

The
Journal

of the

CCCIO



California Caucus
of College and University Ombuds

November 2001
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28th Annual Conference



The Ombuds Way: Affirming Institutional Humanity

November 4-7, 2001

Asilomar Conference Center
800 Asilomar Conference Center
Pacific Grove, California 93950



September 11, 2001

In honor of the memory of those who lost their
lives and those who lost loved ones.

Let us never forget.

CALIFORNIA CAUCUS OF COLLEGE AND UNIVERSITY OMBUDS

*The Ombuds Way:
Affirming Institutional Humanity*

Asilomar Conference Center, Pacific Grove, California
November 4-7, 2001

28TH ANNUAL CONFERENCE PLANNERS

Co-conveners:

Andrea Briggs, University of California Riverside
Jan Schonauer, California Institute of Technology
Geoffrey Wallace, University of California Santa Barbara

Registrars:

Lewis A. Redding, Jet Propulsion Laboratory, Pasadena, California
Brook Grona, University of Texas, Austin

Conference Planning Committee:

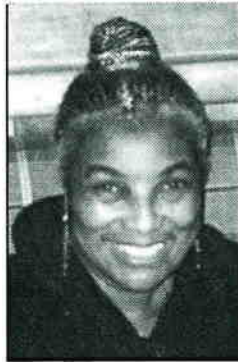
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Lois Price Spratlen, University of Washington
Lewis Redding, Jet Propulsion Lab
St. S. Saffold, San Jose State

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**CALIFORNIA CAUCUS OF COLLEGE AND
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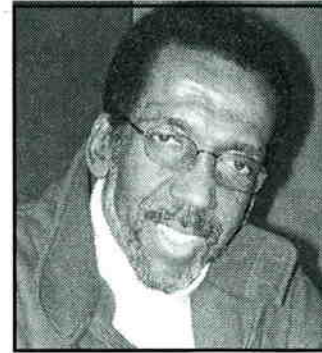
Contents

Prefatory information:		
28th Annual Conference title and theme		i
Dedication		ii
28th Annual Conference planners		iv
Co-editors & Managing Editor		viii
From the Editors		x
Editorial Board		xii
2000 Service Excellence Award		xiv
CCCUO Mission Statement		xvi
Abstracts of Articles in This Issue		xviii
Articles:		
Stanley Anderson	<i>Ombudscholars</i>	1
Steven G. Olswang	<i>The Role of the Ombuds in an Increasingly Conflict-prone University Environment</i>	7
Merle Waxman and Lawrence S. Cohen	<i>Authorship in Academia: A Challenge for the Ombuds</i>	15
Don Johnston	<i>The Evolution of Livermore Lab's Peer Ombuds Program</i>	21
Jenna Brown and Tom Sebok	<i>Orienting the New College or University Ombuds</i>	31
Lois Price Spratlen	<i>Client's Writing: A Central Component of Academic Ombudsing</i>	39
Deborah Eerkes	<i>A Day in the (University Ombuds) Life...</i>	49
Notes:		
Eugene Smith	<i>A Note on the Word issue</i>	53
Editors	<i>Publishing Notes</i>	55

CO-EDITORS

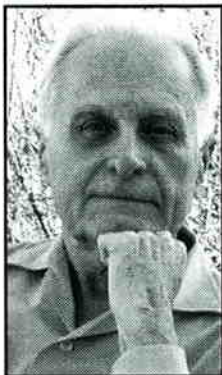


Lois Price Spratlen became an active participant in the California Caucus of college and University Ombuds (CCCUO) in 1988. She has served as Convener of the Annual Asilomar Conference and on three occasions as Co-convener. She is a member of the Awards Committee and served as chair for four years. In 1998, under her leadership, *The Journal* of CCCUO was established as the first and only peer-reviewed journal in the field of ombudsing. Lois serves as Co-editor of this journal with Executive Vice Chancellor Ron Wilson.



Ron Wilson is Assistant Executive Vice Chancellor and Director for the Office of Equal Opportunity and Diversity, U. California Irvine. His responsibilities include the Ombudsman Office, Faculty and Staff Assistance Program, and Campus Mediation Program. A 23-year administrator and a 20-year ombuds, he came to UCI as campus ombuds and Associate Dean of Students from UC Riverside, where he had served as Director of Student Affirmative Action. He is past president of the University and College Ombuds Association and is founder and Co-editor of *The Journal*.

MANAGING EDITOR



Eugene Smith retired in 1989 from a teaching career that began as an elementary school teacher and ended as Associate Professor Emeritus of English, University of Washington. He has always been intensely interested in writing and

language study, an interest that has led him to continue writing his own books and editing other people's books, articles, dissertations, and journals. Currently, he lives with his wife in eastern Oregon, where he is director of the Union County, Oregon History Project, a coordinated effort to collect oral histories of longtime county residents and to produce a community encyclopedia.

From the Editors

Lois Price Spratlen & Ron Wilson

September 11, 2001 occupies a unique place in the hearts and minds of most Americans and among other citizens around the world. The terrorist attacks on the World Trade Center and the Pentagon took the greatest toll ever in the loss of life and property damage on American territory from a foreign source. As a nation we were further stunned by the use of commercial airplanes to cause the death and destruction that ensued.

A period of national mourning followed these attacks, and there are families in America and in other parts of the world whose lives will never be the same because of these tragic losses. We hope that some measures of recovery and renewal have occurred that will help us cope with the aftermath of 9/11.

After several months delay, we are pleased to bring you ideas and information from several of our fellow ombuds. We appreciate your continued interest and support through these challenging months since September 11, 2001.

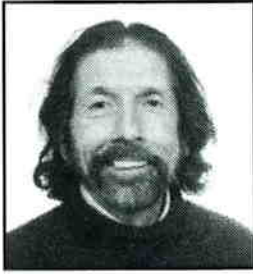
It would be easy to use the terrorist attacks to explain our delay in getting this third edition to you of the *Journal of the California Caucus of College and University Ombuds*. However, this was only one of a series of occurrences that affected our publication schedule. Rather than focus attention on these matters we are eager to identify the initiatives that have been approved by the Editorial Board that are designed to enhance our ability to get the 2002 *CCCUO Journal* to you during the annual conference in November in Asilomar.

Four initiatives have been reviewed, approved and implemented. Included are:

- A publication schedule
- Monthly telephone meetings of the Editorial Board
- Establishment of a mentor/collaborator relationship among new authors and Board members
- More direct access to the managing editor.

The co-editors conceptualized this model for publication and presentation to the Editorial Board. This model was discussed and approved during our February telephone Board meeting. It has already been implemented. The primary purposes of this model are to enhance the overall quality of the articles developed and published in this *Journal* and to facilitate meeting identified dates for accomplishing publication tasks on time and within our budget.

EDITORIAL BOARD



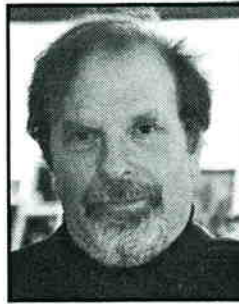
Arnold Medvene was the Faculty Ombuds Officer at the University of Maryland from 1994-1999. He is a senior staff psychologist at the Counseling Center (U.M.) and an associate professor in the College of Education, where he works with undergraduate and

graduate students, as well as staff, faculty, and administrators in conflict management. As a board member of the Washington, D.C. Center for Life Enhancement, he will provide workshops in dispute resolution for organizations interested in facilitating staff development and personal growth.



Barbara Schaffer has been a faculty member in English and Women's Studies at DePaul University, Chicago for the past 12 years and has been the University's Sexual Harassment Ombuds since 1994. In addition to her roles as ombuds and teacher of writing and rhetoric courses to

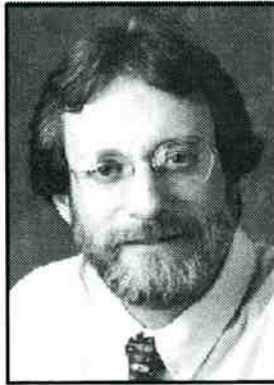
both graduate and undergraduate students, she has helped create curricula and has participated in international programs regarding women's and gender-equity issues. She has traveled to Vietnam and Hong Kong to participate in programs regarding sexual harassment and the status of women in the workplace, and in the past two years she has taken a group of DePaul students to Scotland to study Scottish parliamentary devolution and its gender-equity political agenda.



Myron Schwartzman 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*

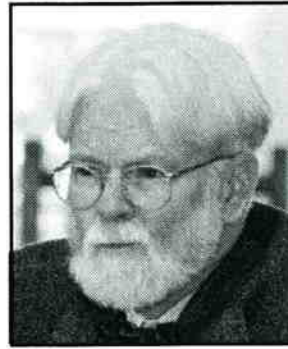
Joyce Quarterly and *Modern Fiction Studies*, he is also a jazz pianist. For six years he played with Larry Rivers' East Thirteenth Street Band, which he cofounded. He has been active in CCCUO and ECOG. See his article, "Notes from Underground: An Ombuds' Dostoyevskian Journey in Academe," on p. 63 of the November, 1999 *Journal*.

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Tom Sebok has been an ombuds since 1990 and the Director of the Ombuds Office at the University of Colorado at Boulder since 1992. From 1995-99, he was Secretary for the Board of the University and College Ombuds Association. He serves on the editorial board for a professional journal dedicated to ombuds practice. He has

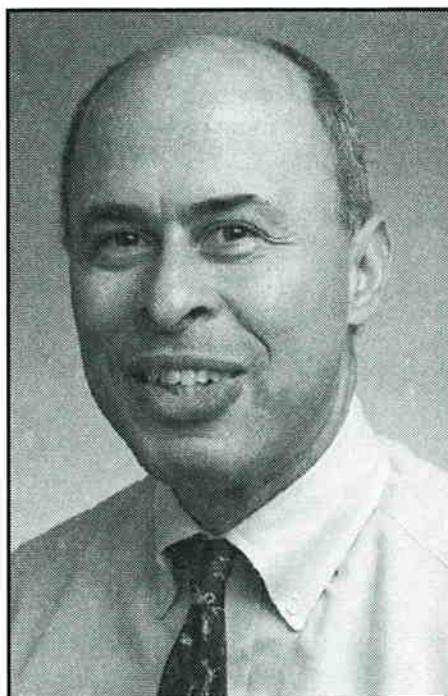
published seven articles in *The Journal of the California Caucus of College and University Ombuds* and has made numerous presentations at regional and national conferences related to conflict management and ombudsing.



Geoffrey Wallace Ph.D. is in his 32nd year as a full-time, chartered university ombuds. Geoffrey is a founder, with Don Hartsock and Bill Shatz, of the California Caucus of College and University Ombuds. He enjoys working with the Stanley V. Anderson collection of twelve hundred

works on ombudsing. He brings extensive and significant knowledge of mediation, conflict management, and other areas of alternative methods of dispute resolution to the board.

He resides in the Painted Cave Community, three thousand feet altitude above the town of Santa Barbara. Among his hobbies, he likes to pilot human-powered vehicles (trikes and bikes) and M3s. In cycling, he has been five-time state champion in pursuit, time trial, and road racing.



2000 Service Excellence Award

Since 1996 Lewis Redding has served as the ombuds at the Jet Propulsion Laboratory. In this role, Lewis uses confidential consultation, role playing, and creative problem-solving approaches to increase or enhance clients' competencies to manage and resolve complaints.

Lewis was recognized by his peers in 2000 for his outstanding service to California Caucus of College and University Ombuds (CCCUCO) for service as co-registrar and registrar from 1998 to the present. The CCCUCO registrar is responsible for making the logistical arrangements for the annual CCCUCO conference normally held at the Asilomar Conference Grounds in Pacific Grove, California. In addition, he has also managed the finances of this organization for the past three years.

The Journal
of the
**CALIFORNIA CAUCUS OF COLLEGE
AND UNIVERSITY OMBUDS**

Mission Statement

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 practice of ombudsing.

ABSTRACTS OF ARTICLES IN THIS ISSUE

"Ombudscholars"

Stanley Anderson traces the 40-year development and implementation of Ombuds roles from their Scandinavian origins to the United States. He identifies sources in the literature that show the roles which academics played in explaining to academic administrators and public policy makers ombudsing's contributions to civility and fairness in the functioning of government agencies and other public institutions. In institutions of higher education in the United States, the ombuds role has evolved from convincing administrators about the value of ombudsing to gaining support for its expansion as an integral part of institutional functioning with respect to conflict management. Anderson identifies 14 roles that 21st century ombuds need to systemically document, through research, and thereby to demonstrate the efficacy of their services and contributions. Carrying out such research would more fully place ombudsing in the world of scholarship, where it belongs, along with other aspects of professional services that enhance the quality of work and learning in academic institutions.

"The Role of the Ombuds in an Increasingly Conflict-prone University Environment"

Steven G. Olswang explains various trends in colleges and universities that increase the need for conflict management and resolution services. He also makes the point that preventive approaches are more cost-effective than relying on later interventions with grievance processing and litigation. In order to gain support for meeting the growing need for ombuds services, those providing the services should be able to document their value to the institution, without compromising in any way confidentiality or imposing overly burdensome record keeping. In meeting the challenges that must be

faced in preventing conflicts and managing them effectively when they do occur, institutions of higher learning should show greater appreciation of the contributions that ombuds make to maintaining harmony and increasing effectiveness in the learning and work environment of colleges and universities.

"Authorship in Academia: A Challenge for the Ombuds"

Merle Waxman and Lawrence S. Cohen define, discuss, and describe the meaning of authorship in a university setting. Since authorship serves as a principal source of advancement in academia, conflicts arise over the identification and contribution of ideas and information. Sometimes ownership of data or funding support for the research may be a source of dispute. Another consideration is the fact that authorship may be variously defined in different disciplines. This gives such conflicts a situational and cultural context. The Ombuds as a designated neutral must be aware of these various issues and sources of conflict. The authors give particular emphasis to policies and procedures that are codified in their university as guides for decision making and dispute resolution. Case studies are presented which show how the order of names on a publication as well as the issue of substantive contributions to the development of a manuscript were sources of conflict. They note that consideration of such issues prior to the completion of a manuscript would reduce the incidence of disputes. The paper also illustrates the role of a special adviser to the dean who helped in the mediation process as an institutional arrangement that enhanced the management and resolution of these conflicts.

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“The Evolution of Livermore Lab’s Peer Ombuds Program”

Ron Johnston chronicles the background history and development of the peer ombuds program at Lawrence Livermore National Laboratory. Since the program’s inception in 1972, it has grown from a localized service in a single unit or directorate to include all 12 directorates. (Directorates are considered to be somewhat equivalent to large academic departments in a university.) The program functions more informally than is typical on college and university campuses. Only non-supervisory personnel are eligible to serve in the role. At Lawrence Livermore peer ombuds are expected to acquire the skills and knowledge appropriate to the work of the directorate so that they can assist individuals with a broad range of problems and conflicts. While no systematic assessment of effectiveness is in place, there seems to be general agreement that the program meets the needs of the staff and management at the Laboratory by helping to reduce the number of complaints and informal reviews. It also meets the needs of staff to have someone to listen to them and help them solve problems and conflicts in the work environment.

“Orienting the New College or University Ombuds”

Jenna Brown and Tom Sebok identify and illustrate background sources of information, ideas, skills, and knowledge that new college and university ombuds will find useful as they assume their role and develop into experienced ombuds. Examples are given for all of the major approaches and strategies that help the new ombuds gain professional competence. Included among them are readings, observations, case consultation, various kinds of skills training, meetings with key individuals, and membership in professional ombuds organizations. Background information is provided on each. The authors provide a comprehensive and

detailed overview of what it is that the new ombuds needs to know and how to go about meeting or satisfying that need.

“Client’s Writing: A Central Component of Academic Ombudsing”

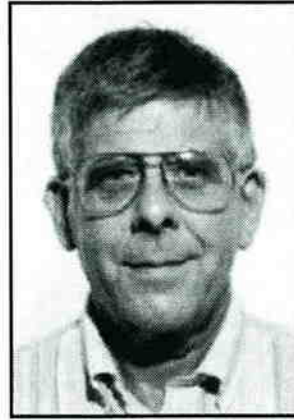
Lois Price Spratlen identifies writing as a significant adjunct to ombudsing. In a setting where writing is pervasive it is quite appropriate for Ombuds to use it to enhance service delivery. She uses the literature on writing to document the relationships of writing to thinking and learning. Since these processes are interrelated they have relevance for Ombuds. Writing has been found to be the most reliable source for defining the conflict being reported by the client. It also serves as a basis for designing, implementing and evaluating Ombuds interventions. Confidentiality is not compromised when the client serves as the source of the written description as well as the resource for the maintenance of this written record of the incident. Communication between the client and the Ombuds occurs on two levels—oral and written. A comprehensive understanding of the conflict is gained through this interactive process. Further, Price Spratlen notes that through writing the Ombuds can also identify client values, competencies as well as improve the design of relevant and effective interventions to better manage and resolve any given conflict.

“A Day in the (University Ombuds) Life...”

Deborah Eerkes has described an eight hour period of work demands in her office. Beginning at 8:00 a.m. and continuing to 4:45 p.m. she provides an hourly description of the functions and roles that she carries out.

Ombudscholars

Stanley Anderson



Professor Stanley Anderson was a practicing lawyer before returning to Berkeley to take the Ph.D. He served as a fellow for a year each in the California Legislature (Assembly Committee on Constitutional Amendments) and the Congress of the United States (Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary).

As a Scandinavian area specialist, his interests in law and society coalesced in a 15-

year study of the ombuds institution. He also wrote on Nordic open record laws, comparing them to American Freedom of Information Acts.

His thirty-some years on the faculty at UC Santa Barbara included stints as department chair and graduate advisor, as chair of the faculty senate's Committee on Academic Freedom (during the years of Vietnam protest), as Chair of the Advisory Committee on the Ombuds Office, and as Director of the U.C. Education Abroad Program office in London. He currently maintains a modest practice focusing on elder law.

Scholarly writing about the ombuds idea and proposals for its trans-Atlantic importation began about forty years ago. At that time, proponents depended upon academics who were familiar with the workings of the office in Scandinavia to provide responses to doubts and to allay unfounded misgivings. With the tremendous proliferation of the office, today's ombuds can and do use their own experience as data for analysis.

The first part of this article sketches the early days. A review of the initial scholarship on ombudsing may encourage twenty-first-century ombuds to define future scholarly endeavors. The second part offers a prologue to the definition of appropriate methodologies designed to help ombuds--in particular, campus ombuds--to find useful ways to teach one another.

1

Professor Henry Abraham published the first American ombuds piece, "A People's Watchdog Against Abuse of Power," in 1960. Abraham is a political scientist who had been a Fulbright scholar in Denmark. He was followed in 1961 by Kenneth Culp Davis, a leading authority on administrative law, who wrote "Ombudsmen for America: Officers to Criticize Administrative Behavior," and by political scientist Donald Rowat, who drew on his Fulbright experience to write "Finland's Defenders of the Law." The Danish ombuds, Stephen Hurwitz, was Professor of Criminal Law at the University of Copenhagen before taking office in 1965 to implement the breakthrough adaptation of the 150-year-old Swedish ombuds institution. A highly regarded criminologist, Hurwitz began writing about his new office almost at once. His initial publication in an American journal, "Denmark's Ombudsman: The Parliamentary Commissioner for Civil and Military Government Administration," came out in 1961. Encouraged by my faculty advisor, Eric Bellquist, I started probing this Scandinavian ombuds in 1960 while gathering data for my doctoral dis-

sertation on Nordic regionalism, which documented their 150 years--now 190 years--of peaceful coexistence. My first ombuds articles were "The Scandinavian Ombudsman" (1965), "Connecticut Ombudsman?" (1966), and (with Henry Reuss) "The Ombudsman: Tribune of the People" (1966).

In Canada, bills proposing the creation of an ombuds office were introduced in 1962. In the United States, efforts to secure enactment of ombuds legislation were undertaken by Congressman Henry Reuss, a Democrat, at the federal level and at the state level by Ralph Nader, then a lonely pamphleteer and picketer of automobile shows. In 1963, at Nader's urging, Representative Nicholas Eddy, a Republican, introduced a bill in the Connecticut General Assembly. Neither the Reuss nor the Eddy proposal was enacted. Nader has since said the ombuds idea "was one of my main projects, but [I] just dropped it when the auto thing came up."

The second round of academic scholarship was of a more hefty variety. Rowell edited a book, *The Ombudsman*, in 1965. Among its twenty-nine contributors--in addition to Abraham, Nader, and Reuss--were several Scandinavian officeholders. Statistical and documentary materials were appended, including some from New Zealand, the first ombuds office to be established outside of Scandinavia.

In 1966, Walter Gelhorn, Betts Professor at the School of Law, Columbia University, wrote two definitive works: (1) *Ombudsman and Others* was based upon research in the Nordic countries and New Zealand, as well as in three east European countries and Japan. Each chapter had first been featured in a major law review. (2) *When Americans Complain*. Graceful and incisive, these landmarks told Gellhorn's informants things about their own systems that they had not previously appreciated and served generally to legitimize this new exportable piece of Scandinavian governmental furniture.

2