

# MC Office of the Ombuds

## Fifth Annual Report

FY18

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## Message from the Montgomery College Ombuds

This year marks the fifth anniversary of the opening of the Montgomery College Office of the Ombuds. Since its inception in 2013, the Office of the Ombuds has regularly provided confidential conflict resolution services for staff, faculty, and administrators. In addition, the office, through its annual report, has provided regular feedback to the College about employee concerns, identified systemic issues, and made recommendations for positive change.

It is my hope that this fifth annual report will offer a helpful and meaningful view into the experiences that led over 200 visitors to the Office of the Ombuds in FY18. I invite you to read and think about the data findings, as well as the status of multiple previously adopted recommendations and the new recommendations for positive change that are included within the report. I also ask that you consider discussing these findings and recommendations with other members of the College community, including your colleagues, supervisor, and supervisees. Several questions that could help spawn such discussion could be:

1. Were you surprised by anything in the report?
2. Did the report square with your own experience at the College? Why or why not?
3. Were you expecting to see something that was not included in the report about the Montgomery College employee experience?
4. What do you think of the recommendations for positive change?
5. Is there anything you could do differently (or continue to do similarly) to improve work conditions for yourself, your team, or others?

As usual, I also welcome discussion with you one-on-one or in groups. Please reach out to me by phone, email, or text to invite me to speak with you and your colleagues/division/department to actively engage in discussion about the report or any other matter.

On its fifth-year anniversary, the Office of the Ombuds wants to share its profound gratitude with the College. The Office of the Ombuds deeply values the multi-year, strong community support and respect for the ombuds work and services, led by Dr. DeRionne Pollard (and Dr. Stephen Cain). Moreover, the Office of the Ombuds greatly appreciates the opportunity to work day-in and day-out with the diverse, dynamic, and talented staff, faculty, and administrators throughout the College in finding constructive ways to productively engage in and manage conflict, create a more inclusive, ethical and civil culture, and otherwise positively impact the Montgomery College employee experience. As we continue to address these issues together and improve our collective employee experience, we will be able to sharpen our primary focus on empowering our students to fulfill their dreams of changing their lives.

Yours in conflict and resolution,

Julie Weber, JD  
Ombuds  
Montgomery College

## Introduction

The purpose of this report is to provide data concerning the number and type of issues brought to the Office of the Ombuds from July 1, 2017–June 30, 2018 (FY18), as well as to provide context regarding the demographics of the visitors to the Office of the Ombuds,<sup>1</sup> including the visitors’ role, division, gender, and race. *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.*

Moreover, this report provides information concerning systemic issues identified by the Office of the Ombuds, as well as recommendations for positive change to address those issues going forward. Additionally, this report presents an update on the status of past systemic recommendations that have been previously adopted by Dr. Pollard. Finally, this report shares some information concerning other activities in which the Office of the Ombuds has engaged, as well as provides feedback from visitors regarding their experience working with the Office of the Ombuds.

## Office of the Ombuds Overview

### 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, 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, JD, 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

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<sup>1</sup> “Visitor” is the technical term used by the ombuds profession to describe a person who has availed himself/herself of ombuds’ services.

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, an experienced employment lawyer and HR manager, with training and experience in mediation, joined Montgomery College in July 2016 as its first full-time College Ombuds. Ms. Weber completed the International Ombuds Association’s (IOA) Foundations of Organizational Ombudsman multi-day training and is well versed in the IOA Code of Ethics and Standards of practice.

In FY17, the Office of the Ombuds provided services to four percent (4%) of all College employees. During this same time, Ms. Espinosa transitioned from the Office of the Ombuds to a part-time role in the Office of the President; she resigned from the College in June 2017.

In FY18, the Office of the Ombuds provided services to seven percent (7%) of all College employees, a considerable jump that was due, at least, in part, to working with a number of large groups in conflict rather than just individuals in conflict. This year, as in previous years, the Office of the Ombuds continued to work regularly with individuals and small groups (2-4 employees) on conflict management and problem-solving matters. However, in FY18, the Office of the Ombuds had an opportunity to work specifically on team building with larger teams (more than 5 employees), a new service that the Office of the Ombuds is now formally offering. The Office of the Ombuds is delighted to be asked to engage in this type of conflict work; there is a different level of engagement experienced by participants and broader possible outcomes that can result from having all members of a team working together actively to address challenging group dynamics, difficult conflicts, and different communication styles.

### Advisory Committee to the Office of the Ombuds

The Office of the Ombuds is supported by the Advisory Committee to the Office of the Ombuds. This Advisory Committee meets three times a year. 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. In FY18, among many topics, the Committee discussed ways to increase awareness of the Office of the Ombuds on the Germantown and Takoma Park/Silver Spring campuses as well as for specific employee groups, such as part-time faculty.

Many thanks and much appreciation to the following individuals who served on this committee in FY18: Belva Hill, Christopher Standing, David Neumann, Ed Riggs, Harry Zarin, Krista Leitch Walker, and Shaline Kirkland.

### Montgomery College Office of the Ombuds - Functions

The Office of the Ombuds helps employees help themselves in matters of conflict to the greatest degree possible. Once an employee brings any kind of workplace issue to the Office of the Ombuds for discussion, the ombuds can facilitate the mitigation and/or resolution of the presented workplace conflict in a number of ways, including by:

- providing a safe and confidential forum to surface individual, group, and systemic problems;
- listening to and helping to clarify employee concerns;
- assisting in the identification of underlying issues and interests;
- providing information and exploring possible options available to visitors;
- facilitating discussions to resolve issues, where voluntarily agreed to by all involved parties and if appropriate;
- conducting mediation to resolve issues where voluntarily agreed to by all involved parties and if appropriate;
- providing a voluntary, confidential forum where whistleblowers may raise concerns;
- collecting data on emerging trends and patterns at the College;
- evaluating and analyzing trending information and making recommendations for systemic change;
- providing feedback to the College's senior administration, while maintaining the confidentiality of the ombuds' visitors; and
- publishing an annual report to the College community.

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.

Of note, the Office of the Ombuds does not give legal advice or get involved in any formal processes (e.g., grievance procedures or disciplinary action). In addition, the ombuds does not get involved in union matters that concern terms of a collective bargaining agreement.

## IOA Code of Ethics and Standards of Practice

The Office of the Ombuds adheres to the IOA Code of Ethics and Standards of Practice. The Code of Ethics specifically requires an ombudsperson to be truthful, act with integrity, foster respect for all members of the community served, and 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 Appendix D, or at: [https://cms.montgomerycollege.edu/EDU/Verified - Policies and Procedures/PDF Versions/39001 College Ombuds](https://cms.montgomerycollege.edu/EDU/Verified_-_Policies_and_Procedures/PDF_Versions/39001_College_Ombuds).



## Office Utilization in Fiscal Year 2018

### Total Visitor Count

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. The Montgomery College Office of the Ombuds has met this benchmark in every year of its existence. However, during Fiscal Year 2018, this benchmark was exceeded. More specifically, in FY18, the Montgomery College Office of the Ombuds served 203 individual employees, or seven percent (7%) of the overall employee population.<sup>2</sup> This marks a three percent increase from FY16, where the Office of the Ombuds served 115 individual employees out of 2,939 employees, and from FY17, where the Office of the Ombuds served 126 individual employees out of a possible 2,860 employees.

In addition, in FY18, 24% of the employees (49 employees) who sought the support of the Office of the Ombuds were repeat visitors. These are visitors who came into the office with a *new* issue to discuss, after having discussed/resolved a prior matter. This is an increase from last year's 13% repeat visitor rate (17 employees).

Both the increase in the number of visitors overall and the increase in the number of repeat visitors, suggests, at least in part, greater awareness of the presence and functions of the Office of the Ombuds at the College, growing trust in the Office of the Ombuds as a confidential and helpful resource, and an expanding belief that value is added by using the ombuds services.

The case data from which this report is drawn only counts each visitor once regardless of the number of new matters presented by the visitor or number of visits the visitor made to the office. However, the case data does include the total number of issues that each of the visitors brought to the attention of the Office of the Ombuds in FY18.

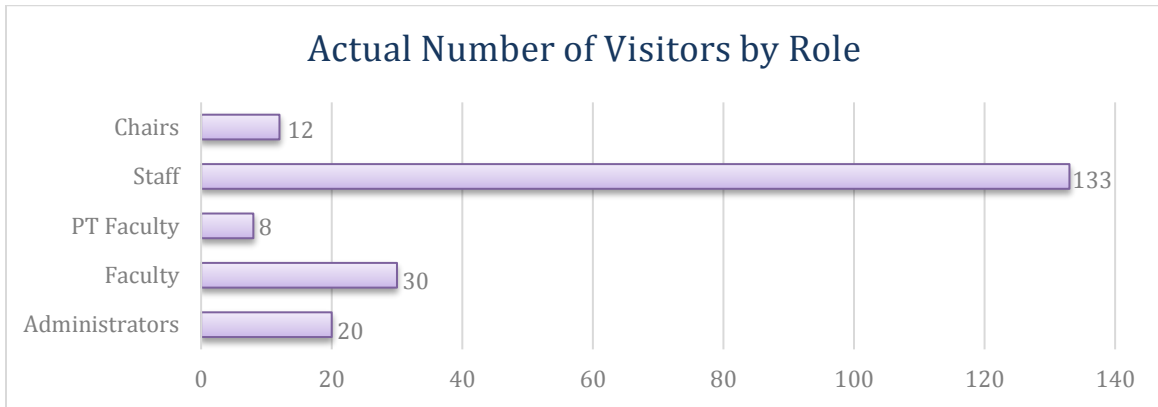
### Demographics

#### Visitors by Employee Category/Role

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<sup>2</sup> The employee population of 2,812 employees was derived from the October 2017 Human Resources Strategic Talent Management Copy of Headcount report, which listed 538 full-time faculty, 39 department chairs, 888 part-time faculty, 1261 associate and support staff (including temporary employees with benefits), and 86 administrators.

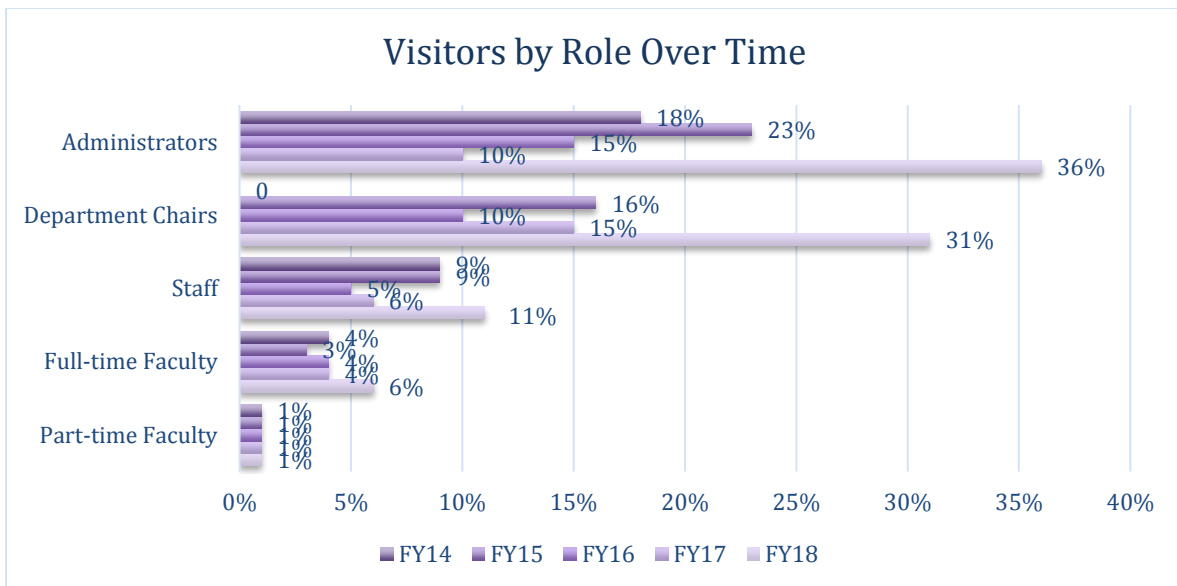
While in FY18, staff accessed the services of the Office of the Ombuds in the greatest numbers, full-time faculty were the second most common users of the ombuds services, followed by administrators.



The percentage of visitors served by each employee category in FY18 increased substantially compared to the percentages of like visitors last year, except for in the part-time faculty group. This prevalent increase is, in part, due to the 61% growth in the number of visitors across the College since last year; there were 77 more visitors in FY18 than in FY17.

There was also unusually large growth in the number of visitors from the administrator and chair groups, as compared to any of the previous years.

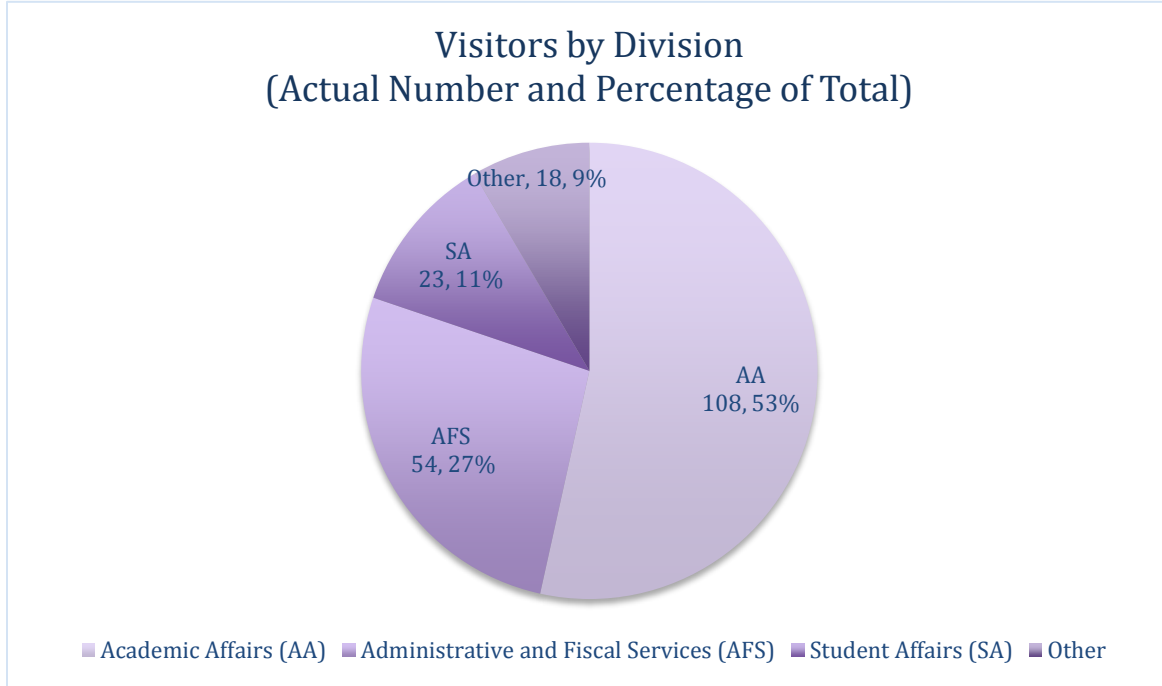
Below is a chart that shows the percentage of employees from each role that visited the Office of the Ombuds over each of the past five years:



\* Please note that in 2014, there were no department chairs at Montgomery College.

## Visitors by Division

The majority of the 203 visitors were from the Academic Affairs division, while the second largest group of visitors was from the Administrative and Fiscal Services division.<sup>3</sup>

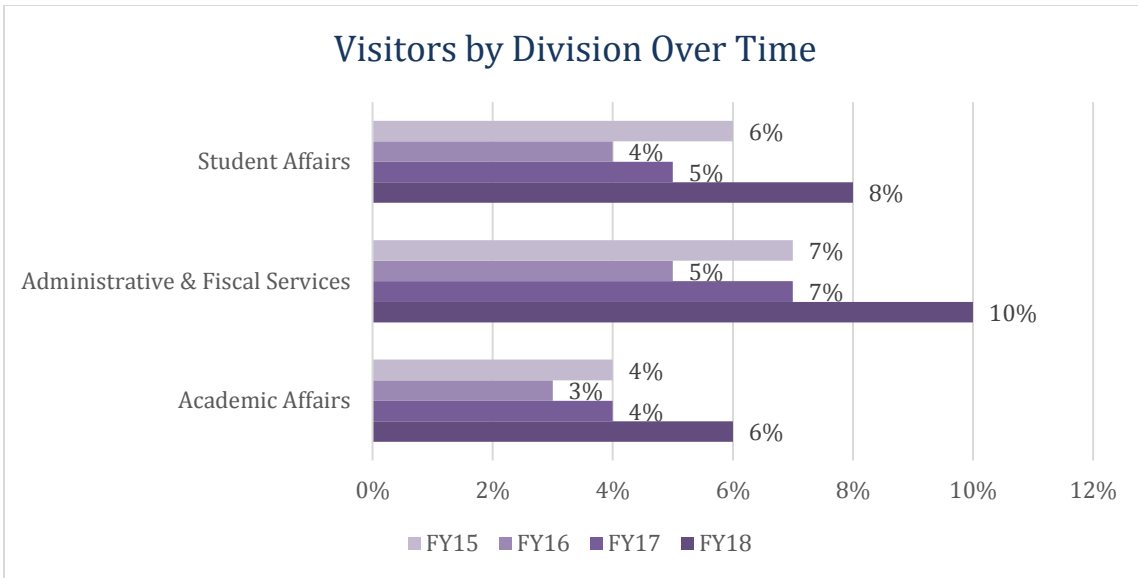


\*The “Other” category includes the combined number of visitors (and related percentage of the whole) in FY18 from both OP and ACE as well as one visitor who did not identify his/her division.

The percentage of visitors served by each division in FY18 is significantly different than the percentage of like visitors in previous years, with 2% increases in the number of visitors from the Academic Affairs division as compared to last year, and 3% increases in the number of visitors from the Administrative and Fiscal Services and Student Affairs divisions this year as compared to last year. Below is a chart that shows the percentage of employees from each division that visited the Office of the Ombuds over each of the past four years:

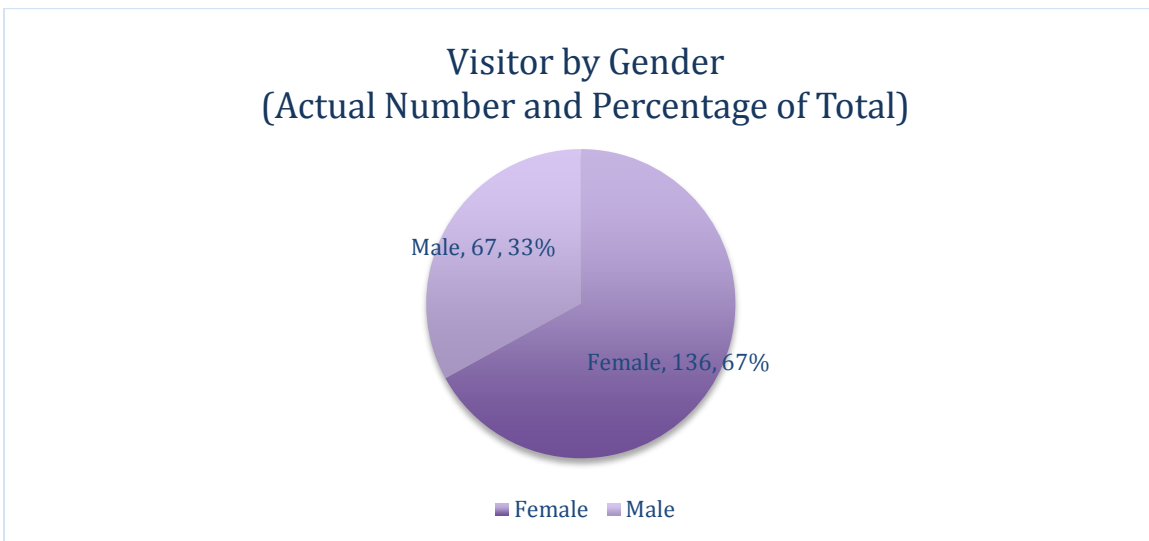
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<sup>3</sup> The percentage of employees served in each division was calculated utilizing information provided by Institutional Research concerning the number of employees in each division as of Fall 2017 and the number of employee visitors from each division as collected by the Office of the Ombuds. No specific information regarding the number of visitors and types of issues discussed is reported from Advancement and Community Engagement (ACE) and the Office of the President (OP) where anonymity could not be assured.



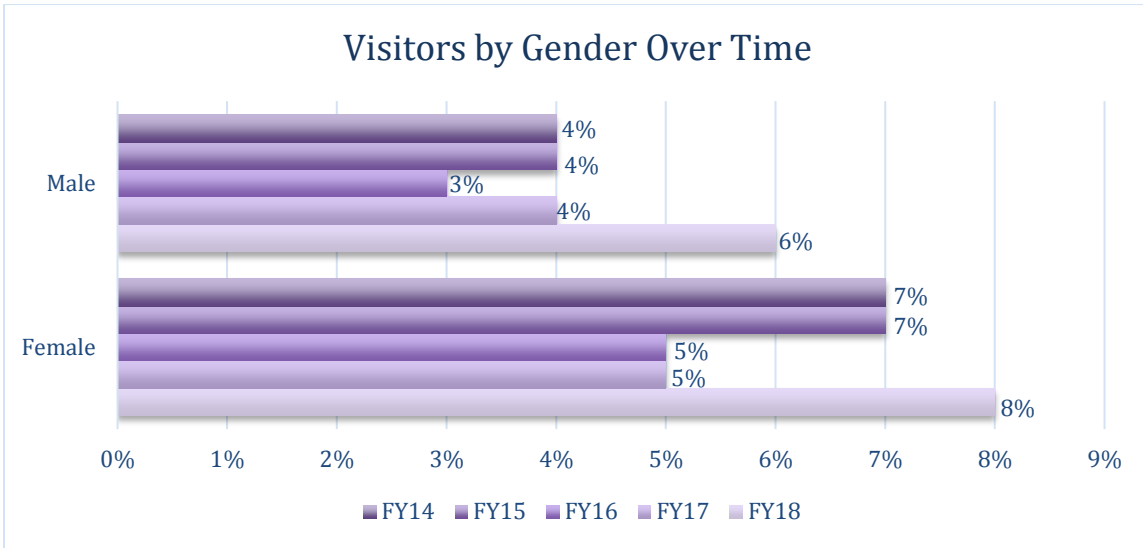
### Visitors by Gender

This year, as in the previous years, more women sought out the services of the Office of the Ombuds than did men.<sup>4</sup>



The gender differences in utilization of the Office of the Ombuds services continue to be in keeping with multi-year trends reflecting this disparity, as reflected in the chart below. Below is a chart that shows the percentage of employees from each gender that visited the Office of the Ombuds over each of the past five years:

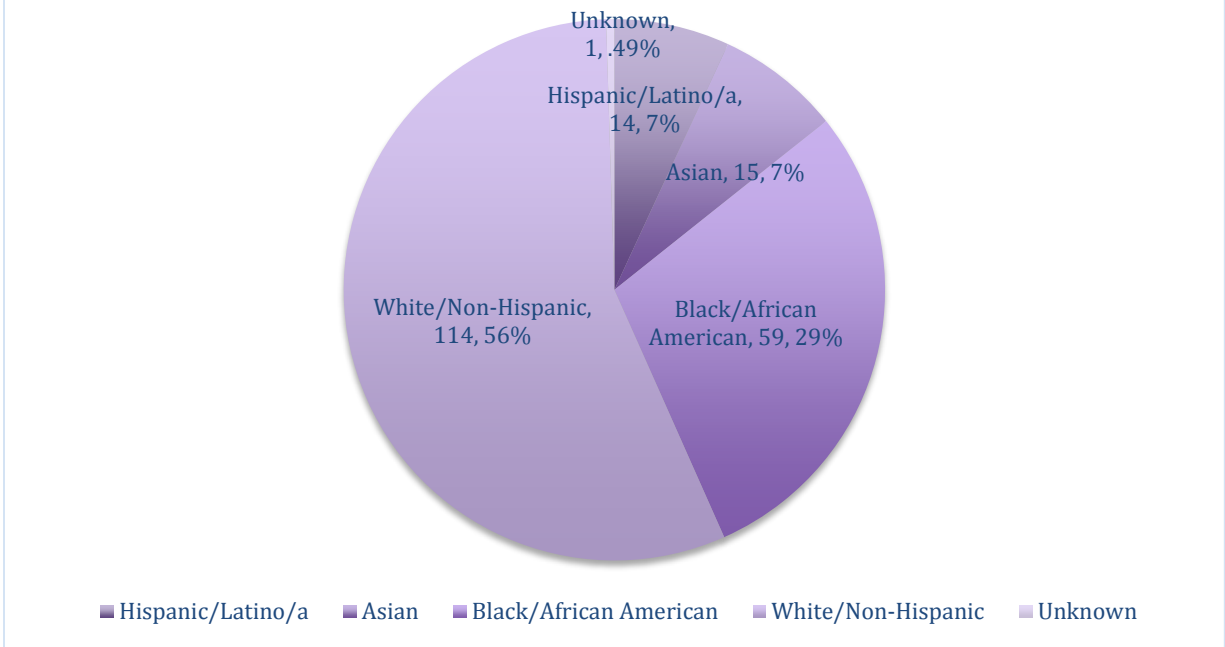
<sup>4</sup> This disparity is not surprising where there is a greater number of female employees than male employees at the College overall—1614 females as compared to 1198 males. Or, said another way, 57% of the College employees are women and 43% of the College employees are male.



#### Visitors by Race/Ethnicity

White/Non-Hispanic employees accessed the Office of the Ombuds services in the greatest numbers, while the second largest group to use the services was Black/African-American employees. The actual number and percentage of the total 203 visitors in FY18 as categorized by race/ethnicity is recorded below:

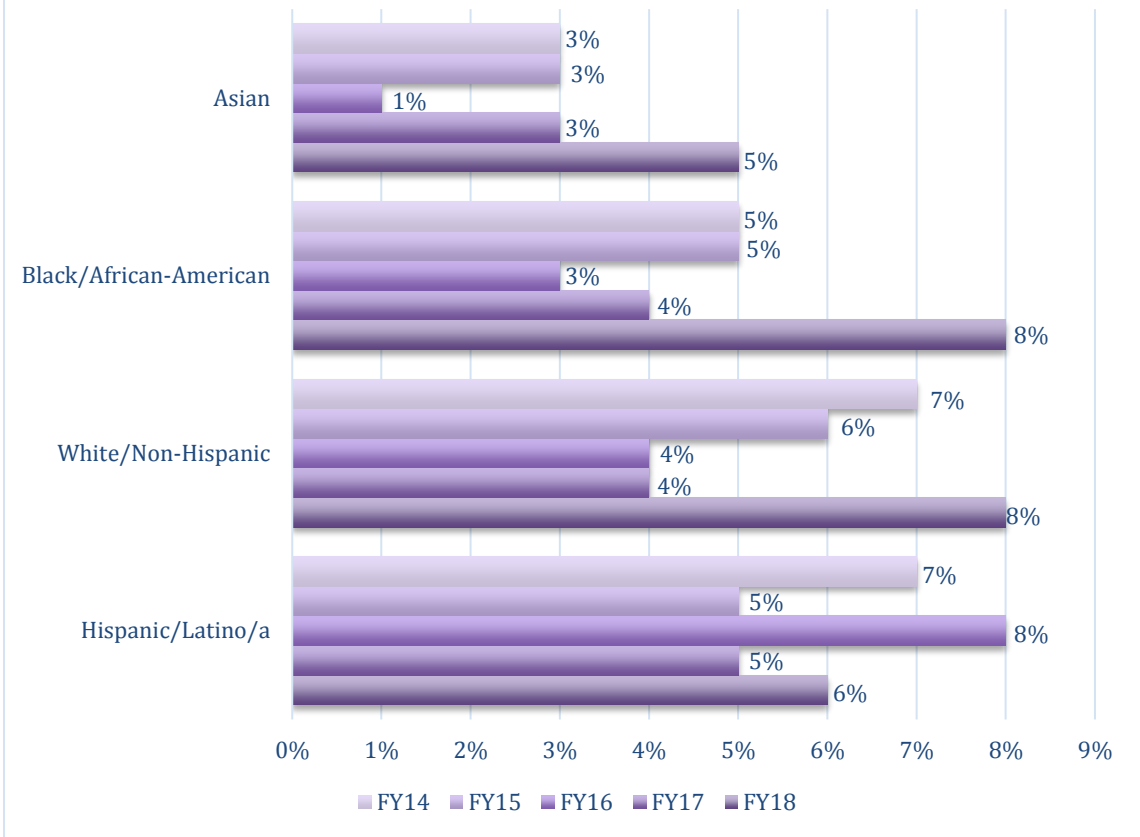
### Visitors by Race (Actual Number and Percentage of Total)



Below is a chart that shows the percentage of employees from each ethnicity that visited the Office of the Ombuds over each of the past five years.<sup>5</sup> Notably, in FY18, there were substantial increases in the number of employees seeking ombuds services from all of the ethnic groups as compared to previous years, but especially in the Black-/African-American and the White/Non-Hispanic groups.

<sup>5</sup> The ethnicity/race of one of the visitors was not identified.

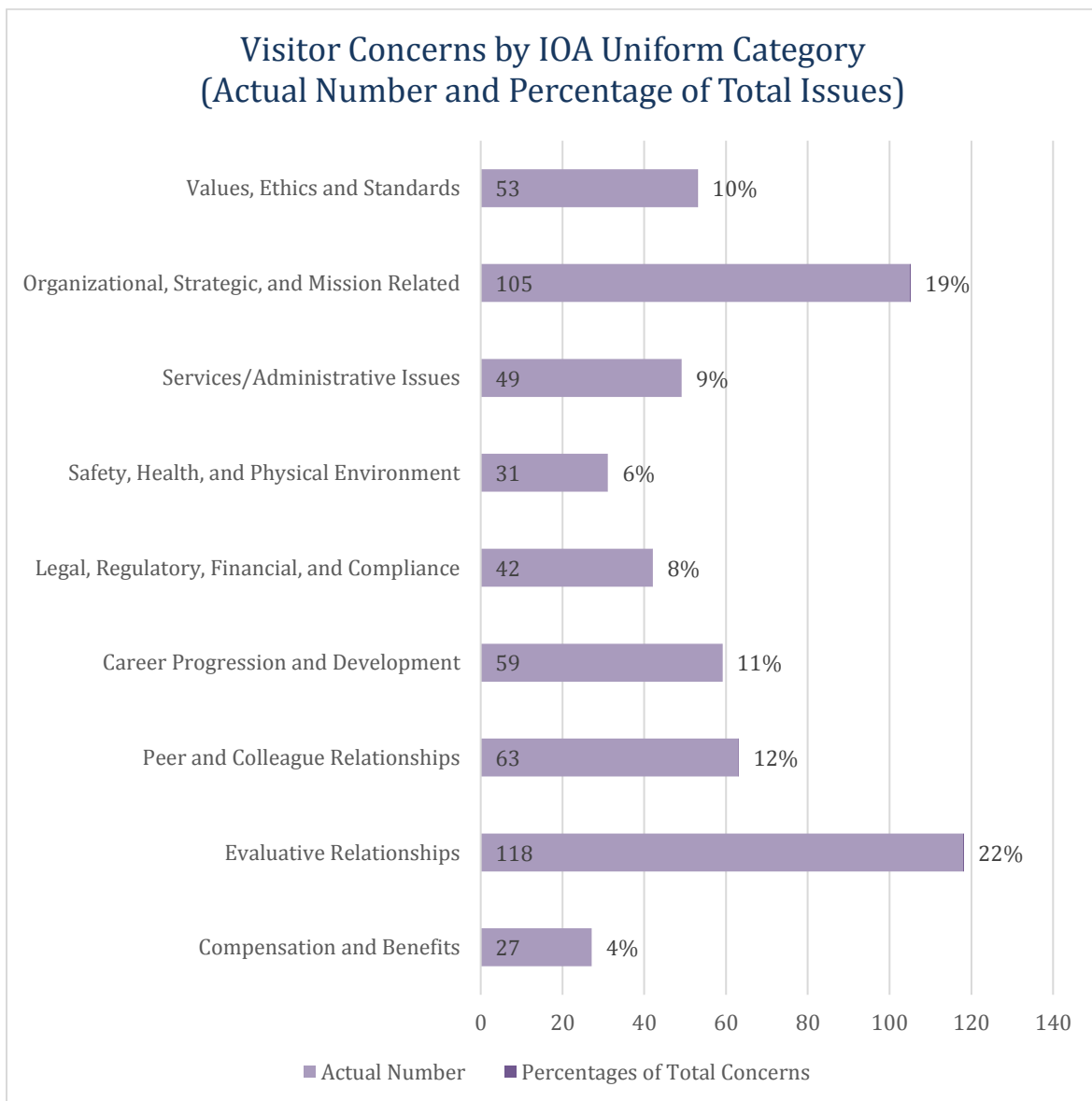
### Visitors By Race Over Time



## Workplace Concerns in Fiscal Year 2018

The Office of the Ombuds identified 547 issues raised by the 203 visitors during FY18, all of which were recorded into categories using the IOA Uniform Reporting Categories (IOAURC). The IOAURC includes nine main categories, with over 80 sub-categories associated with each category of questions, concerns, and inquiries. Please see Appendix B for a copy of the IOAURC or refer to <http://cms.montgomerycollege.edu/WorkArea/DownloadAsset.aspx?id=67966>. Multiple issues often emerged after each visitor engaged with the Office of the Ombuds.

The chart below depicts a breakdown of the 547 issues raised by visitors during FY18:





## Prevalent Issues

The three most prevalent issues in FY18 were: Evaluative (supervisory) Relationships (22%), Organizational, Strategic, and Mission Related (19%), and Peer and Colleague Relationships (12%).<sup>6</sup>

Two of the most prevalent issues this year—Evaluative Relationships<sup>7</sup> and Organizational, Strategic, and Mission Related—have also been two of the most prevalent issues identified by the Office of the Ombuds in its annual reporting since the opening of the office in 2013.

The third most prevalent issue—Peer and Colleague Relationships—is a top-three concern at Montgomery College for the first time in FY18.

### Evaluative Relationships

Fifty-eight percent (58%) of the visitors to the Office of the Ombuds raised issues involving the Evaluative Relationships category. The Evaluative (supervisory) Relationships category is defined by the IOAURC as: “questions, concerns, issues or inquiries arising between people in evaluative relations (supervisor-employee).”<sup>8</sup>

Eighteen percent (18%) of visitors who raised Evaluative Relationship issues came in for consultations; the IOAURC defines consultations as “requests for help in dealing with issues between two or more individual they supervise/teach or with other unusual situations in evaluative relationships.” The remaining eighty-two percent (82%) of visitors were employees discussing issues concerning a supervisor.

Evaluative Relationships has been the number one IOAURC category of concern at Montgomery College since the Office of the Ombuds was established in December 2013.

### Subcategories Chart

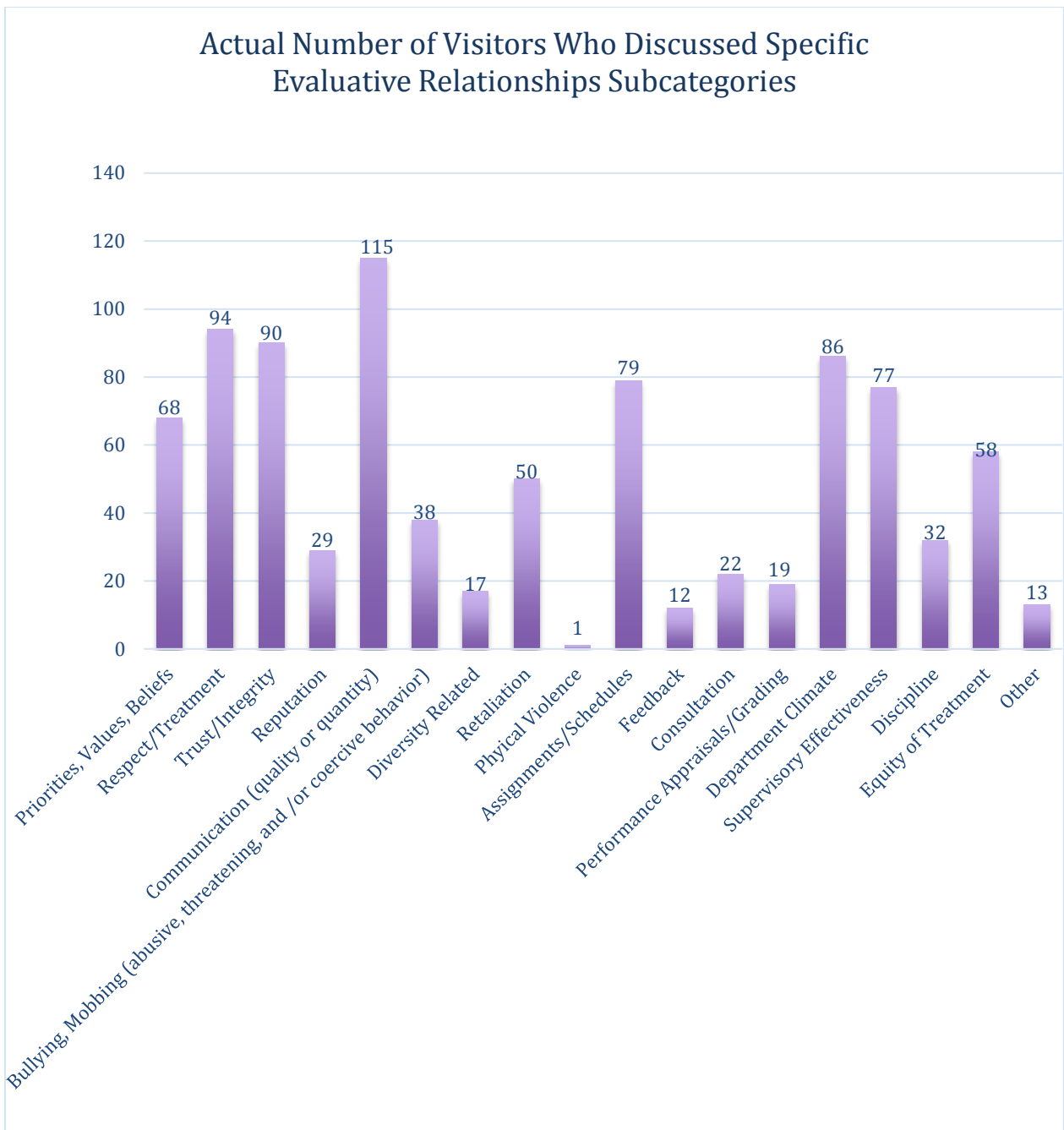
The Evaluative Relationships category is further divided into sub-categories (Please see Appendix B). The 118 visitors who discussed Evaluative Relationships also discussed one or more of these IOAURC subcategories, as seen below:

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<sup>6</sup> To review top concerns for each employee category, see Appendix C. However, to ensure anonymity of visitors, and given the small number of department chairs, issue information concerning this employee category is not included in this report.

<sup>7</sup> Anecdotally, Evaluative Relationships is a top concern every year for many institutions, as stated by numerous ombuds.

<sup>8</sup> The term supervisor is used broadly to reflect any role that has supervisory authority or responsibility.



The three most prevalent IOAURC subcategories related to Evaluative Relationships in FY17 are the same top three subcategories as last year. They are defined as follows:

**2.e Communication<sup>9</sup>:** quality and/or quantity of communication.

<sup>9</sup> The three 2018 employee surveys, the Employee Engagement Survey, the Equity and Inclusion Survey, and the Ethics Survey (hereinafter referred to as “The Three 2018 Employee Surveys”),

- Ninety-seven percent (97%) of the 118 visitors who discussed Evaluative Relationship matters specifically raised issues of communication or lack thereof. Communication issues commonly focused on the manner or frequency in which messages are communicated (or not communicated), as well as the need for more open communication and transparency, especially with regard to changes that are being made within each division or department, including personnel changes. One theme that emerged this year was that multiple visitors reported that their supervisors/managers were largely unavailable to their team; the supervisors/managers did not meet with them or their teams on a regular basis and were also often unavailable for questions or follow-up. Employees reported that this unavailability made various kinds of communication more challenging and the completion of certain job duties more difficult.

**2.b Respect/Treatment<sup>10</sup>:** demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.

- Eighty percent (80%) of the 118 visitors who discussed Evaluative Relationship matters specifically raised respect/treatment issues. These issues took a number of forms, including, but not limited to, the perception that an employee was: insulted, demeaned, ignored, excluded, moved to new roles/assignments with little to no notice, assigned an increased, unrealistic workload (as compared to others in same department), disinvited from group meetings to which they had previously been invited, or forced to take some action even when they strongly disagreed with the action on a personal/ethical level.

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also independently and collectively revealed that a number of employees perceive the quantity and quality of communication to be an issue at the College. E.g., In Dr. Pollard’s March 27, 2018 Email to Montgomery College Colleagues about My Reflections on the Employment Engagement Survey, she remarked that “Despite significant efforts, important messages to our organization are not always communicated successfully. While a substantial amount of information is shared, these efforts do not always result in consistent, successful communications collegewide.”

<sup>10</sup> The Three 2018 Employee Surveys also independently and collectively uncovered perceptions that some employees see Montgomery College as a place where incivility is prevalent. E.g., Dr. Pollard shared in her May 8, 2018 Memo to Montgomery College Colleagues about Our Ethics Survey, “There were also employees who reported colleagues acting with insufficient civility or integrity.”

**2.c Trust/Integrity<sup>11</sup>:** suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.

- Seventy-six percent (76%) of the 118 visitors who discussed Evaluative Relationship matters specifically raised trust/integrity issues. These issues largely appeared to be tied to 2.e, above, the lack of communication or the quality of communication, as well as 2.b Respect/Treatment, also discussed above.

### Organizational, Strategic, Mission Related

Fifty-two percent (52%) of visitors discussed Organizational, Strategic, and Mission Related matters. The Organizational, Strategic, Mission Related category is defined by the IOAURC as: “questions, concerns, issues or inquiries that relate to the whole or some part of an organization.”

Organizational, Strategic, and Mission Related matters have been a top-three concern for the past three years for all employee groups, except for Part-Time Faculty in FY17.<sup>12</sup>

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<sup>11</sup> The Three 2018 Employee Surveys also unearthed issues involving employee distrust. Dr. Pollard, herself, noted the deep distrust expressed by some employees at the College in her March 27, 2018 Email to Montgomery College Colleagues about My Reflections on the Employee Engagement Survey. There, she remarked, “Some components of the College’s culture are profoundly lacking in trust, so much so that some employees seem to have reported their employee group and areas incorrectly on the survey itself so as to not reveal their identities.” In addition, in her December 20, 2017 Email to Colleagues about the Equity and Inclusion Survey, Dr. Pollard noted, “[t]he culture of the College continues to be one lacking trust, rife with fear of retribution, and slow to effect change when needed.”

<sup>12</sup> For more information regarding top concerns for each employee group, please see Appendix C.

## Subcategories Chart



In FY18, the top three most prevalent IOAURC subcategories connected to the Organizational, Strategic, and Mission Related reporting category are the same top three subcategories as in FY17. These subcategories are defined in the IOAURC as follows:

**8.b Leadership and Management<sup>13</sup>:** quality/capacity of management and/or management/leadership decisions, suggested training, reassignments and reorganizations.

- Eighty-nine percent (89%) of the 105 visitors who raised concerns associated with Organizational, Strategic, and Mission Related matters discussed Leadership and Management issues. One theme from last year, that was discussed again frequently this year, was the perception a manager/leader was lacking in one or more managerial skillsets, including the ability and/or desire to address conflict in the workplace productively, and the ability and/or desire to communicate

<sup>13</sup> The Three 2018 Employee Surveys also revealed a number of employees had a variety of concerns about leaders and managers. E.g., Dr. Pollard noted that the Employee Engagement Survey results offered “significant feedback for opportunities for improvement,” for “management and senior leadership” in her March 27, 2018 Email to Colleagues on My Reflections on the Employee Engagement Survey.

effectively, respectfully, or on a regular basis. Another skillset that was perceived to be lacking in some leaders and managers were change-management and project planning skills, including the ability to execute large-scale initiatives effectively. This inability to lead teams through the execution of projects or the implementation of initiatives, resulted in many employees reporting feeling overworked, overwhelmed, and anxious. One related theme was that some employees who were tasked with executing some part of a bigger plan/project/initiative, reported that they were not receiving the needed guidance or resources from some leaders and managers to properly or effectively support the project or initiative, and yet they were still being held accountable for getting the work done. One additional theme that arose this year was the perception that some leaders/managers are not proactively and effectively dealing with poor performing employees, leading to low morale, increased conflict, and declining productivity in affected units/departments.

**8.d Communication:** content, style, timing, effect, and amount of organizational and leader's communication, quality of communication about strategic issues.

- Eighty-six percent (86%) of the 105 visitors who raised concerns associated with Organizational, Strategic, and Mission Related matters discussed communication issues. Similar to FY17, a recurring theme shared by visitors in FY18, concerned the perceived need for more open communication and transparency from administrators and department heads, especially with respect to changes and key decisions that affect all employees. Another theme that recurred was the perception that some leaders/managers are not communicating respectfully with their employees, including failing to respond to email requests, calling them out publicly, changing their roles/assignments without any meaningful discussion as to why, refusing to listen to follow-up questions or feedback regarding assignments, or failing to give critical performance feedback until the end-of-year performance evaluation.

**8.e Use of positional power:** lack or abuse of power provided by individual's position.

- Seventy-one percent (71%) of the 105 visitors who raised concerns associated with Organizational, Strategic, and Mission Related matters discussed positional power issues. Similar to FY17, one recurring theme in this category was the visitor perception of either

direct or indirect threats/statements from employees in power positions to thwart employees from seeking help from someone higher in the organizational hierarchy, HRSTM, or the Office of the Ombuds, for an issue they had identified and brought to the employee in the power position. Also, like last year, another recurring theme was the perceived directive to not ask questions about decisions, even when employees may have strong concerns about the decisions based on work experience and knowledge, where the act of asking questions resulted in perceived retaliation or the threat of such retaliation.<sup>14</sup> Another theme that arose this year was the perception that some leaders/managers/supervisors routinely overstepped in their roles, including inserting their decisions/preferences at lower levels of the organization where a lower level leader/manager/supervisor was charged with making the decisions and had a deeper understanding of the details surrounding the decision or asking employees to do personal errands/tasks. One other theme that emerged last year and was also discussed this year was the perception that employees at all levels of the organization are not being held accountable for failing to adhere to the Code of Ethics and Employee Conduct, in part, due to the influence or power that the poorly acting employees have within the organization.

### Peer and Colleague Relationships

While Evaluative Relationships and Organizational, Strategic, and Mission Related have been two of the top three issues discussed by visitors to the Office of the Ombuds every year since the inception of the ombuds reports (in 2013), Peer and Colleague Relationships is a top three category this year for the first time in the ombuds office history. This year, thirty-one percent (31%) of visitors to the Office of the Ombuds discussed the category of Peer and Colleague Relationships. This category is defined by the IOAURC as: “Questions, concerns, issues or inquiries about involving peers or colleagues who do not have a supervisory-employee or student-professor relationship.”

Peer and Colleague Relationships<sup>15</sup> was a top concern this year for:

- Academic Affairs,
- Student Affairs,

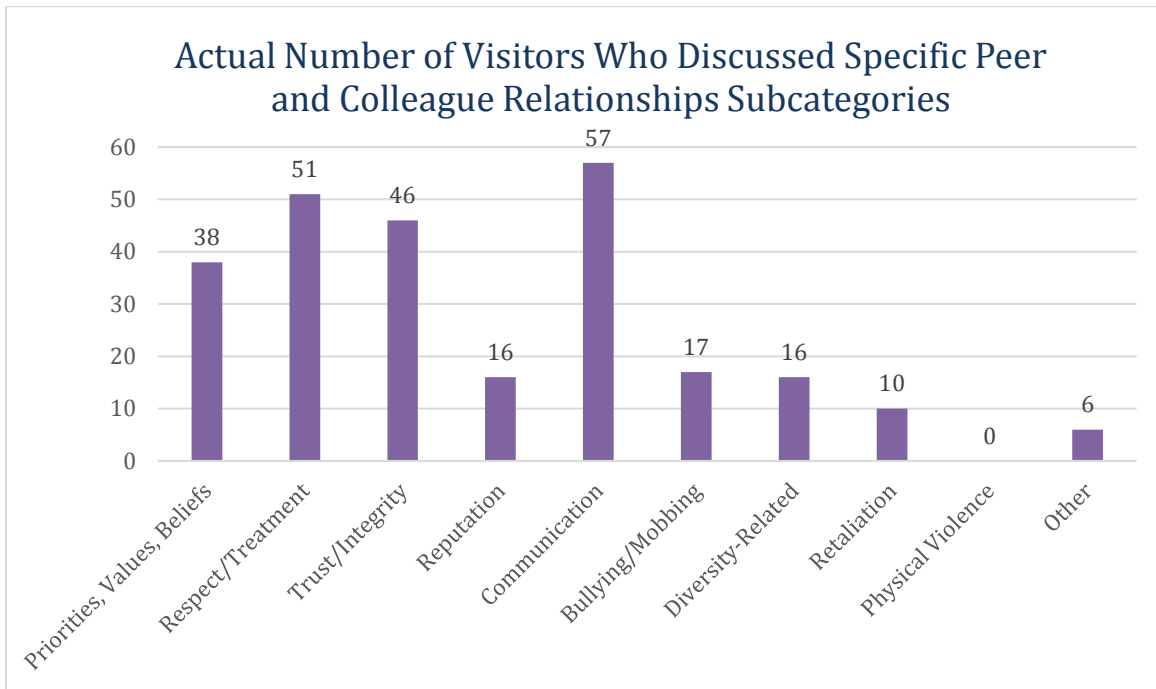
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<sup>14</sup> Employee concerns about retaliation were also unearthed in the Three 2018 Employee Surveys. E.g., Dr. Pollard, in her May 10 2018 Memo to Montgomery College Colleagues about Our Ethics Survey, shared that “37 percent of respondents reported that they did not feel comfortable communicating ethical concerns without fear of retaliation.”

<sup>15</sup> For more information regarding top concerns for each employee group, please see Appendix C.

- staff,
- full-time faculty,
- female employees, and
- Asian and Black/African-American employees.

**Subcategories Chart:**



In FY18, the three most prevalent IOAURC subcategories related to Peer and Colleague Relationships are defined as follows:

**3.e Communication:** quality and/or quantity of communication.

- Ninety percent (90%) of the 63 visitors who raised issues of Peer and Colleague Relationships specifically discussed this subcategory. Through words, tone and body language, communication was the main vehicle by which visitors experienced being disrespected by their colleagues and peers, as described above in 3.b. Respect/Treatment. Moreover, one theme that was discussed repeatedly was the way in which fellow employees communicated over email. In addition to the perception that some co-workers were using thoughtless or rude language in their emails, in a number of cases, colleagues also cc'ed others (at the same level or higher) on these negative communications, heightening the sense of disrespectful treatment experienced by the visitors. One other common theme that emerged was



that some employees at the College do not respond in a timely way or at all to direct requests over email.

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

- Eighty-one percent (81%) of the 63 visitors who raised issues of Peer and Colleague Relationships specifically discussed their perception that a co-worker at the College (inside or outside the department in which the employee worked) behaved disrespectfully and/or improperly toward them. Some commonly discussed behaviors included, but were not limited to, rude or insulting remarks, spreading gossip, persistent criticism, exclusion, public humiliation, silent treatment, not responding in a reasonable time frame (or at all) to requests for meetings or information, and inappropriate tone of voice.

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

- Seventy-three percent (73%) of the 63 visitors who raised issues of Peer and Colleague Relationships specifically with respect to their perception that a co-worker at the College (inside or outside the department in which the employee works) acted in a way that was untrustworthy or lacked integrity. These issues largely appeared to be tied to 3.e, above, the lack of communication or the quality of communication, as well as 3.b Respect/Treatment, also discussed above.

## Ombuds' Recommendations

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 positive systemic change. In each of the five previous annual reports, the ombuds has made multiple recommendations for positive change, all of which were adopted by Dr. Pollard. The following sections include updates on previously approved recommendations where implementation has newly been completed (even if the recommendation is recurring) or where implementation is in process.<sup>16</sup> These recommendations are previously outlined in the Montgomery College Office of the Ombuds Fourth Annual Report, and in the November 9, 2017 Memo from Dr. Pollard to Montgomery College Colleagues Regarding 2017 Ombuds Recommendations, both documents which may be found at:

[www.montgomerycollege.edu/ombuds](http://www.montgomerycollege.edu/ombuds). Additionally, this section includes three new recommendations for positive change based on the FY18 data. ***Ultimately, the FY18 Recommendations include eleven (11) recommendations – five (5) that were previously adopted by Dr. Pollard and where implementation has now been completed, three (3) that were previously adopted where implementation is underway, and three (3) new recommendations.***

### Updates on Previously Adopted Recommendations – Completed in FY18

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

##### **Recommendation (previously adopted in FY14, FY15, and FY16):**

***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.***

Dr. Pollard approved this revised recommendation in FY16, resulting in the selection of a new 360-degree feedback instrument package and the completion of a successful pilot with one department. This past year, 360-degree feedback surveys were conducted on all supervisors, including staff managers, department chairs, and administrators, across the five (5) divisions of the College from fall 2017 through spring 2018.

As part of the process, before administering the surveys, HRSTM provided information sessions in multiple locations for participants to explain the purpose and the benefits of

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<sup>16</sup> Please note that “implementation is in process” means that action has been taken or is in the process of being taken that is responsive to the recommendations, but that full implementation of the recommendation has not yet occurred.

the surveys and to outline the process. In addition, post-survey, HRSTM held sessions at multiple locations to assist supervisors in interpreting the feedback results and in creating a development plan (performance and development goals) for 2018–2019. While HRSTM also offered individual feedback and coaching sessions, only a few supervisors requested this service.

Additionally, in the FY19 performance evaluation form, supervisors were prompted to reference the 360-degree feedback report to inform and guide in the creation of FY19 performance and professional development goals for themselves as well as for other supervisors who they oversee and manage.

Case data from FY18, particularly with regard to perceived incivility, disrespect, and poor or absent communication from leaders and supervisors, indicates that the College should continue to monitor and measure how leaders and supervisors are perceived by their direct reports, managers, and peers.

However, before undertaking the 360-degree feedback process cycle again in FY19<sup>17</sup>, it is recommended that HRSTM have an opportunity to assess the value of the specific tool and process with respect to evaluating employee performance, identifying problem issues for leaders and supervisors, and improving outcomes through additional suggested professional development, coaching, or practice, post-survey.

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

**Recommendation (previously adopted in FY14 and, as revised, in FY15 and then again in FY16):**

***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.***

Dr. Pollard adopted the original recommendation and the subsequent revisions regarding examining the employee experience to ensure that Montgomery College is an inclusive workplace. Most recently, with respect to the specific revised recommendation above, Dr. Pollard stated, in relevant part:

With the College's efforts to attract and retain employees of diverse

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<sup>17</sup> Dr. Pollard approved the FY14 ombuds recommendation to conduct the 360-degree feedback process every other year. (October 13, 2014 Memo from Dr. Pollard to Montgomery College Colleagues Regarding 2014 Ombuds Recommendations, see also <http://cms.montgomerycollege.edu/WorkArea/DownloadAsset.aspx?id=70251>).

backgrounds, any trends that suggest obstacles to this must be more closely examined. The Ombuds' recommendation of a climate assessment, as a first step, is accepted and will be implemented. This will be one of the first tasks of the new chief equity and inclusion officer, who is to be hired sometime in the coming year.

Further implementation steps to ensure fair and equal treatment of all people involved in the EEO complaint process will be determined.

(December 14, 2016 Memo from Dr. Pollard to Montgomery College Colleagues Regarding 2016 Ombuds Recommendations, please see also <http://cms.montgomerycollege.edu/WorkArea/DownloadAsset.aspx?id=96359>).

As Dr. Pollard indicated in the above cited memo, a chief equity and inclusion officer, was hired in May 2017. Between June and October of 2017, the new CEIO, Ms. Sharon Bland, JD, participated in numerous "listening tours" collegewide with over 600 employee participants. She also met with 670 students through her "Pizza for Your Thoughts" series. The primary goal of these conversations with employees and students was to learn about employees' and students' experiences at Montgomery College with respect to equity and inclusion. In October 2017, Ms. Bland also created and distributed the Equity and Inclusion Survey collegewide to its employees.

In addition, under direction from Dr. Pollard, Ms. Bland organized the President's Advisory Committee on Equity and Inclusion (PACEI), to provide "recommendations about how to reduce barriers to equal access, create practices that produce more equitable outcomes, and infuse more equity-mindedness in our teaching and learning" (August 25, 2017 Memo from Dr. Pollard to Montgomery College Colleagues Regarding President's Advisory Committee on Equity and Inclusion). This committee consists of over 50 employees from all levels of the College who were selected by Ms. Bland after an open application process.

The PACEI, which meets two times a month during the academic year, is organized into eight (8) subcommittees, each with specific priorities and focus.<sup>18</sup> In its first year of meeting, PACEI developed over 50 recommendations, several of which were formally presented to and approved by the Senior Administrative Leadership Team (SALT) this past spring. Examples of approved recommendations include: 1) Broadening recruiting outreach to immigrant and minority communities including Hispanic/Latino/a/,

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<sup>18</sup> The eight (8) sub-committees include: 1) Student Experience and College Culture, 2) Business Practices and Procurement, 3) Faculty, Teaching, and Curriculum, 4) Human Resources/Recruiting, Hiring, Retention, Succession Planning, 5) Nationwide Peer Institution Best Practices/Assessment and Evaluation Resources, 6) Reports and Communications, 7) Training, Dialogue, Events, and Celebrations, and 8) Workforce Development and Community Engagement.

Black/African-American, Asian, people with disabilities, LGBTQIA+, and women in STEM through advertising positions in targeted publications, posting in relevant social media groups, attending relevant events/conferences with current employee “ambassadors” and deleting restrictive references to visas; 2) Adopting and disseminating Civility Norms collegewide to promote discussion; 3) Updating new student and employee onboarding processes to include welcome video with Equity and Inclusion focus by Dr. Pollard; and 4) Creating a communications plan for employees and students to disseminate critical centralized information regarding discrimination, abuse, bias concern reporting, and conflict resolution processes.

Additional recommendations focused on improving equity and inclusion efforts will be presented to SALT in spring 2019 by the CEIO and the PACEI. Moreover, the CEIO will be launching a new website this fall and hosting an Equity Summit at Montgomery College this coming spring.

With the CEIO and PACEI in place, this recommendation has been implemented; ongoing efforts to ensure that Montgomery College is an inclusive workplace for all are actively underway and will continue to be the exclusive focus of the CEIO and the PACEI.

### **3. Examine and Address Challenges Related to the EEO and Employee and Labor Relations Processes**

#### **Recommendation (previously adopted in FY16):**

***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.***

In FY16, Dr. Pollard adopted this recommendation, which resulted, in part, in the hiring of a new director of employee and labor relations. In March 2017, Ms. Heather Pratt, JD, was selected for this role (December 14, 2016 Memo from Dr. Pollard to Montgomery College Colleagues Regarding 2016 Ombuds Recommendations, please see also <http://cms.montgomerycollege.edu/WorkArea/DownloadAsset.aspx?id=96359>). Over the past year, under Ms. Pratt’s direction, the Employee and Labor Relations office completed a thorough examination of the College processes related to addressing employee concerns, specifically those concerns falling under Title VII (EEO). After such review, Ms. Pratt decided to move the investigation of EEO matters back in-house, instead of using an external vendor, which had been past practice. This change has resulted in faster, more efficient resolution processes, where most matters are resolved in less than sixty (60) days.

In addition, with the fall 2017 implementation of EthicsPoint, a case management system, the Employee and Labor Relations team is more able to effectively and readily capture comprehensive data, create meaningful reports, begin to identify trends, and most critically, help to ensure consistent and fair treatment across the College. Moreover, the Employee and Labor Relations team continues to work on revising relevant Policies and Procedures to ensure clear, easy to follow, user-friendly guidelines to encourage reporting.

This recommendation has been implemented, and, under Ms. Pratt's direction, the Employee and Labor Relations group will examine and address challenges related to the EEO and employee and labor relations processes in an ongoing way.

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

##### **Recommendation (previously adopted in FY14, FY15, and FY16):**

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

Dr. Pollard formally adopted this recommendation in FY14. Notably, in June 2017, the Board of Trustees approved the Code of Ethics and Employee Conduct Policy and Procedure, 31000 and 31000CP, to establish the Montgomery College Code of Ethics. The Employee Services Council's original proposal was integral to the creation of the current Code of Ethics and Employees Standards of Conduct handbook, which can be found at: <http://cms.montgomerycollege.edu/EDU/Department4sub1.aspx?id=102164>.

In 2017, Dr. Pollard directed the Office of Compliance, Risk, and Ethics (OCRE) to oversee the implementation of the Code of Ethics and Employee Conduct Policy and Procedure, 3100 and 3100CP, and the College's ethics program, generally. Starting in FY17, and into FY18, as part of the implementation plan, the OCRE began conducting an awareness campaign with administrators as well as conducting comprehensive in-person employee ethics training with administrators and supervisors. OCRE is also in the process of developing a second, more in-depth online ethics training course, a training that will be deemed mandatory for staff, faculty, and administrators in FY19. Additionally, in FY18, the OCRE implemented EthicsPoint, a confidential and anonymous third-party ethics reporting line which OCRE manages.<sup>19</sup> Moreover, in FY18, the OCRE also created and distributed a one-page employee resource, entitled, "Roadmap for Employees to Address Concerns," to help employees navigate ethical concerns, as well as other employee concerns. (Please see <http://cms.montgomerycollege.edu/EDU/Department.aspx?id=107742>).

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<sup>19</sup> While OCRE manages the EthicsPoint program, HRSTM also uses the system for case management purposes, though there is a firewall between OCRE and HRSTM.

This recommendation has been fully implemented. The Code of Ethics and Employee Conduct has been developed and approved as official College policy and procedure. The OCRE is overseeing ethics training to ensure that all staff, faculty, and administrators learn about ethical decision making and understand the expectations to which all employees must adhere as articulated in the Code of Ethics and Employee Conduct. Finally, OCRE is overseeing the investigation and resolution of ethical concerns brought pursuant to the policy and procedure.

Like data from the previous four years, case data from FY18, particularly with regard to Evaluative Relationships and Organizational, Strategic and Mission Related matters, further supports the creation and implementation of a Code of Ethics and Employee Conduct, specifically, and an ethics program, more generally.

##### **5. Commit to Providing Employees Protected Access to the Office of the Ombuds Services, Without the Fear of Retaliation**

###### **Recommendation (previously adopted in FY17):**

***Commit to providing the Montgomery College community with protected access to the Office of the Ombuds by directing the Administration to communicate widely to all levels of employees that the Office of the Ombuds was established intentionally by the President and Board of Trustees to help employees mitigate and manage workplace conflict, and is, in fact, a viable, informal, and confidential means of helping all employees address workplace issues. Communicate to leaders that employees should not be dissuaded from using the Office of the Ombuds or cooperating with the Ombuds, and reiterate that learning that an employee visited or cooperated with the Office of the Ombuds cannot result in retaliation without consequence.***

This recommendation also included a suggestion that the College could add specific language to the College Ombuds Policy and Procedure, 39001, to protect employees expressly from retaliation.

Dr. Pollard adopted this recommendation in November 2017, writing, in relevant part:

In the FY17 report, the Ombuds found that a sizable number of visitors expressed concern about retaliation should their supervisor learn of their visit and, in some cases, were actively discouraged by their supervisor from contacting the ombuds. I consider such attitudes and actions by supervisors to be unacceptable and in direct contradiction to the professional climate at the college. I accept the recommendation that explicit language be inserted in a policy or procedure to protect employees from retaliation.

(November 9, 2017 Memo from Dr. Pollard to Montgomery College Colleagues Regarding 2017 Ombuds Recommendations, please see <http://cms.montgomerycollege.edu/WorkArea/DownloadAsset.aspx?id=103801>).

In FY18, explicit and clear language protecting employees from retaliation when working with or cooperating with the ombuds was successfully added to College Policy 39001, College Ombuds, rendering this recommendation implemented. The new language is below:

This Policy prohibits actual or threatened retaliation, as defined in College Policy 39003–Protection Against Retaliation, by anyone in the College community against an individual because the individual utilizes the Ombuds services, including but not limited to, meetings with the Ombuds, or engaging in a facilitated conversation. This policy also prohibits retaliation against a person who cooperates with the Office of the Ombuds.

(Please see Appendix C. College Ombuds policy, 39001 at Section IV, or please see: [https://cms.montgomerycollege.edu/EDU/Verified\\_-\\_Policies\\_and\\_Procedures/PDF\\_Versions/39001\\_College\\_Ombuds/](https://cms.montgomerycollege.edu/EDU/Verified_-_Policies_and_Procedures/PDF_Versions/39001_College_Ombuds/)).

### Updates on Previously Adopted Recommendations – Still in Process

#### 1. Integrate the Core Values of Civility and Respectful Communication into the Standards for Employee Performance for All Employees

##### **Recommendation (previously adopted in FY17):**

***Commit to integrating the core values of civility and respectful communication into the standards for employee performance for all employees by explicitly incorporating these values into the language of existing competencies that are already a part of the annual performance evaluation or by creating a new competency if pre-existing competencies are not applicable to these values.***

This recommendation derived from the FY17 case data that focused on the common visitor perception that poor, unprofessional, or uncivil behavior was prevalent in the context of evaluative relationships, peer relationships, leadership/management, and workplace culture.

Dr. Pollard approved this recommendation last year, stating, in relevant part:

The practice of civility toward one’s colleagues, students and visitors to the College should be a fundamental competency that the College should



underscore by incorporating it into expectations for employee behavior. In order to implement this recommendation, I am directing the Human Resources and Strategic Talent Management to develop a plan to integrate civility and respectful communication into the standards of employee performance evaluations in time for the performance review scheduled for 2019.

(November 9, 2017 Memo from Dr. Pollard to Montgomery College Colleagues Regarding 2017 Ombuds Recommendations, please see also <http://cms.montgomerycollege.edu/WorkArea/DownloadAsset.aspx?id=103801>).

As a result of the delay in the Workday project, at the time of the publication of this report, HRSTM had not yet decided on the method or tool to be used for the FY19 performance evaluations. However, HRSTM is committed to including civility and respectful communication as competencies in the design of the performance evaluation form/tool used for FY19.

Notably, FY18 case data underscores the continued employee perception that incivility, poor communication, and lack of trust are widespread at Montgomery College. The FY18 case data, as well as the corroborating data from The Three 2018 Employee Surveys further support the relevance of this recommendation; evaluating individual employees on these competencies is one effective way to help support positive individual and organizational change in the areas of civility and respectful communication. While the integration of these values into the standards for employee performance will not alone change the organizational culture, alongside other meaningful and deliberative actions, it will help Montgomery College nurture and grow a climate of increased civility and trust.

## **2. Provide Greater Transparency and Clear Guidelines Regarding Internal Promotion Opportunities**

### **Recommendation (previously adopted in FY17):**

***Commit to providing employees with greater transparency and clear guidelines regarding internal promotion opportunities by beginning to map out objective criteria—such as competencies and qualifications—that need to be met to be eligible for promotion to key and/or high volume positions.***

This recommendation derived from FY17 case data, which revealed that employees were concerned about Career Progression and Development, and particularly with regard to transparent communication and clear guidelines regarding promotion and the job application/selection process. Dr. Pollard adopted this recommendation in November 2017, and directed three distinct actions to occur. She stated, in part:

I am accepting the ombuds' recommendation that the College provide greater transparency and clearer guidelines regarding internal promotion opportunities. In order to ensure equity in professional opportunities, the College should define professional pathways more clearly and build awareness of evolving opportunities. . . . Therefore, I am charging the Office of Human Resources and Strategic Talent Management with developing a plan that can be implemented by summer 2019.

(November 9, 2017 Memo from Dr. Pollard to Montgomery College Colleagues Regarding 2017 Ombuds Recommendations, please see also <http://cms.montgomerycollege.edu/WorkArea/DownloadAsset.aspx?id=103801>).

One relevant policy and procedure, Changes in Employee Status, 34001 and CP34001, was revised by HRSTM in FY18, and approved by the Board of Trustees this past June. This policy, which includes discussion about promotions, assignments, and transfers, was revised to be clearer and less burdensome to follow than its previous version. In addition, HRSTM is currently in the process of rewriting the College's recruitment and hiring policies and procedures to make them clearer, easier to follow, and more relevant. These revisions also include the addition of promotion procedures. An ad-hoc committee of stakeholders will be reconvened to review and provide feedback on the proposed new policies and procedures before they are submitted through the formal review and approval channels. HRSTM expects to submit a draft of the proposed policy and procedure changes to the President's Executive Council (PEC) in November 2018. As with all policies and procedure changes, there will be an opportunity for College community review and feedback.

When adopting this recommendation, Dr. Pollard also directed that this second action occur:

I am also charging the Chief Compliance, Risk, and Ethics Officer to meet quarterly with representatives from the Office of the Equity & Inclusion, and Ombuds to look closely at data trends connected to the employee experience. I am requesting their input on improvements to the communication of internal promotion opportunities and clarification of the guidelines around them.

(November 9, 2017 Memo from Dr. Pollard to Montgomery College Colleagues Regarding 2017 Ombuds Recommendations, please see also <http://cms.montgomerycollege.edu/WorkArea/DownloadAsset.aspx?id=103801>).

This group—now known as the People Stewardship group—met over six times in FY18, and its mission broadened in December 2017, where Dr. Pollard directed the group to “cross-walk the Equity and Inclusion Survey, the Employee Engagement Survey, and the ombuds' annual report with the Employee Engagement Advisory Group to offer a set of

actionable recommendations to drive policy and procedure modifications.” (Please see December 20, 2017 Memo from Dr. Pollard to College Colleagues on Equity and Inclusion Survey.) Over the past year, the People Stewardship group analyzed the Three 2018 Employee Surveys and the ombuds report and then developed multiple formal recommendations, including a suggested timeline in which to implement the different recommendations. SALT is currently vetting these recommendations, which focus on a wide variety of subjects, including enhancing human resources practices in recruitment and hiring, encouraging ethical behavior, building high performing teams, leadership assessment, and addressing non-performing employees.

Dr. Pollard’s third directive was as follows: “The Director of Employee/Labor Relations has also been tasked with leading a committee to look at the internal promotions process and develop recommendations to improve it both moving up grades and possible promotions within grade.” (November 9, 2017 Memo from Dr. Pollard to Montgomery College Colleagues Regarding 2017 Ombuds Recommendations, please see also <http://cms.montgomerycollege.edu/WorkArea/DownloadAsset.aspx?id=103801>).

The Director of Employee and Labor Relations has begun efforts toward achieving this directive. The committee members for the internal promotion review process have been selected, and a pilot project has been agreed to by both HRSTM and the staff union to help inform the committee’s future recommendations and provide new opportunities for staff.

### **3. Ensure Greater and More Consistent Support for Employee Career Growth**

#### **Recommendation (previously adopted in FY17):**

***Commit to ensuring greater and more consistent support for employee career growth through a number of means, including by expecting a supervisor to discuss career planning with his/her supervisee at the annual performance evaluation meeting, encouraging employees to take charge of their own career planning by giving them some useful tools to do so . . . and by allocating resources in HRSTM to help provide career coaching to interested employees.***

This recommendation grew out of FY17 case data, in which a number of employees raised issues concerning Career Progression and Development. Dr. Pollard adopted this recommendation in November 2017, stating, in relevant part:

Actively supporting employee professional growth by discussing career planning during employee annual performance review meetings will be a requirement for supervisors. Consistently encouraging the progress of qualified employees at the College is an important responsibility that supervisors should prioritize. Not only will it increase the value of employees to the College, but it will build trust and

enhance workplace relationships . . . .To fully implement this recommendation, I am charging the Office of Human Resources and Strategic Talent Management with developing a partial day training for all supervisors to provide them with strategies to support their direct reports.

(November 9, 2017 Memo from Dr. Pollard to Montgomery College Colleagues Regarding 2017 Ombuds Recommendations, please see also <http://cms.montgomerycollege.edu/WorkArea/DownloadAsset.aspx?id=103801>).

In FY19, HRSTM will be implementing a New Supervisor Orientation for individuals who are either newly hired or promoted into a supervisory role within the College. The Orientation will cover content that addresses the supervisor’s role in developing employees.

HRSTM is also intending on partnering with Workforce Development and Continuing Education (WDCE) and E-Learning, Innovation and Teaching Excellent (ELITE) in developing additional, more robust career development training for all supervisors, new and longer standing, not just those who are new to the role. This plan is in its early stages, and further work is needed to develop this training.

### New or Revised Recommendations for Positive Change

#### 1. **Commit to Determining Concrete and Actionable Means of Ensuring That All Employees Uphold the Ethical Standards Articulated in the Code of Ethics and Employee Conduct**

##### **Recommendation (New):**

***Commit to identifying and operationalizing concrete ways to achieve the purpose of the Code of Ethics and Employee Conduct to ensure that all employees uphold the ethical standards within the Code by convening a group of stakeholders to brainstorm and make decisions on this matter.***

Convene a working group of high level leaders from HRSTM, OCRE, Equity and Inclusion, and other identified stakeholders to brainstorm and then operationalize concrete ways to ensure that one of the main purposes of the Code of Ethics and Employee Conduct—that is, “to hold accountable those employees who choose not to meet standards”—is supported, achievable, and actionable. (Please see Code of Ethics and Employee Conduct Policy and Procedure, 3100 and 3100CP, at [https://cms.montgomerycollege.edu/EDU/Verified - Policies and Procedures/PDF Versions/31000 Code of Ethics and Employee Conduct/](https://cms.montgomerycollege.edu/EDU/Verified_-_Policies_and_Procedures/PDF_Versions/31000_Code_of_Ethics_and_Employee_Conduct/)). This discussion and decision making could focus, in part, on refining the ethical standards as articulated in the relevant policy and procedure, defining

specific ways to make those ethical standards measurable, reviewing other policies, procedures, and practices that are already in place to hold employees accountable for one or more of the stated ethical standards, and finding other ways to embed the ethical standards within the Montgomery College culture.

In recommending in FY14 that a Code of Ethics and Employee Conduct be developed, adopted, and implemented, the previous ombuds originally explained:

This recommendation [to develop, adopt, and implement a Code of Ethics and Standard of Conduct] 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.

(Montgomery College Office of the Ombuds Third Annual Report, please see also <http://cms.montgomerycollege.edu/WorkArea/DownloadAsset.aspx?id=94763>).

In FY18, the case data (and data from The Three 2018 Employee Surveys) continue to support the need for an effective ethics program. This past year, like in previous years, a number of employees perceived co-workers, supervisors, supervisees, managers, and leaders to be behaving uncivilly, unethically, and unfairly. Moreover, in FY18, a number of employees also shared (through the surveys or with the Office of the Ombuds) their perception that some employees at Montgomery College are not held accountable by the College for their routinely improper actions. Instead, these employees are allowed to operate unchecked, ultimately resulting in the growth of negative work conditions for those employees who are aware of the behavior and the fact that the behavior is allowed to continue, and who may even be the target of such improper behavior. These negative work conditions inevitably lead to decreased employee morale, lower productivity, reduced engagement, increased absenteeism, and maybe even employee departure from the College.

While the Code of Ethics and Standard of Conduct has been developed and approved, and the Montgomery College ethics program is up and running, more work should be done to operationalize it, including further embedding the ethical values in the culture of Montgomery College and ensuring that violators of the Code will be held accountable. Once this additional work is completed, the ethics program will be at its most effective and impactful in creating a culture in which all employees can feel valued, engaged, trusted, and trusting of others.

## 2. Commit to Provide Opportunities for Regular Communication between Supervisors and Supervisees

### Recommendation (New):

***Commit to providing employees with the opportunity for regular access to their supervisors to strengthen communication from the top-down and the bottom-up by mandating that routine communication occur via one or more of the following vehicles: regular staff meetings, one-on-one meetings, and timely email communications.***

Where the quantity of communication with respect to evaluative relationships, peer and colleague relationships, and leadership/management continues to be a prevalent concern this year, this recommendation is intended to provide several possible “tried and true” solutions to helping employees participate in regular and intentional communication with their supervisors and/or their work teams. While different groups will have multiple variables to consider when determining which methods of regular two-way communication make sense and what frequency of meeting/communication is appropriate and achievable, it is recommended that supervisors and direct reports communicate directly, where possible, at *least* twice per month, and more frequently, where possible or necessary.

## 3. Commit to Continue to Provide Access to the Office of the Ombuds

### Recommendation (Revised):

***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 allocating positions and recruiting for an associate ombuds and administrative aide, finding additional discrete spaces in which an associate ombuds and administrative aide would work, and identifying discrete office space on each of the three campuses that can be used regularly on a part-time basis.***

Dr. Pollard adopted a similar recommendation in 2016 that asked for resources to provide for a budget for the Office of the Ombuds and the expansion of staff and office space. In adopting the previous recommendation in December 2016, she stated, in relevant part:

I am accepting this new recommendation, thought its implementation depends on resource availability. The possibility of funding for additional ombuds staff persons and allocation of a separate budget for training and materials are tied to the availability of funds. . . .The ombuds program began as a pilot in 2013. It has proven itself to be an important service in the College’s repertoire of employee

engagement tools. Every effort will be made to institutionalize the office as a permanent part of the community.

(December 14, 2016 Memo from Dr. Pollard to Montgomery College Colleagues Regarding 2016 Ombuds Recommendations, please see also <http://cms.montgomerycollege.edu/WorkArea/DownloadAsset.aspx?id=96359> ).

While the Office of the Ombuds did receive a separate budget for training and materials, conferences, and other office needs in July 2017, to date, resources have still not been formally allocated to provide for the expansion of staff for the Office of the Ombuds.

***In light of the 60% increase in visitors in FY18 as compared to FY17, the Office of the Ombuds is submitting this recommendation in earnest.*** This recommendation is further supported by the College's plan to expand ombuds services to students, as is articulated in the 2018 Middle States Self-Study.<sup>20</sup> It is crucial from a workload perspective to have an associate ombuds to help support the increased number of employee visitors as well as to help the Ombuds to build and implement an ombuds program for students at Montgomery College. Further, it would be helpful from an administrative perspective to also hire an administrative aide to help with routine clerical tasks, such as scheduling appointments and trainings, reserving conference rooms, and more. At present, the Montgomery College Ombuds is handling all aspects of the running of the office by herself, detracting from the amount of time she is able to spend on substantive matters.<sup>21</sup>

Further, in keeping with the recommendation to expand the Office of the Ombuds staff, the physical space allocated to the Office of the Ombuds should also expand. At present the Office of the Ombuds' physical meeting space consists of one 10x10 office on the Rockville Campus. With the addition of an associate ombuds, at least, one additional, discrete office will be required for the associate ombuds to meet privately with visitors. Moreover, with the addition of an administrative aide, a separate office space will be required to enable him/her to work adjacent to, but not in the meeting spaces provided for the ombuds and associate ombuds.

It is also recommended that the Office of the Ombuds be allocated a regular discrete meeting space on all three of the main campuses for use on a regular part-time basis that would hold three people or more.

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<sup>20</sup> For 2018 Middle States Self-Study, please see <https://cms.montgomerycollege.edu/EDU/Department.aspx?id=79403>.

<sup>21</sup> The Office of the Ombuds wishes to acknowledge the staff across the College who have been routinely gracious in helping the Office of the Ombuds reserve rooms, responding to ombuds requests quickly and kindly, and often finding alternative spaces when the room that has been requested is already booked.

## Conclusion

Conflict is inevitable; it is an integral part of everyday life. With Montgomery College's ongoing commitment to providing its employees with meaningful and accessible means and resources to address conflict productively and with each employee making a commitment to uphold the Code of Ethics and Employee Conduct, the College culture will change, bringing increased levels of employee engagement, satisfaction, productivity, and morale.

The recommendations, data, and observations in this report are intended to contribute to conversations about how the Montgomery College community can continue to do this important work of addressing conflict, with the ultimate objective of creating stronger, more ethical, more civil, and more inclusive workspaces. As Dr. Pollard stated, "By nurturing a culture of respect and fairness, Montgomery College is committed to investing our best work in serving our students, our community, and ourselves."<sup>22</sup>

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<sup>22</sup> Introduction by Dr. DeRionne P. Pollard, President to the Code of Ethics and Employee Standards of Conduct Handbook (online version) at <http://cms.montgomerycollege.edu/EDU/Department4sub1.aspx?id=102164>.



## Appendix A. Accomplishments and Activities

Since December 2013, the Office of the Ombuds has worked diligently to inform the community about its conflict management support services as well as to provide direct guidance and support for individual employees or groups seeking help with conflict management and resolution. The Office of the Ombuds has provided support to the community in a variety of ways, including by participating in one-on-one meetings, facilitated meetings with two or more employees, trainings, and group meetings. Below please find a summary of outreach and other ombuds activities from July 1, 2017 through June 30, 2018.

### Outreach/Training

In FY18, the ombuds continued to conduct substantial outreach to inform College employees about the services provided by the Office of the Ombuds, as well as to discuss the annual ombuds report data. In FY18, the ombuds also served as a trainer on civil workspaces, clear and collegial communication, and more, as well as received training. More particularly, the ombuds accomplished the following:

- ❖ Presented to 25 different Montgomery College groups from all different constituencies, including various councils, part-time faculty orientation, staff and faculty division or departmental meetings, administrator meetings, union meeting, and, in one case, to students in a writing class.
- ❖ Posted articles on InsideMC.
- ❖ Contributed article to the newsletter for the Office of Compliance, Risk, and Ethics introducing the Office of the Ombuds.
- ❖ Staffed a table to introduce and discuss the Office of the Ombuds during Compliance Week 2017.
- ❖ Presented a half-day class at Montgomery College on Options for Handling Conflict at the College.
- ❖ Participated as a panelist and co-author of presentation submission, entitled, “Navigating the First Year of Ombuds Practice” at the annual Association of Conflict Resolution.
- ❖ Participated as a panelist for workshop entitled, “Can an Ombuds Help Conflicts & Improve Labor-Management Relationships?” at the annual National Center for

the Study of Collective Bargaining in Higher Education and the Professions conference.

- ❖ Attended the International Ombuds Association (IOA) Annual Conference
- ❖ Attended the Association of Conflict Resolution (ACR) Annual Conference.
- ❖ Completed Montgomery College's new Focus on Ethics training.
- ❖ Completed Mental Health First Aid training through Montgomery College.
- ❖ Completed Power Tools for High Impact Leadership training through the Interagency ADR Working Group, Workplace Conflict Management Section in coordination with the Department of Energy's Alternative Dispute Resolution Office.

## Other Activities

Moreover, in this past fiscal year, the ombuds has been active in collaborating with employees inside and outside the Montgomery College community. More specifically, the ombuds has:

- ❖ Participated in an advisory capacity on multiple Montgomery College committees, including PACEI, People Stewardship, Required Training, and Advancing Customer Service.
- ❖ Worked to update and gain approval by PEC for additional language to the College Ombuds Policy & Procedure, 39001. The new language was added and approved to ensure that there will be no retaliation for those who seek services or cooperate with the Office of the Ombuds.
- ❖ Served in an advisory capacity to help create the new and clear Protection Against Retaliation Policy & Procedure, 39003 and 39003CP.
- ❖ Consulted in an advisory capacity on the training curriculum for and invited to train on the Code of Ethics and Employee Conduct Policy & Procedure, 31000.
- ❖ Continued to participate in monthly meetings in the Maryland Ombuds Network (MON), a group co-founded by the ombuds in FY17. Within these monthly meetings, members of MON share support, referrals, and resources between and among members on an ongoing basis. In addition, in FY17, MON began to engage in advocacy efforts to support the ombuds profession.

- ❖ Helped co-found a collaborative for ombuds who work exclusively in the community college setting (the name of the group has not yet been finalized). This group meets bi-monthly and talks about best practices for working as an ombuds in a community college setting.
- ❖ Invited to and presented a press conference on the FY17 annual report to Montgomery College students in a writing class as the vehicle for their final exam.

## Satisfaction with the Ombuds Services

In FY18, for the first time, the Office of the Ombuds used Survey Monkey, an online survey tool, to create the Satisfaction Survey for the Montgomery College Office of the Ombuds, rather than use a paper survey form.<sup>23</sup> The information below was compiled from the 90 evaluations that were successfully completed and submitted by individual visitors. Notably, there was a 50 percent (50%) rate of return in FY18,<sup>24</sup> far greater than the 29 percent (29%) rate of return in FY17, and the 36 percent (36%) rate of return in FY16.<sup>25</sup>

Highlights from the survey include:<sup>26</sup>

- ❖ 100% of the employees “agreed” or “strongly agreed” that “the Ombuds listened to their concerns in a respectful manner.”
- ❖ 97% of the employees agreed that “the Ombuds responded to them in a timely manner” (2% of employees marked “neutral” for this question).
- ❖ 93% of employees “agreed” or “strongly agreed” that “the Ombuds functioned neutrally” (5% of employees marked “neutral” for this question).

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<sup>23</sup> Both the current online survey form and the former paper survey form were set up specifically to allow visitors to share their feedback anonymously.

<sup>24</sup> There were 23 visitors who were seen in FY18 who had not received the survey by the date of this writing for multiple reasons, including they had left employment at Montgomery College, the issues involved were still active from the perspective of the ombuds, or they had indicated they did not want to receive email from the Office of the Ombuds (the survey was sent via email from the Office of the Ombuds account).

<sup>25</sup> There is a strong reason to believe that the increased number of responses was, at least in some part, due to the ease of completing and submitting the form online. According to the data analysis from Survey Monkey, the average amount of time spent on this year’s survey was just two minutes and 14 seconds.

<sup>26</sup> The FY18 satisfaction survey was markedly different than the survey used in prior years. First, the scale was different. This year, there is a new category, “N/A”, and instead of “neither,” the choice is “neutral.” The other parts of the scale—“strongly agree” and “agree” and “strongly disagree” and “disagree” - are similar to prior years. In addition, new questions were added and a number of the previously asked questions were modified. For survey questions from the previous years, please see earlier Annual Reports at <http://cms.montgomerycollege.edu/EDU/Department.aspx?id=97432>.

- ❖ 93% of employees “agreed” or “strongly agreed” that “the Ombuds helped me identify and evaluate the options available to address my concerns” (4% of employees marked “neutral” for this question).
- ❖ 92% of employees “agreed” or “strongly agreed” that “the Ombuds honored confidentiality” (7% of employees marked “neutral” for this question).
- ❖ 91% of employees “agreed” or “strongly agreed” that they “would refer others to the Office of the Ombuds” (6% of employees marked “neutral” for this question).
- ❖ 89% of employees “agreed” or “strongly agreed” that they would “use the Office of the Ombuds again should the need arise” (7% of employees marked “neutral” for this question).
- ❖ 89% of employees were “very satisfied” or “satisfied” with the overall ombuds service (8% of employees marked “neutral” for this question).

Moreover, 75 employees who took the survey responded when asked to “[p]lease indicate what you [would] have done about your concern had the Office of the Ombuds not been available.” Many of these comments indicated that if the service had not been available, the employee would have handled the situation less positively, there by escalating the conflict and increasing personal frustration and stress. Some representative comments are below:

- ❖ “I would have resigned.”
- ❖ “[W]hat most usually do at MC – nothing. Just keep quiet if you cannot fix (sic) yourself.”
- ❖ “Complain to coworkers; met with HR.”
- ❖ “I would have found someone else to mediate but it is difficult to find someone neutral.”
- ❖ “I do not know, possibly left my position.”
- ❖ “I would have been terminated from the College.”
- ❖ “Sent an ill advised email.”
- ❖ “I would have filed an EEO compl[ain]t.”

- ❖ “Gone to the union or HR.”
- ❖ “Tried to resolve it on my own but without the helpful context and prompts and guidance.”
- ❖ “Nothing.”
- ❖ “I would not feel like I would have anybody to [g]o to if it wasn’t for the Office of the Ombuds. I think there is still severe trust issues with the HR department unfortunately.”
- ❖ “I think the situation will be escalated without ombudsman.”
- ❖ “Stressed out and continued to doubt the good faith of leadership.”
- ❖ “The situation would have resulted in filing a grievance.”

In addition, a number of employees expressed appreciation concerning the services they received from the Office of the Ombuds. Below is a sampling of the notes received from visitors in response to the prompt, “Additional comments:”

- ❖ “Ms. Weber is fantastic! She is passionate about what she does and allowed me to understand my shortcomings as a professional, in a very professional manner. Ms. Weber has helped bring better cohesion within our team. She is awesome.”
- ❖ “Julie has a high level of professionalism and confidentiality. Thank you for all you do.”
- ❖ “Best ombuds ever! I have referred several people to the Ombuds.”
- ❖ “I can’t imagine the ombuds being any better. We are very lucky.”
- ❖ “Julie was wonderful. For the first time in a long time I felt like I was being heard. Thank you!”
- ❖ “The Ombuds is amazing, we are very lucky to have her.”
- ❖ “Julie went above and beyond with the amount of time she spent with me and demonstrated that she truly cared about the situation and my problems.”
- ❖ “[T]his is an excellent service – I found the ombuds to be extremely understanding and willing to listen, was not made to feel that some of my thoughts were trivial or menial.”

- ❖ “I wish the Ombuds had power to elicit change. Many of the problems that lead individuals to the Ombuds don’t get resolved despite the support and assistance of the Ombuds . . . [where] the College has a systemic problem that upper management doesn’t seem to wish to address or acknowledge, making those accountable for their actions – or lack thereof.”
  
- ❖ “I don’t know that it would work, but perhaps the Ombuds could visit each campus once a month so that the staff could have easier access to her.”

# Appendix B. IOA Uniform Reporting Categories



## INTERNATIONAL OMBUDSMAN ASSOCIATION Uniform Reporting Categories

**VERSION 2**  
**October 2007**

### 1. Compensation & Benefits

Questions, concerns, issues or inquiries about the equity, appropriateness and competitiveness of employee compensation, benefits and other benefit programs.

- 1.a **Compensation** (rate of pay, salary amount, job salary classification/level)
- 1.b **Payroll** (administration of pay, check wrong or delayed)
- 1.c **Benefits** (decisions related to medical, dental, life, vacation/sick leave, education, worker's compensation insurance, etc.)
- 1.d **Retirement, Pension** (eligibility, calculation of amount, retirement pension benefits)
- 1.e **Other** (any other employee compensation or benefit not described by the above sub-categories)

### 2. Evaluative Relationships

Questions, concerns, issues or inquiries arising between people in evaluative relationships (i.e. supervisor-employee, faculty-student.)

- 2.a **Priorities, Values, Beliefs** (differences about what should be considered important – or most important – often rooted in ethical or moral beliefs)
- 2.b **Respect/Treatment** (demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.)
- 2.c **Trust/Integrity** (suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)
- 2.d **Reputation** (possible impact of rumors and/or gossip about professional or personal matters)
- 2.e **Communication** (quality and/or quantity of communication)
- 2.f **Bullying, Mobbing** (abusive, threatening, and/or coercive behaviors)
- 2.g **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)
- 2.h **Retaliation** (punitive behaviors for previous actions or comments, whistleblower)
- 2.i **Physical Violence** (actual or threats of bodily harm to another)
- 2.j **Assignments/Schedules** (appropriateness or fairness of tasks, expected volume of work)
- 2.k **Feedback** (feedback or recognition given, or responses to feedback received)
- 2.l **Consultation** (requests for help in dealing with issues between two or more individuals they supervise/teach or with other unusual situations in evaluative relationships)

### 2.m Performance Appraisal/Grading

(job/academic performance in formal or informal evaluation)

- 2.n **Departmental Climate** (prevailing behaviors, norms, or attitudes within a department for which supervisors or faculty have responsibility.)
- 2.o **Supervisory Effectiveness** (management of department or classroom, failure to address issues)
- 2.p **Insubordination** (refusal to do what is asked)
- 2.q **Discipline** (appropriateness, timeliness, requirements, alternatives, or options for responding)
- 2.r **Equity of Treatment** (favoritism, one or more individuals receive preferential treatment)
- 2.s **Other** (any other evaluative relationship not described by the above sub-categories)

### 3. Peer and 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.)

- 3.a **Priorities, Values, Beliefs** (differences about what should be considered important – or most important – often rooted in ethical or moral beliefs)
- 3.b **Respect/Treatment** (demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.)
- 3.c **Trust/Integrity** (suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)
- 3.d **Reputation** (possible impact of rumors and/or gossip about professional or personal matters)
- 3.e **Communication** (quality and/or quantity of communication)
- 3.f **Bullying, Mobbing** (abusive, threatening, and/or coercive behaviors)
- 3.g **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)
- 3.h **Retaliation** (punitive behaviors for previous actions or comments, whistleblower)
- 3.i **Physical Violence** (actual or threats of bodily harm to another)
- 3.j **Other** (any peer or colleague relationship not described by the above sub-categories)

### 4. Career Progression and 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.)

- 4.a **Job Application/Selection and Recruitment Processes** (recruitment and selection processes, facilitation of job applications, short-listing and criteria for selection, disputed decisions linked to recruitment and selection)
- 4.b **Job Classification and Description** (changes or disagreements over requirements of assignment, appropriate tasks)
- 4.c **Involuntary Transfer/Change of Assignment** (notice, selection and special dislocation rights/benefits, removal from prior duties, unrequested change of work tasks)
- 4.d **Tenure/Position Security/Ambiguity** (security of position or contract, provision of secure contractual categories)
- 4.e **Career Progression** (promotion, reappointment, or tenure)
- 4.f **Rotation and Duration of Assignment** (non-completion or over-extension of assignments in specific settings/countries, lack of access or involuntary transfer to specific roles/assignments, requests for transfer to other places/duties/roles)
- 4.g **Resignation** (concerns about whether or how to voluntarily terminate employment or how such a decision might be communicated appropriately)
- 4.h **Termination/Non-Renewal** (end of contract, non-renewal of contract, disputed permanent separation from organization)
- 4.i **Re-employment of Former or Retired Staff** (loss of competitive advantages associated with re-hiring retired staff, favoritism)
- 4.j **Position Elimination** (elimination or abolition of an individual's position)
- 4.k **Career Development, Coaching, Mentoring** (classroom, on-the-job, and varied assignments as training and developmental opportunities)
- 4.l **Other** (any other issues linked to recruitment, assignment, job security or separation not described by the above sub-categories)



## 5. Legal, Regulatory, Financial and 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.

- 5.a **Criminal Activity** (threats or crimes planned, observed, or experienced, fraud)
- 5.b **Business and Financial Practices** (inappropriate actions that abuse or waste organizational finances, facilities or equipment)
- 5.c **Harassment** (unwelcome physical, verbal, written, e-mail, audio, video psychological or sexual conduct that creates a hostile or intimidating environment)
- 5.d **Discrimination** (different treatment compared with others or exclusion from some benefit on the basis of, for example, gender, race, age, national origin, religion, etc. [being part of an Equal Employment Opportunity protected category – applies in the U.S.] )
- 5.e **Disability, Temporary or Permanent, Reasonable Accommodation** (extra time on exams, provision of assistive technology, interpreters, or Braille materials including questions on policies, etc. for people with disabilities)
- 5.f **Accessibility** (removal of physical barriers, providing ramps, elevators, etc.)
- 5.g **Intellectual Property Rights** (e.g., copyright and patent infringement)
- 5.h **Privacy and Security of Information** (release or access to individual or organizational private or confidential information)
- 5.i **Property Damage** (personal property damage, liabilities)
- 5.j **Other** (any other legal, financial and compliance issue not described by the above sub-categories)

## 6. Safety, Health, and Physical Environment

Questions, concerns, issues or inquiries about Safety, Health and Infrastructure-related issues.

- 6.a **Safety** (physical safety, injury, medical evacuation, meeting federal and state requirements for training and equipment)
- 6.b **Physical Working/Living Conditions** (temperature, odors, noise, available space, lighting, etc)
- 6.c **Ergonomics** (proper set-up of workstation affecting physical functioning)
- 6.d **Cleanliness** (sanitary conditions and facilities to prevent the spread of disease)
- 6.e **Security** (adequate lighting in parking lots, metal detectors, guards, limited access to building by outsiders, anti-terrorists measures (not for classifying "compromise of classified or top secret" information)

- 6.f **Telework/Flexplace** (ability to work from home or other location because of business or personal need, e.g., in case of man-made or natural emergency)
- 6.g **Safety Equipment** (access to/use of safety equipment as well as access to or use of safety equipment, e.g., fire extinguisher)
- 6.h **Environmental Policies** (policies not being followed, being unfair ineffective, cumbersome)
- 6.i **Work Related Stress and Work-Life Balance** (Post-Traumatic Stress, Critical Incident Response, internal/external stress, e.g. divorce, shooting, caring for sick, injured)
- 6.j **Other** (any safety, health, or physical environment issue not described by the above sub-categories)

## 7. Services/Administrative Issues

Questions, concerns, issues or inquiries about services or administrative offices including from external parties.

- 7.a **Quality of Services** (how well services were provided, accuracy or thoroughness of information, competence, etc.)
- 7.b **Responsiveness/Timeliness** (time involved in getting a response or return call or about the time for a complete response to be provided)
- 7.c **Administrative Decisions and Interpretation/Application of Rules** (impact of non-disciplinary decisions, decisions about requests for administrative and academic services, e.g., exceptions to policy deadlines or limits, refund requests, appeals of library or parking fines, application for financial aid, etc.)
- 7.d **Behavior of Service Provider(s)** (how an administrator or staff member spoke to or dealt with a constituent, customer, or client, e.g., rude, inattentive, or impatient)
- 7.e **Other** (any services or administrative issue not described by the above sub-categories)

## 8. Organizational, Strategic, and Mission Related

Questions, concerns, issues or inquiries that relate to the whole or some part of an organization.

- 8.a **Strategic and Mission-Related/ Strategic and Technical Management** (principles, decisions and actions related to where and how the organization is moving)
- 8.b **Leadership and Management** (quality/capacity of management and/or management/leadership decisions, suggested training, reassignments and reorganizations)

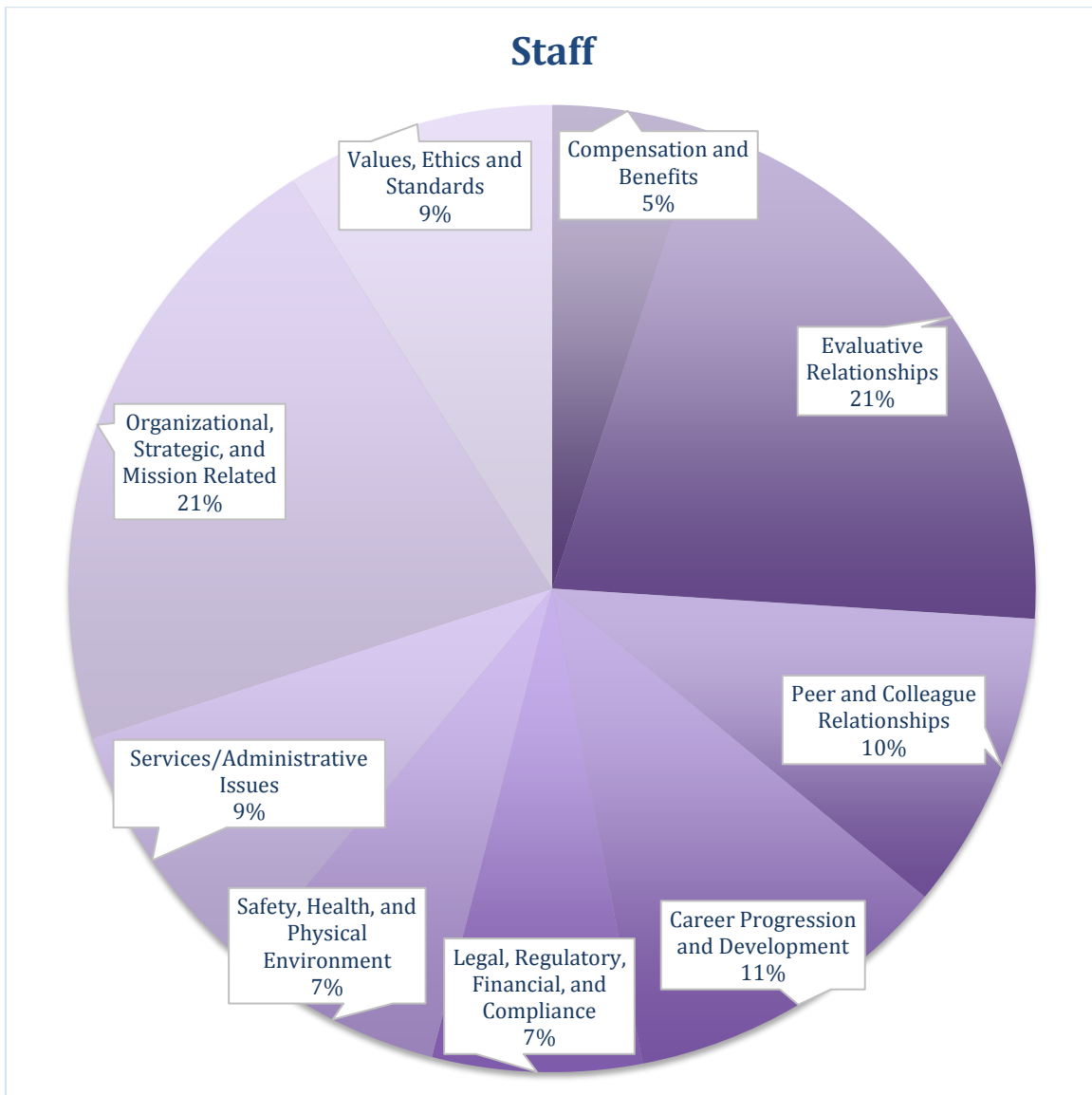
- 8.c **Use of Positional Power/Authority** (lack or abuse of power provided by individual's position)
- 8.d **Communication** (content, style, timing, effects and amount of organizational and leader's communication, quality of communication about strategic issues)
- 8.e **Restructuring and Relocation** (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)
- 8.f **Organizational Climate** (issues related to organizational morale and/or capacity for functioning)
- 8.g **Change Management** (making, responding or adapting to organizational changes, quality of leadership in facilitating organizational change)
- 8.h **Priority Setting and/or Funding** (disputes about setting organizational/departmental priorities and/or allocation of funding within programs)
- 8.i **Data, Methodology, Interpretation of Results** (scientific disputes about the conduct, outcomes and interpretation of studies and resulting data for policy)
- 8.j **Interdepartment/Interorganization Work/Territory** (disputes about which department/organization should be doing what/taking the lead)
- 8.k **Other** (any organizational issue not described by the above sub-categories)

## 9. Values, Ethics, and 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.

- 9.a **Standards of Conduct** (fairness, applicability or lack of behavioral guidelines and/or Codes of Conduct, e.g., Academic Honesty, plagiarism, Code of Conduct, conflict of interest)
- 9.b **Values and Culture** (questions, concerns or issues about the values or culture of the organization)
- 9.c **Scientific Conduct/Integrity** (scientific or research misconduct or misdemeanors, e.g., authorship; falsification of results)
- 9.d **Policies and Procedures NOT Covered in Broad Categories 1 thru 8** (fairness or lack of policy or the application of the policy, policy not followed, or needs revision, e.g., appropriate dress, use of internet or cell phones)
- 9.e **Other** (Other policy, procedure, ethics or standards issues not described in the above sub-categories)

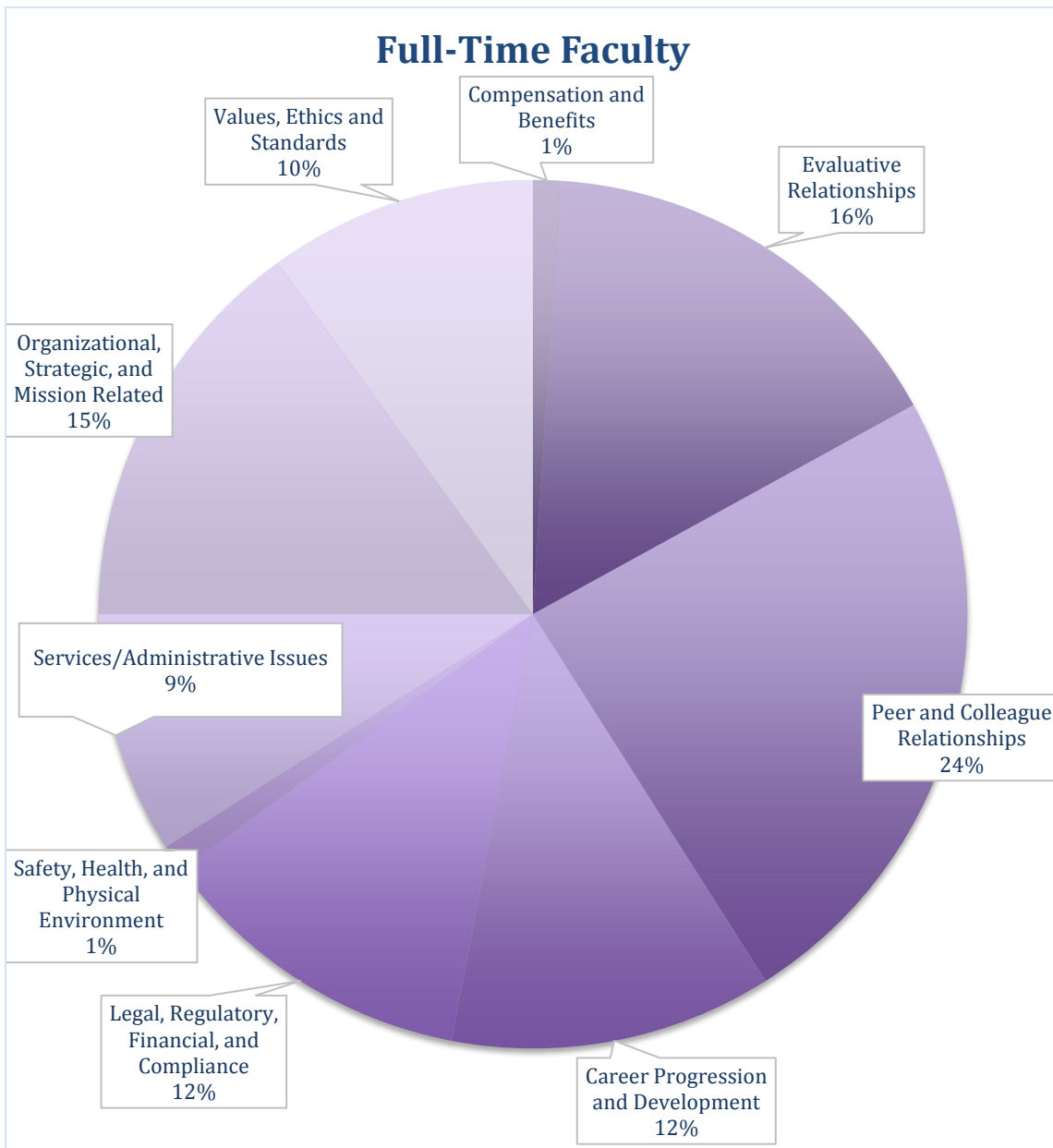
## Appendix C. Concerns for Each Employee Group



### Top Concerns for Staff in FY18:

- 1) Evaluative Relationships (21%),
- 2) Organizational, Strategic, and Mission Related (21%), and
- 3) Career Progression and Development (11%).

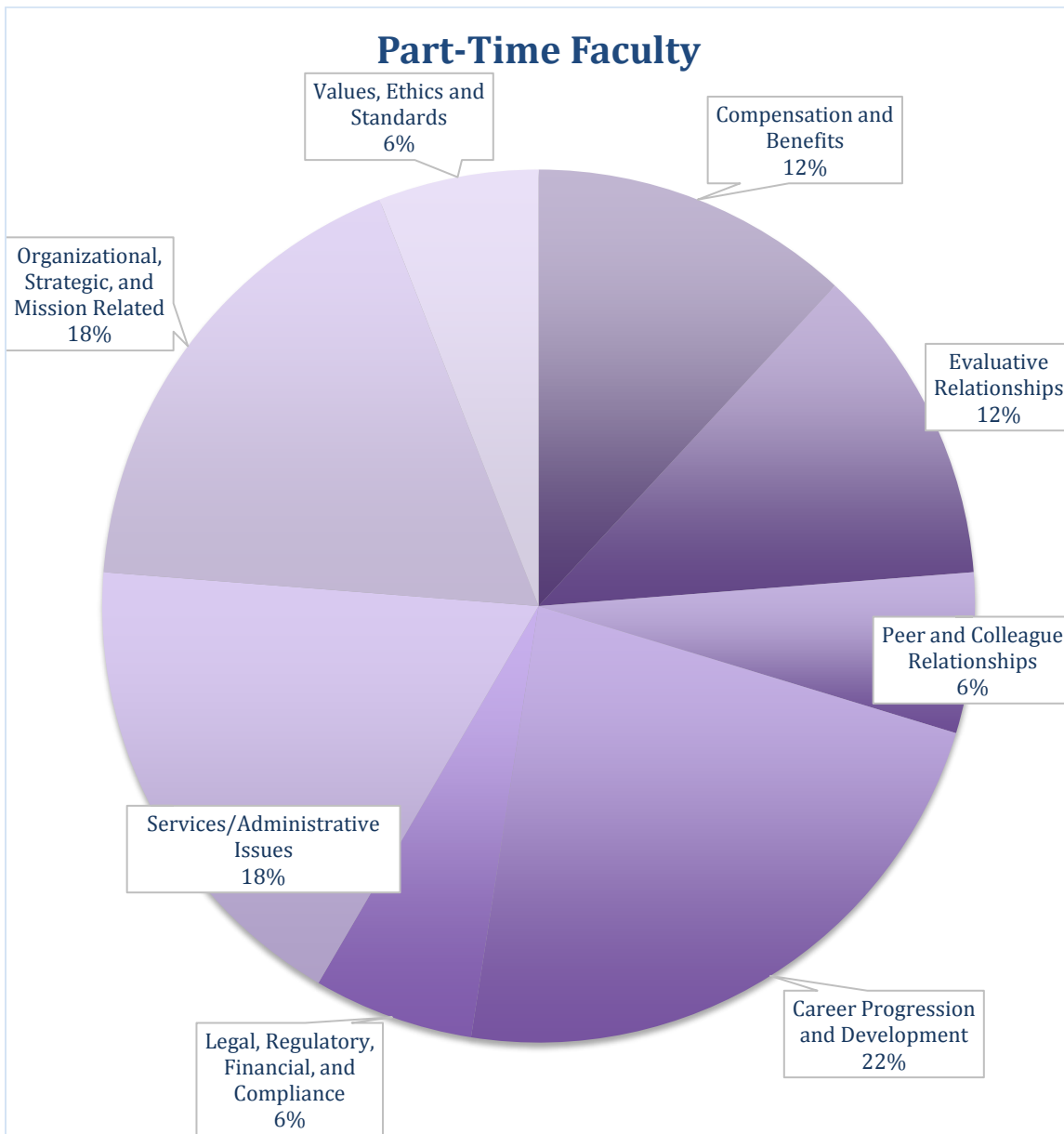
The top two concerns for staff in FY17 are similar to those top two concerns for this same group over the past two years. However, the third most prevalent concern for staff employees last year was Values, Ethics, and Standards.



**Top Concerns for Full-Time Faculty in FY18:**

- 1) Peer and Colleague Relationships (24%),
- 2) Evaluative Relationships (16%), and
- 3) Organizational, Strategic and Mission Related (15%).

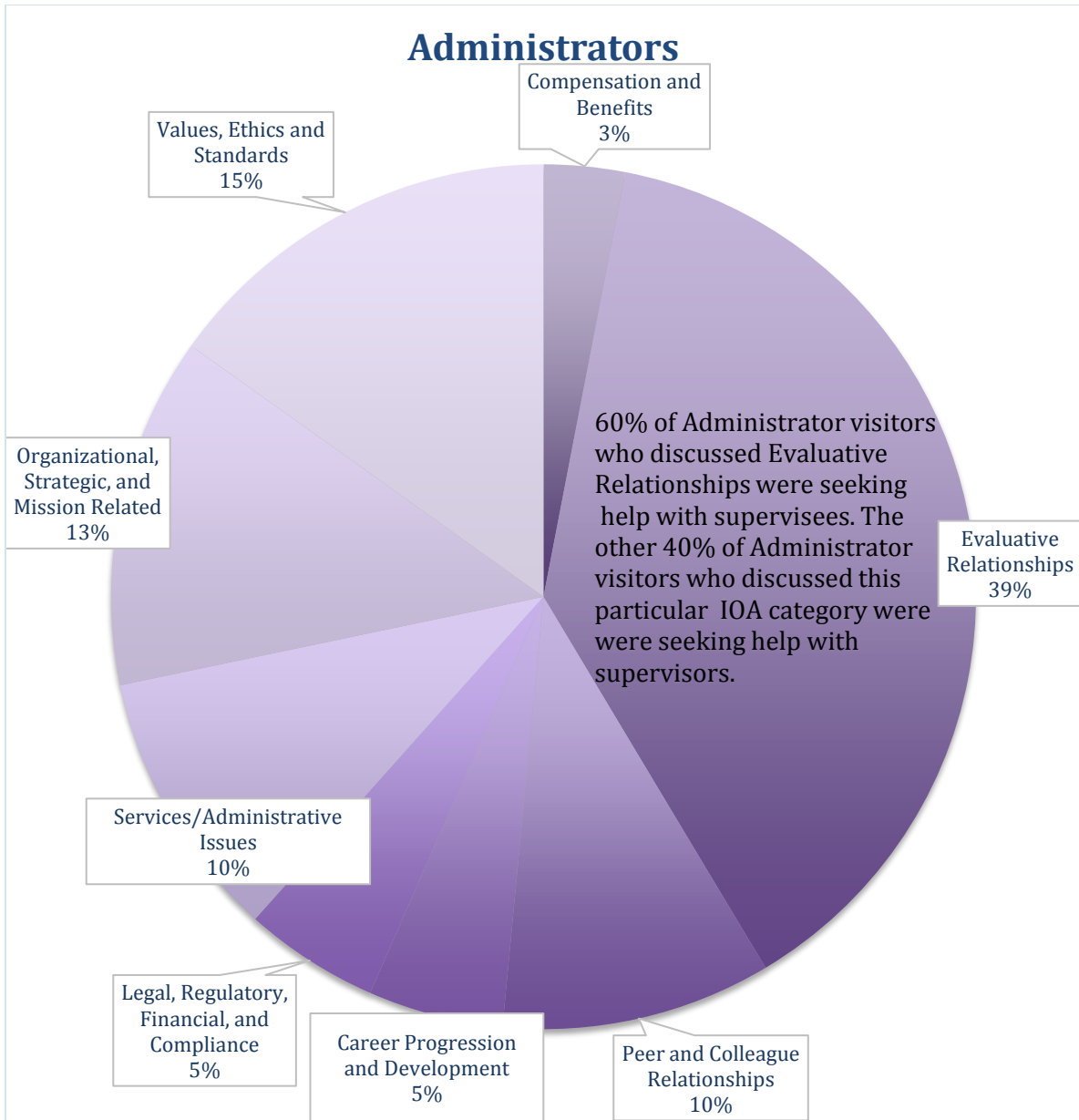
All three of these top concerns were also top concerns for full-time faculty in FY17 and FY16.



**Top Concerns for Part-Time Faculty in FY18:**

- 1) Career Progression and Development (23%),
- 2) Services/Administrative Issues (18%), and Organizational, Strategic, and Mission Related (18%), and
- 3) Compensation and Benefits (12%), and Evaluative Relationships (12%).

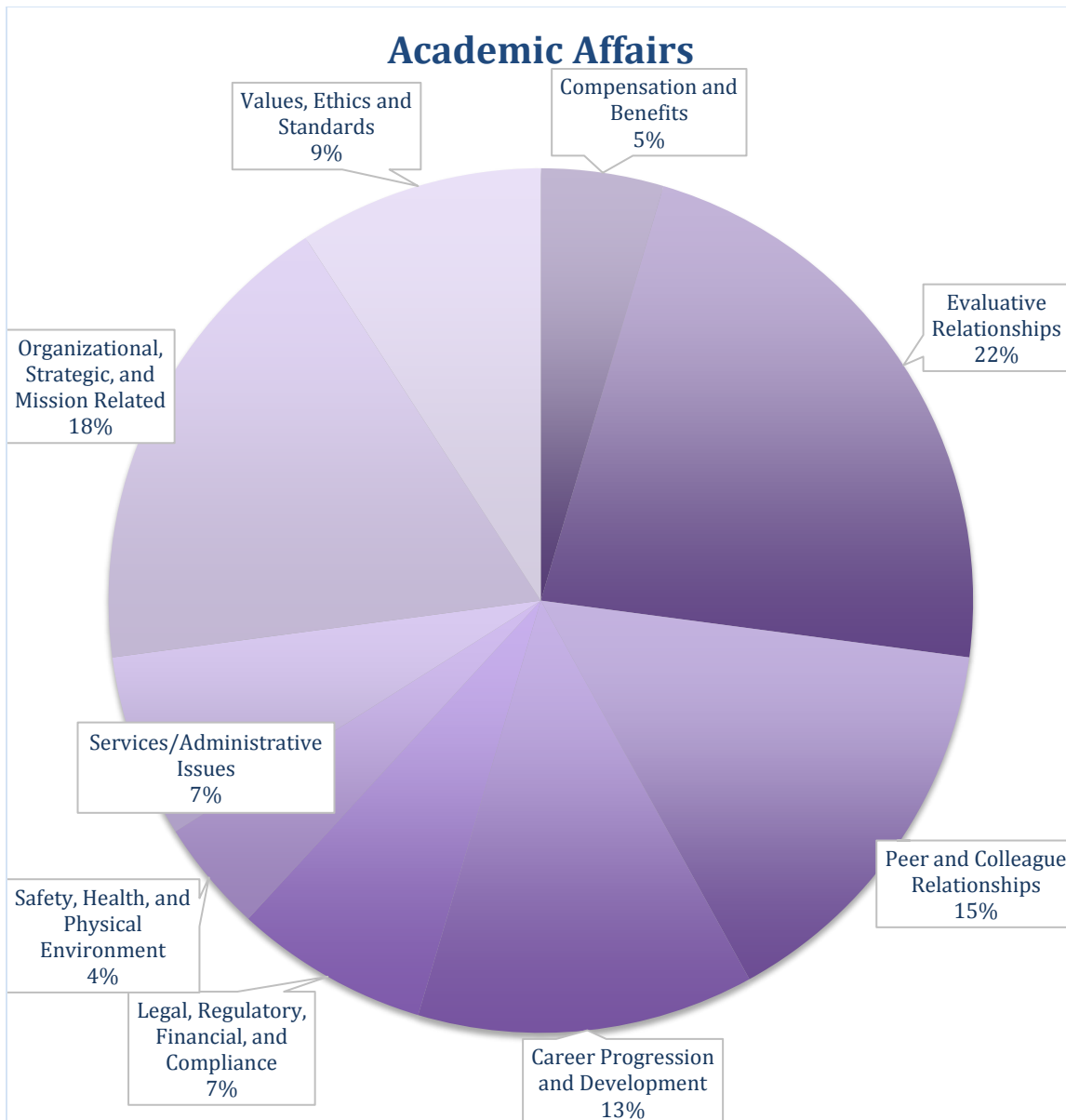
In FY16 and FY17, part-time faculty had four of the same top concerns as they did in FY17. However, in FY18, part-time faculty also had one new top concern—Organizational, Strategic, and Mission Related matters.



**Top Concerns for Administrators in FY18:**

- 1) Evaluative Relationships (38%),
- 2) Values, Ethics, and Standards (15%), and
- 3) Organizational, Strategic, and Mission Related (13%).

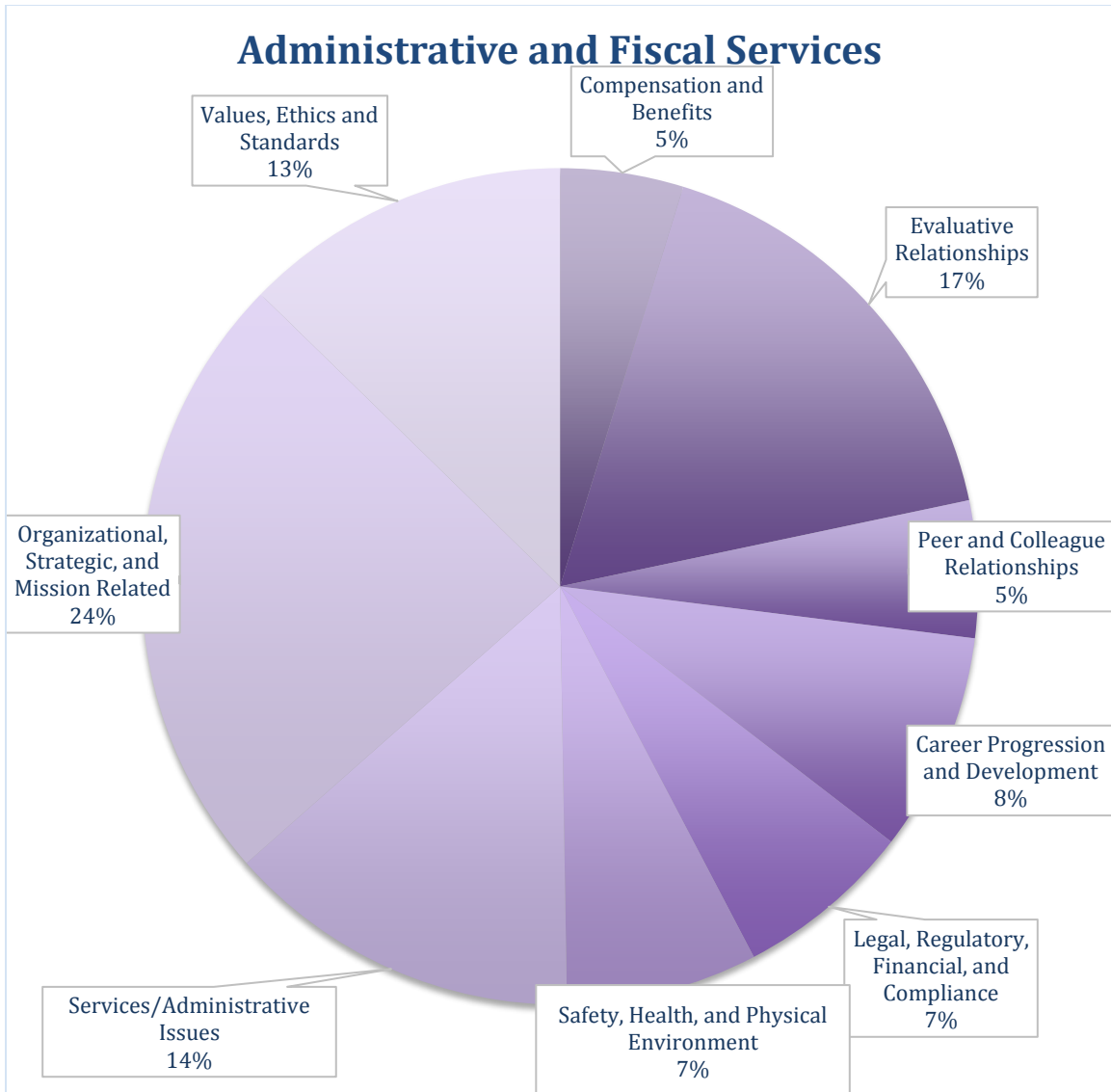
Evaluative Relationships and Organizational, Strategic, and Mission Related were also top concerns for administrators in FY16 and FY17. However, in FY17, Safety, Health, and Physical Environment was the third most prevalent concern, where in FY16, Peer and Colleague Relationships was the third most prevalent concern.



**Top Concerns for the Academic Affairs division in FY18:**

- 1) Evaluative Relationships (22%),
- 2) Organizational, Strategic, and Mission Related (18%), and
- 3) Peer and Colleague Relationships (15%).

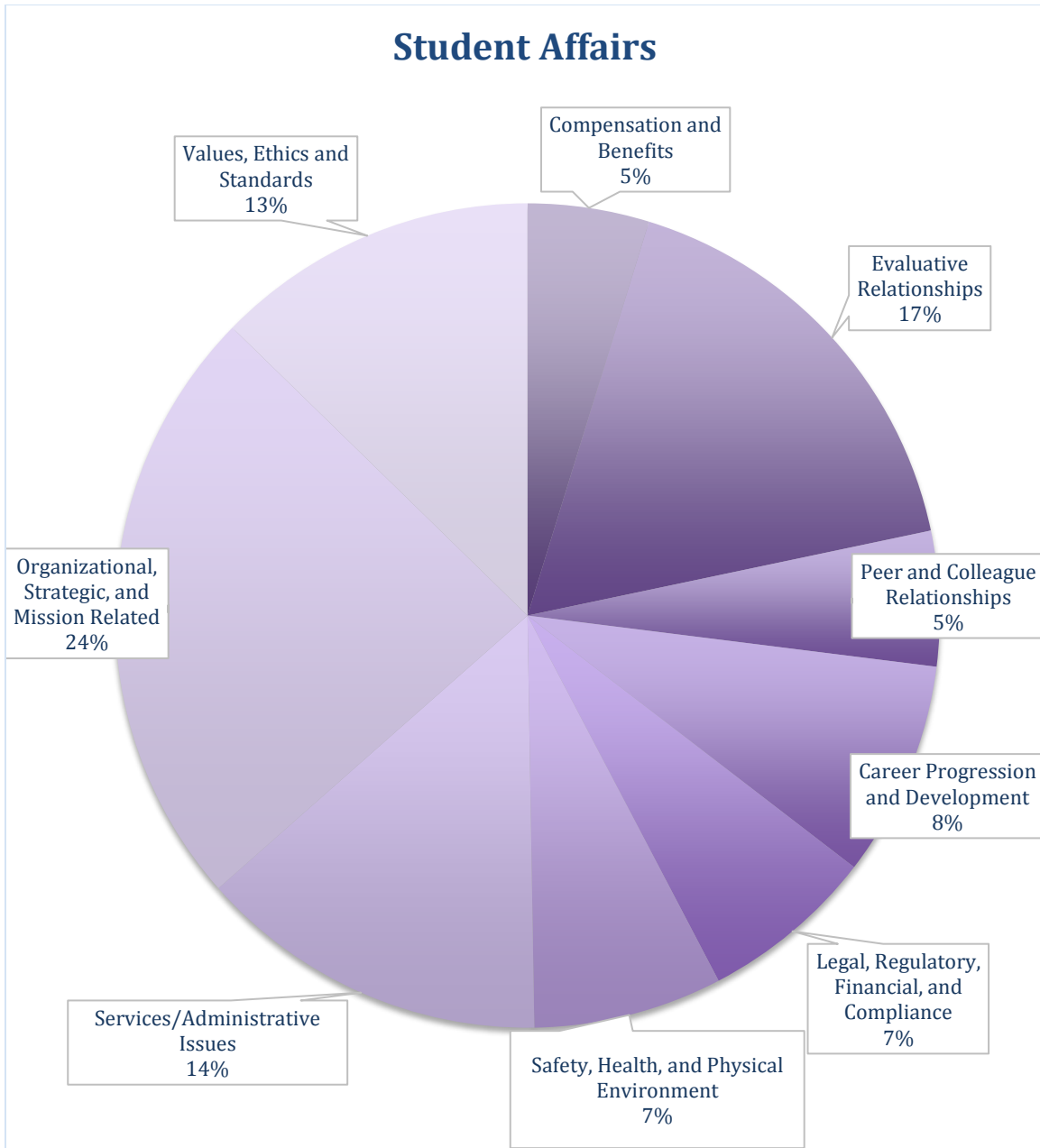
The top three concerns this year for the Academic Affairs division are the same top three concerns as last year. In addition, two of the three top concerns this year—Evaluative Relationships and Organizational, Strategic, and Mission Related—were also two of the three top concerns in FY16. The third top concern in FY16 was Services/Administrative Issues.



**Top Concerns for the Administrative and Fiscal Services division in FY18:**

- 1) Organizational, Strategic, and Mission Related (24%),
- 2) Evaluative Relationships (17%), and
- 3) Services/Administrative Issues (14%).

Two of the top three concerns in FY18—Organizational, Strategic, and Mission Related and Evaluative Relationships—were also two of the top three concerns in FY16 and FY17 for this group. Last year, Values, Ethics, and Standards was the third most prevalent issue, while two years ago, the third most prevalent issue was also Services/Administrative Issues.

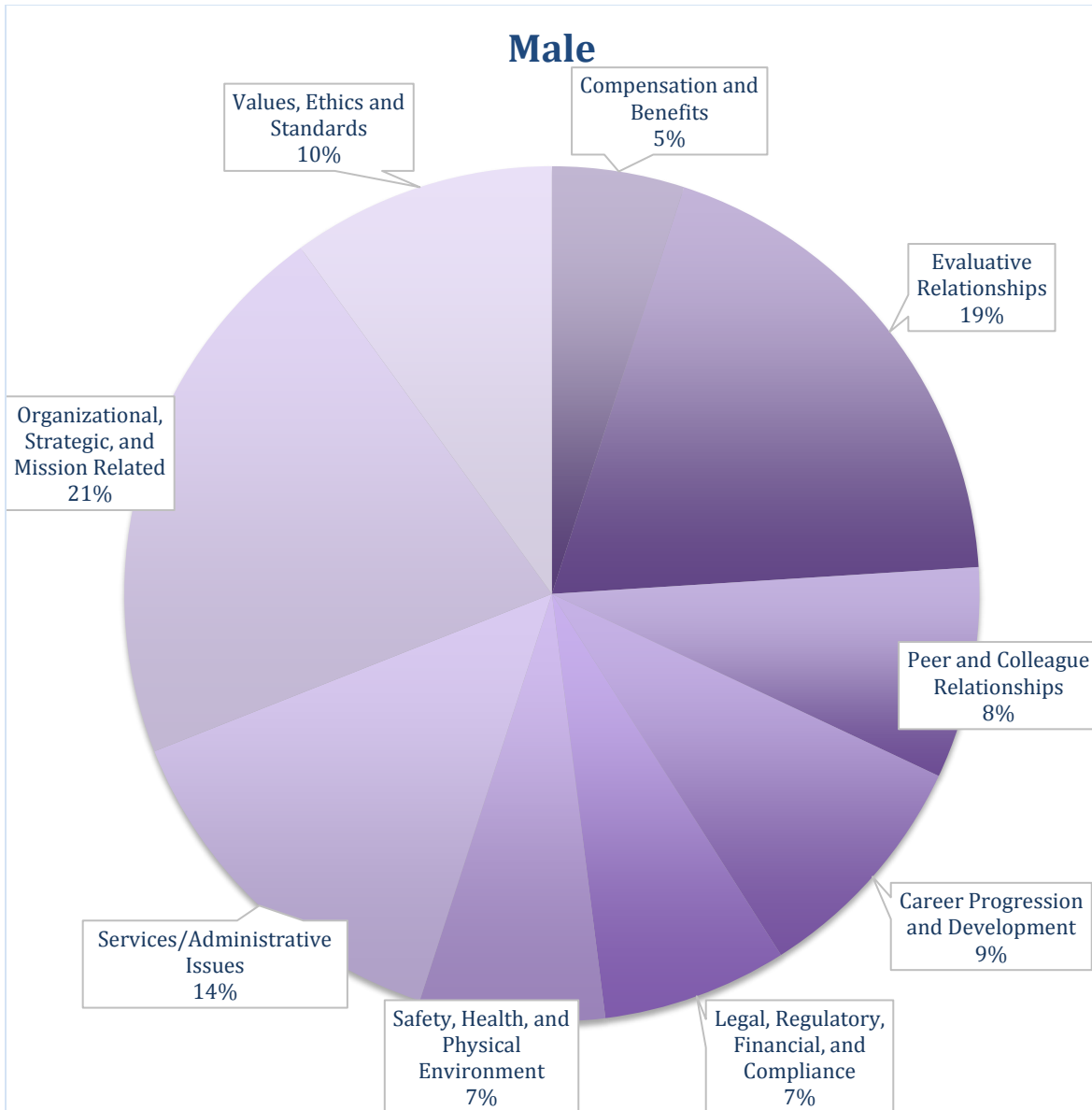


**Top Concerns for the Student Affairs division in FY18:**

- 1) Evaluative Relationships (30%),
- 2) Peer and Colleague Relationships (18%), and
- 3) Organizational, Strategic, and Mission Related (16%).

These three top concerns were also top concerns for this division last year. However, last year two additional concerns were also included in the top concerns—Career Progression and Development and Values, Ethics, and Standards.

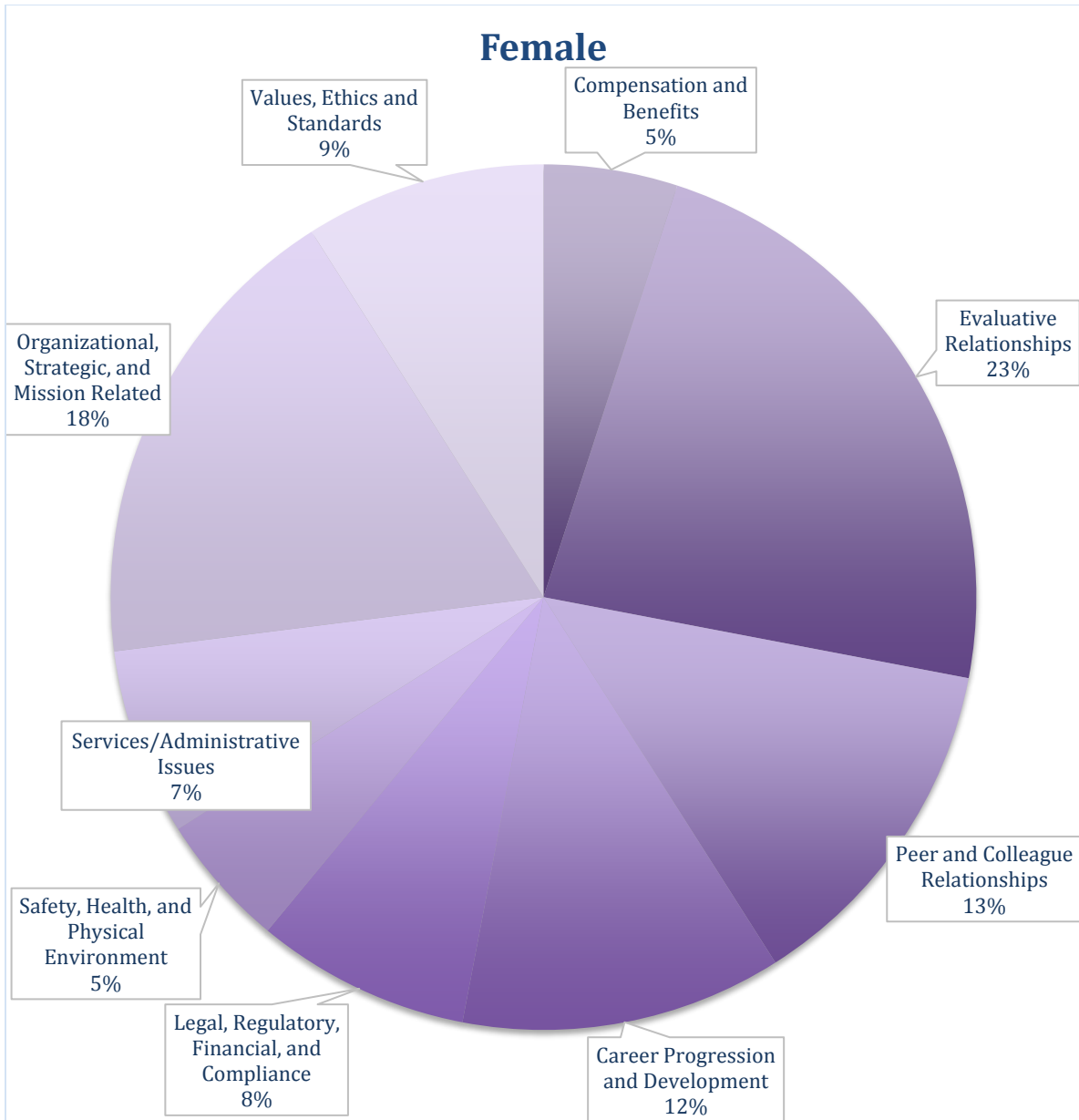




**Top Concerns for Male Employees in FY18:**

- 1) Organizational, Strategic, and Mission Related (21%),
- 2) Evaluative Relationships (19%), and
- 3) Services/Administrative Issues (14%).

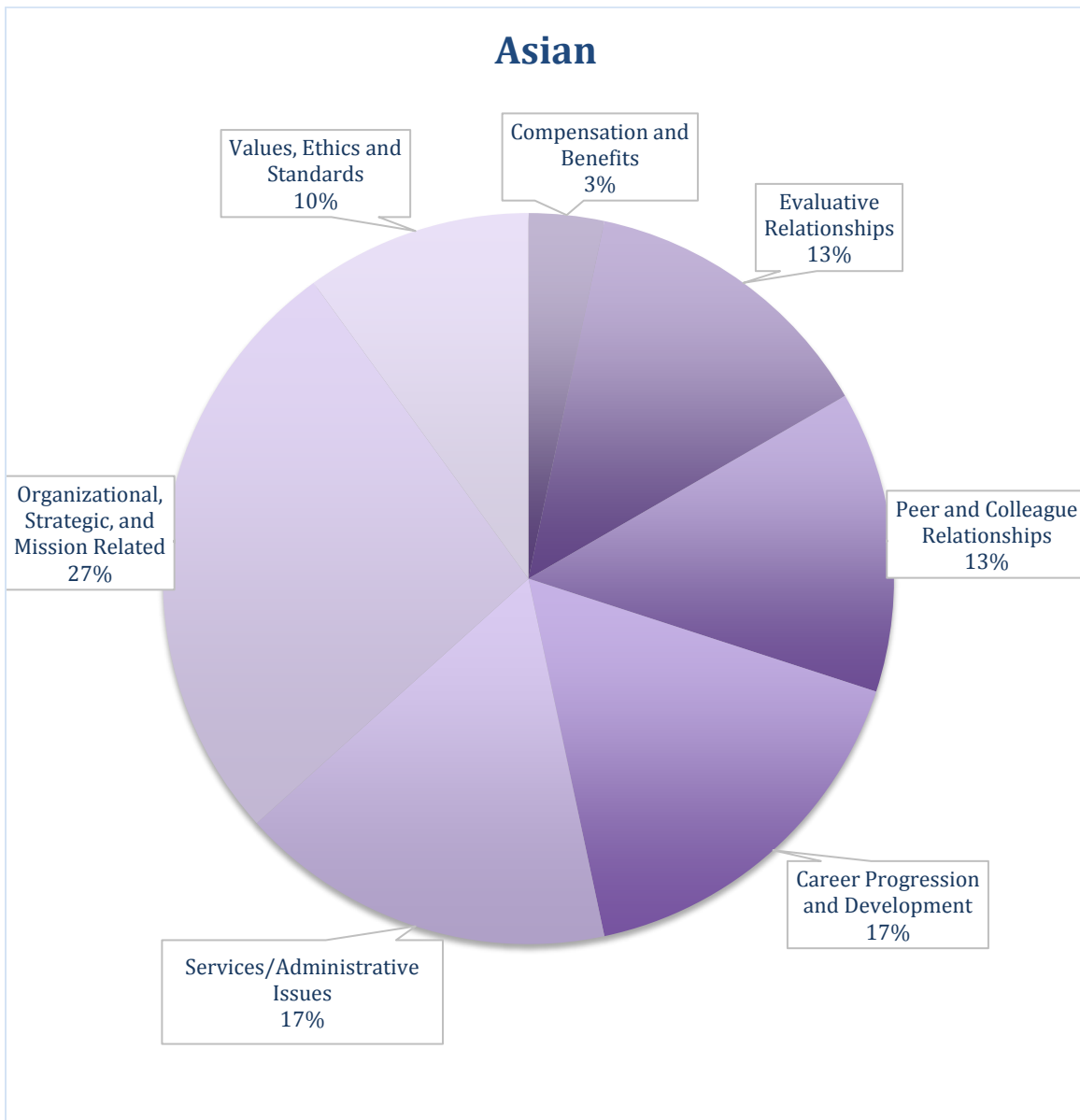
The top three concerns in FY18 are the same as those top three concerns in FY16 for this employee group. In addition, in FY17, Organizational, Strategic and Mission Related and Evaluative Relationships were also top two concerns, while Values, Ethics, and Standards was the third most prevalent concern, instead of Services/Administrative Issues.



**Top Concerns for Female Employees in FY18:**

- 1) Evaluative Relationships (23%),
- 2) Organizational, Strategic, and Mission Related (18%), and
- 3) Peer and Colleague Relationships (13%).

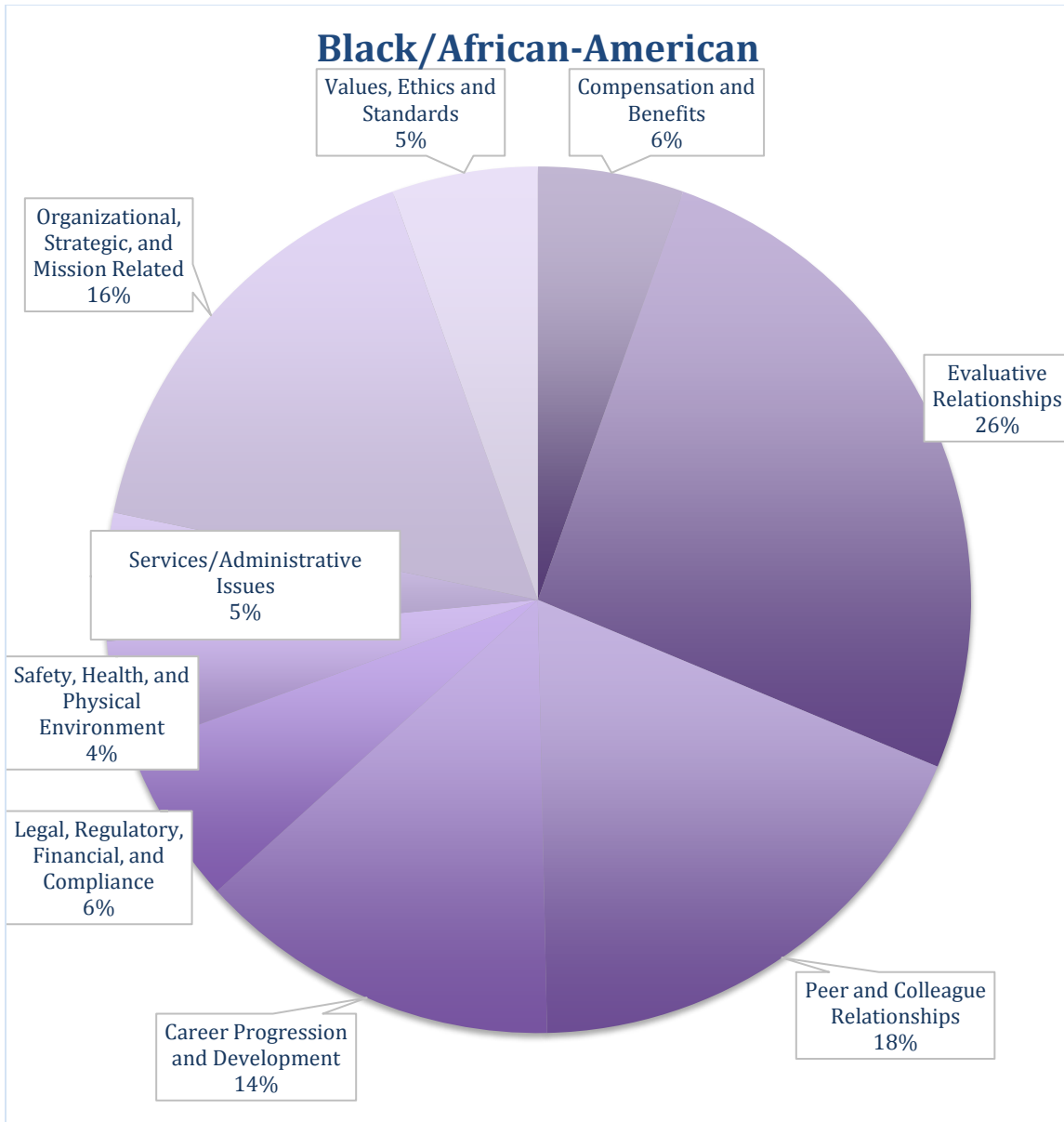
In FY18, as in FY17, the top three concerns for female employees involved Evaluative Relationships, Organizational, Strategic, and Mission Related, and Peer and Colleague Relationships. However, in FY17, Values, Ethics, and Standards and Career Progression and Development were also in the list of most prevalent concerns.



**Top Concerns for Asian Employees in FY18:**

- 1) Organizational, Strategic, and Mission Related (27%),
- 2) Services/Administrative Issues (17%), and Career Progression and Development (17%), and
- 3) Peer and Colleague Relationships (13%), and Evaluative Relationships (13%).

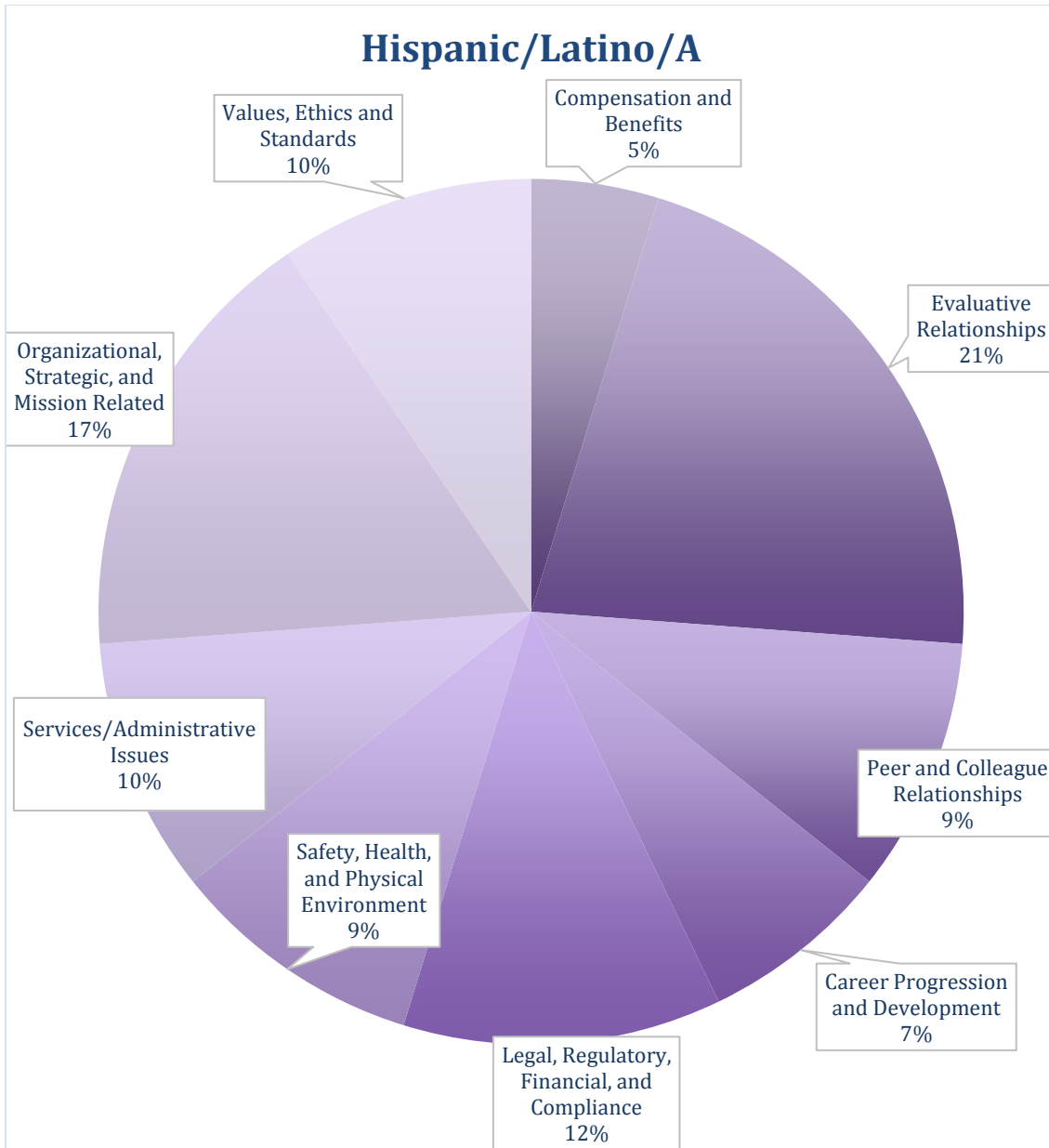
In FY17, Organizational, Strategic, and Mission Related, Services/Administration Issues, Evaluative Relationships, and Peer and Colleague Relationships were also top concerns for this same group.



**Top Concerns for Black/African-American Employees in FY18:**

- 1) Evaluative Relationships (26%),
- 2) Peer and Colleague Relationships (18%), and
- 3) Organizational, Strategic, and Mission Related (16%).

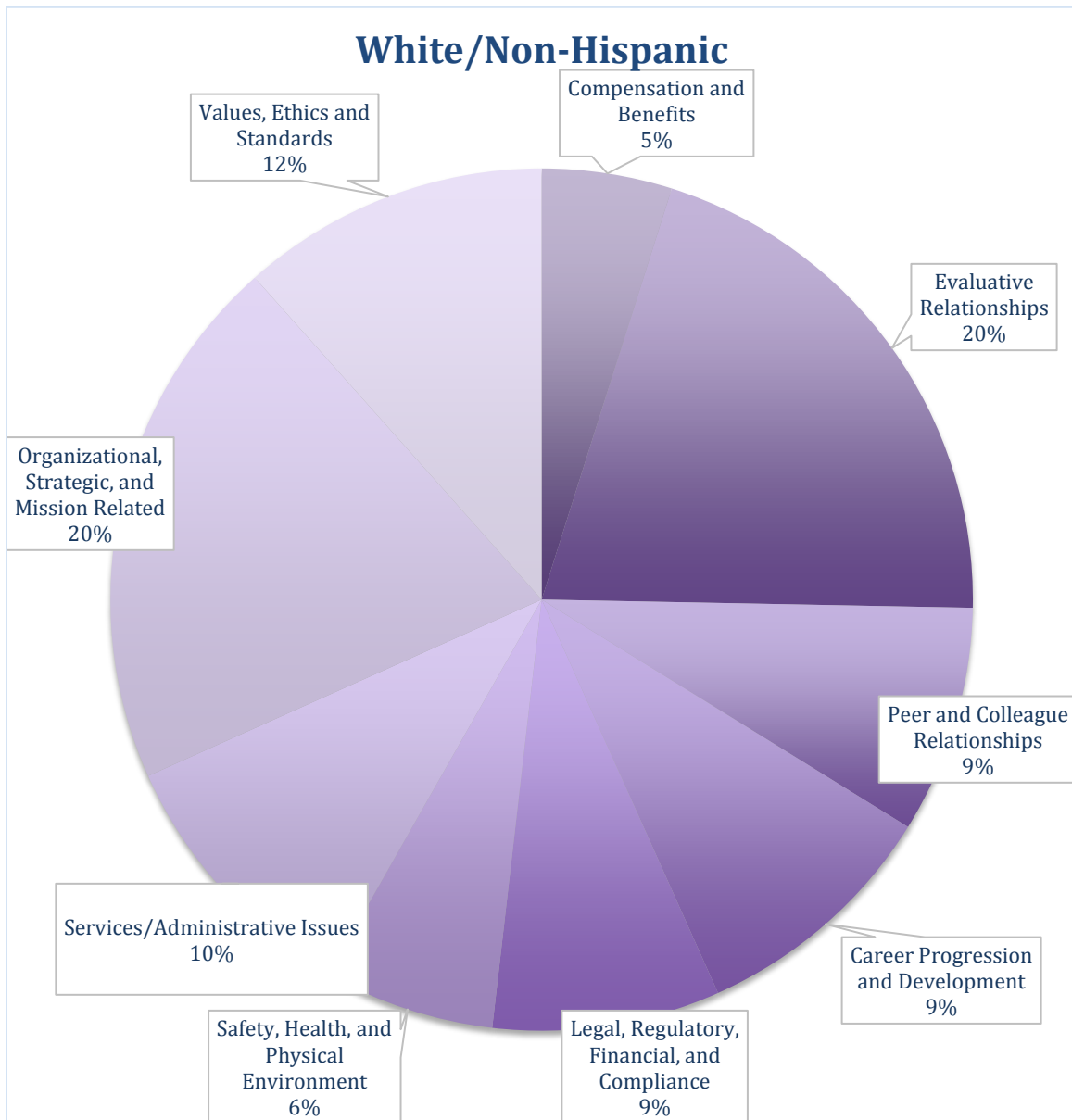
For the past two years, Evaluative Relationships and Organizational, Strategic, and Mission Related were also two of the top three concerns for this employee group. However, unlike this year, Career Progression and Development was one of the most prevalent concerns in FY17, while Services/Administrative Issues was one of the most prevalent concerns for this group in FY16.



**Top Concerns for Hispanic/Latino/A Employees in FY18:**

- 1) Evaluative Relationships (21%),
- 2) Organizational, Strategic, and Mission Related (17%), and
- 3) Legal, Regulatory, Financial, and Compliance (12%).

In FY16 and FY17, Evaluative Relationships and Organizational, Strategic, and Mission Related were also top concerns for this same employee group. However, in FY16, Services/Administrative Issues and Career Progression and Development were also top concerns, while in FY17, Values, Ethics, and Standards was a top concern for this employee group.



**Top Concerns for White/Non-Hispanic Employees in FY18:**

- 1) Evaluative Relationships (20%) and Organizational, Strategic, and Mission Related (20%), and
- 2) Values, Ethics, and Standards (12%), and
- 3) Services/Administrative Issues (11%).

In FY16 and FY17, Evaluative Relationships and Organizational, Strategic, and Mission Related were also top concerns for this employee group. However, last year, Career Progression and Development was the third main concern for this group, while the year before Services/Administrative Issues was the third main concern.

## Appendix D. Updated College Ombuds Policy and Procedure, 39001.

### **POLICY Board of Trustees - Montgomery College**

**39001**

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Chapter: Personnel Modification No. 002  
Subject: **College Ombuds**

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- I. Montgomery College is committed to providing ombuds services to the College community.
- II. 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.
- III. Ombuds services will be provided in accordance with the International Ombudsman Association's Code of Ethics.
- IV. This Policy prohibits actual or threatened retaliation, as defined in College Policy 39003-Protection Against Retaliation, by anyone in the College community against an individual because the individual utilizes the Ombuds services, including but not limited to, meetings with the Ombuds, or engaging in a facilitated conversation. This policy also prohibits retaliation against a person who cooperates with the Office of the Ombuds.
- V. The president is authorized to develop and post procedures to implement this policy

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Board Approval: February 22, 2015; June 25, 2018

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Chapter: Personnel

Modification No. 001

Subject: **College Ombuds**

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I. Ombuds Purpose

The goal 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.

II. Definitions

A. "Ombuds" refers to any individual appointed by the President to provide ombuds services or support such provision of services within the Office of the Ombuds.

B. "Visitor" refers to any employee, student, or member of the community who utilizes the services of the ombuds.

III. Ombuds Ethical Standards

A. The ombuds will be truthful, act with integrity, foster respect for all members of the community served, and promote procedural fairness within the College.

B. The ombuds will operate in accordance with the International Ombudsman Association's Code of Ethics and Standards of Practice, acting as a confidential, impartial, informal, and independent resource for members of the College community.

C. The ombuds functions independently and is not affiliated with any compliance function of the College. Therefore, the ombuds does not serve as an agent of notice for the College.

D. The ombuds is independent and communication with the ombuds is confidential. This includes allegations that may be perceived to be violations of laws, regulations, or policies, including sexual misconduct. The ombuds is designated a confidential resource per 31000-Sexual Misconduct, and will normally keep private the individual's identity and any other information concerning the alleged incident of sexual misconduct and is not required to notify the Title IX Coordinator.

E. The ombuds may unilaterally violate confidentiality if the ombuds believes there is an imminent risk of serious harm.

F. The ombuds will avoid involvement in cases where there may be a conflict of interest. A conflict of interest occurs when the ombuds' private interests, real or perceived, supersede or compete with his or her dedication to the impartial and independent nature of the role of the ombuds. When a real or perceived conflict exists, the ombuds should take all steps necessary to disclose and/or to avoid the conflict.

IV. Ombuds Functions



The functions of the ombuds include but are not limited to:

- A. Providing a safe and confidential forum to surface individual, group and systemic problems;
- B. Listening and helping to clarify visitor concerns;
- C. Assisting in the identification of underlying issues and concerns;
- D. Providing information and exploring possible options available to visitors;
- E. Where voluntarily agreed by all involved parties, facilitating discussions to resolve issues, if appropriate;
- F. Where voluntarily agreed by all involved parties, conducting mediations, subject to a written mediation agreement;
- G. Providing a voluntary, confidential forum where whistleblowers may raise concerns;
- H. Collecting data on emerging trends and patterns in the College;
- I. Evaluating and analyzing trending information and making recommendations for systemic change;
- J. Providing feedback to the College's senior administration, protecting the anonymity of the ombuds' visitors;
- K. Publishing an annual report that will be made available to the College community.

V. Reporting Structure

The ombuds will operate independently with respect to issue handling and management. The ombuds will report to the Office of the President for administrative and budgetary purposes only.

VI. Authority and Limitations

- A. The ombuds is authorized to discuss options available to visitors, including both informal and formal processes.
- B. The services of the ombuds supplement rather than replace formal resources and processes administered by other College units, including the offices of Human Resources Strategic Talent Management and Compliance.
- C. The ombuds will have access to confidential records and data, including any information collected or generated by another office of the College, for the purpose of facilitating resolution of a particular situation and for analyzing information in order to make recommendations for systemic change.
- D. The ombuds may decline to inquire into a matter or may withdraw from a case if the ombuds believes involvement is inappropriate for any reason, including a matter not brought in good faith or which appears to be a misuse of the ombuds function.
- E. The ombuds may require legal or other professional advice in order to fulfill its required functions. The ombuds will be provided legal counsel independent of the Office of the General Counsel in the event a conflict of interest arises between the ombuds and the College administration.
- F. The ombuds will publicize its non-notice role to the College and clearly articulate that communication to the ombuds does not constitute notice to the College.

- G. The ombuds will not address any issues arising under a collective bargaining agreement, unless allowed by specific language in the collective bargaining agreement. This means that while the ombuds may discuss options available to a visitor, the ombuds recognizes the union is the appropriate party to assist bargaining unit members in determining the interpretation and/or with appropriate enforcement of the collective bargaining agreement, and will provide information to the visitor to assist the visitor in contacting the appropriate union representative.
- H. The ombuds will not conduct formal investigations of any kind. The ombuds will not participate in formal dispute processes or outside agency complaints or lawsuits, either on behalf of any visitor or on behalf of the College. Because confidentiality and informality are critically important to the ombuds, all communications with the ombuds are made with the understanding that they are confidential, off-the-record exploration of options to resolve dispute, and that the ombuds may not be called to testify as a witness in any formal or legal proceeding and may not be compelled to reveal confidential communications.
- I. The ombuds does not have authority to adjudicate, impose remedies or sanctions, or to enforce or change policies or procedures.

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Administrative Approval: March 7, 2016