

2014
**ANNUAL
REPORT**

CONTENTS

Message from the Ombud	3
Introduction	4
History of Ombudsing	4
International Ombudsman Association	4
The importance of the terms of reference	5
Terminology and approach to data	5
Value of an Ombuds Office	6
Statistical analysis	7
Who visited the Ombud?	7
Classification of issues	10
Data comparison	11
Nature of problems	11
Improved data tracking	11
IOA Uniform Reporting Categories for Issues/Concerns	12
Other office activities	18
Effectiveness	18
Observations and recommendations	19
Leadership and management	19
Performance evaluation and promotion	19
Job application feedback	19
Delays in heeding Ombud's feedback	20
Transformation, equity and diversity	20
Student concerns	21
Bullying and incivility	21
In conclusion	21
Appendix A	22

MESSAGE FROM THE OMBUD

In my role as Ombud I have enjoyed unwavering support from the University leadership, especially its Council to whom I report through the Office of the Chairperson with the Most Rev. Archbishop Ndungane as Chairperson and Ms Debbie Budlender as Deputy. I have received positive feedback from many (not all) of the people who have chosen to use the services of the office of the Ombud. I am pleased that this year, through the first formal evaluation of the office conducted by the University Council to test whether the office is competently delivering on its mandate, I gained a broader overview of the impact of the office, its successes, gaps and failures.

This is my fourth report and, coupled with the evaluation exercise, I have looked back at the job content closely with the daily practice in mind. I continue to find pleasure and comfort in knowing that my office will assist a visitor to experience fair treatment and some form of justice where it is due. The satisfaction my role brings is matched by the complexity and discomfort that comes with it. This creative tension is linked to the expectation that the Ombud will always be a critical yet effective collaborator, a free-flowing yet fastidious facilitator, a patient listener who listens to people so expertly that they find it possible to think again for themselves and often reach their own solutions to their problems. However, it is worth mentioning that the Ombud cannot be a panacea to all the problems of the university. In a conversation with a university psychologist, he used a car analogy in defining my role. He said I may not be the driver or the engine of the university (as a car), but I may be linked to its brakes, and am certainly linked to the oil and grease that act as lubricants that avoid or lessen the friction that threatens to cause the car (the university or its parts) to break down.

It is my hope that this report achieves two objectives namely: 1. to assist all members of the university to understand the role of the Ombud and to be encouraged to make use of the service voluntarily, and 2. to contribute through the recommendations here and many others made directly to several staff throughout the reporting period towards fair decision-making, insight into conflicts and problems, and civility in all interactions on campus.

Submitted respectfully,

Zetu Makamandela-Mguqulwa



Introduction

For ease of reference and as an introduction to the Office of the Ombud, its role, mandate at the university and operating principles, the terms of reference for the office are included in an appendix to this report. As specified in these terms of reference, a written report is submitted annually to Council through the Chairperson. The purpose of the report is to summarise the activities of the Ombud's office and to identify trends, patterns and new complaints. These indicate what is not working well and what fails to meet the expectations of the university community and may lead to a grievance or an unmet reasonable expectation or violate trust. The reporting is done in a manner that upholds confidentiality so that no individual, unit or department is exposed.

It would be unfair on my part to fail to acknowledge early on that a lot of the success of my office is achieved through other people from within the university. Further, in looking at things not working I also come across many things that work well.

This report covers the period from 1 July, 2013 to 30 June, 2014. The University Council had resolved that this be the standard reporting period going forward. The reporting period for this report thus duplicates four months covered by my previous report, which covered the period 1 November, 2012 to 31 October, 2013. The delay of several months in publishing the report means that in many cases the university has already made good progress in addressing concerns that were raised.

History of Ombudsing

The use of a neutral intermediary to address conflicts takes place across diverse cultures and spans many continents and centuries. The word Ombudsman is Swedish and means "representative". It is not gender specific,

although many universities (like UCT) are using the terms "ombuds" or "ombudsperson" in an effort to make the word gender neutral. The modern use of the term began in 1809, when the Swedish government created such an office. Sweden and other European countries appointed a relatively senior and respected official who would have access to all levels of government, from the prime minister, through the heads of ministries, to directors of lower-level administrative agencies, and could cut through red tape and work to resolve problems relatively expeditiously. Subsequently, Ombuds offices were created in countries in other continents. The University of Cape Town chose the term Ombud rather than "Ombudsman".

International Ombudsman Association

The International Ombudsman Association (IOA) was officially formed in July 2005 following the merger of the University and College Ombuds Association (UCOA) and The Ombudsman Association (TOA). The Association supports organisational Ombuds worldwide who work in universities, government entities, non-governmental organisations, business and non-profit organisations. IOA is the largest association of professional organisational ombudsmen practitioners in the world, representing more than 737 members, of whom 145 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 Ombudsman work, which continues to evolve towards a profession. The IOA has developed a Code of Ethics that provides a common set of professional ethics and principles to which members adhere in their organisational Ombudsman practice. It has also helped develop a growing body of research and literature. The UCT Ombud terms of reference and ethical principles in the appendix are derived from these.

The importance of the terms of reference¹

As mandated by the IOA Code of Ethics and Standards, I briefly explain the Standard of Practice to each visitor. However, I have noticed that despite my summation of the Code as well as the Ombud's Terms of Reference at the beginning of the first meeting with each visitor, some people still do not understand them or how far my role goes. For example, I may refer a visitor to another resource on campus, but visitors will still expect my office to carry out what that office is supposed to deliver on. When those offices fail to act, my office is made to share some of the blame. I now request people who feature as part of a resolution to let me know when a matter is acted upon. This is important because when people have reason to complain, they want the problem resolved as quickly and effectively as possible.

The Terms of Reference guide my relationships with visitors and with the university. In one case, after an informal intervention in a department I gave verbal feedback and hence felt I had closed the matter. It appeared later that the department had expected a written formal report. Such a report cannot be produced by an informal and off-the-record office. Similarly, upon hearing that visiting my office had been mentioned in Human Resource (HR) forms as indicative of steps to deal with a "difficult" staff member, I requested that this information be recalled as HR is official and on record.

Terminology and approach to data

A visitor is someone who contacts the office of the Ombud for assistance. "Visitor" may not be a perfect term as some people contact the office telephonically and on rare occasions via email. All visitors bring with them an issue or a matter that is considered to be a case. There are times when a visitor brings a set of issues

of concern. These are counted as separate issues and when the visitor returns with a different set of issues these constitute a different case. This means that the total for the statistics presented below exceeds the number of visitors as a particular complaint may encompass several issues and a particular visitor may use the services of the office more than once.

Visitors voluntarily contact my office, as no one should be compelled to interact with the Ombud. At the same time, as contained in 5.C of the Terms of Reference, no one should be told not to consult the Ombud. It is disappointing to continue to hear that there are people who are discouraging others from visiting my office. It is also disappointing that some people express their disappointment about another person's having used the Ombud service when they learn of it afterwards. This matter is mentioned in most of my presentations and the office evaluation resulted in 21% of respondents raising this very issue.²

While some concerns are resolved without involving other people, in many instances, with express consent from the visitor, the Ombud may have to contact other people towards resolving an issue. The respondents are treated in the same manner as the initial visitor. The Ombud, in carrying out her functions, is entrusted to advocate for fairness and a reasonable outcome. I do not have a responsibility to defend the university or the person who decided to seek assistance. Instead, the office helps to clarify policies and available services, analyses problems brought forward and offers options for resolution, applies conflict resolution methods and uses shuttle diplomacy where needed.

Not all the people with a particular problem consult with the Ombud to resolve it. It is therefore

² The recent office evaluation summary states on page 2 that "6 visitors [out of 29] said that they had suffered negative consequences from taking the issue to the Ombud."

¹ See Appendix A for the Terms of Reference

important to note that the data in this report reflect the number of people who chose to visit the Ombud to discuss the problem, many of whom are using other resources or handling the problem in other ways available to them. Many others with a similar problem may not use the Ombud's services at all. It is my hope that people take advantage of other services available on campus.

Where the issue presented seems unrealistic or unreasonable, the Ombud educates the visitor about how she works and helps the visitor to think about the issue differently through conflict coaching. The time and response vary per visitor; it can range from a brief consultation to an involved matter that requires meetings with many other parties. Complex issues take more time as additional follow up is often required.

With issues reflected in this report, the Ombud did not assess which aspects were more important than others when the visitor spoke. While this may seem a limitation to some readers, it enabled me to listen and gain insight into the many different facets of the university that might warrant attention. At times, inquiries involved matters outside the Office's jurisdiction, such as tenant and landlord matters, family law and other legal issues. While the office does not offer any legal advice, we were happy to refer visitors to other university resources to access this help whenever possible.

Value of an Ombuds Office³

Organizations with an ombudsman office commonly cite the following benefits of the service:

- Offers a safe place for members of the workforce to discuss concerns and understand their options without fear of retaliation or fear that formal action will be taken simply by raising concerns.
- Helps identify undetected and/or unreported criminal or unethical behavior, policy violations, or ineffective leadership.
- Helps employees become empowered and take responsibility for creating a better workplace.
- Facilitates two-way, informal communication and dispute resolution to resolve allegations of harassment, discrimination and other workplace issues that could otherwise escalate into time-consuming and expensive formal complaints or lawsuits.
- Provides the ability to address subtle forms of insensitivity and unfairness that do not rise to the level of a formal complaint but nonetheless create a disempowering work environment.
- Provides an early warning diagnosis system that identifies and alerts institutions about new negative trends.
- Helps employee satisfaction, morale and retention by humanizing the institution through the establishment of a resource that provides safe and informal opportunities to be heard.
- Provides conflict resolution skills training.
- Provides upward feedback to management about organizational trends.
- Helps avoid negative press by addressing issues at the lowest and most direct level possible.
- Provides the organization with an independent and impartial voice, which fosters consistency between organizational values and actions.
- Serves as a central information and referral resource for policies, processes.

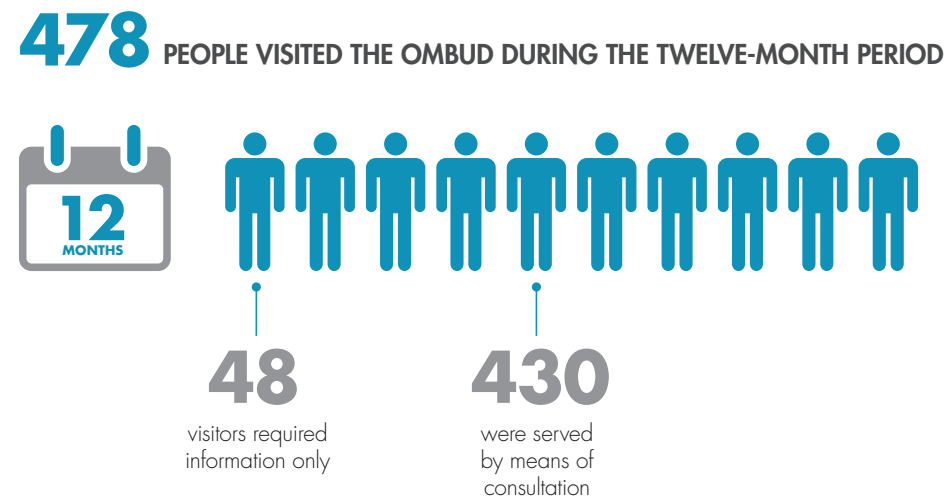
³ This extract pertains to an Office specialising in employees' issues, whereas my office sees issues from all constituents of the UCT community. Published on [the IOA \(http://www.ombudsassociation.org\)](http://www.ombudsassociation.org)

Statistical analysis

While it is unrealistic to expect to solve all the conflicts that occur at the university, it is realistic to identify issues that commonly lead to conflict. One of the ways in which the Ombuds office does this is by tracking trends and patterns of issue that people bring. Information kept in the office of the Ombud is unofficial, is off the record and is maintained in a manner that does not divulge the identity of either the visitor or respondent. At the same time, reporting at the end of the year and producing the periodical recommendations that the Ombud makes available to different Faculties and Heads depends on accurate capturing of the problems. Due to the somewhat conflicting demands, assembling data in the Ombuds office is a delicate and sensitive task. The office has an intake form that visitors complete to assist with reporting statistics. The voluntary nature of the office allows the visitor to choose how the form is completed and no judgement is made; the last thing I want is to impose additional pressure to a visitor who is already vulnerable.

Who visited the Ombud?

Overall, 478 people visited the Ombud during the twelve-month period, of whom 430 were served by means of consultation, whereas 48 visitors required information only. In the cases of consultation, 439 other UCT members were contacted as respondents.



439 RESPONDENTS WERE CONTACTED

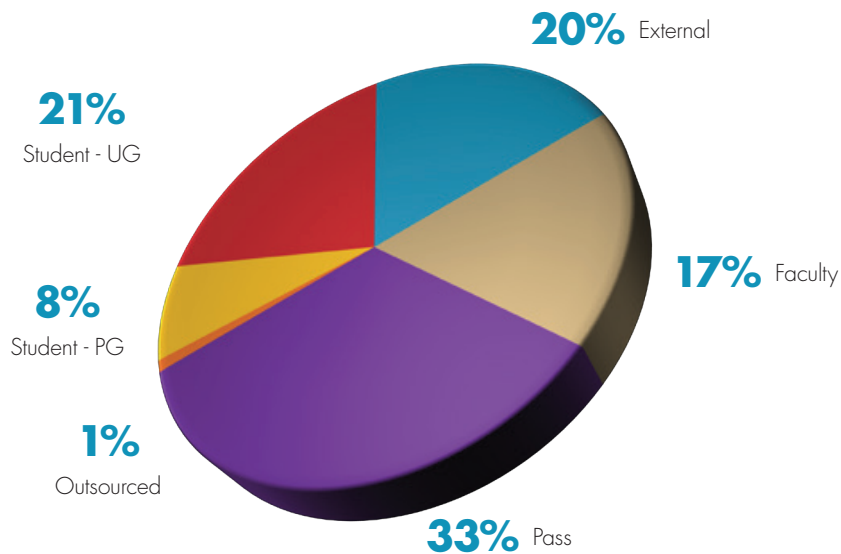


439

UCT members were contacted as respondents.

The graph below categorises the 478 visitors by their status. It shows that the largest single category of visitor was PASS staff, followed by undergraduate students and external visitors.

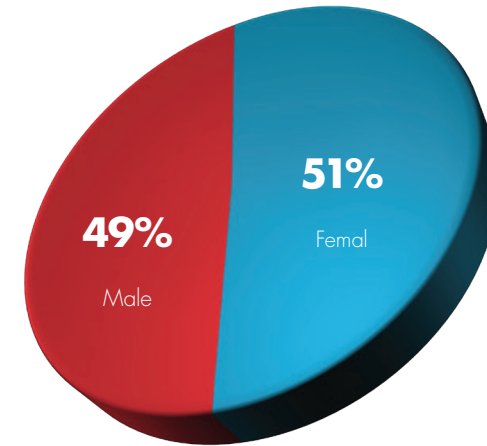
VISITORS BY CONSTITUENCY



Graph 1: Visitors by Constituency

The gender distribution was more or less equal, with 51% of visitors being women.

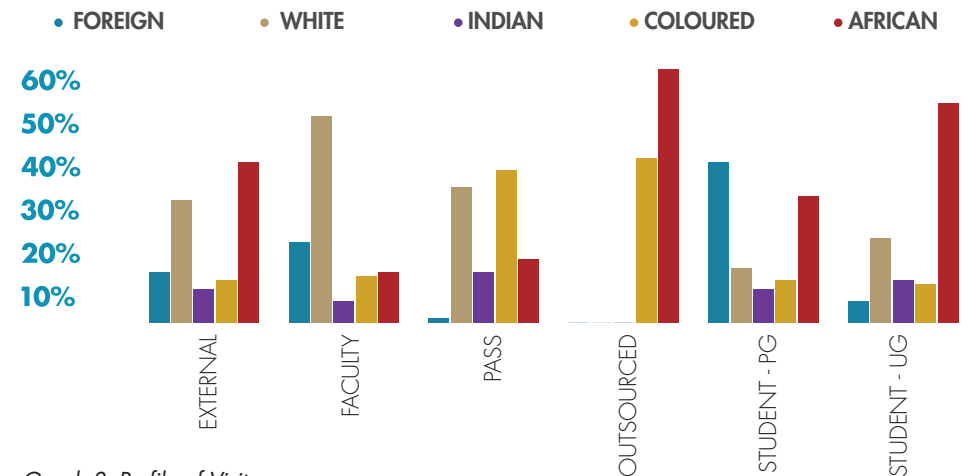
GENDER DISTRIBUTION



Graph 2: Gender Distribution

The figure below shows the percentage breakdown by race of visitors within each of the key categories. It shows that African visitors dominate among the undergraduate students, outsourced staff and external category, whereas the coloured group dominates among the PASS staff who visit and the white group among academic staff visitors. Foreign students dominate among postgraduate visitors. These patterns to some extent reflect the racial profile of each of the different constituencies at the university.

PROFILE OF VISITORS



Graph 3: Profile of Visitors

Classification of Issues

478 people visited the Ombud of whom 430 were served by means of consultation, whereas 48 visitors required information only. In the consultation cases, 439 other UCT staff members were contacted as respondents. The visitors brought a total of 552 issues. The breakdown of these issues can be seen in the table on the following page.

IOA Issues Category:	Numbers	%	% change since 2013
Compensation and Benefits: Questions, concerns, issues or inquiries about benefits and benefit programmes	17	3%	- 2%
Evaluative Relationships: Questions, concerns, issues or inquiries arising between people in evaluative relationships (such as supervisor-employee, staff-student)	81	15%	- 3%
Peer and Colleague Relationships: Questions, concerns, issues or inquiries involving peers or colleagues who do not have a supervisory-employee or student-teacher relationship.	43	8%	3%
Career Progression and Development: Questions, concerns, issues or inquiries about administrative processes and decisions regarding entering and leaving a job, and what the job entails.	41	8%	- 1%
Legal, Regulatory, Financial, and Compliance: Questions, concerns, issues or inquiries that may create a legal risk for the organisation or its members if not addressed, including issues related to waste, fraud or abuse.	51	9%	0
Safety, Health, and Physical Environment: Questions, concerns, issues or inquiries about safety, health and infrastructure-related issues.	23	4%	- 2%
Services/Administration Issues: Questions, concerns, issues or inquiries about services or administrative offices including from external parties.	157	28%	0
Organisational, Strategic, and Mission Related: Questions, concerns, issues or inquiries that related to the whole or some part of an organisation.	52	9%	5%
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.	87	16%	1%
Total number of issues:	552		

Table 1: Number of cases by IOA standard reporting categories, 2013/14

Data Comparison

Since this report overlaps with the previous one by four months (1 July, 2013 up to 31 October, 2013), a definitive comparison between the two reports is not possible. However, certain broad similarities and differences emerge.

Service/Administration issues remain as the largest single category, accounting for more than a quarter of all issues. Values, ethics and standards and Evaluative relationships are the next largest categories.

While Legal, Regulatory, Financial, and Compliance, as well as Services/Administration Issues remained at the same relative level, the following categories demonstrated a decrease in their percentage: Compensation and Benefits; Evaluative Relationships; Career Progression and Development, and Safety, Health and Physical Environment. However, to Organisation, Strategic, and Mission related items increased by 5%, whereas Peer and Colleague Relationships increased by 3%.

Nature of problems

It is important to look at the kinds of problems that people brought to the Ombuds office. These help to identify where corrective measures are needed – sometimes urgently. Some of the common problems may be similar to matters the university is already dealing with or intends to prioritise.

Improved data tracking

Unlike in the previous reports, I have used the general IOA Uniform Reporting Categories in both a broad and refined sense. I use the same categories at the broad level but also listened carefully to issues presented by each visitor and then allocated to sub-categories that provide more detail. I hope that this disaggregation will help in the identification of issues and increase the university's ability to address them.

IOA Uniform Reporting Categories for Issues/Concerns Category and Sub-category (adapted to UCT)

1. Compensation and Benefits - Questions, concerns, issues or inquiries 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.	4
b) Payroll – Administration of pay, pay-related communication.	1
c) Benefits – Decisions related to medical, dental, life, vacation/sick leave/study leave, sabbatical, education, hours of work, etc.	11
d) Retirement, Pension – Eligibility, calculation of amount, retirement pension benefits, conditions of disbursement.	4
e) Performance-related benefits	2
f) Insurance – Health, IOD, other.	0

2. Evaluative Relationships – Questions, concerns, issues or inquiries 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.	21
b) Respect, Treatment – Demonstrations of inappropriate behaviour, disregard for people, rudeness, crudeness, etc.	57
c) Trust, Integrity – Suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.	62
d) Reputation – Possible impact of rumours and/or gossip about professional or personal matters.	31
e) Communication – Quality and/or quantity of communication.	80
f) Bullying, Mobbing – Abusive, threatening, and/or coercive behaviour.	39
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 vs faculty, rank, academic discipline.	49
h) Retaliation – Punitive behaviours for previous actions or comments, whistleblower.	16
i) Physical violence – Actual or threats of bodily harm to another.	4

j) Assignments, Schedules – Appropriateness or fairness of tasks, expected volume of work.	19
k) Feedback – Feedback or recognition given, or responses to feedback received.	13
l) Consultation – Requests for help in dealing with issues between two or more individuals they supervise/teach or with other unusual relationship situations.	3
m) Performance appraisal/Grading – Job performance in formal or informal evaluation.	7
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.	26
p) Supervisory effectiveness – Management of department or classroom, failure to address issues.	23
q) Insubordination – Refusal to do what is asked.	7
r) Discipline – Appropriateness, timeliness, requirements, alternatives, or options for responding.	2
s) Equity of treatment – Favouritism, one or more individuals receive preferential treatment.	17

3. Peer and Colleague Relationships – Questions, concerns, issues or inquiries 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.	13
b) Respect, Treatment – Demonstrations of inappropriate behaviour, disregard for people, rudeness, crudeness, etc.	17
c) Trust, Integrity – Suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.	18
d) Reputation – Possible impact of rumours and/or gossip about professional or personal matters.	10
e) Communication – Quality and/or quantity of communication.	21
f) Bullying, Mobbing – Abusive, threatening, and/or coercive behaviours.	8
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.	13
h) Retaliation Punitive behaviours for previous actions or comments, whistleblower.	9

i) Physical violence – Actual or threats of bodily harm to another.	0
j) Departmental climate – Prevailing behaviours, norms, or attitudes within a department for which supervisors of faculty have responsibility.	16

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).

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.	9
b. Job classification and description – Changes or disagreements over requirements of assignment, appropriate tasks.	6
c. Involuntary transfer, Change of assignment – Notice, selection and special dislocation rights/benefits, removal from prior duties, unrequested change of work tasks.	5
d. Tenure-position security, Ambiguity – Security of position or contract, provision of secure contractual categories, career progression, i.e. promotion, reappointment, or tenure.	2
e. Career progression – Ad Hominum promotion, promotion, succession, reappointment, or tenure.	13
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.	3
g. Resignation – Concerns about whether or how to voluntarily terminate employment or how such a decision might be communicated appropriately.	6
h. Termination/Non-renewal – End of contract, non-renewal of contract, disputed permanent separation from organization.	5
i. Re-employment of former or retired staff – Loss of competitive advantages associated with re-hiring retired staff, favouritism.	1
j. Position elimination – Elimination or abolition of an individual's position.	1
k. Career development/Coaching/Mentoring – Classroom, on-the-job, and varied assignments as training and developmental opportunities.	8
l. Private work	1
m. Re-deployment/Redundancy	2
n. Student employment	4

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.

a. Criminal activity – Threats or crimes planned, observed, or experienced, fraud, plagiarism.	11
b. Business and financial activities – Inappropriate actions that abuse or waste organizational finances, facilities, equipment or resources.	2
c. Harassment – Unwelcome physical, verbal, written, e-mail, audio, video, psychological or sexual conduct that creates a hostile or intimidating environment.	12
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).	31
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.	3
f. Accessibility – Removal of physical barriers, providing ramps, elevators, etc.	0
g. Intellectual property rights – E.g. copyright and patent-infringement.	1
h. Privacy and security of information – Release or access to individual or organizational private or confidential information.	4
i. Property damage – Personal property damage, liabilities.	1

6. Safety, Health and Physical Environment – Questions, concerns, issues or inquiries about safety, health and infrastructure –related issues.

a. Safety – Physical safety, injury, medical evacuation, meeting federal and state requirements for safety training and equipment.	6
b. Physical working/living conditions – Temperature, odours, noise, available space, lighting, etc.	1
c. Ergonomics – Proper set-up of workstation affecting physical functioning.	2
d. Cleanliness – Sanitary conditions and facilities to prevent the spread of disease.	0
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)	1
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.	0

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.	2
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.	11
j. Parking	3

7. Services/Administrative Issues – Questions, concerns, issues or inquiries 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.	52
b. Responsiveness, Timeliness – Time involved in getting a response or return call or about the time for a complete response to be provided.	17
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.	79
d. Fees and Financial Aid - Fee account management, debtors, financial aid eligibility and process.	30
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.	13
f. Course availability, Completing degree in timely fashion	6
g. Admissions, Readmissions and Registration – undergraduate	23
h. Admissions, Readmissions and Registration – postgraduate	20
i. Student and Staff Housing	15

8. Organizational, Strategic, and Mission Related – Questions, concerns, issues or inquiries that relate to the whole or some part of an organization.

a. Strategic and mission-related, strategic and technical management – Principles, decisions and actions related to where and how the organization is moving.	16
b. Leadership and Management – Quality/capacity of management and/or management/ leadership decisions, suggested training, reassignments and reorganizations.	31
c. Use of positional power, Authority – Lack or abuse of power provided by individual's position.	15

d. Communication – Content, style, timing, effects and amount of organizational and leader's communication, quality of communication about strategic issues.	13
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, offshoring, outsourcing.	0
f. Organizational climate – Issues related to organizational moral and/or capacity for functioning.	4
g. Change management – Making, responding or adapting to organizational changes, quality of leadership in facilitating organizational change.	14
h. Priority setting and/or Funding – Disputes about setting organizational/departmental priorities and/or allocation of funding within programs.	4
i. Data, Methodology, Interpretation of results – Scientific disputes about the conduct, outcomes and interpretation of studies and resulting data for policy.	1
j. Interdepartment, Interorganization work, territory – Disputes about which department/ organization should be doing what/taking the lead.	2

9. Values, Ethics, and Standards – Questions, concerns, issues or inquiries about the fairness or organizational 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.	40
b. Values and Culture – Questions, concerns or issues about the values or culture of the organization.	24
c. Scientific conduct, Integrity – Scientific or research misconduct or misdemeanours, e.g. authorship, falsification of results.	1
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.	43

Table 2: IOA Uniform Reporting Categories for Issues/Concerns

The following sub-categories each accounted for 40 or more issues over the twelve-month period:

- 2.e. Communication (80). While this points specifically to communication within evaluative relationships, communication within peer and colleague relationships (3.e.) scored significantly too (21)
- 7.c. Administrative decisions and interpretations, Application of rules (79)
- 2.c. Trust, Integrity (62) within evaluative relationships, however trust and integrity ought also to be noted in peer and colleague relationships (3.c. at 18 occurrences)
- 2.b. Respect, Treatment (57) within evaluative relationships, while respect and treatment appeared to be less of an issue within peer and colleague relationships (3.b. at 17 occurrences)
- 7.a. Quality of Service (52)
- 2.g. Diversity-related (49) within evaluative relationships, yet diversity-related issues were noted 13 times amongst peer and colleague relationships (3.g.)
- 9.d. Policies and Procedures not covered in broad categories 1 to 8 (43)
- 9.a. Standards of Conduct (40)

As in previous years, the quantity and quality of communication is the biggest concern. This often manifests as delayed feedback, unclear official university communication, unhelpful and overly bureaucratic responses and a general lack of clarity and empathy. There may be different reasons why some responses are less than exemplary, and certainly in some cases the person enquiring has contributed to the nature of the response. Nevertheless, the university ought to strive to provide excellent service at all times. This in turn might require greater attention by all members of the university community of the values and standards contained in the university's Value Statement.

Other Office activities

Outreach activities

- The Ombud has continued to play a leadership role in the organisational Ombuds profession, both on the African continent and within the South African Higher Education system. The Ombud completed the IOA Examinations towards being a Certified Ombud.
- The Ombud was interviewed by Varsity newspaper which may have led to an increase in the number of student visitors.
- The Ombud was invited by the Public Protector to the African Ombuds and Mediators Association (AOMA) Summit on "Strengthening Good Governance in Africa through the Role of the Ombudsman".
- The Ombud initiates visits with Deans, Executive Directors and the Executive to discuss problems pertaining to their areas.
- An arrangement is in place to meet with newly appointed staff during their induction.
- The Ombud also meets with staff bodies, unions, the Students Representative Council, whom she sees as key stakeholders, and other groups on campus.
- Information on the function of the office is disseminated to all residences and campuses and is also available on the website.
- Plans are underway to find suitable offices for the Ombud on other campuses.

Effectiveness

The question is sometimes asked whether the Ombuds office is effective in fulfilling its mission on campus. Annual statistics alone cannot provide an answer although they are an attempt to provide accountability to the community the office serves. The larger contribution of the office is difficult to measure. The questions we often rhetorically ask one another as Ombuds when we speak of the value we add include "What is the worth of having a place where a distraught employee or student can find a willing and unbiased listener?"

When conflicts are resolved, what is the value of the time thereafter devoted to more productive work or studies? If one student is retained, a dream is realised. If a single lawsuit is prevented, what savings result? If information is provided or employees or students are directed to the people and offices that can help them solve a problem competently, then the university values are fulfilled.

Mid-2014, the University Council embarked on an Office Evaluation to determine the effectiveness of the Ombuds Office. This report can be found on the Ombuds office website www.ombud.uct.ac.za

Observations and Recommendations

In listening to what bothers some of my visitors, I have been struck by two things: fear of retaliation, and harshness of treatment. This underlines the seriousness of the issue of communication in evaluative relationships.

Leadership and Management

Overall, interpersonal conflict continues to be an underlying concern of the majority of my visitors. A lot of it comes from poor communication. Effective communication is critical for successful conflict resolution. The recommendations below supplement the many recommendations given to different members of the university in the course of the year.

The management system at the university is such that over time many people take on management positions where they have to operate with leadership skills. Several of these managers have limited knowledge about people management or leadership and thus do a job that warrants improvement.

Those who manage others must be evaluated in this area to improve their effectiveness. I am hoping that the new Human Resources performance management tool will contribute to this end.

Performance Evaluation and Promotion

Some visitors complained about performance reviews that were done to satisfy HR needs, saying there was no feedback outside the evaluation thus leaving them with limited opportunity to perform any better. In previous reports, I have noted that lack of timely feedback is still a persistent problem for staff. In the lack of an ongoing assessment, any negative feedback is likely to be received as an unwelcome surprise. For many who make evaluation a once-off event that may bring discomfort, the prevailing tendency has been to put it off as long as possible and hence rush through it at the last moment. The current performance management system for support staff is often seen as subjective and untransparent; some visitors say it is not clear what is measured and that evaluation meetings are both intense and intimidating. The presence of third parties in evaluations was mentioned as disrespectful and as exerting pressure on participants in an often emotional event.

Inability of staff to accept feedback was also raised as a barrier to substantive discussion. I have been advised that HR will launch a new performance tool that has gained support across campus. I hope this new approach will enable a fair and acceptable performance management system for support staff.

For faculty, the ad hominem process was mentioned as not considering a body of work or contribution to departments that is not necessarily research led but teaching oriented. Overvaluing research over teaching was raised as a concern.

Job application feedback

While it may be understandable that HR receives hundreds of applications in response to a single advertisement, it should be seen as important to find a way, if necessary through

bulk response mechanisms, to communicate with all applicants. It is not enough to leave applicants to assume that if they had not heard from the university during a specified period, their application was not successful. The university should recognize and respect the applicants as individuals who have shown interest to be associated with its brand. While this may be common recruitment practice, it is not best practice to ignore unsuccessful applicants and be uncommunicative if these applicants enquire.

Delays in heeding Ombud's feedback

Undue delays in implementing a resolution that the Ombud and the concerned parties have agreed upon cause further distress to my visitors. Some of these resolutions, when delayed, may lead to further and unintended unfair outcomes. It is my view that a quick resolution time on the part of the university increases legitimacy and accords credits to the institution or department.

Transformation, Equity and Diversity

In its current strategic plan, the university says the following on inclusiveness: "Black students, staff and many women experience UCT's culture as alienating, closed to transformation and they feel like visitors in a white male club. Dissatisfaction also arises between academics and PASS staff. Only if we succeed in creating an affirming, positive environment for all will we be able to retain

our staff and create the vibrant, diverse body of people that we need to be a truly great university..." UCT Strategic Plan 2010-2014

Dissatisfied comments on communication, respect and diversity-related problems are frequent. The university stresses the need for mutual respect. While this may seem like common sense, because respect is not clarified in UCT terms and according to its nature of business, everybody is left to his or her own interpretation of what it is and whom to give it to and why.

Employment Equity is delivered upon by units who are not measured on it as a performance area. As mentioned in previous reports, little contribution can usually be achieved through Employment Equity Representatives in the presence of committee members who may be more senior and of different views to the EE Rep. While it is a long-term vision to increase equity at senior levels of faculty, the university should invest in consciously attracting and retaining black staff members, especially women. This is a current hot topic with numerous comments and articles in the media. Notwithstanding the strides the university has made in the area of transformation, I have received complaints from African staff members, particularly faculty, concerning treatment by colleagues.

I have heard concerns about the new UCT admissions policy from within and externally. People do not seem to trust the university's intention especially the application of the policy administratively once it is in force.

Student concerns

The number of post-graduate visitors to the Ombuds office has decreased by 1 student (from 38 to 37), while the number of under-graduate visitors has increased from 85 to 100 students⁴. The concerns brought by the post-graduate students were mainly on the quality of supervision, policies that regulate the relationship and options available to both parties towards ending the relationship if it does not improve. There is a large power differential between supervisors and their students. When there is a breakdown in communication, the student is likely to suffer most and may have to leave the programme as fellow colleagues (faculty) are hesitant to take over a struggling student or simply wish to support the former supervisor as a colleague.

This turns the relationship from a professional one to a personal one. I have noted in the complaints that have come to my office that there is no uniform guideline or policy that governs transgressions that may lead to a student being demoted to a lower degree or even dismissal. The Memorandum of Understanding (MoU) between the student and supervisor certainly does not cover these eventualities. Resources such as cost and time in the years spent on a programme must be considered as unrecoverable, thus the need to introduce fair and transparent policies that regulate student supervision.

Among under-graduate visitors, the most significant issues revolved around admissions and readmissions, as well as remaining in or returning

⁴ These comparisons are not entirely accurate due to the previously explained overlap of four months.

to specific residences, and fees and funding⁵. A number of these visitors shared their experiences of having been dismissed or brushed aside by university administrators.

Bullying and Incivility

In the absence of a code on abusive workplace behaviour, a growing number of visitors complain about experiences of being bullied. Whether this is seen as incivility or bullying is a matter of interpretation but it results in staff having to devote substantial financial and other resources to health and wellness. What is certain though is that these experiences are not just from mean colleagues, it is a much more significant issue than that. While it is predominantly a staff issue, some students have brought this aspect to the office. The extended categories may shed light into typical problem behavioural areas as reported by visitors.

In conclusion

I would like to thank all those people who have supported the Ombuds Office during this reporting period. This office relies on a collective commitment to ensure that the members of the university are treated fairly. It continues to be my privilege to assist in these efforts. Last but not least, I am grateful to Prof Mary Rowe, my mentor and veteran Ombud at MIT who retires at the end of September 2014 after being an Ombud for 41 years. Thank you Mary for teaching me many things I now know.

⁵ A complete breakdown of issues is supplied in the table showing IOA Uniform Reporting Categories for Issues/Concerns in Table 2.

APPENDIX A

Terms of Reference

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 Inquiries

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 & 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