

The Value of an Ombuds Office for Academic Institutions

Introduction

Organizational Ombuds¹ offices exist throughout the world in academia, government, and business to assist people in reaching fair resolution to the conflicts, misunderstandings and ethical questions that naturally occur in every institutional setting. Ombuds officers help members of an institution resolve conflicts between individuals, between individuals and the institution, and between groups. Ombuds officers are not advocates for individuals or an institution. They are independent, designated neutrals, advocating for the fair resolution of conflict so that members of an institution can return to the learning and collaboration that are the lifeblood of every institution.

Leading universities across the country such as MIT, Columbia, Wellesley, and Smith have ombuds offices to help students, faculty and staff resolve such issues as feelings of discrimination, tensions between students and faculty or between employees and their supervisors. See Appendix I for a sample list of major universities with ombuds offices. Ombuds are common among all tiers of colleges and universities from University of Southern Maine to Northern Arizona University.

Ombuds offices project an institutional value of justice, fairness, ethics and civility and help protect an institution from the costs that conflict and ethics violations can inflict. While Human Resources, deans' offices, faculty committees and other institutional bodies can resolve many conflicts, none can legally guarantee confidentiality and still protect the corporation from liability. *Only* an ombuds office can guarantee confidentiality with no legal risk to the corporation. And some people will *only* discuss serious conflicts or violations if confidentiality is guaranteed. Ombuds offices increase in value as the diversity and complexity of an organization increase. An EEOC Task force listed an ombuds office among its five best practices.

¹ The word ombudsman originated in Sweden during the 19th century, where the term applied to a public official appointed to investigate citizens' complaints against governmental agencies. According to one scholar, the term refers to a "person who has an ear to the people." The word ombudsperson is sometimes used in place of ombudsman and by the 1990's the word "ombuds" began appearing. The International Ombudsman Association popularized the shortened version of the word. The American Bar Association also furthered the shortened term in its resolution: The American Bar Association supports the greater use of "ombuds" to receive, review, and resolve complaints involving public and private entities.

When conflicts can be resolved in a timely and satisfying manner students learn better, faculty members research and teach more effectively, and staff members work more effectively. When conflicts and complaints simmer, the vitality of the institution suffers and the injury can extend across many facets of institutional life, from the intellectual to the financial.

How Does an Ombuds Office Work?

Listening

All ombuds officers' first responsibility is to listen respectfully and carefully to those seeking assistance and work to understand the problem and the background of the issue. In so doing, ombuds officers often help the visitor come to a deeper and broader understanding of an issue. This function can be either a critical beginning to the conflict resolution process or offer enough understanding for a visitor to feel that he or she is able to deal with the conflict independently. Sometimes the perspective a visitor gains about a conflict is enough to create a satisfactory level of resolution. Whether visitors are angry students or disgruntled faculty or staff, they can return to their work having had the experience that the university cares enough about them and about fairness to listen and be available to address their complaint.

Coaching

A mainstay of ombuds officers' work is helping people help themselves. Frequently an ombuds officer will coach the visitor on productive ways to discuss the issue and work towards resolution of the conflict. While alternative dispute resolutions may exist at an academic institution, schools with ombuds officers' find that the confidentiality an ombuds office guarantees and the independence from the university hierarchy persuade many students, faculty and staff to seek their assistance in particularly sensitive cases.

Shuttle diplomacy

Sometimes feelings are too raw and visitors feel too disempowered to take on an issue themselves, even with coaching. In these cases the ombuds officer can offer to talk to the other party and work to help each party understand and respect the other's interests. Eventually the ombuds officer will bring the parties together to build agreements on how they will work or learn together or even talk to each other. These are not formal or legal agreements but commitments between the parties themselves. The ombuds officer remains independent, and any mediation the ombuds officer does towards resolution occurs on an informal basis.

Early intervention and change agent

Ombuds officers perform the critical role of organizational radar. Based on their unique perspective, ombuds officers may alert the university to potential problems, suggest organizational changes or provide perspectives on proposed policies. Ombuds officers are obligated to advise leaders of an institution of the types of concerns that are occurring and where attention should be directed to avoid problems. These situations can range from discrimination to fraud to widespread discontent in part of the institution.

Information and referrals

Some issues are resolved by an ombuds officer through referrals to the proper person or organization or by finding information that the individual did not have or could not find.

A critical aspect of an ombuds officer's work is that the choice of means for resolving a conflict remains with the visitor and not the ombuds officer's. This empowers visitors and keeps the problem theirs, not the ombuds officer, to resolve. The exception is a charge of policy or ethics violations, which the ombuds officer may pass on to an appropriate office to investigate without divulging the source of the information.

Collaboration and Communication

When asked, "What makes a good ombuds officer?" Mary Rowe, Ombuds and Special Assistant to the President at MIT, said, "Someone whom people like and trust to help them figure out how to solve problems." Part of the job is to create and maintain good relationships throughout the institution, as well as to keep the presence and purpose of the office highly visible.

Ombuds officers also provide facilitation when group conflict exists and training on conflict resolution.

Unique Aspects of the Ombuds

Organizational Placement

Ombuds officers report to a member of the upper administration such as the president, trustees, or provost. They can be part - or - full time, contract employees, or have an academic appointment. An ombuds officer, without disclosing the identities of any visitors, submits regular written reports to the leaders of the university on the volume and types of issues with which the office has been dealing.

Confidentiality

Ombuds officers have a mandate from the American Bar Association to maintain confidentiality even when Human Resources and all other university officers must take formal action (e.g. in cases of harassment). This allows visitors to resolve complaints informally. Because discussions with an ombuds officer do not constitute putting an organization on legal notice, an ombuds office helps protect an institution from legal liability. Ombuds officers are not bound to maintain confidentiality if they believe that a person or property is in danger.

Neutrality

The ombuds officer is a "designated neutral" and always bears in mind that there are many sides to any story. Neutrality ensures fairness because the ombuds officer doesn't side with an institution, department or individual. This is critical to many visitors.

Independence

Ombuds officers operate outside the traditional organizational structure and are independent of line management and the human resources and legal departments. This independence from other departments avoids real or perceived conflicts of interest and encourages people to come forward even when other avenues exist for resolving disputes.

Benefits and Costs

An ombuds office benefits both individuals within an institution and the institution itself. These benefits are both tangible and intangible, and analyses performed in corporate settings show a 500-700% return on the investment in the ombuds office.

An ombuds office can help a university avoid a range of tangible costs. The costs of students who are embroiled in conflict rather than engaged in learning are very high. Some may be so unhappy as to leave lowering morale and creating recruitment costs. Others may stay but denigrate the institution and never become contributing alumni. Faculty and staff may also leave creating low morale and the costs of replacement and training. Or they may stay and become disaffected and unproductive, which in turn creates disaffected students. An enormous cost is a formal complaint against an organization. While legal costs can be quantified, damage to an institution in the public's eye cannot.

On the intangible side of the ledger, the presence of an ombuds office is a statement that the institution values fairness and justice. This alone creates goodwill and trust in the university's leadership. Ombuds offices also impart the ability to deal creatively and productively with conflict to students, faculty and staff. Ultimately members of the university community can learn to embrace conflict as an opportunity for learning and growth. When that happens, the ombuds office is working to fulfill the university's mission.

APPENDIX II

Sample of complaints handled by University and College Ombuds

Organized by Community Served

Students

- student/student relations
- discrimination based on race, sex, disability, race, age, religion, sexual orientation
- sexual harassment
- grade disputes
- academic misconduct
- bureaucratic “glitches”
- professor/student relations
- student/TA relations
- faculty code of conduct violations
- disability issues
- restorative justice process
- graduate student concerns (intellectual property rights, publication issues, advisor/student relations, graduate student attrition rates, etc)

Faculty

- tenure and promotion issues
- disciplinary actions
- violation of the faculty code of conduct
- intradepartmental conflicts
- MSO/faculty relations
- faculty/undergraduate student relations
- faculty/graduate student relations
- intellectual property rights
- publication issues
- discrimination

Staff

- Disciplinary actions
- management/employee relations
- changes in departmental structure, rules, policies
- bullying & harassment
- promotion/demotion
- reclassification
- work environment
- discrimination
- disability issue