



The following reference entitled *Nuts and Bolts: Establishing and Operating a College or University Ombuds Office* was originally written as a guide to establishing an ombuds office in a college or university setting and was part of the University and College Ombuds Association (UCOA) Handbook. It was largely written by Dalene Hoppe and Barry Culhane, and was later updated by Mary Lou Fenili, Maile Sagen and Tom Sebok. It is recognized that the IOA is composed of a broader cross section of more than just academic institutions. Recognizing this, *Nuts and Bolts* is included as a resource to the Endangered Ombuds Office project as it contains many useful instructions that are applicable to both academic and non-academic ombuds offices. The original language was maintained for historical purposes unless information was no longer accurate, additional information was needed, or copy editing was required.

Part I

NUTS AND BOLTS: ESTABLISHING AND OPERATING A COLLEGE OR UNIVERSITY OMBUDS OFFICE

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UNDERSTANDING THE OMBUDS ROLE

DEFINITION

A college or university ombudsman is authorized by an institution of higher education to confidentially receive complaints, concerns, or inquiries about alleged acts, omissions, improprieties, and/or broader systemic problems within the ombudsman's defined jurisdiction and to listen, offer options, facilitate resolutions, informally investigate or otherwise examine these issues independently and impartially.

THE VALUE OF AN OMBUDS OFFICE TO A COLLEGE OR UNIVERSITY

Conflict is inevitable and can be expensive. The normal alternatives for dealing with conflicts are administrative hearings, formal grievances, or lawsuits. All of these options drain institutional resources. The opportunities for conflict to occur within educational bureaucracies are endless. Some examples include: perceptions of fairness related to the application of policies, evaluation criteria, money and other kinds of limited resources, priorities, appropriate uses of power, interpretations of rules, cultural differences, values, attitudes, and perceived insensitivity.

Institutions establish a campus Ombuds Office with the hope that the Ombuds Office will resolve at least some of these issues faster, cheaper, and more equitably than either grievance procedures or litigation. In simple terms, it is more expensive for administrators to spend their time attempting to resolve disputes than it is for an ombuds. When the intervention of an ombuds results in student or employee retention, it is usually a "win-win" outcome for the institution and the individuals involved. When the intervention of an ombuds results in the avoidance of litigation, financial savings can be considerable and negative publicity for the institution is avoided.

Ombuds services also "humanize" institutions for many constituents. The existence of an Ombuds Office sends the message that the institution cares about its people and recognizes the value of providing informal dispute resolution for members of the campus community. Because Ombuds Offices have no authority to sanction individuals or make official decisions or pronouncements of "right or wrong" for the institution, disputants who use an Ombuds Office are empowered to decide for themselves how their concerns will be addressed.

CORNERSTONE PRINCIPLES

The Ombuds Office provides confidential, impartial, informal and independent assistance to individuals and groups who are experiencing conflicts or who have complaints.

Confidential:

Ombuds maintain the privacy of the identity of visitors to the office as well as the content of their conversations. With a visitor's permission, the Ombuds Office may contact individuals within the institution whose help is necessary to resolve a problem. Ombuds Office staff do not testify in formal proceedings. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm, and where there is no reasonable option other than disclosure. Whether this risk exists is a determination to be made by the Ombudsman.

Informal:

All members of the college/university community have a right to consult voluntarily with the Ombuds Office. The office has no authority to make decisions on behalf of the institution and maintains no official college/university records.

Neutral or Impartial:

Ombuds have no personal interest or stake in and incur no personal gain or loss from the outcome of any disputes. Ombuds avoid situations that may cause or result in conflicts of interest. Ombuds attempt to promote fair processes but do not advocate for individuals on the basis of affiliation or constituency status.

Independent:

Ombuds report to the highest possible level of the organization and operate independently of ordinary line and staff structures. The ombuds reporting relationship to her/his supervisor is for administrative and budgetary purposes only. The ombuds exercises total discretion regarding her/his responsibilities. S/he is not part of and does not take part in any administrative or formal complaint processes.

OMBUDS FUNCTIONS AND SKILLS

Ombuds perform a number of functions in carrying out their responsibilities. The primary functions are: assisting with the resolution of complaints and serving as an institutional change agent.

Ombuds perform a number of functions in carrying out these responsibilities. The primary functions are:

1. Clarifying the ombuds role:

When meeting with visitors, the ombuds provides oral and/or written information about the role of the office and explains the cornerstone principles.

2. Listening:

The ombuds provides a safe place for individuals/groups to express their concerns and know that they will be heard.

Skills for Effective Listening:

- * Empathy for and focus on the speaker's concerns
- * Clarifying
- * Re-stating
- * Reflecting
- * Summarizing
- * Validating
- * Recognizing and setting aside the assumptions of the ombuds
- * Recognizing the assumptions of the speaker
- * Insuring that being heard does not necessarily mean agreement with what the speaker says

3. Asking strategic questions:

Asking strategic questions helps the ombuds accurately understand a speaker's story, perspective, priorities, and goals.

Examples of good strategic questions are:

- * Who have you spoken with about this matter so far?
- * What have done to try to resolve this problem? * How do you think I might be helpful to you?
- * How do you feel about this situation?
- * How do you feel toward X (person)?
- * How do you think it will affect your relationship with X if you do?

After hearing the speaker's basic story, some other questions that are likely to be necessary or helpful are:

- * Do I have your permission to speak with X . . . ?
- * How do you think the other person would describe this situation?

- * If I spoke with the other person, what is s/he likely to say about you?
- * Ideally, what would you like to achieve in this situation?
- * What would be an acceptable resolution to this matter?
- * What do you NOT want to happen?
- * What would fairness look like to you in this situation?
- * What options do you see for addressing this issue?

For most issues, it is less important for an ombuds to have answers to questions than it is for her/him to have good questions to help move the conversation toward closure.

4. Providing Information and Options:

Ombuds provide information about policies, procedures, rules, and formal or administrative options for addressing concerns within an institution.

Skills and knowledge related to Providing Information and Options:

- * Familiarity with the organizational structure of the institution
- * Familiarity with formal or administrative institutional processes
- * Familiarity with institutional policies, procedures, and rules
- * Establishing relationships with key contact people within the institution (e.g., financial aid, registration, faculty governance)
- * Assisting visitors to generate and evaluate options for addressing concerns

5. Assisting With Decision-Making:

Ombuds assist visitors to determine which options are most likely to achieve their goals. Often visitors are aware of all of the options from which they may choose but, for one or more reasons, are unable to make a decision about which one(s) to implement.

Skills related to Assisting With Decision-Making:

- * Asking strategic questions
 - * Helping visitors evaluate advantages and disadvantages of various options
 - * Clarifying the visitor's priorities and interests
- Insuring that the visitor understands that it is the visitor's responsibility to make decisions about the course of action to be taken

6. Coaching:

The ombuds assists visitors to express their concerns effectively to others.

Skills and knowledge related to the Coaching function:*

- * Role-playing
- * Understanding the non-verbal aspects of communication
- * Teaching conflict management skills (e.g., "I Statements," stating requests positively, avoiding "always/never" statements, etc.)
- * Helping others recognize the effects of their own verbal and non-verbal behaviors on others

7. Reviewing Correspondence:

Visitors may ask ombuds to review written correspondence before it is sent to others.

Skills related to the Reviewing and Editing Correspondence function:

- * Recognizing writing readers are likely to find insulting or irritating vs. writing which is likely to elicit cooperation and promote understanding
- * Communicating suggestions tactfully
- * Possessing strong written communication skills
- * Insuring that the writer makes a specific request for desired action
- * Evaluating the clarity and conciseness of the message

8. Making Appropriate Referrals:

Ombuds sometimes refer individuals to other offices or services on campus to assist with problem resolution.

Skills related to the Making Appropriate Referrals function:

- * Familiarity with the institutional structure, policies, and procedures
- * Familiarity with roles and functions of key offices and individuals
- * Familiarity with campus and community resources
- * Ability to clearly explain and describe all of the above

9. Clarifying Next Steps:

Before visitors leave the Ombuds Office, the ombuds clarifies with the visitor what, if anything, will happen next and who will be responsible for taking those actions.

Skills related to the Clarifying Next Steps function:

- * Identifying the appropriate ombuds role in a particular situation
- * Communicating the appropriate ombuds role to the visitor
- * Asking the visitor to restate her/his understanding of what will happen next
- * Articulating agreements the ombuds believes have been made with visitors

10. Communicating With Others:

With the agreement of the visitor, the ombuds may contact a specific party or parties to gather information relevant to a visitor's concerns or to invite another party to participate in the resolution of the concern.

Skills related to the Communicating with Others function:

- * Diplomacy skills (e.g., poise, tact, wisdom)
- * Clarifying with visitors and with other parties what information will be disclosed, with whom, and by when
- * Honoring agreements with visitors and other parties about disclosure

11. Mediation:

Mediation provides a structure allowing disputing parties to talk with one another and identify mutually acceptable solutions.

Skills related to the Mediation function:

- * Appropriate mediation training (where many specific skills can be developed)
- * Ability to recognize when mediation is/is not appropriate for the ombuds

12. Group Facilitation:

Facilitation assists groups to identify issues and make decisions.

Skills related to the Group Facilitation function:

- * Appropriate facilitation training (where many specific skills can be developed)
- * Ability to recognize when facilitation is/is not appropriate for the ombuds

13. Data Collection and Analysis:

Ombuds often collect data regarding the types of problems individuals face within the organization. Using this data, ombuds identify patterns that the ombuds share with organizational decision-makers. This data collection and analysis function is performed while maintaining the confidentiality of all visitors to the office.

Skills related to the Data Collection and Analysis function:

- * Ability to collect and maintain data
- * Sound analytical skills that allow an ombuds to synthesis data and spot trends or systemic

problems within an organization

ESTABLISHING A COLLEGE OR UNIVERSITY OMBUDS OFFICE

GETTING STARTED

Once the decision to establish an Ombuds Office is made, the process of communicating that decision and searching for the best person(s) to fill the position is crucial to the effectiveness and success of the office. The rationale behind the decision and the expectations of the office should be communicated widely and well. All campus constituent groups should be involved in the search process. If the announcement of the new office is issued directly from the president, the communication itself becomes a statement of support by the administration for the ombuds.

Ombuds often need to be familiar with the institutional structure, policies, procedures, etc. in order to help visitors to better understand how the institution functions and help them avoid frustrating "dead ends" as they pursue resolution of their concerns. Resource files, including up-to-date policies, procedures, directories, catalogs, handbooks, schedules, etc. are a necessary part of any college or university ombuds office for exactly this reason.

REPORTING STRUCTURE

One way to establish both independence and credibility for the office is to have it report to the CEO for the institution. The view of the Ombuds Office as a legitimate option for informal problem solving assistance is enhanced when it reports directly to the highest-level administrator at the institution. Some Ombuds Offices report to the vice president of student affairs, dean of students, or provost. When the reporting relationship is not to the highest level but, instead, to a specific administrative area, the perception of the ombuds' neutrality and independence may be at risk. If the ombuds is to deal effectively with the complexities of the college or university within the context of the campus culture (without minimizing the office's impact on specific administrative units), reporting to the highest level best supports that mission.

The ombuds has no institutional authority to change rules, overturn decisions, or force issues to be addressed. However, the office should be perceived as an influential campus resource. That perception may help the ombuds gain the cooperation of the campus community. It may influence decision-making and the community's willingness to accept the ombuds' recommendations. Key factors that lead to the office's perceived influence are the knowledge that the ombuds has the ear and the support of the university's highest level administrators, and the observations by users of the office have that ombuds recommendations to others in the past have been implemented.

CONSTITUENCIES SERVED

Some ombuds assist all constituencies (students, staff, faculty, administration, etc.) on their campuses while others are designated by their institutions to work only with one group. For ombuds who work with one constituency, it is important that all constituent groups be informed that the ombuds is not an advocate for members of that group but rather one who attempts to promote fair processes.

PHYSICAL LOCATION

Ombuds Offices are sometimes located in campus buildings that are utilized by all members of the campus community---for example, student unions. The use of the building by large numbers of people

for a variety of reasons minimizes the likelihood that users will be assumed to be using the Ombuds Office. However, if users of the office can be easily seen entering or leaving the office, their anonymity can be threatened. Some campuses prefer to house the Ombuds Office in the administration building-close to the CEO in order to enhance the perception of the ombuds' influence. However, this location can inhibit users who have concerns about administrators or who do not wish administrators to know they are using the Ombuds Office. And, location in an administration building can be perceived as limiting the office's neutrality and independence. Ideally, ombuds offices should be centrally located in space that allows entry and exit with a minimum of visibility by others.

The office should be large enough to accommodate a private space for each practitioner. A waiting room and soundproof walls are important for maintaining the confidentiality of the ombuds' work. Access to a conference room allows the ombuds to bring together concerned parties when complex problems need to be addressed in a group.

SELECTION PROCESS

Effective communication about the ombuds role and a selection process which results in the selection of the best person for the role will affect the credibility of the office immediately. A clearly defined charter or mandate and job description that is widely distributed throughout the campus prior to the search will help prevent difficulties and misunderstandings and will encourage campus acceptance of the concept (see Exhibits). The application for the position should be open to all candidates who meet the established minimum qualifications.

The search committee for the new ombuds should be comprised of representatives from all the major campus constituencies. A mandate that includes the charter and job description should guide the selection process. Involvement of key campus figures in the search process serves to communicate the important nature of the position as well as to create ownership by the various groups within the community.

After interviews are completed, the search committee's recommended candidate(s) may be vetted by the CEO. In some cases the CEO may prefer to be given a list of candidates the search committee feels meets the requirements for the position and the CEO ultimately makes the final selection. This second approach, however, risks the appearance that the ombuds is beholden to the CEO. Once the ombuds is selected, the practical considerations of implementing the operation begin.

CHARACTERISTICS OF AN OMBUDS

Ideally, a university or college ombuds would exhibit the following characteristics:

- * Excellent listening skills
- * Excellent oral and written communication skills
- * Diplomacy skills
- * Fair-minded
- * Sensitivity to and awareness of diversity-related issues
- * Understanding of appropriate and inappropriate uses of power
- * Comfort with a wide range of people regardless of status or position
- * Excellent sense of humor

STAFFING

Each campus determines its own staffing arrangements. Variations include: one or more full-time and/or part-time staff ombuds, one or more faculty ombuds who is/are retired and/or on term

appointments, and students who serve in the ombuds role. Depending on the size of the constituent base and the actual utilization of the office, the size of the staff may affect effectiveness and responsiveness. As a result, staffing needs should be considered and reviewed carefully.

Skilled administrative support staff are vital contributors to a smooth operation. They are usually the first to have contact with users of the office and, in doing so, provide people with their first impressions of the service. The administrative support staff may also be the first to hear complainants' anger, frustration, or panic. In addition to technical training related to their roles, training on effective stress management and conflict management training may also be useful for these important staff members.

Many Ombuds Offices employ student assistants. It is crucial that a student employee's training clarify the confidential nature of the office and the expectation that information be held in confidence. Some student assistants may need help managing conversations with users of the office in order to convey the role of the office appropriately.

HELPFUL BASIC TRAINING AND CONTINUING EDUCATION

Although there is no academic program teaching individuals the specific skills required to become ombuds, several professional organizations have annual conference that would likely benefit new ombuds. These include UCOA¹, the Association of Canadian College and University Ombudspersons (ACCUO), The Ombudsman Association (TOA)², and the Association for Conflict Resolution.

In addition to membership in professional organizations, attendance at annual conferences, and participation in specific professional development workshops, many ombuds find mediation training very helpful. Typical introductory courses in mediation are 40 hours and are often offered in a single week. Even if ombuds do little or no mediation, the conflict diagnosis skills and the intervention skills taught in mediation courses are applicable to the work of most ombuds. Similarly, since ombuds are often asked to facilitate group discussions, specific training in group facilitation skills (which is different from mediation) is also very useful. (See Exhibits for a list of suggested training resources for both mediation and facilitation.)

¹ In July 2005, The University and College Ombuds Association (UCOA) merged with The Ombudsman Association (TOA) to form the International Ombudsman Association (IOA). IOA is the largest international association of professional organizational Ombudsmen practitioners in the world, representing over 600 members from the United States and across the globe. IOA holds conferences each year and sponsors a day of pre-conference workshops for professional development. IOA also offers extensive training courses for new ombuds practitioners.

² Id.

OPERATING A COLLEGE OR UNIVERSITY OMBUDS OFFICE

MAKING THE ROUNDS ON CAMPUS

After an ombuds is selected and when new ombuds are hired, it is important for her/him to meet key people on the campus, explain her/his role, and learn about the activities and priorities of these individuals. These individuals include administrators and others who have influence over decision-making on campus.

This allows the ombuds to:

- * Establish rapport with these individuals, which may help later should the need arise for the ombuds to contact her/him.
- * Convey to those with whom s/he speaks that the Ombuds Office is a campus resource they can use and to which they might make referrals.
- * Convey the role and function of the Ombuds Office.
- * Be known to key members of the campus community.

Similarly, when a new dean or other administrator is hired, it is wise for ombuds to initiate contact with this individual. Such a welcoming gesture is almost always appreciated and can yield the same benefits mentioned above.

ASSISTING TARGET POPULATIONS

Depending on which constituent groups ombuds are designated to assist, ombuds working in institutions of higher education may work with students, faculty, staff, administrators, family members, alumni, former students, and/or prospective students. Across institutions, UCOA members have found that, to some extent, these groups often seek ombuds assistance for predictable issues. The lists of issues presented below for each group, while not all-inclusive, do provide an indication of typical uses of ombuds services for each group.

Students

1. Academic issues
2. Administrative policies, procedures, and/or practices
3. Student employment disputes
4. Fees and costs
5. Campus housing
6. Disciplinary matters
7. Interpersonal conflicts
8. Harassment/discrimination
9. Environment, safety, and parking
10. Thesis/committee
11. Teaching/research assistantships
12. Clinical training issues

Faculty

1. Teaching, research/creative activities, service
2. Tenure and promotion
3. Salary, benefits, and retirement
4. Workplace or departmental dispute
5. Interpersonal conflicts
6. Environment, safety, and parking
7. Harassment/discrimination
8. Disciplinary issues

9. Research funding issues
10. Clinical affiliation issues
11. Facilities and equipment
12. Customer service

Staff

1. Classification and promotion
2. Salary, benefits, and retirement
3. Workplace or departmental dispute
4. Interpersonal conflicts
5. Environment, safety, and parking
6. Harassment/discrimination
7. Disciplinary issues
8. Customer service

Administrators

1. Consultation about policies
2. Consultation about procedures
3. Consultation about personnel matters

Family Members

1. Concerns about the welfare of students and employees (State and Federal law limits disclosures to family members)
2. Customer service

Alumni and Former Students

1. Academic records
2. Billing issue
3. Letters of recommendation
4. Customer service

Prospective Students/Applicants

1. Admission
2. Financial aid
3. Customer service

RECORDS

Ombuds Offices function differently and have a different purpose from other departments in an institution. While UCOA's Standards of Practice suggest that information retained by the ombuds should be kept secure, that principle cannot be completely guaranteed.³ Depending upon any given state's Freedom of Information laws, and depending upon any given ombuds' past practices, any records an ombuds keeps might be subject to subpoena and the ombuds subject to questioning about such records. As a result, unless the Ombuds Office is legally required to maintain records, most ombuds choose not to keep records that identify individuals who make complaints or who are the subject of complaints.

Ombuds operating in states where they are required by law to keep records, typically keep only the minimum information necessary to comply with the law. And, they keep these records only for the

³ IOA Standards of Practice state: "The Ombudsman keeps no records containing identifying information on behalf of the organization." (See Section 3.4). Furthermore, "[t]he 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." (See Section 3.5)

minimum amount of time required to comply with the law. In some cases, institutional requirements may mandate this, as well. In those cases, ombuds are strongly encouraged to pursue a change in institutional policy to allow the ombuds to operate in accordance with UCOA Standards of Practice. For an Ombuds Office, the possibility that records that identify individuals may be subpoenaed represents a potential threat to its most fundamental operating procedures. When records are surrendered, confidentiality, impartiality, informality, and independence could simultaneously be threatened or destroyed. Confidentiality is eliminated when the ombuds surrenders records that include names. Impartiality is destroyed when Ombuds Office records are used by advocates on either or both sides of formal adversarial procedures. Informality is immediately destroyed by any kind of Ombuds Office participation in an adversarial process, which, by definition is "formal." Independence is threatened when the institution stands to "win" or "lose" in a case in which Ombuds Office information can be used either to help or hurt the institution's case.

Records are normally kept for one or both of two reasons:

1. Because there is a need for an "official institutional memory" and/or
2. People simply cannot remember all the details that might be necessary to assist someone in a particular case.

Decision-makers at institutions may need to demonstrate that they acted responsibly or that they complied with institutional policies or state or federal laws in a given case. However, ombuds are not decision-makers for institutions and, if they practice according to the UCOA Standards of Practice, they do not participate in formal processes (including surrendering records to be used in such processes). Further, visitors to an Ombuds Office are not required to use it and are free to access another office if they wish to make a formal complaint or have a complaint investigated by someone in authority at the institution. In fact, when visitors express this desire, responsible ombuds refer them to the appropriate office to allow this to occur. This is in marked contrast to required procedures for formally processing certain kinds of complaints in other offices (e.g., sexual harassment). The designation of the Ombuds Office as an informal dispute resolution option nullifies the need for keeping records that identify individuals in order to maintain "institutional memory." There are numerous appropriate options on campus for "maintaining institutional memory."

Another argument in favor of not maintaining records that identify individuals is exactly the same as the argument that favors maintaining them: records can serve as a "memory prompt" for the ombuds. While that can clearly be helpful to the ombuds while dealing with a case, if records are subpoenaed, their memory prompting qualities are also likely to make it easier for an ombuds to remember details if s/he is required to testify. In this "worst case scenario," most ombuds would prefer to be able to say honestly, "I don't recall."

Some ombuds keep brief, sketchy notes while a case is active in order to minimize this "memory of details" problem. However, others maintain absolutely no records of any kind in order to avoid the possibility that records might be subpoenaed. To deal with the "memory" problem, some ombuds elect to ask that complainants "please refresh my memory" about the details of the case if the ombuds cannot remember the details upon a subsequent contact by the complainant. And, some ombuds encourage direct communication between disputing parties or between a complainant and someone with information relevant to her/his case. This helps the ombuds to avoid having to recall complex details to relay to either party later. In any case, some tension exists between the need to remember details as a case is progressing and the need to avoid the dangers of subpoena.

In addition to "case sheets" or "case notes," there are other kinds of "records" which could be used to identify individuals, as well. If permitted by law, most ombuds elect not to maintain these records, as well. If required to maintain them, ombuds need to keep this information in a secure location and manner. These include:

1. E-mail files;
2. Copies of letters;
3. Any document submitted to the ombuds regarding a case, from whatever source;
4. Appointment calendars and logs;
5. Telephone message pad copies;
6. Hand-written notes about phone calls; or
7. Voice mail archives

Some visitors to an Ombuds Office might attempt to contact the ombuds via e-mail prior to meeting or calling to talk to the ombuds. The UCOA Standards of Practice indicate that the ombuds "does not communicate confidential or sensitive information by electronic mail." Further, the ombuds "discourages the use of electronic mail, as it is not a confidential means of communication." Ombuds encourage individuals to call or visit the office, rather than attempting to assist them via e-mail. A practical reason for this is that the ombuds has no control over what a person with whom s/he has had e-mail contact will do with a written (printed out) record of the conversation. (In fact, some people are capable of altering these files to suggest the ombuds wrote things other than what s/he actually wrote.)

Many ombuds do not accept letters or other documents from visitors. Some accept them temporarily but return them promptly. This underscores for visitors that the Ombuds Office is not the place to "get something on record" or "lodge a formal complaint" at the institution. Some Ombuds Office Records Policies indicate that appointment calendars, logs, and telephone message pad copies are discarded at regular intervals. This practice (regularly discarding these things) eliminates the possibility that these kinds of documents can be used in formal proceedings.

Retention or retrieval of voice mail archives is normally outside the control of the Ombuds Office. Methods for addressing this issue include: never leaving voice mail messages providing only a minimum of information on voice mail and asking individuals (complainants or respondents) to call the Ombuds Office. Of course, ombuds have no control over what others leave on the Ombuds Office voice mail.

If permitted by law not to keep records, ombuds may provide the institution's legal counsel a copy of an Ombuds Office Records policy that clearly outlines that the office does not maintain records. This will assist in at least three ways:

1. It signals the institution's legal counsel that there are no records and, therefore, it is fruitless for attorneys to ever attempt to gain them,
2. It allows legal counsel to make this argument to plaintiff's counsels as needed, and
3. It underscores (with a potentially important entity) the operating principles with which the office is intended to operate and sets the stage for legal counsel to oppose subpoenas for ombuds' testimony.

Visitors to the Ombuds Office sometimes say, "I just want to get something 'on the record' about this." Complainants may perceive a genuine need to "get something on the record" in a given circumstance. For example, a student who has a heated disagreement with a professor may fear the professor will give him/her an unfair grade at the end of the semester. The student may want to establish that s/he had this concern before receiving the grade. Since the Ombuds Office is not an appropriate place for a visitor to establish a record of a complaint, s/he may need ideas about how to establish a record without using the Ombuds Office to do so.

ASSESSMENT AND EVALUATION

Program evaluations are often conducted by using an in-house panel of program reviewers. This method offers several advantages and some disadvantages. In institutions where it is a commonly accepted evaluation practice, in-house review has credibility. It is also cost-effective since all team members are usually on the campus. However, because the ombuds role is sometimes not well

understood, it could take time and effort to sensitize team members to specific concerns such as the meaning of confidentiality and neutrality in the ombuds context. Additionally, when team members are on the campus, it is possible that one or more have had previous interactions, either directly or indirectly, with the Ombuds Office staff which could positively or negatively bias their evaluation of how well the office functions.

Another method of evaluation utilized successfully on a number of campuses involves the use of an outside expert (or panel of experts). This method also provides several advantages and a few disadvantages. Unlike some internal program reviewers, the expert(s) understand(s) the mission and role of the Ombuds Office. A considerable amount of time is saved because the reviewer is more knowledgeable than one less familiar with the ombuds' unique role. Similarly, such an expert would have a better understanding of appropriate evaluation criteria. S/he would also be sensitive to potential sources of bias (e.g. the desire for advocacy by some who use the ombuds' services, the danger that people with institutional power may perceive any office that questions their actions as "advocates," etc.). Disadvantages of this method include the costs of bringing an expert or experts to campus and the possibility of bias due to the outside expert's previously established relationships with individuals on the ombuds' staff and the external evaluator's lack of sensitivity to the unique campus history and environment.

There are several unique factors that should be considered by anyone attempting to evaluate an Ombuds Office. Confidentiality must be assured for all respondents. In order to accomplish this, the Ombuds' Office staff should initiate all contacts for evaluation purposes. Another campus resource (e.g., Institutional Research) may be helpful in collecting evaluative data directly from members of the campus community. This method may increase the response rate because some people may prefer that their comments be non-identifiable to the Ombuds Office staff. Furthermore, because Institutional Research routinely gathers, evaluates and analyzes data, it can help design or refine the survey instrument in order to gather useful, evaluative data.

A number of tools are available to assist ombuds professionals in self-assessing the services of an Ombuds Office. These include user surveys (for those contacting the office for assistance and those who were contacted by the office to help resolve a dispute), workshop evaluations, surveys for office liaisons (i.e., individuals who work in campus departments who agree to be contacted with problems related to their unit), and through the comparisons of annual report data. User surveys (see Exhibit 3) can provide useful feedback about how individuals who have dealt with the Ombuds Office feel about a wide range of issues related to her/his experience with the office and its staff.

Another consideration involves sensitizing the evaluator(s) to the fact that individuals who have used the office (or have been contacted by the office) may evaluate the effectiveness of the office in terms of whether they believe they "won" or "lost" their disputes. Given its mission, this is not an adequate measure of the effectiveness of an Ombuds Office. Some requests are simply inappropriate and others are the kinds about which reasonable people might disagree. The outcome of these cases may have nothing to do with whether or even "how well" the Ombuds Office did its job. Survey questions should focus on how well the ombuds professional performed within her/his appropriate role and not on the results the complainant was seeking or whether the ombuds staff member functioned as performed within her/his appropriate role and not on the results the complainant was seeking.

It might be useful to include an open-ended question about their perception of the role of the Ombuds Office. This could provide insights into whether their evaluation was based on an accurate understanding of this role. (Another alternative would be to simply describe the role on the evaluation form. However, there is no guarantee the individual would read it and including such a statement would not provide any information about their understanding of the role.) Similar evaluative feedback can also be requested from individuals who were contacted by the Ombuds Office in an attempt to determine if there are perceptual differences between the perceptions of individuals who initiated contact with the office and those who were subsequently contacted by the office.

Information can be collected periodically and provided to the administrator to whom the Ombuds Office reports administratively to provide statistical information about use of the office by constituent group, (e.g., administrators, staff, faculty, undergraduate students, graduate students, etc.), the kinds of issues raised, and the kinds of assistance provided by the Ombuds Office. It is strongly recommended that, if such a database is compiled, names or other identifying information not be included unless required by law. This is to minimize the usefulness of these data in the event they were subpoenaed. Demographic data can also be collected to evaluate the use of the Ombuds Office by, for example, gender and/or ethnicity. However, it is important to consider that there is some danger in keeping information that might later be subpoenaed and used by lawyers to identify individuals - especially in combination other with statistical data about constituents, given the current legal context in which ombuds must operate (e.g., without shield laws).

ACCOUNTABILITY

There are a number of tools available to assist an Ombuds Office in demonstrating its effectiveness. Those tools include:

- * Evaluation surveys completed by users of the office (see Exhibits)
- * Workshop evaluations' (see Exhibits)
- * Annual reports

Periodic informal discussions with the administrator to whom the office reports can also be helpful in promoting accountability. Demonstrating the value of the service to this individual is vitally important because s/he often has the authority to determine whether the office will continue to exist. Discussions might focus on general office activities and needs, the identification of trends or problem areas, and pervasive campus concerns. The reporting relationship is primarily administrative, rather than supervisory, in that day-to-day case management issues are not discussed (Discussions requiring identification of individuals occur only with permission.). The Ombuds Office must maintain independence and accountability simultaneously. The degree to which this is possible depends largely on the quality of the working relationship between the ombuds and her/his supervisor. Clearly, it is incumbent upon the ombuds to demonstrate how the office is fulfilling its mission while enhancing the administrator's appreciation for the importance of maintaining independence and confidentiality.

COMMUNICATING WITH THE CAMPUS: MARKETING THE OMBUDS OFFICE

An ombuds has an opportunity to inform the entire campus community of the work of the office using a variety of public relations tools. This communication usually takes three forms, advertising the office to be sure that constituent groups are aware of the existence of the office, marketing the office to recruit new users of the office, and reporting annually the work of the office. Since most colleges and universities are interested in accountability, some form of reporting, usually an annual report, is made public as a way to justify the work of the office. The annual report may also be used to describe trends and make recommendations for change. It is important to remember that campus communities are constantly changing as students, faculty and staff enter and leave each year making continuing communication efforts on campus necessary.

Ombuds may become so focused on assisting complainants that it is possible to overlook regular communication to the campus community as a whole. Since all members of the campus are potential users of the office, the opportunity to provide clear, concise information about the work of the office should not be missed. Several opportunities exist for publicizing the office in differing formats, and several may be tried at one time or another to provide a variety of ways of reaching potential constituents.

Because expenses are always a consideration for Ombuds Offices, every attempt should be made to take advantage of those existing publications on campus that are available to Ombuds Offices free of charge. Campus publications such as catalogs, orientation bulletins, campus newspapers, newsletters, schedules of courses, operations manuals, various college/university or departmental brochures and the telephone directory examples of college/university publications which would gladly list the Ombuds Office if asked to do so. Many institutions also offer an automated information telephone system that provides messages on various offices on campus and can be accessed 24 hours a day. The Ombuds Office may obtain one of these lines as well. Usually, each of these offices/publications will ask the ombuds to prepare the text that gives her/him the opportunity to describe the office in her/his own words.

Print Media

At their own expense, Ombuds Offices may prepare brochures, fact-sheets, posters, bookmarks, and help cards with basic information about the office. In addition, inexpensive hand-outs such as pencils, key rings and note pads can be used to publicize the office.

Some ombuds advertise in the student newspaper or prepare a regular column for the paper. Others work with the editors in preparing feature articles or offer to provide interviews on the ombuds and/or the office. Staff and faculty newsletters are other avenues for interviews or guest columns. Regardless of format, an easily identified, simply stated written description of the ombuds' services will increase awareness and utilization of the office.

The Ombuds Office may also have posters made which can be distributed on campus transit vehicles, in residence halls, in the student union and other campus offices, departments, or buildings.

At the beginning of each academic year, the ombuds may want to send out a form letter to campus leaders, students, faculty and staff reminding them of the existence of the office and of the availability of the ombuds as a presenter or participant at future meetings of their departments or organizations.

Since it is difficult to reach commuting and part-time students, faculty and staff, direct mail is an option, though an expensive one. Ombuds could use a folded flyer sent by bulk mail to each constituent that provides basic information about the office.

Broadcast Media

Institutions with radio and television outlets on campus may provide another opportunity for free advertisement. Ombuds may want to approach them regarding on-air interviews about the office. Public service announcements for both radio and television are another option. Again, the ombuds would be asked to prepare the text. There also may be opportunities for the ombuds to appear as a guest or member of a panel discussion on campus or on non-campus local television and radio talk shows on issues of local interest.

Presentations

Ombuds may be invited (or may volunteer) to make presentations to various groups on campus in and out of the classroom. Most frequently, the request is to describe the Ombuds Office, its mission and function. Other topics may include conflict resolution, mediation, diversity, and complaint related university policies and procedures (e.g. sexual harassment, discrimination, etc.). Regardless of the subject matter, an awareness of the Ombuds Office and its services will emerge within the context of the presentation.

Orientations are another avenue for reaching large numbers of new students, parents, faculty and staff. Human resource offices often request the participation of the ombuds in employee workshops or panel discussions on work place issues, disciplinary processes and conflict management. Many institutions offer several opportunities such as "orientation fairs" or "activity fairs" throughout the year

where campus organizations with certain services may have a table or display area to distribute information to the campus community. Ombuds Offices may take advantage of such opportunities.

In some institutions, there are opportunities for the ombuds to teach conflict management and/or to lecture occasionally in college classes about various topics.

Ombuds should also appear at least annually at meetings of the faculty senate, student senate, and staff council to report on the work of the office and to answer questions. One appropriate time would be soon after issuing the annual report, which would readily provide many issues for discussion.

Finally, some mechanism should be available for regular reporting to the central administration, at least annually. Once again, the usual time for this is with the issuing of the annual report.

Annual Reports

Most institutions will expect some form of accountability from the ombuds office. Information about the work of an ombuds office can be shared through an annual report in which general information and statistics are provided without jeopardizing individuals' confidentiality. An annual report may include:

- * The number of complainants assisted
- * Complainant demographics (e.g., gender, constituent group, college, major or discipline, etc.)
- * Problem categories
- * Issues and observations
- * Trends, concerns, recommendations

In addition to describing the mission of the office and summarizing the results of the years' work, an annual report can alert the campus community to problems and trends. A well-written annual report can also serve to clarify and justify the contribution of the Ombuds Office to the campus community.

Web Sites

Most colleges and universities have established web pages which may also describe the Ombuds Office. In addition, many ombuds have established a web page providing access to more specific information about the office. Students, faculty and staff may explore the ombuds web to learn what the office does, how it can be helpful and how to contact it for help. They may also learn about the history and concept of ombudsing and the mission and history of the office. The annual report may be viewed as well. Besides specific information about the office, the web can provide links to information and resources at the university and across the internet which may be helpful.

For example, links may be provided to information on the Americans with Disabilities Act, Family Medical Leave Act, Workers Compensation, Equal Employment Opportunity, Occupational Safety and Health, union information, workplace violence, substance abuse, and other workplace issues. Several ombuds links are also available on dispute resolution and mediation resources and organizations. Many Ombuds Offices have developed web pages and ombuds may want to view them before establishing their own.

Visitors to the office and potential visitors to the office are the main beneficiaries of the web sites ombuds provide as it is available to them 24 hours a day every day of the week. Since a web page is a centralized data source which can easily be updated and corrected, information can be provided immediately and complainants can obtain up to date, accurate information.

Clearly, ombuds have a wide variety of public relations tools available to help them advertise, market and report on their work. Many such tools are free for the asking. Others require a budget. Each office will need to determine which activities are effective with their constituent groups and which combination of activities works well for the campus as a whole. Most offices will vary their communication resources from year to year. Ultimately, time, money and personnel resources will guide the ombuds' communication efforts that are unique to each college and university campus.

References for "Communicating With the Campus:"

Griffin, Tim, "Techniques For Marketing The College And University Ombuds Office To Faculty, Staff, And Students," The Journal, California Caucus of College and University Ombuds (1993).

Hoppe, Dalene & Culhane, Barry, Eds., "Communicating with the Campus," The Ombuds Handbook, pp. 67-73 (The University and College Ombuds Association, 1995).

TECHNOLOGY

Ideally, the Ombuds Office should have all the tools typically needed to function in a college or university environment. A computer with various kinds of software is essential for (non-confidential) correspondence, for maintaining case-related statistical data, and to allow access to the Internet. Internet access allows ombuds to participate in UCOANET and other listserves and correspond with colleagues quickly and easily about (non-confidential) issues of mutual concern.⁴ In addition, this allows ombuds to develop web pages that can be used to publicize the office and to read web pages developed by other ombuds. Spreadsheet and graphics programs are also very helpful. Access to printers, copy machines, and facsimile equipment, as well as voice mail and TDD (Telecommunications Device for the Deaf) is helpful, as well.

Given the need to maintain confidentiality, it is not advisable for ombuds to conduct casework over e-mail. E-mail is not a private or confidential form of communication. Ombuds have no control over how e-mail information might be used by others. Also, while extremely convenient, use of e-mail to discuss information which is supposed to be confidential, could undermine the ombuds claim of confidentiality should a subpoena for testimony be issued later.

MULTIPLE ROLES

At some colleges and universities, the ombuds may be delegated additional roles. These additional roles can cause conflicts of interest with the ombuds role. Conflicts of interest may cause perceived or actual problems for ombuds in maintaining confidentiality, impartiality, and independence. When individuals designated as the ombuds also occupy formal roles such as Affirmative Action Officer, Director of Employee Relations, Sexual Harassment Officer, or any administrative role (e.g., Dean, Vice Chancellor for Student Affairs, etc.), the potential for conflicts of interest is very high. This is most troubling when visitors tell the ombuds something assuming it will remain confidential and later learn that the ombuds also occupies another role related in some administrative way to the same issue, which does not allow her/him to maintain confidentiality. This limits the ability of potential users of the office to speak freely to the ombuds about their concerns. Balancing and communicating with all members of the campus community about these roles can make an already challenging role even more difficult.

⁴ UCOANET is no longer active. IOA members may be added to the IOA listserv by contacting the Administrative Office at info@ombudsassociation.org. To view the listserv guidelines visit http://www.ombudsassociation.org/members/documents/Members_List_Guidelines.pdf.