

**Annual Report
Office of the Ombudsperson
2020 – 2021**

**NAVIGATING
DIFFICULT
SITUATIONS
ON CAMPUS**

Conflict Resolution • Policy Guidance • Empowerment • Confidential Conversations

Offered to Students, Staff, Faculty and A&P

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Communications with the Office of the Ombudsperson do not constitute notice to Auburn University



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I. INTRODUCTION

Despite working through the covid pandemic, the Office of the Ombudsperson worked with 296 new visitors during the 2020 – 2021 year. There was no let-up in time spent with office visitors.

Types of matters in which the ombuds assisted included questions about job security due to the unknown possible impacts of Covid-19, questions about university covid policies, employee and student complaints of mistreatment or bullying by supervisors, professors, or colleagues; faculty disagreements with other faculty members; student academic issues with instructors; parent and student complaints regarding university policies and decisions; assisting students negotiate issues with landlords on their own; assisting students work through issues with other students; helping students and employees understand affirmative action, equal employment, and Title IX complaints and processes; assisting international students work through student immigration issues and acclimation to American culture; and helping students understand academic honesty violation processes, student conduct code allegations, and student grievances against professors.

This report will include a section on bullying in the workplace, a statistical report of demographic and issue information, and a listing of selected activities performed by the ombuds.

II. BULLYING IN THE WORKPLACE

The deleterious effect of bullying behavior is a problem in most academic institutions and, judging from confidential reports brought to the Ombuds Office, this is true of Auburn University as well. The number of complaints at the office has decreased over time, but the issue is far from being eradicated.

The essence of “bullying” or “abrasive behavior” is the disrespectful degradation of another person’s dignity. Bullying normally consists of abusive behavior that is repetitive, intentional, and power-based. Although the majority of bullying behavior in the workplace is perpetrated by supervisors with power assigned to them, there are many other sources of power that embolden workplace peers to abuse their colleagues and even superiors.

Those sources of power include intellectual or physical capacity, membership in particular groups, information, leadership skills, charisma, a prominent position in a hierarchy, and relationships with powerful individuals.

This power can result in toxic, unfair dynamics in the workplace that cause extreme emotional and physical distress for targeted individuals. Much of this can be resolved by our community members working toward a more respectful and collaborative community.

Toward that endeavor, buy-in from all stakeholders is necessary for our members to expand upon, embrace, and carry out the ideas set forth in this section. If they are involved in the discussion, creation, and adoption of a proposed course of action, they will be more likely to conduct themselves in good faith toward the pursuit of a more civil atmosphere in the workplace. If they build such an environment, they will own it. If they own it, they will likely accept and maintain it.

Two options that may facilitate systemic change are: 1) a multi-faceted approach to fostering a strong culture of civility; or 2) adopting a stand-alone civility policy a small number of other universities have done.

The first option contemplates working within the existing culture and policies to strengthen what has already been accomplished in our community. The second option, enacting a civility policy, likely will receive greater pushback from faculty members, and it may engender legal challenges if adopted. However, it may provide more efficiency in particular cases. As humans we tend to respect that which we create and eschew that which is forced upon us.

Auburn University is invested in strong traditions of academic freedom and shared governance. Those principles should not be eroded or compromised as we strive to interact with our fellow community members amicably rather than abusively. Any policy revisions or additions should at minimum contain a provision like “nothing in this policy shall infringe upon the exercise of academic freedom or constitutionally protected speech.”

Active participation by all workforce community members should promote the abovementioned buy-in for a program or policy designed to increase civility on campus. A representative task force might be formed to make recommendations for implementation of a civility program the members feel is in the best interests of the Auburn University community. This suggested task force should include members of our faculty, AAUP chapter, administration, A&P, staff, and legal department.

Not only will the inclusive makeup of this committee provide a diversity of perspective, but participation by representatives for all stakeholders should foster trust in the purpose and content of their finished product. The committee members might consider and discuss either of the two options in this section or create their own plan.

II. OPTIONS

A. Option 1: Enhance our existing culture of civil behavior through a 5-step process

This option contemplates a proactive approach to improve constructive interactions in our workplace. The proposal consists of the following five-part process.

- Establish an expectation of civil behavior
 - Hiring process
 - Values statement
 - Orientation process
 - Evaluation process
- Education on bullying and constructive interaction techniques
 - Bullying and bystander education for all incoming employees
 - Bullying, bystander, and constructive leadership skills education for all current supervisors
 - Bullying, bystander, and constructive leadership skills education for all incoming supervisors
- Modeling civil behavior

- Rewarding civil behavior
- Education on rights and obligations applicable to all employees

1) Establishing an expectation of civil behavior

One of the most effective ways to create positive culture change is through the new hire process. Bringing in employees who have not been exposed to the toxic side of an organizational culture can infuse that culture with fresh perspectives and optimistic energy. We should then be prepared to support that optimism rather than allow it to be eroded.

Note, though, that including civility as a basis in the hiring decision or performance evaluation of a faculty member may violate principles of academic freedom. The civility consideration should not inhibit speech by “politically controversial academics” who are “frequently found to be abrasive individuals...” AAUP Statement on *Ensuring Academic Freedom in Politically Controversial Academic Personnel Decisions*.
<https://www.aaup.org/report/ensuring-academic-freedom-politically-controversial-academic-personnel-decisions>

We could use sections of The Creed as a basis for some educational interview questions, and we could adopt a university values statement regarding civil behavior. As an example, we already have an excellent values statement in the Auburn University Policy on Sexual and Gender-Based Misconduct:

Auburn University is an institution built upon honor, integrity, and respect. Consistent with these values, the University is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University community.

Such a values statement could be prominently displayed in employment application materials and featured at the beginning of new employee orientation sessions. Instilling an expectation early should inspire civil behavior from the beginning of an employee’s relationship with the University.

2) Educating our citizens on bullying behavior and constructive interaction skills

Anecdotes of workplace bullying made to the Office of the Ombudsperson are made far more often against managers than fellow workmates. The University Ombudsperson believes that most people in supervisory positions who engage in bullying or uncivil behavior don't realize they are doing so. If they became aware, most would likely wish to change their behavior if they knew how. Especially, if they realize the psychological and physiological impact the behavior has on the targeted individual and, consequently, organizational productivity.

Educational components on what constitutes bullying, the negative impacts of such behavior, and alternative methods of positive leadership will contribute to a more civil workplace. As part of a plan to inculcate greater civility into our culture, anti-bullying and bystander training could be given to all new hires of the university.

All current supervisors could be given the same training and required to participate in an educational program designed to build positive leadership skills. Classes designed to build the capacity for empathy, such as found in active listening techniques, should be an essential part of such training. The anti-bullying and positive leadership skills training should then be given to all future supervisors as they are hired or promoted into their new jobs.

Proactive leadership education could include conflict resolution training, the ability to address problems when first detected and before they fester, discussing appropriate and inappropriate behavior with individuals and the entire unit, and ways in which power can be used with kindly effectiveness. Assertive, empathic supervisors generate loyalty and foster creativity. Abrasive management stifles both.

3) Modeling civil behavior

Respectful leadership cultivates civil behavior within the workforce. Conversely, abrasive and condescending leadership is conducive to uncivil

behavior between members of our community. Data reveals that individuals who have been bullied are more likely to engage in abrasive behavior toward others than those who have not been bullied. We learn from our leaders and emulate them.

Placing emphasis on character during hiring searches for our leaders can contribute immensely to a culture of civil and empowering interaction in our workplace. A behavioral tone is set at the top of any administration, and then filters down throughout the organization.

In the process of modeling appropriate behavior, our supervisors should be empowered to call out abusive behavior engaged in by their employees. A statement that “this is not how we do things at Auburn” may be sufficient to educate and curb further bad behavior. This could occur in a meeting, on the spot, or in an evaluation setting. As a result of the management education process, the supervisor should be equipped to point out civil alternative behaviors that would be appropriate. Our employees may be inspired to call out inappropriate behavior themselves after witnessing or personally experiencing such feedback.

4) Rewarding civil behavior

In the spirit of being proactive rather than prescriptive, perhaps we could establish a Good Samaritan award or other means with which to acknowledge good citizenship. We have such awards already, both for faculty good works and staff and A&P successes. Expanding upon such recognition to include bystander or other courageous acts may help reinforce our goal of being a collaborative, safe community.

5) Education on the rights and obligations applicable to all employees

Auburn University has many policies in place that pertain to harassing behavior in particular contexts. These include improper behavior under our Policy against Discrimination and Harassment, Title IX gender-based transgressions, faculty member grievances, threatening or harassing use of university IT resources, and the College of Veterinary Medicine’s code of

conduct. Moreover, Auburn University Employee Relations Policy 8.3.3. prohibits many actions, including:

- 1) intimidating or intentionally imposing on the rights and privileges of other employees
- 2) fighting on university property
- 3) creating disturbances which adversely affect morale, production, studies, or discipline

Our supervisors should be trained to discuss and counsel their direct reports when allegations of the above enumerated Employee Relations policy are made. The provisions of that policy apply to all Auburn employees, including faculty members.

As stated above, faculty may grieve against other faculty members for harassment pursuant to the Faculty Handbook, Article 6, Section 2(d). Staff or A & P members do not have the ability under our policies to directly file a grievance against faculty members. Should this policy be broadened to allow every member of our community a process with which to file a complaint against any other member, regardless of where they sit in our hierarchy?

Changing institutional culture is hard and can take an extraordinary length of time but the rewards will be worthwhile and, once ingrained, durable. In a benevolent culture, people will want to treat their colleagues respectfully and kindly as that is the expectation and norm. Behavior enforced by policy can engender resentment and a feeling of isolation and unfairness within those who are alleged to have violated the policy.

Although the strength of a community is found in the members' desire to engage amicably and collaboratively, that may not be realistically possible. In that case, a stand-alone civility policy may serve to motivate members to work together as collaborative teammates.

B. Option 2: Enacting a stand-alone civility policy

Civility policies are often viewed with skepticism by members of AAUP and other faculty. Therefore, it may be more difficult to adopt a stand-alone civility

policy than to institute the above program intended to enhance our culture. AAUP concerns are based in a belief that civility policies may erode the well-established concept of academic freedom and may threaten professors with dismissal without due process. Per the AAUP Statement on Civility, cause for dismissal should be based on “the fitness of faculty members in their professional capacities as teachers or researchers and” ... “consideration of their manner of expression is rarely appropriate to an assessment of academic fitness.” <https://www.aaup.org/issues/civility>

If establishment of a civility policy is discussed, certain drafting and content considerations would need to be resolved to assure fairness. For example, the policy must provide due process provisions to contest allegations of uncivil behavior, and to place the professor on notice of the alleged violation. The policy itself should include language that places the individual on notice of what is and is not allowable prior to engaging in particular behavior.

The drafting will involve a tricky balancing act. The policy should not be so vague that it fails to apprise the constituents as to what is objectionable but is also not so specific that it forecloses unforeseen activity from being covered. Finally, the policy must not be subject to arbitrary and capricious enforcement either through its language or application.

Oregon State University established a bullying policy that contains both the objective and subjective standards used in law. The policy first requires that the alleged abusive behavior be so “severe, pervasive or persistent, ... that it would cause a reasonable person in the victim’s position substantial emotional distress” and that the behavior “actually does cause the victim substantial emotional distress...” <https://eoa.oregonstate.edu/bullying-policy>

The University of California, San Francisco Violence and Bullying Policy was recently established. That policy combines the objective standard with a list of acts that includes but is not limited to a variety of transgressions. Here is the definition of bullying and abusive conduct in the UCSF policy:

Bullying is a form of conduct that is abusive and unjustified by UCSF’s legitimate business/educational interests. Bullying is defined as behavior of an individual or group of individuals that a reasonable person would find

hostile, offensive, oppressive, and/or humiliating. It may include but is not limited to:

- Infliction of verbal/written abuse, such as the use of derogatory remarks, insults, and/or epithets, including but not limited to language that humiliates, belittles, and/or degrades
- Performance feedback that is delivered by yelling, screaming, making threats and/or insults
- Sabotaging or undermining a person's work performance
- Spreading misinformation or malicious rumors
- Inappropriate comments about a person's appearance, lifestyle, family or culture
- Teasing or making someone the brunt of pranks or practical jokes
- Interfering with a person's personal property or work equipment
- Purposefully and inappropriately impacting a person's work environment so as to exclude, isolate or marginalize a person from normal work activities
- Circulating inappropriate or embarrassing photos or videos, including electronically (e.g., via email or social media)
- Unwarranted physical contact, even if non-violent
- Electronic communications, such as social media, text or email, that are disparaging or derogatory
- A single act shall not constitute bullying, unless especially severe or egregious.

University of California, San Francisco Violence and Bullying Policy.

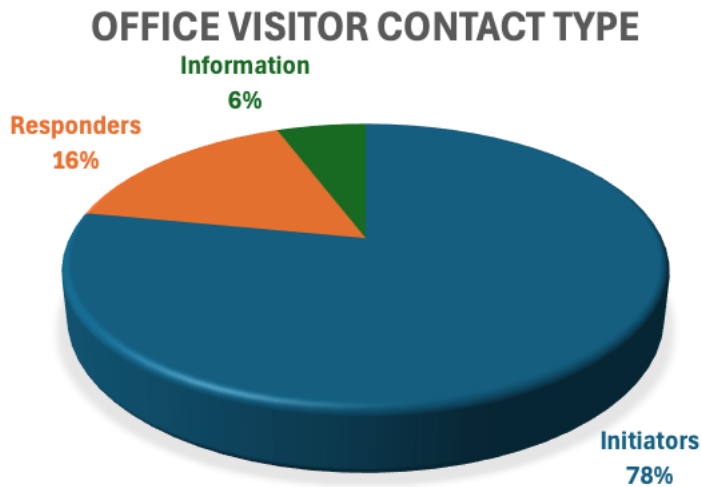
Can principles of academic freedom and civil behavior toward all employees be conjoined so that all individuals are provided a psychologically safe, productive workplace? As alluded to above, AAUP and faculty representation on a working policy committee is imperative to a balanced and well-thought-out course of action, as is buy-in by all community members.

The occasion to discuss and demonstrate ways to work even more civilly with each other provides an opportunity to build a more cohesive, amicable and productive community at Auburn University. Two ways in which this might be accomplished is through creation of a stronger culture of civility for all our

members, or through enactment and enforcement of a civility or abrasive conduct policy. The author of this section submits that a change in culture, although difficult, will produce the greatest and longer lasting results.

III. STATISTICAL REPORT

TYPE OF CONTACT¹

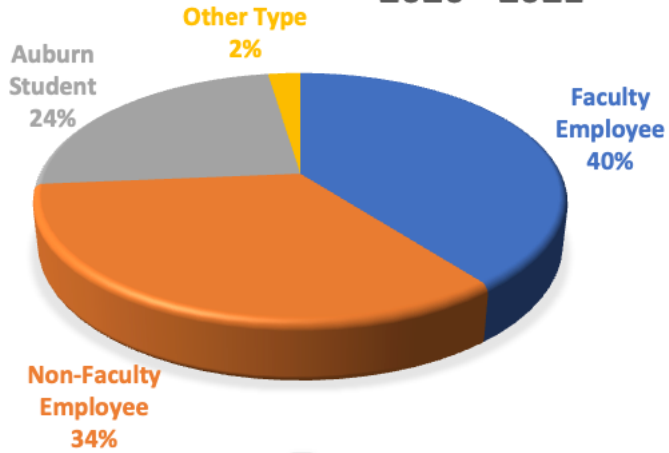


Initiators	231
Responders	48
Information	17
Total	296

OFFICE VISITORS

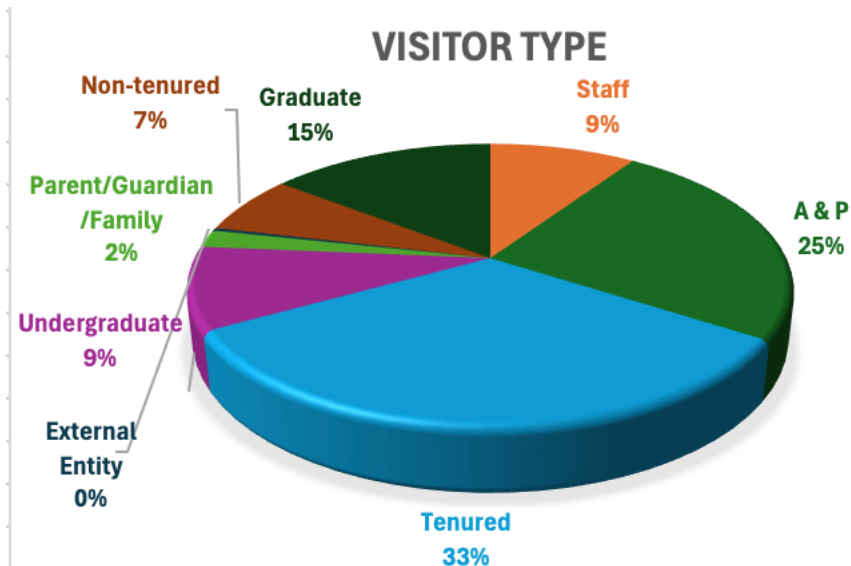
¹ “New office visitors” are defined as visitors who bring an initial new matter to the ombuds office. The office visitor can be a repeat visitor but does not appear statistically in this report unless the subject matter of the subsequent visit arose from a new set of facts and circumstances. For purposes of this report, multiple succeeding appointments regarding the same facts and circumstances are not counted.

OFFICE VISITORS 2020 - 2021



Faculty Employee	117	40%
Non-Faculty Employee	101	34%
Auburn Student	71	24%
Other	7	2%
Total	296	100%

VISITOR TYPE

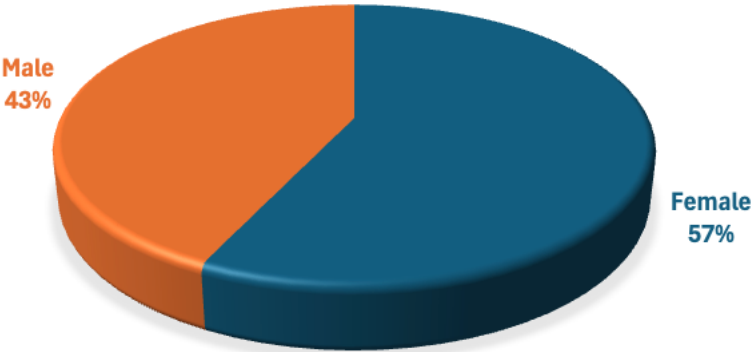


Staff	28	9%
A&P	73	25%
Tenured	97	33%
Undergraduate	28	9%

Parent/Guardian/Family	6	2%
External Entity	1	0%
Non-Tenured	20	7%
Graduate	43	15%
Total:	296	100%

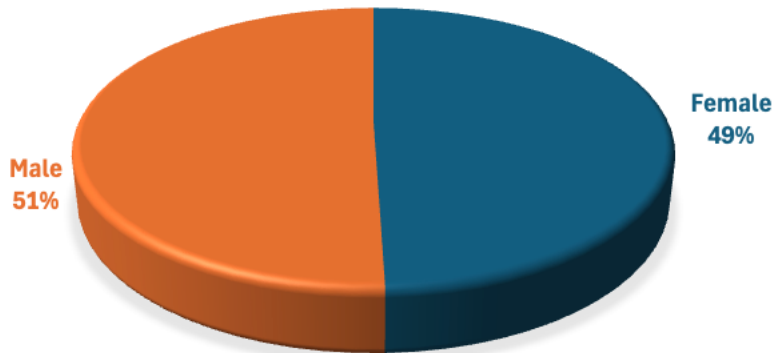
**DEMOGRAPHICS
GENDER**

OVERALL GENDER



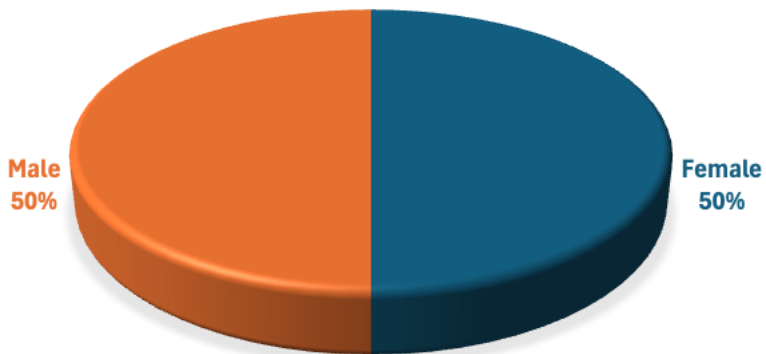
Female	169	57%
Male	127	43%
Total	296	100%

TENURED FACULTY GENDER



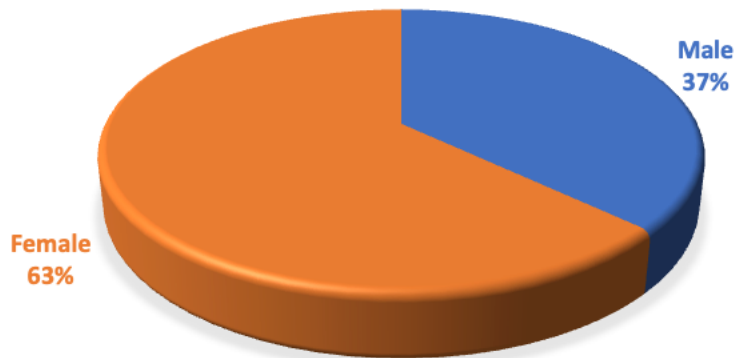
Male	49	51%
Female	48	49%
Total	97	100%

NONTENURED FACULTY



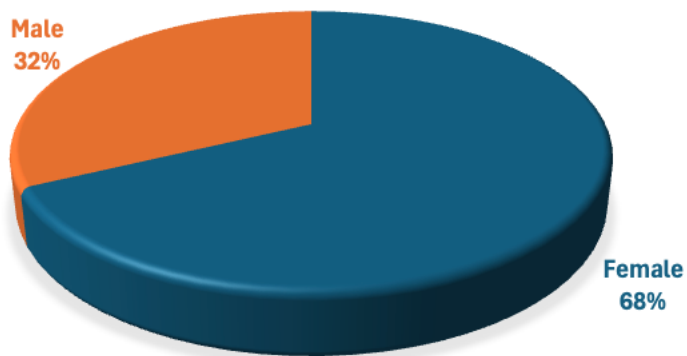
Female	10	50%
Male	10	50%
Total	20	100%

A & P GENDER



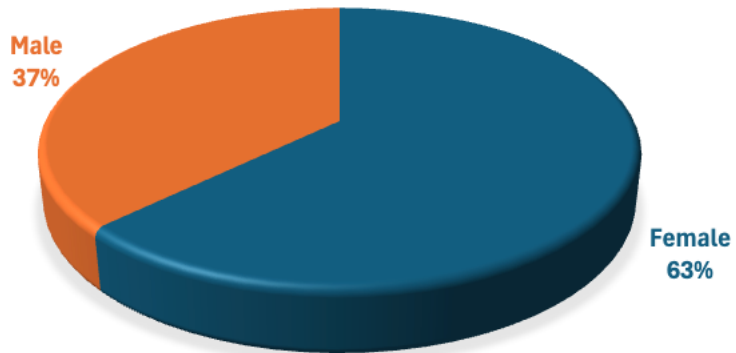
Female	46	63%
Male	27	37%
Total	73	100%

STAFF GENDER



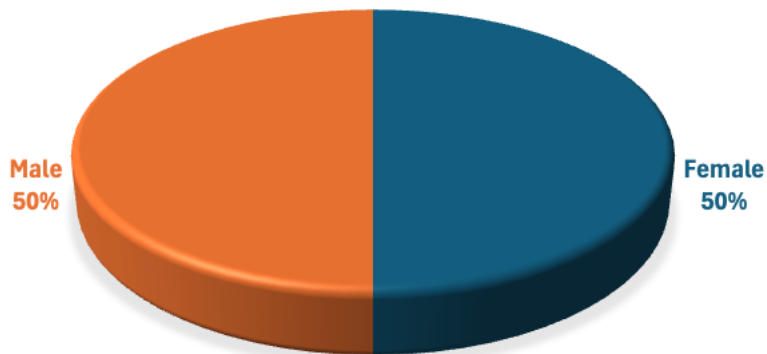
Female	19	68%
Male	9	32%
Total	28	100%

GRADUATE STUDENT GENDER



Female	27	63%
Male	16	37%
Total	43	100%

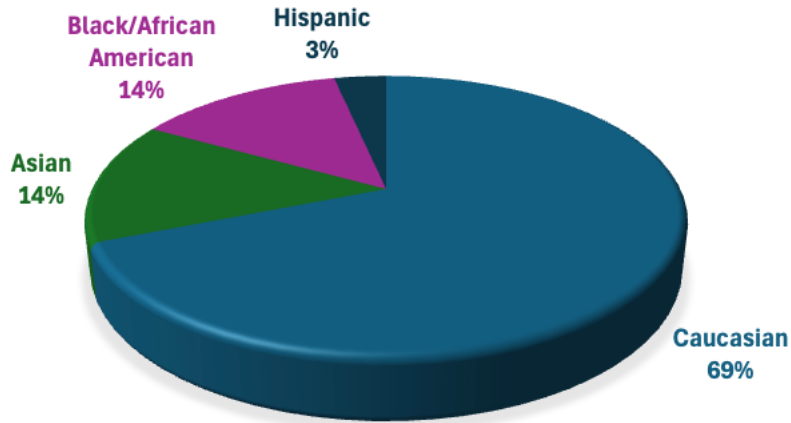
UNDERGRADUATE GENDER



Female	14	50%
Male	14	50%
Total	28	100%

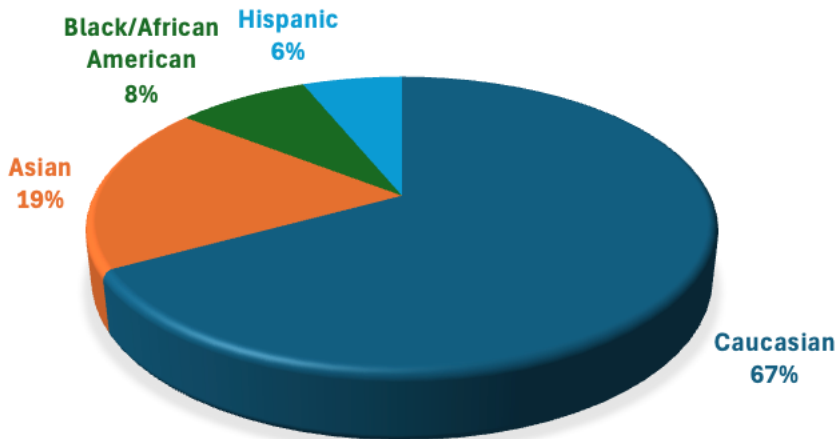
RACE/ETHNICITY

RACE/ETHNICITY OVERALL



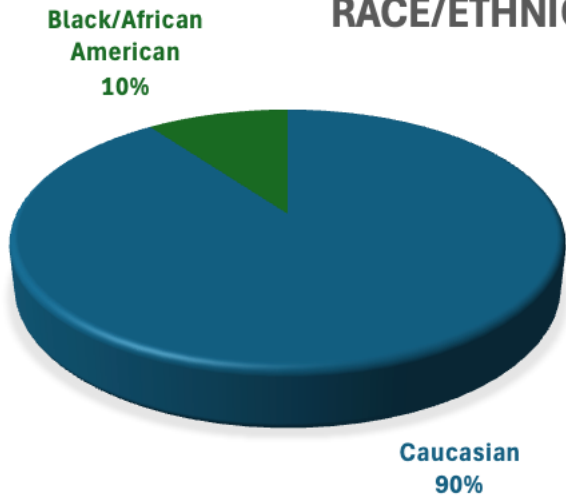
Caucasian	204	69%
Asian	42	14%
Black/African American	40	14%
Hispanic	10	3%
Total	296	100%

TENURED RACE/ETHNICITY



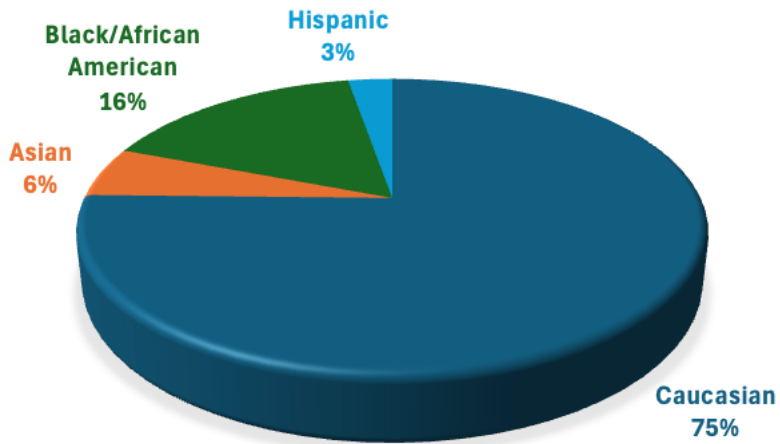
Caucasian	65	67%
Asian	18	19%
Black/African American	8	8%
Hispanic	6	6%
Total	97	100%

NONTENURED RACE/ETHNICITY



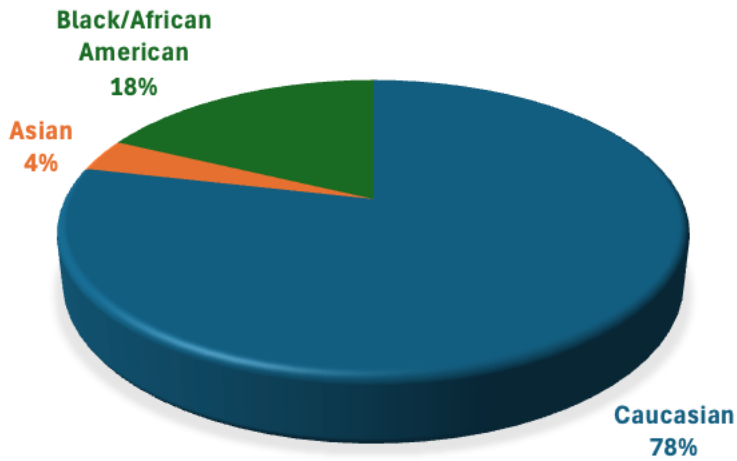
Caucasian	18	90%
Black/African American	2	10%
Total	20	100%

A&P RACE/ETHNICITY



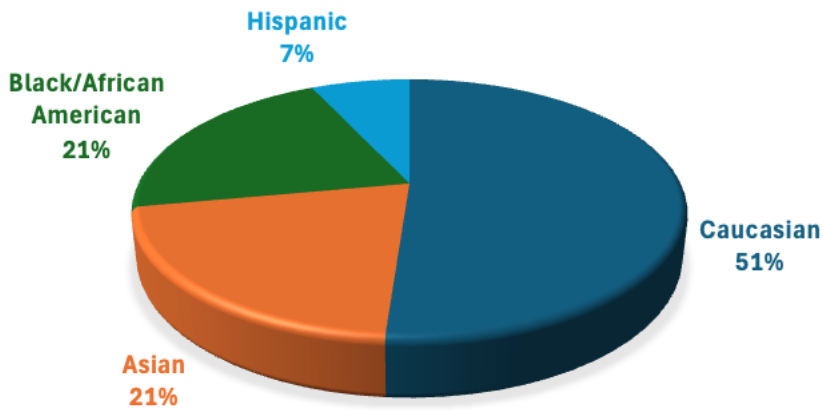
Caucasian	55	75%
Asian	4	6%
Black/African American	12	16%
Hispanic	2	3%
Total	73	100%

STAFF RACE/ETHNICITY



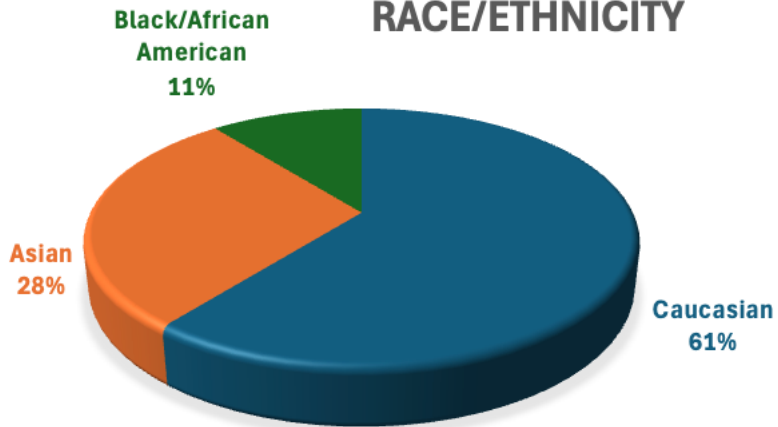
Caucasian	22	78%
Asian	1	4%
Black/African American	5	18%
Total	28	100%

GRADUATE STUDENT RACE/ETHNICITY



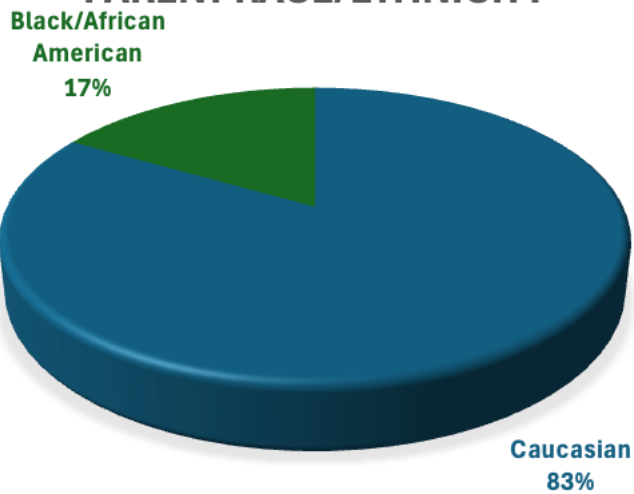
Caucasian	22	51%
Asian	9	21%
Black/African American	9	21%
Hispanic	3	7%
Total	43	100%

UNDERGRADUATE RACE/ETHNICITY



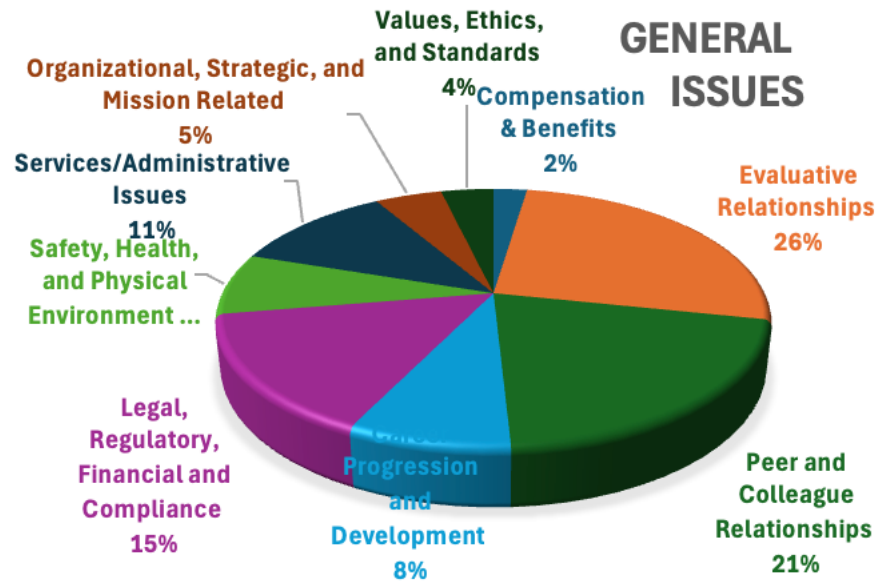
Caucasian	17	61%
Asian	8	28%
Black/African American	3	11%
Total	28	100%

PARENT RACE/ETHNICITY



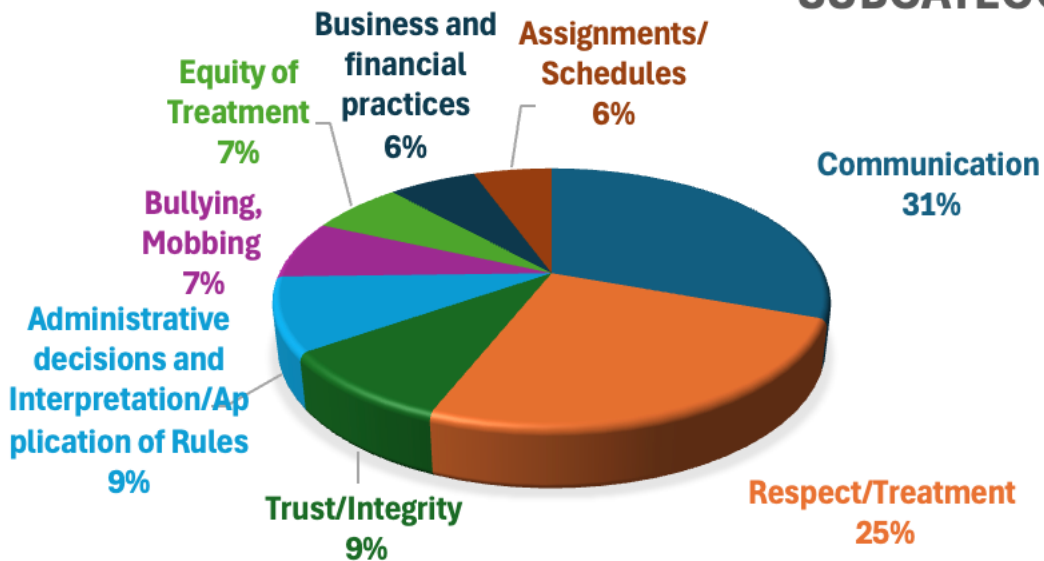
Caucasian	5	83%
Black/African American	1	17%
Total	6	100%

GENERAL ISSUE CATEGORIES



Evaluative Relationships	77
Peer and Colleague Relationships	62
Legal, Regulatory, Financial, and Compliance	45
Services/Administrative Issues	34
Career Progression and Development	24
Safety, Health, and Physical Environment	23
Organizational, Strategic, and Mission Related	14
Values, Ethics, and Standards	11
Compensation and Benefits	7

TOP 7 SUBCATEGORIES



TOP 7 SUBCATEGORY ISSUES (COMMON THEMES)

Communication	89
Respect/Treatment	74
Trust/Integrity	27
Administrative decisions and interpretation/application of rules	27
Bullying, Mobbing	21
Equity of Treatment	19
Financial Practices	18
Assignments/Schedules	16

OTHER SUBCATEGORIES

Priorities, Values, Beliefs	14
Supervisory effectiveness	14
Performance appraisal/Grading	12
Safety	11
Physical/Working conditions	11

Departmental climate	10
Diversity related	9
Feedback	8
Leadership and management	7
Harassment	7
Work related stress and work/life balance	7
Termination/Non-renewal	7
Career Progression	6
Student conduct	5
Compensation	4
Retaliation	4
Strategic and mission related/Strategic and Technical Management	4

OMBUDS RESPONSE

Individual Consultation/Problem Solving	196
Referral to policy or office	103
Unit/Group consultation	28
Facilitation with third parties	14
Inquiry on behalf	17
Notify on behalf	1
Look into issue	8
Upward feedback	5

IV. SELECTED ACCOMPLISHMENTS

- Recorded SHRM course for University Outreach Office of Professional and Continuing Education: *The Art and Productive Capacity of Active Listening*
- Recorded educational program for Department of Student Affairs' Greek Office Advancement Training: *Basic Conflict Management Techniques*
- Wrote *Sustainability in a Human Ecosystem*, published in the Office of Sustainability Newsletter
- Presented *Working with Your Landlord to Graduate School International Students*
- Panelist, Graduate School Mental Health Forum
- Panelist, Black Student Union Town Hall, spoke about Restorative Justice
- Speaker, President's Cabinet, "Ombudsing and the year in review"
- Performed mock mediation with undergraduate students in Communications 3300, Communication and Conflict
- Sat in on and gave input to the President's Task Force on Equity and Inclusion

V. PROFESSIONAL ORGANIZATIONS AND CONFERENCES ATTENDED

- International Ombudsman Association
 - Mentor Ombuds for ombuds at three universities
 - Virtually attended annual International Ombudsman Association Conference
- California Caucus of College and University Ombuds
 - Virtually attended annual conference

VI. EDUCATIONAL OUTREACH

- *Understanding Bullying and Mobbing*
- *Working with High Conflict Persons*
- *The Art and Productive Capacity of Active Listening*

- *Identifying Underlying Interests: Tips from Nature, History, and the Cinema*
- *Basic Conflict Management Techniques*
- *Teamwork: Building Results Collaboratively and Amicably*
- *Working with High Conflict Persons*
- *Bullying and Civility*
- Co-presented *Working with Your Landlord* to Graduate School International Students

VII. VOLUNTEER COMMUNITY SERVICE

- Mediate civil cases once monthly at Lee County District Court
- Coach at virtual JAG mediation training program, War College, Maxwell Airforce Base
- Sewed cotton PPE masks for health professionals and first responders through the OLLI program, and for members of the university and external communities. Met goal of 150 masks sewn and distributed during the previous and this academic year

VIII. CONCLUSION

Using Zoom, email, and telephone, service from the ombuds office during this year remained steady and productive. This annual report discussed the negative impact abrasive behavior has in the workplace, and gave two options that may be of assistance in curtailing or eradicating the impact of bullying on campus. Finally, it detailed activities of the ombuds throughout the year.