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The Journal - 1992

ACKNOWLEDGEMENT

Shirley Crawford

It is with sincere gratitude and appreciation that the California Caucus of College and University Ombudsmen acknowledges the contribution that Mrs. Shirley Crawford made to the caucus by way of the support services she delivered toward the completion of this publication. Without her diligent and nurturing assistance, our Journal would not have been possible.

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This year has been called "The Year of the Woman in Politics" because of the many women who are running for public office in their efforts to play a significant role in correcting America's problems and to provide a positive influence in shaping the American philosophy. Ironically, in tandem with this concept, this year also could be called "The Year of the Ombudsman" because of their proliferation in education; in city, state, and federal governments; and, in business and industrial corporations. (Even the CIA has announced their intent to create an Ombudsman Office within the existing structure.)

With these impressive movements and progressive strides occurring in the "Ombudsman's World," it is time to turn a portion of our attention from the services that we provide for others to the resources and support that we must maintain for ourselves. When one considers the diminishing funds, the personnel layoffs, and the increasing case loads, it is clear that an equal diminution is not occurring in the stress level that we encounter as we continue to serve our several constituencies. Undoubtedly, as our Ombudsmen colleagues struggle to pick up the slack within an office bereft of staff power, it becomes evident that our capacity to cooperate, collaborate, or tolerate has been reduced noticeably. If we ever were, we are no longer "all things to everyone!" However, in spite of these complex, energy-draining problems, the following articles attest that our Ombudsmen are "keeping the faith," maintaining their hope, and offering solutions.

"Bureaucracy, Representative Government and the Ombudsman," by R. Adolfo de Castro, affirms eloquently that the Ombudsman Office can provide a pivotal role in achieving justice for the individual who is struggling to survive within an organization that appears uninformed, unwilling, and uncaring. Castro, a former trial lawyer and judge, argues cogently that the Ombudsman Office can "bridge the gap" between the past dream of representative government and the present reality of bureaucratic stalemate.

"To Promote Understanding" and "Staying NICE, Part I," written respectively by James W. Vice and H. Clare Wiser, describe different approaches to pursuing the same goals -- equity and justice. Vice logically presents his theory that a Mediator should recognize the subtle connotations which the same words carry in different cultures in order to achieve a better understanding and a faster resolution of opposing viewpoints. For example, the English term "freedom of expression" does not incorporate the Islamic mandate that such "freedom" be limited to the promulgation of virtue and truth and never to spread evil and wickedness.

As a corollary to the art of understanding, Wiser coins the acronym "**NICE**" to encourage an Ombudsman to be **N**eutral, **I**ndependent, **C**onfidential, and to serve **E**very member of the university community. Furthermore, Wiser states unequivocally that the Ombudsman Office functions most efficiently and effectively when it is permitted freedom in operation; given the requisite support; and backed by the highest authority. The precise location of the Ombudsman Office on the University or College Organization Chart can build or break; arm or disarm; and, help or hinder an operation involved in the process of redress.

Lois Price Spratlen, our noted researcher, data collector, and statistician, provides a blueprint for the Ombudsman's success in the practice of dispute resolution. By applying "old-fashioned academic elbow grease," Spratlen forges, molds, and polishes an essential plan and viable outline for triumph in the arena of conflict negotiation. Indeed, "Factfinding Through Storytelling in Academic Ombudsing," is an excellent example of a marriage between theory and practice. Certainly, a dent has been made in the dearth of literature regarding "theoretical and conceptual models" which practicing Ombudsmen can emulate.

"Reflections of a Freshman Student Ombudsman," by Barry R. Culhane, poignantly reminds us of the enthusiasm, vigor, and determination which are requisite in establishing an Ombudsman Office. As Ombudsmen veterans, we remember fondly that a newly created Ombudsman Office can become an "institution" that is "known" and "accepted." As "seasoned" Ombudsmen, we can smile knowingly because we have watched the original requirements mature into traits embodying commitment, dedication, and the wisdom to admit that "most" crises will be either resolved or will pass into a tolerable state of oblivion.

Finally, the articles in the 1992 Journal reflect the unique and important role in which the Ombudsman Office is inextricably involved in these tumultuous and litigious times. As Ombudsmen, we are professionals who respect differences while striving to promote unity within diversity, and in spite of adversity. As Ombudsmen, we are administrators who seek to facilitate understanding between our clients who harbor and cherish a variety of attitudes and opinions. At present, the Ombudsman Office has the opportunity to be a bellwether in shaping a future dedicated to peace and harmony. However, if the

Ombudsman profession is to remain an integral, dynamic force within the universities and colleges, the Ombudsmen must be accessible to all the members that we serve, remain open-minded, and keep informed. In summary, the deeds and actions of the Ombudsmen must continue to embody the compassion and empathy that reside deep within us and exemplify the true meaning of brotherhood and sisterhood.

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Editor of the CCCUO Journal

BUREAUCRACY, REPRESENTATIVE GOVERNMENT and the OMBUDSMAN

R. Adolfo de Castro, Esq.

Commonwealth of Puerto Rico

The modern state has become the active prompter and regulator of nearly all of our economic and social processes. We have had to create very large and complicated administrative bodies to carry out these new functions of government. As is only natural, public administration has been greatly bureaucratized in order to provide the multiple and varied governmental services required today. Unfortunately, these developments have produced an awesome barrier separating the people from their government.

Bureaucracy, seen from a philosophical perspective, violates the concept of representative government upon which our social and political organization is based. Its extent in the modern state is of so extreme a degree that, as a practical matter, the traditional methods generally utilized to control it are not, by themselves, sufficient to do so. Today, the ballot and the courts have ceased being an effective means of holding the government accountable to the people.

The present state of isolation that exists between the citizen and his government has reached a point where the law alone does not afford sufficient protection to safeguard the citizen's right to enjoy the fruits of truly representative government. That is the reason why, in bureaucratic societies such as ours, the Office of the Legislative Ombudsman is needed: to challenge all governmental activity which, while possibly backed up by the law, may

nonetheless. appear to be oppressive, unreasonable, dilatory, rude, taken without stating reasons, or executed inefficiently or erroneously. In this manner, where there was only law, now, there would also be justice.

With the establishment of this instrument of avant-garde democracy, we seek to strengthen the demands of the citizen before a bureaucratic government which would not otherwise respond adequately. As such, the institution of the Ombudsman reaffirms the existence of the social contract that guarantees the right of the people to hold the goverment accountable for all its actions. When the citizens' petitions for redress are handled through the Ombudsman, they regain the power of personal sovereignty that was lost before the confusing enormity of the bureaucracy. There is no better way to increase the people's faith in government than by safeguarding their participation in it.

All administrative action, including the execution of laws, should measure up to the public policy objectives prescribed by the state legislatures to further the collective well-being. This is the essence of a democratic system. But, with the exorbitant growth of state administrative bureaucracies, the balance of power in today's governments has tilted so much in favor of the executive that it has become most difficult for the legislatures to carry out their supervisory functions effectively. Here is where the Ombudsman comes in to help. Acting as an independent critic of administrative action, the institution can operate as a **check** on the excesses of the bureaucracy. As we know, the originators of the American democracies did not limit the number of checks and balances in the separation of powers system of government. They wisely left it open for the creation of new ones as historical developments should require.

Governmental bureaucracy can be controlled. Public administration can learn to give an account of its actions and to diligently redress the grievances that its bureaucracy produces. But, it cannot do so by itself. An Ombudsman is needed to help: to defend the people by investigating the bureaucratic excesses of government and procuring redress for the deprivation of individual liberties.

REFLECTIONS OF A FRESHMAN STUDENT OMBUDSMAN

Barry R. Culhane

Rochester Institute of Technology

INTRODUCTION

When I was appointed the first Student Ombudsman at Rochester Institute of Technology, I knew my mission: To contribute to making our institution more responsible, credible, fair, and responsive to students. I had read as much material as I could locate about the role of Ombudsman or Ombudsperson, and I began to sense the complex challenge ahead to establish an office, communicate the function to various university populations, and actually figure out how to operate on a daily basis. As I struggled without a mentor or specific guidelines, I was excited about the creative opportunities and frustrated by a lack of colleagues to help initiate the office.

Early in the process I knew that for a person without a knowledge of the institution and the faculty and staff who work at the university, starting an Ombudsman Office would be a very difficult task. Fortunately, I had 17 years experience in various roles as a faculty member, Associate Dean, and Assistant Vice President of Student Affairs. It was also my good fortune of finding the UCOA quickly, and I was anxious for the first gathering of people in the ombuds process. At the first UCOA meeting at the University of Michigan, I found great solace that, indeed, I was not alone. There are other professionals across the country with a great deal of intrinsic motivation and a touch of masochism, willing and able to address the needs of a constituency. I did

promise that, once the office was established, I would write something to share with others who find themselves in the same situation of trying to establish an office without a number of colleagues close at hand. The immediate objectives included:

- Define the role of the office and communicate that role in person and in written form to students, faculty, and staff.
- Create a Student Ombudsman Advisory Board including various constituencies within the campus.
- Decide the format for recording data on student cases.
- Develop a format for annual written reports.

THE ROLE OF STUDENT OMBUDSMAN: COMMUNICATION STRATEGIES

One of the first tasks necessary to successful operation was the definition of the role of Student Ombudsman. To that end, a "Fact Sheet" was developed in the form of a two-sided, wide bookmark which included the following information:

- a definition ("One who investigates reported complaints from students; reports findings; and, helps to achieve equitable settlements.");
- diacritical markings to explain pronunciation;
- a one paragraph history of the Ombudsman;
- the role of the Ombudsman as defined by UCOA;
- a Who, Why, When, and Where statement to help people locate our office, know our names, and when we are available;
- what the Student Ombudsman does (informs, facilitates, communicates, advocates); and,
- what the Student Ombudsman does <u>not</u> do.

This "Fact Sheet" was the first in a series of brief, easily accessible "Fact Sheets" designed to inform students. It became the outline for various presentations to student groups, administrators, staff, and faculty. It also became the primary text for articles in various campus publications, especially newsletters. These "Fact Sheets" were distributed through the Student Union Information Desk, bookstore, library, residence halls, and apartments.

The first six weeks in the role of Student Ombudsman were spent communicating in person with various groups about how we intended to operate. The attempts to educate the community regarding the pronunciation were not very successful, and after being referred to as "the Omnibusman, the OmBusman, the Omzbudsman, and even the Bud Man," I gave up and students referred to me as "Dr. O." An important part of the initial communication strategy was the development of a logo which, in addition to being used with all publications (including the fall, winter, and spring course schedules), was created in the form of a neon sign and graphic design. The logo chosen was a large "O" with the word "Student" in the center to indicate that we need to have students at the center of our attention and our operation.

It became very important to state simply the purpose of the Office of Student Ombudsman:

1. To help individual students with individual problems.
2. To identify problems common to many students and communicate those problems (with alternatives for problem resolution) to the appropriate decision makers in the institute.

However, it became equally important to communicate what the Student Ombudsman, in the "World of Wayne," was NOT. In our institution, the Student

Ombudsman reports to the President, but is NOT:

- Captain Quick Fix
- The Path to the President
- An Ombudsman for faculty and staff
- An Officer or Administrator
- A Person who intervenes during a judicial matter
- A Political Pawn
- The Campus Critic
- Omniscient or Omnipotent

Undoubtedly, this information helped clarify and define the parameters of the role of Student Ombudsman. It could be added that the Student Ombudsman is often also not popular. There are individuals in the academic community who believe only themselves and possibly their supervisor should be interested in what they are doing. Clearly, the role of Student Ombudsman requires a great deal of sensitivity, understanding, consistency, and sometimes courage.

Early in the process, the following statements were made regarding the various rights and responsibilities of members of the university community:

1. The student isn't always right, but has rights, and one of those rights is to be an active participant in his/her educational experience.
2. The faculty member isn't always right, but has rights, and one of those rights is to design and teach courses and to evaluate students in those courses.
3. The administrator isn't always right, but has rights, and one of those rights is to make decisions that will make the institution a better place to learn and work.

4. The Ombudsman isn't always right, but has rights, and one of those rights is to gain access to information and try and support the rights of others in a fair and open way.

Dealing with problem resolution in a consistent manner, and in a way that adheres to the policies and practices of colleges and departments was critical to success. Of course, some recommendations emerge to change policy and practice. However, applying process consistently and fairly was essential to the success of the operation. The following unwritten rules were practiced:

- Get facts before you act.
- Don't act on old perceptions.
- Be respectful to all.
- Act quickly; think slowly.
- Solve the problem where it occurs.
- Remember that the student has shared responsibility for problem resolution.
- Attempt to educate students about how to resolve their own problems along the way.
- Focus on problem resolution; minimize personality and politics.

The initial contact with students, faculty, staff, and administrators was critical to the success of the operation. Communicating the purpose and function (with consistent adherence to principles and practices of operation) leads to credibility among students and the academic community and paves the way for success.

DATA FORMAT: THE INTAKE INTERVIEW

Another important start-up function was making a decision about the kind of information necessary for the Intake Interview. The data needed to be useful to individual problem resolution and needed to provide the significant information for writing the annual report. The data elements used to create a one-page Intake Interview Form included:

- Name and Social Security Number
- Date, Time, and Method of Contact (Walk-In, Telephone, Computer Mail)
- University Address and Telephone Number
- Home Address and Telephone Number
- College, Program, and Year
- Demographic Information (sex, graduate, undergraduate, etc.)
- Referral Source
- Nature of Problem by Category: Academic, Financial Housing, Other
- Specifics of Problem
- Action Taken
- Contact Dates and Method of Contact
- Resolution

Obviously, sensitivity is required in gathering the information, and if a student is extremely upset, the data is gathered <u>after</u> the student has had the opportunity to express his or her concerns. Based on experience, it is highly recommended that the information be stored on a secure computer system, and the information be backed up regularly regardless how busy the office becomes. The proof of the value of the data gathered is when there is a need to revisit a case or during the preparation of the annual report. Many students arrive with

a need for information only and completion of an Intake Interview is not necessary. However, for student cases (defined as problem situations that require two or more contacts and a great deal of intervention), the Intake Interview becomes the grist for problem resolution and report writing.

THE STUDENT OMBUDSMAN ADVISORY COMMITTEE

One system established early in the development of the office was the establishment of a Student Ombudsman Advisory Committee comprised of students, faculty, and staff representing key organizational units in the institution. While it is lonely at the top, the middle place, where the Ombudsman often resides, is also filled with lonesome moments. Clearly, the Student Ombudsman is not the most welcome person, especially in areas where a person believes only he or she and maybe his or her supervisor should be involved. When the Ombudsman becomes involved in a case involving a faculty member who has the view of professor as emperor or with any other extremely difficult case, it is critical to have a sounding board of people (who respect the confidentiality of the student, faculty, or staff member) to help brainstorm ideas for breaking an impasse to problem resolution. With a balance among students, faculty, staff, and administrators, the Advisory Committee can often propose ideas related to operation of the office and solutions to problems that are most helpful. Support from the Student Ombudsman Advisory Committee and key administrators is key to the success of the operation.

THE ANNUAL REPORT: A ROAD MAP FOR CONSTRUCTIVE CHANGE

One of the most effective ways to encourage constructive change is to provide the institute community with an accurate picture of the work of the Student Ombudsman. Often institutional problems are not resolved because

people are not aware of the problem or are unfamiliar with potential solutions. In many cases, miscommunication rather than malevolence is the source of the discord. While the work of the Student Ombudsman travels more by informal communication and the referrals to the office often come from students and staff who have found the office a key element in successful problem resolution, the annual report really gives the institute an opportunity to view itself through the vicarious eyes of its students. The report becomes another lens for self-reflection.

The first annual report is often prepared under conditions of high anxiety because of the institutional mirror it can become. Having completed a first annual report, the following format seems to work best:

- Introduction and History of Ombudsman
- Presentation of Data (Tables: Pie Charts or Graphs):
    a. Enrollment by College
    b. Cases by Student Home College
    c. Method of Office Contact
    d. Male/Female Ratio
    e. Student Cases by Problem Area:
        1. Academic
        2. Financial
        3. Housing
        4. Other
- General Concerns
- Academic Concerns and Ideas for Change
- Housing Concerns and Ideas for Change
- Financial Concerns and Ideas for Change
- Positive Outcomes
- Sample Case Studies
- Concluding Statement

One of the most potent parts of the annual report is the Case Study section. These are synopses of real student experiences as perceived and presented by students. In many cases, members of the institute community are amazed that students have received the treatment described. One needs to be mindful that these case studies are from students' perspectives and in almost every case the search for truth and all the facts in any case is endless.

It is also important to point out the positive outcomes of dealing with Ombudsman problems. The Ombudsman needs to guard against cynicism or an unbalanced Gestalt of the institute. By recognizing those who have helped improve the institute, others are encouraged to do the same. In fact, in addition to the positive outcomes in the annual report, the Office of Student Ombudsman has created specific awards given to a student, a faculty member, and a staff member, each of whom has made a significant contribution to the mission of the Ombudsman.

Now in the third year of operation, I wish someone had written an article like this one to help guide me in functioning as a Freshman Student Ombudsman. Hopefully, this article will be discovered by some embarking on the most challenging, complex, creative, and rewarding profession to arrive on campuses across the country. Beyond reflections, for others these words may serve as a guidepost for the new Ombudsman looking for practical ideas for getting started. And for still others, this article might be a catalyst for exploring the possibility of establishing an Office of Student Ombudsman in their organization.

FACTFINDING THROUGH STORYTELLING IN ACADEMIC OMBUDSING

Lois Price Spratlen

University of Washington

INTRODUCTION

Factfinding is a quintessential task in which all ombudsmen engage to some extent in responding to a client's request for help. Facts are needed in order to define the problem, to develop a plan for intervention, and to serve as a basis for evaluating the effectiveness of an intervention. Facts are used to develop a sensitive and relevant response to the client's request for help.

Factfinding is the basis on which all future tasks which the ombudsman carries out rest, i.e., counseling, education, mediation, resolution, and referral. Data or facts which are collected from the client inform the above tasks.

Factfinding is a dynamic, structured, and goal directed process which takes place between the ombudsman and the client. During this interaction, the client provides factual information through storytelling. The client knows her/his story of the problematic event(s) which have motivated the request for help. The ombudsman's office is a safe environment where the client's story can be told in confidence.

Although compared in greater detail later in this paper, it should be noted that factfinding and storytelling are complementary aspects of the ombudsman's work. They are both integral to acquiring and processing information that is needed to assist clients who seek help.

Storytelling is a method of data collection. Facts are told to the ombudsman by the client about a problematic event which is the reason for requesting help. The ombudsman provides the structure and guides the process while the client uses her/his knowledge of the problematic situation to answer questions of who, what, when, and where the incident(s) occurred.

Factfinding through storytelling can be conceptualized in relation to the various phases of the ombudsing process. Three phases which have been conceptualized are the orientation, problem solving, and termination phases.

In the orientation phase, factfinding helps to establish a sound working relationship between the client and the ombudsman. They become aware of what is expected from this process and establish the foundation for trust and understanding. As noted above, almost every aspect of problem solving rests on the effective exchange of information between the ombudsman and the client. Even in the termination phase, factfinding must be completed before meaningful closure can be achieved and the problematic issue resolved or the client is referred to some other resource for assistance.

This paper provides a discussion of factfinding from the perspective of storytelling. It is organized in four sections which include: Introduction, Factfinding Through Storytelling, Implications, and Summary and Conclusions. Each topic is addressed in order.

The primary motivation for this paper is to direct attention to a very neglected area of academic ombudsing. Little attention has been devoted to the development of theoretical and conceptual models of ombudsing. This paper represents a beginning in filling this void in the literature.

FACTFINDING THROUGH STORYTELLING

Factfinding has many of the same characteristics as storytelling. Selected dimensions of these shared characteristics are presented on page 11 in **Figure 1** and include: definition, purposes, users, and practical applications.

Several observations can be made regarding comparisons between factfinding and storytelling. The definition and purposes of storytelling are broader than those of factfinding. Storytelling embodies a creative and cultural dimension that is not emphasized in factfinding. However, it should be recognized that through storytelling, information about actions, situations, and incidents related to the client's problem are revealed. This information is used to inform, instruct, and influence how the problem is conceptualized and defined by the ombudsman.

Storytelling is used in the courts, theater, religious institutions, politics, and education, to name five settings. In each environment, adaptations and modifications are made to reflect the skills and purposes of the user as well as the audience to whom the story is told. In the case of the ombudsman, it is an audience of one.

Factfinding takes place in any setting where efforts are directed to discovering or finding facts or searching for the truth about a specific problem or event. This activity may occur in a judge's chamber, Senate confirmation hearings, ombudsman's office, or at board meetings, to name four settings.

When attention is directed to types of storytelling, it is apparent that there are more different types of storytelling than there are of factfinding. Indeed, principal types of oral factfinding are: interviewing; taking depositions as part of discovery in law; and history taking.

Based on relationships represented in Figure 1, it is possible to see that factfinding shares many characteristics with storytelling. Because this ombudsman uses this method of data collection so frequently, its relevance to the practice of ombudsing needs to be delineated.

Nature and Importance of Factfinding

This dynamic, structured, and goal-directed interaction takes place between the ombudsman and the client. Unless this phase is completed in a client-centered and effective manner, whatever else is done in ombudsing is likely to be flawed and less than optimally effective.

The factfinding process is considered to be a dynamic one because the participants exchange information with each other. Each actively participates in the interaction. Energy flows within and between the participants. Specific details are identified, clarified, and shaped in mutually understandable ways between the client and the ombudsman. This interaction links factfinding and storytelling to ombudsing.

The ombudsman provides the structure by asking questions which the client is requested to answer. The ombudsman wants to know who are the people involved in this problem and what actions took place between or among people. The location where the problem occurred is also a focus of questioning as well as when the problem happened, i.e., day, date, year. By answering the above four questions, minimum information needed is systematically collected. Insight, clarity, and meaning of the client's storytelling can be documented.

The principal goals of the interaction are those of skill acquisition and enhancement for competency development. The client is assisted in acquiring new skills for problem solving or to expand existing competencies beyond their current level of effectiveness.

Through this collaborative process, the client is prepared to assume an active and effective role for assisting in resolving the current problem. The experiences gained through this process are also likely to prepare the client to handle similar problems in the future without the direct assistance or intervention of the ombudsman. The client is empowered to assume control over the current problem. Also, she/he is assisted to acquire new skills that can help to minimize the occurrence of similar problems in the future.

Phases of the Ombudsing Process: An Institution's Practice

Three phases of relationships with clients have been identified by this writer. As noted above, the following phases are: Orientation; Problem-solving; and, Termination. For purposes of this analysis, these phases are discussed separately. In reality, they overlap and interact in ways to complement task completion by the ombudsman.

Orientation

The orientation phase begins when the ombudsman and the client first meet. During this encounter, the following information is provided about the range of services provided through this office: hours of operation, staff composition, related factual information about the ombudsman's role, and how the office relates to other service units on campus. Specific written information

is distributed to all clients about the ombudsman's role and methods of problem solving used. (Price Spratlen, 1991.) Issues of confidentiality, who has access to records, concern for retaliation, and fear of being seen by others as a trouble-maker are typical concerns addressed during this initial interaction.

Clients are requested to provide information about their role and unit to which they are attached, the person about whom the complaint is made, and other information relevant to this case. The Client Profile Sheet and Client Chronolog are used to obtain needed information from the client. (Price Spratlen, 1991.) Once this basic information is exchanged between the ombudsman and the client, the orientation phase ends. The factual information which is collected provides a sound basis for future ombudsman-client interaction.

Problem Solving

Problem solving is identified as the second phase of the ombudsing process. Through storytelling, the facts are presented about the problem as they are understood by the client. When the client provides answers to questions raised by the ombudsman, it is possible to define the problem, develop a plan for intervention, intervene, and evaluate the intervention. The problem solving process is the longest and most complex of the three phases.

At this institution, at least two meetings take place between the ombudsman and client before the problem is systematically defined and a plan of action for intervention is developed. Once these tasks are accomplished, the intervention plan is implemented. Evaluation follows each intervention. The problem solving phase ends following evaluation.

Both the complainant and the accused are provided the same quality and quantity of services. Experience has shown that the complainant is more willing than the accused to make extensive use of our services.

Termination

The termination phase begins immediately after the problem which motivated the client to seek help from the ombudsman has been satisfactorily resolved or the client is referred to another service.

Clients and the ombudsman briefly review what happened over the course of the entire period of working in this collaborative relationship. Clients are informed that they may return if additional help is needed with this same or a different problem. Each person says goodbye. This case is ended when the client leaves the ombudsman's office.

At this University, clients often return to the office to provide feedback about developments after having used the services of this office. Despite the size of our campus, former clients are encountered in the library, cafeteria, about the campus grounds, and in other public buildings on campus. Brief interactions often yield a large amount of information about the client's current situation in the academic unit.

IMPLICATIONS

There are at least four major implications associated with the conceptualization of the factfinding process from the perspective of storytelling which include: implications for practice, education, research, and policy development.

As stated earlier, factfinding is a fundamental task which all ombudsmen carry out to some extent. By placing the process within the storytelling framework, ombudsmen are provided a systematic method for describing, discussing, and understanding what is being done when and under what set of conditions this process unfolds. By identifying specific tasks that must take place during each phase, the ombudsman knows where she/he is and can describe what is occurring to others.

In terms of practice, ombudsmen can be more comprehensive, systematic, and efficient in providing services to clients. In addition, ombudsmen can analyze and compare what the similarities and differences are between what is described by this author and what others do in the practice of ombudsing. Skills needed for practice can be identified and taught to others. Communication is stimulated between and among ombudsmen.

Education can be enhanced for the client and the ombudsman by using the storytelling framework for describing what is involved in the factfinding process. The specific dimensions of problem definition, plan development, and problem resolution or referral can be described to participants and the process can be taught to other ombudsmen.

Storytelling is a universal phenomenon. (Shaw, 1992, personal communication.) This process of telling can be taught, analyzed, and evaluated by participants and observers. The factfinding process in which ombudsmen engage can meet the above standards. The practice of ombudsing can be advanced by such analysis.

In terms of research, the factfinding process yields data which the client provides while she/he tells the story to the ombudsman. Over time, data gathered from a large number of client stories will yield information which can

reveal themes, patterns, and other relationships which can be analyzed and described in the literature and also used to advance practice. Fully developed stories can become case studies.

In terms of the relationships of fact finding for research and policy development, the data that are gathered during the interactive process can be used for systematic analysis. Findings from this analysis can be used to guide, change, educate, and influence policy development.

Sexual harassment is an excellent example of how storytelling promoted a movement from anecdotal storytelling to system-wide surveys. Policy statements have been developed by many institutions in response to data collected from large numbers of women and victims who experienced sexual harassment and had their stories recorded. Once again, the process progressed from anecdotal stories through case studies to survey research and policy development.

Academic ombudsmen have a unique opportunity to contribute to the advancement of the profession of ombudsing by employing theoretical and conceptual frameworks in practice. Practice is enhanced, research is promoted, and policy development is made possible when theory is employed as the foundation of practice.

SUMMARY AND CONCLUSIONS

Most ombudsmen complete the task of factfinding as a fundamental responsibility of their practice. Storytelling is one framework which can be used for motivating the client to provide needed information for problem definition, plan development, and to aid in achieving problem resolution.

The process which takes place between the ombudsman and the client is dynamic, structured, and goal directed. The goal of competency development for problem resolution is the primary reason why the ombudsman uses storytelling as one method for obtaining facts from the client. Data obtained in this process can be used for education, teaching, research, and policy development.

Factfinding through storytelling offers a specific framework for advancing the practice of ombudsing. Theories of storytelling can be modified, adapted, and applied. These theories can be used to assist in defining, describing, and guiding the complex set of tasks in which ombudsmen engage while delivering services to clients. Knowledge acquired through a systematic and comprehensive method of data collection can provide a commonly understood approach to ombudsing. Over time, these contributions can lead to a better understanding of ombudsing by those who practice it, by those who are recipients of our services, as well as by those who evaluate our contributions to the academic community.

Figure 1

CHARACTERISTICS OF FACTFINDING AND STORYTELLING

Selected Characteristics	Factfinding	Storytelling
Definition	An oral or written process for gathering facts or information about a specific action, condition or situation.	An oral or written narrative of thoughts, experiences or events along with the meaning and personal understanding conveyed through such expression.
Purposes	Inform, instruct, influence outcomes.	Inform, instruct, inspire, entertain to transmit culture. (Shaw 1992)
Users of these methods	Investigators, mediators, arbitrators, lawyers, nurses, doctors and others.	Teachers, religious leaders, lawyers, healers, entertainers and lay persons.
Practical applications	History-taking, client assessment competency development, communication, sharing understanding.	Recitations, prevention, parables, delivering sermons.

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TO PROMOTE UNDERSTANDING

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The tasks of the college or university ombudsperson vary from campus to campus. The suggestions here may or may not fall within the immediate purview of the ombudsperson on each campus, but the problems touched upon should be of interest and may be of importance to ombudswork.

At Loyola University Chicago, the ombudsperson "facilitates understanding, communication, and conflict resolution." Facilitating understanding and communication may lessen the need for conflict resolution. Problems in communicating and difficulties in understanding are as old as the human story, but they are given added dimensions by the "multi-culturalism" of the contemporary academic community and the growing population of students from abroad.

The English language with all of its richness of vocabulary and syntax provides plenty of opportunities for misunderstandings and miscommunications. It is the standard language of American campuses, and we expect students from abroad to master the language. A simple story illustrates one problem. A science faculty member told a new graduate student from China that he should "run" some experiments. A week later the faculty member noticed that no progress had been made and quizzed the student only to find out that the student had been paralyzed by his inability to find a dictionary meaning for

"run" that seemed to fit. Such a misunderstanding is relatively easily corrected. Greater difficulties may arise, and not even be recognized, when some of the most important and emotion-laden words of the English language are involved.

Several years ago, we first invited some students and faculty members at the Illinois Institute of Technology to come together for a series of informal conversations on "big words" in English and their presumed equivalents in Chinese. The underlying concern was that translation may be imperfect. When we make translations even within Western European languages, the meanings, overtones, and importance of the terms may vary from one language to another. The words are to a degree captives of the history of their language community. We chose Chinese to initiate our project because it was my understanding that it is the most remote from English of the modern languages. I was joined by two co-conveners--a philosophy professor with an interest in the "linguistic movement" and a professor of electrical engineering of Chinese background with a second career as a popular novelist in Taiwan. Other faculty members and students joined us. Some of the students of Chinese-language background were from Taiwan and others from the Peoples' Republic.

This past spring, at Loyola University Chicago, an Egyptian professor of history whose original language was Arabic, a professor of political science, and I started a similar project to compare English and Arabic. The format in each case has been the same. The meetings begin with one person's reviewing the meanings and importance of a word in English. Another person then explains the words which would be used to translate the first word into the second

language. Discussion is quite informal with all encouraged to participate, including remarks on relevant points from still other languages native to the participants. Emphasis is on meanings in common usage in the family, business, and politics; but philosophical references are not ignored.

The most obvious place to start from an American point of view in examining "big words" is "freedom." At IIT, a professor from Great Britain pointed out that Americans are even more likely than the British to use the word "freedom" freely; and various "value studies" such as those by Milton Rokeach, show "freedom" at or near the top of American "values scales." The meetings both in English-Chinese and in English-Arabic therefore began with "freedom," drawing initially from the Oxford English Dictionary. The adjective "free" is the oldest form in English and occupies nine columns in the dictionary. The word has its roots in the old Germanic and Sanskrit with an original meaning of "dear" and related to "to love." The modern word "friend" is related to "free." To quote the OED: "The primary sense of the adjective is (1) 'dear'; the Germanic and Celtic sense comes of its having been applied as the distinctive epithet of those members of the household who were connected by ties of kindred with the head, as opposed to the slaves. The converse process of sense development appears in the Latin 'liberi' children; literally the 'free' members of the household." Thus, in English we have a very old word which is very rich in meanings and usage and which takes its origin in a social-political context.

In Western political philosophy, "freedom" is given a number of distinct meanings: the absence of restraint (both external, as in a freely moving body,

and internal, as the absence of inhibitions); spontaneous or self-developing; ruling and being ruled in turn; and doing as one ought (exemplified, for example, in Christianity--you are not really free if you are just following your desires; you may be doing the devil's work).

In Chinese, I understand, there is a very old word which is translated "free," but it is not a very important word. It is used mostly in poetry to describe the flight of a bird or the fall of a leaf. Only in the 19th Century were very different words created to translate Western works on freedom and its cognates. More words were added in Chinese during the course of the 20th Century as Marxist words relating to "liberation" needed to be translated.

One must be careful in drawing direct conclusions and actions from such comparisons. Clearly, many Chinese are concerned to possess and promote "Western-style freedom;" but there is some significance to the modifying phrase "Western-style." A person of Chinese background who has immigrated to the United States may have immersed her or himself in Western understandings. Others, however, may not fully appreciate the importance or the varieties of meaning Americans attach to "freedom."

The intricacies of understanding are further suggested by the fact that two major words in contemporary American political discourse--"toleration" and "privacy" were both created in the Chinese language in this century in order to translate from the English. Two illustrations reveal the complications of agreeing on priorities. As for privacy, a professor born in China whose family has been raised in this country told us that if he were to close his study door, his family would come to the door to ask why he had shut them out! As for toleration, in Chinese the root symbol is the symbol for "knife in the

heart." The Anglo-American willingness to "agree to disagree" (tracing back to efforts to moderate religious conflicts in England in the Seventeenth Century) is in contrast to the traditional Chinese inclination to reach a full and heart-felt consensus.

The IIT group found that discussion is fruitful not only in proceeding from English to another language but starting with the "big words" in the other language and then wrestling with the words or group of words which most effectively can be used for translation into English.

The English-Arabic discussions at Loyola University Chicago have only just begun this spring, again starting with the English word "freedom."

Shortly before the first meeting, a student group distributed material explaining Islam. A brochure "Human Rights in Islam" contained the following paragraph:

> Freedom of Expression: Islam gives the right of freedom of thought and expression to all citizens of the Islamic state on the condition that it should be used for the propagation of virtue and truth and not for spreading evil and wickedness. The Islamic concept of freedom of expression is much superior to the concept prevalent in the West. Under no circumstances would Islam allow evil and wickedness to be propagated. It also does not give anybody the right to use abusive or offensive language in the name of criticism. It was the practice of the Muslims to enquire from the Holy Prophet whether on a certain matter a divine injunction had been revealed to him. If he said that he had received no divine injunction, the Muslims freely expressed their opinion on the matter.

This is in contrast, of course, with the usual meanings of freedom in casual American conversation connected with "the absence of restraint" or "spontaneous or self-developing." It is, however, "doing as one ought" and thus not entirely "foreign" to American thought. This insight may help an American understanding--though presumably not justify or excuse--the response to Salman Rushdie's Satanic Verses.

In Arabic, as I understand it, the adjective "hut" (free) was used to characterize the way non-slaves were treated--a kind of social relationship especially among the "People of the Book." "Hurriyya" (freedom) does not appear until 1798, interestingly enough in a document prepared at Napoleon's behest. In present political thought, the word is most typically used in the context of liberating Muslim countries from foreign control. These are only a few of my notes from a complex but still only introductory presentation. They should suffice, however, to suggest that understanding something even so "fundamental" and "obvious" to us as freedom cannot be treated as a simple and casual thing. It requires care, open-mindedness, and an effort to understand.

The ombudsperson is unlikely to be a professional linguist, and indeed that is not called for. If the ombudsperson is a facilitator of communication and understanding, he or she may productively work to bring together people who will explore areas where misunderstanding is not only common but involves fundamental terms (in English) for cooperating.

Special thanks are due to Professors S. K. Chang and Robert Ladenson of IIT and Ahmad Ibrahim and Cynthia Watson of Loyola University Chicago. However, none of them should be held responsible for the "facts" and opinions asserted herein.

STAYING NICE, PART I

H. Clare Wiser

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Nice: . . . marked by precision and delicacy; . . . well executed.

In recent months I have felt a heightened need to explain the basic function of an ombudsman to those for whom both the term and the concept are foreign, and to defend the office against those who wish to truncate or eliminate it. After eleven years of experience and thought, it is still not easy to effectively summarize the complexities, subtleties, and variations of the ombudsman craft. With some reluctance, I have resorted to the acronym NICE to emphasize some of the essentials: an ideal university ombudsman is **N**eutral, **I**ndependent, **C**onfidential, and provides a safe place for **E**very member of the university community to bring **E**very sort of university related problem.

Since the inception in 1970 of the Office of University Ombudsman, Washington State University has provided an excellent environment in which to practice and polish ombudsman skills. The administration has given the ombudsman almost complete freedom of operation but has provided support and authority when needed. The office itself has a quiet but central location where an atmosphere of safety, concern, and independent judgment can flourish. Relationships with others engaged in solving problems, settling disputes, providing information, and making decisions have been cooperative enough to assure effectiveness and competitive enough to provide excitement and promote improvement.

Recently, however, various serpents have been observed in this Garden of Eden. Some, I suspect, are currently present on most college campuses; others are indigenous. A few general challenges to an effective ombudsman office are:

(1) an increase in "professional" administrators who are more isolated, less academic, more business oriented, and less tolerant of any independent external force;

(2) increased pressure for access to university records (this problem is acute in Washington where recent court decisions interpret "public records" as broadly as possible and criteria for exemption from release of such records as narrowly as possible);

(3) an increase in those involved in complaint processing and dispute resolution (overlaps of purview and alternate avenues of appeal are desirable; but, in these austere times, there is a powerful urge to consolidate and eliminate);

(4) the existence of special interest groups with noble goals which an ombudsman, as an individual, might well identify with (it is not easy to maintain the distance that real and perceived neutrality demands and at the same time retain good working relationships with key activists);

(5) decreased consideration of the happiness and welfare of individuals in administrative decision making, as opposed to emphasis on costs, short term public relations, potential litigation, and adherence to arbitrary rules and procedures (this can easily lure an ombudsman into adversarial roles with consequent loss of independence and/or administrative support).

Hard as it is to break off this jeremiad, I would like to single out one local change which motivated the writing of this note. For many years W.S.U. has had an administrative structure consisting essentially (there have been various title variations) of a president, a provost, a vice-provost with university-wide responsibilities, and various vice-provosts with narrower and natural areas of responsibility such as the graduate school, academic affairs, student affairs, business, etc. The ombudsman has reported to the provost and has thereby had the implication of broad scope and high level administrative support. After many years of campaigning by various women's and minority groups for an advocate in the central administration, the position of Vice-Provost for Human Relations and Resources was created effective July 1992. This vice-provost is responsible for the offices of staff personnel, faculty personnel, disabled student services, affirmative action, women's resource and research, and the ombudsman. Their charge includes providing leadership in the areas of diversity and multiculturism.

The comprehensive administrative re-alignment (which included the establishment of this position) is expected to produce broad and deep changes in atmosphere, procedures, and organizational relationships. For me, many concerns arise related to the principles encapsulated in the acronym NICE, especially questions of scope as indicated (and eventually affected) by the organizational chart; questions of perceived neutrality; questions of loss of independence through day-to-day supervision by a vice-provost (as opposed to benign neglect by a provost); and, questions of loss of both autonomy and confidentiality were several complaint-resolving offices to be combined.

When the possibility of no longer reporting to the provost was first discussed, I voiced my reservations about such a change as follows:

"As the nature and role of an ombudsman has developed over hundreds of years in various settings and countries, the importance of independence, neutrality, confidentiality, and breadth of scope have become the cornerstones of effective operation. To ensure these characteristics, it is imperative that a university ombudsman office <u>be</u> and <u>appear to be</u> independent of existing university structures. The types of grievances and concerns brought to the office should not be limited by association with one segment of the university. To maintain a neutral and objective posture, an ombudsman should be isolated from the causes of difficulties that arise and free from external pressures. The optimal situation is to have the ombudsman office separate from the university organizational chart except for a thin line to the president or provost who provides just the necessary budgetary and administrative support. This suggests, if not guarantees, that the office considers matters affecting all aspects of the university (including those related to branch campuses and other remote locations); has all members of the university community as potential clients, including faculty, students, staff, and administrators; and, is completely independent except for ultimate responsibility to the whole university as represented by the provost or president."

I have dwelled on the negative but there are also some positive prospects:

(1) a more cooperative and unified campus approach to dispute resolution and to informational and training efforts;

(2) a supervisor who by design is a champion for human rights; and,

(3) real progress to match the real commitment which the university has had to diversity and a fair workplace.

The title of this note includes the phrase "Part I." I hope and trust that, a year hence, Part II will be a case study of how various pitfalls were avoided, and opportunities seized, in improving both the human condition at W.S.U. and the effectiveness of the ombudsman office.

THE CONTRIBUTORS

R. Adolfo de Castro

Adolfo, a former trial lawyer, turned "ombudsman" seven years ago. Adolfo's present position is the Ombudsman, "Defensor del Pueblo" for the Commonwealth of Puerto Rico. His past experiences as a state attorney and as a judge have contributed in shaping the manner in which he carries out his present responsibilities. Adolfo has written some articles on the ombudsman as an "institution" and has discussed the subject in forums around the world. In addition to his Ombudsman duties, Adolfo is a Member of the Board of Directors of the Latin American (Caracas) and International (Edmonton) Ombudsman Institutes; President-Elect of the Ombudsman Forum of the International Bar Association (London); and, President of the United States Association of Ombudsmen (Juneau).

Barry R. Culhane

Barry juggles three "administrative" hats in performing the following functions: Student Ombudsman at Rochester Institute of Technology; Project Assistant to the President of RIT; and, teacher at the National Technical Institute for the Deaf. Barry's prior administrative experience in academic and student affairs provides a solid foundation for his present position in problem resolution and conflict negotiation. A psychologist, Barry holds an undergraduate degree from the University of Windsor, Canada and completed his doctoral studies at the University of Rochester.

Lois Price Spratlen

Lois began her tenure at the University of Washington in 1972 as a faculty member in the Psychosocial Nursing Department. In 1982 she was appointed the Ombudsman for Sexual Harassment and in 1988 she became the University Ombudsman. At present, Lois is Professor of Psychosocial Nursing; the University Ombudsman; and, the Ombudsman for Sexual Harassment. In addition, Lois is a board certified psychotherapist in adult psychiatric and mental health nursing practice. Because of her work with hospitals, clinics, and public social service agencies, she frequently serves as an expert witness in sexual harassment cases and continues to publish her findings on this subject. Lois holds degrees from Hampton Institute, University of California, Los Angeles, and the University of Washington.

James W. Vice

Jim is beginning his second year as Ombudsperson at Loyola University Chicago. An alumnus of the University of Chicago, Jim remained at his alma mater for several years as an administrator in various student affairs' areas and as a Professor of Social Sciences. In 1975, he became Dean of Students at the Illinois Institute of Technology. In addition to his administrative duties at IIT, Jim taught Political Science. Jim's academic interests focus on the general nature of practical reasoning and the specific ways people reason together through institutions. These concentrations, combined with his administrative experiences, have sharpened his commitment to improving communication and community understanding within a university.

H. Clare Wiser

Clare, a professor of mathematics, has been at Washington State University since 1961. He is currently serving the last year of his second three year term as University Ombudsman. During the six year gap between these two terms, he acted as a Special Ombudsman for Sexual Harassment. His interest in conflict resolution grew out of many years experience on state and local boards and committees related to staff benefits, university governance, and government relations.