



Office of the Ombudsman



Quarterly Report

January 1, 2008 through
March 31, 2008

and

April 1, 2008 through
June 30, 2008

Submitted by

Remmele J. Young

Ombudsman

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Introduction

Houston Community College (“HCC”) effectively began operating its Office of the Ombudsman September 1, 2007. The HCC Office of the Ombudsman seeks to promote fairness and equity that benefits HCC employees and the institution.

This document is the second quarterly report submitted by the HCC Office of the Ombudsman and covers two quarterly reporting periods. The report seeks to inform relevant stakeholders about the activities of the HCC Office of the Ombudsman for the periods January 1, 2008 through March 31, 2008 and April 1, 2008 through June 30, 2008.

Office of the Ombudsman

The HCC Office of the Ombudsman is independent, neutral, informal, and a confidential resource for HCC employees – faculty, staff, and administrators – to address workplace issues and concerns. The HCC Ombudsman reports to the highest level possible within the organization, the Chancellor.

As an informal resource, the HCC Ombudsman does not represent faculty or staff in any formal hearings, processes, and/or procedures. Moreover, the ombudsman does not engage in administrative decisions; determine the merits of a complaint asserted by a faculty or a staff member; conduct formal investigations; provide legal representation or advice.

The ombudsman actively listens to employee concerns with the intent of providing helpful information, and as requested, helps generate and explore options for visitors.¹ Talking with the ombudsman increases one’s awareness of alternatives available for resolving actual or perceived problems and enhances one’s ability to deal more effectively with situations independently and informally, the latter a critical factor. The primary objective of the HCC Office of the Ombudsman is to promote ***fairness and equitable treatment*** that align with HCC’s core values, its strategic plan, and mission.

Expected Benefit

HCC expects to derive a benefit from the creation of the HCC Office of the Ombudsman. As fairness and equity are sought for employees, the HCC governing board and chancellor prudently seek to mitigate potential risk to the institution for reasons that non-exclusively include: (1) avoiding significant financial loss and injury to reputation due to undetected and/or unaddressed infractions; (2) ensuring compliance with existing policies and guidelines; and (3) restoring public trust (if lost), and retaining the trust of employees and other key stakeholders.

Summary

During its second and third quarters of operation (January 1, 2008 through March 31, 2008 and April 1, 2008 through June 30, 2008), the HCC Office of the Ombudsman met with **seven and 10** visitors, respectively. Visitors include males and females, comprised of faculty and staff located at five HCC colleges, and the System office located at 3100 Main.

Visitors collectively expressed a variety of concerns that specifically relate to compensation, discrimination, policy and procedure, compensation and retaliation. A recurring visitor complaint was the perceived *unfair application of the 10% rule*.²

¹ “Visitors,” as defined, are those persons who personally visit with and seek assistance from the ombudsman.

² See *Change in Employment Status – Promotions* at C:8.2, as it applies to promotional increases.

While this quarterly report identifies employee complaints, it also provides the opportunity to address proactively concerns that are potentially value-added to both employees and the institution. Further, it is important to inform the reader that the HCC Office of the Ombudsman did reach positive results for some visitors. These positive results were possible because of the support provided by the executive leadership, internal departments and the desire of our employees to resolve informally their work-related concerns, a desired result of the institution.

Communication and Outreach

For the above-identified reporting periods, the HCC Office of the Ombudsman did not engage in any substantial marketing of its services. The primary means of informing potential visitors of the existence of the office results from referrals (*e.g.*, referrals from human resources, past visitors and non-visitor employees).

The HCC Office of the Ombudsman, however, does maintain a presence on the HCC website that is a form of outreach to potential visitors. Moreover, the Ombudsman Office provides a fact sheet to visitors that addresses frequently asked questions and identifies what the office does and does not offer.

Web Links

As indicated immediately above, HCC Office of Ombudsman has an official webpage and *The Ombuds BLOG* (September 28, 2007) continues to publish a blog about the office. See the following links to view the related web content:

- <http://www.hccs.edu/portal/site/hcc/menuitem.86ce197ae5ecd217d3ef7510d07401ca/?vgnextoid=ab9b0255f90d5110VgnVCM100000054710acRCRD&vgnnextfmt=default>
- <http://ombuds-blog.blogspot.com/2007/09/new-ombuds-office-at-houston-community.html>

Summary of the Period January 1, 2008 through March 31, 2008

During the quarterly period of January 1, 2008 through March 31, 2008, the HCC Ombudsman met with four faculty and three staff members. There were a total of seven visitors seen during the aforementioned period (See Table 1).

Table 1

Position of Visitor	Number of Cases			Quarterly Totals
	1/1/08-1/31/08	2/1/08 – 2/29/08	3/1/08-3/31/08	
Faculty	2	1	1	4
Staff	2	0	1	3
Total Cases	4	1	2	7

As identified immediately below, one visitor was male, and two visitors were female. Three visitors were African-American, zero was Asian, zero was Hispanic, and four were Caucasian (See Table 2).

Table 2

Gender & Ethnicity	Number of Visitors Seen			
	1/1/08-1/31/08	2/1/08 – 2/29/08	3/1/08-3/31/08	Quarterly Totals
Male	1	0	0	1
Female	2	0	0	2
African American	2	0	1	3
Asian	0	0	0	0
Hispanic	0	0	0	0
Caucasian	1	1	2	4

As identified immediately below, visitors presented issues concerning *compensation, policy and procedure,* and *retaliation* (See Table 3).

Table 3

Issues Category	Number of Issues Presented			
	1/1/08-1/31/08	2/1/08 – 2/29/08	3/1/08-3/31/08	Quarterly Totals
Air Quality	0	0	0	0
Communication	0	0	0	0
Compensation/Position Classification	2	1	2	5
Discrimination	0	0	0	0
Harassment	0	0	0	0
Hostile Work Environment	0	0	0	0
Policy and Procedure	1	0	0	1
Retaliation	0	0	1	1
Unfairness	0	0	0	0
Truth/Veracity	0	0	0	0
Total Claims	3	1	3	7

Summary of the Period April 1, 2008 through June 30, 2008

During the quarterly period of April 1, 2008 through June 30, 2008, the HCC Ombudsman met with three faculty and seven staff members. There were a total of 10 visitors seen during the aforementioned period (See Table 4).

Table 4

Position of Visitor	Number of Cases			
	4/1/08- 4/30/08	5/1/08 - 5/31/08	6/1/08- 6/30/08	Quarterly Totals
Faculty	2	1	0	3
Staff	2	3	2	7
Total Cases	4	4	2	10

As identified immediately below, three visitors were male, and seven visitors were female. Seven visitors were African-American, zero was Asian, zero was Hispanic, and three were Caucasian (See Table 2).

Table 5

Gender & Ethnicity	Number of Visitors Seen			
	4/1/08- 4/30/08	5/1/08 - 5/31/08	6/1/08- 6/30/08	Quarterly Totals
Male	1	1	1	3
Female	3	3	1	7
African American	2	3	2	7
Asian	0	0	0	0
Hispanic	0	0	0	0
Caucasian	2	1	0	3

As identified at Table 6, visitors presented issues concerning compensation/position classification, *discrimination*, *retaliation* and *truth/veracity*.

Table 6

Issues Category	Number of Issues Presented			
	4/1/08- 4/30/08	5/1/08 - 5/31/08	6/1/08- 6/30/08	Quarterly Totals
Air Quality				
Communication				
Compensation/Position Classification	4	2	0	6
Discrimination	0	1	0	1
Harassment	0	0	0	0
Hostile Work Environment	0	0	0	0
Policy and Procedure	0	0	0	0
Retaliation	0	1	0	1
Unfairness	0	0	1	1
Truth/Veracity	0	0	1	1
Total Claims	4	4	2	10

SYNOPSIS OF CLAIMS

Compensation/ Position Classification

Visitors continue to claim that the HCC Rule C:8.2 (governing promotional increases or reclassifications) is unfair and unevenly applied. On a recurring basis, visitors presented the following questions:

Visitor Question Presented #1

Whether notions of equity (“fairness”) prevail when HCC invokes the ‘10% rule’ that indicates that an employee may not receive more than 10% of her/his base pay or the starting salary grade of a new position assignment, whichever is higher, as an increase after getting a promotion?

Visitor Question Presented #2

Whether notions of equity (“fairness”) prevail when HCC invokes the ‘10% rule’ that indicates that an employee may not receive more than 10% of her/his base pay or the starting salary grade of a new position assignment, whichever is higher, as an increase after getting a promotion, even if that employee’s pay is less than persons who report to the employee?

Visitors continue to indicate that despite educational attainment, relevant work experience and other factors commonly warranting additional compensation, the rule, as applied, unfairly aids the institution at the expense of qualified and capable employees and/or applicants. Visitors also continue to suggest that the rule restricts the ability of the institution to attract and/or retain quality employees and often results in poor employee morale, work quality and product.

During this reporting period, one visitor claimed that upon identifying an inequity in pay to the appropriate HCC authorities there were affirmative steps taken by the authorities to remedy the problem. However, the 10% rule restricted a “just and right” result in light of the total circumstances.³

Discrimination

Because there is only one alleged claim of discrimination, the Office of the Ombudsman will not provide specific information with the reasonable hope of preserving the anonymity of the person alleging the claim. As other reporting opportunities and similar claims arise, the ombudsman will provide additional information for the reader to assess.

Policy and Procedure

Because there is only one claim of an alleged failure to follow policy and procedure, the Office of the Ombudsman will not provide specific information with the reasonable hope of preserving the anonymity of the person alleging the claim. As other reporting opportunities and similar claims arise, the ombudsman will provide additional information for the reader to assess. Notwithstanding these aforementioned sentiments, it is important to identify that the visitor did decide to informally resolve the issue with the relevant parties.

Retaliation

Retaliation is commonly the top issue raised by visitors to an ombudsman office. During this quarterly reporting period, there is only one occurrence of this claim. Accordingly, the Office of the Ombudsman will not provide specific information with the reasonable hope of preserving the anonymity of the person alleging the claim. However, the visitor did decide to informally resolve the issue with the relevant parties.

³ Providing additional facts about this claim could result in identifying the visitor. Accordingly, the HCC Ombudsman is unable to give additional information about the factual account of this claim.

Unfairness

The “unfairness” claim type is broad in nature. In the instant case, the visitor had difficulty expressing the specifics of his concerns. However, it is important to identify that generally the visitor believed that his department was “wholesale” unfair (*i.e.*, he could not trust that the rules would be evenly applied).

As indicated about other claims, because there is only one claim of “unfairness,” the Office of the Ombudsman will not provide specific information with the reasonable hope of preserving the anonymity of the person alleging the claim. As other reporting opportunities and similar claims arise, the ombudsman will provide additional information for the reader to assess.

Truth/Veracity

Because there is only one claim with the “truth/veracity” designation, the Office of the Ombudsman will not provide specific information with the reasonable hope of preserving the anonymity of the person alleging the claim. As other reporting opportunities and similar claims arise, the ombudsman will provide additional information for the reader to assess. Notwithstanding these aforementioned sentiments, it is important to identify that the visitor did decide to informally resolve the issue with the relevant parties.

Methods Used to Assist Visitors

The HCC Office of the Ombudsman used several methods to assist visitors. These methods include active listening, issue identification, options exploration, and intervention (*i.e.*, shuttle diplomacy).

The office worked closely with HCC Human Resources and some supervisory personnel to resolve certain matters. It did not refer any visitor concerns to other resources (*e.g.*, EEOC, Office of the General Counsel, etc.), but in some cases did identify these resources as potential options.

Trends and Recommendations

Since its inception (September 4, 2007), the HCC Office of the Ombudsman identifies a recognizable trend in the types of claims presented by visitors to the office. Predominately, the issues of compensation and/or position classification and retaliation are the two most frequent claims asserted by HCC visitors.

HCC Rule C:8 – *Change in Employment Status*, as it applies to Reclassifications (C:8.1) and Promotions (C:8.2), is the **most frequent claim type presented**. From the period September 4, 2007 through June 30, 2008 there have been **17 claims** asserted by visitors regarding this claim type.

Retaliation, commonly the top issue raised by most visitors to an ombudsman office, is the **second most frequent claim asserted** by HCC visitors. From the period September 4, 2007 through June 30, 2008 there have been **10 claims** asserted by visitors regarding this claim type.

Given the above-identified observation, it is likely prudent for HCC to begin addressing the two frequent claims (*i.e.*, compensation and/or position reclassification and retaliation) raised by HCC visitors. Assuming this will occur, the HCC Office of the Ombudsman offers the following recommendations:

- Generally, identify the best method to address the actual or perceived concerns raised by visitors
- Where practicable, establish an advisory group that will determine if relevant concerns are actual or perceived
- Assess whether the rule, on its face, is fair and yields a just and right result
- Consider that both an actual or perceived inequity likely produces a negative impact to those directly affected by the concern and the institution

- Conduct employee forums that address the relevant rules; how the rules apply and the intent of the rules
- Ensure that employees are aware that the appropriate authorities are addressing the concerns presented in the ombudsman reports
- Ensure that all employees are aware of HCC's intent to apply the rules in a fair and equitable manner

The objective of the above-identified recommendations is to ensure that fairness occurs. Moreover, the aim is to foster good will amongst HCC employees that benefits the entire organization.

Conclusion

The HCC Office of the Ombudsman submits its second quarterly report that covers two quarterly reporting periods – January 1, 2008 through March 31, 2008 and April 1, 2008 through June 30, 2008. The report identifies claims asserted by HCC faculty and staff and serves as a tool to help promote fairness and equity at HCC.

During the combined quarterly reporting periods, the HCC Ombudsman met with **seven** faculty and **10** staff members. During the same period, four visitors were male, and nine visitors were female. Nine visitors were African-American, zero was Asian, zero was Hispanic, and seven were Caucasian.⁴

The top concerns presented by HCC visitors to the HCC Ombudsman relate to *compensation/ position reclassification* and *retaliation*. Similar to the September 1, 2007 through December 31, 2007 reporting period, visitors claim that HCC rule C:8.2 (governing promotional increases or reclassifications) is unfair and unevenly applied.

Visitors were able to informally address their concerns with the HCC Ombudsman in a confidential setting. In specific instances, the ombudsman was able to work successfully with other departments and/or supervisors to resolve visitors' concerns. In other cases, an explanation of the governing rules met visitors' satisfaction. Some claims relate to long-standing concerns that appear to have had formal hearings that received final dispositions.

Unresolved complaints present an opportunity for HCC to foster good will and promote fairness and equity that will benefit the entire organization. To the extent possible, the Ombudsman was able provide alternatives that allowed the visitor to informally address the issues raised with the appropriate authorities.

Finally, the HCC Ombudsman recommends that the appropriate authorities take affirmative steps to begin addressing the top two identified concerns. Moreover, the recommendation is to give sufficient attention to other claims raised during the identified reporting periods.

The HCC Office of the Ombudsman is available, **to the extent possible**,⁵ to answer questions about this report. If questions arise, please call 713-718-BUDS (2837).

⁴ The reader should be aware that numbers attributable to the ethnicity of persons seen by the ombudsman are higher than the actual number of persons seen during the reporting period. This is evident where a person visited the ombudsman office more than once and did so in separate months (e.g., the same person visited in May and June). In the instant example, the Ombudsman counts the person twice – once for May and once for June. The effect of this is an increase in the number of persons seen from a particular ethnic background, but not the actual number of persons actually seen.

⁵ Communications about specific claims by a visitor are confidential. Therefore, the Ombudsman is unable to share the substance of the communications between visitors and the ombudsman.

Summary of Visitor Demographics

Month	No. of Cases	No. of Faculty	No. of Staff	No. of Male	No. of Female	No. of African American	No. of Asian	No. of Caucasian	No. of Hispanic
Sep-07	13	2	11	1	12	7	0	3	3
Oct-07	10	5	5	3	7	7	0	3	0
Nov-07	4	2	2	0	4	0	2	2	0
Dec-07	3	1	2	1	2	1	0	1	1
Jan-08	4	2	2	1	2	2	0	1	0
Feb-08	1	1	1	0	0	0	0	1	0
Mar-08	2	1	1	0	0	1	0	2	0
Apr-08	4	2	1	1	3	2	0	2	0
May-08	4	1	3	1	3	3	0	1	0
Jun-08	1	0	2	1	1	1	0	0	0
	46	17	30	9	34	24	2	16	4

Summary of Claim Type

Month	Air Quality	Communication	Compensation/ Position Classification	Discrimination	Harassment	Hostile Work Environment	Policy & Procedure	Retaliation	Unfairness	Truth/ Veracity
Sep-07	0	2	1	1	1	1	5	4	0	1
Oct-07	1	0	4	0	1	1	1	3	0	0
Nov-07	0	0	0	0	0	0	1	0	2	0
Dec-07	0	0	1	0	0	0	0	1	1	0
Jan-08	0	0	2	0	0	0	1	0	0	0
Feb-08	0	0	1	0	0	0	0	0	0	0
Mar-08	0	0	2	0	0	0	0	1	0	0
Apr-08	0	0	4	0	0	0	0	0	0	0
May-08	0	0	2	1	0	0	0	1	0	0
Jun-08	0	0	0	0	0	0	1	0	1	1
	1	2	17	2	2	2	9	10	4	2



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