28th Annual Conference

California Caucus of College and University Ombuds

The Ombuds Way: Affirming Institutional Humanity

November 4-7, 2001

Asilomar Conference Center
800 Asilomar Conference Center
Pacific Grove, California 93950
California Caucus of College and University Ombuds

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

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The Journal 2001
of the
CALIFORNIA CAUCUS OF COLLEGE AND UNIVERSITY OMBUDS

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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.

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California Caucus of College and University Ombuds
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*.
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 (CCCUO) for service as co-registrar and registrar from 1998 to the present. The CCCUO registrar is responsible for making the logistical arrangements for the annual CCCUO 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

“Ombuds Scholars”

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 advisor to the dean who helped in the mediation process as an institutional arrangement that enhanced the management and resolution of these conflicts.

continued next page
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.
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 ombudsmanship 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.

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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 dissertation 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 Gelhorn'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.
Also in 1966, committee hearings on the ombuds were held in the United States Senate. In addition to reprinting much of what had previously emerged, the published hearings contain the testimony of the then Swedish ombuds, Alfred Baxallus. This was the first of several visits that Judge Bexallus was to make to North America, preaching the gospel of ombuds here and elsewhere in a restrained but persistent manner.

And 1966 was the year that the Institute of Governmental Studies at the University of California, Berkeley, published my Canadian Ombudsman Proposals, the first of a dozen monographs to emerge from The Ombudsman Activities Project (funded by the federal Office of Economic Opportunity), of which I was principal investigator. My monograph Ombudsman Papers came out in 1969.

At this point, two other institutions entered the scene to offer support to the nascent American ombuds movement. One was the American Bar Association. The other was the American Assembly, founded by Dwight Eisenhower in 1960 when he was president of Columbia University. The Assembly sponsors two or three conferences a year, each spinning into a series of regional conclaves. The thirty-second Assembly, held for three days in October, 1967, was devoted to the ombuds. Roughly seventy participants received a series of papers which I edited (later published as Ombudsman for American Government?). The conference had the benefit of two addresses, one from Walter Gellhorn and the other from Jesse Unruh, then Speaker of the Assembly of the California Legislature and an author of ombuds legislation. Unruh’s paper, “The Ombudsman in the States,” was included in an ombuds symposium issue of Annals of the American Academy of Political and Social Science (1965). The final report of the thirty-second Assembly ended with a resounding recommendation: “We urge the prompt enactment of laws to create an expert, objective and influential evaluator of administration action—the ombudsman.”

In January, 1967, the American Bar Association set up a Special Committee on the Ombudsmen, chaired by Kenneth Culp Davis, whose deliberations culminated in a resolution adopted by the ABA in 1969, authorizing the Section of Administrative Law to present the Association’s views and “to encourage the establishment of [o]mbudsmen.”

These, then, were some of the main individuals and institutions active in promoting the ombuds idea in years surrounding the establishment of the first North American ombuds office in Alberta in 1967. Five other political science professors deserve mention. Karl Friedman published the article “The Alberta Ombudsman” in 1970. John Moore joined me in editing the transcript of a 1971 ombuds workshop on establishing ombuds offices. Of the first dozen classical ombuds offices in North American states and provinces, only one was the subject of a monograph--Alan Wyner’s The Nebraska Ombudsman (1974), covering the first two years of operation. None of the Western Hemisphere offices were subjected to the protracted scrutiny that Professor Larry Hill gave to the New Zealand office, which opened in 1963. Hill’s The Model Ombudsman (1976) was written originally as a doctoral dissertation under the guidance his mentor, William Gwyn. It received the American Political Science Association award as the best thesis in the field of public administration for the academic year 1970-71.

The Ombudsman Activities Project concluded its inquiries with a study of related institutions. Professor Alan Wyner shepherded ten scholars in a pioneer symposium on executive ombudsmen in the United States, published in 1973. This work presaged an explosion of ombudslike offices, often specialized, some more or less subordinated to a bureaucratic chain of command, others more or less independent.
Since the creation of the early offices in Alberta, New Brunswick, and Hawaii, the ombuds and its cousins have spread up and down the two American continents, swept Down Under, and blanketed Europe. National, regional, and local government ombuds offices are now garden variety. On the whole, they have demonstrated a fail-safe capacity to monitor the quality of primary quality-control mechanisms.

Institutions of higher learning would seem to be ideally suited for successful implementation of the civilized and civilizing ombuds idea. Indeed, colleges and universities have been one of the most prolific areas of ombuds expansion. How can campus ombuds offices utilize their experience to educate one another and to inspire emulation? One way would be to provide reports of actual cases (redacted for confidentiality), as is done in most of the annual reports published by many national, state, and local ombuds offices around the globe.

The following are some of the campus ombuds badges of civility—what they do and how they do it—which should be documented:

- **Informational role.** Complainants who have not yet attempted to resolve their own grievance are instructed by the ombuds as to pertinent regulations and procedures which may facilitate that effort. The ombuds exercises neutral expertise as a professional fact-finder with access to otherwise confidential information.
- **Legal aid.** Applying the governing rules to the facts at hand, the office proffers free advice as to options and alternatives both to the complainant and to the authorities.
- **Leveling the playing field.** The stature of the ombuds tends to offset either party's advantages of age, rank, or experience.
- **Mediation.** Intervention and guidance by the ombuds often stimulate the antagonists to work out their differences by themselves.
- **Exculpatory role.** When the ombuds concludes that a complaint is unfounded, the individual against whom complaint was lodged may be vindicated.
- **Therapeutic role.** The disappointment of those whose complaints are rejected (either initially or after investigation) may be soothed by a sympathetic ear and a careful explanation. Complainants are shielded from public embarrassment by the confidentiality of the proceedings.
- **Remedial role.** Some errors or injustices are rectified.
- **Reformatory role.** Whether or not a complaint is deemed to be founded, its investigation may lead to suggestions by the ombuds for policy change, some of which may be adopted.
- **Continuing education.** In the course of an investigation, the ombuds transmits information up and down the line, educating participants and enhancing managerial control.
- **Public defender.** When the administration refuses to accept a recommendation for rectification or reform, the ombuds may urge implementation. Because the office is without power to compel, advocacy is focused upon reasoned persuasion. The weapon of publicity is seldom used—but lurks in the background.
- **System support.** The overall impact of the ombuds office is to enhance efficiency and to buttress popular acceptance of campus administration, whether by the cumulating of individual satisfactions, by nipping problems in the bud, or by administrative reform. The very existence of a complaint mechanism provides a safety valve.
- **Credibility.** The ombuds' credibility hinges in part upon the perception of independence of the ombuds from the pertinent command hierarchy. This is the foundation of impartiality which underlies third-party intermediation.
- **Emulatory role.** As a model of conflict resolution, an ombuds office, campus or otherwise, has a potential for inspiration. Documentation and publicizing of the several roles of campus ombuds may facilitate emulation.
I would encourage the California Caucus of College and University Ombuds family to elicit examples of fulfillment (or non-fulfillment) of any or all of the foregoing roles. The initial and minimal methodology could be journalistic—-who, what, where, when, and why. Some reports might be suitable for publication in this journal or might provide a topic for workshops at the annual meetings. The journal and the meetings already demonstrate CCCUO's commitment to the ombuds' scholarly role in improving and expanding the office. We learn from one another. We teach by example.
The Role of the Ombuds in an Increasingly Conflict-prone University Environment

Steven G. Olswang

Steven G. Olswang is Professor in Educational Leadership & Policy Studies and Vice Provost for Academic Affairs at the University of Washington.

Dr. Olswang's area of teaching and research specialization includes all facets of law and education, with particular emphasis on legal issues in faculty personnel and governance. He has published over 30 articles, monographs, and chapters on higher education legal issues. He received his law degree from the University of Illinois in 1971 and, after several years of private practice and teaching (Loyola School of Law, Chicago), entered the doctoral program in higher education at the University of Washington, receiving his Ph.D. in 1977.

As Vice Provost, Dr. Olswang is responsible for the faculty personnel system on campus and policy matters related to faculty and administration. In autumn, 1994, Dr. Olswang was a Visiting Professor at the University of Cambridge (U.K.) as a J. William Fulbright Academic Administrative Fellow.

Dr. Olswang is active in several associations, including the Association for the Study of Higher Education. In 1997 he was named a Fellow of the National Association of College and University Attorneys.

Dr. Olswang co-authored the book Faculty Freedoms and Institutional Accountability: Interactions and Conflicts (1985).
The historic role of the ombuds has always been to help resolve conflicts and foster peace between disputants. More recently, emphasis on the prevention of conflict through education and client consultations has increased—action before, rather than after, conflict occurs. Education, mediation, and resolution efforts are extremely important dimensions of this role, especially as more causes for conflicts arise. A review of literature on higher education trends over the last several years suggests the areas to which the ombuds will need to pay more attention in the upcoming years.

Students

One of the primary roles of the ombuds on a university campus is to be available to resolve disputes between students and among students, faculty, and administration. While other components of the ombuds role, including faculty and staff interventions, have increased and will continue to do so, the time devoted to resolving student concerns will increase as well.

Trends suggest a potential increase in involvement for the ombuds in the following areas: pressure for admission; reduction of internal opportunities for access to majors; exacerbated competition created by challenges to affirmative action; heightened individuality and expressiveness, which can lead to disruption and even dangerous action by students; and the continuing effort to reduce use of alcohol and drugs.

Admission pressures. Significant increases in the number of students entering colleges and universities will continue through the year 2010. The “baby boom echo” is now at its peak, and demand for higher education by the growing population of eligible, traditional-high-school-age students is great. Add the current decline in the economy, which also sends more people to campus for retooling and retraining, and the demand for higher education services will be enormous.

Demands for admission—and particularly for admission to a few academic majors—will foster disputes. Many institutions admit undergraduates into the university but limit access to various majors until the upper division. In greater numbers, students who are in good standing, but not fully competitive, will be unable to get into majors of their choice. Disappointed students unable to access closed-out majors, particularly those in high-demand areas like business and engineering, create internal conflicts that will become more serious.

Student empowerment. Students feel more greatly empowered than they have felt in the past—a feeling that can be inappropriately displayed as students believe they have more rights in the classroom than they should. Instances of misconduct and classroom disruption are on the rise. Faculty need help and assistance in dealing with students who resent the control traditionally exercised by faculty in the classroom environment as impinging upon their active learning. Mediating between faculty and students in classroom disruption situations and navigating between grading disputes and misconduct will require additional effort.

Violent students. At the extreme of student misbehavior is the dangerous student. Recent examples of student violence against faculty, as well as random acts of violence by students and visitors on campus, create a real sense of concern and fear. Violence-prevention training and the creation of intervention teams on college campuses are becoming more common. Implementing early intervention strategies for students who may be dangerous to themselves or others may increasingly require ombuds to play a role.

Alcohol and drug consumption. Statistics vary as to whether the consumption of alcohol and use of drugs are rising or declining in the college environment. Nevertheless, the interaction of alcohol and drugs with the campus environment—and especially the residential environ-
ment (Bliming, 1998)—creates a fertile area for difficulty and dispute. Placing alcohol counselors and peer advisors in residence halls is an emerging strategy that has taken hold (Scrivo, 1998). How to coordinate these advisors and the ombuds has not been widely explored, but some linkage makes sense if the institutional approach toward resolution and assistance is to be consistent.

Decreasing diversity in student populations. Recent attacks on the value of diversity in the courts and by public initiative are well known. The various initiatives in Washington and California are the most prominent that have reduced universities’ capabilities to diversify the undergraduate and graduate population. One consequence has been heightened racial tension on campus, undermining the fundamental goal of diversity, namely, creating understanding among all campus citizens about how to respect and live among others’ cultural heritages. This reduction in tolerance and resulting heightened competition creates an undercurrent of divisiveness and unpleasantness that may generate a more significant workload for the ombuds (Garfield, 1996).

All of these changing conditions of student life combine to create a likely increase in workload and a challenge to the ombuds’ creativity in encouraging effective resolution.

Faculty

Faculty have traditionally enjoyed almost unfettered freedom in their ability to decide what to teach, how to teach, whom to teach, and who shall teach. These four tenets of academic freedom have been supported by the Supreme Court of the United States on a number of occasions (Sweezy v. New Hampshire, 1957). Of late, however, court decisions, financial limitations, and expectations for accountability have tended to decrease faculty freedoms (Evans, 1949).

Recent downturns in the economy have created new strains on institutional budgets with commensurate expectations that faculty work harder. With harder work for fewer dollars come higher levels of accountability, more restrictions, and continuing challenges to tenure (Trower, 1999). These limitations have created a less attractive environment for faculty, with resultant collective responses, including the resurgence in interest in collective bargaining, particularly among faculties in private colleges. Additionally, fewer resources for salaries, benefits, and general support have multiplied the difficulties institutions face in retaining happy faculty. One can expect increases in faculty needs for ombuds services.

Inter-disciplinary and intra-division salary disputes. Salary disparities have increased between and among faculty in differing disciplines and between ranks, even in the same discipline. Salaries in certain disciplines—including business, computer engineering, genetics, and some others—have skyrocketed in light of the private marketplace opportunities available for faculty, while salaries in the humanities and social sciences have remained fairly flat. These internal discrepancies create a disparity both among and within divisions; indeed, depending on the swiftness in the change of market, the greatest salary compression and inversion often occurs within a unit, causing the greatest level of distaste, distrust, disappointment, and distress.

The number of grievances filed by senior faculty as a result of hiring junior faculty at higher salaries is certainly on the rise. Salary-equity adjustments tend to be difficult but often necessary, either individually or within a unit, in order to resolve these problems. The role of the ombuds in resolving internal salary disputes and disparities has generally focused on process and equity issues, not merit, but this is likely to change.
Part-time and non-tenure-track faculty. Research shows that the number of full-time faculty is not growing nearly as quickly as the number of part-time faculty or full-time faculty off the tenure track (Baldwin and Chronister; Gappa and Leslie, 2001). These faculty tend not to be incorporated into the mainstream of the department, marginalized as “just teachers,” particularly in research universities where research is valued more highly than teaching (Tolbert, 1998). Thus, discontent and dissatisfaction among part-time and annually appointed faculty is likely to be on the rise, requiring significant mediation and resolution services (Jacobs, 1998).

Denial of tenure. For both financial and quality-measurement reasons, tenure denials occur. They are, however, nearly the most difficult type of personnel disputes faced within institutions of higher education (Hogan, 1998). With shifts in importance in disciplines, reductions in resources, and a greater use of part-time and temporary faculty, achievement of tenure is an increasingly more Herculean feat. Denials of tenure, therefore, are fought more vigorously and more often result in adjudication, unless mediation or resolution services can head them off before litigation occurs.

Post-tenure review. Controversy over the principle of post-tenure review has existed for twenty years. More recently, with the annual American Association of Higher Education Forums on Faculty Roles and Rewards, many, if not most, institutions have acknowledged that tenure, as a condition of contract of employment for life, requires periodic reevaluation; therefore, post-tenure review has become a common practice among institutions of higher education (Licata, 1999). Studies indicate that post-tenure review can have positive effects on reshaping individual faculty initiative, as well as clearing institutions of faculty members who might otherwise not have chosen to resign if they were not subject to post-tenure evaluation (Bednash, 1991). At the same time, the implementation of post-tenure review and its impacts has not begun to be felt but will be soon, as the policies adopted over the last several years come into full force and effect. Protecting against age discrimination in the form of post-tenure review is difficult and delicate and will require the special mediative and evaluative talents of the ombuds.

This brief explanation of newer dimensions of the traditional sources of conflict involving faculty members points to greater challenges for institutions. The ombuds will be expected to help manage and resolve the inevitable conflicts.

Staff

As always, it is impolitic to call a university a business. But, a university is an enterprise whose business it is to educate students and to support faculty in their research and publishing, using the intellectual capital of its faculty and the services of support staff. Too often, colleges and universities ignore the fact that it is the staff who manage the buildings and keep them clean; manicure the grounds; provide reception, program-support, and computer services for faculty; administer budgets; do payroll; acquire goods through purchasing; and handle housing and food services that keep students and faculty rested and fed. In any institution of higher education, staff members always outnumber faculty but are considered the lowest rung on the employment ladder based on credentials, salaries, and job status.

This dichotomous role of being the most numerous and yet most subservient has created conflicts in the past and will undoubtedly create greater conflicts in the future.

Abuse of staff. One of the most unstated and unacknowledged problems in colleges and uni-
versities is faculty abuse of staff. While we have come far in controlling, but not eradicating, sexual harassment, workplace abuse is on the rise. The harder faculty work, the more they demand from staff. Although faculty, as professionals, work on a salaried basis, staff tend to work a forty-hour week. Without recognizing the difference in status, some faculty tend to become mean, even abusive, rather than understanding and supportive, when demanding assistance they require.

Staff have come to realize that they are entitled to dignity in the workplace. Their collective actions, through negotiated agreements, give them an entitlement to respect and fair treatment. Faculty members have been bailed out for many years by their institutions when they have been abusive of staff, but liability concerns no longer allow institutions the comfort level they once had in solving staff-faculty disputes and disagreements behind closed doors. Therefore, the role of the ombuds in managing conflicts and mediating between faculty and staff before they raise the level of litigation is more critical than ever. In order to meet the challenges of increasing conflicts involving staff, the ombuds will be expected to become more preventively oriented in approaching this role.

Institutional Conflicts

The external community, particularly the business community, has come to place upon colleges and universities a number of expectations that colleges never really were intended to fulfill. They are viewed as vehicles for the creation and transfer of intellectual property and for the specialized training of future workers for industry. Colleges and universities are seen as places to bring practical problems of the workplace into a research environment, where problems can be solved. Some even believe that colleges and universities are the place where people should be trained to solve all the social problems of our culture, and they blame these same institutions when those social problems continue to exist. Such institutional pressures create conflicts for those who work within institutions of higher education.

Conflicts of interest, time, purpose, finance, and commitment are expanding areas of concern. Monetary institutional relationships—as well as individual, outside commitments—require a greater openness on everyone’s part and, simultaneously, a greater honesty and disclosure. The application of these workplace ethical principles can conflict with the traditional freedoms of individual research and inquiry that have made U.S. higher education great. And the shift toward protecting and licensing intellectual property to the detriment of open publishing of research results has further skewed these historic principles. It is far too early to predict with certainty exactly what the ombuds’ role will be in these emerging areas of conflict.

Intervention Systems

Colleges and universities offer many avenues for addressing and responding to conflicts that occur on campuses. Most are specific to a particular group: faculty-adjudication processes; student governance procedures; staff collective bargaining, contract-resolution processes; residence hall honor codes. All of these have a similarity that fundamentally mitigates against their success: they are, by definition, adversarial. They require parties to have established positions and for one party to initiate a complaint to which a response is required by another party. They do not promote a resolution but, instead, establish a framework for a winner and a loser to emerge. The adversarial stance is a formula for the university to be a loser. And dare we mention litigation?

Administrative venues for compromise and resolution exist. Those institutions that foster
administrator accessibility and empower administrators to seek creative solutions to difficult problems in a consultative environment are capable of preventing problems from rising to the level of judiciary. But, are these attributes common to administrators? Are not most administrators rule-bound bureaucrats, afraid to exercise the invested decision-making authority they are granted? We may hope not, but, to the extent that rules and collective agreements bind administrative flexibility or leaders undercut their subordinates’ ability to make decisions, such internal, first-level resolution modalities are rendered ineffective.

Thus the value of the mutual third-party intervention system: the ombuds, for whom the scope of problems that can be addressed is virtually unlimited. The methodologies available to the ombuds for intervention and mediation, in all its configurations and renditions, permit reaching resolution between parties. The limitations an ombuds feels are a result primarily of constrained institutional recognition and authority, as well, of course, as time and resources.

The Ombuds’ Place in the University

To be effective, the ombuds must have a central place in the university—with presidential sanction and empowerment, unlimited access to senior administrators and information, and cultural embellishments of respect and appreciation.

Heading off disputes before sides become polarized is much more cost-effective than adjudication or litigation. If this mediational strategy were more widely accepted, investment in ombuds services would increase. The fact that it is not suggests that the case is not yet fully made that this third-party, neutral resolution system is effective and efficient. The potentially beneficial outcomes of the ombuds system need to be supported.

The earlier enumeration of possible areas of increased campus controversy leads to the conclusion that—whether they are addressed by an ombuds, a human resources office, a grievance process, or through litigation—colleges and universities will need to invest or redirect new and increasingly scarce resources to solve these disputes. In a competitive environment for funding, those who seek to be the beneficiaries of increased allocations must show that the revenues they receive will be spent effectively.

To this end, it is essential that the efforts of ombuds be documented and reported. In data-driven institutions, where only facts and statistics are evidence of effectiveness, the ombuds should report numbers of staff, students, and faculty seen; categorize controversies; and document interventions and success. This can be done without disclosing confidential information, preserving one of the major reasons for the ombuds’ success rate: the ability to guarantee anonymity. Data that show classes and types of interventions and documenting times well spent—and, indirectly, resources saved as a result of those interventions—justify the resources used and sought.

Those who work with and support the ombuds’ function know its value. But others, including senior administrators, may perceive it as a nuisance. This narrow perspective needs to be combated with data about success, which translates to savings in the long run for the university. Shortsighted opponents can do damage to the ombuds’ image; only the ombuds can save and enhance. It is not wrong to ring one’s own bell, but a gong reinforced by data rings much louder.

Clear evidence suggests that campuses across the nation are facing a less friendly time. The ombuds brings peace to the campus and saves the college needed resources in time and money. But preservation requires effort and diligence. Shortsighted budgetary savings sometimes threaten long-term benefits. We must not let shortsightedness win when the challenges are increasing.
References


The Journal, Vol 3, No.1 California Caucus of College and University Ombuds
Authorship in Academia:
A Challenge for the Ombuds

Merle Waxman and Lawrence S. Cohen

Merle Waxman is the Ombuds at Yale University School of Medicine. She is also the Associate Dean for Academic Development and the Director of the Office for Women in Medicine at Yale University School of Medicine. In these roles, she directs programs aimed at promoting professional growth and career development of the 2,000 physicians and scientists and 500 students at the Yale School of Medicine. Prior to her present position at Yale, Ms. Waxman served as Assistant Ombuds-person at Stanford University School of Medicine.

Ms. Waxman has authored numerous papers on mentoring and role-modeling, on the application of the ombuds concept to higher educational and medical settings, on non-litigational problem resolution, and on gender-related issues in science and education. She has initiated and participated in workshops on the Responsible Conduct of Research at the School of Medicine.

An expert on non-litigational conflict resolution, Ms. Waxman received her undergraduate education at Boston University (BS, 1968) and her Master’s degree from City College of New York.

Dr. Cohen is a graduate of Harvard College (1954) and New York University School of Medicine (1958). After serving on the house staff at Yale-New Haven Medical Center, he took fellowship training in cardiology at the Brigham and Women’s Hospital. He served as senior investigator at the Cardiology Branch of the National Heart Institute prior to joining the faculty of the University of Texas (Southwestern) Medical School at Dallas. In 1970, he returned to Yale as Professor of Medicine and Chief of Cardiology.

His clinical interests are in all aspects of clinical cardiology. His research interests have been in the area of clinical trials. He has been principal investigator on a number of trials at Yale dealing with thrombolytic therapy and bypass surgery. He was chairperson of the Clinical Trials Review Committee of NHLBI from 1984-1988.

Since 1991, he has been involved in the dean’s office as Deputy Dean and currently as Special Advisor to the Dean. In that role, he is heavily involved in issues surrounding the responsible conduct of research and issues of scientific research integrity.
Advancement in many academic settings is based, at least in part, on scholarly accomplishments. These are, in turn, often measured by publications and authorship. Authorship thus represents an important form of coinage for academics. No surprise, then, that questions and disputes about authorship commonly end up in the Office of the Ombuds or the Office of the Special Advisor to the Dean. (At Yale University School of Medicine, the Special Advisor to the Dean has a responsibility for helping when grievances of this nature arise. He fulfills the role of a designated neutral.)

This article briefly reviews the importance of authorship, some of the questions that can arise about it, and some of the approaches that an ombuds or a designated neutral involved in conflict resolution can take in dealing with authorship issues.

What is Authorship?

Authorship is usually meant to imply inclusion in the byline, following the title of an article, listing the individuals who wrote it. But there are important variations on this theme, depending on the academic setting and situation. Authorship is judged differently, for example, in the humanities—where most written contributions are written by a single individual or, at most, by two individuals—compared to the sciences—where multiple authorship is common and authorship can include an entire team, in some cases more than a dozen individuals. Moreover, authorship means something different to a faculty-level scholar who already has a long bibliography than to an aspiring student who is working on her or his first publication. A technician may want to be an author but might be satisfied with an acknowledgment. Prior to trying to resolve an authorship conflict, the ombuds or designated neutral must understand the culture in which the conflict arose and also understand the roles of the various contributors.

Who Should be an Author?

In general, authorship is reserved for individuals who have contributed, in a significant way, to the work that is included in a written report. The following paragraphs are from a publication of the Yale School of Medicine, Guidelines for the Responsible Conduct of Research (Monograph, September, 1997):

"The increasingly specialized and technical nature of biomedical research requires that investigators understand and properly fulfill the responsibilities with respect to authorship of scientific publications, especially publications which result from multi-disciplinary collaborative research. Senior faculty members and principal investigators of sponsored research bear particular responsibility for the assignment of authorship to publications emanating from their laboratories as well as for the cohesiveness and validity of these publications.

"Authorship of a scientific paper should be limited to those individuals who have contributed in a meaningful way to its intellectual content. Each author must have participated sufficiently in the work to take public responsibility for its content. The first author, although often a junior member of the research team, is usually the person who has performed the central experiments of the project. Often, this individual is also the person who has prepared the first draft of the manuscript. All co-authors should have been directly involved in all three of the following: 1) planning some component of the work which led to the paper or interpreting at least a portion of the results, 2) writing a draft of the article or revising it for intellectual content, and 3) final approval of the version to be published. All authors should review and approve the manuscript before it is submitted for publication."
“Individuals do not satisfy these criteria for responsible authorship merely because they have made possible the conduct of the research and/or the preparation of the manuscript. Under no circumstance should faculty members add as co-authors highly respected individuals merely as an attempt to increase the likelihood of publication. Thus, heading a laboratory, research program, section, or department where the research takes place does not, by itself, warrant co-authorship of a scientific paper. Nor should ‘gift’ co-authorship be conferred on those whose only contributions have been to provide routine technical services, to refer patients for study, to provide a valuable reagent to assist with data collection and assembly, or to review a completed manuscript for suggestions. Although not qualifying as co-authors, individuals who assist the research effort may warrant appropriate acknowledgment in the completed paper.

“Senior faculty members have a special obligation to avoid co-authoring papers which have emanated from work independently generated by their junior colleagues. Senior faculty members should be co-authors only if they have made substantial intellectual contributions to the experimental design, interpretation of findings and manuscript preparation.

“Issues surrounding authorship are not only important to those participating in a scholarly project, they are often complex or delicate, and occasionally they are controversial. To avoid disappointment, frustration, or embarrassment, participants should carefully and objectively negotiate and resolve matters relating to authorship as early in the course of a project as is feasible.”

But even formal guidelines such as these are not precise. What is a significant contribution? Does a brief hallway conversation constitute significant intellectual input to a project? Does the colleague in the adjacent laboratory, who shows a student how to perform a routine procedure, deserve authorship? The boundaries can be fuzzy. There is also room for question about authorship because ideas evolve. They go through many iterations, and they often involve input from more than one individual. Some scholars believe (with a significant degree of legitimacy) that one of the most important criteria for authorship is intellectual input, i.e., contributing to the intellectual thrust of a piece of work. But in a conflictual world this can sometimes evolve into the question, “Whose idea was this anyway?” In many cases, the answer is complex and ambiguous.

Variations on a Theme: Authorship, First Authorship, Senior Authorship

There are important nuances of authorship. In scientific publications, where there are often several authors, special attention is focused on the first author. This is, after all, the name that will be listed by indexing services, in citations, etc. First authorship is traditionally reserved for the individual who has done most of the work. But again, there is room for disagreement here: the undergraduate student who scurried from laboratory to laboratory, collecting samples for the study, may believe that she or he deserves first authorship, while the postdoctoral fellow who spent many evenings analyzing the data may also covet this position in the author line. Senior authorship (usually, but not always, last in the listing) is usually reserved for the most senior individual involved in the project. This, too, raises a question. Does just being the senior person in the laboratory or being the principal investigator on a grant, entitle an individual to be listed as an author on a project arising from that laboratory? Illustrative cases follow. (These cases are based on real events, although names have been changed.)

Case #1: Shuttle Diplomacy. A.B. was recruited as a research fellow in a clinical department. He had performed a research project prior to being recruited. His research project in the department was to be under the direction of two faculty members, a junior faculty member and the chair. The original observation that he had made was ex-
tended into a clinical trial within the department. A.B.’s major role in the research project was the collection of patient data during their hospitalization. The junior faculty member, C.D., agreed to act as a backup for A.B. when A.B. was not available to collect data on a given patient. The design of this study required a total of 100 patients for statistical significance and power.

During A.B.’s fellowship year, he was able to recruit a total of 60 patients. At the end of his fellowship, he moved to another city in order to complete his training. C.D., the faculty member who had agreed to act as a backup in collecting the data on patients, took over the sole responsibility of recruiting forty more patients in order to reach the original goal.

After the study was completed, A.B. wrote two drafts of the article. C.D., the faculty member, did major rewriting of the drafts and also took total responsibility for the statistical analysis of the study. When the final draft was completed, A.B. was informed by the faculty member and by the department chair that the order of authorship would be changed and that he would be given the second author’s position. The faculty member was told to move to the first authorship position and the department chair was given the last authorship position. The department chair wrote to A.B.: “After your departure, C.D. continued to invest significant resources (academically, clinically, and financially) to facilitate statistical analyses and to bring this study to an acceptable end point allowing us to submit the manuscript for publication. Therefore, I believe he clearly should assume first authorship.” When A.B. was informed of this proposed change in authorship position, he vigorously objected. He called the ombuds office for advice and hopefully resolution. The ombuds advised that he contact L.S.C., Special Advisor to the Dean, who was in a position to be a neutral and mediate the issue. A.B. welcomed L.S.C.’s speaking with the involved faculty member and department chair. In discussions, the faculty member brought out the following points. He felt that he 1) did much more work on the project than was planned at its inception, 2) had spent money on the statistical analysis, 3) had significant contributions to the draft manuscripts, and 4) was coming up for promotion during the current academic year. A first-authored paper would be a great asset. He agreed that the original observation that led to the project belonged to A.B. He also agreed that, up until the last draft manuscript was written, A.B. was listed as first author.

When the chair was interviewed, the chair expressed disappointment with A.B.’s performance of the study. The chair felt that A.B. had not carried through vigorously with the recruitment of patients. He also felt A.B. did not understand the rules and regulations surrounding a clinical trial. The chair, however, indicated that he would be flexible if a resolution could be effected. He offered to remove himself completely from authorship but did want all of the authors to have their Yale affiliation listed, even though A.B. was no longer at Yale but had been at Yale when the research was carried out.

A.B. felt that 1) the research idea was generated by him, 2) he brought the intellectual idea behind the trial to Yale, 3) he had worked hard and the less than anticipated recruitment was not his fault, and 4) until the final manuscript was written, he was always programmed to be first author.

What are the interests involved in this case summary?

1. A potentially important scientific observation is being held up for publication because of the authors’ disagreements.

2. Being first author was considered to be an important position, both by the faculty member and the former research fellow.

3. The department chair wanted the study to be clearly and fully associated with the Yale team.
The resolution? After analyzing the above, the designated neutral developed a draft resolution document which he then shared with the department chair:

1. A.B., the research fellow, would be first author on the manuscript.
2. C.D., the junior faculty member, would be the last author on the manuscript.
3. The department chair would have authorship in the next to last position.
4. All of the authors’ affiliations would be listed as Yale University School of Medicine, past or present.
5. Reprint requests would be directed to C.D., the faculty member.

The department chair felt quite agreeable and asked the designated neutral to share it with the faculty member. The faculty member was not particularly pleased with the resolution and asked to have time to discuss it with the chair. After such discussion, they gave their approval and asked the designated neutral to communicate the draft resolution to A.B. A.B. was quite pleased with the resolution and gave his immediate approval.

Why choose this option? There are several reasons why shuttle diplomacy was chosen. The parties were no longer geographically close. It was impractical to bring them together. The timing was correct. They had corresponded with each other and had not been able to reach an agreement. They were, however, not hopelessly polarized. They had a common goal—the timely submission of the manuscript describing the clinical trial. Further, the parties each had a weak fallback position. The research fellow did want to have the article published. The faculty member was coming up for promotion and wanted the article on his c.v. The department chair wanted the institution to get appropriate credit for the paper, and holding up publication jeopardized that possibility. An informal process of resolution was preferable to the filing of a formal grievance, as the grievance process is cumbersome and long and bestows no credit to any of the involved parties.

Issues of authorship sometimes merge with the area of possible scientific misconduct. Authorship issues also often collide with principles and practice of good mentorship. The following case was initially presented to the ombuds, who presented a range of options to the complainant, a graduate student. One of those options was to bring the issue to the dean’s office, which had a formal procedure to look into the allegation presented by the complainant. The allegation was that the faculty member used the graduate student’s data in a publication and that he received no attribution. The case also illustrates the spectrum of possibilities when an allegation of scientific misconduct is made.

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<td>4) Intellectual plagiarism</td>
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<td>5) Gross plagiarism (use of others’ data)</td>
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**Illustrative Case #2: Adjudication.** E.F. was a graduate student working in a basic science laboratory. As was routine in the laboratory, investigators presented their data regularly at research-in-progress meetings. E.F. made two presentations of his research data over a period of six months. The student came to the ombuds after he discovered that a faculty member who ran a related, but independent, laboratory had submitted a paper which the student felt was heavily influenced by his work and for which he received no attribution.

In this case, the ombuds started with the most basic role of the ombuds: listening and helping the complainant choose an option. The options ranged from doing nothing to having the complainant draft a letter or meet with the faculty member. Lastly, the student might file a formal
grievance with the dean's office. In this particular instance, the student felt that the playing field was quite uneven and felt quite vulnerable to being retaliated against. He, therefore, chose to involve the dean's office. The ombuds did discuss with him the possible consequences of each line of action. At that point, the ombuds facilitated the student's meeting with the dean's representative.

Yale University has a very precise protocol which is followed when there is an allegation of possible scientific misconduct. If the dean feels that there are reasonable grounds for believing that the allegation was made in good faith, is non-trivial, and, if true, would constitute academic fraud, he appoints an ad hoc inquiry committee to examine the allegation ("Policies and Procedures for Dealing With Allegations of Academic Fraud at Yale University." Yale Bulletin and Calendar, September 16-23, 1996). A committee of three senior faculty was formed and examined the specifics of the case. Multiple interviews were conducted and the scientific articles were analyzed. After gathering data and deliberating on the issues, the committee submitted a report to the dean.

The committee did not feel that the faculty member committed plagiarism. The faculty member had an extensive history of work in the field. Although the faculty member was undoubtedly familiar with the graduate student's work, he had not copied any of the work. Further, the pathways of inquiry and experimentation leading to the faculty member's publication were somewhat different from those of the student. The committee, however, did feel that the faculty member failed in his mentoring role and acted in a non-collegial manner. As an outgrowth of the committee's work, the ombuds and one of the committee members worked toward making mentoring a very positive and explicit goal of the medical school. In addition, they were successful in making mentoring one of the criteria by which faculty are judged when being considered for promotion.

In this article, we have discussed how the ombuds' role in an academic institution intercepted problems that arose in the arena of authorship. The presence of the ombuds provided a safe harbor wherein complainants brought their issues. In both cases discussed, the ombuds was able to establish a set of options from which the complainant could choose. In both cases, the ombuds remained a continued resource for the complainant. Lastly, as an outcome of one of the cases, the ombuds, working with a faculty member, was able to elevate mentoring to a formal criterion by which faculty would be considered for promotion. In addition, in conjunction with the dean's office, the ombuds actively participates in a series of seminars presented annually on the responsible conduct of research. By so doing, the ombuds' office proactively helps to avert conflict between scientists within this academic community, present and future.

References


Yale University School of Medicine. Guidelines for the Responsible Conduct of Research, Monograph, September 1997.
Don Johnston, a science writer and editor at Lawrence Livermore National Laboratory, has served as an ombuds in the Lab's peer ombuds program for nearly five years. He served a term as chair of the laboratory's Ombuds Council and continues to serve as council liaison to the office of the Department of Energy National Ombuds Jeremy Wu.

Prior to coming to the laboratory, Don was a reporter and editor for northern California daily newspapers and later an editor and translator for news agencies in Paris, France. As a reporter, Don specialized in education and public health. He has also taught English both in the U.S. and abroad. Don holds a B.A. in French from UC Berkeley. In 1992, he also earned a Paralegal Certificate in European Community and International Trade Law from the American University in Paris, France.
Lawrence Livermore National Laboratory is managed by the University of California for the US Department of Energy. Lawrence Livermore is a government resource where scientific and technical expertise is applied to solving complex problems of national and international importance. Its primary missions are managing the US nuclear stockpile and stemming the proliferation of weapons of mass destruction. The Lab has some 8,000 employees working in 12 directorates representing physics, chemistry, bioscience, computing, and engineering disciplines as well as operations directorates which support the research programs.

In the Beginning

Peer ombuds services are provided today by about 100 ombuds in programs across the Lab, the culmination of a homegrown effort that began almost 30 years ago in a division of the Chemistry and Materials Science Directorate.

The Lab’s use of peer ombuds is markedly different from the prevailing model for services using a single or small number of full-time, professional ombuds. Of the organizations represented at the California Caucus of College and University Ombuds, only the University of Arizona has a similar peer program, called a committee system.

In the Lab’s “peer” program, ombuds serve employees in addition to performing their regular job duties. The number of ombuds selected from an organization is a function of its size. The idea is to have enough ombuds to distribute the workload and to be available when needed. It also provides alternates if ombuds feel a need to refer a client because of a potential conflict of interest. While it is not possible to manage time working as an ombuds with any precision, peer ombuds dedicate roughly five percent of their time to the ombuds program. Only non-supervisors may serve as ombuds. Ombuds are selected from job categories and classifications that reflect the composition of the organization. For example, the Engineering Directorate looks to select ombuds with technical backgrounds, whereas the Administration Directorate seeks more ombuds from clerical and administrative job categories.

Tracing the origins and early history of the first ombuds services at the Lab is difficult. True to the ombuds tradition, the first ombuds kept no records, not even of the people who served as ombuds. The first informal ombuds program started at the Lab in 1972 in Chemistry and Materials Science (CMS), one of the 12 directorates that make up the Laboratory today, at a time when the directorate was in transition and morale was plummeting. In 1971, there had been layoffs for the first and only time in the Lab’s history.

The Laboratory directorates are roughly equivalent to university departments and represent research domains such as physics or biology or administrative support. Livermore directorates include CMS, Physics, Biology, Engineering, and Nuclear Technologies, for example, with specific subdisciplines represented as divisions within the directorate. Genomics, for example, is a division of the Biology Directorate.

Bob Lim, who was among the first to serve as an ombuds, recalled that employees were particularly “unhappy” with performance evaluations but were reluctant to voice their concerns to their supervisors. The directorate was in a “terrible transition” at the time, according to Jack Frazer, a division leader and later a department head in Chemistry. “I wasn’t getting information through group leaders. I knew communication wasn’t going back and forth.”

Frazer suggested that a group of non-supervisory employees become “peer” ombuds to listen to concerns in strict confidence and pass along information to group and division leaders in an “opaque” fashion to protect the employees. Volunteers representing the full spectrum of job cat-
egories “from clerical to scientific” were appointed by Frazer to serve as ombuds in addition to their regular job duties.

“We looked for people who really wanted to be ombuds,” Frazer said. “Generally they were older, mature, well-respected, and personable. I chose people who were honest and had integrity.”

Ombuds received no formal training, only instructions to follow the ground rules laid down by Frazer: to keep strict confidentiality, to be “opaque” in passing on information, and “to be open to anybody for any criticism.”

Lim recalled that the program was “very informal” and was launched with little fanfare. “They took pictures of us and then put our names up on bulletin boards. I didn’t get a lot of people coming to me, but the ombuds system seemed to work pretty well. People felt they had someone to talk to.”

Frazer was regarded as something of a “maverick” for his unorthodox management style, notably for starting peer ombuds services, a program that did not enjoy broad support across the Laboratory. It would be another 16 years before another ombuds program was inaugurated in a Laboratory department.

In Frazer’s view, the ombuds program served as the kind of operational “review”—similar to the ones conducted for science and technology—necessary “to keep an organization alive” and create a work environment that would allow talented researchers to flourish and, just as importantly, keep them at the Lab. Even in the early 70s, some organizational leaders recognized that maintaining a vibrant, nurturing work environment was critical to the Lab’s ability to recruit and retain the brightest researchers—issues that loom large for all the national laboratories today.

While rarely did he learn anything from the ombuds he didn’t already know, Frazer said, “the value of the ombuds was that it gave people an outlet. It assured people in the division that they would be heard and that they weren’t going to be treated like mushrooms.”

Raising the Bar

In the late 70s and early 80s, expanding research programs and stricter health, safety, and environmental regulations brought the Laboratory under increasing scrutiny by the Department of Energy (DOE) and other federal and state regulatory agencies.

In the late 80s, DOE instituted spot inspections to verify the safety and security of Laboratory programs. The teams conducting these inspections throughout the DOE complex came to be called “tiger teams.” Veteran ombuds who served in Chemistry remember that tiger-team visits reinvigorated their ombuds program by providing a mechanism for employees to bring safety concerns to the attention of management without fear of being identified.

Chemistry paved the way for other homegrown ombuds programs within other Laboratory organizations: Mechanical Engineering Department in 1989, followed closely by the Computation Directorate. By 1994, Electronics Engineering, Safeguards and Security, and the Environmental Protection Departments had also initiated ombuds services.

After the fall of the Berlin Wall, the national laboratories began undergoing rapid change into the post-Cold War era. With change came uncertainty and widespread rumors of layoffs as it became clear that a different mix of “skills, knowledge, and abilities” was now required for the national labs’ evolving missions. Employees became concerned with issues of retraining and reassignment—issues commonly brought to the ombuds in those organizations with ombuds services. While post-Cold War changes had threads common to all Lab programs, those changes manifested themselves differently in different programs and directorates, according to their ac-
tivities. Chemistry and Computation are “matrix” organizations supplying specialized services, such as exotic materials and computer expertise, to the Laboratory’s research programs.

People speak of “the Laboratory” as if it were an organization with a single purpose and mission. The Laboratory is in fact a collection of research programs with multiple missions. Distinct activities and characteristics define each scientific discipline and research domain. Much like academic departments within a university, these exist as subcultures within the larger Laboratory culture and each has unique issues and concerns as well as those shared by the Laboratory at large—security and safety management, for example. But, even these issues affect organizations in very different ways.

Ombuds programs originated within departments or directorates such as Computation and Electronics Engineering because of a need to address concerns and issues particular to those organizations. And who more qualified to understand those issues than the employees in those organizations? The division leaders and department heads that supported the ombuds program were more interested in addressing problems in their particular areas than in taking on institutional issues.

Today, there are about 100 ombuds in organizations across the Laboratory. In keeping with the spirit of Chemistry’s trail-blazing program, the idea is to identify and address concerns at the workbench level before they fester and disrupt the work environment in the larger organization.

Frazer said that even 30 years ago, organization leaders recognized it was the innovative work environment that attracted and kept talented researchers at the Laboratory.

The View from the Matrix

Ombuds in matrix organizations often see problems unfamiliar in other directorates. Computation and Engineering employees sometimes find themselves caught between the conflicting interests of their home organization and the program to which they are assigned or “matrixed.” In the Laboratory’s vernacular, a “matrix” organization is one whose primary purpose is to provide specialized services or expertise to the Lab’s core research programs for the completion of specific tasks, much the way temp agencies provide workers for temporary assignments. Assignments may be as short as several days or as long as several years. This internal matrix system is necessary because it can provide workers with security clearances for working on classified projects. The home and matrix, or host, organizations may rate the employee’s performance very differently. To better serve other organizations, Computation encourages its employees to update their skills through training and workshops. But the organization hosting the matrixed computer scientists or technicians may not want those individuals to take time away from their assignments.

“The field of computing changes so quickly, what was current state-of-the-art technology yesterday is out-of-date tomorrow. The pressure to stay current is never-ending and can’t happen fast or often enough,” said Barbara Herron, a veteran ombuds in Computation. “When the entire Lab is given an edict to cut travel and training costs, the effect on Computation is felt much more strongly. Ombuds in other Lab organizations don’t always understand the pressure and rapidly changing environment that causes these problems.

“Computation has for years had problems with a drain on staff, and difficulty attracting and hiring new employees, in part due to the proximity of Silicon Valley with its many lucrative oppor-
tunities for Computation staff,” said Herron. “This situation has caused us lots of different problems, not the least of which is overworking the staff we are able to hire and retain. These problems are felt more strongly in Computation than in most other laboratory directorates and are better understood by Computation Ombuds.”

In the directorates that conduct nuclear-weapons stewardship or work on sensitive areas of nonproliferation and arms control, ombuds tend to see more issues related to the strict security protocols surrounding the handling of classified information. Computer and physical security at the national labs has been the focus of public attention since the case of Wen Ho Lee, the Los Alamos scientist arrested in early 2000 for mishandling classified information.

Congressionally mandated polygraph testing of researchers working directly with secret and top secret information has met with protest, and there has been confusion over which employees must undergo polygraph testing. Employees have turned to ombuds for a better understanding of what polygraph testing entails and who must submit.

Ombuds in administrative and operational organizations have dealt with issues related to downsizing and organizational restructuring as Laboratory missions have evolved in the post-Cold war era. While Laboratory budgets have been relatively stable, Lab administration and operations have been streamlined to be more efficient and to make additional resources available to science and technology R&D. Ombuds in these organizations see employees whose jobs have been redefined, expanded, or restructured.

Probably the most common problems ombuds see at the Lab are those related to performance appraisals, ranking, and salary. While these matters come up across the Laboratory, the context varies from one organization to the next. “The flavor or content of the issue is what is unique to each organization, and, therefore, often best served by people within the organization,” said Karen Folks, an ombuds in the Environmental Protection Department. “What we find as a benefit of having several organizations represented by ombuds is that there are some issues that are unique to organizations and difficult for people outside the organization to address easily.

“These are issues like how performance appraisals are handled, and what is the system within a department for disputing performance appraisals and ranking,” added Folks, a former chair of the Laboratory Ombuds Council. “It is also easier to provide feedback on trends or problems if the ombuds are within an organization.”

Another Evolutionary Step

Unlike the ombuds services started by Frazer in 1972, ombuds in subsequent programs were trained in roles and responsibilities, policy interpretation, interpersonal problem-solving, legal issues related to discrimination and harassment, and health issues such as drug and alcohol abuse. Ombuds programs also sought to assert their independence from management by involving non-supervisory employees in the selection of ombuds. In many organizations, existing ombuds participate in the selection of new ombuds.

Human Resources started formal training for ombuds in the late 80s; training and development continued to evolve as ombuds services expanded across the Laboratory. The first training, 1989, consisted of a series of briefings by subject matter experts from Staff Relations and Training Department on such topics as Personnel Policy Manual Familiarization, Record Keeping, Sexual Harassment Prevention,
Third-Party Neutrality, Legal Issues, Alcohol and Substance Abuse, and training on Interpersonal Problem Solving and Reflective Listening.

In the early 90s, ombuds from different organizations formed the Ombuds Council as a forum in which to exchange ideas, share common issues, discuss training and development, and serve as a resource for new ombuds. Today the council is made up of a representative from each of the Laboratory’s 16 ombuds programs.

In 1995, the Laboratory conducted a survey of diversity issues. Among suggestions submitted by employees for improving the work environment was the expansion of ombuds services. The task force put together to translate the results of the survey into new initiatives made the expansion of ombuds services to all organizations at the Lab one of their top recommendations, along with more comprehensive training for managers and new supervisors.

Today, the ombuds training consists of a one-day orientation that includes ombuds’ roles and responsibilities, confidentiality, Laboratory personnel policies and procedures, resource panelists from staff relations, affirmative action and diversity program, employee career center and employee-assistance program, record-keeping and performance measures, case studies, and a final panel of seasoned ombuds who share their experiences. There are also one-day training courses on interpersonal problem solving and third-party conflict resolution, as well as 2-hour briefings on sexual harassment prevention, violence in the workplace, and alcohol and substance abuse.

New ombuds may also get training outside the Laboratory from the annual training session offered by The Ombuds Association or other related professional associations. A number of Lab ombuds have attended the California Caucus of College and University Ombuds ombuds-orientation class.

Jack Willis, who has institutional responsibility, has based the Laboratory’s ombuds program on training models developed by ombuds professionals and used by ombuds associations.

The ombuds program at Livermore is another resource employees have to help them resolve work-related issues. The program complements the Laboratory’s complaint-resolution process. This process provides employees with the option of going to their own organizational management, ombuds, human resources specialist, staff-relations specialist, affirmative action and diversity representatives, or employee-assistance counselors. The goal of the complaint-resolution process is informal resolution of employee problems at the lowest possible level.

Strength Lies in Many Ombuds

Laboratory-wide ombuds services were inaugurated in 1997. Ombuds training became a formal part of employee development. While employees may consult an ombuds from any organization—indeed some prefer to go outside their home department—Laboratory ombuds felt that the strength of the program was in the fact that ombuds services reside in the department-level organizations, not at the institutional level. Senior management agreed.

While some veteran ombuds have served for a decade or more, most organizations ask ombuds to serve terms of two to five years. Ombuds promoted into supervisor jobs can no longer serve as ombuds.

In keeping with its expanding role of coordinating organization, the Ombuds Council drew up bylaws. The Council provides advice and material for new ombuds organizations to promote their services and maintains a Web site with cur-
rent information about services, including a complete roster of ombuds and how to contact them.

The Council also makes an effort to stay abreast of any changes to Laboratory benefits and services. One of the roles of ombuds is to help people navigate the network of resources available to them, resources they are often unaware of until they need them—personal or family counseling, for example.

Laboratory ombuds services have not been without growing pains. Management has supported the ombuds programs but, in some instances, harbored unrealistic expectations of the feedback ombuds would provide. In several organizations, managers sought feedback within weeks or months of the programs’ being launched, even before new ombuds had seen their first clients.

The experience of Lab organizations has been that it can take years for an ombuds program to become established. Even then, it is difficult to quantify usage of the ombuds programs because, to protect confidentiality, ombuds do not keep precise logs of cases. Ombuds program successes are anecdotal—anecdotes often known only to the ombuds and the person or persons served. Without precise records and a case-by-case analysis, it’s not possible to categorically state that ombuds services have reduced the number of formal complaints. The perception across the Laboratory is that ombuds have reduced the number of formal complaints and administrative reviews. A recent ombuds-awareness survey of employees appears to offer evidence, though the number of respondents who indicated that ombuds services headed off an official complaint was very small (see accompanying article on p. 28).

Coming up with a uniform way for Lab ombuds organizations to keep statistics for identifying trends has been the subject of lively discussions at Ombuds Council meetings. Because ombuds programs are based in internal organizations that can be as small as a few hundred people, protecting the identity of clients is an especially sensitive issue. The consensus has been that confidentiality must be preserved at all costs. The Laboratory counsel and Human Resources jointly wrote a policy to protect the confidentiality of ombuds programs.

The Ombuds Council’s survey in December 2000 assessed general awareness and impressions of ombuds services across the Laboratory (see accompanying article). This was a first step toward a more thorough assessment of services within individual organizations.

Ombuds services available to all employees are relatively new, and the consensus among ombuds is that their full impact Lab-wide has yet to be felt. There are some intangibles to be considered. Apart from providing services to colleagues, the many ombuds and former ombuds bring the skills they’ve developed in the course of training and experience to their workplaces.

“Ombuds training is useful for ombuds in their normal jobs, relationships, and dealings with people in general. We’re trained to be good listeners, synthesizers, and problem-solvers,” said Gorgiana Alonzo, former chair of the Ombuds Council. “Ombuds bring a different perspective to their immediate work area. That has to have a positive effective on the work environment.”

Ombuds Barbara Herron and Gorgiana Alonzo contributed to the content and crafting of this article.
Surveying Awareness of Ombuds Services at Lawrence Livermore National Laboratory: A Snapshot Impression of the Ombuds Program

The Livermore Lab’s Ombuds Council conducted a survey last December to measure awareness of ombuds services among the Lab’s 7,400 employees and to get a quick snapshot of how employees view the program.

The one-page survey form, consisting of five questions, was distributed to employees through the Laboratory’s mail system. Ombuds were requested by the Ombuds Council not to participate in the survey since awareness of the program is clearly not an issue. Of the surveys sent out, 1,462 were returned via Lab mail to the Council’s delivery box. Employees were given the option of identifying their organization by checking a box; a majority of respondents did so.

The Lab’s Ombuds Council is made up of representatives from 16 organizations that provide peer ombuds services to employees in different programs and directorates (see preceding article).

Peer ombuds services have existed at the Lab since the early 1970s in individual organizations but were expanded Lab-wide in November, 1997 as recommended by a task force that analyzed results and comments from a 1995 employee survey. With Lab-wide services going into their fourth year, the Ombuds Council felt it was time to assess awareness of the Ombuds Program.

If the survey results contained any surprise for members of the Council, it was the high level of awareness of ombuds services: 93 percent of the respondents indicated they were aware of ombuds services. Asked if they knew how to contact an ombuds, 81 percent said they did.

Why was this a surprise? In promoting ombuds services, ombuds organizations have largely relied on word of mouth and an occasional flyer or memo announcing a change of ombuds. New programs started after 1997 typically began with a flurry of flyer publicity and presentations to small groups. However, efforts to sustain awareness have been limited because of a reluctance to use media closely associated with management, such as the Lab’s weekly newspaper and on-line newsletter.

While the ombuds program enjoys broad support from management, ombuds are conscious of the fact that some employees view the ombuds program as a management tool. Ombuds organizations have therefore made an effort to demonstrate their independence from management and the inviolability of confidentiality. Yet, despite the lack of a sustained publicity effort, the survey showed awareness of ombuds services to be very high.

Asked how they became aware of ombuds services, 73 percent replied they learned of the program through posters, 13 percent from supervisors, and 28 percent from other employees. The lowest percentage was from the Lab’s Website describing the Ombuds Program.

Other survey findings:
- “Have you ever used the services of an ombuds?” 12 percent replied yes.
- “If yes, how would you rate your ombuds experience?” Of the respondents who had used an ombuds, 80 percent rated their experience good to excellent.
- “Would you use the LLNL Ombuds
Program again?" Of those who had used the program, 76 percent said they would use it again.

- "Did the informal handling of your issue through an ombuds eliminate the need for formal actions such as a grievance or administrative review?" Most respondents said this was not applicable to their particular situation. Of those for whom the question was applicable, roughly 57 percent answered yes.

The last of the five questions on the survey invited respondents to comment on the Ombuds Program. Of the 1,462 surveys returned, 61 percent contained written comments. The Ombuds Council categorized 74 percent of the comments as favorable or neutral and 26 percent as mixed or unfavorable.

Comments varied widely, but some patterns clearly identified themselves, both favorable and unfavorable.

Although a relatively small percentage of comments fell into what the Ombuds Council deemed unfavorable, the Council took those comments as the starting point for improving the overall program. These unfavorable comments fell into three broad categories: (1) ombuds being seen as tools of management, (2) lack of trust in the ombuds to maintain confidentiality, and (3) uncertainty about the kinds of issues that people can take to an ombuds. The Ombuds Council has recommendations to address these three major areas of concern.

Typical comments included: "Picked by management"; "Answers to management"; "I don't trust the ombuds program"; "It's a tool of management"; and "I have no information about this program's goals, process, outcome, etc."

Although the Council was pleasantly surprised by the high level of awareness of the Ombuds Program overall, it did find that the perception of what ombuds are and what they do needs to be better explained. For instance, some survey respondents perceive that ombuds are a tool of management. It was one of the higher percentages in the unfavorable category. The Council knows it is important to the ombuds process that ombuds are seen as independent of management, even though management gives final approval of all the volunteer ombuds in their organizations. Ombuds cannot function if they are not autonomous.

The Council will make recommendations to management to address concerns expressed in the survey. A description of the selection process should be included on all vacancy notices. On completion of the selection process, selection notices should come from the selection committee, not from management. This may help dispel the idea that ombuds are picked by management. The process should be standardized relative to the guidelines posted on the Ombuds Program Website for all directorates. The Ombuds Program Website, the Ombuds Council's Charter, and the Directorates' Ombuds Guidelines should be amended to reflect these changes.

Survey comments indicate that the respondents know of the Ombuds Program but are not sure of the Ombuds Program's goals. Some believe ombuds are anything from advocates for employees to policy-enforcement agents. The data show that, of all the methods combined to achieve this awareness, posters and information from other employees were the most successful (versus flyers and Website). Ombuds need to close the gap: people know of the Ombuds Program but are uncertain about the ombuds process and the types of problems that can be taken to an ombuds.

Once again, the Council recommends education, this time through better communication, including posters, flyers, occasional Newsline (Laboratory newsletter) articles, and an expanded Website. This would come under institutional
communication in much the same way as OSHA posters and calendars. Ways can be explored to create generic posters that each program can modify as needed during rotation of ombuds volunteers.

Favorable comments addressed where the Ombuds Program has been successful, showing the Council that several things were working across the Lab. Three major themes emerged: ombuds as a valuable resource, a sounding board, and a comfort factor.

Representative comments included:

"I think it is a very valuable program for employees. Being able to talk about work related problems with a neutral person is extremely helpful in my situation, helped diffuse an emotional and heated situation."

"I believe it is a viable program. Sometimes people need to talk to an objective person who is not in management."

"I haven't used the program, but it's nice to know it's there in case I need it."

[Copies of the survey questionnaire are available on request. E-mail Don Johnston at johnston19@llnl.gov.]

References


Orienting the New College or University Ombuds

Jenna Brown & Tom Sebok

Jenna Brown is the Ombuds Officer at the University of Denver, a position she has held since May, 1999.

Jenna’s background is in conflict resolution. Initially trained in mediation by CDR Associates in 1980, she has mediated a variety of disputes and has also designed dispute-resolution systems. Most notably, she designed, developed, and directed the State Employees Mediation Program for the State of Colorado State Personnel Board.

Jenna holds a BA from the State University of New York in Oswego NY, which included coursework at the Sorbonne in Paris. Jenna has conducted training in the US and internationally and was a participant in the Intercultural Mediation Project, an international study to explore the impact of culture on mediation.

She is a member of the University and College Ombuds Association and The Ombudsman Association.

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.

He helped establish UCB’s Restorative Justice program, the first of its kind at a college or university in the United States. For the past three years he has been co-presenting a workshop, “Conflicting Through Differences.” He has been an active member of the Chancellor’s Advisory Committee on Minority Affairs at CU-Boulder for the past four years and, over the past two years, has helped plan and organize a number of diversity-related discussions for white men on campus.
Introduction

As existing ombuds offices enlarge and as new ombuds positions are created on North American campuses, experienced ombuds may be expected to train or orient new ombuds. Experienced ombuds may find themselves challenged by this role, in that the field itself requires no prerequisite education and training for the work of the ombuds and offers no certification for “qualified” ombuds. In the belief that experienced ombuds may find themselves in the position of needing to train new ombuds, we have identified ways of carrying on that training process.

Regardless of where they serve and how, university or college ombuds are unique and have more in common with one another than with other professions or practices. They receive and frame problems in ways that distinguish them from other professionals. Where others may be quick to debate, decide, determine, or answer, organizational ombuds are likely to explore a situation and ask questions.

Most newcomers to this field rarely, if ever, have known such murky roles. They are likely to have enjoyed clear roles and responsibility -- and often a great deal of authority in their work. They have been invited to drop the reins of authority and move into a world of limited responsibility and great influence. How, exactly, might new ombuds best come to know the concepts and procedures that they need for effective practice?

Approaches and Strategies for Preparing the New Ombuds

The overall aim in preparing new ombuds is to assist them in becoming competent and contributing members of ombuds offices as quickly as possible.

Therefore, the people who train them may want to consider providing common information for all ombuds staff but customizing the approach to understanding this information for the new ombuds. They can expect different challenges, depending upon the new ombuds’ previous experiences and vantage points. For example, new ombuds who have previously occupied other roles inside the institution have both advantages and disadvantages in comparison with those who come from outside the institution. They are likely to understand at least some aspects of the formal and informal institutional culture, and they may already have relationships with some decision makers. They may understand some of the institution’s strengths and weaknesses and may be aware of differences among departments or colleges. Those chosen for the ombuds role will probably enjoy reputations for fair-mindedness and will likely be well-respected by members of the campus community. On the other hand, these new ombuds could harbor biases not held by people chosen from outside the institution and may be seen, at least by some members of the campus community, as biased. While they may be familiar with some aspects of the institution, they may know very little about other aspects. Finally, they may have a network of friends or associates within the institution to whom others may fear they would disclose confidential information.

New ombuds who come to the role after being ombuds elsewhere have many advantages and possibly some disadvantages compared to those without ombuds experience who come to the role from within the institution. These people may be seen more easily as genuinely neutral, and there may be fewer concerns that they would disclose confidential information since, initially at least, they know so few people within the institution. Similarly, they are likely to understand very quickly the theoretical principles and possess many of the conflict-management skills required to perform the ombuds function. And ombuds who have functioned in another institution as ombuds may be fast learners of the new culture. However, depending on the similarities and differences between the new
and previous institutions, they may learn more slowly important aspects of the new organizational culture, depending on its being a public-or-private, religious-or-secular, or union-or-non-union environment.

To assist new ombuds in developing knowledge of concepts, principles, and conflict-management skills and an understanding of the organizational culture of the institutions in which they are employed, those training new ombuds may select from a variety of orientation activities, depending on the previous experiences and backgrounds of new ombuds. These activities include readings, observation, case consultation, various kinds of skills training, meetings with key individuals, and membership in professional organizations.

Readings

Ombuds professional organizations have a number of publications that should be considered mandatory readings for new ombuds because they codify and solidify important principles and skills critical to the ombuds role. The handbooks of the University and College Ombuds Association (UCOA) and The Ombudsman Association (TOA) provide very specific information about the ombuds role and function. UCOA’s “Occasional Papers” and TOA’s more in-depth publications provide critical information about a wide range of matters affecting ombuds practice. Both organizations publish newsletters about their associations’ activities. Most ombuds professional organizations maintain Web sites, and these are worthy of perusal by new ombuds. Reviewing these sites will help new ombuds recognize similarities and differences in ombuds practice among public sector, corporate, and college or university ombuds. Discussion of these similarities and differences with new ombuds can help them understand both historical and emerging issues among ombuds. Finally, The Journal of the California Caucus of College and University Ombuds is a peer-reviewed journal that annually publishes a wide variety of “articles that promote, advance, and celebrate the profession of ombudsing.”

General reading on negotiation and mediation is particularly useful for new ombuds who are learning to understand conflict and the role of a neutral party in helping to manage or resolve it. Getting to Yes (Fisher and Ury, 1981) focuses on four principles of effective negotiation, which is a critical part of what ombuds do when talking with visitors and people with whom visitors have conflicts. Many ombuds find themselves in a coaching role with individuals seeking help. Understanding negotiation principles well enough to teach them to others can provide significant help to those in need of such skills. Later editions of the book include questions and answers intended to deepen understanding about the application of these principles in difficult situations. While this text does not specifically address conflicts related to, for example, gender, class, race, ethnicity, or sexual orientation, applying these principles can help minimize some of the more potentially divisive and destructive aspects of conflicts involving these identity characteristics.

The Mediation Process (Moore, 1996) provides a map to understanding sources of conflict, strategies for each, stages and goals of the mediation process, and specific instruction in conflict-management techniques. These include strategies for identifying interests, differentiating them from positions, and creating joint problem statements. The value of these techniques for an ombuds extends far beyond the role of mediator.

Diversity-related readings can be very helpful for ombuds because they may be asked to assist people whose life experiences differ from theirs. Peggy McIntosh’s classic article, “White Privilege and Male Privilege: A Personal Account of Coming to See Correspondences Through Work in Women’s Studies” (1988), provides excellent insights into the nature of privilege which, by its very nature, is invisible
to people who have it. Awareness of problems associated with diversity can help ombuds recognize their own biases and work more effectively with a wider range of people.

Four unpublished papers by Sharan Levine (Solorzano v. Shell Chemical Co. Case Analysis and Recommendations; A Brief Introduction to Ombudsmen; Record Keeping Systems Classification Codes; and Confidentiality Agreement, Office of the Ombuds and Non-Disclosure Agreement, Office of the Ombuds) clarify for both ombuds and attorneys some of the important legal questions which affect ombuds practice. These papers are intended to help courts understand the unique ombuds role and to provide clear, specific guidance to assist ombuds in understanding key principles related to ombuds' confidentiality. Should the need arise, these articles are also intended to provide useful information for attorneys who may be charged with preventing ombuds testimony. [Contact: Sharan Lee Levine, Levine and Levine, 427 South Burdick Street, Kalamazoo, Mi. 49007; slevine@net-link.net; 616.382.0444]

The Negotiation Journal is a quarterly publication that addresses a wide variety of theoretical as well as practical matters of interest to ombuds, mediators, theorists, and others in the field of dispute resolution.

Conflicts involving faculty and/or department chairs present several unique challenges to some new ombuds, particularly those who have not been faculty members. New ombuds who have been faculty tend to understand the cultural norms of faculty. Others will need to learn about the faculty culture if they are to be effective in working with faculty and/or faculty administrators. In either case, two books provide guidance to department chairs and academic deans: Chairing the Academic Department (Tucker, 1991) and The Academic Dean (Tucker and Bryan, 1993). These publications give practical advice to academic administrators about successfully navigating the challenges of their roles— including dealing with faculty conflicts—and would benefit any new ombuds who will face complaints or conflicts involving faculty and/or faculty administrators.

Materials created by staff in the ombuds office about the office (e.g., mission statement, strategic plan, office brochure, any written statements about the nature of the office, case-intake and evaluation forms, Web site, annual report, etc.) provide basic information about the purpose of the office and how it functions. Ombuds-office handouts for visitors or workshop materials related to conflict management can help new ombuds gain both knowledge of concepts and principles and practical information about relevant skills.

As would be appropriate for any other new employees, new ombuds should be given a written job description outlining their responsibilities. While job descriptions will not teach new ombuds the concepts and principles, practical skills, or organizational culture information ombuds will need to function effectively, they specify duties and responsibilities and should be reviewed carefully by new ombuds and discussed with their supervisors.

To assist in beginning to learn about the formal organizational culture of their institutions, trainers should recommend that new ombuds—especially those from outside the institution—read key institutional publications, including but not limited to their institution's catalog, organization charts, and student, faculty, and staff handbooks. Some policies and procedures are likely to be especially valuable, such as institutional documents on sexual harassment, conflicts of interest, grade appeals, grievance procedures, and academic ethics. Documents which explain governance and organizational reporting relationships can also assist new ombuds in understanding important aspects of the organizational structure.

Institutional Web sites are another potentially valuable source of information, especially if
they include policies and procedures. Institutional mission statements and/or strategic planning goals may assist new ombuds in understanding an organization's stated values and plans. Familiarity with them can be useful for later conversations in which ombuds may be involved. If questions arise about why administrative decisions are made or if decisions appear to contradict these stated values or plans, understanding the mission and values of the institution allows new ombuds to engage in dialogue with members of the campus community. Reviewing Web sites from other institutions' ombuds offices as well as sites for ombuds professional organizations is recommended because they are likely to present similar material in a variety of ways.

New ombuds should be encouraged to read publications about events, changes, and people at their institutions as one way of learning more about their institutions' formal and informal organizational cultures. Newspapers and publications from public relations departments can help them become informed about community events and issues and may help them when visitors bring related problems to ombuds.

Observation

Inviting new ombuds to observe a more experienced ombuds interacting with visitors—with visitor permission— is a particularly effective way of orienting them. Following the meeting, new and experienced ombuds can discuss a variety of subjects, including but not limited to what the ombuds did and did not do and why, how the ombuds conceptualized the problems involved, what worked well in the discussion, and what might have been done differently. Observing experienced ombuds practicing their skills and seeing operating principles at work can provide good modeling for new ombuds. In fact, this modeling provides an opportunity to acquire an understanding of tools and techniques of the profession. The discussion following such an interview can provide experienced ombuds with an opportunity to point out details the new ombuds may or may not have recognized (e.g., "I said X rather than Y to convey impartiality rather than advocacy"). These discussions afford trainers numerous opportunities to remind new ombuds that speaking to a single disputant allows understanding of only one person’s view and that others involved may see the situation differently or focus on different aspects as being important. Most new ombuds will readily grasp these principles in theory; applying them, however, when faced with individuals convincingly telling their stories, is often more difficult.

Conversations that follow observations can also provide an opportunity for new ombuds to learn about aspects of the organizational culture and can lead to the sharing of important—and often unwritten—information about the context in which conflict occurs (e.g., a visitor’s department may have an avoidant conflict style; a college or school may have a particular procedure for dealing with certain kinds of problems). Similarly, after new ombuds are ready to meet with visitors, more experienced ombuds can—again with visitor permission—sit in on and observe new ombuds meeting with one or more visitors. Again, much valuable learning can occur in debriefing such a meeting.

Case Consultation

Case consultation is one step removed from direct observation. Unless there is a specific request by a visitor that information not be shared with another member of the ombuds-office staff, experienced and new ombuds can meet to discuss their cases with one another. These discussions provide ombuds opportunities for learning as they articulate details of their practice. They also allow trainers opportunities for assessing their new colleagues’ progress and development.
Skills Training

For practical skill development, possibly the single most beneficial kind of training for new ombuds is mediation training. The basic course is typically 40 hours. While this kind of training does not encompass all of ombuds practice, trainees gain an understanding of the sources and dynamics of conflict and learn skills which are extremely valuable to nearly all aspects of ombuds practice.

The Ombudsman Association offers a two-and-a-half-day course called “Ombuds 101,” which provides an in-depth introduction to ombudsing. The University and College Ombuds Association typically offers a one-day, pre-conference new ombuds workshop immediately prior to its annual meeting; California Caucus of College and University Ombuds meets annually at Asilomar in Pacific Grove CA and offers a half-day workshop for new ombuds prior to the beginning of the annual meeting; and the Canadian Association of College and University Ombudpersons hosts a new ombuds training session in the afternoon before their annual conference. All of these training opportunities allow new ombuds to learn from more experienced professionals.

Other campus departments or programs may offer useful skill development in relevant areas for new ombuds. For example, diversity training, when done effectively, can challenge assumptions and deepen appreciation of differences among people.

Other Campus-based Training

Most institutions offer an orientation for new employees that provides information about many aspects of the institution. Other potentially valuable on-campus training for new ombuds includes training about sexual harassment policies and disciplinary or grievance procedures.

Some ombuds offices provide workshops on conflict management and related topics such as conflict styles, negotiation, or conflict and diversity. Trainers may find it valuable to allow new ombuds to observe and participate in these workshops because their content often reflects what experienced ombuds have learned on the job about effectively managing conflict.

Meetings

New ombuds should meet with key people they are likely to encounter in performing the ombuds role so as to further their understanding of the organizational culture. Key people are decision-makers, individuals who are responsible for implementing policies and procedures, and those who provide services to whom ombuds may refer visitors. Not only do new ombuds need to understand the policies, but they also need to know whom to call if and when related questions arise. These initial meetings often make it easier for new ombuds to make the appropriate telephone calls or referrals.

Membership in Ombuds

Professional Organizations

It is valuable for new ombuds to meet others in the field as soon as they are employed and become members of one or more ombuds professional associations. Their listservs provide opportunities to observe the discussion of their more experienced colleagues and to seek their guidance or give input about matters of importance to ombuds. They should also take advantage of UCOA’s mentoring program, which pairs new and experienced ombuds from different institutions. All of these activities provide opportunities to gain knowledge and skills required for effective ombuds practice.

Regional ombuds meetings provide another vehicle for enhancing skill development and advancing ombuds practice. For example, ombuds in Colorado meet quarterly to learn from one an-
other. We rotate hosts, each institution providing a place to meet and lunch. Meetings start with a blank page, each of us contributing topics of immediate interest to us personally and to the ombuds group in general. While each meeting is different, they usually include some case consultation; updates about occurrences on our campuses; information about relevant readings, workshops, or training for ombuds; and the opportunity to gain insights into confusing or difficult situations related to the ombuds role.

Summary

Orientation of new ombuds in a college or university ombuds office is most effective if conducted in a planned and intentional way. Providing new ombuds with conceptual knowledge, practical skills, and information about the organizational culture in a strategic way will 1) satisfy the needs and interests of the office and the institution and 2) accelerate the learning process so that the new ombuds can provide high quality services as soon as possible after being hired.

References


Client's Writing: A Central Component of Academic Ombudsing

Lois Price Spratlen

Professor Lois Price Spratlen is a board certified psychotherapist in Adult Psychiatric-Mental Health Nursing. In 1972 she joined the faculty of the School of Nursing, University of Washington, Seattle, after completing her M.N. degree in Community Mental Health at the University of California Los Angeles (UCLA) and her Ph.D. in Urban Planning at the University of Washington. She teaches graduate and undergraduate students.

Lois's expertise in conflict management and dispute resolution led her to develop the Price Spratlen Ombudsing Model, which guides her through education, mediation, conciliation, consultation and other areas of service delivery.

In 1998 she was named Ombuds of the Year by CCCUO and in 1999 was inducted as a Fellow in the American Academy of Nursing. She recently authored a book entitled African American Registered Nurses in Seattle: The Struggle for Opportunity and Success.
The pervasiveness of writing in academia is obvious to anyone who inhabits that domain: in teaching, learning, and research. But in the ombudsing realm of academia, writing has not gained widespread acceptance. Why?

One consideration is confidentiality. Ombuds generally seek to avoid using any written document that might be a source of a breach in confidentiality. Another deterrent is lack of precedent—a kind of inheritance of a purely oral tradition. Or perhaps the absence of examples and explanations for incorporation of specific uses of writing in normal ombudsing processes accounts for the rarity of this significant extension of oral language.

Based on my many years of experience in ombudsing, I have come to see that writing is indispensable for helping to define clients’ problems or grievances, to identify feelings and to separate them from clear thought about solutions, and to discern the path toward resolution of conflict.

I contend that writing should be as pervasive in ombudsing as it is in other parts of academia. However, since ombuds have not generally been encouraged to include writing in their practices, nor have most ombuds observed the many ways that written words are complementary, or even superior, to oral language in the ombudsing process, I offer examples and explanations in this article.

Ideas from the Literature

During the 1980s, articles by academicians and clinicians began appearing in healthcare journals about the contributions of writing to physical and mental health, many of which bore out what I was concluding from my own professional practice as ombuds.

Among early contributors, Horton (1982) defined writing as “the way minds think,” using arithmetic as an example. When one does simple arithmetic, correct answers can often be produced without writing, but the more complex the calculations the more likely will be the need to use pencil and paper to produce a correct answer. So it is with writing about ideas. With very simple ideas, it is often not necessary to write; however, as ideas increase in complexity, the more necessary it becomes to use writing to handle them skillfully. Add to that the fact that ideas don’t store well unless they are written. When we need to retrieve and use them to apply to present, past, or future circumstances, written versions of ideas are stable and available.

Zinsser (1989) also identified writing as a form of thinking. Indeed, he reminded readers to whom it was not already obvious that thinking is the foundation of writing. Especially if those readers are teachers, he urged them to see the physical act of writing as an excellent way “to reach corners that other teaching tools cannot reach.” Writing allows the instructor “to see how the mind works.” Within every discipline, a body of good writing exists for teachers and students to use as models.

Since writing, thinking, and learning involve similar processes and a goal within each discipline is clear and logical thought, writing is a principal means by which students learn to think. But this must be original writing, not mere paraphrasing, if individuality is to be recognized and respected. In describing an informal and direct approach to resolving an incident of sexual harassment, Rowe (1997) was one of the first academic administrators and ombuds to recommend using writing. She proposed that the complainant, or sometimes a bystander, communicate directly with the respondent by note or letter. The letter can be delivered in person—either alone, in the presence of a colleague, or by mail. Choice of the note or letter option, however, depends entirely on the preference of the complainant or the bystander. Some benefits associated with this intervention are that control remains in the hands of the complainant,
that privacy is higher than with other interventions, that the complainant’s sense of self-efficacy is affirmed, and that punishment is avoided. Rowe asserted that offensive behavior is more likely to be stopped by using this approach than by others. Furthermore, if the complainant retains a copy of the letter, it serves as a tangible indication of personal effort to resolve the problem.

The use of writing in the fields of education and mental health has been shown to facilitate learning and promote personal development and planned change. Yonge (2000) cited the work of several educators and psychotherapists who have used logs, journals, and diaries for these purposes. Cantrill (1997), Holmes and Moulton (1999), Wong, Kember, Chung, and Yan (1995) emphasized their use of journal writing to facilitate student learning.

Davies (1995) listed six outcomes associated with students’ journal writing:
- Developing new perspectives and insights that could affect future actions
- Making knowledge explicit that was otherwise implicit
- Increasing understanding of and involvement in experiences
- Providing a forum for feedback and interaction
- Increasing confidence
- Facilitating evaluation of behavior.

Referring to the work of Rosenberg (1950), Yonge identified various forms of writing (e.g., poetry, letters, diaries, logs, and journals) that have been used as a substitute for or an adjunct to psychotherapy in mental health programs. Therapeutic writing is the concept that Rosenberg used to conceptualize these diverse forms of writing. In his 1978 book, Rainier identified several specific advantages which he associated with diary writing, such as:
- Promotion of relaxation
- Enjoyment and profit from solitude
- Provision of a safe medium for taking risks.

In Dellasega’s (2001) extensive review of literature on the uses of writing as therapy, the research of Pennebaker (1985) is prominent. This researcher, during the mid-1980s, reported on studies that examined the relationship between traumatic events and health and coping responses. Pennebaker and Susman (1988) found that, by confronting traumatic experiences by writing about them, respondents increased their ability to understand, resolve, and find meaning from such experiences.

Dellasega also identified benefits associated with writing of poetry, diaries, journals, and logs in a therapeutic context. She suggested benefits to clients from self-expression, insight development, and personal empowerment to self-reflection. The appeal of writing as a form of self-expression, Dellasega asserted, is nearly universal. She drew attention to the writings of ancient Chinese to reinforce her point. (p. 22).

Experiences that Led to Using Writing Extensively

Not only does the literature reviewed for this article suggest strong support for the contributions of writing to learning; in my professional experience in ombudsing I have found clients’ writing to be a very effective intervention when introduced during the initial session with the client and used throughout all phases of our interaction. Very early in our interaction, aggrieved clients identify facts and express feelings that can be used to define the nature and scope of their conflict(s). Certainly, talking about what bothers them is appropriate and useful, but written versions of this information usually provide specific descriptive details and facts that are often missing from oral accounts.

In 1982, following my appointment as University of Washington Ombudsman for Sexual Harassment, I observed that the first four clients who reported informal complaints of sexual harass-
ment delayed seeking my services until they were in an emotional crisis. When they finally reached my office, they cried profusely but after a while were able to talk about their sexual harassment experiences and to provide sufficient details to proceed with an appropriate and acceptable intervention.

The fifth client, though, did not follow this pattern. Her vigorous crying continued until I felt compelled to do something to help her gain her emotional equilibrium. In desperation, and quite by accident, I picked up a pen and pad of paper and asked her to write single words to represent her thoughts and feelings about this sexual harassment incident. To my astonishment, she immediately followed my suggestion. As the list of words grew, the tears began to decrease. In a relatively short time we could engage in an oral exchange about her list of words and their relevance.

Since writing helped this client establish her emotional equilibrium, I wondered if writing would also be effective if clients were not crying. For the next three months I continued to use writing with all clients who sought help in my office, with very similar results. They readily became engaged in this interactive process. They appreciated being listened to and respected while orally describing the sexual harassment incident. They also agreed to complete the written description of the incident privately, returning days later to discuss with me what they had written. Writing had served as a stimulus for engaging the client in the problem-solving process, and it served as a motivation for the client to complete the story on her or his own initiative and to return to the office a second time to share the final version of the story with me.

At the second meeting, it was apparent to the clients and to me that their written accounts of the sexual harassment experience included more specific details than the oral account had. Their value for our later interactions was so great that I became convinced that writing made a unique con-

tribution to service delivery and that confidentiality was not compromised since clients are guardians of their own stories.

In 1988, following my appointment as University Ombudsman, I began seeing a much larger number of clients. I no longer had as much time to read long narratives developed by clients. This increased workload motivated me to explore ways that I could continue to use writing as a structured intervention. After trying several different approaches, I developed the client chronolog (see Appendix A), a tool that enables clients to integrate facts, feelings, interpretations, and comments in a structured form and in an efficient manner, just as they must do in certain courses and work settings. After working with the ombuds in sequencing at least two or three incidents that are relevant to their problems, most clients understand how to develop their stories using the client chronolog.

By both listening to oral accounts and reading what clients have written, then, an ombuds can deepen her or his understanding of the conflict and propose relevant interventions. Indeed, I have found clients’ written accounts of their grievances to be the most reliable data source for informing and influencing this problem-solving process. Writing often serves as the source for achieving the desired outcomes of conflict prevention, conflict management, and the resolution of differences because it enhances accuracy in reporting and active participation in this interactive process with the ombuds. Writing also enables the ombuds to individualize service delivery by developing a range of relevant options that reflect a client’s values and preferences. In combination, the oral interaction and written description of the conflict provide a sound information base for assessing, planning, and designing a structured intervention with the client.
Specific Ways and Effects of Using Writing: Client Chronolog and Client Plan

Most potential clients elect to use the telephone anonymously to initiate communication with our office. These conversations help the caller to decide whether or not the ombuds office is the appropriate venue for a particular problem. During this brief exchange with ombuds staff, the caller decides whether or not to schedule an appointment. In our office the assistant ombuds is typically the person who has these conversations. Bernal (1999) has described the importance of the staff ombuds role as the first point of contact with the ombuds office.

Once a caller schedules an appointment and comes for services, the assistant ombuds introduces the client to our tools for obtaining written information: the client chronolog and the client plan. (See Appendix B for client plan.) We do not use e-mail because it is not a confidential method of communicating.

The most frequently reported comment about using the client chronolog is, “Writing this took more time than I had planned.” However, once they complete the task, clients express high levels of satisfaction about having exerted the effort. Other typical comments relate to increased understanding, enhanced self-knowledge, and increased insight:

“I kept notes about this problem before coming to this office but your form added sections that I had not thought about. Now I understand why [asst. ombuds] told me I would need to use your form.”

“A long time ago my friend told me that she came to this office for help. She even had an old copy of the form that you had her use and she gave it to me. When I met with your assistant I already had started writing my story. I have a good sense of what my problem is but solving it is another story. That’s why I’m here.”

“I have used this form of yours with my teenage daughter and with staff that I manage at work. Whether I use it at home or at work it gets people talking and writing.”

“Hello! There’s an elephant in the room and I refused to acknowledge it until after the mediation session. It was there when I wrote my story but it became a real problem for me to see during mediation. Now I know I needed to come.”

“Writing helped me see what the problem really is. Now I feel comfortable going and speaking with my professor about it.”

“Even before sitting down to write my story, I realized I knew more about this problem than I admitted to myself that I knew. But writing it down made it hurtfully clear. I want to wait awhile before doing anything else.”

“Before coming to this office and using this form, I talked with several people whom I know and trust about our department and they agreed with my take on things. Now I really know it’s not just me.”

Timing plays a role in determining the purpose for using the client chronolog: sometimes preventively, sometimes after the conflict has occurred. Clients who anticipate a problem or conflict write a chronolog to help themselves analyze an expected problem and perhaps take preventive action. Conversely, when the conflict has reached near public attention, the chronolog serves as the tool for confronting this challenge directly.

A current example of preventive use involves departmental and unit downsizing and reorganization. Staff and faculty may be asked to consider retirement, transfer to another unit, lay-off, or even termination. Usually, none of these options was what a staff member had in mind. However, since at this point the options have not become realities, the chronolog can be brought into use. The client can be encouraged to write answers to questions like these: Does it appear that I am being unfairly singled out? How can I determine whether decisions are being made fairly? Are there possible advantages to me in the contemplated changes? What are the probable disadvantages to me? How might I put any perceived disadvantages into the larger
context of the good of the whole unit and the institution? What preemptive actions are possible and ethical?

When a client is asked to write answers to questions like these, rather than merely ponder and reflect on this conflict, they are able to focus their attention and direct their energy in constructive pursuits. This represents goal-directed behavior by the client.

Another current example concerns assignment of laboratory or office space, especially if clients perceive that the process is flawed or inequitable. Since clients usually seek help after the space is awarded to someone else, their ire is at peak level. Some of the questions cited above become the focus for a client chronolog that may lead to correction of mistakes in judgment or acceptance—with or without regret—and, of course, with a great deal of discussion among the complainant, the decision-maker, and the ombuds.

Whatever the use for a client chronolog, this tool enables the ombuds to deliver client-centered service, with recognition of the client as a mature and competent individual, someone with both strengths and limitations, and someone who can learn, grow, and cope effectively in stressful circumstances.

As we have monitored the effects on clients of chronolog use, we have observed the following:

- **Self-expression** is highlighted as a means of problem solving. A major part of resolving conflicts is enhanced ability to say what the problem is and what led to it.

- **Writing focuses attention.** Clients must use selected inattention to all other matters and focus exclusively on accurately representing in writing specific and concrete facts about the problem.

- **Recall of forgotten details** occurs during the writing process, with resulting descriptions of problems that usually include more facts, and are therefore probably more accurate, than are provided during an oral interaction with an ombuds.

- **Full description of the problem** is most likely when facts are presented in a systematic and rational manner through writing.

- **Sequencing of events** helps the client to place the problem in an historical context. The chronolog usually begins with a time before problems occurred and describes events leading up to and including the present problem.

- **Naming facts, feelings, and interpretations** requires clients to be thoughtful, accurate, and honest with themselves about the meaning of the problem personally and professionally. Having to disaggregate facts from feelings and from interpretations requires an intensity of analysis that enhances accuracy in representing problems.

- **Identification of the client's own strengths and limitations for handling the problem** occurs, better clarifying those areas where clients need the most help.

- **Relevant interventions** become more likely when clients provide full and accurate information.

The primary potential limitation of the chronolog that we have noted is clients' impatience. Most clients report that the writing requires an unexpected amount of time. So, if the chronolog is not completed before the scheduled return appointment, the client may cancel. A small proportion of clients who apparently want quick solutions discontinue use of our services.*

*The chair of a University of Washington staff group heard about our use of the chronolog and asked whether she might include it in a "tool kit" for conflict resolution. I agreed, with the proviso that we monitor how many people receive the tool kit and how many decide to use it. There must be follow-up checks and balances in order to determine the usefulness of this tool in a non-structured environment. All details will be written and thoroughly discussed before I permit the client chronolog to be used. I will also state that its validity and reliability have not been established.
The client plan, written at the end of each interaction with the ombuds serves to specify responsibility. The client writes the plan in the presence of the ombuds, following a series of prompts from the ombuds, such as these from an early session:

1. Did we allow enough time for you to state in full every aspect of the problem from your point of view?
2. Do you agree to participate in mediation?
3. Within what span of time will you present any new topics related to this dispute?
4. Who will be present at the mediation session?
5. What means are available to you to discuss any aspect of the planned mediation before it occurs?
6. What assurance about any future action related to your complaint do you need? (See one client’s responses in Appendix B.)

As soon as it has been written by the client, the plan is copied for the client with the original being retained by the ombuds. With variations in prompts for later sessions, the client plan is an essential use of writing. It has been a component of our office practice since the 1980s; our requiring it has elicited no complaints.

**Implication**

Most clients who receive services in our office use the client chronolog and client plan. Our sustained observation has suggested that their benefits far outweigh any limitations. I therefore urge other ombuds to consider integrating writing into their service-delivery process.

**References**


# APPENDIX A

University of Washington  
OFFICE OF THE OMBUDSMAN  
Client Chronolog

<table>
<thead>
<tr>
<th>DATE</th>
<th>FACTS/INCIDENTS</th>
<th>FEELINGS</th>
<th>COMMENTS/INTERPRETATIONS</th>
</tr>
</thead>
</table>
| xx/xx/92 | Began my employment at the University of Washington. Worked for 10 years in several different departments and laboratories before experiencing a major problem at work. | Excited and happy.  
Great.  
Great. | This represented my first professional job in higher education. Work was very satisfying. I was assigned to a workgroup of dedicated and hard-working scientists. We produced many excellent papers and books. Several members of our research team are internationally renown scientists. |
| 04/xx/xx | Large Federal grant was not renewed.  
I realized the limitations of working and being funded on soft money. | Sad, nervous, disappointed.  
Tense. | I realized that some of us would be laid off. Co-workers began being very critical of one another. The mood in the lab is somber. |
| 06/xx/xx | Accused of removing unique specimen from the laboratory. Came to the ombuds office on the recommendation of other co-workers who know me and believe I'm being set-up. | Frightened and unsafe. | I never dreamed that my co-workers would become so vicious and unfair in their treatment of me and other professionals at the lab. |

Prepared by ____________________________ Date ____________________________

© Price Spratlen 9/88; 1/93
1. I had time to address all my issues about this informal complaint.

2. I have agreed to participate in mediation.

3. I have from now until the next 24-48 hours before the mediation takes place to put any new topics on the table.

4. Dr.s X and Y from the department will be present at the mediation session along with Z, the person who filed this complaint.

5. I may call back in between now and when the mediation takes place to discuss, clarify or raise questions about anything related to this informal complaint.

6. I ask the ombuds to take no action on my behalf without my participation.

COMMENTS: All material submitted by the client related to this plan will be returned or will be destroyed when the file is closed. It is the client's responsibility to arrange for the return of materials.

Client __________________________ Ombudsman __________________________

Date __________________________ Date __________________________

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

Deborah Eerkes

Deborah Eerkes has been a co-director at the University of Alberta’s Student Ombuds Service for three years. In that time she has attended over 50 appeal hearings with students, as well as hearing complaints, conducting mediations, and sitting on various university policy committees.

In the past year, she designed and implemented a comprehensive, campus-wide Academic Integrity program at the University of Alberta. Entitled “Truth in Education: TIE Integrity into Learning,” it is the first of its kind in Canada.
8:00 a.m. – Give presentation to a class of half-awake English students on the value of academic integrity. Note with some frustration that the few who are paying attention are probably not the ones who really need to hear what I am saying. One student raises his hand to ask a question: “What are the best ways to avoid getting caught?” Sigh ...

9:00 a.m. – A conflict has developed between a student and her department. The professor made what she considered disparaging remarks and refused to apologize. Met with the student and the professor to mediate and understand between them. The professor said she felt the student was belligerent and rude, and the student felt she was merely being an active participant in class. Both explained their perspectives, exchanged and accepted apologies, and reached an agreement about behavior in class. Mission accomplished.

9:30 a.m. – Grab a tea on the way back to the office (I gave up coffee because it gives me the jitters) and prepare to attack the onslaught of e-mails waiting on my computer terminal.

9:35 a.m. – Arrive at the office, retrieve a voicemail message from an angry parent who is convinced the university is deliberately mistreating her daughter. Return her call and walk her through relevant university policy while wading through approximately 35 new e-mail messages. Have learned to take multi-tasking to a new level.

10:00 a.m. – First student appointment of the day. She is unhappy with her grade, but her professor has told her not to bother appealing because he is also the chair of the department and intends to deny her appeal. Arrange to meet with the dean so she can appeal the grade.

10:30 a.m. – Student wants to talk to me for five minutes about a situation. Starts with the phrase, “It all began about 7 months ago when…” Ends up taking over an hour to explain a complex situation that has resulted in suspension. Needs immediate action because the appeal hearing is set for tomorrow afternoon.

11:53 a.m. – Munch on an apple while running across campus to the Discipline Office where a student is being investigated for a non-academic offense. He hacked into another student’s e-mail and planted a virus to retaliate for a previous prank. Meet with the student briefly outside the office, give some last minute advice on telling the truth and answering questions as thoroughly as possible. Explain what he can expect from this meeting as we walk in. Turns out this is his second offense; funny, he didn’t tell me about this before...

12:45 p.m. – Time for a quick tea as I run across campus to the next meeting. Have been invited to participate in a panel discussion on academic honesty and a code of student ethics. A new clause in our Code of Student Behaviour prohibiting undue compositional or editorial assistance has the English Department struggling with how to apply it. This panel discussion is the first step in developing a departmental approach to the new rule. Give perspective on the value of including character building and integrity education in their policy.

2:00 p.m. – Next student meeting back in my office. Student has been required to withdraw due to unsatisfactory standing and wants to appeal. After some discussion, discover that this is her second requirement to withdraw and that there is no further avenue for appeal. Explain to student that not meeting the conditions of academic probation is not grounds for appeal. Student informs me that she has decided to sue the university and tells me I am just another cog in the machine. Give her the contact information for our student legal service.
3:00 p.m. – Receptionist peeks around the corner of my office door to ask if I have time to see another student. Student has been handed a 48-hour eviction notice from residence and isn’t sure why. A meeting is scheduled for this afternoon. Since I’m already booked, I advise the student on what questions to ask and to be sure to take notes. Have him try to reschedule the meeting so that I can attend. He asks about laying a complaint against the Housing Department. Advise him to keep an open mind and wait with any formal action until he finds out what the issue is.

3:30 p.m. – Meeting with a student who has been charged with plagiarism and the associate dean of her faculty. Have already explained the process to the student so she knows what to expect but attend the meeting anyway, if only to even out the power imbalance. Associate dean assigns a failing grade in the course and will recommend suspension. Debriefing with student afterward to discuss possible scenarios and assess options.

4:45 p.m. – Another day over. Time to head home and recharge the battery for tomorrow …
A Note on the Word issue:

As I read the articles submitted for this journal, I became aware of the frequency of ombuds' use of the word issue as a noun, such as "The client has health issues." In one article, I counted 22 instances.

The word has a long history in English—with uses going back at least 700 years (Oxford English Dictionary). Its meanings as a noun have included the following: 1) the action of going or flowing out; 2) termination or close; 3) a place or means of egress; 4) offspring or progeny; 5) outcome of an action or a consequence; 6) the point at question in law; 7) the action of sending out officially or publicly.

In more recent decades, the word's meanings have been extravagantly extended, so that we hear about "women's issues," "salary issues," and "drug issues," among hundreds of other examples. Most of these current uses make it both cliche and pseudo portentous—cliche because of its overuse, portentous because the word retains some of its connotation of matters that are truly public and of widespread significance.

A test of that significance is the possibility of debating and voting upon a broadly applicable problem whose resolution has a potentially far-reaching effect. For example, some experiences of women certainly meet this test, as when females are denied advancement in careers simply because of gender.

But problems of more limited scope—such as disputing a grade, incurring the displeasure of a supervisor or professor, or arguing about who has first authorship rights to an article—are not issues. They are problems, conflicts, complaints, or disputes.

I suggest that ombuds, who must always choose their words carefully, should resist the current cultural tendency to debase the word issue by applying it to individuals’ disgruntlements, which seldom rise to the level of an issue.

Eugene Smith, Managing Editor, CCCUO Journal
Associate Professor Emeritus of English
University of Washington
Dear Colleagues:

You are invited to submit an article(s) for publication consideration 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 Ombuds, published annually, features articles that promote, advance, and celebrate the profession of ombudsing. To that end, the editors encourage writers to submit articles that focus on any aspect of ombudsing: 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 or any member of the editorial board. Such help can be available at any stage of writing—from initial concept to late stages of editing. A telephone call or e-mail is all that is needed to initiate a cooperative writing process.

Manuscript preparation

Three copies of a manuscript should be submitted—typed, 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>.

Title page should bear the name(s) of the contributor(s), along with institutional affiliation of the writer(s), institutional title, mailing address, voice and fax numbers, and e-mail address.

For articles exceeding 15 pages, an abstract of 100 words or less is desirable but not required.

Note: CCCUO has adopted the term ombuds (in lower case) rather than ombudsman or ombuds 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 copyright transmittal should accompany each manuscript, including the following statement: I hereby transfer, assign, or otherwise convey all copyright ownership to CCCUO. This transferal relates to all forms of publication, including electronic media.

The writer should also state: 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 permissions from individuals, institutions, and organizations to use any private communication or other reports, documents, and policy statements cited in a 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 for the writer’s concurrence.

A writer who wishes to submit a manuscript on a computer disk should first check with the co-editor 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/evaluative stance near the beginning of the review and make that stance a thread throughout the review.

Submission of manuscripts and inquiries

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

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Revised 8/17/00
California Caucus of College and University Ombuds