31st Anniversary Conference

Rekindling the Fire Within... the Reflection, the Adventure, the Passion

November 14-17, 2004

Asilomar Conference Center
800 Asilomar Conference Center
Pacific Grove, California 93950
Rekindling the Fire Within…
The Reflection, the Adventure, the Passion

Asilomar Conference Center, Pacific Grove, California
November 14-17, 2004

31st ANNUAL CONFERENCE PLANNERS

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Sandy McDermott, Portland State University
Marcia Kellam, Lawrence Livermore Laboratory

REGISTRAR:
Lewis A. Redding, Jet Propulsion Laboratory

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Kathleen Dickson  
University of California, Berkeley

Tom Sebok  
University of Colorado at Boulder

Lois Price Spratlen  
University of Washington at Seattle

The Awards Committee annually reviews nominations for the Ombuds of the Year Award and the Service Excellence Award.
Founders’ Award Recipients for 2003:

Geoffrey Wallace

Bill Schatz

Don Hartsock with his wife, Jo,
who admires his award
In Memoriam

BILL (WILLIAM K.) SCHATZ
May 26, 1931 – June 4, 2004

Bill Schatz, husband-father-minister-ombudsman-teacher-diver-friend, died peacefully at his home in South Lake Tahoe on June 4, 2004 at the age of 73 after fighting colon cancer for over a year.

Bill served as pastor for two churches before entering higher education. He became a campus minister at California State University at Los Angeles and then served for over 20 years as the campus ombudsman during the student turmoil of the late 1960s and 1970s. With the help of two faculty members in political science, Bill drafted one of the first student bill of rights. Along with Don Hartsock and Geoffrey Wallace, Bill founded Cal Caucus in 1973, the year that the American Arbitration Association sent their trainers to Asilomar to train ombuds.

He is survived by his wife Judith (Judi Grutter) of South Lake Tahoe; his 102-year-old mother, Clara Zuspann; his daughter, Karla Anderson; his son and daughter-in-law, Paul and Lynn Schatz; and his five grandchildren.

Memorial contributions may be made in Bill’s name to the Tahoe Heritage Foundation Endowment Fund or the Tahoe Heritage Foundation Fund for the Restoration of the Tallac Historic Site, PO Box 8586, South Lake Tahoe CA 96158.
The Journal 2004-05
of the
CALIFORNIA CAUCUS OF COLLEGE
AND UNIVERSITY OMBUDS

Contents

Prefatory information:
31st Anniversary Conference Title i
31st Anniversary Conference Theme and Planners iii
Awards Committee Members v
Founders’ Award Recipients for 2003 vi
In Memoriam: Bill Schatz vii
Co-editors and Managing Editor xi
Editorial (essays on passion about ombudsing) xiii
Editorial Board Members xvii
2003 Service Excellence Award xxi
Mission Statement xxiii
Abstracts of Articles and Opinion Pieces in This Issue xxv

Articles:

James K. Wolford, Jr. Needs Differing: Personality Dynamics for Peer Ombuds in a Research Setting 1

Thomas P. Zgambo A Cost Benefit Rationale for the Ombuds Office 9

Daniel B. Watson Assessing an Ombuds’ Worth in a Large Organization 19

Dave Renfro Assessing the Value of Ombuds Programs 23

Gary J. Buckley When the Worst Happens: Lessons of an Ombuds Office Closure 29

Douglas Whitman Mixing Personal Values and University Rules 35

Tim Griffin Improving the Survival Rate of the College or University Ombuds Office: Essential Relationships in Troubled Times 41
Contents cont’d.

Opinion Pieces:

Allen Church  Working Tired  47
Melissa Connell  Fate & Friends  49

Editor’s Notice:

Publishing Notes  53
Lois Price Spratlen became an active participant in the California Caucus of College and University Ombuds in 1988. She has served as Convener of the Annual Asilomar Conference, on three occasions as Co-convener, and as a member of the Awards Committee and as chair for four years. In 1998, under her leadership, The Journal of CCCUO was established as the first and only peer-reviewed journal in the field of ombudsing. In 1995 she received the Ombuds of the Year award for her many contributions to CCCUO.

Ron Wilson steps down this year and begins his new position as Emeritus Ombuds. He is pleased with the composition of the Board and expects that it will grow and improve in quality and in outreach to others in our profession. Ron, with the assistance of Shirley, created the journal in 1987, and then in 1998, when it became a peer-reviewed publication, Ron agreed to serve as Co-editor, continuing in this position for the next decade. As Ron moves into his new role, his experience and expertise will still be available to us through his continued affiliation with the Journal Board.

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. But he hasn’t really retired. He has always been intensely interested in reading, 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 long-time county residents and to produce a county historical encyclopedia—and Adjunct Associate Professor in History at Eastern Oregon University, La Grande.
Editorial

The focus of this year’s ombuds conference was “rekindling the fire within.” This fire is our individual passion, a quality clearly evident among colleagues at the conference. Expressing that passion helps to rekindle the embers that can sometimes flag, an act of regeneration we ombuds need in the face of institutional cutbacks and restructuring. This is what this journal is about: the concerns for a role whose value is questioned and challenged in our institutions and the passion for that role which keeps us as individuals motivated to continue despite those pragmatic challenges.

For this editorial, members of the editorial board were invited to submit statements about the nature of their passion for ombudsing. This editorial comprises four of those statements, each of which indicates a personal engagement with the ombuds role that reflects our individuality.

For the next journal volume, we are extending to all ombuds this same invitation. We are looking for a personal exploration of what makes you passionate about ombudsing, about what drives your commitment to your role.

Readers are also invited to send comments about the passion statements in this editorial. This focus on passion will remain open for as long as there are ombuds who desire to address this topic.

Lenore Hietkamp
Graduate Student Assistant
Art History Division
University of Washington, 2005

Passion Statements

I enjoy the ombuds profession because there is never a dull moment, and I learn something every day. The work allows me to use some of my training and experience as a counselor. It is a privilege to be available to support people and organizations through the hard work of problem-solving and coming to terms with change. I relish both the details of the work and the opportunity to see the “big picture” that ombudsing affords.

Katherine Ziff

A few days ago I get an e-mail from Lois suggesting we talk about our passion for ombudsing. I am thinking, “passion for ombudsing”? I know I have a major passion for my wife and children and those great grandkids. I also have a passion for the World Champion Boston Red Sox, good music, good food, the Red Sox, summers in Maine, the Red Sox, but do I have passion for my job? Interesting question and I think I do.

At times, it is like being on a mission or trying to solve a mystery. We have to understand the complexities of a problem, delve into the opposing views and interpretation, and seek resolution that all can live with. We put up with the long hours, the possible insights that lead nowhere, the frustrated and angry visitors, and the stress. Oh, the stress!

When we are passionate about something we are invested in its success and well-being. It becomes too easy to care too much. If passion means all consuming then there is that risk as well. I now have some new ground rules. I stop checking my email at 6:00 PM, although, like a quitting smoker, I cheat. I no longer check my phone messages on the weekend until Sunday night. I have to remind myself of my limited importance in the grand scheme of things but recognize I may be vital to someone else’s peace of mind. This is a hard balancing act.

Those I work with continuously reinforce my passion. Usually folks do take my calls and they are
gracious and cooperative. Most of us here (at U Mass Lowell) want to resolve not create problems. They jump on board my mission, trying to move us forward, closer to resolution. I think they also enjoy unraveling the mysteries of multiple computer systems, old memos, missing documents, and conflicting memories. When we do have some closure, it all becomes worthwhile. How many professions can give us the opportunity to hear “Thanks, things are much better now,” “I think I am going to stay in school,” or even, on occasion, “No one else could take care of this for me. I really appreciate it.”

We work hard, quietly, confidentially, and without a lot of public recognition on our campuses. I think that improves our efficiency. I guess it’s OK to give ourselves a pat on the back from time to time, if it keeps the passion for what we do alive.

Alan Lincoln

My passion is windows and finding them, distinguishing the difference between them, exploring their function, and then pointing them out to visitors. Windows are a paradox: both an opening and an obstruction, both an option and non-option.

One duty of an ombuds is to make visitors aware of all the types of windows that surround them, and each one’s unique characteristics before making a decision on the issues people are confronting.

Some windows open; some do not. Some are colored; some are not. Some you can see through and some you cannot. All allow light but some not wind. Few allow insects but all allow color. Some allow heat; some do not. Some you can reach; some you cannot. Some you can pass through and some you cannot. Most windows you can climb back through; some you cannot.

After the ombuds carefully makes the visitors aware of all the types and characteristics of each window, it becomes the visitors’ choice to either do nothing, simply behold the different windows, or elect to use one of the windows.

Allen Church

At age 73 I could be retired. Instead, each weekday morning I get up between 5:00 and 5:30 to prepare for work. My internal clock reliably reigns my passion for getting up and getting ready for my day of ombudsing, even after 17 years of serving as the University of Washington’s Ombudsman and 23 as Ombudsman for Sexual Harassment. I feel fortunate to anticipate yet another day of meetings with faculty, staff, students, and administrators! For me sustained passion for ombudsing arises from the high level of emotional energy inherent in doing the job well.

The flow of energy starts with selecting my clothes and jewelry for that day. It’s not so much that clothes and jewelry make the woman as it is the confidence and positive feelings that accompany my selections. My feelings are often reinforced by the unsolicited comments I get about my appearance. These compliments, of course, enhance my sense of well-being and, in turn, build my reserves of energy.

For many years in my 15- or 20-minute drive from home to work, Bob Edwards, National Public Radio’s Morning Edition former host, was my traveling companion. His interviewing skills and his informative guests stimulated my intellect better than caffeine. The listening helped me feel alert and engaged in the problems, large and small, of the day. Curiously, hearing about nationally broadcast problems was both a prelude to and a diversion from those I would hear about later in the day.

When I reach the Ombuds Office, Assistant Ombuds Susan Neff and I begin our daily staff meeting by reviewing our schedules. Then we go on to substantive matters. In the 15 years she and I have worked together, we have developed a relationship that is both personal and professional. We share a commitment for providing the highest quality of services possible for our clients. We communicate and collaborate on all important decisions that pertain to this office. And we remain accountable to members of the University community for
our actions. The blend of friendship and professionalism we have attained is a significant component of my sustained passion for doing this taxing work.

As I get into the work of the day, sitting across the table from clients of all sorts, listening attentively to what they say in words and body language, a part of me says, “I couldn’t be doing this with confidence were it not for my background of knowledge.” That knowledge comes from my nursing experiences in a variety of treatment settings, from intensive study of urban planning and from being a board-certified psychotherapist. I counsel. I educate. I mediate. I consult. I do all of these things with confidence and passion.

To illustrate the complexity of these processes, I cite a recent encounter with a university dean, whom I shall call Anon. A professional staff supervisor, giving unusually detailed information, had cited Anon for creating a hostile environment for staff members within the unit. One staff member had left on a computer hard drive rather explicit details of inappropriate personal conduct with Anon. Other written documents included e-mail messages and dates and times, recorded by other staff, when Anon and the staff member exchanged messages and spent time together in Anon’s office with the door closed. The evidence was certainly incriminating and showed many apparent violations of the university’s policy on sexual harassment.

When I first met with Anon about this complaint, I observed Anon’s emotional reactions: eyes blinking rapidly, red blotches becoming noticeable on the face and around the neck and lower jaw. These reactions seemed clearly related to the complaint. When certain details related specifically to perceived sexual harassment and a hostile environment, Anon’s body language became visibly more intense. And when I produced the e-mail messages with personal and amorous content, Anon was stunned.

I then informed Anon that the case was so complex that it should be dealt with at a higher institutional or formal level. Any further consideration seemed inappropriate for my informal intervention. Anon began to cry, then progressed to expressions of fear, anger, dejection, and eventually resignation. I used every skill I could elicit to empathize, to understand, and to convey a feeling of caring. After taking both of us on this roller coaster of emotion, Anon began to attain some composure, a state that enabled us to discuss procedures appropriate to referring the case to the vice provost. Anon left my office, still shaken, but in an emotionally safe state. How did I feel? Depleted? Yes. Disgusted? Inevitably. In need of something more uplifting? Definitely.

I called Ron Wilson, Journal Co-editor. I had good news: members of the editorial board had voted to name him Co-Editor Emeritus, and he would continue to be listed as Founder of the Journal. He expressed his pleasure at the honor and chatted about the even deeper pleasure at seeing the Journal become stable over several years. This kind of interaction with Ron and with other members of the editorial board brings an abundance of inspiration and energy in me, connecting me in myriad ways with other ombuds. Their responses to me and my desire to learn from them remind me of why I feel so passionately about what we all do.

Lois Price Spratlen, Co-editor

Note: We invited all members of the editorial board to write about their passion for ombudsing; three replied, and three others accompany mine. I did not realize, until I tried to write my essay, how difficult a task this is. Our depth of feeling about this work does not come readily to the surface or reduce itself to a few words. Nevertheless, I regard the effort as worthwhile and invite all ombuds and readers of this journal to develop an essay on their passion for ombudsing. This opportunity will remain throughout my tenure as Co-editor.

During the months of preparation of this issue of The Journal, I have had especially faithful and efficient help in my University of Washington office from Lenore Hietkamp and Maren McDaniel.
Allen W. Church is an adjunct professor at Wayland Baptist University, where he is a lecturer in undergraduate & graduate Business Ethics. A Graduate with Honors from St. Mary’s University Law School and Southern Methodist University Graduate School of Law, his participation in the world of education extends as a faculty member for the National Institute of Trial Advocacy and the Insurance Institute of America. His lecture series in adult education titled “Harvesting Settlements” for legal and insurance professionals has been identified by the press as the “best-attended, longest-running within the memory of New York City.” He is a contract Ombudsman and active in The Ombudsman Association and the California Caucus of College and University Ombuds.

As the first member of the criminal justice program at UMass Lowell in 1977, Prof. Alan Jay Lincoln has a long history of contributing to the campus community. He has served three terms as a graduate coordinator for the Criminal Justice Department and eleven years as Special Assistant to the Graduate Dean. He completed a Postdoctoral National Institute of Health program in Family Violence and also held a Fulbright Professorship in the Netherlands. In addition to being the University Ombuds, Lincoln serves on the Institutional Review Board for human subject research and on the editorial board of the Journal of the California Ombuds Caucus and the Research Committee for The Ombuds Association. He is the author of numerous articles and three books on crime and violence, and is a former journal editor of Library and Archival Security. Lincoln is a certified mediator and recently completed advanced mediation training.

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

Trey Reckling has worked for the Savannah College of Art and Design (SCAD), in Savannah, Georgia for 7 years and became the college’s first ombuds in 2003. With an MS in Therapeutic Recreation, he is committed to the quality of life among staff and students on campus. He has worked with the Oregon State Hospital’s outdoor therapeutic recreation program and was staff member with Semester at Sea, helping to lead students on an educational voyage around the world. He has created and administered programs in student involvement and residence life, including an alcohol and drug education program and training for residential life staff. Trey has also worked in collaboration with the Human Resources Department at SCAD to create a customer-service training series for staff.
Barbara Schaffer has been a faculty member in English and Women's and Gender Studies at DePaul University for the past 15 years and has been the Director of the Sexual Harassment Policy Office (formerly the Sexual Harassment Ombudsman) since 1994. In addition to her roles as director and teacher, Schaffer has served as a consultant nationally and internationally regarding sexual harassment, the establishment of sexual harassment policies, and the status of women in the workplace. Barbara also serves as a writing consultant to a variety of business and professional organizations, including the Federal Reserve Bank of Chicago. She has written two articles relating to her fields of interest: “The Medium and the Message: Confidentiality and E-Mail Discussion Lists” and “The Power of Language and the Language of Power.”

Myron Schwartzman is Professor of English at Bernard Baruch College (NY) and has been ombudsman there since 1995. He was educated at Columbia College, the University of London, and SUNY Stony Brook, where he earned a PhD 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 ECOC. See his article, “Notes from Underground: An Ombuds’ Dostoievskian Journey in Academe” on p. 63 of the November 1999 Journal.

Tom Sebok has been an ombudsman since 1990 and the Director of the Ombuds Office at the University of Colorado at Boulder since 1992. From 1995-1999 he was Secretary for the Board of the University and College Ombuds Association (UCOA). He manages the listserv and established the Web page for UCOA. He has helped plan four national conferences for UCOA; 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, restorative justice, and numerous ombuds-related topics.

Geoffrey Wallace, PhD, retired from his long tenure as University Ombudsman at University of California at Santa Barbara. During his tenure there, he co-founded CCCUO. He is director emeritus of the Stanley Anderson Program and Library, which includes 1300 articles and books on ombudsing. A prolific writer, Geoffrey Wallace contributed a chapter, “The Ombudsman in Education,” for the International Ombudsman Handbook. He is a CCCUO board member emeritus. He retired as a member of the CCCUO Editorial Board in 2005, and he remains an emeritus member.
Douglas Whitman is a Professor at the School of Business at the University of Kansas, where he has taught since 1975. He became University Ombudsman in July, 2003. He holds the following degrees: Bachelor of Arts in Political Science, Master of Business Administration, and Juris Doctorate and Master of Laws. He has written over 24 law review and scholarly articles and has authored several book reviews. Professor Whitman served as the President of the Midwest Business Law Association; twice served as staff editor for The American Business Law Journal, as well as a reviewer for that and other scholarly journals. He is the coauthor of five textbooks.

Katherine Ziff is Assistant Ombuds at Ohio University in Athens, Ohio, a position she has held since 2001. She recently earned a doctorate in Counselor Education at Ohio University, with a dissertation examining the connections between the Athens Lunatic Asylum and the Village of Athens, Ohio in the nineteenth century. Experienced in both qualitative and quantitative research methods, she is a former school counselor and teaches and publishes in the area of using the visual arts in school counseling. Katherine and her colleague, Elizabeth Graham, have published in the UCOA newsletter and are now engaged in writing a new column addressing legal and ethical concerns in ombudsing.
Jan Schonauer worked as an ombuds before she knew what that term meant. All her life experiences, both in the working world and in her family, have helped her develop the broad ranges of skills, humor, and patience that ombuds work requires. She began her professional career as a social worker in a mental health facility in Chicago. A sense of adventure and a desire for warmer weather drew her to California, where she worked as a juvenile probation officer at San Mateo County. Later, as Community Organizer for Police/Community Relations at the Orange County Human Relations Commission, she worked to improve the level of engagement between the police and minority communities they served. She worked at the University of California, Irvine as department manager for Pharmacology and then became Senior Academic Advisor in Social Ecology. In 1989, she was hired as Assistant, then Associate, and finally Acting University Ombuds. Starting in 2000, she shared, with Helen Hasenfeld, the ombuds role at California Institute of Technology. At present, she works at Alliance Capital Management, in New York City. The position was established in August 2004, and she is the first ombuds in the financial management field.

This award is a reflection of the contributions Jan has made to ombudsing through her affiliation with California Caucus of College and University Ombuds.
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 art and practice of ombudsing.
Articles:

Needs Differing: Personality Dynamics for Peer Ombuds in a Research Setting
by James K. Wolford

The peer ombuds program at University of California's Lawrence Livermore National Laboratory (LLNL) is unique in many respects, and the challenges it poses for its practitioners are likewise unique. The ombuds themselves are members of the workforce they serve and must constantly fulfill a dual role. Cases range from conflict with supervisors or co-workers to medical leave matters. Mismatched expectations and poor communication skills obviously underlie many problems. The interplay of personality type affects conflict (and its resolution) more subtly, principally through its role in shaping client needs. Through a hypothetical case description, the author highlights the dynamics of personality type involved in the ombuds process at LLNL. The implications of temperamental difference argue for an awareness of, and sensitivity to, type differences in the population served.

A Cost Benefit Rationale for the Ombuds Office
by Thomas P. Zgambo

In this cost-benefit framework the services provided and outcomes achieved are evaluated with respect to resources (e.g., money, time) expended and contributions that are associated with problem solving, dispute resolution, and other outcomes at the individual and organizational level. The writer describes some of the assumptions that underlie the framework and explains examples of actual contributions and benefits to the organization. He asserts that management in corporations and other organizations as well should appreciate the various ways in which the ombuds operations contribute to the bottom-line.

Assessing Ombuds Worth in a Large Organization
by Daniel B. Watson

The author was serving on the Los Angeles Police Department force in 1997 when Chief Barnard Parks used his knowledge of this 13,000 employee organization to establish the first ombuds office for police in the nation. He identifies the factors that influenced his choice of staff to serve as ombuds and shows how the composition of the staff influenced the ways clients decided to use services. Personal relationships and reputation were central factors that influenced acceptance, trust, and use of these services. The reporting relationship the writer had with the Chief of Police made it possible for them to convey effectively contributions this service made to reducing lawsuits, retention of valued employees, and the general high regard employees had for these services. Personal relationships among the leadership and staff led to the high acceptance of these services.

Assessing the Value of Ombuds’ Programs
by Dave Renfro

Dispute-resolution practitioners specialize in framing issues, defining problems, and unraveling confused thinking or misunderstandings. Because of the nature of ombuds' work, the conflict, problem, and confused thinking or misunderstanding usually belongs to another--not the ombuds. The writer asserts that ombuds may master concepts of conflict and study methodologies of resolution, but they may not have addressed the question that budgetary decision makers ask regarding an ombuds' value, as measured in dollars and cents. The article discusses the challenges of competing values, existing economic realities, and diverse interests that confront organizational leaders and ombuds programs as a specific practice of dispute-resolution work.

Mixing Personal Values and University Rules
by Douglas Whitman

Prior to the decade of the 1960s, academic administrators had nearly total control over the management of institutions of higher education. Students, parents and lawmakers had very limited-to-no-involvement with college and university administrators. During the decade of the 1960s, the era of challenge to authority began. Civil rights, student rights, and women's rights groups consistently challenged authority. Academic administrators engaged the services of attorneys to deal with this change. Rules were developed. Some had gaps and ambiguities that allowed administrators to use their own values when interpreting these rules. The presence of these gaps and ambiguities increased the potential for the disadvantaged and poor to have their rights abridged by those in authority. The author calls on ombuds to serve the needs of the powerless by working to
achieve just interpretations of rules that more nearly reflect the intent of the rule makers than the current interpreters. According to the author, ombuds can serve a vital role in promoting justice through their neutral interpretation of rules.

When the Worst Happens: Lessons of an Ombuds Office Closure
by Gary Buckley

Ombuds services at Northern Arizona University were organized and offered in accordance with the UCOA’s standards of practice. The ombuds had a direct reporting line to the president, who valued and supported the services that the ombuds provided to members of the university community. After this supportive president retired, the new president gave priority to many other role responsibilities and less attention to ombuds services. During the same period of transition in institutional leadership, there were serious budget reductions at the state level and a serious reduction in student enrollment. These cumulative developments resulted in closure of the ombuds office, which had been occupied by the writer, a tenured faculty member, who had never anticipated this outcome. Since closure of the ombuds office, the writer, having reflected on the unfortunate event, shares the many lessons he has learned about his performance in this role and steps that he could have taken to mitigate or change the office closure. He hopes that other ombuds will benefit from his experiences.

Improving the Survival Rate of the College or University Ombuds Office: Essential Relationships in Troubled Times
by Tim Griffin

Outreach to members of the academic community by ombuds is the principal strategy proposed by this writer for increasing awareness of and knowledge about the ombuds office to other members of an institution. By moving outside the confines of the ombuds office to establish relationships with major policy and decision makers—such as vice presidents, deans, directors, and other managers who influence priorities—the ombuds increases visibility of the office to the academic community. Categorical groups such as student organizations, the faculty senate, and unions are important relationships to nourish. The opportunity exists to provide specific information to those with whom the ombuds interacts about the actual and potential contributions that ombuds do and can make to the achievement of goals and the mission of the institution.

Opinion Pieces

Working Tired
by Allen Church

With a tongue-in-cheek attitude, the writer describes the energy, effort, and time that most ombuds invest in the process of pursuing an equitable and just outcome for clients in dispute. Citing many challenges faced by ombuds who seek to assist disputants to arrive at an acceptable solution, he claims that the ultimate challenge is to have the stamina and professionalism needed to deliver services equitably and effectively, even when the ombuds is tired.

 Fate & Friends
by Melissa Connell

The writer presents a vivid description of the depth of her emotional response to the loss by untimely death of a woman who was the first medical school ombuds at the University of Denver and her mentor and friend. The unanticipated abundance of assistance which the writer received during and following this event helped her to re-establish her emotional equilibrium and restore ombuds services to members of the university community. She describes her difficulties and successes in reaching out to the university community and in gaining confidence as the interim ombuds director.
Needs Differing: Personality Dynamics for Peer Ombuds in a Research Setting

James K. Wolford, Jr.

James Wolford has been a peer ombuds in the Computation Directorate at Lawrence Livermore National Laboratory since 1995. He is a computational physicist by training and has worked in many of the Laboratory’s divisions in the 24 years since he began. Having become interested in the subject through a combination of coursework and practical experience, he has tried to make awareness of personality type a part of his ombuds practice.

Introduction

“I can’t believe it!” she said, her voice rising in desperation. “They gave me a letter and sent me home! I have less than a month to find a new job or I’m out!” When her voice returned to normal, I recognized it. Lauren had first contacted me back in October, after noticing that relations with her supervisor had soured. I had spent more than an hour with her that day, hearing about her experiences, encouraging her ideas for mending relations, and clarifying Laboratory policies where appropriate. We had not talked since. Now, on a sunny afternoon in January, shortly after returning from the holidays, she was met by her supervisor, told to gather what personal belongings she could carry, escorted to the gate, and told to surrender her badge. Lauren was an example of a growing fraction of Lawrence Livermore National Laboratory’s workforce: so-called flexible-term employees or flex-terms. When they are hired, flexible-term employees agree to a six-year term of employment at LLNL with no assurance of continued tenure. Many of us have known accept in hopes of transitioning to full career status sometime before their term expires. Their position resembles a post-doctoral fellowship in some respects, though the six-year term gives it the open-ended feel of a traditional job. It is at-will employment; their contract stipulates that they may be dismissed without cause at any time during their term. (This is a common mode of employment in many industries, but is relatively new within the LLNL culture and certainly did not exist when the peer ombuds program was created.) Moreover, LLNL policy states that flex-terms have no access to the internal review and grievance processes that traditional career employees can use to resolve conflict. By calling an ombuds back in October, Lauren had exercised one of the few options open to her for addressing work-related problems. I recall a sense of fear creeping into my thoughts as I talked to her back then, knowing that any word or act on her part that antagonized her department could end her term on the spot. My training hadn’t prepared me for this.

To preserve confidentiality, no real names have been used, and I’ve altered any unique aspects of events. This hypothetical example combines elements of several actual cases.
Background

Johnston\(^1\) has given an excellent history of the LLNL peer ombuds program. His description from three years ago needs very little updating. We ombuds still number just over 100 and serve an employee population of 8796, 1039 of whom are in flex-term positions.\(^2\) All employees, including the Laboratory Director, are potential clients.\(^*\) We come from all of the Lab’s twelve directorates, representing almost every category of job. We are still internally trained and largely self-governing. What has changed since Johnston’s original study is the complexion of stress the Lab community as a whole faces now. The recent economic downturn has reduced job opportunities in the San Francisco Bay Area and placed pressure on many classes of employees to stay at the Lab when their inclination might otherwise be to go elsewhere. New computer-security rules and new punishments for breaking them have led to angst and uncertainty among those most affected. Finally, the tragedies of September 2001 have activated fears over the safety of working at a national laboratory, an icon of American government. These changes have subtly altered employees’ sense of their role at the Laboratory and, with it, our role as peer ombuds.

Personality Type and Type Differences

From the beginning of Western history, philosophers and psychologists have created theories to explain why different people behave and perceive differently. Greek thinkers aligned with Plato and Aristotle debated the essence of human nature and its vicissitudes. Meanwhile, at the dawn of western medicine, Galen defined four temperaments—choleric, melancholic, phlegmatic, and sanguine—corresponding to the four bodily humors that he believed influenced personality. That the Galenic labels survived in medicine for more than 1,700 years indicates not so much their validity as an ongoing need for some way to account for personality differences. More recently, nineteenth century philosopher Friedrich Nietzsche returned to the Greeks when he framed the epic inner struggle for a person’s dominant moral sentiment, between the Apollonian (moderate, controlled) and Dionysian (excessive, rapturous) temperaments.\(^3\) Then at the start of the twentieth century, English psychologist William James divided humanity into two categories: the tender-minded (rationalist) and the tough-minded (empiricist).\(^4\) The persistence of this urge to categorize humanity reflects a need to make sense of the complexity of interpersonal experience. It is a need I feel keenly when I have trouble communicating with people—both at and away from LLNL—and yearn to connect more meaningfully.

I first learned to appreciate the diversity of personality type when, as part of a graduate seminar in psychology, I underwent a battery of tests to reveal my style as a potential psychotherapist. The most definitive of these was the Myer-Briggs Type Indicator, which I learned derived from Carl Gustav Jung’s theory of types.\(^5\) His seminal work, *Psychological Types*, summarizes his thoughts on personality through human history (including the Greeks, Nietzsche, and James) and highlights those he judged to be the most insightful and basic. Jung combined these models of human nature with almost 20 years of his practical experience in treating patients and distilled them into a theory of human personality based on his understanding of those functions of the mind that are common to all of us. Unlike many of his contemporaries who classified their patients according to outward behavior and stated emotion, Jung relied instead on his understanding of how our inner motivations shift, for example, from wishing to be with people to needing privacy. Jung distinguished three major tendencies in human psychology: introversion versus extroversion, intuiting versus sensing, and feeling versus thinking. Jung emphasized that everyone is capable of all six modes of functioning, but that, over time, we develop preferences for one way or the other. One’s overall Jungian type, then, is defined by the functions one tends to rely upon most heavily.

Nuances in Jung’s theory dealing with auxiliary functioning were interpreted and further elu-
cidated by Isabel Briggs (later Isabel Briggs Myers) and her mother, Katherine C. Briggs. In the early days of World War II, the pair sought to apply Jungian type theory to the problem of matching people to appropriate tasks to further the war effort. Through inspiration and enthusiasm for Jung’s writings, they overcame their lack of formal training in psychology and augmented Jung’s original framework, creating their own version, which included a fourth functional opposition: perceiving versus judging. From this initiative stemmed the Myers-Briggs Type Indicator (MBTI), an instrument that identifies one’s type through a series of questions eliciting binary responses. Since this brave beginning, the MBTI has reportedly been applied to more than three million subjects.

Myers and Briggs summarized their version of Jung’s typology elegantly by distinguishing two ways of perceiving and two ways of judging. In experiencing the world, people perceive it directly through their senses, but, as experience accumulates, perception can also occur indirectly through unconscious contributions from prior perceptions and their processing of them. These are the sensing (S) and intuiting (N) functions of perception, respectively. Similarly, we form judgments about the world in two ways. We can focus on facts and follow a logical process to an objective conclusion, that is, the thinking (T) approach. Or we can weigh alternatives based on subjective personal evaluation of events, that is, the feeling (F) process. Everyone is capable of both functions, but from early childhood each of us exhibits a clear preference for one or the other. Children become more experienced and mature in the use of the preferred process than of the neglected one. In the words of Isabel Briggs Myers,

Each of these preferences is a fork in the road of human development and determines which of two contrasting forms of excellence a person will pursue. (Myers, 1980, p. 8)

By early adulthood, the preferences grow more consolidated, and rarely do they change. The combined preferences—ST, SF, NT, and NF—define the four basic personality types. Again, each of us is capable of functioning in either of the two modes of perceiving and judging. However, we are less at ease and expend far more energy in trying to function in the modes we have grown to neglect.

As we will see in the next section, the four basic types occur in different proportions, depending on the group being evaluated. One triumph of type theory was the discovery of different patterns for people within different occupations. This became a tool for career counselors wishing to steer individuals toward promising areas of work. ST types tend to prefer concrete occupations that require impersonal analysis of facts, such as law, accounting, and the handling of machines and materials. SF types gravitate toward occupations favoring knowledge about people, which allow them to express personal warmth. Examples include teaching, social work, pediatrics, and nursing. NF types find the most happiness in occupations that encourage creativity and abstract expression, usually focused on some human need: they do well in teaching, counseling, writing, and some fields of research. Finally, NT types enjoy solving abstract problems that lend themselves well to impersonal analysis; they incline toward professions like mathematics, computing, physical science, and most branches of engineering.

Though they may perform similar roles in an organization, NT and NF types stand on opposite sides of a cultural divide. For example, as an NF type, I am an emotional interpreter, that is, I pay close attention to the emotional subtext of communication, often more than to the specifics of what is said or written. In contrast, NT types tend to place greater emphasis on a careful and analytical search for the core of a matter. They try to extract the last drop of meaning from objective experience and avoid getting distracted by emotions. For an NT type, to quote the popular phrase, hell is truly the impossibility of reason. The feelings of an NT type are no less significant or profound than those of an NF type; they simply

“The full MBTI differentiates type further by evaluating one’s basic life orientation, be it introverted (I—focused inward) or extroverted (E—focused on the outer world). It also discerns which of the two basic functions, judging or perceiving, is dominant. For example, my fully evaluated type is INFP, which signifies “introverted with intuitive perception and auxiliary feeling judgment.” Had my perceiving function developed subordinate to my judging function, my type would instead be INFJ.
tend not to be used by the NT type to make decisions.

I speak as though my experience has equipped me to recognize personality type “on the fly.” In fact, I’m still very much a student of type theory and its consequences. Moreover, my acquaintance with type theory does not extend much beyond Jung’s work and Briggs’s and Myers’s application of it. To discern the types of those around me without benefit of MBTI evaluations, I am forced to make inferences based on the behaviors I observe. And often I’m prompted to revise my first guess as I get new information. My easiest successes have come in recognizing my own type (NF) and NT types, since I’ve had most of my experience with them. With sensing perceivers, I have far less background and need more time and exposure to distinguish a thinking type from a feeling type. In assessing another person through conversation, I go back to the operational definitions of the four basic types and try to detect which basic function, perceiving or judging, he or she most often relies upon. Recognizing the dominant function in extroverts is relatively easy, since as Isabel Briggs Myers observed, in them “it is not only visible, but conspicuous” (Myers, 1980, p. 12). It is the side of the extrovert’s personality that is most often presented to others. Introverts, on the other hand, operate in opposite fashion and conceal their dominant process most of the time while displaying their auxiliary one. To use myself as an example of an introvert, the function that most people see, my judging through feeling, is in fact subordinate to the intuitive perception that I usually keep hidden. This inversion of dominant and auxiliary functions in introverts complicates the task of recognizing their type.

To an NF type such as me, NT types appear in conversation as foreigners; understanding them well requires me to listen extra carefully, as if every word needs interpreting or as if life in a different culture had given familiar words a twist in meaning. Knowing the differences to expect helps me to negotiate such conversations, or at least it prepares me to work with a “foreign” norm and interpersonal style. I am, in the words of several Jungian theorists, engaging in a “hermeneutics of listening” (Spoto, 1995, p. 59). That is to say, I am interpreting the meaning that the person in front of me is creating, much as one would interpret a sacred text, knowing the background and culture of its author. This interpretation according to type complicates the already demanding task of listening with full presence and attention. It also requires me to banish any vestige of prejudice I may hold about the relative supremacy of NF versus NT types. There was a time when I would have said that my mode of perceiving and decision making was superior. No more. Working with NT Types, I have seen epic difficulties solved by joint recognition of clear-headed ideas arrived at through organized thought processes that can be explained and defended. Difficulties like these would have mired NF-dominated organizations in endless argument.

In our first conversation, I gathered quickly that Lauren was extroverted (E__). This made recognizing her dominant process as thinking-based judgment (E_TJ) fairly straightforward; I merely paid attention to how often she revealed her urge to “have things decided” and to do so analytically, even when dealing with a question as intangible as the motivations of her supervisor (Myers, 1980, p. 75). Even before hearing her organize her observations conceptually, I had guessed from her career path that she was an intuitive perceiver (ENTJ), and this grew more evident as she told her story. Lauren came to LLNL after finishing her PhD at Cornell and a post-doctoral fellowship at Stanford. She was a solid-state physicist and an expert in electron-band theory. As a woman and an “older” student in graduate school, she’d found it hard to achieve the collegial relationship with her research advisor that is often key to being accepted into the network of researchers in one’s field. Most new PhDs depend on advisor contacts to get them their first and sometimes their second and third jobs. Lauren had had to make it on her own. Over time, she had cultivated in herself a competitive outward manner that had won her respect in the classroom and laboratory. She had developed, in the words of Carl Sagan, a “physics voice” in order to speak with confidence and to be taken seriously. ‘She had turned down two tenure-track positions in order to come to LLNL, a clear sign that she was invested in making a career here.

*In his 1986 book, Contact, Carl Sagan created what is perhaps the greatest paean ever written to the inner world of a physicist and particularly that of a female physicist.
Typology of LLNL Employees, Its Peer Ombuds, and the General Population

To apply notions of type difference to a specific group, usually one must have type data representing the population one wishes to characterize. A comprehensive study of type phenomena at LLNL would use MBTI results from a large number of LLNL employees and a majority of the ombuds that serve them. Unfortunately, such a survey would require the approval of a human subjects committee, and the cost of the MBTI instrument would make widespread testing prohibitive. Instead, I have reviewed published type data and have selected those I considered reasonable surrogates.

The diagrams in Figure 1 (see page 6) illustrate the contrast between the general population and groups of engineering and science students. If we assume that engineers and scientists at LLNL began as engineering and science students for the most part and if we accept the Myers and Briggs finding that aging rarely alters the basic personality type of people older than twenty-four, then Figures 1c and 1d probably come close to representing the true breakdown of the scientific and technical staff at LLNL. But one need not accept these percentages to believe that NT personality types make up a significant fraction of the LLNL population. Bearing in mind the likely contrast of LLNL employees with the world at large, the next section explores the value of maintaining an awareness of type difference, particularly in confronting types that are different from one’s own.

Application: The Role of Personality in the Peer Dynamic

Type awareness can benefit peer ombuds in two major ways. The first consists in finding a rapid path to understanding the client’s needs and problems. Ombuds are usually not granted the luxury of multiple interviews in which to get to know an employee. Furthermore, we are not psychotherapists; we have neither license nor invitation to plumb the psychological depths of those who come to us for help. Recognizing which basic temperament one is confronting can make these all-too-brief interactions more effective.

The second benefit is an everyday quality of peer behavior that management professionals call “social proof.” Social proof for an ombud is the process through which people come to trust him or her. To put this in perspective, one should remember that, by definition, peer ombuds are immersed in the communities they serve. As Johnston observes, “The Laboratory’s disciplines exist as subcultures within the larger LLNL culture.” Programs and divisions ranging in size from a few dozen to a few hundred people form the organizational containers for these subcultures. Peer ombuds are the equivalent of small-town healers: midwives and medicine men who also have day jobs. They have neither specialized credentials nor formal offices to create the mystique of expertise that modern professionals rely on to engender trust. The immersion also makes impossible the modern clinical notion of “professional distance.” Peer ombuds cannot help but show themselves to others. All they have to establish their reputation is integrity. They are constantly judged by their actions and by the company they keep, as well as by their overall competence. Being peers, they carry their role as ombuds into every conversation and all other aspects of their work.

For ombuds of any variety, a key element of social proof is overt respect for and acceptance of differences. We’re accustomed to thinking about differences in racial and ethnic terms, and the need to respect and accept such differences is unquestionable. But there exist more subtle (some would say stylistic) differences between people that are rooted in temperament. By acknowledging and respecting these differences, the peer ombuds can ward off alienation on the part of potential clients. Living with this acceptance also eases the task of bridging gaps between ombuds and client and between the client and any other employees involved.

Often a conflict will force clients out of their comfort zones; that is, it will force them to function, temporarily, using their neglected mode of perceiving and/or judging. If the ombuds recognizes this, then it can be flagged as a separate source of stress. Knowing how a person prefers to operate can help the ombuds frame a perspective on the challenge that the client faces. In many cases, supporting the process begins with getting the client to open up. Type awareness in an ombud can help her or him not only to encourage
Figures 1a-d. Pie diagrams comparing the general population to groups of engineering and science students according to the four major temperaments (SF, ST, NF, and NT). Leaving the general public separated by gender shows the symmetric differences for men and women between the NF and NT temperaments that Myers predicted (Myers, 1980, p. 66). Note the marked difference between the general population and undergraduate science and engineering students, particularly in the relative fractions of S and N types, and in the large fraction of NT types in Figs. 1c and 1d. I postulate that the scientific and engineering staff at LLNL would show a similar type breakdown if tested.

more disclosure (through better rapport) but also to
discern whether unacknowledged feelings on the part
of the client may underlie the problem or conflict.
Moreover, positive outcomes for clients often result
from their simply getting outside of a narrow way of
believing. If a conflict between people stems partly
from a difference in preferred modes of judging and
perceiving around a problem (what we commonly
might call a personality clash), then re-stating both
points of view using type-sensitive language, that is,
language that implicitly validates both parties’ pref-
erence of functioning, may help establish a basis for
understanding. I am a novice at this approach to re-
framing, but I have already found it useful.

Lauren called me several times in the days
following her release. Each call included a retelling
of the events that had led to her debacle. Each was
full of intricate detail about what had happened in
the open and thoughtful speculation about what had
happened behind the scenes. Lauren’s conflict began
when her original project ended and she began a new
one that required her to work directly with the per-
son who supervised her. Accustomed to competing
with peers, Lauren found it hard to manage the dual
role she had been thrust into. Each time, after lay-
ing out her version of events and her inferences—and
ture to her type—Lauren asked whether I thought her
reasoning was sound. While being generally support-
ive (implicit feedback on sensing and feeling), I was
careful to speak factually and to remind her that she
had very little hard information about the reasons for
her release (explicit feedback on thinking and intu-
itng). Laboratory policy and her status dictated my
role as ombuds; since she was under a release let-
ter, I could perform no role beyond providing her with
information. Had she been a career employee rather
than a flex-term or had the Laboratory’s action been
informal, I might have gotten the former supervisor’s
perspective, i.e., the other side of the story. Though
my impression came second hand, I gathered, from
hearing her talk about her former supervisor, that he
was probably also NT but was introverted, whereas
she was strongly extroverted. As she told it, the only
comment he had made was that she was “high main-
tenance.” With each retelling she was able to dwell a
little less on her story and a little more on how she
felt about it. I saw this as progress, since her intense
feelings were interfering with her search for another
program to support her. I could tell by the way she
described her telephone overtures to various project
leads that she was allowing at least some measure of
her anger to intrude into them. She was working
through a stunned sense of betrayal and outrage, and
she needed validation (though, again true to her type,
not explicit validation) that her feelings were ap-
propriate to her experience of what had happened.
She also needed to come to terms with the fact that
a trusted coping mechanism (her robust competitiv-
ness) had failed her this time. Despite these burdens,
Lauren mounted a broad and systematic campaign to
find and contact potential funding sources. Unfortu-
nately, she did not find a project that would support
her before the time limit expired.

**Conclusion**

To me, the essence of the ombuds practice is a willingness to undergo the strain of adaptation to achieve a working understanding of those who come to you, however different from you they may be. Gaining perspective requires putting yourself in the place of not only the person in front of you but also the phantom client—the one the person in front of you may be complaining about—whom you may never have the luxury of meeting. An awareness of type difference can be indispensable in this task. But, as I’ve found in my nine years as an ombuds, before you can be effective with other personality types, you have to move beyond thinking that your preferred way of perceiving and judging is somehow better than the others.

Fortunately, training in the awareness and mitigation of type difference is available for ombuds at LLNL and elsewhere. In addition to excellent training in the background and application of the Myers-Briggs typology, LLNL has recently offered an alternative to the MBTI called DiSC. Many practitioners believe DiSC to be a more useful model to describe type difference in the workplace, because it focuses on one’s work style and provides for easy and rapid assessments. Other models, such as the Enneagram, have long and distinguished histories and deserve exploring. Lacking knowledge of most alternatives to the MBTI, I would urge anyone interested in typology as a tool to learn about all of them and to
adopt whichever model best matches their style and situation.

Of Lauren, I am tempted to say, “The operation was a success, though the patient died.” I was sad for her outcome, and it did indeed cause me to revisit our original conversation, to imagine what else I might have said and what difference it could have made. Still, in the end, I achieved a genuine understanding of her experience from an NT perspective, a feat I would have found difficult before maturing in my awareness of type difference and gaining a sense of NT values. She began to accept what had happened, despite the lack of hard information she believed that she needed to understand it. Assessing her type as NT had given me a framework to adjust the way I spoke to her and to make every brief minute of our interaction count. It also allowed me to smile with recognition when in our final conversation she said, “It’s not your fault that you couldn’t help.”

Acknowledgements

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\*
A Cost Benefit Rationale for the Ombuds Office

Thomas P. Zgambo, PhD

Thomas Zgambo is President of The Ombudsman Association, the largest international association of ombudsman programs. He is Corporate Ombudsman at Coca-Cola Enterprises, with over 74,000 employees worldwide. Thomas is also President of the Board of Mediation Works, Inc. (MWI), a not-for-profit conflict-resolution services and training provider.

Before joining Coca-Cola Enterprises, he spent three years as an ombuds and training specialist at the Massachusetts Institute of Technology, where he was also a senior lecturer at the MIT Sloan School of Management, teaching negotiation and conflict management. Additionally, he spent 20 years in industry as a product development scientist, manager, and ombuds. As an ombuds, he has been involved in conflict-resolution training, manager-employee negotiation coaching, performance-evaluations coaching, large group facilitation, and as a third party neutral in resolving employee disputes.

A qualified MBTI administrator, Thomas has used the MBTI instrument to help individuals and teams improve communication and resolve interpersonal dissonance through an understanding of their personality types.

Currently, he serves on the advisory boards of Carson-Newman College, Kennesaw State University, and Worcester Polytechnic Institute.

He has served as a mediator at the Massachusetts Commission Against Discrimination and has mediated ADA, public accommodation, sexual harassment, and racial discrimination cases. He also served as a member of the Human Rights Commission for the City of New Bedford MA and a member of the Governor’s Advisory Council on African-American Affairs for the State of Massachusetts.

He has a PhD in Analytical Chemistry and Materials Science from the University of North Texas and an MBA in Management of Technology from Worcester Polytechnic Institute.

A few of the barriers to quality and productivity facing companies today are: reorganization and downsizing conflicts, cost control, fraud and abuse, sabotage, theft, safety violations, sexual and racial harassment, inappropriate behavior of all kinds, employee termination, and other costly litigation. I have attempted to demonstrate the cost benefit of having an ombuds office in an organization to help minimize the costly effects of the barriers mentioned above. While the operating costs can accurately be determined, the cost savings that the ombuds office generates are more difficult to determine. It will be clear, however, that the office serves an important role in the organization. The improvements in productivity and the prevention of costly litigation due to the activities of an ombuds justify the office. Conservative estimates show that with a nominal in-

"This discussion and analysis assumes that the ombuds office adheres to the code of ethics and practices according to the Standard of Practice of The Ombudsman Association. See Appendix A.

The Journal, Vol. 6, Number 1
California Caucus of College and University Ombuds
vestment in operating cost, substantial cost savings can be achieved.

Before going into the cost-benefit analysis of the ombuds office, let me quote The Ombudsman Association’s statement on the cost of an ombuds office.

It is important to understand that an Ombudsman program is not a “bottom line” proposition. An Ombudsman does not exist to make a profit, and the significant value of such a program probably cannot adequately be measured in terms of whether it returns more in savings than it costs to operate the program. Fundamentally, an ombudsman program exists to further serve those principles that cannot satisfactorily be quantified nor subjected to a cost-benefit analysis. An Ombudsman exists to further the ends of justice, to promote a humane system of administration, to provide people with options for hearing concerns and for efficient redress of grievances. Thus even if we assume that the quantifiable benefits of an ombudsman program did not exceed the cost of the program, that would not mean that the program would be valueless or wasteful. It would simply mean that we finally succeeded in identifying the actual cost of the program, that is, the difference between the apparent cost and the quantifiable benefits. It would then be necessary to weigh that actual cost against the ultimate benefits of the program as a means for pursuit of justice and as a forum to give a hearing to the concerns of human beings.¹

As mentioned above, the role of ombuds does not add profit to the corporation’s bottom line. This analysis will focus on cost effectiveness. The case for cost effectiveness can be made using a few serious cases. An award involving wrongful termination or harassment can easily cost hundreds of thousands of dollars. Preventing just one such case is enough to pay for the ombuds office. Increases in productivity, savings in management time or other expenditures, and the avoidance of litigation and/or other costs certainly justify the cost of the office.

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<th>Factors to be considered:</th>
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<td>• Increases in productivity</td>
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<td>• Savings in the cost of turnover</td>
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<td>• Management time savings</td>
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<td>• Savings in legal costs</td>
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<td>• Sarbanes-Oxley requirements</td>
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<td>• Employment practices liability insurance</td>
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<th>Assumptions:</th>
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<td>• 11,000 employees in the company</td>
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<td>• 10% will contact the ombuds office</td>
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<tr>
<td>• 3% of employees impacted positively by the office resulting in a 5% increase in productivity</td>
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<td>• Wages, benefits, &amp; overhead = $80,000</td>
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Increase in Productivity

Industry data have shown that, on the average, about 10-15 percent of the work force will contact an ombuds within a year.²³ If we assume a success rate of 30 percent—that is 30 percent of the complaints are resolved or people feel better after visiting with an ombuds (e.g., a termination is avoided, employee’s previous level of productivity is regained, work-team morale is greatly improved, or injuries are reduced)—for a corporation with a population of 11,000 employees, that is roughly 325 people. If we use a conservative average cost of $80,000 per employee (wages, benefits, operating expense, and overhead), a five percent increase in the productivity of 325 employees would result in a benefit of $1,300,000 to the corporation. This is more than four times the cost ($261,000 for this example) of operating the ombuds office of an organization of this size.
Increase in Productivity

3% of employees impacted positively by the office, resulting in a 5% increase in productivity

\[ 325 \times 80,000 \times 0.05 = 1,300,000 \]

Resulting in a cost reduction of $1,300,000

Management Savings

Management Savings

Assumptions:
- Sr. managers’ wages, benefits, & overhead = $200,000
- Sr. managers spend 2% of their time resolving employee conflicts
- 1.5% of issues require sr. manager’s time (163 contacts)
- The Ombuds office cost $261,000/yr

Management Savings

Half of all issues resolved through the office w/o sr. management involvement.

\[ 16.5 \times 4000 = 660,000 \]

Annual benefit of $660,000

*not including opportunity costs*

Cost-savings contributions can also be looked at from the point of view of the senior management’s time savings that would occur should an ombuds diffuse a serious personnel problem that would have consumed a senior manager’s time. It is realistic to estimate that managers at all levels could collectively spend two to four days on such a case. This would be about two percent of one senior manager’s annual working time. If we assume the full cost of a senior manager’s time to be $200,000 (a very conservative figure), the annual cost savings attributable to the ombuds office would be $4,000 per case, not including opportunity costs. If half the cases that an ombuds office impacts at all (in this example, 165 cases) were assumed to be serious (requiring senior managers’ precious time), the total annual benefits from this source would be $660,000 or more than enough savings to cover the cost of the ombuds office.

Turnover Cost

Turnover Cost

Factors to be considered:
- Loss of a solid performer
- Hiring replacement cost
- Transitional costs
- Co-worker impact cost
- Public relations impact

Staff turnover can be an element of cost to the organization. Termination payments, in accordance with company policy, may be involved, depending on the situation. There may also be recruitment costs, usually twenty to thirty percent of annual salary depending on the job market situation for the particular profession. There is the cost of bringing new hires up to speed in the organization through training and orientation. There will be a break-in period before the new employee can start producing to capacity. Let’s assume that the total cost to replace a professional employee (recruitment, training, orientation, break-in) would be $25,000, or thirty percent of the average cost for an employee. If three percent of the 366 salaried employees who contact the ombuds office annually--11 professional employees--were to change their minds about leaving the organization, the annual savings to the company from this source would be $275,000 in recruiting costs alone. This is more than one half of the cost for the ombuds office and does not include savings from interview trips and relocation (see appendix B for a more detailed worksheet for determining the cost of turnover).

Savings in Legal Cost

In those situations where employer-employee disputes might end in court and where the presence of an ombuds could deter unnecessary legal costs and litigation. Whether the case is handled by corporate
legal staff or by an outside law firm, the cost could be high, depending on the case. This is in addition to the attention lost for the current business by the managers involved (i.e., opportunity cost). An estimate of $50,000 per case would not be unreasonable. If one adds to this the possible fines, court fees, and damages awarded to the plaintiff, the cost of mishandling an employee-related problem could easily be in the $500,000 to $1,000,000 range for a non-jury trial and even more for a jury award, when punitive damages are included. It would only take one successful resolution every few years by the ombuds office in such a case to justify the existence of the ombuds in the organization.

Legal Cost

Assumptions:
- A case filed with a federal or state agency has a nuisance value of $25,000
- The ombuds office is able to prevent at least one meritorious case from going to a government agency or court
- Every meritorious case costs $50,000 in legal fees (win or lose) excluding settlements and damages

Savings in Employment Practices Liability Insurance

Employment Practices Liability Insurance

Lack of risk mitigating programs could result in:
- High deductibles up to $25 million
- Lack of insurance coverage leaving the company highly exposed in cases with unfavorable court rulings or jury verdicts.

Insurance underwriters have also recognized the ombuds office as a risk-management tool. They are keen to find out if an organization has an ombuds office and other ways of addressing labor and employment matters in-house to avoid costly litigation. If such an office exists, the organization is eligible for a reduction in insurance premiums and a reduction in deductible expenses that could range from $5M to $25M or could even result in their inability to be insured. Large organizations insure themselves against loss arising from employment practices. A certain amount of money is put in reserve to cover expenses associated with exposure as a result of employment practices (adverse judgments, settlements with terminated employees, etc.). Additionally, they purchase insurance coverage to cover anything above the deductible or the reserve amount as part of their risk-management program. The potential savings here are great. For example, if a company receives an unfavorable judgment and is levied $24M in fines and damages, a policy with a deductible of $5M would save $19M minus the premiums cost.

There are a few other sources of savings and benefits that the ombuds office can bring. These savings would include reduced theft, safety violations, sabotage, vandalism, and bodily harm to other employees. Under the United States Sentencing Guidelines, the ombuds office can have a mitigating effect on any potential fines levied on the corporation in case of a punishable violation. Establishment of the office also helps comply with governmental requirements for organizations to have a confidential resource for reporting financial irregularities without fear of retaliation. The feedback that the ombuds office gives to senior management (as part of a regular upward feedback process) could lead to policy and/or procedural reviews and changes. This could generate a positive impact on productivity and morale. Although it is difficult to put a dollar value on this kind of contribution, it is nonetheless a cost benefit.

The above savings are somewhat additive. The institution of an ombuds office appears to be a cost effective measure. Table I (see page 13) summarizes the savings in the various categories above. These potential savings estimates are very conservative. The assumption is that less than one percent of the work force in the organization would have serious cases resolved between them and the corporation or fellow employees by using the ombuds office. The success rates in other companies are much higher than that. But even with such conservative estimates, the estimated cost savings of $3,285,000 are over seven times the cost of operating the ombuds office, estimated at $261,000 in the example given here.

The cost-benefit argument for having the ombuds office is two-fold. For only $261,000 the
organization will be able to provide a confidential, neutral, and independent option for dispute resolution for the entire work force. With the potential savings resulting from the ombuds office of $3,024,000 (a highly conservative estimate), the ombuds office will pay for itself many times over within a short period.

A word of caution

Before running out to show people how much money the ombuds office is saving the organization, one must be mindful of the fact that it is difficult to decouple the impact due solely to the efforts of the ombuds office from that of the other initiatives in the organization. Don’t be too quick to claim credit since the ombuds office is part of a system. Others have tried to determine the impact of the ombuds office on absenteeism rates, numbers of law suits, and morale. This can be a futile exercise since, in today’s environment, organizations are constantly launching (introducing) new initiatives aimed at improving the quality of work life, such as six sigma, leadership training, self-directed work teams, collaboration at work, diversity, inclusion, executive coaching, 360 feedback, etc. All these programs, as well as the ombuds program, contribute to the improvements in the effectiveness of the organization. They help improve morale, reduce absenteeism, increase productivity and profitability. For one to say that, since the ombuds office was instituted, key business indicators, or KBI’s (e.g., drop in absenteeism, decrease in law suits, disappearance of formal complaints) have improved, would indeed be presumptuous. If indeed there is an improvement in such KBI’s, it is very difficult to decouple the contributions of the ombuds office from the contribution of the many other company initiatives. The ombuds office is certainly an adjuvant to the other initiatives or options although clearly distinct from the flavor-of-the-year programs that come and go without making a noticeable impact on the organization.

In the three organizations where I have served as an ombudsman and in those programs that I have helped establish, the ombuds office has advocated for the development of resources aimed at increasing options for resolving issues, promoting inclusion/diversity and a fair and respectful work place. Further, if the role did not serve to protect the assets of the organization, then why have it? The office exists both as an actual contributor to the bottom line and as an insurance policy. It may sound like I am speaking from both sides of my mouth by encouraging the communication of the value of the ombuds

<table>
<thead>
<tr>
<th>Table I</th>
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<tbody>
<tr>
<td>Savings through the Ombuds Office</td>
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<tr>
<td>Category</td>
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<tr>
<td>Increase in productivity</td>
</tr>
<tr>
<td>Sr. management time savings</td>
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<tr>
<td>Turnover cost savings</td>
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<tr>
<td>Legal cost savings *</td>
</tr>
<tr>
<td>Litigation prevention</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>Cost of ombuds office per year</td>
</tr>
<tr>
<td>Cost Savings</td>
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</tbody>
</table>

*see appendix b for factors contributing to the cost of turnover
**legal expenses incurred whether a case ends up in court or not

The Journal, Vol. 6, Number 1
California Caucus of College and University Ombuds
office while at the same time discouraging claiming credit for the positive impact made by the ombuds office. But since the ombuds office works collaboratively with existing resources, credit for positive impact on the organization should be claimed collectively. Much of the ombuds office’s value to an organization lies in the office’s ability to enhance the effectiveness and expand the reach of other available resources such as human resources and employee-assistance programs.

Finally, let me add that the ombuds office is usually the place of choice for people who fear retaliation and are looking for or want confidentiality, without which they would not bring the problem or concern forward. So, the ombuds office, by simply being a confidential and a designated neutral, helps surface difficulties that would not have surfaced but continued to fester and affect morale and productivity. The workplace is allowed to get back to normal and the employee is allowed to get help in resolving the problem in order to move on with his/her life. The other option, though not a desirable one, would be that the employee with the grievance that is festering would explode (i.e., becoming violent), become passive aggressive, or choose external options to resolve the grievance, thus costing the organization money due to legal cost and management time (including opportunity costs when managers are taken away from the work of leading the organization forward).

These cost savings are real, whether the organization has an integrated conflict-management system or not, since the ombuds provides a unique service.

References


⁴*United States Sentencing Guidelines--A Privilege or Policy for Good Faith Self-assessment and Corrective Action* (e.g., 15 U.S.C. §1691(c)(1)(C)(1998)).

⁵The Sarbanes-Oxley Act of 2002.
Appendix A
THE OMBUDSMAN ASSOCIATION
CODE OF ETHICS

The ombudsman, as a designated neutral, has the responsibility of maintaining strict confidentiality concerning matters that are brought to his/her attention unless given permission to do otherwise. The only exceptions, at the sole discretion of the ombudsman, are where there appears to be imminent risk of serious harm.

The ombudsman must take all reasonable steps to protect any records and files pertaining to confidential discussions from inspection by all other persons, including management. The ombudsman should not testify in any formal judicial or administrative hearing about concerns brought to his/her attention.

When making recommendations, the ombudsman has the responsibility to suggest actions or policies that will be equitable to all parties.

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THE OMBUDSMAN ASSOCIATION
STANDARDS OF PRACTICE

The mission of the organizational ombudsman is to provide a confidential, neutral and informal process which facilitates fair and equitable resolutions to concerns that arise in the organization. In performing this mission, the ombudsman serves as an information and communication resource, upward feedback channel, advisor, dispute resolution expert and change agent.

While serving in this role:

1. We adhere to The Ombudsman Association Code of Ethics.

2. We base our practice on confidentiality.

2.1 An ombudsman should not use the names of individuals or mention their employers without express permission.

2.2 During the problem-solving process an ombudsman may make known information as long as the identity of the individual contacting the office is not compromised.

2.3 Any data that we prepare should be scrutinized carefully to safeguard the identity of each individual whose concerns are represented.

2.4 Publicity about our office conveys the confidential nature of our work.

3. We assert that there is a privilege with respect to communication with the ombudsman and we resist testifying in any formal process inside or outside the organization.

3.1 Communications between an ombudsman and others (made while the ombudsman is serving in that capacity) are considered privileged. Others cannot waive this privilege.

3.2 We do not serve in any additional function in the organization which would undermine the privileged nature of our work (such as compliance officer, arbitrator, etc.)

3.3 An ombudsman keeps no case records on behalf of the organization. If an ombudsman finds case notes necessary to manage the work, the ombudsman should establish and follow a consistent and standard practice for the destruction of any such written notes.

3.4 When necessary, the ombudsman’s office will seek judicial protection for staff and records of the office. It may be necessary to seek representation by separate legal counsel to protect the privilege of the office.

4. We exercise discretion about whether to act upon a concern presented by an individual contacting the office. An ombudsman may initiate action on a problem he or she directly perceives.

5. An organizational Ombudsman should report to the highest level of management (such as agency head, CEO, governing board, etc.), in a manner independent of ordinary line and staff functions and should not report to, nor have the appearance of reporting to, nor be structurally affiliated with, any compliance office of the organization. The Ombudsman should have direct access to the Board of Directors or other oversight body as appropriate.

5.1 An ombudsman strives for objectivity and impartiality.

5.2 The ombudsman has a responsibility to consider the concerns of all parties known to be involved in a dispute.
5.3 We do not serve as advocates for any person in a dispute within an organization; however, we do advocate for fair processes and their fair administration.

5.4 We help develop a range of responsible options to resolve problems and facilitate discussion to identify the best options. When possible, we help people develop new ways to solve problems themselves.

5.5 An ombudsman should exercise discretion before entering into any additional affiliations, roles or actions that may impact the neutrality of the function within the organization.

5.6 We do not make binding decisions, mandate policies or adjudicate issues for the organization.

6. We remain an informal and off-the-record resource. Formal investigations - for the purpose of adjudication - should be conducted by others. In the event that an ombudsman accepts a request to conduct a formal investigation, a memo should be written to file noting this action as an exception to the ombudsman role. Such investigations should not be considered privileged.

6.1 We do not act as agent for the organization and we do not accept notice on behalf of the organization. We do always refer individuals to the appropriate place where formal notice can be made.

6.2 Individuals should not be required to meet with an ombudsman. All interactions with the ombudsman should be voluntary.

7. We foster communication about the philosophy and function of the ombudsman's office with the people we serve.

8. We provide feedback on trends, issues, policies and practices without breaching confidentiality or anonymity. We identify new problems and we provide support for responsible systems change.

9. We keep professionally current and competent by pursuing continuing education and training relevant to the ombudsman profession.

10. We will endeavor to be worthy of the trust placed in us.

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Cost of Turnover Worksheet

Direct Costs of Turnover

FOR: ___________________________ (job category)

Instructions: Do your best to fill out this “Cost of Turnover Worksheet,” assuming that an employee in the above job category is a solid performer with five years of service. The actual dollars you record in the appropriate boxes should be your best estimate based on your experience as a manager.

TANGIBLE COSTS

LOSS OF SOLID PERFORMER (5 years of company experience) COSTS

- Hiring
- Informal on the job training (length of time required for becoming familiar with people, places, policies, practices) until new employee can perform the basic function
- Formal training (internal or external conferences, courses, or programs) to develop job skills
- Perceived value of employee’s contribution and effectiveness (competency and commitment, i.e. technical knowledge and expertise, client and co-worker relationship, etc.)
- Retention and promotion awards (bonuses, promotions, prizes)

SUBTOTAL

HIRING REPLACEMENT COSTS

“RE” - Recruitment
“RE” - Hiring
“RE” – Training (informal)
“RE” – Training (formal)
“RE” – Development of contribution and “Value”

SUBTOTAL

TOTAL TANGIBLE COSTS
**Instructions:** You will note that there are arrows to right of each cost listed below, please fill in either the up or down arrow to indicate whether the item mentioned will increase or decrease. For example if you think that the number of errors will increase, mark the arrows as follows: ↑ ↓

### INTANGIBLE COSTS

#### TRANSITIONAL COSTS (among new and remaining employees)
- Errors ↑ ↓
- Efficiency ↑ ↓
- Effectiveness ↑ ↓
- Productivity ↑ ↓

#### CO-WORKER IMPACT COSTS
- Turnover ↑ ↓
- Morale ↑ ↓
- Loyalty ↑ ↓
- Team functioning ↑ ↓

#### PUBLIC RELATIONS IMPACT COSTS
- Community reputation ↑ ↓
- Professional group standing ↑ ↓
- Union reputation ↑ ↓
- Hiring pool reputation ↑ ↓
- Client relationship ↑ ↓

#### TOTAL INTANGIBLE COSTS

#### TOTAL TANGIBLE COSTS

\[
\text{Plus or minus}
\]

| Difference between former employees’ and new employees’ salary package |

#### GRAND TOTAL COST OF TURNOVER
Assessing an Ombuds’ Worth in a Large Organization

Daniel B. Watson

Daniel B. Watson has been the Chief of Police of the South Pasadena (California) Police Department since January 2002. Prior to that he spent over 28 years with the Los Angeles Police Department (LAPD), retiring at the rank of Commander. Chief Watson spent the last four years of his career with LAPD as Department Ombuds Officer, managing an alternative dispute-resolution program.

The Los Angeles Police Department is a huge organization: 13,000 people spread out over many layers of command in a 465-square-mile area. These people inevitably have interpersonal problems and complaints. But in the law-enforcement community—which tends to be a closed society, resistant to change—people usually handle their own problems instead of seeking assistance. Thus, when Los Angeles Police Chief Bernard Parks decided to institute an ombuds office in 1997, resistance throughout the organization was predictable. None of it, however, became overt, probably because Parks had a strong personality and leadership style that had the common effect of transforming open resistance into muted skepticism.

Even that flurry of skepticism has tapered off since LAPD became one of the first police departments in the nation to offer ombudsmen services to its employees; from 1997 to 2005, LAPD’s ombuds office has flourished. When I retired in 2002, its multi-cultural staff was comprised of two females and five males, all with 13 or more years of experience within the department. As chief ombuds officer for four years—and now retired from that position for three years—I am in a position to reflect on why that office has been successful enough to weather ever more stringent financial pressures.

But, the reader may ask, what is the relevance of an ombuds’ experience in a top-down, para-military organization to ombuds who help people solve or prevent problems in the more informally structured academic setting? I believe the two seemingly very different environments have one fundamental similarity that transcends the differences: an ombuds deals with the root causes of human conflict. Granted, students, being younger and less mature than most police officers, react differently than an older workforce. And police officers, by virtue of their employment, are armed and therefore able to effect a frightening potential outcome of conflict. The majority of police officers are male; students and academic staffs are more nearly gender balanced. But, when it comes to interpersonal conflict, police officers, students, and academic staff react in similar ways, and the ombudsing processes are similar.

And so is the need to show that ombudsing services are cost effective and beneficial to the institution, whether police department or university. If an objective of any ombuds is the prevention of full-blown problems and we are successful much
of the time in achieving that objective, how do we measure a problem that doesn’t seem to exist? The intelligence community has faced the same problem with respect to terrorism: failure, such as at the World Trade Center, is readily measurable; success—the thwarting of terrorist attacks—is indeterminate. Our failures as ombuds may expand into highly conspicuous formal complaints or lawsuits; our successes can seldom be made known in any explicit way.

**Forming the Ombuds Office**

When he established the LAPD ombuds office, Chief Parks had over 30 years’ experience as an LAPD officer and understood clearly the need for an ombuds. He recognized the value of placing a high ranking, senior employee in the position, though he could not decree that the ombuds office would indeed work. A few months after its formation, when I inherited a program that was in its infancy, with almost no staff, it quickly became evident that one of the most important efforts I had to make was to gain support from within the organization at all levels. Because I had grown up professionally within this organization and had worked with the rest of top management, I was careful to bring in as staff a group of diverse, tenured police officers, who were credible and well respected. Following are the most salient statistics of the selected staff:

<table>
<thead>
<tr>
<th>Gender</th>
<th>Ethnicity</th>
<th>Rank</th>
<th>Years of experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>Hispanic</td>
<td>Detective</td>
<td>20</td>
</tr>
<tr>
<td>Male</td>
<td>Hispanic</td>
<td>Sergeant</td>
<td>24</td>
</tr>
<tr>
<td>Male</td>
<td>Black</td>
<td>Sergeant</td>
<td>15</td>
</tr>
<tr>
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</tr>
<tr>
<td>Male</td>
<td>White</td>
<td>Sergeant</td>
<td>13</td>
</tr>
<tr>
<td>Male</td>
<td>White</td>
<td>Lieutenant</td>
<td>24</td>
</tr>
<tr>
<td>Male</td>
<td>White</td>
<td>Commander</td>
<td>28</td>
</tr>
</tbody>
</table>

One of them was a semi-closeted—i.e., not publicly identified—gay/lesbian; however, many people within the department knew of this individual’s sexual orientation and sought assistance because of that awareness. Collectively, the seven of us had worked in nearly all sections of the LAPD. This was crucial in establishing the credibility of the ombuds office.

**Ombudsing Strategies**

Having a respected and committed team in the ombuds office helped to achieve our objectives in many ways. Since we were a new addition to the LAPD, it was important that people feel confident in using our services. The best means to engender confidence was for a potential client to know someone who worked there. Each of our staff members often got calls from someone they knew who either referred a client or made a direct contact themselves. They would sometimes state that the only reason they gave us a chance was because of their personal relationship or their knowledge of the reputation of one of the members of the office. Furthermore, because of the representativeness of our staff, we collectively knew people in every command. This helped us to brainstorm solutions to dealing with an intra-command problem and ways to approach certain critical people within the command.

We relied very much on one another to help discern solutions. I configured the office so as to give each staff person a private room for seeing clients, but we all worked in a main office, where we could share ideas—a noteworthy reason for our becoming cohesive.

Our ombuds office used both mediation and conciliation to help resolve conflict. An example of the latter involved a young officer who decided to give the LAPD one last chance to fix a problem before resigning. When she first visited our office, she had a typed resignation in her hand. As she then explained, she had been a reluctant wit-
ness in a complaint of sexual harassment misconduct against her partner. During the course of the investigation, she admitted using profanity in his presence after he had directed a clearly inappropriate sexual remark to her. Although he did not recall making any such remark, her alleged profanity and his alleged inappropriate remark resulted in their both being recommended for disciplinary action.

After speaking with her husband, she decided she could no longer work for an organization that would discipline her for such a minor offense. She did not realize that she had a valid claim of retaliation for being a whistleblower. Once the circumstances were fully revealed, I was able to intervene and have the complaint against her withdrawn. Though eventually the checks and balances of the disciplinary process would have caught the mistake, by then it would have been too late to avoid a resignation and its considerable financial consequence. (It costs $100,000 to recruit, select, and train a police officer.) My mediation prevented that loss.

We used mediation to resolve a years-long conflict between two very senior civilian employees. When their commanding officer sought assistance from our office in resolving the dispute, we learned that the argument centered on which one of them was responsible for performing a certain task that seldom occurred. The commanding officer could have established a policy, but he was wise enough to know that there were underlying differences that fed the conflict and that the task assignment was only a symptom of those differences. During mediation, we quickly saw that the underlying differences involved age, gender, and ethnicity. Our mediation focused on those irreversible givens and resulted in a facilitated agreement between the two employees as to who was to perform which task in certain situations. A few months later the commanding officer told me, “I don’t know what kind of magic your people performed, but I have two new employees.” On multiple occasions they were able to rely on the mediated agreement without further conflict, though never as friends.

During the four years I was ombuds officer, the standing of the office as a resource to employees and managers grew because of the many cases that were effectively resolved. The personal relationships and reputations of the staff were instrumental in many of these successes. When both Chief Perkins and I had retired in 2002, the reputation of the entire ombuds office was established. The new chief understood the value; the LAPD ombuds office remains intact despite difficult financial times.

**Reporting Successes**

The question of how an ombuds staff demonstrates the value of their services is complicated by the guarantee of confidentiality under which they must work. Successes can’t be publicly shared with any specificity, though, of course, employees and students who benefit from ombuds services could help market the program; in fact, most people who seek assistance from an ombuds remain quiet about what happened. Our ombuds office kept minimal statistics to show the number and types of conflicts we handled—means of documenting productivity and offering snapshots of problems within the organization—but these data did not really show the true value of our work.

The Ombudsman Association recommends that an ombuds report directly to the senior official in the organization: CEO of a corporation, chief of police, or president of a university. Such a reporting opportunity allows an ombuds to cite examples of success, without violating confidentiality, directly to someone who is most responsible for developing the budget. During my time as ombuds officer, I informed the chief of numerous successes, and I made presentations with minimal detail to the police commission in open session. For example, I reported on the female officer who was about to resign; on an employee who stated that, because of the resolution conciliated by the ombuds office, a lawsuit had been avoided; and on the two civilian employees whose 10-year feud we helped to end.

It doesn’t take very many dropped lawsuits, discrimination complaints withdrawn, potentially inflammatory news conferences cancelled, and careers saved to justify the value of an ombuds. Presentation of anecdotal but accurate information to the most senior decision makers may be the best way of demonstrating the value of an ombuds to an organization. Success in such presentations requires two things: access to the decision maker and that person’s confidence in the ombuds’ skill and credibility. This is true in an academic institution as much as it is in any
other organization. Once the head of the organization is convinced, it becomes that leader's responsibility to convince the persons responsible for the budget that an ombuds is cost effective and necessary, not just nice to have and therefore expendable.
Assessing the Value of Ombuds Programs

Dave Renfro

Dave Renfro is a Commissioner of Mediation with the Federal Mediation and Conciliation Service with an office in Irving, Texas. Like most mediators, Commissioner Renfro brought with him to the FMCS years of experience in labor-management relations. With a background in law enforcement and education, Dave began his labor-management career when he was elected to serve as the full time president and business manager of an inner city chapter of the American Federation of Teachers. Dave also helped to develop an accredited college-level labor studies curricula and taught the curriculum course on the History of the American Labor Movement. He later accepted positions with the International Brotherhood of Teamsters and the International Union of Police Associations. He has been a local union president and business manager, a statewide business agent, and an international union representative. During this time, he also co-founded several non-profit organizations, including: Oklahorians for Relief and Employment; the Oklahoma Coalition for Children, Youth and Families; and the Oklahoma City Literacy Center.

In 1991 Dave became Oklahoma’s 13th Commissioner of Labor, serving as the chief executive officer of the Oklahoma Department of Labor. During his term of office, his peers from across the nation and U.S. Territories elected him to serve as President of the National Association of Government Labor Officials. As the Association’s national president, Dave was called upon several times to testify before Congress. During his term as national president, Dave met often with U.S. Labor Secretaries and White House staff on matters related to the workplace.

Upon leaving office in 1995, Dave started a consulting business focusing on labor relations, education, communications, and research. An adjunct college instructor, Dave developed and continues teaching several graduate-level courses at the University of North Texas including: Workplace Dispute Resolution, Hostage Negotiations and Crisis Intervention, Dynamics of School Conflict, and Dispute Resolution and Globalization. He has presented the Hostage Negotiations course in workshop format to several requesting law-enforcement organizations, including the Texas Association of Hostage Negotiators and several metro area police departments. Dave has also presented in workshop format the School Conflict course to various education organizations. In addition to his responsibilities as a Commissioner of Mediation, he has also served as a faculty member for Workplace Violence Prevention for the FMCS Institute and is a member of the FMCS’ Youth Violence and School Yard Mediation Initiative. He has been a volunteer suicide intervener for the Dallas Suicide and Crisis Center and is a member of the Dallas Council on World Affairs, the United Nations Association, and the Texas Writers’ Garret. He has authored numerous articles related to labor relations, education, government, politics, and social satire. Dave has completed training programs at MIT, Pepperdine, Harvard, and Fuller Theological Seminary.

What?

What is our challenge? Ombuds practitioners serve as internal peace-makers and face increasing examination by decision-makers to demonstrate the cost-effectiveness of our programs. Deficit-plagued government budgets and globally competitive private sector job markets, combined with continuing
wars on terrorism, have created post-9/11 economic necessities. Decision-makers are challenged to identify and then downsize non-essential programs, reduce budgets, and cut costs. This invites a greater than normal scrutiny of ombuds programs, regardless of the fact that they provide alternatives to more costly litigation. Unfortunately, decisions to eliminate or reduce alternative dispute-resolution programs, including ombuds programs, as a means to balance declining budgets are often the result of prioritizing based upon apples-to-oranges comparisons.

Are programs such as ombuds offices being quantitatively reviewed with distributive bottom-line budgeting objectives, rather than qualitatively understood in contributive, value-based, conflict managing terms? The problem that all dispute-resolution professionals, including ombuds practitioners, should learn to address is how to demonstrate to organizational leaders in our post-9/11 workplaces that they cannot afford and would be ill advised to cut costs by eliminating or minimizing non-litigious alternatives for resolving conflict.

So What?

So what do practitioners need to know in order to hold an effective position with budget-cutting decision makers? The Ombudsman for Coca Cola Enterprises, Dr. Thomas Zgambo, presented a bottom-line perspective of this type of corporate decision-making when he declared at this year’s CCCUO Conference that, “Companies’ missions are to make money, so the ombuds office must accommodate this mission.” He then presented sample arguments based upon how to translate organizational values into budget cost savings. Sound fiduciary missions make good business action, right? And good business action results in sound business practice, right? If so, ombuds practitioners must ask decision makers relevant questions if they are to enjoy an apples-to-apples assessment for cost comparisons and budget prioritizing. For instance, if a bottom-line fiduciary action results in fostering an organizational culture that ignores or diminishes employee access to structured problem-solving alternatives, how will employees interpret and respond to organizational intent? How will they respond to a bottom-line designed to make a profit or rescue a budget, especially if that bottom-line intention is perceived by employees as the only-line objective in determining organizational budget actions?

Profitability and/or solvency are transparently clear to all who economically depend on that organization. However, for ombuds, employee access to dispute resolution processes is more than a good business ethic; it is a good business practice. Often overlooked by budget cutters, but fully understood by every dispute resolution practitioner, is the simple reality that conflict exists. This is not offered as profound wisdom but as relevant information for responsible decision making.

In the Buddhist tradition, the reality of human nature is contained in the first of the Fourfold Noble Truths. While worded not as conflict, but as suffering, the meaning is the same. The Buddha observed an inherent human condition, proclaiming “The world is full of suffering.” He asserted that suffering, or conflict, simply exists. It exists in the workplace, in our families, our neighborhoods, our churches, corporate boardrooms, local schools, and everywhere life itself exists. With or without a balanced budget, conflict will exist. With or without healthy profit margins, conflict will exist. And with or without competent efforts to respond to, manage, or resolve human problems within an organizational context, conflict will exist.

Accessible and skillful dispute intervention adds organizational value; but it doesn’t preempt conflict from occurring. Human conflict also shares reality with the First Law of Thermodynamics. Organizational priorities determined by bottom-line financial demands may solve the monetary value at risk but may also jeopardize the very solvency it sought if the potential for conflict is not understood and resolution processes not valued.

When examining the dynamics of workplace

\[Zgambo, Thomas, Ph.D. \text{ Remarks regarding cost-effectiveness of ombuds programs. Annual Conference of the California Caucus of College and University Ombuds, Asilomar Lodge, Monterey, CA, November 15, 2004.}\]

conflict, one should not overlook the word dynamics. Dynamic is defined as energy. In terms of thermodynamics, it refers to the heat (energy) transferred (shared) by one body (person and/or group) with another body (person and/or group), thereby resulting in a waste of work and/or motion. Conflict can be thought of as a form of thermodynamics. Those who suffer in conflict transfer their energy from one person or group of people to another. According to the Second Law of Thermodynamics this transfer is irreversible and always produces waste. Wasted energy via transfer is known as entropy—or that amount of energy unavailable for work. When energy does not have a venue for release, the overall energy gradually degenerates to a level of inactivity.

Therefore, people who are in the workplace waste energy and transfer their negativity to others, who in turn waste even more energy. This transfer continues until energy is significantly reduced overall. That may be why workplace conflict is often referred to as friction between individuals or groups. It is also referred to as personality clashes. Every high school physics student knows that the outcome of friction and clash is a slowing (or even stopping) of the energy in motion. In other words, every action has an equal and opposite reaction.

If every organizational leader understood what every apprentice electrician seems to understand regarding the laws of thermodynamics, the impact of workplace conflict would be much more widely appreciated by decision makers. This law allows electrical engineers to harness electricity from natural resources and redirect that power into conduits to light our homes.

Organizations can do the same with the energy derived from workers sharing positive and, yes, even negative attitudes. To utilize the good intentions and dispositions of employees, managers generally are quite skilled in harnessing constructive energy into conduits of productive empowerment. Managers often rely on ombuds professionals to harness the destructive energies of employees and direct them into conduits of neutrality or constructive conversion. As practitioners, we can ask leaders what they expect to happen in the organization when people in conflict have no conduit in which to neutralize or convert negative energy.

Whether decision makers appreciate or accept this application of physical law to human nature is irrelevant. Conflict has a dynamic or emotional energy about it that demands attention and therefore cannot be ignored for long. It is interesting that the words conflict and afflict share Latin origins very similar in meaning. The root word for each is fictus and simply means striking together. The noun fictus in Latin is defined as “a serious disagreement,” or if stated as a verb, confingere means to strike. The word affliction, or affigere, from the Latin origin, also means to strike. The Latin verb for both conflict and affliction are also the same, figere. In fact, one Latin language dictionary even defines conflict as affliction. It would seem logical, then, to accept that people in conflict are suffering an affliction. One of the Latin definitions of affliction is to grieve. In workplace dispute language, people desiring to address their conflicts can do so by filing a grievance.

People in conflict tend to make decisions based more on how they feel about something or someone than on what they think about something or someone. This feeling (suffering) is always moving (e-motion) and being transferred to (contagiously shared with) others. Therefore, the demand for attention exerted by the dynamics of conflict exists as much as the conflict itself. That is why decision makers with insight seek to assess dispute resolution outcomes in relation to overall organizational interests, rather than simply as a means to balance declining budgets.

Consider as example a severed electrical line releasing its energy indiscriminately in a chaotic triangulation of power surging through its environment with no constructive purpose. Now imagine that line

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3Ibid [3].
3Ibid [5]
3Ibid [7]
having been repaired and those same atoms of power traveling along a directed path for deliberate purpose. If conflict is allowed to triangulate recklessly through the workplace with no positive intention or purpose, energy (work) is wasted. In contrast, if conflict is directed through an ombuds’ procedural conduit, wasted energy (work) is minimized and purpose (organizational interests) is maximized. The energy generated in conflict (almost always negative) is by nature going to take the path of least resistance. Good leaders can direct such negative energy into the path of a conduit designed for converting destructive potential into constructive purpose while achieving mutual interests.

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

Assessing only the monetary costs of managing workplace conflict may produce the temporary monetary relief sought for an organization’s budget. However, decisions to limit resource distribution to more quantifiable operational programs in lieu of ascertaining a realistic qualitative human-resource value will subject the organization to another law of nature, as mentioned earlier, that assures every action will have an equal and opposite reaction. Physical laws are so important for decision-makers to understand because, no matter how much power and support a leader has or how much budgetary planning is done, these natural laws simply cannot be defied, denied, ignored, or violated. That is why they are referred to as Laws of Nature.

**Now What?**

Now what do ombuds and other conflict-resolution professionals do to address the increasing resource challenges confronting organizational leaders and other budget officials? How do we advance the collective desire for healthier workplace environments while simultaneously adjusting to limited revenues? Thomas Zgumbo defends ombuds programs, claiming a value-added assertion can be made regarding the cost of maintaining an ombuds office. “Thus even if we assume that the quantifiable benefits of an ombuds program did not exceed the cost of the program, that would not mean that the program would be valueless or wasteful,” he argues. The human face is the organizational quality behind the budgetary quantity. Inappropriate measuring of the value differences between a quantitative payroll-ledger liability and a qualitative human-resource asset may be well intended but short-sighted nonetheless. The opportunity for ombuds practitioners and other dispute-resolution advocates to educate decision makers of value-added assessments justifying continued expenditures will rest in accomplishing measurable dispute-resolution outcomes as well as organizational program interests. Useful qualitative measures are more difficult to create, interpret, and apply than quantitative measures. However, if decision makers demand evidence of program cost effectiveness as the bottom-line monetary benefit to justify continuation of programs, then evidence of human-resource effectiveness must demonstrate comparably measurable, bottom-line monetary outcomes.

Organizational leaders can be educated to understand that, while they have no choice regarding the inherent nature of conflict’s existence, they do have choices in how the energy contained in conflict will be released within their respective organizations and workplaces. Bottom-line leaders reacting to budgetary urgencies will choose to simply quantify budget priorities using incomparable and inconsistent measures to assess ombuds programs. Informed leaders, reacting from understanding and awareness of conflict dynamics and alternative resolution potential, will choose to both quantify and qualify organizational needs. Ombuds educated leaders will have a more insightful understanding of how the organization may be drained of positive energy, making it more difficult to achieve program goals. As Kennet

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10Zgumbo, op. cit.
Cloke, Director of the Center for Dispute Resolution in Santa Monica CA observed, "The instinctual negative responses [to conflict] sap our energy and make it more difficult for us to achieve our goals." 11

Ombuds practitioners, along with every other dispute-resolution professional, should come to understand that every organization--private or public, for-profit or not-for-profit--systemically seeks to improve solvency and resist insolvency. Therefore, time, talent, and creative program assessment are required to demonstrate value-based measures that represent cost effectiveness of ombuds programs in our resource-limited world. Budgets are by design revenue instruments for achieving organizational mission and directing employee productivity. Insightful decision makers need only minimal coaxing when presented with measurable cost effective benefits of a conflict prepared workplace.

Conclusion

Albert Einstein was a believer in the dynamic order of nature. He once said, "Look deep into nature, and then you will understand everything better." Just as it is the inevitable order of nature that tectonic plates below the surface of the earth create a subterranean conflict when competing for the same space at the same time, so too will humans conflict when they, their ideas, their personalities, their cultures, their work, or their physical space compete for the same attention at the same time. This natural phenomenon of tectonic plates competing for the same space is called an earthquake. However, the natural phenomenon when human beings compete for the same space is referred to dismissively as a personality clash. Fortunately, though, the same force or dynamic of nature that is inherent within human beings to create conflict also creates a natural urge to respond to that conflict. Because it is human nature to dwell on the negative, a more positive response must be deliberate in access, inviting in process, competent in delivery, and encouraging in outcome. It must also pass the organization’s test of mission appropriateness, which may require the meeting of an assessable benchmark.

Finally, many ombuds practitioners know they can proudly trace their formal beginnings back to early day Norsemen and more modern Swedish origins. However, if we are willing to view ombuds’ efforts from another perspective, the genesis of this peace keeping work traces back to Biblical times and claims spiritual importance. This historic significance was seemingly appreciated by the founders of the California Caucus of College and University Ombuds, as evidenced in its official logo of a dove carrying an olive branch. The religious traditions of the Judeo-Christian faith recognize the dove as the symbol of peace and the olive branch it carries as the gift of peace. Further to the east, practitioners of the Hindu and Tibetan Buddhist traditions sound the visceral throat chant of om as a sacred mantra for beginning and ending prayers for individual well-being, personal contentment, and universal peace. Though there is no apparent Judeo-Christian or Swedish relationships to Hindu or Buddhist meditation ritual, the parallel is no less interesting between the Indian Sanskrit sound of om and the Swedish word ombuds.

In the New Testament, Jesus is quoted as proclaiming, "Blessed are the peacemakers; for they shall be called the children of God." 12 However, this proclamation of right intention and divine goodness does little to calm the anxious budget minds of responsible organizational decision makers. With no rabbinical wisdom offered to calm the cost conscious CFO, the central question still remains, "Are ombuds programs cost-effective?" The answer--hopefully complemented by sound fiduciary, value-based, and mission supporting evidence--is quite simply, "Only when human nature is involved."

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The opinions expressed herein do not necessarily represent those of the United States Government or the F.M.C.S.

When the Worst Happens: Lessons of an Ombuds Office Closure

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Introduction

From time to time many of us may have confronted a difficult situation by asking ourselves rhetorically: what’s the worst that can happen? In the case of serious budget cutbacks at Northern Arizona University (NAU), I would not have imagined that “the worst” would have included what actually took place. Yet on March 1, 2004, NAU’s University Ombuds Office, as well as its associated University Mediation Program, were permanently closed following a long series of budget cuts.

Slightly more than two years ago, the University Ombuds Office at Northern Arizona University was a functioning, full-service ombuds office. It employed a full-time administrative assistant and three conflict-resolution professionals, who provided services to employees and students in the following areas: individual and small group conflict resolution, mediation services, and selected conflict-resolution training. These services were available at the main campus in Flagstaff, Arizona, as well as available, time permitting, to a variety of NAU’s distributed sites in other parts of the state. The Ombuds Office was provided with a suite of modern offices in the university’s refurbished Old Main Building. While the offices were centrally located and easily accessible to all, the location was in a part of the building which allowed for discreet entry and departure of visitors. The Ombuds Office was provided a budget which was certainly adequate for its several purposes and even allowed for limited annual funding for travel and training for the ombudspersons. In retrospect, these circumstances created virtually an ideal situation for an ombuds program, a set of conditions not readily found on many other university campuses.

What follows, therefore, is an attempt to comprehend the university’s decision to close the office and to illuminate some of the larger internal processes at work. At the same time this article offers the reader several “lessons” derived from this experience here at NAU. The author offers such lessons as a cautionary tale: if a relatively well endowed campus ombuds program was permanently closed under these circumstances, then others may wish to take stock of their own campus situation.

Background to the Office Closure

The recent budget problems faced by Northern Arizona University are probably not materially different from those faced by many other colleges
and universities, especially those which rely to some degree on state funding. In recent years the percentage of NAU’s operating budget that comes from state funding has been declining as a proportion of the total university budget, an experience paralleled in many other states. Salaries of faculty and staff have fallen in comparison to peer institutions. Maintenance and improvement of college buildings and grounds have also been seriously under-funded.

The downturn in the national economy following the September 11 tragedies caused something of a cascade effect in Arizona. Declining federal funding and the slowdown in tourist travel impacted negatively on the state’s economy. State revenues, which depend heavily on sales tax and other user taxes, fell precipitately, and most state agencies, like the state universities, faced severe budget cuts. In several cases the universities were hit by multiple budget give-backs within the same fiscal year. At the same time, student enrollment declined, further eroding the university’s revenue stream.

The budget situation reached a crisis in June of 2002. Individual budget managers were called into the offices of their respective direct administrators and given targets for cuts. Since I reported to the Office of the President, I was called into a conversation with the president and given a dollar figure as the amount by which my budget would now be permanently reduced. Since there was no opportunity for discussion and, further, since this amount could only be cut by eliminating a staff member of the Ombuds Office, we then incurred the first permanent loss of a staff position.

Some months later in early 2003, after I could not give firm assurances to the other ombuds that her position would be kept, she departed the university for a job with private industry. At that time the second position was frozen, never to be returned. A few months after that experience, my administrative assistant, now convinced that her job was also in jeopardy, transferred to another available position within the university. Her position was then eliminated. Since the university’s budget woes continued, so, too, did the precarious future of the sole remaining ombuds. In March 2004, the university announced that, due to continuing funding difficulties, the Ombuds Office would be permanently closed, along with the University Mediation Program, and that I, as a tenured faculty member, would be returned to my home academic department. Thus ended over ten years of successful experience with an Ombuds Office on NAU’s campus.

**Lessons of the Closure**

As I collected my more serious musings about what had transpired, these thoughts eventually formed a set of lessons for me, judgments drawn from my personal experiences. Readers will certainly form their own impressions from what follows.

I now perceive what occurred at NAU as a potential morality tale. Do not be lulled by the longevity and vitality of an ombuds program into assuming that changing circumstances cannot—or will not—create a seriously negative organizational environment for dispute resolvers. These lessons are offered, therefore, as an opportunity to take stock of one’s own situation in the hope of avoiding a similar end. My judgments are not presented as scientific truths for the profession. Rather, they should be seen as reflecting important principles which may or may not be operative in readers’ institutions. Hopefully, the lessons offered here have wider application than the single case from which they were generated.

**LESSON #1: Cultivate champions for the ombuds function within your organization.**

A champion in this sense is one who not only believes the ombuds function is important but is willing to fight for, and/or defend, the ombuds role in a competitive organizational environment. The reality may be that the ombuds office within your organization is already the beneficiary of a champion. Your current champion, if you have one, may be a key administrator, perhaps even a president, who was responsible for initiating the ombuds function as a result of a traumatic event for the institution (e.g., a major lawsuit). Once you have such a champion, begin to cultivate others; you may need more than one because champions come and go. In our case we lost the president, who was our champion, but there was no one else to take her place. And while there were plenty of other administrators who gave the ombuds function rhetorical support, no one was willing to seriously fight for what the Ombuds Office stood for. We had, as it were, placed all our eggs in one basket.
without knowing it. Precisely what methods might one employ in cultivating champions? While there is insufficient space here to answer such a question, prospective answers would constitute a useful topic for a future UCOA convention workshop (see Lipisky, et al., 2003:135-37).

LESSON #2: Don’t assume that those with whom you work most closely within the organization see things the same way you do.

Ombuds work with many helping campus offices, such as Human Resources, the Office of Student Life, and the Employee Assistance Office, to name but a few. I judge that any of us, as ombuds, tend to perceive that others who value our contribution also see the uniqueness of the value we bring to conflict situations. In my case I believe it would have been valuable to have examined that assumption more closely and more often. One of the skills of experienced ombuds is the ability to help the visitor see things through the eyes of the other with whom he/she may be in conflict (see Rowe, 1995). In my own situation I would have benefited from adopting more often that perspective vis-à-vis other campus offices. This might have allowed me to understand that even campus stakeholders who shared my point of view on certain matters did not for my reasons but for their own. When budget cuts began, staff in other offices, who viewed the ombuds’ contribution from their particularistic perspectives, believed that the campus could not exist without their exertions but could continue, albeit regrettably, without the ombuds office.

LESSON #3: Learn to promote discreetly both the value of your role as ombuds and the successes of the ombuds office to key individuals within your institution.

This has been a difficult lesson for me to learn. I had the good fortune of attending the Ombuds 101 Seminar within two months of my initial appointment as university ombuds. The experience impressed upon me the acute importance of organizing an ombuds office around professional standards of practice (see Marti, 1994, and Sebok, et al., 2000). I subsequently influenced the entire staff to understand the importance of working on situations and, eventually, exiting without leaving any fingerprints. It proved to be a small step to move unwittingly from following the principle of confidentiality to following a principle that might be termed organizational anonymity. We helped individuals as well as campus groups achieve successful outcomes but rarely took credit for our accomplishments. We believed that this encouraged employees, including administrators, to perceive the ombuds office as a resource rather than a challenge to their organizational power or authority. When we periodically reviewed the effectiveness of our campus role, the ombuds office staff discussed the apparent need for self-promotion to key administrators versus the requirements of standards of practice. In the end, believing that professional standards trumped our need for self-promotion, we proceeded pretty much as before. In retrospect, I believe we saw the two needs as competing rather than as complementary. We should have addressed both needs. When the university budget cuts began in earnest, I judge that several key administrators were unable to cut through the organizational anonymity we had helped create for ourselves and thereby understand more clearly the value we brought to the institution.

LESSON #4: Don’t put yourself in a shell, isolating yourself within your own organization. You need to be seen as an involved part of the overall management of your institution.

Clearly, Lessons #3 and #4 are closely related. Yet there are differences. A fine line exists between being perceived as having a key role to play within the institution and being perceived as part of the overall management team. In many ways the ombuds must walk such a line. On an organizational chart such a relationship might be graphed as a dotted line. The lesson here is to be seen as part of the effective management of one’s institution without being seen as an integral part of the chain of command. While the latter would eventually kill one’s effectiveness—and violate standards of practice—the former is needed to convey the true value of one’s work to those who have the power to make formative deci-

*The tension between professional standards and the realities of ombuds’ practice is frequently felt by practitioners and often referred to in the literature. For a sampling, see Gadlin and Pino (1997), Kerze (1993), Spratlen and Neff (1996), Olswang (1998), Schwartzman (1999), and Stewart (1978).*
sions for the institution. Our office staff maximized its discretion internally, and we were never seen having lunch or coffee with key administrators. Of course, what we did was almost never to have lunch or coffee with key administrators. In retrospect, this was a mistake, since we created something of a shell for ourselves. Once again, we saw two needs—the need for discretion and the need for being perceived as separate from the chain of command—as competing. If we had been more self-conscious about squarely addressing both needs simultaneously, we could have adopted strategies for including ourselves within the overall management of the university but without being directly involved in the chain of command.

**LESSON #5: Have an annual evaluation program for your office that the administrator to whom you report directly believes gives senior administrators reliable data on the effectiveness of what you do.**

Since my direct-report administrator was the president of the university, she took primary responsibility for conducting the annual evaluation of the office. It was her custom to have conversations with other senior administrators regarding the Ombuds Office and in that fashion to take the measure of the office’s effectiveness. In addition, I prepared detailed monthly and annual reports for the president which included aggregate statistics on the demographics of office usage as well as a narrative section which dealt with trends and recommendations regarding the university workplace.

Looking back, my staff and I should have done much more. At the risk of stating the obvious, it seems clear to me now that, since the previous president was also a champion of our office, we had at the time no powerful motivation to worry about collecting other data on the office’s effectiveness. Also, at annual staff reviews, we discussed whether we should survey our office visitors in order to assess our work; the discussion always bogged down over the tension between standards of practice and asking visitors to fill out an evaluation form. Once again our bifurcated approach to conflicting needs tied our hands: confidentiality versus an office survey. There were certainly other ways for us to have filled these needs, but we lacked sufficient incentive at the time to pursue them.

I judge that a more systematic evaluation of our office’s work—with comparative data stretched over several years—would certainly have given us a more persuasive stance from which to argue the merits of the ombuds program. And if there had been elements of the evaluation that provided grounds for a common metric in comparison to other campus functions, all the better. What the data might have shown is that the ombuds role was seen by employees and students alike as a vital part of what was working successfully within the institution. Contrast this stance with trying to argue the fact that the large numbers of people who visited the office amounted to the same thing. During internal budget discussions, other offices and functions were compared using similar metrics. The Ombuds Office, however, did things so differently that no easy comparisons could be made. Our difference became our worst enemy, since we were not able to show easily how we added value to the institution, value which could then be compared directly to the value that others added. (For example, see Lipsky et al., 2003: 263-295.)

**LESSON #6: When the ombuds role is seen by administrators as part of the seamless web of an integrated conflict-management system, the likelihood that the ombuds function will be eliminated in a severe budget crisis decreases.**

I advance this as a conditional lesson that is clearly influenced by what happened at NAU. I also realize full well that the suggestion may stimulate an adverse response from some ombuds who may relish the outsider role’s organizational neutrality. This role may allow ombuds greater opportunity to observe their professional standards of practice in a manner that keeps significant distance between them and the organization’s management team. I argue, however, that this outsider role may convince some managers that the ombuds is a specialized dispute-resolution “tool” within a broader organizational toolbox. When managers confront budget crises, they may see themselves as forced to decide among those tools to retain and those to eliminate in a time of resource retrenchment. Senior managers simply convince themselves that they can manage conflicts successfully by using other available tools.

Carving out a more specific niche for the ombuds office within an integrated conflict-manage-
ment approach may strike some readers as an invitation to dance with the devil: the ombuds co-opted by management. In my view this need not necessarily happen and can be prevented by negotiating certain safeguards for the ombuds’ function.

By being more self-conscious within the organization about a conflict-management structure, ombuds may present their role more clearly for what it is: an important alternative to what other offices provide but an alternative that can also reinforce broad organizational values that emphasize respect for all employees. Creating such a specific place for the ombuds within an integrated conflict-management process may help ensure that everyone sees the ombuds as a vital part of successful personnel-management processes. In an environment where serious budget crises impact all, an integrated approach to conflict management may secure the ombuds role—rather than allow its elimination.

LESSON #7: Keep in mind that closing an ombuds office may involve prior attention to certain details that engage professional standards of practice.

As part of the state university system, NAU and its associated campus offices must meet certain requirements of the State Office of Administration regarding record keeping. Indeed, most paperwork generated by university departments must, at a minimum, be maintained as a state record for five to six years. Fortunately, I was the beneficiary of good advice from more experienced ombuds when I began my role. I applied for an official dispensation that exempted our office from most state record-keeping requirements; we received permission from the Office of the State Attorney General to shred day-to-day records and all notes generated in ombuds-related work. Had I not had this official permission on record from the state level, I would have found myself in a very awkward situation when the office closed. Our university legal counsel was greatly relieved to be reminded that the Ombuds Office did, indeed, have such signed permission on file.

Since our Ombuds Office has been an important part of the past ten years of our university’s history, the university archivist requested a copy of our office’s history. That request reminded me of how useful it is to keep the history of one’s office up-to-date rather than trying to reconstruct a narrative long after the fact. We also placed in the university archives a detailed account of our office procedures in the hope that, should an ombuds office be resurrected in the future, the proverbial wheel will not have to be reinvented.

Some files, such as mediation agreements, remained—those that NAU was required to keep but that we did not believe should be placed in the general university archives, which are open to curious library patrons. We decided to seek the assistance of another campus office that requires confidentiality; it keeps its past records under separate lock-and-key. We, therefore, located the few confidential records we were required to keep in that office’s storage area.

Other campuses may have other requirements—some as part of local customs and some as part of state requirements. In any event it behooves the ombuds to know in advance what these requirements are and to plan in advance for how to meet such requirements.

Conclusions

The closure of the University Ombuds Office at Northern Arizona University was the result of an unfortunate series of interrelated events. While it might be balm to one’s ego to presume some dark management conspiracy to eliminate the role of the campus ombuds, the real story is more mundane and, for that reason, more easily generalized to other campuses, especially those state-supported colleges and universities that are under financial siege. To them I offer these conclusions:

1. A tenured member of the faculty who is University Ombuds has both advantages and disadvantages. One obvious advantage is the protection that tenure can provide when ombuds must speak truth to power. A serious disadvantage is that the university administration is not forced to declare an outright dismissal in a budget downturn; the tenured faculty ombuds can simply be reassigned to a faculty role. In my case the senior university administrators were not forced to justify the elimination of the ombuds position on campus; they merely cited evident budget constraints and assigned me to my home aca-
demic department. People who might have risen to my defense, had I been confronted with separation from the university, continued to see me as someone who still had a job, thus muting a potential outcry.

2. As a political scientist, I should have recognized that a university is quintessentially a political environment. Even though I found it necessary in acting out my neutral role to remain aloof from many formal campus processes, it was a mistake to think I could thereby remain above campus politics. The seriousness and long-term effects of the budget crisis meant everything was on the cutting board. Active cultivation of political allies in the budget war was clearly appropriate to the situation.

3. A lengthy budget crisis--though other situations may produce the same effect--brings into dramatic relief the seeming conflict between aspects of UCOA's Professional Standards of Practice and the day-to-day realities of life as an organizational ombuds. Prior to the budget cut, I would have cited several occasions when some situation called for me to adapt the standards to the reality I faced. But the cut confronted me in several ways with too many apparent contradictions between standards and everyday practice. Strategizing with other ombuds would have helped immensely, but all too often we are blinded by our own perceptions. I had not imagined the worst and so did not judge that truly extraordinary measures were needed.

I have had ample opportunity over the past several months to reflect on what transpired on our campus. The inevitable what-ifs do haunt my thoughts from time to time. What if our former president had stayed in the job rather than retiring and leaving the field to someone who did not have the same commitment to the ombuds role? What if I had taken it upon myself to create a different working relationship with the new president? What if I had been more effective in my efforts to rally campus stakeholders? Sometimes it is difficult to still one's late-night ruminations.

Yet life often merely is what it is. In the final analysis, lessons are not only to be understood but also must be put into action. My final conclusion—as well as my hope—is that these reflections may be a spur to insight for others and that such self-knowledge may lead to very different outcomes on other campuses.

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Mixing Personal Values And University Rules

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Introduction

After more than three decades as an attorney and author, I feel quite comfortable dealing with legal rules. Even so, it surprised me, after working as a professor at the University of Kansas since 1975, to encounter so many unfamiliar and complex rules in my new position as University Ombuds. Faculty, staff, administrators, and students brought to my attention questions involving a wide variety of problems they encountered at the University of Kansas. Every day I seemed to come across more rules.

Not so very long ago, schools operated in a far less legally and socially complex environment. In the post World War II 1940s and 1950s, a prevailing culture of conformity dominated America. Middle class, white males overwhelmingly outnumbered all other groups on campus. At many schools, distinguished scholars frequently occupied the positions of chairs, deans, and presidents. Many of these administrators ruled in an autocratic fashion with an iron hand. Students--and faculty--did not question administrators. University and college administrators created policy. Faculty and students obeyed these rules. For example, few students even considered the possibility of obtaining a review, either in the schools or in the courts, of the decision of a dean of students to expel a student.

The 1960s, a time of great cultural upheaval, radically changed the social structure of America and America’s colleges and universities. A great number of organized groups--minorities, women, antiwar protestors, drug users, gays, consumer activists, and environmentalists--took issue with the status quo. People started to challenge everything.

By 1967, students and faculty in large numbers began to reject the autocratic rule that had prevailed in colleges and universities for centuries. Activists urged students to question authority. As time passed, colleges and universities drifted in the direction of becoming somewhat more democratic. Administrators decided to share more power and consult with the faculty and students prior to making a decision. Administrators became more like professional managers than scholars.

In response to the varied protest movements, as the country moved through the mid to late twentieth century, the federal government, as well as state and local governments, started churning out new laws. Up to this point in time, universities and colleges managed quite well without even a single full time attorney on the payroll. If legal questions arose,
schools kept a local attorney on retainer to resolve any thorny ones, or they used an attorney working for the state government. By the late 1960s, universities and colleges responded to the ever changing legal environment by hiring full time attorneys to interpret and enforce the new rules.

Huge bureaucracies developed during the latter half of the twentieth century. Today, for example, at the University of Kansas the Office of the Vice Provost for Student Success, just one of many University offices at K.U., manages 20 departments with over 650 professional staff members. Many of these departments came into existence in the latter part of the twentieth century.

During this same era, particularly in the late 1970s, some colleges and universities added the new quasi-administrative position of university ombuds. The ombuds sought to find an informal resolution to conflicts, as well as to unravel bureaucratic processes, in a time of relatively few rules and far less complex bureaucratic systems.

Today, ombuds face a starkly different legal and social environment than existed in the early 1960s. Whereas in the late 1960s an ombuds might not need to concern himself or herself with rules, because far fewer rules existed, today an ombuds cannot avoid spending a considerable amount of time reviewing university policy—regulations generated either in response to federal, state, or local laws or that exist in response to the changed social environment of colleges and universities.

Among other tasks, ombuds locate and discuss college and university policy with visitors. Few callers know where or how to locate university policy. Ombuds thus serve a vital role in assisting visitors in finding college and university rules. Once the ombuds completes the search for a visitor, he or she needs to explain the meaning of the rules. In performing this function, to what extent do ombuds consider the possibility that a rule, even a very concrete rule, may mean radically different things to different people? That is the subject of this article.

An Illustrative University Rule

To illustrate the problems associated with the interpretation of rules, this article focuses on a University of Kansas regulation dealing with examinations and tests. Rule 1.4.4 of the University of Kansas University Senate Rules and Regulations states, “Students with a verifiable medical crisis of a relative or friend may be excused from being present for scheduled examinations and tests. It is the responsibility of the student to initiate discussion with the instructor, prior to the examination/test if possible. The instructor and student shall come to a mutually agreeable method of making up the missed work.” (<http://www.ukans.edu/~unigov/usrr.html>)

This regulation leaves many questions unanswered. For example, is the university policy that a professor must excuse a student with such a medical crisis or merely that a professor may excuse the student? If the rule leaves the decision entirely up to the professor’s discretion, why write such a rule in the first place?

The next section addresses a purely hypothetical, but factual, situation dealing with the application of this rule.

Scenario

Professor Norman Bates at the beginning of the semester provided students in his class on serial killers with a very detailed syllabus. The class met from 2:00 p.m. to 3:00 p.m. on Mondays, Wednesdays, and Fridays in Smithers Hall. The syllabus explicitly stated in bold print that the second examination in the course would take place on Friday, March 15, the day before Spring break officially began. Bates found it annoying that so many students in prior years started Spring break early, thus missing his classes before Spring break. He made his intention very clear in class to show no mercy towards anyone who missed the second examination. On March 15, he carefully distributed numbered copies of his second examination. After giving everyone a test, Bates found himself in possession of an extra test. He checked the class roster and noted the absence of Susan Smith, an older, nontraditional student. Susan never informed him, prior to the examination, that she might miss the test.

Unknown to Professor Bates, at 1:00 p.m. on the day of the examination, Susan started to leave her apartment to walk over to his class. Just then, Susan’s roommate, Frances, found herself totally unable to breathe. Susan called 911 and immediately
started to administer CPR on Frances. When the ambulance arrived at 1:15 p.m., Susan followed the ambulance to the hospital, arriving at the university hospital (just a five minute walk to Smithers Hall) at 1:35 p.m. Rather than go to class, Susan waited at the hospital until 3:35 p.m., at which time the doctors finally succeeded in stabilizing Frances. Susan neglected to call Professor Bates prior to the conclusion of the examination. The treating physician determined that Frances nearly died from a bronchial infection of the lungs, which resulted in a nearly complete obstruction of her lungs. The hospital visit saved her life.

The day after the examination, Susan left a message on Bates’ answering machine. She explained the circumstances and asked to take the test at a later date. On Monday, she called Professor Bates and asked to meet him at his office that afternoon. In the meeting, Susan again explained the extraordinary circumstances of her absence on the day in question. Up to this point, Susan had an A in the course.

Professor Bates sat silently as he listened to Susan’s impassioned plea. When Susan finished talking, he stated that missing an examination owing to the illness of a friend required more of a justification, in his mind, than if the illness of a relative had caused Susan to miss the second examination. In any event, he said, the fact remained that Susan had failed to call him prior to the test. No medical crisis existed anyway. The medical crisis, if any, ended at the time Frances checked into the hospital at 1:35 p.m. At that time, Susan could easily have walked from the hospital to the classroom and taken the examination. Since university policy states that a student “may” be excused in the event of such a crisis, assuming one even existed, nothing in the rules obligated him to excuse her from the test. Since Susan missed the test, Bates assigned her a zero. Susan appealed to the department chair, who expressed his agreement with Professor Bates’ handling of this matter.

**Is a Neutral, Objective Application of the Rule Possible?**

Near the dawn of the twentieth century, legal scholars began to argue that a judge could apply the law to specific cases in a fashion independent of the judge’s ethical and political values. These scholars wanted to portray legal decisions as quantifiable and predictable. Legal scholars refer to this period as the formalist or scientific jurisprudence era—one that collapsed under the scrutiny of the legal realists in the 1920s and 1930s. Legal realists engaged in the practice of debunking, arguing that any given set of facts could result in a variety of plausible outcomes (Whitman 1977): a judge could reach different decisions depending on which arguments he or she chose to select as governing the outcome. Legal reasoning can justify contradictory results in any given case.

If judges can arrive at different results depending on which arguments they decide to accept, we need to pay special attention to the fact that gaps and ambiguities in a legislative act simply compound this problem. If the legislature drafts a law and leaves gaps and ambiguities in it, the legislature increases the likelihood that a judge will draw upon his or her own values in resolving a case. Because values differ from person to person, this means that the outcome in a given case can vary, depending on the values of the judge who hears a case.

**Gaps and Ambiguities in Rules Must Be Filled In**

Returning to the University of Kansas rule dealing with a verifiable medical crisis of a relative or friend, does the K.U. rule, applied to this student, dictate a particular outcome? The answer is no. Just as the legal realists argued, this set of facts can result in a variety of plausible outcomes, depending on which arguments the professor chooses to select as governing the outcome. The professor’s values influence which arguments a professor applies to the facts.

Clearly, the drafters of Rule 1.4.4 left some gaps and ambiguities in the rule. The writers failed to define many of the terms they used.

In the scenario cited here, the following questions need to be considered:

- Did Frances’s inability to breathe rise to the level of a medical crisis? Professor Bates took the position that, even if a medical crisis in fact existed at first, the crisis ended by 1:35 p.m., when medical professionals had taken charge of Frances. This left Susan a mere five minutes away from the classroom at 1:35 p.m. On the other hand, many people would
argue that the medical crisis did not end at 1:35 p.m.

University of Kansas policy makes it the responsibility of the student to contact the instructor prior to the test—if possible. Professor Bates gave the policy a literal interpretation. As nothing prevented Susan from contacting him prior to the test, she could have called him. While nothing physically prevented Susan from calling, to interpret the rule in this fashion ignores the psychological impact of witnessing a traumatic event. Who would even think about placing a call concerning a scheduled test while witnessing what might be a close friend’s last breath? A more sensitive professor might very well have overlooked her failure to call under these circumstances.

- Is Professor Bates correct that the word *may* in the regulation makes it entirely discretionary whether to excuse a student from missing an examination in the case of a medical crisis? Or does *may* really mean *shall*, and thus an instructor must excuse a student under such circumstances? Another professor quite likely would have construed this regulation to mean that a student must be excused in the event of a medical crisis.

Professor Bates interpreted this rule in the most restrictive possible fashion to rationalize his actions in this case. But nothing in Rule 1.4.4 dictated this particular outcome. Many professors would have reached the opposite conclusion on this set of facts—that a medical crisis of a relative or friend existed and therefore warranted excusing Susan from taking the test.

**What Causes a Person to Interpret a Rule in a Particular Manner?**

When gaps or ambiguities exist in a law, the legal realists believed that legal arguments could generate equally plausible justifications for any result. But what causes the person interpreting a law to fill in the gaps or ambiguities in a particular fashion? Why did Professor Bates give Rule 1.4.4 such a restrictive interpretation rather than a more liberal one?

Adherents of the 1980s critical legal studies movement forcefully argued that a judge’s own moral values and ideological assumptions determine the manner in which a judge fills in the gaps and ambiguities in a law (Kennedy 1997). When a judge attempts to interpret an imprecise rule, that person must turn to his or her basic political, ethical, and social values to determine how to fill in the blanks in the rule (Kairys 1982). A judge’s own values and ideological assumptions play a powerful role in determining how the judge interprets the rule. The critical legal studies scholars coined the phrase *law is politics*. This saying reflects their belief that judges do not arrive at a decision independent of their own values. Judges make political decisions. We often hear people say that judges engage in a neutral, objective application of legal expertise, but critical legal studies scholars believe that legal rules do not compel a definite answer to many legal questions. Judges cannot fill in the gaps and ambiguities in a rule in an objective, neutral fashion.

**Why Might Using the Interpreter’s Moral Values Be Unjust or at Least Deceptive?**

Returning again to the hypothetical case, suppose that Professor Bates harbors ill feelings towards Susan because he spotted her marching in a gay rights parade. From this fact, he concluded that Susan and Frances are lesbians. Both Professor Bates and the department chair attend a Christian, evangelical church, which views homosexuality as a mortal sin. Because the regulation in question leaves some room for interpretation, it opens the door for Professor Bates to turn to his religious beliefs in filling in the ambiguities in this case. His faith may make it difficult for him to act in an objective, neutral fashion. Professor Bates may be simply mixing his own religious views with university policy.

The possibility that a person can graft his or her ethical, political, social, or religious values onto otherwise neutral policy creates very serious problems with respect to the gaps and ambiguities that exist in many rules. Totally unknown to other people and perhaps totally unrecognized by the person interpreting the rule, a person interpreting a law can distort the intention of the persons who adopted the rule in the first place. The interpreter of the rule can add something to the rule that the parties who wrote it never intended.

People who interpret university policy some-
times must fill in the gaps and ambiguities in the rules and, in doing so, may fall back on their own political, social, ethical, and religious values. In other words, such people may add provisions to university policy so as to fashion it in a manner that conforms to their own ideological beliefs. Another person, with different ideological beliefs, could very well arrive at a different result in the same case.

Implications for Ombuds

As noted at the beginning of this article, colleges and universities operate in a radically different legal and social environment from that which existed for centuries. School administrators act in a much more democratic fashion than in the past. Administrators tend to seek input from all the interested parties before making a decision. The law requires even chancellors and presidents to comply with a huge body of federal, state, and local law. Educational institutions need attorneys just to keep everyone informed of what the law requires.

Colleges and universities create many rules designed to bring them into compliance with what the law requires and with what various organized groups demand. As University of Kansas Rule 1.4.4 illustrates, the persons who draft such rules quite often fail to make their provisions crystal clear; they leave the rules open to interpretation.

Legitimate reasons exist for keeping rules vague. No one can anticipate all the actual situations that might arise. Institutions need flexibility to deal with the myriad of cases that might arise. Even so, it should concern members of a university community when a rule does not dictate a single outcome. Leaving gaps and ambiguities in a rule opens the door for the people interpreting it to slant the rule so as to make it consistent with their own political, social, ethical, and religious values. This transforms the rule into one that reflects the values of the interpreter.

Ombuds should attempt to make certain that administrators enforce university policy in the fashion intended by the body that adopted the policy in the first place. Unjust decisions can arise for many reasons; for example, a bureaucrat may act unreasonably or arbitrarily, may misinterpret a rule, or may act in a biased or incompetent fashion. Ombuds ought to protect the disadvantaged and powerless from unfair bureaucratic decisions that deprive people of their rights.

Power sometimes causes people to act arrogantly in disregard of—and without respect for—the rights of others (Dawson 2001). Administrators sometimes act inconsistently with the spirit of a rule largely because of human failings. They may use a strict interpretation of a rule as a subterfuge to advance some undisclosed agenda. Milos Forman’s 1975 movie, One Flew Over the Cuckoo’s Nest, serves as an excellent illustration of an institutional player who succumbed to her shortcomings and, in doing so, deprived her charges of their rights (Douglas 1975). In this film, nurse Ratched engaged in a battle of wills with rebellious inmate Randle Patrick McMurphy for control of the hospital ward. He challenged the rules and regulations of the ward. He attempted to fight the system and refused to give in to nurse Ratched’s orders. Inmates in a psychiatric hospital clearly can suffer due to the asymmetry in power between themselves and the institution—much the same as subordinates in a university setting can experience a loss of rights. Nurse Ratched failed to administer the rules consistent with the spirit in which they were created.

Ombuds sometimes deal with people like Randle Patrick McMurphy, who object to the manner in which an administrator interprets and enforces a rule. Ombuds exist to try to bridge the gap between the public and the bureaucracy. Visitors place great trust in the hands of ombuds. If it appears that a person abused his or her power, someone needs to check that abuse of power. An ombuds may do so simply by looking into a matter. Very few people want their bad acts exposed to public scrutiny—even if that scrutiny consists only of the ombuds discussing their actions with them.

In performing our function of locating and explaining the meaning of university and college rules, we need to remain cognizant of the possibility that a person, like nurse Ratched, might choose to willfully distort the meaning of a rule in order to further some less than transparent agenda. It is naive to think that everyone who interprets rules will come to the same conclusion as to the meaning of those rules; therefore it is imperative for an ombuds to offer an appropriate interpretation of the rules.
References


Improving the Survival Rate of the College or University Ombuds Office: Essential Relationships in Troubled Times

Tim Griffin

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When colleges and universities in tough economic times face significant budget cuts that require difficult fiscal decisions, many programs, services, and staff come under intense scrutiny. At times like these, academic programs and even entire academic departments attempt to justify their continued existence through the accumulation of data showing healthy enrollment levels and trends, high levels of revenue through research grants, and/or a demonstration of a strong need within the larger society for additional degreed professionals in their respective fields.

The typical college or university ombuds office, if it is to survive, can produce none of these data and as a result must develop alternative means and strategies of merit evaluation to offer to decision makers. The available literature on evaluation provides some assistance in the identification of means by which the institutional value of an ombuds office can be determined. Rowe (1993) suggests a method by which the benefit of the academic ombuds can be quantified. Harrison (2004) conducted extensive quantitative research by interviewing fifty students who had utilized ombuds services at an institution of higher education, spoke numerous times with the ombuds, and suggested evaluative techniques that could be used in making a case for the value of the function. Other authors have suggested useful approaches to determine effectiveness in corporate and governmental settings (Caiden & Male, 2000; Lux, 1993; Perneski & Rowe, 1993). These techniques are certainly very helpful. However, they are necessarily based upon unprovable assumptions and speculations and can therefore be effectively challenged or dismissed by those with no additional motivation to see the function continue. Some upper-level administrators may appreciate the early warning, trend identification, and systemic change-agent roles of the
ombuds, but others may not. Even those who do value these ombuds contributions may be hard pressed to defend such a position against the need to cut academic programs or those units providing more direct and visible services to the educational and research missions of the institution.

At such times, individuals from certain quarters within the institution, who do not appreciate the work that is done there, can sense an opportunity to influence decision makers to take actions to close the office or at least to reduce its scope and power through the realignment of administrative reporting structures and reporting lines. Such opportunists might be heads of units who perceive the ombuds office as encroaching on their own function or field of influence, or they might be individual institutional actors who feel threatened by the knowledge or supposition that the ombuds has become aware of their misbehavior. Arguments that the office’s existence and function serve to improve morale, empower individuals, and are morally or ethically correct are also helpful but are all too frequently inadequate to protect the ombuds office from being sacrificed on the altar of economic necessity when encouraged by such individuals. This article offers the campus ombuds a proactive strategy for improving the chances of survival in hard economic times by developing a valuable appreciation among other campus leaders that can indirectly influence the perceptions of executive administrators.

Clearly, ombuds must operate in adherence to the UCOA standards of practice, maintain an aura of personal and professional integrity, and appropriately and respectfully serve the needs of those who utilize their services. In addition, it is vitally important that ombuds maintain regular communications with upper-level administrators by identifying trends, offering advice on policies and procedures, and using other means consistent with the institution’s culture. These—and other activities widely discussed and written about in the available literature—are unquestionably necessary for the expectation of continuation in all but the best of times. However, when the ombuds office is under a heightened degree of scrutiny, these practices may not be enough. It is then that the existence of champions, outspoken supporters of the office, can make the crucial difference. These champions may step forward from the upper admin-

istration but may more frequently be found among the second-tier administrators (deans, directors, and managers), informal leaders, and spokespersons of distinct constituency groups.

Positive rapport and an appreciation of the ombuds function are most beneficially inculcated with members of the executive cabinet. These individuals, typically vice presidents, will likely be the central figures in developing the institution’s response to budgetary reductions. Providing regular communication to these executives about developing trends and problems in their respective administrative divisions is a wise survival strategy. It is also important to remind them of the number and types of concerns that were successfully resolved informally at lower levels of the organization. Unfortunately, access to these executives may be limited and in some cases unwelcome, due to the nature of their work, demands upon their time, or personal management style. A valuable alternative, therefore, may be to reach them through others who report to them and work with those individuals on a more regular basis.

Establishing and maintaining a positive rapport with these deans, chairs, directors, and managers can be extremely beneficial. This can be initiated through a brief, introductory meeting in which the ombuds’ primary, substantive agenda item is to acquaint the administrator with the function and limitations of the role. Important points in this introductory meeting include an iteration of the principles of confidentiality and neutrality and an assurance that consultees are always encouraged to exhaust informal options prior to engaging more formal resolution strategies. It is important to offer assurances that individual and isolated allegations will typically be viewed by the ombuds as anomalies, not as confirmed incidents or patterns of behavior, and that any allegation presented to the ombuds is treated as one person’s perspective only. In addition, an affirmation of compliance with the ombuds philosophy of beginning any intervention at the lowest feasible level within the institutional hierarchy can often alleviate an administrator’s concern that the ombuds presents a threat. All of these statements are invaluable in laying a foundation of trust and rapport with someone unfamiliar with the ombuds role.

The introductory meeting should include an invitation for the administrator to personally utilize
the services of the ombuds for confidential assistance and advice in a number of areas. Such consultation offers the ombuds an opportunity to provide input on the development of policies and procedures; the identification and clarification of institutional policies, procedures, and practices; and the generation of options for responding to specific incidents that occur in the administrator’s specific unit or department. It is wise to assure the administrator that, should a pattern or trend of potentially problematic concerns from his or her area of responsibility become evident to the ombuds, the administrator will be informed directly and immediately by the ombuds with the degree of specificity allowed by the limits of confidentiality.

For those administrators who express an interest, follow-up meetings can further enhance the rapport. These meetings might include a broad discussion of the numbers and types of concerns brought to the attention of the ombuds over the course of the prior year, as well as emphasis on the number of cases resolved quietly and informally by those who took advantage of the ombuds’ services. Suggestions for alterations to policies, procedures, and practices, including potentially useful topics for unit staff training and other types of support, should be offered when appropriate. It is equally important, whenever possible, to cite the number and types of cases that have decreased in the administrator’s area and thereby demonstrate recognition of improvement.

Obviously, this strategy of developing rapport is only possible with administrators in units of sufficient size that such discussions can occur without compromising the confidentiality of anyone who may have consulted with the ombuds. Administrators who appreciate the ombuds’ efforts to assist in the improved functioning of their units can be invaluable champions for the continuation of the office of the ombuds. Subsequently, they may be counted upon, in both group meetings and individual discussions, to counter criticism of the ombuds office with decision makers who might be considering closing the office or curtailing its scope of independent operation.

Other individuals who have the potential to become strong advocates for the office may be the elected representatives of campus constituency groups or those who are perceived as influential members of special interest groups. Such positions vary from campus to campus but may include representatives of such formal groups as labor unions, faculty senates, student governments, and employee councils. They may also represent groups such as minority staff and student organizations like the local chapter of the NAACP and chapters of other influential campus organizations like a women’s advocacy group, an advocacy group for persons with disabilities, a gay/lesbian/bisexual office or advocacy group, and others. The specific groups and individuals who might have access to the decision makers at an institution will vary widely and will be unique to each campus. It is well worth the time it takes to identify these individuals.

When a new president of the faculty senate or student government is elected, a visit to that person is in order. This is an excellent opportunity to explain not only the ombuds position but also to specifically share the numbers of his or her constituents served each year, the types of concerns these individuals presented, and the types of resolutions typically achieved subsequent to consultation with the ombuds. Such information can impress upon the campus leader the historical and potential future value of the ombuds function to his or her constituency. In addition, suggestions and assistance can be offered to help the new leader better understand the structure and decision-making processes of the institution and develop politically appropriate strategies to accomplish his or her goals.

The ombuds can offer to attend a meeting of the group or organization to explain to the membership the services offered by the office and to provide assurances that the services of the office are neutral, confidential, independent of the administration, welcoming to members of the group, and that the ombuds will endeavor to assist them individually or as a group to accomplish a resolution of their concerns in an efficient and informal manner as possible. The ombuds also might offer to review proposed policies or procedures of the group for compliance with those already existing within the institution and to assist committee chairs and others in the development of appropriate and effective approaches to utilize with specific institutional decision makers or decision-making bodies.

Like those in formal administrative positions, some of these individuals from shared governance or informally powerful campus constituencies
may have the opportunity to mention their appreciation and support for the assistance they or their constituents have received from the ombuds. When decision makers hear occasional comments of this type over the course of time, they may reflect on the scope of the office and its many and diverse benefits to the institution, as well as the possible resistance or opposition from these quarters to any suggested closure or curtailment of the ombuds function.

Finally, an entity which is easily overlooked as a potentially valuable ally is the student media advisor and staff. While interactions with the media should always be treated with great care by any ombuds for obvious reasons, there are certain communications with them that can be appropriate and helpful to all segments of the institutional community. Given the annual turnover of the student staff and their limited understanding, based on only a few years of university experience of how universities work, the ombuds can offer to present a brief overview to the advisor or staff about the organization of the institution’s administration (including a copy of the organizational flowchart), explain the difference between a tenured and non-tenured faculty member, and describe how the student government interacts with other groups and the administration through the shared governance system.

Establishing rapport with these students offers many potential benefits. When an overzealous reporter goes off on a quest to write a story based on inaccurate assumptions or information, much time and effort can be wasted by numerous individuals who are contacted inappropriately during the investigation. If the story ultimately appears and is based on inaccurate information that is otherwise publicly available, stress and frustration can be the result. On the other hand, if the reporter contacts the ombuds at the point of beginning the investigation, appropriate and applicable sources of information can be identified, including applicable institutional policies and procedures and the names and contact information of the staff of administrators directly responsible for the topic being researched. This can result in a more accurate story that is less likely to misinform the readership or anger the administration. It also saves other institutional staff and administrators from being contacted needlessly by the reporter, who might perceive their responses (or lack thereof) to be uncooperative or conspiratorial. It is vital that the reporter or editor understand that the ombuds is a resource for direction within the institution, not to be cited in the article or quoted on the topic at hand unless the topic deals with some aspect of the ombuds office itself.

The above strategies for developing rapport with a variety of campus constituents require extra, proactive efforts on the part of the ombuds. It is, of course, easier to sit in our offices and wait for individuals to seek our counsel without expending additional time and effort developing positive working relationships with influential people on our campuses. It is, after all, our primary duty to serve those individuals who directly come to us for assistance, and most of us have enough of those consultees to keep us as busy as we wish to be without creating more work for ourselves. To our detriment, however, many of our consultees benefit so much from our advice that they proceed to resolve their concerns with no awareness of the dispute or of our assistance by the decision makers in positions that can drastically alter our professional existence. We cannot depend on our consultees to seek them out to tell their stories, express their appreciation for our help, and thereby impress upon administrators the value of our work. If we are to effectively protect our existence and function in times of intense scrutiny, executive decision makers need to know that others value our services.

By maintaining positive relationships with and becoming more directly useful to middle managers, leaders of shared governance, special constituency groups, and the campus media, the ombuds can increase the frequency with which executive-level administrators hear of the good works done by the campus ombuds. In addition to other types of hard data used to prove the value of the ombuds office, such personal testimonials can be an effective influence on decision makers and subsequently help the office survive the adverse effects of hard budgetary times.
References


Working Tired

Allen Church

I believe that a psychological force driving seasoned ombuds is the belief that settlements are never impossible or lost; rather, they are just buried under 1000 pieces of information--information that has been annotated, revised, digested, restored, and then shaped, shined, and served up to ombuds as "truth."

Sifting through 1000 pieces of layered and folded information takes endurance, patience, and regular 60-hour work weeks. The energy for those work weeks comes from the ombuds' belief that the visitor's life will be made better by the visit.

Mark Twain gave us this truism: "No matter how thin you pour the pancake, there are always two sides." Similarly, ombuds may be a noun on one side, a verb on the other, and even a gerund in the process of being flipped -- much like a Mobius strip.

Ombuds as a verb are nothing unless they are in action and social. At the core of their competency as a verb is their recognition that they are inseparable from the action of the world around them and the influential social context of people they know and with whom they work.

As a noun the ombuds knows words are at the heart of human exchange, knowing that nouns mis-spoken, misheard, or misunderstood spawn flawed comprehension, triggering razor sharp, deadly conflict. One needs only look at war and terror in the 20th century, with bloodletting on an unprecedented scale, to realize the tragedy of human loss: 210 million children, civilians and soldiers dead.

Finally, an ombuds is like a gerund because, if the ombuds office stands for anything, it serves as a question mark asking visitors to pause and reflect on the consequences of what they are doing. Once the question is posed, an answer of their own election follows, often exposing the unsettling ambiguity of the world.

Hence, when conflict arises and disputants are "divided like a comb," ombuds know that, no matter what they read, what they see, or what they hear from the disputants, they cannot know all there is to know about the dispute. There is always some small part missing from the disputants' biased stories--a missing part which may be capable of providing, at a minimum, a reluctantly acceptable solution for the disputing parties.

Additionally, ombuds are always in great need of a reliable source of the truth because they know that the disputants tend to disclose only that which is inspected, not what is expected from them. Further, an ombuds' truth management must respect all initial points of view in the dispute. As William James stated, "A fact is simply a point of view from 1 of 360 degrees." Hence, ombuds must quietly create a vacuum of maturity, readiness, and freedom to understand, into which naturally flow the disputants' infantile needs for intensity, extreme experience, and immediate dominance--attitudes that tend to soil their imagination and make most resolutions unworkable.

Furthermore, ombuds must respect truth from a time standpoint. Consider the following: ombuds are always attempting to understand facts in time present regarding facts in time past while fashioning solutions in time future. Time orientation is not always a simple task, especially when dealing with intelligent people who need more education by the very fact that they are intelligent. But intelligent, ego-driven disputants often fail to appreciate topical issues, facts, and generational gaps in solution producing scenarios, which mostly chills the resolution process. Ombuds must proceed on the assumption that disputants can find a way to talk if they want to and in this case of mental violence must weave a solution--and not just any solution.

First, they must determine if the solution construct is to be simple or complex. A solution may be as simple as the single vowel word no. Or as complex as a series of visitor-coaching sessions for a complainant to model for their counterpart with tact--which is the knack of making a point without making an enemy.

Second, they must determine if a working solution to the dispute should be rule-, legal-, party-,
or equity-based. This approach is used in order to best insure a durable solution with the people and the environment within which it must be implemented and activated. So, original framing of the problem on the proper decision tree is vital. Ombuds must know those various decision trees and options and present them in a complete, accurate, and ethical manner to all parties in the dispute. Ombuds must always be sensitive to non-disputants not present at the table, who may be negatively impacted by a positive resolution between the disputing parties.

Further, at one extreme, the problem may not even be an appropriate one for ombuds, such as a visitor seeking advice on the best strategy regarding the visitor’s pending lawsuit against the university for sexual harassment. Or, at the other extreme, the problem may be a red meat issue for the ombuds but initially camouflaged—like a human resource matter presenting as an academic conflict from a university employed graduate student.

In this light, ombuds must possess confidence in and knowledge of their own strengths, weaknesses, biases, apathies, prejudices, and blind spots. They must know themselves and know that everyone else is not like them. They must struggle to understand how counterparts got to their understanding of what is right or wrong, why it is a change for them, and be alert to the way they are being tugged.

Understanding how and why a person constructs and defends a particular position is critical in holding people responsible for their conduct. An act may be intentional, malicious, accidental, justifiable, unintentional, excusable, or caused by ignorance or by medical or mental malfunctions. It could be as simple as one of the disputants’ forgetting to take his or her medication that day or as complex as a condescending jilted lover. So much depends on the secret mind of the disputants, what they knew or should have known, and their moral yardstick by which they measure what they did.

Ombuds must wade carefully through framed positions, self-serving interest, self-justified rationale, entertainment escapism, mind-made plots, puffed vanity, sportive fiction, rude humor, destructive intimacies, storied fantasizing, partially conscious visitors, disturbed youths, shallow-hearted thinking, lonesomeness, bad company, improbable stories, stretched facts, culture, politics, and the endless contriving of disputants to claim the desired results while attempting to make the ombuds an allied entity. Reconnoitering available facts, ombuds must puzzle out what is silently running up and down the minds of the disputants, always possessing a special alertness to determine where the shoe is really pinching disputants.

All this must be done without the appearance of surprise, leaning, disbelief, contempt, condemnation, or guile diplomacy. Rather skilled ombuds will always be looking for the best options offered that day or as Shakespeare put it—“sufficient of the day are the woes of the day.” Unless truculent or ordering, ombuds must utilize the soft tools of suggesting, questioning, probing, intimating, hypothecating, metaphorizing, pointing, hinting, facial/body language, and occasionally shouting, which can often work best.

Detachment from the problem is appropriate—that is, not “You must do this or that” but instead suggesting “Have you considered doing this or that?” Ombuds do not sell settlements; they invite engagement from the parties. Additionally, they must make delicate and equitable adjustments where there is a disparity in position, bargaining power, or written and spoken presentation skills—all without the appearance of sitting in a privileged position. They are never poised to be right but quick to relinquish the drive for certainty.

Finally, I believe that the true mark of a journeyman ombuds—no superstar, just a good hard working journeyman ombuds—is what they can do when they are tired.

Rene Sessions edited this article.

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Fate & Friends

Melissa Connell

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Deciding how to start this article has been difficult for me. Due to an un-expected and tragic loss last summer, I feel as though I have been riding an emotional roller coaster for nearly nine months. Granted, the first several weeks were the most traumatic in which my feelings ranged from deep despair to guilt and anger. I felt like a child wanting to hide under my pillow until everything got better. I kept wanting to go back in time and make things different. I spent many days blaming myself for something I really had no control over. If only I had handled the situation differently maybe, just maybe, I could have made a real difference.

But, as we all know, death doesn’t give us second chances. So, instead of reversing time to make things right, we are often times faced with outcomes that leave our lives in messy puddles of despair, regret, and occasionally unimaginable grief.

Looking back now I am able to accept what has happened and analyze my journey as an educational, albeit mournful, experience. The lessons I learned were unwanted. The support I received overwhelming. My depth of gratitude indescribable.

I share my experience to convey that as ombuds and as human beings we are not alone. No matter how isolated and sheltered we think we are, in times of need, help is out there and just waiting for us to accept it. It comes in many shapes and forms and usually very unexpectedly. But it is indeed out there merely waiting for our permission to come in. I speak from personal knowledge and enormous appreciation. Without the outpouring of love and concern from friends and strangers my ordeal would not have been manageable. It is with the recognition that indeed there are incredibly caring people in the ombuds profession that I share my story.

It all began on Saturday, August 16, 2004 at 7:33 p.m. The message left on my voice mail was very brief and to the point, “Call me immediately; it’s an emergency”. In returning this call I learned that my dear friend, my mentor, my boss, Roberta Steinhardt, had died at the age of 47 from a blood clot in her lung. Although she had not been feeling well in the weeks prior to her death, it was incomprehensible that she was no longer with us. At first I refused to accept what I was being told. Impossible. How could a reasonably young, vibrant, caring person be taken away from all of us?

Denial was eventually replaced with heart wrenching sadness and ultimately guilt. If only I had been more acutely aware of Roberta’s condition. I would have gone back to last summer with more insight and insistence that doctors’ appointments were made sooner, phone calls were returned immediately, and gut instincts were not ignored. I would have personally walked my friend over to the emergency room and demanded that she be examined from head to toe. Unfortunately, none of these events occurred. Roberta Steinhardt was laid to rest August 20, 2004. Over 400 people attended her funeral to pay their respects to this amazing woman.

Roberta had established the first Ombuds Office at the University of Colorado Health Sciences Center in 1998 and had kindly offered me the position of assistant ombuds soon after. One week after the funeral I was asked to step in as the interim director of the office. Between the time of her death and my accepting the position, several people walked into my life with open arms and endless support.

The first person to come to my aid was the Executive Vice Chancellor of the University of Colorado Health Sciences Center. He, too, had been devastated by Roberta’s death and understood how difficult the transition was going to be for me. Recognizing the tremendous loss and the grief I was experiencing, his first act of kindness was to close the office down for a week. I was put on administrative leave and encouraged to go home and be with my family. His gift of time was not only a considerate and kind act but also an imperative initial step in the grieving and transitional process.
After such a sudden and traumatic loss, whether a death, job displacement, or any other type of upheaval, time is an absolute and essential component necessary for forging on into the unclear future: time to reflect, time to absorb, time to embrace the emotional roller coaster. If one is not given this opportunity to appreciate what has occurred in the past, in many ways it will be difficult to accept the enormity of what lies ahead. Moving forward without taking a moment to breathe and compose oneself also inadvertently minimizes the gravity of the situation and devalues the importance of the person who is no longer with us. In other words, it’s absolutely crucial to give oneself a break and recognize that for the next few weeks, and more likely months, life is going to be tough. Consider the time off from work prep time necessary in order to take on a difficult challenge. According to Nancy O’Connor, author of Letting Go With Love: The Grieving Process, “We live in death-defying society. We fight and resist death; we hurry through our mourning and rush to get back to ‘normal.’ This attitude makes the grieving process more difficult and confusing for the survivors because it denies the importance and depth of their feelings.”

Thank goodness I was graced with a supervisor who recognized the necessity of setting aside time to grieve and settle into the reality of Roberta’s death.

After accepting the unimaginable, it was time to do the impossible: go back to the office knowing I was going to be alone (or so I thought). The thought of just driving to the campus made me burst into tears. How on earth was I going to walk into the Ombuds Office that Roberta had created and cared for with such grace and dignity? Although I had briefly considered resigning immediately after the funeral, I knew that out of respect for my dear friend I must at least try to continue running the office with the same high standards that Roberta had exemplified for almost five years. But for the time being, my main focus was how I could physically, let alone emotionally, walk through our office door without hyperventilating.

I was dreading the moment and at the same time was trying to convince myself that I was a grown-up and did not need to be so melodramatic. Out of the blue the phone at home rang and a woman on the other end, who up to the point had been more of an acquaintance than anything else, informed me that, “You are not going to that office alone. When do you need us to be there?” At first I tried to act strong and independent and stated that that was not necessary. I was perfectly capable of going to the office by myself (Hah!). Fortunately, she ignored me completely and firmly reiterated that I was not going through this alone. And thus began my journey with two amazing women from the Colorado ombuds group. Their willingness to drop everything to help me get through the door to this day warms my heart.

Up until that phone call I truly believed I would have to get through this trauma on my own with little or no support system from professional colleagues. Because ombudsmen is such an individualized profession with very little interaction with other ombuds, I honestly thought my grieving and transitional process would be accomplished alone. I quickly learned how mistaken I had been in my beliefs. We may call ourselves ombuds, but we are human beings first with the instinctive realization that death and grieving affect all of us eventually. Having such a compassionate group of people to lean on during this difficult time was a blessing and surprise.

Two days after that touching conversation I unlocked the office door and the three of us walked in together to tackle the task of packing up Roberta’s belongings, reviewing her e-mails and computer files, and returning her phone calls. It took us most of an afternoon, several Kleenex, and many heavy sighs to complete Roberta’s work. At the end of the day we walked out together and loaded several boxes into my car. Again, I was reminded that under no circumstances was I going through this alone. It only took a phone call, an e-mail, or even a smoke signal and someone would be there for me. I cried, I said, “Thank you,” and I cried some more. It finally dawned on me that I was not the only one who was experiencing a loss. These women had also known Roberta quite well and had their own unique and personal memories of her. To focus merely on my loss was selfish and unfair. According to the National Hospice Council, “Feelings and symptoms of grief can take weeks, months, and even years to manifest and evolve. The extent, depth and duration of the process will also depend on how close people were to the deceased, the circumstances of the death, and their own situation.”

The actual process of tidying up loose ends
was much more time consuming than I had anticipated. Not only did files and e-mails have to be reviewed and dealt with accordingly, but name-specific items had to be changed. For example, brochures had to be edited, the voice message on both the main line and Roberta’s personal line was erased, the name on the front door was removed and replaced with a generic “Ombuds Office” title, the Website needed to be modified, and all promotional materials were exchanged. All of this needed to be done rather quickly whether or not I was emotionally ready for it. To outsiders, the transition needed to be smooth and clear. The next visitor that contacted the office for assistance was not going to be worried about my emotional well-being. They wanted to be able to access the office quickly and with as little confusion as possible.

A couple of thoughts worth mentioning at this time: throughout this ordeal, my boss continued to be enormously supportive. Weekly meetings were scheduled to make sure I was doing okay and that I had all the necessary resources available to me. All the red tape (job title change, benefit and salary modifications, etc.) was handled swiftly and efficiently by his administrative assistant. Both of these individuals treated me with gentle concern and were always there to support me. At no time did I feel isolated or abandoned. Rather, I felt safe, protected, and reassured that things would get better.

Simultaneously, my Colorado ombudsmen continued to check in on me. We had lunch dates, phone calls, and e-mail correspondences for several months. We reminisced about our friend, but we also talked shop, and I received invaluable advice and recommendations on how to run the Ombuds Office effectively. In a sense, these individuals became my surrogate mentors. They did not try to replace Roberta, but in their own special ways they helped me because Roberta no longer could. As W. Brad Johnson states in *The Elements of Mentoring*, “A mentor may give much needed affirmation, encourage the pursuit of dreams, lend emotional support, or engage in increasing collegial friendship with the protégé.”

It was also helpful to hear from ombuds throughout the country. Roberta’s dear friend, who resided several states away and was herself grieving, took the time to call me regularly and offer her sincere support. Kind words of encouragement from other ombuds touched me deeply and helped me to continue moving forward. Folks that I had never spoken to before were offering to assist in any way possible. It is difficult to put into words what these kind gestures meant to me. Strangers had made a choice to reach out to a fellow ombuds and offer their support. Their acts of kindness have remained with me and, to this day, I try to reciprocate. I no longer hesitate to send anyone a word of encouragement or best wishes. It is so easy to let a moment slip by or believe one’s words are not needed. My own personal experience has taught me otherwise. Every small act of concern helps during the healing process, and no one should ever debate the worth of his or her words or actions. When in doubt, I suggest sending an e-mail to express condolences, picking up the phone and checking-in, stopping by unexpectedly and sharing time. Even without knowing the person very well, the choice to mail a quick note or leave a supportive message on voice mail will be greatly appreciated.

The next step in my journey was to get my name and face associated with the Ombuds Office. It became apparent almost immediately that the campus as a whole needed reassurances that the office would continue to exist. On more than one occasion people had stopped me to ask when the office would be closing. Understandably, Roberta had become so intertwined with the Ombuds Office that people naturally assumed it would shut down once Roberta died. Reality, however, dictated the importance of keeping the office open. The problems and conflicts still existed throughout the campus and the Ombuds Office continued to be the only office dedicated to informal resolutions. Therefore, I started my own personal campaign to justify the continuation of the office.

To begin with, I wrote an article in the campus newspaper, letting people know about Roberta’s death and the continuation of our services. I briefly shared my qualifications and assured the readers that help was still available to them. I then began scheduling meetings with every vice chancellor, dean, assistant dean, department chair, director, and administrator I could find. Although I had been working at the university for over four years, very few people knew me. It was critical for everyone’s comfort level that we have a chance to meet and discuss my role as the interim director. A third component of my public re-
lations exercise was a general letter to approximately 175 managers and supervisors of the various labs and departments. In October the office hosted an after hours open house for the swing shift employees. Hot apple cider and chocolate chip cookies were used to entice people to visit the office. Every attempt was made to advertise our services, including bribery!

During this transition period the executive vice chancellor also suggested that I hire an administrative assistant to help with the office management. By sharing some of the responsibilities, I was able to focus more on the ombudsing aspects of the job: meeting with visitors, researching policies and procedures, and conducting mediations when appropriate. As the months passed, I realized that, because of the unique qualifications of the person I had hired, her role could be expanded to include proactive work, including training sessions and workshops. Rather than waiting for a problem to occur, it might actually be possible to prevent the conflict from arising in the first place with the appropriate tools in place. This choice to redirect how the Ombuds Office operated also signified my first decision as the interim director that was completely mine. I did not have Roberta to run the idea past, nor did I feel it was appropriate to discuss with others. Sooner or later I was going to have to embrace my role and take responsibility for the functions of the office. It was time to sink or swim on my terms and prove myself one way or another.

Nearly nine months have passed since that devastating phone call from Roberta’s husband. In that time I have gained confidence in my ability as an ombuds. I do not second guess every move I make, but I do have days that are better than others. I no longer meet with my boss weekly to discuss my activities (while, of course, maintaining confidentiality), but I do stop by his office a couple times a month with a brief update. I have met with nearly all of upper management and am scheduling follow-up meetings for early fall. It is no longer necessary for me to work on advertising the Ombuds Office. The community knows that I am available to serve them, and I have made myself as accessible as possible. New employee and student orientations keep people aware of our services. The money that was used to update brochures and promotional materials can now be directed to fund training videos and workshops. About six months after Roberta’s death, I hosted the Colorado ombuds’ quarterly meeting at our new campus. To me, that event also represented a sort of changing of the guard and an acceptance by my colleagues.

I have also learned the ins and outs of running an office. I now know the difference between a travel expense account, a procurement violation, and short-term pay differentiations. I am improving my computer skills and discovering the importance of designating the correct file for each corresponding receipt!

My journey as an ombuds continues to this day. Without doubt, I have made mistakes along the way, but, hopefully, I have also learned from my mistakes. For example, I am getting much better at realizing I can’t solve everyone’s problems and I don’t have to know every policy and procedure by heart. I can’t always give people the answer they want, and I certainly can’t please everyone. I have also discovered that Roberta was an amazing mentor. Whenever I am stuck on a particular issue I find myself wondering what Roberta would do in a similar situation. It gives me direction and a sense of calmness that her voice still penetrates the office’s walls.

And so I continue on. Thanks to the incredible support of a genuinely caring supervisor and the steadfast encouragement and guidance of some strong and gifted ombuddies, I have managed to transition into my role today as the interim director. Along the way I have discovered the importance of accepting help from others, have recognized the necessity of moving forward no matter how difficult the process, and have accepted the time I had learning under Roberta’s protective wing as a gift. What happened to my friend was a travesty. Choosing to continue her legacy and embrace the importance and necessity of providing ombuds services to the university is a decision I am proud to have made.


Dear Colleagues:

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

The Journal Seeks Manuscripts

The Journal of the California Caucus of College and University 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

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

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

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

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

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

Manuscripts may be edited for clarity, stylistic consistency, and format. The edited manuscript will be returned before publication, if time allows, for the writer’s concurrence.

A writer who wishes to submit a manuscript on a computer disk should first check with the 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 and 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 the co-editor:

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