

NC STATE UNIVERSITY



NC State Faculty & Staff Ombuds Office

Annual Report for 2018

1/1/18 - 12/31/18

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Message from the NC State Faculty & Staff Ombuds Roy Baroff:

Welcome to the Annual Report of the NC State Faculty & Staff Ombuds Office!

The faculty ombuds office opened its doors in late February 2015 and is just passing its 4th year of operation. Staff ombuds services were added beginning January 2017. Thus, the faculty and staff ombuds office is still relatively new at NC State and continues to build on providing independent, confidential, informal and impartial conflict engagement services. Educational outreach continued throughout 2018 and by the end of the year the ombuds had visited 50 departmental faculty meetings (since office inception) and many other staff unit meetings to introduce ombuds services.

The office supplements existing conflict engagement services and fits within NC State's conflict resolution system as an alternate resource. People can speak with the ombuds confidentially and obtain assistance to address a wide range of issues. For many visitors to the office, the ombuds serves as a first stop for support, information and resource identification and often leads to contact with other university services.

Operationally, 2018 saw an increase in case numbers for both faculty and staff over 2017 as the office opened 209 total cases (a combined 24% increase over 2017). Cases again ranged across topics and numbers of contacts with some themes and observations noted below.

As the office looks to the future it is important to appreciate the range of support offered from across the university. This includes ongoing connections with the NC State Faculty Senate and Staff Senate and, specifically, the office wishes to thank Chancellor Woodson and Provost Arden for their continued support of the Faculty & Staff Ombuds Office.

With warm regards and best wishes,

Roy Baroff

Roy Baroff, MA, JD, CO-OP

NC State Faculty & Staff Ombuds



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Executive Summary

Office Development and Operations

Faculty services began February 2015 and Staff services January 2017. The office serves all with a faculty appointment (about 2400 in number) along with all other university staff (about 6800 in number). Attendance at Faculty and Staff Senate meetings and University Council meetings continue. Multiple departmental and unit presentations to provide updates and introduce the office. Administrative meetings with Chancellor, Provost, Vice Provost for Faculty Affairs, Vice Chancellor for Finance and Administration, and Associate Vice Chancellor for Human Resources. Ongoing case services.

Case and Post Contact Survey Data

Case openings for 2018 numbered 209 including Faculty 87 (40% increase over 2017) and Staff 122 (14% increase over 2017). See Faculty & Staff Ombuds Office Case Data - Appendix A. A post contact survey was provided to ombuds office visitors for office improvement and to gauge impact. Results indicate high visitor satisfaction with services and demonstrate a range of impacts. See Faculty & Staff Ombuds Office Post Contact Survey Results - Appendix B.

General Considerations / System Issues / Observations

Based on the day-to-day work of the faculty and staff ombuds along with Case Data and Post Contact Survey results, a number of general themes surface for review and consideration. For 2018 these include:

Management / supervision concerns (faculty and staff)

Professional Track (non-tenure track) faculty issues

Use of student teaching evaluations in faculty performance



Overview of Organizational Ombuds Role and Services

An organizational ombuds has two primary roles including direct services to individuals and groups and at NC State this includes all employees (anyone with a faculty appointment and all other staff). The second role is to pay attention to individual concerns and aggregate trends that may surface in discussions, and, while protecting the confidentiality of the source, share the information to support issue and conflict engagement / resolution across the university.

The faculty and staff ombuds role at NC State is directed by the Standards of Practice and Code of Ethics of the International Ombudsman Association (IOA)

The IOA Standards and Code:

Confidential	Informal	Impartial	Independent
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Confidential – all communication is confidential and off-the-record with disclosure only if imminent risk of serious harm (physical harm), with agreement, or otherwise required by law.

Informal – the ombuds does not participate in formal internal University processes or actions; contact with the office does not place the University on notice of any issue, complaint, grievance or claim; no permanent records with identifiable information maintained.

Impartial – the ombuds does not take sides in an issue or matter; instead, the ombuds helps people navigate issues while not advocating for a particular outcome; seeks to facilitate understanding and communication to reach mutually acceptable results.

Independent – the ombuds operates independently of ordinary line and employee structures; makes administrative reports including trend observations and aggregate data to university leadership; current Faculty & Staff Ombuds is an independent contractor.

Program Operations

The office is located at 112 Cox Ave., Ste. 212 / 213 near campus with parking available, confidential access and comfortable meeting/office space. Faculty and staff members have had some challenges finding the space (as a result the office has bolstered its directions and website location information). Visitors do appreciate the parking and meeting space.

A new office brochure and updated poster were developed in consultation with University Communications. Online, the office (facultyombuds.ncsu.edu and staffombuds.ncsu.edu) continues to provide helpful information that includes a

monthly blog post sharing information about the office and issues in the ombuds and conflict resolution field.

The Faculty & Staff Ombuds attends a range of faculty and staff meetings across campus to provide an introduction and updates to the office. The office also provides various conflict resolution related trainings/workshops to groups across campus including Lunch & Learn programs. The “Meet the Faculty & Staff Ombuds” program continues to raise awareness of services offered.

Direct ombuds activities are primarily individual consultations, primarily in-person, with some meetings by phone or email. (See Case Data below.) Ombuds activities also include conflict coaching, making confidential inquiries, providing information, review and discussion of policies, regulations, and rules, and referral to existing NC State services.

Sample Case Narratives

People often ask about the types of issues that come to the ombuds office. Here are a sample from 2018:

Faculty Visitor Case Descriptions

Faculty member was having difficulty around business practices and concerned about communication with business staff and certain financial practices. Discussed communication strategies and identified other resources for potential contact including department and college leadership and internal audit.

Faculty member with concern about data security as a result of an outside of NC State legal matter. Made confidential inquiry to other university resources for guidance and provided information to faculty member for consideration.

Faculty member concerned about a colleague’s behavior in the department and wanted to learn if the ombuds office could be of assistance. Discussed situation and identified resources that could provide help.

Department leadership sought assistance in how to approach a faculty member about a graduate student issue. Discussed various strategies and identified other university resources that might also be of assistance.

Staff

Staff member was concerned about lab safety along with use of university resources. Identified resources such as internal audit, environmental safety, research compliance office and discussed options on how to proceed.

Staff member was considering a new job at the university and wanted to discuss strategies for dealing with existing position. Used ombuds as sounding board to weigh options.

Staff member who was leaving the university sought ombuds visit to share information and concerns about unit. Visitor wanted to think about how to share information with unit leadership and developed a plan to meet with senior leadership.

Several staff visitors brought concerns about unit leadership. Identified university resources that might assist with issues as well as how one might seek to engage with the leader in a different manner.

Faculty and Staff Comments

The following comments were provided to the office either as part of its Post Contact Survey or as a visitor update and are used with permission.

I am thankful that NC State has a faculty ombuds office. Roy provided professional support with genuine interest of helping my issue with health insurance. I can't say enough about his constant care, feedback, and advise. I was able to gain a satisfactory resolution for my case. I would highly recommend the service from the office. The ombuds did all they could.

All of my conversations with Roy have been very helpful. He is also great about following-up to see how things went!

Employees need someone on their side to resolve issues before they become a serious problem. The ombuds allows employees to vent without being judged and politely nudged in a positive direction.

I spoke with the ombudsman regarding some negotiation conflicts. It was great to speak to someone who's knowledgeable about the art of negotiation, as this is far outside my area of expertise. Talking with the ombudsman helped me re-frame how I felt about the issue and provided new ideas for how to interact during negotiations, with some very useful specific tips, such as language to use and responses that might be appropriate for various scenarios.

I was very grateful for the prompt response from the ombuds to my request for a meeting when I faced a very emotionally charged and upsetting situation.

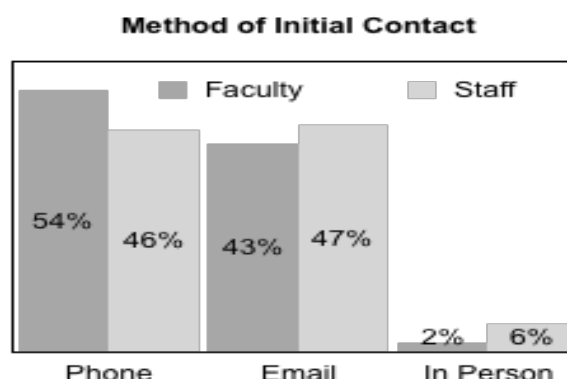
Everyone should know about this resource! This was a very safe space to discuss my issue and to get many useful ideas toward resolution! It was incredibly helpful.

Office Information – Case Data and Post Contact Survey

The NC State Faculty & Staff Ombuds Office collects a range of data that provides information to inform the work of the office, trend data for the types of issues brought to the office, demographics of those using the office and, when applicable and available, the demographics of the person of concern.

Case Data – See Appendix A

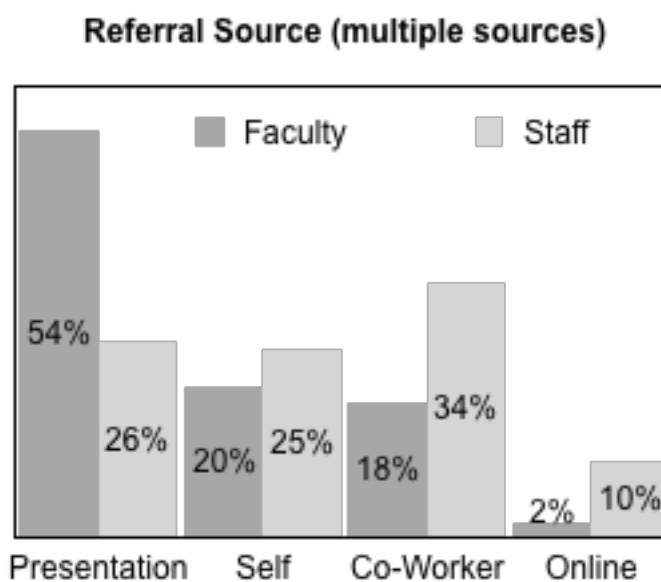
Case activity data includes method of initial office contact, meeting type, referral source and case categories (IOA Reporting Categories). Initial contact is fairly close between phone and email (see chart). First meetings were mostly in-person (58% Faculty / 55% Staff) followed by phone (41% Faculty / 37% Staff).



With respect to how faculty and staff members “find” the ombuds office, presentation, self-referral, co-worker and online are the main contact points.

For direct ombuds services the primary activity (combined) for both faculty and staff was consultation/coaching (49%), followed by resource identification (30%) and confidential contact (14%).

A “consultation” typically consists of an in-person or phone meeting lasting an hour or more where a visitor shares any concerns. The ombuds listens, helps the visitor clarify and then works with the person to develop and consider options for how to proceed. One option unique to the ombuds office is an ability to make a “confidential contact” - this is where the ombuds office contacts another university office and makes an inquiry on a particular topic without disclosing the specifics of the visitor contact. This information is then shared with the visitor who can then determine how to proceed.



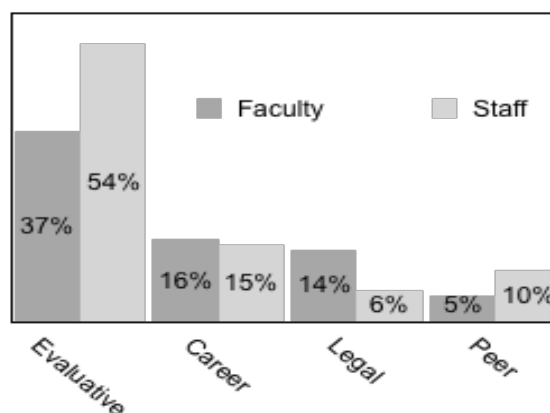
Case Categories

Case categories use the IOA Uniform Reporting Categories and each case is assigned a primary and secondary category. The top primary case categories for both faculty and staff include:

Evaluative Relationships
Career Progression & Development
Legal, Regulatory & Financial
Peer & Colleague Relationships

These are to be expected as employees bring issues focused on their department or unit management, their jobs and future as well as regulatory related considerations.

IOA Case Categories



Much of the ombuds' work is to help visitors develop options for how to address a situation. Sometimes it also includes identifying and helping a visitor connect with existing university services. Usually the ombuds together with the visitor generate options to pursue and the visitor leaves with an action plan.

Visitor Demographics

Who seeks help from the faculty and staff ombuds? In this regard, a range of data is collected including status, role, gender, length of service, ethnicity and age. (See Case Data – Appendix A , p. 13)

A few items to note. With respect to faculty, 55% were Tenured, 16% Tenure Track and 29% Professional (Non-Tenure) Track. Gender was evenly split at 50%. For length of service, 44% of faculty members contacting the office served for 10 years or less.

With respect to staff, 53% were SHRA and 44% EHRA non-faculty. Gender was 76% female to 24% male and most (69%) were employees with no supervisory duties. For length of service, 62% who contacted the office served for 10 years or less.

For faculty and staff combined, ethnicity included 15% African American/Black, 5% Asian and Hispanic combined, and 77% White.

Post Contact Survey Data – See Appendix B

In an effort to gain feedback on operations and to learn about the impact of the Faculty & Staff Ombuds Office, the office provides a Post Contact Survey to office visitors. The survey is provided in written form along with directions to an online survey link. Participation in the survey is voluntary and anonymous.

As an overview, the survey sought information on the following topics: Office materials, Contact and visiting the office, Physical location and space, Contact with the Ombuds, Actions taken if the Ombuds Office not contacted and Actual actions taken post ombuds contact.

Overall, the survey results were strongly positive towards the office materials, ability to contact and visit, the office location and space. Setting up the office near, but not on campus and with plenty of parking has made visiting the office relatively easy. Similarly, contact with the ombuds was positive although several responses highlight some limitations in terms of perceived impact on the issue/concern presented. This is not unexpected as the ombuds role, particularly, its role as impartial, means the office is supportive, but not an advocate for specific outcomes and situations are not always resolved.

At the same time, in terms of office impact, multiple responses indicate that visitors found contacting the ombuds to be helpful. Question 4 asked (among other queries) if “the ombuds helped identify and consider options to address concerns” with 86% Strongly Agree and 14% Agree. Additionally, 86% Strongly Agree / Agree that “I was better able to handle my situation following discussion with the Ombuds.”

Finally, two direct impact questions provide interesting data. Question 5 - “If you had not contacted the Faculty / Staff Ombuds Office, what do you think you would have done?” Question 6 – “After contacting the Faculty / Staff Ombuds Office, what did you actually do?” These questions, even with small numbers, highlight that contact with the office had a range of significant impacts (see partial results below).

Action	Q5 – if not contacted ombuds office	Q6 – after contacting ombuds office
Contacted other university resources	7	3
Filed grievance or other administrative action	5	2
Consulted private counsel to consider filing a lawsuit	6	1
Left the university	8	1

General Considerations / System Issues / Observations

1. Management / Supervision concerns

How managers “manage” (particularly the idea of too much micro-management) continues to surface as a concern across campus. While, the recent Management Essentials training was an excellent step to instruct how managers should manage at NC State, it’s also likely not a surprise that some managers returned to their units and did not incorporate the information shared during the training. Thus, while plans to roll out additional trainings are quite important, one recommendation is for training to be more “directive” as to how managers should manage. Additionally, can accountability for a “Wolfpack Way” of management be built in to managerial performance evaluations? I believe this is the most significant theme as NC State strives to go from “great to extraordinary” as, to do so, it needs to be an extraordinary workplace.

2. Professional Track Faculty issues

This theme of professional (non-tenure) track faculty is a continuation from 2017 with repeated issues ranging from contract non-renewal, treatment within a department and promotion considerations. Coincidentally, the Faculty Senate has spent time studying non-tenure track faculty over the last year and recently recommended that these faculty be renamed as “professional” track faculty. I believe such a step would help raise the perception of such faculty and may provide departments an opportunity to consider how to more fully integrate professional faculty into the work of the department. This is an encouraging step and further efforts around contracts and responsibilities should continue.

3. Use of Student Teaching Evaluations to Evaluate Faculty

This is another issue that came up enough times to warrant reference as a theme for faculty in 2018. It also matches recent work of the Faculty Senate (General Faculty Meeting topic focused on student teaching evaluations). The take away from the ombuds office is an ongoing need to build awareness amongst faculty leadership of this issue and for colleges and departments to locally explore current thinking around the use of student teaching evaluations.

Conclusion

One of the main goals for 2018 was to solidify staff ombuds services along with further development of faculty services. The increase in cases provides some measure of growth and the PCS information helps demonstrate office impact. For 2019, the office will continue to serve as a zero-barrier resource for university employees to bring concerns and receive confidential, independent, informal and impartial support to navigate and seek solutions.

Faculty & Staff Ombuds Office

Appendix A

Case data: Faculty & Staff Ombuds Office – Calendar Year 2018
Prepared by: Roy Baroff, NC State Faculty & Staff Ombuds

The NC State Faculty & Staff Ombuds Office collects a range of case data in order to aggregate use patterns, case types and demographics. This information helps the office understand and improve operations along with surfacing issues for the university. A “case” is established when the office is contacted for assistance. (Note: Data is not available in all cases with some pending and some cases and/or case aspects unknown.)

Case data – 1/1/18 to 12/31/18		FACULTY (anyone with a Faculty appointment) 87 cases (data for 82)	STAFF (SHRA and EHRA Non-Faculty) 122 cases (data for 116)
A	ACTIVITY DATA		
1	Method of initial contact (can include multiple contacts per case)		
	Email	36 (43%)	57 (47%)
	Phone	45 (54%)	56 (46%)
	In person	2 (2%)	7 (6%)
	Other (mail)		1 (1%)
2	Type of first meeting (in a few cases the first meeting starts by phone and then in person)		
	In person	48 (58%)	71 (55%)
	Phone	34 (41%)	47 (37%)
	Email	1 (1%)	7 (5%)
	Other (direct referral / no meeting held)		3 (2%)
3	Referred by (can include multiple sources per case)		
	Self	19 (20%)	34 (25%)
	Presentation	51 (54%)	35 (26%)
	Colleague / Co-worker	18 (18%)	46 (34%)
	Website / E-news	2 (2%)	13 (10%)
	Print material		3 (2%)
	Other - internal university / external	4 (4%)	5 (4%)

4	International Ombudsman Association Reporting Categories (category total of primary / secondary plus % of total)			
	Evaluative Relationships	30 / 27	37% / 38%	64 / 58 54% / 54%
	Career Progression & Development	13 / 13	16% / 18%	18 / 18 15% / 17%
	Legal, regulatory, financial	11 / 0	14% / 0%	7 / 7 6% / 6%
	Peer & Colleague relationship	4 / 14	5% / 20%	4 / 9 3% / 8%
	Organizational, Strategic & Mission	5 / 7	6% / 10%	3 / 3 3% / 3%
	Safety, Health, Physical Environment	5 / 1	6% / 1%	5 / 7 4% / 6%
	Compensation & Benefits	4 / 2	5% / 3%	7 / 2 6% / 2%
	Values, Ethics, and Standards	4 / 4	5% / 6%	7 / 1 6% / 1%
	Services/Administrative Issues	4 / 3	5% / 4%	3 / 3 3% / 3%
5	Ombuds Activity (multiple actions per case)(% based on number of actions)			
	Consultation / Information / Coaching	70	(48%)	105 (50%)
	Resource identification	43	(29%)	64 (31%)
	Confidential contact	23	(16%)	28 (13%)
	Communication and Conversation support / Meeting facilitations	9	(6%)	10 (5%)
	Review written material	2	(1%)	1 (1%)
B	DEMOGRAPHICS – FACULTY / STAFF MEMBER VISITOR (person initiating contact with ombuds office)			
1	Status			
	Tenured	44	(55%)	
	Tenure track	13	(16%)	
	Other tracks	23	(29%)	
	SHRA			62 (53%)
	EHRA Non-Faculty			51 (44%)
	Other (student, post doc, etc.)			3 (3%)
2	Role			
	Professor	11	(14%)	
	Associate professor	18	(22%)	
	Assistant professor	12	(15%)	
	College and Department leadership	16	(20%)	

	Other - Professor of Practice, Field Faculty, Extension Faculty, Teaching Asst. Professor, Teaching Associate Professor, Lecturer, etc.	23 (29%)	
	Employee (no supervisory duties)		79 (69%)
	Director / Associate Director		20 (18%)
	Supervisor / Manager		15 (13%)
3	Gender		
	Female	40 (50%)	87 (76%)
	Male	40 (50%)	28 (24%)
4	Ethnicity		
	African American/Black	3 (4%)	27 (24%)
	Asian/Pacific Islander	4 (5%)	2 (2%)
	Hispanic	3 (4%)	1 (1%)
	White	71 (88%)	79 (70%)
	Multiethnic		4 (4%)
5	Years of service		
	Less than 5 years	27 (34%)	48 (42%)
	5+ - 10 years	8 (10%)	23 (20%)
	10+ - 15 years	15 (19%)	17 (15%)
	15+ - 20 years	7 (9%)	7 (6%)
	20+	23 (29%)	18 (16%)
6	Age		
	20+ - 30	2 (2%)	16 (14%)
	30+ - 40	22 (27%)	30 (27%)
	40+ - 50	15 (19%)	32 (29%)
	50+ - 60	21 (26%)	26 (23%)
	60+ - 70	18 (22%)	8 (7%)
	70+	3 (4%)	

C	DEMOGRAPHICS – PERSON OF CONCERN		
1	Status		
	Faculty	26 (32%)	16 (14%)
	Staff	4 (5%)	
	Other (student)	5 (6%)	2 (2%)
	N/A (concern not about actions of a specific person; instead, about policy, regulation or broader question)	45 (56%)	48 (42%)
	SHRA		12 (10%)
	EHRA non-faculty		37 (32%)
2	Role		
	Professor	5 (16%)	
	Associate professor	2 (6%)	
	Instructor, Lecturer, etc.	1 (3%)	
	College and Department leadership	13 (42%)	2 (3%)
	Other (Student, etc.)	10 (32%)	1 (1%)
	Director / Associate Director		41 (60%)
	Supervisor / Manager		15 (22%)
	Co-worker		9 (13%)
3	Gender		
	Female	11 (34%)	48 (70%)
	Male	21 (66%)	21 (30%)
4	Ethnicity		
	African American/Black	6 (21%)	5 (8%)
	Asian/Pacific Islander		6 (9%)
	Hispanic	1 (3%)	
	White	22 (76%)	53 (80%)
	Multiethnic		2 (3%)

5	Length of service		
	Less than 5 years	13 (45%)	22 (35%)
	5+ - 10 years	6 (21%)	14 (22%)
	10+ - 15 years	3 (10%)	15 (24%)
	15+ - 20 years	4 (14%)	1 (2%)
	20+	3 (10%)	11 (17%)
6	Age		
	20+ - 30	6 (19%)	4 (6%)
	30+ - 40	3 (10%)	5 (8%)
	40+ - 50	4 (13%)	29 (46%)
	50+ - 60	14 (45%)	13 (21%)
	60+ - 70	4 (13%)	12 (19%)

Faculty & Staff Ombuds Office**Post Contact Survey - Faculty & Staff Ombuds Office****Appendix B****Data combined for year to date - 1/1/18 - 12/31/18****Prepared by Roy Baroff, NC State Faculty & Staff Ombuds**

The NC State Faculty & Staff Ombuds Office uses a Post Contact Survey (PCS) to improve services and obtain impact information. In 2018, two different distribution approaches were used; however, the distribution for January - June for staff had a technical issue in its electronic distribution and very few responses were recorded for that period.

Beginning July 1st, all case visitors were provided the PCS in paper copy and/or directions for an online link in order to participate. This distribution approach ensured that identifiable case information was not kept by the ombuds office for any extended period; however, no matter the distribution, participation is purely voluntary and responses are anonymous with no identifiable information requested. For calendar year 2018 the responses were limited, in part due to the technical issue noted above. (Response rate based on number of cases opened: 2018 = 14% (30 of 209) / 2017 = 35% (59 of 169). (Raw numbers and % of response included below.)

Question 1 - Faculty / Staff Ombuds Office Materials

Ombuds Office Materials	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Materials were easy to understand and helpful in explaining the office.	15 71%	6 29%			
The descriptive handout provided helpful information.	13 72%	5 28%			
The Ombuds Office poster provided helpful information.	11 92%	1 8%			
The website was easy to navigate.	11 41%	13 48%	3 11%		
The website provided helpful information.	13 50%	13 50%			
The website was helpful in planning my contact with the office.	14 52%	8 30%	5 18%		

Question 2 - Contacting / visiting the Faculty / Staff Ombuds Office

Contacting / visiting the Ombuds Office	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
It was easy to contact the office.	24 80%	6 20%			
The Ombuds returned my calls/emails in a timely manner.	24 80%	6 20%			
I was able to speak and/or meet with the Ombuds in a timely manner...	26 87%	4 13%			

Question 3 - About the Faculty / Staff Ombuds Office

About the Ombuds Office	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
The office was easy to find.	10 33%	7 23%	5 17%	8 27%	
The office space contributed to a sense of privacy and confidentiality.	16 53%	11 37%	3 10%		
I liked that it was close, but not on campus.	17 58%	6 21%	6 21%		
Free parking is important for the office.	23 79%	2 7%	4 14%		

Question 4 - Contact with the Faculty / Staff Ombuds

Contact with the Ombuds	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
The Ombuds was courteous & respectful to me.	28 93%	2 7%			
The Ombuds explained the ombuds role.	28 93%	2 7%			
I felt comfortable discussing my issue/conflict with the Ombuds.	25 83%	5 17%			
The Ombuds listened carefully to my concerns.	28 93%	2 7%			
The Ombuds helped me identify and consider options to address my concerns.	24 86%	4 14%			
The Ombuds provided useful/helpful information.	18 62%	11 38%			
I was better able to handle my situation following discussion with the Ombuds.	14 50%	10 36%	4 14%		
My issue/concern is now resolved or is closer to resolution as a result of contacting the Ombuds.	8 31%	2 8%	10 38%	4 15%	2 8%
I felt better about my issue/situation following discussion with the Ombuds.	15 50%	11 37%	4 13%		
I would recommend/refer others to the Ombuds for assistance.	26 87%	4 13%			

Question 5 - If you had not used the Faculty & Staff Ombuds Office, what do you think you would have done to address your issue/concern? (multiple responses allowed)

Question 6 - After using the Faculty & Staff Ombuds Office, what did you actually do to address your issue/concern? (multiple responses allowed)

Q5 - If you had not used the Ombuds Office . . . Q6 - After using the Ombuds Office . . .	Q5	Q6
Not done anything / Did not do anything	3	0
Not brought the issue up as quickly	2	-
Continued to struggle on my own with the issue/concern	18	-
Not talked to anyone about the issue	3	-
Contacted other university resources for assistance	7	3
Used information and discussion with the ombuds to move my situation forward	-	15
Filed a grievance or other administrative action	5	2
Consulted with private counsel about filing a lawsuit	6	1
Left the university	8	1
Other		
Q5 - other university resources have too much visibility and causes problems for both - only talked with personal contacts who may not have had the negotiation experience of the ombuds - it would have taken me a while to figure out what to do if I hadn't called the ombuds office Q6 - used some suggestions, other issues could not be addressed - seeking employment elsewhere - learned more about negotiation	5	4