behavior and the manager's predicament as the "boss." The ombuds helped the manager finds ways to articulate his desire both to preserve the friendship and to be a good boss, but that he would have to be a good manager if the two roles conflicted and could not be reconciled.

In a follow up discussion much later, the manager reported that he had had the conversation and that it had been a very difficult one but that there had been no more incidents of volatility. The manager also expressed more comfort in being able to impose discipline if it became necessary.

A Department Chair wants Information Confidentially to Figure Out how to Correct a Mistake

The chair of an academic department came to the ombuds and disclosed that he had had a challenging relationship with another senior faculty member in the same department for a number of years. Over the years, the two of them had had very public heated disagreements, and he admitted that their disdain for each other was well known.

The issue that brought the department chair to the ombuds involved a dispute over the leadership of a national project, during which the chair made some decisions in haste and anger that adversely affected the other senior faculty member. The department chair conceded to the ombuds that he had made a mistake in judgment and needed additional information to decide how best to manage "damage control," but he was not willing to seek the information himself or

disclose his mistake without considering this additional information. He asked the ombuds to approach HR, the general counsel's office, and the provost's office to request both general and specific information but to do so in a way that would not disclose who was asking for the information, identify the department involved, or reveal why the information was being sought.

The ombuds was able to obtain the information sought and then to discuss options with the department chair about what to do. In gathering the data, the ombuds also gained insight on the best way for the department chair to speak with someone in each of those areas, which he eventually did.

Ombuds Helps the Organization Avoid a Class Action Lawsuit

A female professional staff member contacted the ombuds office with concerns over actions by the predominantly male staff in her group. She had only been with the organization for a few years but was highly educated and at the cutting edge of her scientific field. She had also received high ratings as an employee. She related that she and other women in her group had experienced demeaning, disrespectful, and dishonest treatment by the male professional staff in her group. She thought one of the worst offenders was her former mentor, who was also a highly valued staff member responsible for bringing in millions of dollars of new business. She and the other female scientists and technical staff had been ignoring the demeaning behavior by him and the other male colleagues because they needed his skill and research projects.

The female staff member also mentioned an episode six months earlier in which a male staff member had created a dangerous condition in the lab with only women present. While the incident had been investigated and the male staff member transferred to another group, a verbal threat on her life had been made to her to prevent her from speaking about the episode. That event clearly had traumatized her, and she had not reported the threat. Since that time, however, she had been keeping a record of the incidents and comments. In addition, the women in the group had been advising potential new recruits to the organization that they could not recommend working at the organization.

The ombuds discussed various options with her on several occasions. During this time, the staff member urged other women in her group also to speak with the ombuds. The ombuds thought that the facts outlined by the women created a real possibility of a class action lawsuit against the organization and was trying to find a way to help get the issue to senior management. While most of the women insisted on anonymity, two of the women with whom the ombuds spoke were willing to speak about their concerns with management.

The ombuds helped coordinate a meeting between those two women and the CEO. As a result of those conversations, an investigation was undertaken to deal with the issues in that group. In addition, senior management engaged workplace consultants to work with staff throughout the organization to raise awareness and deal with gender related communication and interaction.

Confidential Group Assessment by Ombuds

The management of a unit perceived that there were problems with the unit and that the employees in it appeared alienated from the organization. They wanted to get a better sense of the problems and believed that they could do this only by having the employees in the unit speak honestly. They knew, however, that employees would be reluctant to do this unless they were able to speak with a third party confidentially. Consequently, management contacted the ombuds office to ask them to speak with employees with the understanding that the ombuds would not disclose identities or confidential communications but would share conclusions from the interviews.

The ombuds agreed to meet with employees and speak with them with that understanding. The ombuds explained to employees that the communications would be confidential and that only summary conclusions would be shared with local management. After speaking with employees and focus groups, the ombuds shared observations and conclusions with the local management. This allowed management to address some of the systemic problems, and employees to feel confident that they had been able to express their concerns but that who had made specific comments would still be kept confidential.

Successful Student Team Dismantles

A student team created intellectual property and won a large monetary award as a result. The team then decided to create a limited liability company to commercialize what they had created and used the monetary award to start their business. After starting the business, however, they fired one of the team members. This action caused a significant disruption in the business along with resentment and hurt feelings.

A faculty member attempted to intervene to help resolve the issues but succeeded only in violating university policies and losing the students' trust in the process. The individuals involved reached out to the ombuds for help with the unresolved questions regarding the team's class "agreement", issues related to the Intellectual Property, allocation of winnings, etc.

Over the course of the next few months, the ombuds met with the team members and conducted several mediations. Ultimately, the parties were able to address the emotional issues, restore their relationships, and agree upon terms to part ways amicably. Each side retained legal counsel to review the terms of a settlement agreement and settled the matter. This resolution saved the university significant negative publicity (and possible expense) and resulted in revising the structure of that particular class so that similar issues would not occur again in the future.

Rebuilding Trust and Realigning Productive Focus

A renowned and distinguished researcher had pursued several claims and disputes with the university involving significant sponsored research issues. Some years had passed since lawyers on both sides staked out positions and a "cold war" commenced. With major underlying

issues irresolute, intense emotions on both sides continued to smolder fueling further misunderstandings. Communications between this well-funded researcher/faculty member and key stakeholders in the administration had strained to the breaking point. Inevitably, university leadership allowed distance to develop between "them" and the researcher.

The faculty member felt increasingly *persona non grata*. Consequently, honed research skills were diverted to detecting and dwelling upon the university mistakes and perceived flaws in the research area. The brilliant intellect that had previously garnered mutual accolades for a rising star and growing university became laser-focused on the bitter mission of exposé.

The proverbial "camel's straw" snapped when administrators denied travel and related requests for professional development opportunities that were personally important to the faculty member. This led the faculty member to reach out to the ombuds, resulting in a series of meetings between the ombuds and the faculty member.

The ombuds made it clear that the ombuds was not authorized to receive notice of any claims against the university, but the faculty member told his side of the dispute and expressed his feeling that that this was the first time that someone with the capacity to fully understand the concerns of the faculty member listened to the <u>whole</u> story. The first meeting took almost 7 hours and the initial narrative was filled with emotional nuance intertwined with technical issues and lots of data. The terms of service having been agreed to up front meant that the informal operation of the ombuds removed pressure on the faculty member to "prove their case" as a matter of regulatory sufficiency. Thus, key points and perspectives voiced were heard and understood. The faculty member was thankful no time frames started churning regarding information collected regarding potential peer misconduct. The faculty member was also looking into other potentially substantial compliance concerns involving federal grants.

After several follow up sessions, the faculty member began to realize that the years of unresolved conflict with the university had shifted focus to "looking backward" and that was counterproductive. Upon clear and mutual agreement, the ombuds and faculty member agreed that the ombuds would reach out to leadership in the research office to gauge receptivity to a meeting. The "good offices" reputation of the ombuds enabled a productive 1:1 meeting between the faculty member and a senior leader in the research office. Prior to the 1:1 meeting the ombuds held a session with the senior leader, under the normal terms of service. The confidential dialogue enabled this leader to express regrets and concerns without fear of negative consequence or embarrassment. The leader determined that restoration of a productive collegial relationship with the researcher would be welcome. The 1:1 meeting took less than 1 hour and resulted in an agreement to release reasonable travel funds in support of professional development opportunities of benefit to both the individual and institution.

With direct dialogue restored between leadership and researcher the two parties continued to communicate openly about future plans. This enabled them to reach a formal settlement agreement, working directly with the university's General Counsel, resolving all past outstanding issues. Some years later, no additional lawsuits, claims or adverse personnel actions have occurred between this researcher and the university's research administration.

Relationship Reset: Restoring Accurate and Direct Communication

A faculty member contacted the ombuds to report a simmering dispute causing concern in a moderately sized academic department. The caller, tenured in the same department, shared widely known facts that the chair had tried unsuccessfully to broker a resolution of the dispute and after many attempts was now part of the problematic dynamic. The caller explained that the two peers, one male and one female, were deeply entangled in a disruptive conflict and (1) both were tenured faculty members, (2) they had not spoken directly to each other for several months despite occupying nearby offices, and (3) their disdain for each other had become so uncomfortable for all that the chair had canceled faculty department meetings for the semester.

After discussing different strategies and options with the ombuds, the caller decided to refer one peer to the ombuds. That peer met with the ombuds and confided that she was contemplating taking formal steps to seek redress for reputational damage caused by the other faculty member, who she said was "falsely accusing" her of sexual harassment violations. During meetings with the ombuds she contemplated potential options and outcomes and ultimately decided that she wanted to pursue a direct dialogue with her peer.

The ombuds also received a call from the male peer who had been to the chair, who had suggested the ombuds as a helpful resource. In confidential dialogue with the male peer, it became clear that several significant misunderstandings had occurred and were exacerbated by indirect and highly inaccurate communication. Before contacting the ombuds he had been considering filing a claim against the other faculty member. When asked about his ideal outcome he stated a preference to resolve the communication disconnect and move past this time-consuming distraction hampering his research and teaching.

Recognizing that each peer wanted to find a pathway to restore direct communications, the ombuds asked each individual, in confidence, how they wanted to proceed. Eventually a mutually agreeable process was facilitated by the ombuds to informally discuss the communications disconnect. The ground rules were determined by the peers and agreed to in advance of the meeting.

The ombuds then facilitated a 90-minute informal, off-the-record meeting, allowing the two tenured peer faculty members to communicate directly. During the meeting, one party told the other that they could never forgive how they had ignored a prior heartfelt apology. In reply, the other party explained that the apology was, in fact, never heard because of a hearing impairment. This breakthrough enabled the parties to realize that both perceived the other as having broken the relationship. Sincere apologies followed and open communications were restored. Department meetings resumed and the chair enjoyed the renewed engagement of his colleagues in the department.

A Restorative Justice Approach Helps Address What Were Perceived to be Racist Comments

A visitor came to the ombuds looking for help with a sensitive situation. She felt she had been humiliated and that the motivation had been racism when a colleague challenged her in a large meeting. She wasn't sure whether she wanted the other person to pay in some way, but she did want to address the problem and not sweep it under the rug.

The ombuds, who was trained in restorative justice practices, thought this might be a perfect opportunity to help people deal with the sensitive issue of racism in a way that leads to empathy and understanding rather than accusations and punishment.

When the ombuds described the circle process and discussed with the visitor why it is used, the visitor was receptive to the idea. Since the woman who insulted her was a colleague with whom she needed to continue to work, she decided her goal was to seek understanding and behavior change.

The ombuds asked the visitor who she would like to have in the meeting, and she selected the person who she thought had made the insulting comments and both of their supervisors. She wanted all of the other three to understand how the situation impacted her.

All three of the other parties agreed to participate in the circle. Two parties were Black and two were White. The discussion lasted two hours. There were tears and there were promises that all would be sensitive to how they talk to others and especially in front of others.

This is the kind of situation that many people do not address. Their feelings are hurt, and the other person is not held accountable or given a chance to learn from the situation. By having the ombuds suggest and help with this restorative justice process, hopefully both the individuals and their supervisors benefited by their new understanding of how they should treat others in the future. And, by helping to resolve the conflict in this manner, the university and its culture were also beneficiaries.

Cross-cultural Conflict Resolved with Facilitated Conversations

The visitor to the ombuds was an African American woman employee in her late thirties whose job required her to coordinate with a counterpart in another department: a white woman who was not comfortable with the expression of strong emotions. The visitor said that she had exhausted all other options to try to address what she perceived as a lack of communication between them and that the lack of direct communication between them was impacting her work performance. She requested the ombuds to facilitate an informal conversation to address the communication problem. When the ombuds spoke with the colleague, the colleague expressed her view that there was no problem and that she preferred to communicate by email.

The visitor gave the ombuds granted permission to speak with her own supervisor and to see if the supervisor of the colleague (they reported to different supervisors) might agree to participate in a facilitated conversation with all four people. All four agreed to participate in a facilitated conversation in this setting. The two workers and their supervisors met on several occasions in facilitated sessions with the ombuds, during which they identified issues; decided on

issues to work on; brainstormed options, agreed on next steps toward resolution, and established activities to improve communication and teamwork. The process appeared to be successful, since the participants agreed on a plan of actions they would take.

When the ombuds followed up with the visitor a couple of months later to see how the group was doing, the visitor indicated that the initial issues had been addressed but that were other issues involving her and her supervisor that had not been fully addressed in the group facilitation. In particular, she expressed frustration that she had been unable to get her supervisor, who had been born and raised in a former British colony and who had come to America via Britain, to address issues she brought to him. She requested another facilitated conversation with just her supervisor. When approached by the ombuds with this request, he agreed to participate.

The facilitated conversation between the visitor and her supervisor lasted over three hours and revealed very different styles of interaction and that each clearly was frustrated by the other person's style. The visitor had a direct communication style and embraced conflict. Her approach was to say exactly what was on her mind. The supervisor was conflict avoidant and preferred a more indirect approach to dealing with conflict. The facilitated conversation allowed each person to better understand his or her own and the other person's approach to conflict and communication and gave them both insight into the source of their continued difficulty in working together. The ombuds also assisted them in developing mutually acceptable strategies for addressing future problems and conflict.

Confidential Coaching for Faculty Members

A department chair came to the ombuds with a concern over a mentoring relationship between a minority female junior faculty member that the chair had recruited and a senior white male faculty member who was assigned to be her mentor. The chair had a high regard for both faculty members and thought that it would be good for each of them to be in this mentoring relationship but perceived that both parties were having problems with it. The chair was concerned about losing the junior woman, since the department had experienced difficulties in recruiting and retaining good minority and female faculty members. The chair did not want to go to the dean with this issue or involve anyone else out of concern that it could affect everyone's reputation and career.

The ombuds discussed mentoring guidelines and successful practices with the department chair. They considered various options, including coaching by the ombuds of one or both faculty members; coaching the department chair and then having the chair conduct separate and joint conversations with the faculty members; having the ombuds conduct a facilitated conversation between the faculty members with a view toward developing an agreed-upon action plan; hiring external coaches for one or both faculty members; and having the ombuds sit in on several mentoring activities to help assess the situation and make further recommendations.

The department chair chose a combination of these options. The ombuds provided individual coaching to the department chair and the junior female faculty member. The chair had a private conversation with the male faculty member and provided funds for an external coach

for him for a reasonable period. The chair then followed up periodically with each of the faculty members to provide support. As a result, the department chair believes that the issues were addressed without blemishing anyone's career, and the junior faculty member continues to make good progress in her career on a tenure track.

Facilitation Leads to an Awareness of Different Cultural Perspectives

Two employees came to the ombuds came because they were concerned about what they perceived to be a threat made by another person who worked for the company. The two visitors, a man and a woman, were both from an Asian country and were at the company's U.S. headquarters on a one-year temporary permit.

They reported that they returned to their building late one night after enjoying a break for dinner. The security guard had left, so they used their electronic employee badges to enter the building. As they entered, they noticed that an African American man slipped into the building behind them. Concerned about security, especially post 9-11, they decided to follow the man to see where he went. They said that they tried to be discrete as they followed him up the internal staircase in the building. When the man entered an office, they became very alarmed and stood in the hallway, discussing what to do next. They noticed an office directory on the wall by the staircase and checked the name associated with office the man had entered. At that point, the man suddenly burst forth from the office and shouted at the visitors. Startled and tremendously frightened, they ran down the stairs, retreating to the office they shared. They considered reporting the incident to their superiors but did not because they were unsure of themselves and because they did not know if the man who had been in the office was the person listed on the directory. They decided to come to the ombuds to ask for confidential guidance on what they should do.

After discussing various options, the visitors gave the ombuds permission to contact the person listed in the directory. The ombuds did so and learned that he was the African American man who they had seen enter the office. The man told the ombuds that he had been very disturbed and offended by the two visitors' behavior and that he had questioned their motives.

The ombuds presented all three people with an option to have a mediation in which to discuss their concerns, and they agreed. The African American man explained that he found the behavior by the other two to be both threatening and racist. He described experiences in being followed and harassed by police and explained how insulting he found it to be that the others assumed that he did not belong in the building. He also explained that he had felt threatened by their actions in following him and that he actually feared for his own safety. It had occurred to him that they might be terrorists, since they looked vaguely Middle Eastern or South Asian.

The visitors explained to him that they were not familiar with issues of race in the United States and had no idea that their actions would be interpreted as they had been. They assured the man they had they had not intended to cause him alarm, and that that they would have done the same no matter who had slipped in behind them. They stated that they appreciated the cultural

lesson and had learned much from it. They also were glad that the ombuds was available for them to talk about their concerns.

Averting a Class Action Lawsuit

Several African American employees came to the ombuds office as a group to express frustration with their manager, who they felt continuously treated them inappropriately. They thought he was discriminating against them on the basis of their race and said that they were willing to file suit against the organization and the manager.

The ombuds reminded the employees that the ombuds office was neither an office of notice for claims against the organization nor a place to provide them with legal advice on any claims they may or may not have but, instead, an office where they could have confidential discussions to see if there might be an informal way to resolve their concerns. They said they wanted to speak confidentially. After a few meetings with the ombuds, during which a variety of options were discussed, they gave permission for the ombuds to contact the manager, share their concerns, and request that he meet with them as a group in a meeting facilitated by the ombuds.

When the ombuds spoke with the manager, he immediately expressed his own frustration at his inability to communicate effectively with this group of employees. It appeared to the ombuds that the manager was experiencing his own insecurities, and he clearly welcomed the opportunity to vent in a safe and confidential setting.

At the manager's request, the ombuds coached the manager on active listening and effective communication techniques. The manager then began implementing these new listening and communication skills as he communicated with the employees he supervised, including the African American group.

Communication between the manager and his employees markedly improved and no facilitated meeting was ever needed. This manager contacted the ombuds on his own initiative thereafter when he felt stuck and needed to discuss options on how he might handle a situation. As a result, the manager continued to build better relations with the employees and to improve his own communication skills.

Ombuds' Assistance to a Manager without Breaching Confidentiality

Several employees in a country other than the United States came to the ombuds to express concern about a new country manager for their organization. He was an expatriate American, and his communication style and approach were different from and clashed with their local culture. To the locals, he was "rough, rude and loud." They also found him unapproachable. That country's team morale started to fall, and absenteeism spiked.

Before any action was taken on the concerns expressed by the several employees, the country manager himself also contacted the ombuds office, asking for help and guidance on how

to become a better leader in that culture. Without revealing that any employees had raised concerns about him, the ombuds was able to provide suggestions to the manager, such as changing his style of communication and advising him on how to participate in various activities to better understand the local culture

16. Retaining Talent

Ombuds Helps Clinical Fellow Stop Unwanted Attention from A Senior Colleague

A new female clinical fellow contacted the ombuds to discuss her discomfort with attention she was receiving from a senior male clinician. The senior clinician, an internationally recognized physician and author of a popular medical textbook, had been repeatedly contacting the fellow by phone and text, complimenting her appearance, and offering her a valuable collaborative clinical research opportunity during her fellowship. The fellow did not wish to make a formal complaint because of the impact on her career and the embarrassment it would cause the senior clinician, and because the senior clinician had not asked her out, touched her, or said anything exceedingly inappropriate. However, she had a clear sense he was interested in her romantically and might cross those boundaries in the future. She said she only wanted a professional relationship and to be able to complete the fellowship. She indicated that she had not talked to anyone else affiliated with the hospital about the situation and presently had no intention to do so.

The fellow and the ombuds discussed keeping a record of the texts and a journal of the inordinate contact as a backup measure and then began exploring ways the fellow could more clearly communicate her discomfort to the senior clinician either directly or through an intermediary. She decided that as a first step, it would be most appropriate for her to respond to a text message she received that she's noticing he's contacting her quite a bit and that it makes her somewhat uncomfortable and that she'd prefer to communicate with people with whom she had professional relationships by email only. As a secondary measure if the excessive contact persisted, she indicated that she may ask the ombuds to speak to the clinician confidentially on her behalf. Several weeks later the fellow returned to ask the ombuds to speak to the senior clinician so he would stop.

The ombuds subsequently asked the senior clinician to meet and explained the "off-the-record" nature of the ombuds office. When they met, the ombuds simply said that the ombuds was asked by a fellow if he, the senior clinician, would honor a request made of him about communicating by email. The senior clinician, understanding the confidentiality and informality of the ombuds office, expressed gratitude for the message.

The fellow reported back to the ombuds a few months later that the excessive contact from the senior clinician had stopped and she was now more comfortable dealing with her colleague.

"Failed" Mediation Led to Good Result

A junior faculty member approached the ombuds with a concern about the culture of an academic and clinical department, what he considered "toxic" interactions during faculty meetings, and a performance evaluation from his department chair that he deemed unbalanced, unfair, and not reflective of his work and contributions to the department.

After sharing these concerns with the ombuds and discussing options during a consultation and coaching initial meeting, the junior faculty member requested that the ombuds

facilitate a discussion so that he could share the concerns more fully with the chair via mediated discussion. The ombuds agreed to do so and then met with the chair to briefly discuss the nature of some of the concerns and to ask if he would consider participating in the discussion as requested. The chair agreed, and the meeting went forward as agreed.

Though the chair had initially referred the junior faculty to the ombuds and had subsequently agreed to participation, during the meeting he seemed agitated and questioned several times "why are we here." Sensing that this may have been intimidating for the junior faculty member, the ombuds interjected, reminding the chair that he had referred the faculty member, was made aware of the process, and had agreed to be present and listen in an effort to address the concerns. The ombuds also reminded the participants of the Ombud's role as a neutral and described the training and experience that had prepared the ombuds to facilitate such a process. The meeting continued and concluded awkwardly. There was further discussion about the concerns, and the chair agreed to reconsider some of the language in the evaluation. However, the chair did not take responsibility for the alleged "toxic" environment in the department and believed that faculty should be able to freely express themselves in meetings even if some were offended.

Several months later, the ombuds had a chance encounter with the junior faculty member who asked if the ombuds remembered his case. The junior faculty member expressed profuse thanks to the ombuds for the assistance and explained that sometime after the mediated discussion he was able to change departments at his request and with the support of both department chairs. He reported that he was now in a much more collegial and supportive professional environment. Though the ombuds had recalled the intervention as unsuccessful, the faculty member reported that he believed that the assistance of the ombuds was helpful during a very difficult time, and that the coaching and intervention was the catalyst for a resolution to his situation.

Procedural Irregularities in Tenure Process

An associate professor sought promotion to full professor. Upon review of the associate professor's exemplary dossier that checked all the boxes, the associate professor's department and primary unit's evaluation committee unanimously recommended promotion. The dean, who had the responsibility of making recommendations to the vice chancellor's advisory committee (responsible for the campus's tenure and promotion review and making recommendation to the chancellor), met with the candidate and indicated that they would likely affirm the department and committee's recommendation but had not made a final decision.

Upon receipt of the department's recommendation, however, the associate dean in charge of faculty affairs and responsible for managing the tenure and promotion process for the university, wrote a lengthy report opposing the department's recommendation and discounting most of the faculty member's many publications. This report, however, was not in accordance with established tenure review procedures, and the associate dean had based it on his own desired publication requirements rather than adhering to what university policy required. The

report also accused the department of a sloppy evaluation process. In light of this report, it was unclear what decision the dean would reach on the tenure question.

The associate professor up for tenure was angry and confused. She did not feel safe going to the dean's office and was prepared to seek legal counsel if she did not receive the promotion. Before moving forward, she decided to visit with the ombuds because she wanted an impartial, independent, and confidential place to make sense of the situation and explore her options.

After taking the time necessary to hear the faculty member's story and ask questions, the ombuds thought that while this could be a bad-faith effort to defeat the tenure recommendation and undermine the department's process, the associate dean also could have been basing his response on information not in the professor's dossier. The essential questions were whether the associate dean's actions were a personal vendetta or a legitimate concern and whether the department's tenure recommendations had gone awry.

The associate professor initially wanted to resolve the matter before the dean made a decision. The ombuds, however:

1. Provided and explained the current university policy regarding the tenure and promotion process.
2. Explained the role of academic affairs, which included overseeing faculty tenure and promotion.
3. Explained the current internal appeal process available to the faculty member if the dean rendered an adverse decision.

The visitor and ombuds also explored various options, including:

1. The associate professor or the ombuds (with the associate professor's permission) could meet with the associate dean in an effort to understand more fully their perspective and concerns.
2. The associate professor or ombuds (with the associate professor's permission) could speak with the associate vice chancellor for academic affairs to discuss the procedural irregularity involving the associate dean's report.

The associate professor, not previously aware that a review by the associate vice chancellor of academic affairs was an option, decided to contact academic affairs (rather than have the ombuds initiate the contact) and ask them to review the situation, render an opinion, and, if appropriate, address the associate dean's behavior and ensure a fair process.

The associate professor chose this option, to give the associate vice chancellor and the dean the opportunity to "do the right thing." She indicated that if the dean then rendered an adverse decision, she would use the information the ombuds provided and avail herself of the university's internal appeal processes rather than file a lawsuit.

Rebuilding Trust and Realigning Productive Focus

A renowned and distinguished researcher had pursued several claims and disputes with the university involving significant sponsored research issues. Some years had passed since lawyers on both sides staked out positions and a "cold war" commenced. With major underlying issues unresolved, intense emotions on both sides continued to smolder, fueling further misunderstandings. Communications between this well-funded researcher and faculty member and key stakeholders in the administration had strained to the breaking point. Inevitably, university leadership allowed distance to develop between them and the researcher.

The faculty member felt increasingly persona non grata. Consequently, his honed research skills were diverted to detecting and dwelling upon the university's mistakes and perceived flaws in the research area. The brilliant intellect that had previously garnered mutual accolades for a rising star and growing university became laser-focused on the bitter mission of exposé.

The proverbial last straw came when administrators denied the faculty member travel and related requests for professional development opportunities that were personally important to him. This led the faculty member to reach out to the ombuds, resulting in a series of meetings between them.

The ombuds made it clear that they were not authorized to receive notice of any claims against the university, but the faculty member told his side of the dispute and expressed his feeling that this was the first time that someone with the capacity to fully understand his concerns had listened to the whole story. The first meeting took almost seven hours, and the initial narrative was filled with emotional nuance intertwined with technical issues and lots of data. The terms of service having been agreed to up front meant that the informal operation of the ombuds removed pressure on the faculty member to "prove their case" as a matter of regulatory sufficiency. Thus, key points and perspectives voiced were heard and understood. The faculty member was thankful no time limits had started to run regarding potential peer misconduct. The faculty member was also looking into other potentially substantial compliance concerns involving federal grants.

After several follow-up sessions, the faculty member began to realize that the years of unresolved conflict with the university had shifted focus to "looking backward," which was counterproductive. Upon clear and mutual agreement, the ombuds and faculty member agreed that the ombuds would reach out to leadership in the research office to gauge receptivity to a meeting. The "good offices" reputation of the ombuds enabled a productive one-to-one meeting between the faculty member and a senior leader in the research office. Prior to this meeting the ombuds held a session with the senior leader, under the normal terms of service. The confidential dialogue enabled this leader to express regrets and concerns without fear of negative consequence or embarrassment. The leader determined that restoration of a productive collegial relationship with the researcher would be welcome. The meeting took less than one hour and resulted in an agreement to release reasonable travel funds in support of professional development opportunities of benefit to both the individual and institution.

With direct dialogue restored between leadership and the researcher the two parties continued to communicate openly about future plans. This enabled them to reach a formal settlement agreement, working directly with the university's general counsel, resolving all past outstanding issues. Some years later, no additional lawsuits, claims or adverse personnel actions have occurred between this researcher and the university's research administration.

Conflict with Manager

An employee reached out to the ombuds office because he wanted to explore his options on how to deal with his manager. The employee felt his manager had been retaliating against him after he had a straight talk discussion with the manager regarding the manager's dictatorial management style and his confrontational comments during meetings.

The employee had raised his concerns of retaliation to both HR and his second-level manager and, to date, his manager's conduct had not changed. Most recently, in the employee's mid-year review, a number of comments were made by the manager that were not accurate, and the manager had also provided feedback that the employee was disrespectful, too outspoken, and failed to follow the "chain of command." The employee felt that his manager's comments were contrary to the organization's Open-Door Policy.

The employee was convinced that his only option was to leave the company. After discussing the pros and cons of that possibility, the ombuds suggested a number of other avenues for him to consider.

First, they discussed the possibility that the manager's cultural background (Asian) might be playing a role here. The ombuds pointed out that respect for and deference to those considered senior was an integral part of Asian culture and that while this would not excuse behaviors that violate company policy, it might explain and provide context for the manner in which the manager was acting. The ombuds noted that it was not the employee's role to address this potential cultural gap—that was the role of the company's formal channels. Next, they moved to a discussion of his options. These included following up with the second-level manager (in writing) to ask what the next steps would be based on the allegations of retaliation that he had raised. Another option was for him to escalate the concerns beyond local HR and his second-level manager—possibly to Corporate Employee Relations—which would allow independent eyes to review the situation.

They also discussed the impact if he chose not to follow up or raise this to another formal channel: the opportunity would be lost to possibly see a change in the manager's behavior. Moreover, the employee could possibly feel compelled to leave the organization. In addition, advancing the concern would perhaps help others who report to this manager even if he did leave the company.

After considering all these options, the employee decided to both follow up with the second-level manager and then raise his concerns to the Employee Relations team, while simultaneously looking externally for a new job.

The Ombuds as a Sounding Board

An employee from the campus computing center office came to the ombuds concerned about her workload. She said her team was being asked to produce much more than was reasonable. She described working long hours and feeling under immense pressure. She said she was getting headaches and felt tightness in her shoulders.

When the ombuds asked if she had ever missed a deadline, she admitted she had. When asked what the consequences were for missing a deadline, the visitor paused, obviously thinking, and said, "I guess nothing. I never thought about that. Nothing happens. We just get lectured and we continue working on the project until it is completed."

The visitor thanked the ombuds for the insight. She said she could now go back to her office and work on projects without feeling the pressure because now she realized that there were actually no consequences.

This employee had been considering starting a job search, and after this discussion was able to recommit herself to her job. Eventually this employee became the president of the campus-wide staff organization. Sometimes just having a confidential resource available to talk through an issue is all a visitor may need.

Communication Chaos

The faculty in a university department hired a new professor following an extensive search. At first, everything seemed to be working well with the professor's teaching and research. However, a few months later, problems started to arise.

The department's administrative assistant felt that this professor was too closed off and unfriendly. The assistant had invited the professor to group lunches and other gatherings, and each time the professor politely declined. The assistant began taking this personally and spoke with the department chair and other faculty about the behavior.

While most faculty didn't see a problem, a couple of them were also concerned. Instead of approaching the new professor directly, the communication was passive/aggressive and indirect. The new professor began to feel as though he had made a mistake in taking the position and didn't know what to do. He decided he should start looking for another position and spoke to a colleague about his situation. The colleague advised him to talk to the ombuds.

In the first meeting, the professor described behaviors that he thought were hostile and directed at him by administrative assistant and a couple of the faculty members. He could not imagine why they appeared to be acting this way, as even though he tended to keep to himself he always made it a point to say "hello" and to be polite to everyone in the office, including student workers. The ombuds asked permission to speak to others in the department and the professor agreed.

In the subsequent meetings, the ombuds discovered that the others who were upset with the professor had made many assumptions about his manner, behavior, and choices to not join group activities. They took his absence as a personal affront, assuming he did not want to get to know them or befriend them. At least one of them expressed the wish that the professor would leave the university.

After sharing their concerns (with permission) with the professor, the professor acknowledged that their basic description of his actions was accurate, but he believed that they had misunderstood his intentions. He told the ombuds about his education, which took place in another country and culture, and also about his work experience where professional distance was strictly adhered to. In his training, faculty did not mix business with pleasure except in rare circumstances. Furthermore, he had young children at home and preferred to spend his meals with them and his wife as they were still struggling to feel comfortable in this new community.

The ombuds asked him if he would be willing to meet with the ombuds and some of the other people to help clear the air about his behavior and intentions, as well as theirs. He agreed, as did the others. At that meeting, each person was able to talk about what they experienced, what the department's norms were, and began to understand better each other's behavior and assumptions. They apologized, shook hands and learned some important lessons in cultural communication. With the greater understanding the new professor ceased looking for a new job and intradepartmental communication improved.

When a Senior Leader is the Problem

Over a period of months, a number people in a department individually consulted with the ombuds. The visitors had roles at varying levels in the hierarchy and in a variety of disciplines, but they all shared concerns about the same Senior Leader—a member of the organization's leadership. Visitors expressed confusion or concern about the Senior Leader's quick ascension in the organization and about the appropriateness or justness of his promotions and power.

The visitors also described the Senior Leader's conduct, including insulting or publicly disparaging people, interfering with projects or work, character assassinations, attacking professional reputations, and terminating people unfairly or unjustly. Some considered this conduct as bullying. Others perceived the behavior as antithetical to the organization's code of conduct or other policies. Some questioned the legality of the Leader's conduct. Given the overall perception of the Senior Leader's power in the organization, visitors expressed a variety of fears. In particular, visitors were afraid that if it were discovered that they sought help from the ombuds, they would become the next target or otherwise suffer retaliation for speaking up. Many of these individuals were at such a loss that they said that were considering leaving the organization.

Trusting that the ombuds office was strictly confidential, visitors met with the ombuds—often more than once—to share their concerns and to obtain guidance and support in addressing them in a meaningful way. In every session, the ombuds provided support and advice, including

on how to address individual communications as they were evolving. (On request, the ombuds provided direct, individual, real-time, one-on-one coaching.) The ombuds and visitors talked about words the visitor might use directly with the Senior Leader, meetings that they might hold with others, emails they might write to document plans, other senior leaders who could lend assistance, and policies that were at play. The ombuds and visitors also discussed the organization's resources for support, including persons higher in their chain of command, the Human Resources department, the ethics and compliance hotline, and of course the ombuds office.

In addition to serving as coach to individual visitors, an option that the ombuds offered was for the ombuds to serve as a conduit to improve communications, to serve as a mediator/facilitator to open and improve direct dialogue, and to raise the pattern of concerns to other senior leadership who were well placed to hear and address the concerns. While a systemic pattern of concerns had clearly emerged, the ombuds continued to work with visitors individually to help them work through their individual goals or needs but the ombuds eventually sought permission to bring the matter forward as a pattern while preserving the confidentiality of all visitors.

Ultimately, the ombuds took the pattern of concerns to senior leadership, which engaged the organization's formal investigation processes. The investigation uncovered conduct that was in violation of the organization's policies, and appropriate corrective action was taken.

The ombuds was thus able to help to provide direct and immediate help to each of the ombuds' individual visitors while working with them to find an effective way to bring the existence of the systemic issue to the attention of senior leaders who could order an investigation and take corrective action. As a result, none of the visitors left the organization and many of them have expressed their appreciation to the ombuds and how much happier they are.

Facilitated Conversation Between a Faculty Member and his Department Chair Clarifies Expectations and Builds a Better Relationship

A faculty member responsible for directing an academic center was very disappointed with his salary increase. The increase was below the average percentage that year. His performance review was good, not great. He reached out to the ombuds to express his disappointment and ask for guidance on how to proceed. He felt he was getting a message from his department chair but was not sure how to approach the chair. He enjoyed his job very much and did not want to resign but was considering it. He was feeling insecure and did not feel confident enough to speak to the chair on his own. After speaking with the ombuds about various options, he left wanting to think about what he wanted to do next.

The faculty member called the ombuds the next day do ask if the ombuds would reach out to the chair to set up a meeting with the department chair, him, and the ombuds. The ombuds agreed to do so, and when the ombuds spoke with the chair, the chair was very receptive. The chair confidentially told the ombuds that the faculty member was a valuable member of the department and indicated that it would be a challenge replacing him in a timely manner to teach

his courses. The chair also expressed concern that he had found it very difficult to give constructive feedback to the faculty member

During the meeting arranged by the ombuds, the chair assured the faculty member of his value to the department and highlighted some of his contributions. It also became apparent during the meeting that there was an honest misunderstanding. The faculty member was always trying to "please" the chair by asking many questions and following directions. The chair, however, wanted to see the faculty member take more initiative and demonstrate more leadership.

As a result of this meeting, the chair agreed to make a minor adjustment to the faculty member's salary, and the faculty member decided not to seek other employment and became more confident in taking initiative. The faculty member called the ombuds about four months later sounding much more confident and expressing gratitude for a better and more open relationship with the chair.

A Confidential Conversation with the Ombuds Helps an Employee Find a New Career Path in the Company

An employee contacted the ombuds because they thought they wanted to move to a new role within their company and wanted to use the ombuds as a confidential sounding board.

The ombuds provided a confidential place to discuss the employee's strengths and then helped the employee identify jobs in the company that they thought might be a better fit for them. It was evident by the end of this discussion that the employee had concluded that they wanted to try to move to a different job and role in the company. The ombuds then provided coaching, including role playing, to help the employee improve their communication and interview techniques.

The employee later reported back to the ombuds that after a number of interviews they had moved to a new role and career path that best suited to their skills. The employee also expressed appreciation for all the help the ombuds had provided. The company also benefited from an energized employee in an area in which the employee was more likely to succeed.

An Ombuds Helps Government Contractors Avoid Retribution for Raising Issues with Government Supervisor

Three contractors of a federal agency came to the ombuds together with claims of retribution. The contractors had raised concerns inside their company regarding behavior of their civil servant supervisor at the federal agency. The company had then raised the issue with the agency's HR personnel. A month later, the contracts of these three contractors were terminated, and the explanation given to them by the federal agency was that there wasn't enough work for their contracts to continue.

With the permission of the three contractors, the ombuds looked into the situation on both the agency and the contractor side and found different explanations were being given for the decision. From the questions posed to the agency's management, the ombuds concluded that the firing decision had been made by the made by the contractors' civil servant supervisor with little oversight from either higher management or HR. However, based on the questions that had been posed by the agency ombuds, higher management reviewed the decision to terminate the contractors. Although this review concluded that the project that they had been working on did not need them, there was other work in the area for which they were well suited, and they were rehired.

Ombuds Helps Avert Retaliation

During discussions with the ombuds, a visitor revealed explicit employment-related actions their manager had threatened if the visitor were to report errors for which the manager was accountable. Fearing reputational damage, loss of employment, and difficulties in securing a new job in a somewhat closed field, the visitor was reluctant to make a formal report.

The ombuds reviewed the organization's anti-retaliation policy and coached the employee to speak up in formal channels. Feeling relieved about the organization's stance on retaliation, the visitor spoke up, an investigation ensued, corrective actions were taken, and the visitor's reporting structure was eventually changed.

While satisfied with the new structure, the visitor began to feel uncomfortable—as though the new manager was "walking on eggshells." In a follow-up visit with the ombuds, the visitor stated that they "couldn't put their finger on it", but they felt there was something looming that made the new manager act this way. The ombuds asked for permission to check-in with the formal channel to whom the visitor had made the report.

The ombuds learned that the senior department head—who had never been informed of the former manager's threats—believed the visitor was complicit in the issue, by not reporting it more quickly. He was in the process of working with HR to issue a warning letter. The ombuds explained how the manager's threats had impeded the visitor's decision to report quickly and further explained that issuing a warning letter would be tantamount to retaliation.

Given the new information, the senior leader and HR agreed not to issue the warning and the relationship between the visitor and the new manager improved and progressed well

Fighting Discrimination or Advocating for Fair Compensation?

A newly promoted SVP learned that her compensation was very close to that of her former male peers, who now reported to her. Concerned that the company's compensation practices were discriminatory, she contacted the ombuds.

Together, they reviewed her career history, comparing her trajectory to that of her former peers. They quickly deduced that, because she had joined the organization in an entry-level

position, many years ago, it had placed her at a compensation disadvantage having nothing to do with gender. Despite a consistent track record of compensation increases, she simply hadn't caught up to peers who had joined from other organizations, already commanding a higher salary. There didn't appear to be any discriminatory decisions or practices, as they had all been paid within the same salary band for similar roles.

Relieved that discrimination was not the issue, the SVP wanted help in preparing to address her true concern—to be fairly compensated for the leadership role she had just assumed. Through coaching, the ombuds helped the SVP determine what "fair compensation" might mean for her. Together, they developed a reasonable range of options so that she had a concrete platform from which to negotiate. The ombuds also helped her to role play the negotiation with her manager, including working through "what if" scenarios, based on whether she got all, none, or some of what she was asking for.

When the SVP then met with her new manager, the manager was impressed with her approach to the negotiations. He was able to provide an initial bump in her compensation, and he committed to continue to advocate for her, provided she continued to meet and/or exceeded expectations in her new role.

The SVP was so pleased with her experience that she referred other professional women to the ombuds. Over the next two years, based on the initial referral from this SVP, the ombuds assisted six women, from four countries, with similar negotiations related to salary, bonus, job classification and/or title. These women stated that, by helping them to more effectively advocate for their own careers, the ombuds had also helped the organization to retain female talent.

How Does a New Senior Manager Deal with a Lack of Support?

A senior manager scheduled a meeting after a lengthy phone conversation about how the ombuds office conducts its business (confidentiality, neutrality, informality, and independence). When he then met with the ombuds, he disclosed that he was new to the organization and had been hired after a national search. He said that both during the search process and after his accepting the position, he had had many discussions with the people above him about how his unit had not been performing well for many years. He said that he was told that his predecessor had been in the position for many years and was popular with employees but regarded as entrenched and resistant to change. The new manager believed he was given a "mandate" to make systemic changes within his unit.

After he accepted the job and began work, the manager experienced a great deal of resistance (covertly and overtly) from employees at various levels in the organization. Not fully appreciating the culture of the unit or the broader organization, he admitted to having made some tactical missteps that compromised his legitimacy and the respect of the employees. He felt unsupported by those above him and undermined by those below. Though given a mandate to make significant systemic changes because of the unit's history of poor performance, that mandate was never articulated to the employees in the unit. Rather, senior officials in public speeches praised the "wonderful work" that previously had been done by his unit. This created a

perception that the changes were unnecessary. As a result, his initiatives were perceived by the employees in his unit as being motivated by his need to "reinvent the wheel" and to put his stamp on the unit. He felt very isolated and was seriously considering resigning. He said that he felt he could not discuss these issues either with those to whom he reported or those who reported to him (directly or indirectly).

During the course of many meetings to discuss options, strategy, and implementation, he and the ombuds also addressed the organization's culture, how to develop "buy-in", rebuild his reputation, and how to nudge those to whom he reported. While there continue to be challenges with his position, the manager did not resign and has reported that his situation has improved immensely.

Ombuds Helps an Employee Receive Medical Help and Use the Organization's Dispute Resolution Process

An employee with a previous exceptional performance record came to the ombuds with concerns over treatment by his new boss. His former boss had been promoted, resulting in the employee being reassigned to another director who had not been consulted or given any say in the reassignment. The employee said that his new boss had indicated that there were problems with his work and work ethic and had given him a poor performance rating.

At the same time, the employee told the ombuds that a terminally ill parent was living with him and had to be cared for daily, including being delivered to and from an adult care facility while the employee worked. The employee had used vacation time and sick leave for the extra time that this required, but he had recently learned that he may be eligible under FMLA for additional time off. His director, however, had told him that he could not leave early or arrive late; and when he did apply for FMLA leave, the director denied his request without explanation. The employee was distraught by this situation and did not know where else to go. He himself was also experiencing stress and other health-related concerns as a result of the situation.

In the course of consultations with the ombuds, the ombuds was able to help the employee first consult with medical services to attend to his own health problems while they worked on the other issues. They discussed various options to try to address the continuing issues with the director. The option selected by the employee was to use the organization's dispute resolution process to appeal the performance rating that he had been given by the director.

As a result of the dispute resolution process, the employee's performance rating was changed, the FMLA request was granted, and the director was reprimanded for his actions.

Confidential Coaching for Faculty Members

A department chair came to the ombuds with a concern over a mentoring relationship between a minority female junior faculty member that the chair had recruited and a senior white male faculty member who was assigned to be her mentor. The chair had a high regard for both

faculty members and thought that it would be good for each of them to be in this mentoring relationship but perceived that both parties were having problems with it. The chair was concerned about losing the junior woman, since the department had experienced difficulties in recruiting and retaining good minority and female faculty members. The chair did not want to go to the dean with this issue or involve anyone else out of concern that it could affect everyone's reputation and career.

The ombuds discussed mentoring guidelines and successful practices with the department chair. They considered various options, including coaching by the ombuds of one or both faculty members; coaching the department chair and then having the chair conduct separate and joint conversations with the faculty members; having the ombuds conduct a facilitated conversation between the faculty members with a view toward developing an agreed-upon action plan; hiring external coaches for one or both faculty members; and having the ombuds sit in on several mentoring activities to help assess the situation and make further recommendations.

The department chair chose a combination of these options. The ombuds provided individual coaching to the department chair and the junior female faculty member. The chair had a private conversation with the male faculty member and provided funds for an external coach for him for a reasonable period. The chair then followed up periodically with each of the faculty members to provide support. As a result, the department chair believes that the issues were addressed without blemishing anyone's career, and the junior faculty member continues to make good progress in her career on a tenure track.

17. Helping People Exit Gracefully

Help to Exit Gracefully and Avoid Reputational Damage

A faculty member at a university was denied tenure. Prior to coming to the university, she had held an important role in the community and still had many significant connections in the area. In her discussion with the ombuds, she explained that she did not feel that the tenure process had been fair in that the policies regarding expectations in the area of professional development had not been sufficiently clear.

After discussion and exploring various options with the ombuds, the visitor decided that she did not wish to appeal the denial because she did not want to continue working with a department that apparently did not want to retain her. She did, however, want to share her concerns about the process that had been used in her tenure denial decision. After further discussion, she decided to write an email to the president and provost of the university to notify them that she did not wish to appeal the tenure decision but also to indicate that she wanted to meet with them to share her concerns over process and policy in the tenure decision.

The ombuds helped her craft the email to make it as constructive as possible and then followed up with the administrators to encourage them to accept her request to meet. The president and provost agreed to meet with her, and they subsequently had the discussion she had sought. The faculty member was grateful for this assistance, as she had a chance to be heard by senior administration. This allowed her to leave on a somewhat more positive note.

In its annual report, the ombuds office addressed the systemic issues raised by the faculty member's concerns and recommended that all academic departments develop clear guidelines regarding discipline-specific expectations for tenure.

Helping a Nontenured Faculty Member Focus on What Was Important to Her Avoids a Discrimination Lawsuit

A faculty member came to see the ombuds about what she considered to be racist or discriminatory treatment. She was a junior faculty member with multiple degrees, one of which was from the campus where she currently worked. Now, as a contract employee of the university, she felt like she was being left out of important meetings and treated differently than her male peers. They were being mentored and she was not. She had also found out she was being paid less than others to do the same work and that her contract had been cancelled. She was considering suing the university for discrimination.

The ombuds listened and heard all the pain the visitor felt from being marginalized and left out. The visitor was ambitious and had dreams about doing research and having her own lab. She didn't know where to go for help. Human resources on that campus did not assist faculty, and she had already spoken to the department chair, the dean, and the provost. The dean had promised to help her but had done nothing to date. The department chair was new and said he was just supporting the decision of the previous chair to cancel her contract. The provost listened and said the dean has the right to make decisions in his school.

At this point, she was very angry and wanted to get even. As a minority woman, she felt fairly certain that she could win in a lawsuit because she had not been accused of any wrongdoing, yet her contract was being canceled.

The ombuds asked the visitor to think about what she most wanted, encouraging her to think about what her life would be like, on that campus if she sued and won, or elsewhere if she sued and lost. The ombuds asked her if all the negative time and energy was worth the time it would take out of her career and moving forward on her research and writing projects.

The visitor did some thinking and reflecting on the advice from the ombuds and came back a week later. She asked the ombuds if the ombuds would help her find resources to assist her with her resume and job search. The ombuds gave her a list of local and campus resources and met with her a few more times to give her chances to vent her anger.

A few months later, the visitor secured an assistant professor position with her own lab and mentor at a prominent university. She was so excited about her new opportunity that she was no longer interested in suing the university.

The ombuds, in this case, helped spare both the university and the faculty member from the cost and stress of a discrimination lawsuit and, with the counseling from the ombuds, enabled the faculty member to realize her dreams.

Helping an Employee Exit Gracefully

A longtime employee came to the ombuds office, wanting strict confidentiality. After the ombuds explained to the employee how the ombuds office worked and that confidentiality would be honored, the employee shared that they were being released from the company after many years of service and had received a “separation agreement” from HR. They said that they had a certain number of days to sign and return the agreement, or it would be invalidated, and any severance compensation would be greatly reduced. One of the stipulations of that agreement was a confidentiality clause, so the employee was not certain it should even be discussed with the ombuds. After some discussion, the employee confided that their desired outcome was a “retirement” separation, as opposed to a “termination” or “reduction of force.” The employee asked if the ombuds could help him achieve that outcome and still retain the provision for monetary compensation.

In this case, it was critical that the employee understand what the ombuds could and could not do on their behalf, and what information should be shared by the ombuds. After explaining this to the employee, and with the employee giving the ombuds permission to approach HR, the ombuds inquired of HR whether the reason for the separation could be adjusted from a “termination” to a “retirement.” HR agreed to do so, resulting in a successful outcome for both the employee and the organization.

Only After Extended Conversations with Ombuds Does an Employee Come Forward

A long-term employee close to retirement contacted the ombuds office anonymously to discuss concerns over possible ethics violations by management in vendor contracts. Being so close to retirement and fearing retaliation, the employee refused to reveal, even to the ombuds, his name, location or anything else that he felt could reveal his identity. The employee, however, was willing to generically discuss the behaviors that he felt were unethical.

The ombuds presented various options to the employee. The ombuds and the employee then discussed and considered the possible ramifications of each option to the employee if he were to reveal his identity. After several conversations, the employee agreed to let the ombuds contact HR with a scenario that he and the ombuds had developed to ascertain what HR's response and process would be if he chose to reveal his identity and participate in an investigation.

The ombuds spoke with HR and then with the employee on several occasions thereafter as they tried to work through how to proceed. Although it took some time, the employee gradually came to trust both the ombuds and HR as resources that were available to him. Finally, he agreed to meet with HR based on the repeated promise that retaliation would not be tolerated.

As a result of the information that the employee provided, an investigation was conducted, resulting in the termination of high-level personnel. The employee felt supported not only by the ombuds office, but also by HR and the organization. He retired soon thereafter and expressed his appreciation to the ombuds for helping him work through the decision to come forward on the ethical violations that had bothered him.

Where Does a Compliance Investigator Go for Help?

A compliance investigator contacted the ombuds asking for guidance on how to deal with what he saw as a recurrent problem: he would investigate allegations of violations and then draft a report with recommended sanctions, but the director of compliance would frequently tone down the report and lighten the recommended sanctions. The director had told the investigator that he was too straightforward and lacked "political savvy." The investigator felt that the director's reluctance to take a stand often amounted to a white-wash or a cover up of the issues.

The investigator did not know how to raise this issue and was fearful of retaliation if he were to complain about the actions of the director. After discussing the situation, the investigator was not comfortable with any of the options they discussed and nothing further was done at that time.

Many months later, the director fired the investigator for insubordination because of the employee's outspoken complaints about and to the director. The investigator again contacted the ombuds to discuss whether there were any options for him to get the job back and to discuss his concerns over the previous actions of the director.

The ombuds was not able to assist in overturning the termination from employment but was able to arrange a meeting between the investigator and very senior management to give the investigator an opportunity to share his perspective on the differences between his draft reports and the director's revisions of them. The employee was relieved to have had the opportunity to report his concerns to senior management, and senior management felt that he had given them information that alerted them to the need to be more mindful of the reports from the director.

Effective Counseling Avoids a Lawsuit

An employee came to the ombuds with concerns that his boss was discriminating against him because of his sexual orientation. He was adamant that he did not want to raise this issue with anyone in HR or with his boss, for fear of further retaliation. He was fully aware of his legal rights and was close to a decision just to quit the company and bring a lawsuit against the company and his boss for retaliation.

The ombuds worked with the employee for an extended period to try to identify options that the employee could feel comfortable with to deal with the issue. Finally, the employee and the ombuds were able to identify a manager in another area who was willing to work with the employee to help him look for another job both inside the company and elsewhere.

The employee was very grateful to have had help in finding a manager with whom he could discuss his concerns and from whom to seek advice. The employee ultimately located another job outside of the company, and a lawsuit was avoided.

Ombuds Facilitates Conversation between Senior Management and an Employee with a History of Threatening Behavior and Employment Litigation which Included Disparaging Statements in the Media

A professional with a respected resume was hired into an organization, even though he had been involved in litigation against his prior employer, about which he had spoken very publicly and disparagingly in the media. Once in his new position, this employee became the subject of multiple complaints to management from staff members, colleagues, and business partners regarding the employee's inappropriate and threatening behavior, demeanor, and actions.

In connection with the organization's decision to terminate this employee's employment, visitors in management positions came to the ombuds to explore the ways in which they could engage in a productive conversation about separation from the organization with the employee. The employee involved also independently visited with the ombuds to discuss the situation. The employee then followed up with demands that the ombuds invite and engage senior directors in a facilitated conversation. When the ombuds declined to do as the employee demanded, adhering to the ombuds office's ethical principles of informality and impartiality, the employee engaged legal counsel and threatened to publicly denounce the organization and its management in the press and on social media.

After several additional conversations and at the request of the employee and management, the ombuds agreed to facilitate a discussion between a senior member of management and the employee. In an opening statement, the ombuds reiterated the ombuds' role as a neutral facilitator and emphasized the voluntary nature of the conversation, taking an unusual step to request that the visitors acknowledge these principles in an agreement regarding the facilitated conversation. This document included specific statements regarding the ombuds' standards of confidentiality and informality, as well as acknowledgments that the ombuds office was not an office of notice for the organization, that the participants would not call the ombuds as a witness in any administrative or judicial proceedings, and that the conversation would not be recorded.

As a result of this facilitated conversation, the employer and employee proceeded to resolve the matter and the employee separated from the organization without litigation and without adverse publicity or a media campaign against the organization.

18. Formal Channels as Part of the Problem

Speak-up Culture

An employee who had been with the company more than fifteen years called the ombuds. He wanted to have a confidential and off-the-record conversation with someone because he felt he had been threatened by his supervisor and sent to HR when he refused to undertake an assignment. He indicated to the ombuds that he had refused the supervisor's direction because he had not received the training required to do this work and was concerned about safety. The employee believed that the HR manager he spoke with had not listened to his side of the story to understand the safety issue or the training requirements involved. He also felt that the HR manager had not listened to other employees on the floor who had been trained.

The employee expressed his frustration and disappointment over how poorly this incident had been handled, especially in light of company policies that required an employee to obtain proper training and be certified to perform the work that he had been asked to do. The employee told the ombuds that the environmental health and safety department (EHS) previously had been involved in this issue and had agreed that it was a policy violation for management to ask an employee to do things that they were not trained and certified to do. The employee also indicated that EHS had previously instructed his supervisor to make improvements. However, almost a year later, this issue had not been resolved. This situation made the employee think the culture of the company was to punish employees who reported issues and to permit management to disregard its responsibly to address policy violations and safety concerns.

In discussing possible ways to proceed with the employee, the ombuds asked if the employee would be willing to speak directly with an EHS representative to follow up on this issue and help identify the root cause for why this issue had not been resolved. The employee agreed that he should be more proactive and agreed to do so. The employee told the ombuds that he would schedule a meeting with EHS to follow up on the issue. Since the employee did not contact the ombuds office again, the ombuds concluded that the employee had apparently resolved his issue.

Meanwhile, the ombuds was aware that the employee's concerns were not the first case arising in his facility involving management's failure to follow company policy in ways that raised safety issues. Another employee had previously contacted the ombuds about similar management issues. Since the HR manager involved was planning to retire very soon, the ombuds decided to visit the facility after the replacement HR manager came on board and host a focus group to solicit employees' perspectives and insight on the organization's culture overall and then work with the new HR manager on the safety issues identified by employees.

After the new HR manager came on board, the ombuds hosted two on-site training sessions (one for salaried and hourly employees and another one for managers and supervisors) to speak about the company's ombuds program and to create more awareness of how and when to use ombuds services that were available to everyone. The ombuds also hosted a separate focus group where employees were given an opportunity to provide extra feedback on company's practices.

With this information the ombuds then met one-on-one with the new HR manager and provided a summary of the feedback from the employees. The ombuds and the HR manager reviewed safety and quality training records and identified individuals who had not received training that they should have received. And finally, the ombuds and the HR manager reviewed the supervisor on-boarding process and identified areas in which the company had not provided appropriate leadership training when someone was promoted to manage a group of people.

During the meeting with the new HR manager, the ombuds recommended that all shop floor employees be given refresher training on EHS and quality control cardinal rules, as well as giving some groups refresher technical training. The ombuds also recommended that mandatory leadership training be part of the on-boarding process for new supervisors and that new supervisors be assigned to a senior manager mentor to improve their management style and skills.

By proceeding this way, the ombuds enabled the employee who first brought the issue to the ombuds to resolve his issue directly but then went further to address on a broader level these systemic issues with the new HR manager.

Ombuds Arranges for an Anonymous Call to a Formal Channel at the Request of an HR Team to Address the Conduct of their HR VP

A few employees on a regional HR team had been talking among themselves about the arrogant, dismissive, and disorganized behavior of their HR VP, which they thought indicated a lack of accountability. The HR team had more than twenty people; some of them worked in the same office as the HR VP and others worked in offices in different states. The employees working in the same office as the VP, in particular, were able to observe these troubling behaviors by the VP, including the extreme favoritism he showed to certain individuals.

With frustration mounting and many of the employees finding it increasingly difficult to focus on their jobs, three employees from this HR team contacted the ombuds to confidentially discuss their concerns because they greatly feared retribution from the VP if he were to learn that they had spoken up about him. They also said that they did not trust any of the other resources in the organization to address their concerns. In their conversation with the ombuds, they said that they were looking to find a way to raise their concerns anonymously. After listening to the concerns expressed and understanding what the employees had already attempted to do to resolve the problem, the ombuds discussed various options.

The option selected by the employees was for the ombuds to contact an ethics and compliance representative, to avoid conflict within the HR organization, to arrange for an anonymous telephone call between the employees and a VP counsel for the company, a compliance representative, and a senior compliance investigator. The understanding was that the ombuds would make all of the arrangements for the call and that the HR employees could speak to the company representatives without identifying themselves. The ombuds coordinated the call and once all participants were connected, the ombuds dropped off the call so as not to be part of a formal, but unusual, teleconference. As a result of the conversation, an investigation was begun

into the leadership behavior of the VP. The investigation confirmed deficiencies in the VP's leadership and management style that were then referred to corporate HR leadership.

The VP was provided coaching by the corporate HR leadership to address his behaviors. When the ombuds followed up with employees to see how they were doing, they thanked the ombuds for the opportunity to raise this issue confidentially with the ombuds. Also, the compliance team reached out to thank the ombuds for coordinating the call and providing them a chance to speak directly with concerned employees. They said that it had made a big difference.

Abusive Advisor and Language Issues

An international graduate student came to the ombuds' office in a highly emotional state after an alarming interaction with his professor/advisor. The ombuds listened attentively to the student as he described what sounded like ongoing abuse of students by a faculty member. The student was frightened and confused. Like many students, he was reluctant to report anything to the university out of fear of retaliation.

The student had been contacted by two students who had left the university, one with their PhD, and one who had accepted a Masters' despite being in a PhD program. For two years, all three students had been in the same laboratory with the same professor. The two former students decided that they couldn't watch their fellow students continue to be abused in this way. They sent a letter to the Department Chair, who didn't take any action. The Department Chair apparently believed the faculty member to be upstanding and productive.

The former students suggested the student consult with the ombuds due to the confidential nature of the services. All of them described abusive conduct by the professor, including speaking only in their native language in the lab (all three of the students and the professor were from the same country of origin), and calling the students derogatory names; throwing papers, computers, and other equipment across the room; and making them work over 40 hours per week in the lab. If they weren't in the lab, the professor would track them down and find them at their homes. He also gave the students in his lab the answers to the exams so they wouldn't have to waste time studying and would be able to work more in the lab. The students had kept the email correspondence related to the exams and presented it to the ombuds.

The ombuds discussed a variety of possible actions the student could take but the course of action that felt most safe for the student was to provide an anonymous report of the academic misconduct based on the exams which is what the ombuds helped him to do. This resulted in an investigation into the matter by the Provost's office and Faculty Academic Affairs. The professor was fired after all of the allegations came out and more students came forward. After this case, the graduate college of the university created a policy stating that the language used in labs and classrooms must be English and provided training and education on appropriate standards and treatment in laboratories.

These students had considered contacting the local newspaper to report what was going on before coming to the ombuds but had been hesitant to do so. Had they done so, it would have

had a devastating impact on the reputation of the institution, and probably would have resulted in costly and protracted hearings.

Healing a Rift

The ombuds had received a significant number of cases from members of a department in the organization who expressed concerns about how the department was being managed. Visitors shared that they were frustrated, furious or outraged, and some said that they might seek legal counsel to address the matter. Low morale was widespread across the department.

As more details emerged, it became clear that visitors were describing a rift within the department, with essentially two disciplines in the department having been pitted against one another. Visitors described examples of infighting and poor professionalism. Visitors suggested that the rift had been created by the department's leadership when leadership encouraged people to choose sides using a heavy-handed approach. Others described apathy/disinterest on the part of some members of the department's leadership. Overall, the department's internal warring resulted in confusion, unrest and disorganization, which negatively impacted people individually and may have also resulted in losses both in employee retention and in the department's productivity.

Visitors said that numerous complaints about these concerns had been made to the organization's HR and compliance offices but had not produced results. This only increased frustration and confusion.

Visitors wanted to be sure that the organization was made aware of their concerns. Their objectives included improved communication, response to concerns, clarity in work-roles, and fairness in schedules, treatment and pay. They wanted to be freed up to do their jobs effectively and feel good about working as one cohesive team again.

When the visitors came to the ombuds individually, the ombuds listened to each person actively and provided a safe/confidential space for them to share all that was on their mind. In a very real way, the assurance of privacy and commitment by the ombuds not to share with anyone that they were meeting with the ombuds gave them the opportunity to fully open up and express their concerns. The ombuds met with many of these visitors on a recurring basis and offered suggestions in how they might better handle the situation themselves immediately and provided individual coaching and support. As a result, visitors gained confidence in themselves, even though their work situation hadn't changed.

Because the many individual concerns also represented a significant systemic disfunction within the department and with permission of the visitors, the ombuds also engaged in a series of facilitated discussions that included members of the organization's senior leadership. These discussions with senior leadership raised their overall awareness and understanding of the broad and complex nature of the concerns in the department. Ultimately, significant changes were made, including structural improvements, leadership changes, communications plans, and changes in workflow.

After these changes, the department was functioning cohesively as one unified whole. Communications and morale also improved. The changes were so pronounced that visitors reported back to the ombuds to let the ombuds know how much better things had become, describing the difference before and after the ombuds involvement as the difference between "night and day."

Ombuds Helps an Employee Experiencing Bullying Resolve a Hostile Work Environment Claim and the Company Avoid a Lawsuit

An employee contacted the ombuds about an abusive manager. The employee described how the manager bullied the employee and also a number of coworkers. The employee told the ombuds that they had been the only person to raise the matter with their local HR team. In fact, they had twice gone to the local HR team, but no action had been taken in connection with the abusive manager. Compounding the abusive behaviors and bullying from the manager, the employee also reported being subjected to retaliation for having made the reports to HR. The employee was on the verge of leaving the company and retaining counsel to bring suit against the company. Under these circumstances, it was clear that a confidential conversation with the ombuds was extremely important to the employee.

The ombuds and the employee explored various other internal options available to the employee before the drastic action of leaving the company and filing suit against it. One of the options was for the employee to collect evidence of the manager's abusive and retaliatory conduct and then to contact the ethics and compliance office (ECO) with a request to conduct an investigation. The ombuds coached the employee on how to collect and collate their evidence and also how to then discuss the matter with the ECO.

The employee took this option, collected the relevant evidence, and contacted the ECO. The ECO investigated the issue and found that the employee had been subjected to a hostile work environment and also had been subject to retaliation. The manager concerned was disciplined and removed from the company. The employee was able to continue working for the company in a greatly improved work environment.

Ombuds Helps HR Employees Surface Abusive Treatment by a New HR Manager

The ombuds heard from at least eight different individuals over a three-week period about the turmoil in the HR department with the arrival of a new high-level HR manager. These individuals were in different roles in HR, and each described the mean, dismissive, and noncommunicative behavior of this new HR manager toward them and others. They also expressed that this new manager had selected a few favorite employees who were treated very well. This new manager also made critical changes in the department after being there only a few weeks. More specifically, with no explanation, the new manager removed long-time managers to individual contributor positions and also moved several employees, who had never had any management experience, to managerial roles.

While the ombuds worked with each individual to come up with some options for moving forward, after several weeks, it was clear that this new manager was perceived by many to be wreaking havoc. Most of the employees who had talked with the ombuds were concerned about retaliation (based on a recent situation in the department regarding someone who had challenged the new HR manager), but after learning that a number of people had come forward, seven of the eight employees gave the ombuds permission to bring the issue to the head of HR and the head of employee and labor relations.

The two HR leaders listened to the ombuds' perspective and indicated that they were somewhat surprised by what they were hearing. They had noted the new leader had a different style and that it was this change that may have been causing some of the trouble. They also indicated that each of them had an extremely heavy workload and not enough time to tackle the issue alone. They did decide, however, to hire an outside consultant to interview the whole staff and issue a report.

This report found widespread discontent among the staff since the arrival of the new leader and included suggested practical next steps for the new HR manager and the entire department to take to improve the situation. The new manager was ultimately asked to leave the organization.

Ombuds Helps a Contractor Address Attempts by Government Employee to Have an Inappropriate Relationship.

A government contractor came to the ombuds with concerns about a government employee who allegedly expressed an interest in engaging in a personal relationship with the contractor. The contractor explained that the government employee also had been designated as the contractor's point of contact with the government agency involved and oversaw the contractor's work. The contractor reported that when the government employee tried to shift the working relationship to something personal, the contractor immediately expressed disinterest to the government employee and asked for him to stop.

The government employee continued to show interest, however, both directly and indirectly. As a result, the contractor looked to the ombuds for guidance on what else the contractor might be able to do to make the unwanted attention stop. Sadly, the contractor divulged this situation to the company's HR office, which did not want their employee to "cause a problem" and risk the government looking unfavorably on their company.

Among the options discussed was having the ombuds make the government management aware of the contractor's concerns. Luckily the ombuds had prior experience with managers in this area who were consistently supportive and responsive to broad organizational concerns, and especially to concerns related to ethics and harassment. The contractor was comforted by this insight and selected this option. With permission from the contractor, the ombuds made management aware of the contractor's concerns and requested that the situation be investigated, or other appropriate action taken. The government supervisor took immediate action to ensure that

the contractor was in a safe environment, and also talked to the company about being more forthcoming when situations like this arise.

Ombuds Helps a Manager Resolve Issues with HR and Her Boss

A hiring manager came to see the ombuds, after determining that reaching out to HR for clarification "was making things worse." This visitor to the ombuds office was tasked with hiring someone from a particular role, who would directly report to her. She and her manager had together come up with the job description and job qualifications for this role, and she had thought they were on the same page. However, after HR forwarded the top four candidates for her review (and her manager's reading), things started to change. She explained how she had thoughtfully reviewed the top four candidates and immediately culled the group to two candidates. She then let her manager know of her decision. Her manager immediately stepped in and explained she needed to interview at least three candidates, and that one of the two she had dismissed from the pile was a "must-see" candidate. The visitor to the ombuds explained to her manager that the "must-see" candidate was seriously lacking in one of the most important skills-sets and that the other two candidates were far more experienced in this skillset. However, her manager did not budge. Instead, he noted that this candidate had another skillset, not anywhere on the job description and not part of the role as it had been envisioned, that he thought could be helpful later on with a plan he had to grow the role.

This hiring manager and the hiring team then interviewed three of the four candidates, including the one her manager insisted she meet. The group determined that one of the candidates was "head and shoulders" above the rest, and the candidate her manager insisted be interviewed not only communicated poorly, but also admitted that she had never done the work required for this vacant role. The visitor then shared her and the hiring team's decision with her manager. In response, her manager demanded that she hire the least qualified candidate. She was frustrated and angry, as she was the named hiring manager and her selected candidate needed to be able to accomplish the job requirements.

The ombuds pulled up the policy and procedure regarding the hiring process to discuss it with the visitor. In the policy, the hiring manager was authorized to be the final decision-maker and was also directed to take into account the feedback from the hiring committee. The ombuds talked with the visitor about the option of returning to HR and telling them about the situation, where she, as the hiring manager, as well the hiring committee, all agreed on this one candidate, and her manager was trying to make an end-run around the process. She was relieved to learn that the policy language supported her perspective, and she decided to meet with HR. She later shared that HR supported the hiring of the candidate that both she and the hiring committee had selected.

The Ombuds Helps Address Both Individual and Systemic Issues Involving Racial Aggression in the Workplace

An African American laboratory technician visited the ombuds to talk about a recent race discrimination complaint that he had brought to HR. The matter involved the use of the "N" word in the visitor's presence by a white coworker. According to the visitor, an investigation by a white HR professional involving the three levels of management for both colleagues (all of whom were white), resulted in no finding of violation of the racial harassment policy. Despite the fact that the subject of the investigation admitted to using the offensive language, his behavior was found not to be a violation of the policy because the coworker had not known that the African American visitor was present.

The ombuds provided a confidential and safe space for the visitor to share his feelings and worries about the situation and his future. The visitor was hurt and emotional about his treatment. In his words, the experience made him feel "insignificant."

The ombuds and the visitor discussed options at the individual level and actions that could be taken at a systemic level. The ombuds presented possible options at the visitor's level including: requesting a review of the investigation; creating a plan for future interactions with this coworker; building and strengthening the network of support at work for the visitor; re-focusing the visitor's effort on high performance; transferring to a new department; and finding an ally supervisor/manager with whom the visitor could have a difficult conversation about the realities of racial tensions in the work environment. In this case, the visitor decided to get more involved with plant D&I initiatives and to focus his efforts on doing a great job while preparing to apply for a job in another department.

At the systemic level, the ombuds and the visitor discussed local Diversity and Inclusion (D&I) activities and organizations. The visitor gave the ombuds permission to raise the issue as a systemic issue while not identifying the visitor. Since the ombuds had received information from a number of visitors about racial tensions, the ombuds concluded that these comments represented a systemic issue of both "micro" and more blatant aggressions in the workplace centered on race.

The ombuds was able to include this general information in providing upward feedback to Senior Leadership and several key D&I leaders locally. The ombuds was also able to refer managers and D&I leaders to local racial justice initiatives and training resources for incorporation into the organization's future. The D&I Leaders were extremely receptive and several enrolled in anti-racist workshops that were recommended.

Persistent Retaliation

An employee came to the ombuds with concerns over retaliation by her manager for a complaint that the employee had made to HR about the manager. In the course of her discussion with the ombuds, it came out that the employee had been at the company for only one year and that the manager was hired from another company by the next-level manager, a vice president, with whom the manager was a long-time friend. The employee, the manager, and the vice president were all women.

The employee had first complained to HR about her manager making negative comments in front of other employees about the employee's looks and the fact that she was from another country. She had also informed HR about other encounters with her manager and the manager's behavior in meetings at which the employee was present and tried to speak. HR had brought the issue to the attention of the manager and the vice president, but the manager responded by later confronting the employee about the complaint made to HR. The employee also felt that once HR had become involved, the manager was reducing the employee's work without justification. The employee believed that HR had not handled the matter confidentially and she was most concerned about further retaliation. She wanted to speak to the ombuds confidentially about what could be done.

In the course of the discussions with the ombuds, the employee indicated that she thought that the manager had violated the company's code of conduct but was afraid to report it out of fear of further retaliation. With coaching from the ombuds and after discussing various options, the employee filed an anonymous report on the possible violation. Once she did so, however, she came back to the ombuds to share the latest experiences of retaliation, because although the report was anonymous, the manager and the vice president had assumed that she had filed it and were making her life very difficult. After receiving permission from the employee, the ombuds spoke with a senior person about the investigation that had been undertaken with respect to the code of conduct allegation and the persistent retaliation.

By escalating the issue in this manner, both the code of conduct issue and the retaliation were fully investigated. This enabled the employee to express her concern directly in connection with the investigation.

The company found that the manager had, in fact, been retaliating against the employee, and the manager's employment was terminated. The vice president was reprimanded for her involvement in the matter. The employee was able to retain her position and report to a new manager.

When a Supervisor and HR are Part of the Problem

A mid-level manager came to the ombuds with concerns about how she was being treated by both her direct supervisor and her local HR representative. She felt that both were undermining her and not supporting her as she attempted to correct employee behaviors and improve the morale and production of the team she supervised. She felt very unsafe raising her concerns to anyone within the formal structure and reached out to the ombuds so she could have confidential conversations there. She had repeated conversations with the ombuds regarding options and strategies.

Conversations with this manager continued over the course of approximately three months, after which time she had built up enough confidence and trust to reach out to her VP of HR with the assistance of the ombuds. As a result, a personal visit was made to her supervisor by the VP of HR, and changes were made in the HR department that addressed the concerns of the

manager, as well as similar concerns of other employees that had surfaced through discussions with the ombuds.

19. Working Cooperatively with Formal Channels

Ombuds Arranges for an Anonymous Call to a Formal Channel at the Request of an HR Team to Address the Conduct of their HR VP

A few employees on a regional HR team had been talking among themselves about the arrogant, dismissive, and disorganized behavior of their HR VP, which they thought indicated a lack of accountability. The HR team had more than twenty people; some of them worked in the same office as the HR VP, others worked in offices in different states. The employees working in the same office as the VP, in particular, were able to observe these troubling behaviors by the VP, including the extreme favoritism he showed to certain individuals.

With frustration mounting and many of the employees finding it increasingly difficult to focus on their jobs, three employees from this HR team contacted the ombuds to discuss their concerns confidentially because they greatly feared retribution from the VP if he were to learn that they had spoken up about him. They also said that they did not trust any of the other resources in the organization to address their concerns. In their conversation with the ombuds, they said that they were looking to find a way to raise their concerns anonymously. After listening to the concerns expressed and understanding what the employees had already attempted to do to resolve the problem, the ombuds discussed various options with them.

The option selected by the employees was for the ombuds to contact an ethics and compliance representative, in order to avoid conflict within the HR organization, to arrange for an anonymous telephone call between the employees and a VP counsel for the company, a compliance representative, and a senior compliance investigator. The understanding was that the ombuds would make all of the arrangements for the call and that the HR employees could speak to the company representatives without identifying themselves. The ombuds coordinated the call and once all participants were connected, the ombuds dropped off the call so as not to be part of a formal, but unusual, teleconference. As a result of the conversation, an investigation was begun into the leadership behavior of the VP. The investigation confirmed deficiencies in the VP's leadership and management style that were then referred to corporate HR leadership.

The VP was provided coaching by the corporate HR leadership to address his behaviors. When the ombuds followed up with employees to see how they were doing, they thanked the ombuds for the opportunity to raise this issue confidentially with the ombuds. Also, the compliance team reached out to thank the ombuds for coordinating the call and providing them a chance to speak directly with concerned employees. They said that it had made a big difference.

Job Protection and Fear Above All Else

The ombuds received an anonymous call from an employee in a multinational organization through an overseas operating center. The caller was extremely nervous about calling but was put at ease by the ombuds first explaining how the ombuds office works (confirming confidentiality, neutrality, informality and independence) and by being able to speak in the person's first language. The caller explained that he worked in a unit that had high security, separate badge access, and security cameras because the unit dealt with valuable assets and financial information. He also explained that his supervisor had been harassing his unit for

over a year with veiled threats about employees losing their jobs, asking for personal errands, bullying them and instigating rough play games (such as hitting, boxing, wearing blindfolds, tying people with a rope). The so-called "games" were played in an area with no security camera coverage and supposedly were to have "fun" and break the monotony in the work area. Even though there were at least twenty employees in the unit who had been subjected to these practices and an HR office and higher supervisors located in the same building, there was so much fear of potential job loss that no one spoke up for a year. Finally, when a coworker had to leave work discreetly to go to the hospital because he broke several ribs in one of the "games" and did not report the incident, the caller decided to call the ombuds in the US since he had heard that it was confidential and had seen announcements about the ombuds when the ombuds visited his location several months earlier.

The ombuds and the caller discussed various ways that the issue could be raised. The caller decided to give the ombuds permission to contact HR and Security, but he was too fearful to give permission for the ombuds to contact the higher up supervisor (a vice president of the organization) because he believed that his immediate supervisor was extremely well regarded by that person.

The ombuds, without revealing the identity of the employee who had made the call, passed along information to HR and Security concerning the type of activity that had apparently been occurring. They then investigated the matter by interviewing many of the employees separately at an outside location.

The investigation corroborated the allegations, and the supervisor and a higher-ranking supervisor were terminated from the organization.

Compliance Issue Outside of the United States

An employee shared with the ombuds that he had been asked by his manager to do something wrong. Specifically, his manager had requested that employees on his team surreptitiously gather information about customers, in violation of the company's corporate policy. The company is global, and the manager explained that this was a very common practice locally and that employees should not worry about the corporate policy. The employee explained to the ombuds that he did not want to hurt his relationship with his manager by reporting the misconduct, particularly because he was up for a promotion. So, the employee had gone ahead and gathered the information, as requested.

After several months went by, the employee learned that a different employee on his team had received the promotion instead of him. The employee was furious and reached out to the ombuds office for guidance. He said he had decided that he was going to report his manager for the earlier inappropriate conduct, but he was also concerned that he would be in trouble too because he had done as his manager had requested.

The ombuds listened to the background, clarified the issues, and reviewed the information presented. She discussed the pros and cons of possible next steps with the employee. The ombuds advised the employee that, pursuant to company policy, he had a duty to report his

manager's request when it was first made and that the company's global corporate policies apply irrespective of any local custom to the contrary. The ombuds encouraged the employee to report the issue to a formal channel now and provided him with several ways in which to do so. He could bring the issue to his second-level manager or HR and explain his reluctance to come forward earlier due to his manager's advice that the corporate policy did not apply and his fear of retaliation. He was also provided with other options by which he could report the issue anonymously either through the company's compliance hotline or the compliance website.

The ombuds stressed the importance of honesty in the event that the employee was interviewed as part of a formal investigation. Failure to provide truthful responses to questions asked during the investigation would be grounds for disciplinary action against him, up to and including termination. The ombuds candidly told the employee that it was likely that he would be disciplined in connection with the inappropriate gathering of information but if he reported the issue that might be considered a mitigating factor.

The employee left the meeting saying that he intended to report the concern through the compliance hotline right away.

When a Senior Leader is the Problem

Over a period of months, a number of people in a department individually consulted with the ombuds. The visitors had roles at varying levels in the hierarchy and in a variety of disciplines, but they all shared concerns about the same Senior Leader—a member of the organization's leadership. Visitors expressed confusion or concern about the Senior Leader's quick ascension in the organization and about the appropriateness or justness of his promotions and power.

The visitors also described the Senior Leader's conduct, including insulting or publicly disparaging people, interfering with projects or work, character assassinations, attacking professional reputations, and terminating people unfairly or unjustly. Some considered this conduct as bullying. Others perceived the behavior as antithetical to the organization's code of conduct or other policies. Some questioned the legality of the Leader's conduct. Given the overall perception of the Senior Leader's power in the organization, visitors expressed a variety of fears. In particular, visitors were afraid that if it were discovered that they sought help from the ombuds, they would become the next target or otherwise suffer retaliation for speaking up. Many of these individuals were at such a loss that they said that were considering leaving the organization.

Trusting that the ombuds office was strictly confidential, visitors met with the ombuds—often more than once—to share their concerns and to obtain guidance and support in addressing them in a meaningful way. In every session, the ombuds provided support and advice, including on how to address individual communications as they were evolving. (On request, the ombuds provided direct, individual, real-time, one-on-one coaching.) The ombuds and visitors talked about words the visitor might use directly with the Senior Leader, meetings that they might hold with others, emails they might write to document plans, other senior leaders who could lend

assistance, and policies that were at play. The ombuds and visitors also discussed the organization's resources for support, including persons higher in their chain of command, the Human Resources department, the ethics and compliance hotline, and of course the ombuds office.

In addition to serving as coach to individual visitors, an option that the ombuds offered was for the ombuds to serve as a conduit to improve communications, to serve as a mediator/facilitator to open and improve direct dialogue, and to raise the pattern of concerns to other senior leadership who were well placed to hear and address the concerns. While a systemic pattern of concerns had clearly emerged, the ombuds continued to work with visitors individually to help them work through their individual goals or needs but the ombuds eventually sought permission to bring the matter forward as a pattern while preserving the confidentiality of all visitors.

Ultimately, the ombuds took the pattern of concerns to senior leadership, which engaged the organization's formal investigation processes. The investigation uncovered conduct that was in violation of the organization's policies, and appropriate corrective action was taken.

The ombuds was thus able to help to provide direct and immediate help to each of the ombuds' individual visitors while working with them to find an effective way to bring the existence of the systemic issue to the attention of senior leaders who could order an investigation and take corrective action. As a result, none of the visitors left the organization and many of them have expressed their appreciation to the ombuds and how much happier they are.

Benefits and Inclusion

A female employee in a same-sex marriage contacted the ombuds to express her frustration about a limitation in the company provided insurance benefits. In this discussion, the ombuds learned that the employee and her wife had been preparing over the past few years to start a family of their own with the employee being the one to carry the child. At first, they assumed that IVF (in vitro fertilization) was the only option, a procedure where the woman's egg is stimulated, retrieved, fertilized, and transferred back to the female. But upon researching further, they found IUI (intrauterine insemination) was the best option for them. This is a procedure where sperm is simply injected into a uterus. IUI is lower cost option and a much more practical avenue for same-sex female couples who do not require additional fertilization techniques to conceive.

The employee stated that she had made several calls to the company's insurance provider for information and was told IUI was only covered after the couple "tries to conceive" for one year and that they would need to prove their "exposure to semen" in order to be covered. The inquirer indicated that she thought the company's insurance coverage was antiquated and unfair; although it provided extensive, often expensive, coverage for women in heterosexual relationships facing infertility issues, the plan but did not consider being in a same-sex marriage (and a very healthy individual) to be a valid reason for fertility benefits coverage.

The employee also strongly felt that the company's public statements conflicted with the coverages in the plan it provided for employees. The company continued to raise flags in celebration of PRIDE month and had discussions of inclusion, but this lack of coverage for same-sex couples was not consistent with that message. The employee also felt that it would be humiliating to try to address this with her local management, as the terms of coverage in company insurance policies is determined at the corporate headquarter level.

After this discussion with the ombuds, the inquirer agreed that since this was a companywide topic and if the ombuds were to raise this issue it would not necessarily be linked to her in particular, the employee granted the ombuds the permission to share the concern with the global benefits vice president and their team for review. As a result, the company's policies were changed to allow all employees equal access to fertility benefits: the criteria of needing a diagnosis of infertility to access infertility benefits was removed; the cost of donor sperm would be covered by the plan; and cryopreservation would be covered for both eggs and sperm for up to 12 months.

The ombuds also made sure these changes would be mentioned in various LGBTQ communications materials that the company put together each year.

The Ombuds Helps the HR and Equal Employment Opportunity Offices Cooperate with Each Other

A new ombuds was hired by an organization ostensibly to offer an additional, independent, informal, confidential, and expedient channel for employees to try to resolve personal workplace issues. Once in place, however, the ombuds realized that there was more context than that: the organization was plagued by a lack of transparency and trust between the equal employment opportunity (EEO) and HR offices, both of which were relatively independent, with strong charters and headstrong leaders. Understanding that their inability to cooperate with each other was neither good for people with HR or EEO issues nor for the organization, the ombuds saw this as a systemic issue that might benefit from ombuds involvement.

The ombuds first spoke with the HR director (and expended some of his initial good will there) about his proposed plan to help establish better relations between the two formal channels by serving a "bridging" role between them. He then did the same with the EEO director (expending more of his initial good will). In each of these meetings, the ombuds tried to emphasize that his goal was to help create more transparency and trust between the offices.

With tacit permission from each of these offices, the ombuds then looked for ways to help them cooperate with each other. One of the first projects he took on was to work to directly assist the EEO office's intervention in a long-standing systemic problem that was also of interest to the HR office. The ombuds' position as a "new kid on the block" with organizational conflict resolution and interpersonal skills resulted in helping to reframe and resolve certain issues that otherwise would have continued to plague the organization.

Of course, none of this would have been possible without the cooperation and active participation of both the HR director and the EEO director. Although the mandates of their responsibilities differ, when they and the ombuds understand that part of their missions is to help improve the organization, they can have a positive impact. In this example the EEO director became so trusted because of transparency with management around best practices to avoid disruption of productivity from EEO complaints that she was routinely invited to consult with senior management and also became a positive influence for change.

Policy Interpretation

A male employee contacted the ombuds because he had begun a romantic relationship with a coworker. He found his way to the ombuds after first starting to explore the issue with HR. The HR representative, however, was sensitive to how uncomfortable he was discussing the issue with HR and offered him the option of contacting the ombuds first, explaining that he could discuss the matter there in complete privacy.

To complicate matters, the employee's spouse also worked for the organization. The employee regarded his relationship with the coworker as private, but he also understood that it could have an effect on his professional life. He was unsure of what he was required to disclose to the company and what he could keep private. He was also nervous about what the organization would do once he disclosed the relationship. He was particularly concerned that the organization would reveal the relationship to his spouse.

The ombuds was able to leverage his experience in the organization and expertise with policy to provide the employee with guidance on the aspects of the relationship with the coworker that would be relevant to the organization. For example, it was important to ensure that the relationship did not present any conflict of interest. Because the coworker was not in his reporting line and did not work with him on a regular basis, the ombuds advised that it did not appear to be a conflict of interest that would require reporting.

The ombuds explained that he would be able to obtain a definitive answer confidentially from the organization if he desired to do so. This could be accomplished anonymously through the compliance hotline or a compliance interactive online tool. Finally, in view of the fact that he was married and embarking on a new romantic relationship, the ombuds provided him with the contact information for the Employee Assistance Program where he could obtain counseling and guidance on the impact of this on his personal and family life.

Surfacing an Issue Without Becoming a Whistleblower

An executive assistant (EA) to a senior executive called the ombuds to discuss their concern which they said could not be taken forward to management through any formal channel. In particular, the EA believed that, at a time of corporate restructuring to save costs, the senior executive with whom the EA worked was making fraudulent claims on his monthly expense claims.

When asked how the EA was aware of the alleged fraudulent claims, the EA said they prepared the monthly claims from the information provided by the senior executive but knew that some of the information was false. The EA believed that this conduct was not appropriate and that it should be reported. Yet, since only the senior executive and the EA were privy to what was on the monthly expense claims before they were submitted, the EA was also extremely afraid of what would happen personally to them if they were identified as the whistleblower in any investigation into the expense reports.

The ombuds and the EA discussed a number of options to surface the EA's concerns, including an option in which the ombuds could ask the internal audit team to carry out a review of the monthly expense claims of all the other people at the same level as the senior executive throughout the business and without identifying who had brought this issue to the ombuds, the specifics of the false claims, or the identity of any particular senior executive about whom there was concern. The EA gave permission to the ombuds to take the matter forward on this basis.

The ombuds alerted the internal audit team to this concern and made the request for the internal audit, and the internal audit team audited the expense reports of all the senior executives at that level. With all the senior executives at that level included, no one could have thought that any particular person was being targeted.

The results of the audit demonstrated that the senior executive was not alone in submitting fraudulent expense reports; others had done so as well. All of those senior executives were fired. The EA who brought the issue to the attention of the ombuds was never identified and subsequently was assigned to work for the replacement of the senior executive for whom the EA previously worked.

Downgrading of New Role

A female employee contacted the ombuds office with concerns about a new role she had applied for. She was pleased that she had been offered the role, but an aspect of the offer didn't seem right to her. In the job positing to which she had applied, it said that the role was at the level of senior manager. Since she was currently a manager, the senior manager job would be a promotion for her. However, when she was offered the role, it was at a manager level. That meant no promotion and no salary increase.

She found it odd that the organization would post the role at a senior manager level and then decide to offer it to her at a lower level. She wanted to take the role, but also wanted to be treated fairly. She challenged the decision to offer her the role at a manager level to both the hiring manager and to the HR representative who had been involved in the process. They both maintained that the actions they had taken with the job offer were appropriate. They encouraged her to take the role but were inflexible about hiring her at the senior manager level.

The ombuds helped her understand that what had happened was not consistent with the organization's practices and that roles needed to be offered in the manner set forth in the details of the job posting. The ombuds encouraged her to reach out to a senior member of the

organization's HR department to have her situation reviewed. Although she was nervous about doing so, she decided to do it.

A week later, she called the ombuds with good news: her meeting with the HR leader had gone very well. The leader immediately acknowledged that what had happened to her was not fair or consistent with the organization's policies and practices. As a result, she was offered the role at the senior manager level, which she happily accepted.

Ombuds Helps an Employee Experiencing Bullying Resolve a Hostile Work Environment Claim and the Company Avoid a Lawsuit

An employee contacted the ombuds about an abusive manager. The employee described how the manager bullied the employee and also a number of coworkers. The employee told the ombuds that they had been the only person to raise the matter with their local HR team. In fact, they had twice gone to the local HR team, but no action had been taken in connection with the abusive manager. Compounding the abusive behaviors and bullying from the manager, the employee also reported being subjected to retaliation for having made the reports to HR. The employee was on the verge of leaving the company and retaining counsel to bring suit against the company. Under these circumstances, it was clear that a confidential conversation with the ombuds was extremely important to the employee.

The ombuds and the employee explored various other internal options available to the employee before the drastic action of leaving the company and filing suit against it. One of the options was for the employee to collect evidence of the manager's abusive and retaliatory conduct and then to contact the ethics and compliance office (ECO) with a request to conduct an investigation. The ombuds coached the employee on how to collect and collate their evidence and also how to then discuss the matter with the ECO.

The employee took this option, collected the relevant evidence, and contacted the ECO. The ECO investigated the issue and found that the employee had been subjected to a hostile work environment and also had been subject to retaliation. The manager concerned was disciplined and removed from the company. The employee was able to continue working for the company in a greatly improved work environment.

Fielding Calls from Inquirers about a Company's New COVID-19 Actions Enables the Ombuds to Suggest Revisions to Improve Communications on the Company's Website

At the start of the COVID-19 outbreak, the management of a company put in place protective actions which were communicated in a number of ways, including through a dedicated COVID website. The information on the COVID website, though plentiful, was unclear and confusing in some areas.

After the COVID website was created, the ombuds received many calls from employees about what the callers described as a lack of clear guidance which had led to raised anxiety levels.

The ombuds collated what they had heard from these calls and produced a report for senior HR management, highlighting the concerns raised along with actual quotes of comments from employees (ensuring confidentiality and anonymity were preserved). Management used the information provided by the ombuds to update the COVID website to address the specific areas of concern. Management also implemented a company-wide communication initiative to inform employees of the improvements in the company's COVID website and that HR management was available to answer any additional issues. After these actions, the COVID information provided by the company was much clearer and calls to the ombuds dropped off dramatically.

An Ombuds Help Raise Systemic Financial Manipulation of Foreign Graduate Students by Professor

A visitor came to the ombuds to inquire about how they might address their concerns with the conduct of a professor. The visitor shared that they were an international graduate student from the middle east in a renowned campus program. They were taking a class with their professor advisor who was also the program director. The visitor stated that they needed an internship over the summer months and that the professor knew they were returning to their Farsi speaking country for the next semester. The visitor shared that a previously arranged internship had fallen through at the last minute and that the professor was aware of this situation. The visitor said that the professor indicated that she could use support on a book she was presently writing. She proposed that if the student were willing to translate the book into Farsi and ascertain if there was a market in their country for the book, the professor would help the student obtain internship credit and consider hiring them as a Teaching Assistant (TA) in the fall semester when they returned (to offer them some remuneration for their work). The visitor shared that they saw this as an excellent opportunity.

The visitor undertook the translation and helped market the professor's material. The visitor also connected the professor to a network of future opportunities to utilize when the book was completed. Upon their return to the campus, the student met with the professor but was told that she had already hired her TA for fall semester. The visitor reported that the professor was adamant that she had never promised anything to the student in the way of compensation for their work and insisted that internship credit should have been viewed as substantial value to the student.

The visitor told the ombuds they were aware of similar conduct of the professor in the past from alumni of the program and two other present students. In addition, the visitor said that they had contacted an administrative assistant (AA) to the professor and urged the AA to contact the ombuds about the professor's conduct. The AA visited the ombuds and confirmed much of what the student had told the ombuds, describing their own experiences as well. The ombuds asked if the AA and the visitor would ask if the other current students might be interested in contacting the ombuds office. Eventually, several alumni, a few other students, and a couple of

other AAs contacted the ombuds office and shared similar stories of misrepresentations by the professor and manipulation of staff and students. The AAs also shared that they were told to issue funds from specific budgets and grants to pay a few of the students, and that the professor had used students to translate her personal writings into several different languages but never gave the students any credit in the published books, papers and articles.

The ombuds helped the individuals consider all of their options individually and in a small group. Everyone agreed it was best to share the information with campus leaders, including:

- the Equal Rights Director
- the Human Resource Director,
- Departmental Dean,
- Provost, and
- University Legal Counsel.

The ombuds was asked to act as a neutral facilitator for the discussion.

The ombuds helped the students and AAs prepare for this meeting by considering how best to share the information. The ombuds urged them to try roleplaying the situation acting as themselves, as well as sitting as university leaders responding or hearing this information. During this discussion the individuals raised concerns about retaliation by the professor who remained the director of the program.

The students contacted the leadership asking each of them if they would participate in this meeting and if they'd object to having the ombuds act as a neutral facilitator. No one objected to the process. The discussion went very well lasting over 3 hours with the leaders asking many questions and thanking the individuals for coming forward with their concerns. They assured the students and staff that if any retaliation occurred, they should immediately contact the Equal Rights Director as it would not be tolerated.

Concern about a Possible Misrepresentations by a Former Coworker

An employee contacted the ombuds with concerns over possible misrepresentations by a former coworker who had been rehired in a difference job in a different region of the same organization. The employee contacting the ombuds thought that the employment of the former coworker had been terminated because of sexual harassment. The employee was not sure about the reason for the coworker's departure but feared that, if true, employees in the new location might be exposed to inappropriate behaviors. The employee wanted to speak with the ombuds confidentially about how such a concern might be surfaced.

After discussing various options with the ombuds, the employee gave the ombuds permission to speak with the coworker's previous supervisor without disclosing any information

about the employee raising the issue. The previous supervisor confirmed that the employee had indeed terminated for inappropriate behavior.

The ombuds then put the previous supervisor in touch with a HR specialist and the employee's current supervisor. HR discovered that the employee had not been truthful in several employment applications by not disclosing that he was previously terminated for sexual harassment. The organization promptly terminated the employee's employment. The ombuds also noted that this case underscored the need for the organization to consider establishing a common HR data system that would include all of the organization's locations.

A Valuable Confidential Resource for New and Middle Managers

Despite training, many people managers lack the skills and knowledge necessary to handle complex employee relations issues. The ombuds, as supplemental to formal channels like HR, can provide confidential support for struggling managers who are trying to determine when and how to get help from their leadership and HR to cope with employee issues. HR and Legal departments, as well as supervisors, subordinates, and the organization in general, all benefit when employee relations matters are handled well. Unfortunately, many new and middle managers are reluctant to go to their supervisors or HR to admit that they do not know what to do.

In this organization, the ombuds made it a priority to meet with all new front-line supervisors at a manufacturing plant, making it clear that ombuds services were available for every employee at every level, including supervisors, managers and senior leaders, and describing how the ombuds could provide assistance. New supervisors, in fact, visited the ombuds on multiple occasions to discuss team dynamics, employee performance and career development in a safe, non-threatening, and confidential environment.

In more than one situation, a budding subordinate performance or conduct issue was identified and the supervisor received the support needed to confidently take the matter to HR. In other situations, supervisors felt comfortable indicating to subordinates that they could go to the ombuds for support. In cases like these, inexperienced supervisors may need a little extra support as they decide how to handle situations that come up and everyone benefits—the supervisor, the employee and the organization—when unnecessary conflict or disruption is avoided. The ombuds heard in this organization from supervisors, managers, and HR leaders that they very much appreciated the assistance that the ombuds provided.

An Ombuds' Careful Listening Helps Spot Possible Financial Abuse

A woman came to the ombuds for help on how to deal with what she perceived as discrimination in her work group. The visitor felt that women with children were being given more flexibility in work schedules than women without children. As a single woman, the visitor wanted to have flexibility for vacation time or flex hours either to go to school herself or take

care of relatives. She claimed her supervisor always considered her requests behind those of women with children and their associated needs.

During the discussion with the ombuds, the visitor mentioned some financial behaviors she attributed to her supervisor and coworkers that, if true, could be breaches of the financial practices of the company. The ombuds tucked that information away and focused on coaching the visitor on how to advocate for her own needs.

At the end of the conversation with the visitor, the ombuds asked if she could ask a bit more about the financial behaviors the visitor had mentioned earlier. The visitor agreed to share more details with the ombuds and then described expensive meals, travel, and unapproved use of car services. The visitor later gave the ombuds permission to alert the internal audit group of these potential abuses.

The ombuds did alert internal audit to the possibility of financial abuse in this unit without disclosing the identity of the visitor, and an investigation was initiated. After several weeks, the ombuds learned that the investigation had uncovered vast fraud and abuse. Three people were terminated in the unit and disciplinary action was taken against others. The head of internal audit expressed great appreciation to the ombuds for bringing this issue to their attention. The discrimination issue first raised by the visitor became moot in light of the terminations and other disciplinary action that was taken.

Prompt Action by Ombuds Assists Leadership on Control Issues

A visitor scheduled an appointment with the ombuds to discuss a stressful work environment that focused on results over quality. At the start of the meeting, the visitor communicated that this was their last day with the organization.

The visitor presented the ombuds with a lengthy document detailing instances where the work climate had resulted in policy breaches over the past few months. As the ombuds questioned the visitor about each item, the ombuds learned that the visitor and colleagues had spoken up as each issue occurred and line management had, in fact, addressed them. However, the ombuds also learned that employees now felt pressured about continuing to speak up and, in some cases, were told specifically not to discuss anything with HR or the ombuds.

When the ombuds asked if there were any open issues that hadn't been reported, the visitor pointed to the final item and said, "That's why I'm here. I wanted to put it on the record, confidentially, before I leave today," and then proceeded to communicate a recent breach of controls that, if left unchecked, could take the organization out of regulatory compliance.

As the ombuds reiterated that speaking with this office did not constitute "putting it on the record," the visitor began to back off, stating that they'd done their job and weren't willing to do more. Then the visitor stood up to leave, and the ombuds quickly asked, "What if I were able to arrange for the head of compliance to speak with you right now, assuming they are available? Would you be willing to repeat what you've just told me?" The visitor was hesitant and didn't

fully believe that would happen, but gave permission for the ombuds to try. The ombuds then immediately got the head of compliance on the phone to speak with the visitor and stepped out of earshot, so as not to be part of the notice chain as the visitor made their report.

A few days later, the ombuds learned that the internal audit team had been engaged to investigate the visitor's allegation. They identified a control issue, as described by the visitor. The head of the business was notified, and appropriate controls were restored, just days before a regulatory audit began. New processes were put in place to shore up both the control environment and the climate in this group, freeing individuals to continue to speak up before any issue became significant.

Insubordination or Doing the Right Thing?

When an employee noticed costly errors made by their manager, they approached the manager with their concerns. The manager insisted the employee was wrong and told them to process the work, as instructed. The employee researched company policy and provided written documentation about the correct way to proceed. Again, the manager insisted the employee was wrong and told them to follow orders.

Estimating that these errors could cost the company hundreds of thousands of dollars, the employee sought assistance from a colleague who agreed with the employee's assessment. The colleague reminded the employee that the company provided outside counsel to advise on such issues and suggested that the employee seek an opinion from this resource.

The employee contacted outside counsel who concurred that the manager's errors were clear. Armed with this opinion, the employee approached the manager for a third time. However, instead of admitting to the mistakes, the manager told the employee to proceed as directed or be written up for insubordination. Fearing reprisal from the manager and not knowing where else to go, the employee visited the ombuds.

The ombuds coached the employee to speak up at the correct level within formal channels and offered four options for doing so. The employee made a formal report and an investigation followed, resulting in corrective actions, including termination of the manager and restructuring of the broader group. The investigation confirmed that, if the issues had not been reported, the compounding errors might have cost the company more than $1 million over the next few years.

Ombuds Helps Employees and Management Address a Destructive Rumor

Several employees at a facility called the ombuds, all within a few days of each other, with concerns about losing their jobs based on rumors they had heard about the company having lost a large contract that could affect their facility. One of the employees who met with the ombuds permitted the ombuds to make inquiries to the local management to find out if the rumor was true, provided that management not be informed of her identity.

When the ombuds spoke with the facility manager about the rumor, he was surprised to hear that a rumor had been circulating among employees. He indicated that losing the contract was a possibility but that a final decision had not been made. Based on this discussion, the manager decided to hold a meeting the next day with employees to address their questions. At the town hall type meeting, employees were able to ask their questions and the manager was able to give an accurate status report to dispel the rumors.

The manager and the ombuds subsequently also met with representatives from the company's communications group and HR to discuss communication recommendations for this type of situation in the future.

Shuttle Diplomacy Results in an Equitable Settlement

The ombuds received a call from an employee who had left the company a few weeks earlier. The caller claimed that the company owed her for over time for which she had not been compensated. The ombuds received permission from the caller to talk with the human resources manager about the situation. After some discussion, the HR manager told the ombuds that it was possible that the caller's claims could be correct. The manager recognized, however, that the organization's relationship with the former employee had broken down to the point that a discussion between HR and the former employee would not be productive. He asked the ombuds to assist in trying to resolve the dispute and referred the matter to his supervisor, the Director of Human Resources for the Division.

The ombuds went back to the caller and asked for and received the information on overtime hours for which she was claiming she was owed. The ombuds then shuttled back and forth between the Director of Human Resources and the caller until they reached agreement on the number of overtime hours. Each side was satisfied with this resolution to an issue that could have resulted in a civil lawsuit or a claim with the Department of Labor.

Ombuds Helps an Employee Use the Hotline

An employee came to the ombuds because she was concerned that a colleague in her office was tampering with time sheets. She said that she would normally have reported this to her supervisor but could not do so in this situation because she was one of the few people who knew that the colleague and their supervisor were having an affair. She felt that, under the circumstances, the supervisor would not be an appropriate person to whom to make the report, and she was afraid that if she tried to report this to someone else, she would be asked why she had not reported it to the supervisor. She did not want to have to lie or answer that question.

The employee and the ombuds discussed various options to surface the issue, including speaking with her supervisor's supervisor, an anonymous letter sent through intraoffice mail, and an anonymous call to the organization's hotline. She still was uncomfortable raising the issue with a formal channel or the supervisor's supervisor directly. Since hotline calls were received by an off-site independent company, she felt that was a better option than sending an anonymous

letter to someone at the company. She decided to raise the issue that way. The ombuds worked with her to explain how to include in the hotline call sufficient hard facts to adequately describe the problem for the investigators.

Suspicions of Misconduct but a Fear of Reporting

An employee believed his supervisor had a falsified resume, including on it advanced degrees that the supervisor never earned. He thought this was wrong and wanted it reported but only if his name could be separated from the report. The employee was not willing to allow any action to be taken unless he can be assured that his identity would be protected.

After hearing various options explained by the ombuds, the employee decided that he would use the organization's hotline option since he now understood that information communicated to the hotline was passed directly to the chief of HR, who had responsibility for conducting an investigation. The ombuds coached the employee on the process of calling the organization's hotline and advised the employee how to include enough information in the report to allow the investigators to assess and investigate the allegation.

Once the information was disclosed, the investigation revealed that the information was correct, and the supervisor was disciplined.

Only After Extended Conversations with Ombuds Does an Employee Come Forward

A long-term employee near retirement contacted the ombuds office anonymously to discuss concerns over possible ethics violations by management in vendor contracts. Being so close to retirement and fearing retaliation, the employee refused to reveal, even to the ombuds, his name, location or anything else that he felt could reveal his identity. The employee, however, was willing to generically discuss the behaviors that he felt were unethical.

The ombuds presented various options to the employee. The ombuds and the employee then discussed and considered the possible ramifications of each option to the employee if he were to reveal his identity. After several conversations, the employee agreed to let the ombuds contact HR with a scenario that he and the ombuds had developed to ascertain what HR's response and process would be if he chose to reveal his identity and participate in an investigation.

The ombuds spoke with HR and then with the employee on several occasions thereafter as they tried to work through how to proceed. Although it took some time, the employee gradually came to trust both the ombuds and HR as resources that were available to him. Finally, he agreed to meet with HR based on the repeated promise that retaliation would not be tolerated.

As a result of the information that the employee provided, an investigation was conducted, resulting in the termination of high-level personnel. The employee felt supported not only by the ombuds office, but also by HR and the organization. He retired soon thereafter and

expressed his appreciation to the ombuds for helping him work through the decision to come forward on the ethical violations that had bothered him.

Cooperation Between Audit and Ombuds

Internal audit received a report that a member of the research and development staff of twenty had been conducting a personal real estate business from his office computer. Two auditors arrived at the department one morning. They announced to the entire department that they were there to conduct an audit and then began at the office at the south end of the corridor.

An employee in the department, who or may not have been the whistleblower in the first place, realized that the office of the person with the personal business was on the north end of the corridor and that the auditors would not get there for several hours, giving the employee plenty of time to erase files. He immediately called the ombuds to describe the situation and gave only the office number of the suspected employee. He never disclosed who he was or any other individual information. It then took the ombuds less than a minute to reach the chief of audit to relay the information. The chief of audit then immediately called the auditors in the field to inform them that they should begin in a specified office number at the north end of the corridor.

The audit discovered evidence of the employee's personal business on the company computer. Both the audit chief and the ombuds felt that the cooperation between the ombuds and audit worked well. Doubtless the employee making the call to the ombuds would agree.

Extended Communications with Ombuds allows an Employee to Agree to Report

The ombuds received a call from a compliance officer at an unrelated but affiliated organization about possible financial misconduct by the president of that organization. The inquirer was so concerned about her identity being compromised that she made the call from a public telephone at a mall. She was the compliance officer of her organization, but it was a relatively small organization, and she was afraid that she could not successfully accuse or investigate the president of the organization without being victimized herself.

After discussing various options to surface the issue, the inquirer remained uncomfortable with her identity being disclosed and was unwilling to select any of the options suggested by the ombuds. The conversation ended with the caller remaining anonymous and with the ombuds encouraging her to call back later so that they could continue to discuss how to raise the issue. Similar conversations took place several times over the next few months—the inquirer calling from a mall to avoid Caller ID and continuing to remain anonymous.

The inquirer also continued to be unwilling to select an option to permit the issue to be raised. At the end of each conversation, the ombuds encouraged a further call from the inquirer after they each had more time for reflection. After several such calls, however, the inquirer began to appreciate the fact that significant misconduct may be involved and that it needed to be reported. As she began to trust the ombuds more and more to preserve her confidentiality

(especially since no word had leaked out about her calls), she grew more comfortable with the idea of initiating an investigation.

She finally gave the ombuds permission to reveal basic information, including the identity of her organization and the nature of her concerns, to other formal channels who could conduct an investigation. With this permission, the ombuds then made the authorized disclosure, and an investigation and audit were commenced. The investigation revealed a multimillion-dollar fraud that ultimately sent the organization's president to prison. Throughout all of this, the inquirer insisted on remaining anonymous, even to the ombuds.

Confidential Group Assessment by Ombuds

The management of a unit perceived that there were problems with the unit and that the employees in it appeared alienated from the organization. They wanted to get a better sense of the problems and believed that they could do this only by having the employees in the unit speak honestly. They knew, however, that employees would be reluctant to do this unless they were able to speak with a third party confidentially. Consequently, management contacted the ombuds office to ask them to speak with employees with the understanding that the ombuds would not disclose identities or confidential communications but would share conclusions from the interviews.

The ombuds agreed to meet with employees and speak with them with that understanding. The ombuds explained to employees that the communications would be confidential and that only summary conclusions would be shared with local management. After speaking with employees and focus groups, the ombuds shared observations and conclusions with the local management. This allowed management to address some of the systemic problems, and employees to feel confident that they had been able to express their concerns but that who had made specific comments would still be kept confidential.

Local Management Ethical Issues Raised Safely Through Ombuds

Some employees at one unit of the company were aware that key contract terms were being changed by their local management after a contract had been agreed to and signed by the customer but prior to being submitted to the company's corporate offices. This practice resulted in bonuses to local management larger than what they should have received. Corporate Audit was generally aware there had been problems with certain types of contracts in the field but had been unable to pinpoint the specifics or the people involved.

The employees who knew about this practice feared that they would be retaliated against if they raised this issue through formal channels, especially since it involved their local management. Some of these employees contacted the ombuds because they thought it would be a safe way to obtain guidance on how to deal with the problem.

The ombuds, with permission of the employees, was able to facilitate the involvement of formal resources in a way that maintained the anonymity of the employees raising the issue and resulted in an investigation, eventual discipline of those involved in the fraudulent contracts, and a change in policy to prevent similar problems in the future.

Fear of Retaliation is so Great that Employee Will Trust Only Ombuds

An employee was concerned that a supervisor was misappropriating funds by submitting false entertainment vouchers. The employee was extremely concerned about possible retaliation and the consequences of raising these issues about her supervisor. She said that she was not prepared to submit any documents or to speak to anyone other than the ombuds because the ombuds communications were confidential.

After several rounds of conversation with the ombuds during which the ombuds and she discussed options for raising the issue, she finally agreed to speak with an internal auditor but only on an anonymous basis. The ombuds arranged for an anonymous call between her and internal audit. The employee, communicating through the ombuds as an intermediary, was also able to provide internal audit with other information they needed to commence the investigation, but the employee's identity was never disclosed.

The audit revealed misconduct and the supervisor was terminated.

Testing Ombuds Before Disclosing Real Concern

An employee came to the ombuds to inquire confidentially whether a supervisor who had insisted that the employees in his unit be at their desks at 8:30 could discipline an employee who arrived later than that but still before 9:00, which is the standard time work begins at the company. The ombuds provided the employee with information on the issue and coaching on how the employee could deal with the supervisor.

A month later, the employee again came to the ombuds with another concern and mentioned that no one had found out about the first contact. On this occasion, however, the employee explained that for the past year, the supervisor had been offering the employee gifts, bonuses, and perks and that the employee believed that these were an attempt by the supervisor to give the employee "hush money" because of the employee's awareness of false claims on the supervisor's expense reports.

After discussing various options, the employee indicated a willingness to speak with a very senior person in the ethics office. The ombuds helped the employee understand the type of documentation that ethics officer would look for to document the allegation.

Local Management Misconduct and Fear of Retaliation

Employees at one unit of the company had been using company products and equipment to create their own personal business, resulting in a loss of customers and revenues for the company. Some of the people involved in the scheme were members of the local management. As a result, employees who knew about this misconduct felt that they could not report it to local management and were afraid to raise it through formal channels. They were not sure how to contact or approach higher levels of management or if higher management might also be involved.

Some of the employees who knew about the scheme came to the ombuds office because they understood that it was independent and confidential. After discussing the issue with the ombuds, the ombuds, at their request, facilitated a contact with the compliance office, which investigated and eventually terminated the employment of those involved in the scheme. The employees who came to the ombuds office stated that the experience made them more comfortable raising issues with the company's compliance office.

A Desire to Protect Others but Uncertainty Over Whether Problem Continues

A female employee had filed a formal complaint about male employee's sexual harassment of her, including his inappropriate touching of her. The male employee was reprimanded and moved to another location. The female employee was given coaching and additional protection, including an escort to her car at the end of work.

The female employee sometime later came to the ombuds because she believed that the male employee, in his new work location, was engaged in the same conduct with another female employee, but the suspected conduct did not involve her, and she had no direct proof. She also did not want to be identified in any complaint, but she indicated that she was trying to protect other women from what she had gone through. After discussing various options with the ombuds about how this issue could be addressed, the female employee permitted the ombuds to contact HR to advise them that a person who wished to remain anonymous had concerns—but no direct proof—about sexual harassment by the male employee.

HR conducted its own investigation and concluded that the male employee was, in fact, sexually harassing another female employee. His employment was subsequently terminated.

Make Him Stop but Don't Disclose that I Brought It Up

A manager made a comment in front of several employees that the area where they worked "smelled like a whorehouse." An employee brought this issue to the ombuds but was not willing to take it to other management or HR because of
concerns that the manager who made the comment would retaliate against the employee.

After discussing various options to address the issue, the employee gave the ombuds permission to disclose the comment but not the employee's identity to HR. When HR was

informed of the comment, it conducted an investigation and confirmed from several sources that the comment had been made.

The manager was disciplined, and HR provided additional harassment training to the entire unit.

Ombuds Helps New Director Receive Additional Training

A department that supports hospital operations had recently gone through several leadership changes and was being managed by a new Director. One of the employees of the department shared with the ombuds her concerns that she was being micromanaged, that her manager was abusive towards her, and that some duties were being arbitrarily removed from her area of responsibility. The visitor also alleged that the Director was discriminating against her on the basis of sexual orientation. The employee said she had requested the Director to participate in a facilitated discussion to discuss these issues, but the Director had declined to do so.

Over the course of the next few months, several other employees in the department approached the ombuds office with similar concerns about the Director and their fear that they would be retaliated against if they were identified as persons bringing concerns forward to formal channels. The employees gave the ombuds permission to discuss their concerns with the Associate Vice President but without sharing their identities. The Associate Vice President also wanted to loop in an HR Director to provide guidance and consultation on addressing the concerns. Working together with the ombuds and HR, the Associate Vice President developed a training and development plan for the Director, and the Director was also assigned an external coach with which to work on a regular basis. The concerns were discussed with the Director, as well as expectations going forward.

The visitors were made aware of this and were asked to update the ombuds on their interactions with the Director and to bring further concerns forward confidentially to the ombuds. To date the coaching and additional training appear to be working well.

Ombuds Helps Student and Helps Preserve Evidence of Wrongdoing

A student employee came to the ombuds to describe a situation she did not know how to handle. She wanted to discuss the matter confidentially with the ombuds before taking any action.

The problem arose in connection with her job in the campus housing office. Her manager told her when she started work that his mother was sick and could not afford food or medicine, so he wanted to add six hours each week to her timesheet and assured her that she would still be paid for the eight hours a week that she in fact worked but that she would give him back the extra money so he could give it to his mother. The student agreed, and they operated under this arrangement for several months. When she received her W-2 form, however, she realized that

not only would she owe taxes on the extra money, her earnings were so high that she would no longer be eligible for her scholarship.

The ombuds advised the student to turn herself in to the dean's office, but also offered options on how to deal with the misconduct of the manager. The ombuds was aware of the need to preserve evidence, an issue that had not occurred to the student. They agreed that, before the student went to the dean, the ombuds and the student would go to the senior vice president in charge of student life. Because of the ombuds' knowledge of the university, the ombuds felt that going to the most senior level first was the best way to proceed and was able to arrange for such a meeting. The senior vice president immediately arranged for HR and security to gather the necessary information in a professional and discreet manner before alerting the manager involved. The ombuds had been concerned that a less thorough or easily noticed investigation might have been done if the matter had been reported at a lower level.

Only after this was accomplished did the student report the incident to the dean and deal with her own situation. Since the university had already obtained the incriminating documentation on the manager, there was no risk that he could destroy the evidence or flee. He was subsequently confronted, arrested, and later terminated from employment.

The student's assistance led to some leniency in terms of disciplinary action by the university and the financial aid office helped her explore other sources of financial aid, but her W-2 form was not changed, and she was ineligible for her scholarship for the following year.

Ombuds Arranges for an Anonymous Call to a Formal Channel

Multiple employees on a regional sales team had been talking among themselves about the disrespectful, abusive, unsupportive behavior of their mutual supervisor. The employees all worked in different states and were connected only by way of a virtual network, so that their interaction with each other, their supervisor, and potential resources was entirely by phone and e-mail. They expressed great fear of retribution from the supervisor if they spoke up. They also did not trust other resources in the organization. With frustration mounting and many of them finding it increasingly difficult to focus on their jobs, a representative of the employees contacted the ombuds in search of a way to anonymously raise their concerns.

After listening to the concerns expressed and understanding what the employees had already attempted to do to resolve the problem, the ombuds discussed various options. The option selected was for the ombuds to contact HR to arrange for an anonymous telephone call between a regional HR director and some of the employees. The understanding was that the ombuds would coordinate the conference call and that four employees would participate in it with the HR director but that the employees would not identify themselves. The ombuds coordinated the call and once all participants were connected, the ombuds dropped off so as not to be part of a formal, but unusual, teleconference.

As a result of the conversation, an investigation was begun into the leadership behavior of the supervisor in question. In the end, the supervisor was switched to a non-leadership role in the organization.

Systemic Issue Report Results in Policy Change

In order to control costs, the finance and HR departments of the company changed the company's travel policy. Under the new policy, reimbursement rates for domestic travel accommodations were reduced to half the amount previously allowed.

The new policy had an immediate and national impact, resulted in dozens of employees contacting the ombuds office to complain about the changes. Because they had not been involved in developing the new policy, these employees did not believe they could approach management directly to discuss their concerns. Yet, they all believed that the new reduced reimbursement limits were unacceptable and disrespectful because the only hotels or motels available to them at rates within amounts specified by the new policy were of very low quality, dirty, and unsafe. The employees expressed both their personal concerns and the concerns of their families about the health implications of the new policy. As a result, the impact on morale was great; the employees did not think the company was treating them like human beings and that the company only cared about the money that could be saved by the new policy.

After speaking with the employees who raised this issue, the ombuds concluded that it was a systemic issue that needed to be raised directly with management. The ombuds reviewed both the old policy and the new policy and then met with the HR Director. The ombuds presented information on the reality of possible accommodation options under the new budget, which corroborated the employees' concern. As a result of this intervention by the ombuds, the policy was changed to increase the amounts that could be reimbursed to employees for accommodation costs.

Some of the employees expressed their gratitude to the ombuds that the policy was changed and said if they had not been able to consult with the ombuds, they would not have known how or where to raise their concerns. Just as importantly, the HR Director thanked the ombuds for bringing the issue forward in order to give the company an opportunity to review the implications of the new policy and to make changes.

Help in Clarifying a Policy

An employee contacted the ombuds to discuss a time-off policy that was written vaguely, as it pertained to part-time professionals taking a sabbatical. When the employee had requested time off, their manager brushed it off as a benefit offered only to full-time employees. Unsatisfied by this interpretation, the employee suggested they seek clarification from HR.

The manager became inexplicably concerned about involving HR. Rather than doing so, he offered to be creative, instructing the employee to keep this between the two of them and

schedule the time off without recording it anywhere. The employee was concerned about two issues: (1) the undocumented time off might violate policy and put the employee and company at risk and, (2) without a policy clarification, other part-time employees might be denied the benefit.

The employee visited the ombuds and expressed both concerns but, fearing reprisal from the manager, refused to make a formal report, nor to give the ombuds permission to speak with their manager or HR about the specific incident of suggesting the undocumented sabbatical.

After some discussion, the employee gave permission for the ombuds to speak with HR about the vagueness of the policy and to reference, more generally, that this had already led to a manager's suggestion to take undocumented time off. After the ombuds had this discussion with HR, HR updated the policy quickly and without further incident.

Diversity without Inclusion?

A woman professional in a same-sex partnership had joined an organization because of its commitment to diversity and inclusion. However, she soon discovered that a medical benefit, related to reproductive procedures, would, in effect, exclude the couple because there was no "covered male". Following an exhausting discussion with insurance providers, she contacted the ombuds for assistance.

The ombuds listened empathically, determined to truly understand the visitor's needs in what was, at the time, a unique request. The ombuds offered to research the benefit policy and contact the head of HR for assistance, while also agreeing to keep the visitor's identity confidential.

HR assured the ombuds that the policy was not intended to exclude same-sex couples; although it was written in a way that led to this interpretation. HR wanted the opportunity to speak to the person, directly, so they could understand the individual's experience with the insurance provider, as well as address the coverage issue quickly and appropriately.

While the visitor was, at first, reluctant to reveal her identity, the ombuds encouraged the person to contact the head of HR. The visitor did so, and her anonymity was protected. The policy was updated to align with the organization's inclusive culture and values, as well as with the visitor's future insurance needs.

Coaching and Trend Reports Help Both an Individual and the Organization

An employee had seen an online posting for a job in another department that he thought he would be a good fit for him, in light of his qualifications and experience. He applied for the job and thought the interview went well. He was excited about the prospect of the new job, but there was no follow up after the interview. Some weeks later, he met the new person who had been hired for the job.

The employee was bothered that he had never received any feedback on the interview and had not even been informed that the position was filled by someone else. He did not want to complain to HR or the other department, however, out of fear that he would be seen as a troublemaker or get a reputation that would hurt his chances for a transfer in the future. He contacted the ombuds to discuss how best to handle the situation.

After discussion, the employee decided that the best option was to approach HR for a candid conversation about his qualifications. The ombuds coached him on how to handle the discussion so that it would be positively received and help him identify ways to improve so that he could be in a better position if there were future openings.

The ombuds also knew that other employees had also raised the issue of not receiving feedback after an interview or hearing of the final decision, and without disclosing the names or any of the circumstances of the people who had come to the ombuds office, noted this in a trend report to higher level management as an issue that should be addressed throughout the organization.

A Probationary Employee Clarifies a Policy Without Hurting his Career

The organization president issued a policy statement to all employees mandating a furlough. The policy stated that all employees had to take a certain amount of time off without pay and that they could do so when they chose, in partial day increments, one day at a time, or in multiple day blocks up to five consecutive days.

An employee still in probationary status (having worked for the organization for less than one year) contacted the ombuds office because, contrary to the directive from the president, his supervisor had dictated when employees had to take the unpaid days off. Because he was still in his probationary period, the employee was unwilling to raise the issue directly out of fear that doing so would hurt his chances for employment when his probationary period ended.

After discussing various options, the employee gave the ombuds permission to contact the HR office to raise the issue generically. Once HR became aware of the issue, it revised the FAQs on its website to address the issue with a question on whether a department or division could mandate when furlough is taken. The answer to this question given by HR was “No. A department should not dictate when the required furlough days must be taken by an employee or a department.” This information was disseminated to all departments, including the department in which the employee worked, and the problem was eliminated.

20. Navigating the Bureaucracy

Helping an International Graduate Student Navigate the Bureaucracy

An international graduate student came to the ombuds after he was moved to a new residence hall following an incident in which he had been involved at his previous residence hall. The student's move to his new room occurred shortly after another student who had been occupying that room moved out. The student who moved out left the bathroom and kitchen in a filthy condition, as documented through video evidence shared with the ombuds. Both the graduate student visitor and his mother, who also contacted the ombuds from abroad, shared their concerns about the condition of the room and the lack of response by the university.

In essence, the graduate student visitor had been unsuccessful in getting the residence life office to provide the typical room cleaning that occurs when there is a transition in residents. Unlike most room transitions, however, this transition had occurred in the middle of a semester. The assumption by residence life seemed to have been that the outgoing student would have cleaned the room before his departure and that there would be no need for the type of cleaning that was usually done at the end of the semester. The visitor and his mother were very frustrated at the lack of response to the student's requests.

The ombuds discussed with the visitor options to address this issue, including contacting the director of facilities, who oversees custodial services, to ask if they could help resolve the issue. The ombuds was familiar with the director of facilities and thought the director would likely respond positively even though the student had not been able to get a response by contacting the residence life channels. The visitor had been unaware of the role of the facilities office. At the request of the visitor, the ombuds sent an email to both the director of residence life and the director of facilities requesting assistance for the student. Once the director of facilities heard of the issue, he directed his crew to provide the desired cleaning, for which the student expressed his appreciation to the ombuds.

Procedural Irregularities in Tenure Process

An associate professor sought promotion to full professor. Upon review of the associate professor's exemplary dossier that checked all the boxes, the associate professor's department and primary unit's evaluation committee unanimously recommended promotion. The Dean, who had the responsibility of making recommendations to the Vice Chancellor's Advisory Committee (responsible for the campus's tenure and promotion review and making recommendation to the Chancellor), met with the candidate and indicated that the they would likely affirm the department and committee's recommendation but had not made a final decision.

Upon receipt of the department's recommendation, however, the Associate Dean in charge of faculty affairs and responsible for managing the tenure and promotion process for the university, wrote a lengthy report opposing the department's recommendation and discounting most of the faculty member's many publications. This report, however, was not in accordance with established tenure review procedures, and the Associate Dean had based it on his own desired publication requirements rather than adhering to what university policy required. The

report also accused the department of a sloppy evaluation process. In light of this report, it was unclear what decision the Dean would reach on the tenure question.

The associate professor up for tenure was angry and confused. She did not feel safe going to the Dean's Office and was prepared to seek legal counsel if she did not receive the promotion. Before moving forward, she decided to visit with the ombuds because she wanted an impartial, independent and confidential place to make sense of the situation and explore her options.

After taking the time necessary to hear the faculty member's story and ask questions, the ombuds thought that while this could be a bad faith effort to defeat the tenure recommendation and undermine the department's process, the Associate Dean also could have been basing his response on information not in the professor's dossier. The essential questions were whether the Associate Dean's actions were a personal vendetta or a legitimate concern and whether the department's tenure recommendations had gone awry.

The associate professor initially wanted to resolve the matter before the Dean made a decision. The ombuds, however:

1. Provided and explained the current university policy regarding the tenure and promotion process;
2. Explained the role of Academic Affairs, which included overseeing faculty tenure and promotion; and
3. Explained the current internal appeal process available to the faculty member if the Dean rendered an adverse decision.

The visitor and ombuds also explored various options, including:

1. The associate professor or the ombuds (with the associate professor's permission) could meet with the Associate Dean in an effort to understand more fully their perspective and concerns.
2. The associate professor or ombuds (with the associate professor's permission) could speak with the Associate Vice Chancellor for Academic Affairs to discuss the procedural irregularity involving the Associate Dean's report.

The associate professor, not previously aware that a review by the Associate Vice Chancellor of Academic Affairs (AVCAA) was an option, decided to contact Academic Affairs (rather than have the ombuds initiate the contact) and ask them to review the situation, render an opinion and, if appropriate, address the Associate Dean's behavior and ensure a fair process.

The associate professor chose this option in order to give the AVCAA and the Dean the opportunity to "do the right thing". She indicated that if the Dean then rendered an adverse decision, she would use the information the ombuds provided and avail herself to the University's internal appeal processes rather than file a lawsuit.

Rebuilding Trust and Realigning Productive Focus

A renowned and distinguished researcher had pursued several claims and disputes with the university involving significant sponsored research issues. Some years had passed since lawyers on both sides staked out positions and a "cold war" commenced. With major underlying issues irresolute, intense emotions on both sides continued to smolder fueling further misunderstandings. Communications between this well-funded researcher/faculty member and key stakeholders in the administration had strained to the breaking point. Inevitably, university leadership allowed distance to develop between "them" and the researcher.

The faculty member felt increasingly *persona non grata*. Consequently, honed research skills were diverted to detecting and dwelling upon the university mistakes and perceived flaws in the research area. The brilliant intellect that had previously garnered mutual accolades for a rising star and growing university became laser-focused on the bitter mission of exposé.

The proverbial "camel's straw" snapped when administrators denied travel and related requests for professional development opportunities that were personally important to the faculty member. This led the faculty member to reach out to the ombuds, resulting in a series of meetings between the ombuds and the faculty member.

The ombuds made it clear that the ombuds was not authorized to receive notice of any claims against the university, but the faculty member told his side of the dispute and expressed his feeling that that this was the first time that someone with the capacity to fully understand the concerns of the faculty member listened to the <u>whole</u> story. The first meeting took almost 7 hours and the initial narrative was filled with emotional nuance intertwined with technical issues and lots of data. The terms of service having been agreed to up front meant that the informal operation of the ombuds removed pressure on the faculty member to "prove their case" as a matter of regulatory sufficiency. Thus, key points and perspectives voiced were heard and understood. The faculty member was thankful no time frames started churning regarding information collected regarding potential peer misconduct. The faculty member was also looking into other potentially substantial compliance concerns involving federal grants.

After several follow up sessions, the faculty member began to realize that the years of unresolved conflict with the university had shifted focus to "looking backward" and that was counterproductive. Upon clear and mutual agreement, the ombuds and faculty member agreed that the ombuds would reach out to leadership in the research office to gauge receptivity to a meeting. The "good offices" reputation of the ombuds enabled a productive 1:1 meeting between the faculty member and a senior leader in the research office. Prior to the 1:1 meeting the ombuds held a session with the senior leader, under the normal terms of service. The confidential dialogue enabled this leader to express regrets and concerns without fear of negative consequence or embarrassment. The leader determined that restoration of a productive collegial relationship with the researcher would be welcome. The 1:1 meeting took less than 1 hour and resulted in an agreement to release reasonable travel funds in support of professional development opportunities of benefit to both the individual and institution.

With direct dialogue restored between leadership and researcher the two parties continued to communicate openly about future plans. This enabled them to reach a formal settlement agreement, working directly with the university's General Counsel, resolving all past outstanding issues. Some years later, no additional lawsuits, claims or adverse personnel actions have occurred between this researcher and the university's research administration.

Speak-up Culture

An employee who had been with the company more than 15 years called the ombuds. He wanted to have a confidential and off-the record conversation with someone because he felt he had been threatened by his supervisor and sent to HR when he refused to undertake an assignment. He indicated to the ombuds that he had refused the supervisor's direction because he had not received the training required to do this work and was concerned about safety. The employee believed that the HR manager he spoke with had not listened to his side of story to understand the safety issue or the training requirements involved. He also felt that the HR manager had not listened to other employees on the floor who had been trained.

The employee expressed his frustration and disappointment over how poorly this incident had been handled, especially in light of company policies that required an employee to obtain proper training and be certified to perform the work that he had been asked to do. The employee told the ombuds that the environmental health and safety department (EHS) previously had been involved on this issue and had agreed that it was a policy violation for management to ask an employee to do things that they were not trained and certified to do. The employee also indicated that EHS had previously instructed his supervisor to make improvements. However, almost a year later, this issue had not been resolved. This situation made the employee think the culture of the company was to punish employees who reported issues and to permit management to disregard its responsibly to address policy violations and safety concerns.

In discussing possible ways to proceed with the employee, the ombuds asked if the employee would be willing to speak directly with an EHS representative to follow up on this issue and help identify the root cause for why this issue had not been resolved. The employee agreed that he should be more proactive and agreed to do so. The employee told ombuds that he would schedule a meeting with EHS to follow up on the issue. Since the employee did not contact the ombuds office again, the ombuds concluded that the employee had apparently his issue.

Meanwhile, the ombuds was aware that the employee's concerns were not the first case arising in his facility involving management's failure to follow company policy in ways that raised safety issues. Another employee had previously contacted the ombuds about similar management issues. Since the HR manager involved was planning to retire very soon, the ombuds decided to visit the facility after the replacement HR manager came on board and host a focus group board to solicit employees' perspectives and insight on the organization's culture overall and then work with the new HR manager on the safety issues identified by employees.

After the new HR manager came on board, the ombuds hosted two on-site training sessions (one for salary and hourly employees and another one for managers and supervisors) to speak about the company's ombuds Program and to create more awareness on how and when to use ombuds' services that were available to everyone. The ombuds also hosted a separate focus group where employees were given an opportunity to provide extra feedback on company's practices.

With this information the ombuds then met one-on-one with the new HR manager and provided a summary of the feedback from the employees. The ombuds and the HR manager reviewed safety and quality training records and identified individuals who had not received training that they should have received. And finally, ombuds and the and the HR manager reviewed the supervisor on-boarding process and identified areas in which the company had not provided appropriate leadership training when someone was promoted to manage a group of people.

In the course of the meeting with the new HR manager, the ombuds recommended that all shop floor employees be given refresher training on EHS and quality control cardinal rules as well as giving some groups refresher technical training. The ombuds also recommended that mandatory leadership training be part of the on-boarding process for new supervisors and that new supervisors be assigned to a senior manager mentor to improve their management style and skills.

By proceeding this way, the ombuds was able to enable the employee who first brought the issue to the ombuds to resolve his issue directly but then went further to address on a broader level these systemic issues with the new HR manager.

Surfacing an Issue and Resolving a Dispute that Easily Could Have Resulted in Expensive Litigation and Reputational Damage

The visitor was a long-time university employee whose daughter had just entered her freshman year at the same institution and had been going through new student orientation. During the daughter's first weekend on campus, she attended a fraternity party with a group of friends. While there, she drifted away from her friends, and after a few drinks of "punch" found herself dizzy, drunk, and surrounded by a group of boys. Two of them forced her into a bedroom and sexually assaulted her. After a few minutes, because the boys were more intoxicated than she, she was able to get out of the room and run back to her dorm. She was deeply embarrassed and didn't want to tell her friends what happened. The next day she decided to call her parents and told them what happened. Not wanting to risk ever running into the boys again, or to have this first week episode haunt her for four years on campus, she told her parents she wanted to transfer to her second-choice school. Her parents promptly got her medical treatment to ensure that she was physically alright and scheduled her an appointment with her therapist to discuss the incident.

Ordinarily, the Office of Student Life Services posts monitors at all on campus parties (which must be registered in advance) to ensure that there is no underage drinking and that party participants behave appropriately and safely. The placement of these monitors has resulted in a significant

reduction of incidents of injuries, bad behavior, and other problems that had historically occurred at fraternity parties. In this instance, although the party had been registered, no monitors had been assigned due to a scheduling error on the part of the Student Life office.

When the parent came to the ombuds office, he was aware of the university policy requiring pre-registration of these events and the assignment of monitors. In the case of the party his daughter attended, he also had learned that although the party had been registered, no monitors had been assigned as was required. He stated that he understood and respected his daughter's decision to transfer and stated that he did not want to make trouble for the university, even though he also stated that the incident very likely could have been prevented. The main concern that brought him to the ombuds was that if his daughter were to transfer to another college, she would lose the tuition benefit he was entitled to receive from the university (full tuition for four years, but not transferrable to any other institution). He wanted the university to compensate him to the extent of the tuition for four years at the new school. Otherwise, he said, the only other option would be for his daughter and him to bring suit against the university. With the father/employee's permission, the ombuds contacted the Risk Management office for a consultation.

Because the girl's father met first with the ombuds, the ombuds was able to work with Risk Management to quickly resolve the issue with the university agreeing to cover the tuition costs at the new school. Because of this resolution, both the family and the university avoided litigation which could have been costly to both sides, but which posed a real risk of loss to the university in light of the absence of a monitor at the event. In addition, potential reputation damaging publicity was avoided on both sides and good relations with a long-standing employee preserved.

The Ombuds Helps a Foreign Post-Doctoral Fellow Accused of Plagiarism

A post-doctoral fellow came to see that ombuds in a panic because he was being accused of plagiarism. He was African and had published academic papers in his home country and in another country before coming to the United States. He said his current professor had asked him to write a paper on a certain topic and then accused him of using others' work without citing them. Further, he was told that if he was found guilty, some or all of his past publications could be rescinded very publicly.

When the ombuds asked if he had spoken to anyone else about this, the fellow said he had only spoken with his wife. He said that this situation was so humiliating to him that he didn't want anyone else to know about it. When he heard the ombuds kept information confidential, it was the only option he would consider other than hiring an attorney to defend himself.

The ombuds asked him whether he had been formally accused or not and he did not know the answer to that question. Part of his panic had to do with not understanding what was happening and being new to the United States. He didn't know where to turn.

The ombuds asked him if he had spoken with his supervisor and his department chair. He said he had spoken with both, and they were awaiting the outcome of an investigation so they

could not tell him anything. The ombuds also asked if he had spoken with anyone in the Academic Dishonesty Office, and he said he had not heard of that office.

The ombuds gave him the contact information and the location on the campus for that office. The ombuds also advised that the office's website outlined the investigation process. Just being able to read about the process provided some relief for the fellow.

A few weeks later, the fellow called the ombuds to say thanks for the help and to report that he had been cleared of any accusations in the investigation. He reiterated that it was such a huge help to him to have an office where he could talk confidentially about something that was so embarrassing without having to worry about the information being shared with others. Before he found the ombuds, he said that he thought his only option was to hire an attorney, but he did not have the money to do that. Had he done so, however, the university would have had to defend the lawsuit. As it was, he was exonerated, and his career was not ruined.

Ombuds Provides Resources to a Foreign Student to Resolve Problems with his Living Arrangements

During the COVID-19 pandemic, the ombuds received a voice message from a first-year international student residing with his extended family in a poor Eastern European country. His parents lived in a rural community two hours away, and he had been living for the past two years with an aunt and his father's parents. The student explained to the ombuds that he was feeling emotionally drained by family members who he perceived had some mental health issues. In the course of the conversation with the student, the ombuds learned that the student had limited space in a small apartment and that the aunt and grandparents were yelling constantly at him and his nine-year-old cousin. When the student tried to inquire about the anger, he was told that if he didn't stop the questioning, the aunt and grandparents would kill themselves.

The student had tried to schedule an appointment with the college's counselling and mental health office (CMHO). He was directed to the ombuds office, however, because the CMHO was restricted from offering any services outside of the state where the college is located.

The ombuds met with the student by online video conferencing and helped him think through and role-play a discussion with his elder relatives. The ombuds also located an on-call telehealth service that the student could use as a resource and provided the student with white papers on attentive listening and difficult conversations that the student could read and use as self-help. The ombuds stayed connected by setting up follow-up conference calls over the next few weeks.

With access to these additional resources, the student was able to negotiate removing himself from his relatives' apartment and moved back to his parents' home and continued to participate in remote virtual classes from there for the remainder of the semester.

Ombuds Helps an Overmedicated Patient and Helps a Nursing Home Avoid Litigation

As a nursing home ombuds, most of the ombuds' cases arose when the ombuds made rounds visiting patients and the patients told the ombuds about problems with which they needed help. In this instance, the ombuds came across an elderly male patient who told her about his brain injury. He complained that the staff were overmedicating him. He said he could hardly think and was even drooling. When the ombuds asked about his family support, he said he didn't speak to his family. He said he also believed the staff were stealing his belongings.

When the ombuds met with the nursing home administrator, the administrator described the patient as always angry, loud and disruptive. He said if they did not medicate him, they would have to evict him because he was so disruptive to others.

The ombuds requested a medication review, however, and contacted the patient's oldest daughter with the permission of the patient. The reviewing doctor found unnecessary levels of medications and ordered multiple reductions.

At the same time, the nursing home's attorney reviewed the patient's medical coverage and contract and found a mistake that allowed the home to evict him, which the nursing home then did. When the ombuds learned of this action and informed the daughter, she flew in from out of state to pick up her father and bring him home to live with her.

In this case, the patient was re-united with his daughter and had a place to live once evicted. The nursing home avoided a lawsuit from the family because of the illegal overmedication. The home could also have lost its license to operate.

The Ombuds Helps the HR and Equal Employment Opportunity Offices Cooperate with Each Other

A new ombuds hired by an organization ostensibly was hired to offer an additional, independent, informal, confidential, and expedient channel for employees to try to resolve personal workplace issues. Once in place, however, the ombuds realized that there was more context than that: the organization was plagued by a lack of transparency and trust between its EEO and HR offices, both of which were relatively independent with strong charters and headstrong leaders. Understanding that their inability to cooperate with each other was neither good for people with HR or EEO issues nor for the organization, the ombuds saw this as a systemic issue that might benefit from ombuds involvement.

The ombuds first spoke with the HR Director (and expended some of his initial "good will" there) about his proposed plan to help establish better relations between the two formal channels by serving a "bridging" role between them. He then did the same with the EEO Director (expending more of his initial "good will"). In each of these meetings, the ombuds tried to emphasize his goal was to help create more transparency and trust between the offices.

With tacit permission from each of these offices, the ombuds then looked for ways to help them cooperate with each other. One of the first projects he took on was to work to directly assist the EEO office's intervention in a long-standing systemic "problem" that was also of interest to the HR office. The ombuds' position as a "new kid on the block" with organizational conflict resolution and interpersonal skills resulted in helping to reframe and resolve certain issues that otherwise would have continued to plague the organization.

Of course, none of this would have been possible without the cooperation and active participation of both the HR Director and the EEO Director. While the mandates of their responsibilities differ, when they and the ombuds understand that part of their missions is to help improve the organization, they can have a positive impact. In this example the EEO Director became so trusted because of transparency with management around "best practices" to avoid disruption of productivity from EEO complaints that s/he was routinely invited to consult with senior management and also became a positive influence for change.

Ombuds Help with Bureaucratic Obstacles

The wife of a former 29-year employee who had retired due to a job injury called the ombuds because they had not received his retirement check for the months of November and December, even though they usually received his check every month "like clockwork." She said that she called the ombuds office to see if it could help after making numerous frustrating calls and leaving messages at local and national organization levels, during which she reported being given the run around.

After hearing what she had tried to do to address the issue and understanding the importance of two months' pay to a retiree (especially with Christmas approaching), the ombuds asked for and was given permission to make inquiries to the head of retiree benefits. Although he was unavailable when the ombuds called, the ombuds was able to speak with a retiree analyst who explained the process for getting the checks reinstated. With a couple of additional phone calls and emails, the ombuds was able to get assurance that the December check would be forthcoming.

The November check was different, however, because the organization claimed that the retiree had not responded in a timely manner to paperwork that had been sent, so that the only avenue was an administrative appeal in the organization to an overseeing board. The board was scheduled to meet that week but then not again until the first quarter of the next year, so a regular appeal would be considered then. The ombuds explored whether the paperwork could be submitted by fax and considered by the board at the meeting scheduled for that week and learned shortly thereafter that it would be permitted.

The paperwork was faxed and approved by the board, and the checks were issued before Christmas.

Help for a Pregnant Employee and in Enforcement of Global Policies

An employee from a location outside of the United States contacted the ombuds to say that her boss had called her into his office to tell her that he noticed that she was pregnant and that he knew she was unmarried. She said that the boss had told her that if she were not married by the time the baby was delivered, she would be fired. Such conduct was not illegal in the country where she worked but violated the company's policies. She was uncertain what to do, afraid of losing her job, and feared retaliation by management of the company in her country, who she felt would support her manager.

The ombuds discussed various options on how to proceed and assured her that such action would violate company policy. With her permission, the ombuds forwarded her issue to a formal channel at the company headquarters, which intervened with local management to reinforce the company's policies and reiterated to local management that retaliation against her for bringing this issue to the attention of the company would not be tolerated.

The ombuds also worked with those responsible for the company's newsletter, which was sent to tens of thousands of employees around the world, to address issue prospectively and generically (no reference to any names or locations) in a question and answer format to advise everyone in the company that it would violate the company's policies for a supervisor to discipline a female subordinate for being pregnant and unmarried and that attempting to do so would subject the supervisor to discipline, including possible dismissal. Such clear and direct guidance not only helped reinforce the company's global policies but may have spared other women throughout the world and in these circumstances from having to deal with the threat of termination and/or retaliation.

Ombuds Helps an Employee Receive Medical Help and Use the Organization's Dispute Resolution Process

An employee with a previous exceptional performance record came to the ombuds with concerns over treatment by his new boss. His former boss had been promoted, resulting in the employee being reassigned to another director who had not been consulted or given any say in the reassignment. The employee said that his new boss had indicated that there were problems with his work and work ethic and had given him a poor performance rating.

At the same time, the employee told the ombuds that a terminally ill parent was living with him and had to be cared for daily, including being delivered to and from an adult care facility while the employee worked. The employee had used vacation time and sick leave for the extra time that this required, but he had recently learned that he may be eligible under FMLA for additional time off. His director, however, had told him that he could not leave early or arrive late; and when he did apply for FMLA leave, the director denied his request without explanation. The employee was distraught by this situation and did not know where else to go. He himself was also experiencing stress and other health-related concerns as a result of the situation.

In the course of consultations with the ombuds, the ombuds was able to help the employee first consult with medical services to attend to his own health problems while they worked on the other issues. They discussed various options to try to address the continuing issues with the director. The option selected by the employee was to use the organization's dispute resolution process to appeal the performance rating that he had been given by the director.

As a result of the dispute resolution process, the employee's performance rating was changed, the FMLA request was granted, and the director was reprimanded for his actions.

21. Risk Management

Unpaid Labor

Through a series of visitor consultations, the ombuds identified a pattern of unpaid labor for graduate students. Because this issue appeared to be a systemic issue involving multiple locations in the university, the ombuds brought this issue to the university's legal counsel without providing any identifying information relating to any of the visitors who had raised the issue with the ombuds. As a result, the university's counsel was able to investigate the issue and then develop a resolution of the matter on a campus wide basis.

Safety

Over the course of several consults, a visitor shared with the ombuds their concerns over safety issues related to a remote campus building used for both research and summer camps. The visitor had tried to raise the concerns directly with their supervisor on several occasions but the issues remained unresolved.

By the time the visitor brought these concerns to the ombuds, the summer camp season was fast approaching. After discussing various options to address these concerns, the visitor gave the ombuds permission to go to the provost and make an anonymous report, knowing the supervisor would likely connect the dots.

When the ombuds made this report to the provost, the provost and the ombuds were then quickly able to work together to identify ways to address the situation as discreetly as possible. The option selected by the provost was to have the building inspected. The subsequent inspection revealed that the building was not up to code. As a result, the university canceled the impending summer camp and made the necessary repairs. The ombuds' prompt and effective working with first the visitor and then the provost thus helped the university eliminate a risk that could have resulted in injuries and been both expensive and damaging to the university's reputation. By having an inspection of the building before taking any action, the ombuds and the provost were able to help protect the identity of the visitor who had raised the issue.

Speak-Up Culture

An employee who had been with the company more than 15 years called the ombuds. He wanted to have a confidential and off-the record conversation with someone because he felt he had been threatened by his supervisor and sent to HR when he refused to undertake an assignment. He indicated to the ombuds that he had refused the supervisor's direction because he had not received the training required to do this work and was concerned about safety. The employee believed that the HR manager he spoke with had not listened to his side of story to understand the safety issue or the training requirements involved. He also felt that the HR manager had not listened to other employees on the floor who had been trained.

The employee expressed his frustration and disappointment over how poorly this incident had been handled, especially in light of company policies that required an employee to obtain

proper training and be certified to perform the work that he had been asked to do. The employee told the ombuds that the environmental health and safety department (EHS) previously had been involved on this issue and had agreed that it was a policy violation for management to ask an employee to do things that they were not trained and certified to do. The employee also indicated that EHS had previously instructed his supervisor to make improvements. However, almost a year later, this issue had not been resolved. This situation made the employee think the culture of the company was to punish employees who reported issues and to permit management to disregard its responsibly to address policy violations and safety concerns.

In discussing possible ways to proceed with the employee, the ombuds asked if the employee would be willing to speak directly with an EHS representative to follow up on this issue and help identify the root cause for why this issue had not been resolved. The employee agreed that he should be more proactive and agreed to do so. The employee told ombuds that he would schedule a meeting with EHS to follow up on the issue. Since the employee did not contact the ombuds office again, the ombuds concluded that the employee had apparently his issue.

Meanwhile, the ombuds was aware that the employee's concerns were not the first case arising in his facility involving management's failure to follow company policy in ways that raised safety issues. Another employee had previously contacted the ombuds about similar management issues. Since the HR manager involved was planning to retire very soon, the ombuds decided to visit the facility after the replacement HR manager came on board and host a focus group board to solicit employees' perspectives and insight on the organization's culture overall and then work with the new HR manager on the safety issues identified by employees.

After the new HR manager came on board, the ombuds hosted two on-site training sessions (one for salary and hourly employees and another one for managers and supervisors) to speak about the company's ombuds Program and to create more awareness on how and when to use ombuds' services that were available to everyone. The ombuds also hosted a separate focus group where employees were given an opportunity to provide extra feedback on company's practices.

With this information the ombuds then met one-on-one with the new HR manager and provided a summary of the feedback from the employees. The ombuds and the HR manager reviewed safety and quality training records and identified individuals who had not received training that they should have received. And finally, ombuds and the and the HR manager reviewed the supervisor on-boarding process and identified areas in which the company had not provided appropriate leadership training when someone was promoted to manage a group of people.

In the course of the meeting with the new HR manager, the ombuds recommended that all shop floor employees be given refresher training on EHS and quality control cardinal rules as well as giving some groups refresher technical training. The ombuds also recommended that mandatory leadership training be part of the on-boarding process for new supervisors and that new supervisors be assigned to a senior manager mentor to improve their management style and skills.

By proceeding this way, the ombuds was able to enable the employee who first brought the issue to the ombuds to resolve his issue directly but then went further to address on a broader level these systemic issues with the new HR manager.

Surfacing an Issue and Resolving a Dispute that Easily Could Have Resulted in Expensive Litigation and Reputational Damage

The visitor was a long-time university employee whose daughter had just entered her freshman year at the same institution and had been going through new student orientation. During the daughter's first weekend on campus, she attended a fraternity party with a group of friends. While there, she drifted away from her friends, and after a few drinks of "punch" found herself dizzy, drunk, and surrounded by a group of boys. Two of them forced her into a bedroom and sexually assaulted her. After a few minutes, because the boys were more intoxicated than she, she was able to get out of the room and run back to her dorm. She was deeply embarrassed and didn't want to tell her friends what happened. The next day she decided to call her parents and tell them what happened. Not wanting to risk ever running into the boys again, or to have this first-week episode haunt her for four years on campus, she told her parents she wanted to transfer to her second-choice school. Her parents promptly got her medical treatment to ensure that she was physically alright and scheduled her an appointment with her therapist to discuss the incident.

Ordinarily, the office of student life services posts monitors at all on-campus parties (which must be registered in advance) to ensure that there is no underage drinking and that party participants behave appropriately and safely. The placement of these monitors has resulted in a significant reduction of incidents of injuries, bad behavior, and other problems that had historically occurred at fraternity parties. In this instance, although the party had been registered, no monitors had been assigned due to a scheduling error on the part of the student life office.

When the parent came to the ombuds office, he was aware of the university policy requiring preregistration of these events and the assignment of monitors. In the case of the party his daughter attended, he also had learned that, although the party had been registered, no monitors had been assigned as was required. He stated that he understood and respected his daughter's decision to transfer and stated that he did not want to make trouble for the university, even though he also stated that the incident very likely could have been prevented. The main concern that brought him to the ombuds was that if his daughter were to transfer to another college, she would lose the tuition benefit he was entitled to receive from the university (full tuition for four years, but not transferrable to any other institution). He wanted the university to compensate him to the extent of the tuition for four years at the new school. Otherwise, he said, the only other option would be for his daughter and him to bring suit against the university. With the father's permission, the ombuds contacted the risk management office for a consultation.

Because the girl's father met first with the ombuds, the ombuds was able to work with risk management to quickly resolve the issue, with the university agreeing to cover the tuition costs at the new school. Because of this resolution, both the family and the university avoided litigation that could have been costly to both sides, but which posed a real risk of loss to the university in light of

the absence of a monitor at the event. In addition, potential reputation-damaging publicity was avoided on both sides and good relations with a long-standing employee preserved.

Not Wanting to Be a Whistleblower: Risk Management and Anonymous Reporting

A technician in a biology lab that was studying the way that COVID-19 is transmitted between people came to the ombuds to discuss whether to report concerns about a breach of protocol in the lab; and if so, how to do so without hurting his job or academic career.

The technician told the ombuds that a principal investigator from a different lab in the same building had on several occasions asked housekeeping staff, after regular business hours, to provide her with entry into the COVID-19 lab without the knowledge of the principal investigator in charge of the COVID-19 lab. He had learned this from one of the housekeeping staff members who confided in him when they happened to cross paths during the day. The housekeeping staff member stated that she did not feel she was in a position to question the faculty member who she knew worked in the same building, and she assumed it was on the up and up.

The visitor was quite concerned about this breach of protocol and the safety issues it raised. The visitor indicated, however, that the "intruding" investigator was also a tenured professor and that he was a student in one of her classes, which was a required course for his graduate program. Further, he was concerned about the risk of exposing housekeeping staff to negative repercussions. He said he wanted to discuss with the ombuds how to anonymously report this activity without being discovered to have been the whistleblower.

The ombuds and the visitor discussed the nature of the protocol breach in university-required lab operating procedures, and the visitor came to the conclusion that the intruding principal investigator had clearly violated stated safety practices and put community members and the university itself at great risk. He also stated that if the investigator's behavior led to adverse consequences, he would never forgive himself for not speaking up.

The ombuds explained that the student had at least two choices for reporting this behavior. One would be to reach out to the university's risk management and mitigation team to report what he knew. However, it would be difficult to do so anonymously because they were not set up to receive anonymous reports. Alternatively, he could call the university's safety compliance hotline to report anonymously. Because of his fear of exposure as the whistleblower, the visitor was inclined to go with the anonymous hotline. He had a concern, however, that this still could result in the housekeeping staff member suffering repercussions.

The ombuds inquired whether there might be a way to cast a wider net, such that it would not be evident that this particular lab was the target and so that it would appear that the report could have come from a variety of different directions. They discussed whether, for example, the visitor thought he may be able to anonymously identify the building at issue and state that he had observed serious safety violations. He could then recommend that the safety compliance team conduct a building-wide safety audit, which should include a review of video cameras that run

continuously in the building during the window of time of the violations. This approach would serve to protect both the visitor and the housekeeping staff member and lead the safety team to observe the principal investigator entering the lab of concern. The visitor stated that he felt that this approach would enable an effective report to be filed and at the same time protect the individuals involved in the reporting, and he stated that he would move forward with that approach.

The visitor never returned to the ombuds office to report any outcomes or changes, but there were no further reports of incidents caused by safety violations in the labs of that building.

Identifying, Surfacing, and Correcting a Potentially Serious Hazard

The visitor was a staff member who was concerned because the visitor had observed that a studio available over the years to students to use power tools to build art installations and theatre scenery had become very loosely supervised. Historically, full time staff had been responsible for supervising the studio, and the studio had regular hours and had been carefully locked it up when the supervisor was not present. The visitor stated that in the last year the full-time supervisor had retired and was replaced with student supervisors. The visitor thought that the student supervisors had been trained but that the studio doors were often left open, apparently as favors to accommodate students' schedules, and that students were often alone in the studio without supervision.

The visitor decided to visit the ombuds office after becoming aware of an accident at another university where a student had been hurt by a power tool in a similar studio. The visitor had not been able to determine who was currently in charge of the studio and did want to get anyone in trouble. The visitor was not directly involved in the studio but was concerned about using the ethical tip line because they didn't know how it worked and didn't trust that it was really confidential. Those were the stated reasons for going to the ombuds rather than somewhere else to raise this concern.

In the course of their conversation, the ombuds and visitor come up with several options:

- The visitor could go online and use the confidential ethics and compliance reporting system (or print it out and put it in campus mail)
- The visitor could go to Environmental Health and Safety and let them know
- They could figure out which department has oversight of the studio and let them know
- With permission from the visitor, the ombuds could do any of the above and relay the information while not disclosing the identity of the person who brought the issue to the attention of the ombuds

The visitor requested that the ombuds go to Environmental Health and Safety and let them know of the concern without saying where the information came from and the ombuds agreed to do so.

EHS and the ombuds had a good working relationship from previous matters, and EHS was very welcoming of the information and the situation was remedied quickly without repercussions for any individual.

Facilitated Discussion Helps Employees Resolve their Workplace Issues

A supervisor in the business and accounting department called the ombuds concerned about conflict in his department. There were over 25 women working in cubicles in the same large room, and they were complaining about room temperature, cooking odors, allergies, etc. The supervisor asked if the ombuds could help with this type of problem. He didn't know where else to turn.

The ombuds presented the supervisor with some options, including an offer to meet with the group and create a subcommittee that could work on a plan to address the complaints. The supervisor was thrilled with that offer and immediately scheduled a meeting time for the group.

The ombuds met with the large group and listened to their concerns and then created a sub-group of volunteers. Over the next six weeks, the sub-group met with the ombuds to formulate their plan. At the end, they presented it to the larger group and asked for feedback. A few alterations were made, and the department adopted the plan.

The ombuds checked in with the supervisor periodically over the next three months and all seemed to be working fine. The supervisor was greatly relieved.

This was a large department, and all the conflict was impacting productivity. The individual workers previously had been very uncomfortable at work every day. One pregnant employee had been considering suing the University for having an unhealthy work environment. The employees were much happier about their work environment and having had their concerns heard and a role in recommending the changes that were implemented.

Ombuds Helps an Overmedicated Patient and Helps a Nursing Home Avoid Litigation

As a nursing home ombuds, most of the ombuds' cases arose when the ombuds made rounds visiting patients and the patients told the ombuds about problems with which they needed help. In this instance, the ombuds came across an elderly male patient who told her about his brain injury. He complained that the staff were overmedicating him. He said he could hardly think and was even drooling. When the ombuds asked about his family support, he said he didn't speak to his family. He said he also believed the staff were stealing his belongings.

When the ombuds met with the nursing home administrator, the administrator described the patient as always angry, loud and disruptive. He said if they did not medicate him, they would have to evict him because he was so disruptive to others.

The ombuds requested a medication review, however, and contacted the patient's oldest daughter with the permission of the patient. The reviewing doctor found unnecessary levels of medications and ordered multiple reductions.

At the same time, the nursing home's attorney reviewed the patient's medical coverage and contract and found a mistake that allowed the home to evict him, which the nursing home

then did. When the ombuds learned of this action and informed the daughter, she flew in from out of state to pick up her father and bring him home to live with her.

In this case, the patient was re-united with his daughter and had a place to live once evicted. The nursing home avoided a lawsuit from the family because of the illegal overmedication. The home could also have lost its license to operate.

An Ombuds' Careful Listening Helps Spot Possible Financial Abuse

A woman came to the ombuds for help on how to deal with what she perceived as discrimination in her work group. The visitor felt that women with children were being given more flexibility in work schedules than women without children. As a single woman, the visitor wanted to have flexibility for vacation time or flex hours to either go to school herself or take care of relatives. She claimed her supervisor always considered her requests behind those of women with children and their associated needs.

During the discussion with the ombuds, the visitor mentioned some financial behaviors she attributed to her supervisor and coworkers that, if true, could be breaches of financial practices of the company. The ombuds tucked that information away and focused on coaching the visitor on how to advocate for her own needs.

At the end of the conversation with the visitor, the ombuds asked if she could ask a bit more about the financial behaviors the visitor had mentioned earlier. The visitor agreed to share more details with the ombuds and then described expensive meals, travel, and unapproved use of car services. The visitor later gave the ombuds permission to alert the internal audit group of these potential abuses.

The ombuds did alert audit to the possibility of financial abuse in this unit without disclosing the identity of the visitor, and an investigation was initiated. After several weeks, the ombuds learned that the investigation had uncovered vast fraud and abuse. Three people were terminated in the unit with others being given disciplinary action. The head of internal audit expressed great appreciation to the ombuds for bringing this issue to their attention. The discrimination issue first raised by the visitor became moot in light of the terminations and other disciplinary action that was taken.

Prompt Action by ombuds Assists Leadership on Control Issues

A visitor scheduled an appointment with the ombuds to discuss a stressful work environment that focused on results over quality. At the start of the meeting, the visitor communicated that this was their last day with the organization.

The visitor presented the ombuds with a lengthy document detailing instances where the work climate had resulted in policy breaches over the past few months. As the ombuds questioned the visitor about each item, the ombuds learned that the visitor and/or colleagues had

spoken up as each issue occurred and line management had, in fact, addressed them. However, the ombuds also learned that employees now felt pressured about continuing to speak up and, in some cases, were told specifically not to discuss anything with HR or the ombuds.

When the ombuds asked if there were any open issues that hadn't been reported, the visitor pointed to the final item and said, "That's why I'm here. I wanted to put it on the record, confidentially, before I leave today," and then proceeded to communicate a recent breach of controls that, if left unchecked, could take the organization out of regulatory compliance.

As the ombuds reiterated that speaking with this office did not constitute "putting it on the record", the visitor began to back off, stating that they'd done their job and weren't willing to do more. Then the visitor stood up to leave, and the ombuds quickly asked, "What if I were able to arrange for the head of Compliance to speak with you *right now*, assuming they are available? Would you be willing to repeat what you've just told me?" The visitor was hesitant and didn't fully believe that would happen; but gave permission for the ombuds to try. The ombuds then immediately got the head of Compliance on the phone to speak with the visitor and stepped out of earshot, so as not to be part of the notice chain as the visitor made their report.

A few days later, the ombuds learned that the internal audit team had been engaged to investigate the visitor's allegation. They identified a control issue, as described by the visitor. The head of the business was notified, and appropriate controls were restored, just days before a regulatory audit began. New processes were put in place to shore up both the control environment and the climate in this group, freeing individuals to continue to speak up before any issue became significant.

Insubordination or Doing the Right Thing?

When an employee noticed costly errors made by their manager, they approached the manager with their concerns. The manager insisted the employee was wrong and told them to process the work, as instructed. The employee researched company policy and provided written documentation about the correct way to proceed. Again, the manager insisted the employee was wrong and told them to follow orders.

Estimating that these errors could cost the company hundreds of thousands of dollars, the employee sought assistance from a colleague who agreed with the employee's assessment. The colleague reminded the employee that the company provided outside counsel to advise on such issues and suggested that the employee seek an opinion from this resource.

The employee contacted outside counsel who concurred that the manager's errors were clear. Armed with this opinion, the employee approached the manager for a third time. However, instead of admitting to the mistakes, the manager told the employee to proceed as directed or be written up for insubordination. Fearing reprisal from the manager and not knowing where else to go, the employee visited the ombuds.

The ombuds coached the employee to speak up at the correct level within formal channels and offered four options for doing so. The employee made a formal report and an investigation followed, resulting in corrective actions, including termination of the manager and restructuring of the broader group. The investigation confirmed that, if the issues had not been reported, the compounding errors might have cost the company more than $1 million over the next few years.

Ombuds Helps Avert Retaliation

During discussions with the ombuds, a visitor revealed explicit employment-related actions their manager had threatened if the visitor were to report errors for which the manager was accountable. Fearing reputational damage, loss of employment, and difficulties in securing a new job in a somewhat closed field, the visitor was reluctant to make a formal report.

The ombuds reviewed the organization's anti-retaliation policy and coached the employee to speak up in formal channels. Feeling relieved about the organization's stance on retaliation, the visitor spoke up, an investigation ensued, corrective actions were taken, and the visitor's reporting structure was eventually changed.

While satisfied with the new structure, the visitor began to feel uncomfortable—as though the new manager was "walking on eggshells." In a follow-up visit with the ombuds, the visitor stated that they "couldn't put their finger on it", but they felt there was something looming that made the new manager act this way. The ombuds asked for permission to check-in with the formal channel to whom the visitor had made the report.

The ombuds learned that the senior department head—who had never been informed of the former manager's threats—believed the visitor was complicit in the issue, by not reporting it more quickly. He was in the process of working with HR to issue a warning letter. The ombuds explained how the manager's threats had impeded the visitor's decision to report quickly and further explained that issuing a warning letter would be tantamount to retaliation.

Given the new information, the senior leader and HR agreed not to issue the warning and the relationship between the visitor and the new manager improved and progressed well

Local Management Misconduct and a Fear of Retaliation

Employees at one unit of the company had been using company products and equipment to create their own personal business, resulting in a loss of customers and revenues for the company. Some of the people involved in the scheme were in the local management. As a result, those employees who knew about this misconduct felt that they could not report it to local management and were afraid to raise it through formal channels. They were not sure how to contact or approach higher levels of management or if higher management might also be involved.

Some of the employees who knew about the scheme came to the ombuds because they understood that it was independent and confidential. After discussing the issue with the ombuds, the ombuds at their request facilitated a contact with the compliance office, which investigated and eventually terminated the employment of those involved in the scheme. The employees who came to the ombuds office stated that the experience made them more comfortable raising issues with the company's compliance office.

Help for a Pregnant Employee and in Enforcement of Global Policies

An employee from a location outside of the United States contacted the ombuds to say that her boss had called her into his office to tell her that he noticed that she was pregnant and that he knew she was unmarried. She said that the boss had told her that if she were not married by the time the baby was delivered, she would be fired. Such conduct was not illegal in the country where she worked but violated the company's policies. She was uncertain what to do, afraid of losing her job, and feared retaliation by management of the company in her country, who she felt would support her manager.

The ombuds discussed various options on how to proceed and assured her that such action would violate company policy. With her permission, the ombuds forwarded her issue to a formal channel at the company headquarters, which intervened with local management to reinforce the company's policies and reiterated to local management that retaliation against her for bringing this issue to the attention of the company would not be tolerated.

The ombuds also worked with those responsible for the company's newsletter, which was sent to tens of thousands of employees around the world, to address issue prospectively and generically (no reference to any names or locations) in a question and answer format to advise everyone in the company that it would violate the company's policies for a supervisor to discipline a female subordinate for being pregnant and unmarried and that attempting to do so would subject the supervisor to discipline, including possible dismissal. Such clear and direct guidance not only helped reinforce the company's global policies but may have spared other women throughout the world and in these circumstances from having to deal with the threat of termination and/or retaliation.

22. Gaps in Communications, Policies, and Expectations

Difficult Boss and Policy Guidance Regarding Annual Reviews

A faculty member came to the ombuds with a myriad of issues regarding her department chair. One of the issues involved the chair's practices around the annual review process. The faculty member explained that at annual review time, her department chair would expect her to read, digest, and sign her review in front of him. He essentially would give her no time to respond or clarify the review before expecting her to sign it.

In the ombuds' discussion with the faculty member, the ombuds explained that Faculty Handbook policy allowed a faculty member to compose and submit a written response to a review if they so desired. The ombuds also explained that the policy provided that signing a review did not necessarily mean that a faculty member agreed with it; it simply meant that one had read it.

The ombuds helped the visitor consider various options for how to proceed and, ultimately, the visitor decided that she would like the ombuds to contact the dean (the department chair's supervisor) to inquire as to her expectations regarding how chairs should conduct annual reviews with their own supervisees. The understanding was that the ombuds would not identify the faculty member or department in question.

When the ombuds spoke with the dean, the dean explained that she expected the annual review to be a conversation and that that conversation should be seen as an opportunity to make any reasonable edits to the review. As a result of the conversation with the ombuds, the dean agreed to remind all chairs of her view of how the process should work, as well as of the policies regarding faculty's right to submit a response.

The faculty member's improved understanding of her rights in the process, along with the dean's reminder to all chairs, allowed the faculty member to have a more productive conversation regarding her performance and made the process fairer for all, without compromising confidentiality.

Speak-Up Culture

An employee who had been with the company more than 15 years called the ombuds. He wanted to have a confidential and off-the record conversation with someone because he felt he had been threatened by his supervisor and sent to HR when he refused to undertake an assignment. He indicated to the ombuds that he had refused the supervisor's direction because he had not received the training required to do this work and was concerned about safety. The employee believed that the HR manager he spoke with had not listened to his side of story to understand the safety issue or the training requirements involved. He also felt that the HR manager had not listened to other employees on the floor who had been trained.

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told the ombuds that the environmental health and safety department (EHS) previously had been involved on this issue and had agreed that it was a policy violation for management to ask an employee to do things that they were not trained and certified to do. The employee also indicated that EHS had previously instructed his supervisor to make improvements. However, almost a year later, this issue had not been resolved. This situation made the employee think the culture of the company was to punish employees who reported issues and to permit management to disregard its responsibly to address policy violations and safety concerns.

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Meanwhile, the ombuds was aware that the employee's concerns were not the first case arising in his facility involving management's failure to follow company policy in ways that raised safety issues. Another employee had previously contacted the ombuds about similar management issues. Since the HR manager involved was planning to retire very soon, the ombuds decided to visit the facility after the replacement HR manager came on board and host a focus group board to solicit employees' perspectives and insight on the organization's culture overall and then work with the new HR manager on the safety issues identified by employees.

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By proceeding this way, the ombuds was able to enable the employee who first brought the issue to the ombuds to resolve his issue directly but then went further to address on a broader level these systemic issues with the new HR manager.

An Ombuds Is Especially Helpful for Middle Management

Many people assume that ombuds exist in organizations primarily to help lower-level employees understand and deal with workplace conflict and how to most effectively surface issues of concern to them. The reality is that most experienced ombuds report that people at all levels in their organization consult with them, from upper management down to regular employees. What is most surprising to people, however, is the typically large number of "middle managers" and "team leaders" who approach an ombuds on their own to have confidential conversations.

One experienced ombuds reported that these folks describe themselves as "stuck in the middle" or disrespected and bypassed by upper management. Mostly what they want is someone to listen and validate them. Many times, the ombuds can provide them coaching on communicating more effectively with their bosses. The ombuds also serves as a valuable "sounding board" for these middle managers as they try to implement directives from upper management or address conflict and other issues among the team members they supervise. Even though the options offered by the ombuds often include a willingness to participate in a facilitated conversation between a middle manager and his/her boss, in most instances this offer is rejected. Middle managers fear a "confrontation" with the boss and the perception that they need help. Because they are part of management, they often are not comfortable taking issues to HR or other formal channels. On some occasions the ombuds, at the request of a middle management visitor, is able to take an issue (without attribution) to upper management with suggestions on how to promote better conflict management and communication training but this is not common.

The experience of helping middle managers has convinced this ombuds of the importance of the ombuds resource for listening and for off-the-record guidance for people who are the yeoman backbone of many organizations and who, by consulting with the ombuds, learn better communication and conflict management stills, more effectively lead their groups, and who become more skilled in communicating with senior leaders.

Help to All in Times of Organizational Change

Broadly speaking, the ombuds can be particularly useful during times of significant organizational change and help everyone (leaders on down) work through how to deal with significant change and transformation. The ombuds office's goal is to help everyone address areas of confusion and frustration, bridge communication gaps, foster collaboration, increase transparency, and, with a view of early resolution, share micro and macro instances where outcomes do not match the intended goal.

When significant change occurred in one organization, it soon became clear that a number of new programs and initiatives had interrelated contingencies and overlapping responsibilities. As a result, there was a lot of confusion about how it was all supposed to work, and even those implementing it were trying to figure it all out. It was at this point that the program managers collectively approached the ombuds for assistance. They admitted that they knew that their task to "build the plane while flying" was extraordinarily difficult, but they sought out the ombuds because they also had a deep appreciation for the help the ombuds could provide.

The program managers acknowledged the challenges they were facing and wanted to work proactively with the ombuds to help them manage the process to make it work better for employees and the organization. With assistance from the ombuds, they were able to implement a constant cycle of communication to employees in the organization. They also encouraged and allowed the ombuds to serve as an intermediary between leadership and employees affected by changes in processes and the resulting decisions and actions.

A Supervisor Seeks the Ombuds' Assistance with New Production Rules

A supervisor sought assistance from the ombuds after senior management introduced new production rules that contradicted the process and guidance given by subject matter experts in his group. The new rules led to confusion about the work process and were causing concern and disruption in the supervisor's group.

The ombuds discussed various options with the supervisor and also engaged in conflict coaching to help the supervisor better address the concerns both with employees in the group and with senior management. The supervisor decided that the option that would be the most helpful was to give employees in his group an opportunity to share their concerns anonymously with the ombuds, with the understanding that the ombuds would then share those concerns, without attribution, with senior management. Many of the employees participated in this process and were reassured that their perspectives, but not their identities, would be shared.

Once the ombuds had heard from most employees in the supervisor's group, the ombuds provided senior management (and the supervisor) with a broad range of comments from the supervisor's work group, including compliments, concerns, and recommendations. In other words, this feedback included what the work group was doing well and should continue, areas of improvement, and most importantly, anonymous feedback from employees about what changes would be most valued and make the biggest impact.

This feedback led to an interactive process among senior management, the supervisor, and his work group aimed at improving the work process and clarifying the group's mission, strategic goals, and internal processes. Overall, this process helped improve trust among the work group. Whereas the employees were previously concerned about providing critical feedback, they saw improvements to how the supervisor responded. Specifically, and with some coaching from the ombuds, the supervisor and senior leaders were genuinely thankful for the feedback and responded by developing and executing an action plan. This in turn made the employees more comfortable about speaking up in the future.

How Does a New Senior Manager Deal with a Lack of Support?

A senior manager scheduled a meeting after a lengthy phone conversation about how the ombuds office conducts its business (confidentiality, neutrality, informality, and independence). When he then met with the ombuds, he disclosed that he was new to the organization and had been hired after a national search. He said that both during the search process and after accepting the position, he had had many discussions with the people above him about how his unit had not been performing well for many years. He said that he was told that his predecessor had been in the position for many years and was popular with employees but regarded as entrenched and resistant to change. The new manager believed he had been given a "mandate" to make systemic changes within his unit.

After he accepted the job and began work, the manager experienced a great deal of resistance (covertly and overtly) from employees at various levels in the organization. Not fully appreciating the culture of the unit or the broader organization, he admitted to having made some tactical missteps that compromised his legitimacy and the respect of the employees. He felt unsupported by those above him and undermined by those below. Though given a mandate to make significant systemic changes because of the unit's history of poor performance, that mandate was never articulated to the employees in the unit. Rather, senior officials in public speeches praised the "wonderful work" that previously had been done by his unit. This created a perception that the changes were unnecessary. As a result, his initiatives were perceived by the employees in his unit as being motivated by his need to "reinvent the wheel" and to put his stamp on the unit. He felt very isolated and was seriously considering resigning. He said that he felt he could not discuss these issues either with those to whom he reported or those who reported to him (directly or indirectly).

During the course of many meetings to discuss options, strategy, and implementation, he and the ombuds also addressed the organization's culture, how to develop "buy-in," rebuild his reputation, and nudge those to whom he reported. While there continue to be challenges with his position, the manager did not resign and has reported that his situation has improved immensely.

An Ombuds Can Only Do So Much to Raise Issues to Proper Channels

Over the period of a month, five different faculty members from the same department independently met with the ombuds to share concerns about their new department chair. They had a wide range of complaints such as sexual harassment, many forms of verbal abuse, and public humiliation, as well as arbitrary changing of policies and responsibilities. All five also reported that one of them was being bullied.

None of the faculty members had chosen to go to human resources because all of them had had bad experiences with that office in the past. A human resources staff member had told one of them, "It's not wise to take on a department chair. You will lose." All five were afraid to confront the chair or file a grievance or Title IX complaint because they each believed the chair would punish them. None of them wanted to lose their jobs, and they all reported having enjoyed their jobs until the new chair arrived. While they were all faculty, they were all on contracts that

could be cancelled at any point, about which the chair was known to remind them on multiple occasions.

After discussing various other options such as the whistleblower hotline, mediation, and the previously mentioned formal processes, all of the parties preferred to meet with the Provost as a group if their identities could be protected. The parties gave the ombuds permission to briefly describe the problem to the Provost and to request a group meeting.

The group met with the Provost and explained the problems. He listened and promised to look into it. Nothing happened for three months, so the female faculty member who was being bullied filed a Title IX complaint. The complaint was found to be a violation, but since it was a one-time event, the chair was not sanctioned. From that point on, the faculty members reported that chair's treatment of the complainant worsened visibly.

Finally, a committee was formed to investigate the chair's conduct. The person appointed to lead the committee had previously been the mentor for the chair under investigation, which demoralized the faculty members who had consulted with the ombuds. The investigation interviewed many people but seemed to drag on and on. Close to the second anniversary of the original contact with the ombuds, the chair was finally fired. By this time, however, four of the five faculty members had left the university for jobs elsewhere.

Even though the ombuds had found a way to bring the faculty members' concerns to the attention of the Provost in a timely fashion and before a Title IX complaint or a lawsuit was filed, the lack of prompt and appropriate action on the part of the university cost the department four faculty members who were part of a leadership team that had led to 98% placement of their graduates in jobs upon graduation. The faculty member who was bullied and harassed hired an attorney, and, to settle her claims, the university paid her a year of salary for severance. The loss of these faculty members in such a short period adversely affected the university's reputation in the field in which the faculty specialized. The principal lesson of this example is that while the ombuds did everything possible to help both the faculty members and the university identify and address the concerns with the department chair, the ombuds has no managerial authority, and the benefit of having an ombuds often depends on those having the authority to act taking timely and appropriate action.

Coaching Helps Visitors Develop Bystander Training Initiative

Leaders (almost all scientists) from an established women's resource group wanted to address common issues they were facing in the workplace and were feeling very discouraged by what they felt was unconscious bias in hiring and promotion in their fields. Representatives of the group approached the ombuds looking for suggestions and guidance about how they could start a conversation in the organization to begin a dialogue on these issues.

The ombuds provided the visitors with references to articles, analytical models, and other materials on topics such as microaggressions, psychological safety, dignity in the workplace, and ways to engage witnesses and bystanders to take action. The ombuds also proved guidance and

other tools on how the visitors could begin creating awareness of the importance of speaking up about issues people observed and unconscious bias in the workplace. The leader of the women's resource group was then able to use the articles and tools that the ombuds had provided to create traction around these concepts in various units in the organization.

One result of her efforts was an initiative that led to the formation of an employee resource group to raise awareness of the importance of active bystanders speaking up. This "bystander" employee resource group then took on the task of providing training to employees about how to combat microaggressions and unconscious bias by speaking up when they observed such behavior.

While neither the women's resource group nor the bystander training group operated under the direction of the ombuds, the ombuds had provided the tools and guidance that was a catalyst that empowered these groups to make a constructive and positive impact on training employees on these critical issues.

Benefits and Inclusion

A female employee in a same-sex marriage contacted the ombuds to express her frustration about a limitation in the company provided insurance benefits. In this discussion, the ombuds learned that the employee and her wife had been preparing over the past few years to start a family of their own with the employee being the one to carry the child. At first, they assumed that IVF (in vitro fertilization) was the only option, a procedure where the woman's egg is stimulated, retrieved, fertilized, and transferred back to the female. But upon researching further, they found IUI (intrauterine insemination) was the best option for them. This is a procedure where sperm is simply injected into a uterus. IUI is lower cost option and a much more practical avenue for same-sex female couples who do not require additional fertilization techniques to conceive.

The employee stated that she had made several calls to the company's insurance provider for information and was told IUI was only covered after the couple "tries to conceive" for one year and that they would need to prove their "exposure to semen" in order to be covered. The inquirer indicated that she thought the company's insurance coverage was antiquated and unfair; although it provided extensive, often expensive, coverage for women in heterosexual relationships facing infertility issues, the plan but did not consider being in a same-sex marriage (and a very healthy individual) to be a valid reason for fertility benefits coverage.

The employee also strongly felt that the company's public statements conflicted with the coverages in the plan it provided for employees. The company continued to raise flags in celebration of PRIDE month and had discussions of inclusion, but this lack of coverage for same-sex couples was not consistent with that message. The employee also felt that it would be humiliating to try to address this with her local management, as the terms of coverage in company insurance policies is determined at the corporate headquarter level.

After this discussion with the ombuds, the inquirer agreed that since this was a companywide topic and if the ombuds were to raise this issue it would not necessarily be linked to her in particular, the employee granted the ombuds the permission to share the concern with the global benefits vice president and their team for review. As a result, the company's policies were changed to allow all employees equal access to fertility benefits: the criteria of needing a diagnosis of infertility to access infertility benefits was removed; the cost of donor sperm would be covered by the plan; and cryopreservation would be covered for both eggs and sperm for up to 12 months.

The ombuds also made sure these changes would be mentioned in various LGBTQ communications materials that the company put together each year.

Coaching from the Ombuds Helps a High-Level Leader Resolve a Compensation Issue

A high-level leader approached the ombuds after a committee meeting to ask if the ombuds had a few minutes. The employee had been told three times by her manager that she was going to get a considerable salary increase after she had agreed to take on an additional role as interim in addition to her original role. She had now been waiting three months for this increase to take place, and when she checked in with HR, she was told that her boss had yet to complete the needed paperwork. This visitor was particularly nervous as her boss was known to be a difficult woman who played favorites, sidelined people who challenged her, and wielded a lot of power.

This visitor and the ombuds spent considerable time talking about how the previous three conversations went with her manager, whether or not there was a written record of the conversation to obtain an increase in salary, and what the organizational policy and procedure for short-term pay increases looked like. After 90 minutes, and visitor said she was ready to reapproach her manager. One month later the visitor reported happily that the salary increase had gone through.

The Ombuds Works with HR to Resolve the Visitor's Issue on a Systemic Basis

An employee came to the ombuds saying that they were at least a year overdue for a step increase in compensation. The visitor did not feel comfortable going to HR himself because he thought the supervisor would be upset when he found out and possibly retaliate against the visitor. The employee had already asked the supervisor about the promotion several times but was always brushed aside.

The ombuds discussed various options to address this issue with the visitor, but because the ombuds did not have permission to use the visitor's name, the available options were limited. The visitor, however, did give the ombuds permission to go to HR with this issue if she could keep his identity anonymous.

The ombuds went to HR and asked for details regarding how step increases were supposed to happen, who played what role in making the increases happen, and what could be done if a supervisor did not take care of a proper increase in a timely manner. Eventually, the ombuds asked HR to run a report of all employees who were overdue for a step increase. When the report was run, it identified the visitor along with several others. HR followed up on these delinquencies, and the visitor (and presumably the others) got their step promotion.

Restoring Morale and Improving Communication

When the COVID-19 stay at home directives were put in place, not all teams embraced the required changes. The ombuds heard from staff across the university that in many units, there was no plan, and that leaders were dropping the ball. Some visitors had not heard from their supervisors in weeks. The ombuds provided communication coaching to empower visitors to initiate and frame conversations with their supervisors to address remote team communication and other issues resulting from the stay-at-home directives.

In one case, the visitor was new to their position and fearful of raising their concerns. They were also not comfortable giving the ombuds permission to speak directly with their supervisor. Rather, they gave the ombuds permission to reach out to others in the university who could possibly help discreetly address the situation systematically. The ombuds reached out to those offices to share the visitor's concerns—but without disclosing the identity of the visitor—and helped devise a plan to intervene and support the team without the supervisor knowing the impetus.
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Facilitating Better Communication During a Pandemic

An employee called the ombuds and expressed his fear of coronavirus infection if he continued to work at his assigned location. In discussing the matter further, the ombuds discovered that several employees were working closely together in a small office. Although the ombuds' visitor had approached his supervisor with his concern, he had not heard anything back in several weeks.

The employee said that he chose to raise this issue with the ombuds because he also was afraid of being labeled a troublemaker if he approached HR or upper management with his concern. With the employee's permission and while maintaining confidentiality, the ombuds was able to bring this potential health concern to the appropriate leader. The leader discovered that there had been a blockage in the communication channel and the issue was soon resolved.

Addressing Need for More Communication During a Pandemic

A hospital ombuds noticed that with all the rapid changes happening at the hospital after the outbreak of the COVID-19 pandemic, as the hospital was trying to respond to the many

challenges of COVID-19, communication with hospital staff was generally becoming confusing about various initiatives.

In particular, the ombuds noticed that several employees were asking various questions about reassignments. The ombuds office gathered the questions and made a recommendation to a leader in HR that preparation of a FAQ could help address employee concerns and improve communications. The feedback was accepted, and a FAQ addressing these questions was subsequently posted on the website.

Systemic Issue Report Results in Policy Change

In order to control costs, the finance and HR departments of the company changed the company's travel policy. Under the new policy, reimbursement rates for domestic travel accommodations were reduced to half the amount previously allowed.

The new policy had an immediate and national impact, resulted in dozens of employees contacting the ombuds office to complain about the changes. Because they had not been involved in developing the new policy, these employees did not believe they could approach management directly to discuss their concerns. Yet, they all believed that the new reduced reimbursement limits were unacceptable and disrespectful because the only hotels or motels available to them at rates within amounts specified by the new policy were of very low quality, dirty, and unsafe. The employees expressed both their personal concerns and the concerns of their families about the health implications of the new policy. As a result, the impact on morale was great; the employees did not think the company was treating them like human beings and that the company only cared about the money that could be saved by the new policy.

After speaking with the employees who raised this issue, the ombuds concluded that it was a systemic issue that needed to be raised directly with management. The ombuds reviewed both the old policy and the new policy and then met with the HR Director. The ombuds presented information on the reality of possible accommodation options under the new budget, which corroborated the employees' concern. As a result of this intervention by the ombuds, the policy was changed to increase the amounts that could be reimbursed to employees for accommodation costs.

Some of the employees expressed their gratitude to the ombuds that the policy was changed and said if they had not been able to consult with the ombuds, they would not have known how or where to raise their concerns. Just as importantly, the HR Director thanked the ombuds for bringing the issue forward in order to give the company an opportunity to review the implications of the new policy and to make changes.

Consultation with the Ombuds Helps an Employee Deal Directly with Her Supervisor

An assistant director of a staff department at a university came to the ombuds office to seek guidance on how to deal with a dispute with her supervisor over her job description (JD).

The assistant director reported that during her recent performance review with her supervisor, she pointed out that 50% of her work responsibilities were not in her job description and that she had asked her supervisor to amend her JD. In response, the supervisor told her that if she was "seeking a new position or wanted a salary raise she needed to submit a specific job offer that was made to her, and they could then discuss specifics." The assistant director shared with the ombuds that she was not seeking a new position or a raise. She said that she just wanted her JD to reflect the work she was actually doing and that she wanted her performance review to be based on that work. The supervisor, however, had refused to make the changes to the JD, indicating that the work the assistant director felt was outside her JD was actually within it because it fell under the category: "other duties as assigned by your direct supervisor."

The ombuds and the assistant director discussed options that she might consider. The assistant director decided she would consider all of her options and get back to the ombuds after she thought about it for a few days. Among the options under consideration were that the assistant director could:

a) Contact the human resource office and meet with them about how she could amend her JD;
b) Meet with the supervisor alone and try again explaining her reasoning, and if the supervisor still felt an amendment is not needed to ask her if she would consider a facilitated conversation with the ombuds acting as a neutral facilitator;
c) Make the changes herself to her JD and submit it to the supervisor and the HR department at the same time; and
d) Indicate in the comments section of her present Performance Review that the JD is not up to date and specify the new information there and file it with the supervisor and the HR department.

A week later the assistant director met with the ombuds again and shared that she had amended the JD on her own and shared it with her supervisor and the HR department. No further concerns were raised by the supervisor who actually signed off on the new JD.

Misperceptions Lead to Productive Conversation and a Better Plan for the Future

An employee came to the ombuds with concerns and frustration over dealing with the employee's supervisor over the employee's need to go out on leave for an extended time. From the employee's perspective, the supervisor was giving the employee a hard time and seemed angry and resentful about the upcoming leave.

The ombuds presented the employee with various options for possible action, including the possibility of a facilitated conversation between the employee and the supervisor. This is the option that the employee asked the ombuds to assist with. When the ombuds spoke with the supervisor to inquire whether the supervisor might participate in such a process, it became clear to the ombuds that the supervisor's perspective was being driven by the need to make sure that the employee's work would be covered during the employee's absence. It was also clear to the

ombuds that tempers and defensiveness on both sides had made communications short and ineffective.

With the permission of the employee and the agreement of the supervisor to participate, the ombuds arranged for another neutral third party to help mediate their differences over how to handle the employee's upcoming leave.

Both the employee and the supervisor later told the ombuds that the facilitated discussion was helpful and effective. It allowed them to work through many misunderstandings and developed a plan for how they could better address issues in the future.

Confidential Coaching from the Ombuds Helps a Supervisor

The ombuds received a visit from a supervisor to discuss options for dealing with an ongoing workplace dispute that had been very disruptive to the employees in the supervisor's group. The supervisor clearly recognized the problem was having a broad impact on the rest of the office and wanted help in finding a way to improve the atmosphere.

Through confidential conflict coaching, the ombuds helped the supervisor create a plan for communicating with the team. The ombuds also coached the supervisor on how to better deal with workplace conflict going forward.

The supervisor reported back to the ombuds that meeting with the ombuds had been helpful and that the communications plan and other strategies had alleviated tension in the group.

The Ombuds Helps an Employee Raise Issues about Inappropriate Workplace Activity

An employee contacted the ombuds after an inappropriate, offensive, and discriminatory video was shown in the workplace. The employee did not feel that the situation had been properly addressed and wanted to have a confidential conversation to learn what options were available to pursue the matter further.

The ombuds and the employee discussed several options and the pros and cons of each. The ombuds also provided contact information for equal employment opportunity personnel in case the employee wanted to file a formal complaint. The employee, however, expressed concern about potential backlash for raising this matter, being labeled as a "complainer," and how addressing it could potentially disrupt what had been a great team and make things incredibly uncomfortable. The employee was clearly caught in the middle between wanting to raise this issue and fearing the repercussions from possibly doing so.

It was only in the course of several such confidential conversations that the employee decided to address the matter directly with the first-line supervisor. These conversations revolved around the ombuds helping the employee think about if they wanted to raise it, with whom, and the best way to frame the matter. The employee also suspected that the supervisor knew about the

situation and wasn't doing anything about it, which if true, called into questions the supervisor's integrity.

When the employee ultimately decided to raise the issue with her supervisor, she learned that the supervisor was completely unaware of what had happened, and moreover was shocked and appalled once it was reviewed. The employee was very pleased to have talked to the ombuds, which helped her have the courage to raise the issue in the most productive way. She reported back the ombuds that the supervisor was immediately responsive to the matter, that the video was taken down immediately, and although the supervisor said he couldn't divulge personnel matters, he also said "appropriate measures were taken to ensure this never happens again."

The Ombuds Works with HR to Resolve the Visitor's Issue on a Systemic Basis

An employee came to the ombuds saying that they were at least a year overdue for a step increase in compensation. The visitor did not feel comfortable going to HR himself because he thought the supervisor would be upset when he found out and possibly retaliate against the visitor. The employee had already asked the supervisor about the promotion several times but was always brushed aside.

The ombuds discussed various options to address this issue with the visitor, but because the ombuds did not have permission to use the visitor's name, the available options were limited. The visitor, however, did give the ombuds permission to go to HR with this issue if she could keep his identity anonymous.

The ombuds went to HR and asked for details regarding how step increases were supposed to happen, who played what role in making the increases happen, and what could be done if a supervisor did not take care of a proper increase in a timely manner. Eventually, the ombuds asked HR to run a report of all employees who were overdue for a step increase. When the report was run, it identified the visitor along with several others. HR followed up on these delinquencies, and the visitor (and presumably the others) got their step promotion.

Help in Clarifying a Policy

An employee contacted the ombuds to discuss a time-off policy that was written vaguely, as it pertained to part-time professionals taking a sabbatical. When the employee had requested time off, their manager brushed it off as a benefit offered only to full-time employees. Unsatisfied by this interpretation, the employee suggested they seek clarification from HR.

The manager became inexplicably concerned about involving HR. Rather than doing so, he offered to be creative, instructing the employee to keep this between the two of them and schedule the time off without recording it anywhere. The employee was concerned about two issues: (1) the undocumented time off might violate policy and put the employee and company at risk and, (2) without a policy clarification, other part-time employees might be denied the benefit.

The employee visited the ombuds and expressed both concerns but, fearing reprisal from the manager, refused to make a formal report, nor to give the ombuds permission to speak with their manager or HR about the specific incident of suggesting the undocumented sabbatical.

After some discussion, the employee gave permission for the ombuds to speak with HR about the vagueness of the policy and to reference, more generally, that this had already led to a manager's suggestion to take undocumented time off. After the ombuds had this discussion with HR, HR updated the policy quickly and without further incident.

Organizational Culture Can be a Barrier to New Employees

The organization reorganized its sales force and brought in several new employees with no background or understanding of the organizational culture, terminology, and philosophy. They were also not given any background on the reasons for the reorganization. Unfortunately, the prevailing culture in this organization was to let new employees learn on the job and not to provide them with training or orientation.

The new employees' excitement with being a new and reenergized part of the organization soon gave way to confusion and frustration, as management and the new employees were not communicating effectively with each other. Some of the new employees reached out to the ombuds and were coached on various aspects of the organization and the history of the reorganization that led to their hiring. The ombuds also presented then with options for how to raise the issue of the need for better communications going forward.

The employees chose the option of requesting an opportunity to sit down with management and discuss their frustration over the lack of training and communication. The ombuds was given permission to make this request to management. Management agreed to the meeting, and as a result of it, management recognized that it needed to provide a better understanding of the organization and reorganization to these new employees. Roles were clarified, training implemented, and the employees gained a better understanding of the organization's needs, style, and expectation

Helping an International Graduate Student Navigate the Bureaucracy

An international graduate student came to the ombuds after he was moved to a new residence hall following an incident in which he had been involved at his previous residence hall. The student's move to his new room occurred shortly after another student who had been occupying that room moved out. The student who moved out left the bathroom and kitchen in a filthy condition, as documented through video evidence shared with the ombuds. Both the graduate student visitor and his mother, who also contacted the ombuds from abroad, shared their concerns about the condition of the room and the lack of response by the university.

In essence, the graduate student visitor had been unsuccessful in getting the Residence Life office to provide the typical room cleaning that occurs when there is a transition in

residents. Unlike most room transitions, however, this transition had occurred in the middle of a semester. The assumption by Residence Life seemed to have been that the outgoing student would have cleaned the room before his departure and that there would be no need for the type of cleaning that was usually done at the end of the semester. The visitor and his mother were very frustrated at the lack of response to the student's requests.

The ombuds discussed with the visitor options to address this issue, including contacting the Director of Facilities, who oversees custodial services, to ask if they could help resolve the issue. The ombuds was familiar with the Director of Faculties and thought the Director of Facilities would likely respond positively even though the student had not been able to get a response by contacting the Residence Life channels. The visitor had been unaware of the role of the Facilities office. At the request of the visitor, the ombuds sent an email to both the Director of Residence Life and the Director of Facilities requesting assistance for the student. Once the Director of Facilities heard of the issue, he directed his crew to provide the desired cleaning, for which the student expressed his appreciation to the ombuds.

Facilitated Conversation with Ombuds Addresses Abusive Colleague's Behavior

Nearly all residents in a highly respected training program complained about a second-year resident to faculty clinicians, including the Program Chair of Residency Training. The complaints centered on abrasive peer interactions, shirking of clinical duties, prioritizing moonlighting over clinic responsibilities, and speculation that the resident was more abrasive towards women and minority peers. The resident was among the least favorite among attending clinicians and was considered arrogant, though his clinical performance was considered slightly above average. The Residency Program Chair had spoken to the resident on several occasions about these perceptions but had not issued discipline as there was no evidence of clinical or academic deficiencies. The Chief Resident, who had also tried to coach the resident, informed the Program Chair that the second-year resident's negative behavior had become more frequent and that it was time for the Program Chair to drop the resident from the program. The other residents felt that the program leadership was demonstrating a lack of care for their well-being and a lack of follow through about expectations of professional standards. Several residents indicated that they were considering submitting a formal complaint about discrimination to the EEO office; others are circulating a draft of a letter to the ACGME (Accreditation Council for Graduate Medical Education).

The Program Chair contacted the ombuds to seek assistance, understanding the informal, confidential, and neutral posture of the office. Several options were discussed including more aggressive intervention by the Chair, referral to a hospital-wide review committee, and facilitative intervention process organized by the ombuds. The Chair wished to pursue the voluntary facilitative process before attempting more formal options and a plan was agreed upon whereby the Chair would ask if the Chief Resident and the second-year resident would be willing to talk individually with the ombuds about the situation. Both were willing to participate.

The second-year resident believed adamantly there was no basis for the complaints but was willing to participate in a dialogue with the other residents if they thought it would help. The

ombuds met with the Chief Resident and asked for background and the Chief Resident agreed to arrange several small meetings between the ombuds and the other residents. The residents agreed to abstain from submitting any formal complaints or letters until the facilitative process had an opportunity to proceed. After hearing from the residents and the second-year resident, the ombuds began serving as a go between, shuttling preliminary requests to and from the second-year resident, the Program Chair, and the other residents. Ultimately, the ombuds facilitated a group meeting that included the Program Chair, Chief Resident, and all other residents was held to discuss behavior "ground rules" and a three-step protocol on how to respond to violation of those ground rules by any member. The entire process took place over 6-8 weeks.

The ombuds was available to the residents over the next 18 months and was contacted a few times by various residents for updates and conversations about what was better and what remained difficult. Ultimately, no complaints were filed, and all residents graduated on schedule.

Facilitated Conversation Leads to Agreement on a Plan for an International Student

An international student who was enrolled in a joint Masters-PhD program at the university came to see the ombuds about problems with the Principal Investigator (PI) for whom the student worked in a psychology research lab.

The PI is from Spain and had been at the university for the past 5 years, but the student had previously worked with the PI while the student was in an undergraduate program in Europe. The student said that he had observed the PI treat people disrespectfully, but he also noted that the PI was capable of being very gracious and complimentary when he needed someone to support his research. The student thought he was a valued member of the lab and that his previous work with PI had allowed him to build trust with the PI as well. The student's problem, however, was that he wanted to return to his home country. His family and children were there, and they could not come to the US. The student was adamant that he could do the work required of him for their lab from his home country. In response to this request, the student reported that the PI said that he could return to his home country but that if he were to do so, it might not be possible for the student to return and complete his program and receive his degree.

After many meetings with the ombuds, during which the ombuds listened to the student and helped develop options for the student to address this problem, the option selected by the student was to send an email to the PI asking for a facilitated conversation between the two of them and proposing that the ombuds participate as a neutral to facilitate the conversation. The student subsequently drafted the email and sought comment from the ombuds on it. After making a few revisions based on comments from the ombuds, the student sent the email to the PI.

The PI responded to the student a few days later and pushed back at the student's proposal, stating that he did not think they needed a neutral person to facilitate a conversation. This response left the student feeling very angry with the PI for not being willing to consider having a neutral help them address this issue.

Not long thereafter, the ombuds received a telephone call from the PI. The PI wanted to know what the ombuds could do as a neutral to help facilitate the resolution of an issue he was having with a research grad student. After listening to the PI, the ombuds explained how such a process would work with the ombuds acting as a neutral and participating to support a fair process for everyone. Ultimately, the PI agreed to having the ombuds facilitate a discussion of the issue with the grad student.

The facilitated conversation took place via Zoom teleconferencing. After the PI and the student each shared their perspectives on the issue, the ombuds asked both individuals to explore and share options that they felt would be appropriate to address their joint concerns. The student asked why he could not complete his degree from his home country, as he had been off campus and working remotely for over 4 months. The PI said that he wanted the team to be able to be together to draft a paper collectively based on the research they had been doing. The student and the PI continued the discussion constructively and finally reached an agreement that the student would return to the university for a 6-month period once a year for the balance of his PhD work. They both agreed that the final timeline for such a schedule would have to be determined by the student's Thesis Committee.

Both participants left the facilitated conversation feeling it was a positive experience and, in a post-meeting survey, each gave the ombuds high praise for facilitation skills and helping the parties communicate effectively through a difficult situation.

23. Facilitation/Mediation

Successful Student Team Dismantles

A student team created intellectual property and won a large monetary award as a result. The team then decided to create a limited liability company to commercialize what they had created and used the monetary award to start their business. After starting the business, however, they fired one of the team members. This action caused a significant disruption in the business along with resentment and hurt feelings.

A faculty member attempted to intervene to help resolve the issues but succeeded only in violating university policies and losing the students' trust in the process. The individuals involved reached out to the ombuds for help with the unresolved questions regarding the team's class "agreement", issues related to the Intellectual Property, allocation of winnings, etc.

Over the course of the next few months, the ombuds met with the team members and conducted several mediations. Ultimately, the parties were able to address the emotional issues, restore their relationships, and agree upon terms to part ways amicably. Each side retained legal counsel to review the terms of a settlement agreement and settled the matter. This resolution saved the university significant negative publicity (and possible expense) and resulted in revising the structure of that particular class so that similar issues would not occur again in the future.

Facilitated Conversation with Ombuds Addresses Abusive Colleague's Behavior

Almost all residents in a highly respected training program complained about a second-year resident to faculty clinicians, including the program chair of residency training. The complaints centered on abrasive peer interactions, shirking of clinical duties, prioritizing moonlighting over clinic responsibilities, and speculation that the resident was more abrasive toward women and minority peers. The resident was among the least favorite among attending clinicians and was considered arrogant, though his clinical performance was considered slightly above average. The residency program chair had spoken to the resident on several occasions about these perceptions but had not issued discipline as there was no evidence of clinical or academic deficiencies. The chief resident, who had also tried to coach the resident, informed the program chair that the second-year resident's negative behavior had become more frequent and that it was time for the program chair to drop the resident from the program. The other residents felt that the program leadership was demonstrating a lack of care for their well-being and a lack of follow through about expectations of professional standards. Several residents indicated that they were considering submitting a formal complaint about discrimination to the Equal Employment Opportunity office; others were circulating a draft of a letter to the ACGME (Accreditation Council for Graduate Medical Education).

The program chair contacted the ombuds to seek assistance, understanding the informal, confidential, and neutral posture of the office. Several options were discussed, including more aggressive intervention by the chair, referral to a hospital-wide review committee, and a facilitative intervention process organized by the ombuds. The chair wished to pursue the voluntary facilitative process before attempting more formal options and a plan was agreed upon

whereby the chair would ask if the chief resident and the second-year resident would be willing to talk individually with the ombuds about the situation. Both were willing to participate.

The second-year resident was adamant that he believed there was no basis for the complaints but was willing to participate in a dialogue with the other residents if they thought it would help. The ombuds met with the chief resident and asked for background and the chief resident agreed to arrange several small meetings between the ombuds and the other residents. The residents agreed to abstain from submitting any formal complaints or letters until the facilitative process had an opportunity to proceed. After hearing from the residents and the second-year resident, the ombuds began serving as a go between, shuttling preliminary requests to and from the second-year resident, the program chair, and the other residents. Ultimately, the ombuds facilitated a group meeting that included the program chair, chief resident, and all other residents to discuss "ground rules" for behavior and a three-step protocol on how to respond to violation of those ground rules by any member. The entire process took place over six to eight weeks.

The ombuds was available to the residents for the next eighteen months and was contacted a few times by various residents for updates and conversations about what was better and what remained difficult. Ultimately, no complaints were filed, and all the residents graduated on schedule.

"Failed" Mediation Led to Good Result

A junior faculty member approached the ombuds with a concern about the culture of an academic and clinical department, what he considered "toxic" interactions during faculty meetings, and a performance evaluation from his department chair that he deemed unbalanced, unfair, and not reflective of his work and contributions to the department.

After sharing these concerns with the ombuds and discussing options during a consultation and coaching initial meeting, the junior faculty member requested that the ombuds facilitate a discussion so that he could share the concerns more fully with the chair via mediated discussion. The ombuds agreed to do so and then met with the chair to briefly discuss the nature of some of the concerns and to ask if he would consider participating in the discussion as requested. The chair agreed, and the meeting went forward as agreed.

Though the chair had initially referred the junior faculty to the ombuds and had subsequently agreed to participation, during the meeting he seemed agitated and questioned several times "why are we here." Sensing that this may have been intimidating for the junior faculty member, the ombuds interjected, reminding the chair that he had referred the faculty member, was made aware of the process, and had agreed to be present and listen in an effort to address the concerns. The ombuds also reminded the participants of the Ombud's role as a neutral and described the training and experience that had prepared the ombuds to facilitate such a process. The meeting continued and concluded awkwardly. There was further discussion about the concerns, and the chair agreed to reconsider some of the language in the evaluation. However, the chair did not take responsibility for the alleged "toxic" environment in the

department and believed that faculty should be able to freely express themselves in meetings even if some were offended.

Several months later, the ombuds had a chance encounter with the junior faculty member who asked if the ombuds remembered his case. The junior faculty member expressed profuse thanks to the ombuds for the assistance and explained that sometime after the mediated discussion he was able to change departments at his request and with the support of both department chairs. He reported that he was now in a much more collegial and supportive professional environment. Though the ombuds had recalled the intervention as unsuccessful, the faculty member reported that he believed that the assistance of the ombuds was helpful during a very difficult time, and that the coaching and intervention was the catalyst for a resolution to his situation.

Facilitated Discussion Helps with Training of Difficult Manager and Addresses Concerns in Unit

A Director at a large academic health center requested to consult with the ombuds regarding complaints she had been receiving from phlebotomists in a unit that served outpatient areas. The staff had reported that their manager had difficult interactions with them, information and expectations were not communicated consistently and clearly, there seemed to be favoritism in the unit (e.g., re granting vacation, overtime, etc.), that they perceived that they would be subject to retaliation if they spoke up regarding concerns, and that their unit was treated much differently (less than positive work climate) than phlebotomists who worked in the in-patient units. The Director also reported to the ombuds that were also conflicts between the staff themselves, particularly the group that was viewed to be "favored" and the ones who were not. The Director believed that the unit would benefit from assistance from the ombuds, and the employees were asked to contact the ombuds if they would like to further discuss concerns. The Director requested that all the employees in the outpatient unit (even those who had not previously discussed any concerns) schedule individual, confidential meetings to share their work experiences with the ombuds, as well as their perspectives on the communication and interactions in the unit.

In addition to meeting with the employees in the unit, the ombuds also met with the manager on the same confidential basis. On the basis of these meetings, the ombuds recommended to the Director that the entire group participate in a dialogue session with the ombuds that would provide a forum for raising concerns openly, an opportunity for the group to generate recommendations to address their concerns, and an opportunity for training in conflict resolution, effective communication, personality styles, and civility.

The Director agreed to this and agreed to hold an all-day session facilitated by the ombuds. (Because of scheduling challenges, this was held on a weekend, and treated as a paid workday for employees.) Attendance was not required, but it was strongly suggested that staff be attendance so that resolutions could be jointly developed by the group. Almost of the staff attended the session and participated throughout the day, including the Director and the manager.

Using an appreciative inquiry approach, the ombuds asked all participants to answer a series of questions about what was working well, what should be improved, what an ideal working environment would look like, and each person's individual commitment towards addressing the issue and improving the team dynamics. The session included discussion of their responses to these initial questions, along with a facilitated discussion of the issues that had been raised in the earlier individual meetings. In the course of these discussions, the ombuds was also able to provide the training components mentioned above. The session resulted in a resolution plan developed by those in attendance that included recommendations for how concerns should be addressed, agreements about group behavior moving forward, and individual commitments from each staff member. Privately with the ombuds, the Director agreed to more closely oversee the performance of the manager and address further concerns via the performance management and coaching and development process.

Rebuilding Trust and Realigning Productive Focus

A renowned and distinguished researcher had pursued several claims and disputes with the university involving significant sponsored research issues. Some years had passed since lawyers on both sides staked out positions and a "cold war" commenced. With major underlying issues irresolute, intense emotions on both sides continued to smolder fueling further misunderstandings. Communications between this well-funded researcher/faculty member and key stakeholders in the administration had strained to the breaking point. Inevitably, university leadership allowed distance to develop between "them" and the researcher.

The faculty member felt increasingly *persona non grata*. Consequently, honed research skills were diverted to detecting and dwelling upon the university mistakes and perceived flaws in the research area. The brilliant intellect that had previously garnered mutual accolades for a rising star and growing university became laser-focused on the bitter mission of exposé.

The proverbial "camel's straw" snapped when administrators denied travel and related requests for professional development opportunities that were personally important to the faculty member. This led the faculty member to reach out to the ombuds, resulting in a series of meetings between the ombuds and the faculty member.

The ombuds made it clear that the ombuds was not authorized to receive notice of any claims against the university, but the faculty member told his side of the dispute and expressed his feeling that that this was the first time that someone with the capacity to fully understand the concerns of the faculty member listened to the whole story. The first meeting took almost 7 hours and the initial narrative was filled with emotional nuance intertwined with technical issues and lots of data. The terms of service having been agreed to up front meant that the informal operation of the ombuds removed pressure on the faculty member to "prove their case" as a matter of regulatory sufficiency. Thus, key points and perspectives voiced were heard and understood. The faculty member was thankful no time frames started churning regarding information collected regarding potential peer misconduct. The faculty member was also looking into other potentially substantial compliance concerns involving federal grants.

After several follow up sessions, the faculty member began to realize that the years of unresolved conflict with the university had shifted focus to "looking backward" and that was counterproductive. Upon clear and mutual agreement, the ombuds and faculty member agreed that the ombuds would reach out to leadership in the research office to gauge receptivity to a meeting. The "good offices" reputation of the ombuds enabled a productive 1:1 meeting between the faculty member and a senior leader in the research office. Prior to the 1:1 meeting the ombuds held a session with the senior leader, under the normal terms of service. The confidential dialogue enabled this leader to express regrets and concerns without fear of negative consequence or embarrassment. The leader determined that restoration of a productive collegial relationship with the researcher would be welcome. The 1:1 meeting took less than 1 hour and resulted in an agreement to release reasonable travel funds in support of professional development opportunities of benefit to both the individual and institution.

With direct dialogue restored between leadership and researcher the two parties continued to communicate openly about future plans. This enabled them to reach a formal settlement agreement, working directly with the university's General Counsel, resolving all past outstanding issues. Some years later, no additional lawsuits, claims or adverse personnel actions have occurred between this researcher and the university's research administration.

Relationship Reset: Restoring Accurate and Direct Communication

A faculty member contacted the ombuds to report a simmering dispute causing concern in a moderately sized academic department. The caller, tenured in the same department, shared widely known facts that the Chair had tried unsuccessfully to broker a resolution of the dispute and after many attempts was now part of the problematic dynamic. The caller explained that the two peers, one male and one female, were deeply entangled in a disruptive conflict and: 1) both were tenured faculty members, 2) they had not spoken directly to each other for several months despite nearby offices, and 3) their disdain for each other had become so uncomfortable for all that the Chair had cancelled faculty department meetings for the semester.

After discussing multiple strategies and options with the ombuds, the caller decided to refer one peer to the ombuds. That peer met with the ombuds and confided that she was contemplating taking formal steps via to seek redress for reputational damage caused by the other faculty member who was "falsely accusing" her of sexual harassment violations. During meetings with the ombuds she contemplated potential options and outcomes and ultimately decided that she wanted to pursue a direct dialogue with her peer.

The ombuds also received a call from the male peer who had been to the Chair who suggested the ombuds as a helpful resource. In confidential dialogue with the male peer it became clear that several significant misunderstandings had occurred and were exacerbated by indirect and highly inaccurate communication. Prior to contacting the ombuds he was considering filing a claim against the other faculty member. When asked about his ideal outcome he stated a preference to resolve the communication disconnect and move past this time-consuming distraction hampering his research and teaching.

Recognizing that each peer wanted to find a pathway to restore direct communications, the ombuds asked each individual, in confidence, how they wanted to proceed. Eventually a mutually agreeable process was facilitated by the ombuds to informally discuss the communications disconnect. The ground rules were determined by the peers and agreed to in advance of meeting.

The ombuds then facilitated a 90-minute informal off the record meeting, allowing the two tenured peer faculty members to communicate directly. During the meeting, one party told the other that they could never forgive how they had ignored a prior heartfelt apology. The reply explained that the apology was, in fact, never heard due to a bona fide hearing impairment. This breakthrough enabled the parties to realize that both perceived the other as breaking the relationship. Sincere apologies followed and open communications were restored. Department meetings resumed and the Chair enjoyed the renewed engagement of his colleagues in the department.

An Opportunity to be Heard and an Apology

An internal formal reporting program referred the visitor to the ombuds. Prior to talking to the ombuds office, the visitor had decided to file a complaint against a manager for retaliation. The visitor perceived that they had been retaliated against by their manager when the manager dismissed written recommendations submitted by the visitor for their program and because of the way the manager handled the visitor's mid-year performance review in the days following the visitor's submission of the recommendations. The visitor had submitted a letter of resignation because of the conflict with the manager and had requested the help of the formal channel to facilitate an exit interview with their manager, but the manager had declined to meet with the visitor because of the resignation. The formal reporting office advised the visitor that the alleged retaliatory behavior could be investigated but that the visitor might consider consulting with the ombuds to see if a facilitated discussion with the manager could be arranged.

The visitor contacted the ombuds and shared this story. The visitor also revealed being upset about having to pay back relocation expenses to the organization because the visitor would not have worked for the organization for twelve months (after which no reimbursement would be required), being just weeks away from the twelve-month mark. The visitor specifically wanted to request an exemption for the relocation reimbursement expenses and to have a conversation to provide feedback to the manager. The ombuds informed the visitor that informal facilitation by the ombuds of that conversation was an option if the manager agreed.

Because the end date of employment for the visitor was looming, prompt action was important. The visitor requested the manager contact the ombuds, which the manager did. During this conversation with the manager, the ombuds spoke about the visitor's request for an informal facilitated discussion and the voluntary nature of the process. The manager shared with the ombuds the manager's perspective about the visitor and agreed to the ombuds' assistance with a neutral facilitation via telephone. The visitor also agreed to a telephone conference call with the manager and the ombuds prior to the final date of employment. The manager understood that the employee wanted to be heard. A telephone-based facilitation was scheduled.

After the ombuds reminded the parties of the ombuds' neutral role as facilitator and of the ground rules for the facilitation, the visitor expressed their frustration with the way the performance review had been conducted and concerns around psychological safety and lack of accountability within the department. During the discussion, the manager responded with an apology and agreed to consider the visitor's feedback to make the performance feedback process feel safer psychologically. The visitor also inquired about having to pay back the full amount of relocation expenses. The manager indicated that he had already appealed to higher-level management for a relocation expenses reimbursement exemption; however, the manager also agreed to a new request to limit any reimbursement ultimately required to only a partial reimbursement of relocation expenses based on a pro-rated model. The manager agreed to follow up on these matters by a specific date to provide the visitor with the answer.

The visitor undoubtedly appreciated the opportunity to be heard. The manager expressed appreciation for the work the employee had done on a project and tried, as expressed in the facilitation, to help eliminate, or at least reduce, any relocation reimbursement obligation. The organization benefited from the ombuds services because the likelihood of any subsequent litigation was substantially reduced. And finally, the organization benefited by the cooperation between informal and formal channels, since the initial referral to the ombuds office was because the formal office perceived the ombuds to be relevant and useful in potentially resolving a conflict informally and without the cost and risk inherent in a formal process.

Merged Unit with New Manager Resolves Conflict Issues with Ombuds' Help

The visitor- a new mid-level manager- was concerned about the lack of respectful communication within their group. The new manager was hired approximately one month after two teams were merged into one group. They believed that the conflict and back-biting was mostly due to differences in the 'culture' of the two teams and how they each had previously communicated. The manager requested that the ombuds train the combined group on a personality inventory tool (DiSC) to help them understand their differences and to improve communication.

While exploring options with the ombuds and clarifying what they hoped to see as a result of the DiSC or similar training, the manager related the hope that the conflict would subside because of improved communication. After the ombuds explained how it might be beneficial to understand the problems from the perspective of individual group members, the manager decided to inform the group about voluntarily sharing their point of view with the ombuds. They were all given the ombuds' contact information, including an anonymous line for those who did not want to be identified in any way. Several individuals did speak with the ombuds, both on the phone and in person.

Based on the input provided to the ombuds, individuals from one team revealed resentment toward the 'other' team due to a perception of having to slow down to 'train' the other team while already working many hours to get things done. The 'other' team expressed frustration about not having enough guidance and feeling undervalued. This input also revealed that prior to the merger of the teams into one group one team was predominantly programmatic

and the other team was predominantly support staff. The support staff 'team' had previously been available to several groups in the division to provide cost estimates and purchasing. The programmatic staff 'team' were in charge of scheduling and execution of the work. In sum, three underlying issues were identified: who was trained to do what, the lack of understanding of roles and responsibilities, and lack of clear expectations and timelines.

The manager found it tricky to navigate the conflict because the manager had been assigned to the group a month after the groups were combined without much discussion or preparation. As a result of the lack of clear guidance and communication around expectations, the two teams did not really understand the new roles and responsibilities in their new group, and the manager had received little or no guidance from their higher-level supervisor.

After the key issues were identified by the ombuds and discussed with the manager, the manager decided to develop 'roles and responsibilities' based on the individuals' skill set and the overall needs of the group. The manager outlined a process that would clarify expectations, how the work would be done by specific people/teams in the group, and what technical and other training might be needed. At the same time that the process was being revisited by the manager, the ombuds provided several communication classes for the group. The manager then met with the group to share a vision for the group, including specific tasks and deliverables, and how they would communicate with input from the group before implementing the process.

The group's manager expressed great appreciation to the ombuds because the manager had benefitted from clarifying the underlying issues leading to interpersonal discord and from the guidance the ombuds had provided on creating clear and specific expectations for the group. Those group members who spoke to the ombuds benefitted from being heard about what was of concern to them, and all group members benefitted from participating in the communication skills classes that the ombuds had provided. The organization benefitted from the group having developed a shared understanding of roles and responsibilities, identifying training needs for staff, a more efficient process, and improved communication skills.

A Missed Opportunity to Avoid Multiple Departures

Three counselors from the student counseling center independently visited the ombuds office to express concerns about their workload. They felt they were being worked longer hours than industry standards outlined and that it was very difficult to take a day off. Vacations had to be requested a year in advance. Eventually, the department administrative assistant also came to see the ombuds with her own complaints as well, and she reported that the contracted psychiatrists were considering leaving too (which would have comprised the entire counseling center staff with the exception of the director and assistant director).

The ombuds discussed various options with each of the counselors and the administrative assistant, and the option that most appealed to them was a group mediation with their director and her supervisor, an Assistant Vice President (AVP). All four visitors thought it would be a waste of time to just meet with their director because they did not trust she would compromise or change her policies without pressure from her supervisor.

When the ombuds told the ombuds' (non-ombuds) supervisor that she was planning to mediate with a department in which everyone was threatening to quit, he asked her, "What business is that of yours? Let the supervisor of the student counseling center handle it. You should not be mediating. You should just tell them about their options such as the formal processes." However, by that point, all the parties had agreed to the mediation, so the plan proceeded.

Two mediations were held, and progress was being made. Various models for running counseling centers were discussed. The staff felt encouraged that the AVP seemed to understand their plight and they felt he was supporting them. However, at the end of the second mediation, the AVP got a phone call which appeared to have upset him, and he abruptly announced in the meeting that he no longer had time for this and ended the mediation.

As a result of the termination of the mediation and the continuation of unresolved issues, all three counselors resigned, and two psychiatrists cancelled their contracts with the university. Only three people, including the administrative assistant, who was close to retirement, and the director remained from the original staff of the counseling center, which meant that temporary contract counselors had to be hired almost immediately. It then took six months to hire replacement counselors.

This tragic loss of employees and interruption of important services for students likely could have been averted had the mediation been able to continue. This is also an example where the person to whom the ombuds reported did not sufficiently understand that the role of the ombuds, as a trained mediator, is to utilize conflict resolution skills and not just provide referrals. Also, this example illustrates how important it is for formal channels and management to act when serious issues are raised by the ombuds.

Facilitated Discussion Helps Employees Resolve their Workplace Issues

A supervisor in the business and accounting department called the ombuds concerned about conflict in his department. There were over 25 women working in cubicles in the same large room, and they were complaining about room temperature, cooking odors, allergies, etc. The supervisor asked if the ombuds could help with this type of problem. He didn't know where else to turn.

The ombuds presented the supervisor with some options, including an offer to meet with the group and create a subcommittee that could work on a plan to address the complaints. The supervisor was thrilled with that offer and immediately scheduled a meeting time for the group.

The ombuds met with the large group and listened to their concerns and then created a sub-group of volunteers. Over the next six weeks, the sub-group met with the ombuds to formulate their plan. At the end, they presented it to the larger group and asked for feedback. A few alterations were made, and the department adopted the plan.

The ombuds checked in with the supervisor periodically over the next three months and all seemed to be working fine. The supervisor was greatly relieved.

This was a large department, and all the conflict was impacting productivity. The individual workers previously had been very uncomfortable at work every day. One pregnant employee had been considering suing the University for having an unhealthy work environment. The employees were much happier about their work environment and having had their concerns heard and a role in recommending the changes that were implemented.

Ombuds Mediation Helps Faculty Members Resolve Issues Themselves

A faculty member contacted the ombuds about a conflict over course planning. She and another faculty member had been working together on the same course for years with a course director. This year they had a new course director who was also new to the campus. The visitor wanted help with finding a way to work with the new course director whom she viewed as highly rigid and opinionated. She had come to see the ombuds because Human Resources told her they don't work with faculty and that she should go to the Provost. She didn't want to go to the Provost over such a small concern.

After telling the ombuds about the challenges of working with this new person, the visitor decided she wanted to bring her colleague to meet with the ombuds. So, at the next meeting with both faculty members, the ombuds discussed different ways to negotiate or problem solve. The colleagues decided to try those techniques.

Two weeks later they were back to meet with the ombuds and said that they were feeling very frustrated. They had tried working with the new course director and had even gone to the department chair to complain about her. The department chair told them to work it out themselves. At this point, the ombuds offered shuttle diplomacy and mediation, and the two faculty members readily agreed to mediate.

Neither faculty member, however, wanted to invite the course director to the mediation. They felt intimidated by her. So, the ombuds called and invited the course director to meet with her and also invited her to a mediation with the two faculty members. The course director agreed to meet with the ombuds but spent most of the meeting denying there was a problem. She insisted that she had given the faculty members clear instructions as to how to do their jobs and they just needed to do what she said. Reluctantly, the course director agreed to try mediation as long as she could leave whenever she wanted.

During the mediation, the parties identified their primary differences. They realized that the two faculty were used to planning in-person classes and the new course director had only experienced planning online courses. Once they identified the problem, they were better able to find common ground.

They made a plan in the mediation to have the ombuds be present at two planning sessions to help them get started. By the end of the second session, they no longer felt they needed the ombuds to continue to meet with them.

The importance of this case was that this class was being planned with only three weeks to go before the semester started. A large number of students would have been adversely impacted if this group had not been able to find a way to work together.

Ombuds Mediation Restores Respectful Communication

An employee came to the ombuds concerned about how one of her colleagues spoke to her. She said she liked him and respected him, but he didn't seem to respect her. She did not like the way he spoke to her in meetings.

The ombuds discussed various options with her, including conflict coaching, mediation, shuttle diplomacy, filing a grievance or Title IX complaint, or bringing it to her supervisor. The visitor did not trust the human resources department because they had violated her confidentiality in the past. She said that on a prior occasion her supervisor had been called by HR and told of her meeting with HR before she even returned to the office from the meeting. The visitor did not feel sufficiently confident to initiate a conversation with the person who she felt was disrespecting her, and she didn't want to get him in trouble since she was new to the department. She didn't think the matter rose to the importance of formal processes or telling their supervisor. She felt most comfortable with the mediation option.

The visitor invited her colleague to mediation, and he readily accepted. The ombuds, however, first met with the second visitor in order to learn his perspective on the situation. In the mediation, the colleagues readily participated in the discussion with openness and authenticity. When the initiator said she did not appreciate it when he "mansplained" to her, he immediately and genuinely apologized. By the end of the discussion, both parties were smiling and complimenting each other. As it turned out, they learned from each other that their supervisor was causing divisiveness in their workgroup.

When their time allotment was over, the ombuds asked if there were any more issues to discuss. Both parties said they had enjoyed the mediation and were looking forward to working with each other. The ombuds followed up with both of them over the next three months and they reported they were getting along fine. They also reported that they had initiated a team retreat to address the divisiveness.

Both the department and the individuals benefited from their visit to the ombuds.

The Ombuds Helps a Group Find a Common Vision

A university president hired an executive director to start a pipeline program for underprivileged students from the geographic area in which the university is located to get into

the university's STEMM programs. It was a huge undertaking to hire staff, make arrangements with local schools and collaborate with the university medical faculty.

Toward the end of the first year, the director of this program was so frustrated with several of the staff that she was ready to fire them all and start over. She came to see the ombuds to ask for help. After a couple of meetings, the ombuds asked the director if she would be willing to allow the ombuds to meet with each of her team individually to learn their perspectives on what was going on. Of course, the ombuds insisted that the information shared in the conversations with staff would have to remain confidential. The director was anxious to get the program launched so she agreed.

The director knew that the program was a high priority project, so she was feeling a lot of pressure. The fewer people that knew her challenges, the better, so that is why she did not want to go to Human Resources.

The ombuds met with each of program's team members, promised confidentiality, and asked them how they viewed how things were going. Each of the eight people interviewed had a different perspective and wanted the program to develop the way they thought it should. As a result, and without disclosing the comments of any of the individual team members, the ombuds suggested to the director that the group either have a retreat or discuss organizational development. She agreed to do both but asked the ombuds to lead the organizational development discussion first.

During that discussion, the group realized that in order to get started, someone had to offer a vision and having eight different visions was slowing down their progress. They agreed to let the director lead with her vision and to fine tune their goals and objectives in a strategic planning retreat.

The director was pleased with the results of the retreat and decided not to fire her team. She also asked the ombuds for resources for team building and Myers-Briggs training. This program went on to get multiple federal grants and awards. They continue to provide the pipeline to this day. The director frequently publicly states that this high-profile town/gown program might not have survived without the help from the ombuds.

Communication Chaos

The faculty in a university department hired a new professor following an extensive search. At first, everything seemed to be working well with the professor's teaching and research. However, a few months later, problems started to arise.

The department's administrative assistant felt that this professor was too closed off and unfriendly. The assistant had invited the professor to group lunches and other gatherings, and each time the professor politely declined. The assistant began taking this personally and spoke with the department chair and other faculty about the behavior.

While most faculty didn't see a problem, a couple of them were also concerned. Instead of approaching the new professor directly, the communication was passive/aggressive and indirect. The new professor began to feel as though he had made a mistake in taking the position and didn't know what to do. He decided he should start looking for another position and spoke to a colleague about his situation. The colleague advised him to talk to the ombuds.

In the first meeting, the professor described behaviors that he thought were hostile and directed at him by administrative assistant and a couple of the faculty members. He could not imagine why they appeared to be acting this way, as even though he tended to keep to himself he always made it a point to say "hello" and to be polite to everyone in the office, including student workers. The ombuds asked permission to speak to others in the department and the professor agreed.

In the subsequent meetings, the ombuds discovered that the others who were upset with the professor had made many assumptions about his manner, behavior, and choices to not join group activities. They took his absence as a personal affront, assuming he did not want to get to know them or befriend them. At least one of them expressed the wish that the professor would leave the university.

After sharing their concerns (with permission) with the professor, the professor acknowledged that their basic description of his actions was accurate, but he believed that they had misunderstood his intentions. He told the ombuds about his education, which took place in another country and culture, and also about his work experience where professional distance was strictly adhered to. In his training, faculty did not mix business with pleasure except in rare circumstances. Furthermore, he had young children at home and preferred to spend his meals with them and his wife as they were still struggling to feel comfortable in this new community.

The ombuds asked him if he would be willing to meet with the ombuds and some of the other people to help clear the air about his behavior and intentions, as well as theirs. He agreed, as did the others. At that meeting, each person was able to talk about what they experienced, what the department's norms were, and began to understand better each other's behavior and assumptions. They apologized, shook hands and learned some important lessons in cultural communication. With the greater understanding the new professor ceased looking for a new job and intradepartmental communication improved.

Healing a Rift

The ombuds had received a significant number of cases from members of a department in the organization who expressed concerns about how the department was being managed. Visitors shared that they were frustrated, furious or outraged, and some said that they might seek legal counsel to address the matter. Low morale was widespread across the department.

As more details emerged, it became clear that visitors were describing a rift within the department, with essentially two disciplines in the department having been pitted against one another. Visitors described examples of infighting and poor professionalism. Visitors suggested

that the rift had been created by the department's leadership when leadership encouraged people to choose sides using a heavy-handed approach. Others described apathy/disinterest on the part of some members of the department's leadership. Overall, the department's internal warring resulted in confusion, unrest and disorganization, which negatively impacted people individually and may have also resulted in losses both in employee retention and in the department's productivity.

Visitors said that numerous complaints about these concerns had been made to the organization's HR and compliance offices but had not produced results. This only increased frustration and confusion.

Visitors wanted to be sure that the organization was made aware of their concerns. Their objectives included improved communication, response to concerns, clarity in work-roles, and fairness in schedules, treatment and pay. They wanted to be freed up to do their jobs effectively and feel good about working as one cohesive team again.

When the visitors came to the ombuds individually, the ombuds listened to each person actively and provided a safe/confidential space for them to share all that was on their mind. In a very real way, the assurance of privacy and commitment by the ombuds not to share with anyone that they were meeting with the ombuds gave them the opportunity to fully open up and express their concerns. The ombuds met with many of these visitors on a recurring basis and offered suggestions in how they might better handle the situation themselves immediately and provided individual coaching and support. As a result, visitors gained confidence in themselves, even though their work situation hadn't changed.

Because the many individual concerns also represented a significant systemic disfunction within the department and with permission of the visitors, the ombuds also engaged in a series of facilitated discussions that included members of the organization's senior leadership. These discussions with senior leadership raised their overall awareness and understanding of the broad and complex nature of the concerns in the department. Ultimately, significant changes were made, including structural improvements, leadership changes, communications plans, and changes in workflow.

After these changes, the department was functioning cohesively as one unified whole. Communications and morale also improved. The changes were so pronounced that visitors reported back to the ombuds to let the ombuds know how much better things had become, describing the difference before and after the ombuds involvement as the difference between "night and day."

Facilitated Conversation Between a Faculty Member and his Department Chair Clarifies Expectations and Builds a Better Relationship

A faculty member responsible for directing an academic center was very disappointed with his salary increase. The increase was below the average percentage that year. His performance review was good, not great. He reached out to the ombuds to express his

disappointment and ask for guidance on how to proceed. He felt he was getting a message from his department chair but was not sure how to approach the chair. He enjoyed his job very much and did not want to resign but was considering it. He was feeling insecure and did not feel confident enough to speak to the chair on his own. After speaking with the ombuds about various options, he left wanting to think about what he wanted to do next.

The faculty member called the ombuds the next day do ask if the ombuds would reach out to the chair to set up a meeting with the department chair, him, and the ombuds. The ombuds agreed to do so, and when the ombuds spoke with the chair, the chair was very receptive. The chair confidentially told the ombuds that the faculty member was a valuable member of the department and indicated that it would be a challenge replacing him in a timely manner to teach his courses. The chair also expressed concern that he had found it very difficult to give constructive feedback to the faculty member

During the meeting arranged by the ombuds, the chair assured the faculty member of his value to the department and highlighted some of his contributions. It also became apparent during the meeting that there was an honest misunderstanding. The faculty member was always trying to "please" the chair by asking many questions and following directions. The chair, however, wanted to see the faculty member take more initiative and demonstrate more leadership.

As a result of this meeting, the chair agreed to make a minor adjustment to the faculty member's salary, and the faculty member decided not to seek other employment and became more confident in taking initiative. The faculty member called the ombuds about four months later sounding much more confident and expressing gratitude for a better and more open relationship with the chair.

Mediated Discussion about Racist Comments Leads to a "Mountaintop Experience"

The ombuds received a call from two black women employees who were offended by comments made by a white male employee who had called their office for assistance. At the end of the call, the white male employee had made some racist comments. The two women were quite disturbed by the man's comments and decided that they wanted to address the issue with him. They called the ombuds for guidance on what they might do.

After listening to the women and discussing various options, including a possible mediation, the two women indicated that they would like the ombuds to explore whether a mediation was possible. When the ombuds contacted the male employee about a possible mediation, he agreed to participate.

Both women and the man came to the ombuds office on the day of the mediation willing to engage in a mediation process. The result was heartfelt reconciliation. The women were most forgiving. The man sincerely apologized. The process was such a powerful and poignant "mountain top" experience that it has remained one of the most significant experiences in the long career of the ombuds involved and inspired the ombuds to develop resources on the power

of apologies and use an anonymous version of this matter as an example in discussing mediation as an option with subsequent visitors.

Facilitated Conversation Leads to Agreement on a Plan for an International Student

An international student who was enrolled in a joint Masters-PhD program at the university came to see the ombuds about problems with the Principal Investigator (PI) for whom the student worked in a psychology research lab.

The PI is from Spain and had been at the university for the past 5 years, but the student had previously worked with the PI while the student was in an undergraduate program in Europe. The student said that he had observed the PI treat people disrespectfully, but he also noted that the PI was capable of being very gracious and complimentary when he needed someone to support his research. The student thought he was a valued member of the lab and that his previous work with PI had allowed him to build trust with the PI as well. The student's problem, however, was that he wanted to return to his home country. His family and children were there, and they could not come to the US. The student was adamant that he could do the work required of him for their lab from his home country. In response to this request, the student reported that the PI said that he could return to his home country but that if he were to do so, it might not be possible for the student to return and complete his program and receive his degree.

After many meetings with the ombuds, during which the ombuds listened to the student and helped develop options for the student to address this problem, the option selected by the student was to send an email to the PI asking for a facilitated conversation between the two of them and proposing that the ombuds participate as a neutral to facilitate the conversation. The student subsequently drafted the email and sought comment from the ombuds on it. After making a few revisions based on comments from the ombuds, the student sent the email to the PI.

The PI responded to the student a few days later and pushed back at the student's proposal, stating that he did not think they needed a neutral person to facilitate a conversation. This response left the student feeling very angry with the PI for not being willing to consider having a neutral help them address this issue.

Not long thereafter, the ombuds received a telephone call from the PI. The PI wanted to know what the ombuds could do as a neutral to help facilitate the resolution of an issue he was having with a research grad student. After listening to the PI, the ombuds explained how such a process would work with the ombuds acting as a neutral and participating to support a fair process for everyone. Ultimately, the PI agreed to having the ombuds facilitate a discussion of the issue with the grad student.

The facilitated conversation took place via Zoom teleconferencing. After the PI and the student each shared their perspectives on the issue, the ombuds asked both individuals to explore and share options that they felt would be appropriate to address their joint concerns. The student asked why he could not complete his degree from his home country, as he had been off campus and working remotely for over 4 months. The PI said that he wanted the team to be able to be

together to draft a paper collectively based on the research they had been doing. The student and the PI continued the discussion constructively and finally reached an agreement that the student would return to the university for a 6-month period once a year for the balance of his PhD work. They both agreed that the final timeline for such a schedule would have to be determined by the student's Thesis Committee.

Both participants left the facilitated conversation feeling it was a positive experience and, in a post-meeting survey, each gave the ombuds high praise for facilitation skills and helping the parties communicate effectively through a difficult situation.

An Ombuds Helps Resolve a Problem that Could Have Led to Congressional Action Against a Federal Agency and its Political Leadership

A visitor came to the ombuds at a federal agency concerned about what to do about their supervisor who was creating a hostile work environment. In addition to discussing the conduct of the supervisor, the visitor also disclosed during this first meeting that the visitor was like family with an influential Member of Congress who had already been notified about the visitor's issues with the supervisor.

After discussing various options on how the visitor might proceed with this concern, the visitor requested the ombuds to see if the supervisor would be amenable to having a facilitated conversation with the assistance of the ombuds. The ombuds approached the supervisor, who indicated their willingness to participate.

All of the visitor's concerns were successfully addressed through facilitated conversations and shuttle diplomacy. In addition, larger systemic issues were elevated to the highest level of the organization. As the visitor felt heard and was satisfied with the outcome, the Congressional Representative backed off on plans to stop the Senate Confirmation of the supervisor who was a Presidential Appointee.

An Ombuds Help Raise Systemic Financial Manipulation of Foreign Graduate Students by Professor

A visitor came to the ombuds to inquire about how they might address their concerns with the conduct of a professor. The visitor shared that they were an international graduate student from the middle east in a renowned campus program. They were taking a class with their professor advisor who was also the program director. The visitor stated that they needed an internship over the summer months and that the professor knew they were returning to their Farsi speaking country for the next semester.

The visitor shared that a previously arranged internship had fallen through at the last minute and that the professor was aware of this situation. The visitor said that the professor indicated that she could use support on a book she was presently writing. She proposed that if the student were willing to translate the book into Farsi and ascertain if there was a market in their

country for the book, the professor would help the student obtain internship credit and consider hiring them as a Teaching Assistant (TA) in the fall semester when they returned (to offer them some remuneration for their work). The visitor shared that they saw this as an excellent opportunity.

The visitor undertook the translation and helped market the professor's material. The visitor also connected the professor to a network of future opportunities to utilize when the book was completed. Upon their return to the campus, the student met with the professor but was told that she had already hired her TA for fall semester. The visitor reported that the professor was adamant that she had never promised anything to the student in the way of compensation for their work and insisted that internship credit should have been viewed as substantial value to the student.

The visitor told the ombuds they were aware of similar conduct of the professor in the past from alumni of the program and two other present students. In addition, the visitor said that they had contacted an administrative assistant (AA) to the professor and urged the AA to contact the ombuds about the professor's conduct. The AA visited the ombuds and confirmed much of what the student had told the ombuds, describing their own experiences as well. The ombuds asked if the AA and the visitor would ask if the other current students might be interested in contacting the ombuds office. Eventually, several alumni, a few other students, and a couple of other AAs contacted the ombuds office and shared similar stories of misrepresentations by the professor and manipulation of staff and students. The AAs also shared that they were told to issue funds from specific budgets and grants to pay a few of the students, and that the professor had used students to translate her personal writings into several different languages but never gave the students any credit in the published books, papers and articles.

The ombuds helped the individuals consider all of their options individually and in a small group. Everyone agreed it was best to share the information with campus leaders, including:

- the Equal Rights Director
- the Human Resource Director,
- Departmental Dean,
- Provost, and
- University Legal Counsel.

The ombuds was asked to act as a neutral facilitator for the discussion.

The ombuds helped the students and AAs prepare for this meeting by considering how best to share the information. The ombuds urged them to try roleplaying the situation acting as themselves, as well as sitting as university leaders responding or hearing this information. During this discussion the individuals raised concerns about retaliation by the professor who remained the director of the program.

The students contacted the leadership asking each of them if they would participate in this meeting and if they'd object to having the ombuds act as a neutral facilitator. No one objected to the process. The discussion went very well lasting over 3 hours with the leaders asking many questions and thanking the individuals for coming forward with their concerns. They assured the students and staff that if any retaliation occurred, they should immediately contact the Equal Rights Director as it would not be tolerated.

Ombuds Mediation Helps Professors Collaborate

Two professors were asked to co-lead a two-year long curriculum together. Each of the professors had gone to the departmental chair to say that he was not able to work well with the other person due to vast communication issues, and each had asked if he could lead the effort alone. The chair told each of the professors that she thought each brought something valuable to the table and wanted the professors to work out their differences. The two professors said they had tried unsuccessfully to do so. The chair then suggested they seek out the ombuds services (the chair also called the ombuds to share her perspective and ask if this was an appropriate referral).

Each professor did contact the ombuds separately and each professor talked with the ombuds about the different options available, including undergoing mediation. Both professors were amenable to trying mediation. Over the course of four mediated sessions, the two professors delved into their perspectives, the incidents that led to the perspectives, and plans for moving forward. More specifically, at the heart of the conflict were three things: 1) A lack of understanding about the other person's cultural norms and personality, both of which were very different from one another; 2) each revealing he had some major personal stressor going on outside of work, and 3) neither of them had ever co-coordinated a curriculum with another person and did not know how to move forward, especially in light of the communication issues. The two professors acknowledged the differences and misunderstandings, recognized that each other also had "a lot going on" apart from work, and together, with the ombuds, the professors made a plan for how they could begin to move forward in planning the course together.

The ombuds scheduled a fifth meeting to check in with the parties. Both of the professors indicated that things were much better than they had been. The meeting was short and light-hearted. Several months later, the ombuds heard from the chair that the two professors were getting along very well, and the course planning was almost completed. Several weeks later, one of the professors stopped the ombuds in the hall on the way to a meeting to express his gratitude for her help, indicating that he really was enjoying working with the other professor.

Ombuds Helps Facilitate Better Communication Between a Supervisor and Supervisee

A high-level leader and an HR business partner reached out to the ombuds to ask if she could work with supervisor and supervisee in the leader's department to help them iron out their communication difficulties. HR had just published the findings of an investigation that grew out

of a complaint filed by the supervisee against the supervisor, and one of the recommendations was for the parties to work together on their communication.

After explaining that the ombuds is a voluntary and informal resource, and what that meant for the ombuds' involvement, the ombuds reached out to the supervisor and supervisee separately to introduce herself and the idea of meeting together to have a facilitated conversation. Both parties agreed, and the ombuds met with the two employees five separate times—four times to talk together about the communication issues from each of the employee's perspectives and to provide the space for the parties to come up with an informal agreement about how they would communicate going forward, and one time to check-in with the employees about how they were doing and to see if the agreement was working well or if something had to be tweaked.

Over the course of the first four meetings, these two employees gave example after example of how the other person did not communicate well; these examples went back two full years and were exacerbated in part due to the fact they did not work in the same location, the supervisee had ongoing active caregiving responsibilities of her elderly, sick mother, and the supervisor and supervisee came from different countries with different cultural ways of expressing opinions. After sharing their perspectives, it was clear that each had different expectations (that neither had before fully shared with the other) of what communication should look like over email and phone, the frequency of these communications, and the tone (or assumed tone, over email) that should be used.

Together, with the ombuds, the parties developed a new communication plan which supported their individual and team needs. At the check-in meeting, the fifth meeting, the parties both reported that things were going much better. Each of them pointed to the parts of the agreement that really made a difference for them, and there was only one provision that they both agreed needed further attention. They both thanked the ombuds profusely and were relieved to be able to focus more on the work itself.

Misperceptions Lead to Productive Conversation and a Better Plan for the Future

An employee came to the ombuds with concerns and frustration over dealing with the employee's supervisor over the employee's need to go out on leave for an extended time. From the employee's perspective, the supervisor was giving the employee a hard time and seemed angry and resentful about the upcoming leave.

The ombuds presented the employee with various options for possible action, including the possibility of a facilitated conversation between the employee and the supervisor. This is the option that the employee asked the ombuds to assist with. When the ombuds spoke with the supervisor to inquire whether the supervisor might participate in such a process, it became clear to the ombuds that the supervisor's perspective was being driven by the need to make sure that the employee's work would be covered during the employee's absence. It was also clear to the ombuds that tempers and defensiveness on both sides had made communications short and ineffective.

With the permission of the employee and the agreement of the supervisor to participate, the ombuds arranged for another neutral third party to help mediate their differences over how to handle the employee's upcoming leave.

Both the employee and the supervisor later told the ombuds that the facilitated discussion was helpful and effective. It allowed them to work through many misunderstandings and developed a plan for how they could better address issues in the future.

Healing Old Grievances

Two employees had been avoiding each other for ten years. One of them approached the ombuds to discuss how this rift might be healed. When the ombuds discussed various options with the employee, the option chosen by the employee was to see if the other employee would consider a facilitated conversation to discuss their differences and grievances with each other.

When the ombuds approached the other employee, that employee agreed to participate in a facilitated conversation led by the ombuds. When they all met, the ombuds described the process and then let each person, in turn, speak. In the course of leading this discussion, a number of misperceptions that had turn into grievances against each other came to light.

At the end of the mediation, the parties had mended their relationship and reconciled. The discussion itself was transformative. In other words, the structure of the mediation session, which was designed to be fair and balanced, gave the parties a framework for addressing, hearing, and resolving not only their past grievances but also any problems that might arise in the future.

The Ombuds Can Help Mediate Mid-Level Staff Conflict that Would Otherwise Impede Important Work in a University Department

A female staff member in the Office of the Dean of the Graduate School at a large public research university contacted the ombuds for help with what she called a "difficult" working relationship with a male Information Technology (IT) staff professional following a conversation she described as "terrible." The IT staff member routinely provided technical support for two large departments at the university, but two months previously had also began assisting the Office of the Dean of the Graduate School.

Among her many other responsibilities, female staff member/visitor to the ombuds had been assigned the task of administering the annual survey of graduate students. Among the first assigned given to the IT staff member by the Graduate School was to help the visitor develop and analyze the graduate student survey, which this year was likely to receive intense scrutiny from administrators and the public because of disturbing and numerous highly publicized allegations of sexual harassment and bullying of graduate students by faculty members across numerous academic departments. The climate for graduate students had become a hot topic on campus.

The visitor told the ombuds that while she was initially happy to have the IT staff member's technical help with the survey, she knew he could only give 20% of his time to the work for the Graduate School Dean's office. She said that she and several colleagues had found the male IT staff member to be completely unresponsive to emails. She said he was rarely available. And he didn't seem to recognize the constraints of the office's budget because he had mentioned wanting to use some cutting-edge software that she thought they probably could not afford. She said that the "terrible" conversation occurred when he came to her office after learning she had asked someone else to help her with the graduate student survey while he was away. When he demanded to know why she "went around his back" she answered, "Because, I have to get this survey done and I haven't even seen you for at least a week. Besides, you never answer my emails. So, I asked someone who agreed to help immediately, and, by the way, she used software we already had." According to her, his response, before walking away, was, "Oh? Now I see why I was warned about you."

The visitor was concerned about this exchange and asked the ombuds if mediation between the two of them might be a possibility. The ombuds asked if she would be willing to give him an ombuds office brochure and invite him to call the ombuds for an appointment. She agreed, took a brochure, and left. The IT staff member called before the end of the day and arranged an appointment the next day.

When he came for his appointment, he also was clearly upset. He said he'd been doing his best to keep up with his work generally but having the Graduate School Dean's office added to his workload had made an already hectic schedule even crazier. He explained that he had never been told how much time to give the Graduate School. He met with the female staff member in the Graduate School soon after he took on the Graduate School responsibility to find out about the survey. He said he assured her he could provide the technical help she needed; especially if the office could purchase new software that he was anxious to try because it would likely provide very robust results. He said she had seemed hesitant about purchasing the new software but said she'd investigate it. He never heard back from her about that. He acknowledged that she did send him several emails about the survey, but he said she never included any deadlines or due dates. So, with all he had to do for the other two departments, he assumed he would tackle her request after his wife had their first child - which had only occurred a week ago. He had then taken a week off from work because of the child's birth. He said was sleep deprived when he returned to work, so he was "not at his best" when he tried to talk to her about the survey. Also, even though part of the survey work was now done, he was still going to be providing technical support for the analysis and, frankly, without the new software, he said he had less confidence about the quality of the data analysis he could provide.

After listening to his perspective, the ombuds asked if he would be interested in trying mediation with her. He readily agreed.

They both came to mediation ready to do the work required to improve their working relationship. They listened respectfully to one another, spoke honestly, asked good questions, took responsibility (and apologized) for their individual contributions to the conflict, and focused on what they could do differently in the future to improve their communication. With the assistance to the ombuds they resolved to take a variety of actions to address both the task at

hand and to work more productively with each other going forward. Among the commitments they made were that the original visitor said that she would tell the Dean of the Graduate School that her IT colleague had not been told he is expected to work 20% for the Graduate School. They also committed to meet for coffee every two weeks to keep the lines of communication open.

Cross-Cultural Conflict Resolved with Facilitated Conversations

The visitor to the ombuds was an African American woman employee in her late thirties whose job required her to coordinate with a counterpart in another department: a white woman who was not comfortable with the expression of strong emotions. The visitor said that she had exhausted all other options to try to address what she perceived as a lack of communication between them and that the lack of direct communication between them was impacting her work performance. She requested the ombuds to facilitate an informal conversation to address the communication problem. When the ombuds spoke with the colleague, the colleague expressed her view that there was no problem and that she preferred to communicate by email.

The visitor gave the ombuds granted permission to speak with her own supervisor and to see if the supervisor of the colleague (they reported to different supervisors) might agree to participate in a facilitated conversation with all four people. All four agreed to participate in a facilitated conversation in this setting. The two workers and their supervisors met on several occasions in facilitated sessions with the ombuds, during which they identified issues; decided on issues to work on; brainstormed options, agreed on next steps toward resolution, and established activities to improve communication and teamwork. The process appeared to be successful, since the participants agreed on a plan of actions they would take.

When the ombuds followed up with the visitor a couple of months later to see how the group was doing, the visitor indicated that the initial issues had been addressed but that were other issues involving her and her supervisor that had not been fully addressed in the group facilitation. In particular, she expressed frustration that she had been unable to get her supervisor, who had been born and raised in a former British colony and who had come to America via Britain, to address issues she brought to him. She requested another facilitated conversation with just her supervisor. When approached by the ombuds with this request, he agreed to participate.

The facilitated conversation between the visitor and her supervisor lasted over three hours and revealed very different styles of interaction and that each clearly was frustrated by the other person's style. The visitor had a direct communication style and embraced conflict. Her approach was to say exactly what was on her mind. The supervisor was conflict avoidant and preferred a more indirect approach to dealing with conflict. The facilitated conversation allowed each person to better understand his or her own and the other person's approach to conflict and communication and gave them both insight into the source of their continued difficulty in working together. The ombuds also assisted them in developing mutually acceptable strategies for addressing future problems and conflict.

Shuttle Diplomacy Results in an Equitable Settlement

The ombuds received a call from an employee who had left the company a few weeks earlier. The caller claimed that the company owed her for over time for which she had not been compensated. The ombuds received permission from the caller to talk with the human resources manager about the situation. After some discussion, the HR manager told the ombuds that it was possible that the caller's claims could be correct. The manager recognized, however, that the organization's relationship with the former employee had broken down to the point that a discussion between HR and the former employee would not be productive. He asked the ombuds to assist in trying to resolve the dispute and referred the matter to his supervisor, the Director of Human Resources for the Division.

The ombuds went back to the caller and asked for and received the information on overtime hours for which she was claiming she was owed. The ombuds then shuttled back and forth between the Director of Human Resources and the caller until they reached agreement on the number of overtime hours. Each side was satisfied with this resolution to an issue that could have resulted in a civil lawsuit or a claim with the Department of Labor.

Facilitation Leads to an Awareness of Different Cultural Perspectives

Two employees came to the ombuds came because they were concerned about what they perceived to be a threat made by another person who worked for the company. The two visitors, a man and a woman, were both from an Asian country and were at the company's U.S. headquarters on a one-year temporary permit.

They reported that they returned to their building late one night after enjoying a break for dinner. The security guard had left, so they used their electronic employee badges to enter the building. As they entered, they noticed that an African American man slipped into the building behind them. Concerned about security, especially post 9-11, they decided to follow the man to see where he went. They said that they tried to be discrete as they followed him up the internal staircase in the building. When the man entered an office, they became very alarmed and stood in the hallway, discussing what to do next. They noticed an office directory on the wall by the staircase and checked the name associated with office the man had entered. At that point, the man suddenly burst forth from the office and shouted at the visitors. Startled and tremendously frightened, they ran down the stairs, retreating to the office they shared. They considered reporting the incident to their superiors but did not because they were unsure of themselves and because they did not know if the man who had been in the office was the person listed on the directory. They decided to come to the ombuds to ask for confidential guidance on what they should do.

After discussing various options, the visitors gave the ombuds permission to contact the person listed in the directory. The ombuds did so and learned that he was the African American man who they had seen enter the office. The man told the ombuds that he had been very disturbed and offended by the two visitors' behavior and that he had questioned their motives.

The ombuds presented all three people with an option to have a mediation in which to discuss their concerns, and they agreed. The African American man explained that he found the behavior by the other two to be both threatening and racist. He described experiences in being followed and harassed by police and explained how insulting he found it to be that the others assumed that he did not belong in the building. He also explained that he had felt threatened by their actions in following him and that he actually feared for his own safety. It had occurred to him that THEY might be terrorists, since they looked vaguely Middle Eastern or South Asian.

The visitors explained to him that they were not familiar with issues of race in the United States and had no idea that their actions would be interpreted as they had been. They assured the man they had they had not intended to cause him alarm, and that that they would have done the same no matter who had slipped in behind them. They stated that they appreciated the cultural lesson and had learned much from it. They also were glad that the ombuds was available for them to talk about their concerns.

Averting a Class Action Lawsuit

Several African American employees came to the ombuds office as a group to express frustration with their manager, who they felt continuously treated them inappropriately. They thought he was discriminating against them on the basis of their race and said that they were willing to file suit against the organization and the manager.

The ombuds reminded the employees that the ombuds office was neither an office of notice for claims against the organization nor a place to provide them with legal advice on any claims they may or may not have but, instead, an office where they could have confidential discussions to see if there might be an informal way to resolve their concerns. They said they wanted to speak confidentially. After a few meetings with the ombuds, during which a variety of options were discussed, they gave permission for the ombuds to contact the manager, share their concerns, and request that he meet with them as a group in a meeting facilitated by the ombuds.

When the ombuds spoke with the manager, he immediately expressed his own frustration at his inability to communicate effectively with this group of employees. It appeared to the ombuds that the manager was experiencing his own insecurities, and he clearly welcomed the opportunity to vent in a safe and confidential setting.

At the manager's request, the ombuds coached the manager on active listening and effective communication techniques. The manager then began implementing these new listening and communication skills as he communicated with the employees he supervised, including the African American group.

Communication between the manager and his employees markedly improved and no facilitated meeting was ever needed. This manager contacted the ombuds on his own initiative thereafter when he felt stuck and needed to discuss options on how he might handle a situation. As a result, the manager continued to build better relations with the employees and to improve his own communication skills.

24. High Impact Cases/Potential Litigation/Threats to Organizational Reputation

Extended Communications with Ombuds allows an Employee to Agree to Report

The ombuds received a call from a compliance officer at an unrelated but affiliated organization about possible financial misconduct by the president of that organization. The inquirer was so concerned about her identity being compromised that she made the call from a public telephone at a mall. She was the compliance officer of her organization; but it was a relatively small organization, and she was afraid that she could not successfully accuse or investigate the president of the organization without being victimized herself.

After discussing various options to surface the issue, the inquirer remained uncomfortable with her identity being disclosed and was unwilling to select any of the options suggested by the ombuds. The conversation ended with the caller remaining anonymous and with the ombuds encouraging her to call back later so that they could continue to discuss how to raise the issue. Similar conversations took place several times over the next few months, with the inquirer calling from a mall to avoid Caller ID and remain anonymous.

The inquirer also continued to be unwilling to select an option to permit the issue to be raised. At the end of each conversation, the ombuds encouraged another call from the inquirer after they each had more time for reflection. After several such calls, however, the inquirer began to appreciate the fact that significant misconduct may be involved and that it needed to be reported. As she began to trust the ombuds more and more to preserve her confidentiality (especially since no word had leaked out about her calls), she grew more comfortable with the idea of initiating an investigation.

She finally gave the ombuds permission to reveal basic information, including the identity of her organization and the nature of her concerns, to other formal channels who could conduct an investigation. With this permission, the ombuds then made the authorized disclosure, and an investigation and audit commenced. The investigation revealed a multimillion-dollar fraud that ultimately sent the organization's president to prison. Throughout all of this, the inquirer insisted on remaining anonymous, even to the ombuds.

Surfacing an Issue and Resolving a Dispute that Easily Could Have Resulted in Expensive Litigation and Reputational Damage

The visitor was a long-time university employee whose daughter had just entered her freshman year at the same institution and had been going through new student orientation. During the daughter's first weekend on campus, she attended a fraternity party with a group of friends. While there, she drifted away from her friends, and after a few drinks of "punch" found herself dizzy, drunk, and surrounded by a group of boys. Two of them forced her into a bedroom and sexually assaulted her. After a few minutes, because the boys were more intoxicated than she, she was able to get out of the room and run back to her dorm. She was deeply embarrassed and didn't want to tell her friends what happened. The next day she decided to call her parents and tell them what happened. Not wanting to risk ever running into the boys again, or to have this first-week episode haunt her for four years on campus, she told her parents she wanted to transfer to her

second-choice school. Her parents promptly got her medical treatment to ensure that she was physically alright and scheduled her an appointment with her therapist to discuss the incident.

Ordinarily, the office of student life services posts monitors at all on-campus parties (which must be registered in advance) to ensure that there is no underage drinking and that party participants behave appropriately and safely. The placement of these monitors has resulted in a significant reduction of incidents of injuries, bad behavior, and other problems that had historically occurred at fraternity parties. In this instance, although the party had been registered, no monitors had been assigned due to a scheduling error on the part of the student life office.

When the parent came to the ombuds office, he was aware of the university policy requiring preregistration of these events and the assignment of monitors. In the case of the party his daughter attended, he also had learned that although the party had been registered, no monitors had been assigned as was required. He stated that he understood and respected his daughter's decision to transfer and stated that he did not want to make trouble for the university, even though he also stated that the incident very likely could have been prevented. The main concern that brought him to the ombuds was that if his daughter were to transfer to another college, she would lose the tuition benefit he was entitled to receive from the university (full tuition for four years, but not transferrable to any other institution). He wanted the university to compensate him to the extent of the tuition for four years at the new school. Otherwise, he said, the only other option would be for his daughter and him to bring suit against the university. With the father's permission, the ombuds contacted the risk management office for a consultation.

Because the girl's father met first with the ombuds, the ombuds was able to work with risk management to quickly resolve the issue, with the university agreeing to cover the tuition costs at the new school. Because of this resolution, both the family and the university avoided litigation that could have been costly to both sides, but which posed a real risk of loss to the university in light of the absence of a monitor at the event. In addition, potential reputation-damaging publicity was avoided on both sides and good relations with a long-standing employee preserved.

When a Senior Leader is the Problem

Over a period of months, a number of people in a department individually consulted with the ombuds. The visitors had roles at varying levels in the hierarchy and in a variety of disciplines, but they all shared concerns about the same Senior Leader—a member of the organization's leadership. Visitors expressed confusion or concern about the Senior Leader's quick ascension in the organization and about the appropriateness or justness of his promotions and power.

The visitors also described the Senior Leader's conduct, including insulting or publicly disparaging people, interfering with projects or work, character assassinations, attacking professional reputations, and terminating people unfairly or unjustly. Some considered this conduct as bullying. Others perceived the behavior as antithetical to the organization's code of conduct or other policies. Some questioned the legality of the Leader's conduct. Given the

overall perception of the Senior Leader's power in the organization, visitors expressed a variety of fears. In particular, visitors were afraid that if it were discovered that they sought help from the ombuds, they would become the next target or otherwise suffer retaliation for speaking up. Many of these individuals were at such a loss that they said that were considering leaving the organization.

Trusting that the ombuds office was strictly confidential, visitors met with the ombuds—often more than once—to share their concerns and to obtain guidance and support in addressing them in a meaningful way. In every session, the ombuds provided support and advice, including on how to address individual communications as they were evolving. (On request, the ombuds provided direct, individual, real-time, one-on-one coaching.) The ombuds and visitors talked about words the visitor might use directly with the Senior Leader, meetings that they might hold with others, emails they might write to document plans, other senior leaders who could lend assistance, and policies that were at play. The ombuds and visitors also discussed the organization's resources for support, including persons higher in their chain of command, the Human Resources department, the ethics and compliance hotline, and of course the ombuds office.

In addition to serving as coach to individual visitors, an option that the ombuds offered was for the ombuds to serve as a conduit to improve communications, to serve as a mediator/facilitator to open and improve direct dialogue, and to raise the pattern of concerns to other senior leadership who were well placed to hear and address the concerns. While a systemic pattern of concerns had clearly emerged, the ombuds continued to work with visitors individually to help them work through their individual goals or needs but the ombuds eventually sought permission to bring the matter forward as a pattern while preserving the confidentiality of all visitors.

Ultimately, the ombuds took the pattern of concerns to senior leadership, which engaged the organization's formal investigation processes. The investigation uncovered conduct that was in violation of the organization's policies, and appropriate corrective action was taken.

The ombuds was thus able to help to provide direct and immediate help to each of the ombuds' individual visitors while working with them to find an effective way to bring the existence of the systemic issue to the attention of senior leaders who could order an investigation and take corrective action. As a result, none of the visitors left the organization and many of them have expressed their appreciation to the ombuds and how much happier they are.

Help for Pregnant Employee and in Enforcement of Global Policies

An employee from a location outside of the United States contacted the ombuds to say that her boss had called her into his office to tell her that he noticed that she was pregnant and that he knew she was unmarried. She said that the boss had told her that if she were not married by the time the baby was delivered, she would be fired. Such conduct was not illegal in the country where she worked but violated the company's policies. She was uncertain what to do,

afraid of losing her job, and feared retaliation by management of the company in her country, who she felt would support her manager.

The ombuds discussed various options on how to proceed and assured her that such action would violate company policy. With her permission, the ombuds forwarded her issue to a formal channel at the company headquarters, which intervened with local management to reinforce the company's policies and reiterated to local management that retaliation against her for bringing this issue to the attention of the company would not be tolerated.

The ombuds also worked with those responsible for the company's newsletter, which was sent to tens of thousands of employees around the world, to address issue prospectively and generically (no reference to any names or locations) in a question and answer format to advise everyone in the company that it would violate the company's policies for a supervisor to discipline a female subordinate for being pregnant and unmarried and that attempting to do so would subject the supervisor to discipline, including possible dismissal. Such clear and direct guidance not only helped reinforce the company's global policies but may have spared other women throughout the world and in these circumstances from having to deal with the threat of termination and/or retaliation.

Successful Student Team Dismantles

A student team created intellectual property and won a large monetary award as a result. The team then decided to create a limited liability company to commercialize what they had created and used the monetary award to start their business. After starting the business, however, they fired one of the team members. This action caused a significant disruption in the business along with resentment and hurt feelings.

A faculty member attempted to intervene to help resolve the issues but succeeded only in violating university policies and losing the students' trust in the process. The individuals involved reached out to the ombuds for help with the unresolved questions regarding the team's class "agreement", issues related to the Intellectual Property, allocation of winnings, etc.

Over the course of the next few months, the ombuds met with the team members and conducted several mediations. Ultimately, the parties were able to address the emotional issues, restore their relationships, and agree upon terms to part ways amicably. Each side retained legal counsel to review the terms of a settlement agreement and settled the matter. This resolution saved the university significant negative publicity (and possible expense) and resulted in revising the structure of that particular class so that similar issues would not occur again in the future.

Helping a Nontenured Faculty Member Focus on What Was Important to Her Avoids a Discrimination Lawsuit

A faculty member came to see the ombuds about what she considered to be racist or discriminatory treatment. She was a junior faculty member with multiple degrees, one of which

was from the campus where she currently worked. Now, as an employee, she felt like she was being left out of important meetings and treated differently than her male peers. They were being mentored and she was not. She had also found out she had been paid less than others do the same work. She was considering suing the university for discrimination.

The ombuds listened and heard all the pain the visitor felt from being marginalized and left out. The visitor was ambitious and had dreams about doing research and having her own lab. She didn't know where to go for help. Human resources on that campus did not assist faculty, and she had already spoken to the department chair, the dean, and the provost. The dean had promised to help her but had done nothing to date. The department chair was new and said he was just supporting the decision of the previous chair to cancel her contract. The provost listened and said the dean has the right to make decisions in his school.

At this point, she was very angry and wanted to get even. As a minority woman, she felt pretty certain that she could win in a lawsuit because she had not been accused of any wrongdoing, yet her contract was being cancelled.

The ombuds asked her to think about what she most wanted, encouraging the visitor to think about what her life would be like on that campus if she sued and won, or, if she sued and lost. The ombuds asked her if all the negative time and energy was worth the time it would take out of her career and moving forward on her research and writing projects.

The visitor did some thinking and reflecting on the advice from the ombuds and came back a week later. She asked the ombuds if the ombuds would help her find resources to help her with her resume and job search. The ombuds gave her a list of local and campus resources and met with her a few more times to give her chances to vent her anger.

A few months later, the visitor secured an Assistant Professor position with her own lab and mentor at a prominent university. She was so excited about her new opportunity that she was no longer interested in suing the university.

The ombuds, in this case, helped spare both the university and the faculty member from the cost and stress of a discrimination lawsuit and, with the counseling from the ombuds, enabled the faculty member to realize her dreams.

An Advisor's Failure to Advise

A female graduate student came to the ombuds to talk about concerns she had about completing her PhD Her advisor had left employment at the University to join industry but was still advising students by distance. The student had heard about the ombuds through a presentation at the Graduate College and decided to bring her concerns to the ombuds due to the confidentiality afforded by the office. As a graduate student, she feared retaliation by her advisor and, possibly, her committee members should she use formal channels to complain.

The graduate student described a pattern of neglect by the advisor who often made comments about the student's financial status as well as comments about her immigration status. The student believed that the advisor assumed the student was international, when in fact, she was a US citizen. Since the student was self-funded, the advisor refused to treat her the same as those students on grant projects and left her without adequate assistance. As the student prepared for the defense of her dissertation, the advisor cancelled meetings and ignored email and voice mail. While her dissertation was accepted and she was a 4.0 student, she failed her oral defense and was given only two weeks for a second defense, with no advice from her advisor. The external member on her committee noted the irregularity in the lack of support by her advisor, and the "gotcha" type of questioning in the defense, and suggested she reach out to the Department Chair.

At that point, the student decided to speak to the ombuds. After hearing the student's concerns, the ombuds asked to speak to the external committee member and received permission. The external committee member confirmed what the student had reported and added that the advisor also said that if the student was going to return to her country of origin, then the advisor would pass her, but not if she stayed in the US. The external committee member was from the same country as the student but knew she was a US citizen and was appalled by the statement. None of the other committee members said anything. He convinced the student to file a discrimination complaint with the Title IX office, which she did but held off on the investigation, fearing retaliation.

After meeting and coaching by the ombuds over the course of four weeks, the student spoke with the Department Chair and the Graduate Advisor, both of whom refused to listen to the student and tried to convince her to accept a Masters' degree instead. Finally, the student allowed the ombuds to speak to the Vice Provost and the Dean of the Graduate College about the situation, about her fear of retaliation, and need for an advocate in her department.

The Graduate Dean was able to convince the Department to provide a new advisor, cancel the second defense due to the comments made and lack of advisement, and provide a stipend to the student to stay and defend again and pass her defense. The student, after being awarded her PhD, chose to drop the discrimination complaint against the University.

Abusive Advisor and Language Issues

An international graduate student came to the ombuds' office in a highly emotional state after an alarming interaction with his professor/advisor. The ombuds listened attentively to the student as he described what sounded like ongoing abuse of students by a faculty member. The student was frightened and confused. Like many students, he was reluctant to report anything to the university out of fear of retaliation.

The student had been contacted by two students who had left the university, one with their PhD, and one who had accepted a Masters' despite being in a PhD program. For two years, all three students had been in the same laboratory with the same professor. The two former students decided that they couldn't watch their fellow students continue to be abused in this way.

They sent a letter to the Department Chair, who didn't take any action. The Department Chair apparently believed the faculty member to be upstanding and productive.

The former students suggested the student consult with the ombuds due to the confidential nature of the services. All of them described abusive conduct by the professor, including speaking only in their native language in the lab (all three of the students and the professor were from the same country of origin), and calling the students derogatory names; throwing papers, computers, and other equipment across the room; and making them work over 40 hours per week in the lab. If they weren't in the lab, the professor would track them down and find them at their homes. He also gave the students in his lab the answers to the exams so they wouldn't have to waste time studying and would be able to work more in the lab. The students had kept the email correspondence related to the exams and presented it to the ombuds.

The ombuds discussed a variety of possible actions the student could take but the course of action that felt most safe for the student was to provide an anonymous report of the academic misconduct based on the exams which is what the ombuds helped him to do. This resulted in an investigation into the matter by the Provost's office and Faculty Academic Affairs. The professor was fired after all of the allegations came out and more students came forward. After this case, the graduate college of the university created a policy stating that the language used in labs and classrooms must be English and provided training and education on appropriate standards and treatment in laboratories.

These students had considered contacting the local newspaper to report what was going on before coming to the ombuds but had been hesitant to do so. Had they done so, it would have had a devastating impact on the reputation of the institution, and probably would have resulted in costly and protracted hearings.

The Ombuds Helps an Employee Experiencing Bullying Resolve a Hostile Work Environment Claim and the Company Avoid a Lawsuit

An employee contacted the ombuds about an abusive manager. The employee described how the manager bullied the employee and also a number of coworkers. The employee told the ombuds that they had been the only person to raise the matter with their local HR team. In fact, they had twice gone to the local HR team, but no action had been taken in connection with the abusive manager. Compounding the abusive behaviors and bullying from the manager, the employee also reported being subjected to retaliation for having made the reports to HR. The employee was on the verge of leaving the company and retaining counsel to bring suit against the company. Under these circumstances, it was clear that a confidential conversation with the ombuds was extremely important to the employee.

The ombuds and the employee explored various other internal options available to the employee before the drastic action of leaving the company and filing suit against it. One of the options was for the employee to collect evidence of the manager's abusive and retaliatory conduct and then to contact the ethics and compliance office (ECO) with a request to conduct an

investigation. The ombuds coached the employee on how to collect and collate their evidence and also how to then discuss the matter with the ECO.

The employee took this option, collected the relevant evidence, and contacted the ECO. The ECO investigated the issue and found that the employee had been subjected to a hostile work environment and also had been subject to retaliation. The manager concerned was disciplined and removed from the company. The employee was able to continue working for the company in a greatly improved work environment.

An Ombuds Can Only Do So Much to Raise issues to Proper Channels

Over the period of a month, five different faculty members from the same department independently met with the ombuds to share concerns about their new department chair. They had a wide range of complaints such as sexual harassment, many forms of verbal abuse, and public humiliation, as well as arbitrary changing of policies and responsibilities. All five also reported that one of them was being bullied.

None of the faculty members had chosen to go to human resources because all of them had had bad experiences with that office in the past. A human resources staff member had told one of them, "It's not wise to take on a department chair. You will lose." All five were afraid to confront the chair or file a grievance or Title IX complaint because they each believed the chair would punish them. None of them wanted to lose their jobs, and they all reported having enjoyed their jobs until the new chair arrived. While they were all faculty, they were all on contracts that could be cancelled at any point, about which the chair was known to remind them on multiple occasions.

After discussing various other options such as the whistleblower hotline, mediation, and the previously mentioned formal processes, all of the parties preferred to meet with the Provost as a group if their identities could be protected. The parties gave the ombuds permission to briefly describe the problem to the Provost and to request a group meeting.

The group met with the Provost and explained the problems. He listened and promised to look into it. Nothing happened for three months, so the female faculty member who was being bullied filed a Title IX complaint. The complaint was found to be a violation, but since it was a one-time event, the chair was not sanctioned. From that point on, the faculty members reported that chair's treatment of the complainant worsened visibly.

Finally, a committee was formed to investigate the chair's conduct. The person appointed to lead the committee had previously been the mentor for the chair under investigation, which demoralized the faculty members who had consulted with the ombuds. The investigation interviewed many people but seemed to drag on and on. Close to the second anniversary of the original contact with the ombuds, the chair was finally fired. By this time, however, four of the five faculty members had left the university for jobs elsewhere.

Even though the ombuds had found a way to bring the faculty members' concerns to the attention of the Provost in a timely fashion and before a Title IX complaint or a lawsuit was filed, the lack of prompt and appropriate action on the part of the university cost the department four faculty members who were part of a leadership team that had led to 98% placement of their graduates in jobs upon graduation. The faculty member who was bullied and harassed hired an attorney, and, to settle her claims, the university paid her one year of salary for severance. The loss of these faculty members in such a short period adversely affected the university's reputation in the field in which the faculty specialized. The principal lesson of this example is that while the ombuds did everything possible to help both the faculty members and the university identify and address the concerns with the department chair, the ombuds has no managerial authority, and the benefit of having an ombuds often depends on those having the authority to act taking timely and appropriate action.

First a Test, and Then the Real Issue

An ombuds who works outside of the United States received a call from an inquirer who lived in a Middle Eastern country and worked for a unit of the organization located in that country. The ombuds and the inquirer were of different nationalities and worked in different countries. The inquirer, who wished to remain anonymous, presented the ombuds with what appeared to be a relatively minor issue dealing with a business process within the organization. The ombuds was given permission to raise the issue, which the ombuds did. The issue was resolved and that appeared to be the end of the matter.

Approximately three months later, the same inquirer called the ombuds again, but this time it was with a concern over what later was determined to be a major fraud. In the course of dealing with the inquirer on the second matter, the inquirer disclosed his identity, and it came out that he had been the person who had raised the first issue. The inquirer indicated that while his real concern all along had been the fraud issue, he raised the first issue to test the ombuds to make sure that his identity would be protected and to see if there would be any attempt by management to identify him and retaliate against him. He said that since the handling of the minor matter had shown that the ombuds could be trusted to keep information confidential, he felt comfortable raising the fraud issue with the ombuds.

After discussing options on how to deal with the fraud issue, the inquirer had a greater understanding of the process and indicated that he would be willing to disclose his identity to and meet with investigators for the organization. The fraud was investigated, uncovered, and resolved.

A Missed Opportunity to Avoid Multiple Departures

Three counselors from the student counseling center independently visited the ombuds office to express concerns about their workload. They felt they were being worked longer hours than industry standards outlined and that it was very difficult to take a day off. Vacations had to be requested a year in advance. Eventually, the department administrative assistant also came to

see the ombuds with her own complaints as well, and she reported that the contracted psychiatrists were considering leaving too (which would have comprised the entire counseling center staff with the exception of the director and assistant director).

The ombuds discussed various options with each of the counselors and the administrative assistant, and the option that most appealed to them was a group mediation with their director and her supervisor, an Assistant Vice President (AVP). All four visitors thought it would be a waste of time to just meet with their director because they did not trust she would compromise or change her policies without pressure from her supervisor.

When the ombuds told the ombuds' (non-ombuds) supervisor that she was planning to mediate with a department in which everyone was threatening to quit, he asked her, "What business is that of yours? Let the supervisor of the student counseling center handle it. You should not be mediating. You should just tell them about their options such as the formal processes." However, by that point, all the parties had agreed to the mediation, so the plan proceeded.

Two mediations were held, and progress was being made. Various models for running counseling centers were discussed. The staff felt encouraged that the AVP seemed to understand their plight and they felt he was supporting them. However, at the end of the second mediation, the AVP got a phone call which appeared to have upset him, and he abruptly announced in the meeting that he no longer had time for this and ended the mediation.

As a result of the termination of the mediation and the continuation of unresolved issues, all three counselors resigned, and two psychiatrists cancelled their contracts with the university. Only three people, including the administrative assistant, who was close to retirement, and the director remained from the original staff of the counseling center, which meant that temporary contract counselors had to be hired almost immediately. It then took six months to hire replacement counselors.

This tragic loss of employees and interruption of important services for students likely could have been averted had the mediation been able to continue. This is also an example where the person to whom the ombuds reported did not sufficiently understand that the role of the ombuds, as a trained mediator, is to utilize conflict resolution skills and not just provide referrals. Also, this example illustrates how important it is for formal channels and management to act when serious issues are raised by the ombuds.

Facilitated Discussion Helps Employees Resolve their Workplace Issues

A supervisor in the business and accounting department called the ombuds concerned about conflict in his department. There were over 25 women working in cubicles in the same large room, and they were complaining about room temperature, cooking odors, allergies, etc. The supervisor asked if the ombuds could help with this type of problem. He didn't know where else to turn.

The ombuds presented the supervisor with some options, including an offer to meet with the group and create a subcommittee that could work on a plan to address the complaints. The supervisor was thrilled with that offer and immediately scheduled a meeting time for the group.

The ombuds met with the large group and listened to their concerns and then created a sub-group of volunteers. Over the next six weeks, the sub-group met with the ombuds to formulate their plan. At the end, they presented it to the larger group and asked for feedback. A few alterations were made, and the department adopted the plan.

The ombuds checked in with the supervisor periodically over the next three months and all seemed to be working fine. The supervisor was greatly relieved.

This was a large department, and all the conflict was impacting productivity. The individual workers previously had been very uncomfortable at work every day. One pregnant employee had been considering suing the University for having an unhealthy work environment. The employees were much happier about their work environment and having had their concerns heard and a role in recommending the changes that were implemented.

The Ombuds Helps a Foreign Post-Doctoral Fellow Accused of Plagiarism

A post-doctoral fellow came to see that ombuds in a panic because he was being accused of plagiarism. He was African and had published academic papers in his home country and in another country before coming to the United States. He said his current professor had asked him to write a paper on a certain topic and then accused him of using others' work without citing them. Further, he was told that if he was found guilty, some or all of his past publications could be rescinded very publicly.

When the ombuds asked if he had spoken to anyone else about this, the fellow said he had only spoken with his wife. He said that this situation was so humiliating to him that he didn't want anyone else to know about it. When he heard the ombuds kept information confidential, it was the only option he would consider other than hiring an attorney to defend himself.

The ombuds asked him whether he had been formally accused or not and he did not know the answer to that question. Part of his panic had to do with not understanding what was happening and being new to the United States. He didn't know where to turn.

The ombuds asked him if he had spoken with his supervisor and his department chair. He said he had spoken with both and they were awaiting the outcome of an investigation so they could not tell him anything. The ombuds also asked if he had spoken with anyone in the Academic Dishonesty Office, and he said he had not heard of that office.

The ombuds gave him the contact information and the location on the campus for that office. The ombuds also advised that the office's website outlined the investigation process. Just being able to read about the process provided some relief for the fellow.

A few weeks later, the fellow called the ombuds to say thanks for the help and to report that he was cleared of any accusations in the investigation. He reiterated that it was such a huge help to him to have an office where he could talk confidentially about something that was so embarrassing without having to worry about the information being shared with others. Before he found the ombuds, he said that he thought his only option was to hire an attorney, but he did not have the money to do that. Had he done so, however, the university would have had to defend the lawsuit. As it was, he was exonerated, and his career was not ruined.

Ombuds Helps a Visitor Surface a Fraud Issue Through the Whistleblower Hotline

A visitor asked the ombuds for assistance with a case she was afraid could get her fired. She was a Research Assistant (RA) and she thought that her boss, a grant Primary Investigator (PI), was asking her to use grant funds illegally. He was basically asking her to move monies from one account to another in a way that was in direct violation of the applicable federal guidelines.

As the RA, it was her job to keep the grant operating within the guidelines, so she was worried she could either get fired by the supervising federal agency for not following protocol or by her boss if she didn't follow his instructions.

The ombuds discussed options such as filing a grievance, making a report to the federal agency or transferring to another research project. The ombuds also discussed the possibility of talking with another senior RA who might know a legal way to reach the PI's goals while staying within applicable rules.

Of course, the ombuds also pointed out that she could also quit her job, but the visitor said she needed it to support her family and for the medical benefits. She did not want to report the PI in any way where he could identify her involvement. Given these concerns, the ombuds mentioned the possibility of filing an anonymous comment on the Whistleblower Hotline. That option helped the visitor feel safe from retaliation, so she agreed to do that as well as start her job search as a back-up plan because she no longer wanted to continue to work with that PI. She was committed to not breaking the rules regardless of the pressure to do so.

By proceeding in this way, the issue could be brought to the attention of the university, which could conduct an investigation. The university and its reputation would be protected from the unethical acts of the PI if they responded to the report on the hotline and the visitor's concerns were validated. Regardless, the employee was relieved to have options so she could live according to her conscience.

Ombuds Helps an Overmedicated Patient and Helps a Nursing Home Avoid Litigation

As a nursing home ombuds, most of the ombuds' cases arose when the ombuds made rounds visiting patients and the patients told the ombuds about problems with which they needed help. In this instance, the ombuds came across an elderly male patient who told her about his

brain injury. He complained that the staff were overmedicating him. He said he could hardly think and was even drooling. When the ombuds asked about his family support, he said he didn't speak to his family. He said he also believed the staff were stealing his belongings.

When the ombuds met with the nursing home administrator, the administrator described the patient as always angry, loud and disruptive. He said if they did not medicate him, they would have to evict him because he was so disruptive to others.

The ombuds requested a medication review, however, and contacted the patient's oldest daughter with the permission of the patient. The reviewing doctor found unnecessary levels of medications and ordered multiple reductions.

At the same time, the nursing home's attorney reviewed the patient's medical coverage and contract and found a mistake that allowed the home to evict him, which the nursing home then did. When the ombuds learned of this action and informed the daughter, she flew in from out of state to pick up her father and bring him home to live with her.

In this case, the patient was re-united with his daughter and had a place to live once evicted. The nursing home avoided a lawsuit from the family because of the illegal overmedication. The home could also have lost its license to operate.

Healing a Rift

The ombuds had received a significant number of cases from members of a department in the organization who expressed concerns about how the department was being managed. Visitors shared that they were frustrated, furious or outraged, and some said that they might seek legal counsel to address the matter. Low morale was widespread across the department.

As more details emerged, it became clear that visitors were describing a rift within the department, with essentially two disciplines in the department having been pitted against one another. Visitors described examples of infighting and poor professionalism. Visitors suggested that the rift had been created by the department's leadership when leadership encouraged people to choose sides using a heavy-handed approach. Others described apathy/disinterest on the part of some members of the department's leadership. Overall, the department's internal warring resulted in confusion, unrest and disorganization, which negatively impacted people individually and may have also resulted in losses both in employee retention and in the department's productivity.

Visitors said that numerous complaints about these concerns had been made to the organization's HR and compliance offices but had not produced results. This only increased frustration and confusion.

Visitors wanted to be sure that the organization was made aware of their concerns. Their objectives included improved communication, response to concerns, clarity in work-roles, and

fairness in schedules, treatment and pay. They wanted to be freed up to do their jobs effectively and feel good about working as one cohesive team again.

When the visitors came to the ombuds individually, the ombuds listened to each person actively and provided a safe/confidential space for them to share all that was on their mind. In a very real way, the assurance of privacy and commitment by the ombuds not to share with anyone that they were meeting with the ombuds gave them the opportunity to fully open up and express their concerns. The ombuds met with many of these visitors on a recurring basis and offered suggestions in how they might better handle the situation themselves immediately and provided individual coaching and support. As a result, visitors gained confidence in themselves, even though their work situation hadn't changed.

Because the many individual concerns also represented a significant systemic disfunction within the department and with permission of the visitors, the ombuds also engaged in a series of facilitated discussions that included members of the organization's senior leadership. These discussions with senior leadership raised their overall awareness and understanding of the broad and complex nature of the concerns in the department. Ultimately, significant changes were made, including structural improvements, leadership changes, communications plans, and changes in workflow.

After these changes, the department was functioning cohesively as one unified whole. Communications and morale also improved. The changes were so pronounced that visitors reported back to the ombuds to let the ombuds know how much better things had become, describing the difference before and after the ombuds involvement as the difference between "night and day."

A Referral to an Internal Resource Helps Avoid a Lawsuit and Resolve a Pension Issue

A former employee who had recently accepted a voluntary separation package during a restructuring program contacted the ombuds. They were having difficulty in resolving issues with their pension and were very frustrated with the way the company had been responding to their questions and concerns. They were about to engage the services of legal counsel to pursue their issues.

The ombuds listened to the concerns of the former employee and provided them with them with direct contact information for an internal Pension Advocate, who the ombuds said was there to assist employees and former employees with just such issues.

The Pension Advocate worked with and on behalf of the former employee and was able resolve all of their issues without the necessity of their having to retain a lawyer or bring suit. Clearly, the company also benefited from the resolution of this dispute without a lawsuit.

Avoiding a Class Action Lawsuit

A female professional staff member contacted the ombuds office with concerns over actions by the predominantly male staff in her group. She had only been with the organization for a few years but was highly educated and at the cutting edge of her scientific field. She had also received high ratings as an employee. She related that she and other women in her group had experienced demeaning, disrespectful, and dishonest treatment by the male professional staff in her group. She thought one of the worst offenders was her former mentor, who was also a highly valued staff member responsible for bringing in millions of dollars of new business. She and the other female scientists and technical staff had been ignoring the demeaning behavior by him and the other male colleagues because they needed his skill and research projects.

The female staff member also mentioned an episode six months earlier in which a male staff member had created a dangerous condition in the lab with only women present. Although the incident had been investigated and the male staff member transferred to another group, a verbal threat on her life had been made to her to prevent her from speaking about the episode. That event clearly had traumatized her, and she had not reported the threat. Since that time, however, she had been keeping a record of the incidents and comments. In addition, the women in the group had been advising potential new recruits to the organization that they could not recommend working at the organization.

The ombuds discussed various options with her on several occasions. During this time, the staff member urged other women in her group also to speak with the ombuds. The ombuds thought that the facts outlined by the women created a real possibility of a class action lawsuit against the organization and was trying to find a way to help get the issue to senior management. While most of the women insisted on anonymity, two of the women with whom the ombuds spoke were willing to speak about their concerns with management.

The ombuds helped coordinate a meeting between those two women and the CEO. As a result of those conversations, an investigation was undertaken to deal with the issues in that group. In addition, senior management engaged workplace consultants to work with staff throughout the organization to raise awareness of and deal with gender-related communication and interaction.

Effective Counseling Avoids a Lawsuit

An employee came to the ombuds with concerns that his boss was discriminating against him because of his sexual orientation. He was adamant that he did not want to raise this issue with anyone in HR or with his boss, for fear of further retaliation. He was very fully aware of his legal rights and was close to a decision just to quit the company and bring a lawsuit against the company and his boss for retaliation.

The ombuds worked with the employee for an extended period to try to identify options that the employee could feel comfortable with to deal with the issue. At last, the employee and the ombuds were able to identify a manager in another area who was willing to work with the employee to help him look for another job both inside the company and elsewhere.

The employee was very grateful to have had help in finding a manger with whom he could discuss his concerns and from whom to seek advice. The employee ultimately located another job outside of the company, and a lawsuit was avoided.

Undergraduate Student Grade Dispute

An undergraduate student who was planning to hire an attorney and sue the university came to the ombuds with a complaint about the grade the student had received from a professor with a highly irregular approach to a class that the student had been enrolled in.

Professor had an unconventional grading scheme, with no syllabus, no grading rubric, and no requirements for the class. The professor did not take attendance and assigned grades to students based on undefined parameters, although the professor had expressly told the students that participation in class would earn an A. He also said that if students were not meeting his expectations, he would email them to let them know.

The visitor to the ombuds had received a B in this professor's class but thought they deserved an A. When the student raised the issue with the professor, he provided reasons that did not align with his prior statements and practices.

The ombuds explained internal processes available to the student for raising this issue with the university, including the fact that the student had three levels of appeal. After learning of the internal appeal options, the student decided to engage in internal processes to pursue the matter further.

Patience, the Promise of Confidentiality, and an ombuds' Proactive Engagement Helps the Ombuds Surface Issues that Led to Transformative Systemic Change

A case that resulted in significant systemic change at a university began innocuously.

From an initial contact, the ombuds learned over time and from many other conversations that a department on campus had a common practice where some managers offered temporary and permanent positions to women in exchange for sex and to both men and women in exchange for money. The practice was generations old. The habits that helped sustain this behavior over time had become a part of the organizational culture in this one unit and were accepted and enabled by both managers and employees in this unit as "that's the way it is here." Most people felt nothing could be done and resistance was pointless because previous attempts to address the matter over time had been ruthlessly suppressed. The people who paid bribes or exchanged sex for their jobs needed the jobs and had a legitimate fear of losing them or of suffering some other form of retribution if they spoke up. Also, the shame of being forced to do what they did kept many quiet and feeling powerless.

Nothing about bringing an end to these practices happened quickly. It took time before other individuals in the department would speak in confidence openly and honestly with the

ombuds. It took time to collect their experiences and the effect they had on individuals and the department collectively. The ombuds determined that it was necessary to express empathy and sorrow, as well as to provide assurances that something could, in fact, be done to address this situation. It took time for the ombuds to understand the history and culture of the department and the concerns and interests of the people involved. As more and more people from the department came to speak with the ombuds and strategize ways of managing the problem, they learned to trust the ombuds because he kept his word that the communications were confidential and because he spoke a language they could understand and appreciate—not a language based on different ethnic and cultural groups but, rather, a language that fostered cross-cultural communication. It was the universal language of empathy, honesty, and humanity.

It also took time for the ombuds to understand the dynamics that allowed this to happen and learn the diverse perspectives of people outside the department who shared responsibility for what happened. Since the ombuds office was new to the campus, it also took time to develop trust across the university community so that the ombuds would be listened to. It took time to connect the dots, to see how some seemingly unrelated issues were all relevant, and to plan a strategy for how and when to involve others and explore ways to make the appropriate people at the university aware of this issue in a way that was acceptable to the ombuds' visitors.

After a significant period of time gathering information and building trust, the ombuds identified the visitors' goals and considered where they overlapped with the institution's goals and where there was space between them. It took a lot of strategic thinking and planning to move forward. With this strategic plan in mind, the ombuds then worked hard to foster collaboration between those who had been wronged, their allies, and those who had the authority to initiate and oversee change.

When these exploitive and abusive practices ultimately were exposed, the university did not hesitate to take appropriate action, including terminating the employment of those involved in perpetuating these practices. The outcome, some of which became public, was beneficial to everyone involved, with the exception of those who lost their jobs because their wrongdoing had been exposed.

This outcome was transformational in many ways. First, a significant set of employees was no longer subject to the unacceptable and extortionate actions of their supervisors. These beleaguered employees could come to work without fear of being subject to the demands and whims of their supervisors. The university made changes in structure and policy, as well as in personnel. Formal support systems were put in place. Administrators were praised for the direct way they dealt with the problem. The ombuds office was praised for bringing the problem to light and for offering thoughtful options for resolution. The perspective and guidance of the ombuds was actively promoted and sought, particularly when oversight groups struggled with the dichotomy between "fairness," which was often policy and procedurally driven, and "doing the right thing," which was human rights and justice driven.

Second, many people across the campus became aware of the ombuds office and the important role it filled on campus to find creative solutions to sensitive and complicated problems. Conversations and consultations with the ombuds office by both decision-makers and

those who felt powerless demonstrated that the ombuds office could be trusted and that it could help address significant issues. The ombuds office also strengthened its already positive relationships with the human resources professionals and the attorneys representing the university by demonstrating honesty, good judgment, and common sense.

Once the most senior leadership of the institution was made aware of the scope and nature of the situation, significant systemic change occurred, and it was transformational. And what was the ombuds role? Starting with one person who came to the ombuds for help with a different matter, the ombuds was able to encourage and ultimately convince many others to come to him to speak confidentially. It was the ombuds' proactive engagement—and the reassurance over and over again that the ombuds office was a safe place and that it kept its word with regard to confidentiality—and a willingness to point out those inappropriate and unprofessional behaviors that had become a "a part of the landscape,", a part of the organizational culture where many no longer viewed it as a problem, that brought about this change.

25. Imminent Threat of Serious Harm (Breaking Confidentiality)

Breaking Confidence Due to an Imminent Risk of Serious Harm

Late one afternoon, the ombuds received a phone call from a very disgruntled employee, who had been "released unfairly" from his job location. The ombuds, in asking questions and gathering information from the employee, learned that this employee had apparently made some threats to his management that afternoon and was terminated.

The employee, however, also advised the ombuds that if "someone didn't do something right now . . ." and proceeded to make another threat against the management of the location where he worked, as well as the physical site itself. The employee stated: "that he would not wait much longer."

The ombuds talked quickly about the role of the ombuds and voiced a concern about the level of the threat being made during the conversation, explaining the "imminent risk of serious harm" provision. That explanation was barely completed when the employee told the ombuds to do whatever needed to be done and hung up the phone.

The ombuds decided that this indeed fell under the imminent threat of serious harm clause of the Standards of Practice, justifying disclosure, and called the management at that location, who in turn notified the local authorities. The management knew the identity of the individual without the ombuds having to reveal that information.

Breaking Confidentiality because of an Imminent Threat of Serious Harm Posed by COVID-19 Exposure

A visitor scheduled a Zoom meeting with the ombuds office during the COVID-19 pandemic. At the outset of the meeting, the ombuds explained that she practices under the IOA standards:

- 1) she is i**ndependent**,
- 2) **neutral,** not an advisor, legal counsel, and the ombuds empowers people to find options that work for them,
- 3) the ombuds is **informal**, not participating in formal university processes, but will help any visitor find the appropriate formal process if such is desired, and
- 4) **confidential** and that because the ombuds is a not an institutional mandatory reporter. any information shared is not considered notice to the organization. The only time that the ombuds would break confidentiality and share information with others is if the visitor shares anything that reflects potential **imminent harm** to the visitor themself or a threat of imminent harm to another person. The ombuds explained that this includes the non-reporting of COVID -19 to the university health director. COVID-19 is considered to be potential imminent harm by the ombuds office because so many people have been impacted and died from COVID-19.

The visitor explained to the ombuds that they were a PhD researcher, working in a lab on campus. They were considered an essential worker and had to report to the lab once a week to

replenish liquid nitrogen containers to maintain lab refrigeration for ongoing studies. The visitor shared that while three people should have been available to maintain the lab over the summer. the visitor was very upset that they were the only person expected to report to campus. The visitor told the ombuds that the Principal Investigator (PI), and the other PhD student were apparently not returning to the lab at this time. The initial meeting with the ombuds ended with the visitor agreeing to discuss the situation with the PI and the other researcher at the upcoming team meeting.

The visitor returned the next week to speak with the ombuds and shared that they had raised their concerns with both the PI and the other PhD student. The PI had apparently explained that because she was caring for an elderly parent, she could not safely return to campus and maintain safety for her parent. The other student shared that they had been exposed to COVID-19 a few days earlier and, could not return to campus until they tested negative. The visitor then informed the ombuds that in fact that they had seen the other PhD student in the lab that week during the Zoom team meeting. The ombuds inquired if the visitor was aware of whether or not the other student had followed protocol and reported their exposure to the virus. The visitor indicated they would contact the student that day and find out if it had been reported to the campus Health Director, as required.

After this meeting, the visitor sent the ombuds an email indicating that other PhD student had reported their exposure to COVID-19 to the city health department when they were at the hospital receiving follow up testing and felt that was all they needed to do at this time.

The ombuds shared that, under these circumstances, the ombuds would need to break confidentiality and report the visitor's fellow student to the university's Health Director, unless the visitor or the other student contacted that office and notified the ombuds that the Health Director had been notified.

The visitor contacted the other student again and reported back to the ombuds the next day that the other student did not feel it was necessary to report their exposure to the university as they'd only been to the lab once since being diagnosed and because it had been reported to the local health department. The visitor told the other student that the ombuds would be reporting it if they chose not to follow campus protocols. The visitor told the ombuds that they had no desire to report on the other student.

Thereafter, the ombuds ascertained the name of the people who worked in this lab and contacted the Health Director with this information. The lab subsequently was shut down for two weeks, and the visitor was tested. The visitor's results came back positive, and three of the visitor's off-campus roommates were also found to have been infected with the virus.

New Employee Appreciates the Ombuds Taking Action to Get Her Help by Breaching Confidentiality After Concluding that there was an Imminent Threat of Serious Harm

The ombuds had been working for several months with a new employee who was having ongoing communication issues with two coworkers. These coworkers had worked together

closely for many years. The employee described the two coworkers as being rude and condescending and also explained that they withheld key information from her that she needed to be successful in the job. Her manager, who worked offsite, recommended that she speak with the ombuds because the issues were largely relational, and the manager felt like she could not help this employee. The visitor also described feeling marginalized and ignored by the larger group throughout the workday, even after she had made multiple efforts to connect with individuals in the group.

In one of the meetings with the ombuds, the employee revealed that she had depression and anxiety. The employee had also told the ombuds that she had psychological support from a therapist and was taking anti-anxiety and anti-depression medicines

The ombuds worked with the employee at first on helping her to prepare to have conversations with the two members of the team with whom she was having the hardest time. She reported that these conversations went well, and things seemed better all around. The ombuds also worked with the employee to prepare for a conversation with the manager of the team, who had "handed her over to the ombuds," instead of helping her work out issues with the team. The visitor reported that that conversation was fine, and she felt on better footing.

A month later, the visitor emailed the ombuds from home in the evening to say that after she had had a brief outburst, one of the team members had just stopped talking to her and refused to even acknowledge her presence. She asked if there was any way the ombuds could connect with her that evening. It was during this conversation that the visitor revealed that she felt lousy and that her depression had taken hold.

Among other things, the ombuds asked about whether the visitor was in touch with her support system, and the visitor had said that she had seen her therapist that day and had another appointment in three more days. The ombuds asked if she felt comfortable calling her therapist, and the visitor refused to do so because she did not want to end up in mental hospital, and she was sure she would. The employee also said that her family supports were largely non-existent now that her adult daughter had moved out of her home. The ombuds asked the visitor if she felt like she was safe, and she said she felt like she wanted to end things. After asking the visitor some follow-up mental health questions, the visitor told the ombuds that she did have a plan that she was starting to form to hurt herself. The ombuds told the visitor that she was very concerned, and that she thought that what she was hearing met the threshold of "imminent risk of serious harm," which could allow the ombuds to break the visitors' confidence. The visitor was very upset on the phone but understood that the ombuds felt compelled to do something to ensure her safety.

The ombuds reached out to HR and then to the local police non-emergency number to find out about the protocol for mental health emergencies in the local geographic area during after work hours. After learning about the existence of a 24/7 suicide prevention organization that was near where the employee lived, the ombuds also learned that the employee would have to drive herself there or would need the police to take her there (but this would occur in handcuffs, the usual protocol). The ombuds called the visitor back and told her about the suicide prevention organization and asked if she felt like she could drive herself there. The visitor said

she thought she could and agreed to call the ombuds once she arrived at the organization, which she did.

The employee remarked the next day and several times thereafter that she was grateful for the support and intervention. After that evening, the ombuds also helped the employee navigate taking a leave of absence due to her medical issue.

An Imminent Threat of Serious Harm

A maintenance worker came to the ombuds with issues relating to conflict with supervisors and coworkers that had been going on for years. The issues were about disrespect and a feeling that he was being treated differently than others. The visitor had raised issues over the years and felt he was now being seen as a "troublemaker." The visitor wanted the supervisor and coworker to be removed or that he would not have to have any contact with either of them.

During the conversation with the ombuds the visitor repeatedly said, "I may have to take care of this on my own and deal with it outside." Each time he said this the ombuds stopped the conversation and asked the visitor what this meant. He replied that he could take the individuals outside and settle it like men. During the conversation he also mentioned he had a gun license. The ombuds told the visitor that when she heard things like this, she took them seriously. When asked about his real intent, the visitor would laugh and say, "Well, I'm not serious." Yet, the visitor also repeatedly pounded on the table while telling his story.

Due to the physical and verbal behavior of the visitor, the ombuds decided to bring the issue to the safety department because she felt that action should be taken immediately while the organization tried to find a longer-term solution. Safety gave the visitor three days of paid leave and asked him to stay at home. They later changed the assignment of this visitor, so he did not have contact with the supervisor or coworker.

Raising Systemic Safety and Recordkeeping Issues Where There is an Imminent Threat of Serious Harm

Several employees of a federal agency came separately to the ombuds with concerns about a safety protocol not being followed and recordkeeping not reflecting the fact that safety steps were being skipped due to time pressures. Each of the visitors was unsure what to do but all expressed a fear of retaliation if they were to formally report their concerns.

After several visitors had discussed with the ombuds similar concerns and fears, the ombuds raised the issue to the head of safety. The ombuds made this decision based on their knowledge that lives were at risk if this situation was true and not resolved.

An audit was scheduled immediately under the guise of an opening in the audit schedule. The audit revealed several gaps in protocol. The operation was completely shut down until the safety gaps were resolved.

Breach of Confidentiality Because of Personal Safety Concerns

An employee learned that a supervisor was going to be attacked at work the next day by other employees. Concerned that her own safety would be at risk if she reported this to anyone, she felt that she could tell the ombuds about it confidentially and that the ombuds could take the issue from there.

With such a short time to act and no other reasonable option, the ombuds determined that the situation presented justified invoking the exception to confidentiality and notified security of the allegation and the identity of the employees who allegedly were involved.

Security responded quickly and diffused the immediate threat to personal safety. A broader investigation was also commenced that revealed extensive drug trafficking at this location. Local police were informed, and several arrests were made, resulting in a safer and more productive work environment. The person initially reporting the incident was satisfied that her identity was never revealed.

Breach of Confidentiality Because of Risk of Harm to Others

The ombuds was contacted separately by five different individuals. Each one reported concern about the unusual or troubling behavior of a high-status female employee. Each of the odd behaviors, including sharing a risqué photograph, finding an "accidental" fire in a trash can, keeping a knife in a desk drawer to slice fruit at lunch time, and making what might be interpreted as veiled threats in an email, had been investigated by the compliance office, but in each case, there was insufficient evidence for a sanction harsher than a warning. However, when the bystanders discussed their concerns with the ombuds, they were able to provide more context and explain why they felt afraid of this employee. Moreover, the ombuds was the only person in the organization who had enough information to "connect the dots" and see a pattern.

In light of the number and type of complaints about serious and inappropriate conduct that had been raised, the ombuds approached the female employee and encouraged her to seek psychiatric help. When she refused, but demonstrated anger, despair, and fascination with violence, the ombuds was concerned that this person may pose an imminent threat of serious harm to herself or to others and that confidentiality could not be maintained.

The ombuds disclosed to the HR director and the general counsel some—but not all—of the information that suggested the seemingly disparate instances might reflect a pattern and that several other employees felt concerns for their personal safety. While the ombuds does not know what the HR director and the general counsel then did to evaluate this information, they subsequently developed a plan to remove the female employee from the organization's premises until a satisfactory psychological evaluation had been completed.

Saving a Life and Saving a Career

A graduate student and her faculty advisor developed an intimate relationship. After several months, the graduate student tried to break off the relationship, but the faculty advisor threatened to prevent the student from graduating. In addition, the faculty advisor had planned an out-of-state trip and was demanding that the student share his hotel room. It was at this point that the graduate student contacted the ombuds office. She said she was on the verge of taking her own life.

In light of the student's fragile condition, the ombuds concluded that there was an imminent threat of serious harm and made limited disclosures to get the student access to mental health counseling. After her condition stabilized, the ombuds discussed options she might use to deal with her advisor. The option selected was to give the ombuds permission to contact the administration about the advisor. Since there had been other complaints about that advisor, the ombuds was able to indicate that concerns had been expressed by students generally, though no other details were provided.

The administration conducted its own investigation and determined that there was merit to the concerns raised. As a result, the faculty member was stripped of all advisor assignments. Since all of his advisees were reassigned to other advisors, neither this graduate student nor any of the other students who had complained were singled out. Once this episode was behind her, the student went on to graduate and is now a highly respected scholar in her field.

26. Permission Given to Make Disclosure (Breaking Confidentiality)

Restoring Morale and Improving Communication

When the COVID-19 stay-at-home directives were put in place, not all teams embraced the required changes. The ombuds heard from staff across the university that in many units, there was no plan, and that leaders were dropping the ball. Some visitors had not heard from their supervisors in weeks. The ombuds provided communication coaching to empower visitors to initiate and frame conversations with their supervisors to address remote team communication and other issues resulting from the stay-at-home directives.

In one case, the visitor was new to their position and fearful of raising their concerns. They were also not comfortable giving the ombuds permission to speak directly with their supervisor. Rather, they gave the ombuds permission to reach out to others in the university who could possibly help discreetly address the situation systematically. The ombuds reached out to those offices to share the visitor's concerns—but without disclosing the identity of the visitor—and helped devise a plan to intervene and support the team without the supervisor knowing the impetus.

Safety

Over the course of several consults, a visitor shared with the ombuds their concerns over safety issues related to a remote campus building used for both research and summer camps. The visitor had tried to raise the concerns directly with their supervisor on several occasions but the issues remained unresolved.

By the time the visitor brought these concerns to the ombuds, the summer camp season was fast approaching. After discussing various options to address these concerns, the visitor gave the ombuds permission to go to the provost and make an anonymous report, knowing the supervisor would likely connect the dots.

When the ombuds made this report to the provost, the provost and the ombuds were then quickly able to work together to identify ways to address the situation as discreetly as possible. The option selected by the provost was to have the building inspected. The subsequent inspection revealed that the building was not up to code. As a result, the university canceled the impending summer camp and made the necessary repairs. The ombuds' prompt and effective working with first the visitor and then the provost thus helped the university eliminate a risk that could have resulted in injuries and been both expensive and damaging to the university's reputation. By having an inspection of the building before taking any action, the ombuds and the provost were able to help protect the identity of the visitor who had raised the issue.

Sometimes it is Necessary to Take an Issue to the CEO

Several employees and leaders expressed concern to the ombuds about a very senior leader's bad temper. His behavior was intimidating and caused his direct reports to be afraid to approach him, provide information, or seek guidance from him. Nevertheless, there was an

imminent possibility that this leader would be elevated to the next higher-level despite of such behavior. All of the employees who came to the ombuds were afraid to be identified as someone who had complained about him, but some of them requested the ombuds to raise the issue with higher management without identifying them as the source.

The ombuds met with the CEO of the organization and indicated that concerns had been expressed about the conduct of this senior manager and provided some examples of his conduct that could have been easily observed by many people but did not reveal the identity of any person who had come to the ombuds.

The CEO expressed appreciation for the information and arranged for an executive coach to assist the leader.

Abrasive Leader

Various members of the staff and faculty members came to the ombuds to express concerns about the director of their unit and that leader's behaviors and competencies.

After numerous consultations with a group of staff and faculty members to discuss the issues and coach them on how they could address the leader's issues themselves, the staff and faculty group gave the ombuds permission to elevate the matter to the Dean. Before going to the Dean, however, the ombuds met with the staff and faculty further to compartmentalize their concerns in an effort to clearly, concisely and credibly convey the issues to the Dean.

When the ombuds spoke with the Dean, the Dean was very receptive. The Dean took the issues and concerns that had been raised to the university's HR professionals, who informed the Dean that they also had been hearing and observing similar issues with this leader. As a result, the Dean took action and terminated the employment of that director.

Benefits and Inclusion

A female employee in a same-sex marriage contacted the ombuds to express her frustration about a limitation in the company provided insurance benefits. In this discussion, the ombuds learned that the employee and her wife had been preparing over the past few years to start a family of their own with the employee being the one to carry the child. At first, they assumed that IVF (in vitro fertilization) was the only option, a procedure where the woman's egg is stimulated, retrieved, fertilized, and transferred back to the female. But upon researching further, they found IUI (intrauterine insemination) was the best option for them. This is a procedure where sperm is simply injected into a uterus. IUI is lower cost option and a much more practical avenue for same-sex female couples who do not require additional fertilization techniques to conceive.

The employee stated that she had made several calls to the company's insurance provider for information and was told IUI was only covered after the couple "tries to conceive" for one

year and that they would need to prove their "exposure to semen" in order to be covered. The inquirer indicated that she thought the company's insurance coverage was antiquated and unfair; although it provided extensive, often expensive, coverage for women in heterosexual relationships facing infertility issues, the plan but did not consider being in a same-sex marriage (and a very healthy individual) to be a valid reason for fertility benefits coverage.

The employee also strongly felt that the company's public statements conflicted with the coverages in the plan it provided for employees. The company continued to raise flags in celebration of PRIDE month and had discussions of inclusion, but this lack of coverage for same-sex couples was not consistent with that message. The employee also felt that it would be humiliating to try to address this with her local management, as the terms of coverage in company insurance policies is determined at the corporate headquarter level.

After this discussion with the ombuds, the inquirer agreed that since this was a companywide topic and if the ombuds were to raise this issue it would not necessarily be linked to her in particular, the employee granted the ombuds the permission to share the concern with the global benefits vice president and their team for review. As a result, the company's policies were changed to allow all employees equal access to fertility benefits: the criteria of needing a diagnosis of infertility to access infertility benefits was removed; the cost of donor sperm would be covered by the plan; and cryopreservation would be covered for both eggs and sperm for up to 12 months.

The ombuds also made sure these changes would be mentioned in various LGBTQ communications materials that the company put together each year.

An Ombuds Helps Get a Presidential Initiative Back on Track and Improve Communication in a Federal Agency

Relying on the confidentiality of communications with the ombuds, a visitor came to the ombuds in a federal agency with information that a Presidential initiative at the agency was way off track and not meeting the expectations stated to Congress and the citizens of the United States.

The visitor and the ombuds discussed options for taking further action, and the visitor authorized the ombuds to elevate the issue (while protecting the identity of the visitor) to the head of the agency. The ombuds did so and then worked with senior leadership in the agency to identify root causes of why the head of the agency was not receiving accurate information about the progress of the Presidential initiative. With the assistance of the ombuds, the agency was able to identify systemic breakdowns in communications, and the ombuds helped in recommending solutions.

By surfacing this issue which had been brought confidentially to the ombuds, the ombuds helped the agency avoid public embarrassment and helped ensure that the goals and expectations of the initiative, as outlined by the President of the United States, were achieved on time and within budget projections.

Helping an International Graduate Student Navigate the Bureaucracy

An international graduate student came to the ombuds after he was moved to a new residence hall following an incident in which he had been involved at his previous residence hall. The student's move to his new room occurred shortly after another student who had been occupying that room moved out. The student who moved out left the bathroom and kitchen in a filthy condition, as documented through video evidence shared with the ombuds. Both the graduate student visitor and his mother, who also contacted the ombuds from abroad, shared their concerns about the condition of the room and the lack of response by the university.

In essence, the graduate student visitor had been unsuccessful in getting the Residence Life office to provide the typical room cleaning that occurs when there is a transition in residents. Unlike most room transitions, however, this transition had occurred in the middle of a semester. The assumption by Residence Life seemed to have been that the outgoing student would have cleaned the room before his departure and that there would be no need for the type of cleaning that was usually done at the end of the semester. The visitor and his mother were very frustrated at the lack of response to the student's requests.

The ombuds discussed with the visitor options to address this issue, including contacting the Director of Facilities, who oversees custodial services, to ask if they could help resolve the issue. The ombuds was familiar with the Director of Faculties and thought the Director of Facilities would likely respond positively even though the student had not been able to get a response by contacting the Residence Life channels. The visitor had been unaware of the role of the Facilities office. At the request of the visitor, the ombuds sent an email to both the Director of Residence Life and the Director of Facilities requesting assistance for the student. Once the Director of Facilities heard of the issue, he directed his crew to provide the desired cleaning, for which the student expressed his appreciation to the ombuds.

Difficult Boss and Policy Guidance Regarding Annual Reviews

A faculty member came to the ombuds with a myriad of issues regarding her department chair. One of the issues involved the chair's practices around the annual review process. The faculty member explained that at annual review time, her department chair would expect her to read, digest, and sign her review in front of him. He essentially would give her no time to respond or clarify the review before expecting her to sign it.

In the ombuds' discussion with the faculty member, the ombuds explained that Faculty Handbook policy allowed a faculty member to compose and submit a written response to a review if they so desired. The ombuds also explained that the policy provided that signing a review did not necessarily mean that a faculty member agreed with it; it simply meant that one had read it.

The ombuds helped the visitor consider various options for how to proceed and, ultimately, the visitor decided that she would like the ombuds to contact the dean (the department chair's supervisor) to inquire as to her expectations regarding how chairs should conduct annual

reviews with their own supervisees. The understanding was that the ombuds would not identify the faculty member or department in question.

When the ombuds spoke with the dean, the dean explained that she expected the annual review to be a conversation and that that conversation should be seen as an opportunity to make any reasonable edits to the review. As a result of the conversation with the ombuds, the dean agreed to remind all chairs of her view of how the process should work, as well as of the policies regarding faculty's right to submit a response.

The faculty member's improved understanding of her rights in the process, along with the dean's reminder to all chairs, allowed the faculty member to have a more productive conversation regarding her performance and made the process fairer for all, without compromising confidentiality.

Fraud and Abuse

A custodial employee came to the ombuds to express concerns about a colleague. One of these concerns involved the visitor's belief that the colleague had used his supervisor's fuel PIN fraudulently to purchase fuel for personal use while the supervisor was on sick leave. She was reluctant to report her concern to her supervisor, however, because she had reason to believe that he might have been complicit in, or at least aware of, the fraud. Reporting her concerns to her supervisor's supervisor also did not seem to be a viable option, because there was a lack of trust in that relationship as well.

The visitor felt that the ombuds provided a much more confidential channel through which she could make her concerns known. With the visitor's permission, the ombuds contacted the Internal Audit Office to share the allegation without disclosing how the issue had been raised. That office conducted an investigation, which determined that the date of the supervisor's sick leave did correspond with a date when the PIN was used, yet because the video feed from the fuel pump had been deleted by the time the allegation was made, the person who had used the PIN could not be identified with certainty.

Nevertheless, as a result of the anonymous report which the ombuds passed along to Internal Audit, supervisors were reminded of the importance of not sharing their fuel PIN with anyone, including colleagues.

Ombuds Helps Clinical Fellow Stop Unwanted Attention from A Senior Colleague

A new female Clinical Fellow contacted the ombuds to discuss her discomfort with attention she was receiving from a senior male clinician. The senior clinician, an internationally recognized physician and author of a popular medical textbook, had been progressively contacting the fellow by phone and text, complimenting her appearance, and offering her a valuable collaborative clinical research opportunity during her fellowship. The fellow did not wish to make a formal complaint because of the impact on her career, the embarrassment it

would cause the senior clinician, and because the senior clinician had not asked her out, touched her, or said anything exceedingly inappropriate. However, she had a clear sense he was interested in her romantically and may cross those boundaries in the future. She said she only wanted a professional relationship and to be able to complete the fellowship. She indicated that she had not talked to anyone else affiliated with the hospital about the situation and presently had no intention to do so.

The fellow and the ombuds discussed keeping a record of the texts and a journal of the inordinate contact as a backup measure and then began exploring ways the fellow could more clearly communicate her discomfort to the senior clinician either directly or through an intermediary. She decided that as a first step, it would be most appropriate for her to respond to a text message she received that she's noticing he's contacting her quite a bit and that it makes her somewhat uncomfortable and that she'd prefer to communicate by email only with her professional relationships. As a secondary measure if the excessive contact persists, she indicated that she may ask the ombuds to speak to the clinician confidentially on her behalf. Several weeks later the fellow returned to ask the ombuds to speak to the senior clinician so he would stop.

The ombuds subsequently asked the senior clinician to meet and explained the "off the record" nature of the ombuds office. When they met, the ombuds simply said that the ombuds was asked by a fellow if he, the senior clinician, would honor a request made of him about communicating by email. The senior clinician, understanding the confidentiality and informality of the ombuds office, expressed gratitude for the message.

The fellow reported back to the ombuds a few months later that the excessive contact from the senior clinician had stopped and she was now more comfortable dealing with her colleague.

Surfacing Concerns of Suspected Fraud

A disciplinary department operated a specialty clinic within the hospital that is staffed by residents, staff clinicians, medical assistants, and departmental financial staff. Two members of the department who work in the clinic contacted the ombuds to share their suspicion that a certain clinician on occasion had violated hospital policy and possibly state compliance regulations. Though they had no documentation, they said that they believed the clinician was requiring residents to sign records and orders under the clinician's name when the clinician was not present. The visitors said that they did not want to report their suspicions to the internal audit office both because they are not certain about the infractions and because they could be identified in the department as the "whistleblowers."

After discussing several options and the implications of doing nothing, the visitors agreed to allow the ombuds to contact the internal auditors. The ombuds, without mentioning any individuals, asked if the auditors could move the specialty clinic to the top of their "randomized" preliminary audits as there may be compliance risks occurring in "clinician of record" coding on orders and authorizations. Though the auditors were disappointed they couldn't meet with the sources of these suspicions, they agreed to do a preliminary review of clinician coding and

explain to the department it was a routine cyclical audit check (a regular practice at the hospital). The auditors indicated they would pursue any serious irregularities aggressively, but even if no "red flags" arose, they usually find some sloppy coding mistakes in such reviews. In that case, they would issue guidance to all clinicians in the clinic as a reminder of proper clinician record coding. The ombuds offered to serve as a conduit if the auditors needed to ask for more detail from the sources of the concerns. The original visitors were satisfied with this approach and were pleased to see the auditors reviewing records within a few weeks.

Though no further follow up occurred with the original visitors, the auditors chose to call the ombuds and report they found only minor coding mistakes and issued the guidance to all clinicians and staff in the department. They also mentioned they welcomed being alerted to potential compliance and financial risks in the future as this example was a good process for their office.

Ombuds Helps New Director Receive Additional Training

A department that supports hospital operations had recently gone through several leadership changes and was being managed by a new Director. One of the employees of the department shared with the ombuds her concerns that she was being micromanaged, that her manager was abusive towards her, and that some duties were being arbitrarily removed from her area of responsibility. The visitor also alleged that the Director was discriminating against her on the basis of sexual orientation. The employee said she had requested the Director to participate in a facilitated discussion to discuss these issues, but the Director had declined to do so.

Over the course of the next few months, several other employees in the department approached the ombuds office with similar concerns about the Director and their fear that they would be retaliated against if they were identified as persons bringing concerns forward to formal channels. The employees gave the ombuds permission to discuss their concerns with the Associate Vice President but without sharing their identities. The Associate Vice President also wanted to loop in an HR Director to provide guidance and consultation on addressing the concerns. Working together with the ombuds and HR, the Associate Vice President developed a training and development plan for the Director, and the Director was also assigned an external coach with which to work on a regular basis. The concerns were discussed with the Director, as well as expectations going forward.

The visitors were made aware of this and were asked to update the ombuds on their interactions with the Director and to bring further concerns forward confidentially to the ombuds. To date the coaching and additional training appear to be working well.

Facilitating Better Communication During a Pandemic

An employee called the ombuds and expressed his fear of coronavirus infection if he continued to work at his assigned location. In discussing the matter further, the ombuds discovered that several employees were working closely together in a small office. Although the

ombuds' visitor had approached his supervisor with his concern, he had not heard anything back in several weeks.

The employee said that he chose to raise this issue with the ombuds because he also was afraid of being labeled a troublemaker if he approached HR or upper management with his concern. With the employee's permission and while maintaining confidentiality, the ombuds was able to bring this potential health concern to the appropriate leader. The leader discovered that there had been a blockage in the communication channel and the issue was soon resolved.

Surfacing an Issue and Resolving a Dispute that Easily Could Have Resulted in Expensive Litigation and Reputational Damage

The visitor was a long-time university employee whose daughter had just entered her freshman year at the same institution and had been going through new student orientation. During the daughter's first weekend on campus, she attended a fraternity party with a group of friends. While there, she drifted away from her friends, and after a few drinks of "punch" found herself dizzy, drunk, and surrounded by a group of boys. Two of them forced her into a bedroom and sexually assaulted her. After a few minutes, because the boys were more intoxicated than she, she was able to get out of the room and run back to her dorm. She was deeply embarrassed and didn't want to tell her friends what happened. The next day she decided to call her parents and told them what happened. Not wanting to risk ever running into the boys again, or to have this first week episode haunt her for four years on campus, she told her parents she wanted to transfer to her second-choice school. Her parents promptly got her medical treatment to ensure that she was physically alright and scheduled her an appointment with her therapist to discuss the incident.

Ordinarily, the Office of Student Life Services posts monitors at all on campus parties (which must be registered in advance) to ensure that there is no underage drinking and that party participants behave appropriately and safely. The placement of these monitors has resulted in a significant reduction of incidents of injuries, bad behavior, and other problems that had historically occurred at fraternity parties. In this instance, although the party had been registered, no monitors had been assigned due to a scheduling error on the part of the Student Life office.

When the parent came to the ombuds office, he was aware of the university policy requiring pre-registration of these events and the assignment of monitors. In the case of the party his daughter attended, he also had learned that although the party had been registered, no monitors had been assigned as was required. He stated that he understood and respected his daughter's decision to transfer and stated that he did not want to make trouble for the university, even though he also stated that the incident very likely could have been prevented. The main concern that brought him to the ombuds was that if his daughter were to transfer to another college, she would lose the tuition benefit he was entitled to receive from the university (full tuition for four years, but not transferrable to any other institution). He wanted the university to compensate him to the extent of the tuition for four years at the new school. Otherwise, he said, the only other option would be for his daughter and him to bring suit against the university. With the father/employee's permission, the ombuds contacted the Risk Management office for a consultation.

Because the girl's father met first with the ombuds, the ombuds was able to work with Risk Management to quickly resolve the issue with the university agreeing to cover the tuition costs at the new school. Because of this resolution, both the family and the university avoided litigation which could have been costly to both sides, but which posed a real risk of loss to the university in light of the absence of a monitor at the event. In addition, potential reputation damaging publicity was avoided on both sides and good relations with a long-standing employee preserved.

Identifying, Surfacing, and Correcting a Potentially Serious Hazard

The visitor was a staff member who was concerned after observing that a studio made available over the years to students to use power tools to build art installations and theatre scenery had become very loosely supervised. Historically, full-time staff had been responsible for supervising the studio, and the studio had regular hours and had been carefully locked when the supervisor was not present. The visitor stated that in the last year the full-time supervisor had retired and was replaced with student supervisors. The visitor thought that the student supervisors had been trained but that the studio doors were often left open, apparently as favors to accommodate students' schedules, and that students were often alone in the studio without supervision.

The visitor decided to visit the ombuds office after becoming aware of an accident at another university where a student had been hurt by a power tool in a similar studio. The visitor had not been able to determine who was currently in charge of the studio and did not want to get anyone in trouble. The visitor was not directly involved in the studio but was concerned about using the ethical tip line because they didn't know how it worked and didn't trust that it was really confidential. Those were the stated reasons for going to the ombuds rather than somewhere else to raise this concern.

During their conversation, the ombuds and visitor come up with several options:

- The visitor could go online and use the confidential ethics and compliance reporting system (or print it out and put it in campus mail).
- The visitor could inform the environmental health and safety (EHS) department.
- They could figure out which department had oversight of the studio and let them know.
- With permission from the visitor, the ombuds could do any of the above and relay the information while not disclosing the identity of the person who brought the issue to the attention of the ombuds.

The visitor requested that the ombuds go to EHS and let them know of the concern without saying where the information came from, and the ombuds agreed to do so.

EHS and the ombuds had a good working relationship from previous interactions, and EHS was very welcoming of the information. The situation was remedied quickly without repercussions for any individual.

An Advisor's Failure to Advise

A female graduate student came to the ombuds to talk about concerns she had about completing her PhD Her advisor had left employment at the University to join industry but was still advising students by distance. The student had heard about the ombuds through a presentation at the Graduate College and decided to bring her concerns to the ombuds due to the confidentiality afforded by the office. As a graduate student, she feared retaliation by her advisor and, possibly, her committee members should she use formal channels to complain.

The graduate student described a pattern of neglect by the advisor who often made comments about the student's financial status as well as comments about her immigration status. The student believed that the advisor assumed the student was international, when in fact, she was a US citizen. Since the student was self-funded, the advisor refused to treat her the same as those students on grant projects and left her without adequate assistance. As the student prepared for the defense of her dissertation, the advisor cancelled meetings and ignored email and voice mail. While her dissertation was accepted and she was a 4.0 student, she failed her oral defense and was given only two weeks for a second defense, with no advice from her advisor. The external member on her committee noted the irregularity in the lack of support by her advisor, and the "gotcha" type of questioning in the defense, and suggested she reach out to the Department Chair.

At that point, the student decided to speak to the ombuds. After hearing the student's concerns, the ombuds asked to speak to the external committee member and received permission. The external committee member confirmed what the student had reported and added that the advisor also said that if the student was going to return to her country of origin, then the advisor would pass her, but not if she stayed in the US. The external committee member was from the same country as the student but knew she was a US citizen and was appalled by the statement. None of the other committee members said anything. He convinced the student to file a discrimination complaint with the Title IX office, which she did but held off on the investigation, fearing retaliation.

After meeting and coaching by the ombuds over the course of four weeks, the student spoke with the Department Chair and the Graduate Advisor, both of whom refused to listen to the student and tried to convince her to accept a Masters' degree instead. Finally, the student allowed the ombuds to speak to the Vice Provost and the Dean of the Graduate College about the situation, about her fear of retaliation, and need for an advocate in her department. The Graduate Dean was able to convince the Department to provide a new advisor, cancel the second defense due to the comments made and lack of advisement, and provide a stipend to the student to stay and defend again and pass her defense. The student, after being awarded her PhD, chose to drop the discrimination complaint against the University.

Abusive Advisor and Language Issues

An international graduate student came to the ombuds' office in a highly emotional state after an alarming interaction with his professor/advisor. The ombuds listened attentively to the

student as he described what sounded like ongoing abuse of students by a faculty member. The student was frightened and confused. Like many students, he was reluctant to report anything to the university out of fear of retaliation.

The student had been contacted by two students who had left the university, one with their PhD, and one who had accepted a Masters' despite being in a PhD program. For two years, all three students had been in the same laboratory with the same professor. The two former students decided that they couldn't watch their fellow students continue to be abused in this way. They sent a letter to the Department Chair, who didn't take any action. The Department Chair apparently believed the faculty member to be upstanding and productive.

The former students suggested the student consult with the ombuds due to the confidential nature of the services. All of them described abusive conduct by the professor, including speaking only in their native language in the lab (all three of the students and the professor were from the same country of origin), and calling the students derogatory names; throwing papers, computers, and other equipment across the room; and making them work over 40 hours per week in the lab. If they weren't in the lab, the professor would track them down and find them at their homes. He also gave the students in his lab the answers to the exams so they wouldn't have to waste time studying and would be able to work more in the lab. The students had kept the email correspondence related to the exams and presented it to the ombuds.

The ombuds discussed a variety of possible actions the student could take but the course of action that felt most safe for the student was to provide an anonymous report of the academic misconduct based on the exams which is what the ombuds helped him to do. This resulted in an investigation into the matter by the Provost's office and Faculty Academic Affairs. The professor was fired after all of the allegations came out and more students came forward. After this case, the graduate college of the university created a policy stating that the language used in labs and classrooms must be English and provided training and education on appropriate standards and treatment in laboratories.

These students had considered contacting the local newspaper to report what was going on before coming to the ombuds but had been hesitant to do so. Had they done so, it would have had a devastating impact on the reputation of the institution, and probably would have resulted in costly and protracted hearings.

When a Senior Leader is the Problem

Over a period of months, a number of people in a department individually consulted with the ombuds. The visitors had roles at varying levels in the hierarchy and in a variety of disciplines, but they all shared concerns about the same Senior Leader—a member of the organization's leadership. Visitors expressed confusion or concern about the Senior Leader's quick ascension in the organization and about the appropriateness or justness of his promotions and power.

The visitors also described the Senior Leader's conduct, including insulting or publicly disparaging people, interfering with projects or work, character assassinations, attacking professional reputations, and terminating people unfairly or unjustly. Some considered this conduct as bullying. Others perceived the behavior as antithetical to the organization's code of conduct or other policies. Some questioned the legality of the Leader's conduct. Given the overall perception of the Senior Leader's power in the organization, visitors expressed a variety of fears. In particular, visitors were afraid that if it were discovered that they sought help from the ombuds, they would become the next target or otherwise suffer retaliation for speaking up. Many of these individuals were at such a loss that they said that were considering leaving the organization.

Trusting that the ombuds office was strictly confidential, visitors met with the ombuds—often more than once—to share their concerns and to obtain guidance and support in addressing them in a meaningful way. In every session, the ombuds provided support and advice, including on how to address individual communications as they were evolving. (On request, the ombuds provided direct, individual, real-time, one-on-one coaching.) The ombuds and visitors talked about words the visitor might use directly with the Senior Leader, meetings that they might hold with others, emails they might write to document plans, other senior leaders who could lend assistance, and policies that were at play. The ombuds and visitors also discussed the organization's resources for support, including persons higher in their chain of command, the Human Resources department, the ethics and compliance hotline, and of course the ombuds office.

In addition to serving as coach to individual visitors, an option that the ombuds offered was for the ombuds to serve as a conduit to improve communications, to serve as a mediator/facilitator to open and improve direct dialogue, and to raise the pattern of concerns to other senior leadership who were well placed to hear and address the concerns. While a systemic pattern of concerns had clearly emerged, the ombuds continued to work with visitors individually to help them work through their individual goals or needs but the ombuds eventually sought permission to bring the matter forward as a pattern while preserving the confidentiality of all visitors.

Ultimately, the ombuds took the pattern of concerns to senior leadership, which engaged the organization's formal investigation processes. The investigation uncovered conduct that was in violation of the organization's policies, and appropriate corrective action was taken.

The ombuds was thus able to help to provide direct and immediate help to each of the ombuds' individual visitors while working with them to find an effective way to bring the existence of the systemic issue to the attention of senior leaders who could order an investigation and take corrective action. As a result, none of the visitors left the organization and many of them have expressed their appreciation to the ombuds and how much happier they are.

Ombuds Helps a Mid-level Manager (and Other Employees) Surface Concerns When Formal Channels Fail After Former Peer is Promoted to Director

A mid-level manager who had worked for over 20 years at the organization reached out to the ombuds for a meeting. He shared that he had never worked with the ombuds before because he had never needed to do so. However, now that his manager had changed—a former peer was promoted to be the director—things were very challenging for him. He explained that his new director refused to listen to his opinions about initiatives involving his team and his area of expertise, and the new director was regularly making goals for him that were all but impossible to achieve. He also explained that the new director publicly called him out in meetings for "not being a team player" and in private for not being able to achieve the initiatives that the new director knew were impossible to achieve even with much more time and additional resources. As he tried to explain to the new director about why the goals were unachievable, he was told he was "insubordinate," and he was then written up.

The ombuds talked with the visitor at different points over five months regarding various options available to him. He tried multiple options, including reaching out to HR and asking the director for a facilitated conversation. The HR representative told the manager that the "director has discretion" to discipline him, and the director refused to engage in the requested facilitated conversation, telling the ombuds, "He just needs to get his work done."

Over the course of multiple additional months, at least seven other employees came to the ombuds to talk about the new director, sharing their perspectives about the abuse of power, the unfair and unproductive way he led, and the huge hit to morale that the whole department was experiencing. Again, the ombuds worked with each individual to generate options for moving forward, and also recognized that there was now a trend. After speaking with the mid-level manager and the other visitors who came to discuss this topic, the ombuds obtained permission to bring the issue to the head of the department. (No one wanted to do it themselves due to fear of retaliation.) The ombuds brought the issue to the head of the department, after which an outside vendor was hired to investigate the matter. The investigator found that the director had acted improperly and unfairly, had targeted the mid-level manager, and had poor leadership skills, generally. The new director was put on a Performance Improvement Plan and was ultimately asked to leave the organization.

Ombuds Helps a Contractor Address Attempts by Government Employee to Have an Inappropriate Relationship.

A government contractor came to the ombuds with concerns about a government employee who allegedly expressed an interest in engaging in a personal relationship with the contractor. The contractor explained that the government employee also had been designated as the contractor's point of contact with the government agency involved and oversaw the contractor's work. The contractor reported that when the government employee tried to shift the working relationship to something personal, the contractor immediately expressed disinterest to the government employee and asked for him to stop.

The government employee continued to show interest, however, both directly and indirectly. As a result, the contractor looked to the ombuds for guidance on what else the contractor might be able to do to make the unwanted attention stop. Sadly, the contractor divulged

this situation to the company's HR office, which did not want their employee to "cause a problem" and risk the government looking unfavorably on their company.

Among the options discussed was having the ombuds make the government management aware of the contractor's concerns. Luckily the ombuds had prior experience with managers in this area who were consistently supportive and responsive to broad organizational concerns, and especially to concerns related to ethics and harassment. The contractor was comforted by this insight and selected this option. With permission from the contractor, the ombuds made management aware of the contractor's concerns and requested that the situation be investigated, or other appropriate action taken. The government supervisor took immediate action to ensure that the contractor was in a safe environment, and also talked to the company about being more forthcoming when situations like this arise.

The Importance of Confidentially Discussing the Process BEFORE Raising Sexual Harassment Complaint

An employee came to the ombuds with concerns about sexual harassment the employee was experiencing from a supervisor. The employee wanted the harassment to stop and yet was uncertain about reporting it for fear that her issues might not be taken seriously. The employee was also afraid that reporting her concerns could result in victim-blaming, shaming, retaliation, and a ruined career. Yet, she also was concerned that not coming forward would leave others vulnerable to the same or similar conduct by the supervisor.

The ombuds talked through with the visitor the pros and cons of both reporting and not reporting her issues. After an extensive conversation about these issues, the employee gave the ombuds permission to consult with HR leadership in the region where she worked (but without disclosing any information that might identify her or her supervisor) to find out exactly what would happen if a sexual harassment case were reported.

After finding out this information from the regional HR office, the ombuds reported back to the employee that the alleged perpetrator would be placed on paid administrative leave while an investigation into the claims was conducted and that an independent professional investigator would be used to fully investigate the claims. The employee was relieved to learn this process and thought that having the supervisor out of the workplace on administrative leave while the investigation occurred would allow her to be in a safe environment.

With this information, the employee decided to come forward and report. The process transpired exactly as promised, which the employee appreciated tremendously. The investigation resulted in her allegations being substantiated. The employee and her supervisor had no further professional interactions.

A Policy Recommendation Addresses the Concerns of an Employee (and Possibly Many Others)

In the ombuds' organization, annual performance evaluations were typically communicated to employees by November. When an employee contacted the ombuds in mid-April to complain that the employee's performance evaluation had not been completed, the ombuds discussed various options the employee could take to address the problem directly, and the employee then took action to do so. Unfortunately, none of the steps taken by the employee were successful, and the employee came back to the ombuds for further guidance.

At this point the ombuds understood that the problem this employee had experienced was a systemic issue that also could be adversely affecting other employees. The ombuds also concluded that the solution to the problem likely was to raise the issue at the level of senior management. After discussing this option with the employee and receiving permission to raise the issue generally (and without identifying the employee who had raised the issue), the ombuds recommended to senior leaders that there was a need for them to develop procedures for following up on the annual evaluation process to ensure there were no outstanding annual appraisals in the organization. Ultimately a change was made to the software system that allowed for better monitoring. Thereafter, HR was able to print more detailed reports and follow up with specific supervisors missing performance management deadlines, and the problem was resolved.

The Ombuds Helps Employees Understand the Process

Several employees who were being investigated for time and attendance irregularities reached out to the ombuds for help to better understand what their time and attendance responsibilities were and what their rights they had in connection with the investigative process. Given the pending investigations, the employees wanted to have these discussions in a confidential setting.

In one case, the employee questioned the process itself. This employee's job necessitated being "out and about." The employee believed that the documentation being requested as part of the investigation to prove the employee's whereabouts was unduly burdensome, unfair, and a misuse of the process. The employee asked the ombuds for help finding out whether these types of requests for documentation were appropriate.

The ombuds found an internal guide for administrative investigations, which addressed time and attendance cases. It instructed investigators to give employees under investigation the opportunity to explain discrepancies. It further stated, "If uncertainty remains about an individual's presence at his or her assigned duty location or other location in an official capacity, the employee usually receives the benefit of the doubt."

The employee did not give the ombuds permission to reveal their identity. During the process the ombuds learned that there were about a dozen ongoing time and attendance investigations. Given this large number, the employee felt comfortable with being able to remain anonymous and gave the ombuds permission to discuss the broad concerns with the director of investigations. This leader took the feedback seriously and followed up with all investigators to ensure the process was fair and being conducted properly in accordance with the internal investigation guidelines.

Ombuds Helps Employees and Management Address a Destructive Rumor

Several employees at a facility called the ombuds, all within a few days of each other, with concerns about losing their jobs based on rumors they had heard about the company having lost a large contract that could affect their facility. One of the employees who met with the ombuds permitted the ombuds to make inquiries to the local management to find out if the rumor was true, provided that management is not informed of her identity.

When the ombuds spoke with the facility manager about the rumor, he was surprised to hear that a rumor had been circulating among employees. He indicated that losing the contract was a possibility but that a final decision had not been made. Based on this discussion, the manager decided to hold a meeting the next day with employees to address their questions. At the town hall type meeting, employees were able to ask their questions and the manager was able to give an accurate status report to dispel the rumors.

The manager and the ombuds subsequently also met with representatives from the company's communications group and HR to discuss communication recommendations for this type of situation in the future.

Local Management Misconduct and a Fear of Retaliation

Employees at one unit of the company had been using company products and equipment to create their own personal business, resulting in a loss of customers and revenues for the company. Some of the people involved in the scheme were in the local management. As a result, those employees who knew about this misconduct felt that they could not report it to local management and were afraid to raise it through formal channels. They were not sure how to contact or approach higher levels of management or if higher management might also be involved.

Some of the employees who knew about the scheme came to the ombuds because they understood that it was independent and confidential. After discussing the issue with the ombuds, the ombuds at their request facilitated a contact with the compliance office, which investigated and eventually terminated the employment of those involved in the scheme. The employees who came to the ombuds office stated that the experience made them more comfortable raising issues with the company's compliance office.

A Probationary Employee Clarifies a Policy Without Hurting his Career

The organization president issued a policy statement to all employees mandating a furlough. The policy stated that all employees had to take a certain amount of time off without pay and that they could do so when they chose, in partial day increments, one day at a time, or in multiple day blocks up to five consecutive days.

An employee still in probationary status (having worked for the organization for less than one year) contacted the ombuds office because, contrary to the directive from the president, his supervisor had dictated when employees had to take the unpaid days off. Because he was still in his probationary period, the employee was unwilling to raise the issue directly out of fear that doing so would hurt his chances for employment when his probationary period ended.

After discussing various options, the employee gave the ombuds permission to contact the HR office to raise the issue generically. Once HR became aware of the issue, it revised the FAQs on its website to address the issue with a question on whether a department or division could mandate when furlough is taken. The answer to this question given by HR was "No. A department should not dictate when the required furlough days must be taken by an employee or a department." This information was disseminated to all departments, including the department in which the employee worked, and the problem was eliminated.

Concern over Both Practices and Lack of All the Facts Results in Policy Reform

An employee came to the ombuds with concerns that his manager may be using company funds to pay for personal expenses and possibly expenses related to the board of directors of another company on which the manager served. It was not against his employer's policy for the manager to serve on that board, but the inquirer said that he had noticed that trips taken by his manager on company business often appeared to have been arranged to coincide with board meetings for the other company. The inquirer said that he thought he was the only person who was aware of these patterns and felt uncertain about reporting them because he was not sure if what the manager was doing was wrong, or if he (the inquirer) knew all the facts. He was also worried about what would happen if he made an accusation and was wrong.

After discussing various options with the ombuds, the inquirer agreed that he would like the ombuds to raise the issue anonymously with the compliance office. The ombuds did this, and compliance's examination of the manager's travel patterns revealed no wrongdoing but suggested that the manager may have created the risk of a conflict of interest. As a result, the company changed its ethics rules to prohibit managers in the position of this manager from serving on boards of companies like the one involved in this case, and the manager subsequently resigned from the board of the other company.

The employee expressed his appreciation to the ombuds that the company was able to address his concerns anonymously and by the way in which it addressed the policy issue involved.

Organizational Culture Can be a Barrier to New Employees

The organization reorganized its sales force and brought in several new employees with no background or understanding of the organizational culture, terminology, and philosophy. They were also not given any background on the reasons for the reorganization. Unfortunately,

the prevailing culture in this organization was to let new employees learn on the job and not to provide them with training or orientation.

The new employees' excitement with being a new and reenergized part of the organization soon gave way to confusion and frustration, as management and the new employees were not communicating effectively with each other. Some of the new employees reached out to the ombuds and were coached on various aspects of the organization and the history of the reorganization that led to their hiring. The ombuds also presented then with options for how to raise the issue of the need for better communications going forward.

The employees chose the option of requesting an opportunity to sit down with management and discuss their frustration over the lack of training and communication. The ombuds was given permission to make this request to management. Management agreed to the meeting, and as a result of it, management recognized that it needed to provide a better understanding of the organization and reorganization to these new employees. Roles were clarified, training implemented, and the employees gained a better understanding of the organization's needs, style, and expectation

Departing Employee Finally Discloses his Concerns

Two weeks after the announcement of a major layoff, the ombuds was contacted by an employee who was included in the layoff and who would be leaving the organization at the end of the month. Given his imminent departure, the employee had decided to share concerns about expense voucher abuse on the part of his supervisor. Although the employee had been aware of the abuse for over a year, he had only now decided to talk about it because he was leaving the organization and his fear of retribution was diminished. He also expressed concern for the organization because the supervisor, who was also being laid off, was being considered for another position in the organization.

The employee provided the ombuds with multiple examples of expense voucher misconduct by the supervisor and authorized the ombuds to forward the information to the formal channels of the organization. When the ombuds forwarded the information to the formal channels, an investigation by the formal channels validated the allegations.

The supervisor was dropped from consideration for another position in the organization.

Only After Extended Conversations with Ombuds Does an Employee Come Forward

A long-term employee near retirement contacted the ombuds office anonymously to discuss concerns over possible ethics violations by management in vendor contracts. Being so close to retirement and fearing retaliation, the employee refused to reveal, even to the ombuds, his name, location or anything else that he felt could reveal his identity. The employee, however, was willing to generically discuss the behaviors that he felt were unethical.

The ombuds presented various options to the employee. The ombuds and the employee then discussed and considered the possible ramifications of each option to the employee if he were to reveal his identity. After several conversations, the employee agreed to let the ombuds contact HR with a scenario that he and the ombuds had developed to ascertain what HR's response and process would be if he chose to reveal his identity and participate in an investigation.

The ombuds spoke with HR and then with the employee on several occasions thereafter as they tried to work through how to proceed. Although it took some time, the employee gradually came to trust both the ombuds and HR as resources that were available to him. Finally, he agreed to meet with HR based on the repeated promise that retaliation would not be tolerated.

As a result of the information that the employee provided, an investigation was conducted, resulting in the termination of high-level personnel. The employee felt supported not only by the ombuds office, but also by HR and the organization. He retired soon thereafter and expressed his appreciation to the ombuds for helping him work through the decision to come forward on the ethical violations that had bothered him.

Job Protection and Fear Above All Else

The ombuds received an anonymous call from an employee in a multinational organization through an overseas operating center. The caller was extremely nervous about calling but was put at ease by the ombuds first explaining how the ombuds office works (confirming confidentiality, neutrality, informality and independence) and by being able to speak in the person's first language. The caller explained that he worked in a unit that had high security, separate badge access, and security cameras because the unit dealt with valuable assets and financial information. He also explained that his supervisor had been harassing his unit for over a year with veiled threats about employees losing their jobs, asking for personal errands, bullying them and instigating rough play games (such as hitting, boxing, wearing blindfolds, tying people with a rope). The so-called "games" were played in an area with no security camera coverage and supposedly were to have "fun" and break the monotony in the work area. Even though there were at least twenty employees in the unit who had been subjected to these practices and an HR office and higher supervisors located in the same building, there was so much fear of potential job loss that no one spoke up for a year. Finally, when a coworker had to leave work discreetly to go to the hospital because he broke several ribs in one of the "games" and did not report the incident, the caller decided to call the ombuds in the US since he had heard that it was confidential and had seen announcements about the ombuds when the ombuds visited his location several months earlier.

The ombuds and the caller discussed various ways that the issue could be raised. The caller decided to give the ombuds permission to contact HR and Security, but he was too fearful to give permission for the ombuds to contact the higher up supervisor (a vice president of the organization) because he believed that immediate supervisor was extremely well regarded by that person. The ombuds, without revealing the identity of the employee who had made the call, passed along information to HR and Security concerning the type of activity that had apparently

been occurring. They then investigated the matter by interviewing many of the employees separately at an outside location.

The investigation corroborated the allegations, and the supervisor and a higher-ranking supervisor were terminated from the organization.

Persistent Retaliation

An employee came to the ombuds with concerns over retaliation by her manager for a complaint that the employee had made to HR about the manager. In the course of her discussion with the ombuds, it came out that the employee had been at the company for only one year and that the manager was hired from another company by the next-level manager, a vice president, with whom the manager was a long-time friend. The employee, the manager, and the vice president were all women.

The employee had first complained to HR about her manager making negative comments in front of other employees about the employee's looks and the fact that she was from another country. She had also informed HR about other encounters with her manager and the manager's behavior in meetings at which the employee was present and tried to speak. HR had brought the issue to the attention of the manager and the vice president, but the manager responded by later confronting the employee about the complaint made to HR. The employee also felt that once HR had become involved, the manager was reducing the employee's work without justification. The employee believed that HR had not handled the matter confidentially and she was most concerned about further retaliation. She wanted to speak to the ombuds confidentially about what could be done.

In the course of the discussions with the ombuds, the employee indicated that she thought that the manager had violated the company's code of conduct but was afraid to report it out of fear of further retaliation. With coaching from the ombuds and after discussing various options, the employee filed an anonymous report on the possible violation. Once she did so, however, she came back to the ombuds to share the latest experiences of retaliation, because although the report was anonymous, the manager and the vice president had assumed that she had filed it and were making her life very difficult. After receiving permission from the employee, the ombuds spoke with a senior person about the investigation that had been undertaken with respect to the code of conduct allegation and the persistent retaliation.

By escalating the issue in this manner, both the code of conduct issue and the retaliation were fully investigated. This enabled the employee to express her concern directly in connection with the investigation.

The company found that the manager had, in fact, been retaliating against the employee, and the manager's employment was terminated. The vice president was reprimanded for her involvement in the matter. The employee was able to retain her position and report to a new manager.

Extended Communications with Ombuds allows an Employee to Agree to Report

The ombuds received a call from a compliance officer at an unrelated but affiliated organization about possible financial misconduct by the president of that organization. The inquirer was so concerned about her identity being compromised that she made the call from a public telephone at a mall. She was the compliance officer of her organization; but it was a relatively small organization, and she was afraid that she could not successfully accuse or investigate the president of the organization without being victimized herself.

After discussing various options to surface the issue, the inquirer remained uncomfortable with her identity being disclosed and was unwilling to select any of the options suggested by the ombuds. The conversation ended with the caller remaining anonymous and with the ombuds encouraging her to call back later so that they could continue to discuss how to raise the issue. Similar conversations took place several times over the next few months—the inquirer calling from a mall to avoid Caller ID and continuing to remain anonymous.

The inquirer also continued to be unwilling to select an option to permit the issue to be raised. At the end of each conversation, the ombuds encouraged a further call from the inquirer after they each had more time for reflection. After several such calls, however, the inquirer began to appreciate the fact that significant misconduct may be involved and that it needed to be reported. As she began to trust the ombuds more and more to preserve her confidentiality (especially since no word had leaked out about her calls), she grew more comfortable with the idea of initiating an investigation.

She finally gave the ombuds permission to reveal basic information, including the identity of her organization and the nature of her concerns, to other formal channels who could conduct an investigation. With this permission, the ombuds then made the authorized disclosure, and an investigation and audit were commenced. The investigation revealed a multimillion-dollar fraud that ultimately sent the organization's president to prison. Throughout all of this, the inquirer insisted on remaining anonymous, even to the ombuds.

Confidential Group Assessment by Ombuds

The management of a unit perceived that there were problems with the unit and that the employees in it appeared alienated from the organization. They wanted to get a better sense of the problems and believed that they could do this only by having the employees in the unit speak honestly. They knew, however, that employees would be reluctant to do this unless they were able to speak with a third party confidentially. Consequently, management contacted the ombuds office to ask them to speak with employees with the understanding that the ombuds would not disclose identities or confidential communications but would share conclusions from the interviews.

The ombuds agreed to meet with employees and speak with them with that understanding. The ombuds explained to employees that the communications would be confidential and that only summary conclusions would be shared with local management. After

speaking with employees and focus groups, the ombuds shared observations and conclusions with the local management. This allowed management to address some of the systemic problems, and employees to feel confident that they had been able to express their concerns but that who had made specific comments would still be kept confidential.

Local Management Ethical Issues Raised Safely Through Ombuds

Some employees at one unit of the company were aware that key contract terms were being changed by their local management after a contract had been agreed to and signed by the customer but prior to being submitted to the company's corporate offices. This practice resulted in bonuses to local management larger than what they should have received. Corporate Audit was generally aware there had been problems with certain types of contracts in the field but had been unable to pinpoint the specifics or the people involved.

The employees who knew about this practice feared that they would be retaliated against if they raised this issue through formal channels, especially since it involved their local management. Some of these employees contacted the ombuds because they thought it would be a safe way to obtain guidance on how to deal with the problem.

The ombuds, with permission of the employees, was able to facilitate the involvement of formal resources in a way that maintained the anonymity of the employees raising the issue and resulted in an investigation, eventual discipline of those involved in the fraudulent contracts, and a change in policy to prevent similar problems in the future.

Policy Clarification Wanted but Fear of Asking

The organization had a drug-testing policy for safety-sensitive positions. An employee came to the ombuds to ask whether he would have to take the drug test if notified to do so. He said that he objected to the drug test on principle, not because he had any fear of the results. He was afraid to ask for a clarification of the policy, however, because that may mark him as a "dangerous druggie" or cause him to lose his sensitive duty status or even his job.

The ombuds reviewed the policy with the inquirer. Among other options presented by the ombuds was the possibility that the ombuds could make an inquiry of the director in charge without naming any employee to see if there were any exceptions or "wiggle room" in the policy. That was the option selected by the inquirer. When the ombuds made the inquiry, the answer was that no exceptions were permitted because the test was required by federal policies. When this information was communicated back to the inquirer, he understood and very much appreciated the chance to raise the issue without being the person identified with doing so.

A Desire to Protect Others but Uncertainty Over Whether Problem Continues

A female employee had filed a formal complaint about a male employee's sexual harassment of her, including his inappropriate touching of her. The male employee was reprimanded and moved to another location. The female employee was given coaching and additional protection, including an escort to her car at the end of the workday.

Some time later, the female employee came to the ombuds because she believed that the male employee, in his new work location, was engaged in the same conduct with another female employee, but the suspected conduct did not involve her, and she had no direct proof. She also did not want to be identified in any complaint, but she indicated that she was trying to protect other women from what she had gone through. After discussing various options with the ombuds about how this issue could be addressed, the female employee permitted the ombuds to contact HR to advise them that a person who wished to remain anonymous had concerns—but no direct proof—about sexual harassment by the male employee.

HR conducted its own investigation and concluded that the male employee was, in fact, sexually harassing another female employee. His employment was subsequently terminated.

Make Him Stop but Don't Disclose that I Brought It Up

A manager made a comment in front of several employees that the area where they worked "smelled like a whorehouse." An employee brought this issue to the ombuds but was not willing to take it to other management or HR because of
concerns that the manager who made the comment would retaliate against the employee.

After discussing various options to address the issue, the employee gave the ombuds permission to disclose the comment but not the employee's identity to HR. When HR was informed of the comment, it conducted an investigation and confirmed from several sources that the comment had been made.

The manager was disciplined, and HR provided additional harassment training to the entire unit.

Averting a Class Action Lawsuit

Several African American employees came to the ombuds office as a group to express frustration with their manager, who they felt continuously treated them inappropriately. They thought he was discriminating against them on the basis of their race and said that they were willing to file suit against the organization and the manager.

The ombuds reminded the employees that the ombuds office was neither an office of notice for claims against the organization nor a place to provide them with legal advice on any claims they may or may not have but, instead, an office where they could have confidential discussions to see if there might be an informal way to resolve their concerns. They said they wanted to speak confidentially. After a few meetings with the ombuds, during which a variety of

options were discussed, they gave permission for the ombuds to contact the manager, share their concerns, and request that he meet with them as a group in a meeting facilitated by the ombuds.

When the ombuds spoke with the manager, he immediately expressed his own frustration at his inability to communicate effectively with this group of employees. It appeared to the ombuds that the manager was experiencing his own insecurities, and he clearly welcomed the opportunity to vent in a safe and confidential setting.

At the manager's request, the ombuds coached the manager on active listening and effective communication techniques. The manager then began implementing these new listening and communication skills as he communicated with the employees he supervised, including the African American group.

Communication between the manager and his employees markedly improved and no facilitated meeting was ever needed. This manager contacted the ombuds on his own initiative thereafter when he felt stuck and needed to discuss options on how he might handle a situation. As a result, the manager continued to build better relations with the employees and to improve his own communication skills.

Limited Disclosure Solves the Problem and Protects the Informant

An employee came to the ombuds to report that he suspected that one of the subcontractors working on plant renovations at the facility where he worked was not doing the work to code. The employee felt that this should be brought to the attention of the company for safety reasons but because he was a union member in the same trade as the subcontractor, he was unwilling to be the one to raise the issue with a formal channel. He was certain that he would suffer retaliation by other members of the union if it became known that he had been the person who reported the issue.

After discussing various options, the employee agreed to permit the ombuds to contact the facility manager to advise him that it would be advisable to have an inspection of the construction work by the local building inspector, but no other information was revealed. The manager arranged for the inspection, which uncovered the defective work, and the company required the subcontractor to correct it. Since the inspection appeared to be a routine inspection by the building inspector, the identity of the employee who came to the ombuds was protected.

An Alert from Ombuds Helps the Organization Avoid Committing Illegal Acts

Information was conveyed to the ombuds that the organization may have been skirting the law in hiring foreign nationals, but the source of this information was unwilling to come forward directly or to permit disclosure of his identity. The inquirer was willing, however, to permit the ombuds to alert the COO of the organization that this type of activity might be occurring.

With the alert from the ombuds, policies and procedures were tightened to eliminate the potential for misconduct. In the process, the COO was able to reinforce to those responsible for hiring what the law and the organization required and that violations would not be tolerated.

No further concerns on this issue were brought to the ombuds.

Where Does a Vice President Go with Concerns About the President?

The ombuds of a multinational organization received a call from a regional vice president with concerns about an international region president. The inquirer expressed concerns that the regional president was acting strangely and making improper comments about people at an offsite meeting where over a dozen other vice president–level organization officials were present, together with several outside counsel, professionals, and other consultants to the organization. The inquirer was concerned that the regional president could have a drug problem, as the strange behavior had been evident for at least the preceding few months. The vice president making the call, however, was also obviously concerned that he may be wrong and was worried about the possible impact on his own career.

The ombuds discussed various ways this issue could be surfaced and investigated. The inquirer gave the ombuds permission to convey information about the regional president's conduct (but not the inquirer's identity) at the off-site meeting to the top levels of the organization at its international headquarters. When this information was relayed to the president of the entire organization and the head of HR, they instigated an investigation almost immediately by having many of the attendees of the offsite meeting interviewed. The regional president was also interviewed.

As a result of this investigation, they made the decision to remove the regional president from his position and announced that he was relocating back to the organization headquarters. He retired from the organization not long thereafter.

Saving a Life and Saving a Career

A graduate student and her faculty advisor developed an intimate relationship. After several months, the graduate student tried to break off the relationship, but the faculty advisor threatened to prevent the student from graduating. In addition, the faculty advisor had planned an out-of-state trip and was demanding that the student share his hotel room. It was at this point that the graduate student contacted the ombuds office. She said she was on the verge of taking her own life.

In light of the student's fragile condition, the ombuds concluded that there was an imminent threat of serious harm and made limited disclosures to get the student access to mental health counseling. After her condition stabilized, the ombuds discussed options she might use to deal with her advisor. The option selected was to give the ombuds permission to contact the administration about the advisor. Since there had been other complaints about that advisor, the

ombuds was able to indicate that concerns had been expressed by students generally, though no other details were provided.

The administration conducted its own investigation and determined that there was merit to the concerns raised. As a result, the faculty member was stripped of all advisor assignments. Since all of his advisees were reassigned to other advisors, neither this graduate student nor any of the other students who had complained were singled out. Once this episode was behind her, the student went on to graduate and is now a highly respected scholar in her field.

First a Test, and Then the Real Issue

An ombuds who works outside of the United States received a call from an inquirer who lived in a Middle Eastern country and worked for a unit of the organization located in that country. The ombuds and the inquirer were of different nationalities and worked in different countries. The inquirer, who wished to remain anonymous, presented the ombuds with what appeared to be a relatively minor issue dealing with a business process within the organization. The ombuds was given permission to raise the issue, which the ombuds did. The issue was resolved and that appeared to be the end of the matter.

Approximately three months later, the same inquirer called the ombuds again, but this time it was with a concern over what later was determined to be a major fraud. In the course of dealing with the inquirer on the second matter, the inquirer disclosed his identity, and it came out that he had been the person who had raised the first issue. The inquirer indicated that while his real concern all along had been the fraud issue, he raised the first issue to test the ombuds to make sure that his identity would be protected and to see if there would be any attempt by management to identify him and retaliate against him. He said that since the handling of the minor matter had shown that the ombuds could be trusted to keep information confidential, he felt comfortable raising the fraud issue with the ombuds.

After discussing options on how to deal with the fraud issue, the inquirer had a greater understanding of the process and indicated that he would be willing to disclose his identity to and meet with investigators for the organization. The fraud was investigated, uncovered, and resolved.

27. Reports to Senior Management Identifying Trends and Systemic Issues

Ombuds Identifies Need for a New Policy to Address Serious Accidents or Death

The ombuds at a public sector organization learned of an incident in which one of its personnel was injured in a foreign country in a car accident on a weekend. While the other people in the car suffered only minor injuries, the person in question had a major injury that was not immediately visible and thus her supervisor did not take it seriously and thought she was faking it. The injured person felt abandoned by the organization and was feeling that she was being discriminated against because of her national origin.

By the time the ombuds learned about the matter, the injured person had been med-evacuated back to the United States and was facing serious surgery. Once the seriousness of her injury had become apparent, representations had been made by others in the organization to her that could not have been acted on. Also, even though the injured person did finally receive proper medical treatment, the ombuds realized that the organization did not have a policy in place to deal with serious injuries or death of people in such circumstances and brought the issue of a lack of an appropriate policy to the attention of senior leadership in the organization.

Senior leadership agreed that such as policy was needed and developed just such a policy in the event that similar events occurred in the future.

The Ombuds Helps Address Both Individual and Systemic Issues Involving Racial Aggression in the Workplace

An African American laboratory technician visited the ombuds to talk about a recent race discrimination complaint that he had brought to HR. The matter involved the use of the "N" word in the visitor's presence by a white coworker. According to the visitor, an investigation by a white HR professional involving the three levels of management for both colleagues (all of whom were white), resulted in no finding of violation of the racial harassment policy. Despite the fact that the subject of the investigation admitted to using the offensive language, his behavior was found not to be a violation of the policy because the coworker had not known that the African American visitor was present.

The ombuds provided a confidential and safe space for the visitor to share his feelings and worries about the situation and his future. The visitor was hurt and emotional about his treatment. In his words, the experience made him feel "insignificant."

The ombuds and the visitor discussed options at the individual level and actions that could be taken at a systemic level. The ombuds presented possible options at the visitor's level including: requesting a review of the investigation; creating a plan for future interactions with this coworker; building and strengthening the network of support at work for the visitor; re-focusing the visitor's effort on high performance; transferring to a new department; and finding an ally supervisor/manager with whom the visitor could have a difficult conversation about the realities of racial tensions in the work environment. In this case, the visitor decided to get more involved with plant D&I initiatives and to focus his efforts on doing a great job while preparing to apply for a job in another department.

At the systemic level, the ombuds and the visitor discussed local Diversity and Inclusion (D&I) activities and organizations. The visitor gave the ombuds permission to raise the issue as a systemic issue while not identifying the visitor. Since the ombuds had received information from a number of visitors about racial tensions, the ombuds concluded that these comments represented a systemic issue of both "micro" and more blatant aggressions in the workplace centered on race.

The ombuds was able to include this general information in providing upward feedback to Senior Leadership and several key D&I leaders locally. The ombuds was also able to refer managers and D&I leaders to local racial justice initiatives and training resources for incorporation into the organization's future. The D&I Leaders were extremely receptive and several enrolled in anti-racist workshops that were recommended.

An Ombuds Help Raise Systemic Financial Manipulation of Foreign Graduate Students by Professor

A visitor came to the ombuds to inquire about how they might address their concerns with the conduct of a professor. The visitor shared that they were an international graduate student from the middle east in a renowned campus program. They were taking a class with their professor advisor who was also the program director. The visitor stated that they needed an internship over the summer months and that the professor knew they were returning to their Farsi speaking country for the next semester. The visitor shared that a previously arranged internship had fallen through at the last minute and that the professor was aware of this situation. The visitor said that the professor indicated that she could use support on a book she was presently writing. She proposed that if the student were willing to translate the book into Farsi and ascertain if there was a market in their country for the book, the professor would help the student obtain internship credit and consider hiring them as a Teaching Assistant (TA) in the fall semester when they returned (to offer them some remuneration for their work). The visitor shared that they saw this as an excellent opportunity.

The visitor undertook the translation and helped market the professor's material. The visitor also connected the professor to a network of future opportunities to utilize when the book was completed. Upon their return to the campus, the student met with the professor but was told that she had already hired her TA for fall semester. The visitor reported that the professor was adamant that she had never promised anything to the student in the way of compensation for their work and insisted that internship credit should have been viewed as substantial value to the student.

The visitor told the ombuds they were aware of similar conduct of the professor in the past from alumni of the program and two other present students. In addition, the visitor said that they had contacted an administrative assistant (AA) to the professor and urged the AA to contact the ombuds about the professor's conduct. The AA visited the ombuds and confirmed much of what the student had told the ombuds, describing their own experiences as well. The ombuds asked if the AA and the visitor would ask if the other current students might be interested in contacting the ombuds office. Eventually, several alumni, a few other students, and a couple of

other AAs contacted the ombuds office and shared similar stories of misrepresentations by the professor and manipulation of staff and students. The AAs also shared that they were told to issue funds from specific budgets and grants to pay a few of the students, and that the professor had used students to translate her personal writings into several different languages but never gave the students any credit in the published books, papers and articles.

The ombuds helped the individuals consider all of their options individually and in a small group. Everyone agreed it was best to share the information with campus leaders, including:

- the Equal Rights Director
- the Human Resource Director,
- Departmental Dean,
- Provost, and
- University Legal Counsel.

The ombuds was asked to act as a neutral facilitator for the discussion.

The ombuds helped the students and AAs prepare for this meeting by considering how best to share the information. The ombuds urged them to try roleplaying the situation acting as themselves, as well as sitting as university leaders responding or hearing this information. During this discussion the individuals raised concerns about retaliation by the professor who remained the director of the program.

The students contacted the leadership asking each of them if they would participate in this meeting and if they'd object to having the ombuds act as a neutral facilitator. No one objected to the process. The discussion went very well lasting over 3 hours with the leaders asking many questions and thanking the individuals for coming forward with their concerns. They assured the students and staff that if any retaliation occurred, they should immediately contact the Equal Rights Director as it would not be tolerated.

Coaching Helps Visitors Develop Bystander Training Initiative

Leaders (almost all scientists) from an established women's resource group wanted to address common issues they were facing in the workplace and were feeling very discouraged by what they felt was unconscious bias in hiring and promotion in their fields. Representatives of the group approached the ombuds looking for suggestions and guidance about how they could start a conversation in the organization to begin a dialogue on these issues.

The ombuds provided the visitors with references to articles, analytical models, and other materials on topics such as micro-aggressions, psychological safety, dignity in the workplace, and ways to engage witnesses and bystanders to take action. The ombuds also proved guidance and other tools on how the visitors could begin creating awareness on the importance of speaking up about issues people observed and unconscious bias in the workplace. The leader of the

women's resource group was then able to use the articles and tools that the ombuds had provided in order to create traction around these concepts in various units in the organization.

One result of her efforts was an initiative that led to the formation of an employee resource group to raise awareness of the importance of active bystanders speaking up. This "bystander" employee resource group then took on the task of providing training to employees about how to combat micro-aggressions and unconscious bias by speaking up when they observed such behavior.

While neither the women's resource group nor the bystander training group operated under the direction of the ombuds, the ombuds had provided the tools and guidance that was a catalyst that empowered these groups to make a constructive and positive impact in training employees on these critical issues.

Fraud, Amorous Relationship, Conflict of Interest and Fear of Reporting

The ombuds worked with a visitor for two years. At first the issue presented was a benign interpersonal conflict. After the ombuds established trust with the visitor, the visitor began sharing documentation and information that revealed a fraud scheme apparently orchestrated by the visitor's leader, a well-regarded tenured professor who brought in millions of dollars for the university each year. The visitor did not want to be a whistleblower because of fear for their position, career, reputation, and physical safety.

The ombuds presented the visitor with various ways the issue might be surfaced or investigated. Eventually the visitor gave the ombuds permission to raise the issue anonymously to the university's financial compliance department, which had the ability to discretely review records to determine whether the concerns had merit. If they concluded that the concerns might have merit, they could intervene or refer the matter to internal audit for a formal investigation. In this case, given the positive working relationship between the financial compliance analysist and the ombuds, the analyst took all of the information provided by the ombuds and immediately initiated an informal and extremely discreet review of the leader's unit's records. Literally, no one else knew it was happening.

Ultimately, this review surfaced a myriad of concerns, including conflicts of interest (using university position and resources for personal gain), financial fraud (funneling money to a private business), and sexual misconduct (an amorous relationship between the leader and a direct report). The financial compliance analysist then referred the matter to the university's internal audit department and a formal investigation ensured. The compliance department told the leader under investigation that it had discovered information during a routine check. Once internal audit released its report to the vice chancellor of research, the university terminated the leader, restructured the unit, and imposed new restrictions and policies to address the types of transactions at issue.

Inappropriate Conduct by Senior Leader

During a site visit in Latin America, several employees visited the ombuds with concerns involving a senior leader who was providing inappropriate directives to their team and violating company policy by making inappropriate "agreements" with government officials.

The employees who came to the ombuds were extremely fearful of retaliation. They did not trust their leadership chain, because they were unsure whether more senior leadership was aware of and supported the senior leader's conduct. Most of the employees who came to the ombuds for guidance had tried to advise the senior leader directly of their concerns. He responded, however, in a threatening manner and told them that he was their supervisor and they needed to abide by what he was telling them to do.

The ombuds discussed with each visitor the options they had for notifying the company of their concerns and how they could go about doing so. However, each felt that, because they had already expressed concerns to the supervisor in the past, he would know who it was that was complaining. The ombuds also had explained to the employees at the outset of each of their meetings with the ombuds that part of the ombuds office charter required that where three or more visitors approached the office with the same issue, the ombuds must raise that systemic issue to leadership for action.

In this situation, because the ombuds had had multiple employees come to the office with the same concerns, the ombuds was able to raise this "trend" to the most senior leader of the business unit for action. The ombuds also advised the visitors that it was important to document and gather any communications that they had with their supervisor on this topic so that they would be prepared to answer questions once the investigation was underway. They discussed how best to manage through the current environment, such as seeking clarity from the supervisor if he made additional similar requests so that conduct and guidance would also be documented.

After raising this "trend" to the most senior business leader, the matter was investigated. The investigation determined that the supervisor was indeed violating company policy, placing the company at risk. The supervisor's employment was terminated, and the employees moved forward with performing their jobs in a manner consistent with company policy without fear of retaliation. Having the ombuds office bring forward this trend allowed the company to take corrective action and avoid a potentially major impact to the organization.

COVID-19 Issue

At the outset of the COVID-19 pandemic in the US, multiple employees contacted the ombuds office about various related concerns. The pandemic had rapidly gone from something they were hearing about in the news to something that was affecting the lives and health of people all around them. The organization was responding as rapidly as it could but dealing with the pandemic was both unprecedented and quickly evolving. This was happening at a time when various groups in the organization were scheduled to have large meetings at the beginning of the

year that required air travel and hotel stays, all of which were quickly being recognized as potential health risks.

The ombuds office was contacted by many such employees who were understandably becoming concerned about the prospect of travel. The ombuds office then used this information to surface trends to management as well as its connection to the organization's COVID-19 Task Force to share the trends it had received about COVID-19. The organization ultimately cancelled all scheduled large meetings or converted them to virtual formats.

Restoring Morale and Improving Communication

When the COVID-19 stay at home directives were put in place, not all teams embraced the required changes. The ombuds heard from staff across the university that in many units, there was no plan, and that leaders were dropping the ball. Some visitors had not heard from their supervisors in weeks. The ombuds provided communication coaching to empower visitors to initiate and frame conversations with their supervisors to address remote team communication and other issues resulting from the stay-at-home directives.

In one case, the visitor was new to their position and fearful of raising their concerns. They were also not comfortable giving the ombuds permission to speak directly with their supervisor. Rather, they gave the ombuds permission to reach out to others in the university who could possibly help discreetly address the situation systematically. The ombuds reached out to those offices to share the visitor's concerns—but without disclosing the identity of the visitor—and helped devise a plan to intervene and support the team without the supervisor knowing the impetus.

Unpaid Labor

Through a series of visitor consultations, the ombuds identified a pattern of unpaid labor for graduate students. Because this issue appeared to be a systemic issue involving multiple locations in the university, the ombuds brought this issue to the university's legal counsel without providing any identifying information relating to any of the visitors who had raised the issue with the ombuds. As a result, the university's counsel was able to investigate the issue and then develop a resolution of the matter on a campus wide basis.

Safety

Over the course of several consults, a visitor shared with the ombuds their concerns over safety issues related to a remote campus building used both for research as well as for summer camps. The visitor had tried to raise the concerns directly with their supervisor on several occasions and yet, the issues remained unresolved.

By the time the visitor brought these concerns to the ombuds, the summer camp season was fast approaching. After discussing various options to address these concerns, the visitor gave the ombuds permission to go to the Provost and make an anonymous report, knowing the supervisor would likely connect the dots.

When the ombuds made this report to the Provost, the Provost and the ombuds were then quickly able to work together to identify ways to address the situation as discreetly as possible. The option selected by the Provost was to have the building inspected. The subsequent inspection revealed that the building was not up to code. As a result, the university cancelled the impending summer camp and made the necessary repairs. The ombuds' prompt and effective working with first the visitor and then the Provost thus helped the university eliminate a risk that could have resulted in injuries and been both expensive and injurious to the university's reputation. By having an inspection of the building before taking any action, the ombuds and the Provost were able to help protect the identity of the visitor who raised the issue.

Abrasive Leader

Various members of the staff and faculty members came to the ombuds to express concerns about the director of their unit and that leader's behaviors and competencies.

After numerous consultations with a group of staff and faculty members to discuss the issues and coach them on how they could address the leader's issues themselves, the staff and faculty group gave the ombuds permission to elevate the matter to the Dean. Before going to the Dean, however, the ombuds met with the staff and faculty further to compartmentalize their concerns in an effort to clearly, concisely and credibly convey the issues to the Dean.

When the ombuds spoke with the Dean, the Dean was very receptive. The Dean took the issues and concerns that had been raised to the university's HR professionals, who informed the Dean that they also had been hearing and observing similar issues with this leader. As a result, the Dean took action and terminated the employment of that director.

Manager Violating Company Policy

Multiple sales representatives reached out to the ombuds office to discuss what they believed was a violation of company policy. The visitors shared that they feared reprisal from their manager.

The concerns raised involved the District Manager (DM) to whom they reported. They discovered that she had been tape recording virtual sales calls between employees and customers without their knowledge. She did not provide any prior notice of her intent to record sales calls with customers, and no consent or disclosure was made to employees or the customers that their meetings were being recorded. When one of the sales reps learned that this was happening, she confronted the DM.

The DM explained that the purpose of the recordings was to provide the sales reps with feedback on their communication style and marketing techniques. During normal times, this type of feedback would have been provided during ride-alongs with her. Due to the pandemic, however, all sales calls were virtual. So, she came up with this idea to accomplish that purpose. The sales reps remained uncomfortable with this practice but were afraid to raise this concern to senior leadership because they were unsure if it had been endorsed by upper management. They decided to seek guidance from the ombuds office.

The ombuds was able to share with the visitors that company policy prohibited unauthorized recording of communications. They discussed the sales reps' obligation as employees to report the DM's behavior and to ensure that they do not participate in any further recorded calls. The ombuds encouraged them to report the concern via the compliance hotline which could be done anonymously.

In addition, because multiple visitors had come forward to the ombuds office with the same issue, the ombuds was able to separately take the issue forward as a trend to local HR and Compliance for investigation. During the inquiry, additional privacy law concerns about this practice were identified. The organization ultimately communicated to the entire sales force that the unauthorized recording of calls was strictly prohibited.

Helping an Employee Exit Gracefully/Avoiding Reputational Damage

A faculty member at a university was denied tenure. Prior to coming to the university, she had held an important role in the community and still had many significant connections in the area. In her discussion with the ombuds, she explained that she did not feel that the tenure process had been fair in that the policies regarding expectations in the area of professional development had not been sufficiently clear.

After discussion and exploring various options with the ombuds, the visitor decided that she did not wish to appeal the denial because she did not want to continue working with a department that apparently did not want to retain her. She did, however, want to share her concerns about the process that had been used in her tenure denial decision. After further discussion, she decided to write an email to the President and Provost of the university to notify them that she did not wish to appeal the tenure decision but also to indicate that she wanted to meet with them to share her concerns over process and policy in the tenure decision.

The ombuds helped her craft the email to make it as constructive as possible and then followed up with the administrators to encourage them to accept her request to meet. The President and Provost agreed to meet with her, and they subsequently had the discussion she had sought. The faculty member was grateful for this assistance, as she had a chance to be heard by senior administration. This allowed her to leave on a somewhat more positive note.

In its annual report, the ombuds office addressed the systemic issues raised by the faculty member's concerns and recommended that all academic departments develop clear guidelines regarding discipline-specific expectations for tenure.

Difficult Boss and Policy Guidance Regarding Annual Reviews

A faculty member came to the ombuds with a myriad of issues regarding her department chair. One of the issues involved the chair's practices around the annual review process. The faculty member explained that at annual review time, her department chair would expect her to read, digest, and sign her review in front of him. He essentially would give her no time to respond or clarify the review before expecting her to sign it.

In the ombuds' discussion with the faculty member, the ombuds explained that Faculty Handbook policy allowed a faculty member to compose and submit a written response to a review if they so desired. The ombuds also explained that the policy provided that signing a review did not necessarily mean that a faculty member agreed with it; it simply meant that one had read it.

The ombuds helped the visitor consider various options for how to proceed and, ultimately, the visitor decided that she would like the ombuds to contact the dean (the department chair's supervisor) to inquire as to her expectations regarding how chairs should conduct annual reviews with their own supervisees. The understanding was that the ombuds would not identify the faculty member or department in question.

When the ombuds spoke with the dean, the dean explained that she expected the annual review to be a conversation and that that conversation should be seen as an opportunity to make any reasonable edits to the review. As a result of the conversation with the ombuds, the dean agreed to remind all chairs of her view of how the process should work, as well as of the policies regarding faculty's right to submit a response.

The faculty member's improved understanding of her rights in the process, along with the dean's reminder to all chairs, allowed the faculty member to have a more productive conversation regarding her performance and made the process fairer for all, without compromising confidentiality.

Ombuds Helps New Director Receive Additional Training

A department that supports hospital operations had recently gone through several leadership changes and was being managed by a new Director. One of the employees of the department shared with the ombuds her concerns that she was being micromanaged, that her manager was abusive towards her, and that some duties were being arbitrarily removed from her area of responsibility. The visitor also alleged that the Director was discriminating against her on the basis of sexual orientation. The employee said she had requested the Director to participate in a facilitated discussion to discuss these issues, but the Director had declined to do so.

Over the course of the next few months, several other employees in the department approached the ombuds office with similar concerns about the Director and their fear that they would be retaliated against if they were identified as persons bringing concerns forward to formal channels. The employees gave the ombuds permission to discuss their concerns with the

Associate Vice President but without sharing their identities. The Associate Vice President also wanted to loop in an HR Director to provide guidance and consultation on addressing the concerns. Working together with the ombuds and HR, the Associate Vice President developed a training and development plan for the Director, and the Director was also assigned an external coach with which to work on a regular basis. The concerns were discussed with the Director, as well as expectations going forward.

The visitors were made aware of this and were asked to update the ombuds on their interactions with the Director and to bring further concerns forward confidentially to the ombuds. To date the coaching and additional training appear to be working well.

Speak-Up Culture

An employee who had been with the company more than 15 years called the ombuds. He wanted to have a confidential and off-the record conversation with someone because he felt he had been threatened by his supervisor and sent to HR when he refused to undertake an assignment. He indicated to the ombuds that he had refused the supervisor's direction because he had not received the training required to do this work and was concerned about safety. The employee believed that the HR manager he spoke with had not listened to his side of story to understand the safety issue or the training requirements involved. He also felt that the HR manager had not listened to other employees on the floor who had been trained.

The employee expressed his frustration and disappointment over how poorly this incident had been handled, especially in light of company policies that required an employee to obtain proper training and be certified to perform the work that he had been asked to do. The employee told the ombuds that the environmental health and safety department (EHS) previously had been involved on this issue and had agreed that it was a policy violation for management to ask an employee to do things that they were not trained and certified to do. The employee also indicated that EHS had previously instructed his supervisor to make improvements. However, almost a year later, this issue had not been resolved. This situation made the employee think the culture of the company was to punish employees who reported issues and to permit management to disregard its responsibly to address policy violations and safety concerns.

In discussing possible ways to proceed with the employee, the ombuds asked if the employee would be willing to speak directly with an EHS representative to follow up on this issue and help identify the root cause for why this issue had not been resolved. The employee agreed that he should be more proactive and agreed to do so. The employee told ombuds that he would schedule a meeting with EHS to follow up on the issue. Since the employee did not contact the ombuds office again, the ombuds concluded that the employee had apparently his issue.

Meanwhile, the ombuds was aware that the employee's concerns were not the first case arising in his facility involving management's failure to follow company policy in ways that raised safety issues. Another employee had previously contacted the ombuds about similar management issues. Since the HR manager involved was planning to retire very soon, the

ombuds decided to visit the facility after the replacement HR manager came on board and host a focus group board to solicit employees' perspectives and insight on the organization's culture overall and then work with the new HR manager on the safety issues identified by employees.

After the new HR manager came on board, the ombuds hosted two on-site training sessions (one for salary and hourly employees and another one for managers and supervisors) to speak about the company's ombuds Program and to create more awareness on how and when to use ombuds' services that were available to everyone. The ombuds also hosted a separate focus group where employees were given an opportunity to provide extra feedback on company's practices.

With this information the ombuds then met one-on-one with the new HR manager and provided a summary of the feedback from the employees. The ombuds and the HR manager reviewed safety and quality training records and identified individuals who had not received training that they should have received. And finally, ombuds and the and the HR manager reviewed the supervisor on-boarding process and identified areas in which the company had not provided appropriate leadership training when someone was promoted to manage a group of people.

In the course of the meeting with the new HR manager, the ombuds recommended that all shop floor employees be given refresher training on EHS and quality control cardinal rules as well as giving some groups refresher technical training. The ombuds also recommended that mandatory leadership training be part of the on-boarding process for new supervisors and that new supervisors be assigned to a senior manager mentor to improve their management style and skills.

By proceeding this way, the ombuds was able to enable the employee who first brought the issue to the ombuds to resolve his issue directly but then went further to address on a broader level these systemic issues with the new HR manager.

Ombuds Arranges for an Anonymous Call to a Formal Channel at the Request of an HR Team to Address the Conduct of their HR VP

A few employees on a regional HR team had been talking among themselves about the arrogant, dismissive, and disorganized behavior of their HR VP, which they thought indicated a lack of accountability. The HR team had more than twenty people; and while some of them worked in the same office as the HR VP, others worked in offices in different states. The employees working in the same office as the VP, in particular, were able to observe these troubling behaviors by the VP, including the extreme favoritism he showed to certain individuals.

With frustration mounting and many of the employees finding it increasingly difficult to focus on their jobs, three employees from this HR team contacted the ombuds to confidentially discuss their concerns because they greatly feared retribution from the VP if he were to learn that they had spoken up about him. They also said that they did not trust any of the other resources in

the organization to address their concerns. In their conversation with the ombuds, they said that they were looking to find a way to raise their concerns anonymously. After listening to the concerns expressed and understanding what the employees had already attempted to do to resolve the problem, the ombuds discussed various options.

The option selected by the employees was for the ombuds to contact an ethics and compliance representative, in order to avoid conflict within the HR organization, to arrange for an anonymous telephone call between the employees and a VP counsel for the company, a compliance representative, and a senior compliance investigator. The understanding was that the ombuds would make all of the arrangements for the call and that the HR employees could speak to the company representatives without identifying themselves. The ombuds coordinated the call and once all participants were connected, the ombuds dropped off the call so as not to be part of a formal, but unusual, teleconference. As a result of the conversation, an investigation was begun into the leadership behavior of the VP. The investigation confirmed deficiencies in the VP's leadership and management style that were then referred to Corporate HR Leadership.

The VP was provided coaching by the corporate HR leadership to address his behaviors. When the ombuds followed up with employees to see how they were doing, they thanked the ombuds for the opportunity to raise this issue confidentially with the ombuds. Also, the compliance team reached out to thank the ombuds for coordinating the call and providing them a chance to speak directly with concerned employees. They said that it had made a big difference.

An Advisor's Failure to Advise

A female graduate student came to the ombuds to talk about concerns she had about completing her PhD Her advisor had left employment at the University to join industry but was still advising students by distance. The student had heard about the ombuds through a presentation at the Graduate College and decided to bring her concerns to the ombuds due to the confidentiality afforded by the office. As a graduate student, she feared retaliation by her advisor and, possibly, her committee members should she use formal channels to complain.

The graduate student described a pattern of neglect by the advisor who often made comments about the student's financial status as well as comments about her immigration status. The student believed that the advisor assumed the student was international, when in fact, she was a US citizen. Since the student was self-funded, the advisor refused to treat her the same as those students on grant projects and left her without adequate assistance. As the student prepared for the defense of her dissertation, the advisor cancelled meetings and ignored email and voice mail. While her dissertation was accepted and she was a 4.0 student, she failed her oral defense and was given only two weeks for a second defense, with no advice from her advisor. The external member on her committee noted the irregularity in the lack of support by her advisor, and the "gotcha" type of questioning in the defense, and suggested she reach out to the Department Chair.

At that point, the student decided to speak to the ombuds. After hearing the student's concerns, the ombuds asked to speak to the external committee member and received permission.

The external committee member confirmed what the student had reported and added that the advisor also said that if the student was going to return to her country of origin, then the advisor would pass her, but not if she stayed in the US. The external committee member was from the same country as the student but knew she was a US citizen and was appalled by the statement. None of the other committee members said anything. He convinced the student to file a discrimination complaint with the Title IX office, which she did but held off on the investigation, fearing retaliation.

After meeting and coaching by the ombuds over the course of four weeks, the student spoke with the Department Chair and the Graduate Advisor, both of whom refused to listen to the student and tried to convince her to accept a Masters' degree instead. Finally, the student allowed the ombuds to speak to the Vice Provost and the Dean of the Graduate College about the situation, about her fear of retaliation, and need for an advocate in her department.

The Graduate Dean was able to convince the Department to provide a new advisor, cancel the second defense due to the comments made and lack of advisement, and provide a stipend to the student to stay and defend again and pass her defense. The student, after being awarded her PhD, chose to drop the discrimination complaint against the University.

Abusive Advisor and Language Issues

An international graduate student came to the ombuds' office in a highly emotional state after an alarming interaction with his professor/advisor. The ombuds listened attentively to the student as he described what sounded like ongoing abuse of students by a faculty member. The student was frightened and confused. Like many students, he was reluctant to report anything to the university out of fear of retaliation.

The student had been contacted by two students who had left the university, one with their PhD, and one who had accepted a Masters' despite being in a PhD program. For two years, all three students had been in the same laboratory with the same professor. The two former students decided that they couldn't watch their fellow students continue to be abused in this way. They sent a letter to the Department Chair, who didn't take any action. The Department Chair apparently believed the faculty member to be upstanding and productive.

The former students suggested the student consult with the ombuds due to the confidential nature of the services. All of them described abusive conduct by the professor, including speaking only in their native language in the lab (all three of the students and the professor were from the same country of origin), and calling the students derogatory names; throwing papers, computers, and other equipment across the room; and making them work over 40 hours per week in the lab. If they weren't in the lab, the professor would track them down and find them at their homes. He also gave the students in his lab the answers to the exams so they wouldn't have to waste time studying and would be able to work more in the lab. The students had kept the email correspondence related to the exams and presented it to the ombuds.

The ombuds discussed a variety of possible actions the student could take but the course of action that felt most safe for the student was to provide an anonymous report of the academic misconduct based on the exams which is what the ombuds helped him to do. This resulted in an investigation into the matter by the Provost's office and Faculty Academic Affairs. The professor was fired after all of the allegations came out and more students came forward. After this case, the graduate college of the university created a policy stating that the language used in labs and classrooms must be English and provided training and education on appropriate standards and treatment in laboratories.

These students had considered contacting the local newspaper to report what was going on before coming to the ombuds but had been hesitant to do so. Had they done so, it would have had a devastating impact on the reputation of the institution, and probably would have resulted in costly and protracted hearings.

An Ombuds Can Only Do So Much to Raise issues to Proper Channels

Over the period of a month, five different faculty members from the same department independently met with the ombuds to share concerns about their new department chair. They had a wide range of complaints such as sexual harassment, many forms of verbal abuse, and public humiliation, as well as arbitrary changing of policies and responsibilities. All five also reported that one of them was being bullied.

None of the faculty members had chosen to go to human resources because all of them had had bad experiences with that office in the past. A human resources staff member had told one of them, "It's not wise to take on a department chair. You will lose." All five were afraid to confront the chair or file a grievance or Title IX complaint because they each believed the chair would punish them. None of them wanted to lose their jobs, and they all reported having enjoyed their jobs until the new chair arrived. While they were all faculty, they were all on contracts that could be cancelled at any point, about which the chair was known to remind them on multiple occasions.

After discussing various other options such as the whistleblower hotline, mediation, and the previously mentioned formal processes, all of the parties preferred to meet with the Provost as a group if their identities could be protected. The parties gave the ombuds permission to briefly describe the problem to the Provost and to request a group meeting.

The group met with the Provost and explained the problems. He listened and promised to look into it. Nothing happened for three months, so the female faculty member who was being bullied filed a Title IX complaint. The complaint was found to be a violation, but since it was a one-time event, the chair was not sanctioned. From that point on, the faculty members reported that chair's treatment of the complainant worsened visibly.

Finally, a committee was formed to investigate the chair's conduct. The person appointed to lead the committee had previously been the mentor for the chair under investigation, which demoralized the faculty members who had consulted with the ombuds. The investigation

interviewed many people but seemed to drag on and on. Close to the second anniversary of the original contact with the ombuds, the chair was finally fired. By this time, however, four of the five faculty members had left the university for jobs elsewhere.

Even though the ombuds had found a way to bring the faculty members' concerns to the attention of the Provost in a timely fashion and before a Title IX complaint or a lawsuit was filed, the lack of prompt and appropriate action on the part of the university cost the department four faculty members who were part of a leadership team that had led to 98% placement of their graduates in jobs upon graduation. The faculty member who was bullied and harassed hired an attorney, and, to settle her claims, the university paid her a year of salary for severance. The loss of these faculty members in such a short period adversely affected the university's reputation in the field in which the faculty specialized. The principal lesson of this example is that while the ombuds did everything possible to help both the faculty members and the university identify and address the concerns with the department chair, the ombuds has no managerial authority, and the benefit of having an ombuds often depends on those having the authority to act taking timely and appropriate action.

A Missed Opportunity to Avoid Multiple Departures

Three counselors from the student counseling center independently visited the ombuds office to express concerns about their workload. They felt they were being worked longer hours than industry standards outlined and that it was very difficult to take a day off. Vacations had to be requested a year in advance. Eventually, the department administrative assistant also came to see the ombuds with her own complaints as well, and she reported that the contracted psychiatrists were considering leaving too (which would have comprised the entire counseling center staff with the exception of the director and assistant director).

The ombuds discussed various options with each of the counselors and the administrative assistant, and the option that most appealed to them was a group mediation with their director and her supervisor, an Assistant Vice President (AVP). All four visitors thought it would be a waste of time to just meet with their director because they did not trust she would compromise or change her policies without pressure from her supervisor.

When the ombuds told the ombuds' (non-ombuds) supervisor that she was planning to mediate with a department in which everyone was threatening to quit, he asked her, "What business is that of yours? Let the supervisor of the student counseling center handle it. You should not be mediating. You should just tell them about their options such as the formal processes." However, by that point, all the parties had agreed to the mediation, so the plan proceeded.

Two mediations were held, and progress was being made. Various models for running counseling centers were discussed. The staff felt encouraged that the AVP seemed to understand their plight and they felt he was supporting them. However, at the end of the second mediation, the AVP got a phone call which appeared to have upset him, and he abruptly announced in the meeting that he no longer had time for this and ended the mediation.

As a result of the termination of the mediation and the continuation of unresolved issues, all three counselors resigned, and two psychiatrists cancelled their contracts with the university. Only three people, including the administrative assistant, who was close to retirement, and the director remained from the original staff of the counseling center, which meant that temporary contract counselors had to be hired almost immediately. It then took six months to hire replacement counselors.

This tragic loss of employees and interruption of important services for students likely could have been averted had the mediation been able to continue. This is also an example where the person to whom the ombuds reported did not sufficiently understand that the role of the ombuds, as a trained mediator, is to utilize conflict resolution skills and not just provide referrals. Also, this example illustrates how important it is for formal channels and management to act when serious issues are raised by the ombuds.

The Ombuds Helps a Group Find a Common Vision

A university president hired an executive director to start a pipeline program for underprivileged students from the geographic area in which the university is located to get into the university's STEMM programs. It was a huge undertaking to hire staff, make arrangements with local schools and collaborate with the university medical faculty.

Toward the end of the first year, the director of this program was so frustrated with several of the staff that she was ready to fire them all and start over. She came to see the ombuds to ask for help. After a couple of meetings, the ombuds asked the director if she would be willing to allow the ombuds to meet with each of her team individually to learn their perspectives on what was going on. Of course, the ombuds insisted that the information shared in the conversations with staff would have to remain confidential. The director was anxious to get the program launched so she agreed.

The director knew that the program was a high priority project, so she was feeling a lot of pressure. The fewer people that knew her challenges, the better, so that is why she did not want to go to Human Resources.

The ombuds met with each of program's team members, promised confidentiality, and asked them how they viewed how things were going. Each of the eight people interviewed had a different perspective and wanted the program to develop the way they thought it should.

As a result, and without disclosing the comments of any of the individual team members, the ombuds suggested to the director that the group either have a retreat or discuss organizational development. She agreed to do both but asked the ombuds to lead the organizational development discussion first.

During that discussion, the group realized that in order to get started, someone had to offer a vision and having eight different visions was slowing down their progress. They agreed to

let the director lead with her vision and to fine tune their goals and objectives in a strategic planning retreat.

The director was pleased with the results of the retreat and decided not to fire her team. She also asked the ombuds for resources for team building and Myers-Briggs training. This program went on to get multiple federal grants and awards. They continue to provide the pipeline to this day. The director frequently publicly states that this high-profile town/gown program might not have survived without the help from the ombuds.

When a Senior Leader is the Problem

Over a period of months, a number of people in a department individually consulted with the ombuds. The visitors had roles at varying levels in the hierarchy and in a variety of disciplines, but they all shared concerns about the same Senior Leader—a member of the organization's leadership. Visitors expressed confusion or concern about the Senior Leader's quick ascension in the organization and about the appropriateness or justness of his promotions and power.

The visitors also described the Senior Leader's conduct, including insulting or publicly disparaging people, interfering with projects or work, character assassinations, attacking professional reputations, and terminating people unfairly or unjustly. Some considered this conduct as bullying. Others perceived the behavior as antithetical to the organization's code of conduct or other policies. Some questioned the legality of the Leader's conduct. Given the overall perception of the Senior Leader's power in the organization, visitors expressed a variety of fears. In particular, visitors were afraid that if it were discovered that they sought help from the ombuds, they would become the next target or otherwise suffer retaliation for speaking up. Many of these individuals were at such a loss that they said that were considering leaving the organization.

Trusting that the ombuds office was strictly confidential, visitors met with the ombuds—often more than once—to share their concerns and to obtain guidance and support in addressing them in a meaningful way. In every session, the ombuds provided support and advice, including on how to address individual communications as they were evolving. (On request, the ombuds provided direct, individual, real-time, one-on-one coaching.) The ombuds and visitors talked about words the visitor might use directly with the Senior Leader, meetings that they might hold with others, emails they might write to document plans, other senior leaders who could lend assistance, and policies that were at play. The ombuds and visitors also discussed the organization's resources for support, including persons higher in their chain of command, the Human Resources department, the ethics and compliance hotline, and of course the ombuds office.

In addition to serving as coach to individual visitors, an option that the ombuds offered was for the ombuds to serve as a conduit to improve communications, to serve as a mediator/facilitator to open and improve direct dialogue, and to raise the pattern of concerns to other senior leadership who were well placed to hear and address the concerns. While a systemic

pattern of concerns had clearly emerged, the ombuds continued to work with visitors individually to help them work through their individual goals or needs but the ombuds eventually sought permission to bring the matter forward as a pattern while preserving the confidentiality of all visitors.

Ultimately, the ombuds took the pattern of concerns to senior leadership, which engaged the organization's formal investigation processes. The investigation uncovered conduct that was in violation of the organization's policies, and appropriate corrective action was taken.

The ombuds was thus able to help to provide direct and immediate help to each of the ombuds' individual visitors while working with them to find an effective way to bring the existence of the systemic issue to the attention of senior leaders who could order an investigation and take corrective action. As a result, none of the visitors left the organization and many of them have expressed their appreciation to the ombuds and how much happier they are.

Healing a Rift

The ombuds had received a significant number of cases from members of a department in the organization who expressed concerns about how the department was being managed. Visitors shared that they were frustrated, furious or outraged, and some said that they might seek legal counsel to address the matter. Low morale was widespread across the department.

As more details emerged, it became clear that visitors were describing a rift within the department, with essentially two disciplines in the department having been pitted against one another. Visitors described examples of infighting and poor professionalism. Visitors suggested that the rift had been created by the department's leadership when leadership encouraged people to choose sides using a heavy-handed approach. Others described apathy/disinterest on the part of some members of the department's leadership. Overall, the department's internal warring resulted in confusion, unrest and disorganization, which negatively impacted people individually and may have also resulted in losses both in employee retention and in the department's productivity.

Visitors said that numerous complaints about these concerns had been made to the organization's HR and compliance offices but had not produced results. This only increased frustration and confusion.

Visitors wanted to be sure that the organization was made aware of their concerns. Their objectives included improved communication, response to concerns, clarity in work-roles, and fairness in schedules, treatment and pay. They wanted to be freed up to do their jobs effectively and feel good about working as one cohesive team again.

When the visitors came to the ombuds individually, the ombuds listened to each person actively and provided a safe/confidential space for them to share all that was on their mind. In a very real way, the assurance of privacy and commitment by the ombuds not to share with anyone that they were meeting with the ombuds gave them the opportunity to fully open up and express

their concerns. The ombuds met with many of these visitors on a recurring basis and offered suggestions in how they might better handle the situation themselves immediately and provided individual coaching and support. As a result, visitors gained confidence in themselves, even though their work situation hadn't changed.

Because the many individual concerns also represented a significant systemic disfunction within the department and with permission of the visitors, the ombuds also engaged in a series of facilitated discussions that included members of the organization's senior leadership. These discussions with senior leadership raised their overall awareness and understanding of the broad and complex nature of the concerns in the department. Ultimately, significant changes were made, including structural improvements, leadership changes, communications plans, and changes in workflow.

After these changes, the department was functioning cohesively as one unified whole. Communications and morale also improved. The changes were so pronounced that visitors reported back to the ombuds to let the ombuds know how much better things had become, describing the difference before and after the ombuds involvement as the difference between "night and day."

Benefits and Inclusion

A female employee in a same-sex marriage contacted the ombuds to express her frustration about a limitation in the company provided insurance benefits. In this discussion, the ombuds learned that the employee and her wife had been preparing over the past few years to start a family of their own with the employee being the one to carry the child. At first, they assumed that IVF (in vitro fertilization) was the only option, a procedure where the woman's egg is stimulated, retrieved, fertilized, and transferred back to the female. But upon researching further, they found IUI (intrauterine insemination) was the best option for them. This is a procedure where sperm is simply injected into a uterus. IUI is lower cost option and a much more practical avenue for same-sex female couples who do not require additional fertilization techniques to conceive.

The employee stated that she had made several calls to the company's insurance provider for information and was told IUI was only covered after the couple "tries to conceive" for one year and that they would need to prove their "exposure to semen" in order to be covered. The inquirer indicated that she thought the company's insurance coverage was antiquated and unfair; although it provided extensive, often expensive, coverage for women in heterosexual relationships facing infertility issues, the plan but did not consider being in a same-sex marriage (and a very healthy individual) to be a valid reason for fertility benefits coverage.

The employee also strongly felt that the company's public statements conflicted with the coverages in the plan it provided for employees. The company continued to raise flags in celebration of PRIDE month and had discussions of inclusion, but this lack of coverage for same-sex couples was not consistent with that message. The employee also felt that it would be

humiliating to try to address this with her local management, as the terms of coverage in company insurance policies is determined at the corporate headquarter level.

After this discussion with the ombuds, the inquirer agreed that since this was a companywide topic and if the ombuds were to raise this issue it would not necessarily be linked to her in particular, the employee granted the ombuds the permission to share the concern with the global benefits vice president and their team for review. As a result, the company's policies were changed to allow all employees equal access to fertility benefits: the criteria of needing a diagnosis of infertility to access infertility benefits was removed; the cost of donor sperm would be covered by the plan; and cryopreservation would be covered for both eggs and sperm for up to 12 months.

The ombuds also made sure these changes would be mentioned in various LGBTQ communications materials that the company put together each year.

Fielding Calls from Inquirers about a Company's New COVID-19 Actions Enables the Ombuds to Suggest Revisions to Improve Communications on the Company's Website

At the start of the COVID-19 outbreak, the management of a company put in place protective actions which were communicated in a number of ways, including through a dedicated COVID website. The information on the COVID website, though plentiful, was unclear and confusing in some areas.

After the COVID website was created, the ombuds received many calls from employees about what the callers described as a lack of clear guidance which had led to raised anxiety levels.

The ombuds collated what they had heard from these calls and produced a report for senior HR management, highlighting the concerns raised along with actual quotes of comments from employees (ensuring confidentiality and anonymity were preserved). Management used the information provided by the ombuds to update the COVID website to address the specific areas of concern. Management also implemented a company-wide communication initiative to inform employees of the improvements in the company's COVID website and that HR management was available to answer any additional issues. After these actions, the COVID information provided by the company was much clearer and calls to the ombuds dropped off dramatically.

Ombuds Helps a Mid-level Manager (and Other Employees) Surface Concerns When Formal Channels Fail After Former Peer is Promoted to Director

A mid-level manager who had worked for over 20 years at the organization reached out to the ombuds for a meeting. He shared that he had never worked with the ombuds before because he had never needed to do so. However, now that his manager had changed—a former peer was promoted to be the director—things were very challenging for him. He explained that his new director refused to listen to his opinions about initiatives involving his team and his area

of expertise, and the new director was regularly making goals for him that were all but impossible to achieve. He also explained that the new director publicly called him out in meetings for "not being a team player" and in private for not being able to achieve the initiatives that the new director knew were impossible to achieve even with much more time and additional resources. As he tried to explain to the new director about why the goals were unachievable, he was told he was "insubordinate," and he was then written up.

The ombuds talked with the visitor at different points over five months regarding various options available to him. He tried multiple options, including reaching out to HR and asking the director for a facilitated conversation. The HR representative told the manager that the "director has discretion" to discipline him, and the director refused to engage in the requested facilitated conversation, telling the ombuds, "He just needs to get his work done."

Over the course of multiple additional months, at least seven other employees came to the ombuds to talk about the new director, sharing their perspectives about the abuse of power, the unfair and unproductive way he led, and the huge hit to morale that the whole department was experiencing. Again, the ombuds worked with each individual to generate options for moving forward, and also recognized that there was now a trend. After speaking with the mid-level manager and the other visitors who came to discuss this topic, the ombuds obtained permission to bring the issue to the head of the department. (No one wanted to do it themselves due to fear of retaliation.)

The ombuds brought the issue to the head of the department, after which an outside vendor was hired to investigate the matter. The investigator found that the director had acted improperly and unfairly, had targeted the mid-level manager, and had poor leadership skills, generally. The new director was put on a Performance Improvement Plan and was ultimately asked to leave the organization.

Bullying and Hostile Work Environment

The ombuds received a number of visitors from one office who expressed concerns about a specific leader's treatment of people and whether the leader made ethical business decisions. None of them wanted a formal investigation, which would likely require their on-the-record testimony. They were comfortable raising the issue with the ombuds but did not want to become enmeshed in a formal investigation. Several also said that they "did not want anything bad to happen" to the leader. Rather, they just wanted to see the behaviors change and the environment improve.

The ombuds met with more than ten current and former employees from that office who described the conditions in that office using expressions such as: a "reign of terror," "a remarkably toxic atmosphere," and an "abusive" and "hostile" environment. Among other comments expressed by employees was that they felt the leader "created fear," "beats people into submission," was "extremely condescending," "intentionally makes you feel like you're stupid" by "constantly pointing out mistakes, making you feel terrible about it," where "nothing you do is ever right . . . ever." These vivid and graphic descriptions clearly reflected an extreme and difficult work environment.

With permission from the employees, the ombuds compiled the comments without attribution and shared them with a more senior executive in that office for information and action as appropriate. The ombuds reiterated that it was up to the senior leader to initiate any investigation but that these comments suggested that there was an opportunity to address perceptions and reinforce expected leadership behaviors. The senior executive confirmed with the ombuds that a couple of other issues were raised before, but nothing was this serious and widespread. The ombuds confirmed that a large number of employees were doing everything they could to stay in the good graces of this leader, which meant not speaking up for fear of retaliation, which colleagues stated took the form of low performance evaluations. The senior executive: 1) used the ombuds' non-attributable feedback to put the leader "on notice" about expected behaviors surrounding respectful treatment; 2) created an open door for all employees to freely make direct contact; and 3) gave the leader a one-year ultimatum to improve or find another opportunity. While things improved slightly for a short amount of time, ultimately the bad habits did not change, and the leader left the organization.

Relocation and Reimbursement Process

The ombuds was contacted by several visitors with questions about the organization's relocation payment policy. This case was particularly complex as it involved multiple components of the policy and application of the policy to different situations.

Because of the larger policy issues implicated, the ombuds brought these concerns to management with the permission of the visitors but without disclosing who they were. The ombuds also provided additional input to help management clarify the process, identify the decision-makers, articulate expected timelines for making a decision, and describe what appeal processes were available. The resulting revised policy was much clearer and addressed the issues that visitors had brought to the ombuds.

Cultural Insensitivity

A few items relating to training and recruitment "went viral" throughout the organization, resulting in several people contacting the ombuds. Comments centered around three particular issues:

- A training module that explained a new dress code contained recommendations to dress to compliment skin color and wear makeup to avoid being a "plain Jane." One leader had become aware of the situation and promptly addressed the workforce stating that the training module did not represent the organization's values.
- A supervisor forwarded a document to a group of employees that contained offensive material that many interpreted to be racist. The ombuds brought the matter to management's attention for consideration and action as appropriate.
- A document originating in an HR recruitment division entitled, "Recommendations for Engaging Diverse Applicants" caused some concern. The well-intended purpose was to increase sensitivity to cultural differences. It contained appropriate recommendations for

recruiters, including being positive and avoiding assumptions based on appearance. However, many believed that it violated its own advice later of the document, which was described as having misguided information and racially insensitive, over-generalized stereotypes.

The ombuds brought these issues to senior management, and in response, management issued a new and refreshed statement on commitment to equal employment opportunity and diversity to the entire organization.

Ombuds Helps a Contractor Address Attempts by Government Employee to Have an Inappropriate Relationship.

A government contractor came to the ombuds with concerns about a government employee who allegedly expressed an interest in engaging in a personal relationship with the contractor. The contractor explained that the government employee also had been designated as the contractor's point of contact with the government agency involved and oversaw the contractor's work. The contractor reported that when the government employee tried to shift the working relationship to something personal, the contractor immediately expressed disinterest to the government employee and asked for him to stop.

The government employee continued to show interest, however, both directly and indirectly. As a result, the contractor looked to the ombuds for guidance on what else the contractor might be able to do to make the unwanted attention stop. Sadly, the contractor divulged this situation to the company's HR office, which did not want their employee to "cause a problem" and risk the government looking unfavorably on their company.

Among the options discussed was having the ombuds make the government management aware of the contractor's concerns. Luckily the ombuds had prior experience with managers in this area who were consistently supportive and responsive to broad organizational concerns, and especially to concerns related to ethics and harassment. The contractor was comforted by this insight and selected this option. With permission from the contractor, the ombuds made management aware of the contractor's concerns and requested that the situation be investigated, or other appropriate action taken. The government supervisor took immediate action to ensure that the contractor was in a safe environment, and also talked to the company about being more forthcoming when situations like this arise.

A Policy Recommendation Addresses the Concerns of an Employee (and Possibly Many Others)

In the ombuds' organization, annual performance evaluations were typically communicated to employees by November. When an employee contacted the ombuds in mid-April to complain that the employee's performance evaluation had not been completed, the ombuds discussed various options the employee could take to address the problem directly, and the employee then took

action to do so. Unfortunately, none of the steps taken by the employee were successful, and the employee came back to the ombuds for further guidance.

At this point the ombuds understood that the problem this employee had experienced was a systemic issue that also could be adversely affecting other employees. The ombuds also concluded that the solution to the problem likely was to raise the issue at the level of senior management. After discussing this option with the employee and receiving permission to raise the issue generally (and without identifying the employee who had raised the issue), the ombuds recommended to senior leaders that there was a need for them to develop procedures for following up on the annual evaluation process to ensure there were no outstanding annual appraisals in the organization. Ultimately a change was made to the software system that allowed for better monitoring. Thereafter, HR was able to print more detailed reports and follow up with specific supervisors missing performance management deadlines, and the problem was resolved.

The Ombuds Helps Employees Understand the Process

Several employees who were being investigated for time and attendance irregularities reached out to the ombuds for help to better understand what their time and attendance responsibilities were and what their rights they had in connection with the investigative process. Given the pending investigations, the employees wanted to have these discussions in a confidential setting.

In one case, the employee questioned the process itself. This employee's job necessitated being "out and about." The employee believed that the documentation being requested as part of the investigation to prove the employee's whereabouts was unduly burdensome, unfair, and a misuse of the process. The employee asked the ombuds for help finding out whether these types of requests for documentation were appropriate.

The ombuds found an internal guide for administrative investigations, which addressed time and attendance cases. It instructed investigators to give employees under investigation the opportunity to explain discrepancies. It further stated, "If uncertainty remains about an individual's presence at his or her assigned duty location or other location in an official capacity, the employee usually receives the benefit of the doubt."

The employee did not give the ombuds permission to reveal their identity. During the process the ombuds learned that there were about a dozen ongoing time and attendance investigations. Given this large number, the employee felt comfortable with being able to remain anonymous and gave the ombuds permission to discuss the broad concerns with the director of investigations. This leader took the feedback seriously and followed up with all investigators to ensure the process was fair and being conducted properly in accordance with the internal investigation guidelines.

Ombuds Provides Guidance to Employees Returning from Paid Leave Pending Investigations and to their Supervisors

When employees return to work after being placed on extended paid leave during administrative and security investigations, the reentry process can sometimes be difficult. Some of these returning employees have wanted to have confidential assistance from the ombuds about how to make their return to work less disruptive. Generally, one is placed on paid administrative leave by the organization because the initial allegations are substantial enough that keeping the employee on site would cause unacceptable risk for a variety of reasons. In light of the fact that even just an allegation prompting an administrative leave can have an adverse reputational impact on an employee, a resolution of an investigation that allows the employee to return to work often places the employee is a difficult situation with both peers and supervisors. In one organization, employees returning to work from paid administrative leave after an investigation raised the following issues and concerns in their conversations with the ombuds:

- Possible misuse/abuse of the security investigative process, whereby anyone could submit a maliciously false claim that must be investigated and is likely to send the employee home;
- The impact of rumors about why the employee was escorted out, including privacy concerns about what was shared with team members;
- Investigation timeliness, which in a couple cases took over a year; and
- The employee's uncomfortable return when the claims were not substantiated or successfully appealed.

In most of these cases, the ombuds provided conflict coaching to the returning employee and discussed with them a variety of informal and formal options for dealing with their concerns. One of the most useful options has been the ombuds' willingness to facilitate a conversation with the employee's new manager to help them and the employee develop a strategy for successful reintegration. This, of course, requires consent from both the employee and the supervisor.

After having dealt with these issues on several occasions, the ombuds in this organization was also able to raise a systemic issue with senior management to address collateral issues resulting from the organization's failure to conclude investigations in a timely manner. The ombuds recommended that the senior leaders develop processes to regularly track and proactively require regular status reports, including expected completion dates, on all pending investigations of employees out on paid leave to expedite their disposition. These processes were helpful for both the organization and the supervisors of the employees involved.

A Supervisor Seeks the Ombuds' Assistance with New Production Rules

A supervisor sought assistance from the ombuds after senior management introduced new production rules that contradicted the process and guidance given by subject matter experts in his group. The new rules led to confusion about the work process and were causing concern and disruption in the supervisor's group.

The ombuds discussed various options with the supervisor and also engaged in conflict coaching to help the supervisor better address the concerns both with employees in the group and with senior management. The supervisor decided that the option that would be the most helpful was to give employees in his group an opportunity to share their concerns anonymously with the ombuds with the understanding that the ombuds would then share those concerns, without attribution, to senior management. A high percentage of employees participated in this process and were comforted that their perspectives, but not their identities, would be shared.

Once the ombuds had heard from most employees in the supervisor's group, the ombuds provided senior management (and the supervisor) with a broad range of comments from the supervisor's work group, including compliments, concerns, and recommendations. In other words, this feedback included feedback about what the work group was doing well and should continue, areas of improvement, and most importantly, anonymous feedback from employees about what changes would be most valued and make the biggest impact.

This feedback led to an interactive process among senior management, the supervisor, and his work group aimed at improving the work process and clarifying the group's mission, strategic goals, and internal processes. Overall, this process helped improve trust among the work group. Whereas the employees were previously concerned about providing critical feedback, they saw improvements to how the supervisor responded. Specifically, and with some coaching from the ombuds, the supervisor and senior leaders were genuinely thankful for the feedback and were responsive by developing and executing an action plan. This in turn made the employees more comfortable speaking up going forward.

Ombuds Works with HR to Resolve the Visitor's Issue on a Systemic Basis

An employee came to the ombuds saying that they were at least a year overdue for a step increase in compensation. The visitor did not feel comfortable going to HR himself because he thought the supervisor would be upset when he found out and possibly retaliate against the visitor. The employee had already asked the supervisor about the promotion several times but was always brushed aside.

The ombuds discussed various options to address this issue with the visitor, but because the ombuds did not have permission to use the visitor's name, the available options were limited. The visitor, however, did give the ombuds permission to go to HR with this issue if she could keep his identity anonymous.

The ombuds went to HR and asked for details regarding how step increases were supposed to happen, who played what role in making the increases happen, and what could be done if a supervisor did not take care of a proper increase in a timely manner. Eventually, the ombuds asked HR to run a report of all employees who were overdue for a step increase. When the report was run, it identified the visitor along with several others. HR followed up on these delinquencies, and the visitor (and presumably the others) got their step promotion.

Help in Clarifying a Policy

An employee contacted the ombuds to discuss a time-off policy that was written vaguely, as it pertained to part-time professionals taking a sabbatical. When the employee had requested time off, their manager brushed it off as a benefit offered only to full-time employees. Unsatisfied by this interpretation, the employee suggested they seek clarification from HR.

The manager became inexplicably concerned about involving HR. Rather than doing so, he offered to be creative, instructing the employee to keep this between the two of them and schedule the time off without recording it anywhere. The employee was concerned about two issues: (1) the undocumented time off might violate policy and put the employee and company at risk and, (2) without a policy clarification, other part-time employees might be denied the benefit.

The employee visited the ombuds and expressed both concerns but, fearing reprisal from the manager, refused to make a formal report, nor to give the ombuds permission to speak with their manager or HR about the specific incident of suggesting the undocumented sabbatical.

After some discussion, the employee gave permission for the ombuds to speak with HR about the vagueness of the policy and to reference, more generally, that this had already led to a manager's suggestion to take undocumented time off. After the ombuds had this discussion with HR, HR updated the policy quickly and without further incident.

Diversity without Inclusion?

A woman professional in a same-sex partnership had joined an organization because of its commitment to diversity and inclusion. However, she soon discovered that a medical benefit, related to reproductive procedures, would, in effect, exclude the couple because there was no "covered male". Following an exhausting discussion with insurance providers, she contacted the ombuds for assistance.

The ombuds listened empathically, determined to truly understand the visitor's needs in what was, at the time, a unique request. The ombuds offered to research the benefit policy and contact the head of HR for assistance, while also agreeing to keep the visitor's identity confidential.

HR assured the ombuds that the policy was not intended to exclude same-sex couples; although it was written in a way that led to this interpretation. HR wanted the opportunity to speak to the person, directly, so they could understand the individual's experience with the insurance provider, as well as address the coverage issue quickly and appropriately.

While the visitor was, at first, reluctant to reveal her identity, the ombuds encouraged the person to contact the head of HR. The visitor did so, and her anonymity was protected. The policy was updated to align with the organization's inclusive culture and values, as well as with the visitor's future insurance needs.

Coaching and Trend Reports help both an Individual and the Organization

An employee had seen an online posting for a job in another department that he thought he would be a good fit for him, in light of his qualifications and experience. He applied for the job and thought the interview went well. He was excited about the prospect of the new job, but there was no follow up after the interview. Some weeks later, he met the new person who had been hired for the job.

The employee was bothered that he had never received any feedback on the interview and had not even been informed that the position was filled by someone else. He did not want to complain to HR or the other department, however, out of fear that he would be seen as a troublemaker or get a reputation that would hurt his chances for a transfer in the future. He contacted the ombuds to discuss how best to handle the situation.

After discussion, the employee decided that the best option was to approach HR for a candid conversation about his qualifications. The ombuds coached him on how to handle the discussion so that it would be positively received and help him identify ways to improve so that he could be in a better position if there were future openings.

The ombuds also knew that other employees had also raised the issue of not receiving feedback after an interview or hearing of the final decision, and without disclosing the names or any of the circumstances of the people who had come to the ombuds office, noted this in a trend report to higher level management as an issue that should be addressed throughout the organization.

A Probationary Employee Clarifies a Policy Without Hurting his Career

The organization president issued a policy statement to all employees mandating a furlough. The policy stated that all employees had to take a certain amount of time off without pay and that they could do so when they chose, in partial day increments, one day at a time, or in multiple day blocks up to five consecutive days.

An employee still in probationary status (having worked for the organization for less than one year) contacted the ombuds office because, contrary to the directive from the president, his supervisor had dictated when employees had to take the unpaid days off. Because he was still in his probationary period, the employee was unwilling to raise the issue directly out of fear that doing so would hurt his chances for employment when his probationary period ended.

After discussing various options, the employee gave the ombuds permission to contact the HR office to raise the issue generically. Once HR became aware of the issue, it revised the FAQs on its website to address the issue with a question on whether a department or division could mandate when furlough is taken. The answer to this question given by HR was “No. A department should not dictate when the required furlough days must be taken by an employee or a department.” This information was disseminated to all departments, including the department in which the employee worked, and the problem was eliminated.

Concern over Both Practices and Lack of All the Facts Results in Policy Reform

An employee came to the ombuds with concerns that his manager may be using company funds to pay for personal expenses and possibly expenses related to the board of directors of another company on which the manager served. It was not against his employer's policy for the manager to serve on that board, but the inquirer said that he had noticed that trips taken by his manager on company business often appeared to have been arranged to coincide with board meetings for the other company. The inquirer said that he thought he was the only person who was aware of these patterns and felt uncertain about reporting them because he was not sure if what the manager was doing was wrong, or if he (the inquirer) knew all the facts. He was also worried about what would happen if he made an accusation and was wrong.

After discussing various options with the ombuds, the inquirer agreed that he would like the ombuds to raise the issue anonymously with the compliance office. The ombuds did this, and compliance's examination of the manager's travel patterns revealed no wrongdoing but suggested that the manager may have created the risk of a conflict of interest. As a result, the company changed its ethics rules to prohibit managers in the position of this manager from serving on boards of companies like the one involved in this case, and the manager subsequently resigned from the board of the other company.

The employee expressed his appreciation to the ombuds that the company was able to address his concerns anonymously and by the way in which it addressed the policy issue involved.

Trend Report Helps Management Address Workplace Civility

Based on conversations with inquirers over an extended period, the ombuds raised the issue of workplace civility in an annual trend report. The ombuds also had extended discussions with management about how it might address the issue globally.

Two main options were chosen by management to address this issue. First, management found various occasions to write messages to all employees defining management's expectation of respectful treatment in the workplace. In addition, they clarified expectations by setting performance objectives for their direct reports that stated that the direct reports would be held accountable in their performance reviews for setting a respectful example and tone in the workplace and for dealing with instances of incivility in their respective areas.

There has been no scientific measurement of the impact of management's approach, but after these actions were taken, fewer inquirers came to the ombuds with issues of disrespect.

Ombuds Helps the Organization Avoid a Class Action Lawsuit

A female professional staff member contacted the ombuds office with concerns over actions by the predominantly male staff in her group. She had only been with the organization

for a few years but was highly educated and at the cutting edge of her scientific field. She had also received high ratings as an employee. She related that she and other women in her group had experienced demeaning, disrespectful, and dishonest treatment by the male professional staff in her group. She thought one of the worst offenders was her former mentor, who was also a highly valued staff member responsible for bringing in millions of dollars of new business. She and the other female scientists and technical staff had been ignoring the demeaning behavior by him and the other male colleagues because they needed his skill and research projects.

The female staff member also mentioned an episode six months earlier in which a male staff member had created a dangerous condition in the lab with only women present. While the incident had been investigated and the male staff member transferred to another group, a verbal threat on her life had been made to her to prevent her from speaking about the episode. That event clearly had traumatized her, and she had not reported the threat. Since that time, however, she had been keeping a record of the incidents and comments. In addition, the women in the group had been advising potential new recruits to the organization that they could not recommend working at the organization.

The ombuds discussed various options with her on several occasions. During this time, the staff member urged other women in her group also to speak with the ombuds. The ombuds thought that the facts outlined by the women created a real possibility of a class action lawsuit against the organization and was trying to find a way to help get the issue to senior management. While most of the women insisted on anonymity, two of the women with whom the ombuds spoke were willing to speak about their concerns with management.

The ombuds helped coordinate a meeting between those two women and the CEO. As a result of those conversations, an investigation was undertaken to deal with the issues in that group. In addition, senior management engaged workplace consultants to work with staff throughout the organization to raise awareness and deal with gender related communication and interaction.

Confidential Group Assessment by Ombuds

The management of a unit perceived that there were problems with the unit and that the employees in it appeared alienated from the organization. They wanted to get a better sense of the problems and believed that they could do this only by having the employees in the unit speak honestly. They knew, however, that employees would be reluctant to do this unless they were able to speak with a third party confidentially. Consequently, management contacted the ombuds office to ask them to speak with employees with the understanding that the ombuds would not disclose identities or confidential communications but would share conclusions from the interviews.

The ombuds agreed to meet with employees and speak with them with that understanding. The ombuds explained to employees that the communications would be confidential and that only summary conclusions would be shared with local management. After

speaking with employees and focus groups, the ombuds shared observations and conclusions with the local management.

This allowed management to address some of the systemic problems, and employees to feel confident that they had been able to express their concerns but that who had made specific comments would still be kept confidential.

Local Management Ethical Issues Raised Safely Through Ombuds

Some employees at one unit of the company were aware that key contract terms were being changed by their local management after a contract had been agreed to and signed by the customer but prior to being submitted to the company's corporate offices. This practice resulted in bonuses to local management larger than what they should have received. Corporate Audit was generally aware there had been problems with certain types of contracts in the field but had been unable to pinpoint the specifics or the people involved.

The employees who knew about this practice feared that they would be retaliated against if they raised this issue through formal channels, especially since it involved their local management. Some of these employees contacted the ombuds because they thought it would be a safe way to obtain guidance on how to deal with the problem.

The ombuds, with permission of the employees, was able to facilitate the involvement of formal resources in a way that maintained the anonymity of the employees raising the issue and resulted in an investigation, eventual discipline of those involved in the fraudulent contracts, and a change in policy to prevent similar problems in the future.

Trend Report Results in Policy Change

Company policies required employees to notify the company of any change in the number of dependents covered under benefits provided by the company. The policy required that an employee furnish the necessary documentation within 30 days of the event giving rise to the change.

Several employees contacted the ombuds for guidance in dealing with difficulties they had experienced in complying with this policy when they had a child. Thirty days frequently appeared not to be enough time to obtain a birth certificate, resulting in a number of otherwise qualified dependents not being covered by important benefits such as health insurance.

This trend was quickly spotted and reported to the corporate benefits office. As a result, the policy was changed to allow employees up to six months to furnish the necessary documentation.

Systemic Issue Identified by Ombuds Leads to Better Policies

Several employees reported in separate communications with the ombuds that they were confused by various written and oral warnings that they had received. Often employees were surprised when they were told that the verbal warning stage was over, and a written warning had been issued.

The ombuds identified this confusion by employees over the various levels of oral and written warnings as an issue in the ombuds' mid-year trend report.

As a result of this feedback, HR reviewed its warning policies and how they were being implemented. The review resulted HR revising the applicable procedures to simplify the process and to more clearly define and articulate when each type of warning should be given. As a result, significantly fewer instances of confusion over the meaning of a warning were presented to the ombuds.

An Alert From Ombuds Helps the Organization Avoid Committing Illegal Acts

Information was conveyed to the ombuds that the organization may have been skirting the law in hiring foreign nationals, but the source of this information was unwilling to come forward directly or to permit disclosure of his identity. The inquirer was willing, however, to permit the ombuds to alert the COO of the organization that this type of activity might be occurring.

With the alert from the ombuds, policies and procedures were tightened to eliminate the potential for misconduct. In the process, the COO was able to reinforce to those responsible for hiring what the law and the organization required and that violations would not be tolerated.

No further concerns on this issue were brought to the ombuds.

When a Supervisor and HR are Part of the Problem

A mid-level manager came to the ombuds with concerns about how she was being treated by both her direct supervisor and her local HR representative. She felt that both were undermining her and not supporting her as she attempted to correct employee behaviors and improve the morale and production of the team she supervised. She felt very unsafe raising her concerns to anyone within the formal structure and reached out to the ombuds so she could have confidential conversations there. She had repeated conversations with the ombuds regarding options and strategies.

Conversations with this manager continued over the course of approximately three months, after which time she had built up enough confidence and trust to reach out to her VP of HR with the assistance of the ombuds. As a result, a personal visit was made to her supervisor by the VP of HR, and changes were made in the HR department that addressed the concerns of the

manager, as well as similar concerns of other employees that had surfaced through discussions with the ombuds.

An Observant Ombuds Addresses a Needed Accommodation

The ombuds of a large organization usually used the north entrance to the building where she worked. From time to time, the ombuds saw an employee using a walker and moving very slowly to approach the same north entrance to the building. When they both arrived at the entrance at about the same time, the ombuds would usually say hello and, if possible, hold the door for the employee to enter. Although the north entrance had a ramp to the entrance, it did not have a button to push for the door to open automatically.

On one of these occasions, the ombuds also inquired whether the employee had thought of using use the south entrance to the building, which did have a button to push to open the door automatically. In response, the employee said that the south entrance was not an option because of the greater distance to the elevator and the location of the employee's office.

Soon thereafter, it occurred to the ombuds that as an advocate for fair process, she may be able to address the need for an accommodation. Without disclosing that the inquiry was based on her own direct observation and without seeking or receiving permission to raise the issue on behalf of the employee with the walker, the ombuds merely inquired of the head of facilities if anyone had ever thought to add a button on the north entrance to automatically open the door. The ombuds also made the same inquiry to the local HR representative. Within a month, the ombuds noticed that an automatic opening button had been added to the north entrance door and that the employee with the walker no longer struggled to open the door or needed assistance from a coworker to open it. Rather, the employer had provided an accommodation to assist employees. The employee with the walker—and any others with a disability—no longer would have to struggle to get in the building to go to work

Fielding Calls from Inquirers about a Company's New COVID-19 Actions Enables the Ombuds to Suggest Revisions to Improve Communications on the Company's Website

At the start of the COVID-19 outbreak, the management of a company put in place protective actions which were communicated in a number of ways, including through a dedicated COVID website. The information on the COVID website, though plentiful, was unclear and confusing in some areas.

After the COVID website was created, the ombuds received many calls from employees about what the callers described as a lack of clear guidance which had led to raised anxiety levels.

The ombuds collated what they had heard from these calls and produced a report for senior HR management, highlighting the concerns raised along with actual quotes of comments from employees (ensuring confidentiality and anonymity were preserved). Management used the

information provided by the ombuds to update the COVID website to address the specific areas of concern. Management also implemented a company-wide communication initiative to inform employees of the improvements in the company's COVID website and that HR management was available to answer any additional issues. After these actions, the COVID information provided by the company was much clearer and calls to the ombuds dropped off dramatically.

Lines for Lattes

Several employees complained to the ombuds about wasted time involved in getting coffee from the organization's coffee shop. In looking into to this issue the ombuds noted that during the morning rush, which lasted from about 6:30 to 9:30 am, about 20 people at a time waited in line for coffee, and it took each of them about 20 minutes to get their coffee. Mathematically, that time equaled thousands of minutes of standing in line per day, which equated to a yearly cost of over several hundred thousand dollars of lost productivity.

The ombuds concluded that this was a systemic issue that should be brought to the attention of the facilities management office. When the ombuds raised this issue, the representative from the facilities office stated that they once before piloted a second register at the coffee shop, but it did not decrease the wait time, so they removed it. They felt that the space was too small to accommodate more registers and that added personnel in the space did not speed the line either.

When the ombuds pointed out the amount time and lost productivity of employees and overall cost to the organization stemming from employees trying to buy their morning coffee, the facilities representative agreed to ask the food-service vendor to see what improvements could be made to speed up service. A second register was ultimately added and was designated as an "express lane" for simple orders. Many users reported back that wait times were cut in half. The result was improved service for employees and a reduction in loss of productivity and cost to the organization.

Raising Systemic Safety and Recordkeeping Issues Where There is an Imminent Threat of Serious Harm

Several employees of a federal agency separately came to the ombuds with concerns about a safety protocol not being followed and record keeping not reflecting the fact that safety steps were being skipped due to time pressures. Each of the visitors was unsure what to do but all expressed a fear of retaliation if they were to formally report their concerns.

After several visitors had discussed with the ombuds similar concerns and fears, the ombuds raised the issue to head of Safety. The ombuds made this decision based on their knowledge that lives were at risk if this situation was true and not resolved.

An audit was scheduled immediately under the disguise of an opening in the audit schedule. The audit revealed several gaps in protocol. The operation was completely shut down until the safety gaps were resolved.

An Ombuds' Careful Listening Helps Spot Possible Financial Abuse

A woman came to the ombuds for help on how to deal with what she perceived as discrimination in her work group. The visitor felt that women with children were being given more flexibility in work schedules than women without children. As a single woman, the visitor wanted to have flexibility for vacation time or flex hours to either go to school herself or take care of relatives. She claimed her supervisor always considered her requests behind those of women with children and their associated needs.

During the discussion with the ombuds, the visitor mentioned some financial behaviors she attributed to her supervisor and coworkers that, if true, could be breaches of financial practices of the company. The ombuds tucked that information away and focused on coaching the visitor on how to advocate for her own needs.

At the end of the conversation with the visitor, the ombuds asked if she could ask a bit more about the financial behaviors the visitor had mentioned earlier. The visitor agreed to share more details with the ombuds and then described expensive meals, travel, and unapproved use of car services. The visitor later gave the ombuds permission to alert the internal audit group of these potential abuses.

The ombuds did alert audit to the possibility of financial abuse in this unit without disclosing the identity of the visitor, and an investigation was initiated. After several weeks, the ombuds learned that the investigation had uncovered vast fraud and abuse. Three people were terminated in the unit with others being given disciplinary action. The head of internal audit expressed great appreciation to the ombuds for bringing this issue to their attention. The discrimination issue first raised by the visitor became moot in light of the terminations and other disciplinary action that was taken.

Prompt Action by Ombuds Assists Leadership on Control Issues

A visitor scheduled an appointment with the ombuds to discuss a stressful work environment that focused on results over quality. At the start of the meeting, the visitor communicated that this was their last day with the organization.

The visitor presented the ombuds with a lengthy document detailing instances where the work climate had resulted in policy breaches over the past few months. As the ombuds questioned the visitor about each item, the ombuds learned that the visitor and/or colleagues had spoken up as each issue occurred and line management had, in fact, addressed them. However, the ombuds also learned that employees now felt pressured about continuing to speak up and, in some cases, were told specifically not to discuss anything with HR or the ombuds.

When the ombuds asked if there were any open issues that hadn't been reported, the visitor pointed to the final item and said, "That's why I'm here. I wanted to put it on the record, confidentially, before I leave today," and then proceeded to communicate a recent breach of controls that, if left unchecked, could take the organization out of regulatory compliance.

As the ombuds reiterated that speaking with this office did not constitute "putting it on the record", the visitor began to back off, stating that they'd done their job and weren't willing to do more. Then the visitor stood up to leave, and the ombuds quickly asked, "What if I were able to arrange for the head of Compliance to speak with you *right now*, assuming they are available? Would you be willing to repeat what you've just told me?" The visitor was hesitant and didn't fully believe that would happen; but gave permission for the ombuds to try. The ombuds then immediately got the head of Compliance on the phone to speak with the visitor and stepped out of earshot, so as not to be part of the notice chain as the visitor made their report.

A few days later, the ombuds learned that the internal audit team had been engaged to investigate the visitor's allegation. They identified a control issue, as described by the visitor. The head of the business was notified, and appropriate controls were restored, just days before a regulatory audit began. New processes were put in place to shore up both the control environment and the climate in this group, freeing individuals to continue to speak up before any issue became significant.

Ombuds Helps Employees and Management Address a Destructive Rumor

Several employees at a facility called the ombuds, all within a few days of each other, with concerns about losing their jobs based on rumors they had heard about the company having lost a large contract that could affect their facility. One of the employees who met with the ombuds permitted the ombuds to make inquiries to the local management to find out if the rumor was true, provided that management is not informed of her identity.

When the ombuds spoke with the facility manager about the rumor, he was surprised to hear that a rumor had been circulating among employees. He indicated that losing the contract was a possibility but that a final decision had not been made. Based on this discussion, the manager decided to hold a meeting the next day with employees to address their questions. At the town hall type meeting, employees were able to ask their questions and the manager was able to give an accurate status report to dispel the rumors.

The manager and the ombuds subsequently also met with representatives from the company's communications group and HR to discuss communication recommendations for this type of situation in the future.

Local Management Misconduct and a Fear of Retaliation

Employees at one unit of the company had been using company products and equipment to create their own personal business, resulting in a loss of customers and revenues for the company. Some of the people involved in the scheme were in the local management. As a result, those employees who knew about this misconduct felt that they could not report it to local management and were afraid to raise it through formal channels. They were not sure how to contact or approach higher levels of management or if higher management might also be involved.

Some of the employees who knew about the scheme came to the ombuds because they understood that it was independent and confidential. After discussing the issue with the ombuds, the ombuds at their request facilitated a contact with the compliance office, which investigated and eventually terminated the employment of those involved in the scheme. The employees who came to the ombuds office stated that the experience made them more comfortable raising issues with the company's compliance office.

Departing Employee Finally Discloses his Concerns

Two weeks after the announcement of a major layoff, the ombuds was contacted by an employee who was included in the layoff and who would be leaving the organization at the end of the month. Given his imminent departure, the employee had decided to share concerns about expense voucher abuse on the part of his supervisor. Although the employee had been aware of the abuse for over a year, he had only now decided to talk about it because he was leaving the organization and his fear of retribution was diminished. He also expressed concern for the organization because the supervisor, who was also being laid off, was being considered for another position in the organization.

The employee provided the ombuds with multiple examples of expense voucher misconduct by the supervisor and authorized the ombuds to forward the information to the formal channels of the organization. When the ombuds forwarded the information to the formal channels, an investigation by the formal channels validated the allegations.

The supervisor was dropped from consideration for another position in the organization.

No Formal Action Taken but. Systemic Issue Identified

Several female director-level staff members came to the ombuds as a group with concerns about treatment in the workplace by their next level report. Their concerns were gender based. In discussing these concerns with them, the ombuds provided information about the Equal Opportunity and Equity office. Other communication channels were also explored, and the visitors decided to take a couple of weeks to consider next steps.

At a follow up meeting with the ombuds, the visitors expressed a sense of connection and support from each other. They also said that they appreciated the opportunity to share their concerns and both individually and together with the ombuds, but they decided not to take any formal steps at the time. They said that they would continue in their work while paying attention to behaviors in the workplace and raise with each other as needed. They also indicated that they would look for work outside of the university.

One of the ideas shared they shared with the ombuds was that when hiring at senior staff levels, the university should consider national searches rather than internal hiring of the interim. This was presented as a way to expand the diversity of the hiring pool and also move away from "like hiring like."

After this matter was closed, the idea of making hiring decisions after broader searches rather than just promoting from existing employees was shared by the ombuds with various campus leaders as a systemic issue that they may want to address to expand the diversity of staff and add new perspectives to the university.

Patience, the Promise of Confidentiality, and an ombuds' Proactive Engagement Helps the Ombuds Surface Issues that Led to Transformative Systemic Change

A case that resulted in significant systemic change at a university began innocuously.

From an initial contact, the ombuds learned over time and from many other conversations that a department on campus had a common practice where some managers offered temporary and permanent positions to women in exchange for sex and to both men and women in exchange for money. The practice was generations old. The habits that helped sustain this behavior over time had become a part of the organizational culture in this one unit and were accepted and enabled by both managers and employees in this unit as "that's the way it is here." Most people felt nothing could be done and resistance was pointless because previous attempts to address the matter over time had been ruthlessly suppressed. The people who paid bribes or exchanged sex for their jobs needed the jobs and had a legitimate fear of losing them or of suffering some other form of retribution if they spoke up. Also, the shame of being forced to do what they did kept many quiet and feeling powerless.

Nothing about bringing an end to these practices happened quickly. It took time before other individuals in the department would speak in confidence openly and honestly with the ombuds. It took time to collect their experiences and the effect they had on individuals and the department collectively. The ombuds determined that it was necessary to express empathy and sorrow, as well as to provide assurances that something could, in fact, be done to address this situation. It took time for the ombuds to understand the history and culture of the department and the concerns and interests of the people involved. As more and more people from the department came to speak with the ombuds and strategize ways of managing the problem, they learned to trust the ombuds because he kept his word that the communications were confidential and because he spoke a language they could understand and appreciate—not a language based on different ethnic and cultural groups but, rather, a language that fostered cross-cultural communication. It was the universal language of empathy, honesty, and humanity.

It also took time for the ombuds to understand the dynamics that allowed this to happen and learn the diverse perspectives of people outside the department who shared responsibility for what happened. Since the ombuds office was new to the campus, it also took time to develop trust across the university community so that the ombuds would be listened to. It took time to connect the dots, to see how some seemingly unrelated issues were all relevant, and to plan a strategy for how and when to involve others and explore ways to make the appropriate people at the university aware of this issue in a way that was acceptable to the ombuds' visitors.

After a significant period of time gathering information and building trust, the ombuds identified the visitors' goals and considered where they overlapped with the institution's goals

and where there was space between them. It took a lot of strategic thinking and planning to move forward. With this strategic plan in mind, the ombuds then worked hard to foster collaboration between those who had been wronged, their allies, and those who had the authority to initiate and oversee change.

When these exploitive and abusive practices ultimately were exposed, the university did not hesitate to take appropriate action, including terminating the employment of those involved in perpetuating these practices. The outcome, some of which became public, was beneficial to everyone involved, with the exception of those who lost their jobs because their wrongdoing had been exposed.

This outcome was transformational in many ways. First, a significant set of employees was no longer subject to the unacceptable and extortionate actions of their supervisors. These beleaguered employees could come to work without fear of being subject to the demands and whims of their supervisors. The university made changes in structure and policy, as well as in personnel. Formal support systems were put in place. Administrators were praised for the direct way they dealt with the problem. The ombuds office was praised for bringing the problem to light and for offering thoughtful options for resolution. The perspective and guidance of the ombuds was actively promoted and sought, particularly when oversight groups struggled with the dichotomy between "fairness," which was often policy and procedurally driven, and "doing the right thing," which was human rights and justice driven.

Second, many people across the campus became aware of the ombuds office and the important role it filled on campus to find creative solutions to sensitive and complicated problems. Conversations and consultations with the ombuds office by both decision-makers and those who felt powerless demonstrated that the ombuds office could be trusted and that it could help address significant issues. The ombuds office also strengthened its already positive relationships with the human resources professionals and the attorneys representing the university by demonstrating honesty, good judgment, and common sense.

Once the most senior leadership of the institution was made aware of the scope and nature of the situation, significant systemic change occurred, and it was transformational. And what was the ombuds role? Starting with one person who came to the ombuds for help with a different matter, the ombuds was able to encourage and ultimately convince many others to come to him to speak confidentially. It was the ombuds' proactive engagement—and the reassurance over and over again that the ombuds office was a safe place and that it kept its word with regard to confidentiality—and a willingness to point out those inappropriate and unprofessional behaviors that had become a "a part of the landscape,", a part of the organizational culture where many no longer viewed it as a problem, that brought about this change.

28. Not Wanting to Be a Whistleblower

Surfacing an Issue Without Becoming a Whistleblower

An executive assistant (EA) to a senior executive called the ombuds to discuss their concern, which they said could not be taken forward to management through any formal channel. In particular, the EA believed that, at a time of corporate restructuring to save costs, the senior executive with whom the EA worked was making fraudulent claims on his monthly expense claims.

When asked how the EA was aware of the alleged fraudulent claims, the EA said they prepared the monthly claims from the information provided by the senior executive but knew that some of the information was false. The EA believed that this conduct was not appropriate and that it should be reported. Yet, since only the senior executive and the EA were privy to what was on the monthly expense claims before they were submitted, the EA was also extremely afraid of what would happen personally to them if they were identified as the whistleblower in any investigation into the expense reports.

The ombuds and the EA discussed a number of options to surface the EA's concerns, including an option in which the ombuds could ask the internal audit team to carry out a review of the monthly expense claims of all the other people at the same level as the senior executive throughout the business and without identifying who had brought this issue to the ombuds, the specifics of the false claims, or the identity of any particular senior executive about whom there was concern. The EA gave permission to the ombuds to take the matter forward on this basis.

When the ombuds alerted the internal audit team to this concern and made the request for the internal audit, the internal audit team audited the expense reports of all the senior executives at that level. With all the senior executives at that level included, no one could have thought that any particular person was being targeted.

The results of the audit demonstrated that the senior executive was not alone in submitting fraudulent expense reports; others had done so as well. All of those senior executives were fired. The EA who brought the issue to the attention of the ombuds was never identified and subsequently was assigned to work for the replacement of the senior executive for whom the EA had previously worked.

Fraud, Amorous Relationship, Conflict of Interest, and Fear of Reporting

The ombuds worked with a visitor for two years. At first the issue presented was a benign interpersonal conflict. After the ombuds established trust with the visitor, the visitor began sharing documentation and information that revealed a fraud scheme apparently orchestrated by the visitor's leader, a well-regarded tenured professor who brought in millions of dollars for the university each year. The visitor did not want to be a whistleblower due to fear for their position, career, reputation, and physical safety.

The ombuds presented the visitor with various ways the issue might be surfaced or investigated. Eventually the visitor gave the ombuds permission to raise the issue anonymously

to the university's financial compliance department, which has the ability to discretely review records to determine whether the concerns have merit. If they conclude that the concerns might have merit, they may intervene or refer the matter to internal audit for a formal investigation. In this case, given the positive working relationship between the financial compliance analysist and the ombuds, the analyst took all of the information provided by the ombuds and immediately initiated an informal and extremely discreet review of the leader's unit's records. Literally, no one else knew it was happening.

Ultimately, this review surfaced a myriad of concerns, including conflicts of interest (using university position and resources for personal gain), financial fraud (funneling money to a private business), and sexual misconduct (an amorous relationship between the leader and a direct report). The financial compliance analysist then referred the matter to the university's internal audit department and a formal investigation ensured. The compliance department told the leader under investigation that it had discovered information during a routine check. Once internal audit released its report to the Vice-Chancellor of Research, the university terminated the leader, restructured the unit, and imposed new restrictions and policies to address the types of transactions at issue.

Restoring Morale and Improving Communication

When the COVID-19 stay at home directives were put in place, not all teams embraced the required changes. The ombuds heard from staff across the university that in many units, there was no plan, and that leaders were dropping the ball. Some visitors had not heard from their supervisors in weeks. The ombuds provided communication coaching to empower visitors to initiate and frame conversations with their supervisors to address remote team communication and other issues resulting from the stay-at-home directives.

In one case, the visitor was new to their position and fearful of raising their concerns. They were also not comfortable giving the ombuds permission to speak directly with their supervisor. Rather, they gave the ombuds permission to reach out to others in the university who could possibly help discreetly address the situation systematically. The ombuds reached out to those offices to share the visitor's concerns—but without disclosing the identity of the visitor—and helped devise a plan to intervene and support the team without the supervisor knowing the impetus.

Surfacing Concerns of Suspected Fraud

A disciplinary department operated a specialty clinic within the hospital that is staffed by residents, staff clinicians, medical assistants, and departmental financial staff. Two members of the department who work in the clinic contacted the ombuds to share their suspicion that a certain clinician on occasion had violated hospital policy and possibly state compliance regulations. Though they had no documentation, they said that they believed the clinician was requiring residents to sign records and orders under the clinician's name when the clinician was not present. The visitors said that they did not want to report their suspicions to the internal audit

office both because they are not certain about the infractions and because they could be identified in the department as the "whistleblowers."

After discussing several options and the implications of doing nothing, the visitors agreed to allow the ombuds to contact the internal auditors. The ombuds, without mentioning any individuals, asked if the auditors could move the specialty clinic to the top of their "randomized" preliminary audits as there may be compliance risks occurring in "clinician of record" coding on orders and authorizations. Though the auditors were disappointed they couldn't meet with the sources of these suspicions, they agreed to do a preliminary review of clinician coding and explain to the department it was a routine cyclical audit check (a regular practice at the hospital). The auditors indicated they would pursue any serious irregularities aggressively, but even if no "red flags" arose, they usually find some sloppy coding mistakes in such reviews. In that case, they would issue guidance to all clinicians in the clinic as a reminder of proper clinician record coding. The ombuds offered to serve as a conduit if the auditors needed to ask for more detail from the sources of the concerns. The original visitors were satisfied with this approach and were pleased to see the auditors reviewing records within a few weeks.

Though no further follow up occurred with the original visitors, the auditors chose to call the ombuds and report they found only minor coding mistakes and issued the guidance to all clinicians and staff in the department. They also mentioned they welcomed being alerted to potential compliance and financial risks in the future as this example was a good process for their office.

Not Wanting to Be a Whistleblower: Risk Management and Anonymous Reporting

A technician in a Biology lab that was studying the way that COVID-19 is transmitted between people came to the ombuds to discuss whether to report concerns about a breach of protocol in the lab; and if so, how to do so without hurting his job or academic career.

The technician told the ombuds that a Principal Investigator (PI) from a different lab in the same building had on several occasions asked housekeeping staff, after regular business hours, to provide her with entry into the COVID-19 lab without the knowledge of the PI in charge of the COVID-19 lab. He had learned this from one of the housekeeping staff members who confided in him when they happened to cross paths during the day. The housekeeping staff member stated that she did not feel she was in a position to question the faculty member who she knew worked in the same building, and she assumed it was on the up and up.

The visitor was quite concerned about this breach of protocol and the safety issues it raised. The visitor indicated, however, that the "intruding" PI was also a tenured professor and that he was a student in one of her classes, which was a required course for his graduate program. Further, he was concerned about the risk of exposing housekeeping staff to negative repercussions. He said he wanted to discuss with the ombuds how to anonymously report this activity without being discovered to have been the whistleblower.

The ombuds and the visitor discussed the nature of the protocol breach in University-required lab operating procedures, and the visitor came to the conclusion that the intruding PI had clearly violated stated safety practices and put community members and the University itself at great risk. He also stated that if the PI's behavior led to adverse consequences, he would never forgive himself for not speaking up.

The ombuds explained that the student had at least two choices for reporting this behavior. One would be to reach out to the University's Risk Management and Mitigation team to report what he knew. However, it would be difficult to do so anonymously because they were not set up to receive anonymous reports. Alternatively, he could call the University's Safety Compliance Hotline to anonymously report. Because of his fear of exposure as the whistleblower, the visitor was inclined to go with the anonymous hotline. He had concern, however, that this still could result in the housekeeping staff member suffering repercussions.

The ombuds inquired whether there might be a way to cast a wider net, such that it would not be evident that this particular lab was the target and so that it would appear that the report could have come from a variety of different directions. They discussed whether, for example, the visitor thought he may be able to anonymously identify the building at issue and state that he has observed serious safety violations. He could then recommend that the Safety Compliance team conduct a building-wide safety audit, which should include review video cameras that run continuously in the building during the window of time of the violations. This approach would serve to protect both the visitor and the housekeeping staff member and lead the Safety team to observe the PI entering the lab of concern. The visitor stated that he felt that this approach would enable an effective report to be filed and at the same time protect the individuals involved in the reporting, and he stated that he would move forward with that approach.

While the visitor never returned to the ombuds office to report any outcomes or changes, there were no further reports of incidents caused by safety violations in the labs of that building.

Bullying and Hostile Work Environment

The ombuds received a number of visitors from one office who expressed concerns about a specific leader's treatment of people and whether the leader made ethical business decisions. None of them wanted a formal investigation, which would likely require their on-the-record testimony. They were comfortable raising the issue with the ombuds but did not want to become enmeshed in a formal investigation. Several also said that they "did not want anything bad to happen" to the leader. Rather, they just wanted to see the behaviors change and the environment improve.

The ombuds met with more than ten current and former employees from that office who described the conditions in that office using expressions such as a "reign of terror," "a remarkably toxic atmosphere," and an "abusive" and "hostile" environment. Among other comments expressed by employees was that they felt the leader "created fear," "beats people into submission," was "extremely condescending," "intentionally makes you feel like you're stupid" by "constantly pointing out mistakes, making you feel terrible about it," where "nothing you do is

ever right . . . ever." These vivid and graphic descriptions clearly reflected an extreme and difficult work environment.

With permission from the employees, the ombuds compiled the comments without attribution and shared them with a more senior executive in that office for information and action as appropriate. The ombuds reiterated that it was up to the senior leader to initiate any investigation but that these comments suggested that there was an opportunity to address perceptions and reinforce expected leadership behaviors. The senior executive confirmed with the ombuds that a number of other issues had been raised before, but nothing this serious and widespread. The ombuds confirmed that a large number of employees were doing everything they could to stay in the good graces of this leader, which meant not speaking up for fear of retaliation, which colleagues stated took the form of low performance evaluations.

The senior executive: 1) used the ombuds' nonattributable feedback to put the leader "on notice" about expected behaviors surrounding respectful treatment; 2) created an open door for all employees to make direct contact freely; and 3) gave the leader a one-year ultimatum to improve or find another opportunity. While things improved slightly for a short amount of time, ultimately the bad habits did not change, and the leader left the organization.

Concern about a Possible Misrepresentations by a Former Coworker.

An employee contacted the ombuds with concerns over possible misrepresentations by a former coworker who had been rehired in a difference job in a different region of the same organization. The employee contacting the ombuds thought that the employment of the former coworker had been terminated because of sexual harassment. The employee was not sure about the reason for the coworker's departure but feared that, if true, employees in the new location might be exposed to inappropriate behaviors. The employee wanted to speak with the ombuds confidentially about how such a concern might be surfaced.

After discussing various options with the ombuds, the employee gave the ombuds permission to speak with the coworker's previous supervisor without disclosing any information about the employee raising the issue. The previous supervisor confirmed that the employee had indeed terminated for inappropriate behavior.

The ombuds then put the previous supervisor in touch with a HR specialist and the employee's current supervisor. HR discovered that the employee had not been truthful in several employment applications by not disclosing that he was previously terminated for sexual harassment. The organization promptly terminated the employee's employment. The ombuds also noted that this case underscored the need for the organization to consider establishing a common HR data system that would include all of the organization's locations.

Ombuds Helps an Employee Use the Hotline

An employee came to the ombuds because she was concerned that a colleague in her office was tampering with time sheets. She said that she would normally have reported this to her supervisor but could not do so in this situation because she was one of the few people who knew that the colleague and their supervisor were having an affair. She felt that, under the circumstances, the supervisor would not be an appropriate person to whom to make the report, and she was afraid that if she tried to report this to someone else, she would be asked why she had not reported it to the supervisor. She did not want to have to lie or answer that question.

The employee and the ombuds discussed various options to surface the issue, including speaking with her supervisor's supervisor, an anonymous letter sent through intraoffice mail, and an anonymous call to the organization's hotline. She still was uncomfortable raising the issue with a formal channel or the supervisor's supervisor directly. Since hotline calls were received by an off-site independent company, she felt that was a better option than sending an anonymous letter to someone at the company. She decided to raise the issue that way. The ombuds worked with her to explain how to include in the hotline call sufficient hard facts to adequately describe the problem for the investigators.

Suspicions of Misconduct but a Fear of Reporting

An employee believed his supervisor had a falsified resume, including on it advanced degrees that the supervisor never earned. He thought this was wrong and wanted it reported but only if his name could be separated from the report. The employee was not willing to allow any action to be taken unless he can be assured that his identity would be protected.

After hearing various options explained by the ombuds, the employee decided that he would use the organization's hotline option since he now understood that information communicated to the hotline was passed directly to the chief of HR, who had responsibility for conducting an investigation. The ombuds coached the employee on the process of calling the organization's hotline and advised the employee how to include enough information in the report to allow the investigators to assess and investigate the allegation.

Once the information was disclosed, the investigation revealed that the information was correct, and the supervisor was disciplined.

Fear of Retaliation is so Great that Employee Will Trust Only Ombuds

An employee was concerned that a supervisor was misappropriating funds by submitting false entertainment vouchers. The employee was extremely concerned about possible retaliation and the consequences of raising these issues about her supervisor. She said that she was not prepared to submit any documents or to speak to anyone other than the ombuds because the ombuds' communications were confidential.

After several rounds of conversation with the ombuds during which they discussed options for raising the issue, she finally agreed to speak with an internal auditor but only

anonymously. The ombuds arranged for an anonymous call between her and internal audit. The employee, communicating through the ombuds as an intermediary, was also able to provide internal audit with other information they needed to commence the investigation, but the employee's identity was never disclosed.

The audit revealed misconduct and the supervisor was terminated.

Local Management Misconduct and Fear of Retaliation

Employees at one unit of the company had been using company products and equipment to create their own personal business, resulting in a loss of customers and revenues for the company. Some of the people involved in the scheme were members of the local management. As a result, employees who knew about this misconduct felt that they could not report it to local management and were afraid to raise it through formal channels. They were not sure how to contact or approach higher levels of management or if higher management might also be involved.

Some of the employees who knew about the scheme came to the ombuds office because they understood that it was independent and confidential. After discussing the issue with the ombuds, the ombuds, at their request, facilitated contact with the compliance office, which investigated and eventually terminated the employment of those involved in the scheme. The employees who came to the ombuds office stated that the experience made them more comfortable raising issues with the company's compliance office.

A Desire to Protect Others but Uncertainty Over Whether Problem Continues

A female employee had filed a formal complaint about male employee's sexual harassment of her, including his inappropriate touching of her. The male employee was reprimanded and moved to another location. The female employee was given coaching and additional protection, including an escort to her car at the end of work.

The female employee sometime later came to the ombuds because she believed that the male employee, in his new work location, was engaged in the same conduct with another female employee, but the suspected conduct did not involve her, and she had no direct proof. She also did not want to be identified in any complaint, but she indicated that she was trying to protect other women from what she had gone through. After discussing various options with the ombuds about how this issue could be addressed, the female employee permitted the ombuds to contact HR to advise them that a person who wished to remain anonymous had concerns—but no direct proof—about sexual harassment by the male employee.

HR conducted its own investigation and concluded that the male employee was, in fact, sexually harassing another female employee. His employment was subsequently terminated.

An Alert From Ombuds Helps the Organization Avoid Committing Illegal Acts

Information was conveyed to the ombuds that the organization may have been skirting the law in hiring foreign nationals, but the source of this information was unwilling to come forward directly or to permit disclosure of his identity. The inquirer was willing, however, to permit the ombuds to alert the COO of the organization that this type of activity might be occurring.

With the alert from the ombuds, policies and procedures were tightened to eliminate the potential for misconduct. In the process, the COO was able to reinforce to those responsible for hiring what the law and the organization required and that violations would not be tolerated.

No further concerns on this issue were brought to the ombuds.

Where Does a Vice President Go with Concerns About the President?

The ombuds of a multinational organization received a call from a regional vice president with concerns about an international region president. The inquirer expressed concerns that the regional president was acting strangely and making improper comments about people at an offsite meeting where over a dozen other vice president–level organization officials were present, together with several outside counsel, professionals, and other consultants to the organization. The inquirer was concerned that the regional president could have a drug problem, as the strange behavior had been evident for at least the preceding few months. The vice president making the call, however, was also obviously concerned that he may be wrong and was worried about the possible impact on his own career.

The ombuds discussed various ways this issue could be surfaced and investigated. The inquirer gave the ombuds permission to convey information about the regional president's conduct at the off-site meeting (but not the inquirer's identity) to the top levels of the organization at its international headquarters. When this information was relayed to the president of the entire organization and the head of HR, they instigated an investigation almost immediately by having many of the attendees of the offsite meeting interviewed. The regional president was also interviewed.

As a result of this investigation, they made the decision to remove the regional president from his position and announced that he was relocating back to the organization headquarters. He retired from the organization not long thereafter.

29. Federal Agencies

Author's Note: This category includes examples that uniquely involve federal agencies. Several of the examples in other categories are drawn from federal agencies, but the fact that those examples occurred in a federal agency was irrelevant to the issue addressed in those categories because there was no difference between the ombuds' practice in the federal agency and those of corporate or university ombuds programs.

An Ombuds Helps Resolve a Problem that Could Have Led to Congressional Action Against a Federal Agency and its Political Leadership

A visitor came to the ombuds at a federal agency concerned about what to do about their supervisor, who was creating a hostile work environment. In addition to discussing the conduct of the supervisor, the visitor also disclosed during this first meeting that the visitor was like family with an influential Member of Congress who had already been notified about the visitor's issues with the supervisor.

After discussing various options on how the visitor might proceed with this concern, the visitor asked the ombuds to see if the supervisor would be amenable to having a facilitated conversation with the assistance of the ombuds. The ombuds approached the supervisor, who indicated their willingness to participate.

All of the visitor's concerns were successfully addressed through facilitated conversations and shuttle diplomacy. In addition, larger systemic issues were elevated to the highest level of the organization. As the visitor felt heard and was satisfied with the outcome, the Member of Congress backed off on potentially taking action adverse to the supervisor, who was a Presidential appointee.

An Ombuds Helps Get a Presidential Initiative Back on Track and Improve Communication in a Federal Agency

Relying on the confidentiality of communications with the ombuds, a visitor came to the ombuds in a federal agency with information that a presidential initiative at the agency was way off track and not meeting the expectations stated to Congress and the citizens of the United States.

The visitor and the ombuds discussed options for taking further action, and the visitor authorized the ombuds to elevate the issue (while protecting the identity of the visitor) to the head of the agency. The ombuds did so and then worked with senior leadership in the agency to identify why the head of the agency was not receiving accurate information about the progress of the presidential initiative. With the assistance of the ombuds, the agency was able to identify systemic breakdowns in communications, and the ombuds helped in recommending solutions. By surfacing this issue, which had been brought confidentially to the ombuds, the ombuds helped the agency avoid public embarrassment and helped ensure that the goals and expectations of the initiative, as outlined by the President of the United States, were achieved on time and within budget projections.

Ombuds Helps a Contractor Address Attempts by Government Employee to Have an Inappropriate Relationship

A government contractor came to the ombuds with concerns about a government employee who allegedly had expressed an interest in engaging in a personal relationship with the contractor. The contractor explained that the government employee also had been designated as the contractor's point of contact with the government agency involved and oversaw the contractor's work. The contractor reported that when the government employee tried to shift the working relationship to something personal, the contractor immediately expressed disinterest to the government employee and asked for him to stop.

The government employee continued to show interest, however, both directly and indirectly. As a result, the contractor looked to the ombuds for guidance on what else the contractor might be able to do to make the unwanted attention stop. Sadly, the contractor also divulged this situation to the company's HR office, which did not want their employee to "cause a problem" and risk the government looking unfavorably on their company.

Among the options discussed was having the ombuds make the management of the government agency aware of the contractor's concerns. Luckily, the ombuds had prior experience with managers in this area who were consistently supportive and responsive to broad organizational concerns, and especially to concerns related to ethics and harassment. The contractor was reassured by this insight and selected this option. With permission from the contractor, the ombuds made management aware of the contractor's concerns and requested that the situation be investigated, or other appropriate action taken. The government supervisor took immediate action to ensure that the contractor was in a safe environment, and also talked to the company about being more forthcoming when situations like this arise.

Ombuds Helps Government Contractors Avoid Retribution for Raising Issues with Government Supervisor

Three contractors of a federal agency came together to the ombuds with claims of retribution. The contractors had raised concerns inside their company regarding the behavior of their civil servant supervisor at the federal agency. The company had then raised the issue with the agency's HR personnel. A month later, the contracts of these three contractors were terminated, and the explanation given to them by the federal agency was that there wasn't enough work for their contracts to continue.

With the permission of the three contractors, the ombuds looked into the situation on both the agency and the contractor side and found different explanations were being given for the decision. From the questions posed to the agency's management, the ombuds concluded that the firing decision had been made by the contractors' civil servant supervisor with little oversight from either higher management or HR. However, based on the questions that had been posed by the agency ombuds, higher management reviewed the decision to terminate the contractors. Although this review concluded that the project that they had been working on did not need them, there was other work in the area for which they were well suited, and they were rehired.

30. Cross-Cultural Issues

Author's Note: This category includes examples that uniquely involve cross-cultural issues. Many of the examples in other categories are drawn from international and multinational organizations, but the fact that those examples occurred in such organizations was irrelevant to the issue addressed in those categories.

Helping an International Graduate Student Navigate the Bureaucracy

An international graduate student came to the ombuds after he was moved to a new residence hall following an incident in which he had been involved at his previous residence hall. The student's move to his new room occurred shortly after another student who had been occupying that room moved out. The student who moved out left the bathroom and kitchen in a filthy condition, as documented through video evidence shared with the ombuds. Both the graduate student visitor and his mother, who also contacted the ombuds from abroad, shared their concerns about the condition of the room and the lack of response by the university.

In essence, the graduate student visitor had been unsuccessful in getting the residence life office to provide the typical room cleaning that occurs when there is a transition in residents. Unlike most room transitions, however, this transition had occurred in the middle of a semester. The assumption by residence life seemed to have been that the outgoing student would have cleaned the room before his departure and that there would be no need for the type of cleaning that was usually done at the end of the semester. The visitor and his mother were very frustrated at the lack of response to the student's requests.

The ombuds discussed with the visitor options to address this issue, including contacting the director of facilities, who oversees custodial services, to ask if they could help resolve the issue. The ombuds was familiar with the director of facilities and thought the director would likely respond positively even though the student had not been able to get a response by contacting the residence life channels. The visitor had been unaware of the role of the facilities office. At the request of the visitor, the ombuds sent an email to both the director of residence life and the director of facilities requesting assistance for the student. Once the director of facilities heard of the issue, he directed his crew to provide the desired cleaning, for which the student expressed his appreciation to the ombuds.

Information and Guidance from the Ombuds Makes a Difference

A post-doctoral fellow came into the ombuds office worried that her boss was going to fire her. She was from another country, and she did not want to go home in disgrace. She said her boss yelled at her and always criticized her written work. She also reported having no friends and feeling lonely. She said she didn't know how to make friends and missed her family.

The ombuds talked with her about ways to get suggestions before she wrote a paper and discussed resources on campus such as clubs that she could join to meet others. The ombuds also mentioned the Employee Assistance Program in order to deal with her depression and perhaps to

talk about assertiveness (in response to her statement about it being difficult being a woman in science.)

The visitor was very excited about the idea of getting help with assertiveness and thanked the ombuds effusively for her various suggestions.

The university avoided losing a post-doctoral fellow, and the student was able to build her confidence. On follow-up, the fellow reported that she was now getting along with her professor and publishing a paper.

Communication Chaos

The faculty in a university department hired a new professor following an extensive search. At first, everything seemed to be working well with the professor's teaching and research. However, a few months later, problems started to arise.

The department's administrative assistant felt that this professor was too closed off and unfriendly. The assistant had invited the professor to group lunches and other gatherings, and each time the professor politely declined. The assistant began taking this personally and spoke with the department chair and other faculty about the behavior.

While most faculty didn't see a problem, some of them were also concerned. Instead of approaching the new professor directly about their concerns, colleagues communicated with him in a passive-aggressive and indirect manner. The new professor began to feel as though he had made a mistake in taking the position and didn't know what to do. He decided he should start looking for another position and spoke to a colleague about his situation. The colleague advised him to talk to the ombuds.

In the first meeting, the professor described behaviors that he thought were hostile and directed at him by the administrative assistant and some of the faculty members. He could not imagine why they appeared to be acting this way, as even though he tended to keep to himself he always made it a point to say "hello" and to be polite to everyone in the office, including student workers. The ombuds asked permission to speak to others in the department and the professor agreed.

In the subsequent meetings, the ombuds discovered that the others who were upset with the professor had made many assumptions about his manner, behavior, and choices to not join group activities. They took his absence as a personal affront, assuming he did not want to get to know them or befriend them. At least one of them expressed the wish that the professor would leave the university.

After sharing their concerns (with permission) with the professor, the professor acknowledged that their basic description of his actions was accurate, but he believed that they had misunderstood his intentions. He told the ombuds about his education, which took place in another country and culture, and also about his work experience where professional distance was

strictly adhered to. In his training, faculty did not mix business with pleasure except in rare circumstances. Furthermore, he had young children at home and preferred to spend his meals with them and his wife as they were still struggling to feel comfortable in this new community.

The ombuds asked him if he would be willing to meet with the ombuds and some of the other people to help clear the air about his behavior and intentions, as well as theirs. He agreed, as did the others. At that meeting, each person was able to talk about what they experienced, what the department's norms were, and began to understand better each other's behavior and assumptions. They apologized, shook hands, and learned some important lessons in cultural communication. With the greater understanding the new professor ceased looking for a new job and intradepartmental communication improved.

Facilitation Leads to an Awareness of Different Cultural Perspectives

Two employees came to the ombuds because they were concerned about what they perceived to be a threat made by another person who worked for the company. The two visitors, a man and a woman, were both from an Asian country and were at the company's US headquarters on a one-year temporary permit.

They reported that they returned to their building late one night after enjoying a break for dinner. The security guard had left, so they used their electronic employee badges to enter the building. As they entered, they noticed that an African American man slipped into the building behind them. Concerned about security, especially post 9-11, they decided to follow the man to see where he went. They said that they tried to be discrete as they followed him up the internal staircase in the building. When the man entered an office, they became very alarmed and stood in the hallway, discussing what to do next. They noticed an office directory on the wall by the staircase and checked the name associated with the office the man had entered. At that point, the man suddenly burst forth from the office and shouted at the visitors. Startled and tremendously frightened, they ran down the stairs, retreating to the office they shared. They considered reporting the incident to their superiors but did not because they were unsure of themselves and because they did not know if the man who had been in the office was the person listed on the directory. They decided to come to the ombuds to ask for confidential guidance on what they should do.

After discussing various options, the visitors gave the ombuds permission to contact the person listed in the directory. The ombuds did so and learned that he was the African American man who they had seen enter the office. The man told the ombuds that he had been very disturbed and offended by the two visitors' behavior and that he had questioned their motives.

The ombuds presented all three people with an option to have a mediation in which to discuss their concerns, and they agreed. The African American man explained that he found the behavior by the other two to be both threatening and racist. He described experiences in being followed and harassed by police and explained how insulting he found it to be that the others assumed that he did not belong in the building. He also explained that he had felt threatened by

their actions in following him and that he actually feared for his own safety. It had occurred to him that they might be terrorists, since they looked vaguely Middle Eastern or South Asian.

The visitors explained to him that they were not familiar with issues of race in the United States and had no idea that their actions would be interpreted as they had been. They assured the man they had not intended to cause him alarm, and that they would have done the same no matter who had slipped in behind them. They stated that they appreciated the cultural lesson and had learned much from it. They also were glad that the ombuds was available for them to talk about their concerns.

Facilitated Conversation Leads to Agreement on a Plan for an International Student

An international student who was enrolled in a joint Masters-PhD program at the university came to see the ombuds about problems with the Principal Investigator (PI) for whom the student worked in a psychology research lab.

The PI is from Spain and had been at the university for the past 5 years, but the student had previously worked with the PI while the student was in an undergraduate program in Europe. The student said that he had observed the PI treat people disrespectfully, but he also noted that the PI was capable of being very gracious and complimentary when he needed someone to support his research. The student thought he was a valued member of the lab and that his previous work with PI had allowed him to build trust with the PI as well. The student's problem, however, was that he wanted to return to his home country. His family and children were there, and they could not come to the US. The student was adamant that he could do the work required of him for their lab from his home country. In response to this request, the student reported that the PI said that he could return to his home country but that if he were to do so, it might not be possible for the student to return and complete his program and receive his degree.

After many meetings with the ombuds, during which the ombuds listened to the student and helped develop options for the student to address this problem, the option selected by the student was to send an email to the PI asking for a facilitated conversation between the two of them and proposing that the ombuds participate as a neutral to facilitate the conversation. The student subsequently drafted the email and sought comment from the ombuds on it. After making a few revisions based on comments from the ombuds, the student sent the email to the PI.

The PI responded to the student a few days later and pushed back at the student's proposal, stating that he did not think they needed a neutral person to facilitate a conversation. This response left the student feeling very angry with the PI for not being willing to consider having a neutral help them address this issue.

Not long thereafter, the ombuds received a telephone call from the PI. The PI wanted to know what the ombuds could do as a neutral to help facilitate the resolution of an issue he was having with a research grad student. After listening to the PI, the ombuds explained how such a process would work with the ombuds acting as a neutral and participating to support a fair

process for everyone. Ultimately, the PI agreed to having the ombuds facilitate a discussion of the issue with the grad student.

The facilitated conversation took place via Zoom teleconferencing. After the PI and the student each shared their perspectives on the issue, the ombuds asked both individuals to explore and share options that they felt would be appropriate to address their joint concerns. The student asked why he could not complete his degree from his home country, as he had been off campus and working remotely for over 4 months. The PI said that he wanted the team to be able to be together to draft a paper collectively based on the research they had been doing. The student and the PI continued the discussion constructively and finally reached an agreement that the student would return to the university for a 6-month period once a year for the balance of his PhD work. They both agreed that the final timeline for such a schedule would have to be determined by the student's Thesis Committee.

Both participants left the facilitated conversation feeling it was a positive experience and, in a post-meeting survey, each gave the ombuds high praise for facilitation skills and helping the parties communicate effectively through a difficult situation.

Ombuds Provides Resources to a Foreign Student to Resolve Problems with his Living Arrangements

During the COVID-19 pandemic, the ombuds received a voice message from a first-year international student residing with his extended family in a poor Eastern European country. His parents lived in a rural community two hours away, and he had been living for the past two years with an aunt and his father's parents. The student explained to the ombuds that he was feeling emotionally drained by family members who he perceived had some mental health issues. In the course of the conversation with the student, the ombuds learned that the student had limited space in a small apartment and that the aunt and grandparents were yelling constantly at him and his 9-year-old cousin. When the student tried to inquire about the anger, he was told that if he didn't stop the questioning, the aunt and grandparents would kill themselves.

The student had tried to schedule an appointment with the college's counselling and mental health office (CMHO). He was directed to the ombuds office, however, because the CMHO was restricted from offering any services outside of the state where the college is located.

The ombuds met with the student by Zoom and helped him think through and role play a discussion with the elder relatives. The ombuds also located an on-call telehealth service that the student could use as a resource and provided the student with white papers on attentive listening and difficult conversations that the student could read and use as self-help. The ombuds stayed connected by setting up follow up Zoom calls over the next few weeks.

With access to these additional resources, the student was able to negotiate removing himself from his relatives' apartment and moved back to his parents' home and continued to participate in remote virtual classes from there for the remainder of the semester.

Cultural Insensitivity

A few items relating to training and recruitment "went viral" throughout the organization, resulting in several people contacting the ombuds. Comments centered around three particular issues:

- A training module that explained a new dress code contained recommendations to dress to compliment skin color and wear makeup to avoid being a "plain Jane." One leader had become aware of the situation and promptly addressed the workforce stating that the training module did not represent the organization's values.
- A supervisor forwarded a document to a group of employees that contained offensive material that many interpreted to be racist. The ombuds brought the matter to management's attention for consideration and action as appropriate.
- A document originating in an HR recruitment division entitled, "Recommendations for Engaging Diverse Applicants" caused some concern. The well-intended purpose was to increase sensitivity to cultural differences. It contained appropriate recommendations for recruiters, including being positive and avoiding assumptions based on appearance. However, many believed that it violated its own advice later of the document, which was described as having misguided information and racially insensitive, over-generalized stereotypes.

The ombuds brought these issues to senior management, and in response, management issued a new and refreshed statement on commitment to equal employment opportunity and diversity to the entire organization.

Confidential Feedback to a Senior Leader on Language

A staff member contacted the ombuds office after speaking with a coworker of color who expressed concern about language used during a Zoom meeting by a senior leader of the unit. The concern was on language used to connote excitement and whether it was inappropriate and essentially insensitive language appropriation. The staff member visitor was clear that they did not want to contact either the senior leader or their coworker about the issue out of fear of retaliation or other repercussions.

After discussing various options with the staff member visitor, the ombuds was asked by the visitor if the ombuds would discuss the concern with the senior leader while maintaining the confidentiality of the source. The ombuds agreed to do so. The ombuds did some language "research" and then contacted the senior leader. At the beginning of the ombuds' conversation with the senior leader, the ombuds explained the ombuds' role, including the confidential and impartial aspects, and the senior leader was receptive to discussing the language concern.

In the course of the discussion, it became clear that the senior leader had also previously reviewed the word origin of the expression at issue, and prior to hearing from the ombuds, had believed the usage was appropriate. However, with this feedback from the ombuds, the senior

leader decided to stop using the word. The leader also expressed appreciation that the ombuds had raised the issue and that it could be discussed and addressed informally and confidentially.

Cross-Cultural Conflict Resolved with Facilitated Conversations

The visitor to the ombuds was an African American woman employee in her late thirties whose job required her to coordinate with a counterpart in another department: a white woman who was not comfortable with the expression of strong emotions. The visitor said that she had exhausted all other options to try to address what she perceived as a lack of communication between them and that the lack of direct communication between them was impacting her work performance. She requested the ombuds to facilitate an informal conversation to address the communication problem. When the ombuds spoke with the colleague, the colleague expressed her view that there was no problem and that she preferred to communicate by email.

The visitor gave the ombuds granted permission to speak with her own supervisor and to see if the supervisor of the colleague (they reported to different supervisors) might agree to participate in a facilitated conversation with all four people. All four agreed to participate in a facilitated conversation in this setting. The two workers and their supervisors met on several occasions in facilitated sessions with the ombuds, during which they identified issues; decided on issues to work on; brainstormed options, agreed on next steps toward resolution, and established activities to improve communication and teamwork. The process appeared to be successful, since the participants agreed on a plan of actions they would take.

When the ombuds followed up with the visitor a couple of months later to see how the group was doing, the visitor indicated that the initial issues had been addressed but that were other issues involving her and her supervisor that had not been fully addressed in the group facilitation. In particular, she expressed frustration that she had been unable to get her supervisor, who had been born and raised in a former British colony and who had come to America via Britain, to address issues she brought to him. She requested another facilitated conversation with just her supervisor. When approached by the ombuds with this request, he agreed to participate.

The facilitated conversation between the visitor and her supervisor lasted over three hours and revealed very different styles of interaction and that each clearly was frustrated by the other person's style. The visitor had a direct communication style and embraced conflict. Her approach was to say exactly what was on her mind. The supervisor was conflict avoidant and preferred a more indirect approach to dealing with conflict. The facilitated conversation allowed each person to better understand his or her own and the other person's approach to conflict and communication and gave them both insight into the source of their continued difficulty in working together. The ombuds also assisted them in developing mutually acceptable strategies for addressing future problems and conflict.

Ombuds' Sensitivity to Cultural Issues Gives Inquirer More Options

A female doctoral student from a Muslim country came to the ombuds only after carefully checking out the documentation available about the program's confidentiality. After the initial conversation about the office and how it operates, the visitor engaged in a somewhat extended conversation about her home country during which the ombuds demonstrated a sensitivity to her culture and customs.

Only after this extended conversation, during which the ombuds perceived that the visitor was trying to determine whether or not to trust the ombuds, did the visitor reveal her principal concern: she had become sexually active while at the university, but she was going to be completing her program soon and her family expected her to return home to an arranged marriage. She was terrified of the potential ramifications for her, her family, and the planned marriage. While there were other places that the visitor could have gone to discuss the personal and cultural issues involved, her desire for confidentiality and the ability to explore options were paramount and led her to the ombuds.

The ombuds reaffirmed the principle of neutrality and, without making value judgments, indicated a willingness to discuss a full range of potential options with the visitor, from going home to the arranged marriage as planned to rejecting the arranged marriage and not going home.

The option selected by the visitor, and one she had not previously considered, was to pursue a position in a post-doctoral program, which would give her more time to assess the situation and decide how she wanted to proceed ultimately.

Help Me Understand

The ombuds received a call from a US-based expatriate executive asking for help in understanding the culture in China. The caller told the ombuds that he was not having much success or cooperation in his new organization and felt like it was due to his lack of understanding of the norms and culture of the country. Because the caller was new to the organization, he was unwilling to raise these concerns through any of the formal channels and was afraid that his failure to understand the culture would adversely affect his evaluation.

The ombuds was able to provide the caller with helpful information about local practices, background, and cultural norms in China. The ombuds was also able to suggest a website and other resources that had extensive information about doing business in China and the cultural norms and practices in the area. The executive was pleased to be able to obtain this guidance without going through formal channels. Without it, the caller said, he would have continued to struggle with living and working in his new environment or disclose his difficulties to higher management.

Ombuds Assistance to a Manager without Breaching Confidentiality

Several employees in a country other than the United States came to the ombuds to express concern about a new country manager for their organization. He was an expatriate American, and his communication style and approach were different from and clashed with their local culture. To the locals, he was "rough, rude and loud." They also found him unapproachable. That country's team morale started to fall, and absenteeism spiked.

Before any action was taken on the concerns expressed by the several employees, the country manager himself also contacted the ombuds office, asking for help and guidance on how to become a better leader in that culture. Without revealing that any employees had raised concerns about him, the ombuds was able to provide suggestions to the manager, such as changing his style of communication and advising him on how to participate in various activities to better understand the local culture

An Ombuds Help Raise Systemic Financial Manipulation of Foreign Graduate Students by Professor

A visitor came to the ombuds to inquire about how they might address their concerns with the conduct of a professor. The visitor shared that they were an international graduate student from the middle east in a renowned campus program. They were taking a class with their professor advisor who was also the program director. The visitor stated that they needed an internship over the summer months and that the professor knew they were returning to their Farsi speaking country for the next semester.

The visitor shared that a previously arranged internship had fallen through at the last minute and that the professor was aware of this situation. The visitor said that the professor indicated that she could use support on a book she was presently writing. She proposed that if the student were willing to translate the book into Farsi and ascertain if there was a market in their country for the book, the professor would help the student obtain internship credit and consider hiring them as a Teaching Assistant (TA) in the fall semester when they returned (to offer them some remuneration for their work). The visitor shared that they saw this as an excellent opportunity.

The visitor undertook the translation and helped market the professor's material. The visitor also connected the professor to a network of future opportunities to utilize when the book was completed. Upon their return to the campus, the student met with the professor but was told that she had already hired her TA for fall semester. The visitor reported that the professor was adamant that she had never promised anything to the student in the way of compensation for their work and insisted that internship credit should have been viewed as substantial value to the student.

The visitor told the ombuds they were aware of similar conduct of the professor in the past from alumni of the program and two other present students. In addition, the visitor said that they had contacted an administrative assistant (AA) to the professor and urged the AA to contact the ombuds about the professor's conduct. The AA visited the ombuds and confirmed much of what the student had told the ombuds, describing their own experiences as well. The ombuds

asked if the AA and the visitor would ask if the other current students might be interested in contacting the ombuds office. Eventually, several alumni, a few other students, and a couple of other AAs contacted the ombuds office and shared similar stories of misrepresentations by the professor and manipulation of staff and students. The AAs also shared that they were told to issue funds from specific budgets and grants to pay a few of the students, and that the professor had used students to translate her personal writings into several different languages but never gave the students any credit in the published books, papers and articles.

The ombuds helped the individuals consider all of their options individually and in a small group. Everyone agreed it was best to share the information with campus leaders, including:

- the Equal Rights Director
- the Human Resource Director,
- Departmental Dean,
- Provost, and
- University Legal Counsel.

The ombuds was asked to act as a neutral facilitator for the discussion.

The ombuds helped the students and AAs prepare for this meeting by considering how best to share the information. The ombuds urged them to try roleplaying the situation acting as themselves, as well as sitting as university leaders responding or hearing this information. During this discussion the individuals raised concerns about retaliation by the professor who remained the director of the program.

The students contacted the leadership asking each of them if they would participate in this meeting and if they'd object to having the ombuds act as a neutral facilitator. No one objected to the process. The discussion went very well lasting over 3 hours with the leaders asking many questions and thanking the individuals for coming forward with their concerns. They assured the students and staff that if any retaliation occurred, they should immediately contact the Equal Rights Director as it would not be tolerated.

Help for Pregnant Employee and in Enforcement of Global Policies

An employee from a location outside of the United States contacted the ombuds to say that her boss had called her into his office to tell her that he noticed that she was pregnant and that he knew she was unmarried. She said that the boss had told her that if she was not married by the time the baby was delivered, she would be fired. Such conduct was not illegal in the country where she worked but violated the company's policies. She was uncertain what to do, afraid of losing her job, and feared retaliation by management of the company in her country, who she felt would support her manager.

The ombuds assured her that such action would violate company policy and discussed various options for how to proceed. With her permission, the ombuds forwarded her issue to a

formal channel at the company headquarters, which intervened with local management to reinforce the company's policies and reiterated to local management that retaliation against her for bringing this issue to the attention of the company would not be tolerated.

The ombuds also worked with those responsible for the company's newsletter, which was sent to tens of thousands of employees around the world, to address the issue prospectively and generically (no reference to any names or locations) in a question-and-answer format to advise everyone in the company that it would violate the company's policies for a supervisor to discipline a female subordinate for being pregnant and unmarried and that attempting to do so would subject the supervisor to discipline, including possible dismissal. Such clear and direct guidance not only helped reinforce the company's global policies but may have spared other women throughout the world and in these circumstances from having to deal with the threat of termination or retaliation.

Despite Cultural Differences, Post-doc and Researcher Resolve Dispute with Ombuds' Help

A second-year post-doc had concerns with a researcher in the lab where she worked. She stated that the researcher was constantly bothering her. Every time they were in the lab together, he would come over and ask about her personal life, and even ask her for dating advice. Although she never felt that he had any romantic interest in her, she felt that this was extremely inappropriate. If that wasn't enough, he would interject himself into her work, looking over her shoulder at what she was doing and telling her what to do. She would answer politely and thank him for the help. Eventually, she couldn't stand it anymore and complained to the chief scientist of the lab. This was very difficult for her. She had been afraid of bothering the chief scientist, who was world renown, and she could tell by his reaction that he did not want to be involved in this dispute.

The scientist told the researcher that the post-doc had complained that he had been harassing her and that he had better change his behavior. He told the researcher that he had better get the problem fixed or he would not have a place in the lab. The researcher was shocked. The researcher felt like his whole world was imploding and that he would lose his position, his visa, and his entire future because of her story. The researcher suggested to the scientist that he and the post-doc mediate the issue. The scientist agreed to refer the post-doc to the ombuds but laid the responsibility on the researcher to resolve it.

It was at this point that the two parties in conflict reached out to the ombuds. First, the researcher came to the ombuds for help. According to the researcher, he and the post-doc had been good friends for the past year. He had done everything he could to make her feel welcome and to share his expertise with her. He had even changed his work schedule so that he could be available to her if she needed help. He felt that she owed him a great debt for his generosity. He felt betrayed at the fact that she complained about him. It seemed to him that she was making things up to sabotage his career because of his nationality. If she really believed what she had said to the scientist and that things were so bothersome, he thought that she should not have waited a year to raise these concerns. He wanted to repair their relationship and get

back to being friends and, at the same time, he wanted to prove to the chief scientist that he could resolve the issue. He embraced the option that the ombuds mediate a conversation between the two of them. He reached out to the post-doc to ask if she would be willing to have a conversation and suggested that she contact the ombuds.

When the ombuds met with the post-doc, she stated that she did not want to meet with the researcher for an in-person mediation. Instead, she requested that the ombuds convey her feelings and wishes to the researcher. She explained that in her culture, it was not at all acceptable to confront a senior professional, particularly a male. She explained that she had not brought up the issue earlier because she was afraid that her career would suffer if he was angry at her disrespectful attitude. She had thought that he would understand from her brief responses to him that she did not want to engage in a personal relationship. She requested that he change his hours back so that they did not match hers and that he not discuss his personal life or ask about her personal life.

When the ombuds relayed these sentiments back to the researcher, he immediately agreed and apologized for the misunderstanding. Although he would have preferred a face-to-face discussion and a remedy that would allow them to remain friends, he was relieved that his profession would not be affected. They both gave permission to the ombuds to inform the senior scientist of their agreements and that they had resolved their differences.

All parties were relieved to be able to move on and spend their time, energy, and focus on their work. No formal investigations were needed.

Averting a Class Action Lawsuit

Several African American employees came to the ombuds office as a group to express frustration with their manager, who they felt continuously treated them inappropriately. They thought he was discriminating against them on the basis of their race and said that they were willing to file suit against the organization and the manager.

The ombuds reminded the employees that the ombuds office was neither an office of notice for claims against the organization nor a place to provide them with legal advice on any claims they may or may not have but, instead, an office where they could have confidential discussions to see if there might be an informal way to resolve their concerns. They said they wanted to speak confidentially. After a few meetings with the ombuds, during which a variety of options were discussed, they gave permission for the ombuds to contact the manager, share their concerns, and request that he meet with them as a group in a meeting facilitated by the ombuds.

When the ombuds spoke with the manager, he immediately expressed his own frustration at his inability to communicate effectively with this group of employees. It appeared to the ombuds that the manager was experiencing his own insecurities, and he clearly welcomed the opportunity to vent in a safe and confidential setting.

At the manager's request, the ombuds coached the manager on active listening and effective communication techniques. The manager then began implementing these new listening and communication skills as he communicated with the employees he supervised, including the African American group.

Communication between the manager and his employees markedly improved and no facilitated meeting was ever needed. This manager contacted the ombuds on his own initiative thereafter when he felt stuck and needed to discuss options on how he might handle a situation. As a result, the manager continued to build better relations with the employees and to improve his own communication skills.

Mediated Discussion about Racist Comments Leads to a "Mountaintop Experience"

The ombuds received a call from two black women employees who were offended by comments made by a white male employee who had called their office for assistance. At the end of the call, the white male employee had made some racist comments. The two women were quite disturbed by the man's comments and decided that they wanted to address the issue with him. They called the ombuds for guidance on what they might do.

After listening to the women and discussing various options, including a possible mediation, the two women indicated that they would like the ombuds to explore whether a mediation was possible. When the ombuds contacted the male employee about a possible mediation, he agreed to participate.

Both women and the man came to the ombuds office on the day of the mediation willing to engage in a mediation process. The result was heartfelt reconciliation. The women were most forgiving. The man sincerely apologized. The process was such a powerful and poignant "mountain top" experience that it has remained one of the most significant experiences in the long career of the ombuds involved and inspired the ombuds to develop resources on the power of apologies and use an anonymous version of this matter as an example in discussing mediation as an option with subsequent visitors.

31. Undergraduate Issues

Author's Note: This category includes examples that uniquely involve undergraduate students.

Guidance for a Foreign Student on Dealing with Professorial and Peer Pressure

An undergraduate student in a political science class addressing politics and academic freedom came to the ombuds to discuss how to deal with pressures from his professor and classmates that he participate in a demonstration that he feared, as an international student, could adversely affect his visa status.

The student said that the class had been encouraged by their professor to take part in a peaceful demonstration at the state capitol to raise awareness about climate change. Because he was an international student, he was reluctant to attend the demonstration for fear of jeopardizing his visa status. Nevertheless, he felt a great deal of peer pressure and consternation and was even called out in class by another student as being a "climate denier." He said that he was concerned that his refusal to participate may affect his grade, particularly because the professor did not intervene when he was shamed in class. The student wondered whether he should take the risk and attend the demonstration to avoid both social and academic consequences.

The ombuds and the student explored various options. He could attend the demonstration, but he quickly ruled that out because the risk was too great. He could soldier on and hope that once the demonstration had come and gone the class would move on, although there was no assurance that the issue would blow over. He could also request a mediated conversation with the professor to share what he was experiencing in the hope that she would back down. The option selected by the student was to have the ombuds reach out to the professor, hear what she had to say, and if both were in agreement, facilitate a conversation between the two of them.

When the ombuds met with the professor, it became apparent that she was not aware of the student's full story and, in particular, the visa concern. Regarding the in-class shaming, she stated that she did hear an exchange among students and the use of the phrase "climate denier" but did not know the context so let it go. She also stated that it was her intention to let the students decide for themselves if they wanted to attend the demonstration. However, because it required canceling class the day of the demonstration, those who were not going would be required to write a short paper on climate change.

The professor acknowledged that her manner of delivery regarding those factors may not have been sufficiently clear. In sum, she felt sorry about how events unfolded for the student and wanted very much to meet with him to say so directly. Additionally, she stated that she planned to emphasize to the class that every individual could choose whether to attend and reinforce that not participating in the demonstration could be for a whole host of reasons and did not equate to climate denying.

The ombuds hosted the facilitated conversation soon thereafter. The professor listened intently to the student's account; and when he was done, she apologized for her lack of awareness, particularly with respect to the reaction of some of the class members regarding the student's decision not to attend the demonstration. She asked the student whether he would be

comfortable with her making a statement to the class about these points, and after some discussion, he agreed provided she did not single him out or refer to him personally. She agreed to the caveat, and they both left the meeting having a much better understanding of each other. It also resulted in a teachable moment for the class regarding mutual respect and recognition of diversity of thought.

Successful Student Team Dismantles

A student team created intellectual property and won a large monetary award as a result. The team then decided to create a limited liability company to commercialize what they had created and used the monetary award to start their business. After starting the business, however, they fired one of the team members. This action caused a significant disruption in the business, along with resentment and hurt feelings.

A faculty member attempted to intervene to help resolve the issues but succeeded only in violating university policies and losing the students' trust in the process. The individuals involved reached out to the ombuds for help with the unresolved questions regarding the team's class "agreement," issues related to the intellectual property, allocation of winnings, etc.

Over the course of the next few months, the ombuds met with the team members and conducted several mediations. Ultimately, the parties were able to address the emotional issues, restore their relationships, and agree upon terms to part ways amicably. Each side retained legal counsel to review the terms of a settlement agreement and settled the matter. This resolution saved the university significant negative publicity (and possible expense) and resulted in revising the structure of that particular class so that similar issues would not occur again in the future.

An Undergraduate Student Grade Dispute

An undergraduate student who was planning to hire an attorney and sue the university came to the ombuds with a complaint about the grade the student had received from a professor with a highly irregular approach to a class that the student had been enrolled in.

The professor had an unconventional grading scheme, with no syllabus, no grading rubric, and no requirements for the class. The professor did not take attendance and assigned grades to students based on undefined parameters, although the professor had expressly told the students that participation in class would earn an A. He also said that if students were not meeting his expectations, he would email them to let them know.

The visitor to the ombuds had received a B in this professor's class but thought they deserved an A. When the student raised the issue with the professor, he provided reasons that did not align with his prior statements and practices.

The ombuds explained internal processes available to the student for raising this issue with the university, including the fact that the student had three levels of appeal. After learning

of the internal appeal options, the student decided to engage in internal processes to pursue the matter further.

Ombuds Provides Resources to a Foreign Student to Resolve Problems with his Living Arrangements

During the COVID-19 pandemic, the ombuds received a voice message from a first-year international student residing with his extended family in a poor Eastern European country. His parents lived in a rural community two hours away, and he had been living for the past two years with an aunt and his father's parents. The student explained to the ombuds that he was feeling emotionally drained by family members who he perceived had some mental health issues. In the course of the conversation with the student, the ombuds learned that the student had limited space in a small apartment and that the aunt and grandparents were yelling constantly at him and his 9-year-old cousin. When the student tried to inquire about the anger, he was told that if he didn't stop the questioning, the aunt and grandparents would kill themselves.

The student had tried to schedule an appointment with the college's counselling and mental health office (CMHO). He was directed to the ombuds office, however, because the CMHO was restricted from offering any services outside of the state where the college is located.

The ombuds met with the student by Zoom and helped him think through and role play a discussion with the elder relatives. The ombuds also located an on-call telehealth service that the student could use as a resource and provided the student with white papers on attentive listening and difficult conversations that the student could read and use as self-help. The ombuds stayed connected by setting up follow up Zoom calls over the next few weeks.

With access to these additional resources, the student was able to negotiate removing himself from his relatives' apartment and moved back to his parents' home and continued to participate in remote virtual classes from there for the remainder of the semester.

Ombuds Helps Student and Helps Preserve Evidence of Wrongdoing

A student employee came to the ombuds to describe a situation she did not know how to handle. She wanted to discuss the matter confidentially with the ombuds before taking any action.

The problem arose in connection with her job in the campus housing office. Her manager told her when she started work that his mother was sick and could not afford food or medicine, so he wanted to add six hours each week to her timesheet and assured her that she would still be paid for the eight hours a week that she in fact worked but that she would give him back the extra money so he could give it to his mother. The student agreed, and they operated under this arrangement for several months. When she received her W-2 form, however, she realized that not only would she owe taxes on the extra money because her earnings were so high but she would also no longer be eligible for her scholarship.

The ombuds advised the student to turn herself in to the dean's office, but also offered options on how to deal with the misconduct of the manager. The ombuds was aware of the need to preserve evidence, an issue that had not occurred to the student. They agreed that, before the student went to the dean, the ombuds and the student would go to the senior vice president in charge of student life. Because of the ombuds' knowledge of the university, the ombuds felt that going to the most senior level first was the best way to proceed and was able to arrange for such a meeting. The senior vice president immediately arranged for HR and security to gather the necessary information in a professional and discreet manner before alerting the manager involved. The ombuds had been concerned that a less thorough or easily noticed investigation might have been done if the matter had been reported at a lower level.

Only after this was accomplished did the student report the incident to the dean and deal with her own situation. Since the university had already obtained the incriminating documentation on the manager, there was no risk that he could destroy the evidence or flee. He was subsequently confronted, arrested, and later terminated from employment. The student's assistance led to some leniency in terms of disciplinary action by the university and the financial aid office helped her explore other sources of financial aid, but her W-2 form was not changed, and she was ineligible for her scholarship for the following year.

The Ombuds Identifies Options for Title IX Concerns

The chairperson of a department came to the ombuds to seek advice on how to deal with a complaint from a graduate student. The graduate student had alleged that a faculty member had made offensive remarks in a class that upset a number of students. The faculty member had then made the same remarks in an undergraduate class.

The faculty member involved was senior to the chairperson, and the chairperson feared retaliation through departmental politics, as well as feared that the faculty member would lose his temper. The graduate student also feared retaliation and did not want to report it or to have the chair report it. The ombuds shared that the university's policy required the chairperson and the graduate student to report the event to the Title IX officer but that the ombuds, as an informal and off-the record resource, could hold the information in confidence. The chairperson and the graduate student decided to do nothing.

Subsequently, an undergraduate student came to the ombuds with a similar story about the faculty member's conduct. The ombuds shared various options, including talking to the faculty member, talking to the chairperson, reporting to the Title IX officer, or letting it go. The ombuds also told the student that she could invite anyone else who was offended to speak with the ombuds. The ombuds asked the student, "if anyone else comes forward with a similar story, may I tell them that someone else came to me, without giving your name?" The student agreed and decided to report the incidents to Title IX. Another undergraduate complainant came forward and also decided to report the incidents.

The ombuds subsequently informed the graduate student and chairperson that theirs were not the only complaints about the faculty member, and that others had likely made formal

complaints. Knowing that the undergraduate would be the official “complainant” and that they would only be witnesses made them feel more comfortable about sharing their story, and they also reported the faculty member to the Title IX officer. This provided the Title IX officer with multiple people to confirm the remarks of the faculty member.

A subsequent investigation revealed even more inappropriate conduct. The faculty member was eventually warned that any further similar conduct would result in additional disciplinary action, including suspension and loss of pay.

In this way, a complaint that may not have gone anywhere was able to be raised and also supported by the testimony of multiple witnesses. People who feared retaliation and were initially unwilling to be complainants were able to feel protected by the fact that they were not the ones who originally came forward. A faculty member who repeatedly made offensive remarks learned that he needed to cease. The university was able to nip the problem in the bud before the behavior got worse or there were more consequences, such as loss of graduate students.

32. Graduate Student, Post-Doc, Fellow, and Resident Issues

Unpaid Labor

Through a series of visitor consultations, the ombuds identified a pattern of unpaid labor for graduate students. Because this issue appeared to be a systemic issue involving multiple locations in the university, the ombuds brought this issue to the university's legal counsel without providing any identifying information relating to any of the visitors who had raised the issue with the ombuds. As a result, the university's counsel was able to investigate the issue and then develop a resolution of the matter campus-wide.

Helping an International Graduate Student Navigate the Bureaucracy

An international graduate student came to the ombuds after he was moved to a new residence hall following an incident in which he had been involved at his previous residence hall. The student's move to his new room occurred shortly after another student who had been occupying that room moved out. The student who moved out left the bathroom and kitchen in a filthy condition, as documented through video evidence shared with the ombuds. Both the graduate student visitor and his mother, who also contacted the ombuds from abroad, shared their concerns about the condition of the room and the lack of response by the university.

In essence, the graduate student visitor had been unsuccessful in getting the Residence Life office to provide the typical room cleaning that occurs when there is a transition in residents. Unlike most room transitions, however, this transition had occurred in the middle of a semester. The assumption by Residence Life seemed to have been that the outgoing student would have cleaned the room before his departure and that there would be no need for the type of cleaning that was usually done at the end of the semester. The visitor and his mother were very frustrated at the lack of response to the student's requests.

The ombuds discussed with the visitor options to address this issue, including contacting the Director of Facilities, who oversees custodial services, to ask if they could help resolve the issue. The ombuds was familiar with the Director of Faculties and thought the Director of Facilities would likely respond positively even though the student had not been able to get a response by contacting the Residence Life channels. The visitor had been unaware of the role of the Facilities office. At the request of the visitor, the ombuds sent an email to both the Director of Residence Life and the Director of Facilities requesting assistance for the student. Once the Director of Facilities heard of the issue, he directed his crew to provide the desired cleaning, for which the student expressed his appreciation to the ombuds.

Facilitated Conversation with Ombuds Addresses Abusive Colleague's Behavior

Nearly all residents in a highly respected training program complained about a second-year resident to faculty clinicians, including the Program Chair of Residency Training. The complaints centered on abrasive peer interactions, shirking of clinical duties, prioritizing moonlighting over clinic responsibilities, and speculation that the resident was more abrasive towards women and minority peers. The resident was among the least favorite among attending

clinicians and was considered arrogant, though his clinical performance was considered slightly above average. The Residency Program Chair had spoken to the resident on several occasions about these perceptions but had not issued discipline as there was no evidence of clinical or academic deficiencies. The Chief Resident, who had also tried to coach the resident, informed the Program Chair that the second-year resident's negative behavior had become more frequent and that it was time for the Program Chair to drop the resident from the program. The other residents felt that the program leadership was demonstrating a lack of care for their well-being and a lack of follow through about expectations of professional standards. Several residents indicated that they were considering submitting a formal complaint about discrimination to the EEO office; others are circulating a draft of a letter to the ACGME (Accreditation Council for Graduate Medical Education).

The Program Chair contacted the ombuds to seek assistance, understanding the informal, confidential, and neutral posture of the office. Several options were discussed including more aggressive intervention by the Chair, referral to a hospital-wide review committee, and facilitative intervention process organized by the ombuds. The Chair wished to pursue the voluntary facilitative process before attempting more formal options and a plan was agreed upon whereby the Chair would ask if the Chief Resident and the second-year resident would be willing to talk individually with the ombuds about the situation. Both were willing to participate.

The second-year resident believed adamantly there was no basis for the complaints but was willing to participate in a dialogue with the other residents if they thought it would help. The ombuds met with the Chief Resident and asked for background and the Chief Resident agreed to arrange several small meetings between the ombuds and the other residents. The residents agreed to abstain from submitting any formal complaints or letters until the facilitative process had an opportunity to proceed. After hearing from the residents and the second-year resident, the ombuds began serving as a go between, shuttling preliminary requests to and from the second-year resident, the Program Chair, and the other residents. Ultimately, the ombuds facilitated a group meeting that included the Program Chair, Chief Resident, and all other residents was held to discuss behavior "ground rules" and a three-step protocol on how to respond to violation of those ground rules by any member. The entire process took place over 6-8 weeks.

The ombuds was available to the residents over the next 18 months and was contacted a few times by various residents for updates and conversations about what was better and what remained difficult. Ultimately, no complaints were filed, and all residents graduated on schedule.

Ombuds Helps Clinical Fellow Stop Unwanted Attention from A Senior Colleague

A new female clinical fellow contacted the ombuds to discuss her discomfort with attention she was receiving from a senior male clinician. The senior clinician, an internationally recognized physician and author of a popular medical textbook, had been repeatedly contacting the fellow by phone and text, complimenting her appearance, and offering her a valuable collaborative clinical research opportunity during her fellowship. The fellow did not wish to make a formal complaint because of the impact on her career, the embarrassment it would cause the senior clinician, and because the senior clinician had not asked her out, touched her, or said

anything exceedingly inappropriate. However, she had a clear sense he was interested in her romantically and may cross those boundaries in the future. She said she only wanted a professional relationship and to be able to complete the fellowship. She indicated that she had not talked to anyone else affiliated with the hospital about the situation and presently had no intention to do so.

The fellow and the ombuds discussed keeping a record of the texts and a journal of the inordinate contact as a backup measure and then began exploring ways the fellow could more clearly communicate her discomfort to the senior clinician either directly or through an intermediary. She decided that as a first step, it would be most appropriate for her to respond to a text message she received that she's noticing he's contacting her quite a bit and that it makes her somewhat uncomfortable and that she'd prefer with her professional relationships to communicate by email only. As a secondary measure if the excessive contact persisted, she indicated that she may ask the ombuds to speak to the clinician confidentially on her behalf. Several weeks later the fellow returned to ask the ombuds to speak to the senior clinician so he would stop.

The ombuds subsequently asked the senior clinician to meet and explained the "off the record" nature of the ombuds office. When they met, the ombuds simply said that the ombuds had been asked by a fellow if he, the senior clinician, would honor a request made of him about communicating by email. The senior clinician, understanding the confidentiality and informality of the ombuds office, expressed gratitude for the message.

The fellow reported back to the ombuds a few months later that the excessive contact from the senior clinician had stopped and she was now more comfortable dealing with her colleague.

An Advisor's Failure to Advise

A female graduate student came to the ombuds to talk about concerns she had about completing her PhD. Her advisor had left employment at the university to join industry but was still advising students by distance. The student had heard about the ombuds through a presentation at the graduate college and decided to bring her concerns to the ombuds because of the confidentiality afforded by the office. As a graduate student, she feared retaliation by her advisor and, possibly, her committee members should she use formal channels to complain.

The graduate student described a pattern of neglect by the advisor, who often made comments about the student's financial status as well as comments about her immigration status. The student believed that the advisor assumed the student was international, when in fact, she was a US citizen. Since the student was self-funded, the advisor refused to treat her the same as those students on grant projects and left her without adequate assistance. As the student prepared for the defense of her dissertation, the advisor canceled meetings and ignored email and voice mail. Although her dissertation was accepted and she was a 4.0 student, she failed her oral defense and was given only two weeks for a second defense, with no advice from her advisor. The external member on her committee noted the irregularity in the lack of support by her

advisor, and the "gotcha" type of questioning in the defense, and suggested she reach out to the department chair.

At that point, the student decided to speak to the ombuds. After hearing the student's concerns, the ombuds asked to speak to the external committee member and received permission. The external committee member confirmed what the student had reported and added that the advisor also said that if the student was going to return to her country of origin, then the advisor would pass her, but not if she stayed in the United States. The external committee member was from the same country as the student but knew she was a US citizen and was appalled by the statement. None of the other committee members said anything. He convinced the student to file a discrimination complaint with the Title IX office, which she did but held off on the investigation, fearing retaliation.

After being coached by the ombuds during meetings over the course of four weeks, the student spoke with the department chair and the graduate advisor, both of whom refused to listen to the student and tried to convince her to accept a master's degree instead. Finally, the student allowed the ombuds to speak to the vice provost and the dean of the graduate college about the situation, her fear of retaliation, and need for an advocate in her department. The graduate dean was able to convince the department to provide a new advisor, cancel the second defense due to the comments made and lack of advisement, and provide a stipend to the student to stay and defend again and pass her defense. The student, after being awarded her PhD, chose to drop the discrimination complaint against the university.

Facilitated Conversation Leads to Agreement on a Plan for an International Student

An international student who was enrolled in a joint Masters-PhD program at the university came to see the ombuds about problems with the Principal Investigator (PI) for whom the student worked in a psychology research lab.

The PI is from Spain and had been at the university for the past 5 years, but the student had previously worked with the PI while the student was in an undergraduate program in Europe. The student said that he had observed the PI treat people disrespectfully, but he also noted that the PI was capable of being very gracious and complimentary when he needed someone to support his research. The student thought he was a valued member of the lab and that his previous work with PI had allowed him to build trust with the PI as well. The student's problem, however, was that he wanted to return to his home country. His family and children were there, and they could not come to the US. The student was adamant that he could do the work required of him for their lab from his home country. In response to this request, the student reported that the PI said that he could return to his home country but that if he were to do so, it might not be possible for the student to return and complete his program and receive his degree.

After many meetings with the ombuds, during which the ombuds listened to the student and helped develop options for the student to address this problem, the option selected by the student was to send an email to the PI asking for a facilitated conversation between the two of them and proposing that the ombuds participate as a neutral to facilitate the conversation. The

student subsequently drafted the email and sought comment from the ombuds on it. After making a few revisions based on comments from the ombuds, the student sent the email to the PI.

The PI responded to the student a few days later and pushed back at the student's proposal, stating that he did not think they needed a neutral person to facilitate a conversation. This response left the student feeling very angry with the PI for not being willing to consider having a neutral help them address this issue.

Not long thereafter, the ombuds received a telephone call from the PI. The PI wanted to know what the ombuds could do as a neutral to help facilitate the resolution of an issue he was having with a research grad student. After listening to the PI, the ombuds explained how such a process would work with the ombuds acting as a neutral and participating to support a fair process for everyone. Ultimately, the PI agreed to having the ombuds facilitate a discussion of the issue with the grad student.

The facilitated conversation took place via Zoom teleconferencing. After the PI and the student each shared their perspectives on the issue, the ombuds asked both individuals to explore and share options that they felt would be appropriate to address their joint concerns. The student asked why he could not complete his degree from his home country, as he had been off campus and working remotely for over 4 months. The PI said that he wanted the team to be able to be together to draft a paper collectively based on the research they had been doing. The student and the PI continued the discussion constructively and finally reached an agreement that the student would return to the university for a 6-month period once a year for the balance of his PhD work. They both agreed that the final timeline for such a schedule would have to be determined by the student's Thesis Committee.

Both participants left the facilitated conversation feeling it was a positive experience and, in a post-meeting survey, each gave the ombuds high praise for facilitation skills and helping the parties communicate effectively through a difficult situation.

Abusive Advisor and Language Issues

An international graduate student came to the ombuds' office in a highly emotional state after an alarming interaction with his professor/advisor. The ombuds listened attentively to the student as he described what sounded like ongoing abuse of students by a faculty member. The student was frightened and confused. Like many students, he was reluctant to report anything to the university out of fear of retaliation.

The student had been contacted by two students who had left the university, one with their PhD, and one who had accepted a Masters' despite being in a PhD program. For two years, all three students had been in the same laboratory with the same professor. The two former students decided that they couldn't watch their fellow students continue to be abused in this way. They sent a letter to the Department Chair, who didn't take any action. The Department Chair apparently believed the faculty member to be upstanding and productive.

The former students suggested the student consult with the ombuds due to the confidential nature of the services. All of them described abusive conduct by the professor, including speaking only in their native language in the lab (all three of the students and the professor were from the same country of origin), and calling the students derogatory names; throwing papers, computers, and other equipment across the room; and making them work over 40 hours per week in the lab. If they weren't in the lab, the professor would track them down and find them at their homes. He also gave the students in his lab the answers to the exams so they wouldn't have to waste time studying and would be able to work more in the lab. The students had kept the email correspondence related to the exams and presented it to the ombuds.

The ombuds discussed a variety of possible actions the student could take but the course of action that felt most safe for the student was to provide an anonymous report of the academic misconduct based on the exams which is what the ombuds helped him to do. This resulted in an investigation into the matter by the Provost's office and Faculty Academic Affairs. The professor was fired after all of the allegations came out and more students came forward. After this case, the graduate college of the university created a policy stating that the language used in labs and classrooms must be English and provided training and education on appropriate standards and treatment in laboratories.

These students had considered contacting the local newspaper to report what was going on before coming to the ombuds but had been hesitant to do so. Had they done so, it would have had a devastating impact on the reputation of the institution, and probably would have resulted in costly and protracted hearings.

Information and Guidance from the Ombuds Makes a Difference

A post-doctoral fellow came into the ombuds worried that her boss was going to fire her. She was from another country and she did not want to go home in disgrace. She said her boss yelled at her and always criticized her written work. She also reported having no friends and feeling lonely. She said she didn't know how to make friends and missed her family.

The ombuds talked with her about ways to get suggestions before she wrote a paper and discussed resources on campus like clubs that she could join to meet others. The ombuds also mentioned the Employee Assistance Program in order to deal with her depression and perhaps to talk about assertiveness (in response to her statement about it being difficult being a woman in science.)

The visitor was very excited about the idea of getting help with assertiveness and effusively thanked the ombuds for her various suggestions.

The university could have lost a post-doctoral fellow, and the student was able to build her confidence. Upon follow-up, the fellow reported that she was now getting along with her professor and publishing a paper.

The Ombuds Helps a Foreign Post-Doctoral Fellow Accused of Plagiarism

A post-doctoral fellow came to see that ombuds in a panic because he was being accused of plagiarism. He was African and had published academic papers in his home country and in another country before coming to the United States. He said his current professor had asked him to write a paper on a certain topic and then accused him of using others' work without citing them. Further, he was told that if he was found guilty, some or all of his past publications could be rescinded very publicly.

When the ombuds asked if he had spoken to anyone else about this, the fellow said he had only spoken with his wife. He said that this situation was so humiliating to him that he didn't want anyone else to know about it. When he heard the ombuds kept information confidential, it was the only option he would consider other than hiring an attorney to defend himself.

The ombuds asked him whether he had been formally accused or not and he did not know the answer to that question. Part of his panic had to do with not understanding what was happening and being new to the United States. He didn't know where to turn.

The ombuds asked him if he had spoken with his supervisor and his department chair. He said he had spoken with both, and they were awaiting the outcome of an investigation so they could not tell him anything. The ombuds also asked if he had spoken with anyone in the Academic Dishonesty Office, and he said he had not heard of that office.

The ombuds gave him the contact information and the location on the campus for that office. The ombuds also advised that the office's website outlined the investigation process. Just being able to read about the process provided some relief for the fellow.

A few weeks later, the fellow called the ombuds to say thanks for the help and to report that he had been cleared of any accusations in the investigation. He reiterated that it was such a huge help to him to have an office where he could talk confidentially about something that was so embarrassing without having to worry about the information being shared with others. Before he found the ombuds, he said that he thought his only option was to hire an attorney, but he did not have the money to do that. Had he done so, however, the university would have had to defend the lawsuit. As it was, he was exonerated, and his career was not ruined.

Ombuds' Sensitivity to Cultural Issues Gives Inquirer More Options

A female doctoral student from a Muslim country came to the ombuds only after carefully checking out the documentation available about the program's confidentiality. After the initial conversation about the office and how it operates, the visitor engaged in a somewhat extended conversation about her home country during which the ombuds demonstrated a sensitivity to her culture and customs.

Only after this extended conversation, during which the ombuds perceived that the visitor was trying to determine whether or not to trust the ombuds, did the visitor reveal her principal

concern: she had become sexually active while at the university, but she was going to be completing her program soon and her family expected her to return home to an arranged marriage. She was terrified of the potential ramifications for her, her family, and the planned marriage. While there were other places that the visitor could have gone to discuss the personal and cultural issues involved, her desire for confidentiality and the ability to explore options were paramount and led her to the ombuds.

The ombuds reaffirmed the principle of neutrality and, without making value judgments, indicated a willingness to discuss a full range of potential options with the visitor, from going home to the arranged marriage as planned to rejecting the arranged marriage and not going home.

The option selected by the visitor, and one she had not previously considered, was to pursue a position in a post-doctoral program, which would give her more time to assess the situation and decide how she wanted to proceed ultimately.

Checking Out the Process Can Be Very Involved

The ombuds was contacted by a woman who said that she was employed by the organization but who disclosed neither her name nor the area in which she worked. She said that she was gathering information about what the ombuds office did and did not do, but she was quite thorough: the initial call lasted forty-five minutes. This is a fairly typical action by some people who, before doing anything, want to "check out the process."

A few weeks later, the same woman called again, although the ombuds knew this only by recognizing her voice (and later confirmed it); she made no reference to having spoken to the ombuds before. She scheduled an appointment with the ombuds office but used an assumed name. When she met with the ombuds, she did not disclose either her position or where she worked in the organization. Her concerns focused on a number of issues she said she had been having with colleagues and her supervisor, including a general lack of civility (basic rudeness) and the need for clarification of responsibilities. She said that her issue with the supervisor was that he was not engaged as a manager and not managing staffing problems. The ombuds provided coaching for her and gave her options on how she could address the issues.

Approximately a month later, she returned for another discussion with the ombuds. They discussed how things had been going and strategized other options for her. More coaching was provided, and she left again to address her issues on her own.

When she returned again approximately a month later, the ombuds assumed it was for another debriefing and further guidance, but at this point the woman revealed that all of the prior discussions had not been on the "real issue" and that she had resolved all of the other matters. During this discussion she disclosed that she was a post-doctoral graduate student working in a lab under the direction of a principal investigator (PI) who was well known both in their particular specialized field and at the organization as a major researcher and senior faculty member. In addition, only at this point did she disclose that from the beginning, the true issue

was this PI's sexual harassment of her. She admitted that she had raised all the other issues to see if the ombuds really knew what the ombuds was talking about, appreciated the political realities of her position, and was "truly confidential."

She said that she had gone through the extended "checking out the process" period because she was extremely concerned at how vulnerable her position was. The PI was eminent in his field and had the power to make or break her career. She was clear that she did not want to engage any formal process, but she wanted the harassment to stop.

After long discussions on a few occasions about various options, she finally decided that she would attempt to leave his lab and find another one. In the research world, this approach can be very problematic on many levels, especially if the PI of the lab being left attempts to prevent someone from transitioning to another lab or poisons the person's reputation. To address this issue, she asked the ombuds to speak with the PI to see if he would consent to her departure.

The ombuds then had a confidential, informal, neutral, and frank conversation with the PI and helped him realize that it was in everyone's best interest for him to support her leaving his lab as a great opportunity for her "intellectual and professional development." He agreed and she found a new lab, where she has flourished.

Saving a Life and Saving a Career

A graduate student and her faculty advisor developed an intimate relationship. After several months, the graduate student tried to break off the relationship, but the faculty advisor threatened to prevent the student from graduating. In addition, the faculty advisor had planned an out-of-state trip and was demanding that the student share his hotel room. It was at this point that the graduate student contacted the ombuds office. She said she was on the verge of taking her own life.

In light of the student's fragile condition, the ombuds concluded that there was an imminent threat of serious harm and made limited disclosures to get the student access to mental health counseling. After her condition stabilized, the ombuds discussed options she might use to deal with her advisor. The option selected was to give the ombuds permission to contact the administration about the advisor. Since there had been other complaints about that advisor, the ombuds was able to indicate that concerns had been expressed by students generally, though no other details were provided.

The administration conducted its own investigation and determined that there was merit to the concerns raised. As a result, the faculty member was stripped of all advisee assignments. Since all of his advisees were reassigned to other advisors, neither this graduate student nor any of the other students who had complained were singled out. Once this episode was behind her, the student went on to graduate and is now a highly respected scholar in her field.

Helping a Graduate Student Disengage from a Sexual Relationship with a Faculty Member

A graduate student pursuing a PhD in an engineering department came to the ombuds seeking guidance on how to terminate a sexual relationship she had had with a faculty member without ruining her career. She reported that during the past year (her third in the program) she had engaged in an affair with a faculty member who was married and who also served on her dissertation committee. The affair began when they both attended and presented at a conference in another city.

After three months, she decided to end the relationship, believing that it was not healthy and that it was interfering too much with her academic progress. She said that, unfortunately, the faculty member continued to pursue her, calling frequently and even cornering her in a hallway when no one else was around. When these overtures did not succeed, the faculty member conveyed that he was quite angry that she was sticking with her decision to end the affair and told her "you will pay for this."

She did not report the harassing behavior at the time, because of fear of retaliation, including his power to ruin her academic career, and because she didn't want to get him in trouble or do anything more to interfere with his marriage. The student had recently come to the conclusion that the faculty member was now retaliating against her by disparaging her to other faculty members and creating roadblocks in the progress of her dissertation. She was not sure how to handle the situation and asked the ombuds for guidance on what were her options.

The ombuds informed the student of university policies regarding graduate students. First, romantic relationships between a student and a faculty member where there is a direct academic connection (e.g., advisor, dissertation committee member) is prohibited. Accordingly, the faculty member could be subject to disciplinary action from his department or the university. The student quickly interjected that she did not want to hurt the faculty member professionally, and that was a factor that had to be taken into consideration. Second, the ombuds said that it was university policy that the student has the right to exclude faculty from her committee if she so desires. The student expressed concern that removing the faculty member from her committee could provoke him further. She simply wanted him to back off and leave her alone.

The ombuds inquired whether the student had any close relationships with senior tenured faculty members in whom she could confide. She stated that there was—a department chair in a different field of study, as well as one or two others. The ombuds asked whether the student could share her story with the department chair and ask whether the department chair might approach the other faculty member on the student's behalf. The idea would be to let the faculty member know that other faculty members were aware of the affair, that the university could be facing serious legal exposure because of his affair with the student, and that his continuing behavior could be construed as retaliation. The student was comfortable with the idea and said she would reach out to the department chair.

Several weeks later, the student returned to the ombuds office to provide an update. The department chair had spoken to the faculty member about the affair and then let the student know that she should move forward with removing him from her committee and identifying someone

else, which she did. The student was appreciative because she thought she would be making good progress on her dissertation in the coming weeks and months. Because the faculty member had ratcheted down the behavior that had been fueled by his anger at being rejected, the likelihood that the student would have to resort to legal action to protect her academic career was significantly reduced.

Despite Cultural Differences, Post-doc and Researcher Resolve Dispute with Ombuds' Help

A second-year post-doc had concerns with a researcher in the lab where she worked. She stated that the researcher was constantly bothering her. Every time they were in the lab together, he would come over and ask about her personal life, and even ask her for dating advice. Although she never felt that he had any romantic interest in her, she felt that this was extremely inappropriate. If that wasn't enough, he would interject himself into her work, looking over her shoulder at what she was doing and telling her what to do. She would answer politely and thank him for the help. Eventually, she couldn't stand it anymore and complained to the chief scientist of the lab. This was very difficult for her. She had been afraid of bothering the chief scientist, who was world renown, and she could tell by his reaction that he did not want to be involved in this dispute.

The scientist told the researcher that the post-doc had complained that he had been harassing her and that he had better change his behavior. He told the researcher that he had better get the problem fixed or he would not have a place in the lab. The researcher was shocked. The researcher felt like his whole world was imploding and that he would lose his position, his visa, and his entire future because of her story. The researcher suggested to the scientist that he and the post-doc mediate the issue. The scientist agreed to refer the post-doc to the ombuds but laid the responsibility on the researcher to resolve it.

It was at this point that the two parties in conflict reached out to the ombuds. First, the researcher came to the ombuds for help. According to the researcher, he and the post-doc had been good friends for the past year. He had done everything he could to make her feel welcome and to share his expertise with her. He had even changed his work schedule so that he could be available to her if she needed help. He felt that she owed him a great debt for his generosity. He felt betrayed at the fact that she complained about him. It seemed to him that she was making things up to sabotage his career because of his nationality. If she really believed what she had said to the scientist and that things were so bothersome, he thought that she should not have waited a year to raise these concerns. He wanted to repair their relationship and get back to being friends and, at the same time, he wanted to prove to the chief scientist that he could resolve the issue. He embraced the option that the ombuds mediate a conversation between the two of them. He reached out to the post-doc to ask if she would be willing to have a conversation and suggested that she contact the ombuds.

When the ombuds met with the post-doc, she stated that she did not want to meet with the researcher for an in-person mediation. Instead, she requested that the ombuds convey her feelings and wishes to the researcher. She explained that in her culture, it was not at all

acceptable to confront a senior professional, particularly a male. She explained that she had not brought up the issue earlier because she was afraid that her career would suffer if he was angry at her disrespectful attitude. She had thought that he would understand from her brief responses to him that she did not want to engage in a personal relationship. She requested that he change his hours back so that they did not match hers and that he not discuss his personal life or ask about her personal life.

When the ombuds relayed these sentiments back to the researcher, he immediately agreed and apologized for the misunderstanding. Although he would have preferred a face-to-face discussion and a remedy that would allow them to remain friends, he was relieved that his profession would not be affected. They both gave permission to the ombuds to inform the senior scientist of their agreements and that they had resolved their differences.

All parties were relieved to be able to move on and spend their time, energy, and focus on their work. No formal investigations were needed.

The Ombuds Identifies Options for Title IX Concerns

The chairperson of a department came to the ombuds to seek advice on how to deal with a complaint from a graduate student. The graduate student had alleged that a faculty member had made offensive remarks in a class that upset a number of students. The faculty member had then made the same remarks in an undergraduate class.

The faculty member involved was senior to the chairperson, and the chairperson feared retaliation through departmental politics, as well as feared that the faculty member would lose his temper. The graduate student also feared retaliation and did not want to report it or to have the chair report it. The ombuds shared that the university's policy required the chairperson and the graduate student to report the event to the Title IX officer but that the ombuds, as an informal and off-the record resource, could hold the information in confidence. The chairperson and the graduate student decided to do nothing.

Subsequently, an undergraduate student came to the ombuds with a similar story about the faculty member's conduct. The ombuds shared various options, including talking to the faculty member, talking to the chairperson, reporting to the Title IX officer, or letting it go. The ombuds also told the student that she could invite anyone else who was offended to speak with the ombuds. The ombuds asked the student, "if anyone else comes forward with a similar story, may I tell them that someone else came to me, without giving your name?" The student agreed and decided to report the incidents to Title IX. Another undergraduate complainant came forward and also decided to report the incidents.

The ombuds subsequently informed the graduate student and chairperson that theirs were not the only complaints about the faculty member, and that others had likely made formal complaints. Knowing that the undergraduate would be the official "complainant" and that they would only be witnesses made them feel more comfortable about sharing their story, and they

also reported the faculty member to the Title IX officer. This provided the Title IX officer with multiple people to confirm the remarks of the faculty member.

A subsequent investigation revealed even more inappropriate conduct. The faculty member was eventually warned that any further similar conduct would result in additional disciplinary action, including suspension and loss of pay.

In this way, a complaint that may not have gone anywhere was able to be raised and also supported by the testimony of multiple witnesses. People who feared retaliation and were initially unwilling to be complainants were able to feel protected by the fact that they were not the ones who originally came forward. A faculty member who repeatedly made offensive remarks learned that he needed to cease. The university was able to nip the problem in the bud before the behavior got worse or there were more consequences, such as loss of graduate students.

An Ombuds Help Raise Systemic Financial Manipulation of Foreign Graduate Students by Professor

A visitor came to the ombuds to inquire about how they might address their concerns with the conduct of a professor. The visitor shared that they were an international graduate student from the middle east in a renowned campus program. They were taking a class with their professor advisor who was also the program director. The visitor stated that they needed an internship over the summer months and that the professor knew they were returning to their Farsi speaking country for the next semester. The visitor shared that a previously arranged internship had fallen through at the last minute and that the professor was aware of this situation. The visitor said that the professor indicated that she could use support on a book she was presently writing. She proposed that if the student were willing to translate the book into Farsi and ascertain if there was a market in their country for the book, the professor would help the student obtain internship credit and consider hiring them as a Teaching Assistant (TA) in the fall semester when they returned (to offer them some remuneration for their work). The visitor shared that they saw this as an excellent opportunity.

The visitor undertook the translation and helped market the professor's material. The visitor also connected the professor to a network of future opportunities to utilize when the book was completed. Upon their return to the campus, the student met with the professor but was told that she had already hired her TA for fall semester. The visitor reported that the professor was adamant that she had never promised anything to the student in the way of compensation for their work and insisted that internship credit should have been viewed as substantial value to the student.

The visitor told the ombuds they were aware of similar conduct of the professor in the past from alumni of the program and two other present students. In addition, the visitor said that they had contacted an administrative assistant (AA) to the professor and urged the AA to contact the ombuds about the professor's conduct. The AA visited the ombuds and confirmed much of what the student had told the ombuds, describing their own experiences as well. The ombuds

asked if the AA and the visitor would ask if the other current students might be interested in contacting the ombuds office. Eventually, several alumni, a few other students, and a couple of other AAs contacted the ombuds office and shared similar stories of misrepresentations by the professor and manipulation of staff and students. The AAs also shared that they were told to issue funds from specific budgets and grants to pay a few of the students, and that the professor had used students to translate her personal writings into several different languages but never gave the students any credit in the published books, papers and articles.

The ombuds helped the individuals consider all of their options individually and in a small group. Everyone agreed it was best to share the information with campus leaders, including:

- the Equal Rights Director
- the Human Resource Director,
- Departmental Dean,
- Provost, and
- University Legal Counsel.

The ombuds was asked to act as a neutral facilitator for the discussion.

The ombuds helped the students and AAs prepare for this meeting by considering how best to share the information. The ombuds urged them to try roleplaying the situation acting as themselves, as well as sitting as university leaders responding or hearing this information. During this discussion the individuals raised concerns about retaliation by the professor who remained the director of the program.

The students contacted the leadership asking each of them if they would participate in this meeting and if they'd object to having the ombuds act as a neutral facilitator. No one objected to the process. The discussion went very well lasting over 3 hours with the leaders asking many questions and thanking the individuals for coming forward with their concerns. They assured the students and staff that if any retaliation occurred, they should immediately contact the Equal Rights Director as it would not be tolerated.

33. Faculty Issues

Author's Note: This category includes examples that uniquely involve faculty issues.

Fraud, Amorous Relationship, Conflict of Interest, and Fear of Reporting

The ombuds worked with a visitor for two years. At first the issue presented was a benign interpersonal conflict. After the ombuds established trust with the visitor, the visitor began sharing documentation and information that revealed a fraud scheme apparently orchestrated by the visitor's leader, a well-regarded tenured professor who brought in millions of dollars for the university each year. The visitor did not want to be a whistleblower due to fear for their position, career, reputation, and physical safety.

The ombuds presented the visitor with various ways the issue might be surfaced or investigated. Eventually the visitor gave the ombuds permission to raise the issue anonymously to the university's financial compliance department, which has the ability to discretely review records to determine whether the concerns have merit. If they conclude that the concerns might have merit, they may intervene or refer the matter to internal audit for a formal investigation. In this case, given the positive working relationship between the financial compliance analysist and the ombuds, the analyst took all of the information provided by the ombuds and immediately initiated an informal and extremely discreet review of the leader's unit's records. Literally, no one else knew it was happening.

Ultimately, this review surfaced a myriad of concerns, including conflicts of interest (using university position and resources for personal gain), financial fraud (funneling money to a private business), and sexual misconduct (an amorous relationship between the leader and a direct report). The financial compliance analysist then referred the matter to the university's internal audit department and a formal investigation ensured. The compliance department told the leader under investigation that it had discovered information during a routine check. Once internal audit released its report to the Vice-Chancellor of Research, the university terminated the leader, restructured the unit, and imposed new restrictions and policies to address the types of transactions at issue.

Difficult Boss and Policy Guidance Regarding Annual Reviews

A faculty member came to the ombuds with a myriad of issues regarding her department chair. One of the issues involved the chair's practices around the annual review process. The faculty member explained that at annual review time, her department chair would expect her to read, digest, and sign her review in front of him. He essentially would give her no time to respond or clarify the review before expecting her to sign it.

In the discussion with the faculty member, the ombuds explained that the Faculty Handbook policy allowed a faculty member to compose and submit a written response to a review if they so desired. The ombuds also explained that the policy provided that signing a review did not necessarily mean that a faculty member agreed with it; it simply meant that one had read it.

The ombuds helped the visitor consider various options for how to proceed and, ultimately, the visitor decided that she would like the ombuds to contact the dean (the department chair's supervisor) to inquire as to her expectations regarding how chairs should conduct annual reviews with their own supervisees. The understanding was that the ombuds would not identify the faculty member or department in question.

When the ombuds spoke with the dean, the dean explained that she expected the annual review to be a conversation and that that conversation should be seen as an opportunity to make any reasonable edits to the review. As a result of the conversation with the ombuds, the dean agreed to remind all chairs of her view of how the process should work, as well as of the policies regarding faculty's right to submit a response.

The faculty member's improved understanding of her rights in the process, along with the dean's reminder to all chairs, allowed the faculty member to have a more productive conversation regarding her performance and made the process fairer for all, without compromising confidentiality.

Rebuilding Trust and Realigning Productive Focus

A renowned and distinguished researcher had pursued several claims and disputes with the university involving significant sponsored research issues. Some years had passed since lawyers on both sides staked out positions and a "cold war" commenced. With major underlying issues irresolute, intense emotions on both sides continued to smolder fueling further misunderstandings. Communications between this well-funded researcher/faculty member and key stakeholders in the administration had strained to the breaking point. Inevitably, university leadership allowed distance to develop between "them" and the researcher.

The faculty member felt increasingly *persona non grata*. Consequently, honed research skills were diverted to detecting and dwelling upon the university mistakes and perceived flaws in the research area. The brilliant intellect that had previously garnered mutual accolades for a rising star and growing university became laser-focused on the bitter mission of exposé.

The proverbial "camel's straw" snapped when administrators denied travel and related requests for professional development opportunities that were personally important to the faculty member. This led the faculty member to reach out to the ombuds, resulting in a series of meetings between the ombuds and the faculty member.

The ombuds made it clear that the ombuds was not authorized to receive notice of any claims against the university, but the faculty member told his side of the dispute and expressed his feeling that that this was the first time that someone with the capacity to fully understand the concerns of the faculty member listened to the <u>whole</u> story. The first meeting took almost 7 hours and the initial narrative was filled with emotional nuance intertwined with technical issues and lots of data. The terms of service having been agreed to up front meant that the informal operation of the ombuds removed pressure on the faculty member to "prove their case" as a matter of regulatory sufficiency. Thus, key points and perspectives voiced were heard and

understood. The faculty member was thankful no time frames started churning regarding information collected regarding potential peer misconduct. The faculty member was also looking into other potentially substantial compliance concerns involving federal grants.

After several follow up sessions, the faculty member began to realize that the years of unresolved conflict with the university had shifted focus to "looking backward" and that was counterproductive. Upon clear and mutual agreement, the ombuds and faculty member agreed that the ombuds would reach out to leadership in the research office to gauge receptivity to a meeting. The "good offices" reputation of the ombuds enabled a productive 1:1 meeting between the faculty member and a senior leader in the research office. Prior to the 1:1 meeting the ombuds held a session with the senior leader, under the normal terms of service. The confidential dialogue enabled this leader to express regrets and concerns without fear of negative consequence or embarrassment. The leader determined that restoration of a productive collegial relationship with the researcher would be welcome. The 1:1 meeting took less than 1 hour and resulted in an agreement to release reasonable travel funds in support of professional development opportunities of benefit to both the individual and institution.

With direct dialogue restored between leadership and researcher the two parties continued to communicate openly about future plans. This enabled them to reach a formal settlement agreement, working directly with the university's General Counsel, resolving all past outstanding issues. Some years later, no additional lawsuits, claims or adverse personnel actions have occurred between this researcher and the university's research administration.

Relationship Reset: Restoring Accurate and Direct Communication

A faculty member contacted the ombuds to report a simmering dispute causing concern in a moderately sized academic department. The caller, tenured in the same department, shared widely known facts that the Chair had tried unsuccessfully to broker a resolution of the dispute and after many attempts was now part of the problematic dynamic. The caller explained that the two peers, one male and one female, were deeply entangled in a disruptive conflict and: 1) both were tenured faculty members, 2) they had not spoken directly to each other for several months despite nearby offices, and 3) their disdain for each other had become so uncomfortable for all that the Chair had cancelled faculty department meetings for the semester.

After discussing multiple strategies and options with the ombuds, the caller decided to refer one peer to the ombuds. That peer met with the ombuds and confided that she was contemplating taking formal steps via to seek redress for reputational damage caused by the other faculty member who was "falsely accusing" her of sexual harassment violations. During meetings with the ombuds she contemplated potential options and outcomes and ultimately decided that she wanted to pursue a direct dialogue with her peer.

The ombuds also received a call from the male peer who had been to the Chair who suggested the ombuds as a helpful resource. In confidential dialogue with the male peer, it became clear that several significant misunderstandings had occurred and were exacerbated by indirect and highly inaccurate communication. Prior to contacting the ombuds he was

considering filing a claim against the other faculty member. When asked about his ideal outcome he stated a preference to resolve the communication disconnect and move past this time-consuming distraction hampering his research and teaching.

Recognizing that each peer wanted to find a pathway to restore direct communications, the ombuds asked each individual, in confidence, how they wanted to proceed. Eventually a mutually agreeable process was facilitated by the ombuds to informally discuss the communications disconnect. The ground rules were determined by the peers and agreed to in advance of meeting.

The ombuds then facilitated a 90-minute informal off the record meeting, allowing the two tenured peer faculty members to communicate directly. During the meeting, one party told the other that they could never forgive how they had ignored a prior heartfelt apology. The reply explained that the apology was, in fact, never heard due to a bona fide hearing impairment. This breakthrough enabled the parties to realize that both perceived the other as breaking the relationship. Sincere apologies followed and open communications were restored. Department meetings resumed and the Chair enjoyed the renewed engagement of his colleagues in the department.

Ombuds Helps Provost and Senior Leaders Resolve Issue with Senior Faculty Member

An internationally recognized faculty member was referred to the ombuds by his department chairperson. The faculty member had been granted lab space and a stipend to run the lab in a new research center. The new research center director, however, determined that this was not a good use of resources. She needed to use the lab space to court new hires and for more cutting-edge projects. It appeared to her that the faculty member was not even using the space and not doing any work to justify the stipend. Plus, she felt that the new work that would be done there was not in his area of expertise.

The faculty member felt slighted by this. He felt that this was age discrimination and a sign that the university's leadership was trying to push him out before his time. He complained to the director and the dean above her. They said it was really out of their hands and that they had to do what they could with limited funding.

On the advice of his department chairperson, he went to the ombuds to discuss what he could do, although he said he had little hope of the ombuds doing anything. In his conversation with the ombuds, he threatened to have his attorney sue the university and he also threatened a social media campaign against the university. It became clear to the ombuds in the course of this discussion that prestige, respect, and recognition were of utmost importance to the faculty member.

One of the options the ombuds presented to the faculty member was to take the matter to the provost, which he did. He also gave the ombuds permission to speak with the provost. In speaking with the provost, the ombuds indicated that giving the faculty member an audience, listening, and acknowledging his importance and contributions might go a long way towards

resolution. The provost subsequently invited the faculty member in to state his concerns. After listening empathetically to his concerns, the provost offered some nominal compensation.

The faculty member felt respected and declared to the ombuds that he had "won" the argument. He also stated that he had dropped his claim against the lab and the lawsuit. The director, dean, and provost were pleased to have the matter resolved.

Facilitated Conversation Between a Faculty Member and his Department Chair Clarifies Expectations and Builds a Better Relationship

A faculty member responsible for directing an academic center was very disappointed with his salary increase. The increase was below the average percentage that year. His performance review was good, not great. He reached out to the ombuds to express his disappointment and ask for guidance on how to proceed. He felt he was getting a message from his department chair but was not sure how to approach the chair. He enjoyed his job very much and did not want to resign but was considering it. He was feeling insecure and did not feel confident enough to speak to the chair on his own. After speaking with the ombuds about various options he left, wanting to think about what he wanted to do next.

The faculty member called the ombuds the next day do ask if the ombuds would reach out to the chair to set up a meeting with the department chair, him, and the ombuds. The ombuds agreed to do so, and when the ombuds spoke with the chair, the chair was very receptive. The chair confidentially told the ombuds that the faculty member was a valuable member of the department and indicated that it would be a challenge replacing him in a timely manner to teach his courses. The chair also expressed concern that he had found it very difficult to give constructive feedback to the faculty member.

During the meeting arranged by the ombuds, the chair assured the faculty member of his value to the department and highlighted some of his contributions. It also became apparent during the meeting that there was an honest misunderstanding. The faculty member was always trying to "please" the chair by asking many questions and following directions. The chair, however, wanted to see the faculty member take more initiative and demonstrate more leadership.

As a result of this meeting, the chair agreed to make a minor adjustment to the faculty member's salary, and the faculty member decided not to seek other employment and became more confident in taking initiative. The faculty member called the ombuds about four months later sounding much more confident and expressing gratitude for a better and more open relationship with the chair.

A Department Chair wants Information Confidentially to Figure Out how to Correct a Mistake

The chair of an academic department came to the ombuds and disclosed that he had had a challenging relationship with another senior faculty member in the same department for a number of years. Over the years, the two of them had had very public heated disagreements, and he admitted that their disdain for each other was well known.

The issue that brought the department chair to the ombuds involved a dispute over the leadership of a national project, during which the chair made some decisions in haste and anger that adversely affected the other senior faculty member. The department chair conceded to the ombuds that he had made a mistake in judgment and needed additional information to decide how best to manage "damage control," but he was not willing to seek the information himself or disclose his mistake without considering this additional information. He requested the ombuds to approach HR, the general counsel's office, and the provost's office to request both general and specific information but to do so in a way that would not disclose who was asking for the information, identify the department involved, or reveal why the information was being sought.

The ombuds was able to obtain the information sought and then to discuss options with the department chair about what to do. In gathering the data, the ombuds also gained insight on the best way for the department chair to speak with someone in each of those areas, which he eventually did.

Confidential Coaching for Faculty Members

A department chair came to the ombuds with a concern over a mentoring relationship between a minority female junior faculty member that the chair had recruited and a senior white male faculty member who was assigned to be her mentor. The chair had a high regard for both faculty members and thought that it would be good for each of them to be in this mentoring relationship but perceived that both parties were having problems with it. The chair was concerned about losing the junior woman, since the department had experienced difficulties in recruiting and retaining good minority and female faculty members. The chair did not want to go to the dean with this issue or involve anyone else out of concern that it could affect everyone's reputation and career.

The ombuds discussed mentoring guidelines and successful practices with the department chair. They considered various options, including coaching by the ombuds of one or both faculty members; coaching the department chair and then having the chair conduct separate and joint conversations with the faculty members; having the ombuds conduct a facilitated conversation between the faculty members with a view toward developing an agreed-upon action plan; hiring external coaches for one or both faculty members; and having the ombuds sit in on several mentoring activities to help assess the situation and make further recommendations.

The department chair chose a combination of these options. The ombuds provided individual coaching to the department chair and the junior female faculty member. The chair had a private conversation with the male faculty member and provided funds for an external coach for him for a reasonable period. The chair then followed up periodically with each of the faculty members to provide support. As a result, the department chair believes that the issues were

addressed without blemishing anyone's career, and the junior faculty member continues to make good progress in her career on a tenure track.

Ombuds Mediation Helps Professors Collaborate

Two professors were asked to co-lead a two-year long curriculum together. Each of the professors had gone to the departmental chair to say that he was not able to work well with the other person due to vast communication issues, and each had asked if he could lead the effort alone. The chair told each of the professors that she thought each brought something valuable to the table and wanted the professors to work out their differences. The two professors said they had tried unsuccessfully to do so. The chair then suggested they seek out the ombuds services (the chair also called the ombuds to share her perspective and ask if this was an appropriate referral).

Each professor did contact the ombuds separately and each professor talked with the ombuds about the different options available, including undergoing mediation. Both professors were amenable to trying mediation. Over the course of four mediated sessions, the two professors delved into their perspectives, the incidents that led to the perspectives, and plans for moving forward. More specifically, at the heart of the conflict were three things: 1) A lack of understanding about the other person's cultural norms and personality, both of which were very different from one another; 2) each revealing he had some major personal stressor going on outside of work, and 3) neither of them had ever co-coordinated a curriculum with another person and did not know how to move forward, especially in light of the communication issues. The two professors acknowledged the differences and misunderstandings, recognized that each other also had "a lot going on" apart from work, and together, with the ombuds, the professors made a plan for how they could begin to move forward in planning the course together.

The ombuds scheduled a fifth meeting to check in with the parties. Both of the professors indicated that things were much better than they had been. The meeting was short and light-hearted. Several months later, the ombuds heard from the chair that the two professors were getting along very well, and the course planning was almost completed. Several weeks later, one of the professors stopped the ombuds in the hall on the way to a meeting to express his gratitude for her help, indicating that he really was enjoying working with the other professor.

Helping an Employee Exit Gracefully and Avoid Reputational Damage

A faculty member at a university was denied tenure. Prior to coming to the university, she had held an important role in the community and still had many significant connections in the area. In her discussion with the ombuds, she explained that she did not feel that the tenure process had been fair in that the policies regarding expectations in the area of professional development had not been sufficiently clear.

After discussion and exploring various options with the ombuds, the visitor decided that she did not wish to appeal the denial because she did not want to continue working with a

department that apparently did not want to retain her. She did, however, want to share her concerns about the process that had been used in her tenure denial decision. After further discussion, she decided to write an email to the President and Provost of the university to notify them that she did not wish to appeal the tenure decision but also to indicate that she wanted to meet with them to share her concerns over process and policy in the tenure decision.

The ombuds helped her craft the email to make it as constructive as possible and then followed up with the administrators to encourage them to accept her request to meet. The President and Provost agreed to meet with her, and they subsequently had the discussion she had sought. The faculty member was grateful for this assistance, as she had a chance to be heard by senior administration. This allowed her to leave on a somewhat more positive note.

In its annual report, the ombuds office addressed the systemic issues raised by the faculty member's concerns and recommended that all academic departments develop clear guidelines regarding discipline-specific expectations for tenure.

"Failed" Mediation Led to Good Result

A junior faculty member approached the ombuds with a concern about the culture of an academic and clinical department, what he considered "toxic" interactions during faculty meetings, and a performance evaluation from his department chair that he deemed unbalanced, unfair, and not reflective of his work and contributions to the department.

After sharing these concerns with the ombuds and discussing options during a consultation and coaching initial meeting, the junior faculty member requested that the ombuds facilitate a discussion so that he could share the concerns more fully with the chair via mediated discussion. The ombuds agreed to do so and then met with the chair to briefly discuss the nature of some of the concerns and to ask if he would consider participating in the discussion as requested. The chair agreed, and the meeting went forward as agreed.

Though the chair had initially referred the junior faculty to the ombuds and had subsequently agreed to participation, during the meeting he seemed agitated and questioned several times "why are we here." Sensing that this may have been intimidating for the junior faculty member, the ombuds interjected, reminding the chair that he had referred the faculty member, was made aware of the process, and had agreed to be present and listen in an effort to address the concerns. The ombuds also reminded the participants of the Ombud's role as a neutral and described the training and experience that had prepared the ombuds to facilitate such a process. The meeting continued and concluded awkwardly. There was further discussion about the concerns, and the chair agreed to reconsider some of the language in the evaluation. However, the chair did not take responsibility for the alleged "toxic" environment in the department and believed that faculty should be able to freely express themselves in meetings even if some were offended.

Several months later, the ombuds had a chance encounter with the junior faculty member who asked if the ombuds remembered his case. The junior faculty member expressed profuse

thanks to the ombuds for the assistance and explained that sometime after the mediated discussion he was able to change departments at his request and with the support of both department chairs. He reported that he was now in a much more collegial and supportive professional environment. Though the ombuds had recalled the intervention as unsuccessful, the faculty member reported that he believed that the assistance of the ombuds was helpful during a very difficult time, and that the coaching and intervention was the catalyst for a resolution to his situation.

An Ombuds Can Only Do So Much to Raise Issues to Proper Channels

Over the period of a month, five different faculty members from the same department independently met with the ombuds to share concerns about their new department chair. They had a wide range of complaints such as sexual harassment, many forms of verbal abuse, and public humiliation, as well as arbitrary changing of policies and responsibilities. All five also reported that one of them was being bullied.

None of the faculty members had chosen to go to human resources because all of them had had bad experiences with that office in the past. A human resources staff member had told one of them, "It's not wise to take on a department chair. You will lose." All five were afraid to confront the chair or file a grievance or Title IX complaint because they each believed the chair would punish them. None of them wanted to lose their jobs, and they all reported having enjoyed their jobs until the new chair arrived. While they were all faculty, they were all on contracts that could be cancelled at any point, about which the chair was known to remind them on multiple occasions.

After discussing various other options such as the whistleblower hotline, mediation, and the previously mentioned formal processes, all of the parties preferred to meet with the Provost as a group if their identities could be protected. The parties gave the ombuds permission to briefly describe the problem to the Provost and to request a group meeting.

The group met with the Provost and explained the problems. He listened and promised to look into it. Nothing happened for three months, so the female faculty member who was being bullied filed a Title IX complaint. The complaint was found to be a violation, but since it was a one-time event, the chair was not sanctioned. From that point on, the faculty members reported that chair's treatment of the complainant worsened visibly.

Finally, a committee was formed to investigate the chair's conduct. The person appointed to lead the committee had previously been the mentor for the chair under investigation, which demoralized the faculty members who had consulted with the ombuds. The investigation interviewed many people but seemed to drag on and on. Close to the second anniversary of the original contact with the ombuds, the chair was finally fired. By this time, however, four of the five faculty members had left the university for jobs elsewhere.

Even though the ombuds had found a way to bring the faculty members' concerns to the attention of the Provost in a timely fashion and before a Title IX complaint or a lawsuit was

filed, the lack of prompt and appropriate action on the part of the university cost the department four faculty members who were part of a leadership team that had led to 98% placement of their graduates in jobs upon graduation. The faculty member who was bullied and harassed hired an attorney, and, to settle her claims, the university paid a year of salary for severance. The loss of these faculty members in such a short period adversely affected the university's reputation in the field in which the faculty specialized. The principal lesson of this example is that while the ombuds did everything possible to help both the faculty members and the university identify and address the concerns with the department chair, the ombuds has no managerial authority, and the benefit of having an ombuds often depends on those having the authority to act taking timely and appropriate action.

Helping a Nontenured Faculty Member Focus on What Was Important to Her Avoids a Discrimination Lawsuit

A faculty member came to see the ombuds about what she considered to be racist or discriminatory treatment. She was a junior faculty member with multiple degrees, one of which was from the campus where she currently worked. Now, as an employee, she felt like she was being left out of important meetings and treated differently than her male peers. They were being mentored and she was not. She had also found out she had been paid less than others do the same work. She was considering suing the university for discrimination.

The ombuds listened and heard all the pain the visitor felt from being marginalized and left out. The visitor was ambitious and had dreams about doing research and having her own lab. She didn't know where to go for help. Human resources on that campus did not assist faculty, and she had already spoken to the department chair, the dean, and the provost. The dean had promised to help her but had done nothing to date. The department chair was new and said he was just supporting the decision of the previous chair to cancel her contract. The provost listened and said the dean has the right to make decisions in his school.

At this point, she was very angry and wanted to get even. As a minority woman, she felt pretty certain that she could win in a lawsuit because she had not been accused of any wrongdoing, yet her contract was being cancelled.

The ombuds asked her to think about what she most wanted, encouraging the visitor to think about what her life would be like on that campus if she sued and won, or, if she sued and lost. The ombuds asked her if all the negative time and energy was worth the time it would take out of her career and moving forward on her research and writing projects.

The visitor did some thinking and reflecting on the advice from the ombuds and came back a week later. She asked the ombuds if the ombuds would help her find resources to help her with her resume and job search. The ombuds gave her a list of local and campus resources and met with her a few more times to give her chances to vent her anger.

A few months later, the visitor secured an Assistant Professor position with her own lab and mentor at a prominent university. She was so excited about her new opportunity that she was no longer interested in suing the university.

The ombuds, in this case, helped spare both the university and the faculty member from the cost and stress of a discrimination lawsuit and, with the counseling from the ombuds, enabled the faculty member to realize her dreams.

Procedural Irregularities in Tenure Process

An associate professor sought promotion to full professor. Upon review of the associate professor's exemplary dossier that checked all the boxes, the associate professor's department and primary unit's evaluation committee unanimously recommended promotion. The Dean, who had the responsibility of making recommendations to the Vice Chancellor's Advisory Committee (responsible for the campus's tenure and promotion review and making recommendation to the Chancellor), met with the candidate and indicated that they would likely affirm the department and committee's recommendation but had not made a final decision.

Upon receipt of the department's recommendation, however, the Associate Dean in charge of faculty affairs and responsible for managing the tenure and promotion process for the university, wrote a lengthy report opposing the department's recommendation and discounting most of the faculty member's many publications. This report, however, was not in accordance with established tenure review procedures, and the Associate Dean had based it on his own desired publication requirements rather than adhering to what university policy required. The report also accused the department of a sloppy evaluation process. In light of this report, it was unclear what decision the Dean would reach on the tenure question.

The associate professor up for tenure was angry and confused. She did not feel safe going to the Dean's Office and was prepared to seek legal counsel if she did not receive the promotion. Before moving forward, she decided to visit with the ombuds because she wanted an impartial, independent and confidential place to make sense of the situation and explore her options.

After taking the time necessary to hear the faculty member's story and ask questions, the ombuds thought that while this could be a bad faith effort to defeat the tenure recommendation and undermine the department's process, the Associate Dean also could have been basing his response on information not in the professor's dossier. The essential questions were whether the Associate Dean's actions were a personal vendetta or a legitimate concern and whether the department's tenure recommendations had gone awry.

The associate professor initially wanted to resolve the matter before the Dean made a decision. The ombuds, however:

1. Provided and explained the current university policy regarding the tenure and promotion process;

2. Explained the role of Academic Affairs, which included overseeing faculty tenure and promotion; and
3. Explained the current internal appeal process available to the faculty member if the Dean rendered an adverse decision.

The visitor and ombuds also explored various options, including:

1. The associate professor or the ombuds (with the associate professor's permission) could meet with the Associate Dean in an effort to understand more fully their perspective and concerns.
2. The associate professor or ombuds (with the associate professor's permission) could speak with the Associate Vice Chancellor for Academic Affairs to discuss the procedural irregularity involving the Associate Dean's report.

The associate professor, not previously aware that a review by the Associate Vice Chancellor of Academic Affairs (AVCAA) was an option, decided to contact Academic Affairs (rather than have the ombuds initiate the contact) and ask them to review the situation, render an opinion and, if appropriate, address the Associate Dean's behavior and ensure a fair process.

The associate professor chose this option in order to give the AVCAA and the Dean the opportunity to "do the right thing". She indicated that if the Dean then rendered an adverse decision, she would use the information the ombuds provided and avail herself to the University's internal appeal processes rather than file a lawsuit.

Ombuds Mediation Helps Faculty Members Resolve Issues Themselves

A faculty member contacted the ombuds about a conflict over course planning. She and another faculty member had been working together on the same course for years with a course director. This year they had a new course director who was also new to the campus. The visitor wanted help with finding a way to work with the new course director whom she viewed as highly rigid and opinionated. She had come to see the ombuds because Human Resources told her they don't work with faculty and that she should go to the Provost. She didn't want to go to the Provost over such a small concern.

After telling the ombuds about the challenges of working with this new person, the visitor decided she wanted to bring her colleague to meet with the ombuds. So, at the next meeting with both faculty members, the ombuds discussed different ways to negotiate or problem solve. The colleagues decided to try those techniques.

Two weeks later they were back to meet with the ombuds and said that they were feeling very frustrated. They had tried working with the new course director and had even gone to the department chair to complain about her. The department chair told them to work it out themselves. At this point, the ombuds offered shuttle diplomacy and mediation, and the two faculty members readily agreed to mediate.

Neither faculty member, however, wanted to invite the course director to the mediation. They felt intimidated by her. So, the ombuds called and invited the course director to meet with her and also invited her to a mediation with the two faculty members. The course director agreed to meet with the ombuds but spent most of the meeting denying there was a problem. She insisted that she had given the faculty members clear instructions as to how to do their jobs and they just needed to do what she said. Reluctantly, the course director agreed to try mediation as long as she could leave whenever she wanted.

During the mediation, the parties identified their primary differences. They realized that the two faculty were used to planning in-person classes and the new course director had only experienced planning online courses. Once they identified the problem, they were better able to find common ground.

They made a plan in the mediation to have the ombuds be present at two planning sessions to help them get started. By the end of the second session, they no longer felt they needed the ombuds to continue to meet with them.

The importance of this case was that this class was being planned with only three weeks to go before the semester started. A large number of students would have been adversely impacted if this group had not been able to find a way to work together.

Communication Chaos

The faculty in a university department hired a new professor following an extensive search. At first, everything seemed to be working well with the professor's teaching and research. However, a few months later, problems started to arise.

The department's administrative assistant felt that this professor was too closed off and unfriendly. The assistant had invited the professor to group lunches and other gatherings, and each time the professor politely declined. The assistant began taking this personally and spoke with the department chair and other faculty about the behavior.

While most faculty didn't see a problem, some of them were also concerned. Instead of approaching the new professor directly about their concerns, colleagues communicated with him in a passive-aggressive and indirect manner. The new professor began to feel as though he had made a mistake in taking the position and didn't know what to do. He decided he should start looking for another position and spoke to a colleague about his situation. The colleague advised him to talk to the ombuds.

In the first meeting, the professor described behaviors that he thought were hostile and directed at him by the administrative assistant and some of the faculty members. He could not imagine why they appeared to be acting this way, as even though he tended to keep to himself he always made it a point to say "hello" and to be polite to everyone in the office, including student workers. The ombuds asked permission to speak to others in the department and the professor agreed.

In the subsequent meetings, the ombuds discovered that the others who were upset with the professor had made many assumptions about his manner, behavior, and choices to not join group activities. They took his absence as a personal affront, assuming he did not want to get to know them or befriend them. At least one of them expressed the wish that the professor would leave the university.

After sharing their concerns (with permission) with the professor, the professor acknowledged that their basic description of his actions was accurate, but he believed that they had misunderstood his intentions. He told the ombuds about his education, which took place in another country and culture, and also about his work experience where professional distance was strictly adhered to. In his training, faculty did not mix business with pleasure except in rare circumstances. Furthermore, he had young children at home and preferred to spend his meals with them and his wife as they were still struggling to feel comfortable in this new community.

The ombuds asked him if he would be willing to meet with the ombuds and some of the other people to help clear the air about his behavior and intentions, as well as theirs. He agreed, as did the others. At that meeting, each person was able to talk about what they experienced, what the department's norms were, and began to understand better each other's behavior and assumptions. They apologized, shook hands, and learned some important lessons in cultural communication. With the greater understanding the new professor ceased looking for a new job and intradepartmental communication improved.