The Journal 2006 of the CALIFORNIA CAUCUS OF COLLEGE AND UNIVERSITY OMBUDS

CONTENTS

Prefatory Information:

33rd Annual Conference Title iii
33rd Annual Conference Planners v
The Journal Co-Editors vii
New Board Members viii
Fond Farewells and Best Wishes to Emeritus Ombuds ix
Editorial Board Members xi
Editorial xiii
Mission Statement xvii
Abstracts of Articles in This Issue xix

Articles:

Joan Dinkelspiel University Ombudsing in the 1980s: Experiences of an Assistant Ombuds 1
Gary Buckley The Traditional Meets the Modern in Campus Ombuds Practice 7
Elizabeth Graham Anticipatory vs. Responsive Ombudsing: Reflections, Questions, and Future Challenges 13
Katherine Ziff Gregory E. Janson Bullying and Mobbing in Academia: Prevention and Intervention 19

Douglas Whitman Murray S. Levin Untangling the Meanings of Mediation 29
Leslie Lum The Quest for an Ombuds Model and Uses of Anti-racist Dialogue at a Community College 33
Interviews with Don Hartsock and Lester Marks, Ombuds Pioneers 41

Editor's Notice:

Publishing Notes 49
Ombudsing: The Myths and Realities

November 12-15, 2006

Asilomar Conference Center
800 Asilomar Boulevard
Pacific Grove, California 93950
33rd Annual Conference Planners

CONVENERS:
Troy Brooks, Brock University
Donna Clark, University of California, Irvine

REGISTRAR:
Lewis A. Redding, Jet Propulsion Laboratory

CONFERENCE PLANNING COMMITTEE:
Martha Avina, Jet Propulsion Lab
Martine Conway, University of Victoria
Gary Insley, Camosun College
Marcia Kellam, Lawrence Livermore Laboratory
Susan Neff, University of Washington
Elizabeth Novack, California State University, Long Beach
Lewis A. Redding, Jet Propulsion Laboratory
Larry Wichter, Lawrence Livermore Laboratory

CCCUO
Ombudsing: The Myths and Realities
Asilomar Conference Center, Pacific Grove, California
November 12-15, 2006
Lois Price Spratlen is University Ombudsman and Ombudsman for Sexual Harassment at the University of Washington campuses in Seattle, Bothell and Tacoma.

She is a board certified psychotherapist, holding the designation of Clinical Specialist, and is a Fellow in the American Academy of Nursing (FAAN).

She became an active participant in CCCUO in 1988 and has served as Convener of the Annual Asilomar Conference and as Co-convener on three occasions. She has also served 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.

Katherine Ziff is Associate Ombuds at Ohio University in Athens, Ohio, a position she has held since 2001.

This is her second year as Co-editor of The Journal and her third year of service to its Editorial Board.

Katherine is experienced in both qualitative and quantitative research methods and has published in the Journal of the CCCUO as well as in counseling journals.

A former school counselor, Katherine teaches and publishes in the area of infusing the visual arts into school counseling practice.

At Lois Price Spratlen's request, Eugene Smith emerged from retirement temporarily in order to do final editing and formatting of this issue.
New Board Members from Ohio

In September, 2006 Co-Editor Lois Price Spratlen traveled to Ohio University in Athens to officially welcome to the Editorial Board of the *Journal* Drs. Katherine Ziff and Elizabeth Graham. Provost Kathy Krendl was also present to represent the University's acknowledgement of this collaboration agreement.

Pictured left to right are Dianne L. Bouvier*, Elizabeth E. Graham (rear), Katherine Ziff (front), Butch Hill*, Lois Price Spratlen, and Lester Marks*. David Heaton*, the first recipient of the Ombudsman of the Year, Dr. Pete Small Award, given by the California Caucus of the College and University Ombuds, was unable to attend.

Cal Caucus *Journal* was founded in 1987 by Ron Wilson, who was then the ombuds at the University of California, Irvine. This was the first publication devoted exclusively to academic ombudsing.

*former Ohio University ombuds
Fond Farewells and Best Wishes
to Emeritus Ombuds

Ron Wilson

Geoffrey Wallace

Members of the CCCUO Editorial Board say fond farewells to Mr. Ron Wilson, founder and co-editor of CCCUO from 1987 to 2005, and to Dr. Geoffrey Wallace, a founder of CCCUO and a member of the Editorial Board.

Both men are forever bonded with CCCUO, to which they made significant contributions. In addition, they are very close friends. As ombuds pioneers they laid a firm foundation for CCCUO, along with Don Hartsock and William (Bill) Schatz, in the 1970s when they worked collaboratively to identify and define essential elements of ombudsing.

Don Hartsock and his wife Jo attended the 2006 conference and are pictured on p. 41 of this Journal.
Allen W. Church is an adjunct professor at Wayland Baptist University in Plainview, Texas, where he is a lecturer in undergraduate and 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. He is a contract Ombudsman, active in The Ombudsman Association and the California Caucus of College and University Ombuds and has published for the latter.

Elizabeth E. Graham (Ph.D. Kent State University, 1987) is the University Ombuds at Ohio University and has served in this capacity since 2002. She is an active member in the California Caucus of College and University Ombuds and regularly attends the Asilomar conference. In addition to being the Ombuds, Beth is also a professor in the School of Communication Studies at Ohio University. She teaches courses in interpersonal communication, research methods, and statistics on the undergraduate and graduate level. She has published journal articles and book chapters concerning communication in families experiencing transition, change, and possible reconfiguration and is currently co-editing a new edition of Communication Research Measures Sourcebook.

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

Trey Reckling has worked for the Savannah College of Art and Design (SCAD), in Savannah Georgia for seven years and became the college’s first ombudsman in 2003. With an MS in Therapeutic Recreation, he is committed to the quality of life among staff and students on campus. He has worked with the Oregon State Hospital’s outdoor therapeutic recreation program and was a staff member with Semester at Sea, helping to lead students on an educational voyage around the world. Trey has created and administered programs in student involvement and residence life, including an alcohol and drug education program. He 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 Ombuds) 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 related 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 was Ombuds there from 1995-2001, succeeding Don Watkins. He was educated at Columbia College, the University of London, and SUNY Stony Brook, where he earned a Ph.D. in English Literature. Schwartzman is the biographer of the late African-American collage-maker, Romare Bearden. A widely published author, with articles in such journals as James Joyce Quarterly and Modern Fiction Studies, he is also a jazz pianist. For six years he played with Larry Rivers’ East Thirteenth Street Band, which he co-founded. He has been active in CCCUO and ECOG. See his article, “Notes from Underground: An Ombuds’ Dostoyevskian Journey in Academe,” in the November 1999 Journal. Schwartzman has returned to full-time teaching at Baruch, but remains committed to the CCCUO and its Journal.

Tom Sebok is the Director of the Ombuds Office at the University of Colorado at Boulder. Between 1976 and 1990 he worked as a counselor in three different community colleges. He became an ombudsman at the University of Colorado at Boulder in 1990 and the Director of the office in 1992. From 1995 - 1999, he served as Secretary for the Board of the University and College Ombuds Association (UCOA) and is the current Secretary for the Board of the International Ombudsman Association (IOA). He has published seven articles related to ombudsing and has made numerous presentations at regional and national conferences related to ombudsing, conflict management and restorative justice.

Douglas Whitman is a Professor at the School of Business at the University of Kansas where he has taught Negotiation and Dispute Resolution to both graduates and undergraduates. He has presented seminars on negotiation and also on cross-cultural negotiation to companies such as Nortel Networks. Doug also taught courses in law for over 30 years. He became the University Ombudsman in July, 2003. He holds the following degrees: Bachelor of Arts in political science, Masters of Business Administration, Juris Doctorate and Masters of Law. He has written over 24 law reviews and scholarly articles and has authored several book reviews. Doug served as the President of the Midwest Business Law Association and twice served as staff editor for The American Business Law Journal. He is the coauthor of five textbooks on law, including The Legal and Social Environment of Business, which has been used by schools across America.
Editorial

Ombudsing in Higher Education*

Given the variety and complexity of American institutions of higher education, it is not surprising that academic ombudsing in North America had its beginning there. Both their mission and their method of governance set them apart from business and governments, and these characteristics implicitly call for the work that an ombudsman can do. Now that academic ombuds have been performing that role in at least some colleges and universities for 40+ years, we need to take stock of how this role has evolved.

The position of ombudsman in higher education was created in the mid-1960s in response to the sudden recognition that students have rights. They have a proper role in policy decisions that affect their learning – from interaction with faculty to taming institutional bureaucracy. And in clarifying, rethinking, and advocating for this role, they needed a person who would be neutral, available, and capable of responding effectively to their concerns and complaints.

What started out as a student-led movement has evolved into positions, offices, and procedures that provide services to faculty, staff, students, and other users of university facilities. Indeed, ombudsing has grown to include the position of ombudsman with codified institutional standing and administrative support for aiding in conflict assessment, conflict management, mediation, dispute resolution, and prevention services to all members of college and university communities.

Beyond the campus, professional associations have emerged to further the practice of ombudsing by expanding and disseminating knowledge about academic ombudsing. Examples are the California Caucus of College and University Ombuds, formed in 1973, and The University and College Ombuds Association, established in 1985 and merged in 2004-5 with The Ombudsman Association to form the International Ombudsman Association (2007). The latter organization’s Code of Ethics and Standards of Practice are recognized and have been adopted by many colleges and universities, as well as by corporations, government agencies, and international organizations.

A major part of taking stock of what we might call an ombudsman movement is to recognize and express appreciation to the institutions and individuals who were ombudsman pioneers – early leaders into largely unexplored territory. Ombudsman offices were first established on college and university campuses in Canada (1965) and the United States (1966). Protests associated with campus bureaucracy, civil rights, women’s rights, and opposition to the Vietnam War fueled this effort by putting fear into the hearts of campus administrators and making them incredulous. “What do these people want?” said the more paternalistic souls in the face of sometimes shocking behavior. Students dissented loudly and visibly on campuses because they apparently knew their voices were likely to be heard – and understood – there. Many of the male students were resisting a military draft that could send them to fight an increasingly unpopular war. One of the most positive outgrowths of these protests was students’ leadership for supporting the establishment of ombudsman offices on campuses.

In 1965 students at Simon Fraser University in Vancouver, British Columbia, succeeded in causing administrators to establish the first office of the ombudsman, initially filled by a student. One year later students at Eastern Montana College in Billings were also successful in getting the first ombudsman’s office established in the United States, this one assigned to a senior faculty member. The first public research university to establish an office of the ombudsman was Michigan State University in 1967; there, too, a senior faculty member and former assistant dean assumed the new mantle.

* I would like to thank the members of the Editorial Board who reviewed and commented on an earlier version of this editorial.
Who were the people brave enough to take a hot seat job like this? Dr. George Gleoge, a professor of chemistry at Eastern Montana College, was the man who, according to then President Heywood, was “a highly respected full professor who . . . [was] identified with the instructional side of the college and with humane consideration of all problems affecting the institution.”

At Michigan State University, James Rust, Ph.D., a professor of English and former Assistant Dean in the College of Arts and Letters, became the first ombudsman in 1967 and served with distinction until his retirement in 1974. Two other first ombudsmen, featured in interviews in the current issue of this journal, were Don Hartsock at the University of California at Los Angeles and Lester Marks at Ohio University in Athens.

Another aspect of taking stock of the evolution of academic ombudsing is to acknowledge the fact that this journal has existed since 1987. Before then there had been no formal means of sharing experiences across campuses widely separated geographically. Ron Wilson at the University of California at Irvine was pivotal in starting The Journal; I joined him as co-editor in 1998, and we continued in that capacity until he retired in 2005. The first peer-reviewed publication in the field, The Journal has gained strength through recruitment of an editorial board and reviewers. In 2005 Dr. Katherine Ziff, Associate Ombudsman at Ohio University, became Co-Editor.

With the evolution of any professional field of intellectual endeavor should come a maturing of understanding among those who work in the field. We see signs of that growth. Beyond responding to complaints, we who practice academic ombudsing assess and manage conflicts of many types. We also educate, mediate, resolve, and prevent disputes and help to plan, implement, and maintain healthy and humane environments. Performing these functions helps to make our practice consistent with the three dimensions of the institution’s mission: teaching, research, and service. We must do all three, just as other faculty do. And we need to operate within a clearly stated framework of purposes, principles, and procedures. I call it a conceptual framework simply because it organizes our myriad functions within an overall concept, namely, that the central act of ombudsing is teaching—teaching people how to assess and resolve interpersonal problems that inevitably arise in academe in a rational, productive manner. The model I developed and articulated in the 1980s is available for others’ use and adaptation.

A good example of extending ombudsing into the service category—usually interpreted as service to the community beyond the campus—is in my interview with Lester Marks in this issue. He cites his initiative in trying to build bridges between town and gown.

The inclusion of research within the purview of ombudsmen is likely to be met with the most skepticism and even opposition, since most ombuds are as busy as they want to be in responding to requests for their time. What I have in mind relates to using data for improving services as well as for possible publication. For example, we who hear clients’ stories constantly need to do our own storytelling: using a common and potentially powerful technique of qualitative research called case study. We need to produce carefully documented descriptions of representative ombuds’ interactions from several categories of our daily work; properly analyzed and interpreted, these case studies will comprise a solid body of explication of effective ombudsing and are likely to be persuasive with skeptics whose images of ombudsing may be distorted simply because they do not know what happens in confidential ombuds/client interactions.

From my standpoint of observation during the entire period of ombuds’ introduction into the American and Canadian academic environments, I am most pleased by the innovations I have read about or directly observed among my fellow ombuds. In being true to the organizational culture of the college or university where we practice, we must be innovative.
because we are still pioneers in a developing field. We have no settled traditions, no precedents that must be followed or are beyond questioning. We must continue to approach each dispute, each reported conflict, or incidents of poorly controlled emotions as another opportunity to try new strategies for interventions and to discover, as Gary Buckley says in his article herein, “a fascinating learning opportunity” with each interaction that we have with clients and with each paper that we write. And of course we must be steadfast as a force for justice, fairness, and humanity in the higher education work-and-learning environments.

Lois Price Spratlen
Co-Editor

References


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.
Abstracts of Articles in This Issue

University Ombudsing in the 1980s: Experiences of an Assistant Ombuds - Joan Dinkel spiel

In offering reflections on what ombudsing was like in the early 1980s, Ms. Dinkelspiel recalls her experiences as Assistant Ombudsman at the University of Washington. As Assistant Ombudsman she had a range of responsibilities in assisting students, staff, and faculty to resolve grievances that affected their lives in the work and learning environment. She found that conciliation through shuttle diplomacy and direct communication was an effective approach in helping individuals work without anger and hostility to find solutions to their grievances. The experiences also led to her extending her education and work experience into both psychology and mediation after leaving the position in ombudsing.

The Traditional Meets the Modern in Campus Ombuds Practice - Gary Buckley

The article provides a case study of cross-cultural accommodation in ombudsing that shows what happens when a Navajo client seeks services and expresses a desire to bring her cultural orientation into the process. Her complaint involved an Anglo supervisor who was not sensitive and responsive to her cultural background. Though initially unprepared to make adjustments in the process to include Navajo traditions, the writer, with assistance, gradually came to see how the Navajo perspective on problem solving could be reconciled with the standards of practice of the International Ombudsman Association.

Anticipatory vs. Responsive Ombudsing: Reflections, Questions and Future Challenges - Elizabeth Graham & Katherine Ziff

The writers suggest that, though most ombuds practice is responsive to complaints, perhaps it should also be anticipatory of certain kinds of problems. Providing a matrix of types of ombuds functions, they present many challenging questions about how we spend our time, answers to which provide opportunities for dialogues about the directions in which academic ombudsing may go.

Bullying and Mobbing in Academia: Prevention and Intervention - Gregory R. Janson

Research suggests that bullying and mobbing are becoming increasing concerns for ombuds. Unlike harassment and discrimination, these forms of interpersonal violence are not necessarily illegal, and they are often difficult to identify and resolve. They have the potential to create serious levels of distress—including depression, anxiety and suicidality—in bystanders as well as direct victims, both of whom are likely to turn to the college or university ombuds for help, support, and advice. This article examines the nature of these forms of interpersonal violence and offers practical strategies for training, prevention, and intervention.

Untangling the Meanings of Mediation - Douglas Whitman & Murray S. Levin

The writers, both attorneys, report that on their campus a mediation service is offered as an alternative dispute-resolution process to the services of the ombuds office. Because they noted differences in clients’ understanding of the nature of mediation, they saw a need to distinguish broadly two approaches, identified as facilitative and evaluative. The former places greater emphasis on assisting or guiding the disputing parties towards a mutually satisfactory agreement or outcome; the latter tends to impose a solution. At times there
even appears to be an outcome that sounds close to what an arbitrator could impose as part of a binding agreement. Clients need greater clarity about the kind of mediation they prefer as they decide which mediation service to use; that offer of clarity can be a part of ombuds’ service.

The Quest for an Ombuds Model and Uses of Anti-racist Dialogue at a Community College
- Leslie Lum

Despite recent efforts to confront institutional racism and improve the racial climate on campus, Bellevue Community College was the media target of racial controversy in 2006—the result of a math test question that demeaned the U.S. Secretary of State Condoleezza Rice. Some of the same group of faculty, staff, and students who participated in campus dialogue on improving the racial climate recognized that the campus community would benefit from having an ombuds on campus. So efforts were made to explore how an ombuds office and a model of ombudsing could be brought to the campus. The writer, a faculty member at the college, explains how the group went about its work to get information and subsequently to define expectations for an ombuds at the college.
University Ombudsing in the 1980s: Experiences of an Assistant Ombuds

by Joan Dinkelspiel

Joan Dinkelspiel served the University of Washington as Assistant Ombudsman from 1980 to 1983. She currently is a psychotherapist in private practice in Seattle, Washington, and also works at Seattle Veterans Affairs as a Health Sciences Research Specialist. Her most recent volunteer activities include mediator with the Snohomish and Island Counties Dispute Resolution Center and mental health counselor with Seattle’s 45th Street Clinic. She worked for well over a decade assisting executives in a Seattle-based medical information software company.

Introduction to Ombudsing at the University of Washington

One winter morning in 1980 I was sitting at my desk in the University of Washington’s Nuclear Physics Laboratory when the phone rang. A Human Resources representative asked, “Would you be interested in applying for the position of Assistant to the Ombudsman?” I was taken aback.

I had heard the term ombudsman and had a general idea that it had to do with complaints. But I wondered: What was this position? Who was the ombudsman? Did I want yet another promotion so soon? In three years, I had moved three times through as many university departments (Medicine, Continuing Education, and Physics).

But very quickly I realized that this offered opportunities and experiences that would be challenging. I responded that I would indeed be delighted to apply for the position. My enthusiasm grew as I learned about the mission of the office—to solve disputes at the least formal level possible—and about the ombuds (Marion Marts, Ph.D., Professor Emeritus of Geography), who was someone I had known from working in Continuing Education. He walked with a long stride—a quiet and kindly no-nonsense man, a very well-respected, long-time contributor to the university, and with a reputation as an excellent boss.

Serving the university community as Assistant to the Ombudsman seemed a good fit with my training in psychology (B.A., San Francisco State University). I had by 1980 developed administrative skills, having assisted the heads of an architectural firm, a natural science museum (California Academy of Sciences), a national conservation organization (Sierra Club), and the Episcopal Diocese of California at Grace Cathedral. I had a long-standing interest in peaceful and non-violent creative problem solving and in conflict resolution. By the time I arrived for the interview, I was very enthusiastic about the prospect of contributing to the university community as the Assistant to the Ombudsman and was delighted when offered the position.

I have many fond memories of serving from 1980 to 1983 as Assistant Ombudsman. I worked with Professor Emeritus Marion Marts in a two-person office located in the University of Washington’s Student Union Building (the HUB). This quiet corner suite on the top floor of the HUB remains the offices of the current ombuds, Lois Price-Spratlen and her assistant, Susan Neff. It’s the same location, and the leaded-glass windows still open to the Seattle breezes, to azaleas, rhododendrons, and evergreens in the courtyard below. Now the new (since my day) Allen Library expansion is in view, and there is a new feel to the Ombuds Office.

In mid-August of 2006 I had the pleasure of meeting with Dr. Price-Spratlen for a couple of hours in her office. She invited me to talk of my ombudsing experiences, because I am the only surviving person who worked in an ombudsing capacity from the office’s inception in 1969 to the early 1980s. Dr. Price-Spratlen asked what led me to the work, what guided me in the work, and what I have done since. I share further reflections in the remainder of this article.

The most obvious change in the office was its expansion and redecoration: fresh paint, new blinds, new furniture, new file cabinets, and computers. Dr. Price-Spratlen recounted how, on taking over the position of University Ombudsman...
in 1988, she immediately replaced two austere and uncomfortable black leather chairs, left from before my time, with a round table and comfortable upholstered chairs that are more conducive to collaborative problem solving.

As we talked, I was aware that Dr. Price-Spratlen's experience in psychosocial nursing and psychotherapy also contributed to the development of the office. Prior to becoming University Ombudsman, Lois Price-Spratlen had been Ombudsman for Sexual Harassment. The University had the wisdom to appoint a woman professor as Ombudsman for Sexual Harassment (since most victims are women) and eventually in 1988 to appoint Dr. Price-Spratlen as University Ombudsman to oversee all ombudsing at the University of Washington.

Looking Back, Prior to Ombudsing

From early childhood on I have had a keen sense of justice and fairness, the roots of which are difficult for me to fully identify. Perhaps it has something to do with watching newsreels, those scratchy, jerking, black-and-white film clips routinely shown in movie theatres during the 1950s before the feature film. One image stands out over the past 50+ years: an African-American man dragged behind a pickup truck through a rutted dirt road by a chain secured around his wrists. Perhaps my sense of justice and fairness had something to do with growing up in a white suburban enclave where "cleaning ladies" (Japanese-Americans and African-Americans) maintained our homes. These cleaning ladies brought loving parenting to my friends whose parents were absent for months. Perhaps it had something to do with my first-grade classmate (Episcopalian) who snatched a Roman Catholic catechism from me, threw it to the ground, stomped on it, yelling, "Lies, lies, all of it lies." I wondered then, as I wonder now, what are the roots of such bigotry, racism, neglect of duty, and prejudice?

Of Irish Catholic and German Jewish descent, with a sense of justice and a fighting spirit for those less fortunate, I was and am an advocate for the underserved and underappreciated. I seek to protect human rights and empower the disenfranchised. I was raised in a subculture that was largely anti-Catholic and anti-Semitic. Early on, I understood that such prejudice, passed from generation to generation without thought, was stultifying and a waste of human potential.

By mid-October, 1962, only weeks into my freshman year at college, the Cuban missile crisis began—a cold war confrontation between the Soviet Union and the United States over Soviet deployment of nuclear missiles in Cuba. Twelve days later, Soviet leader Nikita Khrushchev ended the crisis by announcing that Cuban installations would be removed. This event is generally regarded as the moment when the cold war came closest to nuclear war and was pivotal for me in realizing that we need to find peaceful ways to resolve conflict. We no longer have the "luxury" of war; we are called upon as a human community to find more thoughtful ways to resolve conflict and to reconcile differences.

When registering for classes, we were corralled in a wood-fence maze similar to those used to contain cattle. There we spent much of a day each quarter signing up for classes. When students came to the University Ombuds' Office complaining about their annoyance of registration by mail, I held my tongue but thought, "If you only knew how it was in the 'olden days'."

Several years later, I attended the University of California in Berkeley when student dissent often made it difficult to even enter academic buildings, let alone to attend classes. I questioned then whether enduring, positive change could be achieved by throwing rocks at the police, overturning police cars, conducting sit-ins in the administration building, and throwing vials of blood on the university president's files.

I wondered how to bring about positive change without precipitating a regressive backlash. When I was growing up in the late 1940s and 50s, we were yet to see the Voting Rights Act of 1965 and the environmental, women's, and student movements. Change was on the horizon and much needed, but how best to bring it about?

Prior to ombudsing, I had also developed managerial and administrative staff skills in profit and non-profit private and public sector offices, including the University of Washington. I had worked with managers with variously effective management styles. I had been in communities of people with diverse lifestyles, ethnicities, religions, races, subcultures, educational levels, and cognitive and emotional abilities.

I had also learned that problems can arise from an unembodied theo-
retical stance, from an ungrounded intellectual and linear approach. I had worked with autistic children, some of whom were especially "intelligent" (so called idiot savants) but whose emotional and relational capacities were limited. I came to understand that positive and peaceful evolutionary change is rooted in a connection of body, soul, emotion, mind, and heart.

My bachelor's degree in psychology included training and development of counseling skills with a field placement in an agency for children. I also did peer counseling with students, learning the healing value of telling one's story and of articulating one's experience.

Most important, by the time I reached the Ombudsman's Office I had learned that nothing human is foreign to me—even those traits that I'd rather deny in myself and attribute entirely to others. I find it indeed humbling to admit these traits as my own, and I work at this daily in an effort to be open to honoring others.

Experiences as Assistant Ombuds

Now, twenty-three years after ombudsing, I remember fondly my ombudsing work. I was trained on the job for several weeks under the tutelage of my predecessor, who taught me how to quickly access her intricate and powerful filing system, which contained case files from the beginning of the office. The filing system (color-coded for type of complaint and numbered by year and case) made it easy to develop an annual report and to research the handling of particular types of complaint. Her reports were succinct, yet descriptive and lyrical, so I was not surprised to learn of her love of music and devotion to the musical development of her daughter and son. Her legacy and that of the ombuds she had served lived on in the office that I knew. She possessed a humane and welcoming presence, one that honored grievants. She taught me how to take each case on its own merits. I saw in her the value of an open heart and mind. It became clear to me early on that I would need to stay abreast of changing departmental, university, and state rules, regulations, and procedures as they applied to cases. With such knowledge, I was in a position to quickly assess cases and inform grievants of the options available to them for resolving their complaints.

The first quarter (Winter, 1981) that I worked in the office, the ombuds, who had not been ombuds for long, had an especially heavy teaching schedule and was not often in the office. Called upon to get up to speed independently and quickly, I remember this challenge as daunting as well as exciting, and I willingly contributed long hours to the creative and meaningful work of ombudsing.

There were several aspects of my background that were particularly foundational during this initiative. A strong ethic of peacemaking and contributing to my community got me through many a long day. My background in psychology and peer counseling with students brought home the value of venting, articulating feelings, telling one's story, and then developing concrete plans for moving on. Ombudsing wasn't the same as psychotherapy, I knew, but I came to ombudsing knowing the healing power of creating situations where people could talk informally and confidentially in order to reconnect their heads (analytic) with their emotions. I knew that clients who seemed beside themselves likely would benefit if I could help them settle down enough that they could once again think clearly and decide on a course of action. I understood that if a grievant did not feel acknowledged for his or her emotional experience, the conflict could easily escalate and require more formal resolution procedures.

I was intent on trying to identify the root causes of problems so that an appropriate and lasting solution could be found. A problem might stem from its cultural/historical context, over which neither the university nor the grievant had little or no influence. Or the problem might stem from an outdated university procedure. To use a medical analogy, my goal was not to put a band-aid where a broken bone pierced the skin or to simply provide analgesics to dull the pain. I was intent on identifying and confronting the root of the problem. If the problem stemmed from a larger difficulty systemic to the university, I wanted that matter attended to. If the grievant had problems that could not be helped by the resources of the office, I made referrals elsewhere.

I was also guided, as I have mentioned, by a view that warring in this nuclear age is not a viable way to settle disputes. I hoped to help grievants learn from experience, cool down, and step back. I encouraged grievants not to react out of fear and anger and a need to win but rather to resolve differences amicably, thoughtfully, and collaboratively.

We used shuttle diplomacy to
resolve a complaint when a grievant asked us to contact the other party to the dispute—a conciliation process that involved talking to one party and then to the other. I was careful to remain neutral so that the interchange would not simply devolve into triangulation—talking with one person about another who was not present—which often was at the root of the problem in the first place. Caucusing during mediation with one party alone and then with the other separately can be a very helpful tool in resolving differences in the mediations that I've conducted because it provides clients with a safe and confidential space to talk about their experiences and emotional reactions. However, caucusing and conciliation have the potential for solving the manifest problem but not getting to the latent or root cause. A caucus or conciliation can substitute triangulation for direct communication. Rather than conciliate, I often simply coached grievants so that they were equipped to communicate directly and informally with the other parties to resolve their differences.

When I was ombudsing, I had not yet had training in mediation, wherein parties to a dispute sit down with one another face to face. The mediator facilitates their communication to help them arrive at a resolution that meets their needs and interests. I thought when I was ombudsing—and still do—that we could have done more to educate grievants on effective communication and alternative dispute resolution if we had used mediation.

The Ombudsman’s Office was mandated by executive order to function outside the chain of command. We reported directly to the university president but had no contact with him except on rare social occasions. Our administrative contact was the Assistant Provost for Academic Affairs, and the Provost's Office determined our budget. We were diligent in safeguarding the office’s independence from the chain of command in order to serve the best interests of equity, justice, and fairness at the university.

As staff, I did not have the employment protections of tenured faculty. My eventual promotion to Assistant Ombudsman (from Assistant to the Ombudsman) gave me a title that more accurately reflected the work I was doing. I valued relationships and collaboration in a university system that rewarded independence and devalued interdisciplinary collaborative study, as evidenced by the elimination of many interdisciplinary departments in the early 1980s. The hard sciences at that time received much more stable, long-term funding than did the “soft” sciences and the arts.

Grievants came to or called the office without an appointment. With accessibility a high priority, I heard their complaints when they called initially if I were not meeting with someone else at the time. My goal was to provide them with an informal and safe environment in which to vent and tell their stories, including the emotional aspects. I intended to provide empathic feedback in the hope that I would allow grievants to best articulate the problem and come close to identifying root causes; I also provided information on rules and regulations that surrounded the complaint and on options available for further pursuit.

The ombudsman himself handled most faculty complaints having to do with personnel matters, such as denial of tenure; I often independently handled faculty cases that were strictly administrative, though occasionally faculty also chose to confer with me about personnel problems.

I encouraged grievants to write a description of the problem and a chronology of related events, not only as a way to organize their thoughts and identify facts but also in order to alleviate the emotional turmoil they were often in. Those who put effort into writing a chronology often had a better resolution of their dispute than those who chose not to. In the interests of dispute resolution, at the least formal level, we did not require clients to prepare written materials of any kind. I prepared the detailed chronology and problem description for our case files in order to keep the ombuds informed, so I was in part functioning as a scribe. Perhaps a more efficient and educational method would have been to routinely require the grievant to produce a written problem description as a means of taking what we now call ownership of the problem and its resolution.

If I saw a pattern of complaint, the ombuds or I initiated negotiations with the administrative unit’s professor or administrator to explore what might be done correctly. The tone of our negotiations with administrators was always exploratory, asking how they saw the problem and what might be solutions for it. We engaged in collaborative brainstorming about a common problem and were often effective in stimulating creative thinking to achieve systemic change. When I called contacts in departments
to ask general questions about departmental procedures, I was careful not to disclose the specifics of a particular case unless I had the grievant’s permission and believed disclosure of the case at hand would aid in resolving the matter.

Generally we kept discussions with departments informal and were successful in maintaining good working relationships with departments throughout the university community. We commonly reminded administrators and grievants that we had no authority to do anything—only the power of persuasion. Our intention to really hear grievants’ stories and to solve problems informally rather than to lay blame went a long way in creating an atmosphere of goodwill. The feedback we received—unsolicited feedback from administrators, faculty, students, and staff, without a written evaluation form—was generally positive. In hindsight, I think an evaluation form would have provided a more systematic way to gather quantifiable data for comparing and improving ombudsing services over time.

The ombuds and I kept each other informed of cases with detailed case notes, which were kept in a locked file cabinet in a locked office. We had no computers—because of no budget for just-evolving and expensive personal computers—so we typed case reports: Professor Marts very accurately at 90 words a minute on a manual typewriter and I on an electric typewriter. We were successful in safeguarding these records from subpoena.

We heard complaints from faculty, students (undergraduate and graduate), administrators, and staff (including campus police and tradespeople) who came from the medical center and the rest of the campus. Occasionally, I met with people who were not officially connected with the university but who made their homes on campus; we strategized ways they could stay out of trouble with the campus police by seeking appropriate shelter. I helped them access other needed community resources. We also saw people with exceptional intellectual capacity who had severe behavioral and psychological problems. All complaints involving sexual harassment were handled by the Ombudsman for Sexual Harassment, who was not part of our office staff.

Many Job Satisfactions and a Few Disappointments

The variety of cases was intriguing. Just when I thought I had heard them all, someone came in with a new type of problem. We heard complaints from staff about their managers, alleging unfair employment practices; from managers about their employees; from graduate students about difficulties with their dissertation and thesis committees; from undergraduates regarding registration, financial aid, and grades; from faculty with disagreements their chairs; and from campus police accused of excessive use of force.

My biggest disappointment and the most perplexing problem came from learning about situations in which we could not prevent unfair and sometimes harmful treatment. The most elusive problem was that of scapegoating: a professor singled out within a department for exclusion and sometimes career-changing denial of tenure and promotion. What made the situation especially bad was when scapegoating faculty members could use secret ballots in tenure votes or couch personal animosities and prejudices in the language of academic fitness and performance. Sometimes the treatment was ugly, but we could not get beyond the ostensibly legitimate academic processes—interactions that were seemingly polite and civil but whose outcomes were sometimes inequitable and inhumane.

Beyond my personal experiences, it should be instructive to note that the scapegoating phenomenon can be a significant problem in academe. Griffin (1997) defines it as “actions taken to divert the potential for perceived responsibility for a negative occurrence from one’s self by attempting to attribute such responsibility to others.” He draws on Bolman (1991) in noting that “highly decentralized organizations like colleges and universities are particularly susceptible to this disease.” Griffin cites Birnbaum (1988) in concluding that the optimal organizational response to scapegoating is to help the organization learn and improve, acknowledging that scapegoating precludes the organization from learning from its mistakes. That is to say, when we deny the part we play in a problem and when we project that part to the scapegoat, we do not learn from experience, and failure to learn prevents adherence to standards of ethics in the decisions that shape the present and future of the academy. Griffin reminds us that, once such behavior becomes part of the organization, it is very difficult to cure; the antidote is an ombuds’ collaborative approach to problem solving that creates a climate for team responsibility in identifying common goals, collaboratively working toward those goals, and learning from mistakes.
Post-Ombudsing Experiences

Since leaving the Ombudsman's Office in 1983, I entered law school at the University of Puget Sound, thinking I should learn more about mediation and alternative dispute resolution. I quickly concluded that I did not have it in my heart to focus on the adversarial process required for success in law school, so I left.

For well over a decade, I supported myself by assisting the CEO and directors of a medical-information-systems software company but learned mediation as a crisis-line volunteer at the King County Crisis Clinic and earned certification through a training program in mediation at the Snohomish and Island Counties Dispute Resolution Center in Everett, Washington, where I worked as a volunteer mediator. While working at the corporation, I earned a master's degree in clinical psychology from Seattle University and did a clinical internship at Children's Hospital and Regional Medical Center Outpatient Psychiatry, where I provided psychotherapy to children and their families. With the master's degree in hand, I worked as a health-sciences-research specialist at the Veterans Affairs Puget Sound Health Care System with vets who suffer from the ravages of war. Also since graduation, I have provided psychotherapy to patients at Seattle's 45th Street Clinic, a neighborhood-community, low-cost medical and dental clinic, which at the time had a small mental health department. After the 45th Street Clinic eliminated that department, I began a private practice in psychotherapy in northeast Seattle near the University of Washington.

Providing psychotherapy is not unlike ombudsing in that I maintain confidentiality and work independently. I mediate between aspects of the client's self, educating the client to work productively with internal conflicts. My view is that conflict exists within us, in our relationships and in our communities, nationally and internationally; learning how to manage conflict can be remarkably healing in that, if we can admit to our personal foibles and darker aspects, we can become less inclined to act impulsively and destructively to eradicate those dreaded parts of ourselves that we attribute to others. Clients often are surprised not only to discover that what they denied and denigrated in themselves can be a valuable inner resource but also to gain new appreciation for people they had not tolerated in the past; their prejudices unravel.

Since ombudsing, I have learned how important continuing education, supervision, and professional support are to ombudsing, mediating, and providing psychotherapy. In support of my private psychotherapy practice, I regularly attend classes, meet with a supervisor, and confer with colleagues. With regret that I did not have much collegial support among peers for my ombudsing work in the early 1980s, I understand now that a network of ombuds benefits from discussing the complexities, the common aspects, the joys, and the challenges of ombudsing. I found a recent edition of The Journal of the California Caucus of College and University Ombuds very supportive of my ombudsing experience even these many decades later. Annual conferences with colleagues can be extremely beneficial for psychotherapists (and I would think for ombuds as well) by encouraging collegial reflection on the work as a way to gain--or regain--perspective.

A Final Observation

My work as Assistant Ombudsman was one of the highlights of my career. Reflecting on this experience has given me a clearer sense of how my intention to make peace and to use conflict productively prepared me for my work as Assistant Ombudsman and as a psychotherapist. I am grateful to Dr. Lois Price-Spratlen for inviting me to write this article and hope that my description of university ombudsing in the early 1980s is useful to others who work in the field in 2006 and beyond.

References


The Traditional Meets the Modern in Campus Ombuds Practice

by Gary Buckley

Gary J. Buckley has served variously as a faculty member, department head, and dean at Northern Arizona University since he joined the faculty in 1972. He served as University Ombudsman from January 1998 until the office was closed due to budget cuts in the spring of 2004. He now has accepted the role of coordinator of a newly restarted Faculty Ombuds Program at NAU.

Introduction

College and university campuses are by definition places of diversity. They are the location for the push and pull of great ideas and (occasionally) extraordinary minds as they attempt to establish the validity of their particular propositions or theories. University education not only tends to broaden our educational horizons, it also tends to widen our horizons of tolerance, acknowledging the contributions of cultures and histories other than our own. As a person with twenty-five years of experience in higher education when I first came to my role as an ombuds, I saw myself as someone who embraced these values of tolerance and respect for ethnic and religious diversity.

Certainly most of us who work in conflict resolution strive to conduct ourselves in an inclusive manner with those we serve. As college and university ombuds, we are guided by the principles embedded in our professional Standards of Practice (International Ombudsman Association, 2006). In fact, we undoubtedly also strive to see ourselves in this light even when our actions may not match up with our expectations. Our core set of beliefs as “conflict resolvers” orients us in this direction in the first place (Bowling & Hoffman, 2003; Mayer, 2000).

But do we extend this notion of inclusion to our attitudes about conflict resolution itself? That is, are we open to other traditions within conflict resolution, especially those found in indigenous cultures or traditional peoples? It is with a fair measure of humility that I recall when my “modern” understanding of alternative dispute resolution (ADR) ran up against a set of “traditional” ADR beliefs, the wisdom of which I was initially unprepared to accept.

The Story Opens

The story began, as many ombuds stories do, when an employee visited our University Ombuds Office to talk. The employee, a well educated female (whom I shall call “Violet” for our purposes here), had until recent months been working under the supervision of a male (whom I shall call “Robert”), who had given her excellent training, experience, and work opportunities. But as her capabilities and confidence in her work grew, Robert seemed increasingly to find fault with her. Violet judged that he treated her with condescension and patronized her when she objected to his attitude. Violet came to the conclusion that Robert had become jealous of his protégé’s apparent growing success. Robert’s regard for her seemed so charged with negativity that Violet successfully sought reassignment in another part of the campus workforce.

Now that Violet was working in a different area of the university, Robert could no longer affect her directly. However, she continued to receive numerous (and, to her, credible) second-hand reports from campus acquaintances that he increasingly spoke about her alleged “faults” behind her back to coworkers. He claimed (allegedly) that she had been shown favoritism by those in authority, did not know her job as well as she claimed, and that her gender and ethnicity

Author’s note: The names employed in this article are fictitious. Also, some of the key facts have been purposely obscured so as to provide the named individuals complete anonymity.
were playing an important role in her campus success. She judged these negative characterizations of her to others were greatly damaging her personal and professional reputation within the university. In addition, she found herself suffering from great inner agitation that was distracting her from her work. She requested our assistance to help resolve the matter.

What made this case somewhat out of the ordinary for us was that Violet was a Native American, a Navajo, while her former supervisor, Robert, was an Anglo. Violet proceeded to explain in some detail the various ways in which this situation was causing distress to her emotionally as well as spiritually. She explained that she had discussed the matter with her “uncle,” a personal and spiritual mentor on the Navajo Reservation, as well as with other members of her extended clan family. She requested that we set up a meeting between her and Robert which would also include several members of her extended Navajo family (most importantly, her “uncle”) who could explain the various ways in which this conflict was causing her distress. In effect, she was asking to bring within the relatively circumscribed ombuds process on our campus the wider domain of Native American conflict-resolution processes. We were, to put it mildly, nonplussed by her request.

In all honesty, at that point we were unaware of the Navajo processes she was describing. (I employ the term “we” here because I was assisted throughout the case by a female member of our ombuds staff.) Our initial reaction was to consider her request as reflecting a naïve approach to conflict resolution and a misunderstanding of the value of “modern” facilitative procedures. At the time I believe I would have described what our ombuds office offered as representing westernized, rational, “scientific” procedures derived from the various ombuds and mediation training my colleague and I had received (Benjamin, 2003). Violet’s desire to include individuals who were not “direct” parties to the dispute, as well as her intention to discuss her spiritual discomposure, struck us as potential violations of some of the very principles we had agreed to uphold as ombuds (American Bar Association, 2001; International Ombudsman Association, 2006).

We spent considerable time during our first two appointments explaining principled negotiation and interest-based processes to her (Fisher & Ury, 1991). We encouraged her to understand what we offered was more in line with what we judged to be her “interests” and (in retrospect) undoubtedly conveyed the impression that our processes were “superior” to what she originally requested. We stressed certain values to her, such as confidentiality and impartiality, while she stressed the values of community involvement and partiality. At that point we were unable to stand back and see the value of what she was requesting, even while we knew that we could not “open up” our process in the ways she sought.

By the third visit Violet had begun to accept the authenticity of our efforts even if we were still some distance apart on a precise process. She acknowledged her trust in our intentions and gave us permission to approach Robert to determine his willingness to sit down and discuss these various matters with her. Robert, as he subsequently admitted to us, had spoken several times about Violet to their mutual acquaintances, but, as one might expect, he gave a very different characterization to what he had said about her. After several additional individual meetings with both parties, we agreed on an agenda for the conversation and held the joint conversation.

In the end the facilitated conversation, though difficult, proved to be productive for both parties and left them reasonably satisfied with the outcome. While they were unable to resume their previous close friendship, both were able to move forward with renewed respect for each other, acknowledging that their personal and professional paths had now diverged. Yet the experience left us in the office with a need to pursue the matter further. After considerable reading, discussion, and contemplation, I present the following thoughts as the result of my ruminations. It is my hope that knowledge of approaches to conflict resolution in traditional cultures may both wisely inform and critically sharpen the effective practice of college and university ombuds.

**Modernity vs. Tradition**

The dominant model for contemporary dispute resolution is a problem-oriented approach through the use of an interest-based negotiation model. This is seen by some authors as an “inside-out” approach, aimed at convincing the individual to understand his/her positions as being based on individualized needs or personal interests. Once that is accomplished, one then moves
similarly to the other party and attempts to understand where both parties' interests may overlap or at least be seen in some ways to converge—hence the "inside-out" label (Edelman & Crain, 1993; Fisher & Ury, 1991). Another approach is captured by the reverse—the "outside-in" model, which is characterized by dispute resolution as narrative, the idea that one's conflict story is essentially a narrative which is part of the larger cultural context in which one lives (Winslade & Monk, 2000). The personal conflict story is part and parcel of the manner in which one describes the conflict as if it were fact but is more accurately seen as one's personal "reality." In such fashion one takes what happened and makes it real by the telling (and retelling) of one's story.

In many ways the interest-based approach (the inside-out) often is seen as appropriately contemporary, reflecting the individualistic ethic of a western, urbanized society. The individual has rights and entitlements, and these are captured by the notion of personal needs and interests. More traditional societies approach conflict resolution within the perspective of a narrative, often an account in which the individual's story is but a part of a larger story. In order to understand the conflict within its larger context, it may be necessary to hear the stories of more parties than simply those in direct conflict. That is, one may be required to listen to the stories of extended family, close neighbors, and others who may have observed the conflict. Each person may have a unique perspective on the overall narrative, and it is understood that a larger "truth" may be hidden in the joining of all these narratives.

This may also include the retelling of larger cultural narratives (some mythical, some spiritual, and the like), which may have some direct link to the current conflict (Chia, Lee-Partridge, & Chong, 2004; Nielsen & Zion, 2005).

So story-telling in this sort of mediated situation has many purposes: some to establish differing perspectives on what happened, some to remind participants of critical social or spiritual values to keep in mind, some to remind the conflicting parties of their familial or social obligations, and the like. But the point is that this sort of inclusiveness is justified by the model employed (the outside-in approach) rather than by the more circumscribed model employed by today's dominant society.

I think what struck us in the University Ombuds Office as most disconcerting at the time was that while we thought of ourselves, individually, as culturally sensitive people, we were unaccustomed to the idea that the process we offered might be perceived by others as culturally insensitive. Didn't we offer a modern, "scientific" process which took into account the individual differences and self-interest of the parties? Weren't we educated and trained ombuds, steeped in our contemporary notions of tolerance and acceptance and following UCOA's (now IOA's) values, which reflected these ideals? How could we possibly be seen as culturally insensitive? And yet, as our conversations with Violet continued, we not only challenged her to understand our point of view, she challenged us to reexamine the differences between our values as ombuds and the cultural perspective she represented.

This experience left me quite conscious that I lacked an understanding of traditional forms of conflict resolution. Subsequent to Violet's case I discovered the following about the Navajo model of peacemaking and how it operates. I also include below my own reflections on comparisons and contrasts between Navajo practices and our practice as organizational ombuds.

Navajo Peacemaking Processes

When the current structure of the Navajo Nation's court system was established in 1959, the Navajos were required to apply the applicable laws of the United States as well as the familiar structure of the Anglo court system. At the same time the Navajo people were allowed to apply any applicable tribal laws or customs not specifically prohibited by federal law. This allowed Navajo custom and "common law" to remain a part of the tribe's system of justice.

In 1982, following a major Judicial Conference of the Navajo Nation, a Navajo Peacemaker Court was established to integrate traditional practices for conflict resolution into the existing tribal court system. There now exist two different paths within the Navajo legal system: the Anglo court model (which is seen as "vertical justice," or essentially a retributive model) and the peacemaking approach (which is seen as "horizontal justice," or essentially a restorative justice model). At the same time, however, a decision or consensus reached in the Peacemaker Court is fully subject, when necessary, to the enforcement powers of the Navajo Court System (Zion, 2005).

It was the latter peacemaking
approach that our visitor, Violet, was seeking to replicate through the ombuds office. And while we could offer elements of what she was seeking, we were unable to duplicate fully what she sought. While my own training caused me to think of the peacemaking approach as “alternative dispute resolution,” it was instructive to me to learn that the Navajos refer to peacemaking as “original dispute resolution” (Nielson, 2005). This was the way that their tribe had, since time out of mind, solved its conflicts.

The Navajo Peacemaker Court utilizes the talents of a “peacemaker” [naat’aanii], a traditional civil leader whose authority comes from the respect of a local community which selects him or her. (The Navajo words used in this text are rendered without diacritical markings.) This selection is based on certain demonstrated abilities, such as “wisdom, integrity, good character, and respect of the community” (Yazzie, 2005). It is also someone who listens and speaks well, someone whose life demonstrates a strong understanding of Navajo custom and religion, and whose personal conduct reflects those values. While as an ombuds I might judge that such a person could not work impartially with the conflicted parties, it is interesting to note that the social and clan ties of the peacemaker do not necessarily amount to perceived partiality. Rather, knowledge of the people involved, a grasp of the cultural and social background and of the overall situation of the conflict is usually seen as advantageous by all the parties (Yazzie, 2005).

The peacemaker is not a judge from this perspective but a “guide” whose function it is not to determine guilt or innocence—to judge—but to use his/her personal powers to help persuade others to come to a consensus regarding the correct path to be followed by all parties. To take such a path means to walk in harmony with others and with creation itself, to walk in a state of “beauty.” Thus the traditional Navajo approach to conflict resolution is bound up with traditional spiritual values and precepts and with the “Law” means to them. To separate the secular and spiritual is a false dichotomy to a Navajo. They are part of the same reality. Thus one should follow “the Law” and “live in beauty” because “life comes from it.” Navajo spirituality is inherently bound to their belief that one lives in harmony with one another as well as with nature. The peacemaker helps those in conflict return to a path of harmony with one another and with Nature itself. This truly is to “walk in beauty,” to use the Navajo expression (Yazzie, 2005).

Our office visitor, Violet, believed that, as long as she had to continue to deal with Robert’s bad-mouthing her behind her back, she could not walk in harmony with the other elements of her life. She could not simply ignore his comments or “turn the other cheek.” His actions were disturbing her universe in a way we were first unable to comprehend fully: Robert was making Violet “sick.” Though she felt herself out of balance with her surroundings but also within herself, she was not seeking to have him punished for what he was doing. Rather she sought to discuss the conflict openly so that she might reclaim a sense of harmony in her life, put an end to the spiritual dislocations the conflict was causing her, and restore herself to good health.

When Violet first came to the ombuds office, she summarized Robert’s behavior with a traditional Navajo expression: “He acts as if he has no relatives” (Bluehouse & Zion, 2005). While we initially did not fully understand the depth of her comment, we came to see that Robert’s comments were, to Violet, placing her in a bad light with the entire community. In her terms as long as this “bad or evil way of speaking” [askheji naat’aa] continued, the focus could not be on more positive forces [hohooji] (Yazzie, 2005). When Violet was able to confront Robert in a facilitated conversation, she proved to be the more articulate of the two, stating her concerns and their effects on her life in a very direct fashion. Interestingly, it was Robert who wept in their session when he was finally able to acknowledge how harmfully his actions had affected her. His expression of deep emotion convinced her that he understood the damage he was doing to her and to her good name in the community.

Conclusions, Implications and Suggestions

I have had many opportunities since this case was resolved to think about what it meant to me as a practicing ombuds. Even though we were able to provide Violet part of what she was seeking, we were compelled to do so within the context of the ombuds process our university had created and the professional practices we had agreed to accept (Gadlin & Pino, 1997; Howard & Gulluni, 1996; International Ombudsman Association, 2006). She found a path to bring her spiritual concerns within a secular process,
a facilitated conversation. What she ultimately was seeking was a ceremony, an opportunity to involve a larger community as well as the invoking of spiritual assistance. Evidently what we were able to provide was sufficient in the end for her purposes as well as for Robert’s.

There are several conclusions, implications, and suggestions this case has brought to mind for me. First, what began for me and my colleague as a confounding experience ultimately became a fascinating learning opportunity. We were able to see the difference between simple tolerance (a form of broadmindedness) and understanding (a state of insight, sensitivity, and compassion). It was a humbling experience for us both, as we began with a presumption that “wisdom” sat on our side of the table alone. Since we currently find ourselves amidst the planning stages for a “new ombuds workshop” on our campus, I intend to insert key elements of this case into our training regimen so that our trainees have the opportunity to grapple with the need to develop an understanding of, and appreciation for, diverse cultural perspectives in their work.

Second, this case has pushed me to think seriously about the differences between individual rights and those of a community. While I had previously thought that my work as an ombuds was mainly assisting the former, I now see the frequency with which an ombuds is also concerned with the latter. Was I not often concerned about matters of university “civility,” about the various ways employees may violate the norms of the university community of which we are all a part—me included? We should not underestimate the role that values of cooperation and harmony still play in the modern workplace. As ombuds we should not be shy about serving as campus advocates for the sort of community we judge we are serving to protect and advance—a place of mutual respect, graciousness, even compassion.

Third, as a partial consequence of a clearer sense of the contrast between individual and community rights, the experience made me ponder my original presumption that to be partial was always wrong and that to be impartial was always right. There may be many situations in which I should exhibit a partiality in favor of the rights and values of the community I serve as an ombuds. Even our Standards of Practice encourage us to work for justice and fair dealing at the same time we strive to be free of self-interest regarding the outcome (International Ombudsman Association, 2006).

Yet, as an ombuds, I, too, am the product of the stories in my head and not just the parties to a conflict. When one or more parties present narratives which seem difficult for me to accept, I must at least be willing to allow my own perspective to be challenged. A stance of curiosity may lead ombuds to change their perspectives from time to time, just as they may be encouraging the parties to change theirs. If one remains fixed in the assumption of one’s own impartiality, one may miss the fact that neutrality itself may often arise from a storied perspective on one’s part.

Fourth, one of the qualities that an interest-based approach to dispute resolution often has going for it is simple coherence. Yet the conflict may continue to appear ambiguous to the parties themselves even after some careful work. Moving outside the interest-based approach to a narrative approach may assist the parties (and the ombuds) in understanding a conflict within its multi-storied complexity, which may open up additional options for problem resolution. Also, an outside-in approach may work especially well in a situation where gender differences and/or other key aspects of diversity are at play and where one suspects that such differences may be crucial to understanding the underlying concerns. Once the parties themselves understand these differing perspectives, it may then be possible for the ombuds to assist the parties in acting on these differences and, perhaps, realigning their individual stories into a “third story” acceptable to both.

Finally, the experience of working with Violet and Robert has caused me to think deeply about the concept of the “reflective practitioner” (Lang & Taylor, 2000), or what has been termed the “third stage” of development of the dispute resolver (Hoffman & Dowling, 2003). What this means in part is that there is more for any of us to learn besides a set of personal conflict resolution skills or even a set of theories which help explain why certain skills may work better in some situations than others.

Ultimately, our ombuds practice helps us learn more about ourselves and what we believe it takes to become better persons as well as better ombuds. This kind of personal betterment sounds like a heady objective. But, surely, it is a worthy one. For, to borrow an expression of the Navajo people, “life comes from it.”
References


Anticipatory vs. Responsive Ombudsing: Reflections, Questions, and Future Challenges
by Elizabeth E. Graham and Katherine K. Ziff

Elizabeth E. Graham (Ph.D. Kent State University, 1987) is the University Ombuds at Ohio University and has served in this capacity since 2002. She is an active member in the California Caucus of College and University Ombuds and regularly attends the Asilomar conference. In addition to being the Ombuds, Beth is also a professor in the School of Communication Studies at Ohio University. She teaches courses in interpersonal communication, research methods, and statistics on the undergraduate and graduate levels. She has published journal articles and book chapters concerning communication in families experiencing transition, change, and possible reconfiguration and is currently co-editing a new edition of *Communication Research Measures Sourcebook*.

Katherine K. Ziff (Ph.D. Ohio University, 2004) is serving her sixth year as Associate Ombuds. Katherine also holds an adjunct appointment in the Counselor Education Program at Ohio University. A licensed professional counselor, she works part time in the university’s office of Counseling and Psychological Services. Her research interests include the history of psychiatry and the arts as an adjunct to counseling.

Statement of the Question

In response to the call for papers for this special issue of the *Journal*, featuring academic ombudsing, we thought about what question are of central importance to our office and which of the many current topics of ombudsing are topmost in our mind. As we ended the academic year and prepared our annual report, in addition to identifying recommendations and trends specific to our university we spent some time contemplating our own mission within the university and within the field of ombudsing.

We began to think about the extent to which an ombuds office could and/or should play a pre-emptive anticipatory role. Our field, as articulated in our standards of practice, calls on us to identify trends, including potential future problems (IOA, 2006). In addition, Price Spratlen (1998) proposes a preventive and hence anticipatory focus in her work. As one of the few university offices with access to and attunement with a broad spectrum of people and concerns across the campus community, perhaps the ombuds staff can find additional ways to take full advantage of the knowledge that comes with this position. Our function has traditionally been reactive, i.e., handling problems as they come to us, but how might we now respond to or anticipate the future? These questions and concerns led us to our first and central inquiry: should we work more in an anticipatory mode? What would be the benefits to the campus? What might be the barriers? And what mechanisms would be necessary to accomplish this additional responsibility?

Organizing Framework

Like most ombuds, we spend our days responding to concerns and problems that are brought to us, situating us squarely in a responsive mode. Indeed, the very founding of our office in the early 1970s was itself a reaction—a response to campus riots, school closings, general campus unrest, and dissatisfaction expressed by students. We remain in a responsive mode both historically and traditionally, and it appears that responsiveness, rather than anticipation, has become standard operating procedure for many university ombuds. In fact, we don’t have to go far to look for evidence that responsiveness is, in large part, our daily mission. The language used to describe our work further situates us in a responsive
mode as we resolve problems, investigate situations, mediate, negotiate, and listen. We work to clarify, mediate, counsel, educate, and report (Olswang, 1998).

The current challenges of campus life create an environment that serves to keep most ombuds very busy and, as a consequence, largely responsive. In a university-at times a dynamic, vibrant, and pulsing environment—purpose of an ombuds office is to try to make sense of the new relationships constantly emerging from an environment which is in fact committed to change. We are clearly response-oriented because we need to be, and there is institutional pressure for us to remain so. Simply put, responsiveness is the most critical demand on our office because it seems to speak the loudest. Because this is so, ombuds offices have become more and more an arm of the university that responds to and resolves conflict rather than be an agent of change and a voice for the less powerful members of the academic community (Wallace, 1993). While there are institutional expectations and a genuine necessity for ombuds to continue to serve in a responsive fashion, we suggest that there are additional ways to fulfill our office and university mission.

Perhaps the very challenges that constrain us and prompt a response orientation might also serve to enable and compel us to anticipatory action. Carey (2006) addresses the “art of anticipation” and the importance of improving the ability of campus leaders to anticipate problems and laments that “the necessity of acting in the present ... leads to decisions that are short-sighted and may hinder rather than help the institution manage the crisis” (Carey, 2006). Interestingly, folding in anticipatory responsibilities is consistent with the mission of most ombuds offices because many are charged with identifying, preemptively, needed changes to university policies and procedures (Kerze, 1994). While the charge is clear, the question remains: how do we continue to respond to everyday conflicts and concerns while also anticipating potential problems and future crises?

In addition to these two orientations to ombudsing, there are several modes of operation and ways of connecting with the university community. Informality, our usual mode of operation, is in fact one of the four standards of practice for ombuds offices (IOA, 2006). For example, we are not an office of notice, we are enjoined from participating in formal investigative procedures, and we do not make binding decisions or formally adjudicate conflicts for the university. Our informality has a humanizing effect on a university (Olswang, 1998) and is one of the very reasons that people feel comfortable visiting ombuds.

Yet there are occasions that call for formal modes of operation. Formality, as explained in IOA Standard of Practice 4.6, changes us with bringing forth matters of concern and identifying trends that warrant attention, all of which may require a formal response (IOA, 2006). These formal processes can involve compliance with required rules and procedures. For example, in a university setting, formal processes can guide the activities of governing bodies, policies and procedures, and codes of conduct and are often codified in public documents.

In an effort to answer questions and to organize our understanding of the current challenges facing academic ombudsing, we have created a matrix (Figure 1) to sort things out, though it by no means represents all the possible ways to think about ombuds practice. Nev-

<table>
<thead>
<tr>
<th>Responsive</th>
<th>Anticipatory</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Responsive/Informal</strong></td>
<td><strong>Anticipatory/Informal</strong></td>
</tr>
<tr>
<td>Responsive</td>
<td>Anticipatory</td>
</tr>
<tr>
<td>Informal</td>
<td>Informal</td>
</tr>
<tr>
<td>Private</td>
<td>Private</td>
</tr>
<tr>
<td>Daily &amp; in the moment</td>
<td>Pre-crisis</td>
</tr>
<tr>
<td>Externally driven</td>
<td>Internally driven</td>
</tr>
<tr>
<td><strong>Responsive/Formal</strong></td>
<td><strong>Anticipatory/Formal</strong></td>
</tr>
<tr>
<td>Responsive</td>
<td>Anticipatory</td>
</tr>
<tr>
<td>Formal</td>
<td>Formal</td>
</tr>
<tr>
<td>Public</td>
<td>Rare &amp; pre-crisis</td>
</tr>
<tr>
<td>Periodic &amp; post-crisis</td>
<td>Internally driven</td>
</tr>
</tbody>
</table>

**Figure 1**
Responsive and anticipatory orientations to ombudsing combined with individual and community-based frameworks
ertheless, it provides a structure to consider the questions at hand: two central orientations to ombudsing—responsive vs. anticipatory stances and formal and informal modes of operation. The four quadrants are best thought of as fluid and existing on a continuum rather than as discrete, binary categories.

**Responsive and informal quadrant.** As we have said, ombuds work primarily in a responsive and informal fashion, daily responding to the complaints and problems that visitors bring to us; this involvement is therefore externally driven and very much in the moment. Our commitment to confidentiality and the privacy generally associated with informality characterize this responsive/informal mode of operation. Indeed our standards of practice render us informal—sometimes to the point of invisibility—and at the risk becoming a “mission on the margin” (Ermlich, 1990).

**Responsive and formal quadrant.** Responsive and formal activities include participation in campus initiatives and special events, annual presentations to governing bodies, and involvement in public initiatives. These formal activities are more public and less interpersonal than private, informal ones. Annual reports are characteristically formal and typically responsive, and “with much of the ombuds work being done quietly and in confidentiality, the annual report is an opportunity for the ombudsman to speak publicly on issues of concern” (Sebok, 1997). Externally driven, these formal activities are periodic in nature and usually marked and prompted by the institutional calendar and by our office mission and charge. They may include initiatives with a preventive focus, such as training and seminars focusing on reconciliation of disputes and dealing with conflict (Neff, 2003). While not as time-intensive as the responsive and informal functions, being responsive and formal nonetheless requires advance planning, preparation, and sometimes public presentations, all of which require time and resources from the ombuds office.

**Anticipatory and informal quadrant.** Ombuds are uniquely positioned to function “outside the regular hierarchy of offices . . . focusing on problems created by conflict or glitches within the institution . . .” (Vice, 1994). While we also have the ability to be anticipatory and informal, often the requirements of responsiveness prevent us from fully engaging in anticipatory and informal activities. In our office we categorize such private activities as informal, meet-and-greet chats and heads-up, courtesy calls, in which we privately and personally alert others to potential concerns without breaking confidentiality or anonymity (IOA, 2006). An anticipatory and informal stance is ombuds-driven in that we decide when and how to move forward; we pursue problems based on our judgment.

**Anticipatory and formal quadrant.** Anticipatory and informal activities are not bound by the academic calendar and are about preparedness. We are positioning ourselves, in Carey’s words, as that one person on campus “who sees things completely differently” and who should be sought by administrators to be sounding boards, to provide reality checks, and to give “perspectives that are different from what you will find within the walls of the main administration building” (Carey, 2006). Although we have the capacity and the access to operate as something like the proverbial canary in the coal mine, not nearly enough of our time is spent in this way. Responsiveness sometimes prevents us from spending more time on anticipatory activities.
tion, October 4, 2006). It is also difficult because, at first blush, working in an anticipatory and formal way might require the temporary abandonment of our traditional dove and olive branch that metaphorically represents the business of ombudsing. It may be that, in the most extreme circumstances, acting in a formal and anticipatory fashion would require that we abandon the university hierarchy and protocols for the purpose of bringing attention to an important matter.

Ombuds as Agents for Anticipatory Action

An ombuds office committed to anticipatory action would undoubtedly benefit the university and its members because ombuds enjoy access to all members of the university community, the authority to investigate complaints, and legitimate entry to the university hierarchy. Therefore, ombuds are uniquely positioned to anticipate problematic situations and offer informed reasoned counsel and advice to university constituents. As Price Spratlen (1998) reminds us, “preventing as well as managing conflicts and disputes is integral” to ombudsing. From this perspective anticipatory action is not an option but an imperative for ombuds. Accomplishing or entertaining a shift from responsive to anticipatory action is best cast as a philosophical rather than a pragmatic concern. Perhaps anticipatory preventive work requires ombuds to act as transition agents, assisting the university through unanticipated though inevitable change, chaos, and flux. Institutional and individual transition work is often at the heart of what we do, and perhaps we should explicitly acknowledge this role.

Questions and Future Challenges

Our purpose is to provoke rather than to provide answers to the questions raised in this article. Although we obviously have some clear opinions about anticipatory ombudsing practices, we also have questions:

1. How does an ombuds office balance responsive and anticipatory work? What are the implications of publicly acknowledging our role as transition agents?

2. How would we institutionally negotiate moving from a response-based ombuds office to one that includes anticipatory activities and functions? How does one reallocate resources and time to accomplish this? At what point and under what conditions should we engage in anticipatory/formal ombudsing?

3. If we are to work in a more anticipatory way, how do we encourage our institutions to support this? Why does institutional pressure exist that keeps ombuds offices in response modes?

4. Are forays into anticipatory ombudsing at odds with our mandate for neutrality since anticipatory responses, particularly formal ones, might be interpreted as advocacy and therefore could jeopardize the perception of our neutrality?

5. If anticipatory responses, both formal and informal, take the form of giving the university the chance to protect itself or providing a heads-up, would such actions undermine our commitment to independence and neutrality?

6. How do we balance our commitment to confidentiality with a need to be anticipatory and formal in the practice of ombudsing?

We welcome the opportunity for further dialogue about these questions and others that may be prompted by the organizing framework presented. Such dialogue could be sponsored by ombudsing groups such as the IOA and the California Caucus through formal and informal discussion groups or panels, conference presentations, and examination of standards of practice. Research by ombuds and scholars could contribute to dialogue through 1) narrative accounts of how academic ombuds offices have both successfully and unsuccessfully engaged in anticipatory ombudsing; 2) theoretical study; 3) comparison of anticipatory vs. responsive work across academic institutions, geographies, and historical time periods; and 4) identification of factors and conditions for successful anticipatory ombuds work.

References


Bullying and Mobbing in Academia: Prevention and Intervention

by Gregory R. Janson

Gregory R. Janson is an Associate Professor of Child and Family Studies in the School of Human and Consumer Sciences, Ohio University, Athens, Ohio. He is a Professional Clinical Counselor, a National Certified Counselor, and a Certified Family Life Educator. Dr. Janson has worked extensively in community mental health and in private practice as a trauma specialist and family counselor. A former therapeutic foster parent, his research interests focus on the impact of traumatic experiences and repetitive abuse such as bullying on victims and bystanders.

Introduction

Bullying and mobbing (bullying by a group) can pose difficult challenges for college and university ombuds (Theiss, 2005). Both are forms of relationship abuse; however unlike harassment based on sex, race, religion, or disability--bullying is poorly described, usually legal, and not mentioned in most codes of conduct. If there is no element of physical abuse or assault, the assessment and mediation of bullying situations can be frustrating and elusive. Many targets of psychological and emotional bullying, who rightly believe that they are being victimized, may assume that they are protected by university policies. However, these policies often turn out to be focused on better defined forms of victimization, such as sexual harassment or racial discrimination, and these policies therefore offer victims little in the way of rights-based protection.

At first glance, it would seem that an institution of higher education is the last place where bullying and mobbing would be problems. Civility, tolerance, and the valuing of every person are stated values of the quest for knowledge and wisdom in academia. The conduct of students, faculty, administrators, and staff at most colleges and universities is governed by codes of conduct that support social norms of interaction based on intellectual freedom, mutual respect, dignity, civility, and affirmation of diversity. Bullying and mobbing--the antitheses of civility and respect--would seem to have no place in an academic setting, yet researchers have suggested that colleges and universities figure prominently when the incidence of these behaviors is tallied (Gravois, 2006; Jagatic & Keashly, 2000; Kolanko et al., 2006; Leymann, 1990, 1996, 1997; Price Spratlen, 1994a; Theiss, 2005; Westphues, 2004).

Whether bullying and mobbing takes place in a middle school or in a university—and whether it involves children or adults—a growing body of research is showing that these forms of social aggression have significant psychological and psychological consequences, not just for direct victims, or “targets,” but for bystanders as well (Janson, Carney, Hazler, & Oh, 2006, in press; Janson & Hazler, 2004). It is not uncommon for victims to be forced to change jobs or leave an institution, experience a drastically reduced quality of life and work, develop anxiety and other stress-related illnesses, or sue for damages (Lewis, Coursol, Wahl, & Herting, 2002; Price Spratlen, 1994a; Westphues, 2004).

How significant is the problem? Most applicable research in this area has focused on primary and secondary schools (e.g., Olweus, 1993) or on workplace mistreatment in various public sector employment settings (Cortina & Magley, 2003; Cortina, Magley, Williams, & Langhout, 2001; Einarsen, 1999; Leymann, 1990, 1996, 1997; Lim & Cortina, 2005; Namie, 2000, 2003; Niedhammer, David, & Degioanni, 2006; Price Spratlen 1994a). More research that is specific to higher education is needed; however, existing literature does support anecdotal reports (Gravois, 2006; Hodges, 2006; Waters, 2005), suggesting that bullying and mobbing are significant problems in academia, with costs measured in serious monetary terms (e.g., work days lost, stress-related illnesses, diminished job retention), as well as human terms (Keashly, 2000, 2005; Kolanko et al., 2006; Pearson, Anderson, & Porath, 2000, 2005; Penney & Spector, 2005; Price Spratlen,
Bullying is a form of interpersonal aggression or abuse that describes the act of repeatedly harming or attacking another, physically, psychologically, or emotionally, using physical force, words, non-verbal actions, or social exclusion or isolation. It is characterized by contempt for the victim and a sense of entitlement by the abuser. It is perpetrated by an individual or by a group (mobbing). It is essentially an unfair interaction since there is a significant imbalance of power between the victim and the abuser: the bully is physically, verbally, emotionally, or socially stronger than the victim.

Defining Bullying Behavior

There is a great deal of confusion about how the term bullying describes behavior. In the literature and in popular usage, the word bullying is frequently used interchangeably with words like harassment and abuse. We also use the word bully to label people whose behavior strikes us as aggressive, uncivil, mean, humiliating, discourteous, or unfair. Sometimes bullying is broken down into subtypes that describe someone--e.g., serial bully, accidental bully, chronic bully, accidental bully--or the environment where the bullying takes place--e.g., corporate bullying, workplace mistreatment, workplace mobbing, or academic bullying (Bully OnLine, 2007; Leymann, 1990, 1997; Theiss, 2005). As for prevention and intervention, it is important to separate bullying from behaviors already defined by policy or statute and from behaviors that may be rude and lack concern for others that we might describe as “uncivil” but which lack the requisite intent to repeatedly harm a specific individual Lim & Cortina, 2005). The following definition is adapted from others in the literature (e.g., Hazler, 1996; Olweus, 1993) and represents a perspective that includes the most common denominators of bullying and mobbing behavior.

Most researchers have accepted two common factors in their definitions of bullying and mobbing: an imbalance of power in the abuser’s favor and abuse that is repetitive over time (Janson, Carney, Hazler, & Oh, 2006, in press). If these elements are not present, the matter is most likely a personal dispute or complaint, which may be far easier to resolve and potentially less dangerous to the persons involved than bullying.

The power factor. The relationship between power and bullying may start turning away or averting their eyes in discomfort, embarrassment, or fear. After a while, victims become worn down and are left believing that there is no hope for an escape from the abuse. By abusing a victim over time the bully creates the illusion of control and inevitability in the victim. Control rests with the bully while the victim waits in fearful anticipation for the next attack.

The repeat factor. Repetition is an essential characteristic of bullying, though the power and impact of this repeat variable are not often recognized. Most of us can bear an insult or jibe based on our performance, capabilities, or personality once or twice, even if it is not founded in fact. But when the interactions become repetitive, we may begin to wonder if we have done something to invite the abuse (Keashly, 2005). We become isolated, even when others are present. Bystanders
Bullying and Mobbing in Contrast to Sexual Harassment and Discrimination

A good argument can be made that sexual harassment and discrimination are similar forms of social abuse and qualify as bullying or mobbing under the working definition put forth in this article. For example, feminist researchers have long argued that power underlies gender inequities (Jones, 2006), a dynamic that is similar to bullying. Certain types of hate crimes, such as anti-Semitism or violence perpetrated by a group of students in a dormitory against a student who is a member of a sexual minority, may clearly fit the definition of mobbing as repeated abuse by a more powerful group. However, unlike bullying, sexual harassment and discrimination do not require repetition or an imbalance of power to violate university policies or legal statutes. Additionally, some researchers have argued that to label sexual harassment as bullying is to dilute its impact by describing a crime defined by statute as conduct that many people believe to be a harmless schoolyard behavior (N. Stein, 1995, 1996). While these forms of interpersonal violence may be more conceptually alike than different from bullying, in practical application they may be simpler to deal with or resolve because they may be clearly defined in policy and statute and better recognized as unacceptable forms of behavior.

The real challenge in higher education settings may be what to do when a person is being victimized in a harmful and continuous manner that does not seem to be described in university policies or by law. Bullying is a much more common problem that crosses racial, religious, and sexual lines—and may underlie all these forms of social aggression (Jones, 2006).

Mobbing in Academia

Mobbing—bullying by a group that involves the same elements of repetition and imbalance of power-occurs in higher education in offices, faculty meetings, classrooms, dormitories—can occur in any college or university setting (Gravois, 2006; Hodges, 2006; Kolanko et al., 2006; Leymann, 1990; Spratlen, 1994a; Waters, 2005; Westhues, 2004). Students might mob a professor (Kolanko et al., 2006) or other students; a staff person may be mobbed by others; or one professor may be mobbed by colleagues. Although there is a common perception that tenure ensures safety, one of the most publicized dynamics in academia is the mobbing of a tenured professor by colleagues (Gravois, 2006; Hodges, 2006; Waters, 2005; Westhues, 2004). Ironically, the most common trait of victims of mobbing in academia is that they excel. Unlike younger victims of bullying, adult victims in academia may have no history of victimization or encounters with repetitive abuse; their targeting may have as much to do with their successes, such as their publication record and their popularity with students, as with any kind of “differentness” that might invite targeting (e.g., race, appearance, mannerism, personality, political beliefs) (Westhues, 2004). Jealousy and envy are powerful motivations for victimization.

The Impact of Bullying and Mobbing

How serious is the physiological and psychological impact of bullying and mobbing on victims and bystanders? Research suggests that the toll may be equal to or greater than many forms of traumatic experience typically regarded as far more severe (Janson & Hazler, 2004). Interpersonal violence tends to have a greater, longer lasting impact than other types of trauma (American Psychiatric Association, 2000).

Victims of bullying and mobbing in higher education may experience a full range of stress-related illnesses and symptoms, including anxiety, depression, fear, and reduced life quality and satisfaction, with the attendant economic consequences of days missed from work or attending classes, impaired performance and concentration, and lower productivity. Indirect costs of treating stress-related illness and distress also arise (Gravois, 2006; Keashly, 1998, 2005; Pearson, Andersson, & Forath, 2000, 2005; Spratlen, 1994a; Theiss, 2005; Waters, 2005; Westhues, 2004; Zapf & Einarson, 2005). The economic cost of bullying and mobbing is not easy to measure, but some researchers suggest it is substantial (Davenport, Schwartz, & Elliott, 2002), with estimates running into the billions of dollars (Bully OnLine, 2007).

These more recent findings are consistent with the long established link between stressful experiences and emotional distress (Allen, McBe, & Justice, 1981), with research findings suggesting that the relationship between ordinary stressful events—like bullying and mobbing—and the development of traumatic stress illnesses may be as strong or stronger than the
relationship between severe trauma and post-traumatic stress disorder (PTSD) (Norris, 1992; Solomon & Canino, 1990). To a great extent, “trauma is in the eye of the beholder” (Shopper, 1995). Long-term, low-level stress can lead to the development of stress-related illness and post-traumatic stress disorder (Bromet & Havenaar, 2002; A. McFarlane & Yehuda, 1996; A. C. McFarlane & de Girolamo, 1996) with somatic consequences that have the potential to disrupt the victim’s daily life, cognitive functioning, social relationships, behavior, and physical, psychological, and spiritual health (Sharp, 2002; J. Stein, 2002; van der Kolk & McFarlane, 1996; Vermetten & Bremner, 2002).

Simply stated, different people are affected in different ways. Some victims of bullying and mobbing sue and walk away from academia with a large settlement. Other victims quit their jobs and leave; their personal and professional losses and the losses to the institution are difficult to assess. Some suffer in silence, dealing with anxiety, depression, and even suicidality. Others compensate by abusing drugs and alcohol. The social learning consequences are predictable, if not measurable. Abusers’ beliefs about aggression and abuse are reinforced; bystanders see the results and fear for their own safety; victims learn hard lessons about trust and safety.

The Shared Experiences of Victims and Bystanders

Do bystanders escape unscathed from witnessing others be abused? A growing body of research is showing that there are great similarities in the physiological and psychological reactions of victims and bystanders to bullying and mobbing and that these reactions can be so debilitating that they can lead to the development of PTSD and a host of related stress illnesses (Janson, Carney, Hazler, & Oh, 2006, in press; Janson & Hazler, 2004). Practically speaking, the line between victim and bystander can often be thin (Boney-McCoy & Finkelhor, 1995; Fattah, 1989), and people who witness the repeated abuse of others often share many of the same reactions as the victims (Janson & Hazler, 2004). These include physiological arousal reactions associated with fight/flight responses (Hosch & Bothwell, 1990); repression of empathy that can lead to desensitization to violence and aggressive behaviors (Gilligan, 1991); and feelings of isolation and ineffectiveness (Hazler, 1996). Stress research has long established the harmful physiological effects of negative stress and its disruptive impact on physical health and emotional well-being as well as its association with substance abuse, hypervigilance, anger-management problems, depression, and anxiety (Selye, 1950, 1976).

In the short term, stress symptoms created by bullying and mobbing are the same as those aroused by the human fight/flight reflex. These can include fear, anxiety, confusion, panic, diminished concentration, numbing, avoidance, a restricted range of affect, and feelings of detachment from others. Longer term, there can be a significant impact on attention and concentration, as well as the development of host of related medical problems such as vascular disorders, respiratory distress, asthma, bowel upsets, ulcers, pain, and migraines (van der Kolk & McFarlane, 1996). As a physiological indicator of how serious these disorders might potentially be, mean heart rates for bystanders and direct victims of bullying in one study (Janson & Hazler, 2004) fell into the 7-to-9-beats-per-minute increase researchers have associated with PTSD in Vietnam war veterans (Blanchard, Kolb, Gerardi, Ryan, & al, 1986; Blanchard, Kolb, & Prins, 1991).

Bullying and mobbing have a deep impact on the culture of a higher educational institution and the university environment, creating a climate of fear, distrust, and uncertainty and modeling aggression as the way to resolve relationship difficulties. And not just for victims: while bystanders may experience a lesser degree of threat and arousal than direct victims, no self-respecting person can witness another person be victimized repeated and escape with self-esteem intact. A key, unanswered research question might well be: Do some bystanders, like many victims, learn that violence and aggression are effective, appropriate ways to resolve relationship problems?

The Ombuds Role: Prevention and Intervention

Ombuds are ideally situated to help victim and bystanders understand the dynamics of bullying and mobbing and offer practical strategies to help these constituents manage their physical and psychological distress with a sense of confidence and control. Prevention efforts can be coordinated with other campus agencies, such as the Office of Institutional Equity and Human Resources. Organizations
involved with multicultural conflicts and sexual minorities may also be potential partners. The key to reducing the prevalence and intensity of bullying and mobbing is to recognize that they are everyone’s problem. Training and awareness of the dynamics of bullying and its potential for harm to both victims and bystanders can be the first step towards helping constituents protect themselves and others from these kinds of abuse.

When someone is being hurt, the primary concern is always to secure the person’s physical and psychological safety. Avoiding people and places where bullying might likely occur is a sound strategy. However, in many cases, this is not practical. Sometimes the only alternative is to change the person’s environment within the university. A student bullied by a roommate can change dorms; a staff member being victimized by colleagues in an office might transfer to another department. This may prove to be the only viable option in the case of mobbing, where a group of people has created a dangerous and unsafe environment. Sometimes, a change of environment is not practical, as in the case of a tenured professor mobbed by colleagues or an untenured assistant professor bullied by a tenured colleague. Under more difficult circumstances, the final resolution may be leaving the university entirely—or a lawsuit.

Ombuds can recommend practical measures to help victims counteract the physical and emotional consequences of abuse when it occurs. It makes good sense to self-monitor physical health for signs of stress illnesses and check with a physician to reduce the physical impact of victimization. Meditation, spiritual practice, relaxation techniques, and counseling may help alleviate some of the mental and emotional distress. Physical exercise is especially effective to burn off fight/flight hormones that flood the body when under stress. Often, people who are isolated and in psychological distress forget how helpful it can be to spend time with supportive friends. As simple as these interventions seem, they are effective and often overlooked in the heat of crisis.

The essential nature of ombuds as facilitators and change agents creates the opportunity to take a leadership role through awareness and prevention efforts, helping to create an environment where abuse is not accepted and individuals are trained in how to intervene when it does. Training and discussion groups can provide a safe environment for constituents to talk about concerns and fears, communicate experiences, normalize feelings about bullying, share discomfort and uncertainty regarding intervention, and recognize that bystanders share much with victims. Special attention can be given to supervisors, department heads, faculty administrators, and resident directors, who are strategically positioned to intervene and confront repetitive abuse before it escalates and before a constituent becomes a victim. In these groups, a consensus can be affirmed regarding the kind of interpersonal academic community that is desired and how to create it. Heightened awareness that bullying and mobbing are related to a host of stress-related physical illnesses—as well as emotional disturbances, depression, anxiety and even suicide—can help provide justification for such efforts, especially in a time when the competition for resources and ombuds’ time is intense.

The following strategies are examples of intervention and prevention. Some offer ombuds a way to give discouraged victims hope and affirmation during their first encounters; others suggest a preventative strategy designed to educate constituents and to enlist the aid of bystanders in reducing the effects of bullying and mobbing.

Five Ways Ombuds Can Short Circuit Abusive Situations

Hazler (1996) has suggested a strategy for short-circuiting abusive situations in primary and secondary schools that can be effectively adapted to a higher education setting. Abusers seek to control their victims by isolating and dehumanizing them, making victims feel powerless and insignificant. By continuing the abuse over time, bullies convince their victims that the abuse is inevitable and the situation is hopeless. An immediate start can be made to help victims make choices and regain control of their lives by offering a strategy to counter each of these dynamics.

Isolation. The bully’s key to controlling a victim and maintaining that control is to isolate the prey. People under siege often lose sight of their potential resources since the abuser relies on the silence of others to exert control; the silence of bystanders makes it feel as though no one else cares. Isolation and exclusion can be countered by helping victims identify new sources of support and reinforcing existing support networks, including connection with ombuds.
Spending time with supportive peers can restore a person's self-confidence. Avoiding places where bullying or mobbing might occur or circumstances where the constituent might be predictably more vulnerable can be helpful. If those meetings and places cannot be avoided, the victim can bring a witness for support or tape the proceedings to provide a record. Complaints should be put in writing to provide a paper trail. A daily diary of events can also help bolster that paper trail. Identifying an effective administrator and enlisting his or her aid can prove an invaluable source of support. Again, the most important factor in this process is the safety of the victim. While the constituent might not be in physical danger, the psychological dangers may be very real and may necessitate a move within the university or separation from the institution and possibly a redress of complaints through the courts.

Powerlessness. By definition, the abuser in a bullying relationship enjoys greater power of some type than the victim, meaning that the victim is starting from a one-down position. The bully's continuing actions over time tend to increase this inequity. Victims may look to ombuds for help in identifying or determining their rights and potential resources, both within the university and under the law. However, some situations present special difficulties. If the abuser is a tenured member of the promotion-and-tenure committee and the victim is an assistant professor, the realities of that power imbalance are hard to deal with, despite protections written into faculty handbooks and promotion-and-tenure guidelines. Victims begin to regain their personal power by concentrating on choices, not outcomes: we cannot necessarily control what happens to us, but we can choose how to react. Identifying spheres of influence where the victim does have some degree of power can help. So can teaching victims to manage the distressing symptoms that accompany defensive reactions with breathing and relaxation techniques.

Dehumanization. Bullies use dehumanizing labels, ridicule, sarcasm, and accusations to stigmatize their victims and reduce their status to something less than fully human. When people are less than fully human, they are no longer entitled to the respect and consideration we give other people, and marginalizing them is justified. It becomes possible to view victims with little or no empathy, and abusing them becomes easier. Compassionately listening and attending to a distressed victim of repetitive abuse can provide the empathy, validation, and affirmation needed to help reconnect that person to others. Training others to counter the negative impact of bullying using these empathetic attending skills is a key part of any prevention program.

Insignificance. Bullying and mobbing diminish people, depriving them of meaning, voice, and worth. Reality checking can help to demonstrate to victims that they are important and that their feelings are largely induced. Ongoing contact with ombuds, even in the form of a quick phone call or check-in meetings, can be a strong form of support and relief. For many of us, the productive work we do gives us a sense of value and worth. For victims who are made to feel insignificant, if it is possible, the most effective daily antidote to victimization may be to encourage them to focus on whatever they are doing that is productive and useful—whatever it is that they do best. Tasks well done by the end of the day can help create some sense of balance, worth, satisfaction, and meaning.

Hopelessness. Some of the most severe consequences of bullying and mobbing—including stress-related somatic illnesses such as headaches, gastric upset, sleep and appetite disturbance, as well as anxiety, depression, and suicidality—have their basis in hopelessness.

The belief that abuse is inevitable and that there is no escape may be a cognitive evaluation, but there are serious neurochemical events that occur when victims give up and stop trying. This condition has been described as inescapable shock and may negatively impact physiology at many points, from blood pressure to hormone levels (Henry, 1991). The very act of making an appointment with an ombuds can counter this sense of despair and create a sense of hope. Ombuds can build on that sense of hope by encouraging constituents to try new things and form a new vision of the future. Implementing change in our lives is seldom easy, but it is how we move to a different, better future. Ombuds can model the ways they have made change in their own lives and the ways in which other victims have regained their sense of future.

Bystanders: A Resource for Change

Bystanders are the largest group of individuals most often present when bullying occurs. Bystanders outnumber bullies by a significant margin yet often function like a
silent majority. They are seemingly powerless to act. Even in cases of mobbing, there are always some people who are disturbed and sickened by witnessing another person be abused again and again. The question most often asked afterwards tends to be: Why doesn’t someone do something?

This is the question for focusing the discussion. What stops bystanders from intervening when someone is being hurt? Why do they so often simply stand and watch or avert their eyes and pretend they cannot see what is happening? Part of the reason may be found in the “bystander effect,” which suggests that victims are likely to get help when there are only one or two bystanders, but the greater the number of bystanders the less the likelihood that someone will help (Darley & Latané, 1968). There is a diffusion of responsibility that occurs due to the number of people present, and the failure to act is more related to the relationships among bystanders (or lack thereof) than anything to do with the victim or what is happening. This effect can be countered by training and practice. Research suggests that there are two distinct categories of individuals who intervene: former victims and those with some kind of specialized training (Christy & Voigt, 1994). This makes sense when we consider that the main reason people seem paralyzed when it comes to bullying is that they do not know what to do or say. It also builds a strong rationale for training and prevention programs.

As bystanders, we experience a flood of intense feelings when we observe someone being victimized. We look to another for cues. We glance furtively at other bystanders, who ironically may be experiencing the same degree of confusion and distress that we are but who more often look away in discomfort, embarrassment, or confusion. Most of the time, we simply do not know what to do. We fear being the next victim or being hurt in some way. We may be afraid to make things worse or look foolish. Social inhibitions—“Mind your own business!”—may inhibit us. When asked why we do not act, our answers are remarkably similar: “I’m afraid to make things worse,” “I was scared,” “I don’t want to be next,” “I didn’t know that to say or do,” “It wasn’t really any of my business,” “I don’t know.” If bystanders are asked about their physical responses, they will often report feeling queasy, sick to the stomach, heart pounding, sweaty palms, trembling—both at the time and afterwards. These are fight/flight reactions that are very similar to what victims report.

In academia in particular, where bullying and mobbing are more psychological than physical, we are doubly handicapped as bystanders. We are prepared to render assistance to others in the form of first aid, the Heimlich maneuver, and CPR, but when the hurts are psychological, we are at a loss. We are not trained to accept help nor how to give it. When we ask the victim afterwards, “Are you okay?” we receive the predictable answer, “I’m fine.” If we ask, “Do you need any help?” the answer is most often, “No. I can handle it myself.” And when others ask us if we are “all right,” pride, shame, and force of habit often drive the instant answer: “Yes!” The shame that is often connected to victimization may be why the vast majority of bullying and mobbing victims avoid formal complaint procedures (Zapf & Einarsen, 2005) and choose to quit or leave rather than to remain in an environment where they may be further abused (Namie, 2003). Recognizing that bullying and mobbing in higher education—or anywhere else—are problems that require the cooperation and participation of many people to stop may go a long way to alleviating the pressure individuals feel to solve these problems alone. Perhaps the most effective question a bystander can be encouraged to ask is “How can I be of help to you?”

Bystanders need help to act—to understand that any action is better than none. When we act, we learn something, even if it is what not to do. If we remain silent, we become victims as well—powerless, insignificant, and helpless. Nothing is learned and nothing changes. In training sessions, participants often ask what they should say when abuse is occurring. How about “Stop it”? There is no need to fabricate a long-term plan on the spot, to have the bully and victim shake hands and become best friends, or even to explain oneself. The object of the intervention is to stop the abuse as it is happening, to let the victim know he or she has your empathy, to let abusers know their actions are not acceptable, and finally, to let other bystanders know that they are not alone in the discomfort and uncertainty they feel. Success should be measured by very modest standards.

As for training, Hazler (1996b) suggests that there are six steps to helping bystanders gain control and help reduce the impact of bullying and mobbing, which can easily be adapted for training and discussion.
purposes: 1) recognize feelings and discomfort and give permission to act on them; 2) decide on specific actions to take; 3) provide direct and indirect support for victims; 4) seek constructive interaction with abusers; 5) seek help in appropriate ways; 6) give voice to the silent majority. Not only do bystanders comprise the greatest resource for change, but without them, it is unlikely that most interventions will be effective or that longer-term change is even possible (Hazler & Carney, 2003).

Recapitulation

Bullying and mobbing are serious forms of interpersonal violence that present a rising concern for ombuds in academia. The most effective antidote to bullying and mobbing is prevention based on education and awareness and a willingness to make time for discussion among all constituents, including students, faculty, staff, and administrators. In colleges and universities, just as in any elementary school, there should be policies and procedures for dealing with bullying and mobbing, as well as consequences for the bully, safety for the victim, and support for bystanders.

Through their mandate as facilitators and agents of change, ombuds can play an influential role in reducing the incidence, intensity, and negative outcomes of bullying and mobbing. Raising awareness among constituents, helping to train administrators, and sponsoring critical opportunities to discuss bullying and the kind of university or college community environment people envision can be undertaken by ombuds in concert with other university entities such as the Office of Institutional Equity, Human Resources, and student organizations. While more research is needed to determine the full extent of these behaviors and their impact in higher education, ombuds can help at the most basic levels by clarifying institutional values that define and discourage these forms of abuse and supporting the development of university policies that extend the boundaries of civility, inclusion, and affirmation.

References


Hazler, R. J. (1996). Breaking the cycle of violence: Interventions for bully-


erating role of negative a-
fecitvity. *Journal of Organiza-
tional Behavior*, 26(7), 777-796.
Price Spratlen, L. P. (1994a). Per-
ceived workplace mistreatment in
higher education...characteristics
and consequences. *AAOHN
Journal*, 42(11), 548.
Price Spratlen, L. P. (1994b). Work-
place mistreatment: Its rela-
tionship to interpersonal
violence. *Journal of Psycho-
social Nursing & Mental Health
Services*, 32(12), 5-6.
Selye, H. (1950). The physiology and
pathology of exposure to stress.
New York City, NY: MacMil-
lan.
Sharp, C. S. J. (2002). *Middle
school-age children's experience
of living with chronic violence
and the implications for mental
health intervention: A phenom-
eno logical hermeneutic analysis.*
Transaction Periodicals Con-
sortium, Rutgers University.
Shopper, M. (1995). Medical pro-
cedures as a source of trauma. *Bu-
ulletin of the Menninger Clinic*,
59(2), 191-204.
Solomon, S. D., & Canino, G. J.
(1990). Appropriateness of
DSM-III-R criteria for post-
traumatic stress disorder.
*Comprehensive Psychiatry*,
31(3), 227-237.
Stein, J. (2002). "He survives
everything": A latency-aged
child with play disruption in the
face of trauma and early object
loss. *Clinical Social Work Journal*,
30(2), 145-156.
Stein, N. (1995). Sexual harass-
ment in school: The public per-
formance of gendered violence.
*Harvard Educational Review*,
65(2), 145-162.
*Educational Leadership*, 53(8),
64-68.
Theiss, S. (2005). Bullying in aca-
demia: What's an ombudsman
to do? *Journal of California Cau-
cus of College and University
Ombuds*, 7(1), 30-37.
van der Kolk, B. A., & McFarlane,
A. (1996). *The black hole of
trauma.* Washington, D.C.: Am-
erican Psychiatric Associa-
tion.
Vermetten, E., & Bremner, J. D.
(2002). Circuits and systems
in stress: II. Applications to
neurobiology and treatment
in posttraumatic stress disorder.
*Depression & Anxiety*,
16(1), 14-38.
Waters, S. (2005). Goodbye col-
legiality, hello spineless
bullying [Electronic Ver-
sion]. *Inside Higher Ed*, May
10. Retrieved October 10,
2006 from http://www.inside
highered.com/views/2005/
05/10/waters.
mobbing in academe.* Lewiston,
NY: Edwin Mellen Press.
Mobbing at work: Escalated
conflicts in organizations. In
N. A. Fox & P. E. Spector
(Eds.), *Counterproductive work
behavior: Investigations of ac-
tors and targets* (First ed., pp.
237-270). Washington, DC: Am-
erican Psychological As-
sociation.
Untangling the Meanings of *Mediation*

by Douglas Whitman & Murray S. Levin

Doug Whitman has been a professor at the School of Business at the University of Kansas for over 30 years. He teaches courses in negotiation and conflict resolution as well as law there. He is the author of over 20 law review articles, coauthor of five textbooks on business law, and the editor of a readings book on law. He served a term as University Ombuds at the University of Kansas.

Professor Murray Levin has been on the faculty at the University of Kansas School of Business since 1979. Previously he was a practicing attorney. Since 1988 he has served as an arbitrator or mediator in a variety of disputes for organizations such as the American Arbitration Association, the Council of Better Business Bureaus, Midwest Arbitration and Mediation, and the National Association of Securities Dealers. Murray regularly teaches classes on business law and dispute resolution and negotiation and has authored numerous articles on a variety of business law topics, including alternative dispute resolution.

Quite often visitors to an ombuds office ask for assistance in mediating a dispute between themselves and another party. But experience has shown that people in academic environments have divergent understandings of what the word mediation means and therefore often have mistaken expectations about how mediation works and what its outcomes may be.

At the University of Kansas most people ask for mediation assistance because university rules compel the mediation of certain types of complaints. Rule 6.2.3.1 (of University Senate Rules and Regulations) specifies that, unless one of the parties to a dispute waives mediation, it must occur; in matters related to tenure, mediation can never be refused. The only explanation of what constitutes a mediation appears in Rule 6.2.3.4: "The procedures to follow in mediation shall be determined by the mediator in consultation with the parties." Perhaps the persons who drafted the rule on mediation assumed that everyone in the university possessed a similar understanding of the word mediation and that all mediators use essentially the same approach in attempting to resolve a dispute. That might account for the lack of a definition of the key term. The result has been that requests for clarification come to the ombuds office.

What happens during a mediation? What are the pros and cons of going through a mediation procedure?

A list of mediators is available in the ombuds office, from which the parties to a dispute may select a person to play the mediator role. Or they may select a mediator from another source. In the event that they cannot agree upon a person to serve as mediator, the parties may request either the ombuds or the Judicial Board chair to select someone. However, most people engaged in a situation serious enough to require a mediator need more than a name of a prospective mediator. They need fuller knowledge of variations of mediation procedures and some of the pitfalls that may entrap the unsuspecting.

What clarification do such common sources as a dictionary or the Internet offer?

...a mediating; intercession or friendly intervention, usually by consent or invitation, for settling differences between persons, nations, etc. (McKechnie, 1979)

...nonbinding intervention between parties, esp. in a labor dispute to promote resolution of a grievance, reconciliation, settlement, or compromise (Lawyers.com, 2007)

These definitions are not very useful in aiding the uninitiated to anticipate the various forms that the process may actually
take. Words such as friendly, non-binding, and compromise may cause a prospective participant to be caught off-guard should a mediator adopt—as some do—an evaluative or confrontational approach. Some dictionaries, for example, define mediation as a potentially less harmonious process:

intervention; interposition; the act of a third person who interferes between two contending parties with a view to reconcile them or persuade them to adjust or settle their dispute. [emphasis added] (Black’s Law Dictionary, 1968)*

An ombuds seeking a more probing definition might attend to one by Christopher Moore, a partner in the well-respected Center for Dispute Resolution in Boulder, Colorado:

Mediation is the intervention into a dispute or negotiation by an acceptable, impartial, and neutral third party who has no authoritative decision-making power to assist disputing parties in voluntarily reaching their own mutually acceptable settlement of issues in dispute (Moore, 1986).

Moore’s definition implies facilitated negotiation, wherein a mediator attempts to assist parties in arriving at resolution and does not force the parties to accept a particular settlement of the dispute as a judge can in a judicial proceeding. The parties must craft their own solution to the problem, voluntarily agreeing to the means and terms for conflict resolution. The voluntary nature of mediation helps to assure that fewer problems will arise when the parties attempt to implement their agreement than if a third party, such as a judge, imposes a solution.

Coltri (2004) suggests that the styles of many mediators fall into two broad styles: facilitative and evaluative. When mediators facilitate, they give the disputants guidelines to help them discover their interests and the various solutions that might satisfy their interests. Such mediators strive to avoid evaluating the merits of the case (Hansen, 2004). Some mediators do practice evaluative mediation, however, working “to narrow the gap between the demands of each disputant by expressly evaluating the merits, strengths, and weaknesses of each disputant’s position and by strategically communicating these evaluations to the disputants” (Coltri, 2004). They view negotiations as a contest between competing positions, whereby the evaluative mediator lowers the confidence of the parties by lowering their assessment of their alternatives. The evaluative mediator gives advice, makes assessments, renders opinions on matters at issue, and predicts outcomes, including expressing an opinion about how a judge or jury would likely decide the case. As a part of this process, the evaluative mediator usually devotes consider-

able time to impressing upon the parties the weaknesses of their case and the cost of pursuing a litigated resolution (Levin, 2001)

Academics have criticized evaluative mediation because the nature of the mediation process changes greatly when the mediator takes it upon him- or herself to evaluate the merits of the case. The mediator’s impartiality declines as does the disputants’ ability to determine for themselves the most suitable resolution of their conflict. Rather than engaging in problem-solving, as a facilitative mediator would do, the evaluative mediator potentially turns the process into an adversarial contest and may even attempt to coerce the parties into settling the dispute rather than accept a failed negotiation.

This style of mediation has in the past suited judges in court cases. As a case approached the date set for trial, the judge slated to hear the case scheduled a settlement conference in order to learn about the case and perhaps settle some matters without going to trial. Now, rather than schedule such a conference, judges sometimes transfer the case to mandatory mediation, where the mediator quite often serves in an evaluative capacity, just as a judge might have done in a settlement conference.

to extract a settlement. Courts then draw a wall of confidentiality around the process and hope the case goes away. The mediator is free, within extremely broad limitations, “to work her magic” on the participants, establish the rules of the process, and then to use these rules to trash, bash, or hash out a settlement (Thompson, 2004).

Such commingling of evaluative-settlement-conference functions and other more facilitative mediation techniques contributes to the general confusion about the nature of mediation. Under a more discriminating approach, evaluative mediation would be labeled differently—“assisted settlement” or “early neutral evaluation” or at least explicitly “evaluative mediation.” Research indicates that even in a mediation program labeled as facilitative, a substantial number of mediators engage in evaluative behavior (McDermott & Obarr, 2004).

In light of the fact that approaches to mediation vary—some more coercive than others—it seems that, prior to agreeing to a mediated dispute, all parties should know exactly what the nature of the process will be. For mandatory mediation, as may be provided in a university rule, such an explanation should be provided to enable participants to prepare properly.

Implications for Ombuds

Ombuds tell members of their academic communities that they are impartial, neutral, and without decision-making power. People come to the ombuds office thinking they can discuss a problem without fear that the information they disclose will be repeated to anyone without their prior consent. They also assume that the ombuds will maintain some objectivity with respect to their dispute and will not take sides as an advocate (e.g., an attorney) might do for his or her clients. And they may—even should—ask for an explanation of the nature of mediation offered by the ombuds or by a mediator whom the ombuds may suggest. At the minimum, an ombuds needs to be well versed in all the various mediation styles, approaches, and techniques. Alternatively, the people on the referral list of available mediators have to be willing to inform potential clients in advance of their approaches and to allow all parties a major role in fashioning the prospective mediation process.

An ombuds ought to be able to explain the difference between evaluative and facilitative mediation so that aggrieved visitors can make intelligent evaluations of the pros and cons of each approach. A visitor ought not to unwittingly agree to an unexpected process.

Should all mediation conducted by an ombuds be facilitative? Probably not. From the standpoint of the interests of the institution as an entity, one can make a case in favor of using it under certain circumstances. If a quick solution to a problem seems to be in everyone’s interest, an evaluative mediator’s talking down (or placing in another perspective) the alternatives that the parties seem to visualize—especially when they seem to verge on the outrageous—may very well have the positive effect of breaking an impasse and deadlock. Such a mediator must, however, not portray an essentially coercive process as conciliatory and facilitative.

References


What happens on a community college campus when a racial controversy overshadows on-going efforts to create a campus climate that confronts institutional racism and embraces antiracist dialogue? How can a group of interested faculty, staff and students take positive steps towards improving the campus climate for diversity and inclusion in the quest to bring an ombudsman on campus? These questions along with others surrounding antiracist efforts to improve inter-group relations on campus are answered in this paper. The discussion focuses primarily on a case study of events at Bellevue Community College (BCC) with an emphasis on the early years of the New Millennium.

An Exam Question Sparks a Racial Controversy

On April 8, 2006, a Seattle television news hour reported on an African-American student from Bellevue Community College who was outraged about a math question on a practice exam. The question read: “Condoleeza holds a watermelon just over the edge of the roof of the 300-foot Federal Building, and tosses it up with a velocity of 20 feet per second.” The question went on to ask the test taker to determine when the watermelon would hit the ground based on a formula provided. This instance of racial insensitivity, which associated the U.S. Secretary of State Condoleezza Rice with negative images of blacks eating watermelon during the days of plantation slavery, was carried extensively in local newspapers and moved via the AP wire to national and international newspapers within a week.

Just as rapidly, the college received hundreds of e-mails from all over the world and across the spectrum. Liberals regarded the question as a racist slur. Conservatives felt that it was an over-reaction to political correctness. Members of the African American community appeared at the meeting of the Board of Trustees to express their outrage and demand action. Indicative of the response from the community was the following:

Hate and bigotry continues to raise its ugly head, but most disturbing is that it’s raising its head in our institutions of learning,” Kelly [James Kelly, Executive Director, Urban League of Seattle] said. “Whether it’s Cleveland High School in Seattle [where a science teacher used the N-word in speaking to an African American male student] and now Bellevue Community College. No matter what the intent of both teachers was, it was wrong. These types of actions have no place in our institution of learning.” . . . Therefore, the Urban League is demanding that the Board of Trustees and Jean Flooten, President of Bellevue Community College take immediate and swift actions (Urban League, 2006).

The “math incident” hit the college in the midst of a major pluralism effort that had garnered the college national awards. Many
believed that the college had made significant inroads in combating institutional racism. With the strong support of the President, approximately 250 people (including all administrators) had undergone intensive diversity training and a core contingent of 70 met weekly to engage in ongoing “Courageous Conversations on Race,” where faculty and staff were trained to be proactive in preventing exactly these types of racial incidents. Had the college misdirected its efforts, as one black activist suggested, in saying that we “should get our money back from whoever gave us the training?” In the aftermath of the math incident, some pluralism advocates came to the conclusion that the failure to implement ombudsing while engaging in this transformative change may have contributed to this setback.

The College and Its Campus Climate

Bellevue Community College is located in Bellevue WA, a suburb of Seattle. It is home to 35,000 (unduplicated headcount) students of which 19,000 are present in any given quarter. Approximately 47% of its students are enrolled in programs which transfer to four-year institutions, 39% are in professional technical programs, and 14% are in basic education. Recently the college received approval for its first four-year program: a Bachelor of Science Degree in Radiation and Imaging Sciences. The college employs 153 full-time faculty, 736 part-time faculty, nine administrators, 144 professional/technical employees and 270 classified employees. Approximately 31% of its student body is of color, while 12.5% of faculty and 17% of other employees are of color (Bellevue Community College, 2006).

Although BCC has an excellent academic reputation, it has long recognized that inequities exist amongst races in the campus community. In the early 1990s, a major pluralism effort was launched to address these inequities but stalled five years later. A number of incidents in 2001 and pronounced disparities in the perception of campus climates between white and employees of color sparked its rejuvenation when key administrators, including the president, agreed that institutional racism was constraining institutional excellence. With the support of the administration—albeit with minimal funding—and the commitment and passion of approximately 100 people, pluralism became central to the mission of BCC. Several islands of anti-racist innovation sprang up and thrived.

One of these islands, beginning in 2003, centered on intensive training on white privilege and recognizing institutional racism. Cutting across class and color lines, employees began to have Courageous Conversations on Race. As a result of this, employees of color became more aware of inequities and students of color became more empowered in challenging the status quo. The college campus had gone from one where people of color suppressed concerns to its successor where they openly questioned institutional racism and white privilege.

As a result of this and many other programs, the college won several national awards including the Charles Kennedy Equity Award from the Association of Community College Trustees, “recognizing exemplary commitment to equitable treatment for minorities and women.” Despite these accolades, it was the belief of some of those actively involved in pluralism that the majority of the college had not embraced the concept of inclusive excellence, where diversity is part of the fabric of educational excellence. They felt that the majority of the college looked to campus programs to be mounted to increase the climate of acceptance for students of color, instead of actively engaging in these efforts.

One means of assessing where the college stood uses the American Association of Colleges and Universities’ inclusive excellence framework (American Association of Colleges and Universities, 2002). According to this framework, the college was still engaged in first-order change. Several measures corroborated this conclusion. BCC had a 19 percentage-point gap between the compositional diversity of its students (31.8% of color) and its faculty (12.5% of color). Put another way, there are proportionately 2.5 times as many students of color as there are faculty of color. What is more troubling is that this disparity is expected to increase as the student population becomes more diverse and the number of faculty of color declines, as it has over the past four years. Student-of-color retention metrics showed little improvement, and both employee surveys and student-of-color focus groups suggest a disparity in campus climate based on race.
Expectations of What an Ombuds Office Could Contribute

The role of an ombuds was soon recognized as an integral part in advancing an anti-racist agenda. By calling attention to disparities and the need to strive for greater equity in all aspects of campus life, an ombuds office could also make recommendations for policy and procedural changes in the college. The call for an ombuds was made when the 2001 incidents relating to the poor retention of employees of color came to light. Pluralism advocates recommended an alternative to the formal complaint process overseen by the Human Resources office. As described by Barkat (2002) in his blueprint for an organizational ombuds, the 2001 incidents suggested that the aggrieved employees of color felt powerless because they did not have a safe place to express concerns or resolve conflicts. Administrators, most of whom were white, seemed inaccessible. These employees resolved their problems by leaving the college or taking legal action—resolutions detrimental to the employee and the college. Although there was no objection to the establishment of an ombuds, the college did not have the will to move forward in 2002—a reluctance that was compounded by an environment of massive state budget cuts.

The call for an ombuds was revived in the fall of 2005, when the college convened several committees to make recommendations about college reorganization. Pluralism advocates put forth a proposal for large-scale transformation toward inclusive excellence with a series of recommendations including instituting top-down account-

ability for inclusive excellence, naming a Vice President of Equity and Pluralism to guide the transformation of the institution through anti-racist programs and activities, and adopting the position of ombuds.

When the position was proposed, most committee members assumed a classical model along the lines of the local King County Ombuds Office, which handled citizen complaints about county government or state agencies. They saw ombudsing as neutral, formal investigation and complaint handling, wherein employee-of-color complaints could be resolved equitably. It was assumed that the ombuds would also track complaint statistics at the college in keeping with accountability requirements of inclusive excellence. In addition to the incidents in 2001, a 2000 employee survey showed that there was widespread perception of disparity between employees of color and white employees in campus climate. More recently, a series of 2005 student focus groups showed that students of color (particularly underrepresented minorities) found the college inhospitable. Pluralism advocates came to the conclusion that tracking informal and formal complaints by race would constitute part of the accountability for inclusive excellence.

At the same time, the Student Programs office, which was responsible for student activities on campus, was promoting an ombuds concept whereby the position would serve mainly as student advocate. Their proposal was that student leaders would be trained as ombuds to resolve disputes for students. Some members of the committee wondered if advocacy was proper for an office which was supposed to be neutral.

Confused as to what functions were appropriate, the committee sought information. Limited research of sources on the Web revealed that there were conferences and training available, but there was no budget for such travel and it was not timely enough for the committee to make its recommendations. A survey of Washington state community colleges revealed that none appeared to have an ombuds position. It was determined that Clark College, which is on the Oregon/Washington border, had a program that involved a stipend for volunteers to provide ombuds services. A scan of community colleges across the nation uncovered a few ombuds descriptions—one describing the ombuds as a student advocate who would provide conflict resolution, coaching, and support; another portraying the ombuds as focused on easing the transfer to four-year colleges. It appeared that both these positions reported through a Student Services office.

The lack of community-college models for ombudsing hindered the committee's work. Without knowledge of the availability of basic documents such as the American Bar Association Standards for the Establishment and Operation of Ombuds Offices (which delineated the ombuds categories of legislative, executive, organizational and advocate), even the most rudimentary discussion of the correct model was unlikely. Although some members of the committee were familiar with the ombuds concept, none had direct experience with such programs and ser-
The committee had yet to understand that there was an organizational model as explained by Gadlin (2000), according to which the ombuds serves as an internal consultant in problem-solving assistance, organizational analysis, and education. As the deadline for committee recommendations loomed, the committee came up with the proposal that two-thirds release time be established for one faculty member to carry out ombuds duties, based on the committee's sketchy knowledge of what the position would entail.

Exploring Campus Developments and Interactions with an Experienced Ombudsman

The author, who was one of the pluralism advocates and a member of the committee, was familiar with the work of Dr. Lois Price Spratlen, the University of Washington Ombudsman. The author arranged a meeting with her of four committee members. Because the University of Washington is a much larger educational institution (27,600 faculty and staff, 43,000 students) and has an international reputation, there was no doubt that the ombuds position there would entail much more complexity than what the group envisioned for the community college. Some of the fact-finding team openly wondered whether we would be able to understand, let alone import, any elements of the UW ombuds model.

When the team members sat down with Dr. Price Spratlen, they were surprised that she was able to communicate key ombuds concepts and take us through the ombudsing process in ways that resonated with all members of the team. She also provided us with a number of the documents and brochures issued by the UW Office of the Ombudsman. She then explained the six essential characteristics or cornerstones of ombudsing:

1. The ombuds must be accessible to all members of the campus community. Services and programs must be provided that meet the needs of faculty, staff, students, and others who interact with the officials or representatives of the institution.

2. The ombuds must be independent within the administrative structure of the institution. Authority to act is transferred from a reporting relationship to the president. This conveys to the entire community that the president supports and will enforce the ombuds' decisions, agreements, or other outcomes of the ombudsing process through appropriate officials within the college.

3. The ombuds must adhere to impartiality and neutrality. Much of the credibility and acceptance of the services and reputation of the office rest on these conditions or characteristics. Otherwise, the process cannot be considered fair and equitable. Although members of the team argued about the importance of taking an anti-racist stand, Dr. Price Spratlen countered that taking sides even in the case of a blatantly racist client would lead to a charge of being partial and biased. Instead, she insisted that appropriate outcomes can generally be reached through education, persuasion, and allowing the parties to a conflict to reach terms that are ethical, fair, and equitable. Clearly, given institutional policies, racist and discriminatory practices would not be supported by the ombuds in campus disputes and conflicts.

4. The ombuds must be able to exchange confidential information and communicate with clients. She illustrated this by showing the team a recently revised executive order from the president of the University of Washington, in which it was stated that all confidential communication with the ombuds is protected from disclosure. Confidentiality is essential to creating the safe environment and open sharing that will lead to mutually satisfactory, comprehensive, and long-term solutions.

5. The ombuds must be knowledgeable about the policies and operational procedures of the college. This does not mean that the ombuds is expected to know the language of all RCW regulations and be familiar with every detail of the faculty handbook. But it does mean that the ombuds has access to resources in the college when such knowledge is needed in order to meet the needs of those who come to the office for service.

6. The ombuds has the authority to recommend administrative action or the need for policy changes in the institution. However, the Office of the Ombuds is not an enforcement agency. This goes back to point number two above.

Dr. Price Spratlen went on to outline what the team later found to be an organizational model of ombudsing and was tied directly to our mission of a pluralistic community. She declared that the mission of the ombuds is to ensure continuity in how individuals are treated in the university community or, in short, equity. She saw the key qualification of an ombuds as being a humanist--an individual who is empathetic and who can
reflect. The ombuds must be able to work with people and respect cultural differences. She recommended that the individual be a tenured faculty member with administrative experience.

Beyond the organizational model, she had developed a model of ombudsing that incorporated the academic institution's mission to educate. The ombuds as educator expands the role to actively engage clients in the problem-solving process, to facilitate competency development and, in doing so, to aid in the prevention of similar problems in the future. For the team, the exciting aspect of her model was that it united the process with the solution and that it used an educational model for an educational setting. Positioning the ombuds as educator was a revelation to the team. They could see that there was a need for someone to continually educate on what constitutes unethical behavior in the transforming college. White norms are no longer the preferred norms to be considered in judging behavior.

The fact-finding team came away from the meeting excited and full of anticipation. We were introduced to a model of ombudsing that we had not considered nor seen in other institutions. This experience convinced us that it would be effective in our educational institution. Subsequent research confirmed that organizational ombudsing was a new and evolving field (Comenelli, 2005) and that it had the benefit of attacking structural or systemic problems such as institutional racism in the college. A summary of the meeting and compilation of the materials was circulated among pluralism advocates at the college.

As is typically the case, the recommendation for an ombuds competed with others for scarce resources. Preliminary indications were that the ombuds position, even proposed as low-cost release time, would not be funded. Disappointed, the pluralism advocates resolved to renew the fight for an ombuds in the next budget cycle.

The Racial Incident from an Ombudsing Perspective

The ombudsing process can be elucidated by going back to the racial incident. An African American student prepares for her math final. As with other students, she should have been able to expect that she could complete her work without suffering intense embarrassment of a racial insult associated with the African American Secretary of State dropping a watermelon off a federal building. She would likely assume that an educational institution that had won awards for pluralism would not have such racially charged content on a math practice exam. Yet she had experienced racial insensitivity. Fortunately, she was mature enough to want to get the situation corrected.

Given the relative simplicity of a community college as compared to a research university, the formal complaint process was simple. The process requires that the complainant first appeal to the individual or the individual's supervisor to try to resolve the situation informally. If this did not resolve the situation, the complainant could file a written complaint which was ruled on by the administrative unit supervisor.

In this case, the student, along with a friend, approached the math department head who recognized the racial insensitivity immediately and agreed to remove the question from all materials. The student felt that the response was inadequate. She wanted an apology and the requirement that all employees involved undergo anti-racist training. She was told that she could proceed with the formal procedure, which would require filing a written complaint. She was also advised—or came to understand—that once the complaint was filed, she would not be able to talk about the issue. This “gag” requirement turned out to be an erroneous understanding; however, it demonstrated the lack of clear and widespread knowledge about something as basic as the complaint procedure at the college. Unable to accept this option, the student initiated a petition and sought community help to get a response.

Even if the formal complaint procedure had been properly communicated, it is unknown that it would have led to satisfactory resolution for the student. As is often the case with institutional racism, racially tinged complaints may be judged in favor of the status quo and with no demand for change. Students of color would express their dissatisfaction or, in this case outrage, by leaving the college. Additionally, because different administrators handle complaints based on their units only, it was impossible to determine if there were any systemic patterns in the complaints.

One could argue—and there were some in the college community who did—that the incident
came about in the first place because of lack of diversity or multicultural education. To this point in time, such education at the college was not mandatory nor was it consistent. For the most part, it addressed issues such as conflict of interest and intellectual property. However, in an age of increasing diversity, it had become necessary that all members of the college community understand who their students are and what may be offensive to them. Expectations should extend at least to cultural respect that avoids the use of racial slurs and stereotypes in the teaching and learning process.

In the campus discussions that followed by e-mail and in a number of brown bag sessions that were scheduled to deal with the fallout, it was evident that a segment of the campus community adopted a position discounting the outrage and the call for action of the African American community. Some discussants claimed that the test-question writer lacked malicious intent; others argued that a wrong-doing is a wrong-doing, no matter what the intent. Some felt the victim and black community should accept the apology as adequate, while others brought up the ethical argument that it was up to the victim to decide to forgive or not to forgive. It was also very evident that many of the roles and functions that Dr. Price Spratlen had outlined for us would have eased the process considerably.

Implications and Conclusions

It became evident to the administration that the position of ombuds was necessary to the college and announced this as part of the response to the incident, along with the recommendations already adopted. Objections appeared in the e-mail discussion about the worthiness of other programs which had been cut in the budget process. An op-ed appeared in the local newspaper opining that “pouring in more money and stacking up more paperwork for staff to complete isn’t the answer. The college already has programs and the will to make sure nothing like it happens again.” However, the administration stood firm and the proposal for an ombuds (two-thirds release time for one faculty member) was included in the final budget for the next academic year.

The lessons learned were many and painful, but the college’s leaders vowed to apply them well. Increasing diversity requires that educational institutions evolve ethically to include all constituents. Since there are no absolute ethics, resolution has to come as a way of learning and adapting to change together. Ethics, diversity, and training on racial stereotypes and cultural sensitivity are just as important, if not more so, as training on traditional subjects such as fraud, conflict of interest, and intellectual property. There is a need for ongoing and mandatory training in all these areas.

The role of ombuds proved to be more essential to rooting out institutional racism than even pluralism advocates realized. A safe place where students or employees can go to express their concerns and resolve problems is crucial to establishing and maintaining a campus environment that is fair, equitable, and inclusive.

We appreciate now more than before that the ombuds has to be an individual of stature who is respected by faculty and the administration and who believes in equity. He or she needs to be versed in matters of white privilege as they pertain to mediating disputes over racial attitudes and inter-group relations. Tracking of incidents across the institution is essential to determining systemic problems and creating new processes that address conflicts that stem from learning and working in a culturally diverse campus community. Metrics and accountability are important for the institution to determine how well it is responding to the challenges of achieving its educational goals of maintaining excellence while becoming also more diverse and inclusive.

As the end of the academic year 2005/06 approached, pluralism advocates mapped out the next steps in instituting an ombuds. The first was to educate the college community on what an ombuds does and get buy-in from all the stakeholders. We plan to do this by having an open dialogue on ombudsing and circulating relevant articles. We will bring in outside experts to address the entire college on either a College Issues Day or professional training day and to provide consultation on how to effectively implement ombudsing. Further research will be done on the job description, standards, and evaluation criteria.

An open selection process will be initiated to select and install the ombuds in a position that reports directly to the president. Relevant training topics will be suggested to the ombuds, and the college will seek establishment of a system of comprehensive training for inclusive excellence. In addi-
tion, the ombuds will track the nature of formal and informal complaints similar to those in other educational institutions to determine if any systemic changes need to be made. The task is daunting but very necessary in multicultural educational institutions that want to claim inclusive excellence.

Pluralism advocates are confident that the groundwork has been completed at Bellevue Community College for the successful implementation of an ombuds position that will bring equity-focused and effective conflict-management-and-resolution services to the campus. In time they hope that other community colleges will follow this lead of embracing academic ombudsing.

References


Interviews with Don Hartsock and Lester Marks, Ombuds Pioneers

Don Hartsock and his wife, Jo

Lester Marks

Editor's note:
In September and October, 2006 Lois Price Spratlen interviewed Don Hartsock and Lester Marks, two of the first academic ombuds in the United States. Her aim was to recover and preserve their first hand accounts from the eye of the storm, as it were—that time of 1960s extensive campus unrest and the sudden realization among many administrators that a campus ombuds might at least put on a lid on the unrest. What follows is a condensed version of these interviews.

Don Hartsock, telephone interview September 22, 2006:

LPS: Tell us about some of the events on the University of California campus at Los Angeles that preceded your appointment as ombudsman.

DH: There was a student strike about Jackson State, Kent State, and the Vietnam War. The police came on campus while the chancellor was trying--but not succeeding--to control them. The police chief's argument was, "When we come on campus, we're in charge." So they did a sweep. We provided a refuge in our vice chancellor's office in Kinsey Hall for about sixty people who were caught up in the sweep; we gave them refuge behind a locked door. We could watch what was going on while the police were sweeping. We talked with a fireman, who said the students wanted to lower the flag to half staff to honor the students who were killed at Jackson State and Kent State. Both the policemen and fireman said, "We think we ought to let the students do this because we would do it for our own." It was a remarkable example of understanding by the very people who were doing the sweep.

I had been the Presbyterian university pastor for about five years, and after a sabbatical I went to work for the university as an associate dean in religious and political affairs. So I knew the campus pretty well. While the strike fractas was going on, I was the liaison between the administration and the strike committee, which was housed in the student union. I was the one who went back and forth between them. I heard administrators were asking someone on the phone, "What are we going to do if we close down the campus and the students keep it open? If we keep it open, the students are going to close it down." The response that came over the phone was, "Just don't do anything wrong." That was from Berkeley [the office of the chancellor for higher education]. We all busted out laughing. "Whatever we do is not wrong!" We were the liaison for the whole time it was going on, trying to keep the lines of communication open. The strike committee was very, very good, and the administration was very responsive.
LPS: Was that the precipitating incident that helped to bring the UCLA ombuds office into existence?

DH: No, it was an idea introduced previously by Rosemary Park, who had been the former president, I believe, at Smith College. She came out to UCLA to help in the reconceptualization of various aspects of university life. One of the items that came up was the study of the ombuds concept from the Swedish pattern. I took part in some of those deliberations before I went into the Peace Corps. Because of troubles where I was stationed in Micronesia, I decided to resign, and that afternoon I got a call from UCLA asking if I’d become the ombudsman.

LPS: What led to the decision at UCLA to have an ombudsman’s office?

DH: I can answer that best by quoting from a UCLA internal document, which contains the final recommendations of the Committee on Participation in Campus Governance and Community, presented in May, 1968:

Especially in recent years, a variety of consultative mechanisms have been created to allow the administration to obtain the broadest possible student views on actions that fall within the administration’s competence. In most instances the matters dealt with by this consultative process have involved the character and quality of the physical, cultural, economic and political environment within which the major mission of the campus is carried forth. Representative examples are the Campus Board of Review, the Student Conduct Committee, the Memorial Activities Center Control Board, the Committee on the Uses of the Incidental Fee, and the Intercollegiate Athletic Advisory Committee.

The long-standing arrangements for faculty participation through the aegis of the Academic Senate have worked exceedingly well. . . . Unfortunately, however, less success has been attained in the arrangements which have been established to deal with the environment in which the academic community exists.

The reasons for this are many. A variety of boards and commissions have been created to deal with specific issues in times of crisis. Their limited purview has made it impossible for them to be sufficiently broadly informed to deal even with the specific problems with which they are concerned. For much the same reason, there has been a tendency to create new agencies to meet additional problems as they arise, resulting in a jumbled, fragmented structure with much overlapping and at the same time many interstices. All of this has led to a situation in which many problems can be dealt with only ineffectively, if at all, by any existing community group. This ineffectiveness increases the likelihood of the use of confrontation as means for bringing about a resolution of problems felt by members of the campus community.

It is the view, therefore, of the members of the Committee on Participation in Campus Governance and Community that the recommendations set forth in the following pages and especially the proposal for the establishment of the Campus Policies Commission will do much to ameliorate these conditions and to increase the degree of effective student participation in the formulation of academic and other policies affecting them as members of the UCLA community.

The committee’s three recommendations included 1) appointment of a University Policies Commission, 2) appointment by that commission of “a campus ombudsman or grievance officer,” and 3) “provisions” for “significant student participation in policy decisions within each academic department” and “mechanisms [to be] established within the departments to deal with student grievances . . .” The responsibilities of an ombudsman were “to assist members of the campus community in the solution of their university related problems, including attempts to expedite informal solution of grievances which may arise, to call to the attention of appropriate agencies of the administration, the academic senate, or the student body issues which lie within their areas of responsibility, and, where appropriate, to present policy questions underlying these matters to the university policies commission. He [note the gender bias!] would also serve as the commission executive officer, providing to the commission administrative and investigative assistance.” Furthermore, Committee on Participation in Campus Governance and Community recommended that the proposed University Policies Commission—triaxial, including students, faculty, and administration—should appoint the ombudsman so as to “maximize his independence . . .”
The committee further noted that such a person "must either possess or acquire rapidly an intimate familiarity and facility with the intricacies of campus decision-making and be capable of earning the respect and confidence of all segments of the campus community if he is to be effective."

LPS: So you were appointed as UCLA's first ombudsman? When and for how long did you serve?

DH: From 1969 to 1991. And from the start I wanted to establish myself with the chancellor. Let me just give you this little vignette about one of the first things that I did with Charles Young, when he was the chancellor. He was the one who said, "Okay, we'll have the ombudsman." The first time I went in to see him he said, "What can I do for you?" I said, "No, that's not the right question. What can I do for you?" I had a 15-minute appointment with him but spent an hour and a half with him. Everybody goes to the head man or head woman with the idea, "I want to get something." But I, walking in as an independent service for the whole university, wanted him to think of me as helping him do his job. I said, "I'm not going to give you a lot of yes answers. I am going to talk about where the potholes are, but I'm not going to divulge any confidences. I'll say, 'Watch out for this. We are intelligent beings.'" "What can I do to help?" is, I think, the pivotal question that anybody in the ombudsman position has to say to the people who are rudderless the ship. As I told some friends of mine the other day, you may not be the rudder, but you're the keel, and it can't go anywhere unless you keep it on course.

LPS: What were some of the main challenges that you faced in setting up the ombuds office there at UCLA?

DH: The discussion on the ombudsman's office had been over all the campus; students, faculty, and staff were all involved in the deliberation and in the selection. So the office wasn't created by administrative fiat; students and faculty didn't feel that they were outside of it. We didn't have that problem; I had a body that I was working with that had all the components of the university community involved in it. They had it quite clear as to what I had responsibility for, and, quite frankly, I had no authority to overturn any decision, but I had unlimited authority to ask questions and tell stories. I had two rules of thumb: one, you could do everything if you didn't care who gets the credit for it; second, if I hadn't met the person that I was having to work with in regard to a complaint, I would always go to their office. I'd never have them come to my office. If I knew them, that would be different. We'd invite them into the office, and we would make it clear what we could do and what we couldn't do. But if it was a matter of being available on campus when people where then and needed me—not limited to 8:00 to 5:00. I had a lot of meetings that occurred at 11:00 at night. I did that in a sense of accommodating to the people who were in pain.

LPS: And were you working by yourself?

DH: The woman who first joined the staff was marvelous; Ola Ross was her name. If somebody came in with three heads, she'd treat them as if they came in off a beauty pageant. She was wonderful. And then we got a staff member who came in from an employment program that was trying to give opportunities for employment in the university to people who were leaders in the community but might not have credentials. The first guy who came in our office and worked in our office was Paul Mossett, who was the former president of the Black Panthers in southern California but some of the tactics they were using he couldn't go along with, so he resigned. He had good relationships with the people in the Black Panthers--didn't leave in a fit or anything like that--but just said he had to do it in another way. That's why he was open to coming to work with us.

LPS: How long did he work with you?

DH: He worked there for three years. A little vignette again. I knew that the police knew who Paul was. Kathleen Cleaver at one point was going to come on campus to give a speech, and I got a call from the police chief. I asked Paul to get on the line, so he heard what the police chief was saying. I asked Paul, "What do you think this is? Why did they call us?" "Because they know my connections. I think what they're saying is, if she comes on campus, they're going to stop her in the village. And if they're armed, they're going to bust them. What I think I'll do is call Kathleen and encourage them to come..."
on campus for the event, but come clean, don’t come with any arms.” They came on campus, the police stopped them in the village, they were clean, they had to let them go. They came on campus, and the event came off.

LPS: Did you have many situations like this when you were serving initially, Don?

DH: Not the same dimensions. Whenever they had the demonstrations, like Jackson State and Kent State, we talked with the chancellor and we said, “Let’s have a town meeting.” So we did that in Pauley Pavilion, the basketball arena. I chaired the meeting, and Angela Davis was one of the speakers. That meeting went from about 9:00 in the morning to 2:00 in the afternoon—a town meeting where everybody could talk about what they wanted to do about Jackson State, Kent State, Vietnam, or anything else. The press came down, and they wanted to come right up in front of us and put us all on camera. I said, “No, this is a town meeting, it’s not a press conference.” And I made them get back out along the wall, to be the press, to cover the event, but not to make a lot of us into celebrities. Everybody had an opportunity to speak.

Another incident just came to mind. This had to do not so much with the students but with the faculty. A professional school faculty were very disgruntled about their dean. I was invited to a meeting at about 11:00 at night with a group of these faculty. They wanted me to do a survey of the faculty as to whether they had confidence in the dean. They let me know that, if I didn’t do it, they would do it publicly. I thought, “That will get nasty.” I told them I’d do it. We designed a questionnaire that we’d send out to all the faculty members. It was just for information. It wasn’t a petition to get rid of the dean but just to find out what the faculty thought. I got in touch with all the faculty in the school and let them know that I had been requested to do this, that I was soliciting their support, and the result would be held in confidence. No report would be made to anybody except the faculty. The chancellor heard about it; he got madder than hell. He said, “I want to see the report.” I said, “I can’t give it to you; I gave my word that it was only for the faculty. If they want to give it to you, that’s fine. But I will not give it to you.” We got letters back from the faculty. We got phone calls. They were madder than hell. But I think we got about 90% return. People responded to it. And it was no confidence. Now, the chancellor called again. He said, “What’s the result?” I said, “I cannot give it to you. I gave my word that we would take it, that we would compile it and would give it back to the faculty of the school. And we did.” Then the chancellor and his staff met with the faculty, and I was invited in, but I got kicked out of it because I wasn’t a member of the faculty. The faculty didn’t want it. It was a fun time. The point was I had a thing that I tried to develop with the chancellor, kind of a ritual we went through. I would ask him, generally in the spring time, “Do you still trust me? I’m not asking whether you agree with me on everything I do. But have I done anything to help you to administer this institution? If there’s any inkling on your part that you don’t trust me, then I’m out of here.” We had that kind of relationship. I tried to get him to understand—and I think he did—but I could not give him that information that he requested. It was a matter for the professional school to share with him.

LPS: I think that this is a wonderful example of the independence of the ombuds office.

DH: The office really can only go on if there’s trust in the office. It’s not a matter of agreement.

LPS: When did you get some additional help?

DH: We had Paul, and then we had student interns for a couple years.

LPS: And how did you like working with student interns?

DH: They were fine; they really worked hard. They got a grasp of what we were trying to do. We weren’t out to shake anybody down, or anything like that, but to try to genuinely deal with the sources of conflict and grievances and pain, just like the first article in the Bill of Rights, the last line in the Bill of Rights—to peacefully assemble and to petition the government for the redress of grievances. That’s what we were about. The interns were in there for probably about a school year. We would have them do a lot of the training of mediators. It was the old bit: if you want to learn something, teach it.

LPS: Did you have an opportunity to get about the campus to give lectures on what you were doing?
DH: Yes, but, Lois, quite honestly I had longevity because I don’t think anybody really knew what I did, and they didn’t know how to spell it. There was no mystique about it.

LPS: Was anybody paying any attention to you?

DH: Yes, if I went to a committee I wanted them to understand that I was speaking on the point of raising questions. On one occasion I went to one of the departments which was notorious for grading on a curve. I did some research on the faculty code of rights and responsibilities, which says the faculty shall assess the student on the basis of their performance in the course. I threw it to the department, saying, “When you grade on the curve, you are evaluating the students not on the basis of their performance in the course, their performance in the class. You grade on the curve. I had a student who had an overall percentage rate of about 91% and got a D. I said, “That’s stupid!” We had a running battle. The chair of the department at the time was very critical of me, but I said, “I’m not raising the question for me, I’m raising it for the student who got screwed.” We had a good relationship from then on. But it was still a departmental rule. I said, “Just warn the kids in the class that you’re going to grade on the curve. It has nothing to do with their comprehension of the material. It has to do with a beauty contest. Just shoot straight with them, that’s all I’m asking you to do. I can’t change the policy.” I had two professors in that department who applauded me and said they’d been trying to do the same thing for years. You don’t win every case. But you’re just asking them to make sure you warn everyone what the conditions are.

LPS: When did you get people in your office so that you could share the workload?

DH: I insisted that Nancy Barbee be chosen as our associate, not an assistant to me, but it had to be a full committee of everybody from the campus represented. We would work together--she taking certain things, I taking others--but it would be mutually decided what we were going to do. It didn’t say that I would take all the male cases, and she would take all the female cases. When Nancy came on in the mid-term, about ’81, ’82, she was selected from campus.

LPS: Was she already employed there in some capacity?

DH: She was employed on campus in the facilities division as a supervisor. She knew everybody on campus. So she didn’t need a lot of orientation. They trusted and respected her. She’s still an associate ombudsman because she didn’t want to apply for the position; she didn’t aspire to “great fame” by having the total responsibility.

LPS: Has the UCLA Ombudsman Office been formally evaluated since its inception?

DH: Yes. In 1972 and 1987 Ombudsman Evaluation Committees did thorough evaluations. Let me quote a few passages from their written report:

There is no doubt in the minds of the members of the ad hoc committee [1972] that students, staff, faculty and administrators have need for an office where one or more individuals will confidentially identify and investigate their complaints and concerns; provide reliable and unbiased information and reaction; refer them to appropriate resources of assistance; and persuade, facilitate, mediate, advocate, and motivate, when necessary, to help them resolve their problems. . . . The entire Ombudsman staff of three has performed in a truly outstanding manner.

The Evaluation Committee [1987] confirmed that Don Hartsock and the work of the Ombudsman’s Office received the highest praise from all segments of the UCLA community. . . . The Committee recommends that 1) 1.0 FTE Associate Ombudsman be hired . . .
2) The Campus Conciliation Service [a volunteer group organized and trained by the ombudsman] be strengthened. . . . 3) A simple data bank of information be created about the types of cases handled, and the satisfaction level of each client. . . . 4) A plan for future succession be provided. . . . 5) A review of the Ombudsman’s Office be done every five years. . . .
LPS: You were a successful ombuds, Don. No doubt about it. And what a long tenure—22 years!

DH: We were having fun. I had a sign that I put up in the office that said, "If I don't take tomorrow off and go diving [i.e., scuba diving] I'm going to be sick." I was trying to get people to understand wellness. You don't wait until you get sick to take off. You take off before you get sick.

Lester Marks, telephone interview, October 20, 2006:

LPS: When and where did you serve as ombudsman?

LM: I'm now a retired professor of English. I was Ohio University Ombudsman twice: between 1970 and '74, four and a half years and then again between '77 and '82.

LPS: You were appointed by the president, is that correct?

LM: It was a committee of possibly 15 people from the community at large, that is the Athens community--faculty, administrators, and students. They recommended to the provost and president, and I heard about it.

LPS: You weren't aware of the fact that you were being considered?

LM: It was not until way into the process, probably because I had returned not too long before from a couple of years out of the country. I had been back in for possibly a year, but I may have been out of touch. I didn't know that there was a committee that was considering the creation of the ombudsman's office. Then I heard about that, and a couple of weeks before the actual appointment somebody told me that I was being considered. I don't recall ever having to turn in any kind of CV to them. Whoever it was, the people on the committee, pulled together everything that they had about me, I suppose. So it was not a complete surprise, but some days before I was actually asked by the president, I was chatting with the provost, who mentioned to me that I was one of the finalists. "Really?" I said. So it was sort of a semi-surprise, and then a few days later I got a call from the president's office offering me the job.

LPS: You mentioned that you had just returned recently to the campus. Why were you away from the campus?

LM: I had two years as a Fulbright professor in Norway--1968 to '69.

LPS: When you were in Norway, did you have any kind of experiences with ombudsmen or the ombuds offices there?

LM: Not directly, then. I knew what it was because of my familiarity with Scandinavia. In Scandinavia, particularly in Norway, it's a widely known office. Just about anybody on the street would know about the ombudsman position. I knew about it in that respect. In fact, I used to joke that I was given the job because I was the only one who knew what the word meant.

I had taken an interest in it, and it was after I was ombudsman on return trips to Norway that I visited the ombudsman's offices in Oslo. Fascinating. They had a staff of nine people, most of whom were attorneys. He himself—he was sort of the chief ombudsman—had been a Supreme Court justice in Norway. It was a very esteemed position, and we had some very interesting exchanges about the whole idea of ombudsmanship.

LPS: Do you want to give us a little bit of that kind of flavor of the conversation that you had?

LM: Yes, I have a fairly clear memory of first sitting for some hours in his office, and then going out to lunch and continuing the conversation. As I mentioned, he had nine people in the office, in addition, I am sure, to a secretary or two. It was in the national office. Since then, they have created several other ombudsmans' offices in Norway. It's pretty much the same in Sweden and the other Scandinavian countries, too, but the one I'm familiar with is Norway. There now is an ombudsman for children, a prison ombudsman, an ombudsman for women's issues. I don't know whether it's changed recently again. At this time he was the civil ombudsman, I think is what it was called, for the nation. Now you have to remember the country is just four and a half million people, and it has a long, long history; it goes back a thousand years to when the ombudsman was an officer created by the king to go out into the hinterlands to speak with the people and find out if anybody had complaints and then report back to the
Parliament and/or the king. When I asked him how many cases he had he indicated, I don’t remember the exact number, but it was many fewer cases for all of Norway than I had for Ohio University, where I had perhaps a thousand cases that first year. (Remember, it was 1970, so it was the year of all kinds of problems. And it was a new office.) So I asked him how this could be so. He said, “Because Norwegians know that you go to the ombudsman when you have exhausted other means of finding justice. You don’t simply go into the office with petty problems; you don’t go until after you have first attempted to get through the bureaucracy on your own.” It was only after you had made the attempt that you then petitioned the ombudsman. It was the major point that I remember in the difference. The other thing is he had been the chief justice of the Norwegian Supreme Court. So it was seen as an extremely esteemed position. I felt honored.

LPS: So when you were appointed as an ombuds you had both that knowledge of the Norwegian ombudsman system and the assurance that your appointment was confirmed by the university president as well as individual members from the community and from the student body.

LM: It was so important to me that it was a large committee consisting of such a mixed group; otherwise it would have been an administrative appointment, and about the last thing that an ombudsman needs is to be stigmatized as just another administrator. It has to have that distinction, that separateness, that independence. The ombudsman at OU reports to the provost’s office for financial purposes only; the ombudsman actually reports “to the university community.” That detachment was a very important thing. After I was appointed, there was a news conference called to announce the appointment. President Soule and I were on a platform together at the Met Memorial in the university, he introduced me, and very symbolically, walked out of the room. His purpose was to indicate that he wasn’t going to interfere. I loved that gesture, because he was a tough guy, a tough Chicago lawyer. And then they opened it up to questions from various people from the community and the press who were there.

I get the question very often, “What kind of oversight is there?” Of course, the ombudsman still part of the university, still being paid--in this case Ohio University is a state university--and there’s an annual review committee, who reviews the work being done by the ombudsman’s office by interviewing people about it. It was a two-year appointment, renewable for another two years. At the end of four years was the first time I resigned; a few years later I came back to it. But initially the idea of separation, of not becoming embedded in the administration, was also important.

LPS: What motivated you to resign?

LM: In the early 1970s there was an intensity about the work, and I had a feeling of the weight—almost like a psychiatrist, I suppose—of listening to other people's problems without having much ability, particularly at the beginning, to share them with anyone else. As you know, you have to keep everything quiet; you have to keep it secret and personal information. I kept a lot of my records in my head; much I didn’t record.

The other reason is that at that time—given the attitude of students and faculty, who were very, very suspicious of authority—that it was important for me to set an example by saying that this is a temporary position, and four years is enough. In my second term when I came back in ‘77, I expected to stay for four years, or less, and stayed for a little bit over five. The stretching was partly because the position already had the trust of the university, and they asked if I would stay an additional year. But there is a point at which I got tired of dealing with other people's problems. Also I think I was a little bit impatient about wanting to get back to teaching and spending more time with literature. I got tired of reading reports and wanted to read some good books again.

LPS: When you left your initial stint as ombudsman, did you make any formal recommendations to the university community?

LH: Yes, one of the early emphases in describing the office was to allow the ombudsman, as the result of the individual or collective experiences, to make recommendations to the university at large about changes, and in the 1970s that was extremely effective because everything was changing. For example, what we didn’t have then was a university-wide system for student evaluation of faculty, so in 1972 I urged prompt implementation of such a system. I
also proposed creation of a Code of Responsibility aimed at faculty as a response to frequent student complaints about office hours, out-dated lecture notes, grading practices, and squelching honest differences of opinion. Other subjects of recommendations were establishing a Code of Learning Responsibility (aimed at students); encouraging academic departments to form informal grievance committees; energizing efforts foster good teaching throughout the university; replacing the quarter system with a 4-2-4-2 (alternating 4- and 2-month terms) system; instituting limited-term appointments for academic deans; erasing financial inequities among students; increasing the size of the student union building; creating a day-care center; rethinking university relationships with the Athens community so as to offering workshops to devise cooperative attacks on mutual problems, expanding recreational facilities and cultural offerings for all citizens, creating a pool of resource persons to further their aim of an open university; hiring an attorney to act as Student Defender, providing legal counseling in cooperation with the City of Athens. Several of these recommendations were acted upon with good results.

LPS: Isn't it exciting, Lester, to go back and read something like this and recognize now twenty-some years later....

LM: Exactly. I really did some decent stuff. During those years we had riots, the university was closed down, the National Guard was in around the time of the Kent State shootings, and the expectation in Ohio was that if anything like that was going to happen, serious riots and shootings and so on, it would happen here in Athens, because we were a more radical, if you can use that term, university and had more of a liberal reputation than Kent State ever did. But, ironically, it started there and then, of course, things started rumbling here, too. Probably they were considering the ombudsman's office before Kent State ever happened, but there was enough street brawling going on to make them realize it could be very valuable office.

LPS: Could you review some of the highlights of your experience as ombudsman?

LM: The largest and most important constituency was the students. There was a percentage of student grievances that was relatively easy, dealing like Dr. Phil with relatively simple problems and grievances. Either I or my assistant was able to handle them satisfactorily, if it could be done. But I tried actively to move beyond that level to become a bridge between, first of all, students and faculty and then between staff and administrators. We were moving closer to a much more valid community idea—a cooperative attack on mutual problems. In several of the recommendations we emphasized utilization of student opinion in matters of hiring, promotion, and tenure of faculty. What I was trying to do was interconnect these various groups and communities. I held seminars maybe once a month in my office, which was more like a living room than an office, and that was intentional. I brought together, for example, two faculty members, two to four diverse students, and an administrator—eight, nine, ten, eleven people at the most sitting around—and we'd take a single central issue for discussion. It was a way of attempting to solve problems before they occurred, of creating a real community. I began thinking about exactly what a university is and should be. It was very important to me, not just as a faculty member, but I believe in the institution of the university. What I saw was so much antagonism in an environment that was feeling like a big business of some sort. In some way the university has to be like business, but there doesn't have to be a breakdown of that essential relationship among the community whose purpose is for people to learn and live together. It was very important. That's why I recommended, for example, the creation of two codes of responsibility, one for professors and another for students. I wanted people to agree about what we feel are our responsibilities to ourselves, to each other, and to the university and not to continue dividing the community into little cubicles, like the current day offices of people working in little cubicles and never talking to each other.

LPS: Now that you have been retired for several years, how do you assess your contributions as an academic ombudsman?

LM: As I look back the single most valuable contribution that I made in my life was through the ombudsman's office—not that it was not separate from my teaching.
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

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

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

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

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

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

Art Work

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

Copyright Transmittal

A letter of copyright transmittal should accompany each manuscript, including the following statement: I hereby transfer, assign, or otherwise convey all copyright ownership to CCCUO. This transferal relates to all forms of publication, including electronic media.

The writer should also state: To my knowledge this manuscript contains nothing that is libelous or unlawful or that infringes upon rights under U.S. copyright law.

Permissions

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

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

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

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

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

Lois Price Spratlen
Co-editor, The Journal
Ombudsman's Office
301 HUB, Box 352238
University of Washington
Seattle, WA 98195-2238
206-543-0283
lprice@u.washington.edu

Katherine Ziff
Co-editor, The Journal
University Ombuds Office
Ohio University
200 Crewson House
Athens, Ohio 45701
740-593-2627
ziffk@ohio.edu