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Corporate Ombudsman Association newsletter

1985, 1987

1991, 1994
1996

OMBUDSMAN OMBUDSMAN

Issue One
Fall, 1985

News

Corporate Ombudsmen Organize And Set Association Goals

By Mary Rowe

The Corporate Ombudsman Association has old roots. These roots reach back to many conversations over the years among corporate dispute resolution specialists and complaint handlers. Corporate counsel discussing "alternative dispute resolution"; senior managers with good reputations for human resource management, visionary CEOs, senior "trouble-shooters"; highly skilled EA and EO people, the best human resource managers...would meet by ones and twos and discuss internal conflict management. In the beginning, discussions concentrated on conflict management with respect to employees. In recent years much discussion has also included dispute resolution among managers and technical and professional staff. These discussions were initially more often problem-based than oriented toward a new profession; recently conflict management has become more professionalized.

Isidore Silver's extraordinary 1967 article in the *Harvard Business Review*, titled "The Corporate Ombudsman", generated a good deal of discussion about a profession called "ombudsman"; indeed, the article sparked several new corporate programs. Meantime, ombudspeople were also springing up in newspapers, in consumer affairs, in colleges and universities, and in state and local governments, especially in Canada.

By 1982, corporate ombudspeople were beginning to learn about or use the term ombudsman. At a request from Chris McEachern (then an ombudsman at Anheuser-Busch), Lee Robbins, a researcher at the Wharton School, began to call around. In November that year, ombudspeople from Anheuser-Busch, Bell Labs, Control Data, and MIT met at MIT with Robbins and with Michael Baker, Executive Director of the Educational Fund for Individual Rights, and with other research colleagues.

That meeting at MIT convinced McEachern, Martha Maselko (Bell Labs), and Mary Rowe (MIT) to plan a larger con-

ference in 1984 on Cape Cod, which drew about 50 people. This conference led, in turn, to the 1985 conference in Dallas, hosted by The Southland Corporation. And we now look forward to our third annual conference in May, 1986, in St. Louis.

The Corporate Ombudsman Association has gradually taken conventional form. The Association is becoming incorporated in the Commonwealth of Massachusetts. The first officers are: Mary Rowe, President; Chris McEachern and Martha Maselko, Vice Presidents; Jim Lakis, Lee Pledger and Carole Trocchio, board members.

The purpose and goals of the Association are:

- 1) to enhance the quality and value of the ombudsman function to business and industry;
- 2) to establish and communicate appropriate standards of excellence for the profession;
- 3) to develop and disseminate ethical guidelines for the profession;
- 4) to establish methods to assess the development of the ombudsman function;
- 5) to develop a framework of job responsibilities;
- 6) to develop a network of communication to share common interests and strengthen skills.

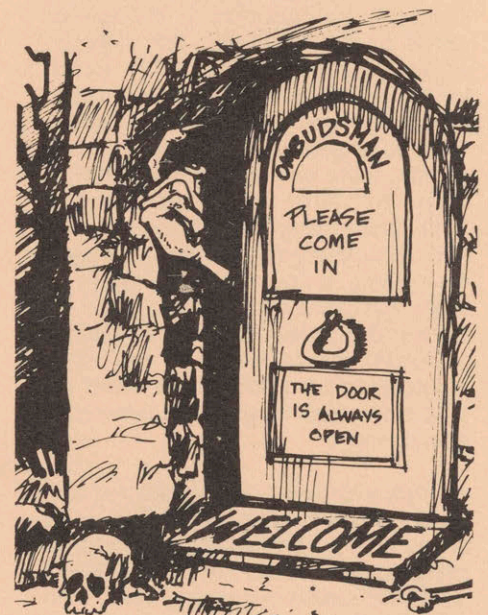
The Association has been formed based on the needs of ombudspeople and their employers. Present committees include: a Steering Committee, the Conference Planning Committee, the Ethics Committee, the Newsletter Group, and a Research Committee. There are also subgroups of people who are especially interested in cost-effectiveness and evaluation, and in sharing and teaching best professional practice.

Currently the membership includes practitioners, a few counsel who are especially knowledgeable about working with and supporting ombudsman offices,

the Association research group, and a few interested students.

The Association welcomes new practitioner members, and we solicit guidance and suggestions on how to improve the profession. For new members, we would like to underscore an important ground-rule of the Association: *those who attend the Conferences agree not to use the name of any colleague or company without explicit permission of that colleague. The list of Association members is for membership use only.*

Welcome to the Association. Hope to see you in St. Louis...



1985 Ombudsman Conference Further Defines Function

The second annual Corporate Ombudsman Conference was held in Dallas, Texas, April 24-26, 1985. This conference was organized through the joint efforts of Mary Rowe, Special Assistant to the President, Massachusetts Institute of Technology; Martha Maselko, Ombudsman, AT&T; Chris McEachern, formerly Director, Personnel Communications, Anheuser-Busch Companies, Inc. (now in Employee Relations at Contel); and Carole M. Trocchio, Liaison Manager, The Southland Corporation.

There were 24 companies represented at the conference, plus several independent researchers interested in the growth of the ombudsman function.

Overview

The conference opened with participants sharing information relative to their particular function and to the evolution of the position with their respective companies. The participants' combined ombudsman experience totaled almost 400 years.

The ombudsman function within each company has been clearly designed to operate within the framework of that company, and respond to the specific needs of its employees. For example, some functions work with union employees, some do not; some functions include an Employee Assistance Program, some do not; some will handle EEO complaints, some will immediately defer to their in-house EEO department. Similarities among the ombudsman function include: confidentiality, employee counseling, encouraging employees to work within the system, making the existing process work properly, and taking responsibility to observe and communicate patterns within the work environment that must be addressed by management.

A lengthy discussion was generated concerning techniques for handling sensitive issues, i.e.: "whistle blowing"; all forms of harassment, and discrimination. It was generally agreed that many clients who refuse to file a formal complaint with the ombudsman—but just want him or her "to know about it"—share the following characteristics: fear of reprisal, loss of privacy, lack of conclusive proof, and a desire for the behavior to stop. Techniques and alternatives for dealing with such clients were offered.

Participants received a legal update on the issues of: privacy in the workplace, employment at will, and harassment.

Researchers offer "Mission Statement"

A definition of "ombudsman" was offered by the researchers as: "...a neutral member of the corporation who provides confidential informal assistance in resolving employee work-related complaints and who is outside the normal management control structure."

In addition, the researchers drafted a possible "mission statement" for the corporate ombudsman, which stated in part: "...the ombudsman will assist all employees in dissolving their work-related complaints in a speedy, fair, and satisfying manner (consistent with their needs and desires and those of the organization) through playing a neutral role serving the interests of fairness; in keeping the peace by identifying, defining, and alerting management of potential problems; in contributing to the bottom line by reducing dissension and litigation; and in reducing the need for government regulation and reaction by reducing

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1986 CORPORATE OMBUDSMAN CONFERENCE

St. Louis, Missouri

DATE/TIME ITEM

Wednesday, May 14, 1986

8:30-12:00	Company Tours
12:00- 2:00	Lunch & Conference/Hotel Registration
2:00- 2:30	Welcome
2:30- 5:30	Ethics-Open discussion dealing with the principles of conduct governing an individual or group as they apply to the ombudsman function in a corporate environment. Will include a case study.
Evening	Dinner, etc.

Thursday, May 15, 1986

7:00- 8:00	Breakfast
8:30-10:00	What are differences in corporate culture and how do we deal with them?
10:00-10:30	Break
10:30-12:00	Practical Considerations: Critical issues need to be examined in establishing and maintaining the effectiveness of an ombudsman's office. We will discuss aspects such as level of reporting, structure, and interchange with others. What is our role?
12:00- 1:00	Lunch
1:00- 4:00	Mediation Skills
4:00- 4:30	Break
4:30- 5:30	Options: Virg Marti of McDonnell Aircraft Co., St. Louis, will discuss their program start-up phase. This will include some discussion of the initial planning program, kickoff, anticipated problems and the realities they had to face.
Evening	Dinner, etc.

Friday, May 16, 1986

7:00- 8:00	Breakfast
8:30-10:30	Panel (AIDS/Psychosis & Role of Ombudsman)
10:30-11:00	Break
11:00-12:00	What's Next?
12:00- 1:00	Lunch

NEW Problems, NEW Questions

Fear of AIDS

One of the major roles of an ombudsman is getting information back to line management in ways consonant with the confidentiality of individual visitors. This "upward feedback" function often serves as an early warning system for top management.

The intent of this column is to expand on this idea by sharing information that might be relevant to any organization. We welcome and solicit input and written contributions for this column from any ombudsman who feels she or he has identified a new problem or a new question. We're especially interested in hearing from you if you have a good solution—but please write even if you don't. Send your manuscripts to: Ombudsman News Publisher Martha Maselko, AT&T, Room 3B-106A, 307 Middletown-Lincroft Rd., Lincroft, NJ 07738. (201) 576-3830.

This issue's New Problem topic is Fear of AIDS. Obviously the medical aspects of AIDS are in the province of your medical staff or consultants. But fear of AIDS is a growing human resource problem. Two years ago most ombudsmen had no calls on this subject. Last year I had about one call a month from outside the organization, and twice as many inside. Now there are probably six calls a month. For this reason there will be a

legal/ombuds/medical information panel at the St. Louis conference, addressing ways to handle complaints arising from fear of AIDS.

In the meantime, here are some preliminary suggestions for the profession:

Case Studies

A mail handler came to see the ombudsman. "My wife doesn't want me to continue to work next to John X. His AIDS is supposed to be in remission, but my wife is very upset and worried. I've been told that the company can't discriminate against a handicapped employee and move John X, but why should I have to go?"

◆◆◆◆◆

Susan was crying as she talked with the ombudsman. "Everyone who works on our bank of telephones is afraid of whatever it is that Beverly has. We all think she has AIDS, but our supervisor absolutely refuses to discuss the matter. We use the same telephone equipment. Don't we have a right to know?"

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"The company cafeteria isn't a safe place to eat," said Harriet to the ombudsman. "Meg told me that Herbert told her that one of the cooks wears one earring. And the guys in the computer room were all talking about that cook also. I think the company should do something about him."

Corporate Ombudsmen Deal With Ethical Issues

by Carole Trocchio

In approaching a written discussion on the subject of ethics it is immediately apparent that the discussion cannot be finite. The theory of ethics cannot be viewed as a finished product, but as a continuous movement reflecting the erratic path of human development.

The discussion of ethics can, however, focus on a particular aspect, such as those modern-day principles or values assigned the heading "business ethics", or the interaction of business manager and moral conscience. It is to this phase of the subject that I should like to direct your attention.

A divergent work force brings new values to the work place, makes new demands for a quality of work life and, thereby, influences the culture of the companies involved. Public awareness, media exposure, and the constant threat of government intervention requires that corporations constantly examine their social responsibility and their public relations image.

Corporations, as a microcosm of society, face the moral issues inherent in equal employment opportunity, environmental protection, worker and consumer safety,

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•You can get up-to-date medical and epidemiological information from the Center for Disease Control in Atlanta.

•You may wish to get together with your medical, legal, and human resource colleagues to review the subject and any concerns raised to date. At MIT, for example, an internal working group has been formed on this subject, and they are planning internal training programs. Many companies are planning training programs, especially in light of the recent Harris Poll which indicates that about a third of U.S. adults do not know enough about the transmission of AIDS.

You will find the general picture roughly as follows: The AIDS virus is apparently very fragile, and is not known to have been transmitted in any way common to the normal work environment: sneezing, using other peoples' cups, touching other peoples' computers, etc. Possibly 1/4 or 1/2 of one percent of your work force may carry the antibodies for AIDS, and this fraction may double within a year. What this means is unknown. Antibody carriers may be immune to the disease, or a fraction may develop AIDS or the associated lesser disease, AIDS-related-complex (ARC). In addition, you will have (or have had) a few AIDS and ARC victims.

This is a good subject to check out soon with your company colleagues. And feel free to call me if I can help talk over the issues with you. My telephone number at MIT is: (617) 253-5921.

—By Mary Rowe

Quoteworthy Quotes

Have you received any good letters lately? A favorite one began: "Dear Embalmsman..."



Ethical Issues

Continued from page 3

and a host of questions raised by the technology of the computer age.

The corporate ombudsman, by whatever title, has, I believe, a responsibility to draw attention to these moral issues and work diligently, within the system, to have them addressed by the corporate leaders.

Influencing the corporate culture to allow managers to make good business decisions with consideration of moral standards is imperative because places of employment define and control the situation in which these decisions are made.

The moral issue inherent in many business decisions is more often than not the reason it comes to the attention of the corporate ombudsman. The issues of truth, fairness, equal treatment, and prohibiting harm are issues that must be dealt with in-depth by all responsible ombudsmen.

The Ethics Committee of the newly formed Corporate Ombudsman Association will be addressing the subject of ethics, more specifically business ethics. I invite you to communicate your comments and ideas to the committee, through this newsletter. Write to the Ombudsman News Publisher Martha Maselko, at AT&T, Room 3B-106A, 307 Middletown-Lincroft Rd., Lincroft, NJ 07738.

We hope you enjoyed reading this inaugural issue of the Ombudsman News. We welcome your comments, suggestions, and ideas about the newsletter or about the content of any article. We also welcome manuscripts, photographs, or artwork for consideration for future issues. Please send your material to: Ombudsman News Publisher Martha Maselko, AT&T-IS, Room 3B-106A, 307 Middletown-Lincroft Road, Lincroft, NJ 07738.

Research Group Plans Interviews

Lee Robbins, a researcher at the Wharton School, and James Ziegenfuss, a professor at Penn State, made a presentation at the 1985 conference about their research on the ombudsman position. By popular request, reiterated at a 1985 Planning Committee meeting, the Research Group will conduct some phone interviews to collect more information to present in St. Louis next May. Robbins, Ziegenfuss, Michael Baker (Executive VP of the Educational Fund for Individual Rights), and Mary Rowe (Ombudsman at MIT) received a small travel grant from the National Institute for Dispute Resolution to plan these interviews.

The interviewers will pose the list of questions that practitioners and companies have asked to be included. The most common question regards salary range and position in the company: there were 11 requests to find out more about that.

In preparation for the interviews, the Research Group would like you to inquire about the salary range of your position (if you don't know it already) from your human resources or Personnel colleagues. If the range has no upper limit (or no lower limit, alas), they would like to know that point.

The ground rules of the interviews are these: No practitioner or company will be identified without explicit permission. To guard against embarrassment, the list of interviewees will also be kept confidential.

If you are called, but feel uncomfortable answering specific questions, *please feel free to say so* to your interviewer. Also, if you are among the Fall, 1985 pilot group of interviewees, please let your interviewer know of any questions you would like to see included in the future. If you would like to make sure you are interviewed, please contact newsletter publisher Martha Maselko as soon as possible.

1985 Conference

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tensions and dissension among employees and the corporation."

A presentation made by a participating ombudsman outlined some of the positive effects gained by having an internal ombudsman function: productivity gain, savings of management time, personnel savings, legal staff savings, data collection, and discovery of sensitive problems.

The conference concluded with a discussion of a Corporate Ombudsman Association, and the creation of several committees to address: cost effectiveness of the ombudsman function, ombudsman research, a clearing house of materials, ethics, and membership. The next Corporate Ombudsman Conference is tentatively scheduled for May 14-16, 1986, in St. Louis, Missouri.

Fall, 1985

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OMBUDSMAN NEWSLETTER

News

Issue Three
Fall, 1987

Budding Ideas

Dear Ombudsman:

At the end of our last conference, when we were discussing the contents of the Corporate Ombudsman Newsletter, one of the many good ideas thrown out was for Ombudsman to share ideas that they found helpful and useful in their function.

I would hope that some of you out there are thinking about just that...sharing your good ideas. And I would like to start the ball rolling by sharing with you one idea that I had that worked very well.

With the encouragement of Mary Rowe I have been, for the past year and a half, studying the process of MEDIATION believing that it would be of value in helping both employees and franchisees resolve problems. I began by reading a wonderful book by Christopher Moore entitled, appropriately enough, *Mediation*. Having really gotten hooked by then, I made it a point, when attending a conference, to sit in on those forums pertaining to mediation. Finally, I contacted a local non-profit agency here in Dallas, The Dispute Mediation Service, and offered my services as a volunteer mediator in return for their formal training.

As sometimes happens, when opportunity knocks, you are ready for it. Opportunity knocked in the form of a franchisee of ours who had a problem that could have eventually turned into a lawsuit. The franchisee, valuing the good relationship he has with the Company, suggested mediation! I contacted the management person involved in the dispute and he agreed to the process! We spent a total of about eight hours in mediation and both parties, working together with the guidance of yours truly as the mediator, resolved the dispute to the satisfaction of all concerned.

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1987 CORPORATE OMBUDSMAN CONFERENCE The Association Reaches Maturity

by Carole Trocchio

Based on the feedback from the 1987 Ombudsman Conference which was held in Marina Del Ray, California, May 19 - 21, 1987, the Corporate Ombudsman Association's fourth annual conference marked a milestone in the maturity of the Association. Comments reflected the solid substance of the talks and discussions, the sense of cohesiveness among members, and the rewarding exchange of ideas and support among professionals. A report on the Conference by Carole Trocchio follows.

Fifty-one people, who serve a designated ombudsman function, attended the conference, representing thirty-one companies. In addition, attendees included some representatives who were interested in setting up such a function in their respective companies, and independent researchers and attorneys interested in the growth and development of the ombudsman profession.

The 1987 Conference was hosted by General Telephone of California through the efforts of Jim Webb, Marcina Thompson, and Georgia Byers.

Mary Rowe, Special Assistant to the President of MIT and President of the Corporate Ombudsman Association, opened the meeting and welcomed the participants. Ms. Rowe emphasized the need for participants to agree to maintain confidentiality concerning issues and/or case studies that would be discussed at the meeting and during the social hours.

After welcoming participants Ms. Rowe introduced the Keynote Speaker, Richard "Dick" Randall, Vice President, Douglas Aircraft. Mr. Randall discussed the resurgence of teamwork to the culture at McDonnell Douglas and remarked that the watch words to today's productive work environment were "sensitivity and the ability to listen."

Carole Trocchio, Franchise Liaison Manager, The Southland Corporation, conducted an audience participation case study which identified the many approaches an ombudsman might take when helping an employee with a problem, the ethical questions involved, and the consequences of the alternative courses of action that an ombudsman might pursue.

The results from the 1987 Research Committee Questionnaire were reviewed by James T. Ziegenfuss, Ph.D., and Lee P. Robbins, Ph.D. The questionnaire covered such topics as: ombudsman responsibilities, the nature and activities of the ombudsman role in private corporations, and the background and characteristics of those persons performing this function.

The afternoon session began with Harvey S. Caras, President, Caras & Associates, Inc., an Employee Relations Consultant who presented the Peer Review Grievance procedure for participants. Peer Review, Harvey stated, utilizes a fair and just process for resolving day-to-day workplace disagreements.

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FROM THE OUTSIDE LOOKING IN:

Manager and Employee Perspectives on the Ombudsman Function (Research in Progress)

by Lee Robbins

Research on corporate ombudsmen has drawn almost entirely on data from ombudsman themselves. Researchers have obtained similar answers from widely different corporate situations signifying reliability of the data. Validity, however, (confidence in the model of the situation developed from the data) is threatened by sole dependence on a single perspective within a complex social system.

Our intention in the study now underway is to draw upon a wide variety of perspectives internal to the corporate system – and upon some external perspectives as well. Comparison with other models of conflict resolution will illuminate and validate the conclusions. Currently, the primary methodology is a series of open-ended interviews with individuals and organizational units with whom the ombudsman interacts – and with some who coexist in the same corporate system though they may have no direct contact with the function (e.g., the OD department may be influenced by knowing of the existence and nature of the ombudsman's work even without direct contact).

Those interviewed include senior and junior managers, ordinary blue-collar, and salaried employees (who may include past clients and their co-workers), and representatives of various employee groups (e.g., a minority employee's group). In addition some interviews with union officials are projected. To eliminate any concerns about possible sensitivity, these may need to be union officials not connected with the settings in which the ombudsmen work; though this reduces the relevance and face validity of responses, it increases the likelihood of answers not slanted for political or personal reasons.

The results will provide information allowing the function to be designed and developed taking into

account the perspectives of the corporation and *all* its members, both managers and workforce employees.

Current hypotheses:

As the work is still in progress, no conclusions can be stated, but a number of hypotheses have emerged from early data. Readers of this newsletter should treat these as uncertain points to be considered for relevance and validity in their own corporate settings. The author would appreciate feedback from readers – *as well as hearing from readers who may wish to participate in the research.**

Current hypotheses include:

- A high level of satisfaction with handling of individual complaints by ombudsman clients and top corporate managers,
- but some dissatisfaction by middle and lower level managers who consider their decisions over-ridden or their competence questioned (e.g., "giving up the right to manage"; "our frustration is the people who go to the ombudsman first" though some also balance this with "the other alternative would be a higher level supervisor.")
- Lack of clarity as to *how* the function is to be integrated with other managerial practices particularly at the lower levels,
- possibly produced by initiation and design of the function from the top down *for* but not *by* the lower levels –
- a view suggested and further buttressed by unwillingness of top level managers to use the ombudsman in dealing with their *own* problems which they believe a top manager "should be able to solve for himself,"
- but *no dissatisfaction* expressed by union members or officials

who tacitly support the function without official discussion,

- a position which may be explained by the view that "in traditional companies, management at lower levels is less ethically concerned...but the ombudsman is different from the traditional manager who has a bottom line, bonuses, meetings to attend and so forth on his mind" and by some indications that even relatively traditional manager appointed to the ombudsman position shift towards greater concern with the rights and feelings of individual employees.
- A heavy personalization of the ombudsman function occurs among top managers who refer to the individual occupant rather than the role in discussing the ombudsman office.
- Even top managers suggest a heavier policy advocacy focus by the ombudsman particularly on topics which are "hot", affect employees directly, and have no designated ownership (e.g., smoking). This position may indicate respect and support for the ombudsman function and also some concern about interference with managerial judgment when ombudsmen deal with specific cases. (Ombudsmen perceive themselves as having a stronger policy focus than do others.)
- In situations where the ombudsman serves a large population, clear knowledge about the nature and uses of the function is limited among both middle and lower level managers and workforce employees. It is possible that such a situation may be agreeable 1) to top management and 2) to an ombudsman already heavily burdened by the caseload.

*Contact Dr. Robbins at Human Systems Research/Management, 2013 Pine St., Philadelphia, PA 19103; (215) 545-1269; 546-5377 or Professor Robbins, Speakman Hall (006-00), Department of Human Resource Administration, Temple University, Philadelphia, PA 19122; (215) 787-6902.

BUDDING IDEAS

(Continued from page 1)

With the help and support of our management and our legal department, we are now working to communicate that the mediation process is available to franchisees and management as an alternate method of dispute resolution.

Mediation is not a cure-all, nor is it appropriate in all situations. But, I believe that it is another skill that the Ombudsman will find useful in helping to achieve equitable settlements. I have also used the mediation process to help resolve problems between a supervisor and a subordinate. This was over a year ago, and they are still working together.

I know some others of you are trying new ideas and new skills in the performance of your job...let us hear from you!

Sincerely,
Carole Trocchio

CONFERENCE

(Continued from page 1)

Lewis Redding, MIT Lincoln Labs, moderated a panel discussion addressing the subject of the ombudsman working with other Human Resource colleagues. The panel consisted of Gregg Raudabaugh, The Southland Corporation, who discussed the opportunities of working with the Security personnel; Hugh Harrington of McDonnell Douglas, working with the Human Resource Department personnel; and James Hendry (retired) of the World Bank and his experiences in working with Employee Assistance Personnel. Lewis discussed the Lincoln Lab relationship with the ombudsman.

On the morning of the second day, Mary Rowe discussed "How to Deal With Immoral, Unsafe and Illegal Problems" and presented several case studies in which the audience actively participated.

Ms. Rowe was followed by James Simon, Esq., who discussed the most

recent aspects of an ombudsman's duty to warn, and Jerome Weinstein, Esq., who offered some thoughts on the ombudsman's relations with the Union.

Other legal issues were discussed and handouts distributed concerning New Issues in Testing the Work Force: Genetic Diseases.

How an ombudsman may provide System Feedback to their respective management was the topic of the last panel of the conference with examples presented by: Jim Hendry, (retired) World Bank; Virgil Marti, McDonnell Aircraft Company; Tony Perneski, AT&T Bell Labs; and Hugh Harrington, McDonnell Douglas Astronautics Co.

James Hendry, (retired) World Bank, then discussed the draft of the Corporate Ombudsman Handbook that he had developed and that had been distributed to all participants. He requested that everyone review its contents as soon as possible and provide feedback on the contents by September 15, 1987.

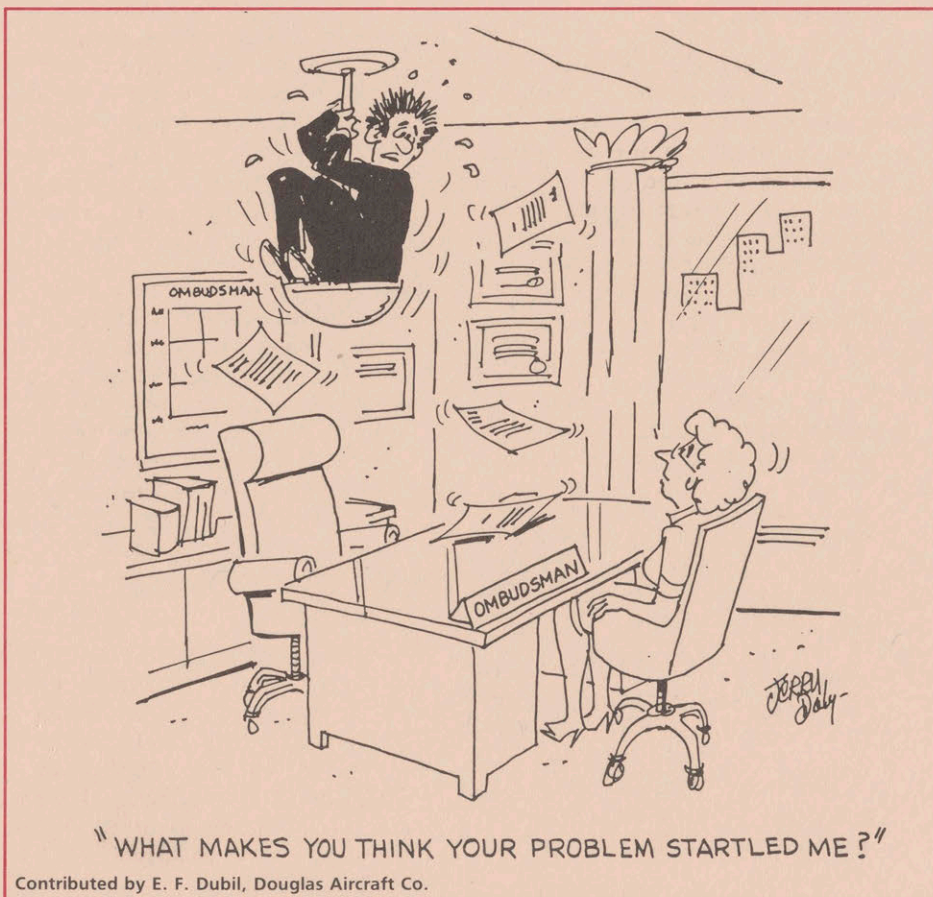
Mary Rowe then turned the Presidency of the Corporate Ombudsman Association over to Carole Trocchio for the coming year. All Board Member positions having been filled for 1987-88, the meeting was adjourned. The next Corporate Ombudsman Conference is tentatively scheduled for May 24 - 26, 1988 in the Boston, MA, area.

LETTER FROM THE EDITOR

Dear Colleagues:

Our next issue is scheduled for Spring, 1987. As stated in Carole Trocchio's column BUDDING IDEAS we want you to share your thoughts and creative ideas. I especially ask for your suggestions on special columns or articles. What else would you like? I welcome feedback about the newsletter. Please call or write.

Kitt Kitterman



"WHAT MAKES YOU THINK YOUR PROBLEM STARTLED ME?"

Contributed by E. F. Dubil, Douglas Aircraft Co.

CODE OF ETHICS

This Code of Ethics was adopted in 1986 by the Board of Directors.

I. The Ombudsman, as a designated neutral, has the responsibility of maintaining strict confidentiality concerning matters that are brought to his/her attention. The only exception, at the sole discretion of the ombudsman, is the instance of threat to the physical safety of others and/or threat to company assets. This duty to warn, however, shall be initiated only after the ombudsman has strongly counseled with the client involved to encourage the client to personally come forth. In the event the client still refuses, the ombudsman has an obligation to notify the client of the intended breach of confidentiality in this situation. Even then, the ombudsman has the responsibility and obligation to discuss the situation only with those who have a need to know.

II. The ombudsman has the responsibility to insure that any records or files pertaining to confidential discussions with clients are safe from inspection at all times by other employees, including management at all levels.

III. The ombudsman has the responsibility, when recommending actions as a result of impartial investigations, to make recommendations that will be equitable to all parties and reflect good business practice.

IV. The ombudsman has the responsibility to behave in a professional manner at all times, to maintain the credibility of the ombudsman function.

Fall, 1987

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OMBUDSMAN CIVILIAN

News

Issue 10
Fall 1991

Measuring the Perception of the Ombudsman's Role

Rob Portnoy and Robert Handkins

The role of the Ombudsman in corporations continues to grow, but remains incompletely understood. Many people have trouble understanding what the role encompasses. Yet, success as an Ombudsman depends a great deal on how employees perceive that role in the organization. Everyone in the organization should become familiar with the concept of an Ombudsman, know what is expected of the position and where to find the office.

To measure how well certain segments of our employees (new hires and experienced supervisors) understood our role, the Ombudsman at the McDonnell Douglas Missile System Company conducted a survey that was administered both before and after a presentation designed to explain our function. The questions addressed such concepts as what an Ombudsman does, whose interests the Ombudsman represents, confidence in the Ombudsman's problem solving capabilities, probability of reprisal for contacting an Ombudsman, trust in the confidentiality the Ombudsman offers and belief that the Ombudsman is an effective first step for changing unfair, unethical and/or unsafe policies and procedures.

Following the first administration of the ten item & rating-scale questionnaire, we delivered a thirty minute presentation covering the history of ombudsmen as a profession as well as its developing role within our Company, the mission of our Office,

types of concerns often brought to the Office, methods of intervention, the issue of trust and confidentiality and our reporting relationship to senior management. A question and answer period followed the presentation and then the questionnaire was readministered.

Comparing the responses before and after the presentation demonstrated a number of shifts away from the "no opinion" response category, especially in the new hires group, verifying the educational effect of the presentation. The shift in both groups to heightened understanding of our functions supported this as well. Post-presentation responses also demonstrated that the respondents gained a sense of confidence in the Ombudsman's problem solving abilities, experienced a notable reduction in the "fear of reprisal for taking problems to the Ombudsman" and increases their confidence in the Ombudsman's commitment to confidentiality.

Overall, the results of the survey demonstrate that a formal presentation can be an effective way to familiarize employees with the functions of an Ombudsman. In our study, new hires who were unclear about the issues measured became better educated and supervisors (who had been with the Company an average of 15 years) also changed their opinion in the direction of increased trust and confidence in the abilities of the Ombudsman.

Washington Highlights

Accusers Become the Accused

The Washington Court of Appeals recently held that a supervisor accused of sexual harassment by his subordinates could maintain defamation claims against the accusers, but could not maintain defamation claims against the employees assigned to investigate the accusations. Twelve female employees accused the supervisor of making sexually explicit comments and propositions. The supervisor denied the accusations. The employer assigned five investigators, who conducted an inquiry and issued a written report concluding that the supervisor had probably engaged in sexual harassment. The supervisor sued the accusers and the investigators for defamation.

The court dismissed the claims against the investigators, finding that the statements in their report were conditionally privileged and that no evidence suggested they had abused the privilege. Underlying the court's reasoning was the concern that a contrary decision would eliminate the incentive for employers to make internal investigations and attempt private settlement of sexual harassment claims, essential to the elimination of employment discrimination. The court ruled that the accusers were not protected by the same conditional privilege. The court reasoned that if the accusations were false, the accusers were obviously aware of the falsity. Therefore, because the supervisor denied the accusations, a jury had to determine whether the accusations were false and, thus, defamatory.

Highlights of 8th Annual Conference Minneapolis, Minnesota

May 14-16, 1991

by Dawn L. Duquet

- 35 new members! Two more from Canada! This was the good news from President Mary Simon (Ombudsperson, AT&T) at our **New Member Orientation**, prior to the opening of the Annual Conference - hosted this year by Control Data Corporation. The most exciting news from Mary: Our first training and development seminar for ombudsmen would be launched in July 1991 (see article entitled "COA Training Seminar").

For new ombuddies and the more "chronologically advantaged" of us, Mary Rowe (Board Member Emerita and Special Assistant to the President, MIT) reviewed the origins of the ombudsman function (the 2nd oldest profession). She highlighted evidence of recent progress:

- The appointment of neutrals in federal agencies (for clients).
- The administrative Dispute Resolution Act of 1990, also calling for the establishment of Federal neutrals in every agency.
- In his welcoming remarks the following morning, Control Data Corporation Executive Vice President Glen Jeffrey emphasized the importance of reassuring employees regarding the corporate commitment to values, especially during what he termed "the dark times," when major cutbacks in staff are unavoidable. He reiterated his corporation's commitment to fair treatment and fundamental respect for every employee.
- Mary Rowe's Crystal Ball this year bounced onto the 1st day's agenda,

sparing many of us the pain of choosing between her and making our flight home! During her state-of-the-art review she touched on the widening variety of issues facing ombudsmen today: income disparity, diversity, violence, layoffs, witchcraft, obsessed persons, transexuality, AIDS, anonymous calls, etc.

But there was good news too: While globalization increases problems relating to diversity, it is also pushing us into solutions - "more persons of difference are getting along better." Mary sees a bright future for the spreading use of the ombudsman function. Apart from recent progress in the federal domain, she cited the current push for internal ombudsmen in the health care field.

Mary closed with a plea for ethical practice at all times on the part of ombudsmen, particularly in light of the campaign to be included under Shield Law.

- Cheryl Divine, Legal Problems Specialist for Control Data Corporation's Employee Advisory Resource Center (EAR), provided us with a comprehensive update on legislative changes affecting ombudsmen. She elaborated on the:
 - Administrative Dispute Resolution Act of 1990, authorizing internal settlement of disputes through mediation, arbitration, etc. provided all parties agree to use (expires 1995).
 - Americans with Disabilities Act, intended to protect the disabled from discriminatory employment

practices. In the latter context, Ms. Divine provided a compliance check list for employers covering job interviews, pre-employment medical examinations, employment tests, etc. She emphasized the importance of understanding key definitions, such as "disability," "reasonable accommodation," "essential job function," "undue hardship," etc. She warned that employers can expect to have employment practices tested by disabled persons well-informed on the new legislation. The urgency to revise job descriptions to reflect essential job function BEFORE jobs are advertised was particularly emphasized.

- Stephen Dolny, Consultant in Personnel Relations for General Electric Corporation, gave us an emotional high. Speaking on better leadership through greater sensitivity to human values, he presented a kaleidoscope of visual images from the past that left few ombuddies unaffected. The impact of historical events in shaping individual value systems cannot be overlooked, he stated. Even though each age group may have a dramatically different set of values, each has something to offer. We need to respect and take advantage of individual experience. We need to LISTEN.
- Dr. Robert Bramson, author of "Coping with Difficult People" gave us some good hints on how to deal with all types of people, particularly the intimidating ones - those he calls "Sherman tanks"! These are

Support For Ombudsman Privilege

by Janet L. Newcomb

Alternative Dispute Resolution

Alternative Dispute Resolution (ADR) is a growing national trend with federal and state law to support the concept and buy-in at many Fortune 500 companies. Creative and innovative approaches to dispute resolution are growing inside and outside the corporation.

Ombudsman is ADR

An ombudsman, as an integral part of an effective dispute resolution system, is becoming more prominent in corporations and federal agencies. Recent federal legislation encourages this trend along with other ADR concepts.

Confidentiality Critical to Ombudsman Function

There is growing support for the concept that a process which involves Ombudsmen (and other third party neutrals) requires confidentiality to be effective.

- a. Federal Laws
- b. Federal Court decisions
- c. Corporate Ombudsman Association professional standards for members
- d. Numerous professional articles
- e. Policy and procedure at companies that have Ombudsmen
- f. State laws which could be construed to support the concept

Key to Privilege

The key to upholding confidentiality for Ombudsmen, with or without applicable statutes, appears to be:

- a. A clear corporate policy
- b. Communication of the policy

- c. Consistent and disciplined adherence to the policy

Non-Advocate vs. Advocate Focus

While company attorneys have the responsibility of protecting and defending the best interests of the company, the Ombudsman role has a different focus. Our mission is to provide a confidential, neutral and informal process which facilitates fair and equitable resolutions to work-related concerns. This process takes into consideration the rights and responsibilities of all concerned employees and managers and the company, and seeks to reconcile all sides (win-win) rather than "help the company prevail" (win-lose). The roles of both the attorney and ombudsman are necessary in an effective dispute resolution system.

Late News Flash

At the Board of Directors meeting on September 10, 1991 the following motion was approved:

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The Board felt using the term Ombudsman versus Ombuds conveyed a more professional, consistent image.

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This Code of Ethics was adopted in 1986 by the Board of Directors.

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II. The Ombudsman has the responsibility to insure that any records or files pertaining to confidential discussions with clients are safe from inspection at all times by other employees, including management at all levels.

III. The Ombudsman has the responsibility, when recommending actions as a result of impartial investigations, to make recommendations that will be equitable to all parties and reflect good business practice.

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people, he said, who have a need to validate themselves by taking immediate action, but who do it aggressively without reflection or courtesy toward others. What do you do? Depersonalize the behavior by asking questions on the ISSUE, without criticizing the person - try humor! Using several examples from his book, Dr. Bramson stressed the strategic advantage of never insulting the difficult person and focussing exclusively on the issue.

- Professor Howard Gadlin, Ombudsman for the University of Massachusetts, led a stimulating session on the advantages of using mediation in resolving sexual harassment complaints. In many cases, he stated, the harassee does not want to file a formal complaint, but does "want something done." Mediation can be of great use when common interests exist for both harassee and harasser: both desire confidentiality, both want their reputation protected, both want the situation to return to normal, etc. Mediation can be quick, lessens the adversarial atmosphere, and may lead to restoring the relationship - all while preserving confidentiality. Professor Gadlin recommended meeting both parties separately, prior to mediation, in order to reframe individual thinking, perceptions and goals. He warned against supporting one party over another, advocating instead the ombudsman's greatest advantage: neutrality.
- Lou Garcia, Chief Ombudsman & Vice President with TIAA - CREF, and Therese Clemente, Ombudsman with McDonnell Aircraft Corporation, addressed questions of confidentiality, privilege and the ombudsman. Referring to the Federal Rules of Evidence, Lou explained that, for information to be considered privileged, it must have been

communicated with an expectation of confidentiality. He reminded us that confidentiality is a major component of the COA's Code of Ethics - without the promise of Confidentiality the ombudsman's office "would probably wither on the vine."

Therese Clemente discussed her personal experience regarding the motion she had recently taken for an order protecting from pre-trial discovery communications she had received in her position as ombudsman. The motion for protective order had been sustained. We all benefitted from listening to our fellow ombuddy's experience, knowing any one of us could easily be faced with a similar situation.

- Bob Morrissey, Corporate Ombudsman for United Technologies Corporation, and John Murphy, Corporate Employee Relations Consultant for Digital Equipment Corporation, discussed cost saving contributions of an ombudsman's office - the best justification for our existence! Bob's office had successfully assisted the corporation avoid the loss of a very qualified person in whom much had been invested, at significant cost saving. The ombudsman's office also frequently helps the company avoid litigation. It receives and passes on suggestions regarding safety of operations - more savings. What he called the "little daily interventions" all contribute to ensuring a good return on investment for the employer. John Murphy's office had successfully intervened in threats of violence. John's participation in an ad hoc task force made up of several units directly involved contributed in a major way to a positive resolution. Significant cost savings resulted from having quickly returned the workplace to a productive

environment (see article entitled "Managing Threats of Violence").

- In her closing remarks, outgoing President Mary Simon thanked all for coming and participating so enthusiastically. She urged us to get our ideas in for the next annual conference, to be held in Cincinnati, OH. and to STAY IN TOUCH! Especially with Board members! Call us any time with your ideas.
- Incoming President, Vincent Riley, Ombudsman for the World Bank, added his thanks, invited members to send in suggestions, and wished us all a safe trip home.

Au revoir, friends - until next year!

Chapter Three

You may recall our Spring 1991 issue contained an article titled "The Case of the CEO Who Cared" Chapters One and Two. A group leader had been accused of making inappropriate remarks and subsequently found himself on the layoff list. Chapter Three follows:

The meeting took place as scheduled and the four managers felt that it was the Ombudsman's responsibility and obligation to discuss the situation with Mr. X's immediate supervisor and/or manager.

The Vice President explained the function of the Ombudsman and the responsibility of maintaining strict confidentiality, particularly when an individual has requested that "no action take place."

Mr. X's impending layoff was discussed and all agreed that it was inappropriate to lay him off at this time.

Presently, all is quiet on the homefront. Mr. X has remained employed and hopefully is cautious about his behavior.

Managing Threats of Violence

by John D. Murphy

Many companies have indicated to me that they have been experiencing increasing instances of threats of violence in the workplace. Numerous cultural, social and economic factors may be the cause of these increases. We do know that individuals may act with violent behavior when they feel a loss of power, trust, self-respect or dignity.

Our experiences have shown us that reactions to a threat of violence may range from fright to denial. We believe that when a threat is made, the threatening words or behavior should be taken very seriously until sufficient information and evaluation convinces us otherwise. We have also found

that by working these threatening situations as a team, it is possible together the information and resources that permit potentially dangerous situations to be resolved without violence.

This internal team is comprised of individuals from the Human Resource, Medical, Employee Assistance, Security and Legal Departments. The team also has access to external expert consultants, such as forensic mental health specialists, if this type of consultation is considered appropriate.

In addressing a threat of violence situation, the team has responsibility

for making an initial risk assessment and then for developing an action plan to deal with the threat. This plan would establish investigative steps, special emergency response and security procedures and necessary privacy protection to ensure that all data collected remains confidential.

As mentioned previously, this team approach has been very effective in managing threats of violence situations. The team has been able to quickly gain control of the situation by developing a well thought out action plan and therefore defuse many potentially serious situations with minimal impact on employee productivity.

Sort of a Shaggy Dog Story

Allegation: This is sort of a shaggy dog story. It seems that Mr. Jones' seventy pound Labrador Retriever proceeded to establish male dominance over a more diminutive Golden Retriever (following appropriate sniffing routines as described by Mr. Jones) whilst the respective owners were touring neighborhood fire plugs preparatory to bedding their charges for the evening. As described by Mr. Jones, in order to establish some kind of balance among the foursome, the owner of the Golden proceeded to establish dominance over Mr. Jones by bashing him several times with a flashlight, much to Mr. Jones' distress. Mr. Jones came to the Ombudsman and stated he was even

more distressed that the company wants him to record his recuperative time as "personal time." Mr. Jones believes his employer should sue his assailant for recovery of monies to be paid by his company (and charged to government contracts?) for criminal actions allegedly caused by his assailant which gave rise to Mr. Jones' absence being charged to personal time.

After establishing with Mr. Jones that I understood how dogs always greet each other and how dog owners sometimes greet each other, I told him that while my opinion was not based on legal expertise, it did not seem highly probable to me that the Company would have a cause of

action on its own or in his own behalf against his assailant. Our discourse wandered into the similarities of whether the Company would sue the person from whom an employee might have contracted some communicable disease (such as a common cold) causing the employee to be out of work for a paid absence such as sick leave, personal time, vacation, etc.

Mr. Jones had thought of all that and was still fretting so, thinking that a company lawyer might be better able to explain the improbability of Company of legal action, I referred Mr. Jones to Legal, promising he should call us again if he still had some kind of insoluble dilemma.

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OMBUDS News

University and College Ombuds Association, Inc.

Fall 1994

ASSOCIATION NEWS

UCOA Election Results

Election results are in. The following UCOA members will serve on the Board of Directors for 1994-95: President Dalene Hoppe; President Elect Richard Hebein; Treasurer Anita Madrid; Secretary Linda Wilcox; Members-at-Large Andrea Briggs and Frances Bauer; Past President Robert Shelton. The list, complete with addresses, is found elsewhere in this newsletter.

New President Greets Membership

New president Dalene Hoppe sends these greetings:

Hello, UCOA Members! Over the past three or four months, I have had the pleasure of meeting a number of new ombudspeople—some new to established offices—others beginning at square one in newly created positions—all enthused and befuddled by this thing called ombudsing! One thing is clear—our profession is on the move!

UCOA is on the move, too! The draft of the beginner's handbook is now in the hands of contributors for review, a mock-up of the UCOA "Occasional Papers" has been designed for discussion, Chicago conference plans are moving smoothly, the first "Superconference" planning meeting is in early November (Bob Shelton and I will be there to represent UCOA), the Board's fall meeting agenda is loaded, AND we have a new newsletter.

Take good care, everyone.

From The New Editor

This summer, in a moment of weakness, I volunteered to edit this newsletter. This promises to be another one of those "growing experiences" I continue to find myself in. I will need a good deal of help, though. Please send me any news, opinions, or story ideas—my address appears in the editorial box. —Kathy Hills

CONFERENCE NEWS

Chicago To Host 1995 UCOA Conference

Caryn Bills writes:

The annual Conference of the University and College Ombuds Association will be held in Chicago from April 26 through April 29, 1995, at the Westin Hotel. The hotel is conveniently located on the Magnificent Mile and surrounded by exclusive shops, fabulous theaters, restaurants, and night life.

The theme of this year's conference, which recognizes both the 10th anniversary of our organization and the 25th anniversary of our profession, will be "*College and University*

Ombudsing: Retrospective and Prospective."

The Illinois conference planners hope to provide a wide variety of topics and programmatic options in order to meet the varied needs of our membership. As a result, we are soliciting program proposals for three types of program formats: pre-conference workshops; short papers (no more than 15 minutes); and 90-minute presentations (plenary or concurrent).

A request for information and a call for programs was mailed the week of September 28, 1994. If you did not receive this mailing please contact Caryn A. Bills, University of Illinois at Chicago, 601 S. Morgan, Chicago, IL 60607 (telephone 312/996-8145, fax 312/413-3635, e-mail CCBO@216@UICVMC.aiss.UIC.edu).

Completed program proposals must be received at the above address no later than December 1, 1994. Final decisions and notifications can be expected in early February, 1995. A tentative program will be mailed in early January, 1995.

Hope to see you in Chicago in April!

Ottawa Revisited

The second biennial joint conference of ACCUO and UCOA—"Back to Basics: From Theory to Practice"—was held in Ottawa Canada June 11 through June 15, 1994. Jim Kennelly, the ombudsperson at Carleton University, served as host for a stimulating program in a user-friendly environment. Participants had a choice of hotels located close to one another and to Parliament Hill and Byward Market.

Each of the four days of the conference featured a different setting. The opening banquet Sunday with keynote speaker Doctor Glenda Simms was in the classic Chateau Laurier Hotel. Monday's program was in the Central Parliament Building, while Tuesday's was held on the Carleton University campus. Wednesday's gathering was in the Westin Hotel. The presentation formats were varied. Facilities, food, service and ambience created an atmosphere conducive to good formal presentations and informal exchanges.

Six ombudspersons illustrated "The Model Ombudsperson: Variations on a Theme" by describing their operations. The presenters were: Tom Austin, University of New Brunswick; Kathleen Beattie, University of Victoria; Caryn Bills, University of Illinois at Chicago; Jean-Claude Filteau, Université Laval; Richard Hebein, Bowling Green State University; and Carolyn Stieber, Michigan State University.

Lucy Douville, Université de Montréal, and Kerrey Burke, McMaster University, discussed the roles, duties, and powers of the ombudsperson in the context of an establishing document or "terms of reference." There are differences between Canadian and U.S. offices, even among the college and university ombudspeople.

Frances Bauer, University of Western Ontario, Florence



Conference attendees gather at the Central Parliament Building in Ottawa.

Borson, Stony Brook University, Barry Culhane, Rochester Institute of Technology, Mary Rowe, Massachusetts Institute of Technology, and Marsha Wagner, Columbia University, took up the always sticky subject of confidentiality.

Brian Foran, Senior Policy Analyst, Privacy Commission, and David Sutherland, Director, Computing and Communication Services at Carleton University, analyzed the many privacy issues on "The Information Highway—Smooth Highway or Rocky Road?" The discussion was enlivened by accounts of some of the remarkable information which is exchanged on Internet.

Tuesday morning began with a welcoming speech on behalf of Carleton University by Dr. Robin Farquhar, President and Vice-Chancellor. Dr. Farquhar's remarks are reproduced elsewhere in this newsletter.

Following was a detailed look by Frances Bauer, University of Western Ontario, Suzanne Belson, Concordia University, and Liz Hoffman, University of Toronto, at a subject usually only addressed in generalities—investigation practices.

The UCOA business meeting was held Tuesday midday and featured outgoing president Robert Shelton's farewell address, "The Parable of the Dog Pen" which is, unfortunately, unsuitable for transmission except perhaps on Internet.

Tuesday afternoon Sally Brown, Vice-President External

Relations, Association of Universities and Colleges of Canada, discussed "Intellectual Property." This was followed by a group of "Round Tables" on hot topics. The short presentation format was continued in the closing session with a series of "Short Papers and Book Reviews."

For further information about the presentations, feel free to contact the individual presenters.—*James Vice*

Carleton President Affirms Ombuds' Role

Robin H. Farquhar, President and Vice-Chancellor, Carleton University, Ottawa, Canada, greeted the conference attendees—

I am delighted to welcome you here for your day at Carleton University. Normally, when I welcome people to our campus it is at the beginning of their conference and I like to share a few of my own views about the subjects they will be examining. However, in your case you are already past the half-way point

in your conference and anything that I might say runs the risk of being something you've already heard or something you've already learned is incorrect or wrong-headed. Nevertheless, like most university presidents I'm not going to let concern about putting my foot in my mouth detract me from making a few remarks about ombuds services at colleges and universities.

I understand that this is the second joint conference of your two national Associations, and the first one in Canada (the previous one having taken place at Ohio State, where I spent five enjoyable years as a faculty member). I can think of no more appropriate place for your first joint conference in Canada than here in our national capital, and I hope that you are finding it to be a suitable setting for your deliberations.

We are always pleased to welcome our colleagues here from universities and colleges across the country, and I am especially happy to greet our international guests, not only from the United States but a few as well, I understand, from Australia, Ireland, and New Zealand.

I have had the good fortune to work for at least five years in four of our ten provinces, to live for seven stimulating years in two U.S. cities, and to spend pleasant weeks in each of Australia, Ireland, and New Zealand; and I trust that those of you from outside of our national capital are being as well treated here as I have been in your regions of the world.

You find yourselves today on the campus of one of Canada's major universities, with a total enrolment approaching 23,000 students and academic programs in more than 50 undergraduate disciplines as well as a broad range of graduate and professional offerings.

We recently passed our 50th anniversary and, like many institutions that reach that significant milestone, we took the occasion to re-examine where we came from, what we had become, and where we intended to go in the future.

The Commission that completed that task identified four major features that have historically characterized Carleton University and that should continue to guide its further development. Two of these characteristics are fairly typical of large contemporary universities: the pursuit of academic excellence in all

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Layout: Susan Deegan

Photo: Ron Wilson

our teaching, research, and community service activities; and the fostering of functional partnerships with business, government, and other educational institutions at all levels.

The other two "pillars" of our distinctiveness are somewhat less common as guiding principles in other universities. One of them is to achieve equity through fully accommodating the needs of those in groups that have been traditionally under-represented at institutions of higher education, at least in this country; these include particularly members of visible minorities, aboriginal people, disabled persons, and women in certain fields. The fourth distinguishing feature of this university is its commitment to providing a place of openness and tolerance for all who comprise our community, in the view that true learning can only occur within an environment that is (and is felt to be) free.

Our devotion to these four values, and in particular the latter two, creates a setting which virtually requires an ombuds service and which is especially challenging to those responsible for providing it—led here by Jim Kennelly, whom you all know as your congenial host who worked on the program committee and made all the local arrangements for this conference.

Carleton's commitment to excellence, partnerships, equity, and openness are well known and create a complex mix of expectations that are extremely difficult to meet; their visibility also understandably encourages complaints when someone perceives that we are falling short in his or her case.

We have, of course, established many administrative arrangements to address the causes of those complaints: a very broad array of student counselling services; Centres for Persons with Disabilities, for International Students, for Mature and Part-Time Students, for Aboriginal concerns, and for Women; Coordinators of Equity, of Race Relations, and the Status of Women; and a range of others as well.

However, these administrative provisions are not absolutely fool-proof, and some who need help tend to find anything associated with "the administration" to be suspect, inadequate, or intimidating; also, there are cases where an individual's problems are so unique that they simply do not fit within the administrative structure of services which we are organized to deliver. This is where our ombudsperson saves the day for us—and them.

Jim can tell you about the tremendous diversity of concerns that he is called upon to address during a typical week. I certainly learn about only a few of them because that, after all, is part of his function—to get them resolved before they reach the President's desk; however, I do know that, while he deals with many issues involving personal and academic problems on campus, he is also confronted with conflicts between university personnel (especially students) and those in the broader community—such as landlord/tenant disputes.

He needs to be both patient and prompt, flexible and firm, sympathetic and realistic. It is a mind-boggling mandate, and I have nothing but respect for those of you who have chosen to take it on.

I and my counterparts also owe you a great deal of gratitude because we know that, through your mediation, a great many "out-of-court" settlements are reached and we are relieved of considerable stress that would otherwise consume our attention and energies. I have served as President of two universities—one without an ombuds service and this one which has it—and I'll certainly take the latter any day.

I am sure that there is no single best way to establish and support the ombuds function at a college or university, but I commend the arrangement here at Carleton as one worthy of emulation. Jim's office is funded, jointly and equally, by the university administration and our students' association, and it is organizationally separate from each in that he reports to a joint committee comprised of representatives from both jurisdictions.

Each of us therefore sees him as an independent agent acting in our mutual interests in that, as an advocate for students who are having problems with "the system," he frequently identifies flaws in that "system" which, when we

learn of them, we wish to fix. More often than not the result is a happy one for both parties in that the student's problem gets solved and the previously unrecognized administrative obstacle gets removed so that such problems do not occur again.

This is a wonderful capability for an institution to have, and I congratulate all of you, regardless of how your operations are structured and delivered, for the hard work you do in permitting us to enjoy that capability.

So let me conclude by thanking you for this and expressing the hope that your conference is going well and that you will find our campus to be a compatible location for your activities today. We are honoured by your presence and we appreciate having you here. Thank you for coming to Carleton University.

UCOA-ACCUO Conference Wrap Up

From Jim Kennelly, host of the Ottawa conference, dated July 12, 1994—

The paper work is almost completed and most of the bills have been paid as we wrap up the details on the Ottawa conference. It was certainly a pleasure to host all of the delegates. Hosting a joint conference in a capital city seemed an appropriate idea and judging from the evaluation forms everyone agreed. I am certainly looking forward to future joint conferences.

Thank you for completing the evaluation forms. Your suggestions will be forwarded to the individual UCOA and ACCUO hosts for 1995.

Unfortunately I recently realized that I have a conflict with the Asilomar dates so I will not be able to join the conference in November. I hope to see you at the UCOA conference next spring.

If you make it back to Toronto as a tourist, I hope you will give me a call. All the best!

*Our devotion to
these...values...
creates a setting
which virtually
requires an
ombuds service.*

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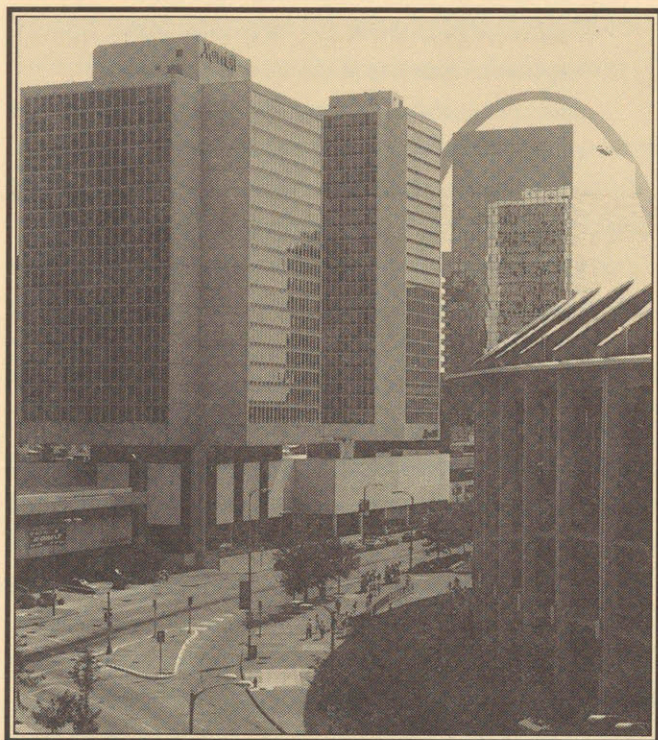


OMBUDS News

University and College Ombuds Association, Inc.

Spring 1996

CONFERENCE NEWS



Meet Us in St. Louis

Ombudsing is, by its very nature, a solitary business. Communication with other ombuds practitioners can help with that "Help, I'm lost in the wilderness!" feeling.

A great way to meet other ombuds people face-to-face is to attend the first North American Conference, *Gateway to a Better Future*, in St. Louis from May 15-18. An estimated 600 ombuddies from the Association of Canadian College and University Ombudspersons (ACCUO), the California Caucus of College and University Ombudspersons (CCCUCO), the Canadian Public Sector Ombudsmen (CPS), The Ombudsman Association (TOA), the United States

Ombudsman Association (USOA), and UCOA will attend. In addition, UCOA will be holding a workshop for beginning ombudspersons that will give invaluable insight and information for those new in the profession.

It's not too late to register. Contact Caryn Bills at caryn.a.bills@uic.edu or 312/996-8145.

Asilomar 1995

The California Caucus of College and University Ombuds held its annual conference at Asilomar November 5-8, 1995, with about 65 ombuds from the U.S. and Canada in attendance. (For the uninitiated Easterner, Asilomar is a beautiful oceanside park and conference center at Pacific Grove on the Monterey Peninsula—a perfect site for both discussion and reflection.) Conference convener Michael Kerze of Occidental College put together a program employing various formats—case studies, panels, and individual presentations. All of the usual suspects and all of the usual topics were involved in new and stimulating combinations.

Occurring as it did shortly after the decision in the Cal Tech "Garstang" case was handed down, the conference spent extra time on ombuds confidentiality—both personal experiences and legal strategies. Other major topics included the rewards of ombudsing, decision points in the development of a campus crisis, learning from mistakes, neutrality, and the place of ombudsing in an era of "reengineering."

As usual, Asilomar provides a time and place for genial and even sentimental fellowship. This gathering marked the retirement of Don Watkins from his ombuds position at Baruch College of City University of New York and the happy news that Dalene Hoppe has now become Dalene Hoppe Pride.—*Jim Vice*

ASSOCIATION NEWS

News Briefs

Minutes of the 1995 UCOA annual meeting held in Chicago are available from Tom Sebok at sebok@spot.colorado.edu or 303/492-5077.

Due to Anita Madrid's temporary absence from her office at UC Berkeley (see elsewhere in this newsletter for details), contact her assistant Michelle Bernal at 510/642-7823 or mjbernal@uclink4.berkeley.edu with business for the UCOA treasurer.

UCOA is tentatively planning on holding the 1997 conference in Denver. The 1998 conference, to be held jointly with ACCUO, is tentatively planned for Rochester, New York.

Dalene Hoppe Pride was the proud recipient of the Pete Small Award for service to the profession at Asilomar. On an ironic note, her ombuds office at Ohio State has been dismantled and she is job hunting.

The *UCOA Journal* is about to go to press. Free to UCOA members, the journal will contain four articles regarding confidentiality and record keeping. It will also be available for \$3 (at cost) for non-members.

State or Regional Gatherings

Are state, provincial, or regional ombuds gatherings occurring or planned? If so, please send reports or announcements to the editors. The topics being discussed at such meetings will be of general interest and help in program planning for our more formal meetings.

OMBUDS News

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Ombuds Certification

The Board of Directors has initiated discussion on requirements for certification as a professional ombudsperson. This would be public recognition that a person has met certain requirements of training and experience by his or her peers. It would also acknowledge our status as true professional practitioners. Key elements in our discussions at this point include:

- * Training (the completion of a Beginners' Workshop given by UCOA, the California Caucus, or of Ombuds 101 offered by TOA);
- * Experience (practice in the field for a year under the guidance of a mentor and attendance at one or two professional conferences);
- * A "grandfather" option for people who have worked successfully in the field for some number of years;
- * Possible categories of certification.

The Board will continue this discussion at the Superconference and welcomes any suggestions you might have for this important proposal. Send your ideas to any officer.

See you in St. Louis! —*Rich Hebein* rhebein@bgnet.bgsu.edu

News From The Front

by Anita Madrid

On July 20, 1995, the Regents of the University of California voted to ban the use of racial preferences in university admission policies. This action sparked great controversy in the state and generated protests throughout the university community. Berkeley campus chancellor, Chang Lin Tien, responded with an initiative called the Berkeley Pledge. The Pledge was foremost a message to California residents that the university would keep its historical promise to preserve diversity and to provide the best education to a student population that reflected all of California's diversity.

The Pledge outlined five goals: 1) to help strengthen the K-12 educational system with the objective of improving the UC

eligibility rates for students who are currently underrepresented in the university; 2) to expand Berkeley's recruitment of high school students throughout the state; 3) to work to keep Berkeley affordable for all undergraduate students; 4) to create an environment that will foster success for every Berkeley student; 5) to inspire students to pursue graduate studies and professional careers; and 6) to provide a strong incentive for these actions, the Chancellor pledged \$1 million dollars for multiple years to accomplish this task.

Response to the Berkeley Pledge was positive and surprisingly it attracted supporters on both sides of the affirmative action debate. Initially, the Regents and the Governor were publicly supportive.

In October 1995, I was asked if I wanted to take a leave of absence from my ombuds position for one year to coordinate the Pledge. I did not hesitate to do so. Six months later, I look back on my decision to take on what has become the most challenging task of my career. My job is to give programmatic coherence to each of the Pledge goals while carefully dodging the political battles that continue to escalate.

This new assignment has called upon all of my previous roles from teaching to directing affirmative action outreach programs. My ombuds skills have especially served me well in mobilizing the many campus and community groups that are involved and in integrating the many agenda that emerge in the process. In addition, I am managing the culture shock of leaving the quiet, hidden, one-on-one work of ombudsing to maneuvering the public eye before large groups and the ever present media.

A while ago, we had an unusually passionate discussion on our net triggered by a petition in support of affirmative action at UCLA. It concerned the art of balancing our commitment to neutrality with our convictions and principles. I said then that in this matter we must each decide for ourselves where we set our boundaries. I have been given the opportunity to engage in an endeavor that speaks to my principles; one that leaves little room for neutrality.

I haven't had time to miss my ombuds work but I do miss all of my colleagues and look forward to a homecoming with all of you in St. Louis.—*Anita Madrid* anita-madrid@maillink.berkeley.edu

Ombuds Network

If you are not traveling on the Ombuds Information Superhighway you are missing out on a great opportunity. Mary Rowe at MIT has established an ombuds network for anyone who is employed and practicing as an organizational or classical ombudsperson. Discuss relevant issues and concerns, argue positions, ask for advice—all on the network. (The net is restricted to people functioning primarily as ombuds practitioners.) For more information e-mail or call Mary Rowe at mrowe@mit.edu or 617/253-5921.

Not Even An Ombuddy Can Help These Two

Two chemistry students at Duke were going into the final with solid A's. They were so confident that the weekend before finals week, (even though the chemistry final was on Monday), they decided to go up to the University of Virginia and party with some friends there. They had a great time but, were up all night Saturday and slept all day Sunday. They didn't make it back to Duke until early Monday morning.

Rather than taking the final then, they found the professor and explained that they had been to UV for the weekend, planning to come back in time to study on Sunday, but that they had a flat tire on the way back. With no spare tire, they were stranded and couldn't get help for hours. So they were late getting back to campus and hadn't studied for the final.

The professor thought this over and then agreed that they could make up the final on the following day. The two students were elated and relieved. So, they studied that night and went in the next day to take the final. He placed them in separate rooms and handed each of them a test booklet and told them to begin. They looked at the first problem, which was something simple about molarity and solutions and was worth 5 points.

"Cool," they thought, "this is going to be easy." They did that problem and then turned the page. They were unprepared, however, for what they saw on the next page.

It said: (95 points) Which tire?

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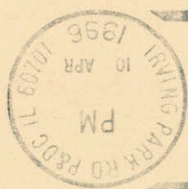
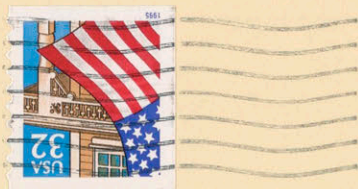
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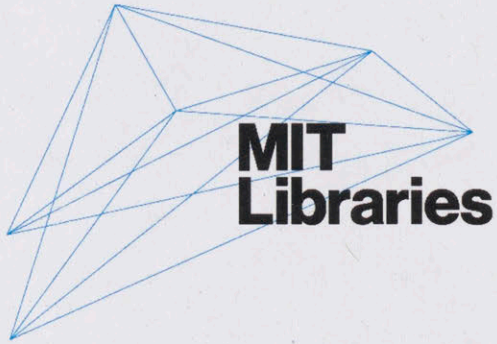
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