



OMBUD'S OFFICE
UNIVERSITY OF CAPE TOWN

ANNUAL REPORT 2015

Independent Impartial Confidential

Contents

Message from the Ombud	2
Introduction	3
About the role	4
Overview of the Ombud's Office services	6
Classification of issues	9
IOA uniform reporting categories for issues/concerns	11
Observations and recommendations	20
Other activities	21
In closing	22
Appendix A	23

Message from the Ombud

I report the activities of the Ombud's office to maintain accountability to the various constituencies and stakeholders I serve, and to provide insight into various issues that have been identified by the office, some of which have been addressed by the university. Most importantly, I use the report to educate these same constituencies on the function of the Ombud at UCT.

This report covers the period 1 July 2014 to 30 June 2015. The middle of this period was characterised by a series of events, voices and efforts calling on the university to transform. This came as no surprise as there had been an increase in the past year of racially charged complaints. It is not enough to say that universities, by their nature, are a perfect breeding ground for disputes, conflicts and grievances, that they are a place where a breakthrough discourse should take place. It is unfortunate that ideas to transform the university do not go beyond dialogue platforms and concept papers fast enough. A considerable amount of time is spent discussing transformation definitions, new meanings and considerations. There is no doubt that the university has transformation on its agenda. However, making it an academic discourse through debates and philosophical arguments does not address the urgent call to deliver on it; furthermore, the beneficiaries of transformation efforts are sometimes not even at the table.

Transformation is one of the university's strategic goals and it is my responsibility to monitor how well the university delivers on its own policies and procedures. It is in the interests of the university to seize this

opportunity and deliver on its transformation policies as a governance requirement across the sector and the country. The 2015 events have led to a series of conversations that the university would not have held otherwise. This emergence of voices and views is good for the university's own development and learning. However, some members of the university community complained about how "closed and silencing" these "open" spaces were to them.

During this period I also noticed just how divided UCT actually is. For example, views on what Rhodes represented were divergent within the university community as were those of many public voices and UCT alumni who contacted my office. In addition, some of those who had painful pasts complained that these events re-triggered their own traumas but asserted that there is diversity in the pain and memory itself. Finally, while there has been emphasis on race, transformation at UCT needs attention in its broader sense. It is in the interests of the university leadership to make this time count.

Submitted with respect



Zetu Makamandela-Mguqulwa



Introduction

Organisations ranging from business, healthcare, financial industries, businesses to municipalities and other government sectors such as education are turning to ‘alternative’ methods of resolving conflicts. The University of Cape Town Ombud’s Office was established by the University Council in 2011 to provide a confidential, neutral resource for the University of Cape Town (UCT) community. Besides the University of Cape Town, five other South African universities have Ombuds offices. These are the University of KwaZulu-Natal, University of Stellenbosch, Nelson Mandela Metropolitan University, University of South Africa and Tshwane University of Technology.

All these universities, including the University of Cape Town, practise ombudising according to the International Ombuds Association Code of Ethics and standards of practice as organisational Ombuds.

University contexts present a high degree of complexity due to the diversity of activities and overall functions they carry out and especially the interdependent relationship of their different sectors. Research laboratories have scientific teams, while faculties have academic and support staff whose individual functions require dependability and trust. Then there are students who are also central to the mix. All the parties revolve around the three main functions of the university, teaching, research and social responsiveness which give rise to a variety of interactions, situations and sometimes tensions.

When these tensions appear, most people want resolutions that are private and off the record to maintain relationships. They therefore often favour an informal resolution, where possible. The Ombud responds to concerns and disputes brought forward by visitors to the office and may report trends, systemic problems, and organisational issues to high-level leaders and executives in a confidential manner. She does not advocate for individuals, groups or entities, but rather for the principles of fairness and equitable results. The organisational Ombud does not play a role in formal processes, or represent any side in a dispute. The use of the office itself is voluntary, thus the Ombud office does not hear from everyone concerned about a particular issue. This report discusses trends and observations which may not necessarily be true for every part of the university, but are noteworthy to foster early intervention.

About the role

The office assists students, alumni, staff (professional, administrative and support staff (PASS), academic and all other staff providing services to the university) and other people who have some relationship with the university and who have questions, complaints or disputes regarding university policies and procedures and any potential conflict experience. The Ombud's role, depending on the nature of the issue, includes coaching, shuttle diplomacy, facilitation, informal mediation, providing information, making referrals to other resources on campus and helping to address issues expeditiously by contacting offices or persons concerned in the issue if the visitor agrees to this.

The UCT Ombud is a member of the International Ombuds Association (IOA). The IOA supports organisational Ombuds worldwide working in corporations, universities, non-profit organisations, government entities and non-governmental organisations. IOA is the largest international association of professional organisational Ombuds in the world, representing more than 737 members, 145 of whom reside outside US borders. About a third of the total membership belongs to the academic sector.

The IOA is dedicated to excellence in the practice of the work of the Ombuds. The IOA Code of Ethics provides a common set of professional ethical principles to which members adhere in their organisational Ombud's practice. Based on the traditions and values of Ombud's practice, the Code of Ethics reflects a commitment to promote ethical conduct in the performance of the Ombud's role and to maintain the integrity of the Ombud's profession.

As outlined in the IOA Standards of Practice and the Terms of Reference for the UCT Ombud (attached as an appendix), the nature and role of the organisational Ombud is confidential, independent, works outside the formal channels and is impartial. An Ombud provides a safe space for staff and students, free from intimidation or retaliation, to surface issues of concern, particularly those that threaten performance and expose the organisation to risk, be it reputational, financial or otherwise.

The services of the Ombud's Office are available to all the members of the university community at no cost to them. No one should compel another person to visit the office, nor should someone be told that they cannot use the service. Preventing or discouraging others from visiting the office violates the Ombud's principle of independence and it also interferes with the legitimate performance of the Ombud's function at the university.

Confidentiality:

The Ombud's Office holds all communications with those seeking assistance in strict confidence and does not disclose the confidential information unless given permission to do so by the visitor. The only exception to this standard is when there appears to be imminent risk of serious harm.

Neutrality and impartiality:

The Ombud is a designated neutral, operating independently in the structure of the university so that she remains unaligned and impartial. She advocates for fairly and equitably administered processes and not on behalf of individuals. The Ombud does not engage in any situation which could create a conflict of interest.

Working outside formal structures:

The Ombud is an informal resource, and the contents of meetings do not form part of any university record. She also does not participate in any formal adjudicative or administrative procedure related to concerns brought to her attention.

Independence:

The office shall be, and shall also appear to be, free from interference in the legitimate performance of its duties. This is often achieved through structural independence. For example, I report to the Office of the Chair of the University Council instead of to a line manager within the university executive. The Ombud is empowered to gather all the information she may require from all the university members to help provide insight into an issue.

Other types of Ombuds include:

- Advocate Ombuds who may be located in either the public or private sector. He or she evaluates claims objectively but is authorised or required to advocate on behalf of individuals or groups found to be aggrieved. Advocate Ombuds are often found in organisations such as long-term care facilities or agencies, and organisations that work with juvenile offenders.
- Legislative Ombuds are a part of the legislative branch of a government entity and address issues raised by the general public or internally, usually concerning the actions or policies of government entities, individuals or contractors with respect to holding agencies accountable to the public.
- The primary objective of a media or news Ombud is to promote transparency within the news agency. This Ombud can receive and investigate complaints about news reporting from members of the public and then recommend the most suitable course of action to resolve issues that are raised

in the complaints. The news Ombud is an independent officer acting in the best interests of news consumers. He or she explains the roles and obligations of journalism to the public and acts as a mediator between the expectations of the public and the responsibilities of journalists.

Overview of the Ombud's Office services

Who visited the Ombud?

A visitor is defined as an individual who meets with the Ombud regarding one or more problem areas on campus. The visitor may have additional follow-up meetings depending on the nature of the issue. For the purposes of reporting, the follow-up meetings on the same issue do not increase the number of visitors. However, if the same visitor brings a different issue at another time s/he will be considered as a new visitor. The term visitor is also used for people who contact the office via telephone. The Ombud's Office discourages use of email for confidential information and prefers face-to-face meetings or talking over the phone.

Any type of UCT-related issue or conflict can be brought to the Ombud's Office. As part of working with the visitor, the Ombud may coach, mediate informally, conciliate or provide shuttle diplomacy or any other conflict management method that may be appropriate under the circumstances.

Based on written and unsolicited feedback and the number of referrals the office receives, the office seems to enjoy a favourable reputation on campus. I often ask visitors where they would have gone in the absence of the Ombud's Office. Many say they would have tried to endure the situation, some talk about litigation while some would have invoked the formal university system.

Over the past five years the number of visitors to the Ombud's Office has ranged from 84 to 516. When numbers are climbing, usually the first instinct is to ask, "What's wrong?" What is clearly evident is that there are more people using the Ombud's Office than before. Alongside asking "What is wrong on campus?" another legitimate question may well be, "What is right in the Ombud's Office that contributes to these numbers?" A number of factors contribute to this increase in numbers. Our intake forms tell us that many people come to the office through word-of-mouth. The following example is an email from a former student:

Hope this finds you well! My name is [] and I was a UCT student from 2006–2009. My student number is []. I am writing you this letter as a final attempt to hopefully get the assistance I am seeking, and you were highly referred to me by a friend of mine whom you helped with a financial issue a while ago. He told me that if there is anyone at UCT who might help, it would be you.

Some visit the university website while others get the information from the posters and leaflets that we make available to the residences, departments and faculty offices. Furthermore, from time to time we rely on the university Communications and Marketing Department to cover some of our activities. All these lead to the growing awareness. However, the intensity of conflict on campus itself cannot be discounted as a potential force behind these numbers.

While there is no significant presence established at this stage beyond the main Ombud's Office on the middle campus of the university, the Ombud's Office now operates from other campuses on set days such as the Graduate School of Business, and the Health Sciences Faculty. The Hiddingh campus will be operational shortly. This outreach came as a response to noticing that the majority of my visitors in the past years came from the main campus.

Data collection

Visitors are requested to complete an intake form which is used to collect basic statistical information such as the person's status at UCT (student, type of staff member, employee of outsourced service provider, parent, etc), general demographic information, how people got to know about the office, and a brief description of the issue. The question of how people heard about the office assists with the office marketing strategy.

The Ombud's Office collects data on a broad range of issues that visitors bring. These are not solely based on the information that visitors bring to the Ombud's Office. The Ombud does informal investigation, for example by contacting other people involved in the issue to gain perspective. The visitor must grant permission that this can be done. In this way the Ombud gets to hear a narrative detail beyond the visitor's presentation of issues. This helps to determine the appropriate level and scope for intervention.

The rest of the report describes the issues and concerns that were brought forward during the 12-month period, and the interventions of the Ombud and people whom she contacted as part of the resolution to a particular issue. Also included are the Ombud's recommendations for issues warranting future attention by the university.

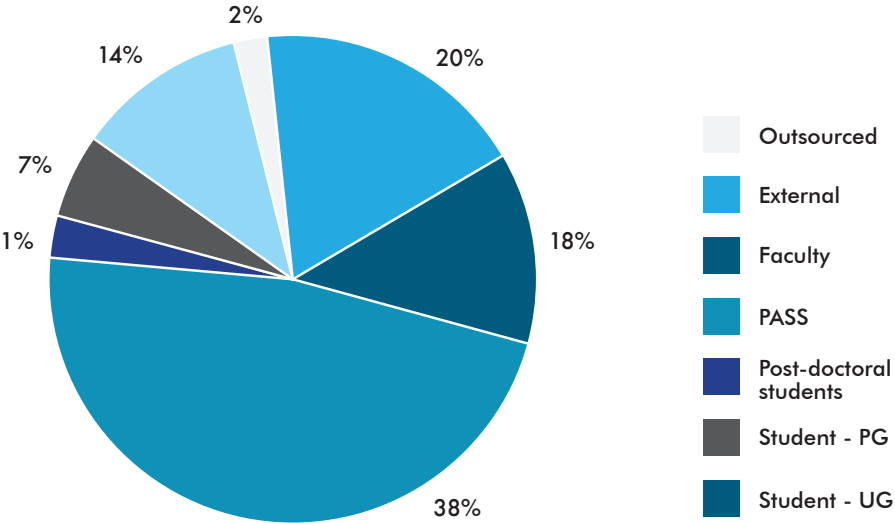
Total visitor count

The Ombud's Office assists diverse members of the university community. Between 1 July 2014 and 30 June 2015 the office had 516 visitors. This included 105 students (36 postgraduate and 69 undergraduate); 189 PASS; 99 Faculty; 2 post-docs; 7 outsourced staff members and 99 external (parents and family members and other external enquiries about UCT processes). Of the 516 visitors, 336 were consultations and 156 were enquiries resolved by making information available. Unlike consultations, enquiries about information or seeking clarity on a matter may be closed with a single visit. The consultations are different. Some issues, depending on the complexity and number of people involved, take longer. However, the bare statistics do not give a sense of the time devoted and levels of complexity that some of the cases

demand. You may notice that while the number of consultations went down over this period, the number of people contacted to resolve matters went up significantly. In 2014, for instance, there were 430 matters that required consultation. For these matters, 439 other people were contacted as respondents with the permission of the visitor. In 2015, 336 consultations involved 550 others as respondents. Together with 24 presentations in faculty boards, induction meetings and engagement with other audiences, the Ombud met with 684 others, resulting in a total of 1240 contacts over the year in addition to the initiators of visits.

The pie chart below shows percentages of visitors by constituency, where support staff (PASS) is the largest group, followed by External visitors, Faculty, Undergrad students, Postgrad students, Outsourced staff and Post-Docs with the least number of visitors.

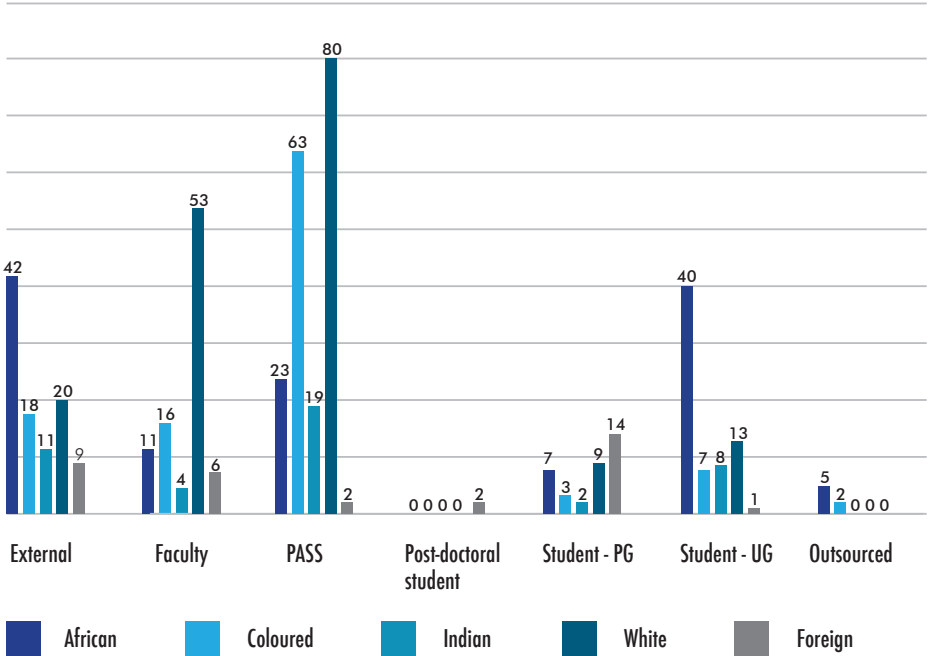
Distribution of visitors by constituency



Graph1: Distribution of visitors

The graph below shows Africans dominating among the external, student and outsourced worker visitors, while white visitors dominate among Faculty and PASS followed by Coloured, African and then Indian visitors. In the past years, these patterns to some extent reflected the profiles of the different groups. 2014 is the first time for White visitors to dominate in both Faculty and PASS.

Visitor by constituency



Graph 2: Visitor profile

The gender distribution remains the same as last year, viz. 49% male and 51% female.

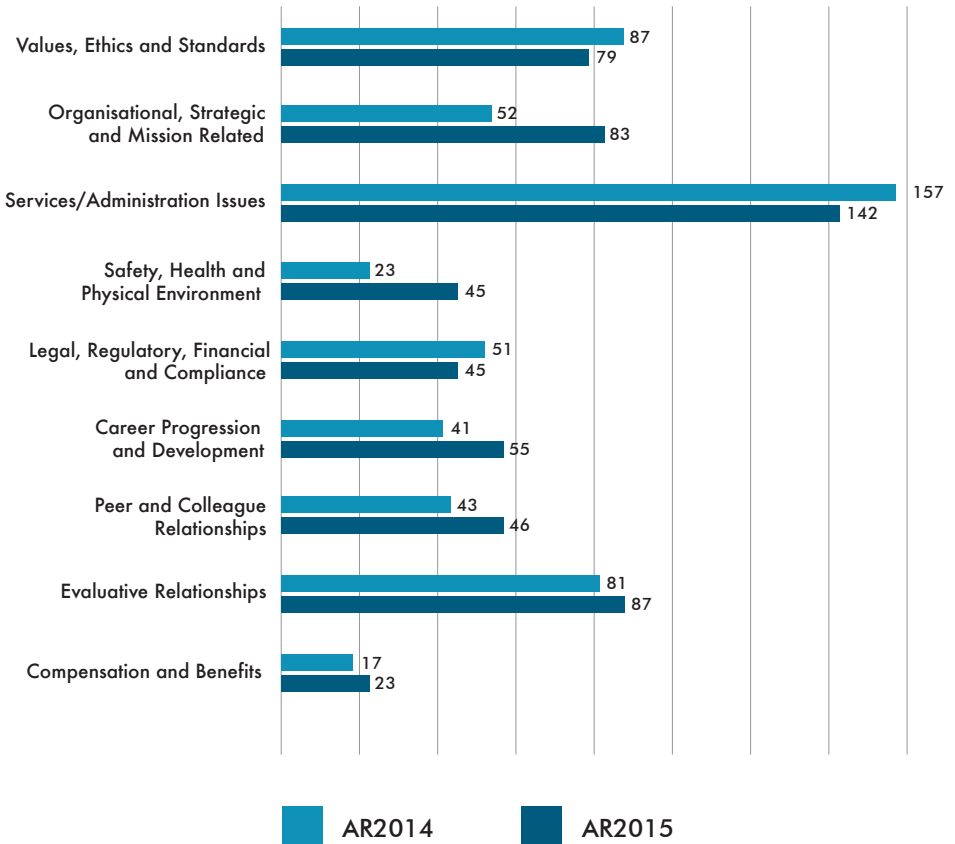
Classification of issues

As in previous years, the office used the IOA uniform reporting categories with slight modifications to encapsulate the university’s governance areas where gaps were found. The 516 individuals who contacted the Ombud’s Office brought 605 issues. The table gives the number of visitors for each category and the percentage that each category constitutes of all issues raised.

IOA Issues Category:	Numbers	Percentages
Compensation and Benefits: Questions, concerns, issues or enquiries about benefits and benefit programmes.	23	4%
Evaluative Relationships: Questions, concerns, issues or enquiries arising between people in evaluative relationships (such as supervisor-employee, staff-student).	87	14%
Peer and Colleague Relationships: Questions, concerns, issues or enquiries involving peers or colleagues who do not have a supervisory-employee or student-teacher relationship.	46	8%
Career Progression and Development: Questions, concerns, issues or enquiries about administrative processes and decisions regarding entering and leaving a job, and what the job entails.	55	9%
Legal, Regulatory, Financial, and Compliance: Questions, concerns, issues or enquiries that may create a legal risk for the organisation or its members if not addressed, including issues related to waste, fraud or abuse.	45	7%
Safety, Health, and Physical Environment: Questions, concerns, issues or enquiries about safety, health and infrastructure-related issues.	45	7%
Services/Administration Issues: Questions, concerns, issues or enquiries about services or administrative offices including from external parties.	142	23%
Organisational, Strategic, and Mission Related: Questions, concerns, issues or enquiries that related to the whole or some part of an organisation.	83	14%
Values, Ethics, and Standards: Concerning the fairness or organisational 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.	79	13%
Total number of issues:	605	

Table 1: Number of cases by IOA standard reporting categories, 2014/15

Number of issues – comparisons



Graph 3: Category comparison 2014 and 2015

IOA uniform reporting categories for issues/concerns

Since 2014 these IOA Uniform Category and Sub-category reporting guidelines have been adapted to UCT. The adaptations were made because the categories as they were did not have appropriate descriptions of all the issues presented at the University of Cape Town.

1) **Compensation, Benefits, Honours and Recognition** – Questions, concerns, issues or enquiries about the equity, appropriateness and competitiveness of employee compensation, benefits and other benefit programs.

a) Compensation – Rate of pay, salary amount, job salary classification/level.	3
b) Payroll – Administration of pay, pay-related communication.	3
c) Benefits – Decisions related to medical, dental, life, vacation/sick leave/study leave, sabbatical, education, hours of work, etc.	10
d) Retirement, Pension – Eligibility, calculation of amount, retirement and pension benefits, conditions of disbursement.	3
e) Performance-related benefits	5
f) Insurance – Health, IOD, other.	1
g) Educare, Child Care – Decisions related to university Educare, registration, resignation, termination and care.	1
h) Honours, Recognition – Giving honour to others or recognising their contribution.	1

2) **Evaluative Relationships** – Questions, concerns, issues or enquiries arising between people in relationships (i.e. super-employee, faculty-student, colleague-colleague, student-student).

a) Priorities, Values, Beliefs – Differences about what should be considered important – or most important – often rooted in ethical or moral beliefs.	53
b) Respect, Treatment – Demonstrations of inappropriate behaviour, disregard for people, rudeness, crudeness, etc.	65
c) Trust, Integrity – Suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.	68
d) Reputation – Possible impact of rumours and/or gossip about professional or personal matters.	36
e) Communication – Quality and/or quantity of communication.	64
f) Bullying, Mobbing – Abusive, threatening, and/or coercive behaviour.	46

g) Diversity-related – Comments or behaviours perceived to be insensitive, offensive or intolerant on the basis of an identity-related difference such as race, gender, nationality, sexual orientation, disability, religion, PASS versus faculty, rank, academic discipline.	62
h) Retaliation – Punitive behaviours for previous actions or comments, whistle blower.	29
i) Physical violence – Actual or threats of bodily harm to another.	3
j) Assignments, Schedules – Appropriateness or fairness of tasks, expected volume of work.	36
k) Feedback – Feedback or recognition given, or responses to feedback received.	11
l) Consultation – Requests for help in dealing with issues between two or more individuals they supervise/teach or with other unusual relationship situations.	7
m) Performance appraisal/Grading – Job performance in formal or informal evaluation.	31
n) Grading – Academic performance in formal or informal evaluation.	17
o) Departmental climate – Prevailing behaviours, norms or attitudes within a department for which supervisors or faculty have responsibility.	42
p) Supervisory effectiveness – Management of department or classroom, failure to address issues.	42
q) Insubordination – Refusal to do what is asked.	10
r) Discipline – Appropriateness, timeliness, requirements, alternatives or options for responding.	4
s) Equity of treatment – Favouritism, one or more individuals receive preferential treatment.	13

3) Peer and Colleague Relationships – Questions, concerns, issues or enquiries arising between people in relationships (e.g. manager-employee, supervisor-student, faculty-student, faculty-PASS, faculty/PASS-outsourced, colleague-colleague, student-student).

a) Priorities, Values, Beliefs – Differences about what should be considered important – or most important – often rooted in ethical or moral beliefs.	23
b) Respect, Treatment – Demonstrations of inappropriate behaviour, disregard for people, rudeness, crudeness, etc.	26
c) Trust, Integrity – Suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.	32
d) Reputation – Possible impact of rumours and/or gossip about professional or personal matters.	24
e) Communication – Quality and/or quantity of communication.	27
f) Bullying, Mobbing – Abusive, threatening, and/or coercive behaviours.	13
g) Diversity-related – Comments or behaviours perceived to be insensitive, offensive, or intolerant on the basis of an identity-related difference such as race, gender, nationality, sexual orientation, disability, religion, academic discipline, etc.	28
h) Retaliation – Punitive behaviours for previous actions or comments, whistle blower.	9
i) Physical violence – Actual or threats of bodily harm to another.	2
j) Departmental climate – Prevailing behaviours, norms, or attitudes within a department for which supervisors of faculty have responsibility.	24

4) Career Progression and Development – Questions, concerns, issues or enquiries 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).

a) Job application, Selection and Recruitment processes – Recruitment and selection processes, facilitation of job applications, job application feedback, short-listing and criteria for selection, employment equity, disputed decisions linked to recruitment and selection.	21
--	----

b) Job classification and description – Changes or disagreements over requirements of assignment, appropriate tasks.	9
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, career progression, i.e. promotion, reappointment or tenure.	8
e) Career progression – Ad hominum promotion, promotion, succession, reappointment, or tenure.	20
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, request for transfer to other places/duties/roles.	2
g) Resignation – Concerns about whether or how to voluntarily terminate employment or how such a decision might be communicated appropriately.	11
h) Termination/Non-renewal – End of contract, non-renewal of contract, disputed permanent separation from organisation.	2
i) Re-employment of former or retired staff – Loss of competitive advantages associated with re-hiring retired staff, favouritism.	0
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.	7
l) Private work	0
m) Re-deployment/Redundancy	1
n) Student employment	3

5) Legal, Regulatory, Financial and Compliance – Questions, concerns, issues or enquiries that may create a legal risk (financial, sanction, etc.) for the organisation or its members if not addressed, including issues related to waste, fraud or abuse.

a) Criminal activity – Threats or crimes planned, observed, or experienced, fraud, plagiarism.	9
b) Business and financial activities – Inappropriate actions that abuse or waste organisational finances, facilities, equipment or resources.	6
c) Harassment – Unwelcome physical, verbal, written, e-mail, audio, video, psychological or sexual conduct that creates a hostile or intimidating environment.	15
d) Discrimination – Different treatment compared with others or exclusion from some benefit on the basis of, for example, gender, race, age, national origin, religion, rank, etc. (being part of the Employment Equity Act – EEA – applies in South Africa).	33
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.	2
f) Accessibility, Access – Removal of physical barriers, providing ramps, elevators, access to information, etc.	6
g) Intellectual property rights – E.g. copyright and patent infringement.	0
h) Privacy and security of information – Release or access to individual or organisational private or confidential information.	4
i) Property damage – Personal property damage, liabilities.	0
6) Safety, Health and Physical Environment – Questions, concerns, issues or enquiries about safety, health and infrastructure –related issues.	
a) Safety – Physical safety, injury, medical evacuation, meeting state and university requirements for safety training and equipment.	10
b) Physical working/living conditions – Temperature, odours, noise, available space, lighting, etc.	5

c) Ergonomics – Proper set-up of workstation affecting physical functioning.	2
d) Cleanliness – Sanitary conditions and facilities to prevent the spread of disease.	3
e) Security – Adequate lighting in parking lots, metal detectors, guards, limited access to building by outsiders, anti-terrorist measures (not for classifying ‘compromise of classified or top secret’ information).	4
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.	1
g) Safety equipment – Access to or use of safety equipment, e.g. fire extinguisher.	0
h) Environmental policies – Policies not being followed, being unfair, ineffective, cumbersome.	3
i) Work-related stress and work-life balance – Post-Traumatic Stress, Critical Incidence Response, internal/external stress, e.g. divorce, shooting, caring for sick, injured.	27
j) Parking	2
k) Use of space	1
7) Services/Administrative Issues – Questions, concerns, issues or enquiries about services or administrative offices including from external parties.	
a) Quality of service – How well services were provided, accuracy or thoroughness of information, competence, etc.	59
b) Responsiveness, Timeliness – Time involved in getting a response or return call or about the time for a complete response to be provided.	43
c) Administrative decisions and interpretation, Application of rules – Impact of non-disciplinary decisions, decisions about requests for academic or administrative services, e.g. exceptions to policy deadlines or limits, refund requests, appeals or records, etc.	87
d) Fees and Financial Aid – Fee account management, debtors, financial aid eligibility and process.	32

e) Behaviour of service provider(s) – How an administrator or staff member spoke to or dealt with a constituent, customer, client, or students, e.g. rude, inattentive or impatient.	21
f) Course availability, Completing degree in timely fashion	33
g) Admissions, Readmissions, Registration and Records – undergraduate	18
h) Admissions, Readmissions, Registration and Records – postgraduate	9
i) Student and Staff Housing	11
8) Organisational, Strategic, and Mission Related – Questions, concerns, issues or enquiries that relate to the whole or some part of an organisation.	
a) Strategic and mission-related, strategic and technical management – Principles, decisions and actions related to where and how the organisation is moving.	36
b) Leadership and Management – Quality/capacity of management and/or management/leadership decisions, suggested training, reassignments and reorganisations.	52
c) Use of positional power, Authority – Lack or abuse of power provided by individual’s position.	45
d) Communication – Content, style, timing, effects and amount of organisational and leader’s communication, quality of communication about strategic issues.	59
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.	1
f) Organisational climate – Issues related to organisational moral and/or capacity for functioning.	16
g) Change management – Making, responding or adapting to organisational changes, quality of leadership in facilitating organisational change.	20

h) Priority setting and/or Funding/ Focus – Disputes about setting organisational/departmental priorities and/or allocation of funding within programmes, teaching versus research.	8
i) Data, Methodology, Interpretation of results – Scientific disputes about the conduct, outcomes and interpretation of studies and resulting data for policy.	2
j) Interdepartment, interorganization work, territory – Disputes about which department/organisation should be doing what/taking the lead.	4
9) Values, Ethics, and Standards – Questions, concerns, issues or enquiries about the fairness or organisational values, ethics, and/or standards, the application of related policies and/or procedures, or the need for creating or revision of policies, and/or standards.	
a) Standards of Conduct – Fairness, applicability or lack of behavioural guidelines, administrative processes and/or codes of conduct, for academic honesty, plagiarism, code of conduct, conflict of interest, debtors, etc.	36
b) Values and Culture – Questions, concerns or issues about the values or culture of the organisation.	32
c) Scientific conduct, Integrity – Scientific or research misconduct or misdemeanours, e.g. authorship, falsification of results.	0
d) Policies and Procedures not covered in broad categories 1 to 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.	13

Table 2: IOA Uniform reporting categories for issues/concerns

The following sub-categories were at issue in a considerable number of cases (40 or more)

- Administrative decisions and interpretations, Application of Rules, within the broad category of Service/Administrative Issues, accounted for the largest number of cases (87). This sub-category was commonly raised by students (prospective and current) and/or their parents or guardians. Their concerns related to a myriad of academic and other campus services for students. These included concessions and appeals, where for instance a visitor complained about perceived bias in decisions; the length of time it took to arrive at decisions; and poor responses from university officials when following up on matters. Other issues raised in this sub-category involved residence rules.

- Within the same broad category of Service/Administrative Issues, quality of service was an issue in 59 cases and response time in 43 cases. Visitors reported that response time was slow, even where there was a stipulated turn-around time such as in grievance processes. Many students complained about fees. This included cases where families could not afford the fees where more than one child was being supported. In other cases students had returned to university through a Readmissions Committee concession but were then not considered for financial aid.
- Evaluative Relationships accounted for the second highest number of complaints. Complaints pertaining to trust and integrity were most common at 68 cases, followed by concerns about lack of respect and poor treatment at 64 (down from 80 in 2014). Diversity related matters, at 62 (compared to 49 in 2014) included comments or behaviours perceived to be offensive, insensitive or intolerant. Undergraduate and postgraduate students – the latter in particular – contacted the office to talk about supervisory relationships. Another sub-category that increased in frequency was bullying and mobbing, which increased from 46 in 2014 to 53 in this reporting period. Bullying was also noted in the 2014 report and I am aware that work and consultation on a policy on bullying and incivility has begun. Both departmental climate and supervisory effectiveness were at 42.
- Organisational, Strategic and Mission-related category had the following sub-categories recording the highest number of mentions – leadership and management at 52, communication at 59, and abuse of positional power at 45. These concerns were often linked to concerns around evaluative relationships. As is to be expected, the majority of people contacting the Ombud’s Office are involved in some form of an evaluative relationship.

Observations and recommendations

Although the numbers and categories presented above provide some sense of office activity, it is the stories and situations that truly reflect the depth and complexity of each issue. Because of the office’s commitment to confidentiality, these stories cannot be presented. As alluded to in the introduction, by the time I gather these statistics for the annual report, more than 90% of the matters brought to my attention appear to have been resolved. Exact quantitative evaluation of Ombud’s Office’s success in resolving issues is difficult to do as we may not actively seek feedback from visitors after they have consulted the office since this is inconsistent with the Standards of Practice. Indeed, visitors are not expected to give feedback. Further, what determines a successful resolution of an issue depends on the perspective of the person evaluating the outcomes. Nevertheless, in more than 90% of the matters from the Ombud’s perspective the issue presented by the visitor appears to have been resolved.

During the year, I meet with the University Executive, Deans and Executive Directors and other relevant parties to identify trends in their respective areas in a way that does not break confidentiality. I have been told that this input helps the executive to deal with issues before they escalate into bigger problems. Some people contact the office to seek advice on how best to proceed with an issue, while others come when it seems that no other options short of a grievance or separation from the university seems viable.

Since the 2013/14 reporting cycle, the Office of the Chair of Council requests the university executive team to generate a response to the Ombud's report before it is tabled in Council. This allows the executive to consider what and where the areas of concern are and what to do with them. It also helps the institution identify institutional behaviour, practice and culture that may cause patterns of conflict.

As has been the case every year, the issues brought to the Ombud's Office were diverse but clustered around several common themes. Staff concerns related to relationships, bullying and poor communication difficulties with a person of higher university status, ongoing problems with turf and boundaries, recruitment and selection committees, tenure and promotion decisions, questions of collegiality and professional behaviour, interpretation of policies and work-related stress and resignations.

For both undergraduate and postgraduate students the common issues were academic concerns regarding grades and re-evaluation, academic standing, academic misconduct, degree requirements, supervision, thesis submission and graduation, fees, late payment penalties and lack of advice to help them save on registration timing (postgrads) and course changes.

Issues of transformation, equity and diversity featured in my observations and recommendations last year. Even though the university has been grappling with acknowledging and valuing diversity over some time now, as seen in efforts such as Khuluma, Mamela and Adapt, the Rhodes Must Fall campaign and the subsequent activities and debates it generated about transformation, requirements in a university setting show that a lot more needs to be done in this area. Changes need to go beyond race to include other diversity indicators such as gender, sexual orientation, religion, discipline, rank and others.

Other activities

- Because the services of the Ombud's Office are confidential as well as independent from the university structures, the work can sometimes be lonely. To help deal with this I started a network of Ombuds. The network brings together Ombuds from universities in South Africa as well as a few from other sectors. Some of our members are allocated elsewhere on the continent. I coordinate monthly virtual meetings with this network and send out a quarterly newsletter "The Ombud".

- Training in Ombuds skills had been cited as a gap by members of the network. To address this we started planning to host an international training event for new and existing Ombuds in 2015.
- The Ombud, as part of making the office and its work known, made 23 presentations to various departments across campus, faculty boards, unions, the Students Representative Council and when new staff were being inducted. These presentations often led to people subsequently approaching the office with their issues.
- The physical office of the Ombud was successfully soundproofed during this reporting period. This is an important feature that relates to the confidentiality principle of the office.
- The UCT Ombud successfully completed the examination process to qualify as a Certified Organisational Ombud Practitioner.
- The Office's services are now available at other campuses such as the GSB and Health Sciences. We will start working from Hiddingh in due course.

In closing

Whatever success was achieved during this past year by the Ombud's Office is attributable to the support of the people who voluntarily chose to use the office, as well as faculty and administrative leaders who listened objectively to various matters brought to their attention and co-operated to find a just resolution to problems. I must add that while as Ombud my mandate involves highlighting gaps and places where the university should intervene and improve, in this exercise during 2014/15 – as in previous years – I also came across areas of the university that work well. I am grateful to the Office of the Chair of Council for their unwavering support over the years. I consider it a privilege to assist the university as it develops this area of work.

Appendix A

Terms of reference

University of Cape Town Office of the Ombud

1. Introduction and mandate

To demonstrate commitment to the just, fair and equitable treatment of each and every member of the university community, the Office of the Ombud at the University of Cape Town was established in 2011.

Its mandate is to provide informal dispute resolution service to the university community (all staff; current and past students; visitors to the university and contractors) predicated on the principles of fairness. The Office of the Ombud is outside of the usual university academic and administrative structures. It is a neutral, independent, informal and confidential resource to facilitate fair and equitable resolutions to concerns and problems raised by any member of the university community.

2. Purpose and scope of services

The principal role of the Office is to be available as an impartial resource for the review of all decisions and actions that fall within the ambit of university life.

The Ombud seeks to provide a neutral, informal, confidential and independent environment within which complaints, inquiries or concerns about alleged acts, omissions, and any problems as they are experienced by university members may be surfaced.

The Office of the Ombud performs a variety of functions. These include listening and providing a respectful and safe place for people to discuss their problems freely, helping them to clarify concerns and develop options, explaining university policies and procedures, making referrals to other offices and coaching visitors on how to help themselves, looking into issues by gathering data and perspectives of others and engaging in shuttle diplomacy. In addition, the Office of the Ombud serves as a resource for information and makes available to the University dispute resolution expertise. It also seeks to be a catalyst for institutional change. The Ombud assists parties in reaching resolutions that are consistent with the ideals of the university.

The Office of the Ombud supplements but does not replace or substitute for the formal, investigative or appeals processes that are currently in place in the University. Use of the office is voluntary. The office of the Ombud reports general trends of issues and provides organisation wide feedback while recommending system change when appropriate without disclosing confidential information.

3. Reporting

The Ombud reports to the University Council through the Chair of Council. A written report is submitted annually to Council through the Chair on a date agreed upon by the Council and the Ombud. The Office of the Ombud functions independently with respect to case handling and issue management but it reports to the Vice-Chancellor for administrative and budgetary purposes. To fulfil its functions, the Office of the Ombud shall have a specific allocated budget, adequate and functional space and sufficient resources to meet operating needs and pursue professional development. On an ongoing basis, the Ombud will provide feedback, while maintaining confidentiality, to the Vice-Chancellor and other leadership team members to inform them of the kinds of issues and trends the Ombud may be hearing about and to explain the relevance of such information, and to provide guidance.

4. Standards and ethics

The Office of the Ombud staff shall adhere to The International Ombudsman Association (IOA) Code of Ethics and Standards of Practice. This code requires that the Ombud shall function independently of the organization, to be confidential and neutral, and to limit the scope of its services to informal means of dispute resolution. The IOA Standards, Code, and Best Practices delineate minimum standards, and the Office of the Ombud shall always strive to operate to “best practices” and to serve the best interests of all concerned. The Ombud shall establish consistent procedures which shall be made available upon request. The Ombud shall publicise the confidential, independent, neutral and informal nature of her services through promotional materials, a website, and visible wall postings and provide a copy of the Standards to each visitor.

A. Independence

Independence is essential to the effective functioning of the Office of the Ombud. The Office of the Ombud shall be, and shall be seen to be, free from interference in the performance of its duties. This independence is achieved primarily through the reporting structure of the office, neutrality and organizational recognition and respect for its independent role. To ensure objectivity, the Office of the Ombud shall function independently from administrative authorities. This includes not disclosing confidential information about matters discussed in the Office of the Ombud with anyone in the organization, including the person to whom the Office of the Ombud reports.

B. Confidentiality

The Office of the Ombud holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality. The Ombud does not reveal and must not be required to reveal the identities of the people who contact her. Communications between the Ombud and others (made while the Ombud is serving in that capacity) are considered privileged. The privilege belongs to the Ombud and her Office, rather than to any party to an issue. Others cannot waive this privilege. The only exception to this pledge of confidentiality is where the Ombud determines that there

is an imminent risk of harm to human life. The Ombud shall not be required to give evidence before a University tribunal about anything that she may have learnt in the exercise of her duties. The University will endeavour to protect the Ombud from subpoena by others, both inside and outside the university.

C. Impartiality and neutrality

The office of the Ombud shall not take sides in any conflict, dispute or issue but shall consider the interests and concerns of all parties involved in a situation impartially with the aim of facilitating communication and assisting the parties to reach mutually acceptable agreements that are fair and equitable, and consistent with the policies of the University.

D. Informality

The Ombud functions on an informal and off-the-record basis and shall be a resource for informal dispute resolution services. The Office of the Ombud shall not investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. Whenever practical, the Ombud shall seek the resolution of the problem at the lowest level within the organisation. The Office of the Ombud does not keep records about individual cases for the University. Use of the Office of the Ombud shall always be voluntary and not a compulsory step in any grievance or University policy.

5. Exclusions, authority and limits of the Office of the Ombud

A. Authority of the Office of the Ombud

1. Initiating informal enquiries

The Ombud will be entitled to inquire informally about any issue concerning the University and affecting any member of the University community. Therefore, the Ombud may initiate informal inquiries into matters that come to her attention.

2. Access to information

The Ombud may request access to information related to visitors' concerns from files and offices of the university, and will respect the confidentiality of the information. Requests by the Ombud for information should be handled with reasonable promptness by the university departments.

3. Ending involvement in matters

The Office of the Ombud may decline to inquire into a matter or may withdraw from a case if the Ombud believes involvement is inappropriate for any reason.

4. Discussion with visitors

The Office of the Ombud has the authority to discuss a range of options available to the visitor, including both informal and formal processes. However, the Office of the Ombud will have no actual authority to impose sanctions or to enforce or change any policy, rule or procedure.

5. Access to legal counsel

The Office of the Ombud may require legal or other professional advice, from time to time, in order to fulfill its required functions. The Office of the Ombud may be provided legal counsel separate and independent from the university in the event it is asked for, documents or testimony related to any litigation or other formal process, or when a conflict of interest arises between the Office of the Ombud and the administration or the university.

B. Limitations on the authority of the Office of the Ombud

1. Receiving notice for the university

Communication to the Office of the Ombud shall not constitute notice to the university. The Office of the Ombud shall publicize its non-notice role to the university. If a user of the Office of the Ombud would like to put the university on notice regarding a specific situation, or wishes for information to be provided to the university, the Ombud will provide that person with information so that the person may do so her/himself. In extremely rare situations, the Office of the Ombud may have an ethical obligation to put the university on notice. This will take place only when there is no other reasonable option.

2. Collective bargaining agreements

The Office of the Ombud shall not address any issues arising under a collective bargaining agreement ("CBA"), unless allowed by specific language in the CBA. This means that while the Office of the Ombud may provide services to union members, those services may not include addressing issues that are covered in the CBA. The Office of the Ombud may work with union members regarding all other issues not covered by the contracts, such as communication issues with co-workers.

3. Formal processes and investigations

The Office of the Ombud shall not conduct formal investigations of any kind. The Office of the Ombud staff shall not willingly participate in formal dispute processes or outside agency complaints or lawsuits, either on behalf of a user of the Office of the Ombud or on behalf of the university. The Office of the Ombud provides an alternate channel for dispute resolution.

4. Record keeping

The Office of the Ombud does not keep records. Notes, if any, taken during the course of working on a case are routinely destroyed at regular intervals and at the conclusion of a matter. All materials related to a case should be maintained in a secure location and manner, and should be destroyed once the case is concluded. The Ombud may maintain non-confidential statistical data to assist in reporting trends and giving feedback.

5. Advocacy and psychological counselling

The Office of the Ombud shall not act as an advocate for any party in a dispute, nor shall they represent management or visitors to their office. In addition, the Office of the Ombud does not provide legal or psychological assistance.

6. Adjudication of issues

The Office of the Ombud shall not have authority to adjudicate, impose remedies or sanctions, or to enforce or change policies or rules.

7. Conflict of interest

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

C. Retaliation against the Ombud or service users

1. All members of the constituencies served by the Office of the Ombud shall have the right to consult the Office of the Ombud without fear of retaliation or reprisal.
2. The Office of the Ombud should be protected from retaliation (such as elimination of the Office or the Ombudsman, or reduction of the Ombud budget or other resources) by any person who may be the subject of a complaint or inquiry.

References:

1. IOA Standards of Practice
2. IOA Code of Ethics
3. IOA Best Practices: A Supplement to IOA's Standards of Practice

OFFICE OF THE OMBUD

3–4 Lovers Walk
Lower Campus
University of Cape Town
Rondebosch
7701

Tel +27 (21) 650 3665/4805
Email: ombud@uct.ac.za
Website: www.ombud.uct.ac.za

The office of the OMBUD is
Independent, Impartial, Confidential
and works outside of formal structures