

Office of the Ombudsperson: Annual Report – FY 2019-20

I. Overview

Retha Niedecken, JD, CO-OP®, joined the LSU community in 2018 and serves as the Ombudsperson for all LSU campuses (including both Health Science Centers and Pennington) and serves the entire community of faculty, staff, undergraduate and graduate students, and administrators. In 2019, Retha became a Certified Organizational Ombuds Practitioner (CO-OP®) and adheres to the ethical standards and practices established by the International Ombudsman Association, providing ombuds services to the LSU community based upon the foundational principles of ***Informality, Confidentiality, Neutrality, and Independence.***

For FY 2019-20, the Ombuds Office addressed 117 cases, which involved more than a total of 263 people. Of these cases, **32% were deemed “High Risk Issues.”** An explanation of “High Risk” follows.

II. General Statistics: July 1, 2019 – June 30, 2020

Total Cases: 117

Total People Engaged: 263+

LSU-AM	95 %
LSU-A	1 %
LSU-S	3 %
LSU-E	0 %
HSC-Shreveport	0 %
HSC – New Orleans	1 %
Pennington	0 %
Ag Center	0 %

Faculty	42 %
Staff	21 %
Administrator/Chair	9 %
Graduate Student	18 %
Undergraduate Student	5 %
Resident/ Intern	5 %

Bullying / Abuse of Power	30 %
Policy Questions	24 %
Poor Communication Skills	31 %
Possible Discriminatory Impact	12 %
Possible Sex. Harassment	1 %
Sexual Assault	1 %
Possible Retaliation	1 %

32 %	Low Risk:	Fairly Straight Forward; Concerns Addressed
36 %	Moderate Risk:	Increase in Complexity; 2 or More Parties Involved
32 %	High Risk:	Increase in Complexity; High Risk for Legal Concerns or HRM Complaints; High Risk Unwanted Turnover

III. High Risk Issues

The cases which pass through the Ombuds Office are classified in three categories: Low, Medium, and High Risk. **Low Risk** is defined as fairly straightforward issues, involving one visitor, and typically resolved in one or two meetings. **Medium Risk** is defined as an increase in complexity, involving two or more people. **High Risk** is defined as an increase in complexity with a high risk or likelihood for legal concerns or HRM Complaints or high probability for unwanted turnover, and often involving multiple visits with the Ombuds Office.

Abuse of Power/Bullying

Of all the cases that were addressed in this FY, 30% were abuse of power, which includes bullying and, in some cases, possible retaliation. To be classified in this Report as “bullying,” the following factors were present:

- Bully has power, either actual or perceived;

- Multiple occurrences of harm to target (one or two events will not rise to level to be deemed bullying);
- Harm to target is expressed/identified (for example, emotional distress, threats of adverse employment action, financial impact, sabotage of work product, sabotage of work environment, social isolation, repeated humiliation during meetings, fear to act by target, etc.).

Students who are bullied may file a complaint with the Office of Student Advocacy and Accountability (SAA). While the Student Code of Conduct does not specifically define “bullying,” it does address bully-type behavior under “Behavioral Misconduct” citing hazing, coercive behavior, false information, and harassment as cause for disciplinary outcomes. Therefore, students (undergraduate and graduate) have recourse if they are being bullied.

However, employees do not have a pathway for complaint, if they are bullied. LSU does not have an anti-bullying policy. If bullying is because the target is a member of a protected class, then the bullying behavior becomes the support for a complaint of discrimination, and, in those cases, HRM investigates for discrimination (not bullying). However, the Ombuds cases of bullying in this FY were because the bully perceived the target as a professional threat to the bully and not because the target was a member of a protected class. ***Bullying financially impacts the University by creating low morale, distrust of leaders who tolerate bullies, decreased work production, increased absenteeism, and unwanted turnover.***

The Ombuds Office is the only pathway for resolution when an employee is bullied. Employees may seek support from supervisors, if the supervisor is not the bully. Most often, supervisors do not know how to address the situation and, by default, allow bullying to continue unchecked and become complicit in the bully’s behavior.

Since the Ombuds is informal and thereby voluntary, the bullies must agree to work with the Ombuds to resolve the conflict. Some agree to work with the Ombuds, most do not. If the bully opts to not engage with the Ombuds, the target still has the option to receive support from the Ombuds through coaching on professionally addressing the bully’s behavior and setting effective new boundaries. This often requires multiple meetings over many months, as it takes time to alter the dynamics of the relationship between the bully and the target, especially when working with only the target. ***By addressing the bullying behavior, the Ombuds Office improves the work environment for the entire unit, lifting morale, lowering absenteeism, and increasing employee retention.***

Poor Communication Skills

About one-third of cases in this FY involved conflict resolution resulting from poor communication skills. Some conflicts involved entire departments or work-units with conflicts so entrenched that unwanted turnover was either already happening or likely to come. Another cause of conflict, resulting from poor communication skills, was consensual relationships which disrupted the work environment.

The Ombuds Office offers training on establishing and setting professional boundaries, as this is a prevalent cause for conflict: people blend professional and personal boundaries and do not know how to professionally and personally address any conflict that arises when these boundaries are blended. The Ombuds Office posted on its “Resources” tab of the Ombuds website a one-page cautionary guidance titled, “Consensual Relationships: Is it Worth the Risk?”. Consensual relationships abound on all the campuses, with resulting positive and negative consequences. The Ombuds Office is a place where the negative consequences can be addressed before the matter escalates to harassment, retaliation, or hostile work environment.

IV. Conclusion

Ideally, a case is brought to the Ombuds Office before it escalates to unlawful conduct. Wherein, it is resolved, off-the-record, and the parties move forward in a positive, professional manner. The Ombuds is available to provide professional development training in:

1. Ethics and Professionalism;
2. Establishing and Maintaining Professional Boundaries;
3. Having Difficult Conversations;
4. Anti-Bullying;
5. Open Forum of Q & A – Ask the Ombuds Anything You Want But Are Afraid to Ask Your Supervisor;
6. Additional topics, upon request.