

Journal of the International Ombudsman Association



VOLUME 6, NUMBER 2, 2013

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ABSTRACT

Eleven pioneers of higher education ombudsing were interviewed for this article; including three different types of pioneers: 1) those who served in the ombudsman role in the early days before there were professional organizations, Standards of Practice, formalized training, journals, newsletters, or conferences, etc.; 2) those who, largely through their publications and presentations, significantly influenced the thinking and practices of their colleagues; and 3) those who played key roles in starting and/or leading the professional organizations that support the work of higher education ombudsmen. A variety of topics are presented, including such things as their recollections of starting this work, meeting other colleagues, forming associations with other ombudsmen, challenges, rewards, and/or their accomplishments.

KEY WORDS higher education, ombudsman, pioneers, university, college, challenges

Reconsidering the Neutrality and Impartiality Standard: A Multidisciplinary Analysis 45

ZACHARY P. ULRICH

ABSTRACT All organizational ombuds (OO) are neutrals, but what does “neutral” and “impartial” mean in the context of other professions, and what implications might those alternative meanings have for ombudsman practice? This paper analyzes the IOA standard of neutrality and impartiality by leveraging findings from the diverse fields of moral philosophy, historical analysis, political science, systems theory, mathematical modeling, social cognitive psychology, and neuropsychology, among others. The paper goes on to explore both the benefits and shortcomings of the neutrality and impartiality standard vis-à-vis the ombudsman role, and briefly explores whether or not the application of alternative standards might better suit the OO profession as it evolves, specifically as an agent of organizational conflict monitoring and reporting, as an agent of organizational change, and as an advocate for individuals and groups when necessary.

KEY WORDS ombudsman, neutrality, impartiality, IOA standard, multidisciplinary, fairness

A Simple Methodology for Increasing Visibility and Capturing Organizational Ombuds Worth 60

KATHERINE Y. BIALA

ABSTRACT Attempting to capture the significant positive effects that an Ombuds Office can have upon an organization, the author poses a simple, objective and easily managed data collection methodology that illuminates the Ombuds’ worth to an organization. Seven Risk Categories are defined, with guidelines for data collection being confined to only what is told directly to the Ombuds by a visitor upon initial intake. IOA standards of confidentiality and impartiality and availability of objective data are discussed in relation to the Risk Categories. An example of a Risk Categories data report is provided, with an evaluation of limitations of this methodology.

KEY WORDS Ombudsman, worth, visibility, usefulness, effectiveness, confidentiality.

The Ombudsman and Post Conflict Department Rebuilding 68

KATHERINE HALE AND JAMES P. KEEN

ABSTRACT Resolution of serious conflicts within organizations often leaves actors in a stressed state facing residual issues that remain unaddressed. Parties and departments involved in such post conflict situations can benefit from support in addressing relational, structural, process, and fairness issues to rebuild a productive and supportive working environment. The authors provide insights in organizational post conflict rebuilding drawn from their own experience as well as from literature in the Conflict Resolution and Ombuds fields. Additionally, the International Peace Building field provides applicable lessons from national societies working to reconcile past grievances while developing fresh terms of engagement to rebuild the social and structural fabric.

KEY WORDS ombuds, organizational conflict , dispute resolution, leadership, peace building, post conflict

Financial Costs of Workplace Conflict 83

MARTIN FRERES

ABSTRACT Conflict resolution in the workplace is claimed to save organizations money, yet, quantification of costs are rare. A – necessarily incomplete – but systematic review of the scholarly literature and websites identifies medical health, individual psyche, team behavior, wasted time, legal and dispute costs, customer relationships, HR & OD, and counter-productive work behavior as the major paths through which workplace conflict costs organizations money. Workplace conflict appears to waste approximately 3 hours per week per employee, be directly related to costly turnover, and result in virtually avoidable legal fees.

KEY WORDS conflict, workplace, costs, financial, quantitative study, literature review

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EDITORIAL

Poised for Transition

DAVID MILLER, EDITOR

As a profession, we stand on the shoulders of giants. For those in the 21st century attending graduate programmes on alternative dispute resolution, or researching optimal means for securing and reinforcing ombudsman visibility, or joining established ombudsman offices in a multiplicity of sectors, there is a debt to be acknowledged - of service, of recognition, of deep appreciation for the unbelievable character, achievements and examples our forebears in Ombudsmanry have shown. A handful of completely extraordinary people have actually created us! It is high time we acknowledged and celebrated their achievements and legacy.

The JIOA Editorial team has long proposed to celebrate our Pioneers across sectors by describing who they are and have been, sector by sector. We have also considered describing pioneers by the contributions they have made to Organisational Ombudsman principles and policy, administration and implementation. Because we have been so concerned to avoid inadvertent omissions in describing the contributions of pioneers, we have determined that our efforts should be continual. In making a start in this Volume, we recognise that our narratives are not definitive. And finally, we are starting!

Tom Sebok has opened our celebration of pioneers by focussing on Higher Education. In his beautifully constructed review of how Ombudsmanry evolved in that sector, Tom has chronicled the development of individual professional lives evolving into a coherent series of networks and, ultimately, a deeply respected profession. We are so grateful for his work and to those he highlights. Is it not wonderful to see these remembered professional lives in print, alongside photos of the real people who made our profession happen!

A hallmark of a healthily-evolving profession is its capacity to nurture critical thinking and expression in its newest members. This Volume is graced by the winner and runner-up in the latest IOA Writing Competition. **Zach Ulrich's** prize-winning entry comprises a thoughtful reconsideration of the meaning of neutrality and impartiality in the context of other professions, and whether the evolution of our profession requires the application of alternative standards

to best fit that evolution. **Kathy Biala's** paper proposes a data collection methodology that may help illuminate the added value an Ombudsman brings to organisations. Her paper is a very timely discussion of the importance of identifying categories of risk contained in the issues brought to Ombudsman offices – such contemplation is overdue and further discussion on this is welcomed. Warmest congratulations to Zach and to Kathy.

Conflict is ubiquitous in organisations, of course, and bringing closure to conflicts may not be the end of those stories. **Katherine Hale** and **James Keen** provide expressions of proven processes to help restore trust, collaboration and proactivity following post-conflict organisational reconstruction – taken from organisations and from national post-conflict lessons. In our final paper, **Martin Freres** summarises some key findings on the quantification of the costs of organisational conflict. There are not many surprises in where costs lie, but the costs of unresolved conflict are immense. This is an issue we first raised in JIOA Vol. 3(1), and which we intend to continue in coming Volumes.

The Associate Editors and I have been planning our own transition from our JIOA roles. We asked the membership for expressions of interest in doing what we do, and have been extremely gratified by the response. Having used clear criteria to assist in the selection process, I am delighted to announce that from JIOA 7(1), the Associate Editors will be **Howard Gadlin**, **Cynthia Joyce**, **Samantha Levine-Finley**, **Ennis McCrery** and **Sandra Morrison**. We are greatly looking forward to working with our successors over the course of Volume 7, by which time my successor will have also been determined. Thanks to all who kindly volunteered.

Finally, it is time to give thanks to our hard-working and diligent reviewers. This Volume saw the largest proportion of unsolicited manuscripts ever (7 in total) and these, along with the articles we asked acknowledged experts to write, meant a slightly higher-than-average review load. In our next issue we will thank all reviewers who have been helping us to this point but the reality of our Journal is that our standards of publication are a direct reflection of (1) our authors and (2) our reviewers. Grateful thanks to you all from all of us in the Editorial team.

Interviews with Pioneers of Higher Education Ombudsmen

TOM SEBOK

ABSTRACT

Eleven pioneers of higher education ombudsing were interviewed for this article; including three different types of pioneers: 1) those who served in the ombudsman role in the early days before there were professional organizations, Standards of Practice, formalized training, journals, newsletters, or conferences, etc.; 2) those who, largely through their publications and presentations, significantly influenced the thinking and practices of their colleagues; and 3) those who played key roles in start-

ing and/or leading the professional organizations that support the work of higher education ombudsmen. A variety of topics are presented, including such things as their recollections of starting this work, meeting other colleagues, forming associations with other ombudsmen, challenges, rewards, and/or their accomplishments.

KEY WORDS

higher education, ombudsman, pioneers, university, college, challenges

ACKNOWLEDGMENTS

The author is incredibly grateful to the 11 pioneers who were so generous in giving their time and candid recollections about their experiences in working as ombudsmen in the world of higher education. Specifically, thanks to: Don Hartsock, Geoffrey Wallace, Mary Rowe, Carolyn Stieber, Don Perigo, Suzanne Belson, Howard Gadlin, Bob Shelton, Ella Wheaton, Marsha Wagner, and Josef Liedenfrost. In addition the author wishes to thank those who assisted in contacting the pioneers and/or gathering photographs and other information about them including: Sara Thacker and Michel Bernal from the University of California Berkeley Staff Ombuds Office, Kellie Harmon from the University of Kansas Office of the Ombudsman, Kathy Canul, of the UCLA Ombuds Office, and Lester Mau of the Columbia University Ombuds Office.

The author also wishes to thank his colleagues in the Ombuds Office, Gina Iannelli and Jessica Kuchta-Miller, for their patience and support as he - slowly - completed this work.

Interviews with Pioneers of Higher Education Ombudsing

In a November 11, 1969 article in the *Wall Street Journal* Art Glickman described Michigan State University's first ombudsman, James Rust, as "...a dedicated cutter of red tape and puller of strings employed by a university bureaucracy to help students fight that bureaucracy." Glickman wrote, "Growing numbers of American universities are deciding (having an ombudsman) is the best way to head off angry students." According to Glickman, "Ombudsmen try to keep small gripes from becoming big issues." He continued, "Three dozen or so ombudsmen are at work on campuses across the country, double the number just a year ago. And with the continuing student unrest, their numbers are likely to multiply." And multiply they did ...

In an August 21, 2012 interview on WHYY's "Fresh Air," Seth Rosenfeld, author of *Subversives: The FBI's War on Student Radicals, and Reagan's Rise to Power*, told host, Terry Gross, that Ronald Reagan had made the protests at the University of California at Berkeley "one of his top issues" while running for governor in 1966. And, according to Rosenfeld, "At the first Board of Regents meeting after Reagan took office, the Regents fired Clark Kerr, President of the nine-campus University of California system as one of its first acts" (Rosenfeld, 2012). Kerr then became the President of the Carnegie Commission on Higher Education. Under Kerr, the Commission did a number of studies on challenges facing higher education. One, called "Dissent and Disruption: Proposals for Consideration by the Campus," made a number of recommendations, including one for more campuses to do what several by that time had already done — create an ombudsman function (Carnegie Commission, 1971).

Eleven pioneers of higher education ombudsing were interviewed for this article; including three different types of pioneers: 1) those who served in the ombudsman role before there were professional organizations, standards of practice, formalized training, journals, newsletters, or conferences; 2) those who, largely through their publications and presentations, significantly influenced the thinking and practices of their colleagues; and 3) those who played key roles in starting and/or leading the professional organizations that support the work of higher education ombudsmen. Not surprisingly, several ombudsmen included here meet more than one of these criteria. The interviews did not follow a consistent format, varying according to the individual experiences of those interviewed and the author's intuition about what to ask. For each, however, their pioneering accomplishments are identified. And, many interviewees did address somewhat similar topics, such as origins of the office, early recollections, challenges, rewards, and/or accomplishments. And, it was fascinating to hear a number of them talk about meeting one another more than three decades ago. All of the ombudsmen interviewed served in the ombudsman role for more than a decade. Many served for two decades and a few served significantly longer.

Don Hartsock

UNIVERSITY OF CALIFORNIA AT LOS ANGELES, 1969-1991

PIONEERING CONTRIBUTIONS: When former campus minister, Don Hartsock, became UCLA's first University Ombudsman in 1969, he was among the first wave of university ombudsmen in the US. After meeting periodically for several years to compare notes with Geoffrey Wallace of the University of California at Santa Barbara and Bill Schatz from California State University, Los Angeles, the three collaborated to start what eventually became an annual meeting of the California Caucus of College and University Ombuds (CCCUO) every November at the beautiful Asilomar Conference Grounds in Pacific Grove, CA.



GOOD TIMING: After Hartsock served as a Presbyterian Campus Minister at UCLA for six years and one year as the Associate Dean for Student Activities, he and his family (including his wife, Jo, and five children) joined the Peace Corps. They were stationed in Micronesia where he served as Deputy Director for two years. Hartsock explained that his decision to leave after two years was a matter of principle. The US military wanted to store nuclear weapons on ships and on land in Micronesia. But, the volunteer Peace Corps lawyers who "were being faithful to their call as volunteers," had been assisting local Micronesian legislators. And the legislators were opposed to having nuclear weapons in their country. When the decision was made in Washington, D.C., to eliminate the volunteer lawyers' program – without any input from Hartsock or from the Director – Hartsock told the Director he "couldn't stomach this anymore" – and resigned.

The same afternoon Hartsock received a telephone call from UCLA's Vice Chancellor for Student Affairs, Rosemary Park, who invited him to consider taking the newly created position of University Ombudsman. Reflecting on this key life decision, he told the author, "I said 'why not?'... I didn't know how to spell it and I didn't know what was involved or anything else ... I'd had some communication with some of the students when they were talking about it but I never thought I would be a candidate for it. I took it and started that fall. What we'd been doing in the Peace Corps was ... listening and talking with people who thought differently and held different cultural values ... so it was a natural for getting into the campus again in a different capacity."

IN THE OMBUDSMAN ROLE: One thing was very important to Hartsock in accepting his new position – independence. He said, “I was not on the Chancellor’s staff. I had a dotted box and a dotted line and I told the Chancellor, “I can erase it or you can erase it but (the ombudsman role) has to be independent.”

COMMUNITY-BUILDING: Hartsock remembers working with a group on campus to create what was then called the “University Policies Commission,” which recognized how the administrative staff on campus was being ignored. This led to helping them organize a Staff Assembly, which gave staff a voice in the university. This idea was eventually replicated on other campuses of the University of California (UC) system.

Hartsock also worked with faculty in the development of a Faculty Code of Conduct. He quoted the Preamble to the Code of Conduct: “The University seeks to provide and sustain an environment that is conducive to sharing, extending, and critically examining knowledge and values and to nurture the search for wisdom.” Of significant importance to him was the fact that the statement began with the phrase, “The University seeks . . .” To him, this meant that “the University” included everyone – students, staff, faculty, and administration – in the UCLA community. According to Hartsock, this notion was in stark contrast to the more commonly held view (or metaphor) of the university as a Medieval institution in which Hartsock explained, “the Regents were the House of Lords, the Chancellor was the Duke, the Administrators were the Royal Family, the Faculty were the Nobles, the Students were the Squires, and the Alumni were the emerging mercantile class who have to foot the bill!”

Hartsock also helped students and others receive training in community development and community relations. One undergraduate student at the time who he helped receive such training was the late Ray Shonholtz, who eventually founded the Community Boards of San Francisco. He also founded Partners for Democratic Change which, as reported in his obituary in the January 15, 2012 edition of the Los Angeles Times is “dedicated to the advancement of civil society and the culture of nonviolent dispute resolution with centers established in 20 countries around the globe.”

After the tragic killings of students at Kent State University and Jackson State University in the spring of 1970, Hartsock shuttled between administrators and the “Strike Committee” to put together a Town Hall Meeting to allow members of the campus community to come together publicly and talk about their concerns. He remembers that political activist and controversial professor, Angela Davis, was one of the speakers.

Even 10 years after his retirement, Hartsock was so well-regarded in the UCLA community that he was asked to speak to a memorial gathering soon after the 9/11 attacks according to a September 2013 story in “*UCLA Today: Faculty and Staff News*.” As a minister and peace-builder, on that auspicious occasion, he spoke about the need to begin healing.

ORIGINS OF CCCUO: Hartsock acknowledges that he was “resistant to formal organizations.” When asked about how CCCUO came about, he said that, while it had been relatively easy for he, Bill Schatz, and Geoffrey Wallace to meet periodically since they were relatively close geographically, “We knew there were a lot of other people who were interested in the same thing and we were bold enough, and stupid enough and perhaps naïve enough . . . We said let’s invite some people we know who are doing this kind of thing.” They invited other ombudsmen, university administrators, and others they thought were interested in the kind of work they were doing. “We found Asilomar in Pacific Grove.” Describing the idea for the Caucus, Hartsock said, “We thought the whole idea was the same thing we were talking about on the campus. In the Caucus nobody is the ‘high priest.’ The point was a community that gathers, wanders on the sand on the beach in Pacific Grove . . . just eating together and talking together and walking together. That was the thrust of it. You can learn a hell of a lot from people if you just listen to what they have to say.” Hartsock summarized, “The caucus is for listening and sharing “interests” – not just “positions.”

Geoffrey Wallace

UNIVERSITY OF CALIFORNIA AT SANTA BARBARA, 1970-2004

Pioneering Contributions: Geoffrey Wallace was among the first individuals hired to serve as ombudsman on a campus of the University of California. While still a Ph.D. student in sociology at the University of California at Santa Barbara (UCSB), he took graduate seminars – and much inspiration – from one of the world’s leading scholars on the ombudsman concept, political science professor Stanley V. Anderson. This makes him one of the only – if not the only – university ombudsman to be introduced to the concept by one of the leading scholars in the world. Wallace is among a small number of individuals to serve in the same university ombudsman role for over 30 years (1970 to 2004). One of his most enduring pioneering achievements was collaborating with Don Hartsock and Bill Schatz to start the annual meeting of the CCCUO at the Asilomar Conference Grounds in Pacific Grove, CA.



IMPETUS FOR STARTING THE OFFICE: Riots, the National Guard, sharp shooters, a fatality, a bank burning to the ground, and three campus closures were among the factors affecting the decision to create an ombudsman position at UCSB. Wallace said, “The Chancellor (Vernon Cheadle) was a biologist and he knew that things happen incrementally ... You won’t take all (these problems) away by decree that you’re going to tenure all the lefties who can’t write. You can’t tell students that they’re always right. He decided that incremental change actually leads to essential change.” According to Wallace, Cheadle believed “... we should have more table work and less rock throwing.” And, Wallace remembers, “We had a lot of rock throwing, and buildings burned, and a bomb killed the janitor at the Faculty Club ...” So, Cheadle was a strong supporter of the Ombudsman concept; which meant a great deal to Wallace as a new ombudsman.

WORKING AS AN OMBUDSMAN: Prior to becoming UCSB’s Ombudsman, Wallace had served on the neighboring (mostly student) Isle Vista Community Council. He had also been Isle Vista’s first community ombudsman, which he said, in part “morphed into the community mediation program that we ran for 30 years.”

Because of the enabling legislation creating the position at UCSB, when he was hired for the ombudsman position, Wallace was made an Officer of the Faculty Senate. This, he said, “was an important design feature” which added to his credibility. He also said the legislation specified that the Ombudsman would have “... investigative powers and could only be removed by a 2/3 vote of a committee of all constituents, bi-annual reviews, and independence...”

Wallace spent a great deal of his initial time in the job assisting with faculty disputes. He said this was quite important in order for him to establish legitimacy with faculty. And, he did unconventional things. For example, rather than simply meeting people in his office he would also “go to people” in an effort to “understand intimately” their concerns and points of view. He described observing conversations in which “everybody was shooting high shots at each other and posturing ...” He would sometimes find, “... very sophisticated people acting very poorly.” Much of his early work was dealing with “polarized faculty.” By listening he discovered he could often “get to the bottom of it” and help people work out their differences. And through it all, the lessons he had learned from Stanley Anderson about the importance of offering respect to everyone began to pay off.

He relayed one story about meeting a student leader in 1971 (an African American Vietnam veteran and ex-Marine), who, because of his leadership role, was required to attend “dressy” events. But he told Wallace he didn’t own a suit. Wallace recalls this student was committed to civil rights and social justice and did not want his own credibility to be undermined by his appearance. So, Wallace called a local business person he knew who donated \$400 to help the student buy clothes he could wear to these events. This student – with whom Wallace still has periodic contact – was thrilled. Years after graduating, Wallace conveyed with obvious pride, “He was named an “Outstanding Black Leader in America.”

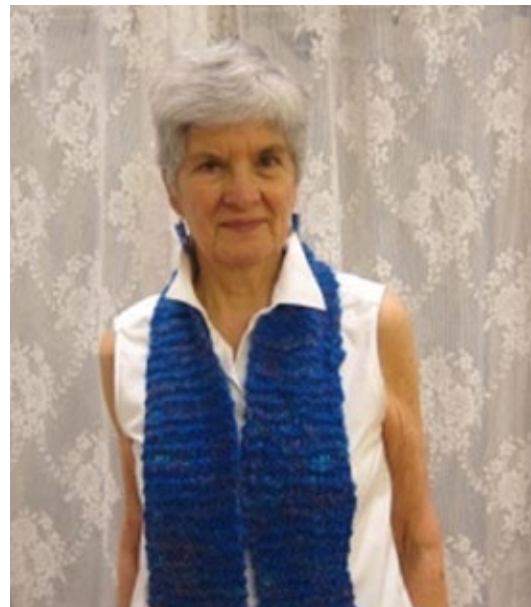
ABOUT CCCUO: During his first three years in the role at UCSB Geoffrey Wallace met periodically with Don Hartsock of the University of California Los Angeles and Bill Schatz from California State University, Los Angeles. Wallace recalled, "I was the only one (of the three) who had never been a working minister." The three collaborated to start what eventually became an annual meeting of the California Caucus of College and University Ombuds every November at the beautiful Asilomar Conference Grounds in Pacific Grove, CA. Writing about the annual CCCUO gathering in 1988, Wallace said, "At Asilomar participants are paired in rooms equipped in early-summer-camp. The dining on the grounds is all in one building, so everyone meets at breakfast. The lack of bedside telephones and televisions turns people's attention toward each other ..." He continued, "Asilomar Beach as pictured in Brando's 'One-Eyed Jacks' and Taylor and Burton's 'Sandpiper', offers a setting for conflict workers in education to de-stress enough to stand back from their practice and ask a few questions about how they are doing and how the practice is going ..." Also, Wallace said, "The socially structured environment has people, place and program but lacks rules for excluding people, a dues structure, and institutional definitions of heathens or philistines." (Wallace, 1988)

Mary Rowe

MASSACHUSETTS INSTITUTE OF TECHNOLOGY, 1973-PRESENT

PIONEERING CONTRIBUTIONS: In addition to being the first ombudsman appointed at MIT (initially given a different title) and working continuously in the field for 40 years, Mary Rowe has made many pioneering contributions to ombudsing practice - and to practitioners. A partial list includes:

- Publishing an enormous body of work on ombudsman work, theory, and practice;
- originating the term "micro-inequities" to name what she saw as the "principal scaffolding for discrimination;"
- talking with US federal agencies about harassment and encouraging the use of ombudsmen in federal agencies (including the Department of Justice);
- bringing the term "sexual harassment" to the attention of MIT administrators after hearing it



- used by Cambridge, MA area feminists in their discussions (which may have resulted in MIT being the first large US organization to develop policies and procedures using this term);
- was instrumental in developing what the International Ombudsman Association (IOA) now calls the “Compensation Survey” among ombuds;
 - developing and annually presenting the “Crystal Ball” of issues she and ombuds colleagues have identified as new trends;
 - serving as the first instructor for a course for new and aspiring ombudsmen and for those considering establishing an office known initially as “Ombuds 101” and now called “Foundations of Organizational Ombudsman Practice” by IOA; and
 - serving as one of the original Associate Editors on the *Journal of the International Ombudsman Association* Editorial Board.

ORIGINS OF THE OMBUDSMAN ROLE AT MIT: Mary Rowe was an economist working in a consulting firm in 1972. She had recently returned from West Africa with three small children, and was “very interested in seeing the world change for women.” She was asked by a woman friend and faculty member at MIT to apply for a new position there. This faculty member was among a group of women who had asked the new President and Chancellor of MIT a year earlier to hire a woman into a senior administrative position. New President Jerry Weisner and new Chancellor Paul Gray had agreed to this request but because no one had been hired and the women had heard nothing about any action being taken they were skeptical about whether the promise was sincere. Although Rowe was initially reluctant to pretend to have interest in this mysterious position, because of her special friendship with this woman, she eventually agreed to inquire about it.

Also, as it happened, Rowe had also accepted a short-term assignment to write a Carnegie Foundation grant proposal for five institutions which, if accepted, promised to bring hundreds of thousands of dollars for release time support for faculty women at the institutions involved. MIT was one of them. So, she already had some “legitimate business” to discuss with people at MIT. And, after inquiring about the position, she later confessed to an administrative assistant about the reason for her inquiry. When she finally met MIT’s new President, Jerry Weisner, a former Science Advisor to President Kennedy, and the new Chancellor, Paul Gray, she became sincerely interested in the position. Weisner and Gray formed a new “paired senior leadership team” at MIT. From her initial conversations with them it appeared to Rowe that they had a strong interest in what would now be called “diversity issues.”

Although she had enjoyed her discussions with Weisner and Gray, weeks passed and Rowe, hearing nothing, had almost given up on the position. She even wondered if her friend’s suspi-

cions may have been justified. When she finally spoke to Gray he told her he and Weisner had been discussing the position “for weeks.” And, he said, “I think what we would like to say is, this is an institution of science and technology and we’d like someone to come and make humans more visible here.” That struck Rowe as extremely appealing. She also learned that, prior to their discussions with her, a very distinguished woman had, indeed, been selected for the position. But, tragically, on the day she had accepted the position, she was killed in a traffic accident. Although news of this tragedy was disturbing, Rowe was relieved to learn that Weisner and Gray were, indeed, sincere about the promise they had made. She began her work at MIT in early 1973.

Before she started work, Rowe’s title at MIT was to be, “Special Assistant to the President and to the Chancellor for Women.” She knew she wanted to see both men and women in this new role so, at her request; it was changed to “Special Assistant to the President and the Chancellor for Women and Work.” Also, in her first year at MIT Rowe asked if it might be possible to have an African American – and ideally male – counterpart. Weisner and Gray agreed and Clarence Williams, then Associate Dean of the Graduate School, was hired for the position.

DEFINING THE ROLE: Looking back, Rowe believes the work in which she and Williams were engaged in 1973 or 1974 would now be recognized as that of an organizational ombudsman. But, when her position was created there were very few women – especially within the administration – at MIT. And, the position had been requested by a group of women with many concerns about the treatment of women. So, it was given an initial title that reflected those concerns.

At one point, she shared with Weisner and Gray the perspective of a woman whose situation Rowe found particularly egregious and Gray later told her that Weisner wants to know both sides of the story. Rowe replied, “Oh, you want me to be impartial.” Gray said, “Yes!” Not long after, Rowe asked that her title (and that of her colleague, Clarence Williams) be shortened to simply “Special Assistant to the President and the Chancellor” – eliminating the phrases “for Women and Work” and “for Minority Affairs” in order to better convey impartiality and adding the title Ombudsperson. In addition, at some time in the first few years Rowe had been asked by an administrator (not Weisner or Gray) to conduct a formal investigation. She did it but, afterward, decided that “formal investigations were too close to managerial decision-making” and also made it difficult to be seen as impartial.

Rowe believes she was very fortunate in having these particular bosses. She described Weisner as “absolutely extraordinary” and Gray as a “sensational human.” And, she said they made a wonderful leadership team because Weisner had great vision and had great sensitivity to what are now called “diversity issues,” likely because of his own personal experiences with anti-Semitism. And, Gray, she said, was particularly adept at implementation. Rowe remarked, “I walked

through the doors they opened for me.” And remarkably, through collaborating with Weisner and Gray over the first year, she began to conduct herself in ways that fit extraordinarily well with today’s IOA Standards of Practice. By the end of her first year Rowe said, “Confidentiality, neutrality, independence, and informality were all explicitly part of the emergent job description.”

A SYSTEMS APPROACH: For engineers, Rowe explained, the term “redundancy” was important. She said it answers questions like, “What would you want if you were orbiting the earth and your oxygen system failed?” Weisner had brought her in to help make systems self-improving. He wanted to find the faults in the system and get them fixed.” His view about bad behavior was that it provided, “evidence of a fault in the system.” And he thought, “Whoever owned the system should fix it.” Rowe explained how helpful this was to her because it meant looking for ways to improve the system so bad behavior did not occur in the first place. It also meant her role had “little to do with investigation and punishment of bad behavior.” When she first met the head of mental health services at MIT she asked what advice he would give to someone “trying to help make humans more visible” there. Rowe said it reinforced the “systems approach” when he said, “If you run into somebody with a real problem, make sure you do your best to build a net.” Rowe said she consistently received the message was “nobody succeeds on her own.”

In her first year at MIT Rowe concluded that “micro-inequities” (a term she coined) provided the “principal scaffolding for discrimination.” And, through her association with feminists in the Cambridge area, she became familiar with – and applied – the term “sexual harassment” in conversations with Weisner and Gray. As far as she knows, MIT became the first large organization in the world to use that term “and to develop policies and procedures.” She also said, the (now famous) language “...offensive, intimidating, or hostile behavior that has the intent or effect...” was directly from Jerry Weisner. And this language appeared in MIT’s policy on harassment years before it appeared in the EEOC Guidelines. Rowe remembers an early conversation with Weisner in which he stated the eventual opening sentence in the MIT anti-harassment policy. “Harassment is not acceptable at MIT.” And, she said he added, “Harassment is antithetical to meritocracy ... and so is favoritism.”

Rowe remembered approaching Weisner once with a case involving people in a consensual romantic relationship. She pointed out that MIT had no policy and asked if they should. After a long pause, Rowe reports that Weisner said, “Mary, MIT believes in true love. We don’t believe in nor accept conflict of interest ... Do what you can to alleviate the conflict of interest.” Not surprisingly, the relevant MIT policy became part of the Conflict of Interest policy.

FINDING “SIBLINGS:” Rowe said that, although she did have one terrific colleague (Williams), she was professionally “lonely” and she kept looking for others with similar jobs working elsewhere. Sometime between 1979 and 1981 she learned about a group of ombudsmen from the Midwestern US who were meeting informally. She had heard the term “ombudsman” but did not know “there was anybody else with a job like mine” until she attended their meeting. She remarked, “I was no longer alone in the universe. I found siblings!” She described the first meeting as “wonderful.” She said, “It was held in a hotel with a swimming pool.” According to Rowe, the 20 or so in attendance “spent the two days in the swimming pool talking.”

She approached Weisner and Gray, about her title and, as noted above, her new title (and Clarence Williams’) became “Ombudsperson.”

In addition to these initial “siblings,” Rowe eventually found others, largely from the corporate arena – and she helped them start the Corporate Ombudsman Association. She said she had been dealing not only with academic-related issues but also issues like waste, fraud, and abuse. So, she found both groups of colleagues helpful.

Rowe recalled mentioning in a 1984 planning meeting for the Corporate Ombudsman the fear she had observed in response to “... gay-related infectious disease” only recently identified as HIV and suggested they put it on the agenda for the upcoming meeting. Rowe recalled, that Carole Trocchio (from Southland Corporation) ... “turned to me and said, ‘All problems originate at MIT. You have to do something called *The Crystal Ball*.’” Rowe remarked, “She gave it a name and humorously defamed my institution by imagining that we were the origin of the problem.” Each year until 2011, Rowe asked ombudsman colleagues what “new” things they have observed, compiled this list including her own observations, and presented and/or distributed it at annual conferences. Naturally, this list has always been called, *The Crystal Ball*.

CHALLENGES: When asked about challenges she encountered Rowe replied, “Exhaustion” and she recalled losing her voice for about six months in her fourth year on the job. At first she worried that it was psychological but said she also did a lot of public speaking and teaching. She eventually got help from President John F. Kennedy’s voice coach and said it is one of the reasons she has done less public speaking since then.

Rowe also recalled the frustration of seeing situations in which she knew she only had partial information but the information she had made her “think that injustice was present.” And she recognized that, unless something was a crisis, sometimes she would have so much to do that she would simply select an item – something she could “push” that would “yield” – on which she thought she could make a little progress on a given day. This, she came to view as an approach that was less “strategic” than she would have liked and, in fact, she said, “I kicked myself a lot for (not having more of a) strategic plan about systems change” and for “being lazy” or “lacking courage.” But “exhaustion” was, indeed, a factor and “self-preservation” was sometimes an understandable motivation, too. At the time, on top of a demanding new job, she had three small

children, she and her husband were “building a home and like everyone else, needed money and got sick and all the problems that happen in a life.” Looking back, Rowe said, “It was not miserable but it was a constant struggle.” Rowe said, “Maybe I was learning my craft” and sometimes “I was surviving.”

REWARDS: Not one to dwell on the negative, Rowe pointed out, “But you haven’t asked me about the wonderful side of it.” She said she was “never without a good boss or a good colleague.” And she remembers getting “thank you” letters five years after helping someone. Sometimes she said a visitor would come in with a seemingly hopeless situation and she could not think of anything else to do other than to suggest he return the following week. Sometimes visitors like that came back and say, “Things settled out. I’m sure you gave me this wonderful idea.” This, she said happened a lot and served to remind her that some people only need to “think and be questioned; even if you don’t have any idea what’s happening.” Rowe summarized, “I’ve liked being a catalyst. And catalysts don’t always succeed but they are often enormously effective.” Rowe said she also likes puzzles and sees the organizational ombudsman role as being an endless chess game. In addition, she said, “I’ve liked almost everybody that I’ve ever met and I had a job where I was meeting a lot of people!” She added, “And I’ve never been bored!”

She elaborated on the value to her of having great ombudsman colleagues at MIT; all of whom were people of color, “which guaranteed I was going to learn a lot!” For example, Clarence Williams and Thomas Zgambo, helped her realize the importance of avoiding expressing anger at others at MIT while functioning in the ombudsman role. And she cited Toni Robinson’s reading and memorizing all the various (sometimes conflicting) policies and regulations at MIT and creating a compilation that is now given to every new department head.” Rowe commented, “Imagine what it was like to have a colleague like that ...”

Finally, Mary Rowe has also had the opportunity to do something in this job that she dearly loves: write. She is likely the most widely-published organizational ombudsman practitioner in the world on matters of ombudsman theory and practice. She continues to write articles and, recently, has collaborated with Howard Gadlin on a book chapter about the organizational ombudsman role. A partial list of her publications is available at the MIT Ombuds Office website.

Carolyn Stieber

MICHIGAN STATE UNIVERSITY, 1974-1991

PIONEERING CONTRIBUTIONS: For ten years Carolyn Stieber was the only woman faculty member in the Political Science Department at Michigan State University (MSU). Professor James Rust was the first MSU Ombudsman and Stieber was the second, according to the Michigan State University Office of the Ombudsman webpage. She held the position for 17 years; longer than any other MSU Ombudsman. Stieber was one of a small number of ombudsmen from the Midwest who began to meet and discuss common concerns among university ombudsmen. Several other pioneers interviewed for this article remember those meetings as being very helpful. The meetings eventually evolved into what became the University and College Ombudsman Association (UCOA) in 1985. Stieber served as a member of UCOA's first Board of Directors and served as its President in the 1988-1989 academic year. That same year she published an article in the *Journal of the California Caucus of College and University Ombudsmen* called "Why is UCOA Necessary?" (Stieber, 1988) She later published an article in the *Negotiation Journal* called "57 Varieties: Has the Ombudsman Concept Become Diluted?" (Stieber, 2000) in which she recognized emerging differences in practices between "classical" and "organizational" ombudsmen. Ms. Stieber is now a Distinguished Emeritus Member of IOA.



ORIGINS OF MSU OFFICE: Stieber explained that, at Michigan State University, the first Land Grant College in the US, the idea of creating an ombudsman position took root early. According to the Michigan State University Office of the Ombudsperson website, "The office was the first office of its kind at any large university in the country and today remains the longest continuously operating college or university Ombudsman office in the (US)." The "Former Ombudsmen" section of the website also indicates that President Clifton Wharton appointed Carolyn Stieber as the second University Ombudsman at MSU. Stieber believes that part of the reason she was hired was the experience she had gained in a deeply divided academic department (especially over the war in Vietnam) assisting students who had conflicts with faculty members.

EARLY CASES: Carolyn Stieber explained that students were the only focus for the MSU Ombudsman Office. She explained that many were seniors, graduate students, or medical students. Also, she said that medical students were "especially fearful and in need of a confidential" place to discuss their concerns. She recalled a number of cases in which university

officials tried to ignore catalog requirements and said she was always successful at pointing out to university officials that, “while they were certainly free to change catalog requirements, they were required to follow them until they had been changed.”

THE ROAD TO UCOA: Early in her tenure in the Ombudsman Office Stieber remembers getting a call from someone inviting her to attend an informal meeting of Midwest area university ombudsmen. The person said a small group, “Got together at some motel to share things that were happening in their offices and pass a bottle around.” The person said that it was “a lot of fun.” Stieber remarked amusingly, “It didn’t sound like fun to me ... so I thought of an excuse about being too busy with my work - including my continued teaching obligations.” But a year or two later she received a call from a colleague at the University of Michigan (most likely Don Perigo who also appears in this article) and they got together with a few other colleagues for a “pleasant meeting.” Another meeting took place at Kent State University (KSU) where she remembers those present experiencing an “emotionally powerful” visit to the site where the National Guard had killed four KSU student protesters on May 4, 1970.

She recalled a 1978 meeting at Southern Illinois (SIU) in Carbondale, IL in which SIU Ombudsman, Ingrid Clarke, encouraged the group to consider creating something “less haphazard than what we’ve been doing year after year.” Stieber characterized Clarke as “the Mother of UCOA” for these efforts. In an article she wrote while UCOA President (Stieber, 1988) she also credited the plans of Leon Miller, ombudsman from Northern Illinois University as having “helped spark the organization into being” (personal communication, January 2013). By 1985 the dream of establishing an official organization, known as the University and College Ombudsman Association (UCOA), was finally accomplished. In the first annual meeting, held at Wayne State University in Detroit in 1985, bylaws were developed and officers were elected. She recalls that ombudsman scholar, Professor Larry Hill of the University of Oklahoma, counted the votes. Not surprisingly, Ms. Stieber was elected to serve on the Board of Directors.

In its 1986 meeting in Boulder, CO, this still mostly Midwest ombudsman group’s “main friction” was over how to include California ombudsmen in their goal of creating a truly national organization. A fairly large group of California ombudsmen (CCCUO) had been holding their own meetings since 1973 at Asilomar in Pacific Grove, CA. Geoffrey Wallace (another pioneer interviewed for this article) remembers when Stieber first attended a CCCUO meeting she was, “...wonderfully powerful and bright” and ... “she instantly ... sat in the chair and had a role.” Eventually, an agreement was reached to coordinate meeting dates between UCOA and CCCUO, which allowed the new California colleagues to join and attend UCOA meetings. As Stieber explained, this allowed UCOA to “...become a much larger organization.” It also allowed colleagues from the Midwest (and elsewhere) to attend the CCCUO meetings in Pacific Grove. The availability of these two uniquely different professional development opportunities has continued to benefit higher education ombudsmen ever since.

Don Perigo

UNIVERSITY OF MICHIGAN, 1974-1995

PIONEERING CONTRIBUTIONS: Hazel Calhoun, who was University of Michigan (UM's) first Ombudsman (1971) was only in the job for about two years before she passed away from lung cancer. Don Perigo, the second ombudsman, did not start until 1974 but served in the role for 21 years. Perigo was among the first group of Midwest ombudsman colleagues who began gathering informally for a number of years – and, in 1985, form the University and College Ombudsman Association (UCOA). He hosted UCOA's first conference in Ann Arbor in 1985, served as Treasurer on its first Board of Directors, and the next year served as UCOA President.



ORIGINS OF UM OMBUDSMAN OFFICE: According to Perigo, in addition to the more common “turbulent times on campus” and “safety valve for students to solve problems” rationales for starting an ombudsman office at UM, another appears to have been important, as well: rivalry with Michigan State University. According to Perigo, during a late 1960’s meeting of the UM Board of Regents one of the Board members turned to a Vice President and said, “I understand MSU has an Ombudsman Office. Do we?” The Vice President reportedly said, “Let me check on that and get back to you.” When the answer turned out to be “no,” within a year or two, the UM office was established.

Before he started working in the Office of the Ombudsman, Perigo, had returned to UM to work on a PhD in Counseling. He also served in a half-time position as the Director of Student Orientation. Perigo said he did not really know what the ombudsman job would entail other than the fact that it involved dealing with people who had problems. After 18-24 months in two half time jobs, he left his position in Orientation to assume the Ombudsman Office role full-time.

VALUABLE CAMPUS RELATIONSHIPS AND ONE MEMORABLE CASE: While in his role as Director of Orientation, Perigo had formed many important relationships. Of particular value were his relationships with academic administrators. In fact, even after he became Ombudsman, he was the only non-faculty member to chair the Academic Services Board (ASB), which was advisory to the Vice President for Academic Affairs. He credits the relationships he formed on this committee for increasing his credibility with this group and that made it “so much easier” when, in his ombudsman role; he needed to call someone to discuss a problem. And he thought of an example ...

Perigo shared a story that he said, “Still brings tears to my eyes.” This was one of many situations about which he learned involving the exploitation of international students ... He received a frantic telephone call from the wife of a foreign graduate student who said her husband was “contemplating suicide.” He was in a small, specialized medical department. She said her husband had been responsible for bringing in hundreds of thousands of dollars in research grants to a professor’s lab. After three years, the student wanted to pursue a different post-doctoral fellowship in a slightly different area at another university. Despite his enormous success, for reasons he could not understand, he had not been admitted to any of the schools to which he had applied.

One day, a department secretary arranged for him to secretly retrieve from a trash can a copy of the letter being sent by his advisor to a university in California. The student finally understood why he had been receiving so many rejections. The letter said terrible things about him (e.g., “I don’t know who would ever want to hire him,” “He’s hard to get along with,” “He’s lazy,” etc.). Perigo knew the ombuds at the university to which the student was applying and called him to ask if he might have access to - and be willing to review - letters of recommendation for potential applicants. The ombudsman said yes and agreed to look at the application file to see if there was a letter from this professor about the student in question. Half an hour later the ombudsman from the other university called back confirming Perigo’s suspicion - in disbelief that anyone would write such a letter of recommendation.

This is where Perigo’s well-established relationships with academic administrators paid off. He contacted the dean (who he knew from the ASB committee) and explained the situation. The dean agreed to contact a professor he knew in the lab next door to inquire about the student. When he did the professor verified that the student was “brilliant.” The dean agreed with Perigo’s suggestion that he (the dean) write any future letters of recommendation on behalf of this student. Perigo conveyed to the student that the dean would like to write a letter on the student’s behalf. The student was admitted to the next school to which he applied. The day the student and his family moved away, the dean made contact with the professor who had written the terrible letters of “recommendation” ...

DEVELOPING A REPUTATION FOR HELPING: After serving in the role for a time Perigo began to look, not only at patterns of problems, but for ways to try to prevent these issues from continuing to occur. As an example, he cited financial aid problems and tuition classification (in-state versus out-of-state) problems. He reached out to the Director of Financial Aid, someone he considered a friend, and asked if he might put on workshops for the Financial Aid office staff. After doing that, he says staff in that office “became our best advocates.” Soon staff from other offices (e.g., the Student Accounts Office) began to quietly tell students, “I can’t help you but if you go to the Ombudsman Office they might be able to help.”

CHALLENGES: When asked about challenges he faced as an ombudsman, Perigo cited learning not worry about work-related things at home or to invite people to call him at home about non-emergency matters. He also mentioned that he used to be asked to play roles that he eventually decided not to play (e.g., observer in sit-ins or office take-overs, etc.).

UCOA AND OMBUDSMAN COLLEAGUES: When asked about ombudsman colleagues who Perigo found helpful, he said he really enjoyed having the ability to pick up the phone and saying to colleague, “Here’s a new one on me.” When asked who he remembers speaking to, he specifically named Dave Heaton from Ohio University, Mary Rowe from MIT, Merle Waxman from Stanford (and later Yale Medical School), Carolyn Stieber at MSU, and Kitty Utz from the University of Cincinnati. And, he also mentioned that, without a doubt, it was Ingrid Clarke from SIU who was the prime mover behind the formation of UCOA.

Perigo remember also fondly remembers attending the Cal Caucus conference and several colleagues with whom he shared rooms in the rustic Asilomar setting, including ST Saffold of San Jose State University and the late Ron Wilson from UC Irvine (Wilson, 2013). In fact, he even credits these relationships, formed in the comfortable and nurturing environment of Asilomar, as probably helping to overcome the initial impasse between UCOA and Cal Caucus attendees about conflicting meeting dates. Perigo was President of UCOA presiding over the meeting in Boulder, Colorado when this was discussed. As a result of the agreement made there, many of those who initially formed UCOA regularly attended the Asilomar conference and many of the California colleagues joined UCOA - a classic “win-win” outcome for the burgeoning university ombudsman profession.

Suzanne Belson

CONCORDIA UNIVERSITY, 1978-1999

PIONEERING CONTRIBUTIONS: Not long after being hired as an ombudsman at Concordia University in Montreal, Canada, Suzanne Belson attended an informal meeting with college and university ombudsmen from the Midwestern US in Salt Fork, OH. Upon returning from this meeting she decided that Canadian college and university ombudspersons should host a conference. The first one was held in 1979 and Belson believes it was larger than any previous conference of college and university ombudspersons. It included both Canadians and Americans. This initiative eventually led to a second conference in 1983, and to the formation of what became the Association of Canadian College and University Ombudspersons (ACCUO).



In 1996 Belson and Dalene Pride of the Ohio State University Ombuds Office co-chaired the first North American Ombudsman Leadership Forum (OLF), which brought together a number of ombudsman organizations including the Association of Canadian College and University Ombudspersons (ACCUO), the California Caucus of College and University Ombuds (CCCCUO), The Ombudsman Association (TOA), Canadian Parliamentary Ombudsman (CPO), the University and College Ombuds Association (UCOA), and the United States Ombudsman Association (USOA). In 2000 she served as the Conference Planner for the Second OLF meeting in San Francisco involving most of these same organizations as well as The National Association of State Long-Term Care Ombudsman Programs.

When Belson left her position at Concordia after more than 20 years she could not have chosen another ombudsman position in a more different kind of organization. She and the late Liz Hoffman, previously Ombudsperson at the University of Toronto, are the only two Canadian higher education ombudspersons who, after leaving their university posts, worked in civilian roles as ombudspersons for the Department of National Defense/Canadian Forces. According to Belson, this was "pretty remarkable for a couple of self-described 'pacifists!'" Belson worked there from 1999 to 2011. While there, she worked with Andre Marin, now the Ombudsman for the Province of Ontario and keynote speaker for IOA's 2010 Conference in New Orleans, LA.

ORIGIN OF OFFICE: In 1969, nearly a decade before she became an ombudsperson, Suzanne Belson was passing by in a cab and saw it “raining computer punch cards out the window” of a building on the campus of what is now Concordia University (then Sir George Williams University which later combined with Loyola College to form Concordia). This event, known as the “Computer Centre Riot of 1969,” was the result of black and white student frustration over the university’s handling of allegations of racism against a professor. According to Belson, this event, which resulted in what was then the largest financial damages at any North American university (over \$2,000,000), led to the creation of the Ombudsman Office by the Board of Governors in the Spring of 1971 – and, eventually a job for her. The university was seeking a rational and fair way to deal with student grievances. And, there was already Canadian precedent for this idea because, according to the ACCUO website in its “History of ACCUO” section, the first Ombudsman Office in North America had been established at Simon Fraser University in British Columbia in 1965 and later at universities in Alberta, Ontario, and Nova Scotia, as well.

Belson, was a recent Concordia graduate when she began serving as ombudsperson in 1978. She started with a two year non-renewable contract and, after several changes in status over the years, wound up with one that was “infinitely renewable and reviewed every five years.” Fortunately, the economic stability afforded by the eventual arrangement allowed Belson to do things like own a home - and to have an actual career as an ombudsperson.

CHALLENGES: In the early years of her work as ombudsperson, Belson encountered what she called “the usual challenges” for a college or university ombudsperson (i.e., how to publicize the office, how to help a student population that changes by 25% yearly, and how to deal with respondents who did not appreciate her role or those who ignored her recommendations). However, she said she was able to rely on the university catalogue and, when necessary, would threaten to “go up the line” (i.e., raise the issue with higher level administrators). But, Belson reiterated, “These challenges are perennial for any ombudsman.”

LEGAL ISSUES: Suzanne Belson may well be the only college or university ombudsperson ever subpoenaed to participate in a murder trial! According to an article by Mara Bovsun in the online New York Daily News, the defendant, former Concordia University tenured faculty member, Valery Fabrikant, “killed four colleagues and wounded a secretary on August 24, 1992.” According to Belson, Professor Fabrikant - who represented himself in court - wanted her to testify about a matter having nothing to do with the murders for which he was on trial. He wanted information about someone he believed had complained to her about him. Belson spoke with the Crown Prosecutor and told the judge she was not prepared to release any details about anything unrelated to the murder trial. Fortunately for Belson, the judge agreed ...

CHANGES: According to Belson, the Canadian higher education ombudspersons based their operational procedures on the classical ombudsman model. Her office had what she called “good and powerful Terms of Reference” and it was “blessed by the Board of Governors” with the power to investigate, which many other offices did not have. Belson said that in her first meeting with other ombudspersons, hosted by Walt Craig of the Ohio State University (and attended by, among others, Carolyn Stieber of Michigan State University) it appeared to her that everyone in attendance “was working in the same way.” But, by the 1980’s, “things seemed to change” for many of the US colleagues and there appeared to be a greater emphasis on confidentiality and “increased concern about being dragged into court.” She believes this led to the growth of the organizational ombudsman model and to significant differences in the way Canadian and US higher education ombudsmen practice.

PROFESSIONAL NETWORKING: As a founding member of two different ombudsman organizations, Belson is a believer in the value of networking. Her relationships in ACCUO grew out of the circumstance that, as ombudsmen, working mostly in small offices, “There were not many others to whom they could talk” about challenges they faced in their work. And she said she often got good ideas from these colleagues on policies, practices, etc. and she found these interactions invaluable.

Belson was also a founding member of the Forum of Canadian Ombudsman (FCO) which, according to its website, is “an ‘umbrella’ organization to permit people to share information and views and to promote the ombudsman concept across Canada.” FCO offers a variety of courses throughout the year. Belson has observed that many people attending FCO courses “had been working for years and had never talked to anyone outside their own offices.” Not surprisingly, “networking” is frequently cited as the most valuable aspect of FCO courses.

“RETIREMENT?”: For most people, “retirement” means leaving behind their professional lives and many - if not all - of their professional connections. This does not apply to Suzanne Belson. Although she is no longer an ombudsman, as a founding member of ACCUO, she still counts a lot of the people with whom she worked in ACCUO as good friends. And she has found a way to remain closely connected to ACCUO as, even in “retirement,” she has acted as Conference Planner for the biannual joint conferences of ACCUO and the FCO. And she helps plan the multiple FCO course offerings annually, as well.

After 33 years of working as an ombudsman in both university and military settings, when talking with her about the work her passion for the ombudsman profession is unmistakable. Not surprisingly, she still thinks about cases. And while there were, of course, a few she wishes she could have handled differently, she clearly has made a significant and positive difference in the lives of thousands of people who, when they felt they had been treated unfairly, had the good fortune of asking for her help. One would be hard-pressed to find a more dedicated ombudsman professional than Suzanne Belson.

Howard Gadlin

UNIVERSITY OF MASSACHUSETTS, 1981-1991 AND UNIVERSITY OF CALIFORNIA LOS ANGELES 1991-1998

PIONEERING CONTRIBUTIONS: Howard Gadlin is one of a small number of people to have served in the ombudsman role for more than 30 years and is also one of only a few who has worked in more than one sector. He worked at the University of Massachusetts, University of California Los Angeles, and is currently employed at the National Institutes of Health.

While at the University of Massachusetts (UMass), soon after being trained as a mediator he found himself mediating a sexual harassment case. He later published an often-cited article about the experience in managing such a delicate mediation (Gadlin, 1991). In the late 1980's Gadlin served as President of UCOA.



In 1991 he left UMass to take another ombudsman position at UCLA. According to his online Profile at mediate.com, while at UCLA, "He was also director of the UCLA Conflict Mediation Program and co-director of the Center for the Study and Resolution of Interethnic/Interracial Conflict. While in Los Angeles, he served as well as Consulting Ombudsman to the Los Angeles County Museum of Art." In 1997 he co-authored (with Elizabeth Walsh Pino) a monograph on the topic of neutrality which is still given to participants in IOA's "Foundations of Organizational Ombudsman Practice" course. As a result of his many publications (including numerous journal articles, book chapters, and his frequent presentations and talks at various conferences, he has become one of the most influential and widely recognized organizational ombudsmen in the world.

In 1998 Gadlin left UCLA to start the National Institutes of Health (NIH) Office of the Ombudsman (and his success at NIH more than deserves a separate "pioneers" article.) He is the subject of a dozen videos on the website: mediate.com. And he is featured in one called, "The Mediators: Views from the Eye of the Storm" Series, which, according to the website, features "31 of the most experienced mediators in the world."

FROM SKEPTIC TO OMBUDSMAN: When Elsworth “Dutch” Bernard was named the first University Ombudsman at the University of Massachusetts in 1969 he visited a number of other faculty members to discuss his new role. One of them was a young activist from the Department of Psychology named Howard Gadlin. Gadlin still remembers Bernard as “an incredible, wonderful guy” but believes Bernard may have specifically visited with him because of his “involvement in political activism on campus.” Gadlin had been the leader of the strike in the spring of 1970 after the killing of four student protesters by the National Guard at Kent State University. As he explained, “The activism was connected to students, power, and rights issues as well as to the political issues.” In fact, Gadlin admits that, at the time Bernard visited with him, he was “very skeptical of the whole idea of the office.”

In the late 1970’s, after Bernard ended his service as ombudsman, a friend and colleague of Gadlin’s, Janet Rifkin, from the Department of Legal Studies assumed the role for two terms. As she was leaving the position, she spoke with him about his possible interest in the position. He was eventually selected for this job and, ironically, later learned that his history of activism was part of the reason he got it. As he told the author, the joint committee of faculty, students, and administrators making the recommendation to the Chancellor wanted someone “who was not afraid to speak up to the administration.” He said it made sense then in a way then that it may not now because there was much more “polarization between students on the one hand and administration on the other – with the faculty (often) in-between ...”

So, in 1981 Howard Gadlin became the third ombudsman at UMass in Amherst. A tenured faculty member who genuinely enjoyed his work in the Department of Psychology, Gadlin accepted the ombudsman position expecting to serve only one or two (two-year) terms. Thirty-two years later he is still an ombudsman.

EARLY CASES: Gadlin remembers having a couple staff workplace cases during his first week on the job. He said that despite his background in group dynamics and sensitivity training and the training he’d gotten in individual and family therapy, he quickly thought to himself, “Oh boy. I’m in trouble here!” And, although he remembers helping the boss and employee he was assisting to put together an agreement, he called Janet Rifkin and asked where he could get mediation training. Rifkin referred him to a woman named Albie Davis who ran a mediation training program and Gadlin still remembers the trainers in her program as “excellent.”

He also recalled early cases involving grading disputes and questions about how allegations of academic dishonesty were handled. He worked with others in proposing a joint faculty-student committee to handle these. He remembers, “The original process gave an awful lot of power to faculty to act arbitrarily.”

Gadlin had stepped out of the union upon accepting the ombudsman role but he also remembers developing a good working relationship with head of the faculty union. In fact, he said there was a UCOA meeting in the late 1980's in which the head of the union at the University of Massachusetts "gave a presentation on the Ombudsman Office from the perspective of the faculty union."

Perhaps a week after returning from his mediation training Gadlin recalls doing a mediation involving a professor and a student involving sexual harassment. He said, "The power dynamics and the issues were especially interesting – and complicated." He went on to explain that this gave him appreciation of the potential value of mediation because it was the kind of situation in which there was sufficient ambiguity that, "It was hard to imagine that any formal inquiry process could have led to a better outcome." Furthermore, both parties and their representatives were quite satisfied with the outcome. He wrote about this experience in an article in the *Negotiation Journal* (Gadlin, 1991).

EARLY AFFILIATIONS AND INFLUENCES: Gadlin remembers meeting a number of other ombudsmen at a meeting of mostly Midwest ombudsmen in Detroit. Those included Ed Sharples from Wayne State, Don Perigo from the University of Michigan, Carolyn Stieber from Michigan State University, Ingrid Clarke from Southern Illinois, Dave Heaton from Ohio University, and Mary Rowe from MIT. He characterized this meeting as, "very unstructured conversations" but said it was "very satisfying" and "absolutely helpful." He added that, "Just learning that they were out there was helpful – and knowing we were going to be meeting regularly." Gadlin also encountered some of these colleagues at Society of Professional in Dispute Resolution (SPIDR) meetings. And the following year he also learned about and began to attend the meeting of the California Caucus of College and University Ombuds (CCCUO) in Pacific Grove, CA.

To say that Howard Gadlin is "intellectually curious" would be an understatement. As an academic, he told the author he saw the ombudsman role "in the context of the conflict resolution field. And, he "found that many of the more interesting ideas came from listening to people who were working in different organizational contexts (than the ombudsman role)." He liked connecting with a larger group of academics trying to understand both "theoretically and practically" the dynamics of conflict.

When asked about his early influences, in addition to Janet Rifkin, Albie Davis, and the aforementioned ombudsman colleagues, he cited a colleague at UMass, Ethan Katsch, who he said currently, runs the Center for Technology and Dispute Resolution. He also mentioned Austin Sarat from Amherst College, who "did some early famous work on dispute resolution." And he mentioned Barnett Pearce and Vernon Cronen who wrote a book called *The Coordinated Management of Meaning* which was partly based on field studies of mediation. He even worked with some of these colleagues in supervising students doing these studies. He said it was a "rich environment" in which to work.

TRANSITION TO UCLA — AND FULL-TIME OMBUDSING: When asked when it occurred to him that ombudsing might become a new career for him, Gadlin said, “The pivotal point was when I had the offer from UCLA.” He was drawn both to UCLA and to the west coast. But, unlike the UMass where only tenured faculty members were considered for the role, at UCLA the Ombudsman could not be a tenured faculty member. He said the people at UCLA saw this as a conflict of interest. For Gadlin, this meant the prospect of giving up tenure which, as he said, “Is not something one does lightly.” So, he negotiated a one-year leave of absence at UMass to be sure he wanted to do this. He characterized this move as both “scary and emancipating.” However, by the end of his first year at UCLA things were going well and he made the decision to give up his tenured position at UMass. He worked at UCLA for the next seven years before moving back to the east coast to start the NIH Ombudsman Office in Bethesda, MD.

REFLECTIONS: Looking back, Gadlin remembered becoming aware early in his time as an ombudsman that, as a faculty member he had been really isolated from what was happening in the rest of the university. In hindsight, he said he can see what a “narrow perspective” he had on things and how unaware he had been of the ways in which others view faculty (both positively and negatively). And, he found the diversity of people with whom he came into contact in this role to be fascinating. “You could be talking with some full professor one minute and a guy who’s sweeping the floors another minute.” He thinks the ombudsman role uniquely combines his (psychologist) “interest in the complexity of human interaction” with his (activist) “interests in social structure and social inequality.” He contrasted doing therapy, “where you get one person’s perspective” with the ombudsman position, where one often gets multiple perspectives from people who are in conflict with one another. And, not surprisingly, he told the author candidly that he still loves what he does.

Bob Shelton

UNIVERSITY OF KANSAS, 1985-2003

PIONEERING CONTRIBUTIONS: In 1977 Prof. William Balfour, a faculty member and former Vice Chancellor for Student Affairs, became the first ombudsman at the University of Kansas (KU). Bob Shelton became the second ombudsman and served in the role for 18 years - longer than anyone in KU history. During that time he helped draft the "Ethical Principles for University and College Ombudsmen," which was adopted by the membership in 1991. He also served as UCOA President in 1993-1994 and retired from ombudsing in 2003. Despite his absence from ombudsing for 10 years, as recently as 2011, he published an article (about a topic for which he still has passion - justice) in this journal. He is a Distinguished Emeritus Member of IOA.



PRE-OMBUDSMAN EXPERIENCES: Before Bob Shelton was appointed in 1985 as ombudsman at KU, he became a tenured professor of Religious Studies. He served as department chair and taught courses in Peace and Conflict Studies; both of which gave him a solid foundation for the position of ombudsman. But it was his prior role as a campus minister - particularly his experience with non-violent approaches to dealing with conflict - that prepared him to become KU's second University Ombudsman. As a graduate student at Boston University one of Bob Shelton's professors was Dr. L. Harold DeWolff, Martin Luther King's thesis advisor. In the spring of 1960 while studying abroad in Geneva, Switzerland Shelton and three other students drove to Jerusalem where he observed a lot of "people committed to constructive approaches to conflict." While serving as campus minister, Shelton worked with faculty members and administrators to "work out procedures and "trying to keep student disruptions as non-violent and constructive (including the use of rumor control methods) as possible." He organized these individuals to be "on-call. The group met and worked out ways to counter it productively."

CONTRIBUTIONS TO OMBUDSMAN ETHICS: Shelton said the Ombudsman Office had been "... well-functioning" before he got there. He added that his initial meetings with colleagues in ombudsman roles elsewhere were "very supportive" and he remembers consulting with colleagues by phone from time to time. In his conversation with the author he observed that these early conversations focusing on, "What could I do?" eventually evolved into conversations focusing on "What should I do?"

By the early 1990's Shelton worked with a committee of UCOA colleagues to develop its first "Statement of Ethical Principles." After his presentation about their work at a 1991 UCOA meeting in Lexington, KY, the Statement was adopted. That statement begins with the assertion, "An ombudsperson should be guided by the following principles: objectivity, independence, accessibility, confidentiality and justice; justice is pre-eminent." That is "classic" Bob Shelton.

Over the years Bob Shelton made many presentations at professional conferences. Referring to these, in his 2011 article in JIOA (Shelton, 2011) he said,

"In our discussions about our work, it was common to hear the word, "Justice," and as an academic with primary focus on religious ethics, I occasionally spoke up on various meanings of the term. This led to presentations at Asilomar and UCOA national meetings, including a 1999 UCOA conference in Portland, Oregon, where I spoke of "Justice and Injustice — Definitions, Inclusions, and Difficult Issues." Again, in San Francisco, California, in 2000, I led a Forum on "Justice: Understanding a Fundamental Value."

Bob Shelton is a serious thinker. As an academic with deep interest in and understanding of religious ethics he contributed mightily to UCOA's 1991 "Statement of Ethical Principles" (UCOA, 1991). And those colleagues fortunate enough to hear his conference presentations were offered much to consider. Given the role of the ombudsman, the considerations he routinely put before his colleagues about the nature and applications of "justice" are more than significant enough to count Bob Shelton among the pioneers of higher education ombudsing.

Ella Wheaton

UNIVERSITY OF CALIFORNIA BERKELEY, 1991-2000

PIONEERING CONTRIBUTIONS: While Co-Directing the Staff Ombuds Office at the University of California Berkeley (along with Anita Madrid), Ella Wheaton served on the Board of Directors for both UCOA and The Ombudsman Association (TOA). She helped teach the TOA courses then called “Ombuds 101” and Ombuds 202, as well as various specialized courses. And she made numerous presentations at TOA and UCOA conferences. In the late 1990’s she was UCOA President. While in that role she appointed two board members to draft what became the UCOA Standards of Practice (SOP’s). When the merger between TOA and UCOA took place the SOP’s of both organizations were carefully reviewed and combined to form today’s IOA Standards of Practice. Wheaton left her position at the University of California Berkeley when she was appointed in 2000 by Janet Reno to become the first ombudsman at the US Department of Justice (which, of course, is by itself deserving of a separate “pioneer” article about her). She is a Distinguished Emeritus Member of IOA.



ORIGINS AT BERKELEY: In 1967, according to current Staff Ombuds Office Director, Sara Thacker, “The Office of the Ombudspersons was established as a Committee of the Berkeley Division of the Academic Senate ... handled student concerns and continued to work with both students and faculty ... In 1968 Professor George Leitmann was appointed as the first academic ombudsman serving faculty and students. This Committee did not serve staff. In 1984 Chancellor Ira Michael Heyman approved a proposal to create the Staff Ombuds Office in order to improve employee relations and morale. According to private correspondence the author received from Sara Thacker, the office currently serves staff, non-Senate academics, and faculty who perform management functions.”

When Pete Small, was named Director of the Staff Ombuds Office as the Supervisor of Employee Relations within the Human Resources Department, Ella Wheaton had a “front row seat.” Wheaton remembers that; while union representatives could be counted on to listen to staff, they were often seen as adversarial by administrators. She recalls that the staff wanted somebody

who would not only listen but be heard when they spoke to “power” about the issues. As a former HR Director, Pete Small was a well-respected, long-time member of the Berkeley community. In an email to the author in September of 2013 Michel Bernal, administrative assistant in the UC Berkeley Staff Ombuds Office, explained that Small left his role in 1989 for health reasons and Michele Woods-Jones served as Director of the Staff Ombuds Office between 1989 and 1991. Bernal further explained that Ella Wheaton and Anita Madrid were appointed Co-Directors of the office in 1991. Wheaton served until 2000 and Madrid served until 1995 when she left for a special assignment from the Chancellor.

EARLY CHALLENGES: As a former manager in Human Resources, Ella Wheaton reports that her largest initial challenge when moving to the Ombuds Office role was, “Making sure the campus didn’t see me as HR!” But Wheaton believes she was appointed in part because she already had a reputation as being fair and she was respected by the unions. She did not spend time outside the office (e.g., going to lunch) with people in management roles. For her this was a matter of gaining trust. She did not want to be seen by a staff member, for example, having lunch with a manager with whom the staff member had been having problems. She also remembers not spending time with friends in HR for similar reasons. She admitted, “You have to remember that HR was not exactly a lover of the Ombuds Office because you’re messing in the HR stuff they think they own!” When asked how she overcame this problem she said she met to respectfully consult with them about how they might handle various possibilities. She also referred matters to them that were appropriately theirs to handle. She elaborated, “I didn’t try to do the work of HR but – in an advising way, not a mean way – I pushed them to do their jobs and gave them clues about what they might do.” Expressing the wisdom of a consummate ombudsman, Wheaton said, “Once you make people feel you’re a competitor you’ve lost the ability to really get from them what you need and for them to get from you what they need. Eventually HR would discretely refer people to our office.”

In addition to clarifying how her role was different from those of HR staff, for UC Berkeley staff represented by a collective bargaining agreement she needed to clarify with the unions the kinds of issues with which she would and would not assist. Clearly issues covered by collective bargaining agreements were not ones she could handle as an ombudsperson. However, she pointed out, “Employees in bargaining units could still see us because we could see anybody on campus.” By establishing a relationship with the unions they felt comfortable that the Ombuds Office was not trying to usurp their role.” Wheaton elaborated, “In fact, there were times when we called on the unions and times when the unions called on the Ombuds Office. We operated with mutual respect.” In fact, there might be times when she might call on them and they were free to call on the staff of the Ombuds Office, as well.

Wheaton and Madrid continuously engaged in outreach to various ethnic organizations to promote awareness of Ombuds Office services and to try to understand why people might not use the services. The goal was understanding how each cultural group tended to solve workplace problems and how to best reach out to each group so they might feel more comfortable using the office. Wheaton explained, “We were always establishing allies who could help in whatever we did.”

EARLY LESSON: One of the most important lessons Wheaton says she learned early as an ombudsperson was, “The problem brought to my office wasn’t mine. Somebody would bring something to me and it would just seem so dire! I would worry. If I were to survive emotionally I had to learn that the problem was not mine. My role was to provide creative, viable options. The art of providing quality options was the primary determinant of the quality of the work.”

FINDING OUR WAY: In the early years of her tenure Ella remembers the UCOA and CCCUO meetings as especially helpful. “We found our way about who we were and what we were supposed to be in those late night fireside discussions and those debates ... about how to best be that impartial voice that we said we were.” She went on to say, “We had people who operated in ways that scared us because we were not sure whether they were going to get into trouble because they wore too many hats.” Wheaton shared her candid recollection, “We made a promise to people about who we were and they didn’t know that, in the background, we were still figuring it out!”

KEY COLLEAGUES: When asked which colleagues Wheaton found helpful she referenced Mary Rowe, Howard Gadlin, and the late Ron Wilson. Of Wilson, she said “He was always very wise.” And she found the late Lois Price Spratlen’s work on workplace abuse (now widely referred to as “workplace bullying”) to be helpful as well.

LEGAL CHALLENGE: THE IMPORTANCE OF KEEPING PROMISES: When asked if she ever faced any legal challenges in her role, Wheaton said, “Absolutely!” Then, demonstrating the kind of integrity for which she became famous among her colleagues, she said, “But I have to be careful because I’ve promised people I’d go to my grave with the story.” She described a conversation between herself, an attorney from the General Counsel staff, and an outside contract attorney who was assisting with a matter he had been told involved a previous visitor to the Staff Ombuds Office. Wheaton reminded the attorneys that her office does not receive notice on behalf of the campus. She refused to discuss whether she had even seen the woman named by the attorney or whether she knew her. Instead, she described how the office functioned when meeting with visitors. She said the consulting attorney looked at her and asked, “And when you get in trouble, who’s going to represent you?” The General Counsel said, “We will!” Wheaton reminded the consulting attorney, “You’ve got to remember that the University allowed me to establish a practice and make these promises. My expectation of you is that you will defend the practice and the promises you told me I could give. I said, if I do this (violate confidentiality) with you, you open me up to doing it with others who have legal cases and legal counsel who want to use my office to find out what I’ve handled ... I said you will open that door. I expect you never to open that door!” The contract attorney backed off ...

Marsha Wagner

COLUMBIA UNIVERSITY, 1991-2013

PIONEERING CONTRIBUTIONS: Marsha Wagner established the Ombuds Office at Columbia University and served for 22 years in the role of Ombuds Officer. According to an October 9, 2013 article in “The Ombuds Blog,” (Wagner, 2013) during that time she also served three terms on the TOA Board of Directors and chaired the TOA Professional Development Committee for six years. And, she served on the IOA Board of Directors and chaired the IOA Ethics, Standards and Best Practices Committee. In addition she helped establish the first certification program for Organizational Ombuds and served as the President of the Board of Certification. She has also published several articles of relevance to organizational ombudsmen; one on the ombuds as change agent and another on apologies. According to an October 8, 2013 article in the online *Columbia Spectator* the Ombuds Office handled 14,514 cases during her tenure.



ORIGINS OF THE OFFICE AT COLUMBIA: According to Wagner, in 1991 the “Committee on Civility and Mutual Respect” at Columbia University was concerned about a number of recent incidents involving public insults among student groups. And, the results of a campus civility survey suggested that a number of groups actually felt targeted by others. For example, some student athletes complained that professors or classmates seemed to view them as “dumb jocks reading the newspaper in the back row of class.”

The committee considered various options. “Speech codes” such as the one at the University of Michigan had not passed judicial scrutiny. And many of the issues brought to the EEO/Affirmative Action person, while obviously “uncivil,” were not related to “protected class” and, therefore, not illegal. So, the idea of creating an ombuds office gained traction. In fact, according to Wagner, some members of the Columbia University community even met with Mary Rowe to explore this idea. They concluded there would be value in early reporting and there was a growing sense among campus leaders that serious issues were not being reported due to the lack of

informal channels. There was great hope that the Ombuds Officer would make a positive difference in some of the “civility issues” the campus was experiencing.

Early on after becoming Ombuds Officer Wagner made the decision not to be present for campus sit-ins but rather to serve as a resource for people to deal with the “ripple effects.” And, with respect to “civility issues,” even though people understood those whose speech had offended them had free speech rights, Wagner provided a safe place for them to discuss exactly how they had been affected by it and also a safe place to explore options about what, if anything, they wanted to do.

CHALLENGES: Early on Wagner learned she could have exercised options (e.g., writing a letter to the President) which would likely highlight problem areas in a way that might increase distrust of the Ombuds Office by leaders with whom she wanted to have a long-term, cooperative working relationship. She consulted with more experienced colleagues such as Mary Rowe and Howard Gadlin, and found it enormously helpful to do so. She developed more diplomatic ways of identifying issues. At one point in the early years a few deans seemed to see the office as “outside interference.” They told her they would “handle” matters themselves, and declined to answer Wagner’s questions. She learned to respond by saying, in essence, “If I talk with the president about this he will ask me what the Dean said. Do you want me to tell him what you said?”

COLLEGIAL SUPPORT AND PROFESSIONAL DEVELOPMENT: Wagner emphasized the importance of having other ombudsman colleagues with whom she could consult. This network expanded when she joined UCOA. And, she had more frequent opportunities to develop collegial relationships with colleagues when the East Coast Ombuds Group (ECOG) formed; including Linda Wilcox (Harvard Medical School), Wilbur Hicks (Princeton University), John Barkat (Pace University), and Judi Segall (Stony Brook University). Finally, Wagner expanded her own support network even further when, after a decade on the job, she hired her first Ombuds Office colleague, Associate Director, Wayne Blair, who is currently the University Ombuds at the University of North Carolina Chapel Hill.

Before even starting her position Wagner attended a TOA conference. And, soon thereafter, she joined the teaching team for TOA’s “Ombuds 101” course. She remembers Tom Furtado (from United Technologies Corporation), Wendell Jones (from Sandia National Laboratories) and Elizabeth Clark (from Upjohn) as colleagues from whom she learned a lot. When she became a board member for TOA and later for IOA Wagner discovered that, unlike her ombudsman role - where she was most definitely not a decision-maker - she actually enjoyed being a decision-maker.

As Wagner continued to develop as a practitioner she came to believe strongly in the need for organizational ombudsmen to develop “consistent professional practices across organizations.” She chaired the IOA Ethics, Standards, and Best Practices Committee because to her, “it was so

necessary for the profession.” And she credits Ella Wheaton as “a major inspiration” persuading her of the need for ombudsman certification. Wagner was a natural to serve as President of the Board of Certification. Thanks, in no small part to her efforts, over 100 organizational ombudsmen are now “Certified Organizational Ombudsman Practitioners.”

ACHIEVEMENTS IN OFFICE: Upon her retirement, Columbia University President Lee Bollinger sent a letter to the Columbia University community on October 9, 2013. Below is the text of his remarks:

Dear fellow members of the Columbia community:

It is not often that we have occasion to honor the service of someone who has held a senior post in University administration for more than two decades as the office's only occupant and who was herself central to its creation. Yet that is the case for Marsha Wagner, who is retiring as University Ombuds Officer after twenty-two years. Since 1991, Marsha has helped thousands of Columbia students, faculty, and staff resolve a myriad of concerns by encouraging them to consider new alternatives or enlist University resources they may not have known existed. More often than not, those who sought her assistance achieved a resolution without direct intervention from the Ombuds office. Her vocation has been to help us live and work together as a community more productively and with greater equanimity.

Marsha first arrived at Columbia in 1975 as an Assistant Professor of East Asian Languages and Cultures and later became director of the C. V. Starr East Asian Library. Long before becoming Ombuds Officer, she helped bring coeducation to Columbia College. She also was a leader in developing Columbia's policy against sexual harassment and successfully advocated for extending employee benefits to same-sex partners. It is a testament to the progress made under the stewardship of Marsha and other University leaders that these advances now seem perfectly commonplace to many Columbians.

Whether measured by the duration of her service; the number of students, faculty, and staff members she has known and supported; or the fact that each of her children and their spouses holds a Columbia degree, Marsha Wagner has been an exemplary member of the Columbia family. On behalf of all those at this University whose lives she has touched, I want to thank her and wish her all the best as she embarks on this next chapter of her life.

Sincerely,

Lee C. Bollinger

Josef Leidenfrost

OFFICE OF THE AUSTRIAN STUDENT OMBUDSMAN , 2001-PRESENT

PIONEERING CONTRIBUTIONS: Although there were two individuals who each served two-year terms before him, Leidenfrost is, by far, the longest-serving ombudsman in the history of the Austrian Student Ombudsman office. According to Leidenfrost, there are only two university ombudsmen in Austrian universities (out of 60 institutions of higher education). The Office of the Austrian Student Ombudsman investigates complaints and concerns primarily from university students all over Austria (350,000 constituents). When the office began in 1997 (Leidenfrost started in 2001), it consisted of one person. Under his leadership the office staff has increased in size to a total of six full-time employees: four ombudsmen and two secretaries.



Leidenfrost has played a pivotal role in the life of the European Network of Ombudsmen in Higher Education (ENOHE). According to the online *ENOHE Occasional Papers* and *ENOHE News*, he attended the first ENOHE meeting in Amsterdam which took place in 2003, hosted two of its annual meetings in Vienna in 2005 and 2010 (involving some 80 participants each), and has edited or co-edited eight editions of the *ENOHE Occasional Papers* including Occasional Paper No. 1, which he co-authored with Kristl Holtrop, former ombudsman at the University of Amsterdam, about the origins of ENOHE and their first meeting in Amsterdam in 2003 (Holtrop, K., and Leidenfrost, J., 2006).

INDEPENDENT LEGAL STATUS: According to an editorial in the 2012/1 edition of the online *ENOHE News* (Leidenfrost, J., 2012) after about eight years of intense lobbying, the Student Ombudsman of Austria was accorded independent legal status in March of 2012. This is, in itself, a pioneering achievement. "Legal status" gives the ombudsman the right to request information from the governing bodies and members of institutes of higher education, impose a new obligation upon them to provide information, allow the ombudsman to act as an advisor to the relevant authorities at the institutional levels and require the publication of an annual report to be submitted to the minister and to the National Council (Parliament).

ENOHE BEGINNINGS: Josef Leidenfrost received an invitation from Kristl Holtrop, Ombudsman at the University of Amsterdam in the Netherlands to attend a meeting of higher education ombudsmen in February 2003. According to Leidenfrost, “ENOHE was a kind of ‘one woman’ thing at the very beginning.” Starting in 2002, Holtrop invited all of the European higher education ombudsmen she could identify to attend the meeting. Although Holtrop was the initiator, she was supported by others including the Austrian Student Ombudsman (Leidenfrost). According to the online *ENOHE Occasional Paper*, (Holtrop and Leidenfrost, 2012) more than 30 people came to the meeting. At the first ENOHE meeting, “representatives from various European higher education institutions discussed their experiences and exchanged views. European and international comparisons were made, and international potential for cooperation (was) examined in the areas of mediation, complaint management, campus conflict resolution, and arbitration processes.”

In addition to his ombudsman position and all his ENOHE activities, Josef has attended IOA conferences and the 2010 joint ACCUO-ENOHE conference in Vienna, as well. His rare and extraordinary efforts in connecting with other university and college ombudsmen model genuine commitment to the principle of becoming an ombudsman in the international community.

Reflections about Possible Future Inquiry

Today’s “organizational ombudsman” model as defined by the IOA Standards of Practice make clear that organizational ombudsmen do not (formally) investigate. SOP 4.5 indicates “Formal investigations should be conducted by others” (IOA, 2009). This represents a significant shift from the “classical model.” Yet, as described above Canadian ombudsperson, Suzanne Belson, told the author that when she first met many of the pioneers also interviewed here it seemed to her they were all “working in the same way.” And, several others interviewed for this article (Hartsock, Wallace, Stieber, and Shelton) described the role as rather similar to that of classical ombudsmen. This was consistent with the conception presented in the 1969 *Wall Street Journal* article referenced at the beginning of this article; i.e., quite similarly to the Scandinavian model of the “classical ombudsman.” Stieber provocatively referenced this change in the title of an article in the *Negotiation Journal* when she raised the question, “57 Varieties: Has the Ombudsman Concept Been Diluted?” And, she did offer broad ideas about possible reasons for this evolution. She wrote, “It is not surprising that, along the way, the fundamental role has evolved, in response to local cultures and changing times” (Stieber, 2000). But, why did this occur? Did the lack of job protections available to many new practitioners (other than tenure for the professors who served in the role) affect this change? How might the approximately parallel emergence of the

conflict resolution field, with its emphasis on mediation, have affected the practice of ombudsing? And how did the increasing threat of ombudsmen being subpoenaed or deposed affect it? Were there other forces at work? Several articles on the differences between Classical and Organizational ombudsmen are referenced in the IOA “Reference Library” on the IOA website. But, toward the end of better understanding how these differences evolved from the classical to the organizational approach, additional inquiry appears worthy of further consideration.

Other Pioneers

There are numerous other organizational ombudsman pioneers worthy of interviewing for future editions of JIOA. Some of these practice in different sectors (e.g., corporate, government non-governmental organizations, health care, and religious organizations). Others are pioneers because of their individual contributions to the field, regardless of sector. Only a few examples might include:

Charles L. Howard, author of *The Organizational Ombudsman: Origins, Roles, and Operations--A Legal Guide* (Howard, 2010)

Sean Banks and **Ralph Hassen** (for pursuing the first ombudsman shield law);

Tom Kosakowski (for creating and maintaining “The Ombuds Blog”); and

Alan Lincoln and **David Miller** (for serving as the first two editors of this journal)

Final Thoughts

It was a profound privilege to speak with this group of pioneers of higher education ombudsing. During the interviews it was fascinating to hear them make reference to meeting one another and to the sense of comfort they almost universally experienced in finding others engaged in the same kind of work. Early informal meetings of colleagues in the Midwest and on the California coast were small enough that approximately 40 years later many of them still remember meeting each other for the first time. While the world of higher education ombudsing has certainly grown since the late 1960’s, it is still relatively small. Without a doubt, the influence of these pioneers has been enormous.

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Reconsidering the Neutrality and Impartiality Standard: A Multidisciplinary Analysis

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ABSTRACT

All organizational ombuds (OO) are neutrals, but what does “neutral” and “impartial” mean in the context of other professions, and what implications might those alternative meanings have for ombudsman practice? This paper analyzes the IOA standard of neutrality and impartiality by leveraging findings from the diverse fields of moral philosophy, historical analysis, political science, systems theory, mathematical modeling, social cognitive psychology, and neuropsychology, among others. The paper goes on to explore both the benefits and shortcomings of the neutrality and

impartiality standard vis-à-vis the ombudsman role, and briefly explores whether or not the application of alternative standards might better suit the OO profession as it evolves, specifically as an agent of organizational conflict monitoring and reporting, as an agent of organizational change, and as an advocate for individuals and groups when necessary.

KEY WORDS

ombudsman, neutrality, impartiality, IOA standard, multidisciplinary, fairness

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**“Nor must we always be neutral where our neighbors are concerned:
for tho’ meddling is a fault, helping is a duty.” – William Penn¹**

An organizational ombudsman (OO) reading William Penn’s quote might respond that in an ombudsman’s work, it is always necessary for the OO to remain as neutral as possible. That is, an OO office must necessarily function by not taking the side of one person or organizational unit over another, and must do this to maintain credibility as an office all individuals within their organization can candidly trust. After all, one of the International Ombudsman Association’s (IOA) four pillars of practice is “neutrality and impartiality,” and this cornerstone has stood for many years as a foundation of ombudsman practice in the United States and beyond.² Specifically, the standard of neutrality and impartiality serves as a clear indication, for both organizations in which OO offices operate and for those who use OO services, that organizational ombuds will always strive for “impartiality, fairness and objectivity” by remaining “unaligned,” not “advocat[ing] on behalf of any individual” or unit within an organization, “advocating for fair and equitably administered processes,” not being affiliated with any organizational compliance functions, roles that might otherwise compromise neutrality, or associations that “might create actual or perceived conflicts of interest,” and by not having any “personal interest or stake” in the issues with which they deal.³

While the neutrality and impartiality standard is an important facet of OO practice, as the field has evolved and OO offices have taken increasingly active roles within the organizations they serve inevitable conundrums have arisen around the standard’s application. For instance, situations where an ombudsperson is tasked with navigating instances of severe power imbalances, abuses of discretion, and otherwise egregious conduct can and do challenge an OO’s ability to remain neutral.⁴ Such situations, understandably, may tempt an OO to “meddle” with their neighbors, as William Penn puts it, and take up the mantle of pursuing justice in an unjust scenario.⁵ The question then becomes whether or not the neutrality and impartiality standard is adequate in itself, whether or not it is effectively operationalized, and whether or not alternative conceptualizations of the standard may need to be considered.

Indeed, scholarship on the issue ranges back almost two decades, and the delicate neutrality balance most organizational ombuds walk in their roles is nothing new to the profession.⁶ Recent scholarship has focused both on approaches ombuds can adapt to increase the fairness of their practices and on organizational roles OO offices can undertake within the parameters of neutrality and impartiality.⁷ An essential truth underlying this discussion, though, is that the

evolution of the OO role and field make it important to periodically re-examine the neutrality, impartiality, and other standards, and to thereby lay the foundation for discussion about those standards' ongoing relevance to everyday OO practice.⁸ This paper attempts to do just that – not by diving deeply into any one aspect of the neutrality and impartiality standard, but instead by surveying different aspects of the standard both conceptually and pragmatically, and by leveraging findings from the diverse fields of moral philosophy, historical analysis, scientific research methodology, political science, systems theory, mathematical modeling, social cognitive psychology, and neuropsychology, in turn.

The Neutrality/Impartiality Standard, Defined

The seemingly straightforward definitions of the terms “neutrality” and “impartiality” present a host of questions important to explore. The Oxford dictionary literally defines “neutrality” as “the state of not supporting or helping either side in a conflict,” and “absence of decided views, expression, or strong feeling.”⁹ Interestingly, the dictionary also lists “impartiality” as synonymous with neutrality.¹⁰ So then, is a state of *not* supporting individuals inherent to the goals of an OO office? If “neutrality” means to not help “either side,” then is an OO effectively prevented from taking sides on any issue when developing options for conflict resolution?¹¹ Further, OO offices play many helping roles – as trainers, coaches, facilitators of dialogue, and communicators of systemic trends. What do those roles mean for the neutrality of the OO role?

Perhaps more importantly, should it be a goal of an OO to not judge their visitors, or to not allow emotional reactions to affect their judgment? As has been written about by experienced OO practitioners, ombuds – as humans – will naturally always experience emotion when making judgments.¹² So then, what is the line to be drawn in preventing one's emotional reactions from clouding one's attempts at “objectivity”?¹³ These questions may seem a bit esoteric, but the larger point is that in order to fully understand and interact with the IOA standards it is important to examine the very definitions of words used in the standards themselves: Such an examination can and does provide a basis of understanding the fundamental ideas communicated within the IOA standard of neutrality and impartiality, and throughout this paper references will be made to the definitions of the terms used, the questions those definitions pose, and the implications thereof.

The Professional Context of OO Neutrality and Impartiality

As practiced organizational ombuds can likely attest, the IOA standard of neutrality and impartiality is not exclusive to the OO domain, and in fact shares origins with other elements of alternative dispute resolution (ADR), specifically mediation. While there are important differences between typical mediation and ombudsman work (e.g., not maintaining written records, a lack of OO privilege, and others) many skills and techniques are used in both practices.¹⁴ Some writings have even emphasized how ombuds can promote procedural fairness by leveraging, in no small part, tools used primarily in mediation settings.¹⁵ Arbitrators and adjudicators, too, incorporate elements of neutrality and impartiality into their practices, and often derive legitimacy from perceptions of their neutrality and impartiality despite the obvious difference that they oversee formal processes and come to binding conclusions about conflicts.¹⁶

Unlike other conflict resolution practitioners, however, organizational ombuds are required to maintain appearances of neutrality in everything they do professionally, including what associations and intra-office connections they form.¹⁷ Further, some OO practitioners have argued that, much as in mediation processes, procedural and substantive fairness may only be achieved when ombuds work hard to develop and consistently apply skill-sets that allow parties to be treated with equanimity, respect, and mutual appreciation.¹⁸ These differences set apart the IOA standard of neutrality and impartiality as distinct from those in other conflict resolution professions and imply a need to address how these unique standards should play out as ombuds interact with other individuals in their organizations. Finally, it is important to note that some scholars and leading practitioners have begun to openly advocate for adopting stances of “[multi- or, omni-]partiality” toward parties, as opposed to remaining neutral, and have emphasized that organizational conflict management and learning is best promoted by “neutrals” who nonetheless openly identify with all sides’ perspectives.¹⁹

International Variants of the IOA Standard

Of course, analyzing definitions and comparing OO “apples” to arbitrator “oranges” only advances discussion so far – and to fully understand the IOA standard of neutrality and impartiality it is important to consider the international context within which it resides. Many international ombudsman associations have standards parallel to IOA standards 2.1 to 2.6 (which outline various facets of how an OO is to remain neutral and impartial).²⁰ For example, the Ombudsman Association (formerly the British and Irish Ombudsman Association) lists as standards that ombuds are “neutral arbiters and not advocates.”²¹ The African Ombudsman Association, contrastingly, lists “fairness” and “impartiality” as two of its six basic requirements for ombudsman offices, and conspicuously does not use the term “neutral” at all.²² Individual ombudsman offices around the

world, too, have similar standards: For instance, the Office of the Ombudsman in Hong Kong lists as operating standards the “objective and impartial investigation” of grievances.²³ And many other examples exist, some aligning directly with the “neutrality” and “impartiality” terminology of the IOA standards and some not.²⁴

Two overarching points are evident from a brief review of current international ombudsman standards. First, there is an almost universal emphasis on a need for some element of a “neutral” or “fair” system by which to intake, assess, and manage cases. This is not to say that one should interpret international ombudsman standards to conflate the terms “fair” and “neutral” — because in fact the terms, while similar, have important differences — but that elements of these similar concepts can be found almost universally in ombudsman offices worldwide. Second, and perhaps more significantly, there is no uniform, international standard of using the specific words “neutral,” “impartial,” or “objective,” even though that terminology can be found in other organizations and offices worldwide. Further, when these terms *are* used the context and implication of their usage varies greatly.²⁵ Finally, it seems that IOA standard 2.5 — which emphasizes the OO responsibility to consider the “legitimate concerns and interests of *all* individuals affected by the matter under consideration [emphasis added]” — stands out as a unique phrasing in that it explicitly emphasizes an approach considering the interests of all parties to a dispute, even though such an approach is tacitly emphasized in the standards of other ombudsman affiliations and offices around the world. As if international variations of the neutrality and impartiality standard were not enough, many different fields outside dispute resolution, when taken together, offer an additional layer of insight into how these standards may or may not be effectively applied to the OO role.

Moral-Philosophical, Historical, and Scientific-Analytic Conceptions of Neutrality

For thousands of years philosophers, historians, and scientific observers of nature have debated neutrality in all its forms.²⁶ Indeed, some of the most-noted historiographers are prized for their ability to recount events from relatively neutral perspectives as compared to their contemporaries.²⁷ Yet, in the field of historical studies there are many experts who question the ability of their field to remain “neutral” in its approach because of the biases inherent to any observer of events.²⁸ Perhaps more poignantly, philosophers for hundreds of years and of varying orientations have questioned the ability of an individual to ever adopt a “neutral” perspective, citing for their argumentation the myriad effects of personal experiences, individuals’ limited information regarding events, and other factors that prevent an objective neutrality from *ever* being possible.²⁹ Modern scientists, too, openly question the ability to conduct studies of nature without bias or misinterpretation of key information, and do so based on many of the same premises expressed by philosophers and historians.³⁰

These varied perspectives illuminate a fundamental dilemma inherent to the notion of OO neutrality: One must be able to guarantee that they can always be objective if they are to attain a neutral perspective. Indeed, “objectivity” is listed as a goal for OO practitioners in IOA Standard of Practice 2.2.³¹ And yet, ombuds must interact with constituents who represent differing perspectives, who may provide incomplete or inaccurate information explaining those perspectives, and who may thus skew any objective stance an OO might obtain. Another question from this analysis becomes, does an objective view imply the need to also be impartial? In other words, in order to achieve a measure of objectivity and thus neutrality, must an OO be able to simultaneously understand *all* sides to a disagreement without making *any* judgments about them? This would present a problem for the IOA standard of objectivity because in practice, of course, ombuds make mental assessments all the time. According to scholars from several fields, it is inherently impossible to not do so.

Neutrality and Impartiality in Political Science

One might wonder how an OO role can be informed by studies of political science, and yet an OO must navigate factions, alliances, and power imbalances in much the same way as a politician does.³² Parallel to many historians’ view that it is practically impossible to neutrally review events one observes, many political scientists question whether any member of a political system – no matter what efforts that person might take to remove themselves from its effects – can possibly avoid its biasing influences.³³ Given this perspective, the question then becomes whether it is possible for an OO office to remain wholly “impartial” in any given dispute given that organizations are often inherently comprised of factions and groups politically aligned with particular ideas, leaders, and cultural norms. Many political scientists would succinctly say, “no.” Further, even if an OO were able to remain completely unbiased by organizational politics, there would likely still remain instances where those politics require some sort of advocacy in order to ensure fair outcomes.³⁴ Archbishop Desmond Tutu, in speaking out against the apartheid regime of South Africa, once wrote, “If you are neutral in situations of injustice, you have chosen the side of the oppressor. If an elephant has its foot on the tail of a mouse and you say that you are neutral, the mouse will not appreciate your neutrality.”³⁵ William Penn echoed these words in the opening quote to this piece.³⁶ Even some well-known OO practitioners have begun to question whether or not an OO can effectively pursue organizational justice and fairness if prevented from advocating for individuals who may be unfairly affected by organizational policies or procedures.³⁷ After all, IOA standard 2.2 specifically states that no OO shall “advocate on behalf of any individual” in their work.³⁸ This provision may be interpreted to preclude OO advocacy, for example, in situations where organizational bureaucracy has created procedural injustices which might continue but for OO involvement.³⁹

Systems Theory and Mathematical-Modeling Perspectives

Studies in systems theory and mathematics suggest that practicable neutrality and impartiality may be impossible by nature of the sheer complexity of effects the actions of an individual produces. For many decades now, systems theorists have studied the often complex, interconnected relationships that comprise organizations, and have modeled those relationships to better understand, affect, and predict organizational behavior.⁴⁰ One finding of system theorists is that, when analyzed within the context of many interactions within an organization, the behavioral effects of one individual on other individuals tends to vary greatly over time.⁴¹ That is, understanding and predicting the behavioral effects of *one* or a *few* individuals within an organization is incredibly complex to model or predict.⁴² Indeed, some mathematicians have begun attempting to map the dynamics of simple two-person conflict systems using non-linear equations, and while progress is being made there is still much to learn regarding the complex, dynamical processes involved in conflicts between individuals, let alone entire organizations.⁴³

In light of this ongoing research, the fundamental question facing organizational ombuds becomes whether or not OO practitioners can ever fully understand the effects of their actions on visitors, organizational sub-units, management, or the organization-at-large. The next questions then become, can an OO ever fully ensure that the *effects* of their actions result in “neutral” and “impartial” impacts on the people they serve? If an organizational ombudsman cannot fully ensure the neutrality of their behavior, is it even possible for OO offices to predict how their actions will affect organizational stakeholders’ perceptions of them? Practically speaking, it may well be impossible for organizational ombuds to be able to predict whether their actions produce neutral organizational effects *or* how those organizational effects influence stakeholders’ perceptions of their office. If this is the case, then are there any other standards, *other* than neutrality, that an OO might use that may be better suited to the complex organizational environments in which many ombuds find themselves? Such a question seems worth exploring. Finally, one might argue that these questions could apply to *any* standard of OO conduct – and they likely could – but a standard of “neutrality,” in particular, seems particularly difficult to achieve given the context of this analysis.

Findings from Social-Cognitive Psychology and Neuropsychology

Research in the fields of social-cognitive psychology and neuropsychology portrays an increasingly complex picture of the human brain, how individuals assess conflicts, and the ability of an OO to apply “neutrality” or “impartiality” in any situation. One well-known aspect of social psychology research is that of “cognitive biases” – that is, distortions in how individuals view situations, which are often determined by pre-existing assumptions about the people or situations with which a person interacts. For instance, any one OO inherently brings with them a

subjective sense of right and wrong, as well as subjective interpretations of standards of practice, including neutrality and impartiality.⁴⁴ Long-established psychological research shows that such subjective interpretations of one's role affect not only the way in which a person makes decisions (e.g., deciding how to proceed with a case) but also how a person *perceives* those with whom they interact (e.g., visitors to an OO office).⁴⁵ Further, cultural and experiential differences, including the demographic characteristics and life experiences of an OO and his or her visitors, directly affect both how the ombudsman perceives their visitors and how a given visitor perceives them.⁴⁶

Cognitive biases are also exacerbated by perceived or real "threats" and resulting stress – which include, for example, the real or perceived threats of being attacked, oppressed, or otherwise maligned that often drive visitors to OO offices in the first place.⁴⁷ Further, recent research in neuropsychology shows that when an individual even *listens* to descriptions of situations where others are under stress, parts of the *listener's* brain activate as if they were in the situation themselves.⁴⁸ Thus, as a visitor to an OO office recounts details of their story, on a neuronal level the OO *themselves* may "experience" that story, experience the exacerbated cognitive biases that vicarious stress produces, and thus sub-consciously be inhibited from accurately perceiving and responding to the conflict situation.⁴⁹

Of course, the psychological realities of the OO role nonetheless do not preclude many OO practitioners from carrying out their daily responsibilities in a fair and effective manner. What current research in the psychology arena *does* suggest, though, is that making a goal of assessing and handing cases in a purely objective, neutral, and impartial manner is likely not possible, and perhaps even inefficient and inappropriate. There is an evident disconnect between the natural subjectivity that skews the perspective of every person and a goal of pure "neutrality" or "impartiality." Indeed, even if an OO were to achieve such a standard, there is no way to control for the cognitively biased perceptions of visitors, management, and other stakeholders as they form opinions regarding whether to trust and value an OO office.

Potential Alternatives to the Neutrality/Impartiality Standard?

In sum, current research from many fields suggests that while the standard of neutrality and impartiality has served as a strong conceptual basis for building OO credibility within organizations, ever actually achieving neutrality or impartiality remains elusive at best. It seems, then, that perhaps it may be time to consider adopting alternative conceptions of principles *similar* to neutrality and impartiality, if only framed in a manner more realistically applicable by OO practitioners. It also seems necessary to distinguish between what an OO does in *thinking about* an individual or case and the *process* or actions an OO takes in response. It is one thing to consider

how an OO might assess a case and quite another to study and understand the implications of how an organizational ombudsman's actions affect those around them. Perhaps even more fundamentally, many ombuds are responsible for considering different factors at different stages in their case processes, for instance being aware of how one's initial intake and (mental) case assessment diverges or dovetails with the ombudsman office's overall mission. Current literature and discourse on the role of the OO assumes that considerations of neutrality and impartiality must necessarily *both* apply to *all* aspects of OO work, when in fact the processes of an OO assessing a situation and of taking action to respond to that situation are very different and may require different standards.

Moreover, while the IOA standards explaining neutrality and impartiality are not explicitly divided in this manner, they can be effectively divided based upon the purpose they serve: Standards 2.1 and 2.2 speak to how an ombudsman thinks about and approaches their task, standards 2.3 and 2.4 speak to the structural capacity and role of an OO, and standards 2.5 and 2.6 speak to ways in which the ombudsman is to maintain impartiality and neutrality in their case management practices.⁵⁰ The IOA standards themselves, then, attempt to distinguish between how an OO analyzes and thinks about his or her role (standards 2.1 and 2.2) and how an OO behaves within the context of an actual case (standards 2.5 and 2.6). It stands to reason that if the standards themselves reflect this distinction, then so too should the encapsulating words and concepts used to summarize standards 2.1 to 2.6 collectively.

A New Standard for an Evolving Role: OO as Organizational Change Agent?

There is currently ongoing debate and scholarship regarding the shifting role of the OO as an agent of organizational change and process improvement, which in itself presents implications for the IOA Standards of Practice and which when interpreted in the context of this paper's discussion seems to suggest the need to reconsider the neutrality and impartiality standard in particular.⁵¹ Some proponents of adjusting the IOA standards have pointed to scenarios where an organizational ombudsman may be required to serve as an advocate for individuals, for instance in situations where an employee seeks an exemption to an organizational standard that would otherwise restrict them unfairly.⁵² Some of these same authors have expressed concern that current IOA standards unnecessarily limit the OO practitioner from serving in temporarily advocative roles where warranted.⁵³ Other writers have pointed to studies showing that OO-led conflict management systems can increase overall "fairness" in organizations through recommendations for structural and procedural change – which inherently assumes a relatively active role and responsibility for the OO in addressing concerns of fairness in the first place.⁵⁴

While the IOA standard of neutrality and impartiality places important limitations on OO practice, it also seems to unnecessarily hinder organizational ombuds from effectively assessing and responding to conflict situations in these new and evolving ways. This is, then, another limitation potentially imposed by IOA standard 2.2, which specifically limits an OO from “advocat[ing] on behalf of any individual within the organization.”⁵⁵ Further, it seems an unnecessary limitation that OO practitioners potentially be hindered in their abilities to communicate considerations of all parties’ interests to both employees and management, as the current IOA standards 2.1 to 2.6 might be interpreted.⁵⁶ Whereas now organizational ombuds may be limited to only reporting “neutral” – and thus analysis-free – data from their aggregated work, an alternative standard might provide the OO an unrestricted ability to add their analysis to the data they present. Perhaps, then, it is important to begin a profession-wide dialogue around what if any standard might be a more appropriate replacement as ombudsman practice continues to evolve toward the new conception of the OO role envisioned by numerous practitioners in the field. Doing so may lead to a standard that better promotes effective communication of an OO office’s views regarding both emerging systemic trends and unintended consequences of organizational standards and procedures.⁵⁷ This newfound leeway would allow OO offices to retain their fundamental value within their organizations while growing their reputations as effective business units.

Such an alternative standard might also thus serve as a conceptual underpinning for the development of the OO role more effectively than does the standard of neutrality and impartiality now, and may therefore present a more coherent picture of the evolving OO role in the minds of organizational stakeholders – including office visitors and management. In this way, a new standard might even *improve* the ability of OO offices to be coherently perceived as “safe spaces” for individuals to be critical and openly evaluative of organizational structures, policies, and management, and as offices that will then take the feedback received and effectively communicate thoughts and recommendations to organizational leadership. This enhanced perception would likely increase OO offices’ abilities to learn about systemic problems, to anticipate conflicts and tensions during times of organizational change, and to work with organizational leaders to facilitate the communication of anonymized feedback as it is received. It is important to note that none of these changes suggest that the OO function would, could, or should assume the functions of an organizational development (“OD”) practitioner – *i.e.*, implementing any new standards would only be aimed toward enabling OO offices to more effectively serve as conduits of communication, *not* toward assisting OO offices to provide structured plans for process improvement. Overall, it seems reasonable that as the OO role evolves the neutrality and impartiality standard may grow increasingly insufficient and in need of reconsideration.

Concluding Remarks

THE OO FIELD AT A CROSS-ROADS?

This piece has covered much literature regarding the ways in which the OO role is evolving, the potential of the OO profession-at-large, and corresponding ways in which the current IOA standards might need to adapt as the field matures. Much current debate exists regarding the extent to which OO practitioners should remain neutral, remain impartial, and refrain from acting as advocates for people, groups, and policies. Perhaps more fundamentally, much discussion currently focuses on the future role of the OO within organizations and, in particular, on how to go about adding value through reporting systemic trends while also maintaining the confidentiality, informality, and perception of being “unaligned” that are so critical to OO practice.⁵⁸ While many aspects of OO evolution remain to be seen, what is clear is that as the field has grown practitioners have begun to clarify for themselves and for each other both what they think the role *ought* to entail, as well as its potential limitations.

IMPACTS ON PROFESSIONAL IDENTITY

One last consideration – one that strikes at the heart of this process – is what impacts such change in the OO profession is having on practitioners’ senses of professional identity, and what those impacts might portend for the future of OO practice. In order to move forward, the OO field will need to ask its members to introspect and determine the causes of any fears regarding potential change. Important considerations include whether or not discussion of change is scary for current practitioners, and if so from where those fears arise. The OO field is relatively nascent, in some ways inchoate, and the very role of an OO is specifically limited in scope so as to protect it as distinct and independent of the organizational hierarchy. These and other dynamics in the field may cause a sense that progress to-date might be *threatened* by attempts to reconsider current standards of practice. For instance, the current expectations organizational leaders have regarding their OO offices is critical to those offices’ success, and discussion of revisiting or trying to re-orient those understandings may cause current practitioners to fear that their organizational leadership may not “buy in” to such changes. Another consideration, given that the field is relatively new as compared to the other functions found in most organizations, is whether or not revisiting common standards of practice will be seen by those in other organizational functions as a sign of *weakness* that the field is disorganized and unclear or, alternatively, as a sign of *strength* that the field is evolving and self-clarifying. Precisely *because* the field has advanced so far, many current OO professionals may perceive they have a lot to lose by re-examining the standards of their profession.

There are many questions to be answered, but ultimately the power will always remain in the hands of the practitioners who guide the IOA. The most fundamental question then becomes whether or not the OO role is evolving, whether it is necessary as a field to acknowledge that evolution, and whether or not the IOA standards must be adjusted to allow for that change. Each practitioner must answer that question for themselves, for it is they who will bear the brunt of any decision to modify current professional standards and norms. Indeed, each OO practitioner will likely find that the effects of any such changes impact them in varying degrees, and in any case would largely depend upon their own personal decision to adapt how they view and execute their individual role. As with any other organizational change, practitioners in the IOA will need to believe in the potential value of any standards reconsideration before lending it their full support.

While it remains to be seen whether or not the standards of neutrality, impartiality, and others will be revisited, researchers and practitioners have discussed the implications of an evolving OO function – including the evolutionary outcomes of keeping a neutrality and impartiality standard – for quite some time.⁵⁹ It is dialogues such as these that will allow the field to grow and that will allow the OO function to expand while balancing the need to stay within its necessarily limited purview. Perhaps, then, the ultimate goals for the OO field ought to be continuing to foster dialogue *regarding* possible need for change, and continuing to encourage cross-pollination with other fields. Only then can alternative standards be thoroughly considered, vetted, and applied in new conceptions of the OO professional identity.

ENDNOTES

¹ William Penn & Edmund Gosse, *Some Fruits of Solitude* 435 (Eric Taylor ed., Herald Press 2003) (1682).

² *IOA Standards of Practice*, Int'l Ombudsman Assoc., http://www.ombudsassociation.org/sites/default/files/IOA_Standards_of_Practice_Oct09.pdf (last visited April 30, 2013) (Included here is the complete text of the standards listed under "neutrality and impartiality" for reference throughout this paper: "2.1 The Ombudsman is neutral, impartial, and unaligned. 2.2 The Ombudsman strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The Ombudsman advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the organization. 2.3 The Ombudsman is a designated neutral reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures. The Ombudsman should not report to nor be structurally affiliated with any compliance function of the organization. 2.4 The Ombudsman serves in no additional role within the organization which would compromise the Ombudsman's neutrality. The Ombudsman should not be aligned with any formal or informal associations within the organization in a way that might create actual or perceived conflicts of interest for the Ombudsman. The Ombudsman should have no personal interest or stake in, and incur no gain or loss from, the outcome of an issue. 2.5 The Ombudsman has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration. The Ombudsman helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best options.")

³ See *id.* at 1 (elaborating on the neutrality/impartiality standard in sub-sections 2.1-2.4).

⁴ Howard Gadlin & Elizabeth W. Pino, *Neutrality: A Guide for the Organizational Ombudsperson*, 13 *Negotiation J.* 1, 17, at 18 (1997).

⁵ Penn, *supra* note 1, at 435.

⁶ Gadlin & Pino, *supra* note 4, at 17-37 (as an example of scholarship directly addressing the

issue); David Miller et al., 4 *J. of the Int'l Ombudsman Assoc.* 1, 1-96 (here, the entire edition was dedicated to publication of discussion regarding the IOA standard of neutrality and impartiality, and in particular the application of "fairness" in OO practice); see also, *supra* note 1, at 1 (wherein, at 2.2, the IOA Standards of Practice directly reference "fairness" as a standard of practice enumerated under "neutrality and impartiality.")

⁷ 4 *J. of the Int'l Ombudsman Assoc.* 1, 1-87 (2011) (here cited, in whole, as the foremost example of current literature on the subject. Indeed, the bulk of this edition was dedicated to issues of fairness and neutrality, and articles from this volume are cited extensively throughout this piece).

⁸ Gadlin & Pino, *supra* note 4 (referencing discussion within the field regarding "fairness" standards and implications of OO functioning on both office effectiveness and organizational operations, including cultural norms).

⁹ *Definition of "Neutrality"*, Oxford Dictionaries, <http://oxforddictionaries.com/us/definition/american-english/neutrality?q=neutrality> (last visited May 3, 2013).

¹⁰ *Id.*

¹¹ *Id.*

¹² Gadlin & Pino, *supra* note 4, at 18.

¹³ *IOA*, *supra* note 2, at 1 (citing IOA Standard of Practice 2.2).

¹⁴ *IOA Website – Frequently Asked Questions*, <http://www.ombudsassociation.org/media/frequently-asked-questions> (last visited May 3, 2013) (referencing some of the similarities and differences between the practices).

¹⁵ Christopher Honeyman, *Fairness and Self-evaluation*, 4 *The J. of the Int'l Ombudsman Assoc.* 1, 45, 45-53 (2011).

¹⁶ Louis Pollak, *Constitutional Adjudication: Relative or Absolute Neutrality*, 11 *J. Pub. L.* 48 (citing prominent instances of judicial neutrality being legitimizing forces in court verdicts); Jeffrey Stempel, *Keeping Arbitrations from Becoming Kangaroo Courts*, 8 *Nev. L.J.* 251, 251-53 (2007-08).

¹⁷ Gadlin & Pino, *supra* note 4, at 18.

¹⁸ Honeyman, *supra* note 15, at 45-53 (developing a model for self-evaluation of the fairness of pro-

cesses used, in part leveraging mediation models).

¹⁹ Kenneth Cloke & Joan Goldsmith, **Resolving Personal and Organizational Conflict**, 63 (Jossey-Boss, Inc. 2000) (outlining how a stance of “omni-partiality” – that is, being on “both people’s side at the same time,” allows a neutral to create an atmosphere of openness, trust, learning, and growth by being “as fully empathetic and deeply honest as we can be,” while also “remember[ing] that the conflict is not ours, no more than the stories or secrets of the decisions about whether or how to end it”). See Linda Mulcahy, *The Possibilities and Desirability of Mediator Neutrality - Towards an Ethic of Partiality?*, 10 *Social & Legal Studies* 4, 505, 505-527 (2001) (openly calling into question the desirability of mediators to adopt stances of neutrality, and suggesting that being “partial” to all sides is the best way to balance the need of building rapport with parties while also supporting the needs of all involved). See also Hilary Astor, *Mediator Neutrality: Making Sense of Theory and Practice*, 16 *Social & Legal Studies* 2, 221, 221-239.

²⁰ IOA, *supra* note 2, at 1.

²¹ Ombudsman Assoc., *About the Role of an Ombudsman*, <http://www.ombudsmanassociation.org/about-the-role-of-an-ombudsman.php> (last visited May 5, 2013) (The OA includes both public and private OO offices in its membership, and therefore may arguably represent a strong comparison to the membership of the IOA).

²² African Ombudsman Assoc., *AOMA Standards*, <http://www.aoma.org.za/content/view/9/11/> (last visited May 5, 2013).

²³ Office of the Ombudsman, Hong Kong, *About Us*, http://www.ombudsman.hk/about_us.shtml (last visited May 5, 2013) (although the OOHK office is set up as a traditional ombudsman office [that is, having investigative functions], the author felt that the distinction presented by the OOHK office standard was an important comparison to draw here).

²⁴ IOA, *supra* note 2, 1 (referencing standards 2.1 to 2.6 as a whole).

²⁵ IOA, *supra* note 2, at 1; Ombudsman Assoc., *supra* note 21; African, *supra* note 22; Hong Kong, *supra* note 23 (collectively, showing a vastly differing usage of the terms “neutral,” “impartial,” and “objective,” and as only a small sample of international ombudsman associations and offices. While cultural attributes may play an important role in this variance, it is evident from these sources that fundamentally different conceptions of the

ombudsman role underlie the differences in usage of the terms).

²⁶ John Rawls, **Lectures on the History of Political Philosophy**, 19 (Belknap Press 2008) (citing some works on early forms of political dialogue and questions of neutrality that arose therein).

²⁷ Allan Megill, *Recounting the Past: “Description,” Explanation, and Narrative in Historiography*, 94 *The Am. Hist. Rev.* 3, 627 (1989) (reviewing the ability of historiographers to be “truly” neutral, and comments that some of the most famed historiographers originally became so in no small part to their ability to describe events in relatively value-neutral terms).

²⁸ Rawls, *supra* note 26, at 19; see Sandra Harding, *After the Neutrality Ideal: Science, Politics, and “Strong Objectivity”*, 59 *Social Research* 3, 567 (1992) (severely critiquing the notion that objectivity or neutrality is ever truly possible in either political-historical or scientific analyses).

²⁹ Georg Hegel, **Philosophy of Mind** xxix (Clarendon Press 1894) (with Hegel referencing a sense of moral “right” having to be itself neutral, and explaining that this is a dubious proposition); Rawls, *supra* note 26, at 19; see also Harding, *supra* note 28.

³⁰ Leslie Stevenson, *Is scientific research value-neutral?*, 32 *Inquiry* 2, 567-587 (1989) (outlining key questions regarding whether or not scientists can truly provide independent, value-neutral observations): 213-222; see also Harding, *supra* note 28.

³¹ IOA, *supra* note 2, at 1; see also Harding, *supra* note 28; Stevenson, *supra* note 30 (both as examples of objectivity being cited as a standard of neutrality in other fields).

³² Gadlin & Pino, *supra* note 4, at 25.

³³ James Farr et al., *Can Political Science History be Neutral?*, 84 *The Am. Pol. Sci. Rev.* 2, 587, 560 (1990).

³⁴ Howard Gadlin, *I Was Just Thinking About Fairness*, 4 *The J. of the Int’l Ombudsman Assoc.* 1, 39, 39-44 (2011) (directly challenging Standard of Practice 2.2, and explaining that in some instances an advocate role for the OO may be warranted). See also Tom Sebok, *I Was Just Thinking About Neutrality*, 4 *The J. of the Int’l Ombudsman Assoc.* 1, 35, 35-38 (2011) (discussing current vagueness in Standard of Practice 2.2 as applying to an OO’s advocacy for fair processes versus for “individuals” or “groups of individuals”).

³⁵ William Quigly, *Ending Poverty As We Know It: Guaranteeing a Right to a Job at a Living Wage*, 8 (2003); Penn, *supra* note 1, at 435.

³⁶ Penn, *supra* note 1, at 435.

³⁷ Gadlin, *supra* note 34, at 41. *See also* Sebok, *supra* note 34.

³⁸ IOA, *supra* note 2, at 1.

³⁹ Gadlin, *supra* note 34, at 41.

⁴⁰ Philip Anderson, *Perspective: Complexity Theory and Organization Science*, 10 *Org. Sci.* 3, 216, 216-32 (1999) (referenced as a relatively recent survey of current approaches to the “complexity theory” of understanding and modeling the dynamics inherent to complex organizations. Of particular note, this theoretical approach attempts to simplify otherwise complex organizational behaviour so as to try to create usable models for understanding and interacting with those dynamics); *see* Kenneth Boulding, *General Systems Theory – The Skeleton of Science*, 2 *Management Science* 3, 197, 197-208 (1956) (as an example of early theoretical underpinnings of analysis for larger interrelationships, specifically in that of scientific observation and the formulation of natural law. The systems approaches used these decades ago in many ways parallel the approaches past and current systems theorists use to understand the nature of working relationships within organizations, as the well as the complex influences of environment surrounding organizations).

⁴¹ Neil McBride, *Chaos Theory as a Model for Interpreting Information Systems in Organizations*, 15 *Information Systems J.* 3, 233, 233-54 (2005) (outlining how a “chaos theory” perspective on systems analysis can distinguish the complexities of individual actions as compared to system-wide patterns, and discussing the implications of seemingly random, non-periodic behavior in individuals, among other factors). *See also* W. Warner Burke, **Organizational Change: Theory and Practice** (SAGE Publications 2010) (for a comprehensive analysis of modeling used to understand and influence organizational behavior, including many notes on the intricacies of understanding and affecting change on the level of the individual).

⁴² McBride, *supra* note 41, at 233-35 (commenting that individuals’ behaviour can be highly specialized and unpredictable, whereas patterns may emerge when pulling back to view entire systemic interactions).

⁴³ Andrea Bartoli et al., *Mathematical Models of Dynamics in Social Conflict* 215, 215-33 (2011) (as an example of one of the most recent attempts to mathematically model some of the dynamics inherent to conflict interaction). *See also* Larry Liebovitch et al., *Dynamics of Two-Actor Cooperation-Competition Conflict Models*. Presented at the International Assoc. for Conflict Management, 20th Annual Conference, Budapest, Hungary (2007) (as an example of one of the first robust attempts to mathematically model social dynamics of conflict scenarios).

⁴⁴ Jorge Moll et al., *Functional Networks in Emotional Moral and Nonmoral Social Judgments*, in **Social Neuroscience** 63 (John T. Cacioppo & Gary G. Berntson, eds., 2005) (reviewing a study showing predictable neuronal patterns created as subjects made choices involving morality, and suggesting here that such fundamental decisions can and do have drastic effects on our cognition). *See also* Gadlin & Pino, *supra* note 4, at 25 (applying this point, broadly, to the specific practice of OO).

⁴⁵ Ronald Humphrey, *How Work Roles Influence Perception: Structural-Cognitive Processes and Organizational Behavior*, 50 *Am. Sociological Rev.* 2, 242, 242-52 (1985).

⁴⁶ Ying-yi Hong et al., *Toward a Paradigm Shift: From Cross-Cultural Differences in Social Cognition to Social-Cognitive Mediation of Cultural Differences*, 19 *Soc. Cognition* 3, 181, 181-96 (2001) (as an example of one of the first papers aligning social cognition with various cultural dimensions driving perception differences among groups of people, and emphasizing the importance of cultural and life-experience differences in driving everyday perception). *See also* Gadlin & Pino, *supra* note 4, at 26-29 (stating how differences in individuals’ backgrounds ostensibly affect the ways in which perceptions are formed in OO interactions).

⁴⁷ Andrew Matthews et al., *Cognitive Biases in Anxiety and Attention to Threat*, 1 *Trends in Cognitive Sciences* 9, 340- 340-45 (1997) (surveying previous research on the effects of stress and anxiety as exacerbating agents of cognitive biases, and extending findings to show differences in attentional attributes – such as reaction time – based upon those factors).

⁴⁸ J. A. C. J. Bastiaansen et al., *Evidence for Mirror Systems in Emotions*, 364 *Phil. Transactions of the Royal Society B: Biological Sciences* 1528, 2391-404 (2009) (outlining some of the latest research

A Simple Methodology for Increasing Visibility and Capturing Organizational Ombuds Worth

KATHERINE Y. BIALA

ABSTRACT

Attempting to capture the significant positive effects that an Ombuds Office can have upon an organization, the author poses a simple, objective and easily managed data collection methodology that illuminates the Ombuds' worth to an organization. Seven Risk Categories are defined, with guidelines for data collection being confined to only what is told directly to the Ombuds by a visitor upon initial intake. IOA standards of confidentiality and impartiality and availability of objective data are discussed in relation to the Risk Categories. An example of a Risk Categories data report is provided, with an evaluation of limitations of this methodology.

KEY WORDS

Ombudsman, worth, visibility, usefulness, effectiveness, confidentiality.

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INTRODUCTION

The Ombuds profession has long struggled with a convincing methodology to demonstrate worth, benefit, or usefulness to stakeholders. Visitors accessing services directly, generally experience significant and clear benefits of the services, but data sharing of these outcomes must be constrained because of the principles of the Ombuds practice, i.e. confidentiality and impartiality. Further, Ombuds Offices must demonstrate ongoing worth to internal stakeholders who themselves are not visitors, or who may be skeptical of the cost/benefit analysis from financial and/or risk management perspectives. This same challenge occurs when external Ombuds at-

tempt to articulate the benefits to an organization that may be hearing for the first time about Ombuds work. Clearly, the continued search for ways to demonstrate convincing data by an objective methodology is justified. Sometimes a simple perspective can provide a valid conceptualization.

A SIMPLE, OBJECTIVE METHODOLOGY

Ombuds practice spans a broad range of assistance to stakeholders. One important role is to assist in making positive connections between and among those in conflict. A starting point to substantiating Ombuds worth is defining what conflict is, but even at this starting point, what kind of conflict should be measured may be unclear (Dhiman, 2012; Buss, 2011). For example, considering positive versus negative conflicts, or individually manifested conflicts that belie more systemic root causes such that “what the term ‘conflict’ denotes, lies in the eyes of the beholder” (Dhiman, 2012). The next challenging step, is then to define the value of Ombuds conflict management work, and place some measurement to this. One of the more comprehensive articles that summarizes current challenges, as well as listing ways the profession has sought to capture “proof” of Ombuds worth, is by Mary Rowe in “Communicating Usefulness of the Organizational Ombuds” (Rowe, 2010). Many current articles support some form of “return on investment” and translating conflict prevention into a monetary value (Dana, 2011; Buss, 2011; Zinsser, 2011). Yet, no one way seems to satisfy a majority of Ombuds Office’s needs, possibly because of 1) reluctance to categorize Ombuds practice with some “bottom line” financial strategy, 2) the cumbersomeness and complexity of systems that would require more documentation and research from Ombuds staff, and 3) possibly losing the anecdotal visitor voice (the value most important to many practicing Ombuds) in such calculations.

In being privy to the breadth of cases, particularly of the numerous serious cases that regularly present themselves to Ombuds Offices, the author was concerned with the notion of being more visible to organizational stakeholders for the obvious significance of Ombuds’ work. In integrating awareness of “costs of conflicts” (CPP Global Human Capital Report, 2008; Barnes, Karey R., 2006) and measurement strategies (Rowe, et al. 2010; Dhiman, 2012; Buss, 2011), and identifying the most serious cases seen in an Ombuds Office, a typology with seven “Risk Categories” is presented. The list is based upon the most regularly occurring, significant, identifiable issues, that pose highest risk to both visitors *and* the organization.

The decision whether to count a case in a particular category is limited to only **what has been directly communicated to Ombuds by visitors**, i.e. not whether the visitor actually followed through with a reported intent, and not whether the Ombuds deemed the statement as credible, and not whether the Ombuds interventions changed the outcome of the intent, threat or progression of the issue. The data collection would only account for the initial statement of the presenting problem, at face value. This would confine the data to a somewhat more “objective” data base of information.

The seven categories of risk are as follows:

- Category 1: Loss of departmental productivity due to pervasive conflict (conflict involving more than two persons)
- Category 2: Unwarranted staff attrition/transfer
- Category 3: Negative publicity
- Category 4: Significant violations of policy/Code of Conduct
- Category 5: Potential of internal or external grievance reporting/processes
- Category 6: Litigation potential
- Category 7: High risk safety issue (violence, physical harm)

The following are examples of visitor words that qualify for placement in one of the categories:

- Category 1: "A number of us have really serious issues with our manager."
"Our two departments just cannot get along."
- Category 2: "If I can't get this resolved, I'm quitting my job."
- Category 3: "I'm going to the newspaper, if this isn't handled."
- Category 4: "I know that fraud is going on in my department."
"I am a post doc student having an affair with my faculty member."
- Category 5: "I am thinking of filing a grievance for harassment."
- Category 6: "I feel that I should get an attorney, just to protect my rights."
- Category 7: "He's been known to have a bad temper and I'm aware he owns a gun."
"I tried to let my supervisor know that the issue I have concerns about could become a physical safety issue for the employees we serve."

In the experience of one Ombuds office, the majority of cases brought to the Ombuds Office did not fall into any of these Risk Categories. However, when risk categories do apply, a single case may also be counted in multiple categories, e.g. a visitor claiming a serious violation of a Code of Conduct may also be contemplating legal counsel and therefore is counted into Category 4 and 6.

Risk Categories are readily comprehended by those reviewing the data report. The data collection is quite simple, and the seven categories can be added to an intake form. Each Ombuds completing the initial intake form will record the relevant category or categories in a checkbox format for ease of documenting. Quarterly or annual collation of data can be generated, depending upon the total volume of cases served.

OBJECTIVITY, CONFIDENTIALITY, AND IMPARTIALITY

As a matter of Ombuds practice, all Ombuds are intuitively assessing levels of risk in a case at the beginning and throughout the course of the case. The Risk Categories data collection attempts to concretize this risk assessment and maintain objectivity, confidentiality and impartiality:

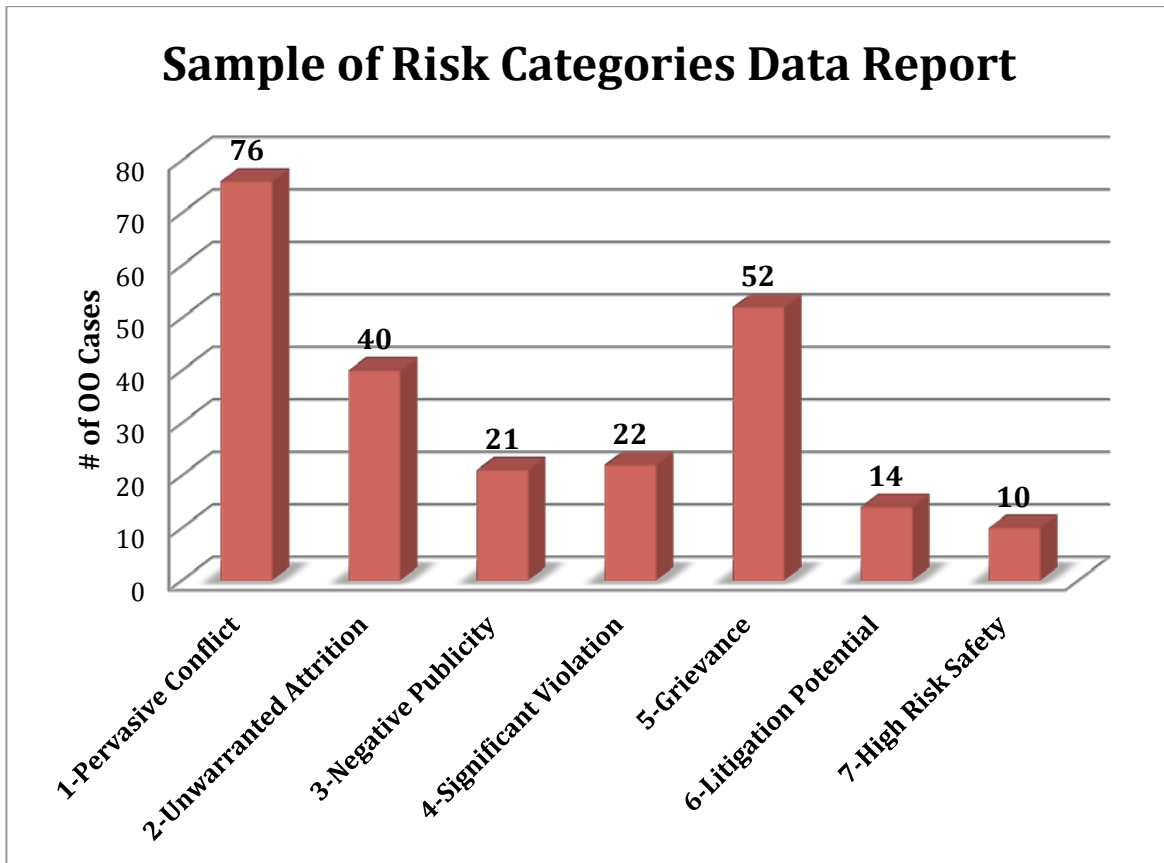
Risk Categories are **objective**, *because what is counted is only what the visitors have directly communicated to the Ombuds about their own perspectives on their current situations and their own possible future behaviors/actions*. Judgments, however, are not made as to any potential case outcomes or of the veracity of the visitor statements. Subjectivity is reduced by relying completely upon the visitor communication, such that, even in cases in which there may appear to be a clear and legitimate breach of policy, if the visitor does not state that he/she intends to file a grievance, this case will not be counted into a high risk category.

Risk Categories are **confidential**, in that, even with the most sensitive cases, Risk Categories do not reveal any details of a case, yet the data can clearly communicate worth to the organization. Although describing one or more significant cases may be a compelling method of calling attention to the value of the Ombuds Office, the data may run the risk of being identifiable through details described.

Risk Categories are **impartial**, in that both visitor and senior officers will not see this data as supporting one constituency over the other. If Ombuds were to translate this data to dollars saved for the organization, a visitor may feel that his/her suffering and resolution of the problem should not be calculated as money saved for the organization. The data itself gives recognition to the most serious concerns of the visitors. The organization receives objective validation that some of their most important concerns are being forwarded to an appropriate resource chosen by the visitor, i.e. the Ombuds Office. In this way, the Risk Categories address all stake-

holder's interests, whoever they may be in a given organization, and however they might be affected by the perceptions of the visitors who presented these issues.

Below is an example of a four month, year-to-date graph of the number of cases in each Risk Category:



This type of data appears to provide some insight for stakeholders into the worth of the Ombuds Office, despite not answering the question of outcomes of such cases. Often organizational stakeholders are not so interested in the same details of validation that Ombuds value; they are less interested in descriptions of our services, types of Ombuds interventions, or scope of practice, as they are interested in a “snapshot” of information related to their perspective. Although this type of graph stimulates more case questions, it serves as a valuable, initial information platform from which a stakeholder can pursue further research.

FORMULATION OF RISK CATEGORIES

The risk categories developed for one organization does not limit the possibilities for other organizations with different stakeholders. What is important is that the compilation of the categories emanates directly from the type of issues brought forth by the visitors that can vary from organization to organization. It is the Ombuds staff that determines the categories *based on* their knowledge of the most frequently occurring “serious cases” and not from a pre-determined list of categories proposed by any organizational stakeholder. There is, however, some measure of judgment by the Ombuds in formulating risk categories of the “serious cases”. Such elements as severity of the visitors’ emotional tenor, stakes verbalized by the visitor, the reach to other persons affected by the issue, or other such criteria of visitor experience must also be factored in. Based upon the population of visitors coming to a given Ombuds Office, the risk categories may indeed be quite different because the most serious issues of the visitors could vary.

LIMITATIONS OF RISK CATEGORY METHODOLOGY

Points regarding limitations to this methodology may be as follows: 1) Some visitors may say they will “quit their job” or will “get an attorney”; but do not follow through for a number of reasons, and 2) This data does not tell us whether the Ombuds prevented, for example, the potential litigation, or staff attrition, or grievance filing.

To the first concern, it is likely that staff attrition intentions, or considerations of maintaining legal counsel, for example, may be communicated by some visitors in a cavalier manner, but it is not usually said of insignificant issues. Consideration should be given to any such verbalizations as a measure of some level of severity and be taken with a degree of seriousness.

Although not every person who states to the Ombuds that they intend to maintain legal counsel will do so, there may be others who do not visit the Ombuds Office who will, in fact, pursue litigation. However, of those who communicate this intent to the Ombuds, the chances are more likely that this is the group from which there is the highest probability that follow through will occur.

Additionally, some visitors may communicate that they will file a grievance or seek legal counsel to purposely amplify the seriousness of the presenting issue without having any real intention of their doing so; this also will be counted in Risk Categories. In order to be consistent with assigning Risk Categories based on *only* statements made by the visitors, lack of visitor intent to follow through or misleading visitor statements, are not factors in assignment to a Risk Category. This represents a key limitation of the Risk Categories being confined to statements made by visitors without the benefit of later exploration of issues that will occur over the course of work with the Ombuds. Counting Risk Categories at the conclusion of the case may avert such limitations but will also create other limitations and challenges.

As to the second limitation that the Risk Category data does not substantiate the effectiveness of the Ombuds to curtail, resolve, prevent or mitigate the outcomes of these serious issues, this is absolutely true. This data collection methodology was designed to indirectly communicate the worth of the Ombuds Office to balance the “invisibility” of our work, due to the highly confidential and impartial nature of our practice. Visibility does not speak, necessarily, to “effectiveness”; effectiveness of Ombuds practice continues to be highly elusive to quantify. Visibility, via tracking Risk Categories, communicates that stakeholders know about Ombuds services and see the Ombuds as a potential resource to assist them with their most serious issues as an important measure of “Ombuds worth.”

In addition, Ombuds may not always know the ultimate outcome as to whether someone eventually left his/her job, pursued legal alternatives, experienced real harm, or filed a report of a significant violation, etc. If effectiveness were to be quantified, data collection must necessarily extend to other departments, such as Human Resources, Legal Counsel, Risk Management, Administration, Compliance Officer, etc., to confirm such outcomes. This has obvious challenges in and of itself. *Risk Categories confine the data to very specific information, exclusively obtained through the Ombuds Office, that involves no other data source but our own.*

The limitations of the Risk Categories reinforces that this data should not supplant other methods to identify, trend and report the work of the Ombuds and supports the profession’s ongoing need to create and refine tools that will exemplify our worth to organizations.

CONCLUSION

In summary, a simple, easily tracked methodology was created for the purpose of increasing the visibility of Ombuds’ significant organizational contributions; this data also indirectly communicates aspects of Ombuds worth to the organization. The data is easily inputted by an Ombuds, easily compiled and collated for reports, and is readily understood by stakeholders. It is based on objective reports of the visitors, and in its reportable form, does not communicate partiality of one group of stakeholders over another. Due to the differences in organizations, be they academic, corporate, healthcare, public sector, etc., risk categories will vary, reflecting the different “serious cases” seen. There are a number of methodologies currently used to define the Ombuds’ effectiveness; the Risk Categories methodology attempts to do so by illustrating the intensity and risk of issues brought to the Ombuds Office.

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The Ombudsman and Post Conflict Department Rebuilding

KATHERINE HALE AND JAMES P. KEEN

ABSTRACT

Resolution of serious conflicts within organizations often leaves actors in a stressed state facing residual issues that remain unaddressed. Parties and departments involved in such post conflict situations can benefit from support in addressing relational, structural, process, and fairness issues to rebuild a productive and supportive working environment. The authors provide insights in organizational post conflict rebuilding drawn from their own experience as well as from literature in the Conflict Resolution and Ombuds fields.

Additionally, the International Peace Building field provides applicable lessons from national societies working to reconcile past grievances while developing fresh terms of engagement to rebuild the social and structural fabric.

KEY WORDS

ombuds, organizational conflict, dispute resolution, leadership, peace building, post conflict

Formal or informal resolution of serious or extended conflict within or across organizational units often leaves the actors in the relevant systems in a stressed state without the tools and functions they need to work together productively and with conflicted relational and system issues that may have been unjust, uncivil, unworkable, or unproductive still intact.

When a conflict has been adjudicated through a formal process (appeal to an internal review committee, grievance filed, Equal Employment Opportunity complaint, whistle-blower report filed, lawsuit initiated, etc.), the outcome may be resolved quickly and fairly easily, or, depending on the seriousness, it may take weeks or months of complex processes to resolve. In the latter case, parties in a severe case and those who work with them must interact professionally in an environment alive with the tensions springing from suspicion, accusations, identity loss, embarrassment, resentment, anger, and betrayal. Moreover, because the work unit is a system, those employees not directly involved in the conflict are often drawn into the conflict via the general

departmental tension, the “moves” of the involved parties to build alliances, the stress of covering the work of someone who may have been temporarily removed from responsibilities, and, perhaps most significantly, the role these employees are asked to play in providing interviews, testimony, or documents in the context of the formal investigation. Particularly when conflicts become public battles played out in the media or in the organizational grapevine, there is a loss of privacy and often a loss of “face” for the parties and for the organization. Even when the conflict is resolved through informal channels, some of these tensions and dynamics are in play, though the resolution is likely to involve far more empowerment and perhaps face-saving for the parties.

The focus in this paper is what happens to the individuals and the department unit(s) involved “after the fire is gone.” What are employees “up against” in coming together as a highly functioning unit and in being able to create or re-create an environment in which they can enjoy working and which is acceptably just, civil, and respectful? And, equally important, what is the impact of the conflict and of its management on the broader university/organizational system? Writing about the relationship of the creation of appropriate conflict management systems in a university context, Ombudsperson Dr. Marsha Wagner of Columbia University writes,

“Even for students, and certainly for employees, the university is a workplace. All the members of this organization are part of a community of people with a shared history, whose transcripts and resumes, careers and life history will always bear the mark of this association. Thus they all have a stake in how the university manages its conflicts and what image it projects, both internally and externally.” (Wagner, 1998, p.7).

As Ombudsmen, we are responsible to these organizational publics, to the organization as a whole, and sometimes to broader public communities to help manage conflict in a way that creates positive change both for individuals and the institution. It is sometimes more difficult to find ways to work at the organizational system level. A number of people in our field are thinking and writing about ways the Ombudsman can contribute to system change (Lynch, 2001), (Sturm and Gadlin, 2007), (Wagner, 2000), (Sebok and Neale, 2009), and we are interested in looking at possibilities for greater follow-through in the aftermath of departmental conflict.

Our work in conflict resolution has taught us that when parties have been involved in lengthy legal, personal, or departmental conflicts before seeking mediation or other collaborative process, they often come in weary, depressed, hopeless, entrenched, and very much in need of some support just to be able to engage. While people in our organizational departments are often very professional and manage to keep up some degree of “business as usual,” they also demonstrate some of these characteristics. In the words of one member of such a department, “It feels like I’m working in a minefield.” So when a determination of outcome is made, the mines may still be “buried on the beach,” and expectations that one just “gets over it and goes on” handicaps departments in the kind of thoughtful analysis and reconstruction that may be needed.

The Organizational “Post Conflict” Landscape

We know from broader conflict studies that there actually is no real “post conflict,” since conflict rises and falls with some regularity, and sometimes with good and important outcomes. We might better describe it as going through phases. In organizational contexts there is a recurrent “post conflict” phase when the official process has been concluded, and our departments are left with a number of problems. Some of these problems developed during the active flow of the conflict. Others were problems that probably initially contributed to the conflict, maybe were even primary contributors, but have remained unrecognized and/or unaddressed in the resolution of the conflict as it was framed. To illustrate some of these, we have borrowed examples from the experiences of colleagues and from our own experience in university and organizational conflict.

Residues of the Conflict

EMPLOYEE STRESS.

Research from a number of disciplines indicates that when people are experiencing stress, the quality of their communication and conflict management skills can decline significantly. In international settings, researchers are finding that attention to personal stress and trauma is necessary before people are capable of engaging in structural rebuilding and peace building efforts (Witte and Tauber, 2002). In organizational contexts, people who are under stress are likely to restrict or distort new information and pay less attention to important environmental cues that would help them interpret (Staw, Sandelands, and Dutton, 1981). Folger, Poole and Stutman (2013, p. 66-69) believe that at this point people are also more likely to engage in what rhetorical and social theorist Kenneth Burke (1935) refers to as “trained incapacities,” patterns of perception and communication that they have learned to use and which have worked for them in the past, and that, while they provide some insight for the person, also create a blindness. For example, people who had developed positive patterns of conflict engagement may allow themselves to slip back into old patterns of passive-aggressive behavior. Or, people whose expertise and habit is to speak the language of “bottom line” and quarterly report may repress departmental discussion of sustainable growth and quality.

So an important impact of unaddressed post-conflict stress is that just at the time when the organization needs employees to surface the best communication skills they have, they may be unable to do so.

IDENTITY AND “FACE” ISSUES.

In traditional International Relations and earlier International Conflict Resolution studies, “identity conflict” is about entrenched ethnic group conflict that centers on getting adequate resources to meet many kinds of interests for that group. But in the context of interpersonal and organizational conflict, identity is a more personal view of self and a claim for a certain amount of human dignity and worth. Identity can come from many things, certainly including perceptions of respect from peers, status and role in the department, and interpersonal connections.

Often in conflict, one’s perception of “who he will be” at the end of it all is more important than “what he will get.” In that respect, loss of face or identity can be the greatest loss people experience in a conflict, as the examples below from employees we’ve worked with illustrate:

“I’m treated like a pariah because I said what everyone here thought. Now I’m not a valued colleague, I’m just a “troublemaker.”

“For the rest of my life, you can Google my name and find that I was accused of sexual harassment. Doesn’t matter what the investigation shows. My close friends know better, but even my colleagues here aren’t sure about me.”

“Now everybody thinks I’m a racist.”

People also tend to hold on to those resources that support their identities (corner office, title, parking space), so being asked to redistribute any of the office “perks” may feel especially threatening. And while people struggle to hold their own persona in place, they also try to force an identity for the other. This process can be very polarizing and destructive, since each party loses credibility with the other, paints for themselves a picture of an impossible conflict partner, and limits opportunities for productive work. Intervention to call into question and encourage broadened identities is required, and participants can be empowered in this way to negotiate more effectively and collaboratively.

International peace builder and researcher Lisa Schirch (2005) argues that identities of self and other can be transformed, and that ritual, defined as specifically designed social activities with specific interaction and performance parameters, can help participants enlarge or change their perceptions of their own identity or that of a perceived adversary in the conflict context.

THERE'S NO MORE "HAPPY."

Employees often speak of their sense of a loss of trust, of a sense of agency and of fun and camaraderie within the department, and they may be reconsidering the "fit" of this workplace for them. The quotes below reflect this

"Trust in this office is lost all around," said one employee, "and I didn't do anything to contribute to that."

"We've all been walking on eggshells for so long, we've forgotten what it's like to enjoy coming to work."

"No one shut their doors before."

Unaddressed Issues and Departmental Leadership

*In the post-conflict phase, issues present in the original conflict phase often remain, unaddressed or ineffectively addressed. In *Work and Peace in Academe: Leveraging Time, Money, and Intellectual Energy Through Managing Conflict*, Kansas State Provost James R. Coffman (2005) posits that the category of employee most crucial to positive conflict management in universities are department chairs and heads. While non-academic organizations clearly have some difference in governance styles and responsibilities, our own experience is that department heads and supervisor positions are generally the most crucial positions in most kinds of organizations. Most of the items discussed below highlight problems exhibited by department heads and managers in a post-conflict context.*

LACK OF COMMUNICATION SKILLS IN LEADERS.

Particularly if a formal process returns a judgment that the evidence isn't conclusive enough to support the complaint filed, people in leadership positions may name or "frame" the conflict "a personality issue" or "a misunderstanding." These are shallow conflict frames that often serve the purpose of protecting the status quo. When a person in a leadership position chooses to frame the conflict in such a shallow manner, she may be deflecting the locus of the problem back onto the employee as well as denying the other employees' experience. In another example, a supervisor tells a subordinate who has filed a grievance, "I was totally supportive of you. I showed you nothing but cooperation." The supervisor in this instance doesn't have the ability to see that while that "support" and "cooperation" may have been his intent, those words don't reflect the employee's experience.

LACK OF SUPERVISION AND RESPONSIBILITY.

In organizational settings, administrators are very busy being responsible to multiple groups. While their internal department supervisors and managers may need mentoring and support from the administrator for their relationships with employees, the administrator is often engaged with outside professional associations, with keeping up with new external requirements, with fund-raising, or with her own professional contributions to her field. We have worked with situations like this many times, and our own experiences mirror an example given by Sturm and Gadlin (2007). Investigation of a leave request problem between an employee and manager at NIH revealed a pattern of discretionary decisions and lack of accountability by the manager with little or no supervision of the manager by the supervising scientist, whose attention went to his own research. Employees chose not to report the problem, since their experience was that the supervisor would turn it over to the manager, whom the employees believed was likely to retaliate (p. 25).

As Ombudsmen, it's important to find ways to identify this lack of supervisory accountability as a problem, if it is occurring, and to find ways to support positive system change, through individual case work, coaching, training, peer problem analysis, or through annual reports making broader systemic recommendations. This kind of abdication of responsibility for the working of the department will continue to lead to employees seeking outside help and often to formal, rights-based solutions, which, though they are important and valuable options, often increase the tension without always solving the problems.

OCCASIONAL ADMINISTRATOR PREFERENCE FOR FORMAL OR RIGHTS-BASED SOLUTIONS.

An occurrence we have seen recently is a seeming preference by a very few organizational administrators for the early use of grievance procedures or other rights based solutions. When an employee believes something is happening that is contrary to policy or a governing document, or is creating a hostile workplace environment, they may be told, either subtly or directly, "That's what grievances are for." From the administrator's point of view, and sometimes from that of a conflict party, such an action saves time in having to listen to multiple viewpoints or speculate about various interpretations and it gets a judgment that cleanly adjudicates the issue, ending time and energy spent on the problem. While this response may be appropriate in some situations, if it is a regular practice among organizational leadership, it may contribute to the creation of a culture of polarization rather than a culture of problem solving for effective work processes and environment. Mary Rowe (1997), in defining specifications for an effective dispute resolu-

tion system in a non-union environment, writes that while the system must provide strong rights-based as well as interest-based options, the organization's conflict culture must see it as a major responsibility of line managers and team members, supported by senior managers, "to prevent unnecessary problems through active listening and effective, respectful communications" as well as supporting "constructive questions and dissent" (p. 87).

INADEQUATE STRUCTURES/PROCESSES IN PLACE TO ENSURE CRITICAL ANALYSIS AND ENGAGED CONVERSATIONS ABOUT ACTIONABLE ISSUES.

Formal and/or rights based processes for issues such as sexual harassment and gender discrimination, equity, hostile work environment, and racial harassment or discrimination are tremendous advantages in that they provide protection of important principles provided in law and in organizational policy. But such processes can also be detrimental if leaders interpret an investigative report finding inadequate evidence of a particular charge to mean "there is no problem here." Leaders who are able to engage in more serious analysis will understand that cultural dynamics related to these issues may be creating serious tensions that still need to be addressed.

Racial tensions.

Kochman and Mavrelis (2009), in reporting the results of research on diversity issues in the U.S. corporate world, describe a number of areas of difference and tension that are not commonly understood, but that clearly influence people's expectations. These expectations include one's approach to and feelings of safety in the workplace, ideas about development of trust, ideas about what is "racist," and ideas about who is included in a generalization about another race, ethnicity, or culture. So, according to Kochman and Mavrelis, in a diverse workplace, race and ethnicity and cultural factors are always in play because cognitive, social, and cultural frameworks are in confrontation. But as Sturm and Gadlin (2007) report, when race is determined not to be the primary cause of the conflict problem, then race "drops out of the analysis, even if racial dynamics are an important, but not determinative element of the problem. The dynamics of cognitive bias and cultural exclusion may not be visible at the level of the individual case and many people do not understand race in these terms." (Sturm and Gadlin, 2007, p. 23.)

In one organization we are aware of, a Caucasian employee's supervisor, parallel co-worker, and an additional co-worker with whom the employee interacted regularly all were African-American. The Caucasian employee identified restrictions that impacted the employee's ability to manage a heavy load of customer service as unevenly applied and possibly racially motivated. Post-conflict work with the participants addressed issues of problematic management practices and restrictions as experienced by both the parallel employees. The post-conflict work also identified a lack of experience and low comfort level on the part of the Caucasian employee in

being “the minority” in the workplace. A restricted level of cultural and racial awareness contributed to the framing of management issues as racial issues in a way that would not have happened had there been no racial difference involved.

Gender tensions.

The same cognitive bias and cultural exclusion problems referenced by Sturm and Gadlin, along with our lack of adequate language with which to discuss the issues, are often present in contexts that have produced charges or complaints of gender discrimination or the creation of a hostile environment. What triggers perception of a “hostile work environment” for a woman in a high-level leadership position who reports to a higher-level man embodying the characteristics of Kochman and Mavrelis’ (2009) “Corporate White Male,” (are individualistic, rarely acknowledge “privilege,” strive for control “over,” are receivers of support, prefer linear and to-the-point language style) may more accurately be considered a clash of gendered communication styles. So when a gender discrimination or harassment or “hostile work environment” charge has been made, perhaps more important to the departmental unit than the outcome of that investigation is the unit’s own consideration of what the gender tensions are and how they can best be managed.

Workplace harassment/incivility.

Most universities have policies against sexual harassment, but often not other kinds of harassment, sometimes leaving the impression non-sexual harassment is less serious (Twale and De Luca, 2008, pp.152-153). These are difficult issues, especially among university faculty, partly because faculty and cultures do not agree on what constitutes “incivility,” and attempts to prescribe acceptable communication comes in conflict with the valued principles of academic freedom, freedom of expression, and open dialogue.

Many organizations have no enforceable policies at all for “workplace harassment,” a term that is being used to take into account “uncivil,” “bullying,” and “aggressive” behaviors (Twale and DeLuca, 2008). In our experience, these are frequently used terms to describe the problem, but there often seems to be very little support for supervisors and administrators who attempt to address the issue.

Equity in workloads and evaluations.

Charges of multiple kinds of discrimination, favoritism, and inequity often are the surface-level presentations of the problem of a department head simply not valuing and using the feedback she is getting from employees. In the examples below, formal processes may not have been engaged had the supervisors of the relevant departments found the time and will to explore the situations as experienced by the employees.

"I'm evaluated to a great extent by client complaints on whether I got back to them on time and on whether I gave them good advice. But we have larger client loads here than other institutions have, and we're not even allowed to manage our own time in ways that would let us get to everyone. Plus, the supervisor makes exceptions to policies that we work from all the time and it makes people at our level look like we don't know what we're doing."

"Nobody is paying attention to what we are saying. We're never caught up. We're always on a fast pace, meeting deadlines, with no time to think, no time to strategize about processes and systems that would help us manage the load more efficiently, no time to get new training. And it's wearing us all out."

Lessons from International Post Conflict Analysis and Peace Building

In addressing the kinds of considerations that might be helpful in "post conflict" phase within a department or organization, we have found it helpful to draw parallels from international "post conflict" research and practice. Peace building researcher and activist John Paul Lederach (1997) writes about the need for cross-over of approaches in the post Cold War era between the fields of International Relations with its focus on monitoring and keeping of agreements and rebuilding of infrastructure, and International Conflict Resolution, which has focused on addressing interpersonal and system issues through dialogue and relationship-building. A more recent study (Ryan, 2007) also traces the recent development of the concept of post-conflict peace building from its early focus on attention to "demilitarization, institutional reform, human rights monitoring, and social and economic development" to more recent emphasis on "conflict transformation" that adds such concerns as grass roots involvement, reconciliation, building cultures of respect for human rights and respectful conflict engagement (p. 23) as it strives for sustainable change.

Lederach (1997) believes conflict should be envisioned as opportunities for creating constructive change processes and that sustainable peace building must focus on relationships, even in the context of structural rebuilding, that people must acknowledge the past and envision the future, and that it is within the interaction of those affected by the conflict that we find the methods and language needed for a particular situation.

Lederach (1997) argues that sustainable peace building requires reconciliation, both of people and of concepts, and that reconciliation is built on “paradox,” or the linking of two seemingly dualistic concepts which can actually be interdependent. This dynamic is illustrated in a story of peace building in Nicaragua. Lederach accompanied local peace coalition leaders in escorting home the Yatima leaders who had been exiled by the Sandinistas. In each village, the conciliation leaders would read “Truth and mercy have met together; peace and justice have kissed.” Because these terms were clearly meaningful to the villagers as paradoxical but reconcilable, Lederach asked for more clarity on how they saw each of the terms (Lederach, 1997, p. 28).

“Truth” was seen as honesty, revelation, accountability, and vulnerability. “Mercy” reflected acceptance, forgiveness, and a new start. But mercy can function in opposition to “truth” and “accountability,” according to the villagers interviewed, when it “covers up” and “moves too fast.” “Justice” was seen as being about correcting wrongs, creating equal opportunity, and restitution. And finally, “Peace” was about well-being, harmony, and prevalent feelings of respect and security for all the people,” and sustainable peace needs to work together with concepts of justice, which sometimes have a seemingly opposite focus. From this perspective, only when there is some reconciliation of these interdependent goals and concepts can there be true reconciliation of communities of people. Lederach believes reconciliation requires the creation of an encounter where these paradoxes can be explored and joined together rather than being forced into an encounter in which one must win out over the other or envisioned as fragmented and separated parts (Lederach, 1997, p. 28).

Ombudsmen work with many paradoxes. For example, in speaking about racial and ethnic conflict on university campuses, Gadlin stated that “Harassment policies organized around disciplinary and punitive sanctions allow us to locate social ugliness in the deficiencies and pathologies of the other. They allow us to ignore the larger problems associated with moving toward truly multicultural organizations” (Gadlin, 1991, p. 8.) So, according to Gadlin, the very things we create to do good may actually also do harm. Policies designed for accountability and justice may preclude the possibility of honesty, revelation, and acceptance of responsibility. Paradoxes can be reconciled, but we need to find the way “in” to the encounter of which Lederach speaks that opens a pathway of dialogue and authentic exploration of needs and possibilities.

Historian and social commentator Timothy Garton Ash (1991), writing in the context of the wake of wars and revolutionary changes such as the end of communism in eastern Europe, also considers the kind of encounter that supports real peace building. In describing the gamut nations often run from retribution to large-scale attempts at forgetting, Ash finds fault with both the retributive approach, which visits too much retribution on too few and with the forgetting approach, which often drives real concerns underground where they may fester and resurface in fresh conflict phases. While Ash is less prescriptive than Lederach and offers no silver bullet, he suggests that a measured approach that is honest about the need to move forward without burying the past and that is appropriate to the particular situation has born the greatest fruit in these situations in the past and holds the most promise of building toward the future (Ash, 1991, pp. 256-257).

Applications for Ombudsmen

For organizational departments, applications from this body of work to our own work as Ombudsmen include the ideas that post-conflict rebuilding requires (1) commitment to sustainable change and focused attention on improving departmental structures and processes so that they work effectively for all involved, (2) respect for rights even when no rights based process has been invoked, (3) time and skills to work at real reconciliation of ideas and work-place communities, and (4) attention to the building of departmental cultures of respect for difference and of support for constructive conflict engagement. Perhaps most relevant to the Ombudsman's work is the possible need for involvement of all departmental community members in a recovery process that avoids scapegoating, but acknowledges that a difficult episode has concluded its official administrative phase and has produced its adjudicated results, and now the department must take responsibility for creating an appropriate way to move forward. The more explicitly organizational or departmental leadership facilitates such a process, and the more seriously individual department members take responsibility for their own willingness to engage in the process, the better the results will be.

So What's An Ombudsman To Do?

"Diving Deep in a Shallow Pool." A former colleague used this expression to describe the kinds of processes many of us use to encourage organizations to address the deeper problem underlying the initial request for intervention or training. The colleague would consider an invitation to mediate, or to "train these people in conflict resolution," but she would ask first for a conversation with a broad spectrum of key people in the organization. As she led the participants in surfacing the deeper issues that created the need for the mediation or training, she would often come away with the invitation to work with them more fruitfully in identifying and addressing broader system issues, diversity issues, equity issues, etc.

There may be times when we need to dive deeper in our role as Ombudsmen. The points below are things that we believe need to happen for a department following the kind of constructive conflict we have discussed. The services may come from somewhere other than the Office of the Ombudsman, but they may need some kind of support or organization from the Ombudsman, and they seem to be particularly appropriate for the skills of an Ombudsman, depending on whether we can provide these services with independence, with confidentiality, and in general within our Standards of Practice.

An important place to start with post-conflict department rebuilding is to offer department heads and managers a process and a set of skills for critical analysis and reflection about the experience. Many people in leadership positions are not trained in "pulling at the threads" of their experience or of the language of the conflict. They don't systematically reflect on what happened, examine their own role or absence of leadership in the problem, explore

contributing factors that lead to this conflict, or consider the presence of the types of racial, gender, equity, and other tensions that may be still be “in play.” So here is an important place where the Ombudsman can help people consider the conflict in ways that allows for and calls for remediation, that ensures that fairness and “rights” are being protected, and that increases commitment to and creates a path to improving structures and processes. It’s the “encounter space” where the paradoxes can be considered and perhaps reconciled, and we need to build capacity for this kind of work.

Cummings and Keen (2008) offer an approach to coaching in which they train groups of leaders in critical thinking and reflection and then pair leaders at approximately the same level to process their immediate leadership challenges and how they see their options for action. Applied to analysis and reflection of departmental conflicts, the Ombudsman can become a conversational partner to support the department head or supervisor in critical reflection and analysis. Perhaps better for the system, however, would be to offer education and coaching for an ongoing program of peer support as described by Cummings and Keen.

Sturm and Gadlin (2007) describe a process created by the Office of the Ombudsman at the National Institutes of Health in which department heads were invited to meet as a group, taking cases from one of their departments to analyze, looking for root cause and at the processes and steps along the way that led to the problem. The process at NIH involved careful training and coaching of the participants to do effective analysis, creating a pattern for remediating those issues and for better handling of future situations.

Our experience is that, in the absence of the kind of training and support described above, the search for the “cause” may sometimes be a hasty process that comes up with the easiest possible fix, burying significant underlying causes and producing problems at the next opportunity. There must be a considered approach where the goal is to get multiple aspects of the problem into clear view through some kind of problem mapping designed to gain a grasp of the complexity inherent in the problem and to pinpoint the key relationships in either untangling or adapting to that complexity. Additionally, while the identification of causes or contributing factors usually can lead to productive change, that identification can’t always result in eradication of the problem without compromising central positive values and practices. A healthy post-conflict environment may therefore require naming inherent tensions and becoming explicit about ways of learning to live productively within the stresses they cause.

In a different one-on-one approach to developing self-awareness of a manager’s responsibility in conflict, Ombudsmen Tom Sebok and Lisa Neale have created a series of questions for supervisors who want to refer employees to the Ombudsman’s office for mediation. The referring supervisor is asked, for example, to explain his understanding of the situation, to identify his beliefs about each participant’s responsibility in the conflict, and to consider what he sees as

available options should the mediation fail to resolve the conflict. In Sebok and Neale's experience, these questions by the Ombudsman's office help the manager "explore the obligations that accompany a management role and to identify supervisors' goals and options within a safe environment." (Sebok and Neale, 2009, p. 3) This strategy seems particularly effective and appropriate for the Ombudsman in that it allows an indirect and non-threatening coaching process to take place and empowers the manager to think analytically about the conflict and about his own communication with parties.

Secondly, it can be very beneficial to departments to have support for some version of Lederach's "looking back and envisioning the future." When an entire department has been affected by serious conflict over an extended time of formal process, the department may need a facilitated time of reflection, perhaps about their accomplishments and successes over the years, who they are or have been as a department, and how that has changed. Establishing a shared sense of the history of pain and loss is often a precursor to being able to rebuild collaboration in a post-conflict environment. Significant insights into the conflict itself can happen as part of something as simple as creating some kind of timeline together (highlights or accomplishments of the department, major changes in the department, "the move into the new building"), thus creating a common group narrative of their experience, even if that narrative also resurfaces points of conflict. Equally important is envisioning what their department would be like if it were the way they want it, and what's keeping them from having the department they want. Such visioning often functions as safe social interaction as employees ease back into togetherness. Preparing leaders to hear non-defensively and to ensure that employees can speak safely in this visioning context may clear the way for the emergence of the "innovation" needed for reconciliation to take place.

Employees most directly involved in the conflict often need a private post-conflict mediation. The facilitation of a conversation to "clear the air," ask questions, offer explanations and information, make apologies, and sketch out parameters of their future interactions is an important part of "looking back, moving forward." Even in the aftermath of sexual or racial harassment or discrimination charges and investigation, parties may, with the help of the mediator, reframe and address their issues productive ways. Parties may, for example, identify specific behaviors that are problematic, without labels, and may create specific agreements on such things as "rules for our meetings together." Parties may respond well to individual education and coaching about relevant gender communication differences or racial/cultural differences in organizational settings, for example, perhaps giving them new frame options for portions of their experience, as well as some new communication approaches to work with. These approaches do not necessarily produce reconciliation, and in some cases perhaps should not do so, but they may help parties construct a more acceptable and effective working relationship in cases where parties must continue to work together despite currently unresolved tensions. In broader departmental contexts, there may be multiple sets of dyads that require a facilitated conversation.

Finally, employees in both leadership and non-leadership positions need support to create a departmental culture where difference is valued and constructive conflict engagement is practiced. While there are many dimensions to such a culture, there are also some very specific steps that can be taken to begin or further the process, including ensuring a respectful and systematic process to receive and address employees' concerns and recommendations. Employees in both leadership and non-leadership roles would benefit from training and coaching to frame issues they are concerned about in more authentic, effective, and addressable ways. In such a culture, supervisors and line managers would also be helped to develop skills in coaching their own reports in constructive conflict engagement and would have access themselves to continued coaching support to develop a more agile set of responses to conflicts as they arise.

Conclusions

This paper was conceptualized to explore the problem of residual effects of formalized or extended conflict processes and the frequent failure of those processes to actually solve the problems that brought about the conflict. Ombudsman can appropriately assist in providing or finding support to department leaders to increase skills for rebuilding a sense of unity and to create sustainable change in the post-conflict phase, as well in development of departmental cultures that respect rights and encourage respectful conflict engagement. Of primary importance is the need for creation and facilitation of processes for reflection and analysis, both for department supervisors and for the departmental community.

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Financial Costs of Workplace Conflict

MARTIN FRERES

ABSTRACT

Conflict resolution in the workplace is claimed to save organizations money, yet, quantification of costs are rare. A – necessarily incomplete – but systematic review of the scholarly literature and websites identifies medical health, individual psyche, team behavior, wasted time, legal and dispute costs, customer relationships, HR & OD, and counter-productive work behavior as the major paths through which workplace conflict costs organizations money. Workplace conflict appears to waste approximately 3 hours per week per employee, be directly related to costly turnover, and result in virtually avoidable legal fees.

KEY WORDS

conflict, workplace, costs, financial, quantitative study, literature review

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Financial Costs of Workplace Conflict

Conflict has been claimed to be one of the most significant and reducible costs to organizations (cp. Slaikeu & Hasson, 1998, p. xii). Yet, there exist few models and little knowledge about the financial cost that workplace conflict incurs for organizations. If conflict resolution is to be sold to organizations on a mass scale, however, an estimate of the financial costs of workplace conflict is absolutely essential (cp. Buss, 2011). Indeed, the identification of the mechanisms through which workplace conflict harms the organization's bottom line is the very first step before an effective intervention can be designed and a convincing cost-benefit-analysis can be demonstrated (cp. Katz & Flynn, 2013, p. 407). This short report reviews current and older literature on financial costs of workplace conflict and identifies wasted time, turnover and legal costs as most promising to demonstrate the cost of workplace conflict to the client.

Method

A search for scholarly articles and for websites to also capture recent business developments outside the scholarly literature was conducted. First Google as the most prominent web search engine was used with the search term “cost conflict work OR organization OR business”. Then Google was used with the search term “measure cost conflict work OR organization OR business”. Of each search the first 50 results were skimmed for models that describe and/or quantify the cost of work place conflict to organizations. Hence, a total of 100 websites were skimmed. A list of the 100 websites is available from the author. Of the websites directly accessed 18 yielded useful documents which were downloaded. Their summaries or table of contents were skimmed and 6 were selected for more in-depth reading. Where references were present in any of the 100 websites and deemed relevant, these were looked up and downloaded. This yielded another 6 relevant documents that were retrieved.

Secondly, a search of the scholarly literature was conducted. To this purpose the database EBSCO (*see appendix*) was searched five times with differing search query, yielding articles of which a sub-sample was chosen based on their titles. Of this another sub-sample was downloaded and read based on their abstracts. For the names of the databases and the search queries used see the appendix. All the data bases available to the author were selected.

Overall, 467 titles and 33 abstracts were read. A total of 12 articles were downloaded based on the relevance of the abstract. The small number of relevant articles that could be identified despite a comprehensive search and a large number of read titles suggests that the quantification of organizational costs due to workplace conflict is still in its inception. Subsequently the articles retrieved from EBSCO were searched and compared with table 1 to find additions and complement it. Furthermore, the scholarly articles were searched for quantification of costs in monetary terms. Where it seemed necessary, additional articles were downloaded based on references or common authors.

Results

Of the 100 websites searched, eleven websites already displayed an elaborate typology of conflict costs.¹ These typologies were compared to arrive at eight themes that seemed best suited to capture comprehensively and at the same time discriminate the cost of workplace conflict: medical health, individual psyche, team behavior, wasted time, legal and dispute costs, customer relationship, Human Resources & Organizational Development, and counter-productive work behavior. Table 1 shows details:

TABLE 1:
TYPOLOGY OF ORGANIZATIONAL COSTS OF WORKPLACE CONFLICT

THEME	CONTENT
Medical Health	Sick leave, Health Insurance Premium, Accident Likelihood, Physical or Psychological Disability (including Depression)
Individual Psyche	Lower Job Motivation, Satisfaction, Commitment and Diligence
Wasted Time	Absenteeism, Presenteeism, Pretending to Work, Time Spent Resolving Conflict
Counter-Productive Work Behavior	Sabotage, Theft (including Intellectual Property), Vandalism, Violence, Incivility
Team Behavior	Quality and Frequency of Decision-Making, Morale, Less Organizational Citizenship Behavior
Customer Relationship	Customer Service, Customer Complaint Handling
Human Resources and Organizational Development	Turnover, Employer Reputation, Relationship instead of Task driven Assignment of People, Distrust and Change Resistance
Legal and Dispute Costs	Grievances, Litigation, Discrimination Claims, Compensation/Settlement

Most of the searched literature only identifies the mechanisms through which the workplace conflict causes organizational costs. Studies quantifying the actual costs associated with these causes are rare. Table 2 provides an overview of the quantifications found in the searched web-sites and literature. Below these four categories are discussed. A discussion of the other categories was prevented due to a lack of articles quantifying associated costs. Clearly there are many articles on each of the eight themes, yet, a general discussion of the themes is beyond the scope of this article.

TABLE 2:**LIST OF QUANTIFIED ORGANIZATIONAL COSTS DUE TO WORKPLACE CONFLICT****ORGANIZATIONAL COST****INDIVIDUAL PSYCHE****QUANTIFICATION**

"parties in conflict suffer a 5, 10 or 20 per cent loss in productivity"

AUTHOR & METHOD

Harris (2008, p. 97)
no method reported

work place incivility effect on victim:

- 48% decreased their work effort
- 47% decreased their time at work
- 38% decreased their work quality
- 66% said their performance declined
- 80% lost work time worrying about the incident
- 63% lost time avoiding the offender
- 78% said their commitment to the organization declined

Porath & Pearson (2009, p. 24)
US sample survey
>1000 responses

ORGANIZATIONAL COST**WASTED TIME****QUANTIFICATION**

30 – 42% of managers' time is spent on conflict

AUTHOR & METHOD

Murtha (2005, p. 42)
no method provided

20% of managers' time is spent on conflicts, 18% for CEOs, 26% for middle managers

Thomas & Schmidt (1976, p. 315); US sample: 258 of 293 surveyed CEOs, VPs and middle managers (MMs) responded, (116 CEOs, 76 VPs, 66 MMs)

3-4 hrs per day or ca. 38% of C-level executives and high level managers' time is spent on conflict

Katz & Flynn (2013, p. 403)
sample from Broward County, Florida "[25] interviews with C-level executives and other high-level managers" (Katz & Flynn, 2013, p. 400)

2.8 hrs per week of employee time is spent on conflict, approximately worth \$359 billion salaries

51% of the HR staff spent 1-5 hrs per week on conflict

3.3 hrs per week of employee time is spent on conflict in Germany and Ireland, the most in all surveyed countries

CPP (2008, p. 2, p. 5).
"5,000 full-time employees in [...] Belgium, Brazil, Denmark, France, Germany, Ireland, the Netherlands, the United Kingdom and the United States." (CPP, 2008, p. 3)

47% of the HR staff spent 1-10% of their time per week on conflict

25.8% of the HR staff spent 11-20% of their time per week on conflict

assuming the remaining 27.2% HR staff spent less than 1% of their time per week on conflict, *assuming* a balanced distribution within the two categories above, and *assuming* a 40hr work week, then on average 2.6 hrs a week are spent by each HR staff on conflict

Ross (2010, p. 4, p. 3)
UK HR staff sample survey
122 responses

3.4 hrs per week of HR staff is spent on conflict

CIPD & OPP (2008, p. 2),
UK sample survey, 660 HR practitioners, response rate 8%

ORGANIZATIONAL COST

HUMAN RESOURCES AND ORGANIZATIONAL DEVELOPMENT

QUANTIFICATION

25% to 100% of annual salary is the cost for turnover

AUTHOR & METHOD

Conbere (2000, p. 33)
no method provided

50-100% of annual salary is the cost for turnover (Saratoga Institute as cited in Kreisman, 2002, p. 8)

up to 240% annual salary is the cost for turnover (Corporate Advisory Board as cited in Kreisman, 2002, p. 8)

Kreisman (2002, p. 8)
no method provided

29-46% of annual salary is the cost for turnover; turnover cost for managers is 3 higher than for non-managers	Bernthal & Wellins, (2001, p. 2) international sample survey: 745 employee responses
---	--

>85% "of departing employees cite internal conflicts as a reason"	Murtha (2005, p. 42) no method provided
---	--

50% of annual salary is the cost for turnover from supervisory or skilled technical staff	Dana (1984, p. 6) no method provided
---	---

ORGANIZATIONAL COST

LEGAL AND DISPUTE COSTS

QUANTIFICATION

management, HR staff and in-house lawyers time per case:
10.5 days for disciplinary and grievance cases
12.8 days for tribunal hearing (labor court) preparation

AUTHOR & METHOD

CIPD (2004, p. 7) UK sample
~1,200 employees

> \$100,000 average legal fees for employment disputes per case	Murtha (2005, p. 42) US sample no method provided
---	---

employment dispute per case: ~£210,000 average legal fees ~£70,000 average cost in management time ~£9,000 average overall cost in case of early mediation	Mackie (2007, p. 1) UK sample no method provided
---	--

compromise agreement per case: ~£10,000 median compensation payment ~ £1,000 median cost in management time ~ £750 median cost in legal fees	CIPD (2011, p. 3) UK sample: 206 organizations surveyed, mean size = 2,067 employees
---	---

management and HR time spent per disciplinary case is 18 days, for grievance cases 14.4 days (grievance)	CIPD (2011, p. 2) UK sample: 206 organizations surveyed, mean size = 2,067 employees
--	---

Wasted Time

Wasted employee time due to workplace conflict is estimated at 3 hours per week. Wasted managerial time due to workplace conflict is estimated between 20 and 40% of their week, or 8 to 16 hours assuming a 40 hour work week. Wasted HR staff time due to workplace conflict is estimated between 2.5 and 3.5 hours per week. (The word 'wasted' may be less applicable to HR staff as some HR departments have the responsibility of resolving conflict.) While the estimates for employee time and HR staff time rely on multiple and recent sources, the estimates of managerial time spent on conflict come generally only from two old sources (Thomas & Schmidt, 1976, p. 315; Watson & Hoffman, 1996, p. 69) and from one recent but very small, non-representative sample (Katz & Flynn, 2013). Moreover, Watson and Hoffman's article (1996) is not directly concerned with measuring the time managers spend on resolving conflict but only mentions that their participants were managers that according to self-reports spent up to 42% of their work time informally negotiating. Hence, the estimates of the time that managers spend on conflict should not be accepted as reliable. The estimates for general staff and HR staff, however, appear reliable.

Lost Productivity

One study suggests that employees become 5-20% less productive if involved in work place conflict (Harris, 2008). However, this study suggests this number rather as an example for model calculation and does not provide any evidence for this estimate. Upon additional search another estimate on lost productivity of 10% due to workplace conflict was found (Barnes, 2006). However, this estimate was also not backed by data or description of a method. Therefore, these estimates cannot be accepted as reliable.

Turnover

Turnover costs are estimated to be between 25% and 240% of the annual salary of the position needing replacement depending on seniority and skill of the position. This is due to the many costs that a leaving employee causes, such as: immediate loss of productivity due to the vacancy, recruitment, selection and training costs for the new hire. Murtha (2005) suggests that 85% of turnover is at least related to if not directly caused by work place conflict. Murtha (2005), however, does not provide any data or method for this estimation. Duxbury and Higgins (2003) find that half of all voluntary turnover is related to frustration with the work place. While the link

between workplace conflict and frustration is obvious, the strength of this link was not estimated. Overall, it appears that even conservative estimates for turnover costs should be sufficient cause for organizations to attempt to reduce turnover. A more reliable analysis of conflict costs through turnover is however urgently needed.

Legal and Dispute Costs

The studies reviewed in this report are mostly concerned with employment disputes in the UK. They find that formal employment disputes are extraordinarily time consuming, each case taking up more than 10 days in HR, management and in-house lawyer time. Moreover, cases are extraordinarily expensive when they go in front of a tribunal, i.e. UK labor court, costing typically more than £250,000 per case. Less than a tenth of this money is spent if an early resolution, for example through mediation, is reached. Establishing the specific costs of formal dispute resolution to any organization should be a relatively easy task because attorney and court fees as well as compensation payments are directly available. An organizationally-specific analysis has the additional benefit of taking into account the specific legal framework in which the organization is situated. More litigious societies, for example, tend to find much higher legal costs than less litigious societies.

Conclusion

The costs of work place conflict to the organization can be identified and are hard but not impossible to quantify. This review identified eight themes – medical health, individual psyche, team behavior, wasted time, legal and dispute costs, customer relationship, Human Resources & Organizational Development, and counter-productive work behavior – that explain how work place conflict costs the organization money. Moreover, for wasted time, turnover and legal and dispute activities costs can be estimated: On average every employee wastes 3 hours a week on conflict. This time can be multiplied with the hourly salary to show direct costs. Up to half of all voluntary turnover may be directly related to frustration at work traceable to workplace conflict. Each time an employee resigns, anything between a 25-240% of this person's annual salary will be spent due to the departure. Finally, legal and other fees may well exceed over 100,000\$ per employment dispute. Some studies suggest that this cost can be reduced by up to 90%.

At the same time the proposed eight themes and the quantification for three of them should be taken with a grain of salt because a number of the reviewed studies did not provide any information on the methods and the overall sample of studies is very diverse. Furthermore, the reviewed studies were not sorted or selected according to the definition of workplace conflict that they applied. This paper and its overall results therefore, also, lack a clear underlying definition of workplace conflict.

Given that three kinds of costs can be reliably quantified in at least some studies, the next step could be the development of a reliable cost analysis tool that can be applied to a single organization to provide it with an estimate of their conflict costs. Time spent on workplace conflict could be measured through self-reports because they are easy to obtain and the respondent can either already distinguish between functional and dysfunctional as carefully defined by the researcher (cp. Insam, 2012) or the survey may not even ask to make that distinction because what the respondent intuitively understands as conflict appears to have not any beneficial effects on the organization at all (cp. De Dreu, 2007). Measuring turnover due to work place conflict needs to likewise rely on employee self-reports as it is the intention of the employee that counts. Surveys and exit interviews for employees leaving the organization should be useful. Measuring legal and other formal dispute resolution costs should be conducted through collecting the respective accounting information and quickly yield very reliable data. If a reliable analysis tool can be used in practice it may help to communicate the importance of conflict resolution systems to organizations and their board of directors. A first very promising attempt at such tool – although using estimates of managers rather than direct measurement of conflict costs – is the ‘Konfliktkostenrechner’ by Oliver Ahrens (see <http://www.reconciliare.de/>).

Finally, we have to consider that financial impact can only be one among many factors to assess the success of conflict resolution systems (cp. Rowe, 2010). Also, a taxonomy of financial costs of conflict should not be taken to mean that conflicts themselves can be easily pigeonholed into categories. We should remember that conflicts are often ill-defined and deeply embedded into the social fabric which itself is complex and hard to predict (cp. Dhiman, 2012, p. 59). Therefore, a taxonomy of *quantitative* conflict costs should instead serve to gain the attention of those governing the money to finance the in-depth, *qualitative* investigation and resolution of organizational conflicts.

ENDNOTE

¹ http://www.conflictatwork.com/conflict/cost_e.cfm; <http://www.smartbiz.com/article/articleview/26/1/5/>; <http://www.dummies.com/how-to/content/costs-associated-with-conflict-in-the-workplace.html>; http://www.cscsb.org/mediation/cost_of_conflict.html; <http://lenski.com/blog/hidden-costs-of-organizational-conflict/>; <http://www.bizjournals.com/washington/stories/2005/05/09/smallb6.html?page=all>; <http://www.coloradoconflict.com/Colorado%20Conflict%20Consulting/Consequences%20of%20conflict.html>; <http://www.robcairnsconsulting.com/>; http://www.squidoo.com/real_costs; <http://www.accordllc.com/preventionofworkplace-conflict.html>; <http://www.darrellpuls.com/>

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APPENDIX

In the following section search queries and data base names are distinguished by italic instead of quotation marks because quotation marks were part of the search queries themselves.

The following databases were included in the EBSCO interface: *PsycINFO, Academic Search Complete, Academic Search Premier, Business Source Elite, Business Source Premier, Consumer Health Complete - EBSCOhost, eBook Collection (EBSCOhost), ERIC, Funk & Wagnalls New World Encyclopedia, Health Source - Consumer Edition, Health Source: Nursing/Academic Edition, MAS Ultra - School Edition, MasterFILE Premier, MEDLINE with Full Text, Mental Measurements Yearbook with Tests in Print, Military & Government Collection, Newspaper Source, PEP Archive, Primary Search, Professional Development Collection, PsycARTICLES, PsycBOOKS, PsycCRITIQUES, Regional Business News, PsycEXTRA, AHFS Consumer Medication Information.*

The first query *Select a Field optional: work* OR organization* OR business* AND SU Subject Term: cost* AND SU Subject Term: conflict* AND TX all Text: financ* AND NOT title: agen** limited to peer reviewed articles aimed to identify to workplace conflict models explicitly mentioning the financial costs of workplace conflict but excluding principal agency theory papers. It yielded 56 articles. The second query replaced *AND TX all Text: financ** with *AND TX all Text: meas*"* to emphasize *measurability*. It yielded 52 articles. The third search query only included *Select a Field optional: work* OR organization* OR business* AND Select a Field optional: conflict cost** limited to peer reviewed articles to directly look for conflict costs. It yielded 10 articles. The fourth query *Select a Field optional: work* OR organization* OR business* AND Select a Field optional: "conflict cost*" OR "costs of conflict*" Not AB Abstract: war Not AB Abstract: peace* employed less restrictive wording than the second but excluded specifically articles concerned with peace and war. It yielded 310 articles. The final query included *Select a Field optional: workplace conflict AND Select a Field optional: cost** employing the more specific term *work place*. It yielded 39 articles.

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Please convert all graphics to TIFF or EPS format. Line art should be a minimum of 600 dpi, and half-tones a minimum of 266 dpi in resolution.

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Rowe, M.P. (1977). Go Find Yourself a Mentor. In P. Bourne & V. Parness (Eds), *Proceedings of the NSF Conference on Women's Leadership and Authority, University of California, Santa Cruz, California, 1977* (pp 120-140). Santa Cruz: University of California Press.

Miller, D. (2000). Dying to care? Work, stress and burnout in HIV/AIDS carers. London: Taylor & Francis.

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COMPREHENSION: The Journal and its reviewers pay much attention to ease of comprehension of manuscripts. For example, is jargon used without explanation, do sentences contain more than one idea per sentence, and are paragraphs and sentences too long? Authors are requested to avoid such concerns by avoiding jargon, keeping to one idea per sentence, and keeping sentences and paragraphs short.

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CONSIDERATION OF SUBMISSIONS

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Submissions are reviewed by at least two editors without consideration of the author's identity. Please ensure that the manuscript is anonymous by removing any link to the author. Remove reference material in any footnote that references the author of the piece for review and replace information with "Author." Note the instructions on making the manuscript anonymous in the section entitled "Format."

Timeline for Acceptance

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JIOA will attempt to honor reasonable requests for an expedited review of submissions. However, if we are unable to give an expedited review by the date requested, you will be notified that the article has been withdrawn from consideration. To request an expedited review, please contact the JIOA Editor and provide: your name, phone number, and e-mail address; the title of the article; your deadline for a decision.

Publication Dates

JIOA is published biannually. Articles are finalized for publication in September and March.

Antidiscrimination Policy

It is the policy of JIOA not to discriminate on the basis of race, gender, age, religion, ethnic background, marital status, disability, or sexual orientation.

SAMPLE FRONT PAGE

THE WAY THINGS ARE, HAVE BEEN AND WILL BE

John Doe
Organizational Ombudsman
ABC Inc.

Contact details:

ABC Inc.
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Tel: 012 345 6789
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Key Words: Ombudsman, history, dispute resolution, nirvana

Word Count (including Abstract): 2500

Abstract:

It was the best of times, it was the worst of times, and Ombudsmen saved the day by offering ethically based, neutral, independent and confidential services to their organization ("X") and staff. This paper dissects how Ombudsmen worked in the circumstances of concern and how they might systematise future interventions, using validated procedures described in detail in the article. The outcomes are identified, quantified, and a conceptual structure for applying the lessons learned is presented.

John Doe:

John Doe is a native of Equanimity and Hard Work, and has post-graduate degrees in thinking and doing from the School of Hard Knocks in the University of Life. He has worked as an organisational Ombudsman for 30 years and in his present position (at "X") for ten.

Acknowledgements:

The author is particularly grateful to A, B, and C for their stimulating discussion and ideas that led to the development of this article, and to D, E and F for reviewing earlier drafts of the manuscript.

REVIEW PROCEDURES

RESPONSIBILITIES OF EDITORS AND EDITORIAL BOARD MEMBERS

JIOA editors are designated as the Editor and up to four Associate Editors. The editors collaborate with an editorial board comprised of approximately twenty participants with IOA membership. The editorial board is intended to reflect the diversity of the association as best we can.

The primary contact for JIOA is the Editor who is responsible for the journal publication process and the journal website. The Editor directs the processing of manuscripts and maintains communication with the IOA Board of Directors, the Associate Editors, editorial board members/reviewers, and authors.

Editorial board members, and other IOA members designated by the Editor in special cases, are responsible for the peer reviews of the submitted manuscripts.

REVIEW PROCESS

JIOA uses a blind review process and all references to the author(s) and author's workplace are removed prior to the manuscript being distributed to reviewers.

The Editor and/or Associate Editors will review each submitted manuscript to determine if the topic is appropriate for publication in JIOA. Acceptable manuscripts will be distributed electronically to three editorial board members selected by the Editor for peer review.

Manuscripts judged by the Editor and/or Associate Editors as inconsistent with the general mission of JIOA or the recognized Standards of Practice will be returned to the primary author with comments and possible suggestions for revision.

Reviewers will use a consistent and systematic set of criteria to evaluate the quality and potential of a

manuscript. These criteria include items related to content, organization, style, and relevance. Review forms and comments will be returned to the Editor.

Each reviewer will recommend one of the following:

- Accept for publication as is
- Accept for publication with minor revisions as indicated
- Accept for publication after major revisions by author(s)
- Revision and resubmission for subsequent review
- Reject manuscript

The final decision on whether to publish a manuscript is made by the Editor and is based upon recommendations from the peer reviewers. If there is significant variation among the reviewers regarding the status of a manuscript the Editor may:

- Seek additional input from the reviewers
- Request an additional review
- Seek additional input from the Associate Editors

Reviewers' comments will be provided to the primary author. However, the reviewers of a specific manuscript will remain anonymous. It is the policy of JIOA to work with authors to facilitate quality publications. The Editor may suggest or an author may request that a member of the editorial board be available to provide assistance at various stages of the preparation and publication process.

NOTES FOR JIOA REVIEWERS

Reviewing manuscripts for JIOA must be undertaken in accordance with the principles of the IOA — by demonstrating independence, neutrality and confidentiality. This requires that manuscripts be accorded the status of office visitors. The content of reviewed manuscripts and of reviews should not be shared with anyone other than the Editor of the JIOA.

It is important for reviews to have a forward-looking, beneficial intent – this is an opportunity to give feedback that will help nurture, guide and develop authorship. It is not an exercise in showing you know more, are wiser or more clever and literate in the subject matter! Authors should learn from reviews and take away from the review a sense of future direction and beneficial development for their paper.

The aim of the review is to strengthen contributions to the JIOA, and thereby strengthen the ombudsman profession. In this sense, a review is as much a critique of the reviewer as of the manuscript. Accordingly, it is a requirement that all reviews offer information that can help guide the author. Although reviews are confidential (i.e., the manuscript author does not know who the reviewers are), they are best written as though the author is in the room. Accordingly, a useful test of the reviewers' assertions is the "Old Bailey" test: If they were standing in the dock at the Old Bailey, would they be able to justify their assertions to the author? Are they making statements that are justifiable, verifiable and credible, or just say-so? Does the tone of their review convey the IOA Standards of Practice in practice?

Reviewers are asked to look out for issues of comprehension in manuscripts, particularly:

- Make strong recommendations, where appropriate, for authors to break up long paragraphs;
- Avoid and, where possible, eliminate jargon;
- Maintain only one idea per sentence.

Each of these issues comprises an element of the Fog Index — the estimation of the comprehension afforded by a manuscript. Where the Fog Index is high, comprehension is low, and vice versa. The JIOA aims for the lowest possible Fog Indexes for manuscripts.

Where criticism is appropriate, it should ideally be constructive and be contextualised within a set of options given by the reviewer for modification of the text. Where there are clear mistakes, inaccuracies

or errors, these should be indicated and corrections or options for alternative expression suggested. Personal criticism — whether of content, ideology, style or tone — is unacceptable.

Please note, suggestions for modification should be itemised and returned to the Editor using the "Comments to the Authors" section of the JIOA Referee Review Form, which is sent to reviewers together with the manuscript to be reviewed. Suggestions for modification should **not** be returned to the Editor in the form of "Track Changes" in the original manuscript. This would identify the reviewer to the author and, even if this does not concern the reviewer, it might concern or prejudice the author in their consideration of the reviewer's comments. Reviewing is a form of power relationship. That is why anonymity is required on both sides.

Manuscripts may come in a variety of styles — from the determinedly academic (with numerous citations and references) to the determinedly idiosyncratic and personal. All styles may be acceptable, and need to be reviewed within their own context. Opinion pieces may have been commissioned by the Editor and, where this is the case, this will be indicated by the Editor.

Please note that the Journal also publishes manuscripts that acknowledge the linguistic and grammatical conventions of the author's country of writing. This means that spelling ('colour' or 'color'; 'organization' or 'organisation') may vary, and Editorial and grammatical conventions may also vary (e.g., placement of citations). While the Journal will normally publish accepted manuscripts in the linguistic style and grammatical conventions of the author, the final say on this rests with the Editor.

PUBLICATION AND TRANSFER OF COPYRIGHT AGREEMENT

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Please keep one copy of this agreement for your files and return a signed copy to:

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IOA STANDARDS OF PRACTICE

PREAMBLE

The IOA Standards of Practice are based upon and derived from the ethical principles stated in the IOA Code of Ethics.

Each Ombudsman office should have an organizational Charter or Terms of Reference, approved by senior management, articulating the principles of the Ombudsman function in that organization and their consistency with the IOA Standards of Practice.

STANDARDS OF PRACTICE

INDEPENDENCE

1.1 The Ombudsman Office and the Ombudsman are independent from other organizational entities.

1.2 The Ombudsman holds no other position within the organization which might compromise independence.

1.3 The Ombudsman exercises sole discretion over whether or how to act regarding an individual's concern, a trend or concerns of multiple individuals over time. The Ombudsman may also initiate action on a concern identified through the Ombudsman's direct observation.

1.4 The Ombudsman has access to all information and all individuals in the organization, as permitted by law.

1.5 The Ombudsman has authority to select Ombudsman Office staff and manage Ombudsman Office budget and operations.

NEUTRALITY AND IMPARTIALITY

2.1 The Ombudsman is neutral, impartial, and unaligned.

2.2 The Ombudsman strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The Ombudsman advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the organization.

2.3 The Ombudsman is a designated neutral reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures. The Ombudsman should not report to nor be structurally affiliated with any compliance function of the organization.

2.4 The Ombudsman serves in no additional role within the organization which would compromise the Ombudsman's neutrality. The Ombudsman should not be aligned with any formal or informal associations within the organization in a way that might create actual or perceived conflicts of interest for the Ombudsman. The Ombudsman should have no personal interest or stake in, and incur no gain or loss from, the outcome of an issue.

2.5 The Ombudsman has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration.

2.6 The Ombudsman helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best options.

CONFIDENTIALITY

3.1 The Ombudsman holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, including the following:

The Ombudsman does not reveal, and must not be required to reveal, the identity of any individual contacting the Ombudsman Office, nor does the Ombudsman reveal information provided in confidence that could lead to the identification of any individual contacting the Ombudsman Office, without that individual's express permission, given in the course of informal discussions with the Ombudsman; the Ombudsman takes specific action related to an individual's issue only with the individual's express permission and only to the extent permitted, and

even then at the sole discretion of the Ombudsman, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombudsman Office. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm, and where there is no other reasonable option. Whether this risk exists is a determination to be made by the Ombudsman.

3.2 Communications between the Ombudsman and others (made while the Ombudsman is serving in that capacity) are considered privileged. The privilege belongs to the Ombudsman and the Ombudsman Office, rather than to any party to an issue. Others cannot waive this privilege.

3.3 The Ombudsman does not testify in any formal process inside the organization and resists testifying in any formal process outside of the organization regarding a visitor's contact with the Ombudsman or confidential information communicated to the Ombudsman, even if given permission or requested to do so. The Ombudsman may, however, provide general, non-confidential information about the Ombudsman Office or the Ombudsman profession.

3.4 If the Ombudsman pursues an issue systemically (e.g., provides feedback on trends, issues, policies and practices) the Ombudsman does so in a way that safeguards the identity of individuals.

3.5 The Ombudsman keeps no records containing identifying information on behalf of the organization.

3.6 The Ombudsman maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including management), and has a consistent and standard practice for the destruction of such information.

3.7 The Ombudsman prepares any data and/or reports in a manner that protects confidentiality.

3.8 Communications made to the ombudsman are not notice to the organization. The ombudsman neither acts as agent for, nor accepts notice on behalf of, the organization and shall not serve in a position or role that is designated by the organization as a place to receive notice on behalf of the organization. However, the ombudsman may refer individuals to the appropriate place where formal notice can be made.

INFORMALITY AND OTHER STANDARDS

4.1 The Ombudsman functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and – with permission and at Ombudsman discretion – engaging in informal third-party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves.

4.2 The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.

4.3 The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the organization.

4.4 The Ombudsman supplements, but does not replace, any formal channels. Use of the Ombudsman Office is voluntary, and is not a required step in any grievance process or organizational policy.

4.5 The Ombudsman does not participate in any formal investigative or adjudicative procedures. Formal investigations should be conducted by others. When a formal investigation is requested, the Ombudsman refers individuals to the appropriate offices or individual.

4.6 The Ombudsman identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.

4.7 The Ombudsman acts in accordance with the IOA Code of Ethics and Standards of Practice, keeps professionally current by pursuing continuing education, and provides opportunities for staff to pursue professional training.

4.8 The Ombudsman endeavors to be worthy of the trust placed in the Ombudsman Office.