

**MONTGOMERY  
COLLEGE  
OFFICE OF THE  
OMBUDS  
THIRD  
ANNUAL REPORT**

**OCTOBER 20, 2016**

## **I. INTRODUCTION**

### **A. Overview**

This document is the third annual report of the Montgomery College Office of the Ombuds and includes data gathered in Fiscal Year 2016 (FY16), July 1, 2015 - June 30, 2016. The Office of the Ombuds served 115 employee visitors in Fiscal Year 2016. The workplace issues and concerns shared by those visitors and visitor demographics are included in this report. *As confidentiality is essential to the Office of the Ombuds, the data collected are shared in terms of categories of issues and in a manner that protects the anonymity of the visitors to the office.* Additionally, this report will address the status of previous recommendations for positive change made by the Office of the Ombuds and adopted by Montgomery College president, Dr. DeRionne P. Pollard, make additional recommendations to Dr. Pollard, and share feedback provided by visitors in regard to the ombuds services provided in FY16.

### **B. Organizational Ombuds Programs**

As noted in previous annual reports, organizations establish ombuds programs as important cornerstones in the mitigation and/or resolution of workplace issues and disputes. Such organizations recognize the positive impact ombuds programs may have in promoting an ethical culture, employee engagement, retention, and the potential reduction in employment litigation. Ombuds programs are increasingly utilized in corporate settings, where, in addition to the benefits described above, the ombuds office provides a voluntary, confidential forum for whistleblowers to raise concerns, satisfying certain federal legal requirements. There are also a number of successful ombuds programs embedded within federal and state governments.

In regard to higher education, many four-year colleges and universities have long-established ombuds programs. These ombuds programs often serve students as well as employees. At community colleges, ombuds programs are less prevalent than at four-year and graduate institutions, and provide services to only students. In this regard, Montgomery College's commitment to providing employees with the option of utilizing an ombuds program is notable. Further, the exploration of expanding ombuds services to students will position the program to provide a valuable resource to students, similar to the commitment made by graduate and four-year institutions as well as other community colleges, with established student ombuds services.

### **C. Montgomery College Office of the Ombuds – Background and Staff**

The Office of the Ombuds was established by Dr. Pollard in 2013. In establishing the Office of the Ombuds, Dr. Pollard considered and adopted recommendations from the Employee Engagement Advisory Group as well as the Integrated Conflict Management System workgroup.

Both of these groups included governance leaders and faculty and staff union leaders as well as representatives from the Office of Human Resources, Development, and Engagement.

The Office of the Ombuds began providing services to Montgomery College employees in August 2013 (FY14). The office was staffed on a part-time basis by the first College Ombuds, Sarah Miller Espinosa, J.D., Certified Organizational Ombudsman Practitioner (CO-OP). During the first two fiscal years of its existence, the Office of the Ombuds provided services to five percent of all College employees in each year. In FY16, the Office of the Ombuds provided services to four percent of all College employees.

In February 2016, the College strengthened its commitment to the Office of the Ombuds when the Board of Trustees adopted College Policy 39001, College Ombuds. The Board policy affirmed Montgomery College's commitment "to providing ombuds services to the College community" and specified that the purpose of the Office of the Ombuds "is to assist the College community in managing conflict constructively and to support positive change. Constructively managing conflict stimulates teamwork, promotes excellence, and enhances engagement." (College Policy 39001). The policy further specified that all ombuds services "be provided in accordance with the International Ombudsman Association's Code of Ethics." (College Policy 39001). In March 2016, Dr. Pollard adopted procedures, 39001CP, to implement this policy.

Also in FY16, the College committed resources to provide a regular status full-time position to the Office of the Ombuds, and a search for a full-time ombuds was conducted. The search committee included stakeholders from governance, labor unions, and offices of the president, general counsel, and human resources strategic talent management (HRSTM), as well as part-time College Ombuds Sarah Espinosa. As a result of this successful search, Julie Weber, J.D., joined Montgomery College in July 2016 as its first full-time College Ombuds.

Ms. Weber, an experienced workplace professional trained in mediation, previously served in a variety of roles at other organizations, including: human resources manager overseeing compliance, employee relations matters, and professional development; policy specialist on work-family matters at Boston College; and as an employment lawyer in private practice. Ms. Weber holds a bachelor's degree from Columbia University and a juris doctor from Boston College. She completed the International Ombudsman Association's Foundations of Organizational Ombudsman multi-day training and is well versed in the IOA's Code of Ethics and Standards of Practice.

Ms. Weber is well positioned to continue to provide outstanding service to Montgomery College visitors to the Office of the Ombuds and expand ombuds services. The prior College Ombuds, Sarah Espinosa, transitioned to a part-time role as Special Assistant to the Office of the President. In this capacity, Ms. Espinosa is responsible for working collaboratively with stakeholders to develop a student ombuds program.

## **D. Montgomery College Office of the Ombuds - Functions**

The Office of the Ombuds facilitates the mitigation and/or resolution of workplace conflict in the following manner:

- Provides a safe and confidential forum to surface individual, group, and systemic problems;
- Listens to and helps to clarify employee concerns;
- Assists in the identification of underlying issues and interests;
- Provides information and explores possible options available to visitors;
- Facilitates discussions to resolve issues, where voluntarily agreed to by all involved parties and if appropriate;
- Conducts mediation, subject to a written mediation agreement, where voluntarily agreed to by all involved parties;
- Provides a voluntary, confidential forum where whistleblowers may raise concerns;
- Collects data on emerging trends and patterns at the College;
- Evaluates and analyzes trending information and makes recommendations for systemic change;
- Provides feedback to the College's senior administration, protecting the anonymity of the ombuds' visitors; and
- Publishes an annual report that is made available to the College community.

(39001CP). These functions supplement the formal resources available to employees and are outlined in College Policy and Procedure 39001, College Ombuds. Each is performed in accordance with the International Ombudsman Association (IOA) Code of Ethics and Standards of Practice.

## **E. IOA Code of Ethics and Standards of Practice**

The IOA Code of Ethics requires an ombudsperson to be truthful, act with integrity, foster respect for all members of the community served, and to promote procedural fairness within the organization. The ethical principles are as follows:

**INDEPENDENCE:** The Ombudsperson is independent in structure, function, and appearance to the highest degree possible within the organization.

**NEUTRALITY AND IMPARTIALITY:** The Ombudsperson, as a designated neutral, remains unaligned and impartial. The Ombudsperson does not engage in any situation that could create a conflict of interest.

**CONFIDENTIALITY:** The Ombudsman holds all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exception to this

privilege of confidentiality is where there appears to be imminent risk of serious harm.

INFORMALITY: The Ombudsperson, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.

The IOA Standards of Practice provide additional guidance on ombuds best practices. Montgomery College Policy and Procedure, 39001, College Ombuds, in accordance with which the Montgomery College Office of the Ombuds operates, incorporates both the IOA Code of Ethics and IOA Standards of Practice, and may be reviewed at [www.montgomerycollege.edu/ombuds](http://www.montgomerycollege.edu/ombuds).

## **F. Ombuds' Recommendations Adopted & Implemented**

As outlined in Montgomery College Policy and Procedure, 39001, College Ombuds, one of the responsibilities of the Office of the Ombuds is to evaluate and analyze data and make recommendations for systemic change. In each of the two previous annual reports, the Ombuds has made recommendations for positive change, all of which were adopted by Dr. Pollard. Three of the six previously adopted recommendations have been implemented as follows:

1. *Assist and support administrators, staff with supervisory responsibilities and department chairs by providing and requiring additional training. Further, reward those exhibiting the skills developed in these trainings and hold accountable those who choose not to exhibit those skills.*

In adopting this recommendation on December 10, 2015, Dr. Pollard stated in relevant part:

Ensuring those employees with managerial responsibilities are provided with training is a critical responsibility of Montgomery College. The Office of Human Resources and Strategic Talent Management (HRSTM) and its Center for Professional and Organizational Development (CPOD) have many effective training programs currently in place to provide such education. To begin actualizing this recommendation, HRSTM will require all employees with managerial responsibilities who have not already done so, to complete its Crucial Conversations course and its Civility in the Workplace course no later than May 2017.

(December 10, 2015 Memo from Dr. Pollard to Montgomery College Colleagues Re: Adoption of Ombuds Recommendations, see also [montgomerycollege.edu/ombuds](http://montgomerycollege.edu/ombuds)). These mandatory training requirements were announced in a memorandum from Associate Senior Vice President of Administrative & Fiscal Services Nadine Porter to the College community (see college-wide email sent August 30, 2016).

2. *Consider the creation of a competitive, developmental cohort program or programs to help develop future model managers and administrators.*

On December 10, 2015, Dr. Pollard stated in relevant part:

This recommendation, first adopted in October 2014, contributed to the development of the Presidential Innovation Leadership Institute, a nine month program designed to build senior-level leadership capacity within the organization by enhancing the knowledge, skills, and overall competencies of participants. The first cohort was selected through a competitive application process at the beginning of this academic year.

(December 10, 2015 Memo from Dr. Pollard to Montgomery College Colleagues Re: Adoption of Ombuds Recommendations, see also [montgomerycollege.edu/ombuds](http://montgomerycollege.edu/ombuds)).

3. *Commit to continue to provide Montgomery College employees with access to the Office of the Ombuds by: transitioning the ombuds from a temporary position, committing resources to recruit an Associate Ombuds, and incorporating the Office of the Ombuds, its roles, responsibilities, and ethical obligations into Montgomery College Policy and Procedures.*

In adopting this recommendation in part, Dr. Pollard stated:

The Office of the Ombuds continues to demonstrate its worth in providing employees with valuable services to mitigate and resolve workplace issues and concerns. The recruitment of a full-time employee ombuds will take place this spring, in anticipation of the successful candidate beginning prior to July 1, 2016. Once a full-time employee ombuds is successfully recruited, the current ombuds, Sarah Espinosa, will continue to work on a part-time basis, and focus on exploring the feasibility and development of an ombuds service for students. Further, I anticipate a draft policy for the Office of the Ombuds will be brought to the Board of Trustees for its consideration this spring.

(December 10, 2015 Memo from Dr. Pollard to Montgomery College Colleagues Re: Adoption of Ombuds Recommendations, see also [montgomerycollege.edu/ombuds](http://montgomerycollege.edu/ombuds)). As previously discussed in Section I, Sub-Section C, Montgomery College Office of the Ombuds – Background and Staff, the Board of Trustees adopted Montgomery College Policy 39001, College Ombuds, in February 2016 and Dr. Pollard implemented Montgomery College Procedure 39001CP, College Ombuds, in March 2016. Additionally, and as previously discussed, resources were allocated for a full-time, regular status position and a successful recruitment yielded current College Ombuds, Julie Weber. Further, Sarah Espinosa is focusing on the development of an expansion of ombuds services for students.

## **G. Advisory Committee to the Office of the Ombuds**

The purpose of the Advisory Committee to the Office of the Ombuds is to assist the Office of the Ombuds by relating “constituent feedback/informed opinions, objective and relevant points of view, suggestions, and ideas to the ombuds for the purpose of assisting the ombuds fulfill the ombuds’ objective of helping the college community manage conflict constructively and cooperatively and to support positive change.” (“Purpose and Expectations: Advisory Committee to the Office of the Ombuds”). Representatives from the College Council, AAUP, AFSCME, SEIU, and HRSTM serve on the committee. Many thanks and much appreciation to the following individuals who served on this committee in FY16: Ana Awwad, Maria Davidson, Bill Primosch, Carl Shorter, Krista Leitch Walker, and Harry Zarin.

## II. FISCAL YEAR 2016 OFFICE OF THE OMBUDS' VISITORS

### A. Overview

One of the benchmarks of a well established ombuds program is that it is likely to serve between three to five percent of the employee population each year. During Fiscal Year 2016, the Montgomery College Office of the Ombuds served 115 individual employees, or four percent of the overall employee population.<sup>1</sup> Of those 115 visitors, 105 were full-time faculty, staff, and administrators, accounting for five percent of this (full-time faculty, staff, administrators) employee population. This represents a decrease in both the number and percentage of employees served as compared to Fiscal Year 2015, when 160 individual employees were served, or five percent of the overall employee population.

### B. FY16 Ombuds' Visitors by Employee Category

Of the 115 individual visitors to the Office of the Ombuds, 68 visitors were staff members, 20 visitors were full-time faculty members, four visitors were department chairs, 13 visitors were administrators, and 10 visitors were part-time faculty members.<sup>2</sup> The following reflects the percentage of employees served by the Office of the Ombuds by employee category: one percent of part-time faculty, four percent of full-time faculty, five percent of staff, 10 percent of department chairs, and 15 percent of administrators.

The percentage of visitors served by employee category in FY16 as compared to previous fiscal years is:

<b><u>Employee Category</u></b>	<b><u>FY16</u></b>	<b><u>FY15</u></b>	<b><u>FY14</u></b>
Part-time Faculty	1%	1%	1%
Full-time Faculty	4%	3%	4%
Staff	5%	9%	9%
Department Chairs	10%	16%	**
Administrators	15%	23%	18%

<sup>1</sup> The employee population of 2,939 employees was derived from the September 2015 Human Resources Strategic Talent Management report, which listed 562 full-time faculty, 39 department chairs, 962 part-time faculty, 1,286 associate and support staff (including temporary with benefits employees), and 85 administrators.

<sup>2</sup> There were 41 fewer staff employee visitors in FY16 as compared to FY15.



### C. Visitors by Division

Divisions are categorized as follows: Academic Affairs (AA), Advancement and Community Engagement (ACE), Administrative and Fiscal Services (AFS), offices and individuals reporting to the Office of the President (OP), and Student Affairs (SA). The following reflects the percentage of employees served by the Office of the Ombuds by division: five percent of employees in Administrative & Fiscal Services; four percent of employees in Student Affairs; and three percent of employees in Academic Affairs.<sup>3</sup>

The percentage of visitors categorized by division in FY16 as compared to FY15 is:

<b><u>Division</u></b>	<b><u>FY16</u></b>	<b><u>FY15</u></b>
Academic Affairs	3%	4%
Administrative & Fiscal Services	5%	7%
Student Affairs	4%	6%

### D. Visitors by Gender

The following reflects the percentage of employees served by the Office of the Ombuds by gender: five percent of female employees and three percent of male employees.

The percentage of visitors categorized by gender in FY16 compared to previous fiscal years is:

<b><u>Gender</u></b>	<b><u>FY16</u></b>	<b><u>FY15</u></b>	<b><u>FY14</u></b>
Female	5%	7%	7%
Male	3%	4%	4%

### E. Visitors by Race/Ethnicity

The Office of the Ombuds served the following percentage of employees: eight percent of Hispanic or Latino employees; four percent of White, Non-Hispanic employees; three percent of Black or African-American employees; and one percent of Asian employees.

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<sup>3</sup> The percentage of employees served in each division was calculated utilizing information provided by Institutional Research concerning the number of employees in each division as of Fall 2015 and number of employee visitors from each division as collected by the Office of the Ombuds. Given the relatively small number of employees in the divisions of ACE and OP and in order to preserve the anonymity of visitors, the percentage of visitors is not reported for these divisions.

The percentage of visitors categorized by race/ethnicity in FY16 as compared to previous fiscal years is:

<b><u>Race/Ethnicity</u></b>	<b><u>FY16</u></b>	<b><u>FY15</u></b>	<b><u>FY14</u></b>
Hispanic/Latino/a	8%	5%	7%
White, Non-Hispanic	4%	6%	7%
Black or African-American	3%	5%	5%
Asian	1%	3%	3%

### III. CONCERNS RAISED BY VISITORS TO THE OMBUDS

#### A. IOA Uniform Reporting Categories

The Office of the Ombuds identified concerns raised by visitors and utilized the IOA Uniform Reporting Categories, of which there are nine, with multiple sub-categories associated with each category (see [www.montgomerycollege.edu/ombuds](http://www.montgomerycollege.edu/ombuds)):

- (1) **Compensation & Benefits:** questions, concerns, issues or inquiries about the equity, appropriateness and competitiveness of employee compensation, benefits, and other benefit programs.
- (2) **Evaluative (supervisory) Relationships:** questions, concerns, issues or inquiries arising between people in evaluative relationships (i.e. supervisor-employee, faculty-student).
- (3) **Peer & Colleague Relationships:** questions, concerns, issues or inquiries involving peers or colleagues who do not have a supervisory-employee or student-professor relationship (e.g., two staff members within the same department or conflict involving members of a student organization).
- (4) **Career Progression & Development:** questions, concerns, issues or inquiries about administrative processes and decisions regarding entering and leaving a job, what it entails (i.e., recruitment, nature and place of assignment, job security, and separation).
- (5) **Legal, Regulatory, Financial, & Compliance:** questions, concerns, issues or inquiries that may create a legal risk (financial, sanction, etc.) for the organization or its members if not addressed, including issues related to waste, fraud, or abuse.
- (6) **Safety, Health, & Physical Environment:** questions, concerns, issues or inquiries about Safety, Health and infrastructure-related issues.
- (7) **Services/Administrative Issues:** questions, concerns, issues or inquiries about services or administrative offices including from external parties.
- (8) **Organizational, Strategic, & Mission Related:** questions, concerns, issues or inquiries that relate to whole or some part of an organization.
- (9) **Values, Ethics, & Standards:** questions, concerns, issues or inquiries about the fairness of organizational values, ethics, and/or standards, the application of related policies and/or procedures, or the need for creation or revision of policies, and/or standards.

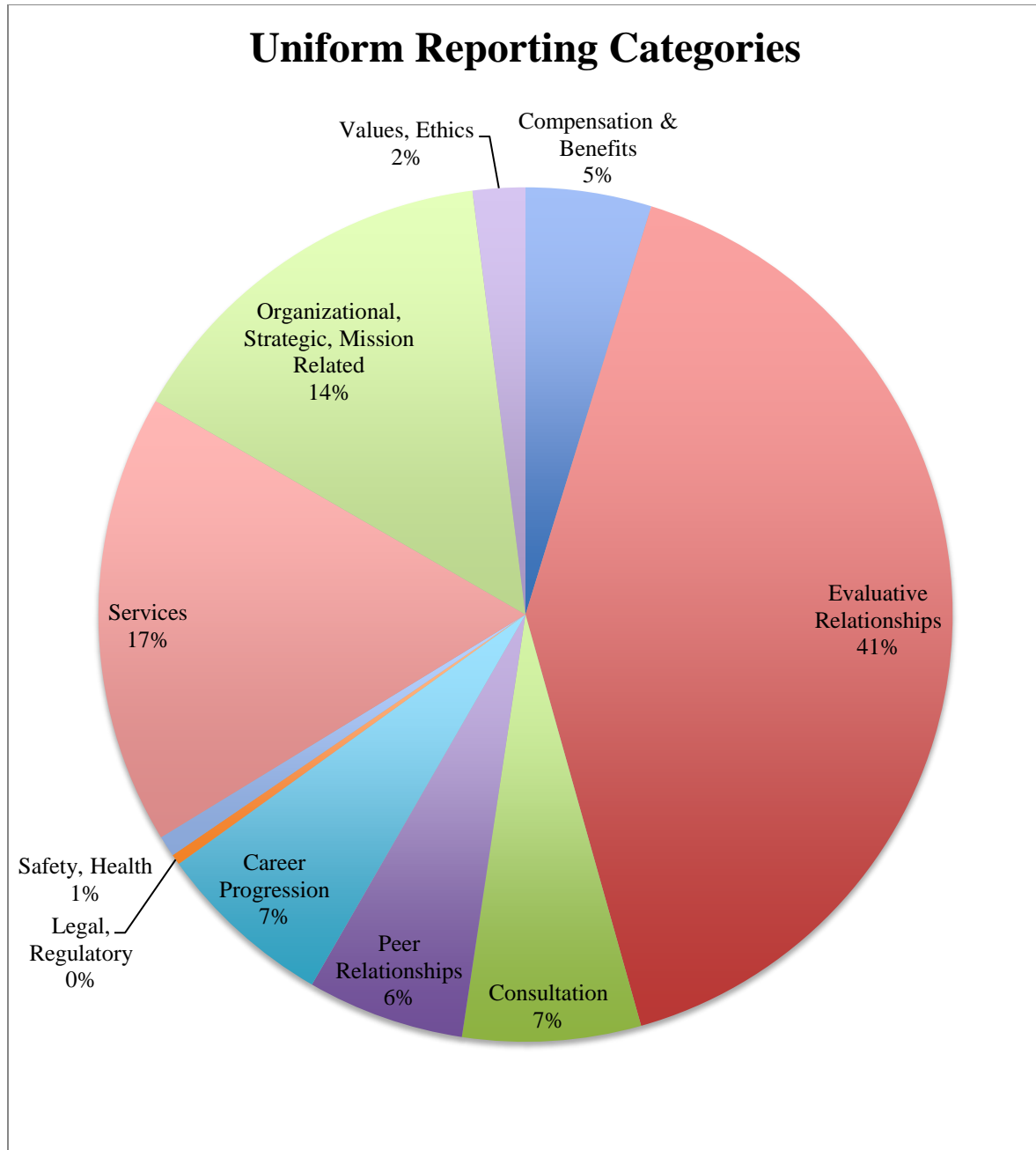
Additionally, the Evaluative (supervisory) Relationships sub-category of consultation has been reported separately herein, to ensure more clarity in regard to the types of issues raised. **Category 2(l), Consultation**, was utilized when a supervisor sought assistance in identifying options to resolve issues involving one or more subordinate employees.

Multiple issues were often identified after speaking with each visitor.

**B. FY16 Issues**

Chart A depicts the 253 issues raised by visitors during Fiscal Year 2016:

**Chart A**



The three most prevalent issues in FY16 were: Evaluative (supervisory) Relationships (41 percent), Services/Administrative Issues (17 percent), and Organizational, Strategic, and Mission Related (14 percent).

The three most prevalent issues in FY16 as compared to previous fiscal years are:

<b>Issue</b>		<b>%</b>		<b>%</b>		<b>%</b>
<b>1. Evaluative Relationships</b>	FY16	41	FY15	42	FY14	51
<b>2. Services</b>	FY16	17	FY15	11	FY14	7
<b>3. Organizational, Strategic, Mission Related</b>	FY16	14	FY15	14	FY14	10

### C. Employee Category

The following table depicts the three most prevalent issues identified in each employee category.<sup>4</sup>

<b>Employee Category</b>	<b>Issue #1</b>	<b>%</b>	<b>Issue #2</b>	<b>%</b>	<b>Issue #3</b>	<b>%</b>
<b>Staff</b>	Evaluative Relationships	50	Services	17	Organizational, Strategic, Mission Related	12
<b>Full-time Faculty</b>	Services	28	Evaluative Relationships	22		
			Peer Relationships	22		
			Organizational, Strategic, Mission Related	22		
<b>Part-time Faculty</b>	Career Progression	25			Compensation & Benefits	19
	Services	25				
<b>Administrator</b>	Evaluative Relationships	33	Organizational, Strategic, Mission Related	25		
			Consultation	25		

<sup>4</sup> To ensure anonymity of visitors, and given the small number of department chairs, information concerning this employee category is not included in this table.

The three most prevalent issues for staff employees in FY16 as compared to previous fiscal years are:

Issue		%		%		%
<b>1. Evaluative Relationships</b>	FY16	50	FY15	48	FY14	54
<b>2. Services</b>	FY16	17	FY15	9	FY14	8
<b>3. Organizational, Strategic, Mission Related</b>	FY16	12	FY15	12	FY14	7

The three most prevalent issues for full-time faculty in FY16 as compared to previous fiscal years are:

Issue		%		%		%
<b>1. Services</b>	FY16	28	FY15	14	FY14	7
<b>2. Evaluative Relationships</b>	FY16	22	FY15	32	FY14	30
<b>2. Peer Relationships</b>	FY16	22	FY15	16	FY14	22
<b>2. Organizational, Strategic, Mission Related</b>	FY16	22	FY15	20	FY14	10

The three most prevalent issues for part-time faculty in FY16 as compared to previous fiscal years are:

Issue		%		%		%
<b>1. Career Progression</b>	FY16	25	FY15	21	FY14	0
<b>1. Services</b>	FY16	25	FY15	21	FY14	15
<b>2. Compensation &amp; Benefits</b>	FY16	19	FY15	29	FY14	20

The three most prevalent issues for administrators in FY16 as compared to previous fiscal years are:

Issue		%		%		%
<b>1. Evaluative Relationships</b>	FY16	33	FY15	22	FY14	31
<b>2. Organizational, Strategic, Mission Related</b>	FY16	25	FY15	32	FY14	28
<b>2. Consultation</b>	FY16	25	FY15	20	FY14	22

#### D. Division

The following table depicts the three most prevalent issues identified in each division:<sup>5</sup>

Division	Issue #1	%	Issue #2	%	Issue #3	%
<b>Academic Affairs</b>	Evaluative Relationships	36	Services	19	Organizational, Strategic, Mission Related	14
<b>Administrative &amp; Fiscal Services</b>	Evaluative Relationships	54	Services	17	Organizational, Strategic, Mission Related	12
<b>Student Affairs</b>	Career Progression	24				
	Services	24				
	Organizational, Strategic, Mission Related	24				

The three most prevalent issues for employees in the Academic Affairs Division in FY16 as compared to previous fiscal years are:

<sup>5</sup> To ensure anonymity of visitors, and given the small number of visitors from ACE and offices reporting to the president, information concerning these divisions is not included in this table.

<b>Issue</b>		<b>%</b>		<b>%</b>		<b>%</b>
<b>1. Evaluative Relationships</b>	FY16	36	FY15	37	FY14	49
<b>2. Services</b>	FY16	19	FY15	14	FY14	7
<b>3. Organizational, Strategic, Mission Related</b>	FY16	14	FY15	12	FY14	10

The three most prevalent issues for employees in the Administrative & Fiscal Services Division in FY16 as compared to previous fiscal years are:

<b>Issue</b>		<b>%</b>		<b>%</b>		<b>%</b>
<b>1. Evaluative Relationships</b>	FY16	54	FY15	49	FY14	56
<b>2. Services</b>	FY16	17	FY15	9	FY14	7
<b>3. Organizational, Strategic, Mission Related</b>	FY16	12	FY15	16	FY14	10

The three most prevalent issues for employees in the Student Affairs Division in FY16 as compared to previous fiscal years are:

<b>Issue</b>		<b>%</b>		<b>%</b>		<b>%</b>
<b>1. Career Progression</b>	FY16	24	FY15	8	FY14	2
<b>1. Services</b>	FY16	24	FY15	10	FY14	11
<b>1. Organizational, Strategic, Mission Related</b>	FY16	24	FY15	10	FY14	10



**D. Gender**

The following table depicts the three most prevalent issues for females and males, respectively.

<b>Gender</b>	<b>Issue #1</b>	<b>%</b>	<b>Issue #2</b>	<b>%</b>	<b>Issue #3</b>	<b>%</b>
<b>Female</b>	Evaluative Relationships	42	Services	17	Organizational, Strategic, Mission Related	14
<b>Male</b>	Evaluative Relationships	37	Services	18	Organizational, Strategic, Mission Related	14

**E. Race/Ethnicity**

The following table depicts the three most prevalent issues<sup>6</sup> identified by race/ethnicity:

<b>Race/Ethnicity</b>	<b>Issue # 1</b>	<b>%</b>	<b>Issue #2</b>	<b>%</b>	<b>Issue #3</b>	<b>%</b>
<b>Asian</b>	Services	50	Evaluative Relationships	15		
<b>Black or African American</b>	Evaluative Relationships	35	Services	18	Organizational, Strategic, Mission Related	14
<b>Hispanic or Latino/a</b>	Evaluative Relationships	65	Services	15		
<b>White, Non-Hispanic</b>	Evaluative Relationships	38	Organizational, Strategic, Mission Related	20	Services	14

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<sup>6</sup> Only issue categories of 10 percent or more are included in this chart.

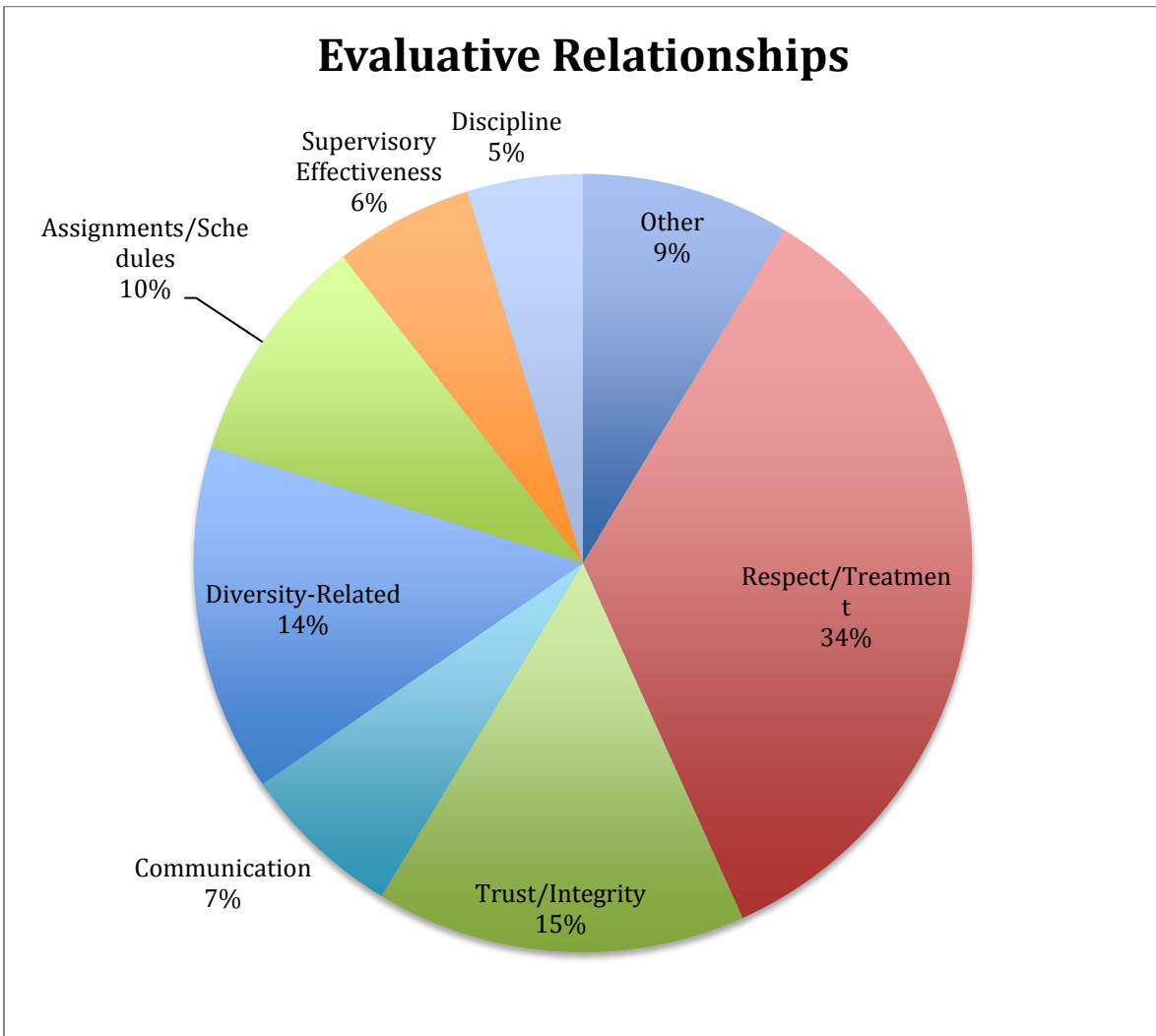
## IV. EVALUATIVE (SUPERVISORY) RELATIONSHIPS

### A. Overview

Forty-one percent all the issues raised by visitors involved the Evaluative Relationships category. The Evaluative (supervisory) Relationships category is defined as: “questions, concerns, issues or inquiries arising between people in evaluative relations (supervisor-employee).”

### B. Subcategories

#### Chart B



Further considering the subcategories associated with the Evaluative Relationship issues, the three most prevalent subcategories are defined as follows:

**2b. Respect/Treatment:** demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.

**2c. Trust/Integrity:** suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.

**2g. Diversity-Related:** comments or behaviors perceived to be insensitive, offensive, or intolerant on the basis of an identity-related difference such as race, gender, nationality, sexual orientation.

### **C. Areas of Particular Note in Regard to Evaluative Relationships**

65 percent of all concerns expressed by Hispanic or Latino/a visitors were related to Evaluative Relationships.

54 percent of all concerns expressed by AFS visitors were related to Evaluative Relationships.

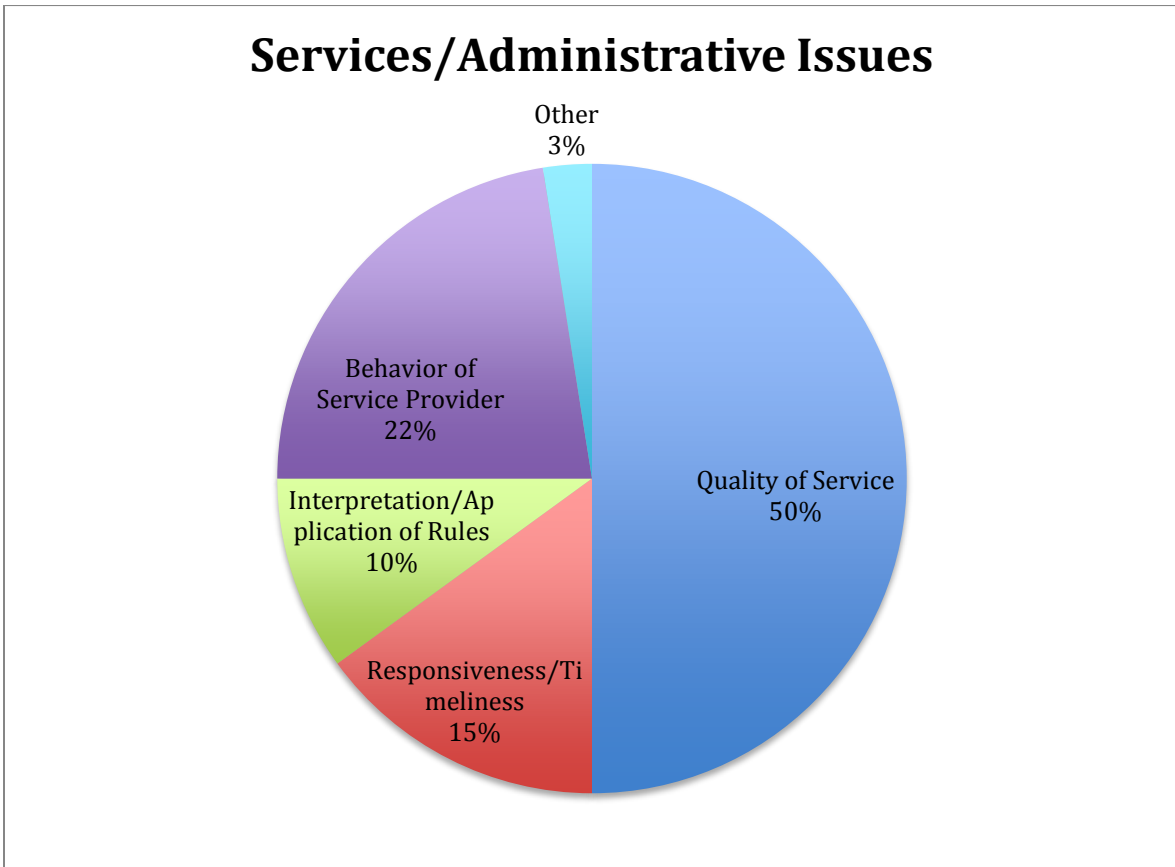
## V. Services/Administrative Issues

### A. Overview

Seventeen percent of all issues raised involved the Services/Administrative Issues category, the second most prevalent issue overall. The percentage of overall issues associated with the Services/Administrative Issues category has increased over the past three years, where in FY15 and FY14 the percentage of overall issues related to Services/Administrative Issues was 11 percent and seven percent, respectively. The Services/Administrative Issues category is defined as: “questions, concerns, issues or inquiries about services or administrative offices.” These issues concerned the Office of Human Resources and Strategic Talent Management. Of the issues associated with HRSTM, the majority were related to the EEO and employee and labor relations functions.

### B. Subcategories

#### Chart C



Further considering the subcategories associated with Services/Administrative Issues, the three most prevalent subcategories are defined as follows:

**7a. Quality of Services:** how well services were provided, accuracy or thoroughness of information, competence, etc.

**7b. Behavior of Service Provider:** how an administrator or staff member spoke to or dealt with a constituent, customer, or client, e.g., rude, inattentive, or impatient.

**7b. Responsiveness/Timeliness:** time involved in getting a response or return call or about the time for a complete response to be provided.

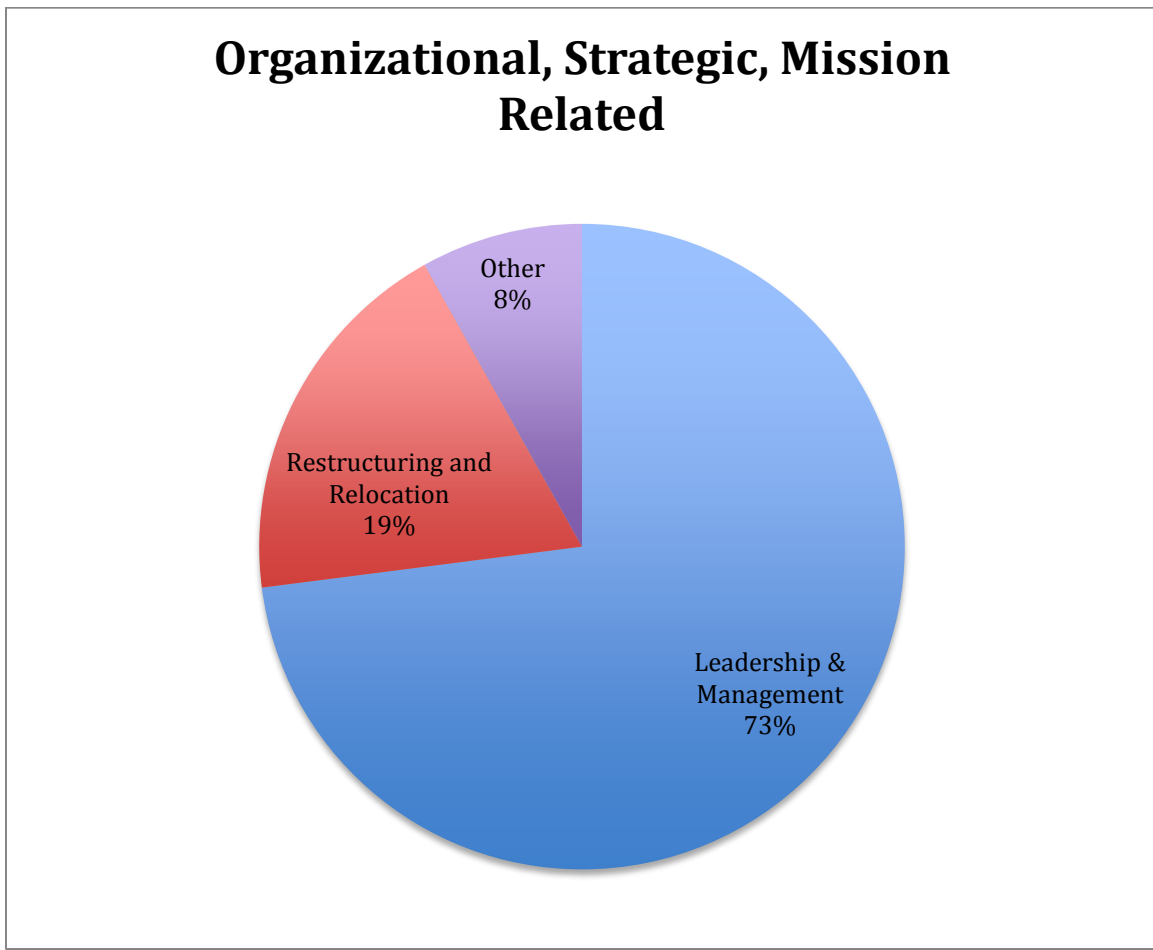
## VI. Organizational, Strategic, Mission Related

### A. Overview

Fourteen percent of all issues raised involved the Organizational, Strategic, Mission Related reporting category, the third most prevalent issue overall. The Organizational, Strategic, Mission Related category is defined as: “questions, concerns, issues or inquiries that relate to the whole or some part of an organization.” The percentage of overall issues associated with this category has remained unchanged since FY15, when the percentage of overall issues related to Organizational, Strategic, Mission Related concerns was also 14 percent.

### B. Subcategories

#### Chart D



Further considering the subcategories associated with Organizational, Strategic, Mission Related issues, the two most prevalent subcategories are defined as follows:

**8b. Leadership and Management:** quality/capacity of management and/or management/leadership decisions, suggested training, reassignments and reorganizations.

**8e. Restructuring and Relocation:** issues related to broad scope planned or actual restructuring and/or relocation affecting the whole or major divisions of an organization, e.g. downsizing off shoring, outsourcing.

## **VII. Fiscal Year 2017 Recommendations**

### **A. Overview**

As outlined in Montgomery College Policy and Procedure, 39001, College Ombuds, one of the responsibilities of the Office of the Ombuds is to evaluate and analyze data and make recommendations for systemic change. In each of the two previous annual reports, the Ombuds has made recommendations for positive change, all of which were adopted by Dr. Pollard. While some of these adopted recommendations were fully implemented (see Section I, F, of this report), half of the recommendations adopted by Dr. Pollard, for varied reasons, have not been fully actualized. *The FY17 Recommendations include three recommendations previously adopted by Dr. Pollard as well as two additional recommendations.*

### **B. Code of Ethics & Standards of Conduct for All Montgomery College Employees**

#### **Recommendation One (previously adopted in FY14 and FY15):**

*Collaboratively develop, adopt, and implement both a Code of Ethics and Standards of Conduct for all Montgomery College employees.*

This recommendation was first made in FY15, in response to the data collected in FY14. When initially explaining this first recommendation, the first Office of the Ombuds annual report stated:

While the College has adopted integrity as a core value of the organization, there is no policy and procedure that provides comprehensive guidance of and sets expectations as to the ethical behavior expected of all employees.<sup>7</sup> Formally setting ethical expectations, rewarding employees whose decisions and actions embody the core value of integrity, and holding accountable those who choose not to meet the set expectations, would help to foster decision-making where ethical considerations are routinely and transparently considered. Similarly, updating the 31102CP–Employee Responsibilities, to reflect the Standard of Conduct expected of all employees, again, rewarding exemplary conduct and holding accountable those who choose not to meet such expectations, would provide clarity for all levels of employees within the organization. While a code of ethics often involves the “why” of decision-making, standards of conduct involves the “how” behavioral expectations are actualized. Thus, there appears to be a need for both.

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<sup>7</sup> Montgomery College Policy and Procedure 31003–Conflict of Interest, provides some guidance in regard to prohibited, unethical conduct.



This recommendation is intended to enhance both evaluative relationships as well as confidence in leadership and management by transparently setting ethical and professional expectations for all employees. Such clarity is expected to reduce confusion and disagreement regarding expectations and standards, to the benefit of both non-supervisory and supervisory employees. While there is expected to be healthy disagreement over direction and priorities, having the backdrop of a shared Code of Ethics and Standards of Conduct may enhance the constructive nature of those discussions. If adopted, training should be required of all employees in the organization.

The rationale for this recommendation remains the same today as when it was originally made and adopted in the fall semester of 2014.

### **C. Support and Enhance Managerial Competencies by Soliciting Feedback from Employees**

#### **Recommendation Two (previously adopted in FY14 and FY15):**

*Support and enhance managerial competencies and best practices by regularly soliciting feedback from employees and building professional development plans considering the results of 360-degree feedback instruments.*

This recommendation was first made in FY15, in response to the data collected in FY14. When initially explaining this first recommendation, the first Office of the Ombuds annual report stated:

360-degree evaluation tools allow organizations to solicit feedback for individual employees from a variety of sources, including peers and direct reports. Currently, administrators participate in 360-degree evaluations every two years (including the current year, FY15). Past use of the tool imposed some limitations on its effectiveness. To better enhance the effectiveness of the tool and subsequent professional development, it is recommended that as many direct reports as possible be included in the survey, and that, if the number of direct reports exceeds the maximum allowed by the tool, the direct reports selected to participate are randomly selected by HR. It is further recommended that these 360-degree evaluation results be shared and discussed between administrators and their administrative supervisors to assist in the determination of a professional development goal(s) to be included in the next fiscal year's goal plans.

Additionally and importantly, the expansion of a 360-degree evaluation tool to all managers/supervisors is recommended, with the same modifications discussed above, to be conducted every other year.

Although administrators and department chairs have continued to have the benefit of receiving 360 feedback every two years, and utilizing that feedback in the creation of individualized professional development goals, HRSTM has not randomly selected direct reports, nor has the number of direct reports invited to participate been maximized in all instances. Additionally, no 360 feedback tool, for staff with supervisory responsibilities, has been either identified or utilized. The rationale for this recommendation remains the same today as when it was originally made and adopted in the fall semester of 2014.

**D. Take Affirmative Steps to Ensure an Inclusive Workplace for All Employees**

**Recommendation Three (previously adopted in FY14 and, as revised, in FY15):**

*Critically examine the employee experience and take affirmative steps to ensure an inclusive workplace for all employees. Provide a fair and efficient process to address employee concerns about identity-related inequities, including those rising to the level of discrimination.*

A similar recommendation was first made in FY15, in response to the data collected in FY14. That recommendation was revised in FY16, in response to the data collected in FY15. In regard to the FY16 recommendation, the second Office of the Ombuds annual report stated:

In the September 2014 Office of the Ombuds Annual Report, the Ombuds highlighted concerns regarding the percentage of issues raised by Hispanic or Latino visitors related to evaluative relationships. At that time, the Ombuds stated: “The evaluative relationship category in regard to Hispanic/Latino visitors falls so far away from the mean as to warrant a recommendation for further examination by the administration, particularly given the potentially negative impact on recruitment and retention of an employee group already underrepresented in the Montgomery College workforce.” The Ombuds also stated: “The anecdotal evidence previously discussed suggests that further scrutiny is warranted, particularly within the AFS division.” To date, the Ombuds is unaware of any efforts taken to address these critical concerns and the percentage of issues related to evaluative relationships continues to remain highest among Hispanic or Latino employees.

Additionally, the concerns raised by visitors, irrespective of race and ethnicity, regarding the EEO complaint process, merit serious scrutiny. These issues, voiced by those utilizing the existing process- including: those who filed complaints; those seeking assistance in determining whether to file a complaint; those against whom complaints were filed; and witnesses interviewed during the complaint process- must be

addressed if fair treatment and efficiency in this critical internal process is to be ensured.

Integrity and diversity are core values of Montgomery College. The Ombuds respectfully and firmly suggests that providing an EEO complaint process in which employees have confidence should be the floor. Ensuring an inclusive workplace by addressing and eliminating inequities, regardless of whether they rise to a legally actionable level, should be the goal.

In FY16, eight percent of the Hispanic/Latino employee population visited the Office of the Ombuds, the largest percentage of any racial or ethnic group; once again, as in FY14 and FY15, the percentage of issues raised by this group in regard to concerns about the evaluative relationship far exceeded those of other demographic groups. *It would be a mistake to assume that this data may be attributed to a particular unit or a particular job classification. These concerns have been raised by Hispanic/Latino employees serving in many different areas within the organizations and within various job classifications and employee categories.* The rationale for this recommendation is even stronger today than when it was originally made and adopted in the fall semester of 2014. An advisable first step in the implementation of this recommendation is the selection and completion of a climate assessment, to provide important data and serve as a baseline measurement.

#### **E. Examine and Address Challenges Related to the EEO and employee and labor relations processes**

##### **Recommendation Four:**

*Critically examine the employee experience and address challenges related to the service provided to employees in the EEO complaint process as well as the employee and labor relations processes. Ensure fair, efficient, and confidential processes to address employee concerns.*

It is difficult to overstate the importance of the EEO and employee and labor relations processes in regard to organizational health and employee engagement. In FY14, the overall percentage of issues attributed to Services/Administrative Issues was seven percent (and the majority of these issues were not attributable to the units then known as employee engagement and labor relations and the office of equity and diversity). In FY15, after the reorganization of these functions, the overall percentage of issues attributed to Services/Administrative Issues was 11 percent, and all but one of these issues concerned HRSTM. As noted in the FY15 Office of the Ombuds annual report: "Of the issues associated with HRSTM, 45 percent were related to EEO matters." In FY16, the overall percentage of issues attributed to Services/Administrative Issues continued to rise, encompassing 17 percent of the overall issues. Of these issues, all involved HRSTM, and the majority were attributable to concerns involving the EEO

complaint process and the employee and labor relations function.

**F. Commit to Continue to Provide Access to the Office of the Ombuds**

**Recommendation Five:**

*Commit to continue to provide the Montgomery College community with access to the Office of the Ombuds by allocating sufficient resources to maintain the quality of the service, including: identifying new office space; allocating positions and recruiting for an associate ombuds and administrative support person; and providing a modest, independent budget for training, materials, and other needs.*

The Office of the Ombuds continues to demonstrate its value as a resource for Montgomery College employees. In order to maintain and enhance the quality of ombuds services available to the College community, it is recommended that when choosing the future specific office space for the ombuds in the Mannakee building, prioritization should be given to the interests of preserving the confidentiality, anonymity, and safety of ombuds visitors, and the confidentiality and safety of the ombuds. Toward this end, it is further recommended that a representative from Safety & Security and the ombuds are both consulted together prior to the designation of the ombuds office space to ensure that these interests, integral to the optimal effectiveness of the ombuds program, are met. Additionally, it is recommended that resources be prioritized to begin a recruitment for an associate ombuds and administrative support person. Further, in order to uphold the IOA ethical principle of independence, it is recommended that the Office of the Ombuds be provided a separate, modest budget for training, materials, and other needs.

### **VIII. VISITORS EVALUATIONS OF THE OFFICE OF THE OMBUDS**

This information was compiled from the 43 completed evaluations that were returned to the Office of the Ombuds in Fiscal Year 2016. There was a 37 percent rate of return in FY16, an increase over FY15 when the rate of return was 36 percent. Please note that five possible responses were provided for survey questions: “strongly disagree,” “disagree,” “neither,” “agree,” and “strongly agree.” The feedback was as follows:

- ❖ 95 percent of visitors responding answered that they “strongly agreed” or “agreed” with the statement: “The Office of the Ombuds provides an informal, off-the-record resource for all employees.”
- ❖ 95 percent of visitors responding answered that they “strongly agreed” or “agreed” with the statement: “I trust the ombuds to maintain confidentiality.”
- ❖ 93 percent of visitors responding answered that they “strongly agreed” or “agreed” with the statement: “The Office of the Ombuds acts independently from other organizational units and management.”
- ❖ 98 percent of visitors responding answered that they “strongly agreed” or “agreed” with the statement: “The ombuds responded to my e-mail(s)/phone call(s) in a timely manner.”
- ❖ 95 percent of visitors responding answered that they “strongly agreed” or “agreed” with the statement: “The ombuds listened carefully to my concerns.”
- ❖ 95 percent of visitors responding answered that they “strongly agreed” or “agreed” with the statement: “The ombuds treated me fairly, without prejudice or bias.”
- ❖ 92 percent of visitors responding answered that they “strongly agreed” or “agreed” with the statement: “The ombuds helped me identify and evaluate the options available to address my concerns.”
- ❖ 95 percent of visitors responding answered that they “strongly agreed” or “agreed” with the statement: “I found the ombuds to be knowledgeable about relevant institutional policies and procedures.”
- ❖ 90 percent of visitors responding answered that they “strongly agreed” or “agreed” with the statement: “I would refer others to the Office of the Ombuds for assistance.”
- ❖ 90 percent of visitors responding answered that they “strongly agreed” or “agreed” with the statement: “Overall, I was satisfied with the assistance I received from the Office of the Ombuds.”

Below are representative comments received from visitors in response to the question, “Is there any other feedback you’d like to share?”:

- ❖ Having the Ombuds Office is absolutely critical to employee engagement and morale. Even when I decided to handle a problem myself and not use it, I know it is there, and it is always one of my options to consider.
- ❖ I was very glad to hear that the office was expanded from part-time to full-time. It is one piece of evidence indicating that the College really intends to help employees deal with bad actors in their ranks, and not just give lip service.
- ❖ I really appreciated just being able to talk to someone about my concerns and get some real guidance on issues.
- ❖ I found the Ombuds to be available to thoroughly explore the concerns I had. The Ombuds engaged in listening and responding without judgment and provided a clear path to considering avenues of resolution.
- ❖ Recently the Ombuds told me about the option to have a “facilitated conversation,” which I had not realized existed. This is such a good middle ground option to have, rather than filing a formal grievance. I am sure that having an Ombuds has saved Human Resources from having to deal with numerous grievance and even lawsuits, which are resolved and avoided before they ever reach that level.
- ❖ The Office serves as a safe place to review concerns and gain a thorough understanding of the policies and procedures and how the rules should be applied. I wish there was an office within the College that would step in to address issues on behalf of the employee when information disclosed to the Ombuds doesn’t align with the College’s rules or common practice. As times, I left matters unaddressed because I didn’t want to deal with the backlash of advocating for the right position. I am also embarrassed and shocked by how much wrongdoing employees are allowed to commit before consequences are considered and acted upon.
- ❖ I would like to see a more private office for the Ombuds in order to maintain confidentiality.
- ❖ Publicize it more, in simple, uncomplicated language. More people need to be aware of how helpful the consultation can be and how easy it is to get an appointment.
- ❖ Well worth my time. Thanks.
- ❖ Long live the Office of the Ombuds!

## **IX. CONCLUSION**

### **A. Message from the Outgoing College Ombuds – Sarah Miller Espinosa**

I am grateful for the opportunity to have served as Montgomery College’s founding ombuds. The collaborative development of the Office of the Ombuds is a reflection of what is possible when stakeholders, including governance leaders, union representatives, and the administration, come together to address issues of mutual interest and concern. The workgroup that drafted the original Ombuds Office Charter researched best practices and collectively proposed a framework that, when adopted by Dr. Pollard, established a model ombuds program at Montgomery College, consistent with the International Ombudsman Association’s Code of Ethics. This work is now incorporated into Montgomery College Policy and Procedure 39001, College Ombuds.

In working with visitors over the past three years, I was privileged to assist individuals in identifying and evaluating the options available to them in resolving workplace concerns, ultimately, helping to empower those visitors to make their own choices about which option to pursue. I am grateful to those visitors who accessed the Office of the Ombuds to seek assistance in identifying options and resolving issues, and who entrusted me with their concerns. I am also grateful to the many individuals throughout the College who helped educate the College community about the services provided by the Office of the Ombuds, including those who referred their colleagues to the office and those many councils, unions, and administrators who invited me to make presentations regarding the role of the ombuds.

It says a great deal about Montgomery College that this alternative dispute resolution resource is prioritized. I am confident that the Office of the Ombuds will continue to enhance and expand the services it provides under the ethical and experienced leadership of the newly appointed full-time ombuds, Julie Weber, and with the ongoing support of Dr. Pollard and Dr. Cain. Thank you.

### **B. Message from College Ombuds – Julie Weber**

I am delighted and honored to be here in the capacity of Ombuds at Montgomery College. In my short time here, I have been impressed by the warm welcome, the offers to introduce me to various people, departments, and formal and informal groups, and the invitations to present before and participate in a wide range of different MC meetings. Additionally, I have been moved by the demonstrated commitment to and expressed belief in the value of having an Office of the Ombuds at MC.

Like my predecessor, Sarah Espinosa, I believe it to be a privilege to assist individuals in identifying and evaluating options available to them in resolving workplace challenges. Previously, in my experience as an employment lawyer, workplace policy specialist, and HR manager, my favorite part of these jobs has always been to help empower individuals (directly, or indirectly, through policy) to navigate their way through difficult situations

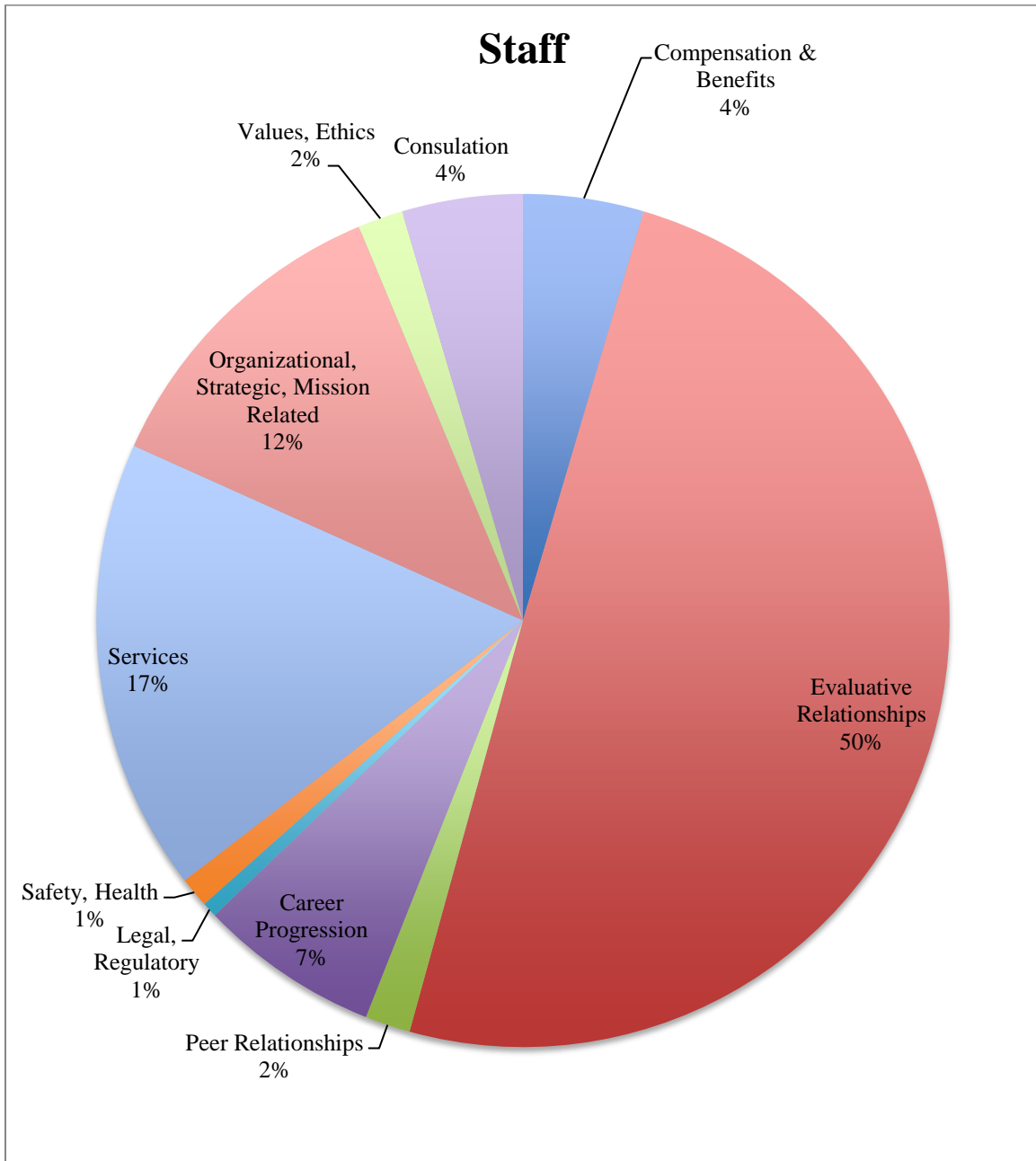
involving the workplace. I bring this passion for and experience in this area of assisting others in issue identification, education, and resolution to the ombuds role.

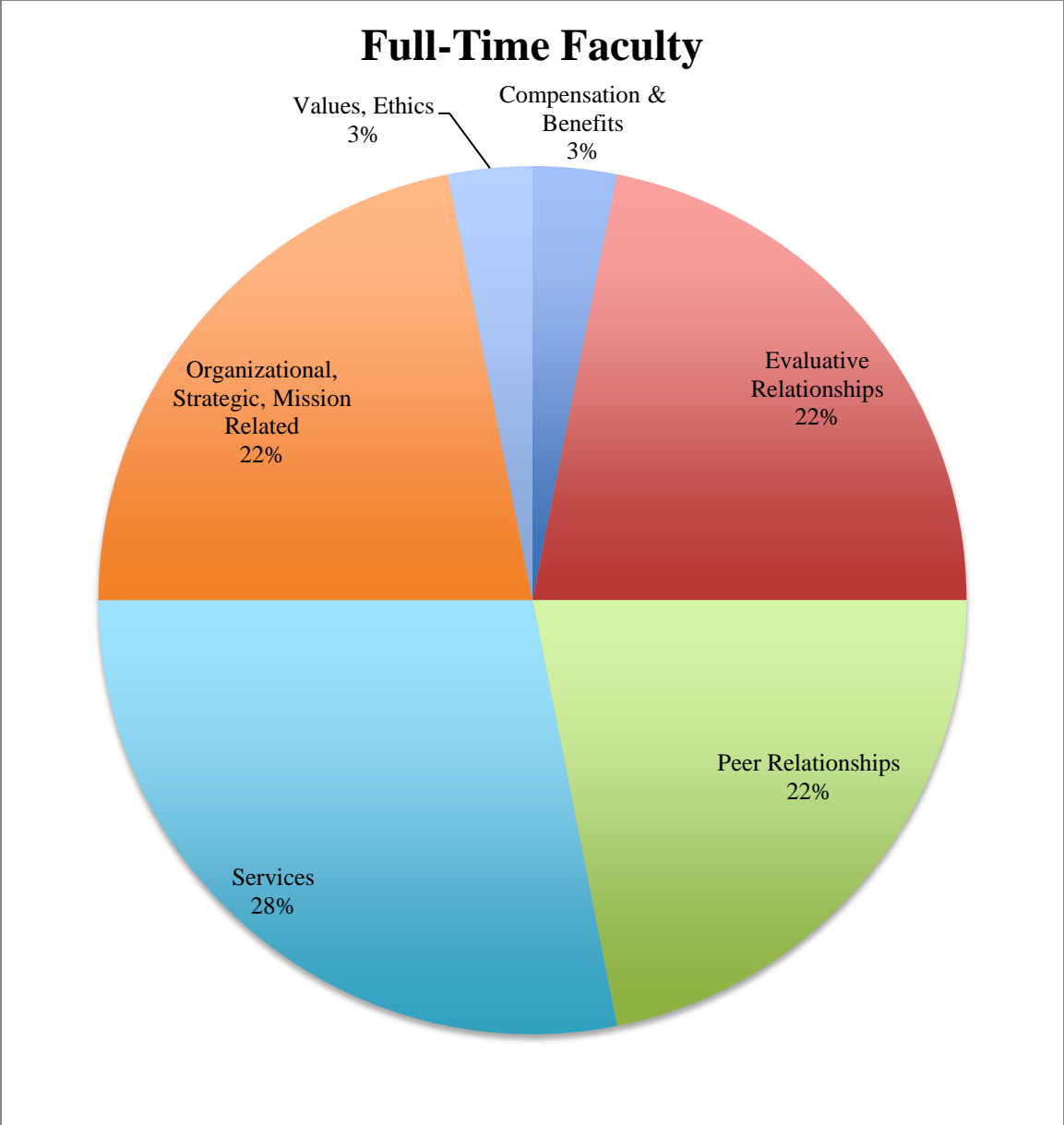
Some of you may initially be confused about why one would visit the ombuds. Reaching out to the ombuds indicates you have identified a challenging situation or have a question about something concerning or impacting the workplace – that is something less than optimal – and that you have also decided that you want to confidentially learn more about what your options are for resolving the issue/question and moving forward in a productive, fulfilling way. Ultimately, *you* get to decide what you want to do about the situation, which option *you* will follow, and how *you* will move forward. I can assure you that I will do my best to assist you in this process.

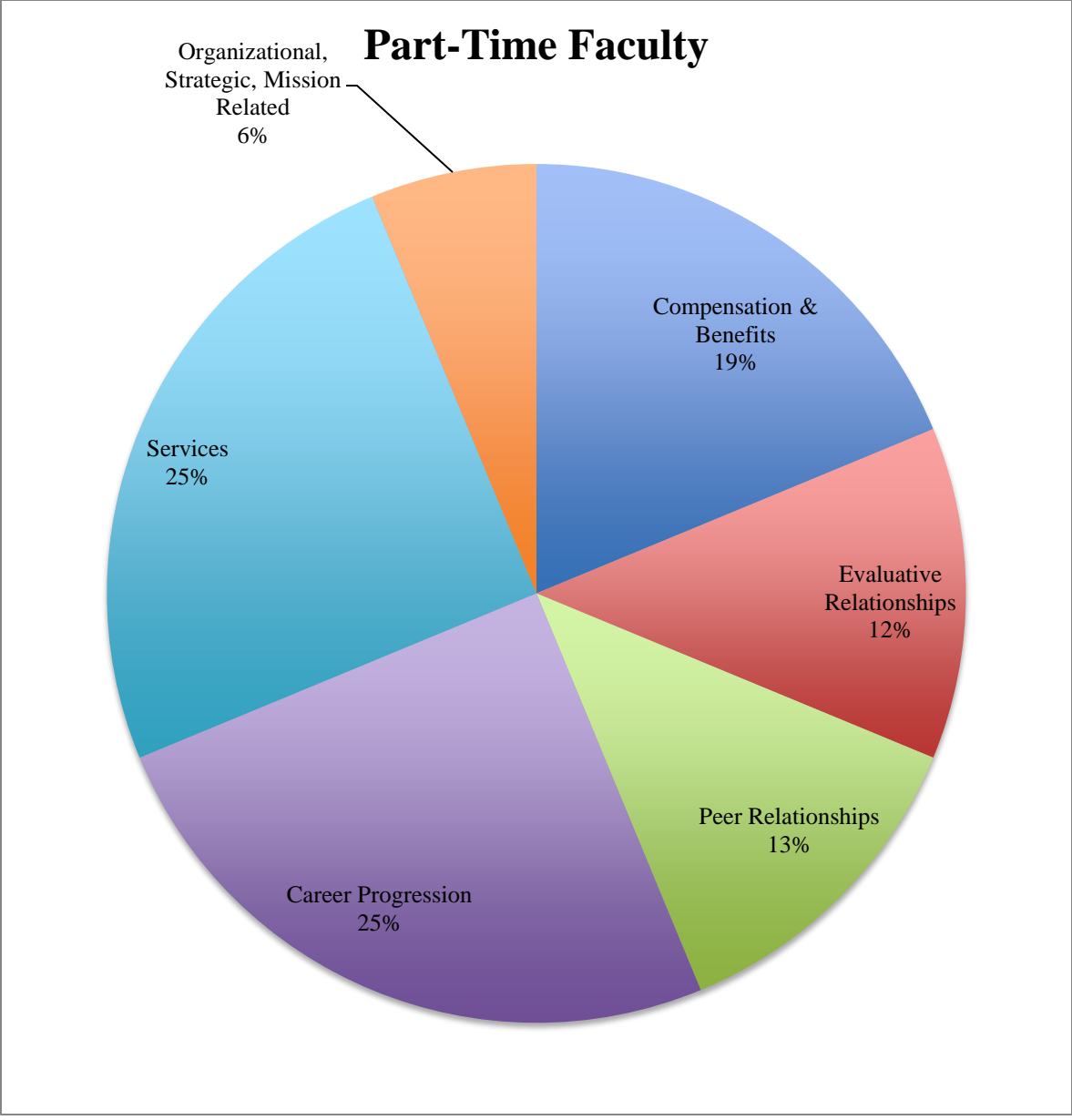
Lastly, I want to say a special thank you to Sarah Espinosa. Not only has Sarah carefully, skillfully, and thoughtfully constructed the framework and infrastructure for MC's grade-A ombuds program, but she has also been instrumental in bringing me up to speed so that I may be able to continue the ombuds work that she has been performing for over two years. Thank you, Sarah.



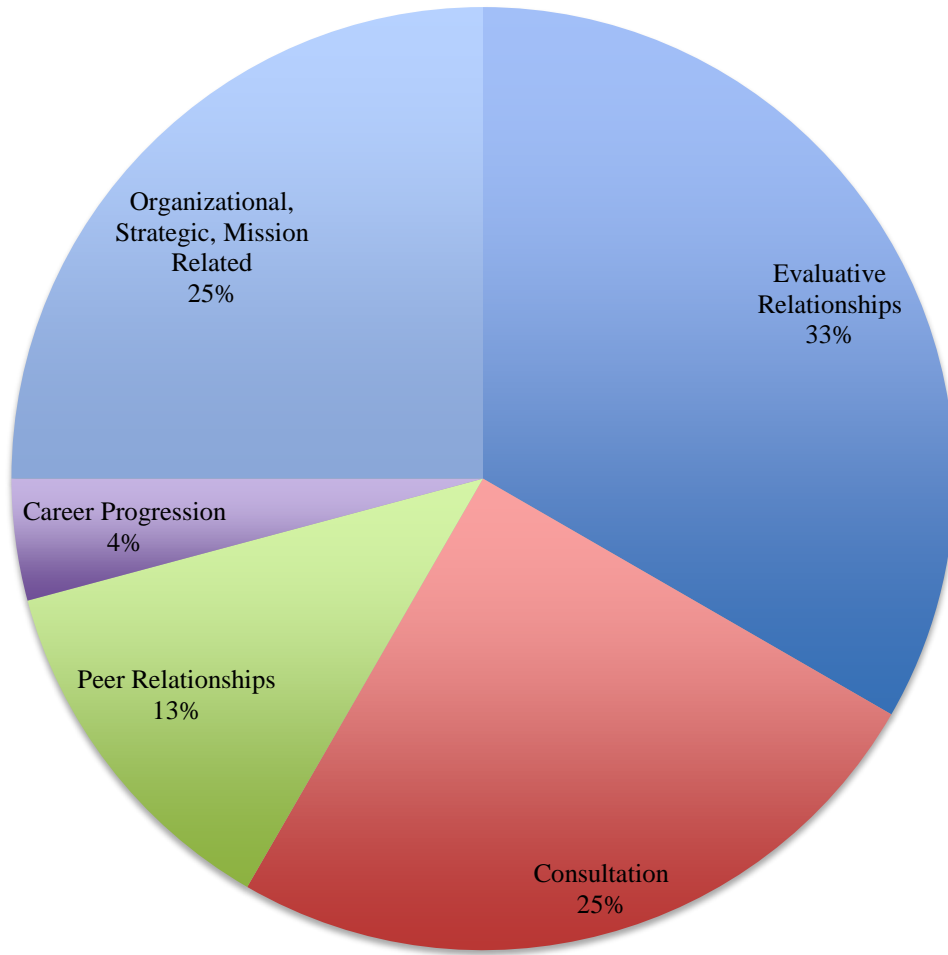
**APPENDIX A**

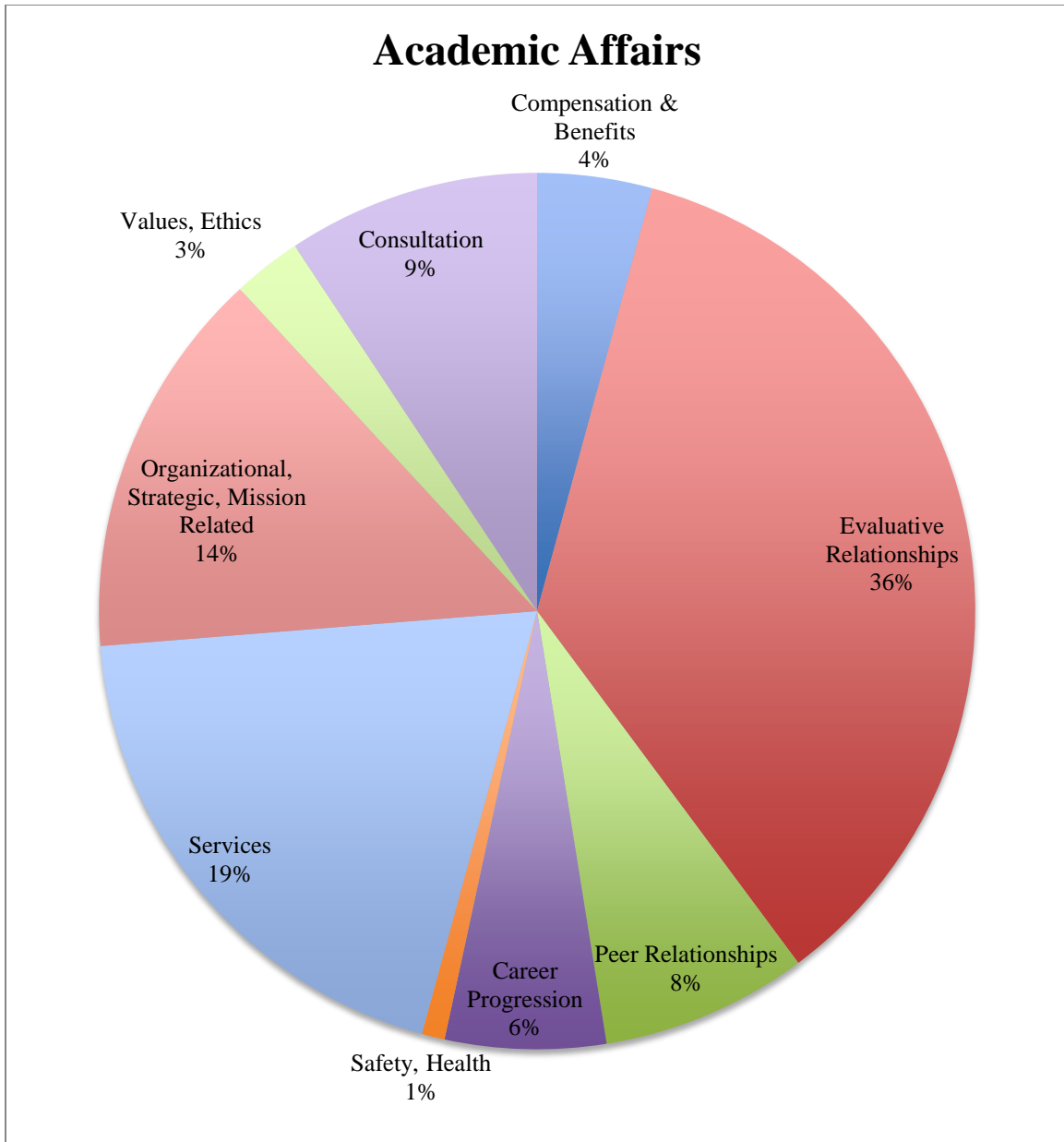




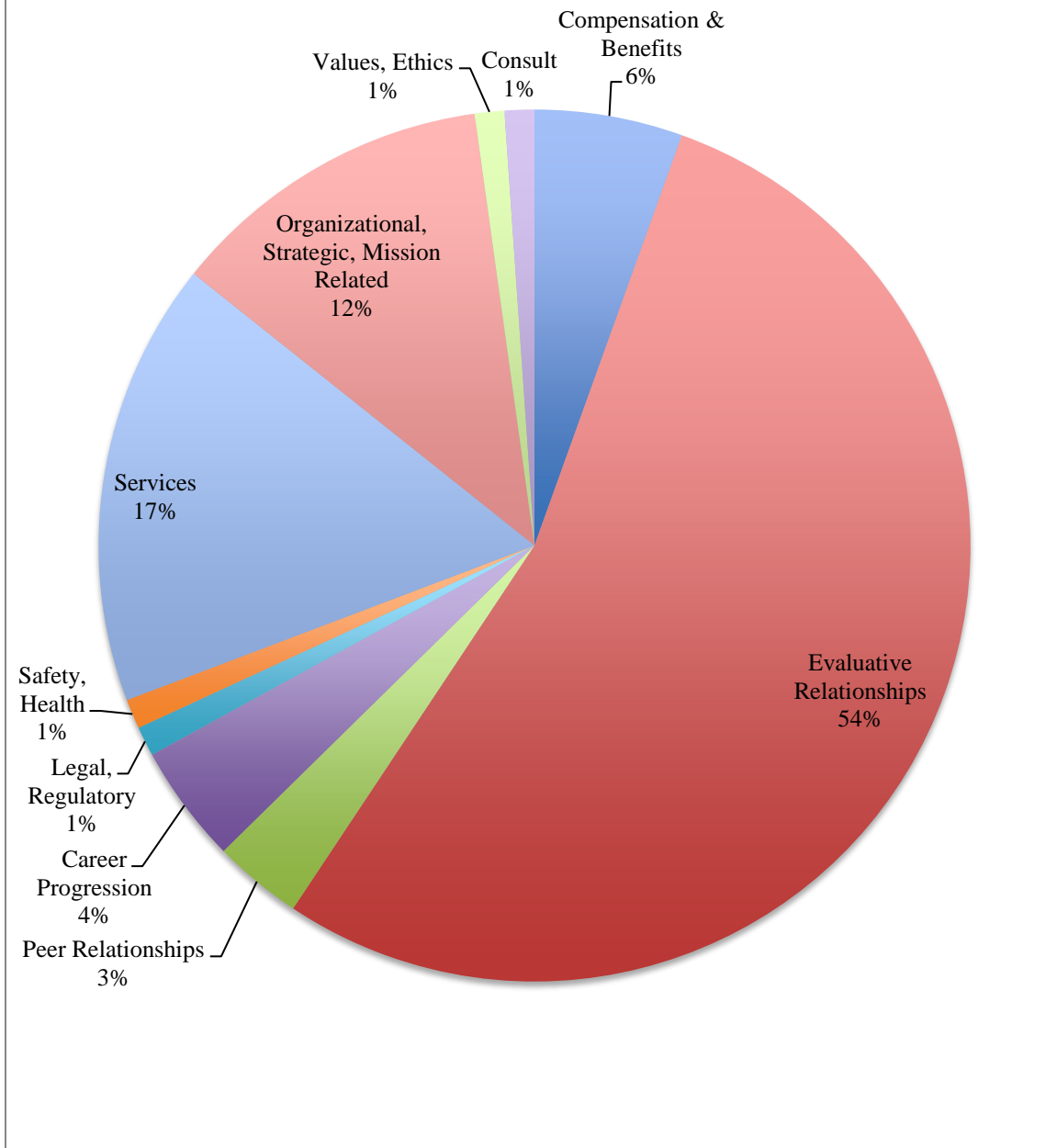


## Administrators

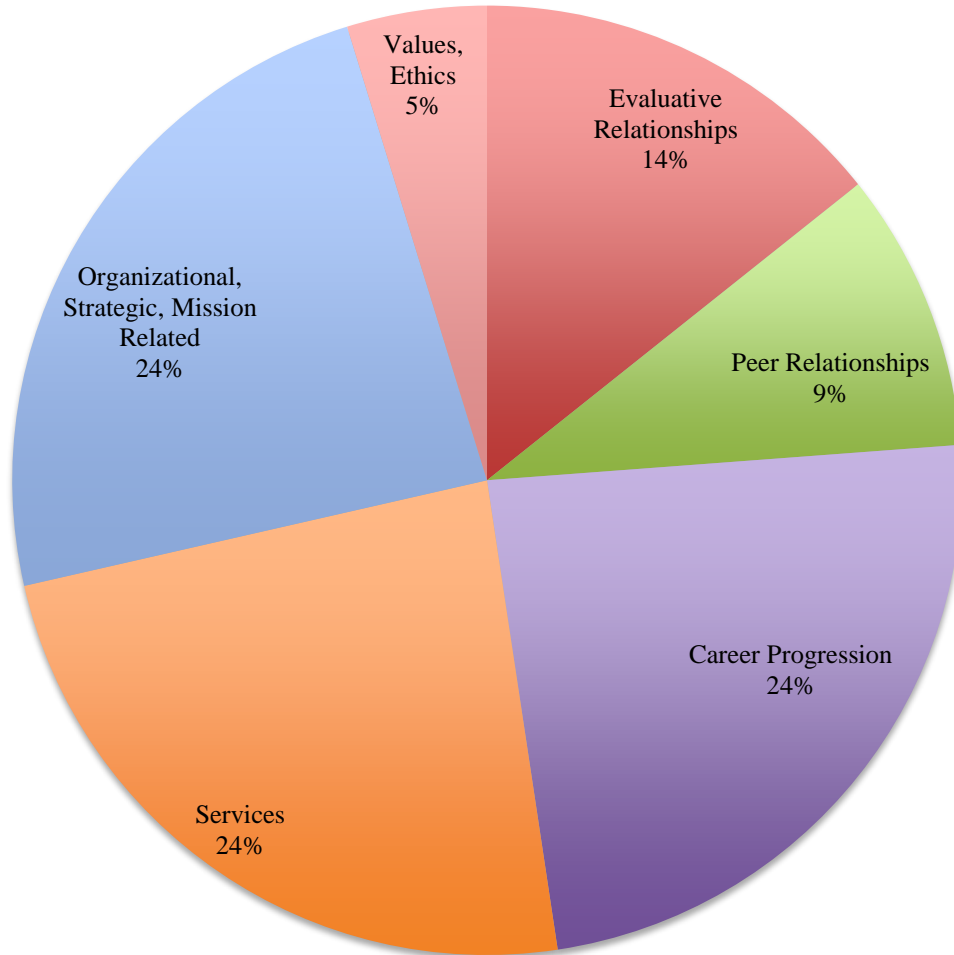


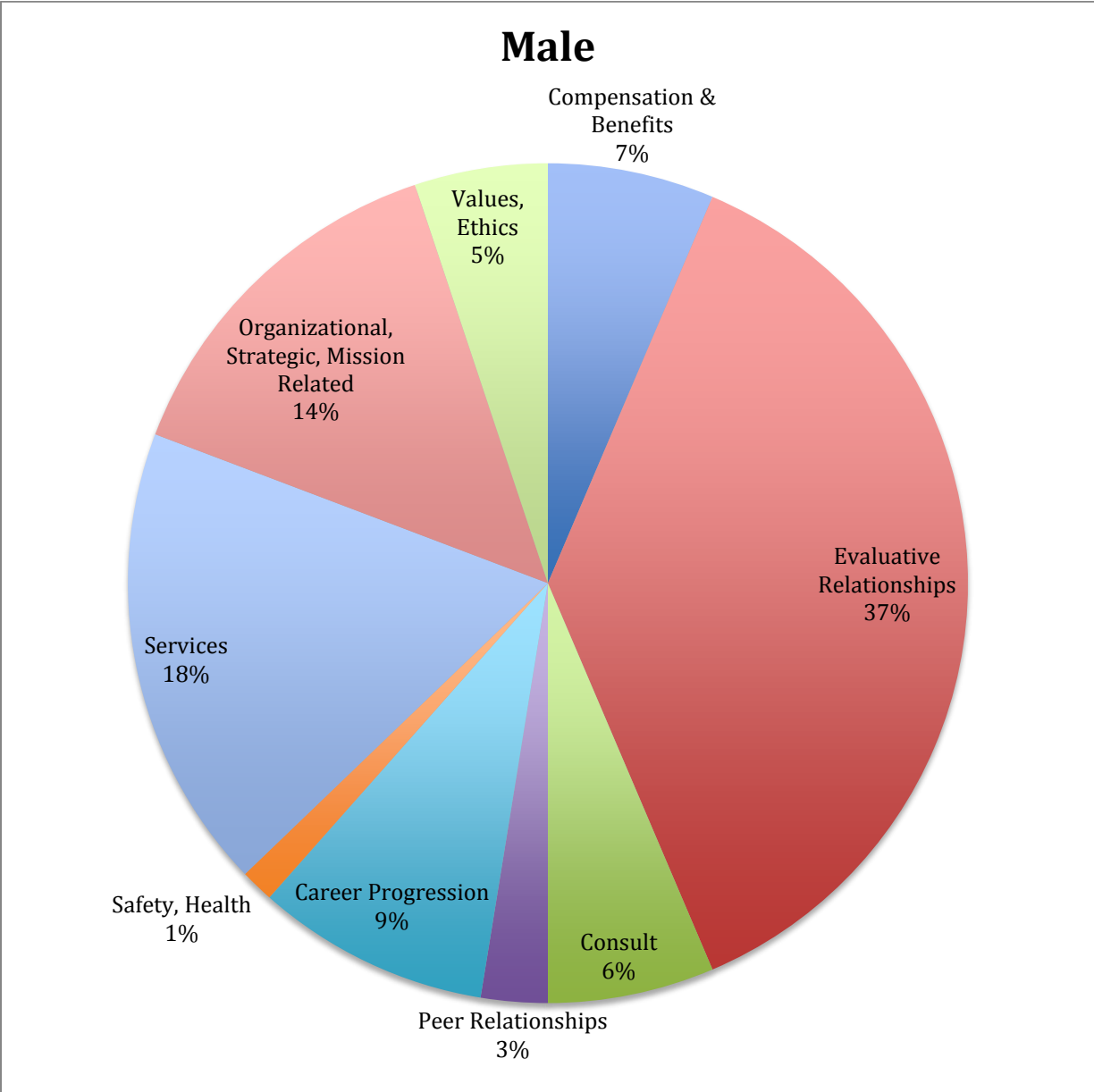


## Administrative & Fiscal Services

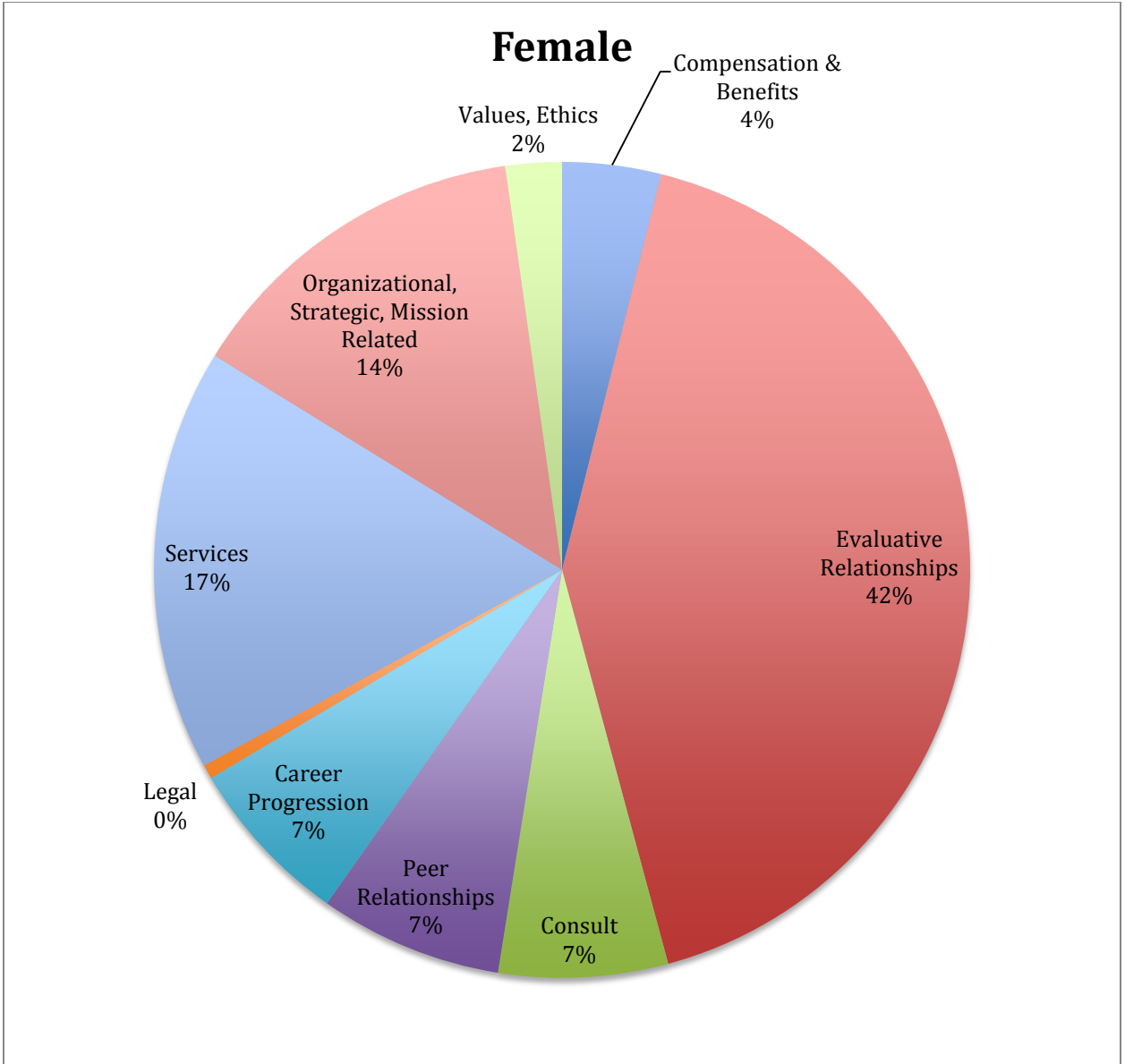


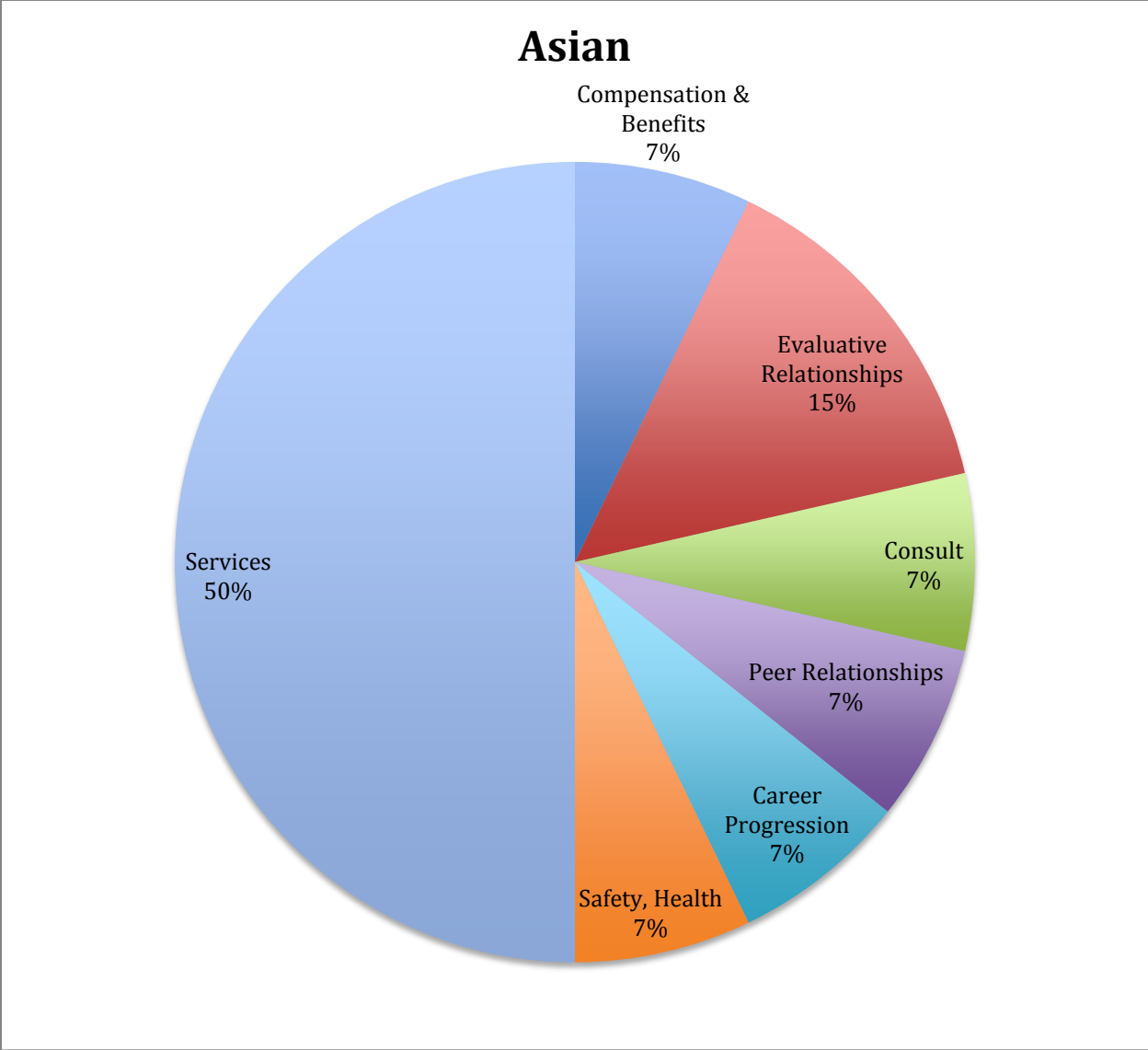
## Student Affairs











## Black or African American

