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The Ombuds Handbook: A Practical Guide...

1995



THE OMBUDS HANDBOOK

A Practical Guide to Establishing
and Operating an Ombuds Office
on a College or University Campus

The University and College Ombuds Association

1995



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FOREWORD

The primary purpose of this handbook is to assist individuals new to the role of ombudsperson on their respective campuses. Further, it may help to clearly define that role for colleges and universities considering the establishment of an ombuds office. It offers a practical approach based on the experience of practitioners.

Ombudsing is a fluid craft. It is guided by fundamental principles of the profession as well as the rules and procedures of individual institutions. While recognizing that stylistic differences exist and enrich the role, we, as practicing ombuds and members of the University and College Ombuds Association (UCOA), offer this handbook as an overview of the fundamentals of college and university ombudsing.

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This handbook will offer some practical guidelines and examples for new onruds. However, in addition to discussing issues of practice, there are other fundamental principles that should be considered.

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INTRODUCTION

As colleges and universities struggle with limited budgets and limitless expectations, as they continue to grow in bureaucratic complexity, and as they become more diverse in their compositions, the justification for a neutral, knowledgeable, problem-solving resource grows.

Unresolved conflict and unanswered questions rarely disappear. Instead, conflicts can escalate to such enormity that they can result in severed relationships and dysfunctional environments. The concern may involve one person versus "the system", an entire department or college, or a systemic problem that affects the entire population. Valuable time and emotion are often wasted as individuals search for equitable solutions and accurate information. In extreme cases, unresolved conflict may result in court battles or acts of violence.

This handbook will offer some practical guidelines and examples for new ombuds. However, in addition to examining issues of practice, there are other fundamental principles that should be considered.

An ombudsperson is neither advocate nor adversary. An ombud is **not** a police officer, an enemy of the institution, or a finger-pointer. An ombud is neither judge nor jury.

An ombudsperson **is**:

- * an objective professional with a concern for fairness, equity, and accuracy
- * a comprehensive campus information resource
- * a meticulous and thorough investigator
- * a proponent for individual or institutional change if it is clear that existing practices or procedures are problematic
- * a collaborator with an awareness of the concerns of the individual as well as the concerns of the institution
- * an educator, teaching people the skills needed to problem-solve for themselves
- * a means to help the institution function more smoothly
- * a listening ear
- * an objective advisor
- * an authority on rules and procedures
- * an **ADVOCATE FOR EQUITY**

Is an ombuds office cost-effective? Consider the number of hours high-level administrators (with equally high salaries) might spend listening to and trying to

resolve a conflict. Imagine that if one unresolved conflict results in a court case (regardless of the outcome), the cost to the institution could exceed the cost of funding an ombuds office for an entire year. Cost might also be measured by the time lost by disgruntled employees who choose to avoid the workplace rather than face a poisoned environment. Finally, consider the loss to the student, the university, and the larger community if that student or productive employee leaves what s/he perceives as an unfair and unresponsive bureaucratic institution.

HISTORY

The position of ombudsman was originally created in Sweden in 1809. The Swedish Parliament appointed an ombudsman to resolve difficult problems in the absence of the country's abducted king. Ombud, a common word in the Swedish language, means the people's representative, agent, attorney, solicitor, deputy, proxy, or delegate. The ombuds concept spread through the Scandinavian nations and, eventually, to countries around the globe. The United Nations views ombudsmanship as an important tool to help protect and promote international human rights and, as a result, many ombuds offices have been established in the governments of third world countries.

In the United States and Canada, ombuds agencies have been created to assist citizens, consumers, and employees who wish to address concerns about administrative actions or lack of action. The ombuds function is utilized in state and local governments, nursing homes, the media, colleges and universities, industry, prisons, and, most recently, in agencies of the federal government.

Eastern Montana College was the first educational institution in the United States to appoint an ombudsperson (1966). In 1967, Michigan State University became the first major U.S. university to establish an ombuds office. During the period of nationwide campus unrest (the late 1960's and early 1970's), a number of universities established ombuds offices in an attempt to respond to demands for a neutral, confidential, and "safe" place to discuss concerns and voice complaints. It is now estimated that more than 200 colleges and universities in the United States and Canada have established ombuds offices.

There have been discussions concerning the language used in the profession. Perhaps the most interesting has involved what to call the people performing the ombuds function. The word "ombudsman" has been used for many years in the United States. Some argue the Swedish word "man" has a gender-neutral meaning (unlike the English "man" that is often considered to be gender-specific). According to Prisma's Swedish-English Dictionary (University of Minnesota Press, 1989), "man", in Swedish, is defined as "male." Regardless of individual

interpretation of the word's origin, many practitioners feel it is important to reflect current societal norms by substituting "person" for "man" or by dropping the ending completely. Other practitioners prefer to retain the traditional title of "ombudsman." The contributors to this handbook have chosen to use the terms "ombud," "ombudsperson," "ombuds office," and "ombudsing."

Another language question arises when referring to the people who use the ombud's services. In a university setting, people asking for assistance are, for the most part, members of the academic community. Individually, they are referred to by their first names or titles. There is not, however, agreement on how to refer to these users as a group. Are they clients, complainants, visitors, or customers? Again, the practice varies according to the practitioner. In this handbook, the terms "client" and "complainant" are used interchangeably to describe these users of the ombuds services.

The growing number of individuals in the profession has given rise to a variety of professional organizations (see Appendix F for detailed contact information). These organizations include:

The University and College Ombuds Association
(UCOA)
The Association of Canadian College and
University Ombudspersons (ACCUO)
The California Caucus of College and University
Ombuds (CCCUCO)
The U. S. Ombudsman Association (USOA)
The Ombudsman Association (TOA)
The Organization of News Ombudsmen (ONO)
The National Association of State Long-Term Care
Ombudsmen Programs
The International Ombudsman Institute
The National Society for Patient Representation
and Consumer Affairs

ESTABLISHING AN OMBUDS OFFICE

Cornerstones: Neutrality, Confidentiality, Independence, Access

According to the the University and College Ombuds Association (UCOA Bylaws, Article IV, Section II), an ombudsperson is defined as one who has:

1. the responsibility to assess grievances and conflict and to attempt to resolve them through available institutional channels or by mediation;
2. access, in the performance of duties, to members of the university community and to university records;
3. the prerogative to recommend corrective action at any institutional level and where necessary;
4. the authority to issue published reports concerning findings and recommendations; and
5. the obligation to maintain a standard of neutrality.

The standard of neutrality and the commitment to the practice of confidentiality are critical to the success of any ombuds office. Without neutrality and confidentiality at the heart of the practice, the credibility and effectiveness of the office are jeopardized. In order to maintain confidentiality and

neutrality, the ombuds office must, by mandate, function independently. This may become a challenge in universities with clear hierarchies of boards of trustees, presidents, and other officers in governing roles.

As an employee, the ombudsperson is a member of the university community; however, while functioning in the ombuds role, this particular employee may be viewed as an independent advisor by the university community. Clearly, the ombud must act with courage and forthrightness while facing controversial issues or when dealing with problems where the correct and fair resolution does not coincide with administrative policy or practice. In order to respond to difficult problems, the ombuds office requires independence and the understanding, trust, and confidence of all members of the institution. Independence must be mandated in the original charter; understanding, trust, and confidence are acquired only through consistently high-quality practice.

Neutrality

In practical terms, neutrality means the

ombudsperson has no stake or personal ownership in the outcome of an investigation. The ombud's ability to remain impartial while collecting and assimilating information is not compromised by an allegiance to a specific individual or administrative unit.

Neutrality also denotes operating without bias. It implies that each party will be given equal opportunity to express viewpoints and relate the facts.

In the end, however, the ombud may move away from the neutral position if the synthesis of all information points to an injustice, inequity, error, or hostile environment. To remain mired in the middle would render the ombudsperson ineffective and a protector of the status quo. In such cases, the ombud becomes a strong advocate for resolution and for fairness.

Confidentiality

The promise of confidentiality sets the ombud's office apart from every non-medically related unit within the university. For users of the office, confidentiality provides safety and allows openness. It means that the ombud will not reveal individual contacts with the office or the contents of those contacts with anyone outside

the office without the consent of the client. Confidentiality alleviates the fear that often prevents individuals from discussing problems and concerns honestly and completely.

There are, however, limits to the promise of confidentiality. Without benefit of the shield laws that protect the records of mental health professionals, physicians, or attorneys, ombuds' case records can be subpoenaed by a court of law. Additionally, in states with open record laws, case records must be released upon request. Many universities' counsels have pledged to protect the ombud's records but acknowledge that, if pushed by the courts, the records must ultimately be surrendered. These factors have a strong impact on another concern for ombudspersons: record-keeping.

Understanding that an ombud's refusal to release records could result in a contempt of court citation, some ombudspersons have chosen to retain no records at all. Others have chosen to keep selected information such as demographic data or sketchy case notes. Each practitioner needs to make her/his decision on how, or if, client case records will be retained and how that decision will affect the ombud's accountability to

her/his institution.

As ombudspersons examine the issue of confidentiality, it is important to note that, in everyday practice, the challenges are few. Occasionally, someone on campus may ask if a certain person has visited the office and/or what the visitor has disclosed. These questions are easily answered by explaining that information of that nature cannot be released without permission.

Independence

Perhaps the most succinct definition and understanding of the ombudsperson's independence can be gleaned from The American Heritage Dictionary, Houghton-Mifflin, 1985:

independent: 1. Politically autonomous; self-governing. 2. Free from the influence, guidance, or control of another or others; self-reliant. 3. Not determined or influenced by someone or something else; not contingent. 4. Affiliated with or loyal to no one political party or organization. 5. Not dependent on or affiliated with a larger or controlling group or system.

Access to Information

The mandate or charter that establishes the ombuds

office must include a clear statement addressing the ombudsperson's right to access records, files, and individuals. Without access, an ombud cannot effectively gather all the information necessary for the thorough investigation of a complaint. (Again, the only exceptions to free access are medical and mental health records protected by law. The ombudsperson can gain access to these records only if the client signs a release.)

On occasion, the ombudsperson's right to access information may be challenged. In these instances, the importance of specifically addressing such access in the written mandate becomes crucial.

The Mandate

The decision of an institution to establish an ombuds office may depend on the complexity and unique characteristics of the college or university. Often, the call for an ombuds office emanates from the clientele the ombudsperson ultimately serves. If the institution is bureaucratically burdened and suffering from communication breakdowns that result in the alienation of certain constituencies, the creation of an ombuds position is certainly warranted.

At most colleges and universities, the ombudsperson serves three primary purposes: (1) to assist clients in resolving individual concerns, (2) to identify areas where systemic problems of the institution exist and (3) to make recommendations for policy, procedural, or institutional change.

The ombud can become an effective catalyst for increasing campus communication, humanizing the environment, identifying bureaucratic dysfunction, and decreasing individuals' feelings of disenfranchisement from the community. From an altruistic perspective, the establishment of an ombuds service sends a strong message

to the community that the administration cares about the quality and effectiveness of services received from, and the resulting perception of, the institution.

From a pragmatic standpoint, the informal problem resolution responsibility of the ombuds office may save the institution time and money. It is clear that society has become quite litigious. Complaints not addressed within the college or university may find their way into systems outside of the institution where the costs, in terms of dollars, time, reputation, and emotion, are far more significant.

Getting Started

Once the decision to establish an ombuds office is made, the process of communicating that decision and searching for the best person to fill the position is crucial to the effectiveness and success of the office. The rationale behind the decision and the expectations of the office should be communicated widely and well. All campus constituent groups should be involved in the search process. If the announcement of the new office is issued directly from the president, the communication itself becomes a statement of support by the administration for the ombudsperson.

The Reporting Lines

A key factor to be considered when creating the office is the reporting relationship. The view of the ombudsperson as a neutral investigator is enhanced when the office reports directly to the president or highest level administrator at the university. On at least one campus, the ombuds office reports to the secretary of the board of trustees. Some ombuds offices report to the vice president of student affairs, dean of students, or provost. However, if the reporting relationship is not

to the highest level but, instead, to a specific college or administrative area, the perception of the ombudsperson's objectivity may be at risk. If the ombud is to deal effectively with the complexities of the college or university within the context of the campus culture (without minimizing the office's impact on specific administrative units), reporting to the highest level best supports that mission.

The ombudsperson has no real power in terms of changing rules, overturning decisions or forcing issues to be addressed. However, the office is often perceived as a powerful campus resource. That perception of power may help the ombudsperson gain the cooperation of the campus community. It may influence decision-making and the community's willingness to accept the ombud's recommendations. Key factors that lead to the office's perceived power are the knowledge that the ombudsperson has the ear and the support of the university's highest-level administrators, as well as client experiences with a truly objective, knowledgeable and neutral party whose recommendations are to be taken seriously.

Selecting the Ombudsperson

Personal characteristics. The role of the ombudsperson is not neatly defined. The person selected needs a wide variety of skills, a flexibility that leads to creative improvisation, and a "can do" attitude in relation to problem-solving. When ombudspersons describe the characteristics necessary for success in the role, the following are often mentioned:

- * excellent verbal and written communication skills
- * a working knowledge of the entire campus: its policies and practices, formal and informal
- * high ethical standards: practices confidentiality and neutrality; has a record of being fair with all people; would not misuse the role of ombud to promote a personal agenda
- * good at fact-finding; is able to conduct an objective investigation of the facts surrounding a problem
- * flexible: a creative problem-solver
- * strong interpersonal skills: the ability to listen well, apply common sense, demonstrate sensitivity to and respect for people's needs, work as part of a team, and be empathic toward others
- * possesses the power of reasoned persuasion based on facts and strength of conviction
- * maintains a strong commitment to the principles of due process

- * remains neutral and calm in the face of conflict; in other words, has a high tolerance for dissonance and stress
- * has an understanding of the avenues of recourse to address both on and off campus problems
- * takes risks in order to do what is right without being righteous
- * has the ability to mediate between and among parties
- * has a positive but realistic world view
- * has a good sense of humor

The selection process. Keys to the success of an ombuds program are the process used to select the ombudsperson and, ultimately, the selection of the best person for the role. A clearly defined charter or mandate and job description that is widely distributed throughout the campus prior to the search will help prevent difficulties and misunderstandings and will encourage campus acceptance of the concept (see Appendix B). The application for the position should be open to all members of the campus community. On some campuses, however, the ombud is required to be a tenured faculty member to insure job security while dealing with issues that can become highly political.

The search committee for the new ombudsperson should

be comprised of representatives from all campus constituencies. A mandate which includes the charter and job description should guide the selection process. Involvement of key campus figures in the search process serves to communicate the important nature of the position as well as to create ownership by the various groups within the community.

After interviews are completed, many college presidents prefer to be given a list of candidates the search committee feels meets the requirements for the position. The president may then make the final selection. Once the ombudsperson is selected, the practical considerations of implementing the operation begin.

Physical Setting

Ombuds offices are often located in campus buildings that are utilized by all members of the university community -- for example, student unions. The constant flow of people throughout the building helps to ensure an individual's confidentiality and enhances the perception of the ombudsperson's neutrality. Some campuses prefer to house the ombuds office in the administration building

- close to the president - in order to enhance the perception of the ombudsperson's power. Others, however, see location in administration facilities as limiting the office's neutrality and independence.

The office should be large enough to accommodate a private space for each practitioner. A waiting room and soundproof walls are important for maintaining the confidentiality of the ombud's work. Access to a conference room allows the ombudsperson to bring together concerned parties when complex problems need to be addressed through the group communication process.

Ideally, the ombuds office should have all the tools of today's technologically-based society. A computer/word processor is essential for correspondence and for maintaining case-related data. (An additional benefit gained from a computer with the capacity to link to the Internet system is access to the ombuds' e-mail network. This electronic network allows ombudspeople the opportunity to raise issues, receive feedback, and communicate quickly with others in the field.) Access to copy and facsimile equipment as well as a telephone answering machine and TDD (Telecommunications Device for the Deaf) is helpful.

Staffing the Office

There is considerable variation in the staffing patterns of ombuds offices. Some schools employ one ombudsperson with no support staff while others have a number of full-time ombuds professionals, adequate clerical support, and part-time student assistants.

Depending on the size of the client base and the actual utilization of the office, staffing may help determine whether the office realizes its potential or becomes viewed as ineffective. Therefore, the expectations for a one-person operation may be unrealistic and self-defeating.

Skilled clerical support staff are vital contributors to a smooth operation. They are usually the first to have contact with clients and, in doing so, provide people with their first impressions of the service. The support staff may also be the first to hear complainants' anger, frustration, or panic. It could be helpful to provide training (in-house or through other resources) on stress management and dealing with difficult people for these staff members.

Many ombuds offices employ student assistants. The most important aspect of a student employee's training is

a focus on the confidential nature of the office and the do's and don't's regarding information that can leave the office. Student assistants can also easily allow themselves to be co-opted into positions of advocacy. Training on this topic is helpful and appropriate.

An important and often overlooked issue is training for the ombudsperson. It is not uncommon for individuals to find themselves in new ombuds positions with little knowledge or certainty of the specific limits or operating procedures that guide the profession. The most competent sources of information and advice are usually seasoned, experienced ombudspersons. The existing ombuds organizations offer training through workshop and conference participation. An updated directory of professional association members is produced annually and allows newcomers the opportunity to find other ombuds professionals in their immediate geographic area. In addition, the extensive bibliography included in this handbook will be helpful to new ombuds who wish to review the existing literature pertaining to the profession.

PRINCIPLES OF OPERATION

Record-keeping

The UCOA Ethical Principles for University and College Ombuds states, "Information retained by the ombudsperson should be kept secure" (see Appendix A). In most states, however, college and university ombuds office records can be subpoenaed. In others, the records are subject to open-record laws. The tension between the ethical and potential legal obligations requires ombudspersons to make judicious decisions about record-keeping. A few ombudspeople choose to keep no records of any kind. However, because ombuds offices are accountable to their institutions, most offices retain some form of records in order to supply statistical information about case load and trends to the campus community and/or the area or person to whom they report.

The issues that need to be addressed include:

- * the nature of the records to be retained
- * the security of those records
- * an appropriate records retention policy

For purposes of this discussion, "records" refers to any physical evidence of contact by others with the

ombuds office. This could include:

- * handwritten or computerized case files with information identifying individuals and the nature of their concerns
- * handwritten, computerized or audio-taped comments and observations by the ombudsperson relating to discussions with individuals about their concerns
- * electronic/postal mail files
- * appointment calendars
- * telephone logs
- * carbon copies or telephone messages from message pads
- * any documentation given to the ombud to support a complaint (memos, notes, letters)
- * any case-related documents generated by the office, including memos or letters sent to clients or others

Ombudspeople use a variety of strategies in dealing with the ethical/legal dilemma surrounding record-keeping. Some elect to keep no records. Others indicate a willingness to refuse to comply with any subpoena order and a willingness to suffer any legal consequences which might result. In short, selected options from current practitioners include any combination of the following:

- * retain no notes of any kind
- * refuse to keep documentation from others
- * retain only demographic and aggregate data

- * require signed forms from complainants agreeing that ombudspersons will not be asked to provide records (or testimony) or participate in an adversarial process in a role other than that of neutral party/facilitator
- * make agreements with university legal counsel that counsel will vigorously oppose any attempts to subpoena ombuds office records (and that counsel itself will not subpoena ombuds office records)
- * develop a records retention policy to standardize procedures and time limits for retaining and destroying records (e.g. until the issue has reached closure or for a proscribed length of time after a complainant's initial contact with the office)

Accountability

To whom should the ombuds office demonstrate its worth given the independence required of such an office? In what ways can the ombuds office demonstrate its value given the confidential nature of the work?

The ombuds office can reveal its activities to the campus community by writing and distributing reports about its work. While no information can be provided which might divulge the identity of individuals assisted by the office, the reports can provide aggregate data and the numbers and types of complaints received, demographic characteristics of those contacting the office, and problem trends. Reports may also include information about the related professional activities of the office, the complexity of some complaints, and the steps taken to resolve the problems. This mode of reporting provides a unique opportunity for the ombudsperson to describe a variety of informal, non-adversarial, problem-solving techniques and will demonstrate how the principles of neutrality, confidentiality, and independence guide the work of the office. Distribution and presentation of reports to campus officials and representatives of various constituent groups are important for

demonstrating how the ombuds office fulfills its mission.

Another method for demonstrating the value of the ombuds office is through effective outreach efforts. Workshops, training sessions, and panels provide opportunities for ombudspersons to establish credibility as they present information and answer questions about conflict management, dispute resolution, or other related topics. (Introducing people to the concept of ombudsing and to the role the office plays within the institution often results in an increased caseload as those in attendance recognize the potential value of this resource in helping them in ongoing disputes or problem areas.)

The placement of the ombuds office within the organization is also relevant to questions of how the office can demonstrate its worth and to whom the office is accountable. Typically, the office reports to the campus CEO. Demonstrating the value of the service to this individual is vitally important because s/he may have the unilateral power to determine whether the office will continue to exist. Accountability is realized through informal discussions and periodic reports. Discussions might focus on general office activities and needs, the identification of trends or problem areas, and

pervasive campus concerns.

The reporting relationship is primarily administrative, rather than supervisory, in that day-to-day case management issues are seldom, if ever, discussed. It is essential that the value of the office is demonstrated convincingly without sacrificing the guiding principles of neutrality, confidentiality, and independence.

If an individual would wish to complain about the ombuds office, the complaint would appropriately be made to the administrator to whom the office reports. The limitations imposed by the promise of confidentiality and the importance of retaining independence are two issues that might create a dilemma if complaints about the office require a response.

In order to avoid violating confidentiality, the ombuds office needs the permission of the complainant to discuss her/his concerns with anyone, including the person to whom the ombud reports. If the administrator receives a complaint about the ombuds office and wishes to discuss it with the practitioner, written permission of the complainant must be obtained to allow the ombudsperson to discuss the situation in anything but the

most general terms. The administrator must be aware, however, that there may be other parties whose permission must be sought by the ombudsperson before the ombudsperson can respond.

The ombuds office must maintain independence and accountability simultaneously. The degree to which this is possible depends largely on the quality of the working relationship between the ombuds office and the CEO. Clearly, it is incumbent upon the ombuds office to demonstrate how it is fulfilling its mission while enhancing the administrator's appreciation for the principles of independence and confidentiality.

Initiating Issues

In some cases, it may be appropriate to initiate discussions with key individuals to focus attention on systemic issues or problems. This approach might be used in an attempt to obviate or minimize potential complaints. For example, if the ombudsperson believes a particular policy (or policy change) has unintended negative consequences for a particular constituent group, raising thoughtful concerns and questions with responsible officials is an effective way to bring attention to a problem source. Similarly, if policies are not enforced uniformly and/or if a lack of understanding or information about a policy or procedure is limiting its effectiveness, the ombuds office can play a useful role in calling this to the attention of appropriate members of the campus community.

The ombudsperson may initiate discussions independently (outside the context of individual cases) when there appears to be a pattern of complaints. Typically, the ombudsperson's contact would be the official at the lowest administrative level capable of resolving that particular problem. Often, when administrators are made aware of a pattern of complaints,

the severity or magnitude of the problem is more easily understood and less easily dismissed.

Initiating discussions regarding the behavior of a specific individual is a much more sensitive matter. This is especially true if the alleged offender has institutional power or authority over the complainant(s). The difficulty arises when individual complainants (who may or may not be aware of each other's complaints) are reluctant to engage in discussions with the offending party or, if they would like the ombud's help and intervention, refuse to be identified for fear of retaliation. When this occurs, it can present an uncomfortable dilemma for ombudspersons because two ethical principles - maintaining confidentiality and promoting justice - may conflict.

Finding ways to assist complainants without identifying them can be quite difficult. Any contact with the subject of such complaints could stimulate retaliation against complainants or those suspected of having complained. Clearly, there is no hope for change if the object of the complaints is not provided an opportunity to hear and respond to the complaints and, in the ideal scenario, modify his/her behavior. The

ombudsperson may share information with the alleged offender's supervisor (or someone with greater institutional authority) if the complainants are so fearful and distrustful that they are not willing to allow the ombudsperson to speak with anyone about the problem. In fact, higher level supervisors may be seen as part of the problem because of their perceived or actual inability to deal effectively with the offending party or because they may be perceived as supporting the behavior upon which the complaints are based.

When facing the potentially conflicting tasks of protecting confidentiality and facilitating a fair and just resolution to a concern or issue, ombudspersons should weigh the aforementioned issues and proceed thoughtfully and carefully.

Assessment and Evaluation Techniques

Program evaluations

Overall program evaluations are often conducted by using an in-house panel of program reviewers. This method offers several advantages and some disadvantages. In institutions where it is a commonly accepted evaluation practice, in-house review has credibility. It is also cost-effective since all team members are on the campus. However, because the ombuds role is sometimes not well-understood, it could take time and effort to sensitize team members to specific concerns such as the importance and appropriate use of confidentiality and neutrality. Additionally, when team members are on the campus, it is possible that one or more have had previous interactions with the ombuds staff which could positively or negatively bias their evaluation of how well the office functions.

Another method of evaluation utilized successfully on a number of campuses involves the use of an outside expert (or panel of experts). This method provides several advantages. Unlike other program reviewers, the expert(s) understand the mission and role of the ombuds office. A considerable amount of time is saved because

the reviewer is more knowledgeable than one less familiar with the ombud's unique role. Similarly, such an expert would have a better understanding of the appropriate evaluation criteria. S/he would also be sensitive to potential sources of bias (e.g. the win-lose bias or desire for advocacy by some who use the ombud's services). Disadvantages of this method include the costs of bringing an expert or experts to campus and the possibility of bias due to the outside expert's previously established relationships with individuals on the ombud's staff and the external evaluator's lack of sensitivity to the unique campus history and environment.

There are several unique factors which should be considered by anyone attempting to evaluate an ombuds office. Confidentiality must be assured for all respondents. In order to accomplish this, all contacts for evaluation purposes should be initiated by the ombud's staff. Another campus resource (such as Institutional Research) may be helpful in collecting the data directly from members of the campus community. This method may increase the response rate because some people may prefer that their comments be non-identifiable to the ombuds office staff. Furthermore, because Institutional

Research routinely gathers, evaluates and analyzes data, it can help design or refine the survey instrument in order to gather useful, evaluative data.

Another consideration involves individuals who have used the office (or have been contacted by the office) and who evaluate their experience in terms of whether they believe they "won" or "lost" their disputes. Similarly, despite their alleged understanding of the neutral position of the ombuds office, many clients expect advocacy for their position in a dispute. Survey questions should focus on how well the ombuds professional performed within her/his appropriate role and not on the results the complainant was seeking or whether the ombuds staff member functioned as his/her advocate.

Clients' evaluations of services

A number of tools are available to assist ombuds professionals in self-assessing the services of an ombuds office. These include user surveys (for those contacting the office for assistance and those who were contacted by the office to help resolve a dispute), workshop evaluations, surveys for office liaisons, and through the

comparisons of annual report data.

User surveys (see Appendix C) can provide useful feedback about how individuals who have dealt with the ombuds office feel about such issues as:

- * whether the ombuds office was helpful in resolving a dispute, providing accurate information, or investigating a complaint
- * how well their concern(s) was/were heard and understood by the ombuds office staff member
- * whether the ombuds staff members were knowledgeable regarding pertinent institutional policies and procedures
- * whether they would seek the assistance of the ombuds office if they experienced another institutionally-related problem
- * whether they would refer others to the ombuds office for help in resolving disputes, conflicts, or complaints
- * whether they felt they could trust the ombuds office to maintain confidentiality

Information can also be collected to determine if there are perceptual differences between those individuals who initiated contact with the office and those who were subsequently contacted by the office.

Additional information can be collected to identify by categories (administrators, staff, faculty, undergraduate students, graduate students, etc.) the rates at which various constituent groups utilize (or are contacted by)

the ombuds office and how the various groups evaluate the services. Finally, demographic information on gender and ethnicity can provide valuable information about the utilization and perception of the ombuds' services.

responsibility and authority to investigate complaints. The office must give the ombud the right to access all pertinent information from all levels within the institution. The only exceptions to accessibility are medical/mental health records. The client must sign a release in order for that information to be disclosed. At the outset, the ombud must be clear about the rules, procedures, and guidelines applicable to the client's situation. In other words, based on the rules and the client's view of events - does it appear that an inappropriate act occurred? Has there been a mistake? a computer glitch? a recording error? an oversight? Or does it appear that the client has been treated unfairly? improperly? Inequitably? Mistakes happen. One phone call by the ombud may serve to inform the institution of the problem and may result in a correction. Case closed. Most cases, however, are not so easily resolved. The following list provides some useful investigatory

The ombuds office and institutional groups maintain the
various institutional departments and offices together and
the office continues to maintain contact with the
institution and management in order to be aware of

- * whether the ombuds office was helpful in resolving a dispute, providing a neutral investigation, or gathering information
- * how each person(s) interviewed felt about the ombuds office staff and procedures
- * whether the ombuds office helped resolve the problem (regarding policies, procedures, and other matters)
- * whether they would seek the assistance of the ombuds office if they experienced another institutionally-related problem
- * whether they would refer others to the ombuds office for help in resolving disputes, complaints, or concerns
- * whether they felt they could trust the ombuds office to maintain confidentiality

Information can also be collected to determine if there are perceptual differences between those individuals who initiated contact with the office and those who were subsequently contacted by the office. Additional information can be collected by category (administrators, staff, faculty, administrators, students, graduate students, etc.) the nature of the various constituent groups utilize for or against the

THE WORK OF THE OMBUDSPERSON

Investigations

An ombudsperson, by definition, has the responsibility and authority to investigate complaints. The office mandate must give the ombud the right to access all pertinent information from all levels within the institution. (The only exceptions to accessibility are medical/mental health records. The client must sign a release in order for that information to be disclosed.) At the outset, the ombud must be clear about the rules, procedures, and guidelines applicable to the client's situation. In other words, based on the rules and the client's view of events and circumstances, does it appear that an impropriety has occurred? Has there been a mistake? a computer glitch? a recording error? an oversight? Or does it appear that the client has been treated unfairly? inhumanely? unjustly? inequitably?

Mistakes happen. One phone call by the ombud may serve to inform the institution of the problem and may result in a correction. Case closed.

Most cases, however, are not so easily resolved. The following list provides some useful investigatory

guidelines:

- * Try to gather as much information from the complainant as possible. Ask questions. Be clear about what the person is saying.
- * Ask the client what she/he hopes to achieve. What is the client's desired outcome?
- * Inform the client of his/her options (personal contact, formal grievance procedures, etc.).
- * Do your homework. Understand the rules and policies that address the issue.
- * Keep in mind that only one side of the story has been told. There are usually as many views of each situation as there are people involved.
- * Remain open and neutral throughout the investigation. Try to keep past experiences and personal opinions in check.
- * Start at the lowest possible level. If the student's complaint is about a grade, start with the instructor. If the staff member's concern is the work environment, start with the supervisor. Those individuals against whom the complaints have been lodged should be the first to have an opportunity to respond.
- * Describe the allegations. Ask for the respondent's viewpoint and clarification.
- * If there are multiple respondents, contact each individually to discuss the concern.
- * If it appears that the initial complaint has substance, explain proper procedures and/or recommend corrective measures to the respondents.
- * Maintain ongoing contact with the complainant. Share information and ask questions based on others' views of the situation.

- * When it becomes clear that corrective measures should be taken and the respondent(s) is/are unwilling to move, inform her/him that the concern will be raised to a higher administrative level.
- * Engage others in problem-solving. Ask for their intervention. Express your concerns within the context of institutional fairness and correctness as well as institutional culpability.

Neutrality vs. Advocacy

1. An ombudsperson, by definition, is a neutral third party. In practice, neutrality requires maintaining an objective perspective while investigating all aspects of a case.

2. An advocate aligns her/himself with one side of an issue and becomes a representative of, and a spokesperson for, an individual or group.

There are as many views of any situation as there are individuals involved. It is the ombud's responsibility to sort through the information presented by all parties and attempt to piece together an accurate and objective assessment of what has happened, the contributions of each party to the presenting situation, and, after thorough investigation, to offer a reasonable and equitable recommendation for problem resolution.

The points from which investigations and recommendations must flow are the rules, policies, and procedures of the institution. For example, through discussions with all concerned parties, it may be discovered that an established procedure has been bypassed or that a rule has been broken. The ombud must then attempt to move the appropriate individuals into

action in order to address and correct inappropriate and inequitable treatment. Simply stated, the ombud becomes an advocate for equity within the system but not an advocate for an individual.

The ombud routinely provides information about policies and procedures of the institution and suggests courses of action the client might consider. The ombud empowers the client to solve problems for himself by explaining rules and procedures, giving directions on where to go and who to see, and providing strategies and support. For example, if a student has a dispute about a

- explain the proper channels to follow in pursuing a change of grade
 - define the institutional policies that exist for academic concerns
 - suggest that the student compare the course description and syllabus against the way grades were actually calculated
 - state other students' successful strategies for approaching faculty about grading disputes
 - help the student outline a series of steps to follow in addressing the problem.
- Whenever it is possible and appropriate, the ombud should encourage the client to solve his/her own problem.

Client Empowerment and Education

The ombud spends much of his/her time listening to the client. Finding someone who will listen without passing judgment on the person or the problem does much to help the person, but it is often not enough. The ombud routinely provides information about policies and procedures of the institution and suggests courses of action the client might consider. The ombud empowers the client to solve problems for him/herself by explaining rules and procedures, giving directions on where to go and who to see, and providing strategies and support.

For example, if a student has a dispute about a grade, the ombud might:

- * explain the proper channels to follow in pursuing a change of grade
- * define the institutional policies that exist for academic concerns
- * suggest that the student compare the course description and syllabus against the way grades were actually calculated
- * share other students' successful strategies for approaching faculty about grading disputes
- * help the student outline a series of steps to follow in addressing the problem.

Whenever it is possible and appropriate, the ombud should encourage the client to solve his/her own problem.

The skills acquired through successful problem-solving can be applied to any situation at any time in a person's life.

Collaboration

Collaboration involves engaging others as active participants in the problem-solving process. Because an ombud cannot, by mandate, overturn decisions or change rules, s/he must rely on others to institute necessary changes.

Collaboration becomes a vital practice in joint problem-solving with a special interest in collegiality. Phrases such as "I'm hoping you can help me understand..." or "I know you are an expert in an area where I need some help..." are neither accusatory nor adversarial and may set the tone for open discussion. Often, when the contact is made, the ombud learns that the third party is also anxious to resolve the problem or respond to the issue but is uncertain about what to do. The ombud's neutral position can help move all parties toward resolution without assessing blame. Indeed, when all parties are working together, they can expedite the problem-solving process. Each participant can take some ownership of a satisfactory outcome.

Mediation

Mediation is a useful tool for dispute resolution. It requires a willingness by the disputing parties to work out a solution that is mutually acceptable. The ombud assumes the neutral role of the mediator and helps facilitate communication between the parties without becoming aligned to either side.

The principles of mediation are also useful outside of the formal mediation process. Essential ombudsing skills - the ability to clarify issues, reframe issues in interest-based language, encourage open expression, and keep the problem-solving process moving toward closure - can be developed and refined through the understanding and practice of mediation.

The following outline offers a brief overview of the seven-step mediation process. Formal mediation training is available through numerous agencies and organizations and can provide the practitioner with valuable skill-building opportunities.

The seven-step mediation process:

1. Introductions
 - * mediator
 - * parties

- * educate the parties: describe the process in terms of its purpose, the roles of the mediator and the parties, confidentiality, and possible outcomes
 - * ground rules: when one party speaks the other remains silent, speak only to the mediator
 - * begin the process: provide rationale for who speaks first
2. Problem Determination
 - * mediator facilitates the flow of information through echoing and restatement
 3. Summarization
 - * mediator concludes each party's story; summary should be brief, neutral, non-judgmental.
Mediator obtains verbal agreement from all parties that summary is accurate.
 4. Issue Identification
 - * mediator distinguishes between presenting and underlying problems
 5. Generation/Evaluation of Alternatives
 - * parties work toward resolution; mediator obtains solution proposal from each party
 6. Selection of Alternatives
 - * choices must be specific, workable and realistic
 7. Conclusion
 - * mediator restates the resolution and encourages parties to act on resolutions and adhere to the agreement
 - * mediator explains documentation and follow-through
 - * process ends

Understanding the Institutional Structure

It is crucial that the ombud has a clear understanding of how his/her institution operates in terms of its policies and practices. Perhaps even more vital is a practical understanding and identification of those individuals who are keys to problem resolution or, when the circumstances warrant, institutional change.

In addition to the acquired knowledge of how the university works on both formal and informal levels, the ombuds office needs to keep frequently used resources within reach:

- * faculty and staff policies and procedures
- * student rights and responsibilities documents
- * academic calendar with drop, add, withdrawal, and refund schedule
- * course description and registration publications for at least the current academic year
- * up-to-date campus phone directory
- * brochures and pamphlets describing campus or community services to which clients are frequently referred

It is often helpful to provide the client with a copy of the specific policies that are germane to her/his concerns. Knowledge of university policies in concert with the ability to access those written policies is essential.

Learning how the formal and informal systems work and, more specifically, who makes them work is clearly a result of ongoing contacts and experience with individuals within the system.

Special Considerations: Undergraduate Students, Graduate Students, Medical School Students and Staff, Faculty, Staff and Students' Family Members

The ombud serves as an institutional information source, a referral service, and an investigative, problem-solving facilitator. While these services are available to all constituent groups, special needs and concerns should be considered for different groups within the campus population.

Undergraduate students. Many of the undergrads who visit the ombuds office have never problem-solved for themselves. They have had parents, teachers, and counselors assuming the responsibility for fixing anything that has gone wrong and now find themselves on their own for the first time.

Undergraduate students face more rules, policies, and deadlines than they ever imagined could exist. Furthermore, there is an institutional expectation that they will know, understand, and adhere to each procedure immediately upon arrival on the campus. The ombud can play an important role in the education of the undergrad student on two levels. First, by providing detailed

information on the what, why, how, and who of the rules and procedures, the ombud can define and clarify applicable guidelines on an informal, one-on-one level. The student, therefore, is not only better informed but is also able to address her/his immediate problem without riding the bureaucratic merry-go-round.

Second, the ombud can provide techniques and strategies that may enable the student to effectively problem-solve in the future. Not only will the student learn valuable life skills, but he/she will gain the satisfaction of personal accomplishment.

Clearly, some situations require the ombud's intervention. However, whenever it is appropriate and possible, a greater service may be provided when the undergrad student is encouraged to assume the responsibility for problem-solving.

Graduate students. Among the most difficult problems presented to the ombud are those experienced by graduate students. Quite often, the concerns involve dysfunctional relationships with the student's advisor or members of the graduate committee. The risks involved in attempting to resolve these difficulties sometime

outweigh the student's ability to confront the issues or problems.

The graduate advisor is a powerful force in the graduate student's life. She/he has the ultimate approval of a thesis or dissertation, often controls the student's funding, and will serve as a primary reference after the student's graduation. In other words, the graduate advisor exercises a great amount of control over the student's present and future professional success and well-being.

Perhaps more than any other constituent group, graduate students visiting the ombuds office may ask for no more than self-help strategies and a listening ear. Their concerns for confidentiality and trust are paramount. The ombuds office can serve as a safe haven for discussion.

Medical School Students and Staff. For faculty members, fellows, staff members or students, the career consequences of speaking out in the medical environment are believed to be devastating. Students invest so much time and money in their training that they do not feel they can risk voicing a complaint. They worry about how

they will be evaluated by the faculty and what will appear in the dean's letter that will ultimately affect their residency placements.

During their first two years (while they attend classes), medical students receive emotional and professional support from their institution and from each other. However, in their last two years (spent in hospitals), they are more isolated and may find it difficult to find time to share experiences. If students feel the need to complain, they are extremely cautious about how and when to do it. Though determined to address their concerns, students may wait until their matches for hospital residencies are completed before confronting the offenders.

Fellows have unique problems. Frequent complaints from clinical fellows (interns and residents) are that there seems to be no established set of working expectations and conditions (such as maximum number of hours expected to work without rest) which would protect them. If such policies exist, they may be ignored by superiors. Fear of reprisal prevents fellows from speaking out. On occasion, fellows have reported that they have accepted fellowships expecting to receive

training but found that they were treated as though they had previous experience, regardless of their background. Isolation may be a problem for older students (third and fourth years), trainees, or faculty members, if they do not work in their universities' hospitals.

Both clinical fellows and research fellows complain about the lack of clear feedback, insufficient support or direction offered at the closure of their commitment, lack of funds, and unkept promises. For faculty, fellows, and students, authorship and intellectual property are frequent topics of concern.

Staff. Fear of retaliation and, ultimately, loss of employment are two recurring concerns voiced by staff members using the ombud's services. This group, not unlike grad students, wants reassurance that discussions will remain confidential and that no one will know that a visit to the office has occurred unless he/she chooses to go forward or elects to share that information with supervisors or co-workers.

Most of an employee's waking hours are occupied by work. The residual effect of a dysfunctional work environment or an adversarial relationship with a

supervisor or co-worker negatively affects life away from the institution. Problems at work become problems at home. Facing and attempting to resolve those problems can be intimidating ventures because staff, realistically or unrealistically, fear retaliation for speaking out. The ombud may be expected to provide a number of services for the staff member: to listen, to advise, to interpret policy, to explain grievance procedures, and/or to mediate formally or informally any discussions between the staff person and the alleged offender(s).

Often, work-related problems are not a result of broken rules or procedural error but, instead, arise from differences in personalities, communication styles, expectations, or working styles. The ombud may be able to offer suggestions to improve the work environment as well as techniques for managing conflict and dealing more effectively with difficult people.

Faculty. The concerns raised by faculty members most often fall within the categories of professional well-being, problem prevention, and rule clarification.

Faculty, especially non-tenured, tenure track faculty, operate in pressure-filled environments. The

requirements and expectations to acquire tenure and achieve promotions are increasing. Competition is keen for research dollars, research space, student assistants and clerical support. Collegial relationships may become strained and conflict may erupt.

Most colleges and universities have formal faculty grievance/review procedures. If a formal procedure has been invoked, the ombud cannot intervene or supercede it. However, like other groups, faculty may choose to address their concerns through informal channels. The ombudsperson can help the faculty member develop strategies for addressing difficult situations.

The ombuds office can also provide information about institutional rules or guidelines that address classroom management. Faculty frequently ask for clarification of class-related issues such as the content of a course syllabus, the appropriate method for handling disruptive students or academic misconduct, and faculty/student rights.

Students' Family Members. The Family Rights and Privacy Act of 1974 prohibits the college or university from divulging information from a student's record to

anyone outside of the institution. This law makes it especially difficult for ombudspersons to deal with concerned parents who cannot understand - particularly if they are paying for their son's or daughter's education - why they do not have the right to access information.

The student must provide a waiver in order for the ombud (or any other representative of the institution) to discuss specific issues or circumstances with any family member. Without the student's consent, conversations with family members must be limited to general concerns.

Common Categories of Concerns

Student

- * grade disputes
- * curricular or program changes affecting graduation requirements
- * financial aid
- * housing
- * security
- * admissions
- * dismissals
- * reinstatement
- * adds and drops
- * registration
- * graduate programs
- * advisor difficulties
- * academic misconduct
- * accessibility to campus facilities
- * residency in the United States or in a particular state
- * course management
- * academic program admission
- * student judicial system (for non-academic misconduct)

Faculty and Staff

- * supervisor/employee relations
- * equity concerns
- * promotion and tenure
- * termination
- * discipline procedures
- * work environment

General

- * due process
- * sexual harassment
- * racism
- * discrimination or harassment based on age, sexual orientation, gender, race, religion, creed, disability, ethnicity, Vietnam-era veteran status, physical appearance, political affiliation or belief, etc.

- * free speech
- * policy questions
- * traffic and parking
- * library fines
- * health and insurance benefits
- * disruptive behavior
- * personality conflicts
- * environmental issues
- * institutional responsiveness

Faculty and Staff

- * supervisor/employee relations
- * equity concerns
- * promotion and tenure
- * termination
- * discipline procedures
- * work environment

General

- * due process
- * sexual harassment
- * racism
- * discrimination or harassment based on age, sexual orientation, gender, race, religion, creed, disability, ethnicity, veteran status, physical appearance, political affiliation or belief, etc.

THE OMBUDSPERSON AS CHANGE AGENT

The ombudsperson's responsibility to make recommendations for procedural change is second only to the responsibility to respond to individual complaints. The ombuds office is the only centralized resource to receive complaints and hear the concerns of the entire campus community. It is, therefore, in the best possible position to analyze, synthesize, and communicate problem trends and areas to the policy-makers.

Each unit of the university hears complaints germane to the unit. It is possible that a college or department may become attuned to a pattern of problems within the unit or may recognize a problematic policy, procedure, or individual. Some units choose to remedy the problems, some recognize the problems and choose to do nothing, and others are simply not aware.

The ombuds office has a global university perspective. Recommendations for change emerge from repeated difficulties, on-going systemic snags, and an overview which allows the ombudsperson to see how a problem in one area can trigger a problem in another. In this regard, the ombud serves as the eyes and ears of the

institution and can provide a unique institutional perspective on what systems are working well and what systems are seriously flawed and in need of alteration.

Ombudspersons generally begin their casework with persons at the lowest level with the responsibility and authority to remedy a problem. The same practice applies to recommendation-making. Instead of discussing the issue with a vice president with ultimate authority or approval power over a procedural change, the ombud usually begins discussions with a lower level administrator who has the ability to either institute the change or endorse the change to higher levels. If support is not forthcoming, the ombudsperson may discuss the issue with others in positions of authority. Ultimately, the decision to take the ombud's recommendations and implement change lies in the hands of the institutional administrators.

The ombudsperson may also serve as a valuable consultant in policy and procedure development. The ombud's global campus perspective and experience with troublesome problem areas may benefit policy-making committees. These groups may lack an understanding of how their decisions may or may not work in conjunction

with existing policies or within the campus climate. The ombudsperson's contributions may educate and enlighten group members so that they can develop policy with benefit of a broader vision and comprehension.

As important as the skills needed to communicate with clients, each member of the campus community is a potential user of the services a referral agent for those in need of assistance, and a public relations agent (positive or negative) for the office. When focused on serving clients, it is possible to overlook the necessity for clear, concise, and regular communication with the campus community as a whole.

An ombuds office with one ombudsperson faces the issue of continuity when the incumbent's term ends and the new ombud's term begins. Offices which have two or more professional staff members are confronted with the additional challenge of cohesiveness between or among individual ombuds. Communication of the vision and goals of the office to the broader community can be confounded by the number of people doing the communicating.

If the ombuds office is represented by one person - one voice - the community should be able to see a

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COMMUNICATING WITH THE CAMPUS

The ability to communicate with the multitude of campus constituencies is an art form which may be as important as the skills needed to communicate with clients. Each member of the campus community is a potential user of the service, a referral agent for those in need of assistance, and a public relations agent (positive or negative) for the office. When focused on serving clients, it is possible to overlook the necessity for clear, concise, and regular communication with the campus community as a whole.

An ombuds office with one ombudsperson faces the issue of continuity when the incumbent's term ends and the new ombud's term begins. Offices which have two or more professional staff members are confronted with the additional challenge of cohesiveness between or among individual ombuds. Communication of the vision and goals of the office to the broader community can be confounded by the number of people doing the communicating.

If the ombuds office is represented by one person - one voice - the community should be able to see a

relatively congruent and consistent picture of what the office is about, what it purports to do, and what it actually accomplishes. The picture may become fragmented in direct proportion to the number of people who represent it. Thus, if two or more ombuds present individual interpretations of the same office, great care must be taken to assure that the end result is still one picture -- not two different and separate ones.

The neutral, impartial, fair, and non-advocating stance of the ombuds office is the foundation for its beginning and its continuation. However, there may be instances when it becomes necessary and appropriate to advocate for change, compromise, or a reconsidered decision. The campus, as well as the service users, must clearly understand that the ombud advocates only for reason, for equity, for due process, and for reasonable accommodation.

Client Service

The top priority of any ombuds office must be exemplary service to clients. The word-of-mouth testimony of office users serves as the strongest and loudest communication of the value and strength of the office.

Regardless of format, regular contact with the office is essential. Regularly scheduled, easily-identified, and accessible sessions are necessary to ensure the effective utilization of the office.

- * problem categories
- * distribution of complaints by organizational unit
- * frequency of contacts
- * sample cases (selected) which are illustrative of the office's work
- * trends, concerns, and recommendations for the future

In addition to providing feedback about the work of the ombuds office, the annual report alerts the community to problem trends. A well-written and complete annual report will certainly help clarify, and perhaps justify, the presence of an ombuds office on campus.

The Written Word

Brochures, fact-sheets, brief articles in campus publications, and on-line ask services can promote the mission of the ombuds office. The office might create a two-sided bookmark or fact-sheet with basic information about the role of the ombuds office and how to make contact with the office. Regardless of format, an easily-identified, simply stated written description of the ombud's services will increase awareness and utilization of the office.

Annual Reports

Most universities demand accountability. Information about the work of an ombuds office can be shared through an annual report in which statistics and general information are provided without jeopardizing individuals' confidentiality. The annual report may include:

- * number of clients served
- * demographic characteristics of clients (gender, major or discipline, university status, etc.)
- * problem categories
- * distribution of complaints by organizational unit
- * frequency of contacts
- * sample case studies (sanitized to protect confidentiality)
- * trends, concerns, and recommendations for constructive change

In addition to providing feedback about the work of the ombuds office, the annual report alerts the community to problem trends. A well-written and complete annual report will certainly help clarify, and perhaps justify, the presence of an ombuds office on campus.

Presentations

Ombudspersons may be asked (or may volunteer) to make presentations to groups in and out of the classroom. Most frequently, the requested topic is the ombuds office: its purpose, philosophy, and method of operation. Other topics may include university procedures, conflict management, equity issues, and sexual harassment. Regardless of subject matter, an awareness of the ombuds office and its services will emerge within the context of the presentation.

Orientations offer wonderful opportunities for reaching large numbers of students, parents, faculty, and staff. A one-hour investment of an ombudsperson's time can introduce the concept and the services of the office to many individuals simultaneously.

Public Fora

The ombuds office can create unique opportunities for sharing campus concerns and opinions. An open table in the faculty club dining room, a question and answer column in the student newspaper, or a "drop-in" plan for attending student government and faculty and staff governing body meetings are some examples of non-threatening ways to keep a finger on the pulse of the campus.

The second section offers a listing of supplemental readings.

Introduction

Public Works

The purpose of this report is to provide information on the current status of public works in the United States. The report is intended for use by public officials, private citizens, and other interested parties. It is based on a review of the literature and on interviews with public officials in various states. The report is organized into four main sections: (1) a general overview of public works, (2) a discussion of the current status of public works in the United States, (3) a discussion of the challenges facing public works, and (4) a discussion of the opportunities for public works.

The first section provides a general overview of public works. It discusses the history of public works and the role of public works in the United States. It also discusses the various types of public works, such as roads, bridges, and public buildings. The second section discusses the current status of public works in the United States. It discusses the amount of money that is spent on public works and the types of projects that are being funded. The third section discusses the challenges facing public works, such as the need for more funding and the need for better management. The fourth section discusses the opportunities for public works, such as the need for more infrastructure and the need for better services.

Colleges and Universities

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AND COLLEGE OMBUDSPERSONS

An ombudsman is guided by the following principles: objectivity, independence, accountability, confidentiality and justice. Justice is pre-emptive.

An ombudsman receives and investigates complaints objectively, impartially and fairly. He or she is available to all complainants on an equal basis and may not be influenced by any particular perspective.

APPENDIX A

An ombudsman acts as independently as possible as all other officers and avoids conflict of interest, external control and avoids the reality of appearance of being controlled.

An ombudsman is guided by the following principles: objectivity, independence, accountability, confidentiality and justice. Justice is pre-emptive.

Ethical Principles for University and College Ombudspersons

An ombudsman receives and investigates complaints objectively, impartially and fairly. He or she is available to all complainants on an equal basis and may not be influenced by any particular perspective.

If a complainant reports a serious problem but is unwilling to be part of any above-board investigation, an ombudsman tries to find a way to address the problem that is acceptable to the complainant, or that does not compromise the identity of the complainant.

However, if an individual complains about wrongdoing which causes harm to himself or herself or others, or if the complainant witnesses a serious violation of a policy, an ombudsman must take appropriate action in determining whether or not this information is carried forward. Decisions to disclose are made in regard to matters governed by state and federal law.

An ombudsman is guided by a concern for and commitment to justice. Justice demands that individual interests be carefully balanced with the consideration of the good of the larger academic community. An ombudsman's commitment to justice includes the understanding of power, identification of the use and abuse of power and authority, and dependence of the need for access to power by the members of the institution.

Other concerns also govern an ombudsman's conduct. While it is the party who are responsible for detecting a particular violation, the ombudsman attempts to guide them toward options that are fair, conflict with institutional policy, and give clear indication of being in their best interest. An ombudsman represents, and on all the projects, the right to privacy of all parties, including the alleged offenders. An ombudsman generally does not act on third-party complaints.

An ombudsman also reports to the institution and improves institutional policies to assist in the control of any practitioners, and to promote impartial dispute resolution in the institution.

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... (1961) ... Albany, NY: State University of New York Press.

ETHICAL PRINCIPLES FOR UNIVERSITY AND COLLEGE OMBUDSPERSONS

An ombudsperson is guided by the following principles: objectivity, independence, accessibility, confidentiality and justice; justice is pre-eminent.

An ombudsperson hears and investigates complaints objectively. Objectivity includes impartial attention to all available perspectives on an issue and may or may not entail support of any particular perspective.

An ombudsperson acts as independently as possible of all other offices and avoids conflict of interest, external control and either the reality or appearance of being compromised.

An ombudsperson is readily accessible to all members of the constituent community, promotes timely solutions to problems and avoids either the reality or appearance of bias toward any individual or group.

An ombudsperson treats with confidentiality all matters brought to him or her. No action is taken on a complaint without the complainant's permission. Information retained by the ombudsperson is kept secure. However, with the verbal or written permission of the complainant, such information may be carried forward by the ombudsperson.

If a complainant reports a serious problem but is unwilling to be part of any steps taken to address it, an ombudsperson tries to find a way to address the problem that is acceptable to the complainant, or that does not compromise the identity of the complainant.

However, if an individual speaks about intending serious harm to himself or herself or others, or if the complainant confesses to serious misconduct or a crime, an ombudsperson must use personal discretion in determining whether or not this information is carried forward. Discretion is likewise required in regard to matters governed by state and federal law.

An ombudsperson is guided by a concern for and commitment to justice. Justice requires that individual interests be carefully balanced with the consideration of the good of the larger academic community. An ombudsperson's commitment to justice includes the understanding of power, identification of the use and misuse of power and authority, and recognition of the need for access to power by the members of the institution.

Other concerns also govern an ombudsperson's conduct. While it is the parties who are responsible for choosing a particular resolution, the ombudsperson attempts to guide them toward options that are fair, conform with institutional policy, and give clear indication of being in their best interest. An ombudsperson remembers, and at all time protects, the right to privacy of all parties, including the alleged offenders. An ombudsperson generally does not act on third-party complaints.

An ombudsperson has a responsibility to maintain and improve professional skills, to assist in the development of new practitioners, and to promote impartial dispute resolution in the institution.

ETHICAL PRINCIPLES FOR UNIVERSITY AND COLLEGE OMBUDSPERSONS

An ombudsman is guided by the following principles: objectivity, independence, impartiality, confidentiality and justice. Justice is the

An ombudsman must be seen and investigated impartially and objectively. Objectivity includes impartial attention to all available perspectives on an issue and may be met by not being biased or prejudiced.

An ombudsman acts as independently as possible of all other offices and avoids conflict of interest, external control and other the reality or appearance of bias or conflict.

An ombudsman is readily accessible to all members of the community, provides timely advice and assistance and works within the limits of his or her authority and resources.

An ombudsman works with confidentiality and without bias. He or she will not act in a way that could be seen as prejudicial to any party. Information received by the ombudsman is kept confidential, with the exception of information that is required to be reported to the appropriate authorities.

If a complainant reports a serious problem but is unwilling to be part of any action taken to address it, an ombudsman tries to find a way to address the problem that is consistent with the complaint, or that does not compromise the integrity of the complaint.

However, if an individual reports a problem and asks for assistance or advice, or if the complaint involves a serious violation of a policy, an ombudsman must use personal discretion in determining whether to act. In such instances the ombudsman is guided by the following principles: the best interests of the community, the need for justice and the need for a fair and equitable process.

An ombudsman is guided by a concern for and sensitivity to justice. Justice requires that individual interests be carefully balanced with the interests of the community. The goal of the ombudsman is to ensure that the interests of the community are protected and that the interests of the individual are also protected. The ombudsman is guided by the following principles: the need for justice, the need for a fair and equitable process, and the need for confidentiality.

Other concerns that govern an ombudsman's conduct include the need for confidentiality, the need for a fair and equitable process, and the need for justice. The ombudsman is guided by the following principles: the need for justice, the need for a fair and equitable process, and the need for confidentiality.

An ombudsman has a responsibility to maintain and improve his or her skills to assist in the development of new procedures, and to provide impartial dispute resolution in the institution.

Article I

Faculty and Administration

APPENDIX B

Sample Charters and Position Descriptions

(A) The qualifications for the office shall include a comprehensive knowledge of university organization and procedures, and a minimum of five years of administrative experience in a university setting. The incumbent shall serve for a three-year term and be eligible for reappointment.

(B) The functions of the ombudsman shall be: to receive and attempt to resolve individual grievances of members of the university community; and to recommend professional changes within the university in response to experience acquired in investigating individual cases. The ombudsman shall have access to all administrative officials of the university and to all university records, including those of faculty members; will not have authority to take disciplinary action, reverse decisions, or circumvent existing university rules and procedures; shall supplement, not replace, other means for redress of grievances.

(C) The ombudsman shall make periodic reports to the university community at large.

(Approved by the Board of Trustees, 1970)

APPENDIX D

Sample Characters and Position Descriptions

Example 1

Faculty Rule 3335-3-16 Ombudsperson

(A) The ombudsperson shall be appointed by the president with the approval of the board of trustees, from among a panel of three candidates presented by an ad hoc search committee composed of twelve members as follows:

- Two faculty members, selected by the faculty council
- Two undergraduate students, selected by the student assembly
- Two graduate students, selected by the council of graduate students
- Two professional students, selected by the professional student government
- Two alumni, selected by the alumni association, and
- Two non-teaching staff, appointed by the president of the university

(B) Qualifications for the office shall include a comprehensive knowledge of university organization and procedures, and a resident appointment at the university for at least six consecutive years. The ombudsperson shall serve for a three-year term and be eligible for reappointment.

(C) The functions of the ombudsperson shall be: to receive and attempt to resolve individual grievances of members of the university community; and to recommend procedural changes within the university in response to experience acquired in investigating individual cases. The ombudsperson shall have access to all administrative officials of the university and to all university records, including those of faculty members; will not have authority to take disciplinary action, reverse decisions, or circumvent existing university rules and procedures; shall supplement, not replace, other means for redress of grievances.

(D) The ombudsperson shall make periodic reports to the university community at large.

(Approved by the Board of Trustees, 1970)

Example 2**Office of the Ombudsman**

7.1 The Office of the Ombudsman: The President shall appoint a senior faculty member with the title of Ombudsman. The Ombudsman shall respect the sensitive and confidential nature of the position and the privacy of all persons soliciting assistance from the Office of the Ombudsman, thereby protecting them against retribution. The Ombudsman's functions shall include the following charges:

7.1.1 The Ombudsman shall establish simple, orderly procedures for receiving requests, complaints, and grievances of students.

7.1.2 The Ombudsman shall assist students in accomplishing the expeditious settlement of their problems and may advise a student that the student's request, complaint, or grievance lacks merit, or that the student should seek a remedy before another duly-constituted body or officer of the university; or the Ombudsman may deem it appropriate to assist the student in obtaining an informal settlement of the student's problem.

7.1.3 The Ombudsman shall have broad investigatory powers and direct and ready access to all University officials from the President down.

7.1.4 When necessary, the Ombudsman shall report directly to the President valid complaints for which no remedy has been found. The Ombudsman shall also report any recommendations regarding such complaints.

7.1.5 The Ombudsman shall make periodic reports to the President regarding the operation of the Office of the Ombudsman.

Example 3**The Role of the Ombudsperson at the University**

1993, January

The ombudsperson is appointed by the President of the university to assure fundamental fairness to every member of the university community.

The ombudsperson is authorized to investigate, to recommend, and to make reports. She/he does not have the authority to reverse or revise decisions made or actions taken by the designated officers of the university. Her/his power shall be the power of reasoned persuasion.

The ombudsperson shall:

- * act as a source of information and assistance to all members of the university community regarding rules, regulations, and procedures, both academic and non-academic
- * receive complaints from students, faculty, and staff of situations of perceived unfairness
- * bring complaints to the attention of the appropriate university agency.
- * investigate complaints which have already been heard when the individual concerned still feels aggrieved, and try to resolve the difficulty between the individual and the university agency involved. This may sometimes result in the ombudsperson telling a complainant that the complaint lacks merit.
- * recommend to the President redress when the ombudsperson believes that an individual has been unfairly treated and when the ombudsperson has not been able to resolve the matter her/himself.
- * recommend to the President and other university officers such changes in rules, regulations, and procedures as are necessary to achieve fair treatment

Example 4The Office of the Ombudsman

The Office of the Ombudsman is not intended to replace the normal channels of administrative process. It is an exceptional procedure, to be used only when the normal channels do not adequately respond.

a. The areas of responsibility of the Ombudsman are:

i. Equity - to help individuals in specific cases to seek just and equitable treatment;

ii. Critical Review - to help administrative functionaries (whether connected with student government organizations or with the officers of the Faculty or the administration) to improve their processes and procedures, not only to correct a particular inequity or injustice, but also to prevent its recurrence; and

iii. Recommendation and Report - to recommend such changes in procedure and practice as may be appropriate, and to make final, public reports on his actions.

b. The methods appropriate to the Ombudsman will be those which are appropriate to the foregoing functions:

i. As to Equity, the Ombudsman will

a) afford full opportunity for the presentation, in confidence, of any complaint or grievance, from any student or any member of the Faculty or the staff alleging unfairness, inequity, discourtesy, undue delay, or other malfunctioning in the process of the College;

b) investigate, in confidence, to determine the degree of validity of the complaint;

c) mediate or otherwise resolve the problem, arriving, in confidence, at what appears to be a just resolution (including the dismissal of the complaint or recommendation of action based on the verified complaint); and

d) report the disposition of the specific case directly to the Office of the President.

Notwithstanding the foregoing, in all cases of alleged inequity, injustice, or malfunction, the Ombudsman will not be expected to concern himself with the normal operations of grievance process or disciplinary procedures which are established by the Board of Higher Education or by appropriate College bodies and authorities, except that he may, on the sole basis of his own judgment, inquire into possible or alleged unfairness or inequity resulting from possible bias or malfunction in any of these proceedings, and make confidential reports thereon to the Office of the President.

ii. As to critical review, the Ombudsman will

(a) be receptive to all suggestions, comments and criticisms regarding the general functioning of College processes and procedures (as distinguished from individual grievances or complaints of inequity);

(b) make appropriate inquiries;

(c) make recommendations, in confidence, to the administrative officer who heads the particular unit involved; and

(d) report to the Office of the President as to the disposition of such recommendations.

iii. As to recommendations, the Ombudsman will, in addition to any recommendations submitted in connection with the foregoing functions, from time to time and annually, make such reports and recommendations as he deems wise, directly to the Office of the President, with such substantiation as may be appropriate.

The primary task of the Ombudsman is to serve as a confidential investigator in any specific case of alleged inequity, unfairness or maladministration, and therein to be the impartial spokesman, both to the person or persons making the complaint and to the person(s) against whose performance the allegation is brought. The ombudsman is to have access to all relevant facts in the case. He is to enjoy the complete cooperation of the individual officer(s) of instruction or administration against whom complaints have been brought. He is to receive cooperation from any complainant. He is to carry out his work in privacy and with full respect for the rights and immunity of all parties.

Having completed his inquiries, he will make such disposition of each case, as, in his sole judgment, is best. He may dismiss the charges as being without foundation or merit. He may recommend corrective action to achieve justice or equity in the particular case. He will determine the question of equity and fairness not on the basis of opinion or bias or preference, but on the basis of whether or not the rules, guidelines, and other governing statutes have been followed honestly and fairly, and without undue delay. If he finds a particular rule or regulation or statute is itself unfair or makes for inequity, he may convey that finding to the Office of the President, but he may not at the same time make a finding against an individual who has faithfully adhered to the guidelines then governing the case.

His secondary, but no less important task is to make recommendations which seem appropriate to him for changes in the rules, practices, procedures and regulations by which administrative functionaries of the student body, Faculty or administration are guided.

Thirdly, he may recommend changes in procedures and practices which do not involve changes in the rules, regulations, guidelines and statutes.

In arriving at any of the foregoing recommendations, he will consult carefully and fully with the particular officers and offices involved, keeping the President informed of progress.

In addition, should the Ombudsman arrive at conclusions which are critical of the operations and practices of the Office of the President, or Presidential disposition of specific cases duly reported by the Ombudsman to the President, he will so inform the President; and if there is no resolution of the problem which is satisfactory to him, the Ombudsman may take the matter directly to the Board of Higher Education, informing the President as he does so.

The powers of the Ombudsman include:

- a) access to all records pertinent to any allegation of inequity or injustice or other grievance coming under his jurisdiction;
- b) the right to inquire of any officer of instruction or of administration, or of any member of the clerical and custodial staffs, or of any student, in connection with his proper inquiries, and to receive full and complete answers;

c) the right to mediate or otherwise arrive at a compromise or to arrive at his own proposal for solution of the problem at hand;

d) the right to present his recommendations for solution to the parties involved and to report such recommendations to the supervisory officers of the person(s) involved and to the President; and, having completed the foregoing processes, in confidence;

e) the right to make final public report in the matter.

The Office of the Ombudsman shall be headed by a member of the tenured Faculty, elected by the Faculty each year, at the same time as the election for the Faculty Senate. The electorate shall be the same as for the Faculty Senate. Nominations shall be by petition of at least twenty-five signatures, and there shall be at least two candidates. Failing this, the Faculty Senate shall nominate a sufficient number. A reduced teaching schedule should be afforded for the Ombudsman.

In the Office of the Ombudsman there shall also be a student, preferably one who is in his final year as an undergraduate, elected at the same time as the election for the Undergraduate Senate. The electorate shall be the same as for the Undergraduate Senate. Nominations shall be by petition of at least twenty-five signatures, and there shall be at least two candidates. Failing this, the Undergraduate Senate shall nominate a sufficient number. The Student Ombudsman will perform his duties in consultation with the Faculty Ombudsman when desirable.

Example 5**University Constitution and Bylaws****ARTICLE 18: Grievance Procedures for Students and Other Members
of the University Community**

18.1 The Ombudsman

The ombudsman is a resource person whose services are available to any member of the university community. Duties of the ombudsman include the following:

Assist members of the university community in accomplishing the expeditious settlement of administrative, academic, and individual complaints or grievances;

Make reports and recommendations to the president concerning complaints and grievances for which no remedy has been found;

Report annually to the University Council regarding the operation of the ombudsman's office.

18.2 Access to Documents

Whenever necessary to the resolution of specific complaints or grievances, the ombudsman shall have access to all members of the university community and all university records and reports with the exception of medical, psychiatric, and psychological records which will be released only upon presentation of a notarized waiver signed by the individual whose records are requested.

18.3

18.31 Appointment

The president shall appoint a person to fill the position of ombudsman from among a list of acceptable candidates submitted to the president by the Ombudsman Review/Search Committee.

18.32 Term of Office

The ombudsman shall serve a term of three years, beginning on that incumbent's first day of service in office. The ombudsman shall be eligible for reappointment to a second term of two years only if a second term is recommended by the ombudsman Review/Search Committee and is acceptable to the president. No ombudsman shall be eligible for appointment to a third term.

18.33 Responsibility

The ombudsman shall be responsible to the president for the discharge of the duties of the office.

18.4 The Ombudsman Review/Search Committee

18.41 Establishment

The University Council shall establish an Ombudsman Review/Search Committee when a vacancy in the office is announced and during the fall semester of the last year of an incumbent ombudsman's term of office. The committee shall continue until it has completed its assigned task.

18.42 Composition

The Ombudsman Review/Search Committee shall consist of:

- (A) Three undergraduate students and two graduate students appointed by the Student Association;
- (B) Two faculty members appointed by the University Faculty Assembly;
- (C) One member of the supportive professional staff appointed by the Supportive Professional Staff Council;
- (D) One member of the operating staff appointed by the Operating Staff Council;
- (E) A representative of the university administration appointed by the president

18.43 Officers

Committee Chair: The committee shall select its chair from among the faculty members of the committee.

Secretary: The representative of the university administration shall serve ex officio as secretary to the committee.

18.44 Voting Power

All members of the committee, including the chair, shall the right to participate in all deliberations of the committee and to vote on all questions brought before the committee.

18.45 Duties

18.451 Review of Performance

During the last year of an incumbent ombudsman's first term of office, the committee shall determine whether the ombudsman wishes to be considered for appointment to a second term,

(A) When the ombudsman wishes to be considered for a second term, the committee shall conduct a review of the ombudsman's performance in office, using the operative job description for the office as a guide. The committee shall provide appropriate opportunities for input from members of the university community. Upon conclusion of its review, the committee shall make a recommendation regarding reappointment to the president. A recommendation for reappointment shall require a vote of three-fifths of the membership of the committee,

(B) When the ombudsman does not wish to be considered for a second term, when the committee fails to pass a recommendation for a second term by the required three-fifths majority of its

membership, or when the president decides not to reappoint the ombudsman to a second term, the committee shall initiate a search to fill the office upon the expiration of the ombudsman's term of office.

18.452 Recruitment

When the office of ombudsman is vacant, or when a vacancy is anticipated under section 18.451(B), the Ombudsman Review/Search Committee shall undertake a search for candidates for the office.

(A) The committee shall develop a job description for the position and criteria for the selection of candidates

(B) The committee shall conduct a national search for candidates, complying fully in the process with affirmative action guidelines and procedures

(C) The committee shall insure that the constituencies served by the ombudsman have the opportunity to interview the candidates and provide feedback to the committee regarding the acceptability of the candidates

(D) The committee shall present a list of acceptable candidates, ranked in order of preference if the committee so chooses, to the president.

18.46 Resources

The president shall provide the Ombudsman Review/Search Committee with appropriate financial, secretarial, and office resources to fulfill its responsibilities.

Example 6**Ombuds Office Terms of Reference**

THE ROLE OF THE OMBUDS OFFICE

The mandate of the Ombuds Office includes the right of inquiry into the application of any policy, rule or procedure except those covered by a Collective Agreement with a certified bargaining unit. The functions of the Ombudspersons are:

a. To inquire into University-related grievances or complaints at the request of a member of the University or any person seeking to become a member, in circumstances directly affecting the application to become a member.

b. To inquire on their own initiative, if they collectively see fit, into a matter that has not been the subject of a specific grievance or complaint.

c. To bring their findings to the attention of those in authority and to make whatever recommendations they judge appropriate, and to whomever within the University they feel should receive them. Recommendations of the Ombudspersons may bear either on the actions or decisions of an individual or a group, or on the policies, rules and procedures which gave rise to them.

d. To bring to the attention of those in authority any policies, rules or procedures which appear unclear or inequitable or which might jeopardize the rights or freedoms of any member of the University.

They may suggest changes to the existing policies, rules or procedures or offer advice on the development of new regulations; however, the Ombudspersons have no actual authority in regard to any policy, rule or procedure.

e. To advise members of the University community of their rights and responsibilities, and of the procedures available to pursue whatever concern or complaint they may have.

CONCERNS OF THE OMBUDS OFFICE

In dealing with inquiries, the Ombudspersons shall be concerned that all members of the University are dealt with and deal with others fairly; more specifically, that:

a. decisions of members of the University are made fairly and with reasonable promptness;

b. procedures used to reach decisions are adequate and the criteria and rules upon which such decisions are based are appropriate;

c. procedures and criteria used in making decisions are clearly communicated to those affected.

APPOINTMENT TO THE OMBUDS OFFICE

There shall be one full-time and two part-time Ombudspersons. They shall be appointed by the Rector, acting on the recommendations of the Supervisory Board, Code of Conduct (Non-Academic).

The full-time Ombudsperson shall be appointed initially for a period of two years followed, upon recommendation of the Supervisory Board, by further terms of five years. During the fourth year of each term, the Supervisory Board, shall appoint an appraiser, external to the University, who shall review the operations of the Ombuds Office and make recommendations to the Supervisory Board.

Part-time Ombudspersons shall be appointed for two years, renewable upon the recommendation of the supervisory Board.

The part-time Ombudspersons:

- a) shall already be in the employ of the University; and
- b) shall be partially released from their other duties or be appropriately compensated

PROCEDURES OF THE OMBUDS OFFICE

The Ombudspersons shall have immediate access to all University records, reports or documents other than those which cannot be released for reasons of confidentiality. Ombudspersons may appeal the decision of an officer of the University with regard to confidentiality to the Rector, unless the Rector is the official in question, in which case the appeal shall be made to the Board of Governors.

On the conclusion of an inquiry, the Ombudspersons shall advise the parties to a complaint of their findings and any recommendations.

They may refuse to take up any case where they judge their intervention would be inappropriate, and may withdraw from a case if continued involvement seems ill-advised.

If an Ombudsperson refuses to take up a case or withdraws from a case, he or she shall, on request, provide the applicant with a written statement of the reasons.

Members of the Ombuds Office are free to decide who among them shall deal with any particular inquiry of case, and whether to deal with a case individually or jointly.

Ombudspersons shall avoid involvement in cases where there may be conflict of interest.

CONFIDENTIALITY

Ombudspersons shall respect the confidentiality of all applicants and consequent inquiries of recommendations.

Should the pursuit of an inquiry necessitate the disclosure of details that identify an applicant, the applicant shall be informed. Any disclosure shall be limited to those who have a need to know.

Should an applicant decide to withdraw an application in order to protect his or her anonymity, the Ombudspersons shall respect this decision.

Ombudspersons shall respect the confidentiality of all applicants and consequent inquiries or recommendations.

Should the pursuit of an inquiry necessitate the disclosure of details that identify an applicant, the applicant shall be informed. Any disclosure shall be limited to those who have a need to know.

The Ombudspersons shall respect the confidentiality of any confidential information or materials to which they have access.

Should the Ombuds Office consider that the response to its recommendations has been unsatisfactory, it is entitled to make its recommendations public, provided always that the confidentiality of the applicants is respected.

ANNUAL REPORT

By September 15, the Ombuds Office shall present to the community a report covering the nature and extent of the Office's operations during the preceding academic year.

Example 7**MEMORANDUM OF AGREEMENT BETWEEN THE UNIVERSITY AND THE STUDENTS' ASSOCIATION PERTAINING TO THE OFFICE OF OMBUDSMAN**1) Preamble

a) The parties to this agreement are the University and the University Students' Association, Inc.

b) The purpose of the Agreement is to provide students of the University with a mechanism, which is independent of the administration, executive, and legislative organs of the Parties, to assist students in the resolution of misunderstandings, disputes, and conflicts, which may arise from time to time between a student and one or both of the Parties, and to provide such information services as may be deemed appropriate from time to time to persons at the University about the processes of redress available at the University and in the community at large.

c) The parties agree to make all information available to the Ombudsman about a student subject to:

- Permission having been given to the Ombudsman by the student concerned that the Ombudsman should have access to this information;
- the law governing privileged information;
- such policies, rules and regulations enacted by the Parties about the confidentiality of information;

and should any information be withheld by officers or agents of the Parties, the Chief Executive Officer of the party from which the information is requested shall give reasons in writing to the Ombudsman as to why any information is withheld; and further, it is the intent of the Parties to make all available information required for the performance of the duties of the Ombudsman easily and readily available to the Ombudsman.

d) The Parties agree to direct their officers, agents, employees, councils and committees to render all possible assistance to the Ombudsman in the performance of the duties of that office.

e) The Parties agree to establish as their agents for the management and administration of the operation of the Office of Ombudsman, a Co-ordinating Committee, whose Terms of Reference shall be those which are described in Section 2 following.

2) Terms of Reference of Co-ordinating Committee

The Co-ordinating Committee shall:

a) select, appoint, and dismiss, subject to the ratification by the Parties, the Ombudsman;

b) set annually the compensation for the position of Ombudsman subject to ratification by the Parties;

c) upon the recommendation of the Ombudsman, appoint and dismiss all other employees of the Office and to set compensation for such employees subject to ratification of the Parties;

d) set annually the budget by the first day of March in each year for the Office subject to the conditions outlined in Section 6 following;

e) receive from the Ombudsman an annual report by December 31 in each year about the activities of the Office, and the Co-ordinating

Committee shall make any recommendations it deems necessary to the Parties to maintain or improve the effectiveness of the Office pursuant to the terms of the Agreement;

f) advise the Ombudsman in the foundation of the basic procedures of the Office in accordance with the following principles:

- i) The Ombudsman shall be easily accessible and readily available to the students of the University;
- ii) Such procedures as may be developed shall stress informality and openness;
- iii) The functions of the Ombudsman shall be effected with all due speed.

3) Composition of the Co-ordinating Committee

The Committee shall be composed of:

- a) Two persons chosen by the University Students' Association, Inc., for one-year terms commencing on the first day of May, and such terms may be renewed at the sole discretion of the Association;
- b) one person appointed by the president of the University for a two-year term commencing on the first day of May, and such term may be renewed at the sole discretion of the President;
- c) one person appointed by the Senate of the University for a two-year term commencing on the first day of May; and such term may be renewed at the sole discretion of the Senate;
- d) and in the event of resignation or incapacity of a member, the appointing authority for such a member may, at his sole discretion, declare that position on the Committee vacant and appoint a replacement for the remainder of the term.

The Committee shall, prior to the first day of May in each year, from its members, select one to be Chairman who will take office on the first day of May of that year, and vacate that office on the thirtieth day of April of the following year, and should that be declared vacant, the Committee shall, from its members, appoint another to be Chairman for the remainder of the term, and any such terms for Chairman may be renewable.

The Ombudsman shall be a non-voting Secretary of the Committee, and shall be present at all meetings of the Committee, save and except when asked to withdraw by the Committee when the person or Office of Ombudsman is the subject of discussion or decision of the Committee.

The quorum of the Committee shall be: the Chairman, two members and the Secretary.

4) Appointment of the Ombudsman

- a) Subject to ratification by the Parties, the Committee shall set the salary and related benefits in the first year, and each subsequent year thereafter;
- b) Such appointment shall be for a term of five years. Should the Parties agree not to renew the term of the Ombudsman upon expiration of a term, the incumbent shall be eligible to receive a severance payment calculated at the rate of one month's salary for every two years of service as Ombudsman, to a maximum of six months' salary;

c) There shall be a probationary period for new appointees of one year (may be extended to two years);

d) There shall be a formal annual review of the incumbent's performance on the occasion of the annual report and budget presentation by the Ombudsman. He/she shall not be present at the time of the performance review; however, the results of same will be communicated to him/her both orally and in writing by the Committee;

e) The Ombudsman may only be discharged from office for just cause by the Committee, but such action shall be subject to ratification by the Parties.

5) Duties, Responsibilities and Authority of the Ombudsman

The duties, responsibilities and authority of the Ombudsman:

a) The Ombudsman shall receive, investigate and seek to resolve complaints and grievances from the students of the University about matters which are under jurisdiction of the Parties.

b) The Ombudsman may make recommendations regarding a complaint or grievance to the appropriate officials of one of the parties and if such recommendation is not acted upon to the satisfaction of the Ombudsman, the Ombudsman may report to a higher authority of the appropriate Party.

c) The Ombudsman shall have the right, power and authority to carry out the function of the Office with respect to any person, council, committee or organization that is subject to the authority of the Parties.

d) The Ombudsman shall not have a judicial function, that is, will not make binding decisions on any case.

e) The Ombudsman shall have the right to refuse or discontinue work on any case which the Ombudsman is of the opinion is not worthy of investigation where such complaint is frivolous, vexatious, not brought in good faith, or is an abuse of the Ombudsman's functions.

f) The Ombudsman shall keep complete records of all actions of the Office, for the purpose of recording precedents, making reports and analyzing the types of complaints. All case files, however, shall be kept confidential and are for the use of the staff of the Ombudsman's Office only.

g) The Ombudsman shall be responsible for the establishment, maintenance and implementation of the office subject to the provision of 2(f) above,

h) The Ombudsman shall have access to whatever information is held by the Parties about a student who has registered a complaint or a grievance with the Ombudsman, in accordance with 1(c) above.

i) The Ombudsman may, in the light of complaints or grievances received, make recommendations to the appropriate authorities of the Parties for changes in procedures.

j) The Ombudsman shall prepare an annual report on or before the thirty-first of December in each year to be submitted to the Committee by the thirty-first of December in each year. The report shall outline the activities of the Office and include an analysis of the number of types of enquiries and complaints received and resolved, and may also make recommendations for action by appropriate authorities of the Parties.

k) The Ombudsman shall devote full time attention to the Office and not hold or maintain any other offices or engage in any other occupation which would interfere with the performance of the duties of the Office.

l) The Ombudsman shall not be a voting member of any committee, hiring board or council within the University community, but may by invitation be a non-voting member if this does not interfere with the independence of the Office.

m) The Ombudsman is responsible for the supervision of the staff and the administration of the Office.

n) Subject to the will of the Committee, the Ombudsman may assist students and any other person subject to the authority of the Parties by making them aware of the avenues open to them and services available to them if they have a complaint about off-campus situations and further, may assist them if practicable with such complaints.

6) Financial Arrangements

It is the intent of the Parties to share the costs of the operations equally. In each year prior to the first day of April, the Committee shall submit a detailed budget for the operation to the Parties. The Parties shall meet and decide the total allocation for the operation. In the calculation of each of the Parties' contribution, a mutually agreeable allowance shall be established for the provision of space, furniture and equipment which shall be credited as part of the contribution of the appropriate Party. In the event that by May 1 of each year the Parties cannot agree to the allocation for the fiscal year commencing May 1, the operation shall be terminated and each Party shall be equally responsible for any continuing liability of the operation.

During each fiscal year (being May 1 to April 30 following), the Ombudsman shall be responsible to the Committee to ensure that all expenditures are within the budgeted allocation for each category of expenditure. The Committee, on recommendation of the Ombudsman, may transfer amounts amongst these categories of expenditures providing that such transfers do not cause the total budget to be over-expended.

The University shall provide payroll, benefit and accounting services to the operation. The University shall be fully reimbursed for all such expenses. Should the condition arise that during the course of the fiscal year, due to changes in the University benefit plans, an increase in the benefit costs of the operations is forced, then each of the Parties shall be required to contribute half of the increase for the remainder of that fiscal year.

SAMPLE POSITION DESCRIPTION

The ombudsman shall be an individual who is authorized to investigate, to recommend, and if necessary, to make public reports. He/she shall not have the power to reverse decisions made or actions taken by the normally constituted authorities of the university. His/hers shall be the power of reasoned persuasion.

FUNCTIONS OF THE OMBUDSMAN

1. To assist all members of the university community - students, faculty, administrative, civil servants - in accomplishing the expeditious settlement of their problems; the ombudsman may advise a person that the complaint, request or grievance lacks merit or that the person should seek remedy before another duly constituted body or office of the university; or may assist the person in an informal capacity. (Note: The University Council has also established the position of Faculty Personnel Advisor to assist faculty with problems in the personnel process of the university.)
2. To establish simple, orderly procedures for receiving administrative, academic and individual complaints and grievances in the university community.
3. To have access, in the performance of the ombudsman duties, to all members of the university community and all university records and reports (with the exception of medical psychiatric and psychological records which will be released only upon presentation of a notarized waiver signed by the individual whose records are requested.)
4. To report directly, when the ombudsman deems it necessary, to the president valid complaints for which no remedy has been found; to also report any recommendations he/she wishes to make regarding such complaints.
5. To administer the operation of the office, including the activities and workload of the secretary (and the assistant).
6. To make regular reports to the university community regarding the operation of the ombudsman office. Reports should carefully distinguish between contacts referred elsewhere and contacts formally assisted by the Ombudsman, with information provided as to the kinds of assistance offered. These reports shall be made to the University Council.
7. To become interested, in the performance of duties, in a broad spectrum of university problems and issues.

MINIMUM QUALIFICATIONS OF THE OMBUDSMAN

In addition to other qualifications/criteria established by the Ombudsman Review/Search Committee, the individual must: have knowledge of how a university functions; be able to deal successfully with a wide variety of people; maintain client confidentiality; possess arbitration, mediation and communication

skills; and have an earned bachelor's degree (master's degree is preferred).

THE STAFF OF THE OMBUDSMAN

The Office of the University Ombudsman shall include an ombudsman and a secretary, both full-time. An assistant to the ombudsman may be appointed at any time.

THE TERMS OF OFFICE OF THE OMBUDSMAN

The University Ombudsman shall serve for an initial term of 36 months and shall be eligible for reappointment to one additional and final term of 24 months.

THE REVIEW/SEARCH OF THE OMBUDSMAN

The search for the University Ombudsman shall be conducted by the Ombudsman Review/Search Committee. (For composition, duties and procedures refer to Committees of the University, section II, Ombudsman Review/Search Committee.)

ASSISTANT TO THE OMBUDSMAN

The Ombudsman may, at his/her discretion, employ an Assistant to the Ombudsman. Such an assistant shall be employed under normal employment guidelines and shall be selected by the Ombudsman following advertisements of the position in the local media. The individual selected to fill the position of Assistant to the Ombudsman shall require the approval of the president of the university and the University Council.

OMBUDSMAN NEED REVIEW

Every four years during the fall semester, in those years in multiples of four (but not during a review/search year), the University Council shall review the question of the continuing need for the Office of Ombudsman. In reaching the decision regarding retention of the office, the Council shall give strong consideration to the recommendations of the Student Association, the Faculty Assembly, the Operating Staff Council and the Supportive Professional Staff Council.

Case Number _____

Date _____

UNEMPLOYMENT SERVICES

Name **APPENDIX C**

Address _____

City _____ State _____ Zip _____

Telephone _____

Miscellaneous Office Forms

Other _____

Name _____

Other _____

- 1. Title
- 2. Social Security Number
- 3. Date of Birth
- 4. Marital Status
- 5. Education
- 6. Employment History
- 7. Other

Other _____

1. _____ 2. _____ 3. _____ 4. _____

5. _____ 6. _____ 7. _____ 8. _____

9. _____ 10. _____ 11. _____ 12. _____

13. _____

Other _____

Date Referred to _____

The Office of the Secretary of the University of California, Berkeley, California, is pleased to announce the following information:

ANNOUNCEMENT OF THE BOARD OF REGENTS

The Office of the Secretary of the University of California, Berkeley, California, is pleased to announce the following information:

ANNOUNCEMENT OF THE BOARD OF REGENTS

The Office of the Secretary of the University of California, Berkeley, California, is pleased to announce the following information:

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ANNOUNCEMENT OF THE BOARD OF REGENTS

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ANNOUNCEMENT OF THE BOARD OF REGENTS

The Office of the Secretary of the University of California, Berkeley, California, is pleased to announce the following information:

Sample case form (side A)

Case Number: ___-___-___

Date: ___/___/___

UNIVERSITY OMBUDSERVICES

Name _____

Address _____

_____ City _____ State _____ Zip _____

May we mail materials to this address? Y N May we mail an office evaluation form to you? Y N

Telephone Home: _____ May we call you at this number? Y N

Office: _____ May we call you at this number? Y N

Gender Female Male

Client Race (Please circle one)

- 1 White
- 2 African American or person with Black racial group origins
- 3 Asian American, Asian or Pacific Islander (including subcontinent of India)
- 4 Hispanic
- 5 American Indian/Alaskan Native
- 6 International
- 7 Unknown

University Status (Please circle one)

- 01 Freshman 02 Sophomore 03 Junior 04 Senior
- 05 Graduate Student 06 Professional Student 07 Continuing Ed. 08 Faculty
- 09 Staff 10 Alumni 11 Family 12 Group
- 13 Other: _____

Social Security No.: _____ - _____ - _____ (Optional, needed for academic or financial problem)

Case Referred to: _____ Appt. date/time: _____

CASE #:

NAME:

CASE CARD CRIB SHEET

INTAKE INFORMATION (To be completed before submitting for initial data entry)

Open Date: Date case was opened by Ombudservices (Intake date).

Race: 1= White
 2= African American or person with Black racial group origins
 3= Asian American, Asian or Pacific Islander (including those from subcontinent of India)
 4= Hispanic
 5= American Indian/Alaskan Native
 6= International
 7= Unknown

Contact Mode: T= telephone contact W= walk-in contact
 A= appointment C= Correspondence

Alleged Department: 4 digit department codes to represent department alleged to have been involved in the case.

- Enter 0000 if no office is identified but client has general malaise with University
- Enter 9999 if no office is identified and we are offering general campus information.

Category Code: 2 digit code that identifies type of problem.

Time of First Contact: Total number of minutes spent with client during first contact.

CASE COMPLETION INFORMATION (To be completed after case is complete)

Case Resolution: Textual description of case status.

Discrimination Alleged (as part of or all of the case):

1= None Alleged	2= Race	3= Gender
4= Sexual Orientation	5= National Origin	6= Age (Forty plus)
7= Handicap	8= Vietnam-era veteran	

Number of Client Contacts: Total number of all client contacts (calls, appointments, memos, letters, etc.)

Number of Third party (contacts): Total number of all third party contacts (calls, appointments, memos, letters)

Number of Phone Calls: Total number of all calls made for this case.

Hours Spent of Case: Total time spent on case. Estimate in six minute increments.

Problem Description: 2 digit code that describes the dilemma.

Close Date: Date case was closed.

Category and Problem Codes

<u>Category Code</u>	<u>Problem Codes</u>
<u>Academic</u>	<u>Policy/Procedure:</u>
01 Academic Misconduct	01 Discriminatory
02 Advising	02 Malpractice
03 Admissions (Univ., School, program)	03 Misinterpreted
04 Course Management	04 Nonexistent
05 Examinations	05 Question
06 Faculty/Student relations	06 Conflict of interest
07 General Concerns- Academic	07 Consultation
08 Grades/Marks	08 Discrimination
09 Program Requirements	09 Error/Mistake
10 Records	10 Extenuating circumstances
11 Teaching Quality	11 Information
12 Withdrawals	12 Negative Environment
	13 Personal conflict
	14 Poor Service
	15 Unresponsive
<u>Non-academic</u>	
20 Affirmative action issues	
21 Athletic tickets	
22 Faculty Concerns	
23 Fees and Fines	
24 Financial aid	
25 General concerns- Non-academic	
26 Housing	
27 Intramural programs	
28 Misconduct- Non-academic	
29 Parking	
30 Physical facilities	
31 Promotion/Tenure	
32 Public safety	
33 Staff/Faculty employment	
34 Student employment	

0885	ATI- General Studies	2145	Dentistry, Oral Surgery
0892	ATI- Student Services	2180	Dentistry, Orthodontics
4200	Academic Affairs Admin.	2150	Dentistry, Pedodontics
1014	Accounting and MIS	2155	Dentistry, Periodontics
3941	Accounting, University	2160	Dentistry, Prosthodontics
3942	Accounts Payable	2130	Dentistry, Restorative
4506	Admissions	4890	Development
1405	Aero. and Astronautical Engr.	1141	Diary Science
3820	Affirmative Action Office	4570	Disability Services
1114	Ag. Econ. and Rural Sociology	5453	Drake Union
1123	Agricultural Engineering	0527	East Asian Languages and Lit.
1100	Agriculture Administration	0722	Economics
1118	Agriculture Education	1220	Educ. Policy and Leadership
1127	Agronomy	1200	Education Administration
4282	Air Force Aerospace Studies	1215	Education Theory and Practice
5477	Airport, University	1445	Electrical Engineering
2504	Allied Med Prof, School of	1400	Engineering Administration
4810	Alumni Information Service	1458	Engineering Graphics
1132	Animal Science	1460	Engineering Mechanics
0711	Anthropology	0537	English
5070	Architect, University	4233	English as a Second Language
1411	Architecture	0330	Entomology
0215	Art	5155	Equipment Repair, Office of
0225	Art Education	5052	Facilities Maintenance
0207	Art Gallery, Univ.	1501	Family Relation and Human Dev.
0200	Arts Administration	1503	Family Resource Management
4205	Arts and Sciences Admin.	1730	Family and Community Nursing
0614	Astronomy	5425	Fawcett Center
5414	Athletics	3943	Fees and Deposits
1415	Aviation	1035	Finance (College of Business)
0705	Behavioral Sciences	3900	Finance Administration, Univ.
0310	Biochemistry	3944	Financial Management, Univ.
0300	Biological Sciences	5082	Fire Safety
0326	Biology, General	1156	Food Science and Nutrition
0502	Black Studies	0340	Genetics
3500	Board of Trustees	0642	Geodestic Science and Survey.
5421	Bookstore	0733	Geography
0380	Botany	0656	Geology and Mineralogy
3920	Budget and Planning, Univ.	0547	German
5051	Building Services	3000	Graduate School Administration
1000	Business Admin, School of	5054	Grounds Maintenance
5000	Business Administration	1265	Health Phys. Ed. and Rec.
5552	COOP Ext- Field Operations	4210	Health Sciences Library
5501	COOP Ext- State Operations	4540	Health Service, University
5087	Campus Bus Operation	0557	History
3910	Campus Planning and Space Util	0235	History of Art
1420	Ceramic Engineering	4202	Honors Program, University
1425	Chemical Engineering	1163	Horticulture
0628	Chemistry	6000	Hospitals, University
4710	Child Care Program	1500	Human Ecology Administration
1412	City and Regional Planning	1504	Human Nutrition and Food Mgmt
1430	Civil Engineering	3800	Human Relations Administration
0509	Classics	0703	Human Resource Lab Center
4800	Communication and Development	1230	Human Services Education
4820	Communications Services	0500	Humanities Administration
0788	Communications, Dept. of	4220	IRCC
4815	Communications, University	0230	Industrial Design
4850	Community and Visitor Relation	1465	Industrial and Systems Engr.
0518	Comparative Studies	4232	International Affairs
1435	Computer and Info. Science	4235	International Studies
4251	Conferences and Institutes	4238	Intl. Student and Scholar Srvs
4252	Cont. Ed/ Credit Programs	0744	Journalism, School of
4250	Continuing Educ. Admin.	0554	Judaic and Near East Languages
3940	Controller, University	1053	Labor Education
4530	Counseling and Consultation	1413	Landscape Architecture
0241	Dance	0745	Lantern
2120	Dental Hygiene, Division of	5136	Laundry
2100	Dentistry Administration	2300	Law
2110	Dentistry, Community Dentistry	3200	Libraries, University
2125	Dentistry, Endodontics	1750	Life Span Process (Nursing)
2105	Dentistry, General Operations	0928	Lima Campus
2135	Dentistry, Oral Biology	0566	Linguistics

5030	Mailroom	5020	University Systems
1043	Management Science	2900	Veterinary Medicine Admin.
3944	Management Studies, Office of	3710	WOSU Stations
1039	Management and Human Resource	1495	Welding Engineering
0942	Mansfield Campus	0506	Women's Studies Center
0956	Marion Campus	0390	Zoology
1050	Marketing		
0600	Math and Phys. Scienc Admin.		
0671	Mathematics		
1470	Mechanical Engineering		
2500	Medicine Administration		
2501	Medicine, Basic Med. Sciences		
0290	Marshon Auditorium		
1477	Metallurgical Engineering		
0350	Microbiology		
2515	Microbiology and Immunology		
4280	Military Science		
1402	Mining Engineering		
4207	Minority Affairs		
0262	Music, School of		
1173	Natural Resources, School of		
4284	Naval Science		
0971	Newark Campus		
1700	Nursing Administration		
5600	OARDC		
5449	Ohio Union		
2706	Optometry		
4700	Personnel Services Admin.		
1800	Pharmacy		
0575	Philosophy		
0285	Photography and Cinema		
5050	Physical Facilities Admin.		
0684	Physics		
1178	Plant Pathology		
5085	Police, University		
0755	Political Science		
1187	Poultry Science		
3600	President, Office of		
5164	Print Shop		
5484	Property Management		
0766	Psychology		
1077	Public Admin., School of		
5080	Public Safety, University		
4840	Publications, University		
5035	Purchasing		
4560	Rec. and Intramural Activities		
5039	Receiving		
4507	Registrar, University		
5165	Reprographics		
4000	Research and Grad. Studies		
5200	Residence and Dining Halls		
0584	Romance Languages and Lit.		
0321	Sensory Biophysics, Division		
0593	Slavic and East. European Lang.		
1900	Social Work		
0700	Social and Behavior Sci. Admin		
0777	Sociology		
3620	Special Events		
0694	Statistics		
5118	Stores		
4500	Student Affairs Administration		
4580	Student Financial Aid		
4515	Student Life		
4501	Student Personnel Asst. Prog		
4241	Teaching Excellence, Center		
1505	Textiles and Clothing		
0280	Theatre		
5092	Traffic and Parking		
5191	Transportation		
3930	Treasurer		
5182	UNITS		
0100	University College Admin.		

Sample intake form (side A)

Office of the Ombudsman

CLIENT INFORMATION SHEET

In order to increase the efficiency and effectiveness with which our office reviews your case, please provide us with the following pertinent information. PLEASE BE ASSURED THAT THE INFORMATION AND COMMENTS YOU PROVIDE WILL BE KEPT ENTIRELY CONFIDENTIAL.

NAME: _____ PHONE: _____ DATE: _____

S.S.#: _____ ADDRESS: _____

STUDENT STATUS: Undergraduate _____ Graduate _____ Student-at-Large _____
Major Department _____

FACULTY STATUS: Dept. _____ Rank _____

STAFF STATUS: Dept. _____ Supervisor _____

How did you hear about the Office of the Ombudsman?

AUTHORIZATION FOR RECORD DISCLOSURE

I hereby authorize the Office of the Ombudsman to access any medical, academic, financial, personnel, or other University records and documents related to the issues associated with my case. This information will be used solely by this office, and accessed only if pertinent to the expeditious settlement of the case.

Client Signature

PLEASE DESCRIBE BRIEFLY THE NATURE OF YOUR CONCERN - Include names of persons involved, pertinent dates, any action you have taken in trying to resolve this matter, and the result of that action. (Use back of page if necessary.)

Sample intake form (side B)

ISSUES - (please circle all that are appropriate)

Financial Concerns:

tuition, fees, fines, refunds, financial aid, encumbrances, emergency loans, evictions, leases, insurance, other: _____

Student Academic Status:

admission, reinstatement, registration, program admission, academic probation/dismissal, degree/graduation requirements, certification, class permits, closed classes, add/drop, incompletes, withdrawals, program dismissal, repeat courses, class scheduling, credit transfer, pass/fail, transcripts, comprehensive exams, thesis/dissertation, other: _____

Student Conduct:

academic misconduct, harassment, theft, battery, assault, racial harassment, sexual harassment, residence hall misconduct, roommate disputes, judicial system, due process concerns, other: _____

Classroom Instruction:

quality of instruction, teacher fluency, grading standards, course syllabus, absences, grade appeals, discriminatory grading, personality conflicts, faculty office hours, other: _____

Faculty/Staff Performance:

attitude, intimidation, derogatory comments, rudeness, harassment, sexual harassment, discrimination (indicate basis of), retention of tests/papers, other: _____

Employment:

tenure, promotion, poor supervisory skills, suspension, termination, workload, job description, grievance, performance evaluation, salary and benefits, inadequate staffing, hiring process, discrimination (indicate basis of), harassment, supervisor/employee relations, morale, working atmosphere, personality conflicts, working conditions, other: _____

Miscellaneous:

parking, housing assignments, other housing concerns, off-campus problems, policy development, policy issues, interpersonal problems, environmental issues, other: _____

MAJOR ISSUE: _____

Sample Annual Report Key

Case Category Codes

All cases are identified by a three-digit number starting with 1, 2, 3, 4, or 5 as indicated below:

- 100 series....students
- 200 series....staff
- 300 series....faculty
- 400 series....administrators
- 500 series....parents, others

- Examples:
- 101 = a student complaint about advising
 - 232 = a staff complaint about sexual harassment
 - 322 = a faculty complaint about a dispute with a colleague
 - 420 = an administrator consulting about a policy question
 - 507 = a parent complaint about a drop-add problem

- 01 Advising
- 02 Admission (to major, department, school, etc,)
- 03 College policies (late withdraw, F for non-attendance, requirements [e.g. MAPS, graduation, "in-residence"])
- 04 Course concerns (syllabus, requirements, teaching practices, etc.)
- 05 Fees
- 06 Grading dispute
- 07 Scheduling/add-drop

Student disciplinary issues

- 08 Academic ethics
- 09 Housing (judicial board or discipline issues)
- 10 Student conduct
- 11 Employment (students)
- 12 Advisor/commttee
- 13 Teaching/research assistant
- 14 Bursar
- 15 Financial aid
- 16 Health services/insurance
- 17 Housing
- 18 Registrar
- 19 Tuition classification

Note: Codes 20-27 are intended for staff or faculty

- 20 Consultation with supervisor (administrative issues, etc.)
- 21 Dispute between supervisor and supervisee
- 22 Dispute between colleagues
- 23 Employment issues (hiring, firing, promotion, pay, tenure, reappointment, etc.)
- 24 Evaluation issues
- 25 Discipline by supervisor
- 26 Human Resources (payroll, benefits, etc.)
- 27 Working conditions

Note: Codes 28-35 can apply to anyone (students, staff, etc.)

- 28 Criminal/legal issues

Discrimination or harassment based on:

- 29 Gender (other than sexual harassment)
- 30 Race
- 31 Other
- 32 Sexual harassment
- 33 Sexual orientation discrimination/harassment
- 34 Parking services
- 35 Police

Note: Codes 36-40 allow us to identify various kinds of interpersonal disputes that are not identified any other way

- 36 Student-student
- 37 Student-faculty
- 38 Student-staff
- 39 Staff-faculty
- 40 Faculty-administrator (non-supervisory issue)

- 41 Illness-related concern
- 42 Complaint about responsiveness in complaint-handling
- 43 Complaint about a formal dispute resolution procedure
- 44 Miscellaneous

Assessment of Services Forms**Sample 1**

In the past, you have solicited the assistance of the Ombudsman Office. The Ombudsman Office is now soliciting your evaluation of services rendered. Please take a few minutes to fill out this questionnaire, anonymously, and return it to the Ombudsman Office either through the mail or via drop-off. This evaluation is crucial for our self-knowledge and improvement. If you have any questions, please call our office.

1. Status: Administrator____ Faculty____
Staff____ Undergrad____
Grad student____
2. Sex: Female____ Male____
3. Ethnicity: Asian American____ Native American____
Hispanic____ Black____
International____ White____
Other____
4. Have you found the Ombudsman to be easily accessible?
Yes____ No____
5. Prior to contacting the Ombudsman, how many University officials did you contact in your efforts to resolve the problem?
None____ One____ Two____ Three____ More than three____
6. Are you satisfied with the way your case was handled by the Ombudsman? Yes____ No____
Please comment:
7. Was your problem solved? Yes____ No____
8. If yes for #7, how much credit is due the Ombudsman?
A great deal____ Some____ Little____ None____
9. Do you feel that you can trust the Ombudsman in confidential matters? Yes____ No____

10. If you had a University-related problem in the future, would you again contact the Ombudsman for assistance? Yes _____ No _____
 Please comment: _____

11. Do you feel that the Office of the Ombudsman performs a needed and necessary function within the University structure? Yes _____ No _____

12. Would you refer a friend who has a University-related problem to the Ombudsman Office for assistance? Yes _____ No _____

13. Additional comments: _____

4. Have you found the Ombudsman to be easily accessible?
 Yes _____ No _____

5. Prior to contacting the Ombudsman, did you contact in your office University officials about the problem?
 Yes _____ No _____

6. Are you satisfied with the way your case was handled by the Ombudsman?
 Yes _____ No _____
 Please comment: _____

7. Was your problem resolved?
 Yes _____ No _____

8. If yes for 7, how much credit do you give the Ombudsman?
 A great deal _____ Some _____ Little _____ None _____

9. Do you feel that you can trust the Ombudsman?
 Yes _____ No _____

**UNIVERSITY OMBUDSERVICES
ASSESSMENT OF SERVICES**

We hope that your experience with our office was positive. Your evaluation of our service can help us determine how well we are fulfilling our mission.

You can help by responding to the following questions. These questions are based on a set of ethical principles for all Ombudspersons which emphasize: objectivity, independence, accessibility, confidentiality and justice.

We have enclosed a self-addressed, stamped envelope for your use in mailing this questionnaire back to us.

THANK YOU

Please respond to the statements below by circling the appropriate response:

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Not Applicable
The receptionist was courteous and helpful.	1	2	3	4	5	n/a
The waiting area was comfortable.	1	2	3	4	5	n/a
I felt safe bringing my concern to Ombudservices.	1	2	3	4	5	n/a
I was treated with respect.	1	2	3	4	5	n/a
I was able to speak with an ombudsperson within a reasonable period of time.	1	2	3	4	5	n/a
I was comfortable with the Ombudsperson who worked with me.	1	2	3	4	5	n/a
Scheduling an appointment was easy.	1	2	3	4	5	n/a
I felt that I could talk openly with the Ombudsperson.	1	2	3	4	5	n/a
The Ombudsperson:						
was supportive.	1	2	3	4	5	n/a
helped me gain insight into my concern.	1	2	3	4	5	n/a
helped me develop skills to address my problem.	1	2	3	4	5	n/a
listened to all of my concerns.	1	2	3	4	5	n/a
was sensitive to my feelings.	1	2	3	4	5	n/a
maintained a professional manner.	1	2	3	4	5	n/a

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Not Applicable
was accessible to me.	1	2	3	4	5	n/a
was non-judgmental.	1	2	3	4	5	n/a
respected my confidentiality.	1	2	3	4	5	n/a
demonstrated neutrality by avoiding taking sides.	1	2	3	4	5	n/a
was helpful.	1	2	3	4	5	n/a
provided adequate feedback and updates.	1	2	3	4	5	n/a
I would return to Ombudservices for assistance.	1	2	3	4	5	n/a
I would work with the same Ombudsperson again.	1	2	3	4	5	n/a
I would recommend Ombudservices to a friend or colleague.	1	2	3	4	5	n/a

COMMENTS:

Please circle one: student faculty staff other _____

Name of Assisting Ombudsperson (Optional)

Your Name (Optional)

Workshop Evaluation Form

FEEDBACK REPORT
Ombuds Office Workshop

Please respond to the following (use the back of this form if you need more space):

Workshop name _____

Workshop date _____

Your department or group _____

Name of presenter _____

The **most** helpful part of this workshop was:

The **least** helpful part of this workshop was:

The information presented was (your general impression):

The presenter(s) was/were:

	Very	Somewhat	Not at All
Knowledgeable	_____	_____	_____
Communicated ideas well	_____	_____	_____
Interesting	_____	_____	_____

Comments about specific presenter(s):

Your level of knowledge about the subject **before** the workshop was (1=low, 5=high):

1 2 3 4 5

Your level of knowledge about the subject **after** the workshop was (1=low, 5=high)

1 2 3 4 5

How useful was this workshop to you? (1=low, 5=high)

1 2 3 4 5

Overall, this workshop was (give your general impression)

I would change (examples: time, date, location, length of workshop, content, focus, etc.)

Thanks for the feedback!

APPENDIX D

CASE EXAMPLES AND CASE STUDIES

Note: These cases have been written for educational purposes only. Any similarities to specific individuals or institutions is coincidental.

A female, African-American medical student (Jesse) talked with the ombudsperson about an incident that took place during her medical rotation. According to Jesse, the junior resident on-site had permitted her to complete an operation. She was delighted to have the surgical experience because, even though it was near the end of her rotation, she had been given few hands-on opportunities in the operating room. Her expressions of gratitude to the junior resident were overheard by the chief resident, Dr. Rage. Dr. Rage pulled her out of earshot of the junior resident and said, "What are you talking about? I let you pull a stone during my surgery last week...BITCH!".

Jesse described the posture and language used by Dr. Rage as inappropriate, frightening, threatening, racist, and sexist. She did not wish to confront Dr. Rage but, instead, asked the ombudsperson to inform the department chair of the incident. Jesse hoped the chair would find the behavior unacceptable and would offer to speak with Dr. Rage. Jesse wanted an informal response from the department; she did not want to pursue a formal grievance.

The ombudsperson encouraged Jesse to speak directly to Dr. Rage and/or the chair. The ombud suggested different approaches Jesse might use for speaking (or writing and reading) her concerns. If those choices were not acceptable, the ombud discussed writing a formal letter to Dr. Rage and/or the chair to explain why Dr. Rage's behavior was unacceptable and how she felt as a result of the incident.

Jesse believed that neither Dr. Rage nor the chair would understand the seriousness of the complaint unless

it were voiced by someone with greater institutional power, someone "more important", than a student. She asked the ombud to speak directly with the chair because she believed that Dr. Rage would simply feign interest and ultimately ignore any message the ombud tried to convey directly to him. This, she felt, would be especially likely if Dr. Rage knew that no one at a higher level of authority had been made aware of the behavior and the ensuing complaint. She hoped the ombud's discussion with the chair would compel the chair to speak with Dr. Rage about the inappropriateness of his outburst and the resulting effect it had on Jesse as an African-American female.

The ombudsperson met with the chair and detailed the events as they had been described by Jesse and made it clear that this was Jesse's perception as opposed to undisputed fact. The chair was somewhat sympathetic. He believed this area of specialization (surgery) had unusual stressors which might explain Dr. Rage's outburst and suggested that the behavior may not indicate any prejudice on Dr. Rage's part.

The chair discussed the matter with Dr. Rage. Dr. Rage denied saying anything inappropriate, suggesting, instead, that the complaining student was a liar and he "seriously questioned the student's motives" in making the accusation. Following his meeting with the chair, Dr. Rage wrote a letter to the ombudsperson expressing his point of view.

The ombud considered the differences between the two stories. Jesse was in the process of looking for an internship and residency and her complaint could compromise her placement. Why, then, would she risk allowing the event to surface if it had not occurred? Had Jesse performed poorly during the rotation and was she trying to counteract a negative review? Did Dr. Rage have a history of unacceptable outbursts? Did he claim innocence to avoid further chastisement? What really happened?

The ombudsperson initiated further discussion with Jesse. When pressed, Jesse told the ombud that another student, Pat, had witnessed the event. Pat had not

wanted to become involved in the complaint so Jesse had not disclosed this information earlier. However, now that she had been accused of lying, she gave the ombudsperson permission to speak with Pat.

Pat confirmed Jesse's story. Before disclosing any details of the event, she requested absolute confidentiality. Pat made it clear she did not wish to be revealed as the witness because of her involvement in an ongoing research project with Dr. Rage. She was afraid that speaking out could destroy their working relationship. Her year-long participation in the project could lead to important career opportunities. Bearing witness against Dr. Rage could jeopardize her chances for successful completion of the project and for receiving the by-products, authorship and recommendations, that she had worked for and deserved. Pat did not want to be in the position of choosing between telling the truth or lying in order to protect her own interests.

What can an ombudsperson do at this point?

Recognizing that there is no single, simple recipe for problem resolution, the ombud may ask her/himself the following questions:

- * Have any laws - federal, state, university - been broken?
- * Who are the parties involved in the problem?
- * What are the relationships of the involved parties?
- * What do they want and why?
- * What options are available to each party?
- * If you were to help each party weigh and balance options with potential risks, do some options appear more feasible and acceptable than others?
- * Is there a way to satisfy each person's needs?

Jessie wanted to take action but did not wish to jeopardize her goals. She did not want to initiate formal hearing procedures because she felt she could not prove racism or sexism; therefore, she could foresee a perfunctory hand-slapping as Dr. Rage's "punishment". Additionally, Jesse did not want to cause problems for Pat.

During the fourth year of medical school, most medical students take part in a placement program which matches the students' hospital choices for internships with those of the hospitals' choices of students. This is referred to as "the match." Jesse was involved in an early match and all of her materials and recommendations had been submitted. She did not want to bring more attention to her complaint until her match had been finalized. The chiefs of local hospitals met frequently and she feared that, if she matched in one of those hospitals, the chief of her current hospital might say something negative about her veracity to her prospective chief. From Jesse's point of view, the primary objective had now become convincing the department chair that she had not lied about the incident.

Though Pat had not met Jesse until this rotation, she felt a commitment to her fellow student. Pat agreed that, if informal resolution did not occur and a formal grievance procedure was initiated, she would serve as a witness to the event. Her only condition was that the hearing take place after her match was announced. Pat applied to programs that matched later in the season than Jesse's and she needed Dr. Rage's written and oral recommendations. She was concerned about what Dr. Rage might say about her if she spoke against him.

Dr. Rage wanted to complete his appointment at the medical school and begin private practice. He was scheduled to leave the hospital in June.

The chair had known Dr. Rage for six years. He felt that if Dr. Rage had exhibited unacceptable behavior, it probably was not an expression of racism or sexism. He was aware of several similar incidents involving Dr. Rage but excused the behavior because he viewed Dr. Rage's position as highly stressful. The chair felt that the event was not worthy of further consideration because Dr. Rage's anger was not directed at any particular group and because Dr. Rage was leaving the hospital soon. If inappropriate behavior was the issue, it was incumbent upon Dr. Rage to respond. That was why, after hearing about the incident, the chair related the problem to Dr. Rage.

Actions that followed: Dr. Rage left his position in June. One week before his departure, he and Pat finished writing their research paper. Pat was more reluctant than ever to be a party to a formal complaint because she wanted Dr. Rage's strong recommendation for future employment in the field. As time passed, Jesse no longer cared about Dr. Rage's behavior, but continued to worry about the chair's opinion of her. She had been accepted by a nearby residency program and would need to interact with the chair in the future.

With the approval of both Jesse and Pat, the ombudsperson called the chair to inform him that there had been a witness to the event. Without disclosing Pat's name, the ombud told him what the witness had observed. The chair then said that he had suspected there was more to the story than had been told but had chosen to ignore it because he knew Dr. Rage was leaving. The ombudsperson expressed concern about Dr. Rage's statement that Jesse had lied. Would that statement negatively affect the chair's opinion of Jesse, especially when the facts suggested that Jesse had, in fact, told the truth? The chair assured the ombudsperson that he did not believe Jesse was a liar. In fact, he had sent a positive appraisal of Jesse's performance to the registrar and had offered to provide Jesse with a recommendation even though she had never asked him for one. He said he did not approve of tirades but felt that the stresses of the profession occasionally caused eruptions of anger which people needed to learn to ignore. He agreed to tell Jesse that he was not holding the incident against her. Since Jesse had chosen to enter this particular specialty, he would also discuss the stresses Jesse might experience in the future.

Conclusion: The potential of negative consequences played a major role in the outcome of the problem. Every effort was made to respect the needs of the individuals and to proceed without taking the problem away from them. Possible outcomes to various options were discussed at length before any action was taken. The two students placed a high value on protecting each other even though the problem might have played out differently had some actions been taken sooner. Because the chair chose to speak to Dr. Rage alone, we will never know what actually

took place in that conversation or why Dr. Rage denied the event occurred. Both Jesse and Pat were ultimately satisfied with the outcome.

Ken, a four-year classified employee, visited the ombuds office to discuss what he perceived as a disintegrating relationship with his supervisor. Where he once felt support and collegiality, he now sensed hostility and distrust.

Barb, Ken's supervisor, had recruited Ken from another department on campus because she was impressed with the quality of Ken's work and his professional manner. In his new position, Ken was given additional responsibilities and his input and feedback on issues involving the department were solicited. He willingly assumed the added responsibilities and felt his insights were valued.

The relationship had changed and Ken could not identify the reasons. His supervisor either avoided him or, when interactions were necessary, spoke to him in a distant and critical tone. When he attempted to discuss his concerns with her, Barb said there were no problems.

Ken cited three reasons for his concerns:

- * he valued a positive working relationship with his supervisor;
- * he was interested in promotional opportunities that might become available in the unit;
- * his PACE (Performance and Commitment to Excellence) evaluation was imminent and he felt it important to clear the air before that time.

Ken indicated an interest in engaging in a mediation with Barb if she were willing. He asked for the ombudsperson's help and intervention.

The ombudsperson contacted Barb and explained the role, function, and philosophy of the ombuds office. She was then given information about the employee's concerns and his request for mediation. Barb was given the opportunity to meet privately with the ombudsperson to share her perceptions and concerns prior to the mediation session. (This procedure helps to insure the perception of the ombudsperson's neutral, nonaligned role as mediator.)

Barb welcomed the opportunity to meet and share her concerns with the ombudsperson. Her version of events and circumstances was very similar to Ken's. She had actively recruited Ken, found his work to be of excellent quality and respected his ideas and insights. She added, however, that she felt uncomfortable with him because he seemed to be subtly signaling that he could do her job better than she, and was, perhaps, working toward that end. Barb was hopeful that she and Ken could use the mediation process to work toward improving their working relationship.

During the two-hour mediation, each party was able to air his/her concerns. As the issues emerged, both realized they were in agreement about most issues and needed to focus on a few misperceptions. Barb told Ken she regarded him as a valuable and valued employee who she did not want to lose. She anticipated that his PACE evaluation score would be very high and that he would most certainly be considered for upcoming promotional opportunities. Ken, in turn, spoke of his respect and admiration for Barb as his supervisor and made it clear that he was not trying to take her job. His intentions were to support the work of the unit while exploring internal opportunities for advancement.

Both parties agreed to practice open communication and expressed a willingness to discuss misunderstandings or possible misperceptions that could adversely effect their working relationship.

A student contacted the ombuds office to complain that he had been unfairly dropped from a course by the professor and that he wanted reinstatement.

The professor's stated policy was that students would be administratively dropped after the third unexcused absence. The student had missed four straight class sessions and a quiz. The student had been hospitalized for a week and had a written medical excuse. He left a message for the professor explaining his absence.

When the student first appeared in the class, he requested any material he had missed and an opportunity to make up the quiz. The professor informed him he was no longer registered for the class. The student then asked if the professor had received the message explaining his hospitalization and the professor said, "Yes, but for all I know you could have been skiing." She was not interested in seeing any of the student's medical documentation.

The student realized that by approaching the professor before class, he may have limited any chance for discussion and cooperation. He requested the ombudsperson's assistance and intervention.

The ombud contacted the professor. After explaining the role of the office, the ombud briefly outlined the student's concerns, his desire to remain in the course, and his medical documentation. The professor acknowledged that she might have been "short" with the student due, in part, to the fact that the student had attempted this conversation just as the professor was beginning a lecture. The professor also said that although she did administratively drop students after three unexcused absences, it was not her intention to unfairly penalize students. She felt her policy was necessary because she expected students' regular attendance in her class. She then agreed to meet with the student, review the documentation and, if everything was in order, to allow the student to re-register in the course.

After the meeting with the student, the professor

called the ombuds office to say that the student would continue in the course and would be allowed to make up the quiz.

The student also followed up with the ombuds office. He felt good about the outcome of his case and mentioned he especially appreciated the professor's apology to him regarding her initial unwillingness to examine the individual circumstances surrounding his absence from class.

A female student contacted the ombudsperson's office shortly after her graduation from the university. She wanted to discuss an incident that occurred during one of her final exams and her mother suggested the ombuds office as an appropriate place to do so.

According to the student, the professor appeared to have been drinking prior to his arrival at the evening exam and exhibited what she termed "unprofessional behavior" during and after the examination period. He disrupted the exam by talking loudly and interrupting the students' work. His jokes and unclear stories were annoying but the student did not feel the disruptions affected the outcome of the exam.

After completing her exam and leaving the room, the professor followed her into the hallway to say goodbye. Initially, she did not think the gesture was odd. She had taken several of his courses, respected him, and felt comfortable in his presence. In the hallway, the professor asked for a hug because he probably wouldn't see her for a while and wanted to wish her well. All was well until the professor kissed her "full on the lips" as he released her from the hug. He reportedly told her that even though she was attractive and had a reasonably good mind, letters of recommendation from him might "come in handy as you prepare for graduate school." He laughed, said goodbye, and went back into the classroom.

The student said her anger grew as she drove home

that night. In addition to being upset with the professor's behavior during the exam, she felt intimidated, threatened, and violated by his behavior and comments in the hallway.

The student wanted the professor's inappropriate behavior noted by those in authority. The ombudsperson asked if the student was aware of the university's sexual harassment policy and gave her a copy for reference.

The ombud explained the options available for addressing her concerns (inappropriate classroom behavior with probable alcohol consumption and alleged sexual harassment). Informal options included:

- * meet with the professor, with or without a neutral third party, to express her concerns;
- * write a letter to the professor outlining her concerns;
- * send a copy of the sexual harassment policy to the professor, anonymously, with areas of concern highlighted.

Formal options included:

- * lodge a formal complaint, via letter or personal meeting, with the Director of the Office of Affirmative Action;
- * request a formal investigation of both complaints through the department chair with a statement of what she would like to see happen as a result of the behavior (a letter in the professor's file, an apology, etc.).

The student said she would consider her options and thoroughly review the sexual harassment policy. She said she would contact the ombudsperson if she needed further assistance.

Jennifer was a junior majoring in psychology. At the suggestion of her academic advisor, she visited the ombuds office to discuss what she perceived to be unfair treatment in an upper-division course.

The class was a small, seminar-style course. Many of the students in the class were older than Jennifer and could offer more to class discussions based on their broader life experiences. Jennifer said she gained a lot by listening to these discussions, but generally kept quiet unless she felt she had something relevant to add. She feared that her relative silence was causing her professor to misjudge her interest and comprehension of course content.

Jennifer went on to say that her professor treated her rudely, was not helpful when she requested assistance or clarification of an assignment, and was not following the grading policies he defined at the beginning of the semester. She stated the professor had miscalculated points toward her final grade on several occasions. In one instance, the professor had given her no points for a class presentation. She had been given minimal credit for a midterm research paper without any explanation for the grade.

On the recommendation of her advisor, Jennifer attempted to discuss her concerns with the professor. She hoped to discuss the miscalculations in her grades, to gain clarification and understanding of the grading of her midterm paper, and to clarify the professor's expectations for the final research assignment.

Jennifer described the meeting as a disaster. She showed the professor the assignment for which he had given her full point credit (but had not calculated it in her overall grade) and reminded him of her class presentation. At that point, Jennifer said, the professor became verbally abusive and demeaning. He allegedly told her "those measly points won't help your grade anyway" and implied that she would do well to re-think pursuing a college degree. Jennifer said she became upset and unnerved but tried to continue the conversation calmly and rationally. She asked how she might strengthen her final paper. The professor

responded, "You don't know? That only supports my assessment of you." At that point, Jennifer began to cry and the professor stormed out of his office saying, "I don't deal with crybabies who won't stand up for themselves."

Jennifer was reluctant to attempt another conversation with the professor. She did, however, wish to address her concerns about her grade and the final assignment. The ombudsperson outlined several approaches Jennifer could consider. These included:

- * attempting to meet with the professor again despite her reservations in order to determine whether the points she had earned were added to her point total and to clarify the professor's expectations for the final paper;
- * expressing her concerns in writing and asking for a written response;
- * requesting a meeting with the ombudsperson present and serving in the role of a neutral facilitator;
- * taking no action in hopes that she would do well enough on the final paper to raise her grade to an acceptable level.

Jennifer thought a meeting with the professor and the ombudsperson might be productive. She wanted the professor to understand that she did not wish to antagonize him and, if he were willing to participate in a facilitated conversation, the outcome could be beneficial for both.

The ombudsperson contacted the professor. The ombud explained the role of the office and the student's request for a confidential, neutral person to help facilitate a conversation between the parties. The professor was unwilling to participate, saying that it would be a "waste of time." In the professor's opinion, the student was unmotivated and/or incapable of producing acceptable work. The ombudsperson suggested that through a facilitated conversation the professor could address and explore those concerns with the student. The professor said he was "much too busy" and hung up.

After the ombudsperson related the conversation to Jennifer, she asked if there were other options she might explore. She felt the professor's refusal to meet was another display of his disrespect for her. At this time, the ombud described the options of contacting the chair of the department and, if necessary, the dean's office. Jennifer said she would pursue those avenues.

Jennifer was quite upset when she called the ombudsperson a few days later. She had called the department office and was told that the chair did not speak with students unless they had first spoken with the associate chair in charge of student complaints. She spoke with the associate chair and felt her concerns were minimized. The associate chair told Jennifer nothing else could be done. She then contacted the chair who said she did not have a valid complaint and, therefore, wouldn't talk with her. Jennifer asked the ombud if the dean's office would treat her the same way and wondered if it was worth her effort to make the contact. She was assured that the dean's office remained an option and, if the issue of treatment could not be resolved, she could request a late course withdrawal through that office.

The ombudsperson contacted the assistant dean of the college to outline the student's concerns and the steps she had taken to address them. The assistant dean agreed to review Jennifer's concerns. The ombud then contacted the student and asked her to make an appointment to speak directly with the assistant dean.

At the end of the semester, Jennifer called the ombuds office to report that she had continued in the course, completed the final paper, and received a D- in the course. She was aware that the professor was the only person who could change the grade. She was, however, exploring the possibility of retroactively changing the course to pass/fail through the dean's office. Jennifer felt it was a viable alternative even though it did not address her issue of mistreatment by the professor.

Client J was a tenured faculty member. She had been receiving letters of a very threatening nature. The letters (eventually totaling five in number) were never signed, nor was there any clue as to the author in the content or materials used. The professor was advised to take any future letters received, unopened, to the police for possible fingerprinting. She was advised to take precautions in her daily life to minimize her vulnerability to physical attack. She was also encouraged to discuss the letters privately with her department chair and with staff members at University Resources for Women.

Professor B contacted the Office of the Ombudsperson regarding a grade appeal initiated by one of his students. His tenure review was scheduled for the upcoming academic year and he was very concerned about the potential of having the tenure approval process negatively impacted by the grade appeal action. The professor was directed to the grade appeal procedures which clearly state that no retaliatory action may be taken against a faculty member as a result of a grade appeal. He was further advised that if, upon completion of his tenure review, he believed the grade appeal had indeed influenced the process, he would have grounds for appealing the decision. Finally, he was advised to cooperate fully with the grade appeal and to contact the faculty personnel advisor for assistance in the tenure review process.

An instructor expressed her concern over the alleged pattern of harassing and intimidating behaviors exhibited toward her in class by a male student. She and the ombud discussed the general parameters of due process and constitutional rights of students. She was advised that she had the right to require the student to leave the classroom on any occasion in which his behaviors

disrupted the educational process. She was also strongly advised to discuss the matter with her department chair and to consider the potential option of bringing charges against the student under the Student Judicial Code.

A staff member, in accordance with university procedures requiring advance approval, had requested the use of accumulated and earned vacation leave six months in advance for the past several years. On each occasion, the request was granted--only to be rescinded days prior to the scheduled beginning of the vacation, due to unexpected heavy workloads and office projects that needed to be completed. When he approached the supervisor to discuss the matter, the response was allegedly "I know my rights as your supervisor. You can take vacations only with my permission and approval." The complainant refused an offer from the ombudsperson to discuss the matter with the supervisor for fear that it could potentially color the supervisor's referral to another work setting. Eventually, the staff member successfully transferred to a different department.

A supervisor had observed the verbal harassment of one of her employees and requested advice for handling the situation. Among the topics discussed were her supervisory responsibilities, methods of communicating with the perpetrator, and the victim's options for filing charges against him. The supervisor later reported that since the perpetrator had become aware that complaints about his behavior had been reported, the harassing behavior had ceased.

A staff member was verbally accosted by a co-worker.

The co-worker used a variety of racial slurs and made threats against the life and physical well-being of the client's wife and children. The client, a black male, was concerned that any notification of university officials would result in the threats becoming actualized. Several white co-workers who witnessed the threats refused to cooperate with any investigation. Several discussions were held with the client. The wide range of options for addressing his concerns were delineated, including the potential ramifications of each. The client, who initially expressed his intention to leave the university, eventually decided to file a formal complaint with his supervisor. Several weeks later, he had not been informed of any action taken.

Professor Smith is a member of the graduate faculty. She had reason to believe that a significant portion of the dissertation of one of her advisees had been plagiarized. She expressed concern over both the student's rights and feelings, as well as her responsibilities to her profession and the academic integrity of her program. She sought advice on how to proceed with the matter. She and the ombud discussed both the Student Judicial Code and Research Integrity documents. Repeated consultations during the ensuing proceedings helped ensure that both the student's rights and the academic integrity of the program were maintained under applicable university policies and procedures.

Professor Estavez was the new chair of an academic department. He was concerned about a long history of mutual dislike between two departmental faculty members. These faculty members had reportedly spread untruths about each other to other faculty members and graduate students. Their overt behavior was having a detrimental

effect on departmental meetings and morale in general. Professor Estavez wanted to discuss possible methods of addressing the situation. A number of specific strategies were discussed, including the utilization of the ombudsperson in a mediative role. This and other techniques eventually resulted in a written agreement between the two faculty members.

A staff member works in a department with a large number of staff in varying classifications. One of his co-workers seemed especially enamored with a new student employee. In fact, the co-worker had been seen ogling the student whenever she passed by and had made comments such as "nice legs." While the client had no supervisory authority over his co-worker, he was concerned that the student seemed uncomfortable with the behavior. While speaking with the student, he determined that she did not want to take any action whatsoever as she was fearful of retribution and needed to keep her job. He wondered what could be done without jeopardizing the student's job or going against her wish. A number of options were discussed. Ultimately, the client approached his co-worker privately, shared his personal observations, communicated his own discomfort with the environmental impact of such behavior, and asked his co-worker to cease. In this instance, that was all that was needed to resolve the concern.

A student registered for an abbreviated five-week summer course and soon realized his enrollment in the course was a mistake. He withdrew but had to pay full tuition because of the shorter withdrawal deadline. The ombud worked with the registrar who ultimately agreed to pro-rate tuition for the complainant and increase the number of days students had to withdraw from abbreviated courses.

A student visited the ombuds office to complain about his inability to get a departmental signature on a withdrawal form. After numerous contacts with the faculty member, department chair and director, the ombud discovered that the student had a pattern of trying to withdraw from courses after taking the final exam and realizing he had failed the course. After lengthy discussion, the student decided to withdraw his request for a drop.

Two of the colleges at one university were posting final exam schedules very late in the semester. The late postings were preventing faculty, staff, and students from purchasing advance-sale, supersaver airline tickets. The information needed to draw up the exam schedules was available after the third week of classes. There was no additional cost to the university in posting the exam schedules on an earlier date. The ombudsperson presented the problem to the deans' council. After listening to the concerns, the deans unanimously decided to post final exam schedules by the fifth week of the semester. Thus, a cost-free solution to a systemic problem was easily implemented.

A student was enrolled in a class for non-traditional students. She felt the instructor was not sensitive to the needs and expectations of adult students and that his attitude toward older students was very negative. When students approached the instructor to voice their concerns, he specifically warned them against going to the ombuds office. At the end of the semester, the student received a grade that she deemed unfair. She did not want to approach the instructor for fear of retaliation in future courses she might need to take from him. She visited the ombud's office (despite the instructor's warnings), discussed her concerns and talked about some strategies for approaching the instructor.

She then met with the professor and proved she had earned a better grade than she had received. Her grade was changed but the faculty member complained to the provost that the ombudsperson had interfered with the faculty/student relationship. The provost explained that the ombudsperson had acted within his mandate and that all members of the university community had the right to utilize the ombud's services.

Several students complained that they were not allowed to borrow equipment during semester breaks. The same equipment was loaned to students while school was in session but it was also needed during breaks to finish final course projects. With the students' permission, the ombud discussed the problem with the school director who agreed the students should have access to the equipment, facilitated the loan arrangements, and initiated long-term policy changes.

A student was quite distressed about an unresolved roommate problem. She had asked for the help of residence life staff but their intervention had not been successful. She was concerned about the mental stability of the roommate and her own personal safety. Because the rules of the institution supported the roommate's continued residence in the dorm but did not stipulate that individuals could not change rooms mid-term, the ombudsperson was able to facilitate the complainant's assignment to a single room for the remainder of the school year.

A student claimed his graduate scholarship had been cancelled without notification. The loss of this

APPENDIX E**A Client's Guide to Conflict Management**

1. Do not speak in anger. Allow yourself the opportunity to cool off before expressing your viewpoint. You do not want your message to get lost while others focus on your emotions.

2. Choose the time and place carefully. Avoid initiating a confrontation in public or when uninvolved people are present. Try to choose the best time of day for yourself and the person with whom you want to discuss the issue -- some of us are morning people, some are not; some are short-tempered just before lunch, some are not at their best just after lunch, etc. Avoid times when the other person is dealing with a loss or mistake, just before an event at which the person must be at her/his best (such as before a presentation or performance review), at the end of a difficult day, or when in a hurry or working under a deadline.

3. It is not what you say but how you say it. Take care to avoid finger-pointing and accusations. Depersonalize your comments to the extent that it is possible. Be aware of your body language, eye contact, gestures, facial expression, tone, inflection and volume of your voice when approaching the other person and discussing issues with him/her. Conflict resolution becomes more difficult when the involved parties are responding defensively.

4. Try rehearsing your points with a third party, asking that person to critique your approach. If sending a written document, have a third party review and comment on it. This third party should be someone removed from the conflict and as neutral as possible. In that way, s/he will be able to respond to your comments more objectively and provide constructive feedback.

5. Present your concerns in a calm, methodical manner. Some people find it helpful to make notes for themselves so they can maintain their course and not overlook any comments they wish to make.

6. Allow the other party the opportunity to respond. Some people are good on their feet while others may require a bit of time to process your comments and formulate a response. A request for time is not necessarily an attempt to avoid you or the issues you have raised.

7. Listen carefully and give the other person your complete attention.

8. Try to understand the other person's behavior from her/his viewpoint. Expressing your understanding of the other's position will show that person that you are not only concerned with your own viewpoint and may help open up communication.

9. If conflicts are ongoing, keep notes of dates, events, and circumstances so you have an accurate frame of reference.

10. Face-to-face discussions are best but there may be times when you feel you would not be able to present yourself well verbally. In those cases, you may want to write a letter. The two advantages of writing are you can choose your words thoughtfully and you can monitor your level of emotional expression. Keep in mind that today's seemingly innocent comments may appear far more damaging tomorrow. Therefore, it may be a good idea to wait a day before sending your document.

11. If the response to your concerns is unacceptable or if there is no response at all, try again.

12. When a conflict remains unresolved, you may decide to let it go or to continue to pursue an acceptable resolution. If you choose the latter, communicate with the person at the next level and ask for advice and assistance.

APPENDIX F

Directory of Ombuds Organizations

University and College Ombuds Association (UCOA)

c/o Dalene M. Hoppe, Ombudsperson
The Ohio State University
464 Ohio Union
1739 North High Street
Columbus, Ohio 43210-1392
(614) 292-0307 FAX: (614) 292-3541
dhoppe@magnus.acs.ohio-state.edu

**Association of Canadian College and University
Ombudspersons (ACCUO)**

c/o Suzanne Belson, Ombudsperson
Concordia University
1455 de Maisonneuve Blvd W
Montreal QC CANADA H3G 1M8
(514) 848-4964 FAX: (848-4528
ombuds@vax2.concordia.ca

**California Caucus of College and University Ombudsmen
(CCCUO)**

c/o Office of the Ombudsman
University of California
University Cottage
Riverside, CA 92521
(714) 787-3213

The Ombudsman Association (TOA)

c/o Carole M. Trocchio
TOA Executive Officer
5521 Greenville Avenue
Suite 104-265
Dallas, TX 75206
(214) 553-0043 FAX: (214) 348-6621
CompuServe id+73772.1763

International Ombudsman Institute

Faculty of Law
c/o Diane Callan
University of Alberta
Edmonton, Alberta CANADA T6G 2H5
(403) 492-3196 FAX: (403) 492-4924
law.ualberta.ca

National Association of State Long-Term Care Ombudsman Programs

c/o John Willis
Office of State Long-Term Care Ombudsman
Texas Department of Aging
P. O. Box 12786
Austin, TX 78711
(512) 440-5207 FAX: (512) 440-5290

National Society for Patient Representation and Consumer Affairs

c/o Alexandra Gekas
One N. Franklin Street
Chicago, IL 60606
(312) 422-3998 FAX: (312) 422-4580

Organization of News Ombudsmen (ONO)

c/o Art Nauman, Ombudsman
The Sacramento Bee
Box 15779
Sacramento, CA 95852
(916) 442-8050

United States Ombudsman Association (USOA)

c/o Dean Goettehrer
902 Escalona Drive
Santa Cruz, CA 95060-3451
(408) 425-4688
FFDMG@ACAD2.Alaska.Edu



International Geriatrics Institute
Faculty of Law
c/o Diane Callan
University of Alberta
Edmonton, Alberta CANADA T6G 2H5
(403) 492-3136 FAX: (403) 492-4924
law.uslberta.ca

National Association of State Long-Term Care Ombudsmen
Programs
c/o John Willie
Office of State Long-Term Care Ombudsman
Texas Department of Aging
P. O. Box 12786
Austin, TX 78711
(512) 440-8267 FAX: (512) 440-5292

National Society for Patient Representation and Consumer
Affairs
c/o Alexandra Goker
One N. Franklin Street
Chicago, IL 60607
(312) 422-3928 FAX: (312) 422-4380

Organization of News Ombudsmen (ONNO)
c/o Art DeWitt, Ombudsman
The Sacramento Bee
Box 15779
Sacramento, CA 95812
(916) 442-4050

United States Ombudsman Association (USOA)
c/o Dean Gottshalk
902 Escalona Drive
Santa Cruz, CA 95060-3451
(408) 425-4458
FYDRC@ACAD2.Alaska.edu



