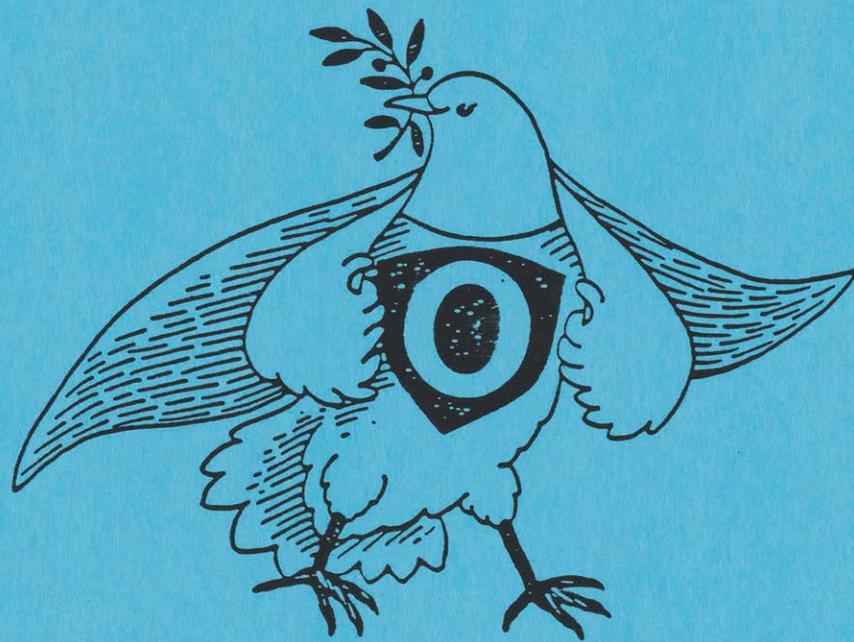




California Caucus  
of  
College & University  
Ombudsmen



*The Journal – 1991*

ACKNOWLEDGEMENT

Shirley Crawford

It is with sincere gratitude and appreciation that the California Caucus of College and University Ombudsmen acknowledges the contribution that Mrs. Shirley Crawford made to the caucus by way of the support services she delivered toward the completion of this publication. Without her diligent and nurturing assistance, our Journal would not have been possible.

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## INTRODUCTION

Ron Wilson

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With the publication of the third Journal for the California Caucus of College and University Ombudsmen, the relationship between our ombudsmen and the communities that we serve continues to improve in meeting the needs of our constituencies and in conquering the inconstant challenges that confront us. Yet, it is inevitable that all things must change, including the methods by which we accomplish our objectives. However, it is hoped that during the evolution, the new growth will nurture both the ombudsman profession and the recipients of the services provided by the ombudsman practitioner.

The personal insights of the authors presented in this Journal are decidedly those that connect all of us in a manner which illustrates our one collective resource -- the integrity and fortitude of our minds. It is extremely important that each of us who practice the science of "ombudsing" are committed to seeking the correct answers to the difficult questions, "What is the wrong thing that has been done?" and "What is the right thing to do?" To accomplish this goal, we must keep at the forefront a clarity of purpose and a dedication to acting in a manner that focuses on the final destination. In traveling this dissonant path, it is not important to place blame or to negate the attempts of others in their previous forays for issue resolution. Rather, in our search for truth, we must set the example through honest and prudent actions which recognize and acknowledge the diverse impact that our position will have on both the grievant and the respondent.

Toward the fulfillment of this worthy, but sometimes elusive end, the articles in this collection offer viewpoints and experiences as varied and diverse as the contrasting backgrounds of the contributors. However, the basic truths -- applicable to circumstances in a multitude of cases -- are expressed cogently, forcefully, and sometimes poignantly.

"Some Disquiet in the Ombudsman World," by Gerald E. Caiden, cites convincing examples of the turbulent waters in which the government ombudsman offices are presently navigating as they attempt to impartially resolve public complaints. "The Ombudsman as an Organizational Development Specialist," by Jacqui Curran, clarifies the role of the ombudsman as an organizational development specialist; stresses the importance of developing a "proactive" operation in lieu of a "reactive" organism; and emphasizes the positive aspects of the ombudsman functioning as an agent for potential change. "Future of the Ombuds Profession," by Carolyn Gibson, advises the practitioners to be alert to necessary changes in the profession and to develop the areas of definitions, accountability, and interaction with senior administrators while engaging in "the persuasive maintenance of service." "Universitas Magistrorum et Scholarium," by William R. Schonfeld, directs the attention of the modern scholar to past academic traditions and assesses the present challenges of Engagement, Relevance, Specialization, and Practicality to the intrinsic meaning of a University. "Reflections of a First-Year Ombudsman," by Tom Sebok, offers valuable insight to the novice ombudsman. The article also includes an excellent analysis of the inherent differences in academic or personal counselling as opposed to mediating a dispute between two opponents. "Academic Ombudsing: Contributions of Research to Practice," by Lois Price Spratlen, provides an outline of a valuable process which can be utilized to

gather empirical data from clients' records for later use in conducting archival research. By forging a union of practice and research, the ombudsman becomes an academician in the fullest meaning of the term. "Perspectives on the Profession: Past, Present, Future," by Carolyn Stieber, capsules the past 20 years of developments and changes as the ombudsman office strove to fulfill many demands from diverse clientele.

As the following literary contributions demonstrate, the writers represented in these pages are professionals in the "art of conflict negotiation" who have pondered, long and carefully, their topics.

Ron Wilson  
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Editor of the CCCUO Journal

## SOME DISQUIET IN THE OMBUDSMAN WORLD

Gerald E. Caiden

University of Southern California

For some time, things were going extremely well in the ombudsman world -- too well it seems -- according to recent exchanges in the normally quiet chambers of the International Ombudsman Institute, a global association of government ombudsman offices headquartered at the University of Alberta. Barely thirty years ago, there was no such fraternity. The institution of ombudsman was confined to a handful of countries. Today, no self-respecting parliamentary system -- and quite a few presidential systems too -- have adopted the device as a means of dealing with public complaints against public maladministration. It has been extended throughout the public sector and into the private sector as a useful grievance mechanism for disgruntled employees and for consumers who feel ill-treated. It is supplementary to the normal channels of redress which -- like all human designs -- work imperfectly and let some things slip that should not.

This recent burst of ombudsmania owes much to the Danish Ombudsman in the late 1950s who lectured on his office and was surprised to learn that it was virtually unknown outside its Scandinavian home. Indeed, nobody has been able to translate the Swedish word "ombudsman" into any satisfactory equivalent in English. Peoples's protector or complaints commissioner do not convey the same meaning and imply more than originally intended from an office first set up by the Swedish king to receive complaints from his subjects against malfunctioning

administrators to find out whether they were giving unnecessary offence. The king used it as a check on his officials and as a way of making himself more popular. With democratization, the Swedish parliament found it useful to hold public administrators more publicly accountable and to have an independent agent who could investigate public complaints against official actions.

Why did it take so long for other countries to adopt such a simple and effective device for righting bureaucratic misdeeds? Anyone can set up a complaints office. The ombudsman is much more. It gives members of the public legal rights to make representations against offensive administrative behavior. It gives them an independent agent to conduct inquiries on their behalf. It empowers such an agent with exceptional ability to pry into official actions and to release the findings in public. Obviously, it is potentially embarrassing and it can be quite an irritant to officials. Nobody likes the idea of somebody looking over his or her shoulder all the time. Nobody wants every little thing he or she does to be exposed in public. Nobody relishes the thought of having to justify everything he or she does, not when mistake-prone. So governments and administrators are reluctant to accept the ombudsman. When they do, they try to minimize the damage it can do them. Governments have to be quite mature to tolerate an ombudsman office. Most governments (and administrations) have not been mature enough, at least not until relatively recently.

Today, the ombudsman or an ombudsman-like office can be found all over the world and in every kind of regime where governments take public complaints seriously. Like the Swedish king of old, rulers realize they cannot possibly know everything they are supposed to know about their government and there are things deliberately hidden from them by their underlings. Members of the

public suffer as they are on the receiving end of wrongdoing. But more often than not, they do not know what to do or where to go or who will listen. They often cannot trust anyone to follow up on their complaints. The ombudsman can do all manner of things they cannot do themselves at all or not as well. It can do them much more cheaply, directly, and efficiently than any other alternative mechanisms.

So far so good. But right now, all is not so good as it should be among the fraternity of government ombudsman offices. To some extent, the disquiet has been caused by the very success of the institution. Some governments have found it so useful that the office has been given new functions and responsibilities in respect to human rights, guardianship of specific minority rights (women, children, disabled persons, alien workers, etc.), consumer protection, privacy, freedom of information, and even environmental protection. In brief, ombudsman offices have been asked to take on trouble-shooting roles. Wherever a vacuum in enforcing individual rights has been identified, some governments have looked toward the ombudsman office to fill it temporarily. In so doing, the institution has been thrust into the center of the political stage and it has been required to take an active political stance.

Elsewhere, the momentum behind adopting the ombudsman in government has definitely slowed and there even have been several casualties. Ombudsman offices have been abandoned or corrupted by resentful and arrogant governments. They have gone from investigating legitimate public complaints to becoming merely public relations offices which are expected to put a gloss on official actions. In some harsh regimes, the office has not exposed official wrongdoing but, in cahoots with the secret service, it has fingered well-intentional people who were officially viewed as troublemakers and potential enemies of the

public. In them, the ombudsman has become a suppressive device to quell dissent, thus turning the whole idea of ombudsman on its head. In any event, it seems that the ombudsman may be turning into a device of public policy implementation and enforcement for which it was not originally perceived.

The worldwide recession and downturn in public funds have given the institution's opponents their long awaited chance to cut it down to size and to reduce its effectiveness by starving it of the means to do a good job. Its opponents never saw the need for it and still do not. They still see it as an interference, a peripheral frill that cannot be justified, that is ill-afforded and that rakes over the muck without improving administrative performance. The time has come to get rid of it altogether or to reduce its activities so that eventually it will become irrelevant and easier to cut out. In any event, belt tightening is the order of the day. Despite reorganization and increased productivity, ombudsman offices are having to make do, cut corners, and generally forego thoroughness. Some have been ingenious in recruiting volunteers and securing extra funds but even they have to run these days just to stay in the same place. The work load increases and delays occur more frequently. Education and outreach programs especially suffer. The ombudsman offices hate to discourage complaints just as they hate to cut off unpromising investigations where they suspect offices are uncaring and do not intend to remedy wrongdoing. Under pressure, what else can they do? Just how far can they be spread?

Ombudsman offices like to help. They cannot if they are not allowed or they lack sufficient resources to follow through grievances. But just what should they investigate? Sometimes quite serious policy questions are raised by complainants. Other times what superficially appears to be a minor complaint

leads to much deeper organizational wrongdoing that should be confronted. How far should the ombudsman office proceed? What exactly is its authority and who should be notified where an investigation seems to be going? Ombudsman offices seem to be getting increasingly into troubled waters. Several have challenged sacred government cows; in return they have been attacked. One particularly troublesome area in which they seem to take on more than they bargained is investigating complaints against the police. Nowhere do police take kindly to complaints; or to complainants; or to anyone who represents complainants. Rarely have police cooperated in investigations even where they have allowed the ombudsman to take up public complaints as in Detroit.

Indeed, professionals everywhere resent the outside interference of others in what they consider their professional fields. Thus, medical practitioners jealously guard their medical opinions and practices. Similarly, academics shroud their judgements in secrecy. When one government ombudsman office was asked by a complainant to find out why she was failed at the oral presentation stage of her dissertation without prior warning, the public university involved refused to respond, claiming that this was a matter of professional judgement. The government ombudsman insisted on a reply and raised the issue in public. His office, he said, was not concerned with the academic or intellectual substance of the dissertation and the examination but whether administrative due process had been observed. In this case, he judged that it had not and he recommended that the student be allowed to resubmit her doctoral dissertation as dictated by natural justice. But, as university ombudsman offices know, often the line is not so clear cut and they are like their government counterparts frequently accused of meddling in matters that do not concern

them. Later, it transpires that they had been right to pursue the matter because wrongdoing, deceit, cover up, and worse had occurred resulting in avoidable scandal.

In contrast, executive as opposed to legislature ombudsman offices in government have tended to interpret their jurisdictions liberally. They have been prepared to listen to any grievance and any complaint, whether made formally or informally. They have seen themselves as troubleshooters. With good intentions, they have investigated any reasonable complaint that has not been sufficiently considered elsewhere. They have become advocates for clients, vying for attention and generally making nuisances of themselves. In so doing, they have appeared to have set themselves up above officialdom in evaluating the performance of both administration and government. In this, they have risked retribution. When supported in such actions, the ombudsman office has been a launching pad for a bright administrative career. When opposed, it has been a career graveyard in that administrative system though not necessarily others: hence, the preference to appoint as ombudsman someone whose career has peaked, someone knowledgeable of the system, but someone who is likely to retire from it. Just how should the game be played? If the ombudsman office does nothing out of line, then it would appear superfluous. If it makes waves, then it is too much of a threat. Playing safe spells sinecure. Playing rough threatens havoc in the system. Where is the mean?

To some extent, conflict is inevitable between the spirit of the institution and the conditions under which it operates. The spirit of the ombudsman is to encourage aggrieved persons to come forward, to see that officialdom takes their complaints seriously and to ensure that any wrongdoing is swiftly rectified. Experience shows that for every legitimate complaint there are two

or three others without much substance. All have to be taken at face value until the cranks and the querulous can be properly identified. But even these are entitled to a respectful hearing however trying they may be at times. They are not always wrong and their emotional problems may well have been caused by grave injustices that nobody has been willing to admit. On the other hand, the conditions under which ombudsman offices work may discourage complainants and may be deliberately designed to prevent adequate investigation and follow up. Sometimes the ombudsman office is tucked out of sight (and out of mind) or it is placed within a system cross fire. Jurisdiction is drawn in such a way that most complaints do not count. Unfortunately, on top of this, some ombudsman offices make things difficult for themselves or their complainants by being unduly legalistic and bureaucratic and then compound the situation by their own slapdash methods which are themselves just cause for complaint.

Nothing succeeds like success. The ombudsman offices have many successes to their credit. They have brightened the lives of complainants whose grievances have been settled amicably. Organizations have been saved from legal action. Serious flaws in policy and practice have been corrected. Bad mannered officials have been removed from direct contact with members of the public. Every so often, a particular investigation captures public imagination and scoops the headlines. The ombudsman becomes a one-day hero or heroine. But such credit incites jealousy. Those who believe they do more important work and do more to protect the public resent the publicity given to the ombudsman office whose success they see is at their expense if not discredit. They claim that the ombudsman is merely a publicity seeker and that the office gives them insufficient time to deal with complaints in their own more efficacious if quiet way. One unfortunate incident among thousands is taken out of context,

distorted, and generalized; in short, the ombudsman does not play fair. Thus, success may imperil an ombudsman who is seen as too bold, too outspoken, too revealing, or too unreliable. The public would be better served, it is said, by someone more trustworthy, reticent and pliable.

Each ombudsman office has to accommodate itself to these issues. Uppermost should be concern for relevance. If the office concentrates only on complaint handling, it will remain minor and peripheral, never realizing its potential within the administrative system. If it does not fight for right, it forfeits public trust, become just another manipulable position. If it does not use its power to tackle deeper bureaupathologies of which complaints are but symptoms, then it will be just another sop to assuage public opinion. If it fails to achieve just compensation for victims of defective administration, then complainants may well ask themselves what is the point of the exercise. The bottom line for the ombudsman is making officialdom respond quickly, compassionately, meaningfully, and effectively.

## THE OMBUDSMAN AS AN ORGANIZATIONAL DEVELOPMENT SPECIALIST

Jacqui Curran

California Institute of Technology

It is possible that some of you actually have an organizational development department on your campus; it is more likely that you do not. Increasingly, organizations are recognizing the need to employ an organizational development specialist to evaluate the problems of the organization and make recommendations for change and improvement. This is often seen as a way to increase the likelihood that the organization will survive and continue to be profitable in an increasingly competitive and global marketplace. There is a strong need for corporations to streamline operations and ensure that the workforce is utilized efficiently, as well as a need to ensure that the corporation is seen in a positive light by both employees and the community it exists within. Only the healthiest corporations will survive in today's difficult environment. Organizations that do not utilize their human resources effectively face increasing costs in terms of lost productivity, increased turnover, increased health care costs, and even increasing costs associated with legal actions taken against the corporation by present and former employees and customers. Many organizations are turning to organization development as a way to learn how to create a healthy and productive work environment. The broad definition of organization development (OD) refers to a set of planned actions undertaken to improve organizational effectiveness and employee well-being. The OD practitioner utilizes a wide range of tools to assist in diagnosing the organization's needs and shortcomings and designing

interventions to improve the situation. These tools might consist of organization-wide surveys and systems changes or small scale counseling sessions with individuals and groups (adapted from Beer and Walton, 1987). The OD practitioner views organizations as composed of a combination of people with different sets of values, styles and skills; technologies with different characteristics; and processes and structures which reflect different kinds of relationships between people or between people and their work. The objectives of OD include creating an open problem-solving climate, building trust and collaboration, helping managers manage more effectively, and increasing employee motivation and satisfaction, all of which should lead to a more productive and healthy organization (Friedlander & Brown, 1974).

Clearly, from the above description, the ombudsman may be considered to be an organizational development specialist. When the ombudsman is able to operate in a proactive sense, rather than purely reactive, and make recommendations for change to improve the systems of the university, then the ombudsman is acting as an OD consultant by helping the university to be a more healthy and productive environment for students, faculty, and staff. The ombudsman may limit the focus of attention and mode of intervention to individuals and groups rather than the entire organization; however when we make recommendations for policy and procedural changes and wide-scale training efforts, or even when we interface regularly with the top administration to advise them of general areas of concern, we are acting on an organization-wide scale with a more global focus. This is consistent with the concept of the ombudsman as a potential change agent in the University.

It would be wise then for the ombudsman to become familiar with the terms and techniques of organization development. Many of the interventions are

similar or identical to those we already use. Examples of OD interventions on the individual level are: coaching and counseling, management consultation, training and development, role playing, transactional analysis, life and career planning activities, etc. On the dyad/triad level the interventions include shuttle diplomacy, mediation, and process consultation. At the group level OD interventions involve team-building, leadership training, communication training and other educative efforts, survey feedback, problem solving consultation, and intergroup interventions such as shuttle diplomacy and mediation, intergroup activities, and team-building. At the organizational level the interventions might include combinations of the above, as well as strategic planning, problem analysis, interviews and questionnaires, confrontation meetings, and making recommendations for structural or procedural changes (French & Bell, 1984).

Applying the principles of organization development to the role of ombudsman can help to establish the legitimacy and cost-effectiveness of the role of the ombudsman, as well as providing us with more information to use to help us be effective. The OD consultant acts as a change agent and to the extent that we are able to, we can utilize the principles from OD to be more effective as proactive change agents. When speaking of the ombudsman as a change agent, it is useful to look at the OD theories on personal and organizational change. Walter Sikes (1989) speaks of the need to follow seven basic principles in understanding and dealing with change. These are:

1. You must know what something is and understand it before you try to change it;
2. You cannot change only one element of a system;
3. People will resist change that they perceive to be punishment;

4. People are reluctant to undergo temporary discomfort for long-term gain;
5. Change generates stress;
6. Participation reduces resistance; and
7. Behavioral change usually occurs in very small steps.

These principles are useful to us when considering the actions that we take in our role of ombudsman. Other aspects of change theory from OD refer to the need to look at change as a three step process of unfreezing, moving, and refreezing of group (or individual) standards (Kurt Lewin, 1951). We may often forget to do the first and last step and focus instead on merely implementing the change. An example would be when we advise a client to change her behavior (perhaps her supervisory or communication style as an example) without having first prepared her to let go of the old behavior, and then following up with feedback and consultation to be sure the new behavior is firmly in place and effective at resolving the problem that brought the client to us in the first place.

The Organization Development framework can be placed over most of our work in order to help us gain a better and more global understanding of the problems we work with. An example would be the problem we face within the system of offices and resources available to the individual with a problem. The ombudsman is often the last resort, and thus the work we do has often already been done (or should have been done) by a different office. The OD consultant would look at the organizational structure and try to determine where the system breaks down in terms of solving the problems of individuals and groups. Perhaps there are too many options available for a student wishing to complain about a professor, perhaps those that are available are not accessible, or

perhaps the procedure for filing a complaint is too complicated. From a systems perspective it is useful to look at how the offices interrelate and to what extent they each may repeat the work that another office is doing or has done. The OD consultant would evaluate the cause of the problem (the problems are being shuffled between offices and not solved and the offices are not communicating with each other) and make recommendations for change to increase efficiency (maybe a set of road maps that clearly outline where an individual will get help for a particular problem or some intergroup team-building to get the offices to work together, or perhaps just physically relocating offices so they are more convenient and accessible). The process that the OD consultant uses is careful and accurate data collection and analysis, diagnosis, planning an intervention that is consistent with the organizational structure and culture, implementing the intervention, further data collection and diagnosis with recommendations for further intervention if necessary, and follow-up to monitor and assure permanence of the change. This systematic approach to problem-solving helps to increase the effectiveness of the eventual intervention. It is also a useful tool in helping to bypass the "politics" that are often involved in making recommendations for change. In the example above, it is often the case that problems do not get solved because each office has a different perception of the need to solve the individual's problem. By looking at the failure to meet the student's needs from a global systems perspective, you avoid laying blame on any individual office, but rather take a proactive stance that looks to working together as a team to eliminate any future problems. The ombudsman could ask the offices to conduct a survey to find out the extent of the problem; the offices could then hold a brainstorming session to discuss ways to facilitate the prompt and efficient handling of

complaints and problems by designating which office should be responsible for handling which types of problem; a system could then be agreed upon and put in place; and the ombudsman could take responsibility for monitoring the effectiveness of the system. In this example, the ombudsman might still be the first place an individual would seek out (to find out where to go) or the last place (when nothing else has worked, or the individual wants to be assured of confidentiality), but the ombudsman could be more certain that when a problem gets to another office it will be handled promptly and by the correct person. This systems approach might also help to streamline the system by eliminating much of the redundancy and inefficiency present when each office considers itself to be capable of handling any student problem.

Another useful aspect of organization development to the ombudsman is the opportunity to study organizational behavior (as opposed to individual or group behavior). This is an area of study that focuses on the individual-organization interface and the particular problems and dynamics of such a mix. Covered under this area are such diverse topics as human relations, motivation, job design, person-job fit, group dynamics, leadership and power, conflict, communication and information processing, and organizational culture. The study of these areas can only help to increase our knowledge and effectiveness in the role of ombudsman. Although this area of study focuses on the employee-organization interface, most of the concepts are easily transferable to the student-university or faculty-university interface.

In summary, it can be seen that the position of ombudsman, when allowed to be proactive rather than purely reactive, can be a valuable organizational development tool for the university. The ombudsman's independence of the formal hierarchical structure of the university allows him or her great access

to information which can be compiled (to protect confidentiality) and used to diagnose problem areas and make recommendations for change. The ombudsman who is well-versed in organization development and organizational behavior can use the knowledge and interventions from this field, combined with knowledge of the unique problems of universities, to increase his or her personal, positional, and organizational effectiveness.

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## FUTURE OF THE OMBUDS PROFESSION

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In order to ascertain the future, it is necessary for ombudspersons to reassess their present role and importance within their college community. Ombudspersons are responsible for progressively moving the profession into the future. The future for our profession can only be bright with individual practitioner's active and conscious awareness of necessary changes in the profession. The changing trends, perceptions, and realities on college campuses make it inevitable that the ombudsperson's role must also change.

It is time for individual ombudspersons to begin laying the foundation which will enhance a bright future for the profession. The persuasive maintenance of service (**PMS**) rendered by the ombudsperson carries symptoms such as headache from frustrations relating to time, cooperation and support; bloatedness from absorbing all that which comes into the office; and mood changes from the varied severity levels of complaints. If ombudspersons do not release some of the pressures caused by **PMS**, the profession will explode into little practitioners who are operating without a "real" connection to the mission of the college. The ombudsperson should cease being selfish and provide an opportunity for others to experience **PMS**. Deans, directors, presidents, and other administrators on college campuses should experience **PMS**. Collective **PMS** enhances the probability for a healthy college community.

The future for the profession is bright when the following areas are further developed by individual practitioners:

1. Definitions
2. Accountability
3. Interaction with Senior Administration

#### DEFINITIONS

With the changes in ethnic demographics, federal laws, requests from college community members and individuals who are attending college, a new vocabulary is being put into use to describe the nature of the college community. Terms such as diversity, pluralism, multiculturalism, minority (trying to find a new word), homophobia and others which are used are indicative of the changes on college campuses.

It is incumbent upon the ombudsperson to assist college community members with defining the terms which will improve communication amongst community members. As the ombudsperson brings about changes in behavior and performs **PMS** and as others experience **PMS**, everyone must have the same understanding of what is meant by certain terms. It is necessary for the college community to understand what are the acceptable behaviors governed by those particular terms. The ombudsperson should be the "Daniel Webster" for the college community. Taking this role, the future of the profession remains bright.

## ACCOUNTABILITY

By sharing **PMS**, ombudspersons are relinquishing the thought that **PMS** is their sole responsibility. The ombudsperson is responsible for the initial change in individual or group behavior. Thereafter, that individual or group is accountable to another body of authority and the community. Either that supervisor, adviser or community member is responsible for continuing **PMS**. The ombudsperson is not a superhuman with the super ability to hear all, see all and do all. Maintaining the college community as an environment which accepts and respects differences amongst its constituencies is the responsibility of all members. Each and every one should be held accountable for the quality of life experienced within the college community.

With others being held accountable and sharing **PMS**, the ombudsperson will gain assistance which, in turn, will lower the "flame of burn-out." Therefore, the future of the profession remains as an adventure for individual practitioners. The continuity of individuals as practitioners is maintained because of the decrease in the number of practitioners leaving the profession.

## INTERACTION WITH SENIOR ADMINISTRATORS

The ombudsperson usually functions autonomously and independently of any other office. It is time to reassess this positioning of the ombuds function. In order to fully understand how best to carry out the institution's mission as perceived by the administration, it is necessary for the ombudsperson to know the administration's expectations. The ombudsperson needs to interact more

with college administration. There is a need to attend their meetings, speak with them individually, and be a participant on their committees. To really share **PMS** with the administration, the ombudsperson needs to know how the administration thinks and what their commitment is to the quality of life on campus. In most cases, the ombudsperson is the eyes and ears for the administration. As the "Daniel Webster" for the community, the ombudsperson needs to interact with the administration in order to keep them abreast of the terminology and what it means to certain groups or individuals within the community. More interaction with the administration should not compromise the ombudsperson's neutrality. It should enhance the ombudsperson's **PMS**. **PMS**, after all is said and done, is the common outcome.

The future of the ombuds profession is in the hands of individual practitioners. They must reassess their role on college campuses and make the necessary changes which will meet the present and future community needs. Individual practitioners should concentrate on three areas in order to make the profession's future bright. They need to become the "Daniel Webster" for the community, making certain the terms utilized to govern the community are defined the same by all. The sharing of **PMS** holds others, in addition to the ombudsperson, accountable for their own roles in maintaining the quality of life within the college community. Finally, the increased interaction with the college administration will enhance the sharing of **PMS** and give the ombudsperson a better understanding of the expectations of the administration.

The future is bright for the profession because the future lies in the hands of the practitioners. As the practitioners begin utilizing the three areas mentioned in this presentation, the "flame of burn-out" will lessen and increase the continuity of individuals as practitioners. As new practitioners join the profession with heightened awareness of the profession, there will be more of a collaborative effort to treat and understand **PMS**.

Presentation given before the 1991 UCOA Conference in Louisville, KY.

UNIVERSITAS MAGISTRORUM ET SCHOLARIUM

William R. Schonfeld

University of California, Irvine

Congratulations! You and your loved ones should rightfully be proud of your achievements. You have worked hard, you have worked well, to earn the honors which will be bestowed on you this evening.

The University has a number of somewhat "odd" rituals -- one of which may well be the academic/intellectual speech at the time of conferring degrees and honors. Tradition would dictate that my remarks should last about 15 to 20 minutes, but should have a style and substance such that members of the audience would be willing to swear that I had spoken for at least two hours. I presume that tedious remarks are particularly valued on occasions such as this, because thereby the audience's pleasure rises to climatic dimensions at the moment the speaker sits down and we begin honoring you.

In spite of my traditional nature, I hope to innovate somewhat in this respect, . . . although I promise to be sufficiently boring, at least at times, so as not to deprive you completely of one of the great historical rites of passage.

My topic, I decided, should be shaped by the question: Why is this night different from all other nights? There are, in fact, two answers:

The first is that we are all gathered here to honor you for your academic achievements. Remarks focusing on your accomplishments and the meaning of academic honor would be appropriate. But, such is the general topic of student speech this evening.

To avoid redundancy, I must thus attend to the other feature which makes this evening different from others: we are all dressed rather peculiarly.

Academic regalia is the uniform of the university member, rarely worn in the latter part of the 20th century, but which reminds us of both our past and our foundations.

Our garb this evening led me to the medieval nature of the university. Consider the following statute from the Book of the Chancellor at Oxford adopted in 1358:

all the regents in congregation assembled have ordained unanimously that a tailor when he cuts and measures the material to be distributed among the members of the University shall dispose and measure the fabric in such a way as to give the masters and bedells their robes not as short and reduced garments but as full length robes as they were wont to wear in times past. For it is decent and reasonable that those whom God has distinguished with inner qualities from laymen also be different from laymen in their appearance. (Emphasis added.)

For those of you inclined to regard that world as extremely remote from our own, consider the following regulation from the same Book of the Chancellor at Oxford concerning the use of the library:

all who enter will take an oath that they will handle the books they consult decently and not inflict any harm on them by tearing out or ruining layers or single pages of the book.

These features of medieval Oxford led me to reflect on two interrelated questions:

1. What is the essence of a University?
2. How is the contemporary world through its culture, values and pressures challenging the University's core meaning?

I. What is a University? What is its essence?

I propose to provide you with a particular conception/definition of the University. Definitions, are neither right nor wrong, but may be quite

controversial and even fuel passionate debate. And surely, if controversy and debate belong in any social institution, they belong in the university. If that debate is productive or forces reflection upon what we are doing, then the definition is useful.

So what is the essence of the University?

The University may well be the only modern social institution to have its origins in medieval and not ancient times. They were called:

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In spite of what common sense might imply, "universitas" had NOTHING to do with the "universality" of knowledge or learning. Rather the word "universitas" identified the fact that this institution of masters (magistorum or professors) and scholars (scholarium or students) was a company of persons, a community, a body, like all other medieval guilds, organized for the sake of its protection from hostile outsiders.

What was to be protected, and from whom?

The university, from its origins, was not only a center of discussion, but also of critique. It considered issues as objectively as it could, and thus often disapproved, implicitly or explicitly, of policies endorsed by the State and the Church. In an era of authoritarian control by both secular and ecclesiastical authority, this trait surely needed protection.

Next, the university was, for medieval times, an unusually democratic institution. In Bologna, the students elected their teachers and fired them. In Paris, the Professors elected the Deans, who in turn chose their Chancellor. In an age of despotism -- whether enlightened or not -- the democratic character of the university also needed protection.

Last, in a medieval age of conformity, uniformity, and parochialism, universities were a surprisingly diverse setting, unwelcome by the communities in which they were located (hence the town/gown conflict).

Consider, for example, the University of Paris. It was composed of four (ethnic) "nations": the French, Picard, Normand, and the English-German. There was much hostility, even hatred among these groups. While they shared a common language of instruction, Latin, they did not speak the same vernacular among themselves. In addition, they had distinct customs, habits, and cultures.

The student body was also very diverse economically. There were both rich and poor students. For instance, between 1425 and 1494 at the English-German Nation of the University of Paris, more than 17% of the students were classified as "paupers", and 70% had varying degrees of financial aid, leaving only slightly more than 12% in the category of financially comfortable. These economic differences were also sources of tension among students.

If we put all this into context, it really is quite extraordinary: the medieval university, funded by authoritarian Churches and dictatorial governments, was not only a center for discussion and critique of the world which surrounded it, but in addition, it was rather democratic in its internal organization, and very diverse.

Herein lie the core traits, the defining characteristics of the corporation, the guild, which we call the university; just as central to the meaning of this institution in 1991 as in 1191 in Bologna and at the nascent University of Paris.

The university must be distant from the society that surrounds it, and inevitably an irritant to that society rather than a proximate reflection of it.

Oddly enough, at the end of the twentieth century the university remains in need of protection to fulfill its mission in spite of the separation of church and state, the institution of democratic government, and the growth of community tolerance. In fact, the challenges may even be more serious than they were in medieval times because the forces that would undermine the university are more seductive and subtle.

II. How is the contemporary world through its culture, values, and pressures challenging the University's core meaning?

Four horsemen of the Apocalypse have been let loose and threaten to undermine the university. They carry the enticing names of ENGAGEMENT, RELEVANCE, SPECIALIZATION, and PRACTICALITY. They constitute a major threat to the integrity and the unique mission of the university. Their siren songs must be resisted. To do so requires first and foremost awareness of their nature and pernicious quality.

Society -- including many professors and students -- have attacked the essential role of the university for undergraduates. The onslaught has increased in recent years and promises to grow as we move toward the 21st century.

1. The first challenge acquired prominence in the late 1960's with the call for an ENGAGED university. Under the impetus of the War in Vietnam and the draft of college students, the traditional role of the university as a center for discussion, analysis and critique of public policy became twisted. The fact that some members of the university community -- perhaps even most -- condemned the action of the United States government became insufficient. What was needed was condemnation by the university itself, i.e., engagement.

Yet to remain true to its mission and its nature, the university must remain disengaged and distant. As an institution it cannot take sides on public issues, no matter how pressing they may be and no matter how united faculty and student opinion may be. The siren call for engagement is a demand to renounce our institutional stature which requires the university to stand above the issues of the day.

2. A second challenge, no less pernicious than the first, is captured by the demands for RELEVANCE. The idea is that course work and research should address issues which are "relevant."

But, who is to determine relevance? The students who arrive at the university seeking an education are surely poorly equipped to suggest what is really relevant, even though they are the only ones who can say what among the things they learned seems applicable. Society defines relevance in terms of the issues it is currently confronting, which may, of course, be quite distinct from the major future problems. Scholars identify issues along with potential solutions in terms of what strikes their intellectual interest and appears challenging. These issues may eventually rise to prominence in "the real world." (For instance, a few researchers were investigating the problem of civil strife before the United States ever became involved in Vietnam, and such issues became obviously "relevant.")

Is what matters what is immediately apparent, or what is as yet invisible? Of course both matter, but among social institutions only the university has the potential to provide insight into the latter, but will not do so if it is driven by issues of relevance.

3. The calls for engagement and relevance are bolstered by the pressures for SPECIALIZATION. The knowledge explosion of the second half of the twentieth century has perhaps only been exceeded by the growth in published materials. The result has been an increasing tendency to specialize and to do so in an ever more focused fashion. Faculty must conceive of their research in narrow terms in order to master the literature and be able to add on persuasively to existing knowledge. Research specialization in turn has contributed to increased specialization in teaching: you instruct in the areas in which you are expert. The consonance between teaching and research is not only a logical inclination but also makes life easier for faculty, for example, not having to read in areas in which one is not doing research.

Specialization, however, leads to atomization and isolation. Faculty have fewer issues that they can seriously discuss with the bulk of their colleagues. Overall, the university loses its community quality and becomes a collection of ghettos of "expertise."

4. These three horsemen are driven on by their comrade, the American obsession with so-called PRACTICALITY, joined with a sluggish economy unable to provide full or appropriate employment for its citizens. The result is the deeply subversive, but all too strident, call for career preparation, as though that were the function of an undergraduate education. The university is not a trade school, and cannot become one without losing its very soul. Rather the university provides society with a pool of intelligent, educated people; it enables students to acquire analytical skills that in turn are capable of being applied to a wide array of diverse employments.

CONCLUSION:

Engagement, relevance, specialization, and practicality conspire together to challenge the essence of the university. All attempts to make the university more of a proximate reflection of society must be resisted. This is not a time for compromise, but rather for foresight and wisdom so we may fight successfully to preserve

UNIVERSITAS MAGISTRORUM ET SCHOLARIUM.

Address given at the Honors Convocation on June 14, 1991 at the University of California, Irvine.

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## REFLECTIONS OF A FIRST-YEAR OMBUDSMAN

Tom Sebok

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When I started my new position in the Ombudsman Office at CU-Boulder, I quickly learned that:

1. most people have no idea what an Ombudsman is, and
2. even those who do know what an Ombudsman is often have great difficulty pronouncing the word "Ombudsman" without adding a stray "s" . . . "omsbudsman."

As a new resident of Boulder, I had to do all the regular "new resident in the area" stuff like get my car registered, look for a place to live, start a bank account, and find a good guitar store. When asked the question, "What do you do for a living?" I observed that simply responding, "I am an Ombudsman." seemed to leave most people dazed and confused. I soon learned to anticipate that the listener would not know what an Ombudsman was. I began to add explanatory phrases like "hearing complaints," "dispute resolution," "mediation," or "conflict management." This seemed to facilitate better communication, and, after all, that's part of my job. I was pleased at this small success. Seemed like I was on the right track!

In my work environment, I found I needed to familiarize myself with many new things, including a new (for me) institutional type and size. Prior to coming to CU, I worked for seven years as a Counselor at a small community college in Maryland where I knew the entire faculty and staff. CU-Boulder, on the other hand, is a large research-oriented university where I would be lucky to ever know 10% of the faculty and staff. Talk about culture shock!

The mission of CU-Boulder is significantly different from that of a community college. The admissions criteria, residential nature of the campus, expectations for faculty to conduct research and publish, and availability of graduate degrees are dramatically different, and result in a different culture. As if all that weren't enough, there are ten times more students at CU!

Finally, for some reason, I found it a large "jump" to go from working at an institution that didn't even have a football team to one that won the national championship by defeating Notre Dame in the Orange Bowl! (Sorry, I couldn't resist bragging a little. This is pretty exciting stuff for me!)

I don't want to convey the impression that there were no similarities between my former and current institutions. There were many. But these differences were startling, to say the least.

In addition to adjusting to a radically new environment, I needed to learn a lot of specific details about my new campus such as the identity of the "key players" in various offices on campus, academic policies and procedures which governed the various colleges and schools within the university, and policies affecting faculty and staff (including grievance procedures and the campus Sexual Harassment policy).

The largest adjustment I had to make, however, was to the role of Ombudsman. Rarely as a Counselor did I find myself in the middle of a dispute. I needed to learn how to function as a "neutral third party." I soon found that when the first person (the complainant) told me his/her story, I found myself being persuaded that he/she had been victimized, taken advantage of, mistreated, etc. But somehow I always managed to resist the temptation to go "charging off on a white horse" to "save" the complainant when I contacted the other party (the respondent). I suspect this may be due, in part, to the fact that, at first,

contacting the respondent was often scary. This person was frequently portrayed by the complainant as a terrible, rigid, insensitive, authoritarian monster with horns and a tail. After making a number of these contacts, I found that my perspective on the conflict always changed somewhat. I also found that most respondents seemed interested in portraying their points of view as "reasonable." I never heard a completely different story from the respondent. It was usually a difference of "perspective" rather than any disagreement about the basic facts. How the facts were interpreted was frequently the largest difference. Eventually, I came to feel that as an Ombudsman I have an advantage that I never had as a counselor working with individual clients: the opportunity to hear from someone else in conflict situations, in addition to the original client. This is usually much more enlightening than hearing from only one party in a conflict.

Focusing on resolving one specific problem is a luxury too. Effective ombudsing rarely seems to require a deep understanding of a client's mental or emotional history or unconscious motivations. It does require clear understanding of the real interests of both parties and the skills to bring them into focus in resolving conflicts. And in ombudsing, it is easy to know when a conflict has been successfully resolved. In counseling, success in resolving such issues as "low self-esteem," or "depression," etc. is often much harder to define.

Among the skills I have found somewhat difficult to learn in this work is that of listening actively without conveying the impression that I believe the speaker is "right" and the other party is "wrong." This, of course would imply my willingness to be an "advocate" for the complainant. Most people seem to want me to "take their side" or agree with their perspective, regardless of

their stated understanding of my "neutral" role. I have found myself saying things like, "So, from your perspective, x is the situation," or "You seem to feel..." However, I suspect that many people assume that if I hear their point of view and don't argue with them about it, I agree with their point of view. Occasionally reminding them that I function as a "neutral third party" has often been necessary to avoid conveying that, just because I understand their perspective, I will be their advocate.

Another difficult skill for me has been presenting one person's perspective to the other and focusing clearly on what the first person finds the most disturbing. When I contact respondents, my first job seems to be establishing my credibility and assuring the person that I am not an advocate for the other party in the dispute. This sometimes feels like walking through a mine field! Because there has already been a conflict between the complainant and the respondent, many respondents seem initially suspicious of my motive for contacting them. After all, I am associated with the person with whom they were engaged in a dispute. (I think this is especially true for those who have had no previous contact with the Ombudsman Office.) Much of the initial discussion, for me, involves conveying the message that I am working in a neutral role. Many respondents seem to expect that I am going to criticize or attack them. This, of course, does not happen. As I express genuine interest in hearing their perspectives on disputes, most respondents seem relieved and anxious to talk about the issues. Tact and sensitivity are critical at this time. So is timing. And the value of understanding and communicating about people's real interests cannot be understated.

My second task in contacting respondents usually involves attempting to engage them in a discussion in which I attempt to encourage them to evaluate

the "fairness" of their actions with the complainant. This is, at least for me, the most difficult part of the job. How do I encourage such objectivity in people after they have engaged in a conflict? It is not always clear. If the conflict has been especially nasty, feelings of anger and/or fear or pride issues are almost always present. Of course, power differences also exist, making these cases even more challenging! Even if I have successfully assured the respondent that I intend to remain "neutral," not surprisingly, many people still seem to be less than enthusiastic about having an "opportunity" to evaluate their own decisions or actions. In this part of the discussion I often hear comments like, "That's the policy." Resistance to evaluating the "fairness" of a policy or an action is pretty common. I would like to refine my skills in this area so I can more effectively engage respondents in evaluating the "fairness" of actions or policies -- rather than simply defending them. It seems to be that, for an Ombudsman, developing these skills is essential for maximum effectiveness.

As I reflect on other experiences in my first year as an Ombudsman, I remember the 1990 Asilomar Conference to be a highlight in my professional development. I especially enjoyed the "Case Presentations" and responses from the veteran Ombudsmen present. I also enjoyed informal mealtime conversations with colleagues about cases, strategies, and frustrations. I noticed that people at the dinner table tended to speak more clearly and directly (and less philosophically) about the professional questions we discussed than they did in front of the larger group. I gained confidence that I was "on the right track" as a result of those discussions.

One of the spin-off benefits of the Asilomar conference for me was that several of the Colorado Ombudsmen present decided to get together on a regular

basis to discuss issues of mutual interest. For the most part, that has meant presenting difficult cases and receiving feedback from colleagues. This has been supportive, stimulating, and rewarding -- professionally and personally.

Another highlight of the 1990 - 1991 academic year for me was the UCOA Conference in Lexington, KY. I enjoyed this conference a great deal, as well. As a kind of "bonus," some of the most stimulating and challenging thought and discussions around conference issues occurred for me after I returned from the conference and had time to reflect on some of UCOA's Ethical Principles, which were voted on (and passed) in Lexington. I realized after returning home that I didn't understand how a few of them were intended to guide my actions. For example, "Justice" was identified as the preeminent value guiding the work of Ombudsmen. However, after thinking about this, I realized that I didn't really understand what this meant I was to do if it appeared, after my investigation, that some injustice had taken place. The Statement seemed to suggest that I am to do more than simply engage a respondent in discussion about whether he/she thinks a given process has been "just." I had numerous discussions with colleagues about whether Ombudsmen should be "judges of fair process" and what our options were when it appeared to me that a process had not been "just." I believe I will continue to wrestle with this issue as I enter my second year in this position.

Another Ethical Principle I would like to better understand indicates that "justice requires that individual interests be carefully balanced with the consideration of the good of the larger academic community." This raises a number of questions for me. For example, what criteria do I use to evaluate "the good of the larger academic community?" And how do I "balance" these

things against one another? Again, I really do not understand how this statement is intended to guide my actions. I am still thinking about this and will continue to discuss it with colleagues.

An important value stated in UCOA's Ethical Principles is the notion that we should operate in a way that is "impartial." This is obviously necessary to avoid being seen as an advocate for either side in a conflict. When combined with "justice," however, I am again confused about what it means that I should do. The Statement seems to suggest that I am to make a decision about whether some process or action has been "just" and convey to both (or all) parties that I have been impartial in arriving at that conclusion. But what if, for example, it appears to me after speaking with a professor that a grade was assigned a particular student on the basis of "something other than the merits of his/her work?" This, of course, would be a violation of the student's "academic freedom." Do I make this observation to the professor? If so, how do I avoid being seen by the professor as an "advocate" for the student? If, on the other hand, I conclude that the professor's grading process was fair, and make that observation to the student, how do I avoid being seen by the student as an "advocate" for the professor? Clearly, engaging each party in an attempt to evaluate what is "fair" seems necessary. However, if I render a judgement, either party may agree or disagree with the methods I used to arrive at my conclusion. This also seems to place me in the role of "judge," and I wonder if this was really the intention of this Ethical Principle. My struggle to understand this issue will, no doubt, continue as well.

It has been a challenging year. Sometimes it has been fun. Sometimes it has been confusing. But I have a very good feeling about attempting to help people resolve disputes using a non-adversarial process. I will soon attend a

week-long mediation skills training. I'm excited about it. I believe it will help me to "see" conflicts more clearly and help me make better decisions about my options within this role. And, of course, I will continue to read, attend as many conferences as possible, and discuss issues with my colleagues to "recharge my batteries." I am excited about continuing to develop my thinking and my skills as a University Ombudsman. It won't be easy -- but it sure won't be boring either!

ACADEMIC OMBUDSING: CONTRIBUTIONS OF RESEARCH TO PRACTICE

Lois Price Spratlen

University of Washington

Academic ombudsmen practice in unique and complex organizational environments.<sup>1</sup> The colleges and universities in which most of us practice have long established traditions, expectations and goals. The research tradition is well established in the university. Indeed, the primary mission of the university is the preservation, development and dissemination of knowledge. It is through the research process that many of the goals of the university are accomplished. (University of Washington Handbook, 1972.)

During the latter half of the decade of the 1960's, academic ombudsmen began practicing on University and college campuses (Anderson, 1969). In 1969 the Ombudsman's Office was established at the University of Washington. At the time of the inception of the role, the Ombudsman was appointed to:

. . . Protect the rights and interests of individual members of the student body, the faculty, and the staff against arbitrary and capricious actions or lack of appropriate actions by University agencies. (University of Washington Handbook, 1972.)

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<sup>1</sup>Because of its diversity of interests a university is a complex organization not quite like any other in its management, which requires understanding, good faith of people dedicated to a common purpose. (University of Washington Handbook, Chapter 13, Vol. II, p. 7, 1972.)

In operationalizing this charge the ombudsman engages in fact-finding, education, counseling, mediation, negotiation and conflict resolution. Information is gathered through these various activities and it forms the content of client records. Without violating the confidence of any client, office records can be used for research purposes.

In professional nursing, client records have been used historically as a data source for problem definition and problem solving. More generally this approach contributes to advancing the science of professional practice. (Burns and Grove, 1987; Wilson, 1989; Yin, 1984.)

This paper describes how client records in the Ombudsman's Office were developed and how they were used for archival research. Archival research refers to a systematic method by which existing records are used to answer a specific research question.

The paper is organized in five sections. They are in order: Introduction; Background Developments; Methods and Findings; Implications; and Summary/Conclusions.

#### **BACKGROUND DEVELOPMENTS**

Academic ombudsmen who also hold faculty appointments are expected to continue to engage in research, teaching and community service during their tenure as ombudsmen. Participation in research may not be an expected role function for staff ombudsmen. However, for those who elect to engage in research, the role of ombudsing can be brought into closer conformity with the primary values of the university. In recognition of this expectation, the author has conceptualized the ombudsman's role by using a framework which provides opportunity for research as an integral and important aspect of practice.

Information which is obtained from clients is used for service delivery, education and research. These activities are integral to the long-established traditions of the university which were referred to earlier in this discussion.

The preventive, general systems and empowering framework which the author used to conceptualize the ombudsman's role, has been extensively discussed in previous articles (Price Spratlen, 1988A; 1988B; 1990). In this paper attention is focused on the use of client records as a data source for archival research.

#### Record Keeping in the Ombudsman's Office

For a period of three years, 1988 to the present, a client profile and chronology<sup>2</sup> have been developed on most clients who seek services in the Ombudsman's Office. Examples of these documents and their use are presented in Appendix A. The client profile sheet seeks information about the client's name, classification, i.e., faculty, staff or student, their home and university telephone numbers and addresses. In addition, the client identifies:

- \* the nature of the problem;
- \* the person with whom she/he is having conflict;
- \* the academic unit where the problem occurred; and
- \* a brief description of the incident, i.e., two or three sentences about the incident.

Information from this sheet is entered into the computer as part of the permanent records of this office.

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<sup>2</sup>Chronolog refers to a structured form which is used to sequence events which led to the current problem. This structure includes four columns for dates, incidents/facts, feelings, comments.

The chronolog is a tool which the client is assisted to develop for problem-solving and problem resolution. The process is initiated during the first visit to the office. In addition, the rationale for using the process is also discussed at some length with the client during the first visit.

### Development of the Chronolog

Development of the chronolog occurs in two phases. The first phase involves developing a list of problematic incidents. The second phase involves structuring the list of incidents on the chronolog and adding comments and a description of one's feelings about the incidents.

The list of incidents involves having the client write down on a piece of paper every incident which she/he thinks contributed to the current problem. Once the total number of incidents which the client can recall is on the paper, this list is used for discussion.

The client is informed about how and by whom this information will be used. In addition, the client is reassured that if these records are subpoenaed, no personally identifying information will be released.

The second phase of the process begins when one or two items are used from the list of incidents to begin constructing the chronolog. Once the client understands how to complete the construction of this tool, she/he is encouraged to complete this process in the comfort of home or office. The client is asked how long she/he thinks it will take to complete this assignment. A second appointment is scheduled based on the client's projection of when the chronolog will be finished.

The chronolog serves at least two purposes. They are: client participation and competency enhancement. By actively engaging in the development of the

list of incidents the client is made aware of how important her/his knowledge of the incident is to the resolution of the problem. The client remains in control of the information by deciding when and how much information to provide. The client is also told that this information is valuable. Through this interactive process the client's strengths and skills in problem-solving are identified.

The strengths and skills which the client already possesses can be enhanced. Also areas where there are gaps in knowledge or resources can be reinforced or developed through the interactive process. New competencies can be acquired. This method is educational for the client and it facilitates the resolution of the problem. The client must be actively engaged in using existing competencies.

During the past three years more than 1003 clients have participated in this problem-solving process. It has been possible to identify a common theme which many faculty, staff and students include in their chronolog. This theme has been conceptualized by the author as a form of mistreatment in the workplace.

#### Definition of Mistreatment

Workplace mistreatment has been defined by the author as a social problem which occurs in the workplace. Based on descriptions which clients have provided, workplace mistreatment refers to situations or behaviors which the recipient defines as unwelcome, unwanted, unreasonable, inappropriate and excessive. It may also represent a violation of the personal rights of the recipient.

Four types of mistreatment have been identified. They are verbal, physical, environmental and other. Verbal mistreatment refers to name-calling, yelling,

and swearing. Physical mistreatment refers to any form of unwanted touch. The use of intimidation, demeaning attitude and hostility constitutes environmental mistreatment. Excessive use of electronic communication, i.e., E-mail, beepers, excessive use of memoranda, constitutes the other category of mistreatment.

Identification of this workplace problem was initially made in the process of responding to sexual harassment complaints. Later through the review of records left by my predecessor this problem was also identified. Records developed during my tenure in this role have been used to systematically document and describe the nature and extent of this problem among faculty and staff in the university workforce.

#### **METHODS, SAMPLE SELECTION AND FINDINGS**

The records review which was completed in the Office occurred during the period of April 30, 1991 through June 7, 1991. The process included four stages.

First, all records which existed in the Ombudsman's Office were eligible to be included in this study. A total of 1003 records covering the period from September 1, 1988 through June 30, 1991 met this criterion.

Each record was assigned a number beginning with 0001 and continuing through 1003. Once the total number of records eligible for inclusion in the study was known these numbers were entered in the computer. Through the use of the Statistical Package for the Social Sciences (SPSS), 413 (41%) sample was randomly selected for the study. This constituted the second phase of the research process.

Since this study focused on the University workforce, only records of faculty and staff were included. Records were removed of all other clients, i.e., students, volunteers, alumni and community citizens were removed from the sample. This constituted the third phase of the sample selection process and yielded a sub-sample of 289 faculty and staff.

It should be noted that during the period of February through April 1990 an institutional survey on "Interpersonal Conflict and Workplace Mistreatment" was completed by the author. Because this institutional study focused only on the faculty and staff, it was necessary to continue this pattern in the records review in order that comparable comparisons could be made between the two studies. A judgment sample of 102 of 289 (35.3%) resulted from the review as records which met four criteria. They were:

- \* A description of the problematic incident;
- \* The role status of the person who engaged in the mistreatment (i.e., manager, supervisor, co-worker or colleague);
- \* A description of where the incident occurred;
- \* A description of when the mistreatment happened;

#### FINDINGS

Using the above criteria it has been possible to determine that at least 102 or 35.3% of the individuals who sought help from the Ombudsman's Office during this three year period reported incidents in their chronolog which met the criteria of workplace mistreatment.

A second finding from this records review indicates that more women (54%) than men (46%) sought help for this problem. Also, women more often than men, provided very detailed descriptions of the problematic incident.

Clients who sought help from this Office were motivated to do so when the mistreatment was received from supervisors, managers or colleagues.

Based on records which were reviewed in this Office the concept of workplace mistreatment was documented and described. By naming this phenomenon this problem can be studied by others interested in determining if mistreatment is a problem in their college or university environment.

#### **IMPLICATIONS**

This analysis has emphasized that archival research is an effective method of studying existing records in the ombudsman's office. In conducting this research, knowledge can be developed from information which may not be available elsewhere on campus. This research can be completed without betraying the confidentiality of any client who has used the services of the office.

There are several benefits to be derived from completing this kind of research. They relate to the role of the ombudsman, to the improvement of service delivery and generally to program-policy development in the university. Problems may be conceptualized or refined for future study or for developing other responses from the ombudsman.

Individual client problems can be aggregated, defined and analyzed from a social or institutional perspective rather than the individual level. In this way the results can inform policy and support program development.

In view of the importance of research in most colleges and universities, the role status of the ombudsman can be enhanced through archival research. Over time this will result in a body of empirically based literature by, for and about academic ombudsmen. The results will demonstrate the commitment of the ombudsman to one of the primary activities in the mission of the university.

Since the research findings would be based on actual client cases, the accumulated and comparative learning can lead to improvements in service delivery. The research is applied as well as conceptual and can enhance professional practices. This extends the communication with ombudsmen in other academic institutions.

#### **SUMMARY/CONCLUSION**

Through archival research the records in the Ombudsman's Office provided a data source for defining a previously unnamed problem--workplace mistreatment. The scope and magnitude of this problem has been determined to be a significant one for over one-third of the clients who sought help in the Ombudsman's Office between the period of September 1, 1988 through June 30, 1991.

Observations which were made through the review of records left by my predecessor and one which I continued to make during case intake, alerted me to the fact that some proportion of the University's workforce was experiencing problems in the work environment which exceeded the limits of what a reasonable person should endure.

Four forms of mistreatment were documented, i.e., verbal, physical, environmental and other. Now that this phenomenon has been named and specific forms have been identified Ombudsmen in other academic environments can replicate this study to determine the pattern of problems which are reported in their offices. Through the use of systematic research the role of the ombudsman can be enhanced in the academic environment.

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Date

Facts/Incidents

Feelings

Comments

APPENDIX A

PERSPECTIVES ON THE PROFESSION: PAST, PRESENT, FUTURE

Carolyn Stieber

Michigan State University

I will, as requested, make a few brief observations on the past since MSU, in 1967, established the first significant ombudsman's office at a U.S. college or university. I myself do not go back to those earliest years -- the office and I were both middle-aged when we came together. MSU's position calls for the ombudsman to be a senior faculty member; it amuses me today that I had to be convincing back then about being sufficiently "senior."

1967 was a different world in many ways. The concept in loco parentis was in its terminal stages. Virtually every campus of any size was traumatized by repeated demonstrations against the Vietnam War. A military draft was in effect. In 1968 disorder spilled over to the streets of Chicago at the Democratic National Convention, undoubtedly influencing the presidential election. Yellow ribbons belonged only to a corny song; military recruiters came on campus at their peril. Many students pasted peace symbols on their caps at graduation while others chose not to participate at all in so establishment-oriented a ceremony as graduation. Recurrent political protests, which involved faculty as well as students, were joined to other complaints about bureaucratic indifference and professorial casualness toward teaching responsibilities. Quite a few professors, in demand as consultants, spent more time off than on campus. There was a generalized sense that no one cared about

major, much less minor, injustices, system glitches, organizational errors, or unclear rules and regulations with arbitrary if not capricious enforcement. While eccentricity still sometimes has a way of shading into arrogance in the precincts of academe, gratuitous insults re gender or age are dangerous now. They were not so unusual then. Students and campus police, never too friendly, regarded each other at that time with intense hostility, particularly after the war engulfed Cambodia. Police were often called upon to clear out buildings and arrest demonstrators or escort people into buildings, picking their way over shards of broken glass.

While the concept of an ombudsman on campus was borrowed from a foreign country, along with its strange-sounding Swedish title, there was relatively little understanding of the idea or of what such a strange sounding office might actually do. There is still much confusion, but in those early days there were no functioning examples anywhere in the U.S. to serve as a role model. The earliest state level adoptions -- even today only a handful in number -- came into existence about the same time as the idea was spreading in academe; so, all the different permutations developed at roughly the same time, albeit in different directions. Corporative ombudsmen were a rarity and an oddity.

Universities were still experiencing rapid growth; no one thought that strenuous recruitment efforts and sophisticated marketing strategies would later be needed in a search for warm bodies. There was money then. The word "Budget" did not have all the connotations of uncertainty, if not mystery, which now attach to that term. However, top administrators often were

attempting to assert more centralized control over burgeoning campuses while faculty, historically anxious about protecting their prerogatives, had no great enthusiasm for the notion that someone with an odd title from central administration would have the mission of looking over their shoulders and possibly criticizing or opposing their actions. Middle level managers were equally lacking in enthusiasm.

Foreign though the word ombudsman was, the protests from which the ombudsman emerged were the protests of domestic students. Except for a narrow band of disciplines, the foreign student was still relatively scarce on many campuses and the problems of the foreign teaching assistant were not the focus of any strong attention. Indeed, the students and staff of every campus, even the most internationally renowned, were far less diverse in geographic/ethnic/racial terms than today, with less spread in age also and many fewer women in science and engineering. In the early years of the ombudsman, protection against harassment may have been institutionally available, but there was as yet no judicial endorsement in Supreme Court rulings. Laws were being passed, but enforcement was haphazard. Potential students with hearing, vision, or mobility impairment were not encouraged to apply. Homophobia was widespread, with not even much institutional protection against harassment.

The annual reports of my predecessor stressed the need for the newly created ombudsman's office to establish independence, along with access; to gain knowledge of the campus far beyond what an ordinary faculty member would likely possess; and, to establish credibility for the office. This had to be a

daunting assignment. Independence, and even access, although firmly stated in MSU legislation regarding the ombudsman, have to be demonstrated over time in terms of how others react to you when you investigate a matter. Similarly, knowledge of a medium-sized city, which our university assuredly is, does not come all at once, however diligently the subject is studied. Credibility takes even more time to establish, as confidence in keeping a confidence, in judgement, and in objectivity slowly build. The power to persuade -- which is the only real power ombudsmen have -- depends in large part on all of the above: independence, knowledge, and credibility. One can inherit a viable office, but the founding ombudsmen had to write on a blank slate. We who followed are indebted to them.

MSU's first ombudsman did not intervene if a student won a grade grievance (most difficult to win under our procedure) and yet nothing happened. At the end of his tenure, however, he suggested that a change might be considered. This seemed to me to leave due process still very overdue, and after a celebrated case during my first year on the job, I opted to try to revise the rules. Although I anticipated a struggle with faculty, it turned out to be different. They were easy. It was a long hard fight, caught in the political cross fire of student factions, some of whom insisted on much more change than was possible. But in the end our university's basic legislation was changed. Few know I instigated this, but I regard it as my monument. (My big monument; I have several smaller ones.)

When MSU's first ombudsman prepared to retire, the military draft had ended. American involvement in Vietnam had declined drastically. Jobs were harder to find, and a new mood of disinterest in political activism was coupled with strong emphasis on personal goals -- what some have called the "culture of narcissism." Problems brought to the ombudsman shifted somewhat, but not in any fundamental way.

Our profession had its genesis during a period of profound change. As the ombudsman concept became familiar, with problem solver and change agent melded together, a continuing process for still further change was put in motion. Now we may have come full circle. Current recommendations of the Administrative Conference of the U.S. (ACUS) strongly urge Federal government agencies with significant public interaction to create ombudsmen in the near future. We now can serve as role models, using the laboratory of our experience to assist others.

Presentation given before the 1991 UCOA Conference Louisville, KY.

## THE CONTRIBUTORS

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Gerald is a native of London, England, and graduated from the London School of Economics and Political Science. He has served on the following faculties: University of London (1957-1959); Carleton University (1959-1960); The Australian National University (1961-1966); The Hebrew University (1966-1968); University of California, Berkeley (1968-1971); Haifa University (1971-1975), and the University of Southern California (1975-) with a present assignment at the USC Washington Public Affairs Center in Washington, D.C. He has acted as consultant, researcher, and administrator to a wide variety of public organizations ranging from the World Bank and the United Nations Organization to local authorities and public utilities. He has published over 25 books and monographs and over 160 journal articles, and has acted as editorial consultant to several leading journals in the field of public administration and as a reader for notable publishing houses. Some of the titles of his works relating to the ombudsman profession are: An International Handbook of Ombudsman; To Right Wrong: The Ombudsman Experience in Israel; "The Israeli Ombudsman"; "Ombudsman in Developing Democracies: A Comment"; "Evaluation of the Efficiency and Effectiveness of the Ombudsman"; and "The Institution of Ombudsman." He is known best for his research in administrative reform and organizational diagnosis.

Jacqui Curran

Jacqui is in her first year as the Human Relations Advisor at the California Institute of Technology. (She replaced Jan Aura who left in June 1990.) Jacqui holds degrees in psychology from the University of California, Los Angeles and Pepperdine University. At present, Jacqui is in the process of completing her doctorate in Industrial/Organizational Psychology at the United States International University. She has a special interest in applying the concepts of organizational development to the roles of both the corporate and the university ombudsman. Jacqui hopes to be active in the various professional ombudsman organizations.

Carolyn Gibson

Carolyn is the Affirmative Action Officer/Ombudsperson at Mount Holyoke College where she is in the process of developing and designing an affirmative action plan. She is also the 504 Coordinator and a member of their 5-College Consortium for the 504 Coordinators and Affirmative Action Officers. Carolyn received a Bachelor of Science, Education, from Douglas College and a Master of Arts, Guidance and Counseling, from Rider College. Prior to her present position, Carolyn served as a Mediator for the State of New Jersey and chaired several committees for the New Jersey Association of Affirmative Action Officers.

William R. Schonfeld

Dr. Schonfeld, a Professor of Political Science, is currently the Dean of the School of Social Sciences at the University of California, Irvine. He received a Doctorate in Political Science from Princeton University. His research focus and publications have been primarily concerned with socialization; the empirical study of democracy; and French politics and society.

Tom Sebok

Tom is beginning his second year as the Associate Ombudsman at the University of Colorado, Boulder. Prior to the Ombudsman position, Tom spent 11 years in academic, career, and personal counselling at the following community colleges: Chesapeake College, Wye Mills, MD; Salem Community College, Pennsgrove, NJ; and Northampton Community College, Bethlehem, PA. Tom earned a Bachelor of Arts and Master of Education at the University of Delaware. The 1990 Asilomar participants will remember Tom's strong interest in music -- writing songs to play on his guitar. At present, Tom is building a recording studio in his home.

Lois Price Spratlen

Lois began her tenure at the University of Washington in 1972 as a faculty member in the Psychosocial Nursing Department. In 1982 she was appointed the Ombudsman for Sexual Harassment and in 1988 she became the University Ombudsman. Lois holds degrees from Hampton Institute, University of California, Los Angeles, and the University of Washington. At present, she is Associate Professor of Psychosocial Nursing and a board certified therapist in adult psychiatric and mental health nursing practice. Because of her work with hospitals, clinics, and public social service agencies, she frequently serves as an expert witness in sexual harassment cases and continues to publish her findings on this subject.

Carolyn Stieber

Carolyn, a former member of the Political Science faculty at Michigan State University, East Lansing, specialized in state and local politics. In 1974 she was chosen to succeed Michigan State University's first ombudsman and remained in the position until her retirement. A former president of UCOA, Carolyn is presently a member of the SPIDR Board of Directors. Recently, we learned that Professor Stieber retired in Fall '91 after serving 17 years as the Ombudsman and 34 years as a faculty member of the MSU Political Science Department. However, the Ombudsman Profession will remain richer because of the many years during which Carolyn generously contributed her enthusiasm, energy, and wisdom.