



Survey Results on Creating Academic Ombuds Offices: An Analysis and Extrapolation of Comments from Working Academic Ombuds

DIANE VAN HOOSE

ABSTRACT

This study explored needs, benefits, and pitfalls associated with funding, creating and maintaining Ombuds offices and services on college and university campuses. Online responses of 76 working academic ombudspersons to a six-item survey tool were analyzed for recurring themes. Five themes were identified as: 1) **Improving campus functionality**, 2) **Dispersing information**, 3) **Identifying problems and concerns**, 4) **Raising awareness of cost effectiveness and value of services**, and 5) **Maintaining and developing professionalism**. The knowledge gained from this study may be used in decision-making by existing programs, and by academic institutions and state legislators, when considering sustaining or creating academic Ombuds services.

KEYWORDS

Ombuds, academic, colleges, universities, funding

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The purpose of this survey was to gain perspectives from working academic ombuds on best practices for campus ombuds services in higher education settings. Even if professional ombuds are employed to staff and run academic ombuds offices and services, it may require the efforts of non-ombuds to establish support and funding for creating academic ombuds offices or services. A predicament encountered in creating academic ombuds offices is that key people needed in roles as initiators or supporters to create, fund, and utilize the office may not have a comprehensive understanding of the meaning of the word “ombuds,” and the concept of ombuds as practiced in institutions of higher learning. Individuals creating the vision and reality of ombuds offices and services may be comprised of campus administrators, faculty, students, and community members (including state legislators, especially for public colleges, university systems, and campuses).

Recent video coverage asking adult community members and college students “what are ombuds?” has been recorded with the following responses:

Adults on the Street Responses

Maricopa County: What is an Ombudsman? (Maricopa County, 2019)

1. “I don’t know.”
2. “I never heard of that.”
3. “A person?”
4. “Is that like a bud?”
5. “A person on drugs maybe?”
6. “A guy who really likes Budweiser beer.”
7. Answer from Maricopa County Ombuds Andy Linton: “For the record... it literally means “representative” and the role here in Maricopa County is to help customers resolve their concerns...”

College Students Responses

Wake Tech: What is an Ombuds? (Wake Technical Community College, 2017)

1. “I don’t know. I’m going to go with a plant.”
2. “Ear buds.”
3. “Something technical?”
4. “Ah computer science related?”
5. “I’ve never heard of it, a type of food?”
6. “Isn’t an ombuds a place where you can go to have confidential conversations about any issues or concerns. Somebody helps with conflict resolution is that right?”
7. Answer from Wake Tech Ombuds Jerry Nuesell, PhD: “We have a new office on campus, an ombuds office. So an ombuds is a conflict resolution specialist. And, it’s a place where people can go have a confidential conversation about any issue or concern that they’re having -- Someone who’s here on campus to help students if they have disagreements with other students or with instructors. If they’re looking for a confidential place to work out some issues, we have one of those on campus now.”

Ombudsman translates from Swedish as a “representative.” The Merriam-Webster dictionary defines the term ‘ombudsman’ as: “a person who investigates, reports on, and helps settle complaints” (2021). The idea to start a governmental ombuds office in Sweden was brought from the Turkish Ottoman Empire by the Swedish King Charles XII (Rasch, 2018). The office was later absorbed into the office of Civil Ombudsman, established by the Swedish Constitution of 1809 (Jagerskiold, 1961).

Many countries have adopted this concept. The ombuds model began to be utilized during the 1960s in U.S. organizations, universities/colleges, and in federal, state, and local government (Alcover, 2009; Hill, 2002; Howard, 2010).



Academic ombuds may offer alternative conflict resolution resources for students, faculty, and staff based upon the IOA Code Of Ethics, and the four IOA Standards of Practice:

Independence, Neutrality and Impartiality, Confidentiality, and Informality (International Ombudsman Association [IOA], 2009). The American Bar Association (ABA) recently noted that there is wide variation in adherence to the International Ombudsman Association's and other professional ombuds associations' standards for confidentiality, impartiality, and independence. Furthermore, the ABA encouraged compliance with those professional standards to promote expansion of organizational ombuds offices as informal lines of communication to help with interpersonal and systemic challenges, while championing best practices for corporate governance (American Bar Association, 2017).

Without independent standing for an ombuds office, confidentiality, impartiality, and informality may be less feasible. Importantly, the perception of conflicts of interest to the organization may undermine visitor trust in or use of ombuds services. Specifically, multiple roles of an ombuds that also include other formal roles of administrator, faculty, etc. within the organization, have a high potential for conflicts of interest (International Ombudsman Association, n.d., p. 17.). IOA recommends that the ombuds office report directly to the highest level of an organization for maximum independence and easiest access to those at the very top of the organization (International Ombudsman Association, 2009).

Without anonymity, many people within an organization may be uncomfortable accessing information or assistance of any kind for fear of retribution or loss of reputation. Rowe and Gadlin observed that:

“Ombuds offices can ‘hear’ across the entire organization, across virtually all boundaries. Because of the standards of ‘confidentiality, neutrality, independence, and informality,’ successful ombuds offices are one of the few places where people from anywhere in the organization feel relatively free to come to speak, at any time, about any issue.” (2014)

COLLEGE AND UNIVERSITY OMBUDS PROGRAMS

East Montana College established the first U.S. college ombuds office in 1966 (Alcover, 2009; Howard, 2010). In 1967 Michigan State University created a university ombuds office. Following the National Guard's shooting and killing of Kent State University students during the 1970 Anti-Vietnam War demonstrations, President Nixon's Commission on Campus Unrest approved campus ombuds as an effective dispute resolution mechanism; and by 1971, sixty-nine college and university ombuds programs had been created (Howard, 2010). In the 1980s an ombuds at Michigan State University wrote that: “Protests and demonstrations have more or less vanished, but less visibly, below the surface, are a multitude of old and new antagonisms” (Stieber, 1982).

Ombuds services are mandated by state law for public colleges in the two states of Florida and Georgia (Florida Department of Education, 2019; Georgia Department of Education State Ombudsman, 2019). Numerous campus benefits have been ascribed to academic ombuds services. These benefits may include services related to: preventing conflict, dispute resolution, preventing campus bullying, identifying system issues and causes of problems, improving proactive engagement, and giving all stakeholders in an organization a voice (Barkat, 2015; Byer, 2017; Hollis, 2016; Katz & Kovack, 2016; Katz et al., 2018; Rowe & Gadlin, 2014; Yarn, 2014).

A CAMPUS OMBUDS OFFICE EXEMPLAR

The University of California Merced Ombuds Office provides conflict resolution services for the entire campus, including students, undergraduate and graduate students, faculty, non-senate



faculty, lecturers, post-doctoral scholars and administrators. Academic Ombuds Deidre Acker (UC Merced, 2014) described the UC Merced Ombuds Office as a safe place on campus to talk about confidential issues for people who want to use their services. People can talk about their issues and about various options informally on a spectrum from “do nothing, all the way up to what formal grievance procedures are.”

In the UC Merced video recording (2014) Acker said:

“... people usually just want to tell their story, and kind of see it all laid out. And, sometimes people are really hurting; they may be afraid of retaliation. So again we protect from those kinds of things so people can feel safe to express themselves. And it’s really a preventive service, kind of a safety valve so we can try to prevent grievances from happening; and that people can have a positive working, learning, researching environment. And we, from the very beginning, have followed the International Ombuds Association standards of practice, and ... number one is confidentiality. So everything is completely confidential. I don’t tell anybody who else comes to see me, unless I perceive an imminent harm of self -- a danger to self or others.”

Furthermore, Acker described how she follows IOA Standards of Practice (2009):

1. Confidentiality (unless there is imminent danger to self or others)
2. Neutrality (I’m neutral, I’m nobody’s advocate. I’m an advocate for fair processes)
3. Independence (I’m also independent. So I report right into the Chancellor’s Office, but I don’t tell her who comes to see me and she never asks)
4. Informality (And then I’m also informal. So I’m not part of any formal grievance process, I can’t later be served as a witness. I don’t keep records. Every time I’m done with a case I shred all those records. That really keeps it informal and confidential even if things go differently down the road)

Additionally, Acker emphasized that: “We do not provide counseling services for mental health kinds of issues; those resources exist on the campus for both students and employees. We also don’t provide any legal services or legal advice.”

If there is a concern and people are not sure what to do about it, or they are not sure even who to talk to about it, then they can come in and talk about it and get help to figure out different options for how they want to resolve that issue, “because really the goal is to have a very positive place where people want to come to work, where they want to come to study, and where they want to come to do research” (UC Merced, 2014).

STUDY PURPOSE

Fewer than 10 percent of U.S. universities and colleges have an ombuds office (“Higher Ed Colleges and Universities,” 2019; National Center for Educational Statistics, 2019). Creating and sustaining academic ombuds services may improve campus conditions in higher education. This survey of working academic ombuds was undertaken to learn: 1) How ombuds services in higher education currently influence campus disputes, conflicts, and issues of concern for students, staff, and faculty; 2) How ombuds can be effective in higher education settings; and 3) How to identify workable ways to start and sustain academic ombuds services for people across academia who could benefit from such programs.

SURVEY DESIGN AND METHODS

The survey design was in two phases, a small qualitative pilot study to assess the feasibility of a larger qualitative survey study. The small pilot qualitative study was completed in-person, using a



six-item English-language, anonymous paper survey, which required 10 to 15 minutes to complete. One demographic question asked if the participant provided ombuds services for students, staff, or faculty. Another question used both a Likert scale and a comment box. The remaining four items were open-ended questions on practice issues or on funding strategies for ombuds services.

The target population for the small pilot study was the working academic ombuds who were attending an international conference for campus ombuds, held November 10-13, 2019, at the Asilomar Conference Grounds in Pacific Grove, California (California Caucus of College and University Ombuds 46th Annual Conference). Eighteen ombuds completed the paper surveys, which were distributed to all of the approximately 75 workshop participants. Based on the thoughtful, comprehensive, and rich content in the survey responses in the pilot study, it was decided that a larger number of participants for a larger online qualitative study was reasonable. More participants would be useful in further focusing and identifying valuable information about real-world academic ombuds: who they are, how they work, and how they envision creating or sustaining ombuds offices at institutions of higher learning. Permission to do the pilot study and the online study was granted by IOA leadership.

The larger qualitative survey study was an electronic duplicate of the same paper survey tool used for the in-person pilot survey (See Appendix A). Invitations to participate in the anonymous online survey were emailed by the IOA to 406 active members of the IOA academic sector. The online survey was open from December 6, 2019 through January 15, 2020. This study is based upon the online survey results from the 76 online survey participants who responded, which represented a survey completion rate of 18.7% of the 406 people invited to participate. The decision to use only online survey results was made to avoid any duplicate responses from participants who might have also completed an in-person survey in November 2019.

HUMAN SUBJECTS PROTECTION

Institutional Review Board exempt status for this study Protocol ID: 2019-00757 was approved from the University of Hawaii Office of Research Compliance on October 4, 2019. This research project posed less than minimal risk to participants (i.e., no known physical, emotional, psychological, reputational, or economic risk), and did not involve any vulnerable population.

DATA ANALYSIS

Qualitative comments from the participants were color-coded to more readily identify common themes for responses to each of the survey questions. Direct quotations from participant response comments, which typified those participants' perspectives of a particular theme, were selected to be included as exemplars.

SURVEY FINDINGS

Seventy-six academic ombuds responded to the online survey. Results of this online survey were combined into major themes. Five major themes are described and analyzed below, as they emerged within the survey responses. The five themes were identified as: **1) Improving campus functionality, 2) Dispersing information, 3) Identifying problems and concerns, 4) Raising awareness of cost effectiveness and value of services, and 5) Maintaining and developing professionalism.**

QUESTION 1. WHAT BEST DESCRIBES YOUR ROLE IN OMBUDS SERVICE? (SELECT ALL THAT APPLY)



The responses for Question 1: the majority of the 76 academic ombuds respondents provide services for multiple groups within the academic community. Out of the 76 ombuds, 65.79% (n=50) serve students, 73.68% (n=56) serve staff, and 81.58% (n=62) serve faculty.

QUESTION 2. PLEASE DESCRIBE ANY CONVINCING REASONS FOR A STATE LEGISLATURE AND/OR BOARD OF REGENTS TO APPROVE A CAMPUS OMBUDS OFFICE, AND/OR TO FUND PUBLIC COLLEGE AND UNIVERSITY CAMPUS OMBUDS OFFICES

Five major themes were extracted from the 73 total participant responses to Question 2:

1. Almost seventy percent, (n=51) of responses focused on ombuds services **improving campus functionality** related to: morale, fairness, justice, communication, inclusiveness and team building, conflict resolution, and productivity.
2. Fifty-seven percent, (n=42) noted that ombuds mitigate and deal with mismanaged conflict early, productively, constructively, and informally, and 49% (n= 36) stated that ombuds services included preventative process such as providing a safe place to be heard, identifying problems, and recommending campus changes.
3. Forty-five percent (n=33) of responses had to do with ombuds roles in preventing consequences when conflict is ignored. Some of the major problems ombuds felt were mitigated or prevented by academic ombuds included: lawsuits, grievances, non-productivity, and research misconduct; 28% of responses (n=21) focused on ombuds **dispersing information**: to help others access campus resources, preventing public scandals, providing a whistle blower resource, **identifying problems and concerns** for upper administration and others, and addressing school and workplace issues.
4. Thirty-one percent of responses (n=23) noted that ombuds services support communication of diverse stakeholder interests and perspectives, inclusiveness, neutrality, and provisions for a safe place for communications. Seventeen responses **reported cost-effectiveness of ombuds services as well as value added ombuds activities** that reduce campus incivility: bullying, mobbing, isolating, unethical behavior, abuse of power, verbal abuse, physical abuse, and reputation assault. Twenty-one percent of responses (n=16) noted that ombuds services improve campus student retention rates and reduce employee attrition.
5. Twenty-three percent of responses (n=17) included improved awareness of trends and compliance concerning faculty, institutional, system-wide, and state-wide concerns. **Maintaining and developing professionalism** is key to achieving ombuds goals congruent with the IOA Standards of Practice (2009). Several responses (n=5) specifically refer to the IOA Standards of Practice (2009) or to the FCO (Forum of Canadian Ombudsman) Code of Ethics (2014). The FCO Code of Ethics (2014) defines ombuds standards related to independence, impartiality, fairness, confidentiality, and credibility.

The five main themes found in the survey comments extracted from the 76 participants' comments were: 1) **Improving campus functionality**, 2) **Dispersing information**, 3) **Identifying problems and concerns**, 4) **Raising awareness of cost effectiveness and value of services**, and 5) **Maintaining and developing professionalism**. These themes concerning ombuds functions and outcomes within the survey responses indicate positive humanistic, environmental, and economic effects arising from campus ombuds services. The positive themes and data here thus support advocating for and creating sustainable independent academic ombuds offices at institutions of higher learning. If state legislatures or boards of regents do not



mandate or fund ombuds services for public academic institutions, then perhaps the U. S. Department of Education or the U.S. Congress might be lobbied to support this endeavor.

Ombuds may prevent, mitigate, and mediate conflict, in varied forms. Taking a systematic approach to focus on organizational causes of conflict and on transforming conflicts and disputes into solutions facilitate strategic positive outcomes (Lipsky, 2015). One respondent below discussed how academic ombuds services enhance life for people at academic institutions while improving the functionality of an academic institution:

“Ombuds offices create a space in which students can seek consultation when they have questions/concerns that institutional systems are not operating as stipulated. Institutions can then utilize the trend information and feedback the ombuds provides to improve institutional policies, processes, systems, and structures to enhance the institutional environment.”

Professional ombuds skill sets and adherence to the IOA Ombuds Code Of Ethics (2007) and IOA Standards Of Practice (2009) allow ombuds offices (vs. mandated reporters in faculty and staff offices) opportunities to use impartiality, confidentiality, and informality to achieve fairness and justice among individuals and groups in higher education institutions. Ombuds can act as a liaison for and between parties, and as an established impartial and neutral information source to guide positive changes within academic institutions. This is not a duplication of services. A comment on how an academic institution benefited from creation of a confidential and informal reporting alternative to build trust on campus, also brought up this strategy as one used by ‘aspirational peer institutions’ and may be thought of as an ideal method for improving campus-wide trust to improve internal reporting of concerning behaviors or compliance violations.

“Private university had many public scandals leading board of trustees to create a very robust internal reporting and compliance program. At the same time, the trustees also realized that campus stakeholders had suffered a deep loss of confidence. Therefore, the trustees decided to also implement a confidential and informal alternative. This also reflected a desire to have programs consistent with their peer (and aspirational peer) institutions.”

Ombuds can help organizations to comply with legal and ethical obligations through workshops, supportive expertise, communications, and relevant campus activities for students, faculty, staff and administrators. Mandates from state and federal agencies, the courts, and acts of Congress shape organizational governance. Whistle-blower protections, employment rules, and criminal liability protections require effective compliance, anti-discrimination, and anti-harassment policies and procedures; non-retaliatory complaint, reporting, and enforcement mechanisms; as well as anti-discrimination and anti-harassment training programs (Howard, 2010).

Economic benefits of campus ombuds services were mentioned in seventeen Question 2 responder comments, and one response provided a detailed example:

“The cost of conflict for an organization can be significant in lost productivity, PTO [paid time off], and hours of all employees involved including management and potentially legal. The industry average is about 2.9 hours per employee/month. Depending upon the size of your organization this can be quite high. Example: average salary of \$18.00/hr [hour] x 2.9 x 500 employees = \$26,100/mo [month] or \$313,200 annually and this is conservative based on a low salary. As such; it is important to establish a non-disciplinary resource for the resolution of internal conflicts in a productive and timely fashion.”



The complexity of all academic campuses is an important trait addressed by the following comment:

“Universities are unique environments that involve interactions between subsystems that do not always share the same goals and values. Communication across subsystems can, therefore, be challenging and marked by conflict. The ombudsperson [ombuds] can use informal processes to move quickly between subsystems to facilitate resolutions to problems that would normally require an investment in time and energy. Additionally, quick resolution can help to avoid the use of formal grievance processes.”

Focused on individual, group, and unit needs, this next response described how ombuds help others by:

“Providing to all constituents a "zero barrier" office: a completely safe place to discuss concerns and good ideas. This is especially important if there otherwise are "mandatory reporting" rules. Serving all constituents (all ranks, all geographical units, targets, bystanders, alleged offenders, etc.) means the O [ombuds] can pick up new issues before they are big issues.”

Finally, in acknowledging that actions often speak louder than words, the following response stated that ombuds “demonstrate and serve as a role model in how to deal with difficult situations, conflict, change, systemic movement on campus and the community.”

The next section below describes ideas for funding or creating ombuds offices. Some of the ideas include ways to insulate ombuds offices from budgetary, political, and ethical pressures.

QUESTION 3. PLEASE DESCRIBE ANY IDEAS FOR FUNDING CAMPUS OMBUDS SERVICES, OR FOR MITIGATING EXPENSES, WITHOUT PLACING FACULTY, ADMINISTRATORS, OR OTHER EMPLOYEES IN POSITIONS WHERE ETHICAL, POWER-IMBALANCES, OR CONFLICTS OF INTERESTS MIGHT ARISE FROM DUAL ROLES

There were 68 total participant responses to Question 3.

- 1) Thirty percent of responses (n=21) focused on how ombuds services pay for themselves in terms of value in preventing costly problems.
- 2) Twenty percent of responses (n=14) suggested funding by student fees or a collective pool of funds.
- 3) Seventeen percent of responses (n=12) emphasized the importance of not funding ombuds from any one department, to maintain independence.
- 4) Eight of the 76 participants did not respond to this question and seven of the 68 responses were “not sure.”

There was an even split among the 14 responses that suggested using or condemned using dual roles (part-time ombuds hours with part-time other faculty or staff roles hours). Six responses suggested charging for outside community or state services that an ombuds office might take on such as fundraising activities, grants, donations, or endowments. Lastly, four responses suggested state funding, and one said they had state funding.

The concept of cost-savings was noted often, such as in the following response:

“Study the cost-offset following the establishment of ombuds offices (that is, do legal and risk claims decrease following the establishment of an ombuds office?) This may require a 5-10 year follow up, as the benefits may not arise in the near term.”



Measuring cost effectiveness and return on investment may not provide a clear view of ombuds and program value. Quality assurance and improvement will require ongoing evaluation and planning to ensure that missions, goals, and activities are consistently reviewed and updated based upon outcomes and feedback. Schenck and Zinsser (2014) suggested aligning, embedding, and integrating ombuds activities that maximize ombuds and program contributions, so that people in the organization become aware of the full humanistic and economic documented value of those contributions. Another participant noted that:

“Most ombuds offices pay for themselves very quickly. Assessments conducted by John Zinsser of Pacifica Human Communications an expert on ombuds program performance metrics, demonstrate that for every \$1 invested in an ombuds program, between \$14 and \$23 of value is returned to the organization.”

The concept of ombuds services and salaries not coming from a single department to help maintain the independence of ombuds was articulated by three responses, such as:

“Ultimately it would be best to align an ombudsman salary to be dispersed directly from a discretionary pool out of Admin. & Finance (not a specific department such as HR or the President/Provost office). This would lend credibility to the misconception of influence by a particular department/leader.”

Student fees were a funding source for some respondents' campus ombuds services. Also, using a collective fund from multiple budgets or sources was proposed: “Fund the function from a collective pool of funds.” Another response suggested that “each major sector should contribute to a community pot of funds available for the ombuds program.”

Another participant felt that:

“for those who serve faculty, staff, and students, consider whether half the salary can be paid through existing student fees. Sharing the expense may signal that the ombuds doesn't 'belong' to any one group.”

There were caveats to the responses that suggested using dual roles to help finance ombuds services:

“Our ombuds office is currently staffed by a tenured full professor who does not carry out teaching duties while in the role. The ombuds reports to the president rather than to the chair of her home dept. This minimizes conflicts of interest. The fact that the ombuds is a tenured full professor enhances the independence of the office.”

Problem-solving for dual role conflicts of interest included:

“Could have multiple collateral appointments in which COI [conflicts of interest] are handled by the other ombuds— choosing someone not in a role which makes decisions about policy, grades, etc. avoids some of that. Ideally it needs to be a ft [full-time] independent office.”

One response suggested moving funding from other roles or departments:

“The ombuds function best works when it operates independent of other responsibilities. And it best operates with a level of independent authority so as not to create power imbalances. If it is not feasible for it to be funding as a new position, consider transferring funding from other roles or departments within the institution.”



The idea of creating one or more endowed ombuds chairs at an academic institution would insulate them from pressures from the institution's budgetary concerns. Also, an endowed chair role (as opposed to a department chair role) is inherently more independent, with fewer institutional assigned duties or political or personal pressures subject to defunding or punitive position elimination. A response comment noted that:

"In a small (and perhaps ANY) school, creating an endowed chair for the ombuds would further identify the office as separate & clearly independent within the institution. One funding idea: seek personal contributions for the endowment from attorneys in area who are members of the American Bar Association--a strong supporter of IOA. A local attorney was pleased to hear that our campus had an ombuds and I think might help fund it."

An alternative idea is having an academic ombuds office be part of the state government as a part of an existing state ombuds office, with a separate section of multiple academic ombuds who serve all public academic institutions. This could be a good idea for a number of reasons. First, their position and office would not be reliant on academic institutional budgets. Second, the ombuds offices could more easily be IOA compliant, independent, impartial, neutral, confidential, and informal by not being part of or subject to pressures from the academic institutions they serve. Third, in the case of a conflict of interest, another ombuds from the state ombuds office could take over the case. A downside could be in serving more than one campus or institution, a lesser familiarity with the needs, resources, and accessibility could hinder efficacy, services, and satisfaction. These are factors to consider when reading the two respondent comments below:

"Perhaps there should be an independent organization which provides ombuds services to universities on a retainer basis. Sort of a staffing agency which would charge a retainer and/or per-case fee so students could have access to the services, true neutrality could be maintained, and the university would have the opportunity to see the value of the ombuds."

Collaboration on a regional level or state level is worthy of consideration:

"Optimally an ombudsman [ombuds] role could be established through a State agency (paid through the agency) and assigned to any organization that does business in the State. A consortium for participation in the program could be established where standardized "dues" are paid to participate that can offset some or all of the expense incurred by the State agency where the salary/benefits are being charged."

The above concept is a reality for another participant, who described the arrangement below:

"I'm in favor of ombuds that are independent contractors because it enhances the appearance of independence and neutrality (disclosure: that is how my role exists) and I think that funding for ombuds can easily be shared - crowd sourced if you will - among multiple campuses. I serve as an ombud for a day per week at one University and on a project or "as needed" basis on other campuses which allows for multiple institutions to share the cost and alleviates the need for a full-time position and the costs associated with it."

QUESTION 4. IN YOUR OPINION, HOW COULD A CAMPUS MENTAL HEALTH COUNSELOR, PSYCHOLOGIST, LAWYER, SOCIAL WORKER, OR GRADUATE STUDENT WITH SPECIAL TRAINING/EXPERIENCE IN MEDIATION, NEGOTIATION, AND ALTERNATIVE DISPUTE RESOLUTION, ALSO EFFECTIVELY FUNCTION AS A PART-TIME IMPARTIAL AND



CONFIDENTIAL CAMPUS OMBUDS? IF YOU DO NOT THINK THAT THIS IS POSSIBLE, WHY DO YOU FEEL THAT IT IS NOT POSSIBLE?

There were 74 total participant responses to Question 4.

1. Fifty-six percent of responses (n=42) indicated that it is either not possible or not advisable to effectively function as a part-time impartial and confidential campus ombuds with another campus role.
2. Nearly 19% (n=14) of responses indicated that this was possible, but usually with caveats. Sixteen percent of responses (n=12) felt that graduate students should not work as ombuds.

The majority of responses extracted for Question 4 expressed the opinion that a non-ombuds/different part-time role on campus would not be feasible or advisable for an effective impartial and confidential part-time campus ombuds. The rationales provided for this varied:

“I do not believe that complies with the spirit of the IOA Standards of Practice. Wearing more than one hat automatically undermines independence and confidentiality.”

Another respondent specified several downsides related to dual roles:

“No I don't think it's possible because that person would not be independent or impartial and confidential. Also this person would not be able to effectively tell leaders harsh realities when they have other roles, grades, or income at risk. This model of ombuds suggested leaves too many possibilities for power struggles and potential retaliation when truth telling is a part of the role.”

Incongruities between dual roles may also jeopardize non-ombuds roles:

“APA [American Psychological Association] and typically licensure require that psychologists avoid multiple (formally dual) relationships with clients. Serving as both ombuds and psychologist would violate professional standards and ethics and would not be possible.”

Dual roles may also confuse community members who utilize services:

“Not possible because the provider is wearing multiple roles/hats and community members may not be able to distinguish the roles.”

One ombuds participant noted both overlapping and incompatible professional expectations for ombuds roles vs. attorney roles:

“I am a licensed attorney; however, I do not work for the university as an attorney; I do not give legal advice. My prior experience, practicing in employment law and higher education law, provides me with a skill set and legal understanding to spot issues with the visitors to the ombuds office. However, to be impartial and confidential, I could never have a dual role as the attorney and the ombuds. The attorney has a legal and ethical duty to their client, the university, and therefore could never be truly impartial or confidential with a visitor to the ombuds office. Furthermore, the ombuds role is somewhat of a professional coach, not a therapist or counselor. If a visitor needs mental health services, I help them find those services, but the ombuds should not breach that boundary. To do so, would make the ombuds an advocate for the visitor and not an advocate for fairness. The need to be impartial requires the ombuds to advocate only for fairness and NOT to advocate for a cause, issue, person, group, department, etc. All the other options/professions listed in your question require the ombuds to take a side and



ombuds need to be very, very careful to not get pulled into one side of an issue. Furthermore, if someone has a dual role as social worker/ombuds, then if an issue arises within their department where they are the social worker, then they cannot be the ombuds for anyone in that department, including any students.”

Other responders felt that a dual role was possible, but often with provisions:

“...it is possible, if they are recused from any situations where they may have a conflict of interest.”

And: “It would only work if the ombuds was completely transparent about conflicts of interest and avoided those cases. An additional ombuds with different conflicts would help. In addition, clear delineation between the two roles would be important (different websites, office spaces, phone and email, etc.). Also, strong policies about confidentiality are required.”

There were several different reasons why some participants felt that graduate students should not work as ombuds: “I also don’t believe that anyone in a student capacity will work as an ombuds either, because it is best to have a professional who is employed by the institution in the role.” Another participant felt that: “Students just do not know the culture sufficiently to explore options with a visitor.”

With the perspective of seeing graduate students as a vulnerable population, a pertinent comment was that: “I would not recommend that a graduate student serve in the role. They would not be in a position to be independent.”

Lastly a response stated: “Not appropriate for a student—requires a level of institutional knowledge, experience, and comfort with all kinds of personal trauma, conflict and professional concerns that it would be hard to imagine coping with that as a student.”

QUESTION 5. WOULD A 2 OR 3-YEAR ROTATION AWAY FROM CAMPUS TEACHING OR EVALUATION ROLES DURING OMBUDS SERVICE ELIMINATE MOST CONFLICTS OF INTERESTS?

There were seventy-five Question 5 responders.

1. Twenty-one percent (n=16) selected the Likert scale options of “Strongly agree” or “Agree” that a 2 or 3-year rotation away from campus teaching or evaluation roles would eliminate most conflicts of interests during the ombuds role.
2. Twenty-nine percent (n=22) selected “Neither agree or disagree.”
3. Another 45% (n=34) selected “Disagree” or “Strongly disagree.”

The Question 5 survey responses indicate that rotating out of campus teaching or evaluation roles during ombuds service is viewed by most responders as not eliminating most conflicts of interests during academic ombuds service. Comments included: “May be hard for faculty/staff to return to previous roles given the confidential aspects of the role. Not impossible, but something to consider.” And: “With individuals knowing that a return to those roles is imminent, the visitors may not feel that their issues are truly confidential.” Also: “It is hard to move away from relationships you have. Even more so to be objective when you know you will be going back to those relationships.” Another perspective was that: “...I do believe that is best to have an ombuds that is in the position long term. Rotating out every few years impacts the continuity of the office and operations.”



Sentiments that pre-existing bias from former campus roles were issues that concerned some respondents: “A temporary suspension doesn’t negate long term relationships that might give rise to potential conflict and jeopardize neutrality.” Another person commented that: “It would also be helpful to bring someone in that has no connection to the university community.”

Another respondent touched on the complexities involved with conflicts of interest:

“The most vital element in freeing an ombud and their work of conflicts of interest is their own personal integrity and scrupulous fidelity to their role & function. A rotation period ‘sounds good’ but would not insulate anyone, ultimately, from bias or the “bleeding” of interests. Only a deeply held faithfulness to the IOA Code of Ethics and a stubborn refusal to be influenced by power (either feared or held) can neutralize potential conflicts of interest.”

Professionalism in the ombuds role is integral to development of and quality improvement in undergraduate and graduate education, internships, and research opportunities to prepare upcoming generations for meaningful accomplishments as ombuds. One respondent expressed the following related opinions:

“If the office of ombuds is going to get the respect it deserves, it needs to be treated as an actual occupation. Ombuds should have appropriate training and credentials and then need to be tireless advocates for the value of the office. Having part-time people or treating this as an additional assignment will not help to build credibility.”

While licensure is not required for an ombuds role, certification is available (IOA, 2021). It is not difficult to imagine licensure, certification, or ongoing continuing education requirements emerging in the near future on a state or other level. One participant commented:

“I think ombuds should be technically trained in all conflict intervention models and an outsider. Most insiders know the culture and already have relationships that can hinder the independent perspective of visitors. And Ombudsman should be trained in conflict coaching, executive coaching, mediation, conflict analysis, conflict resolution systems design and analysis, qualitative and quantitative data analysis, stakeholder assessments, and have emotional intelligence.”

QUESTION 6. IS THERE MORE YOU WOULD LIKE US TO KNOW OR HELP US TO CONSIDER? TO PROTECT YOUR ANONYMITY, WE ASK THAT YOU AVOID SHARING INFORMATION THAT MIGHT REVEAL YOUR IDENTITY OR THE IDENTITY OF ANYONE ELSE. PROVIDE YOUR COMMENTS HERE:

There were 28 responses to Question 6 that did not consist only of n/a, none, or no. For comments to Question 6, there were 11 comments focusing on the importance of role, training, and independence of academic ombuds:

“In the higher education ombuds model I believe that the ombuds should be a direct report to the leadership of the institution. I truly feel that they should be accessible to all students, faculty and staff. And I feel that their annual reports for policy changes should always be considered to create a collaborative community. I also feel that a whistleblower policy should also be in place for those who bring egregious cases forward.”

The above comment on accessibility to ombuds services and collaborative community building is thought provoking. According to Conbere (2000), organizational ombuds are both part of alternate non-adversarial dispute resolution systems (to reduce litigation), as well as part of conflict



management systems (proactive systems to improve collaboration, morale, productivity, and retention). Conflict management systems should "... attempt low-level early resolution, not escalate" (Society of Professionals in Dispute Resolution (n.d.).

Ombuds offices can play important roles for all five characteristics of an effective integrated conflict management system, as identified by the Society of Professionals in Dispute Resolution (2001, p. 9), which include:

1. Providing options for all types of problems and all people in the organization.
2. Creating a culture that welcomes dissent and encourages resolution of conflict at the lowest level through direct negotiation.
3. Providing multiple access points. People can readily identify and access a knowledgeable person whom they trust for advice about the conflict management system.
4. Providing multiple options - both rights-based and interest-based - for addressing conflict.
5. Providing systemic support and structures that coordinate and support the multiple access points and multiple options and that integrate effective conflict management into the organization's daily operations

Eleven comments on campus dual roles of part-time ombuds took a perspective aligned with the following comment that:

"Ombuds work on difficult issues, and tell people things they don't want to hear all the time. A rotation away from other duties to be an ombuds would not be effective as just having an independent ombuds because people in academia have long memories. The fear of retaliation down the line would be strong, and would prevent an ombuds from being effective in reporting on trends, advocating for policy, etc."

DISCUSSION

The survey findings support the Transformative Mediation Model, as described by Folger and Bush (2014), on individual, group, and institutional levels. The Transformative Mediation Model is somewhat difficult to define in a strict sense. It is more of an attitude and dialogue by the mediator used to transform the dialogue between the parties from a weak, self-absorbed, negative, destructive, alienating, demonizing, downward spiral, to a strong, responsive, positive, constructive, connecting, humanizing, upward spiral. Effectively, this can change the nature of conflict interaction through empowerment and recognition between the clients. These Transformative Mediation Model themes are similar to what ombuds standards of practice are all about, in evoking positive, client-driven solutions, with their clients.

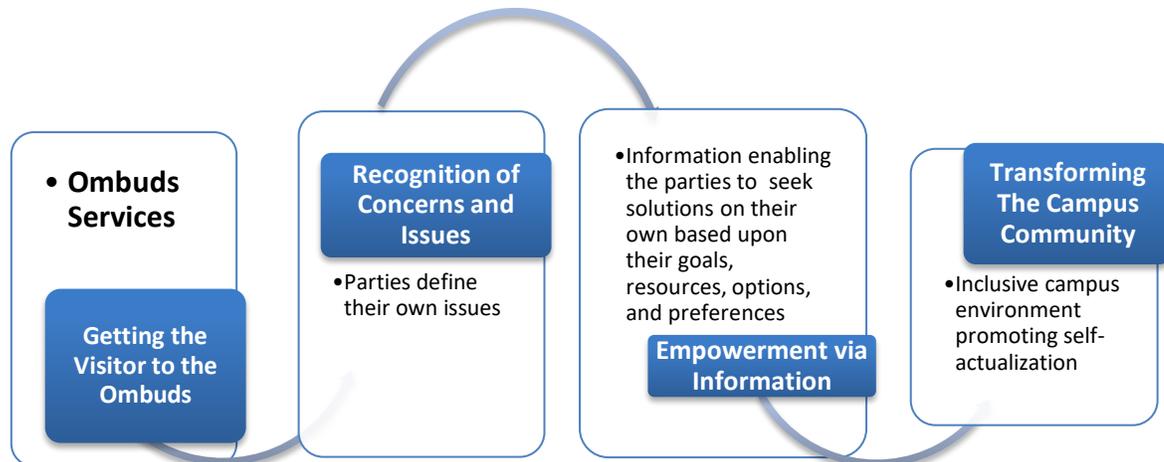
What this study brings into the model is specific to ombuds and a handful of other professionals. There is the important factor of "Getting the Visitor to the Ombuds" that is a central part of the findings in this study. Indeed, most survey respondents' comments related to dual position part-time ombuds concerns were focused on visitor trust, confidentiality, and potential conflicts. Other respondents' comments spoke to the need for ombuds, educated and/or licensed in counseling, law, or some other professions, staying within the boundaries of ombuds standards of practice and acceptable activities such as: 1) Providing informal, confidential, impartial help to discuss complaints or disputes arising from incidents or issues concerning policies, students, faculty, employees, and others; 2) Helping identify options for resolution; 3) Imparting information on options for other college and university services or programs; 4) Assisting individuals or groups to *confidentially* raise concerns and work toward responsible systemic change. The above activities are very different than key activities in some other professional roles. To avoid compromising the

ombuds role, staff in an ombuds office should not: 1) Make records of consultation content or parties, or provide notice of the content of consultations to the college or university; 2) Provide psychological counseling; 3) Duplicate other campus services; or 4) Breach confidentiality (except in the very rare instance of imminent threat of serious harm).

A graphical representation of the transformative mediation model as applied to this study's survey findings is presented in Figure 1.

Figure 1.

The Transformative Mediation Model Applied to The Academic Ombuds Survey Results



LIMITATIONS AND STRENGTHS

This survey included a reasonably large number of participants, who provided many thoughtful, evidence-based, and practical responses learned from professional experience and knowledge. Other questions and prompts might have resulted in responses with other foci to the responses given. The questions used were created from an “outsider” (the author is not an ombuds, but the author is very interested in helping create ombuds services on the university campus where they work). The outsider perspective has value, since the survey answered questions that were the upper-most concerns to bring before students, staff, faculty, administration, and legislators. Another study, from an insider’s perspective would likely have other questions and prompts, and bring forth other information.

CONCLUSIONS

This study explored needs, benefits, and pitfalls associated with creating and maintaining ombuds offices and services on college and university campuses from the perspectives of working academic ombuds. The knowledge gained from this study may be used in decision-making by existing programs, and by academic institutions and state legislators when considering the maintenance or creation of academic ombuds services.



The fact that only about ten percent of academic institutions in the United States have ombuds services leaves much room for positive change (“Higher Ed Colleges and Universities: Directory of Ombuds Offices,” 2019; National Center for Educational Statistics, 2019). Money spent on legal costs, lawsuit settlements, and arbitration could be saved with less expensive alternatives of non-adversarial dispute resolution methods, such as those practiced by ombuds. Access to ombuds services at the lowest initial level of visitor contact (vs. filing a grievance or a lawsuit) helps to produce win-win solutions to conflicts within academic institutions while defusing and solving conflicts in non-adversarial ways. Academic institutions, communities, and cultures could infuse and incorporate non-adversarial techniques for addressing conflicts at all levels through ombuds-supported activities. Promoting ethical, beneficial, non-discriminatory, and empathetic interpersonal interactions within academic institutions by raising awareness and improving individual and group skills in communications, civility, and fairness are examples of effective ombuds services.

People working and learning in positive environments become happier and more satisfied. The institution keeps and attracts the best students, staff, faculty, and administrators. This in turn, enhances the reputation of the institution. The most important outcome is that people who benefit from contact with professional ombuds will go out into the rest of the world, educated in skills and techniques learned from the ombuds-fostered academic culture, to influence and change the rest of the world for the better. That is an idea with merit, particularly now, in the United States. Now, when escalating discord from pandemic related stress, COVID-19 vaccination issues, facial mask and social distancing controversies are sources of conflict. Now, when health and economic disparities have taken serious and even deadly physical and psycho-social tolls on people, especially upon the most disadvantaged or vulnerable among us. Now, when voting rights laws and other political issues have polarized and divided many groups. Indeed, now it is time for collaboration and non-adversarial means to bring people of the world together to solve current pandemic, climate, environmental, social, and economic crises for the betterment of all.



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AUTHOR BIO

Diane Van Hoose, PhD, RN is an Assistant Professor of Nursing, the Coordinator for the Liberal Studies Program, and the Chair for the Curriculum Review Committee for the College of Natural and Health Sciences at the University of Hawaii Hilo. She conceived the idea for this study during the final year of completing a Graduate Certificate in Conflict Resolution at the University of Hawaii Manoa (dianev@hawaii.edu).



APPENDIX A

Working Ombuds Survey on Creating an Ombuds Office

Your voluntary participation in this anonymous survey will take approximately 10 to 15 minutes. Your opinions on the following 6 survey questions will be helpful in a study of how creating campus ombudsperson services may benefit students, staff, and faculty.

Q1. What best describes your role in ombuds service? (select all that apply):

- 1. _Ombuds services for students
- 2. _Ombuds services for staff
- 3. _Ombuds services for faculty

Q2. Please describe any convincing reasons for a state legislature and/or board of regents to approve a campus ombuds office, and/or to fund public college and university campus ombuds offices:

Q3. Please describe any ideas for funding campus ombuds services, or for mitigating expenses, without placing faculty, administrators, or other employees in positions where ethical, power-imbalances, or conflicts of interests might arise from dual roles:

Q4. In your opinion, how could a campus mental health counselor, psychologist, lawyer, social worker, or graduate student with special training/experience in mediation, negotiation, and alternative dispute resolution, also effectively function as a part-time impartial and confidential campus ombuds? If you do not think that this is possible, why do you feel that it is not possible?

Q5. Would a 2 or 3-year rotation away from campus teaching or evaluative roles during ombuds service eliminate most conflicts of interests?

_Strongly agree _Agree _Neither agree nor disagree _Disagree _Strongly disagree

Other (please specify)

Q6. Is there more you would like us to know or help us to consider? To protect your anonymity, we ask that you avoid sharing information that might reveal your identity or the identity of anyone else. Provide your comments here:

Thank you for completing this questionnaire

