

MC-709  
Box 35  
Folder

1993 UCOA annual conference notes

1993

# Ombuds History

1982 - 1990s  
COA + TOA

Rowe Ombuds box Dec 28 2018

If possible the materials here should be kept near each other. 😊

1990's Big pile: Materials about COA → TOA and the 1990's

There are lots of bits about being an OO. Conferences. Surveys. Lists of COA + TOA members. Governance of the profession. The proposal for PRESTO (mentoring by OOs of OOs) Early discussions by and among Committee members. Mentions + materials from other O associations of academics, Canadians, regional meetings in CA + MA, classical O's etc. Newsletters + research.

Little pile #1

1990's Correspondence similar to above

Little pile #2

1980's This pile includes the beginning of COA (which turned into TOA) lists of first members; surveys; committees; Conference planning.

## UCOA '93 TENTATIVE SCHEDULE

Thursday, April 1, 1993 (Eldridge Hotel)

- 9:00 a.m. - 1:00 p.m. UCOA Board of Officers Meeting
- 1:00 p.m. - 9:00 p.m. Registration in Lobby
- 2:00 p.m. - 5:00 p.m. Beginners' Workshop
- 2:00 p.m. - 5:00 p.m. Pre-Conference Session: "Gender as a  
Special Focus in Diversity Issues"
- 7:00 p.m. - 9:30 p.m. Welcoming Reception

Friday, April 2, 1993 (Adams Alumni Center, University of Kansas)

- 8:15 a.m. Continental Breakfast
- 9:00 a.m. Welcome and Information Sharing
- 9:15 a.m. "Keynote" By Conference Participants: Who Are We and  
What Concerns Us?
- 10:30 a.m. Break
- 10:45 a.m. Deans' Insights on the Worlds of Our Work  
James Muyskens, Liberal Arts and Sciences  
Ann Weick, Social Welfare
- 12:15 p.m. Lunch
- 1:30 p.m. What Will the Rest of the 90's Require of Ombudsfolk?  
Howard Gadlin, UCLA, and participants
- 3:00 p.m. Break
- 3:15 p.m. Issues and Cases: Table Groups
- 4:45 p.m. Bus Tour of Campus, Return to Hotel
- 6:30 p.m. UCOA Annual Banquet (Eldridge Hotel)  
UCOA Historian's Remarks - Carolyn Stieber, Emeritus,  
Michigan State U.  
President's Remarks - Ron Wilson, U. Cal, Irvine

Saturday, April 3, 1993 (Eldridge Hotel)

- 8:00 a.m. Continental Breakfast
- 8:45 a.m. UCOA Annual Business Meeting
- 10:00 a.m. Break
- 10:30 a.m. Concurrent Sessions  
Total Quality Management and Ombudstry  
Sexual Orientation Issues  
Medical School Issues  
Obsessions, Violence and Anxiety  
Issues Identified on Friday
- 12:15 p.m. Lunch (Eldridge Hotel)
- 1:30 p.m. Computers: Tools and Issues  
Jerry Niebaum, KU Director of Academic Computing
- 2:15 p.m. Work Sessions  
A Journal for UCOA  
A Handbook for Ombuds Services  
Ombuds Support Services: National, Regional, Local  
Assessment and Evaluation  
Utilizing Computers
- 4:15 p.m. Break
- 4:30 p.m. "Shield Laws" and Related Legal Issues
- 5:30 p.m. Break for Dinner and Relaxation in Downtown Lawrence
- 8:00 p.m. Optional Interest Groups as Announced

(OVER)

Sunday, April 4, 1993 (Eldridge Hotel)  
8:00 a.m. Continental Breakfast  
8:30 a.m. Work Session Reports and Resource Sharing  
9:30 a.m. Short Papers  
(Including selected "two-pagers" brought by  
participants responding to pre-conference mailing)  
Issues Identified Friday and Saturday  
The Ombuds Concept - Emergence, Transition, Prospects  
11:30 a.m. Adjourn

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IMPORTANT NOTES!!!

- \*\*\* Registration checks should be made payable to University of Kansas
- \*\*\* If you wish to participate in the "gift exchange", please bring a gift (\$10.00 or less) with your institution's name, logo, or whatever ... we'll exchange during the conference.
- \*\*\* Air travel can be booked through Kansas City International Airport. Van Service to Lawrence (a one hour trip) leaves the airport nearly hourly, via A-1 Airport Shuttle (\$34 round trip). Phone reservations: 1-800-736-1090. Further details of travel from the airport to Lawrence will accompany your registration confirmation. If you choose to rent a car at the airport, it is probably wise to phone Bob Shelton for directions from the airport. If you are driving, the Eldridge Hotel is at 7th and Massachusetts Streets, most easily reached from I-70 via the East Lawrence exit.
- \*\*\* Send your hotel reservation directly to the Eldridge Hotel. If you would like to save \$, and know with whom you'd like to room, include the name with your hotel reservation. Phone: 913-749-5011.
- \*\*\* If you wish to bring a guest to the UCOA Banquet Friday evening, (@ \$20 per guest) please let us know, preferably with your registration.
- \*\*\* Please take seriously the request to respond to one of the four dilemma statements in a statement of no longer than 2 pages. It will help if you can bring 90 copies to turn in at the registration table, so that we can arrange distribution at the opening session. If you can only bring one original, we'll try to get copies made in time for distribution.

Do you have questions? Suggestions? Concerns? Phone Bob Shelton at (913) 864-4665.



UCOA '93 REGISTRATION

Name \_\_\_\_\_

Institution \_\_\_\_\_

Address \_\_\_\_\_

University and  
College Ombuds  
Association

Phone \_\_\_\_\_

(AA32110)

Registration Fee: \$150.00 (Includes conference costs, welcome reception, three continental breakfasts, Friday and Saturday lunches, and Friday banquet.) Make check payable to: The University of Kansas.

Are you new to Ombudsing? \_\_\_\_\_

Do you plan to attend the Beginners' Workshop? \_\_\_\_\_

Do you plan to attend a pre-Conference Workshop? \_\_\_\_\_

Suggestions for the program? \_\_\_\_\_

Do you have special needs we need to be aware of? \_\_\_\_\_

Please choose one of the following entrees for the Friday Banquet:

\_\_\_ Breast of chicken with shrimp and asparagus

\_\_\_ Beef Wellington

\_\_\_ Roasted Vegetable Lasagna

Please return this form along with your payment to:

Karl Kappelman

The University of Kansas

Continuing Education Building

Lawrence, KS 66045-3284

(Phone: 913-864-3284)

Refunds: Registration fees may be refunded only upon written request submitted no later than April 5, 1993

For further conference information write or phone:

Robert Shelton, University Ombudsman

The University of Kansas

104 Smith Hall

Lawrence, KS 66045-2164

(Phone: 913-864-4665)

The University of Kansas is committed to providing programs and activities to all persons, regardless of race, religion, color, sex, disability, national origin, ancestry, sexual orientation, marital or parental status, and, to the extent covered by law, age or veteran status.

## U C O A ' 9 3

### "THE EVOLVING OMBUDS CONCEPT: PERSPECTIVES AND APPROACHES"

In preparation for the conference, you are urged to give some thought to the following statements of "dilemmas" involved in our work in colleges and universities. The quality of interaction in our conference will be assisted if you will: select one of the four statements; write your own response to the statement in a maximum of 2 pages; bring 90 copies of your response to the conference with you. Your two pages copied front and back on one page will increase efficiency, convenience, etc. Please turn in your copies at the registration table on arrival, and they will be prepared with others for distribution on Friday.

Preceding your response statement on the first page, please give your name, your institutional title, your professional background, and the length of time you have been ombudsing.

1. There is no legally or morally safe way for the university to satisfactorily handle sexual harassment complaints. Agree? Disagree? Illustrate.
2. Even though institutional policy may be clear on the issue, an institution cannot prevent retaliation against students or staff who bring complaints against personnel or the institution. How can such retaliation be handled?
3. The increasing potential for violent outbursts by individuals on campus creates safety and other issues for which institutions are unprepared. Agree? Disagree? Illustrate.
4. Colleges and universities are simply not prepared for and/or are unable to handle serious racial, cultural and gender diversity issues. Agree? Disagree? Illustrate.

Again: select one; write brief two-pager; bring copies to the conference.

DRAFT

REPORT ON SPECIAL TOPICS  
1993 UCOA ANNUAL CONFERENCE

The 1993 annual conference of the University and College Ombuds Association was held April 1-4 in Lawrence, Kansas, coordinated by Robert Shelton, Kansas University Ombudsman.

In preparation, participants were asked to write a two-page response to one of the following four statements of ombuds practice dilemmas:

1. There is no legally or morally safe way for the university to satisfactorily handle sexual harassment complaints. Agree? Disagree? Illustrate.
2. Even though institutional policy may be clear on the issue, an institution cannot prevent retaliation against students or staff who bring complaints against personnel or the institution. How can such retaliation be handled?
3. The increasing potential for violent outbursts by individuals on campus creates safety and other issues for which institutions are unprepared. Agree? Disagree? Illustrate.
4. Colleges and universities are simply not prepared for and/or are unable to handle serious racial, cultural and gender diversity issues. Agree? Disagree? Illustrate.

Although about a dozen responses were written and distributed, most of the sixty conference participants reported that they were too busy to complete the assignment or the dog ate their papers. Most of the issues, however, were intensively discussed in workshops or plenary sessions during the conference.

VIOLENCE. (#3) Two sessions addressed issues of responding to complainants who are obsessed, deluded, or violent. Several ombudspeople presented cases of stalkers, former students or employees who "can't let go" of the feeling that an adverse administrative decision has destroyed their lives, and those who make direct or indirect threats over the telephone to "blow someone away." Persistent issues were the timing of alerting law enforcement agencies, safety precautions for all concerned, and the ongoing "keep the door open" role for the ombudsperson in cases where the complainants had not directly threatened or committed violence but where his/her state of mind suggested violence might be a possibility.

DIVERSITY. (#4) UCOA members agreed that new kinds of training and thinking about diversity issues are needed in the 1990s. Howard Gadlin, the UCLA Ombudsperson, said that just as the "melting pot"

was earlier rejected as a metaphor of American race relations, so we should now reject metaphors of juxtaposing different ethnic categories (such as the rainbow, the mosaic, the salad, or the quilt). Instead, he advocated, we must create ways for everyone to interact with each other. Our majority-minority construct and our established classifications (African-American, Latino, Asian, etc.) are artificial, he said: in the real world many people have blended ethnicity. When identities are determined by set categories, inter-group hostility is sustained. Instead, we should challenge everyone's perspective, so all our self-identities are subject to re-examination and to change, and we are all affected by being part of larger whole.

One of the written responses to statement #4 focused on an analysis in progress by Claremont Graduate School Prof. Antonia Darder, which posits that conservative exclusive institutions with fixed boundaries would not value diversity; a liberal institution would acknowledge multiculturalism within limited arenas, such as ethnic murals, a Martin Luther King holiday, or an Asian-American studies program; but a truly democratic heterogeneous institution would enhance inclusiveness with fluidity. In the culturally democratic organization, people of color are not "welcomed guests" into a white institution, but rather participate in "ownership" in the life of that organization, so that new structures of power emerge. This paper ended with a challenge to ombudspeople to find ways to envision new ideas of "winning" in the evolution of power structures, and to encourage participants to develop "win-win" resolutions.

The group resolved that our own racial categories and attitudes would be the subject of a candid facilitated interaction at next year's conference.

SEXUAL HARASSMENT. (#1) Many people spoke in the last morning's discussion of the difficulty of handling sexual harassment complaints. Some reported cases that had been handled safely and successfully. Others contributed statements of the following problematic areas:

Credibility. When the one who files the complaint is not informed of the outcome, s/he and others in the community may believe "the university won't do anything." Several schools are now trying to encourage reporting and trust in the adjudicative process by publishing annual reports of the number of cases, the nature of the charges, and a general description of the outcomes. Others are changing their policies to allow the complainant to learn the outcome.

Timeliness. Internal hearing procedures may be very prolonged; when an appeal procedure follows it's especially problematic if adjudicators from a different division are involved. Some institutions find it preferable to have a team



investigate each complaint as it is filed. Though a system of multiple points of entry for a complaint has advantages, some reported it may also undercut the effectiveness of the process: one complainant was given incorrect information about procedures, had to go through a sequence of time-consuming steps, and felt she was being thwarted in a bureaucratic run-around that resulted in her exceeding the statute of limitations.

Inconsistency. Many universities' ombudspeople are concerned about inconsistency when complaint handling and appeal procedures and standards may be different in various schools and divisions.

Legalism. Several people cited cases in which there was "common sense" reason to believe harassment had occurred, but internal legal counsel raised questions about the evidentiary standards that discouraged administrators from acting decisively. When a situation can be framed as "one person's word against another's," administrative paralysis may result. Managers' reluctance to discipline or to hold powerful people accountable for inappropriate conduct may be a widespread problem.

## OMBUDSMAN CONFERENCE

Lawrence KANSAS

APRIL 1 1993

### 1. HISTORY OF OMBUDSMAN NZ

New Zealand has enjoyed the office of Ombudsman since 1962. The first incumbent was Sir Guy Powles who held the office from its inception until 1975 when he became the chief Ombudsman. On being sworn in he stated " *The Ombudsman is Parliament's man-put there for the protection of the individual, and if you protect the individual you protect society.*" " *I am not looking for any scapegoats or embarking on any witchhunts. I shall look for reason, justice, sympathy and honour, and if I don't find them, then I shall report accordingly.*"

The jurisdiction of the position was initially limited to investigations into central government departments and organisations. In 1968 the jurisdiction was extended to education and hospital boards. Under the Ombudsman Act 1976 the jurisdiction was extended further and also provision made for more people acting in this area. In May 1987 Mrs Nadja Tollemache was appointed the first women Ombudsman in New Zealand. In moving the recommendation of the house of representatives to the Governor-General the leader of the house said:

*"It is not intended to change the title "ombudsman in order to accommodate the appointment. The concept and term "ombudsman" are of Swedish derivation, and there the word applies equally to men and women who hold the position. Sweden was not only the first country to create the position of Ombudsman; it was amongst the first to appoint a woman to that post"*

The New Zealand Ombudsman is an officer of Parliament appointed by the Governor-General on the recommendation of the House of Representatives. In other words, the position is accountable to Parliament, not the Government of the day.

### 2. THE SITUATION WITHIN THE POLYTECHNIC SYSTEM

In November 1991 I visited the USA and Los Angeles and Texas in particular. I was very fortunate to meet Don Hartsock, Ombudsperson, of UCLA who gave freely of his time and cemented for me the passion I have for the student ombuds type role I now have at our Polytechnic. Conversations also with Dr Betty Hiteshew of Santa Monica College and Dr Yvonne Abatso of North Lake College who gave me a good background for making an application to the Polytechnic to consider the position of student ombudsman.

During the year of 1992 I carried out extensive investigations into Student Complaint Procedures both in the Universities and Polytechnics. The patterns were similar in each case, although the University system does allow for a 'visitor' to hear concerns of students. The polytechnic area had no extension to the normal complaint answering pattern of an aggrieved student going to the tutor, then to the course supervisor, onto the hod and finally to the dean, if all else failed. The student union was an additional area that could be used if the claimant so wished, and would act and advocate to a certain degree, on behalf of the claimant. However the concerns were gauged in importance against all the administration work that was being completed and the number of concerns were low (possibly due

MR  
This is interesting  
New Zealand's only  
academic ombuds

to the atmosphere permeating at the time ie no in depth relationship with the customer and certainly no formal method of reviewing staff). Perhaps it would be true to say that the main thrust in the tertiary system has been until recently, on content of courses, student numbers and facilities/resources required to conduct business. It is evident now that importance is being placed on Human Resource Development with the promotion of Personnel depts and the monitoring performance review systems becoming policies and procedures. At my Poly, the introduction of in-depth interviews, induction, close monitoring, student evaluations, peer reviews and performance reviews, the introduction of the student Ombudsman office, in conjunction with new Policies and Procedures puts direct emphasis on the customer care that is now essential for our future.

The student can now insist on a review of individual staff and can demand immediate action for a grievance.

### **3. THE CURRENT SITUATION AT CARRINGTON POLYTECHNIC**

During 1992 submissions were made to the Management Board to introduce the position of student ombudsman into the student grievance procedures as laid down by statute. The questions that were addressed were:

**Q1 What is the Carrington Polytechnic Ombudsman?**

**Q2 What can be gained by having the position?**

**Q3 How does the system work?**

**Q4 Who is the ombudsman and where does he reside?**

A1 The polytechnic ombudsman is an independent impartial resource to assist students to resolve issues of concern or dissatisfaction regarding their student charter of rights and obligations.

A2 The ombudsman can benefit the students by:

Actively representing the polytechnic's commitment to treat all students on the campus with fundamental fairness.

Providing a neutral resource through which students may resolve issues of concern.

Preventing issues of concern from escalating into major problems.

Assisting the polytechnic to develop, implement and maintain Policies and Procedures which equitably address the rights and responsibilities of the student community.

A3 The procedure follows the already established pattern common to all Polytechnics. The difference is that the claimant can now either go one step further and see the Ombudsman after seeing the dean or (which could be a trend in the future), to bypass the system after discussion with the student union, and go straight to the impartial officer. The system then is for the officer to investigate the claim in its entirety and report the findings to both the CEO and the Student Union. The report will have recommendations for further action.

**A4 Currently** the person holding the position is a tutor who over the last ten years has been involved in staff matters and work related to students. His background is

in personnel and has the credibility on the campus to do the work required.

If we needed to seek a replacement we would look for:

- empathy/counselling skills
- sound knowledge of our Polytechnic
- legal knowledge
- reputation for wisdom & fairness

#### 4 THINGS I HAVE LEARNED

- 1 To ensure that the claimant write down exactly what the concern is and the facts as they see them
- 2 Communicate with all people who can assist in the matter
- 3 In writing the report, not to be too specific in the recommendations ie instead of saying "*&450 to be paid to each student*" to allow the CEO latitude by stating that "*the students should be recompensed for the trouble caused*"
- 4 Not to rush the procedure-less haste more speed
- 5 Not to take the problems as a personal crusade but to be completely impartial

#### 5 RECENT CASE

- 1 Student not allowed to complete the final year of a three year programme of study( person unfit to be a skilled operator)ie not given permission to take the state exams-because of a pending court case for DIC; and information not disclosed on the admittance form
- 2 The Dean not only wears the internal academic hat but also is a member of the external advisory committee who dictate the criteria for admittance to the exams.
- 3 Student had a short history of petty crime in his youth
- 4 The Academic Committee of the school, in question, turned down the appeal by the student to sit
- 5 The final move was to appeal to the sub committee of the academic of the Polytechnic. The submission was made and the student was allowed to sit the exams, albeit some three months after the original sitting
- 6 If the student is successful in the exams he still has to combat the "unfit person" accusation

#### 6 THE TITLE "OMBUDSMAN"

The title cannot be legally used in this country except by the NZ Ombudsman. I am liable to a fine not exceeding \$1000.00 if I continue to use the title. Understanding that the work must continue can you , an august body in this area, give me some idea how I can overcome this title problem? I look forward to your suggestions. Thank you for your attention.

\*\*\*\*\*

Peter Johnson



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The remaining contents of this folder have been redacted.

If you would like to see the full folder, please email the

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[distinctive-collections@mit.edu](mailto:distinctive-collections@mit.edu)