

MEMORANDUM

To: Sharon K. Hahs, President

From : Ombuds Working Group

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Re: Recommendations for an Ombud program at NEIU

Date: 6 December 2011

Our group was tasked by President Hahs with developing a proposal for an employee ombuds program. The need for an NEIU ombuds has also been endorsed in the past by the Faculty Senate, Civil Service Council, A&P Council, and most recently by the Andersen Report on Shared Governance at NEIU. Accordingly, our working group is composed of faculty and staff representing each of the above constituencies, all three academic colleges, tenure-line faculty and instructors, and the library. This structure of this memorandum and some of its content is modeled after similar ombuds reports and documents generated by Oregon State University, the University of Texas at Austin, and Washington and Lee University.

We began our work by examining the Code of Ethics, Standards of Practice and Best Practices, and organizational ombudsman information published online by the International Ombudsman Association. We also examined ombuds programs serving employees at 90 institutions of higher learning in the United States and Canada (See Appendix A). Information was obtained directly from websites, from email exchanges, and direct conversations with ombuds at these campuses. The information provided below represents items to consider in the creation of an NEIU ombuds office, and gives recommendations regarding what we believe might work best for NEIU.

The Ombuds Working Group (OWG) believes a definite need for a faculty and staff (including administrators) ombuds exists at NEIU. This office should be independent, and provide informal

assistance in an impartial and confidential manner. This is consistent with the Code of Ethics and Standards of Practice of the International Ombudsman Association.

After doing our research, however, we also feel the need to point out that the creation of an employee ombuds program cannot reasonably be expected to address all issues on campus and there may be other practices or programs that can address disputes and have additional positive impact on employee morale. We also believe that an ombuds office is worth the expenditure of significant dollars—this sends a tangible, genuine message of a desire to create a resource for employees that is safe, neutral, and independent.

1. What an Ombuds Does

As part of our research, we found we needed to be educated on what is to be expected of an ombuds. The following sections on what ombuds do and do not do, and on confidentiality, are compiled and modified only slightly from “What is an organizational ombudsman?” on the International Ombudsman Association (IOA) website (<http://www.ombudsassociation.org/resources/what-ombuds>) and “Standards for the Establishment and Operation of Ombuds Offices” by the American Bar Association (ABA) (http://www.americanbar.org/content/dam/aba/migrated/child/PublicDocuments/ombudsmen_1.authcheckdam.pdf), and the IOA response to the ABA document (<http://www.ombudsassociation.org/sites/default/files/GuidanceOnABAStandards%20final.pdf>). This material is also consistently represented on the university ombuds websites we visited. We recommend that the goals and scope of an NEIU ombuds be defined by a charter in advance of hiring, using this and the following two sections as guidelines.

An ombuds listens and understands issues while remaining neutral with respect to the facts. The ombuds does not listen to judge or to decide who is right or wrong, but instead listens to understand the issue from the individual perspectives. This is a critical step in developing options for resolution. The ombuds assists in reframing issues and developing and helping individuals evaluate options. This helps individuals identify the issues and interests of the various parties and helps focus efforts on potential options to address those issues and interests.

An ombuds can also guide or coach individuals to deal directly with other parties, including the use of formal resolution resources of the organization. An ombuds often seeks to help individuals improve their skills and their confidence in giving voice to their concerns directly. If appropriate, an ombuds often refers individuals to appropriate resolution resources. An ombuds may refer individuals to one or more formal organizational resources that can potentially resolve the issue.

An ombuds can assist in surfacing issues to formal resolution channels. Even when an individual is unable or unwilling to surface a concern directly, the ombuds can assist by helping give voice to the concern and /or creating an awareness of the issue among appropriate decision-makers in the organization. Also, an ombuds may help to resolve issues between parties through various types of informal mediation.

Finally, an ombuds identifies new issues and opportunities for systemic change for the organization. The unique positioning of the ombuds serves to provide unfiltered information that can produce insight to issues and resolutions. The ombuds is a source of detection and early warning of new issues and a source of suggestions for systemic change to improve existing processes.

2. What an Ombuds Does Not Do

Because of the informal, neutral, confidential and independent positioning of an ombuds in an organization such as a university, s/he typically does not participate in formal investigations or play any role in a formal issue resolution process. An ombuds is not a substitute for an attorney or a counselor. S/he does not compel anyone to implement a recommendation; and neither makes nor sets aside laws, administrative decisions, or University Policies.

While an ombuds may expedite and facilitate the resolution of a complaint, an ombuds cannot compel an entity to implement a recommendation. An ombuds' inquiry or investigation does not substitute for a judicial or administrative hearing and it is not an appellate forum.

An ombuds does not serve in any other organizational role that would compromise the neutrality of the ombuds role, or receive notice for the University. Finally, an ombuds does not make binding decisions, mandate policies, or create or maintain records for the University.

3. Ombuds Confidentiality

An ombuds keeps personally identifiable information confidential, unless the client gives consent to release it. In the State of Illinois, no ombuds privilege exists, so (unlike communications between attorneys and clients) communications made to ombuds are not protected from subpoena. In some universities, where an individual may be a danger and intend harm to themselves or others, an ombuds is required to disclose pertinent information. In the case of NEIU this may include contacting the Behavioral Concerns Team (BCT). In addition, an ombuds may be compelled by protective service laws or professional reporting requirements to report suspected abuse. Per IOA recommendations, we also suggest the discretion to disclose information in the case of such a situation rest solely with the ombuds. Still, we view these cases

as being highly unusual and very infrequent, and we encourage the charter for the ombuds office (see below) to provide the highest level of confidentiality available within the law.

4. Relationship with Existing Grievance and Complaint Procedures and Processes

The NEIU Ombuds would complement and supplement, rather than replace, existing systems (e.g., ADA, Affirmative Action, Ethics, Grade Appeals) and those agreed to as part of collective bargaining agreements (CBAs). Our research found that ombuds offices significantly lighten the load of administrators and union grievance officers. On other unionized campuses we contacted, the ombuds is available for consultation before, during, and after a formal grievance or complaint, and can advise the complainant regarding alternative informal dispute resolution services. We recommend NEIU follow a similar approach.

IOA has developed Best Practices regarding working in a unionized environment. First, the ombuds charter, and, where possible, CBAs, define the involvement of an ombuds with union members and with issues linked to the CBA. Second, ombuds dealing with unionized employees defer to the CBA process any issue covered by the CBA unless otherwise agreed to by the union, the employer, and the persons involved. Finally, the ombuds should always inform unionized employees about the union process when providing assistance on an issue that might be covered by the CBA.

We also want to make clear that the ombuds would not advocate or directly participate in a grievance procedure, but merely act as a sounding board or similar resource to anyone involved in such a process. The ombuds would work with union members regarding all other issues not covered by the CBAs, such as communication issues with co-workers.

5. Recommended Attributes of an NEIU Ombuds program

First and foremost, the ombuds office will need a charter. IOA Best Practice recommends that:

“...the charter will affirm the essential characteristics of the ombuds function – independence, impartiality, and confidentiality – that govern the role in which the ombuds receives complaints, works to resolve particular issues informally, and makes recommendations for the general improvement of the organization. The charter should also specify and define the ombuds’ scope of practice and limitations on the ombuds’ authority; qualifications to be an ombuds; office structure; procedures; confidentiality; and an understanding about the ombuds office not accepting notice on behalf of the entity.”

We recommend members of the OWG and/or ombuds search committee be included in the creation of the ombuds charter.

As part of the OWG tasks, we identified lines of variability in ombuds programs at public and private institutions of higher learning. These lines include ombuds training and qualifications, whether the ombuds comes from a particular part of the university or is hired from outside, the number of ombuds at an institution, size of support staff, potential location of the ombuds office, who the ombuds should serve, and to whom the ombuds reports. Each of these is outlined below.

A. Ombuds training/qualifications

We recommend that the NEIU ombuds be a member of, or have undergone professional development/training with, the International Ombudsman Association (IOA) and explicitly adopt and abide by IOA standards. The IOA is the largest and best-known professional organizational ombuds association in the world, and as such has a widely-accepted and respected Code of Ethics, Standards of Practice, and Best Practices. This includes central guiding principles of Independence, Confidentiality, Informality, Impartiality and Neutrality.

Of the 59 programs that had this information available, 54 featured ombuds who were members of, or had professional development/training by, the IOA. Many ombuds contacted by OWG members deemed this sort of training “essential” to the role and considered continuing development/training as “an investment in the position.” If NEIU hires someone who is not an IOA member or has not been through IOA professional development, we suggest this individual begin the process of applying for membership and enroll in IOA professional development programs within the first 30 days of employment. We also recommend that the NEIU ombuds be regularly sent to IOA conferences for continued professional development as part of her/his employment.

B. Characteristics of an NEIU Ombuds

In our conversations with successful ombuds programs at other institutions, it became clear that possibly the most important predictors of ombuds programs’ success will be in the choice of someone who can (1) create a sense of trust among varying constituencies, (2) communicate independence from existing groups at NEIU, and (3) convey a willingness to discuss any issues related to work at NEIU. Because of recent periods of sharp division on campus, the committee believes a retired or current faculty or staff member would likely be perceived as being partial to one group or another. We believe that impartiality and credibility would be much greater for someone who does not have a history at NEIU, and that it is critical for the success of this program that NEIU seek an experienced ombuds from outside the University.

We also recommend that this be a full-time (100% FTE) position. Although we recognize this requires a significant investment on the part of the University, we also believe that this is an investment in the employees of NEIU. Since no tradition and little sense of what an ombuds is and does exists at NEIU, this person will have to spend time learning about the institution and educating employees about the ombuds role. The ombuds will also have to earn the trust of various constituencies, which will require the spending of great amounts of time and energy reaching out to several groups on multiple campuses (e.g., CCICS, El Centro, CTC), and potentially holding hours before 8:00 am and after 4:30 pm to be available for the range of NEIU employees. We believe this would be difficult for a part-time or consulting person to do. Frankly, we also believe it would be difficult to attract the type of person we need to a part-time position. Hiring a full-time ombuds sends a positive message to the University community that NEIU is interested in the well-being of its employees.

Given the likely heavy initial workload for the ombuds, we also recommend this person serve employees (administrators, faculty and staff) only. Many staff, for example, perceive a caste system exists on campus, where faculty are favored over staff. Having an ombuds serving both groups might help mitigate this problem. Students currently obtain ombuds services through the Dean of Students Office and the Division of Student Life, and we also have the Behavioral Concerns Team. Perhaps in the future the program may be expanded, particularly in situations where students have concerns about faculty, staff, or administrators. To start, however, we recommend that, if someone receives a paycheck from NEIU, they can avail themselves of ombuds services.

We also recommend an “acclimatization period” before opening the ombuds office to employees. This would allow the ombuds to become familiar with NEIU policies, procedures and the institutional structure, be introduced to the NEIU community, meet with various constituencies, etc. This would also help potential ombuds clients avoid frustration as they pursue resolution of their concerns. We also realize an experienced ombuds may have thoughts on the best way to start a new program.

We have found that ombuds offices at other universities range from no support to 2 full-time (100% FTE) staff per individual ombuds. Support staff not only manages appointments and “drop-in” hours, but can also assist with “intake services,” creating and maintaining forms and files, and creating and maintaining a website (which also most often includes e-forms). In cases where little to no office support is present, multiple ombuds are in the office, and they support themselves. In cases with a single ombuds and no support, the effectiveness and availability of the ombuds is compromised. As time and energy are diverted from the ombuds’ primary activities to manage appointments, the

website, records, and handle drop-ins, we recommend a full-time (100% FTE) office staff person be hired to assist the ombuds for the first year, with a review of ombuds office needs after the first year of operation. Since the staff person is also the first to hear a complainant's anger, fear, or panic, this person should ideally have appropriate background and/or some training in stress and conflict management.

C. Location of Ombuds Office

In keeping with principles of independence, confidentiality, informality, impartiality, and neutrality, a good ombuds office should provide a safe environment for visitors. In our research we found a high degree of consistency in the location of successful ombuds offices: centrally-located on campus or on the periphery of campus so long as it is not the only building in the area. Highly-trafficked areas work well, as ombuds visitors can take advantage of the privacy afforded by crowds. Locations that result in ineffective ombuds programs include administrative and HR buildings.

We recommend the ombuds office be placed in one of two locations: the Library (first choice) or Student Union (second choice). We see the Library as a more "peaceful" place and houses "neutral" units like the CTL. It is remote in the sense that no one will necessarily know one is visiting the ombuds if one is in the Library. The Student Union affords a similar level of anonymity, but with larger crowds at various times of the day.

Contact with the ombuds office should be available in person, via phone, email, and (especially in the case of branch campuses including CCICS, CTC, and El Centro) via a remote a/v connection such as Skype.

D. Reporting Line/Structure and Deliverables

Best Practice recommended by the IOA is that the ombuds reports directly and only to the President. By "report" we refer to the ombuds' placement in NEIU's organizational chart—while the ombuds functions independently regarding its management and handling of issues, it reports to the President for budgetary and administrative purposes. Positioning the ombuds in this way is intended to provide him/her with independence and neutrality along with the ability to recommend or mediate. Concerns/complaints about the ombuds should be brought to the President directly. Concerns/complaints about the President should be brought directly to the Board of Trustees.

Other options, such as placing the reporting structure under one of the Vice Presidents (e.g., the Provost or HR, as is done in a few institutions), put the perception of independence and neutrality of the ombuds at risk. For example, employees in Facilities Management may not view the Provost as being in a position to bring about positive changes in their area.

We also recommend the ombuds provide an annual report to the President and University Council, and make the annual report available to the University community via the NEIU Ombuds website (to be created and maintained by the ombuds and ombuds staff) and NEIUport. This annual report should maintain confidentiality while outlining use of the ombuds office, and issues and trends that the ombuds may be hearing about. Further, we recommend the ombuds have other meetings with the President and other campus leaders on an as-needed basis, particularly to explain the relevance of this information (while maintaining confidentiality) and provide guidance to those leaders. We also recommend the ombuds be available to any NEIU group that asks for a meeting, and the NEIU community as a whole.

6. Searching for an Ombuds

The process by which the NEIU ombuds is found must be as transparent as the law allows. Perception of the community in the transparency of the Search and Screen committee is particularly critical to this position. The person selected must be someone of recognized judgment, knowledge, objectivity, and integrity.

The IOA has a posting service and a listserv. A sample job description is attached as Appendix B.

APPENDIX B: JOB DESCRIPTION

UNIVERSITY OMBUDS

NORTHEASTERN ILLINOIS UNIVERSITY

Purpose and Overview

Northeastern Illinois University seeks its inaugural Employee Ombuds. The Ombuds will build a program to augment existing campus communication and administrative processes by acting as a neutral referral resource, mediator, and dispute resolution practitioner. The Ombuds' major function is to provide confidential and informal assistance to University employees by listening to concerns, clarifying issues, proposing options for resolution, providing information and referrals, and if all parties agree, facilitating informal, nonbinding mediation. The Ombuds will also report anonymous trend data and Ombuds office use to the President, the University Council, and the NEIU community.

As a neutral resource, the Ombuds is not an advocate for any individual or for the University, but rather acts as an advocate for fairness and healthy campus conflict resolution. The Ombuds does not have the power to make decisions as to ultimate resolution, nor does the Ombuds have the power to reverse any decisions made or actions taken by the regularly constituted University authorities. The Ombuds does not provide legal advice or psychological counseling. This position supplements, but does not replace, the University's existing resources for conflict resolution.

To preserve independence and neutrality, the Ombuds will report directly to the President. The Ombuds will not accept legal notice on behalf of the University, and information provided to the Ombuds will not constitute such notice to the University. This is a full-time (100% FTE) position. The salary is competitive and commensurate with experience and qualifications.

Minimum Qualifications

1. Demonstrated skills, knowledge and understanding in the following areas:

a. *Communication*: The Ombuds must have outstanding communication skills, listening skills, the ability to convey empathy and approachability, and coaching skills. The Ombuds must be able to communicate effectively with individuals at all levels of the University.

b. *Neutrality, confidentiality and sensitivity in highly charged situations*: The Ombuds must have an unwavering commitment to neutrality in discharging his or her duties. The Ombuds must have excellent judgment and the ability to maintain confidences to the utmost extent

permitted by law. The Ombuds must be skillful at diffusing highly charged situations with tact and sensitivity.

c. *Human behavior and relationships*: The Ombuds must have a strong understanding of individual and group behavior, as well as excellent relationship establishment and management skills.

d. *Strategic thinking and complex problem-solving*: The Ombuds must be able to clarify issues and develop creative solutions in complex situations. The Ombuds will need to evaluate how potential courses of action may impact the inquirer, as well as other University community members.

e. *Conflict resolution*: The Ombuds must have a deep understanding of conflict and an excellent ability to resolve conflicts.

f. *Cultural competency*: The University values cultural diversity. The Ombuds must be able to work with and value individuals from a wide variety of backgrounds and cultures, and needs a strong understanding of intercultural communications, challenges and conflict resolutions.

g. *Organizational knowledge and networking*: The Ombuds must have, or be able to obtain, a deep understanding of the University's policies, processes, values, culture, departments and resources. The Ombuds will need to be a strong bridge-builder and networker across the community in order to serve as an effective referral source and informal mediator.

h. *Composure and presentation*: The Ombuds needs to have professional composure in all situations, effective presentation skills and the ability to inspire trust and confidence.

i. *Data gathering, analysis and interpretation*: The Ombuds must have qualitative and quantitative skills necessary for interviewing, collection and analysis of data and facts, and identification of trends.

j. *Outreach*: The Ombuds will need to conduct outreach efforts to increase the visibility of the office and ensure that accurate information about the Ombuds is disseminated.

k. *Independence and initiative*: The Ombuds must be able to work independently and on his/her own initiative.

l. *Management of people, office, projects*: The Ombuds must have the ability to manage the Ombuds office, including the office's budget and personnel.

2. Graduate or Professional Degree

3. Ombuds or mediation training

4. Substantial work experience in position(s) that allowed the candidate to gain and use the skills listed above, such as dispute resolution, or personnel management.

5. Experience in department or unit management, including budget responsibilities

Preferred Qualifications

1. Experience with, and understanding of, the structure of public institutions of higher education (including shared governance structures)
2. Previous experience in ombuds or mediator role

About Northeastern Illinois University

Founded in 1867, NEIU has a rich tradition of educational innovation and prides itself in preparing teachers and administrators who make a difference in Chicago. That tradition continues to this day and has expanded to include a comprehensive array of academic disciplines, allowing the University to fully embrace the community in which it resides. NEIU is regarded as the most diverse university in the Midwest and is designated by the United States Department of Education as a Hispanic Serving Institution. Diversity is an important factor in the character of this urban institution and in the social fabric of the student body. NEIU has an enrollment of nearly 12,000 commuter students and ALANA students represent nearly 60% of the student body. Located on 67 acres in an attractive residential area on the northwest side of Chicago, the University offers more than 80 undergraduate and graduate programs in the arts, sciences, education, and business. The University has additional campuses in the metropolitan area: The Center for Inner City Studies, El Centro, and the Chicago Teachers' Center. The University is also a founding member of the University Center consortium campus in Lake County.

Applications must include a letter of interest, including a statement of philosophy for the Employee Ombuds role and addressing the qualifications for this position; CV; and contact information for three (3) current references, including each reference's name, title, address, telephone number, and electronic mail address. Review of applications begins on Month XX, 2012 and will continue until the position is filled.

The search committee is chaired by an NEIU Employee To Be Named Later. NEIU is an affirmative action/equal opportunity employer.