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34th Annual Conference

Ombudsing in an Age of Anxiety: Connecting Face to Face

November 11-14, 2007

Asilomar Conference Center
800 Asilomar Boulevard
Pacific Grove, California 93950
Conveners:

Jim Oldani, Lawrence Livermore National Laboratory
Donna Clark, University of California, Irvine
Gary Insley, Camosun College

Registrar:

Lewis Redding, Jet Propulsion Laboratory

CONFERENCE PLANNING COMMITTEE:

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Fred Cones, Lawrence Livermore National Laboratory
Martine Conway, University of Victoria
Claudia D’Albini, University of Arizona
Tina Feiger, Santa Monica College
Marcia Kellam, Lawrence Livermore National Laboratory
Susan Neff, University of Washington
Lewis Redding, Jet Propulsion Laboratory
Larry Wichter, Lawrence Livermore National Laboratory

CCCUO

Ombudsing in an Age of Anxiety: Connecting Face to Face

Asilomar Conference Center, Pacific Grove, California
November 11-14, 2007
The Awards Committee

Michael Chennault, Chair
University of California, Irvine

Vicky Brown
University of Central Florida, Orlando

Helen Hasenfeld
California Institute of Technology, Pasadena (Retired)

Gary Insley
Camosun College, Victoria, B.C.

Susan L. Neff
University of Washington, Seattle

The Awards Committee is composed of a combination of ombuds who have worked with, and are familiar with, the contributions of our founders and also those whose tenure in the caucus is more recent. The committee meets each year to review the names of ombuds who have been nominated by their peers to be considered for an award.

Named awards began to be given out in 1994 and the Ombuds of the Year Award has been awarded eight times since then. The Service Excellence Award is given annually to ombuds who have made a significant contribution to the caucus and to the ombuds profession.
2006 AWARDS

Each year, The California Caucus of College and University Ombuds, (CCCUO) honors distinguished colleagues for their outstanding and noteworthy contributions to our profession. The following awards were presented at the 33rd Annual Conference of the California Caucus of College and University Ombuds (CCCUO) this past November. The Pete Small Award recognizes the Ombudsperson of the year and is the highest honor given by the CCCUO. Recipients are individuals who receive the highest number of nominations for their unique contributions to the advancement of our profession. The Service Excellence Award is presented to Ombuds for significant organizational and leadership contributions.

Pete Small Award:

University of Victoria Ombudsperson, Martine Conway, was named the Pete Small “Ombudsperson of the Year.” Named for Pete Small, the first Ombudsman at the University of California, Berkeley, this recognition, while considered annually, is awarded only when a colleague has demonstrated a level of achievement recognized by colleagues as “raising the bar.” Martine has distinguished herself on numerous levels. Within our Caucus she has devoted her time as a presenter at numerous conferences, has regularly served on committees, and has authored several articles for our peer-reviewed publication, The CCCUO Journal. Her influence also extends across ombuds practice sectors and national borders, notably through her contributions to the International Ombuds Association (IOA), formerly the University and College Ombuds Association (UCOA), the Northwest Ombuds Group, The Forum of Canadian Ombudsman (FCO), and the Association of Canadian College and University Ombuds (ACCUO), where she currently serves as President.

Service Excellence Award:

Marcia Kellam of the Engineering Directorate at Lawrence Livermore National Laboratories was presented with the Service Excellence Award. This award recognizes involvement in maintaining and sustaining the California Caucus of College and University Ombuds. Marcia has served as Co-Convener for the Caucus three times in 2003, 2004 and 2005 and has been on various committees. A 27-year LLNL employee, Marcia was instrumental in establishing Lawrence Livermore’s program back in 1989. Her commitment to the CCCUO conference and her passion for the ombuds program brought her recognition and the nomination for this award. She says that CCCUO is important because it connects ombuds from academia, government and the corporate world. “The sessions focus on the heart of who we are as ombuds and how we can better help people. We explore what tools are needed to be an ombuds and sharpen our skills to be more effective in this role.” Marcia commented that being an ombuds has benefited her job and her life, broadened her leadership skills and overall made her a better person.
Lois Price Spratlen (Ph.D., FAAN*) became an active participant in the California Caucus of College and University Ombuds in 1988. She has served as Convener of the Annual Asilomar Conference, on three occasions as Co-convener, and as a member of the Awards Committee and as Chair for four years. In 1998, under her leadership, the Journal of CCCUO was established as the first and only peer-reviewed journal in the field of ombudsing. In 1995 she received the Ombuds of the Year award for her many contributions to CCCUO.

*Fellow American Academy of Nursing

Katherine Ziff (Ph.D.) is Interim Executive Assistant to the Provost for Institutional Equity at Ohio University in Athens, Ohio, taking time from her position as Associate Ombuds. Katherine’s areas of research are the history of psychiatry and the arts as an adjunct to counseling. At Ohio University she received the President’s Award for Excellence in Diversity, 2006. This is her fourth year as a member of the CCCUO Board.

MANAGING EDITOR

Maren McDaniel (MLIS) has over 15 years experience writing and editing grant proposals, brochures, newsletters, manuals, presentations, reports, and workshop materials. She currently works for CIRGE (the Center for Innovation and Research in Graduate Education) at the University of Washington, where she is responsible for producing documents to disseminate research findings in a creative and dynamic fashion both in print and electronically. Maren holds a Master’s of Library and Information Science from the University of Washington, a BA in History from Brigham Young University and a BS in Business Education from Weber State University. She previously worked as Assistant to the Ombudsman at the University of Washington.
Gary J. Buckley (Ph.D.) has been a member of the Political Science faculty at Northern Arizona University since 1972. During that time he has served in a variety of faculty and higher administrative capacities. Since January, 1998, he has served as Ombudsman and most recently is serving as Coordinator of the Faculty Ombuds Program. He also has served on the national board of directors of the University and College Ombuds Association and the board of directors of the Arizona Dispute Resolution Association. He currently serves as a volunteer mediator with the Superior Court in Flagstaff, Arizona.

Allen W. Church is an adjunct professor at Wayland Baptist University, where he is a lecturer in undergraduate & graduate business ethics. A Graduate with Honors from St. Mary’s University Law School and Southern Methodist University Graduate School of Law, his participation in the world of education extends as a faculty member for the National Institute of Trial Advocacy and the Insurance Institute of America. His lecture series in adult education titled “Harvesting Settlements” for legal and insurance professionals has been identified by the press as the “best attended, longest-running within the memory of New York City.” He is a contract Ombudsman and active in The Ombudsman Association and the CCCUO.

Kerry Egdorf (Ph.D., Ohio University, 1996) became the Ombuds at Marquette University in April of 2007. She has been on the faculty at several universities over the last 13 years, including Marquette, where she teaches courses in organizational communication, managerial communication, conflict, fairness in the workplace, leadership, and small group communication. As an independent trainer, she conducts programs in hiring, performance appraisals, decision-making and problem solving. Having completed the graduate certificate in dispute resolution at Marquette University, she maintains her mediation skills by volunteering to mediate in small claims court.

Nancy D. Erbe (JD) is an associate professor of Negotiation, Conflict Resolution and Peacebuilding at California State University Dominguez Hills. She has also taught at the Straus Institute for Dispute Resolution, Pepperdine School of Law, University of Denver, University of Oslo International Summer School and University of California Berkeley. She is a contract Ombudsman for all levels of education. Nancy graduated with honors from the University of Minnesota, School of Law, and is the author of several articles, most recently in Harvard Negotiation Law Review, a violence prevention curriculum funded by the Department of Justice and the book *Holding These Truths: Empowerment and Recognition in Action* (an interactive case study curriculum in multicultural conflict resolution).
Elizabeth E. Graham (Ph.D. Kent State University, 1987) is the University Ombuds at Ohio University and has served in this capacity since 2002. In addition to being the Ombuds, Beth is also a professor in the School of Communication Studies at Ohio University. She teaches courses in interpersonal communication, research methods, and statistics on the undergraduate and graduate level. She has published journal articles and book chapters concerning communication in families experiencing transition, change, and possible reconfiguration and recently co-edited a new edition of Communication Research Measures Sourcebook.

Arnold Medvene (Ph.D.) is Staff Psychologist at the University of Maryland Counseling Center. He holds a Ph.D. in Counseling Psychology and served as faculty Ombuds officer from 1994 to 1999. Arnold consults on- and off-campus regarding mediation based programs. Divorce mediation is part of his private practice. He is the editor of the book Storms and Rainbows: The Many Faces of Death. His current research interest is in examining the relationship between narrative psychotherapy and mediation-based imagery.

Trey Reckling (MS) has worked for the Savannah College of Art and Design (SCAD), in Savannah Georgia for 7 years and became the college’s first Ombuds in 2003. With an MS in Therapeutic Recreation, he is committed to the quality of life among staff and students on campus. He has worked with the Oregon State Hospital’s outdoor therapeutic recreation program and was a staff member with Semester at Sea, helping to lead students on an educational voyage around the world. Trey has also worked in collaboration with the Human Resources Department at SCAD to create a customer-service training series for staff.

Barbara Schaffer (MA) has been a faculty member in English and Women’s and Gender Studies at DePaul University for the past 15 years and has been the director of the Sexual Harassment Policy Office (Formerly the Sexual Harassment Ombudsperson) since 1994. Schaffer has served as a consultant nationally and internationally regarding sexual harassment, the establishment of sexual harassment policies, and the status of women in the workplace. Barbara also serves as a writing consultant to a variety of business and professional organizations, including the federal reserve bank of Chicago. She has written two articles relating to her fields of interest: “The Medium and the Message: Confidentiality and E-mail Discussion Lists” and “The Power of Language and the Language of Power.”
Myron Schwartzman (Ph.D) is Professor of English at Bernard Baruch College (NY) and has been Ombuds there since 1995. He was educated at Columbia College, the University of London, and SUNY Stony Brook, where he earned a Ph.D. in English. A widely published author, with articles in such journals as James Joyce Quarterly and Modern Fiction Studies, he is also a jazz pianist. For six years he played with Larry Rivers’ East Thirteenth Street Band, which he co-founded. He has been active in CCCUO and ECOG. His article, “Notes from Underground: An Ombuds’ Dostoyevskian Journey in Academe” was in the November 1999 Journal.

Douglas Whitman (JD) is a Professor at the School of Business at the University of Kansas, where he has taught since 1975. He became University Ombudsman in July, 2003. He holds the following degrees: Bachelor of Arts in Political Science, Master of Business Administration, and Juris Doctorate and Master of Laws. He has written over 24 law review and scholarly articles and has authored several book reviews. Professor Whitman served as the President of the Midwest Business Law Association and twice served as staff editor for The American Business Law Journal, as well as a reviewer for that and other scholarly journals. He is the coauthor of five textbooks.

GUEST EDITORIAL REVIEWERS

Yegan Pillay (Ph.D) is currently an Assistant Professor in Counselor Education in the College of Education, the Assistant Director at the Hill Center and the former principal psychologist and the Head of Academic Development in the Faculty of Military Science at the University of Stellenbosch, South Africa. Dr. Pillay represents Ohio University on the board of the African Education Research Network and the International Society for Existential Psychology and Psychotherapy. He is the current director of the Sex Offender Treatment Certificate Program offered through Ohio University. Dr. Pillay is registered with the Health Professionals Council of South Africa as a psychologist and as a Licensed Professional Clinical Counselor with supervisor designation in the state of Ohio.

David Hussey (Ph.D.) is Faculty Associate at the Institute for the Study of Prevention of Violence and Associate Professor of Justice Studies at Kent State University. He is also Director of Research and Evaluation at Beech Brook, a private center offering comprehensive mental health services for youth and families in the Cleveland area. Dr. Hussey holds the Ph.D. in social welfare from the Mandel School of Applied Social Sciences at Case Western Reserve University.

EDITORIAL ASSISTANT TO CO-EDITOR KATHERINE ZIFF

Micah Mitchell became the first CCCUO Editorial Assistant to serve in Ohio University’s Office of the Ombuds, in September 2007. He earned a Bachelor of Science in Communication through Ohio University’s School of Communication Studies in June 2007, emphasizing interpersonal, organizational, and cross-cultural communication. He now works toward a Masters of Education in Human Development through Ohio University’s Individual Interdisciplinary Program. Born in Oberlin, Ohio, Micah brings to the position significant experiences in the areas of teaching, student affairs, diversity, counseling, mediation, and university governance.
Scholarship and Practice: A Panel of Writers

One of the hallmarks of a profession or a field is a body of scholarship, research and literature. For thirty years the California Caucus of College and University Ombuds, its Journal, and the Journal Editorial Board have supported and nurtured ombuds scholars, many of whom have gone on to become leaders in the field of ombudsing. In North America, the Caucus and its Journal have provided a foundation for a scholarship of ombudsing, particularly academic ombudsing. The Journal continues to be the only peer-reviewed publication in the U.S. devoted to academic ombudsing and the only print journal in the U.S. devoted to ombudsing.

This year’s Cal Caucus at Asilomar Conference Center in Pacific Grove featured a panel of six ombuds-scholars discussing their work and process as practitioners and writers. Panelists included: Lewis Redding and Lani DeBenedictis, colleagues at the Jet Propulsion Lab where Lewis is Ombuds and Lani an Ethics Officer; Elizabeth Graham University Ombuds and Professor (Communication Studies) at Ohio University; Nancy Erbe, Associate Professor in the graduate program in Negotiation, Conflict Resolution & Peacebuilding at California State University Dominguez Hills; Gary Buckley, Professor (Political Science) and Coordinator of the Faculty Ombuds Program at Northern Arizona University; and Myron Schwartzman, Professor (Journalism) and former Ombuds at Baruch College. They shared with us their wisdom and inspiration as ombuds scholars. They are all practitioners of ombudsing or conflict resolution. Some also hold faculty positions. All of them find time to reflect and write about ombudsing.

The panelists spoke to the Caucus from the mind and the heart – no power points, no overheads – and indeed with just six minutes each there was no time for technology. Perhaps it was this format and the necessity for brevity that created a palpable connection between speakers and audience: as each panelist spoke, the expressions and questions of members of the Caucus reflected engagement, empathy, and inspiration. I was inspired by the sense of humility conveyed by each panelist, combined with dignity about his/her writing and research as well as encouragement for others to take up the call to reflection, research, and writing about ombudsing.

Lewis and Lani spoke of their collaboration as JPL staff and their process of gaining the support of JPL management to write for the Journal. They view themselves as collaborators both on-the-job and as writers. They offered encouragement. Nancy emphasized having confidence that we each have something important to say and persevering even in the face of resistance. Early in her career, for example, she was encouraged to write on the topic of female slavery and her editors disagreed about publication. Her primary editor prevailed in publishing the work, which has since been cited by Canada’s Supreme Court and several authors, as well as translated into different languages by the United Nations. Beth described herself as a reluctant writer and constant reviser. But the last time I saw her CV, it featured books and dozens of articles. She spoke of writing in order to learn more about a topic, to inform and improve her practice as an ombuds. She suggested Anne LaMott’s book Bird by Bird as a guide for those who want to write. (I will not give away the origin of LaMott’s title, you will have to read this delightful anecdote in the book.) Gary Buckley has taken inspiration from sociologist C. Wright Mill’s The Sociological Imagination, especially the chapter entitled “On Intellectual Craftsmanship” in which Mills gives advice to one seeking to develop a personal scholarship. Mills’ advice on keeping a file, or a continually growing intellectual journal of ideas, excerpts from books, ideas for topics, bibliographical items and outlines of projects has fueled Gary’s career as an ombuds scholar. Myron exhorted us to be confident, stick to our guns, and if we have something to say, say it. He dared us to go where others have not gone in terms of scholarship and to stay open to possibilities. We heard the jazz musician in him when he asked us to consider the value of improvisation. He too, no doubt as a journalist, spoke of the value of polishing and rewriting.
Here are seven points of writing wisdom that I gleaned from this panel:

1. Be daring. Write about your convictions and your questions.

2. Take inspiration from your practice and your experience.

3. A practice of written reflection will jump-start your scholarship. Keep files and notebooks of ideas, observations, and questions. (Keep them anonymous when appropriate).

4. Take inspiration from other writer-scholars, such as Anne LaMott and C. Wright Mills.

5. Collaborate with others: writing partners can inspire each other; supervisors and managers can encourage you to add to your field through research and writing.

6. Revise, rewrite and polish. Also remember when to stop.

7. Writing can be a joy as well as a contribution to ombudsing.

As the Journal begins its thirtieth year, I wish to emphasize the critically important role of the California Caucus in supporting ombuds scholarship. The Caucus, Journal writers, Journal Board Members, and its Editors have created and sustained a body of ombuds scholarship. Much lies before us. The Journal needs an electronic presence and a library subscription process, so that scholars of all disciplines can access our scholarship. The Board continually seeks writers who will prepare and submit manuscripts for the Journal for review. Consider recruiting scholars in ombuds-related disciplines to contribute to the Journal. Also, consider taking tips from our 2007 panel of ombuds-scholars and prepare a manuscript for submission to the 2008 Journal. Any one of the Editorial Board members will be happy to advise and consult with you as you do so.

In this issue, the Journal features Lois Price Spratlen, upon her retirement from the University of Washington as the Ombudsman and the Ombudsman for Sexual Harassment, writing about her experience of twenty years with an innovative approach to preventing harassment; a companion article by Victoria Baez describes her experience with Dr. Price Spratlen’s approach. Erbe, Guillermo-Newton, and Reddy share tips for successfully responding to ombuds’ challenges. Mazer, Graham, and Bugeja write to educate ombuds about Facebook, the electronic social networking tool used on college campuses, and suggest implications for ombudsing. Bhat and Ziff speculate about ombuds’ stress and offer a comprehensive wellness model with suggestions and implications for ombuds. Redding and De Benedictis describe their collaboration at the Jet Propulsion Lab, as Ombuds and Ethics Officer. Finally, Barbara Schaffer reviews the book Hurler on the Ditch, Memoir of a Journalist who Became Ireland’s First Ombudsman.

Katherine Ziff
Co-Editor

References


INVITATION

A New Beginning: Recording Our Academic Ombuds History

Introduction

This essay represents an open invitation to all current and past academic ombuds to participate in a new initiative of the California Caucus of College and University Ombuds (CCCUO). We are recording our history of service to various institutions of higher education in the United States, Canada and other nations as well. The main purpose of this initiative is to record for posterity ways in which academic administrators responded to student protests and demands for less administrative bureaucracy and more student-friendly methods for meeting their needs for services. Most institutions established ombudsman offices and services to address these demands. The changes, introduced mainly in the 1960s and early 1970s, have been maintained or transformed into offices for responding to issues of conflicts in the academic work and learning environment. Some offices have remained focused on student services. But others have been expanded to include services for faculty, staff and other users of university services.

Founders of Cal Caucus and other early ombuds have reported specific incidents that led to the establishment of ombuds services at their institutions. Some of this information has been reported in the Cal Caucus Journal. This initiative offers an opportunity to cover the subject in greater depth and on a more inclusive basis, while also extending the form of presentation from print to videotaping and oral history. The coverage will also include documenting the various ways in which offices were established to serve the needs of all members of the university community, i.e., students, staff, faculty and other users of university facilities and services. Based on oral reports at conferences and informal conversations, there is a rich body of information that definitely needs to be captured in recording the experiences of early pioneers who served institutions of higher education as ombuds. Their experiences can be compared and contrasted with those of more recent entrants into the practice of academic ombudsing.

Background Developments

In Spring of 2007 Lois Price Spratlen proposed to members of the Cal Caucus Editorial Board that we initiate a history recording project that would enable us to record the ways in which ombuds services were established during the mid-1960s and into the 1970s up to the present time in colleges and universities throughout the United States and Canada. She emphasized that ombuds services in these areas had their beginning in higher education. Many of the early pioneers are still alive and would probably be willing to record their stories.

Myron Schwartzman volunteered to use his considerable expertise as a writer and videographer to make this a successful endeavor. His institution, along with the Planning Committee of the Caucus, collaborated and provided financial support for his participation at the 2007 Conference.

Ombuds Story Corps: A New Initiative

In 2007 National Public Radio (NPR) began broadcasting stories developed by Dave Isay (2007). These were oral narratives. He has used an oral history method which is focused, multi-media and a productive way to capture this history. He recently published a book of some of these stories entitled, Listening Is an Act of Love (2007). This research method is well established and consistent with methods that many ombuds use on a daily basis.
Data Collection for Ombuds Story Corps

Information for the project (Ombudsing Story Corps) will be collected in several ways. They include:

a. being personally interviewed and audio or video taped
b. being asked to complete an electronic version of a questionnaire
c. having someone at each participating institution interview the ombuds

To the fullest extent possible the same information will be reported on each participating institution. A questionnaire has been developed for this purpose. It was pilot-tested at the 2007 CCCUO Conference at Asilomar in Monterey, CA.

Once these data have been collected and analyzed, the results will be edited and posted on a Cal Caucus website devoted to Story Corps. Eventually a written history will be completed from the data. Participants will have an opportunity to raise questions, make suggestions and generally keep the project up-to-date as the level of participation increases. Every effort will be made to accurately reflect ombudsing at each institution.

Methods and procedures will be based on the NPR model that has been used successfully for several years. Their documents are archived at the Library of Congress. However, modifications will be made to ensure that the process is user friendly and designed to get maximum participation from practicing ombuds.

A Work in Progress

At the 2007 Cal Caucus Conference, Myron and I were able to complete 12 interviews of ombuds who volunteered for this oral history project. In addition, Myron videotaped the “Authors Panel” that consisted of five contributors to the 2007 journal. The opening night’s program was also taped by Myron.

Our initial effort yielded excellent results and we remain convinced that during the next six-to-eight months we will have many ombuds volunteering to record their institutional history.

How Can Interested Others Help?

This is a volunteer project. We do not have funds to carry out this initiative. This is why ombuds are asked to work with individuals at their institution to explore what, if anything, their institution will provide. Most colleges and universities have media centers. By establishing communication with the current ombuds, it will likely be possible to work with a graduate student or a staff person to arrange to complete the taped interview.

During the month of April (2008), I will be working with staff in the media center at the University of Washington to explore the nature and scope of services that I can use to conduct interviews of interested ombuds.

I have used equipment here to complete the tapes I recorded in my previous projects at the University of Washington and in Mississippi as well. These were related to African American nurses. But the methods are transferable and adaptable. I have also used telephone interviews to mediate disputes involving individuals who could not be on campus for face-to-face communication. This was done while at least one person involved in the conflict was in China, Japan and France, respectively, while the rest of us were on campus. So I’m confident that long distance interviewing can be adapted for this project.

Conclusions

This Story Corps history project is one that will continue throughout 2008 and beyond as long as interest and participation will carry it forward. We will make our first major assessment at the November
2008 Asilomar Conference. Before this date we expect to obtain the participation of all institutions that have sent attendees at past conferences. Others are also welcome to participate. This initiative is intended to be truly nationwide and international in scope.

Interested ombuds are invited to contact any members of our Editorial board to obtain additional information about this Story Corps ombuds project.

I want ombuds to feel free to contact me by email at lprice@u.washington.edu or by telephone (206) 365-0956 for additional information.

Let’s record the excellent work that ombuds are doing throughout the United States, Canada and in other nations as well. This is our story. We’ve come a long way over the past 40-plus years in making colleges and universities better work and learning environments for students, staff, faculty and other users of the services of higher education institutions. The story of our contributions as ombuds should be more widely told and shared. We appeal to you to participate and help us in any way that you can to tell our story.

Lois Price Spratlen
For the Editorial Board of the Journal
We are committed to publishing the highest quality of scholarly and professional articles submitted for publication. We will publish articles by and about ombuds that provide insights into and understanding of our institutional role, practice, and contributions. Manuscripts and materials submitted will be peer reviewed. We use a collaborative approach to publishing, in which prospective authors receive constructive critiques from reviewers in an effort to increase quality of the content of The Journal. Our main purpose is to enhance understanding of the art and practice of ombudsing.
ABSTRACTS OF ARTICLES IN THIS ISSUE

A COMPREHENSIVE FRAMEWORK FOR USING PREVENTIVE MEDIATION FOR RESPONDING TO AND RESOLVING CONFLICT - Lois Price Spratlen

This paper defines, explains and illustrates how an educative process has been used for many years in the author’s practice of academic ombudsing. Clients involved in conflict are encouraged to use information, communication and negotiation along with other knowledge and skills to develop competencies in representing their best interests in responding to, resolving and eventually preventing conflict in their work and learning environment.

A comprehensive framework for preventive mediation is presented based on the theory and practice background of the author as a board-certified community mental health nurse and an urban social planner. The framework is also interdisciplinary and incorporates several changes from conventional preventive mediation that has evolved from labor-management relations that were introduced in the late 1940s. Particular emphasis is on enhancing accountability and institutional authority along with other traditional characteristics of academic ombudsing and preventive mediation.

The reported practices and results demonstrate effectiveness in using preventive mediation as an important form of service delivery in academic ombudsing.

USING OMBUDS SERVICES TO PROMOTE KNOWLEDGE AND SKILL ACQUISITION RELATED TO SEXUAL HARASSMENT - Victoria Baez

This article provides an overview of the experiences of a new female supervisor of a male employee who participated in unwelcome, sexually-harassing behavior. The content of the article can be viewed as a case study of how an ombudsman’s use of mediation helped to resolve conflicts and also contributed to the author’s personal growth and confidence in solving a workplace problem.

Conflicts occurred as the female supervisor confronted both her employee and a department director. Here she reports the circumstances surrounding their interactions and her experiences in addressing sexual harassment. Details are provided on how mediation was used to resolve the conflicts and on the beneficial outcomes of services received from the Office of the Ombudsman. Emphasis is on the author’s personal growth and learning associated with going through the mediation process.

RECOMMENDATIONS FOR RESPONDING TO OMBUDS’ CHALLENGES IN CONFLICTS AND CONTROVERSIES - Nancy Erbe, Judy Guillermo-Newton and Michael Reddy

Organizational and classical ombuds both face controversial and challenging situations in carrying out their responsibilities. While the approaches, scope of work and specific practices may vary, both have comparable goals in seeking fairness and justice for those being served. In this paper we offer recommendations for responding to and resolving conflicts, especially when the ombuds might be vulnerable to pressure and pushback from those at odds with the ombuds’ actions that may be taken to curb unfair treatment and injustice in the institutions where we practice.
Faculty, Students, and Facebook: Questions and Considerations for Ombuds in a Technological Age - Joseph P. Mazer, Elizabeth E. Graham and Michael Bugeja

Computer mediated social networks, such as Facebook, offer users a medium to create a virtual identity and network with friends and family. Recent reports from The Chronicle of Higher Education reveal diverse issues surrounding the use of Facebook on college and university campuses. Many of them are controversial and present challenges that involve college and university ombuds. Examples include universities disciplining students for posting pictures of themselves drinking in the residence halls; training police officers to manage harassment and cyberstalking that may occur on Facebook; and asking student athletes to sign statements agreeing to good conduct on social networking websites. This article offers a dialogue about ombuds-related issues and their implications between a university ombuds, a communication scholar, and an ethicist addressing common concerns surrounding faculty, staff, and students' use of virtual social networks on college campuses.

Working Well Under Stress: A Holistic Approach for Ombuds - Christine Suniti Bhat and Katherine Ziff

Academic ombuds face unique challenges and stressors resulting from their role within universities and colleges. In this paper, proactive strategies to identify and analyze particular types of work hazards associated with heightened stress are presented, along with a comprehensive model of wellness. It is likely to be of interest to ombuds wishing to address their own stress and wellness issues in a holistic manner.


Even though ombuds carry out their responsibilities within some framework and expectation that ethical standards are followed, not much consideration seems to be given to the close connections between the ombuds functions and those of an ethics office. We illustrate how the two areas of service to an organization are and can be linked.


Introduction

Preventive mediation is the focus of this paper. This construct is used to identify and describe the educative method and process that are integral to the purpose and design of responses made in this ombudsman’s office, to reported incidents of interpersonal and social conflict. The term also refers to an intervention that is part of the overall educational approach to ombudsing that this author has conceptualized and described in previous articles (Price Spratlen 1997a, 1997b, 1998). This method and process are anchored in the theory of prevention as conceptualized by Caplan (1964). It is extended to include the work of Jones (1953, 1968, 1969) and Anderson (1969). In combination the work of Caplan and Jones give direction for the preventive dimension of ombudsing. Anderson (1969) provides a complement to prevention by identifying essential elements of the ombudsman’s role. Together this construct is excellent for use in relating ombudsing to the mission of the university by including the promotion of knowledge through research; disseminating knowledge through teaching and preserving knowledge through scholarly publications in written and electronic media (Price Spratlen, 2006).

In universities and colleges in the United States most academic ombudsmen are free to design programs and services that meet the needs of the client groups they serve, i.e., students, staff and faculty of their institutions. At the University of Washington, I have designed services that are provided to students, staff, faculty, and other users of the University facilities and services. Included in this latter group may be visitors, vendors, parents and alumni; to name four. The activities of teaching, research, and service are integral to this approach to role performance.

In the content that follows I indicate how the conceptual frameworks of Caplan (1964) and Jones (1953, 1968, 1969) have been integrated and employed in preventive mediation.

Integration of Frameworks

As an overview of the basic elements of the various contributions see the concepts and relationships that are represented in Exhibit I. Elements of each framework are briefly discussed.

Caplan’s (1964) framework of prevention is identified as consisting of three dimensions: primary, secondary, and tertiary prevention. This framework can be used in designing programs and services for a single individual, a small group or a community. Originally, this framework was designed to extend the practice of psychiatry from a preoccupation with individual psychotherapy to a concern for the provision of psychiatric services to the entire community. This conceptualization for responding to illness in the community has been adapted by me for carrying out the role responsibilities and services for members of an academic community in a University.
Maxwell Jones’ Framework

Jones’ framework (1953, 1968, 1969) was one of the earliest ones designed for the treatment and rehabilitation of individuals, small groups and communities where mental and emotional treatment was offered to the most impaired members of society. His framework emphasized open communication, social learning, decision making and leadership. Theories embodied in his framework included social learning, systems, communication and education. These components contributed to a democratic and participatory process for treatment.

Communication among doctors, nurses, patients and family members promoted active participation in the delivery of treatment.

Social learning occurred in the participatory process. The opinions and participation of all members of the community were valued and nurtured.

The consensus method of decision-making represented a revolutionary development in mental health treatment.

Leadership was encouraged and nurtured for all members of the therapeutic community.

These four components have relevance in any social context. I have used these components to integrate Caplan’s conception of prevention with Jones’ framework for the provision of preventive mediation in this university ombudsman’s office.

Anderson’s (1969) Essential Characteristics

Anderson (1969) should also be recognized as background for this approach to preventive mediation. He defined what remains as the most fundamental attributes of the ombudsman. They include being: independent, impartial, universally accessible, expert in government or governance, empowered to recommend, and publicized.

Independence is experienced in my ombudsman role through the conceptualization, implementation and evaluation of all programs and services. The educational seminars provided to all units on all three campuses along with confidential consultation to unit heads, are accepted and used by many members of these three universities. This fosters my sense of independence in professional practice.

Impartial or neutral approach to all clients is evaluated and commented on by clients and other members of the university community. In face-to-face mediation sessions this is an explicit role function of the administrator who serves as the institutional representative (IR) to judge whether I have been evenhanded and fair minded in conducting the mediation session.

Expert in government or governance is interpreted by me to mean possessing a level of knowledge about university policies, procedures and rules, to serve as a knowledgeable resource for other clients. It is also operationalized to mean knowing where to obtain relevant information when a clients’ request exceeds my knowledge base.

Empowered to recommend is operationalized to include written, oral or electronic communications to any client, university administrator or other users of ombudsman services.

Publicized has been interpreted as the transfer of information through publications in scholarly journals, annual reports, brochures and websites.

Anderson’s five essential ombudsman characteristics can be systematically integrated with the Caplan-Jones preventive frameworks and selectively used in professional practice as one engages in preventive mediation.

Social learning occurs in the process of engaging in open communication, group decision-making and when the client or ombudsman assumes leadership roles. Teaching and learning are integral to education, case detection and they function in interactions to reduce the occurrence of retaliation or retribution among clients and in the process of responding to complaints or grievances of interpersonal or social conflict.

Ombudsman services are made available to anyone who contacts our office asking for help. While sitting in my office on the Seattle campus, I have conducted mediation sessions at the local, national and international levels. This represents my universal approach to accessibility.

Ombudsmen and university administrators have visited our ombuds office from different parts of the country to observe how educational ombudsman services are organized and delivered to members in our university. Visitors are welcomed and shown our method and process of service delivery.
The above frameworks have been operationalized, implemented, evaluated and refined over my 25 year tenure in these ombudsman roles. Selected aspects of these frameworks have been used to promote competency development and skill acquisition for undergraduate and graduate students as well as with staff, faculty and other users of ombudsman services.

Preventive Mediation

My use of preventive mediation is based on my theory and practice background as a university ombudsman and ombudsman for sexual harassment for over 20 years. I am also a board-certified community mental health nurse and urban social planner. Prevention as a construct is grounded in the primary, secondary and tertiary health-threatening effects of conditions in the environment. The concepts have been borrowed from the field of community psychiatry (Caplan 1964). While the meaning is comparable to the historical mediation process in labor-management relations that date from the late 1940s, I have developed a framework that is much more educational and behavioral in nature as compared to conventional preventive mediation.

Innovations have been added that depart from the conventional mediation structure of two or more individuals in conflict interacting just with the ombudsman/mediator. The structure has been altered to include an institutional representative who is a knowledgeable participant-observer whose presence can enhance accountability and institutional authority in the process. Other conditions of neutrality of the ombudsman, confidentiality of all participants and fairness, remain intact.

More generally, preventive mediation is an educative method and process that is teachable, practical and readily learned. It serves to promote confidence and active participation of clients in the definition, assessment, management and resolution of conflict.

Preventive mediation has a defined focus, structure and goal. The focus is client-centered. This one way focus enables the ombudsman to guide the interpersonal or social interaction in a very systematic and coherent manner. The ombudsman raises questions of who, what, when, where and how as a way of obtaining relevant and reliable oral information about the reported conflict or grievance that is provided by the client.

In terms of structure this process includes phases, time, date and place of each face-to-face session, names of participants, and goals.

There are five phases in preventive mediation: orientation, premediation, mediation, long-term follow-up and termination (Price Spratlen, 1977a, 1977b).

The orientation phase takes 45 to 50 minutes. This interaction occurs between the assistant ombudsman, Ms. Susan Neff, and the client(s). All written information about the office is reviewed with the client. The client provides a brief oral description of the complaint or grievance. Most of this same information about our office is on our website at http://www.washington.edu/about/ombudsman. Clients are shown how to use the Chronolog to write their story of their problem or conflict. Initial contact with the ombudsman’s office is generally made by the client who files the complaint. The person is referred to hereafter as the complainant.

The complainant is given an assignment to write a description of her/his complaint and is also asked to return to review her/his written story of this problematic event with the ombudsman.

When the complainant returns to the ombudsman’s office to meet with the ombudsman and review her/his written story, the pre-mediation phase begins. If the complainant has not completed the written description of her complaint by the time that her scheduled meeting arrives, the complainant is asked to call 24 hours before this date to reschedule this meeting.

When the complainant arrives at the scheduled time with the written description of the complaint, the written material is the focus of the interaction that occurs between the complainant and the ombudsman. This written material never leaves the complainant’s hands and no copies are ever made of this content. Once the content is presented and discussed, I indicate that I have reviewed the material with them, sign and date this draft and ask the complainant what intervention, if any, does
she/he want the ombudsman to initiate. When the complainant chooses mediation, the complainant is encouraged to take an additional 24 hours before the ombudsman is asked to initiate this request.

The complainant is also informed that the administrative head of the unit/department where the problem occurred will be notified about the named-perpetrator who engaged in this problematic incident.

Often the complainant feels that enough time has elapsed and wants to initiate the complaint at this time. Whether this occurs is determined by the day of the week and the time of day that this interaction is occurring.

Complaints are filed Monday through Thursday and before four o’clock on any day. In this way we attempt to be available to meet with the client who is named as the initiator of this complaint. The unit head or administrator is asked to contact this individual when it is possible for either the assistant ombudsman or the ombudsman to meet with this person.

Once the initiator or perpetrator calls for an appointment and comes to the office for services, this person is the identified respondent.

The respondent to any complaint is also provided with the full range of services that are made available to the complainant. All phases of this process are provided. Following the orientation to services, the respondent is asked to develop a written description of her/his perception of the complaint. Once this task is completed, the administrative head of the unit where the incident occurred is notified that the respondent has completed all previous requests and we are ready to schedule the mediation session. The respondent does not have the option of not participating in the mediation session.

The assistant ombudsman with the help of the staff assistant to the ombudsman schedules all face-to-face mediation sessions.

The face-to-face mediation session is the third phase of this process. This session is scheduled for three (3) hours. At this session are the complainant, respondent, and the academic head of the unit, who becomes the IR at this mediation session.

The IR may be a chair, dean, director, vice president, vice provost, president or provost. Whoever it is in the unit/department to whom the respondent reports serves as the IR.

The IR is present at this face-to-face mediation session to evaluate if the ombudsman is being fair and equitable in responding to each disputant. The IR also provides long-term follow-up when needed. Further, the IR is present to represent the unit/department’s culture. In this way resolutions and planning will be developed on the basis of what is realistic and possible to be carried out by the IR.

This three-hour session provides one hour each for the complainant and respondent to present their topics and have time for questions and a discussion of details that will clarify whether a mutually satisfactory resolution of the complaint has occurred.

The third and final hour is used to develop long-term written plans and determine what, if any, contact is to occur between these two disputants. Once these details are written by the complainant and respondent, they exchange plans with each other and agree that the written content is acceptable to one another.

The IR reads both participants’ plans and indicates if in her/his judgment they are congruent when they are found to meet the expected standards. These long-term plans are signed by all participants.

An agreement form is signed by all parties to the mediation. The fourth phase deals with long-term follow-up. All participants listen carefully while long-term plans are specified. Once they are, each participant knows that any one of the three participants, i.e., complainant, respondent or IR, can request that we reconvene because there has been a significant deviation from the written agreement. When this occurs the ombudsman has a brief telephone consultation with the client who requested the meeting. Telephone contact is made with each participant. Generally, a two-hour meeting is scheduled for this follow-up session.

Follow-up sessions are available to all participants for a period of 12 months. It is rare for clients or former participants in mediation sessions to require more face-to-face time in the ombudsman’s office.

The IR can also schedule sessions(s) in the unit/department with the complainant and the respondent if she/he feels there is a need for
such. When this happens the unit/department head usually calls the ombudsman’s office to provide a status report about what was accomplished and to read the written agreement. This exchange of information occurs in the presence of the complainant and respondent. If the ombudsman needs additional information or clarification, it must be requested at this time. Otherwise, the session ends with no further comments.

At the conclusion of the long-term planning session all participants are asked to complete and return their evaluation forms. The response rate is very low.

The ultimate goal of preventive mediation is the resolution of the conflict. In a high proportion of cases we reach a mutually satisfactory resolution of the conflict. Our success rate is in the 90-95 percentile when the complainant or conflict is about a sexual harassment incident. In non-sexual harassment conflicts the percentages where mutually satisfactory resolutions are reached are between 85-90%. Both of these comparisons are based on actual summaries of cases which ended in stalemate without further action, were explicitly discontinued by the complainant or referred by the ombudsman to the formal level for resolution.

In situations where mutually satisfactory resolution is not achieved, participants make a range of different decisions. They may agree: not to pursue the matter further; not to continue to work or study or have any further contact; or to delay doing anything unless new conflicts arise. Very seldom do these participants agree to move their complaint to a formal level.

As the ombudsman, I have the right to recommend that a particular complaint that is unresolved at the informal level of the ombudsman’s office be referred to the formal level. I very rarely exercise this option.

All mediations are confidential and I have an ombudsman privilege consistent with the Revised Code of Washington (RCW) (Washington State Legislature, 2005) which protects me from being required to repeat details about mediation sessions.

Benefits and Limitations

Benefits: A minimum of six benefits are associated with the use of preventive mediation. They are: educational, confidential, consistent with the university’s mission, face-to-face interactions, facilitates conflict management and resolution, provides long-term monitoring of planned agreements.

Preventive mediation is one form of intervention that is educational. It is grounded in theory, practical, teachable and it is readily learned. Participants acquire new skills and extend existent competencies.

Under conditions of confidentiality, participants engage in face-to-face interactions where active participation is encouraged and achieved.

The involvement and participation of the institutional representative has enhanced accountability and provided a measure of institutional authority in the process. Contrary to criticism raised by reviews of this paper, neither the voluntary nature nor confidentiality of the process has been compromised. Coercion has not been expressed by any of the participants. Going into the process all participants are aware of and agree to the added value of having the head of a unit present throughout the entire mediation process.

Social and interpersonal learning occur that are consistent with the university’s mission. Group decision-making enables participants to determine if a mutually satisfactory resolution has been achieved. Validating this outcome is achieved through consensus.

Long-term planning that is oral and written requires active participation and supports leadership development among participants.

Limitations: Time is the most significant limitation associated with this educative method and process. When complainants and respondents are students, they are usually pressed for time whether graduate or undergraduate. Most students work and they find this educative process extremely time consuming. Since a high proportion of complaints end in a mutually satisfactory outcome, they are extremely satisfied to achieve this outcome. Also, students really appreciate the long-term planning that gives direction for future actions. The opportunity for either the complainant or respondent to request
a return to the ombudsman’s office if deviations from the plan occur is especially reassuring for participants. Yet these participants still complain about this process taking more time than they would like to use to resolve a conflict.

When staff and faculty are complainants or respondents, scheduling meetings requires an inordinate amount of time. Once the face-to-face session occurs they too are generally quite satisfied with the outcome achieved. These members are especially appreciative that I am willing to flex to their time or calendar of availability. Sometimes mediations occur at 5:30 or 6:00 am or 9:00 to 10:00 at night.

A high proportion of staff time is spent juggling the schedule to accommodate unanticipated developments that impact the participants’ availability for this task.

In the face of these limitations, preventive mediation is one of the most frequently used methods for responding to and resolving conflict that are offered in this office.

Conclusions

Institutions of higher education are ideal environments in which to offer preventive programs and services by the ombudsman. Education is the cornerstone of prevention. Consistent with the mission of the university, ombudsman services can be designed to complement knowledge generation, its dissemination and preservation.

Preventive mediation is only one component of the preventive program that is offered to all members of the university community and other users of this institution’s facilities and services. This is a method and process that are teachable, practical, adaptable and can be readily learned. Most important it is an efficient and effective method to facilitate the management and resolution of conflict. The ombudsman and clients we serve benefit from this service.

The ombudsman can use the who, what, when, where and how process of interviewing to obtain detailed information from the client about the problematic incident that precipitated the conflict.

The client can be guided to focus attention and retain her/his focus until all details about the conflict are presented. Verbal interactions between the client and the ombudsman are teaching, learning, and relationship building opportunities. When the client is asked to write the story of this problematic event, this represents another method of competency development and skill building. Previous competencies are extended and the opportunity for new insights to occur is also possible. These tasks help to prepare the client to prioritize information for mediation.

The ombudsman can sharpen her/his skills in directing the mediation in an efficient and goal-directed manner. In a significant proportion of cases, a mutually satisfactory outcome is achieved.

Based on the extensive amount of experiences and processes in using a preventive approach over the past 25 years, there is strong evidence of the effectiveness in delivering ombudsman services at this institution. In view of the performance record and the applicability of what I have reported to date, I urge my fellow ombudsmen to try this preventive approach. I am confident that these methods and procedures can be adapted in their practice successfully.

References


1 The institutional representative role was introduced into preventive mediation for accountability. The IR judges my fairmindedness and professional evidence of neutrality.


### Exhibit 1

**APPLICATION AND INTEGRATION OF FRAMEWORKS FOR PREVENTIVE MEDIATION**

<table>
<thead>
<tr>
<th>Gerald Caplan’s Dimensions of Prevention</th>
<th>Primary Prevention</th>
<th>Secondary Prevention</th>
<th>Tertiary Prevention</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(focus on consultation and education)</td>
<td>(focus on case detection)</td>
<td>(focus on reduction of negative effects)</td>
</tr>
<tr>
<td></td>
<td>[In preventive mediation emphasis in this phase is primarily between the ombudsman and the client.]</td>
<td>[In preventive mediation interactions in this phase extend to departments and administrative units throughout the University.]</td>
<td>[Campus and community-wide outreach, corrective actions and policy changes are included.]</td>
</tr>
<tr>
<td>Maxwell Jones’ Dimensions of the Therapeutic Community</td>
<td>Communication (clear, open and direct)</td>
<td>Emphasis on personalized and confidential exchanges.</td>
<td>Awareness and understanding are fostered through educational seminars and consultations.</td>
</tr>
<tr>
<td>Social Learning (by individual members, small groups and entire community)</td>
<td>Competency is developed for responding to and preventing conflicts.</td>
<td>Discussions of situations and solutions are used for group or audience understanding.</td>
<td>Periodic follow-up meetings may be scheduled to review and revise plans for relationship and community building.</td>
</tr>
<tr>
<td>Decision Making (principally by consensus)</td>
<td>Options and interventions are reviewed and selected for managing and resolving conflict.</td>
<td>Seeking mutually satisfactory outcomes by consensus is emphasized.</td>
<td>Efforts are made to reconcile the interests of individuals and those of the group or unit.</td>
</tr>
<tr>
<td>Leadership (role assumed when two or more individuals are involved)</td>
<td>Shared responsibility and power between the client and the ombudsman.</td>
<td>Collaborative and cooperative relationships are fostered among group members.</td>
<td>Group decisions are encouraged for selecting leaders.</td>
</tr>
</tbody>
</table>

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USING OMBUDS SERVICES TO PROMOTE KNOWLEDGE AND SKILL ACQUISITION RELATED TO SEXUAL HARASSMENT

VICTORIA BAEZ *

*A pseudonym adopted for the anonymity requested by the author. This policy is continued throughout the article. Only assigned or fictitious names are used for all those who were involved in the situation.

Introduction

As a new manager in a large university, I had the privilege of participating in a successful mediation process facilitated by the university ombuds. This process proved to be challenging and emotionally demanding, but the rewards were great. As a result of the process and services provided by the Office of the Ombudsman, I learned deeply what it felt like to move from feeling alienated and marginalized in an environment which was hostile to women to feeling empowered. Because of this assistance, I had the opportunity to become a leader who advocated for positive change.

This article provides an overview of my experiences dealing with sexual harassment in my department. I describe my attempts to seek assistance within the department, the beneficial outcomes of mediation, and the personal growth and learning which resulted from these experiences. Ultimately the ombuds guided me through this process, and as a result of my experiences in using the services of the ombudsman for sexual harassment, I acquired new skills in resolving conflict as well as useful knowledge and understanding of how conflict can be managed and prevented.

My Experience with Sexual Harassment

I had taken a University position in which I supervised both women and men. Soon after beginning my work I became concerned about the behavior of one of the male employees (Aaron) I supervised, whose remarks, demeanor and viewing of sexually explicit materials in the workplace created an uncomfortable environment for myself and other female staff. I also felt that my work unit supervisors tolerated this behavior and believed that I witnessed one (Bert) viewing materials with Aaron. Seeking assistance outside the department, I consulted with a Human Resources representative, who outlined some options and resources for me and referred me to the Office of the Ombudsman, suggesting that training for the department concerning sexual harassment could help to address some of these issues.

Next I met with work unit supervisors to share my concerns. The outcome was not productive and, in fact, made me feel undervalued as a manager. It seemed to me that my supervisors did not understand my leadership style, in which I seek to create a welcoming, safe and harmonious environment supportive of all employees, nor did my senior supervisor value my perceptions. I then contacted the Office of the Ombudsman by phone to seek assistance in handling this matter. Specifically, I wanted to talk with someone experienced in dealing with conflict and sexual harassment.

Ombuds Services that Assisted Me Personally and as a Manager

The Office of the Ombudsman provided me with services which helped me to make meaning of my experiences and to create a plan to address my concerns. These services included counseling, education, consultation, and mediation.

Counseling

Counseling was a part of every appointment with the ombuds and assistant ombuds; they both assisted me with understanding the events that had occurred, understanding how they were
impacting me, and understanding my own mixed feelings of fear and confusion. During my first phone call, the assistant ombuds asked me to write a chronolog which included the incidents, the facts, the dates they occurred, my feelings about the incidents, and my interpretation. The chronolog proved to be an exercise which helped me to sort my observations and thoughts. The chronolog is a method for clients to record the incidents which have occurred in a chronological format which lists the dates, incidents, and the client’s feelings and interpretations of the incidents (Price Spratlen, 1997). I realized that the events in my workplace were impacting me in a deeply personal way and that they were even affecting my own personal relationship with my partner. I realized further that I grew self-conscious of the clothes that I was wearing because I did not want to appear too feminine or to attract unwanted attention as a woman.

As the ombuds and assistant ombuds heard my story and listened to my concerns and fears, they validated my experience. To me, this was crucial in helping me to feel less isolated and to feel more confident in my own understanding of the events. For example, during my first appointment, I asked the ombuds if I was really experiencing sexual harassment. She stated that it seemed to her that this is an environment which allowed for the objectification of women, thereby creating a hostile work environment. She referred to the University brochure which further defined sexual harassment (University of California, 2007; University of Florida, 2007; University of Washington, 2002; Western Oregon University 2007) and she described the university’s policy against sexual harassment (University of California, 2007; University of Florida, 2007; University of Washington, 2002; Western Oregon University 2007). The ombuds acknowledgement of my experience of sexual harassment helped me to define and label my experience as valid and important.

During my second appointment, I met with the ombuds to share my chronolog. She listened to me read my chronolog word for word while offering advice, support and feedback. She validated that I was doing a lot of work balancing multiple concerns as an individual and as a manager. I was addressing my concerns about the impact of Aaron’s behavior in the workplace, my own concerns about his behavior towards me which made me feel uncomfortable, and my concern that in seeking assistance from Bert my perceptions were discounted and my management skills were not recognized. I told her that, while confronting Bert, I felt compelled to forget what I had seen and tell him that I believed his story. The ombuds advised that I hold onto my own experience; she explained that everyone has their own experience and that denying one’s own experience or the experiences of others leads to revisionist history. Her advice, along with my graduate studies of social justice, inequality, and the marginalization of people of color and women, gave me a framework for a deeper understanding of the issues I was facing. This led to an empowered feeling that I am the expert in my own experience.

The ombuds also helped me to address the fear that if I talked to Aaron about his inappropriate behavior, he might react angrily and possibly violently. The ombuds stated that, in her experience, simply addressing a person confidently tends to resolve the issue. However, to help me feel safer, she said that during my next appointment, I could work out a plan for talking to him, and I could practice what I would say and how I would respond if he reacted poorly. The ombuds coaching validated my concerns while also offering me an opportunity to learn and practice this difficult conversation. This was the missing advice I had been looking for from Bert.

Education
As I reflect upon my experiences, I realize that education from the Office of the Ombudsman began during the university’s new employee orientation, which I attended during the first month of my employment. During this orientation, I had the opportunity to meet the assistant ombuds and learn about the ombuds services available to me and my employees. Her appearance at the orientation allowed me to learn that the Office of the Ombudsman was approachable, available, and truly interested in assisting employees with conflict.

Education was part of nearly every interaction with the Office of the Ombudsman. During my first appointment, I was given an orientation to ombuds services by the assistant ombuds. She explained in great detail the scope
and structure of programs and services offered for responding to and preventing sexual harassment. She described components of services and why they were included. University policies regarding sexual harassment were reviewed. This included a policy against sexual harassment and a prohibition against retaliation for seeking the ombuds services. She also explained the mediation process which is informal, educative, and democratic. I was given the opportunity to decide what I wanted to use and how I wanted to be helped. In my situation, I could choose to have two mediation sessions, one with Aaron and one with Bert. The session would include me, the person I had concerns about, the ombuds, and the top-level departmental supervisor. She provided me with brochures and written literature for me to review on my own time.

**Consultation**

During each appointment, the ombuds offered consultation and advice which helped me with my decision-making process. At the first appointment, she described our relationship as a collaboration in which I bring in my experiences and she offers her expertise in responding to and preventing sexual harassment and in mediation. This relationship was fundamental for me in feeling empowered to make my own decisions as to how to proceed. Each appointment ended with a written plan outlining the next steps, some of which included: reading the materials, writing my chronolog, deciding whether or not to pursue mediation, and developing major topics I wanted to address.

Throughout the process of meeting with the ombuds to explore the options available to me, I had been seriously considering whether or not I wanted to continue my supervisory position. I felt a great amount of personal distress which impacted my personal life, my family life, and my ability to complete my graduate studies. I felt that this job was not the best match for me and my skills and abilities. Since I began my position as a manager, I had numerous discussions with Dottie and Bert in which they focused on what they perceived as weakness in my approach to supervision. I was left to believe that they simply did not understand my leadership style which was quite different from their own and they did not understand how both they and the department could benefit from another perspective in management; a perspective which values planning, organizing, and taking the time to think through decisions rather than always reacting quickly. After much thought, I decided to turn in my notice, and leave the position. Dottie offered me another part-time position in the department which better fit my skills and interests.

After making this decision, I returned to the Office of the Ombudsman with the decision not to pursue the matter with Aaron, since I was no longer his supervisor. But I still wanted to address Bert’s behavior because it had directly impacted my decision to leave the position. In addition I wanted to make sure my perception of the hostile environment was systematically addressed. Unfortunately, I had lost trust in him, and I wanted to address the incident that had occurred in his office. I hoped that the democratic nature of mediation would help to equalize the power between Bert and myself, and that the ombuds could facilitate a conversation which would get my message across to Bert, and that this would be an educational opportunity which would increase his awareness as to how his behavior impacted me as a woman and a manager.

Before proceeding, I had several concerns about the mediation process that I needed to address with the ombuds in order to feel more confident. During mediation, when I was to speak about Bert looking at materials in his office, I was afraid that he would again state that my perceptions were incorrect. She reminded me that I have my own experience and that Bert has his. During the mediation process, when the ombuds and the top-level supervisor listen to each of us, they will not focus on who is right and who is wrong. Neither were present when this incident occurred, so they are not in a position to judge what truly happened. What is important is to move forward and create a plan to insure that an incident such as this did not occur in the future. I also had concerns about how Bert might perceive the presence of a top level supervisor, fearing the creation of an atmosphere of “being sent to the principal’s office” for a reprimand. The ombuds explained that this person’s presence was to ensure accountability - to make sure the ombuds was fair and impartial and to make sure that Bert would follow the solutions
that were agreed upon. In addition, since this incident occurred in the university system, the top-level supervisor would act as a university representative, who has been notified that an incident of sexual harassment has been reported.

**Mediation**

I felt satisfied by the mediation process. As I feared, Bert stated that my perceptions of his behavior were incorrect, and again stated his wish that I would believe him. I found myself still somewhat uncomfortable with the discrepancies of our different experiences, but I also felt confident and empowered to stand by my own story and to refuse to doubt my own observations. It was a significant shift for me to not think of this as two versions of a story, but rather as two separate experiences which were equally valid. The most important outcome was the twelve-month plan, which required Bert to review the policies on sexual harassment, provide sexual harassment education for the department, and to meet with me to consider ways of resolving differences in our communication styles. I felt confident in the knowledge that if there were any future issues, we could try to work them out together or either one of us could return to the Office of the Ombudsman. I also felt reassured that Bert understood that if there were any similar incidents in the future, he knew that I would most likely bring it to the ombuds’ and the Dean’s attention. Given these conditions, I believed that he would make every effort to ensure nothing like this occurred in the future.

**Beneficial Outcomes of Mediation**

After mediation, my relationship with Bert shifted dramatically. We were able to communicate with each other more effectively. After the session, he asked that we meet to review the plan we created during the mediation session. The plan included: him reviewing the university policies on sexual harassment; addressing Aaron’s behavior, and making sure that Aaron understood what behavior is appropriate and inappropriate in the workplace. Bert also arranged for training on sexual harassment for the department. The plan included discussions of our different communication styles. Surprisingly, Bert even apologized for any miscommunication. He acknowledged that we have different styles of leadership and communication. He also indicated that he wanted to make sure that I felt comfortable talking to him whenever any conflict arises. Further, Bert wanted me to report to him in the future if any further issues arose concerning sexual harassment. All of this indicated to me that there was a new, clearly understood level of accountability within the department. I felt more confident in his desire to lead the department in creating an environment that was sensitive and welcoming of all types of diversity, including gender.

The departmental training session on sexual harassment proved to be beneficial in increasing the awareness of appropriate and inappropriate behavior in the workplace. As a result of this session, all employees were reminded of the confidential services provided by the ombuds to assist members of the university community.

**My Personal Growth and Learning as a Result of Mediation**

On a personal level, this experience led to deep experiential learning. With coaching and counseling from the ombuds, I strengthened my skills in the areas of setting boundaries, conflict management, and overcoming my fears of addressing intrapersonal issues when they arise. I also strengthened my confidence in my communication skills, especially in the area of speaking confidently about my experience and my own truth. I learned deeply what empowerment feels like and how to move past my fear and reluctance to act.

As a leader, I learned that there are institutional resources, including the Office of the Ombudsman, to assist me in performing my mission as a leader, a community member, and an advocate for equity and justice. These resources helped me to understand my University’s zero tolerance of sexual harassment (University of California, 2007; University of Florida, 2007; University of Washington, 2002; Western Oregon University 2007) and to identify the conditions in my work environment which made it feel uncomfortable for women. I further learned that with leadership comes the
responsibility of preventing sexual harassment (as well as other forms of discrimination and harassment) and reporting incidents of sexual harassment (University of California, 2007; University of Florida, 2007; University of Washington, 2002; Western Oregon University 2007). With the support of the ombuds, I took the initiative to address this issue using mediation and education with the hope of influencing a shift in the departmental culture to become more congruent with the university’s policy on sexual harassment. I felt empowered to know that, by seeking the services of the ombuds, I could promote a more sensitive and aware environment in my department through education.

In general, I gained a deeper sense of confidence in my particular leadership style and its value to an educational institution. At times addressing these issues was emotionally draining and time-consuming. What motivated me most was the idea that I was not pursuing a resolution for my own personal benefit, but rather I was pursuing a resolution for the benefit of the whole department. I was promoting change in the workplace culture, and I was advocating for a culture which welcomed gender diversity. What inspired me the most to move past my fear was that this was for something bigger than just me; this was for gender equity and justice in my university community. To me, this was the essence of my ethical leadership, and, in the end, I learned that making such a choice felt extremely rewarding and empowering.

**Conclusion**

I value and appreciate the ombuds services that were available to me at this time. I experienced growth and changes in the process. Everyone involved became more aware of sexual harassment and its effects on some individuals and the work environment. Without the validation and framework for understanding my experiences that the ombuds mediation process provided, it would have been easy to minimize my observations and feelings, to doubt my own perceptions, and to not act. The Office of the Ombudsman provided me support through counseling, education, consultation, and mediation. Because of these services, I was empowered to initiate mediation and to create a plan with my supervisor to promote change within the departmental culture.

**References**


RECOMMENDATIONS FOR RESPONDING TO OMBUDS’ CHALLENGES IN CONFLICTS AND CONTROVERSIES

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Introduction

Academic ombuds widely acknowledge their potential to help schools avoid the scandalous publicity and costs of lawsuits (Renfro, 2004) (Kolb, 1987) as well as their role in protecting the rights of individuals (Neff, 2003). Yet at the first annual conference of the International Ombudsman Association (hereinafter “IOA”), keynote speaker Bernie Mayer challenged the ombuds present to consider whether they were somehow “missing” the toughest issues faced by their organizations. He mentioned a few examples that had recently received scathing publicity. Most notable were controversies regarding the lack of financial accountability at the University of California (both the Irvine and Berkeley campuses). Of course reigning in the excesses of administrative bureaucracy may be out of the ombuds’ reach. Yet there are challenges resulting from the issues and tensions surrounding conflicts and controversies that ombuds must meet.

More generally, IOA members responding to a survey described below, see their role as an early warning mechanism providing upward feedback and otherwise catalyzing systemic improvement as their most important task. In a survey conducted in spring 2007, 56% of the respondents ranked “smoke watching” number one when naming over twenty responsibilities (Erbe, 2007).

Consideration of the many and diverse expectations of what ombuds can and should do led us to develop this article. We wanted to explore from our experiences and the literature what might be effective in responding to the challenges facing ombuds in their practice. We identify effective strategies and make recommendations for responding to even the toughest of challenges. Because two of us are organizational ombuds and one a classical ombuds, we necessarily compare different approaches. Our focus, though, is sharing tips from experience that should lead to successful responses in meeting challenges. Emphasized are organizational ombuds strategies, reflecting
the vast majority of IOA members. Our third author interviewed organizational ombuds, including two seasoned U.S. university ombuds who were present at IOA gatherings, and reports their recommendations. We add our experience and the experience of others reported in the IOA survey mentioned above to a growing body of literature, much cited here, analyzing best practices.

This article presents recommendations of seasoned ombuds who have “survived the hardest of times.” We hope to inspire and guide new ombuds with the strategies of advanced ombuds who successfully raise uncomfortable and tricky topics and in so doing, build a reputation for skillfully balancing integrity and effectiveness, as well as prove institutional value. We stress the importance of building ethical alliances with those holding institutional power, introduce the protections provided by the classical model of ombudsmen in Europe, and explore the power implicit in the organizational ombud’s conflict resolution knowledge and skill, both in reactively influencing sophisticated response to crisis and proactively averting crisis. The power of building relationships that endure and allow rigorous honesty is highlighted. Case study examples are provided to show concrete ways to build support impartially. Of course, arresting crisis is optimal. Ombuds hold the power to identify and address tensions proactively through preventative conflict resolution training and other activities nurturing critical systemic change. Readers are encouraged to find methods that best fit their own situations rather than follow a prescriptive approach.

Description of Shared Challenge

Bringing the attention of an organization’s administrators to difficult issues is a treacherous part of an ombuds position, a challenge that all ethical ombuds, classical and organizational, must learn to navigate. A mandate of organizational ombuds is to voice institutional patterns and trends. At times this may include reporting politically sensitive and volatile issues. These public issues can involve the most powerful and acclaimed—often with significant financial ramifications to the institution. The natural question is how ombuds can honor their mandate without jeopardizing their position. By its nature, the act of reporting politically risky trends and patterns can feel perilous to an ombuds. Especially, we think the fear many new ombuds have of losing their job or being rendered impotent is an ever present and realistic concern. When deciding how to proceed in precarious and significant cases, one needs great acumen and courage.

Ombuds new to institutions may be especially vulnerable and thus inhibited. They have not had the time necessary to build strong working relationships. When delivering disturbing news and perspectives, new ombuds are more likely to be misunderstood and run the risk of being viewed as the “messengers to be killed” rather than allies. Members of the campus community are less likely to confide in an ombuds unless that person has built a solid reputation for integrity and effectiveness when addressing the hard issues. Instead, campus stakeholders are more likely to pursue the perceived safety, protections and advocacy of legal routes (Kolb, 1987). New ombuds also lack knowledge of campus community. The most important of ethical alliances may be with those who are quietly intent on excellence rather than those promoting themselves publicly.

New ombuds are advised to begin responding to all of these challenges with quality information gathering. Subtly exploring how much administrators already know about a particular situation through skillful questioning, for example, is one sophisticated way to avoid being perceived and labeled as the messenger of bad news. You will ideally be viewed as respectful of administrative knowledge and genuinely interested in learning campus culture—both building blocks to the strong foundation required for effectiveness.

Description of Approaches with Ideas for Success: Classical Authority and Oversight

A classical mandate protects academic ombuds in the United Kingdom (hereinafter
“UK”). Historically, the office of ombuds was created to investigate government wrongs (Kolb, 1987). The office had quasi-legal authority and backing. Much of this authority and protection is still true today. As a result, Transparency International lauds modern classical ombuds as effectively confronting entrenched corruption (Erbe, 2006).

In the UK statutory ombuds (one in England and Wales and one in Scotland) derive their powers from recent legislation (see, for example, The Higher Education Act 2004, England and Wales, establishing the office of the Independent Adjudicator for Higher Education). Universities must cooperate with the ombuds when students complain. The ombuds have investigatory powers and can make recommendations that universities pay compensation or take remedial measures. Unlike legal action however, the process is confidential. Only those institutions that fail to comply with a recommendation are named and shamed.

Do classical ombuds in UK academia sort out the toughest issues? To some extent, yes. Some monetary awards have been large (over $450,000 awarded to a group of students at one university according to the UK Times Higher Education Supplement). Ombuds have not been slow to recommend that universities substantially revise their methods (OIA 2005 Annual Report). But the system is by no means watertight. Students do not have to go to the centralized ombuds. They can still litigate at any time. Indeed even after the ombuds has decided a case, if a student does not like the answer one can still try one’s luck in the courts. There have been cases of students suing the ombuds as well. Furthermore, even when a university fully complies with the ombuds’ recommendation, no guarantee exists that a student will not leak the story to the press.

**Description of Approaches with Ideas for Success: Organizational Conflict Resolution**

While academic ombuds in the United States (hereinafter “US”) do not provide oversight like the UK ombuds, they strongly aid oversight (Neff, 2003). Administrators may be ill equipped to proceed with sophisticated conflict analysis without ombuds assistance (Renfro, 2004).

Competent leaders may be blessed with historic knowledge of organizational mission, competent management skills, and sound fiduciary judgment, yet still have limited understanding of the dynamics of conflict or the overall benefits gained via conflict resolution practices. This limitation asserts that, regardless of expertise or intention, budget decisions based solely on measures of monetary cost effectiveness may be short-sighted, even self-destructive. It becomes the ombuds’ challenge to educate leaders with a different way of thinking as they determine organizational priorities (Renfro, 2004).

Organizational ombuds may have considerable power, especially, if they have access to those with decision making authority who can strengthen the persuasive power and influence of the ombuds. We carry out our responsibilities by using a variety of interpersonal communications and negotiation skills. We use questioning, coaching and other means of engaging in dialogue with all interested parties when decisions appear to contradict the institution’s stated mission and values (Brown and Sebok, 2001) (Neff, 2003). Organizational ombuds also privately and confidentially diagnose problems (Kolb, 1987), review the potential consequences and costs of avoiding the toughest of issues, and brainstorm face saving options (Erbe, 2004).

If ombuds can proactively identify trends and avert crises, their systemic efforts nurture vital culture change, promote institutional memory of mission and values, and cultivate ethical unity and resilience. How does an ombuds develop intuitive radar to sense and see unspoken, unacknowledged, implicit tensions? Recommended is mentoring with seasoned ombuds who have developed such sixth sense and can act as ethical role models: notice what they notice and what they do with resultant information.

Organizational ombuds appear uniquely positioned for persuasive power. Skillful persuasion involves rapport and trust, strong
understanding of those being persuaded, genuine concern, considerate framing of language, enough space and time, and “custom designed” presentations (Erbe, 2003). Astute ombuds know how to impartially frame threatening language in non-threatening ways. First they build relationships that encourage true hearing and consideration of disturbing trends and patterns. Tough conversations are more likely to happen and relationships survive when those involved know and trust each other. Certainly the recipient of uncomfortable information should not feel attacked. Defensiveness results and the opportunity for informal influence is lost.

Classical ombuds in the UK recognize the strengths of the organizational ombuds in dealing with potential conflict and have actively encouraged universities to establish organizational ombuds on campus (Reddy, 2004), notwithstanding their own legal powers. Classical ombuds tend to focus on maladministration and rule breaches. Sometimes there is no right or wrong and a more conciliatory or organizational approach to resolving complaints is preferable.

On the other hand, one of the organizational ombuds who reviewed this article recommends that the ombuds support a strong University audit staff. In this reviewer’s words:

They are the ones that are constantly auditing for adherence to financial, legal, and ethical standards and act as a check on the University...bottom up compliance review. Ombuds could undertake, or even suggest, areas into which they are not looking: scouring media stories, proposed laws and regulations (their history is always interesting and based on some violation or needed change) specialized reporting services in Higher Education, academic papers, filed cases, reports legal decisions...reports, mission statement and filed cases with the Department of Labor (EEOC and OSASA filed cases, findings and trends) and Department of Justice (Discrimination reports, White Papers, findings). These may be used as early warning signs... [and] a... way of drawing a bright line on bad conduct without the

Ombuds being the author or messenger of it.

This reviewer goes on to suggest that ombuds build a strong dotted line between the ombuds and University General Counsel and Chief Financial Officer, reasoning that contemporary legal and financial issues are increasingly complex. Otherwise, if the ombuds is the only office knowing about a problem yet is unable to act, nothing happens to address the problem.

Recommendations for Success: Build and Maintain Strong, Impartial Ethical Alliances

We have found that cultivating ethical champions among those with institutional power is key to surviving the toughest of conversations, especially when raising the alleged corruption and abuse of those in power (Buckley, 2004). “Some upper-level administrators may appreciate the early warning, trend identification and systemic change agent roles of the ombuds, but others may not” (Griffin, 2004). After a career of providing political support for his own ombuds, the vice chancellor emeritus at a highly respected research institution acknowledges that bureaucracies, including his own, are not structured to include independent voices. Traditional “boxes and lines” assume authoritarian control and conformity. So how do ombuds avoid threatening those in management who do not seek their services? While many may question and debate the viability of academia’s shared governance, as long as shared governance exists, organizational ombuds can act as an important voice for alternatives to top down governance. Ombuds intimately appreciate the benefits of collaboration and can communicate these incentives while cultivating alliances. Ombuds Griffin recommends cultivating outspoken supporters among second tier administrators, informal leaders and spokespersons of constituency groups (Griffin, 2004). Potential “life lines” with security and political clout include tenured faculty (Buckley, 2004). Ironically, ombuds efforts are more likely to be
supported by those in authority when legal implications exist (Kolb, 1987). Openly exploring legal ramifications can motivate proactive cost-saving response.

Organizational ombuds who fully embrace IOA standards of practice, however, face tension between their requisite independence and impartiality and cultivating any kind of alliance, even ethical ones. How do ombuds effectively honor ethical standards, ensure they are perceived as ethical, and still cultivate the trust and respect of authorities so they can effectively deliver “bad news?” In the survey of IOA members mentioned earlier, respondents repeatedly stress the importance of educating constituencies about their reasons for independence and impartiality so that stakeholders understand not to pressure ombuds into compromising activities. One of the organizational ombuds interviewed for this article is often treated as a line department, subject to much bureaucracy, rather than an impartial and independent office. He is required to obtain multiple budgetary approvals, including approval from officials who have been and are the subject of ombuds complaints. Political manipulation and compromising of ethical independence are ever present risks. In response, he has proposed a dual reporting structure so that oversight would not involve those scrutinized in past and present complaints.

Several respondents to the IOA survey define impartiality as acting with fairness to all stakeholders, or acting according to everyone’s best interest. One describes working with all concerned to set up monitoring parameters for measuring beneficial change and sanctions for inappropriate behavior. Another articulates helping everyone by “holding the mirror” and exploring reasons for unwanted behavior. Yet another takes her annual report with recommendations for systemic change “on the road” to engage all constituencies in responsive dialogue. She believes that if her office is truly impartial, all served will see her resources as valuable and seek assistance. If a stakeholder is not approaching her office, she investigates the reasons underlying their avoidance (Erbe, 2007).

**Recommendations for Success: Use Proactive Prevention Effectively**

Ombuds coach the broader campus community in preventative conflict resolution (Neff, 2003). Those receiving conflict resolution training laud the benefits: increased understanding of themselves, practical ideas for self-improvement and satisfaction of needs, negotiation and advocacy skills, as well as heightened communication and conflict resolution skills like conflict and interest analysis and creative option generation (Erbe, 2004).

**Recommendations for Success: Demonstrate Value to the Institution**

The authors found no literature contrasting an institution’s actual legal costs with concerns being addressed by that particular institution’s ombuds. Classical ombuds in the UK and elsewhere are best positioned to provide such data. They can demonstrate fulfillment of their mandate to investigate and confront legal concerns. All ombuds, however, can show their role with concerns that have legal ramifications if legal and ombuds subject matter is compared. Of course, it is impossible to know with certainty whether someone actually would have filed a lawsuit without ombuds assistance. We must ask clients and rely on their reported prediction. Even a trial lawyer and judge cannot provide a solid economical argument, or assess with certainty whether a lawsuit will likely win, lose or settle. Nevertheless, non-economic demonstrations of ombuds’ involvement with legal concerns, especially those with potential for costly escalation, show value. At least one ombuds interviewed for this article provides his institution with case study data documenting the above on a yearly basis. In some institutions, legal counsel, ombuds and human resource officers regularly meet to brainstorm new ways of proactively averting legal crisis.

Zgambo (2004) presents one example of what is possible in his article “A Cost Benefit Rationale for the Ombuds Office.” While he acknowledges the difficulty of determining actual cost savings, he proceeds with making
several logical and compelling arguments regarding the organizational ombuds’ value. He does this through presenting believable likelihoods of cost-saving forecasts based on 1) assumed prevention of just one expensive litigated sexual harassment complaint, 2) an assumed percentage of satisfied and retained employees from the percentage who complain to the ombuds (based on research findings), 3) assumed savings in management time, 4) decrease in insurance premiums (for employment practices liability), and 5) mitigation of fines under US Sentencing Guidelines. All of the above can actually be surveyed and proven. The authors hope that additional real world efforts successfully persuading institutional stakeholders of ombuds’ value will be documented and publicized.

Conclusion

All ombuds have enormous potential to build relational power, lead proactive prevention of conflict, and demonstrate value. Jaded discouragement and avoidance, or “giving up much too early,” may be tempting to institutional stakeholders in times of scandalous endemic corruption. Successful ombuds constantly counter such cynicism and hopelessness by encouraging and coaching each other in concrete proven ways to risk, persist and succeed. Meeting, knowing and collaborating with all stakeholders before crisis garners leverage. Nurturing the strongest relationships, institutional consciousness, and problem-solving culture can reap critical rewards. Of course, doing this impartially requires masterful ombudsing. Those who rise to the challenge, however, exemplify the ombuds professional and moral best.

References


Griffin, T. (2004). Improving the survival rate of the college or university ombuds office: essential relationships in troubled times, The Journal of the California Caucus of College and University Ombuds, 6 (1) 41-45.


Faculty, Students, and Facebook: Questions and Considerations for Ombuds in a Technological Age

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Elizabeth E. Graham (Ph.D. Kent State University) is the University Ombuds at Ohio University and has served in this capacity since 2002. In addition to being the Ombuds, Beth is also a professor in the School of Communication Studies at Ohio University. She teaches courses in interpersonal communication, research methods, and statistics on the undergraduate and graduate level. She has published journal articles and book chapters concerning communication in families experiencing transition, change, and possible reconfiguration and recently co-edited a new edition of Communication Research Measures Sourcebook.

Michael Bugaje (Ph.D. Oklahoma State University 1985) directs the Greenlee School of Journalism and Communication at Iowa State University of Science and Technology. He is the author of 21 books, including Living Ethics Across Media Platforms (2008) and the award-winning Interpersonal Divide: the Search for Community in a Technological Age (2005). Dr. Bugaje’s research has been cited by major newspapers including The New York Times, The Washington Post, USA Today, The Guardian (UK), Toronto Globe & Mail (Canada), The International Herald Tribune (France), The Ecologist (UK), as well as online news editions of CBS, NBC, ABC, CNN, MSNBC and Fox News. Dr. Bugaje was among the first to analyze use of Facebook before many professors realized that most of their students had registered on it. Likewise, he was one of the first to analyze Second Life.

Computer mediated social networks such as Facebook offer users a medium to create a virtual identity and network with friends and family. Facebook, in particular, has become increasingly popular on college campuses as the network once operated exclusively for those in an academic community. As the sixth most trafficked website in the United States, approximately 55 million active users from over 2,000 colleges and universities, 22,000 high schools, and 1,000 corporations use Facebook to post personal information such as pictures, hobbies, and messages to communicate with friends and family (Facebook, “Statistics,” “Timeline”). Most recently, Facebook has received more than 250,000 new registrations per day and experienced, on average, a three percent weekly growth since January 2007 (Facebook, “Statistics”). This network is increasingly being used not only by students but also by faculty. According to Facebook spokesperson Chris Hughes (personal communication, May 1, 2006), approximately 297,000 Facebook members identify themselves as faculty or staff who are also the fastest growing group of users (Lipka, 2007).

Since the use of Facebook and other virtual social networks first appeared on college campuses, the problems and perils that accompany new technologies have plagued institutions. From academic affairs departments to student affairs units, administrators have tackled policy violations, online harassment, and cyberstalking among other incidents emerging

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1 Since our initial communication with Chris Hughes in May 2006, the number of Facebook users who identify as faculty and staff is likely to have considerably increased. We sent several emails to the Facebook headquarters requesting updated statistics. Unfortunately, our emails were never returned.
from the use of new communication technologies. As technology continues to develop on college campuses, visitors will bring to ombuds offices technology-related complaints, and ombuds will need to be knowledgeable of these technologies and the institutional policies and procedures that guide their use on-campus. Ombuds will become involved in discussions surrounding incidents that result from the uses and abuses of Facebook and other virtual social networks by faculty, staff, and students.

The Facebook experience is quite different from simply accessing a typical website as users can easily connect with one another based on their network affiliation (e.g., college/university, high school, and corporation) through this virtual social network. In essence, Facebook is a highly interactive virtual network in which users can readily search and view any user’s page through the Facebook system. On a typical website, interaction may be limited as the webpage can be somewhat static. Facebook friends can post messages on a user’s “Wall,” a discussion-board like device that allows users to communicate through the network. While web page creators have control over the content they disclose on their personal web pages, friends, strangers, or other students can post discrediting or defamatory messages on users’ Facebook websites.

Since Facebook first emerged on college and university campuses in February 2004 (Facebook, “Timeline”; Read, September 22, 2006), ombuds and other higher education administrators have handled various problems emanating from students’ use of this virtual social network. For example, in response to charges of harassment and cyberstalking, Purdue University trained police officers to manage incidents that may occur on Facebook (Read & Young, 2006). A compelling situation occurred in October 2005 after Pennsylvania State University’s football victory over archival Ohio State University. Soon after the victory, a post game riot occurred; however, due to the frenzy, campus police officers were only able to make two arrests. Interestingly, less than a week after the game, university officials received an unexpected tip that several students had posted on Facebook pictures of themselves and their friends storming the football field. Campus police officers then logged onto Facebook, identified the offenders, and referred approximately 50 students to Penn State’s Office of Judicial Affairs (Read, January 20, 2006). Indeed, Facebook has facilitated the ease and lessened the burden of surveillance for alcohol-related infractions for officials at the University of Kentucky and Northern Kentucky because students posted pictures of themselves drinking in the residence halls (Read, January 20, 2006).

Facebook has changed the way college and university athletic departments manage the day-to-day activities of their athletes. Athletic officials at the University of Michigan at Ann Arbor asked athletes to sign statements agreeing to good conduct on social networking websites such as Facebook (Woo, 2006). Inappropriate behavior on the networking sites could result in team suspension, termination, or reduction and/or non-renewal of athletic scholarships (Woo, 2006). In May 2006, Northwestern University officials advised athletes to avoid Facebook following a hazing scandal that began after a student posted incriminating pictures online. Additionally, officials at Kent State University recently asked their student athletes to keep their Facebook profiles private (i.e., restricted access) (Read & Young, 2006).

Despite potential limitations and dangers of this virtual social network, users can benefit from the Facebook experience. For example, high school seniors have visited the Facebook pages of their new college roommates to reach some tentative “conclusions” about their new living partners (Farrell, 2006). Furthermore, what a teacher posts on his or her Facebook page may affect student motivation and learning. The number of photographs and the amount of information a teacher provides on his or her Facebook page can positively affect student perceptions of the teacher. In fact, instructional communication scholars have recently encouraged teachers to utilize Facebook as a means of connecting with students. In a recent experimental study, Mazer, Murphy, and Simonds (2007) found that students exposed to a highly self-disclosing teacher on Facebook reported higher levels of motivation, affective learning, and evaluated the climate of the teacher’s classroom more positively than students who viewed a teacher’s Facebook page featuring
limited self-disclosures. Although students encouraged teachers to use Facebook, they also suggested that instructors practice restraint by managing the boundaries of public and private information and avoid “spying” on students.

As is evident, university officials, faculty, ombuds, student judiciaries, campus athletics, university police, career planning and placement units have or will be touched in some capacity by issues emanating from Facebook and other social networking websites. As ombuds at Ohio University, Elizabeth Graham has witnessed an increase in the number and complexity of cases associated with Facebook.

The characteristics of Facebook render people and students in particular, vulnerable to inappropriate and risky communication. Facebook provides ease of access to anyone anywhere at anytime. While this effortless contact to others can be gratifying and engender many positive outcomes, unrestrained communication can also be problematic. As the popularity of Facebook increases, more cases and problems associated with such communication can be expected. Moreover, the content and consequences of the resulting conflicts will be documented publicly on Facebook.

The challenges of mediating mediated disputes will take ombuds into new terrain. As with all computer transmitted communication, electronic postings are irrevocable and even permanently encrypted. Amends are more than likely harder to come by and an apology, and subsequent forgiveness, might indeed be more difficult to offer and accept.

In addition to inappropriate personal postings from known sources, with some degree of skill, the identity of the Facebook user can be anonymous as well. Anonymity contributes to a lack of personal accountability - much in the same way that an anonymous letter does. For example, a Facebook user can create a fictitious Facebook account, complete with a false name and fictitious photograph that creates an altogether different person. In a recent news story, a mother posed on MySpace as a 16-year-old boy and bullied a 13-year-old girl, who subsequently committed suicide following the online harassment (Taylor, 2007). The consequences associated with social networks can paint a harsh reality for those ill equipped to handle the abuses of this technology.

The combination of access, speed, pervasiveness, and the possibility of anonymity of Facebook creates a potentially perilous and potent platform in which to interact. How can ombuds counsel users to practice thoughtful responsible postings as well as avoid the danger of anonymous and indiscriminate communication? When these or other questions arise, we urge ombuds to follow the authors’ advice: seek out experts who can provide ideas for responding to and resolving the conflicts resulting from using this evolving technology.

In the following section, we present a conversation among a university ombuds, a communication scholar, and an ethicist concerning issues and implications surrounding Facebook uses and abuses. Joseph Mazer is an Ohio University doctoral student in Communication Studies and has conducted research on computer-mediated communication, and recently published an article in the journal Communication Education featuring the effects of teacher use of Facebook on student motivation, learning, and classroom climate. Michael Bugeja is the Director of the Greenlee School of Journalism and Communication at Iowa State University. Bugeja, a frequent contributor to The Chronicle of Higher Education, was among the first to report abuses arising from social networks in “Facing the Facebook” (Bugeja, 2006). Beth poses questions for both experts in an effort to illuminate the ever-evolving and complex phenomenon of virtual social networks.

Our Conversation

Beth:

It is a challenging and interesting time to be an ombuds. On the one hand, privacy issues and directives have never been more salient in university settings. Countless instances of identity theft and mismanagement of personal information have prompted wholesale revamping of technology infrastructures and many protections have been put in place to safeguard against future breaches. The acronyms FERPA (Family Educational Rights and Privacy Act) and HIPAA (Health Insurance Portability and
Accountability Act), although legislatively codified several decades ago, are only recently part of our everyday lexicon. Simultaneously, we have been witness to indiscriminant disclosures in the form of postings by students on social networking sites such as Facebook and MySpace. Interestingly, students, whose personal profile is so fiercely protected by their institutions, are freely sharing information that is akin to a personal and public diary. What accounts for these seemingly inconsistent contradictory motivations and behaviors?

Joe:

You raise some very interesting points, Beth. The use of Facebook is indeed a popular trend that has inundated college and university campuses. Everett Rogers’ *Diffusion of Innovations Theory* (2003) can perhaps explain the prevalence of Facebook and the motivation to post incriminating photos and disclosures.

The Diffusion of Innovations Theory essentially accounts for how new ideas and technologies spread out among a culture. The theory characterizes five groups of individuals: innovators, early adopters, early majority, late majority, and laggards—a few of which are important to our discussion here. Facebook founder Mark Zuckerberg, an innovator, was a young Harvard undergraduate student who was willing to take a risk with his new product. Within months, the popularity of his innovation grew. Through *Diffusion of Innovations Theory*, most Facebook users likely comprise the early majority and late majority groups where social pressures from friends can influence an individual’s desire to sign-up for a Facebook account. It is at this stage in the process when pressure from friends can lead unsubscribed students to discount the potential adverse effects of Facebook. At this time, students are likely to give in to social pressures, sign up for a Facebook account, and begin uploading potentially compromising self-disclosures in the form of photographs, messages, and other personal information. I believe that it is at this stage where those inconsistent contradictory motivations and behaviors between students and their universities begin to take shape. On the one hand, the university is working feverishly to protect students’ private information; while students are nonchalantly self-disclosing on Facebook portions of their lives that might be better kept private.

I must admit, Beth—I, too, succumbed to social pressures from friends when I created my Facebook account in September 2006. However, as a university instructor, I was afraid that Facebook could negatively affect my credibility in the classroom if students knew I was a Facebook user. However, since my colleagues and I began conducting research on teacher use of Facebook (a topic that I will address later) I have been more accepting and, at times, have promoted this communication tool. I suppose I was initially a laggard, or an individual who was critical of new ideas and extremely slow to adopt this new technology. Although I am an avid user of Facebook, I am careful to reveal information that is inconsequential in nature.

Michael:

Media saturation has reached pandemic proportions in the United States. Moreover, in no other era of human history has technological innovation been as personal, pervasive, and powerful as now. Some characteristics of the current age include the conventional wisdom that we should be able to contact anyone, anywhere, at any hour, on any day, through any number of gizmos. Apart from breathing, studies have shown we spend more time using these devices than doing anything else, including sleeping (Ball State University, 2005). Often we use two or more at once, and in each is assimilated multiple platforms, such as the iPhone, with marketing built into the device or application. And absent from discussion is how these devices—such as a laptop, iPod, and cell phone—operate as initially developed by military and industry, which is why they typically only do two functions—surveil and sell—often at the same time. Which is why, once again, we experience Facebook users sharing data about themselves in an environment that now offers online garage sales, in addition to advertisement, all the while being surveiled by university officials trolling the network for violations.

Beth:

In a recent article in *Newsweek*, Steven Levy (2007) playfully predicts that Facebook will be the
inevitable source of photos of nominees for the Supreme Court in 2038 cavorting in their underwear as youths” (p. 42). Levy’s jesting underscores the casualness of the postings on Facebook as some very personal information is shared rather indiscriminately. I cannot help but wonder if we need to adjust our views of decorum and appropriateness? At the very least, how can we instruct students in a formal codified manner about the rules and regulations associated with mediated communication?

Joe

When students begin their college education, they may worry little about how their self-disclosures on Facebook can affect them in four years when they begin applying for jobs and eventually graduate. Media reports have revealed that employers do view social networking sites such as Facebook to gain a more in-depth look at potential employees (CBS News, 2006; Finder, 2006). We can, and should, educate our students to make better decisions when it comes to self-disclosing information on social networking sites. First-year orientation sessions would be a logical time for student affairs officials and the ombuds office to partner and sponsor programs aimed at alerting students to the benefits and the frequently overlooked consequences of social networking sites such as Facebook. Sessions of this nature can instruct students about how inappropriate postings can influence potential job prospects in four years—years that, in the mind of undergraduate students, might seem like light-years away.

Faculty also have a responsibility to enter into the dialogue and consider how they might educate students on the appropriate use of Facebook and other social networks by incorporating relevant material, discussions, and activities in their classes. Since I began researching teacher use of Facebook, my colleagues have invited me into their classes to discuss the implications of virtual social networks for personal and professional relationships. I recently designed an activity where students are placed in groups and asked to explore on laptop computers the Facebook sites of several fictitious job applicants. I strategically manipulate the amount of self-disclosure on each site. For example, one site contains very little information about the Facebook user—simply his/her name and maybe a photo or two, while another Facebook site reveals a significant amount of personal information, including compromising photographs, incriminating messages from friends, and value-laden quotes. During the activity, students are asked to play the role of an employer and hire one applicant based solely on the perception they create from the applicants’ Facebook profiles. Students usually choose to hire the low self-disclosing applicant. Although the activity is simple in its design, the discussion that follows emphasizes for students the importance of managing private information on Facebook with an eye towards restraint as information revealed today may negatively affect job prospects tomorrow.

Michael

There are issues in addition to self-disclosure to consider that account for the casualness of postings on Facebook and include students’ increasing lack of occasion. In my school alone, more than a third of the faculty have banned any use of technology—laptop, cell phone, iPod—during class or lab because of the addictive nature that disrupts critical thinking. We have policies—stated in syllabi—that range from confiscation of the device to removal of the student from the learning environment, and several of these issues ultimately may end up in the ombuds office. In my book, Interpersonal Divide (Bugeja, 2005), and in my research on this effect, I have noted what I see as an alarming lack of “interpersonal intelligence,” knowing when, where, and for what purpose technology is appropriate or inappropriate. I have urged universities to deal with this in orientation sessions or in a required first-year class. Faculty members are also seeking ways to navigate this new technology. Recently, a professor from the University of Michigan at Ann Arbor created an on-line group dedicated to faculty ethics for using Facebook (Lipka, 2007).

Beth

Some universities have encouraged faculty and staff to participate on Facebook and post their own pages in an effort to model appropriate norming behavior for students (Read & Young, 2006). What do you think of this practice? Should Facebook be off-limits to all but students?
Is our (faculty and staff) presence on Facebook akin to what Farrell (2007) has termed “crashing the party”? How do we respond to students who question the legitimacy of the surveillance of their sites by faculty and staff?

Joe

This is another widely discussed topic in academic circles: do we (as faculty and staff) have a place in Facebook, which is largely a student-dominated virtual social network? Until May 2006, Facebook was available only to those in an academic community (Facebook, “Timeline”)—that is, to be affiliated with Facebook you had to register with an .edu email address. Facebook has since evolved to include any user regardless of network affiliation. In fact, the main page of facebook.com now reads: “Everyone can use Facebook—Sign up” (Facebook, Welcome to Facebook!). During the period when Facebook was only available to those in an academic community, I think our discussions about faculty presence in this social network were more intense. Now that anyone—regardless of network affiliation—can join the social network, I think the frequency of our conversations on that issue have declined a bit.

Beth, the simple answer to your question: Should Facebook be off-limits to all but students? No, absolutely not. Indeed, there are important issues we have to consider. Allow me to provide a thorough answer to your important questions. Although modeling appropriate behavior for students is important, I think our conversations in this arena have stopped a bit short of the many benefits of Facebook. Since my colleagues and I began researching teacher use of Facebook, I have been an advocate for Facebook as a tool to foster the student-teacher relationship. Let me elaborate just a bit.

Conventionally, the classroom is the teachers’ domain and Facebook is the students’ domain. Teachers’ use of Facebook is an attempt to communicate with students on their turf and if done properly, can facilitate the teacher-student relationship. Communication scholars argue that teacher self-disclosure fosters student learning (Cayanus, 2004; Fusani, 1994), teacher clarity (Wambach & Brothen, 1997), and creates an environment that encourages student participation inside (Goldstein & Benassi, 1994) and outside of the classroom (Fusani, 1994). Simply put, Facebook, and the self-disclosures contained therein, have the potential to augment the teacher-student relationship, which is an important cornerstone in the educational enterprise. In our Facebook study (Mazer et al., 2007), we found that when teachers posted personal pictures, messages from friends and family, and opinions on certain topics, students perceived similarities between themselves and the instructor and this familiarity resulted in a more comfortable classroom communication climate.

Beth, you raise an important concern raised by Farrell who queries if our presence on Facebook is analogous to “crashing the party.” You ask how we should respond to students who question the legitimacy of the surveillance of students’ sites by faculty and staff. This is a difficult question to answer. My students frequently request to add me as one of their Facebook friends. I do not have a problem approving their request; however, I will never ask a student if I could join their friends list. Personally, I do not want to be viewed as a teacher who students believe wants to gain access to their personal lives on Facebook. I believe that if a student asks me to be their Facebook friend they trust that I will not view their self-disclosures—be whatever form they might be—and draw unnecessary conclusions about their academic commitments. In our Facebook study, my colleagues and I found that students frequently expressed a desire that teachers should respect their privacy and not use Facebook to “spy on students.” This is a legitimate fear and we hope that faculty and staff do not use Facebook solely for this purpose.

In a recent article in The Chronicle of Higher Education (Lipka, 2007), Nancy Baym, associate professor of communication at the University of Kansas, takes a different approach to this issue. In the article, Professor Baym recalled a situation where a student she did not know requested to add her to his friends list. The next day she received an email from the same student who requested to be added to a class waiting list. Professor Baym logically pointed out that the student might have thought, “If she’s my friend, then she’ll let me into the class.” In the end, she rejected his Facebook friend request. Teachers should proceed with caution as they navigate the
virtual landscape that is traveled by students and faculty alike.

Beth:
How can IT, student affairs, parents, ombuds, judiciaries, residence life, university counsels, and law enforcement engage in a collective effort to instruct students on internet safety and the perils associated with on-line identity construction and communication?

Michael:
The effort has to be ongoing because each new technological development extends the boundaries and with them, the risk—not only to the learning process, but also to the institution. We will have to document, as we did with sexual harassment, that we have provided adequate information online, in training sessions for faculty, staff, and students and in orientation to offset risk. This will involve longer hours of immersion in each new technological development. By analysis and practice, we will have to know an ever-widening horizon of technical issues when cyberlaw is still in its infancy, putting the onus on ombuds’ offices which, increasingly, will have to work with university counsels and others in resolving disputes. Otherwise, we will face litigation on a variety of digital and virtual issues currently not programmed in social networks. How do you handle an ombuds case in which the avatar (digital character) of one faculty member has engaged in digital sex with a student in a virtual life game? What about one faculty member, happily married (seemingly), in a monogamous relationship whose spouse has engaged amorously online with an avatar from another department? Another university? Or how about a student witnessing this online during a field trip to a virtual environment in which all parties have agreed to terms of service that hold the company harmless from anything that happens emotionally or otherwise between users?

Beth:
We all agree that students should be encouraged to evaluate critically web-based information. That said, what are the pressing issues that underscore unrestrained communciation with an audience that is unknown and perhaps unknowable?

Michael:
Well as I see the question Beth, perhaps we ought to focus on the manipulation of data and the inability of students to recognize what is true or false or authentic or hoax or legal or illegal or ethical or deviant. We need to dispense with anonymity in the news, in blogs and in virtual-life games. That is the primary appeal for many addicted to consumer technology. Apart from the rare whistle-blower, anonymity provides cover for those who perpetuate ill intent, with 29,000 sex offenders identified this summer on MySpace alone, prophesying heavier caseloads for ombuds as Facebook comes under the same scrutiny (Stone, 2007). Prediction: Ombuds’ workloads are going to increase in the near future.

Beth:
Your prediction, Michael, prompts me to conclude that ombuds need to better prepare themselves for the inevitable problems emanating from social networking. First, reading about Facebook is important, but perhaps it is even better to explore it for yourself so that you can get a real sense of what the site offers. You can simply visit www.facebook.com and follow the prompts. Conversely, if you would rather not formalize your explorations, simply ask a trusted student to share their Facebook page with you. I have done this and have found students to be very willing to assist. Second, partner with Students Affairs officials to provide programming for faculty, staff, and students concerning proper protocols for responsible social networking. Finally, update student codes of conduct and articulate ethical guidelines in your institution’s honor code to codify appropriate social networking practices.

Closing Remarks

As we continue on this techno-path, extending the boundaries of our real universities into cyberspace, ombuds’ case dockets are going to grow substantially. Simply put, as technology grows, so will the list of digital infractions. Real or imagined, some fear that technology is turning the soul of the university into a computer lab.
with Starbucks. All of us concerned about the traditions of academe—personal accountability, transparency, disclosure, and shared administration—have an obligation to analyze the latest technological fad. As ombuds, we are charged with encouraging a collective dialogue and examination of innovations before we prematurely endorse or demonize their existence.

Online social networking is, in essence, one of the most pervasive phenomena among college students since the start of the Internet. It has revolutionized the way students communicate, become acquainted, and build communities. Virtual social networks are indeed changing the way faculty, staff, and students communicate, and as a result, ombuds are asked to handle issues pertaining to the misuse of social networks. As we witness, at an alarming rate, the growth of new communication technologies, ombuds might be asked to be an authority in discussions that stem from incidents where faculty, staff, and students use and abuse virtual social networks. As ombuds, we must challenge ourselves to remain aware of the current cases associated with misuses of technology and strive to understand how new technologies—such as Facebook—function as a communication tool for users.

We hope the preceding discussion will assist ombuds and others in the university community in developing a richer understanding of social networking and illuminate, provoke, and encourage further dialogue about the benefits and potential problems associated with Facebook and other virtual social networks.

References


Wellness and Academic Ombuds

University and college ombuds face unique challenges because of their roles and functions. Price Spratlen (1998) reminds us that most academic ombuds offices in North America are rooted in the work of addressing conflict, having been constituted as a response to student unrest in the late 1960’s and early 1970’s. Ombuds continue to address challenging problems, which are possible sources of workplace stress for those working in the field of ombudsing.

This paper provides a context for future research documenting current patterns and levels of stress for the academic ombuds population. While not offering an updated empirical assessment of ombuds stress, it provides background for such research, suggesting possible sources of and reactions to stress and identifying trends in the academic work environment that may possibly contribute to ombuds stress. The paper goes on to propose a framework for wellness for academic ombuds and finishes with recommendations to support ombuds wellness, including future research.

An analysis of the central topics of articles published by the Journal of the California Caucus of College and University Ombuds (CCCUO) since 1990 suggests that both the nature of problems brought to the ombuds office as well as the work environment are sources of stress for practicing ombuds. Ombuds engage a wide variety of problems in their institutions. These include campus racism (Lum, 2006; Simpson, 1999); harassment (Pearson, 1993; Price Spratlen, 1990); disputes about authorship (Waxman & Cohen, 2001); bullying and mobbing (Janson, 2006; Theiss, 2005); scapegoating (Griffin, 1997); abuse of electronic communication (Moy, 1998); and campus violence (Sagen & Schwarz, 1993; Wilcox, 1993). The analysis suggests also that the environment or circumstances in which academic ombudsing is practiced may be stressful. Justifying the existence of an ombuds office and surviving (or not) attempts to dismantle offices are part of the environment for some academic ombuds (Zgambo, 2004-05; Buckley, 2004-05; Griffin, 2004-05, Renfro 2004-05). Executive pressure to transform an ombuds office into a member of a team committed to maintaining institutional norms is another possible source of stress (Gadlin, 1990). Church (2003) describes the problem of “working tired” due to the number of visitors and complex situations which must be mentally processed and analyzed, and Schwartzman (1999) describes the possibility of constant and intrusive demands, using an example in which his office received a steady stream of faxes containing legal threats. Schonauer (1995) engages the problems of responding to legal proceedings. Finally, Moeller (2003) describes the problem of campus
expectations that the ombuds will automatically “fix” problems.

Research on ombuds wellness has focused on burnout and stress coping techniques (Uetz, 1990, 1993). In a survey of both corporate and academic ombuds, Uetz found that ombuds scored lower than caregiving professionals (teachers, mental health workers, social workers, physicians) on measures of emotional exhaustion and depersonalization and higher on personal work satisfaction. However, university and college ombuds, as a group, reported burnout and stress levels on par with other caregivers. Occupational stressors reported in the survey included those related to the job of ombudsing such as dealing with people who are unreasonable, rigid, nasty, angry, and/or mentally ill; frequently having to confront others about their behaviors; strong personalities; faculty insensitivity; and high stakes situations. Uetz found that ombuds also reported stress from systemic, institutional factors such as poorly conceived and constraining organizational policies, not enough time to keep the office organized, lack of support from executive management, inadequate funding, lack of staff support, heavy and constant workload, lack of institutional processes, conflicts between educational and business values within the organization, and misunderstanding of the ombuds role.

Stress related symptoms reported by ombuds in the Uetz survey included somatic complaints such as headache, irritability, muscle tension, ulcers, insomnia, hypertension, fatigue, and depressed immune system leading to many mild illnesses (cold, flu, sore throat); ombuds also reported cognitive and emotional complaints such as confusion, sense of losing control, anger, difficulty concentrating, and frequent weeping. Coping strategies identified by ombuds in the 1990 study included unhealthful responses such as overeating, smoking and alcohol use. Other responses included psychopharmacological interventions, meditation/yoga, counseling, exercise/sports, positive thinking and prayer.

Research suggests that workplace stress for ombuds is likely to remain a part of the job. The National Institute for Occupational Health and Safety (2002) has identified a new trend contributing to workplace stress: workplace intensification, which includes 1) increased demands for worker accountability and responsibility; 2) increased requirements for vigilance and problem-solving; 3) electronic monitoring; 4) peer monitoring and team competition, 5) demands for continuous change, and 6) overwork driven by pay for performance. Olswang (2001) noted trends that are increasing the level of conflict and stress on campus environments: student drug and alcohol problems, heightened racial tensions, admission pressures, and budget limitations and strains.

This paper presents information on recent research on stress as well as on components of wellness. We suggest that ombuds who focus on both managing stress and cultivating wellness are more likely to cope effectively with the demands placed on them and less likely to experience burnout or compassion fatigue.

More than half a century ago, the World Health Organization (WHO) defined health as “a complete state of physical, mental and social well-being, and not merely the absence of disease or infirmity” (WHO, 1948). Achieving a holistic state of well-being is a goal worthy of our aspirations. However, the unique challenges experienced in the ombuds role can create heightened levels of stress which are negatively correlated with well-being. According to Leka, Griffiths, and Cox (2003), work-related stress is likely to be experienced when demands and pressures challenge one’s ability to cope. Stress can be exacerbated by a perceived lack of institutional support and/or a perceived lack of control over one’s work. This paper offers a perspective on work-related stress hazards on one hand and dimensions of personal wellness on the other, to support ombuds wishing to address issues of stress and wellness in a proactive and holistic manner.

Work-Related Stress: A Self Assessment Process

Identifying particular stressors related to the ombuds role might be a first step in addressing wellness. An ombuds wishing to conduct a work stress self-assessment might start by surveying the nine categories of hazards related to heightened work stress that have been identified by researchers (Leka, Griffiths, & Cox, 2003), and then assessing which of these hazards are of
particular concern in his/her individual work setting. These nine hazards as reported by Leka, et. al. (2003, p. 6) are:

(1) **job content** (unpleasant or aversive tasks; lack of variety; monotonous, under-stimulating, meaningless tasks);

(2) **workload and work pace** (having too much or too little work; working under time pressures);

(3) **working hours** (strict, inflexible, long, unsocial, or unpredictable working hours);

(4) **participation and control** (lack of participation in decision-making; lack of control over work methods, work pace, work hours, and work environment);

(5) **career development, status and pay** (job insecurity; lack of promotion prospects; under or over promotion; work of ‘low social value’; piece rate payment schemes; unclear or unfair performance evaluation schemes; being over or under skilled for the job);

(6) **role in the organization** (unclear role, conflicting roles within same job; responsibility for people; continuously dealing with other people and their problems);

(7) **interpersonal relationships** (inadequate, inconsiderate or unsupportive supervision; poor relationships with co-workers; bullying, harassment, and violence; isolated or solitary work; no agreed procedures for dealing with problems or complaints);

(8) **organizational culture** (poor communication; poor leadership; lack of clarity about organizational objectives and structure);

(9) **home-work interface** (conflicting demands of work and home; lack of support for domestic problems at work; lack of support for work problems at home).

A self-assessment on these nine work stress factors would allow an ombuds to clearly identify those stressors over which s/he may have control. An ombuds may then address these stressors where possible by changing work policies and procedures. Such a self-assessment also allows the opportunity to identify stressors over which an ombuds may have no control. Where change is not possible, a sense of personal control and mastery may be achieved by implementing cognitive, behavioral, and/or affective changes on a personal level. For example, when a situation cannot be changed for the better, an ombuds may use cognitive strategies to alter the way s/he thinks about that situation in order to mitigate heightened stress.

Just as ombuds may rely on elements of solution focused therapy or other cognitive behavioral strategies to assist visitors in coming to terms with situations, an ombuds may also consider using cognitive therapy to come to terms with stressors over which s/he has no control. Cognitive therapy or cognitive behavior therapy asserts that humans have a tendency to engage in a host of cognitive errors (e.g., overgeneralization, selective abstraction, and personalization) (Beck, 2005). Simply put, the idea is that by changing the way we think about stressors we can change the way we react to them. For example, an ombuds dealing with an especially negative visitor might think, “I wonder why this visitor dislikes me so much and is so negative towards me and the process in which I am attempting to engage.” This thought demonstrates the cognitive error of personalization and is likely to contribute to higher levels of stress and feelings of sadness or isolation. Catching this cognitive error and replacing the thought with a more efficacious belief such as, “I think this visitor is under a great deal of stress. S/he is unwilling to acknowledge her/his own role in his problem, which causes her/him to be negative and blame me for not fixing things. I know that my process is sound and that I am a worthy ombuds,” would likely contribute to lower levels of stress and negative emotions.

**The Indivisible Self Model of Wellness (IS-Wel)**

In addition to identifying and understanding the types of stressors at work, ombuds can also benefit from exploring the dimensions of personal wellness. Wellness is thought to have beneficial effects on physical, mental, and health aspects of individuals (Pinel, 2006). Defined as “a way of life oriented toward optimal health and well-being, in which body, mind, and spirit are integrated by the individual to live more fully within the human and natural community”,
wellness is a state of optimal health and well-being (Myers, Sweeney, & Witmer, 2000, p. 252). Sweeney and Witmer (1991) first developed a “Wheel of Wellness” by drawing on aspects of the Individual Psychology approach of Adler (1954), and from the existing knowledge base regarding components of wellness. The model was further developed and expanded by Myers, Sweeney, and Witmer, (2000). Based on data collected with an instrument developed on the Wheel of Wellness model, Myers and Sweeney (2005) have presented a refined model, the Indivisible Self Model of Wellness (IS-Wel).

The IS-Wel model consists of a single higher order factor (wellness), five second order factors that contribute to wellness, and corresponding third order factors for each of the second order factors. In the model, wellness is defined as, “a measure of one’s general well-being or total wellness” (Myers & Sweeney, 2005, p. 33), with an emphasis on holism, or the idea that we are all more than the sum of our parts. These five, second order components of wellness are:

1. The “Essential Self” is defined as, “our essential meaning-making processes in relation to life, self, and others” (Myers & Sweeney, 2005, p. 33). The “Essential Self” consists of four third order factors: self care, gender identity, cultural identity, and spirituality which incorporates an existential sense of meaning, purpose, and hopefulness toward life.

2. The “Creative Self” is “the combination of attributes that each of us forms to make a unique place among others in our social interactions and to interpret our world” (Myers & Sweeney, 2005, p. 33). This factor includes an individual’s thinking and emotions as well as his or her sense of control over life events. The “creative self” includes work because of its capacity to enhance the ability to live life fully, and it also includes the element of positive humor.

3. The “Coping Self” defined as, “the combination of elements that regulate our responses to life events and provide a means for transcending their negative effects” (Myers & Sweeney, 2005, p. 33) comprises the following third order factors: cognitive patterns of thinking such as realistic (versus irrational) beliefs, sense of self worth, the ability to manage stress effectively, and leisure activities.

4. The “Social Self” includes factors of friendship and love. Social support through connection with others in intimate and friendship relationships is linked to positive mental health, while isolation or alienation is linked to reduced levels of health and wellness (Myers & Sweeney, 2005, p. 34).

5. The “Physical Self”, defined as “the biological and physiological processes in relation to life, self, and others” (Myers & Sweeney, 2005, p. 33), includes elements of exercise and nutrition.

The IS-Wel model also draws attention to four contextual variables that affect individual wellness. These contextual variables, which can contribute toward or detract from personal wellness, are:

1. Local contexts: families, neighborhoods and communities.
2. Global contexts: politics, culture, global events, environment, media, community.
3. Institutional (policies and laws): education, religion, government, and business/industry

**Recommendation for Addressing Wellness**

Initiatives to improve wellness may be focused on both the individual as well as the systemic level. On an individual level, Myers and Sweeney (2005b) provide a six step model to create a personal wellness plan for change. This plan could easily be adapted to create a personal plan to address workplace hazards leading to heightened stress. The six steps recommended are: (1) assess wellness and select area for change, (2) assess readiness to change for selected area, (3) identify baseline information on behaviors, thoughts, feelings related to selected area, (4) conduct more research to understand self in relation to the change area, (5) research the selected area, including benefits for change, and
strategies for change, and (6) develop, implement, evaluate, and revise the plan as needed (Myers & Sweeney).

Appendixes A and B provide a starting point to work through these six steps. In Appendix A, workplace hazards are outlined. Here the ombuds is required to act first on those areas in which the highest self-ratings are awarded (on a scale of 1-10). In Appendix B, elements of wellness are outlined and the ombuds is required to act first on those factors receiving the lowest self rating.

For example, if an ombuds undertook a self-assessment and obtained the lowest self-rating in Appendix B on the 10-point scale for the item, “sense of control over life events” (item 3 under the “Creative Self”), this would be the area to focus on at the outset. The next step would be to self-assess readiness for change (Prochaska, di Climente, & Norcross, 1992). Is the ombuds at the point of thinking about making a change, or is s/he actively preparing to make changes, or is s/he at the stage of taking action by modifying behaviors, experiences, and/or the environment in order to address the area of wellness? Monitoring the area the ombuds wishes to change would be step three. Here the ombuds would make note of each time s/he felt a low sense of control over life events. S/he would explore what behaviors, thoughts, and emotions were experienced at the time of feeling a sense of lower control, who was present at the time, and the location where this was experienced. Step four would involve the ombuds taking stock of his/her strengths and resources, as well as potential barriers to making a positive change. Step 5 would involve researching possible ways in which to implement the change. Finally, step 6 would include developing and implementing the change plan. Appendices A and B provide columns for listing specific behaviors and thoughts that the ombuds could use to meet the set goal. Once action is taken, evaluation of its success is recommended, along with revisions to the actions based on that evaluation. Simply put, if a behavior or thought is not helping the ombuds reach his/her goal (e.g., increase sense of control over life events), then the action needs to be revised or a new action should be taken. This type of proactive approach is likely to lead to higher levels of self worth and self efficacy, along

with the goal of increasing wellness and/or reducing stress.

For interventions on a systemic level, the National Institute for Occupational Safety and Health (NIOSH, n.d.) provides some useful guidelines on addressing stress at work. Once again identifying the problem areas is the first step. Given the ombuds often solitary role, using surveys and group discussions are not feasible options. Bringing in a consultant to conduct a systemic assessment may be one option to consider; a self-assessment of the office using the IOM Standards of Practice would be another option. Once the problem has been identified, designing, implementing, and evaluating the intervention would be sequential steps to take (NIOSH, n.d.).

On a systemic level, acknowledging that the ombuds role is a stressful one and instituting support mechanisms may be beneficial for ombuds wellness. Such systemic changes might include reducing ombuds isolation by offering counseling services from independent providers; providing for consultation with other ombuds, including participation in meetings and forums sponsored by ombuds professional associations; supporting professional development; and providing for outside/external counsel. Clarifying the role of the ombuds to the university community could assist in reducing the number of people approaching ombuds with unrealistic expectations. Institutional support in terms of salary, job security, office support, and top executive level backing are all systemic supports to ombuds wellness.

Finally, the area of ombuds wellness seems ripe for updated research. Qualitative research on ombuds stress and wellness could provide a greater understanding of the dynamics of both stressors and wellness strategies. A replication of Uetz’ survey, or a similar survey, with ombuds could document sources, levels, and effects of stress on ombuds practice and wellness.

These proactive (rather than reactive strategies) are recommended for ombuds wishing to take a holistic approach to reducing workplace stress and increasing personal wellness.
References


Schonauer (1995), How to respond to a subpoena. *Journal of the California Caucus of College and University Ombuds,* 1.


# Appendix A

## SELF ASSESSMENT AND ACTION PLAN FOR WORKPLACE HAZARDS LEADING TO HEIGHTENED STRESS

<table>
<thead>
<tr>
<th>Workplace hazards leading to heightened stress</th>
<th>Rate on a scale of 1-10 with 10 being the highest level of stress.</th>
<th>Can I change the situation affecting this factor, and if so, how?</th>
<th>If I cannot change the situation, how can I change the way I think about it?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Job Content</strong></td>
<td>unpleasant or aversive tasks</td>
<td>LIST SPECIFIC WAYS (BEHAVIORS) WITH WHICH TO CHANGE THE SITUATION</td>
<td>LIST SPECIFIC THOUGHTS.</td>
</tr>
<tr>
<td></td>
<td>1_______________________1</td>
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<td>0</td>
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<tr>
<td></td>
<td>lack of variety</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>1_______________________1</td>
<td></td>
<td></td>
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<td></td>
<td>0</td>
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<tr>
<td></td>
<td>monotonous, under-stimulating, meaningless tasks</td>
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<td></td>
<td>1_______________________1</td>
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<td></td>
<td>0</td>
<td></td>
<td></td>
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<tr>
<td><strong>Workload and Work Pace</strong></td>
<td>having too much or too little work</td>
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<td>1_______________________1</td>
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<tr>
<td></td>
<td>working under time pressures</td>
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<td>1_______________________1</td>
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<td></td>
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<tr>
<td></td>
<td>0</td>
<td></td>
<td></td>
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<tr>
<td><strong>Working Hours</strong></td>
<td>strict, inflexible, long, unsocial, or unpredictable working hours</td>
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<tr>
<td></td>
<td>1_______________________1</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Participation and Control</strong></td>
<td>lack of participation in decision-making</td>
<td></td>
<td></td>
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<td>---------------------------------------------</td>
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<tr>
<td><strong>Career Development, Status and Pay</strong></td>
<td>job insecurity</td>
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<tr>
<td></td>
<td>lack of promotion prospects; under or over promotion</td>
<td>1</td>
<td>0</td>
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<tr>
<td></td>
<td>work of ‘low social value’</td>
<td>1</td>
<td>0</td>
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<tr>
<td></td>
<td>unclear or unfair performance evaluation schemes</td>
<td>1</td>
<td>0</td>
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<tr>
<td></td>
<td>being over or under skilled for the job</td>
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<tr>
<td><strong>Role in the Organization</strong></td>
<td>unclear role, conflicting roles within same job</td>
<td>1</td>
<td>0</td>
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<tr>
<td></td>
<td>responsibility for people; continuously dealing with other people and their problems</td>
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<td><strong>Interpersonal Relationships</strong></td>
<td>inadequate, inconsiderate or unsupportive supervision</td>
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<td>0</td>
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<tr>
<td></td>
<td>poor relationships with co-workers</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>bullying, harassment, and violence</td>
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<td>0</td>
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<tr>
<td>Organizational Culture</td>
<td></td>
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<tr>
<td>isolated or solitary work</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>no agreed procedures for dealing with problems or complaints</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>poor communication</td>
<td>1</td>
<td></td>
<td></td>
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<tr>
<td>poor leadership</td>
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<td></td>
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<tr>
<td>lack of clarity about organizational objectives and structure</td>
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<th>Home-Work Interface</th>
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<tbody>
<tr>
<td>conflicting demands of work and home</td>
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<tr>
<td>lack of support for domestic problems at work</td>
<td>1</td>
</tr>
<tr>
<td>lack of support for work problems at home</td>
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Source for workplace hazards: Leka, Griffiths, and Cox (2003),
## Appendix B

### Self Assessment of Wellness Components

<table>
<thead>
<tr>
<th>Self Component</th>
<th>On which specific factors do I have a high level of wellness? A low level of wellness?</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Rate on a scale of 1-10 with 10 being the highest level of wellness. 1_________10.</td>
</tr>
<tr>
<td></td>
<td><strong>CHOOSE TO ACT FIRST ON THOSE FACTORS WITH LOWER RATINGs.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>LIST SPECIFIC ACTIONS TO BE TAKEN TO INCREASE LEVELS OF WELLNESS</strong></td>
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### The “Essential Self”

<table>
<thead>
<tr>
<th>Factor</th>
<th>Rating</th>
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<tbody>
<tr>
<td>Self care</td>
<td>10</td>
</tr>
<tr>
<td>Gender identity</td>
<td>10</td>
</tr>
<tr>
<td>Cultural identity</td>
<td>10</td>
</tr>
<tr>
<td>Spirituality</td>
<td>10</td>
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### The “Creative Self”

<table>
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<th>Factor</th>
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<tbody>
<tr>
<td>Thinking</td>
<td>10</td>
</tr>
<tr>
<td>Emotions</td>
<td>10</td>
</tr>
<tr>
<td>Sense of control over life events</td>
<td>10</td>
</tr>
<tr>
<td>Work</td>
<td>10</td>
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<tr>
<td>Positive humor</td>
<td>10</td>
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### The “Coping Self”

<table>
<thead>
<tr>
<th>Factor</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Cognitive patterns of thinking such as realistic (versus irrational) beliefs</td>
<td>10</td>
</tr>
<tr>
<td>Sense of self worth,</td>
<td>10</td>
</tr>
<tr>
<td>Ability to manage stress effectively</td>
<td>10</td>
</tr>
<tr>
<td>Leisure activities</td>
<td>10</td>
</tr>
<tr>
<td>The “Social Self”</td>
<td>Friendship 1_______________ 10</td>
</tr>
<tr>
<td>------------------------</td>
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</tr>
<tr>
<td></td>
<td>Love 1_______________ 10</td>
</tr>
<tr>
<td>The “Physical Self”</td>
<td>Exercise 1_______________ 10</td>
</tr>
<tr>
<td></td>
<td>Nutrition 1_______________ 10</td>
</tr>
</tbody>
</table>

Source for Wellness Components: Myers and Sweeney (2005).
Walking the Talk Together: An Opinion Paper on the Intersection of the Ombuds and Ethics Functions

Lewis Redding, is an alleged human being, born and raised in the south, educated in the northeast, and serves in institutional roles at various times in the northeast and on the west coast. Working background includes stints in admissions, financial aid, and human resources at various educational institutions including the Massachusetts Institute of Technology, Boston University, Tufts University, and Lincoln Laboratory. In recent decades has worked as a shadow Ombuds person at Lincoln Laboratory and a more fully corporal Ombuds person at Northeastern University and at the Jet Propulsion Laboratory, a department of the California Institute of Technology.

Lani De Benedictis is the Ethics Officer for the Jet Propulsion Laboratory (JPL). Lani is responsible for leading the Laboratory’s Ethics and Business Conduct Program, which include processes whereby employees may identify ethical issues, seek assistance, make suggestions or raise concerns in strict confidence, and the development of ethics communications, training and awareness programs. From 1994-1997, Lani managed the Rockwell International Ombudsman program and elements of the company’s ethics and business conduct program. She designed global ethics and compliance-training programs, advised executive management and was instrumental in the integration of the Boeing, McDonnell Douglas and Boeing North American ethics and business conduct programs.

Background

The Ombuds function and the Ethics function remain relatively new to corporate America. At first glance, it would seem that the two functions might be at odds. However, we maintain that both the ombuds and ethics functions are in a unique position to assist one another and their institutions by using stated institutional values and reflections of the organizational culture to hold an institution’s “feet to the fire.”

Ombuds functions at colleges and universities were, in many ways, implemented from certain of the large issues of the 1960s and 1970s as those issues were reflected internally on specific college and university campuses. The most controversial among them included—Vietnam, campus unrest, concepts of “fairness,” work place concerns, internal policies and procedures and their application, discrimination, apartheid, and university investment concerns.

Ethics functions evolved in the 1980s out of external legal and regulatory concerns - Defense Industry Initiatives, environmental legislation, Federal Sentencing Guidelines, whistle-blowing concerns, and the like. At colleges and universities many of those regulatory concerns had always found their way to an already established Ombuds function or led to the establishment of a new Ombuds function. For whatever reason, Ethics functions found greater favor in the “for profit” world than they did in academia.

Organizational Environment and Policies

The Sarbanes-Oxley Act (2002) made regulatory concerns - especially those of a fiduciary nature - even more explicit. The Act’s requirement that organizations maintain the means for hearing confidential inquiries and concerns highlighted the ombuds function as a positive institutional effort to at least partially address the increasingly explicit and numerous regulatory concerns, though that was not necessarily its primary function. As regulatory concerns, enhanced by the Sarbanes-Oxley Act (2002), found their way into the University environment, they too became concerns for the Ombuds function. For example, the Act’s requirement that organizations maintain means for confidential inquiries and concerns have highlighted the ombuds function as part of such an organizational effort (Howard, 2007). In 2004 the Federal Sentencing Guidelines of 1991 were updated to emphasize the importance of an
anonymous and confidential mechanism as an element of an effective ethics and compliance program. This change has expanded the use of the Ombuds function in profit and non-profit environments with notable expansion among Federal agencies.

Ethics functions at colleges and universities were basically non-existent. Indeed, with the exception of standards for research, technology transfer, and academic integrity, the ethics function remains new to many academic settings, as behaviors on college campuses, especially at the professorial level, are almost automatically assumed to be above reproach. Sarbanes-Oxley, a major legislative response to the corporate scandals of the turn of the century - Tyco, Enron, Worldcom - was intended for the “for-profit” sector, but many smart colleges and universities anticipated that those regulations might eventually spill over into the “not-for-profit” sector. Colleges and universities, especially those who accept Federal grants, awards and other sponsored agreements are now subject to added public accountability and compliance responsibilities ranging from OSHA (Occupational Safety & Health Administration) to Title IX, to Federal cost accounting audits which fall under an ethics and compliance umbrella. Needless to say, confidential concerns relating to accountability as listed above may be just as easily brought to the Ombuds office as to the Ethics Office. In this new regulatory world, however, such issues veer dangerously close to falling under a new organizational rubric - “compliance.” Confidential inquiries to ombuds offices may also relate to these accountability and compliance areas.

Almost overnight the question became, how best to deal with the increasing regulatory morass. With respect to the establishment of Ethics functions, “for profits” were ahead of the regulatory curve and far ahead of the academic sector. As a result, “for profits” began to think of ways in which to efficiently manage all of their regulatory requirements, whether internally or externally mandated. Increasingly, the answer that they developed was “Compliance,” a word alien to the “not-for-profit” world. To that word was added another word, “function.” In the “for-profit” world the result was a loose assemblage of all organizational units responsible for meeting regulatory requirements under a Compliance function. Often that assemblage included the Ethics function, EEO (Equal Employment Opportunity) and Affirmative Action, Occupational Safety and, even, in some misguided instances, the Ombuds function. The “for-profit” world began to group all organizational units responsible for regulations, many including their already well-established Ethics functions and, even in some misguided instances, their Ombuds and other functions such as EEO and Affirmative Action, under a Compliance function.

A dictionary definition of compliance is (1) (a): “the act or process of complying to a desire, demand, or proposal or to coercion; (1) (b): conformity in fulfilling official requirements.” The thrust of many compliance programs is best encompassed by the (1) (b) definition (“compliance.” Merriam Webster’s Collegiate Tenth ed. 1996) However, the best compliance programs ought not merely be about crossing the “t’s” and dotting the “i’s.” At best such an approach provides a “paper” compliance that may pass audits, but which often ignores a very core institutional consideration: culture.

A dictionary definition of “culture” is, “the set of shared attitudes, values, goals, and practices that characterizes a company or corporation.” (“culture” Merriam Webster’s Collegiate Tenth ed. 1996) Whether acknowledged or not, all institutions have a culture. To get some sense of your own institutional culture, simply ask yourself whether bearers of bad tidings at your institution are shot. The answer to that question and to other, similar, kinds of questions is a reflection of institutional culture. Institutional culture may be reflected both in what an organization has to say about itself, such as its institutional values, as well as in how the institution (and its people) behave both internally and externally. Indeed, in the worst of all possible worlds, there may be a significant disconnect between what an institution says about itself and how it actually behaves.

According to the film “The Smartest Guys in the Room,” Enron’s motto was, ‘Ask Why,” something they clearly seldom did. Their vision and values statement, alleged, “We treat others as we would like to be treated ourselves … we do not tolerate abusive or disrespectful treatment.
Ruthlessness, callousness, and arrogance do not belong here.”

Compliance, unfortunately, does not address such questions. In keeping with a world increasingly comprised of e-mail, PowerPoint presentations, and cell-phones, compliance does not have much of a human face. It is not about counseling, advising, instructing, openness, integrity, or creativity. Its bottom line is about checking off boxes.

Though one function may be more prevalent in “for profit” organizations and the other more prevalent in “not for profit” organizations, there are two functions that may put a more human and more substantive face on the façade that compliance can be. Those functions are the ombuds function and the ethics function. [Note: there is a very legitimate question about whether the ethics function and/or the ombuds functions – the very functions whose role it is promote institutional values and to place a human face on those values - can properly belong under a compliance function without losing much of the independence that can make both functions of value to an organization and, broadly speaking, to organizational compliance.]

While various aspects of the Ethics and Ombuds functions do overlap to a greater or lesser degree (see Figure 1): both offices provide advice, both offices engage in some form of fact-finding or discovery (used here in a non-legal sense), both offices seek resolution to concerns raised, no one should make the case that the office functions are the same. As Mary Rowe and Wilbur Hicks (2004) succinctly point out, in contrast to the ombuds function, ethics offices are not neutral, cannot provide the same degree of confidentiality, may address much more narrowly-defined concerns, conduct official investigations, are an office of notice, and make and enforce policy. They note key differences in both focus and function. Ethics offices are concerned specifically with prevention of waste, fraud, and code of conduct violations, whereas ombuds offices address a much wider array of work related problems. Ethics offices adjudicate and assure appropriate handling of cases whereas ombuds offices function more to uncover problems, resolve disputes informally, generate options, mediate, refer, and recommend. Unlike ombuds offices, ethics offices are not neutral nor do they offer confidentiality.

Where the two functions can work together and work together well is in championing an institutional culture rooted in and bound to core values; a culture that encourages commitment and behaviors that reflect its’ values and prescribed ethical conduct. The role is this: assisting your institution to “walk its talk,” to adhere to stated values and priorities.

As luck would have it, the institution where the authors work has a set of values: openness, innovation, integrity, and quality that were adopted more than a decade ago and have been recently revisited and reaffirmed. Other institutions may not be as fortunate. There, the challenge may be to help initiate an institutional dialogue to develop values that are legitimately reflective of how the institution sees itself, as well as of how the institution expects itself and its employees to behave in conducting its daily business.

At our institution, for instance, Ethics already “owns” a significant portion of our behavioral environment. Ethics is responsible for the Honor Code, code of conduct and those requirements that reinforce the institutional integrity, such as ethics in research, conflict of interest, gift and gratuities and proper use of sponsor resources. While it does possess, in combination with management and Human Resources, an enforcement role, the focus of the office at another prominent institution (which we prefer not to name) encourages employees to ask questions before acting, to encourage employees to reflect upon the situation in which they may find themselves, to seek advice and counsel, and to educate employees about potential ethical dilemmas that they may face and about the institution’s preferred way of handling specific situations. (Openness - an institutional value - is encouraged and most employees know that issues and ethical concerns can be raised in the Ethics office for discussion and often with resolution without the employee having to fear discipline or other retribution.)

Imagine the following: an employee is caught in the following personal dilemma (it is, of course, ridiculous to believe that employees can always separate their work lives from their personal lives): The employee has recently been
given a company-provided cell phone for business use only. The only individuals to whom she has provided her cell phone number are her customers and her boss.

The employee is struggling with a ne’er-do-well and unemployed spouse who badgers her endlessly via her office phone with questions, accusations, demands, and threats about money, their young children, and their marriage.

Because their telephone conversations often become shouting matches, the employee has begun to use her cell phone to return her spouse’s calls. Doing so allows her to maintain some kind of privacy because she is no longer restricted to calling from her office. Unfortunately, there have also been occasions when the employee has “missed” telephone calls from customers and from her boss because she has been engaged with her spouse.

The employee vaguely aware that there is company policy concerning use of resources – she has heard gossip about one or two employees having had to reimburse the company for hundreds of dollars for personal telephone calls. The bill on her own company provided cell phone is growing. For reasons of privacy, utilizing her standard office phone is not an option. In desperation she makes an appointment to speak with an advisor from the Ethics Office.

The Ethics advisor listens to the employee’s situation, speaks about the visitor’s potential telephone-related ethical dilemma and clarifies the company’s policy on use of resources. The advisor also provides the employee with suggestions with respect to handling the use of resources dilemma. The advisor also talks about possible consequences while recognizing and acknowledging that the employee’s circumstance is complex and not simply about use of company resources.

Employees often utilize the Ombuds Office for similar kinds of clarification, option-sorting, advice and counsel. Had the employee gone first to the Ombuds function, the employee would have been apprised of the existence of a use of resources policy and asked whether it might make sense for the employee to visit the Ethics Office. Had the employee agreed to such a visit, the Ombuds might have proceeded to make the appointment. In addition, however, the Ombuds might also have asked questions about the employee’s overall employment situation, about the impact of her personal life on her job performance, about the employee’s fears and/or hopes about her situation, about whether it made any sense to share information with her boss, about what the employee thought it might take to “ease” or resolve her situation, about whether the employee was aware of other institutional resources, such as the Employee Assistance Program (EAP), that might be able to provide her assistance.

Closing Remarks

Working together the offices can target key risk areas. Together they can affirm the institutional values through separate communications and awareness mechanisms. In office practice, both offices offer transparency and independence since both offices are not bound to organization or a hierarchy as they report to the institution’s senior executive. Thus both offices focus on employee perceptions of ethical culture, fairness and procedural justice.

The values of any institution sets forth an implied contract to which every employee can understand, relate and follow. Whether a business decision or personal choice, core values are a compass to resolution for the institution and individual. More specifically, the authors contend that values are institutional glue;

- values define the acceptable and expected standards among individuals; regardless of their institutional roles
- without shared values individuals will pursue their own value systems
- values are institutional guides that provide directions for individual behavior and institutional endurance
- values are timeless...institutional values prevail over personality and agenda

Previously, the authors have suggested that values are a kind of institutional glue and provided several reasons why that might be so. The Ethics Office and the Ombuds Office both provide – to a greater or lesser degree, depending upon individual circumstance – places of respite to which employees may bring potentially
troubling issues and concerns, the resolution of which may require each office, in its own unique way, to remind the institution that it must “walk its talk” by adhering to the institutional standards and behaviors explicit and implicit in its stated values. In an age of e-mail and PowerPoint presentations, and of risk management and compliance, the Ethics and Ombuds functions may represent an accessible, “human face” of the institution as well as provide complementary services that help shape institutional health and culture. The end result may be more fully engaged and productive employees at an individual level and a more human and open institution.

References


Figure 1

SELECTED COMPARISON OF OMBUDS AND ETHICS OFFICE CHARACTERISTICS AND AREAS OF OVERLAP

Ombuds vs. Ethics Officer

Confidential, neutral, informal counselor
Provides zero barrier office for discussion, Referral, advice, counsel
Uncover potentially serious problems; assists in informal dispute resolution; identifies issues; generates workable options
Initiate discussions with key individuals to bring attention to systemic issues; communicates trends
Provides an informal alternative to existing formal Complaint handling processes
Institutional advocate for fair process
Uses informal mediation, conciliation, or Shuttle diplomacy for equitable dispute resolution
Conducts discreet, informal, and confidential inquiries

Advisor and counselor
Fosters awareness and commitment to ethical behavior through mandatory training communication and awareness
Advocates ethical decision-making and practices that are in accordance with institutional values, honor codes, and highest ethical standards
Provides anonymous channel for advice, raising ethical concerns, and reporting potential misconduct or wrongdoing without fear of retaliation
Initiates and conducts investigations; facilitates resolution and appropriate corrective action
Communicates program trends, activity, effectiveness and risks
Ensures adherence to governmental, industrial, and organizational rules, regulations, and guidelines related to ethics and business conduct

Confidential
Advisor
Counselor
Open channel
Fact-finding
Seek Resolution
Ombudsing is a notable career in that how one becomes an Ombuds is often a circuitous route. Unlike law, social work, or psychology, for example, there is not a defined road to either attain the skills or the title. One can take courses in mediation, problem-solving, and intervention techniques, but the reality is that there is no “real path.” In fact, success in the field is rarely dependent upon a particular degree or training. A survey of Ombuds would likely indicate a variety of backgrounds and expertise. Currently, legal expertise is often cited as a useful background, but it appears often that many of those serving as Ombuds do so, not because of their formal training, but as a result of their already established credibility in other fields and within organizations. They are individuals who have earned the respect and trust of others, and who are able to navigate the political and cultural waters into which they are thrown. For this reason, Michael Mills’ *Hurler on the Ditch: Memoir of a Journalist Who Became Ireland’s First Ombudsman* is an interesting read. His route to this position was unanticipated and unexpected, but upon reflection, any Ombuds would see that it was neither a surprising nor unexplainable journey. That he was asked to serve as such was an inspired choice.

Mills begins his book in the traditional mode of the genre of memoir, with a description of his early life. This background reads somewhat typically in memoir: a story of one overcoming hardship and obstacles. Mills comes from a poor family that is always moving for jobs; he’s bright, educated by the church, but has no money for University. He decides to enter the priesthood, somewhat reluctantly. Fortuitously he sees an advertisement for a job as a senior reporter on a provincial newspaper, and decides to apply—catapulting him into his new career. He gains an understanding of journalism and the profession that would take years for others on larger papers to learn, and he is given early access to people and events. This background sets the stage for the other sections of the book: his description and analysis of what he refers to as “one of the most dramatic political events of the past fifty years,” the arms crisis of 1969-1970, his tenure on the Irish television show, *Hurler on the Ditch*, and his role as Ireland’s first Ombudsperson.

Actually, less than one-fourth of the book is dedicated to his serving as Ireland’s first Ombudsman, which Mills did from 1984-1995.
The main section covers his role as the political correspondent of the Irish Press, Ireland’s “republican” newspaper, during the aforementioned arms crisis of 1969-1970. This crisis revolved around a secret plot by a group of governmental officials, including the Minister of Justice, to illegally import guns into Ireland in support for the IRA in Northern Ireland. The officials were sacked by the government, others resigned in support of them, and four were arrested on arms conspiracy charges. With a journalist’s eye, and in meticulous, and often excruciating detail—especially if one is not well-versed in the Irish politics and politicians of the time—Mills recreates “what occurred and when.”

Mills then goes on to describe his role as one of the principal panelists with other journalists across philosophical and political lines on the Irish TV show, Hurler on the Ditch. As this is also the title of his memoir, being unfamiliar with the term, I contacted a friend in Ireland for enlightenment, who informed me that the phrase comes from an Irish proverb, “The best hurler is the one on the ditch.” “On the ditch” means on the edge of the field, where there is often a mound for spectators, implying then, that the best person to comment on the action of the field is the person not on the field itself, but on the sidelines. This phrase came to characterize the role Mills and his fellow journalists took as they debated Irish politics, offering commentary, and ultimately pressure, to address some of the current issues of the day. The show ran for a number of years, and through this public forum they were attributed to have succeeded in changing government policy in regard to money spent for social welfare. Through his tenure on the show he gained the public’s confidence as their champion.

This phrase, “hurler on the ditch” becomes a fitting title for Mill’s memoir, as it represents his own understanding of his institutional and intellectual stance in each of his career choices. In his appointment as Ireland’s first Ombudsman, it certainly captures one of many fundamental features of the role as Ombuds: the neutral stance in serving as change agents. Ombuds sit outside of the normal reporting structures of their institutions in order to offer analysis and understanding of their own workings. Thus, they are often their institution’s hurlers.

This last (and shortest) section of the memoir discusses Mills’ tenure as Ombudsman. Disappointingly, he describes the actual accomplishments of the office succinctly and superficially, identifying problem and outcome under headings, such as Old Age Pensions, which he then describes in 15 lines! Rather, as he states in his Preface, what interests him and what he wishes to highlight about this period were not his accomplishments, but his successful fight to save the office of the Ombudsman from financial cutbacks. Here, he is detailed and descriptive in his narrating of the politicians and the political infighting and maneuvering to eliminate the position through financial cutbacks, giving it the same painstaking investigative thoroughness as he had previously given to the arms crisis. That Mills focuses upon this aspect of his role as Ombudsman emerges from what has come before in the narrative, and the reader, on reflection, should not be surprised. His entire career has been spent in the political realm and this is what appeals to him in the telling. In addition, this aspect of his tenure is interesting to read, as the story is a familiar one for Ombuds. Many Ombuds have been caught in their own political and financial minefields, and Mills’ ultimate victory offers optimism and hope. For this reason alone, it is an interesting read. What becomes clear is that Mills, perhaps even unbeknownst to himself, has all of the characteristics, and has gained all of the skills necessary to be Ireland’s first Ombudsman.

From our own knowledge of what it takes to be an Ombuds, his career path makes perfect sense. All that he had done previously had prepared him for this role. As a journalist he had become trusted by those in power or seeking power. He was known for his objectivity in reporting, and he had succeeded in understanding and navigating the political process. As a panelist he had gained the trust of his soon to be constituency—the public. So when the timing was politically feasible to set up an independent agency to examine complaints by the public, he was the natural choice. And in retrospect, given the change in political winds and the desire to starve the office out of
existence, perhaps it was best for Ireland and its people that his skills lay in this arena.

I am still left somewhat unsatisfied by this memoir. His journalist’s eye is indeed, keen, and his descriptions complete. However, Mills rarely contemplates, or even ruminates—upon the events he describes, upon the people who are involved or about himself. He never asks “why,” and his gaze always remains on the “what,” the external. Hence, the book reads as three different and distinct sections. Reading backwards, it is the reader who is forced to make connections in understanding and meaning. As a man of great public stature who was close to the seat of power during crucial years in Ireland’s recent history and someone who has also had a major influence on the lives of so many, as Ireland’s first Ombudsman, I would have relished a more thoughtful, reflective memoir—not only for gaining insight into his life, but also from which to contemplate the larger aspects his memoir implies: An often peripatetic route to one’s career and the intersection of one’s personal history, character, and context in shaping one’s future. It is certainly evident in *Hurler on the Ditch* that the road to Ombudsing can be wide-ranging and diverse, and he is the exemplar of the notion that success in the field is not dependent upon the obvious. I would have been extremely interested in reading his reflections upon that.
Dear Colleagues:

You are invited to submit an article (or articles) for publication in this journal. Ombuds in business, governmental agencies, industry, private practice, academia and other work environments are encouraged to respond to this request. We desire to have the broadest representation of articles from authors that we can attract. Through the written word we are able to preserve your ideas and contributions for future ombuds to read.

The Journal Seeks Manuscripts

The Journal of the California Caucus of College and University Ombudspersons, published annually, features articles that promote, advance, and celebrate the profession of ombudsmanship. To that end, the editors encourage writers to submit articles that focus on any aspect of ombudsmanship: practice, research, education, legislation, or management.

Prospective writers who may have doubts or hesitations about their contributions are welcome to seek consultation and assistance from the editors. Such help can be available at any stage of writing—from initial concept to late stages of editing. A telephone call or email is all that is needed to initiate a cooperative writing process.

Manuscript Preparation

An electronic copy of a manuscript should be submitted—double-spaced with one-inch margins. Maximum length is 20 pages, including tables, figures, notes, and references.

In this journal the American Psychological Association (APA) format is used. A good description of it is available at http://owl.english.purdue.edu/handouts/research/r_apa.html.

The title page should bear the name(s) of the contributor(s), along with institutional affiliation of the writer(s), institutional title, mailing address, voicemail and fax numbers, and email address.

An abstract of 100 words or less should accompany all articles.

Note: CCCUO has adopted the term ombuds (in lower case) rather than ombudsman or ombudsperson, except where the two latter terms are part of any institutional title.

Art Work

All tables, figures, photographs, and other graphics should be submitted on computer disk, together with camera-ready copy for each graphic item.

Copyright Transmittal

A letter of transmittal should accompany each manuscript, including the following statement: To my knowledge this manuscript contains nothing that is libelous or unlawful or that infringes upon rights under U.S. copyright law.

Permissions

It is the responsibility of the writer to obtain appropriate permission from individuals, institutions, and organizations to use any private communication or other reports, documents, and policy statements cited in the manuscript.

Peer Review

All manuscripts will be reviewed by at least two editorial board members. Reviewers may recommend acceptance, rejection (with reasons given), revision (with specific suggestions), or resubmission. Recommendations in writing will be sent to each writer.

To assure a blind-review process, writers should omit any personal identification on every page except the title page.

Manuscripts may be edited for clarity, stylistic consistency, and format. The edited manuscript
will be returned before publication, if time allows, for the writer’s concurrence. A writer who wishes to submit a manuscript on a computer disk should first check with the coeditor to determine its usability in the review and editing process.

**Book-Review Guidelines**

The editor welcomes reviews of recent books relating to the practice of ombudsing, with particular application to institutions of higher education. Books that deal primarily with ombudsing in other types of organizations may occasionally be suitable; a query to the co-editor in advance of undertaking the review of such a book is recommended. The following guidelines apply to all reviews:

1. Stay within a maximum of 1500 words.
2. Orient the reader to the thesis or major purpose of the book.
3. Adopt an argumentative and evaluative stance near the beginning of the review and make that stance a thread throughout the review.

**Manuscript Inquiries**

For further information about manuscript submission or to seek assistance in writing, call or write the co-editors:

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