How the Ombuds Add Value to Oregon State University

How do the Ombuds add value to the University?

Organizational ombuds serve corporations, government agencies, and campuses in Oregon and throughout the United States. OSU's ombuds office has completed its third year, having launched in February, 2012, and is currently one of only four such programs among Oregon's institutions of higher education. Typically, ombuds offices are small and operating resources are limited, but the impacts and outcomes are consistently extraordinary. The American Bar Association calls the ombuds "one of the institutions essential to a society under the Rule of Law, a society in which fundamental rights and human dignities are respected."

What do the ombuds do?

An Ombuds (also "ombudsman" or "ombudsperson") provides confidential and informal assistance to visitors on a variety of issues and concerns. Topics of concern raised by OSU students and employees (visitors) to the Ombuds include:

- students with financial or academic concerns, or in conflict with roommates or landlords
- graduate students with advisor, peer, or process issues
- employees struggling with managers/coworkers and the stress of less than ideal working conditions
- managers—some with supervisory training and some without—in strained relationships with employees
- organizational structure changes and impacts on people in affected units
- individuals and departments in crisis
- bullying, mobbing and harassment complaints

Additionally, the University Ombuds Office (UOO) delivers educational and informational presentations to University units, trains faculty mediators, does extensive education on the issues of bullying and mobbing, and represents the University to national and international partners in conflict management.

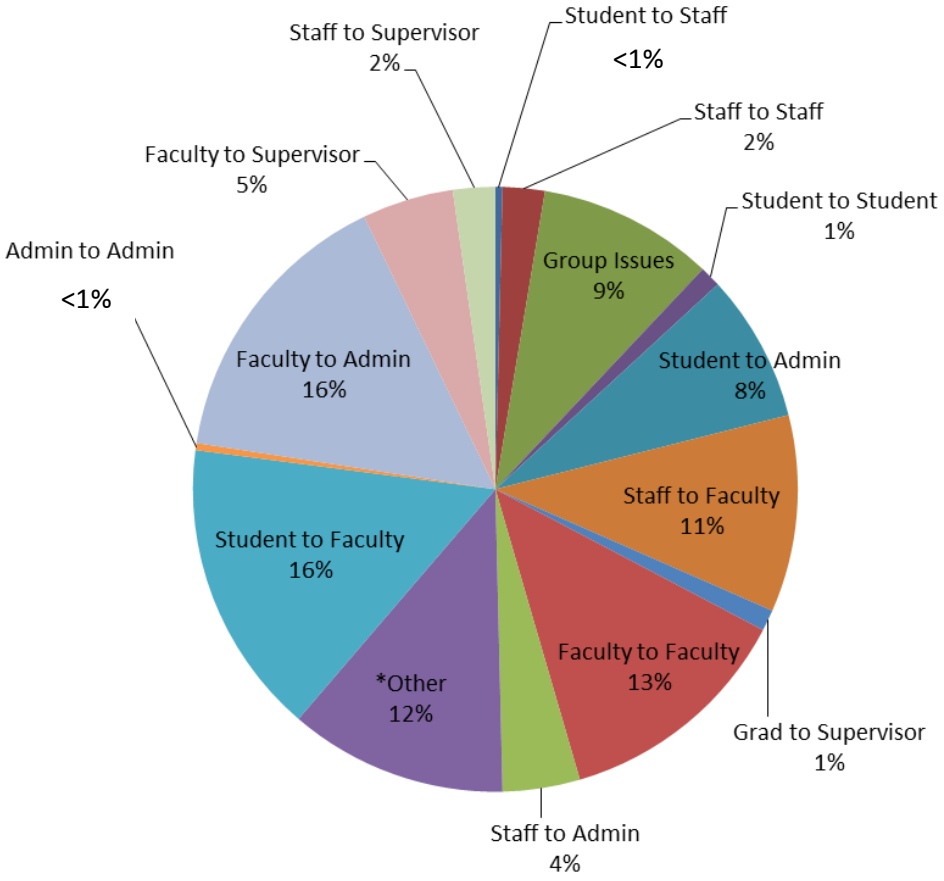
Visitors to the Ombuds Office

Each year the number of people who seek out the University Ombuds Office grows, which reflects a greater awareness of the availability of, and willingness to use, ombuds services. In the first three years of operation, UOO assisted over 1700 visitors and related participants with the resolution or management of 669 cases. A 67% increase in numbers of cases occurred from year 1 to 2, with a greater than 100% increase in related visitors. A 5.5% increase in numbers of cases occurred from year 2 to 3, with a 42% increase in the number of visitors and related participants. This increase reflects a larger number of group issues that the Ombuds office helped to address.

University Ombuds Office Case Growth			
	YEAR 1	**YEAR 2**	**YEAR 3**
	2012-2013	**2013-2014**	**2014-2015**
Employees	101	164	179
Graduate Students	22	48	51
Undergraduate Students	28	40	36
Total Cases	**151**	**252**	**266**
Visitors and Related Contacts	**251**	**601**	**854**

The UOO does not keep personally identifying records, however, they do code the types of conflicts visitors experience and the type of professional relationships they are working within. This helps track conflict and issue trends, and helps Ombuds to identify needs for systemic change, education, and outreach. Conflicts which involve perceived bullying are tracked to help identify needs for training and areas where assisting the whole unit can improve it's climate.

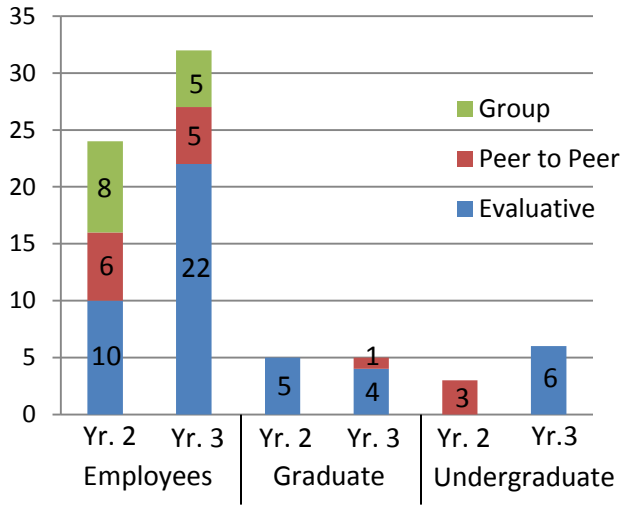
OSU Year 3 Visitor Conflicts



*Other: Parents, individuals seeking policy information regarding unique circumstances; those seeking mental/physical/emotional health and external resources; and help making the right contact.

Comparison of Perceived Cases of Bullying Brought to the Ombuds

Years 2 & 3



*Evaluative defines a power difference in the relationship. Examples include supervisor or manager to employee, and advisor, professor or administrator to student.

Ombuds offices in higher education contribute in myriad ways economically, organizationally, and humanistically to the many dimensions of life at a university:

- providing a neutral place for employees and students to confide their campus-related concerns and conflicts, report wrongdoing, and discuss options for resolution free from retaliation and without being required to engage in formal proceedings
- facilitating informal and/or mediated conversations, if appropriate, to resolve issues that might otherwise escalate to resource-intensive grievance and legal proceedings
- supporting faculty/staff productivity by reducing the amount of resources they must divert to conflict management
- educating employees and students about the inevitability of conflict and empowering them with methods to approach and resolve their own conflicts
- assessing and improving workplace climate, faculty/staff satisfaction, morale (using tools such as the Conflict Climate Inventory)
- added benefit for recruitment of prospective employees
    - In a 2014 interview, John Zinsser, consultant and co-founder of Pacifica Human Communications LLC, an organization that supports and evaluates ombuds programs worldwide, suggested that the presence of an ombuds program can influence potential candidates in choosing to accept job offers. “Just having an ombuds program creates an absolute benefit. People feel a comfort … which tends to lead to slightly greater risk-taking, slightly greater creativity in the workplace, people trying things that they didn’t try before knowing that there’s this informal mechanism available to solve any problems that might pop up.”
- reducing student complaints to external agencies and improving retention
    - A study conducted by Shaw et al in 2014 at an online university compared the number of student complaints to the Better Business Bureau, accreditors, and other agencies before and after implementation of an ombuds program. The researchers concluded that complaints dropped markedly when the ombuds program was started. Based on other studies, they assumed the decrease represented greater student satisfaction, which is positively linked to retention.

- operating as a collaborative clearinghouse for information on policies, processes, and resources within the University and the larger community
    - OSU's University Ombuds Office (UOO) coordinates activities with many campus departments, organizations, and individuals. In particular, it is integral to efforts of the Office of Equity and Inclusion (OEI) to create awareness of and educate about the problems of bullying and mobbing, and communicate the university's bullying policies. It also coordinates with departments and agencies in Corvallis and other cities in Oregon.
    - UOO is part of OSU's conflict management system, which includes:
        - Office of Equity and Inclusion (OEI)
        - Counseling & Psychological Services (CAPS)
        - Office of the Provost
        - Student Conduct & Community Standards Office (SCCS)
        - Office of Human Resources
        - Department of Public Safety & Oregon State Police
- serving as a "listening post" for organizational issues and trends, conveying this information to university officials and advising leadership on campus climate-related concerns
- using its independence to support University efforts to align with and act on its stated values
- helping maintain a positive public image for the institution by working to resolve problems before they become public issues

Andrea Schenck and John Zinsser, writing in the *Journal of the International Ombuds Association,* make a distinction between the "contributions" of an ombuds office and "value additions". The former is "everything the organization gains, everything that happens, intended and unintended, because the Ombuds program exists", and the latter represents a subset: "what the organization recognizes and appreciates as occurring, due to a program's presence and activities." There is clearly overlap between contributions and value additions, *and* all are significant whether or not the community is conscious of the impact of the ombuds office, its mission, and the lives and institutional policies it touches.

Framework of Potential Ombuds Program Value Additions		
Economic	**Organizational**	**Humanistic**
• Expanded productivity • Increased retention • Preserved management time • Enhanced operational efficiency • Advanced individual and team development • Reduced disputing process and outcome costs • Improved reputation/brand protection • Reduced incivility (sabotage/ theft) • Lowered or eliminated insurance costs	• Supplemented programs • Navigated systems • Heightened transparency • Enhanced accountability • Protected and maximized personal responsibility • Increased ethical and compliant behavior • Advanced pre/pro-ventative conflict-posture • Advantaged under the Federal Sentencing Guidelines if wrong doing is proven	• Increased engagement • Strengthened organizational trust • Expanded fairness • Enhanced creativity and risk taking • Augmented individualized-career development • Heightened respect • Improved and preserved working relationships • Reduced incivility (bullying/ mobbing / isolating)

(Schenck and Zinsser, 2014)

Standards of Practice

The University Ombuds Office complies with the four International Ombuds Association's Standards of Practice. (The descriptions below are adapted from the UOO's brochure.)

Confidentiality	The Ombuds office will maintain the confidentiality of visitors, except in instances regarding threats to public safety, child abuse, imminent harm to self or others, and/or if compelled by a court of law. Speaking with an Ombuds *does not* constitute legal notice to the University. The Ombuds has no duty or responsibility to report incidents to any person or authority, other than as described above,
Neutrality	The Ombuds will be neutral and impartial when listening to the interests and concerns of all parties involved in a situation. The Ombuds will not take sides in any conflict, dispute, or issue, and does not have authority to make any employment decisions or implement any corrective actions.
Informality	The Ombuds will be a resource for *informal* dispute resolution and conflict management only. Use of the Ombuds shall be voluntary and not a required step in any grievance process, University policy, or any other situation.
Independence	The University Ombuds Office functions independently of all other offices on campus, reporting to the President for administrative purposes.

Return on Investment

These standards of practice set the ombuds office apart from all other units on campus *and* make the development of return on investment (ROI) metrics challenging. Still, Zinsser, who also teaches at Columbia University's School of Continuing Education, says organizational ombuds "may well be the most impactful and valuable component of the spectrum of ADR [alternative dispute resolution] and Conflict Management providers that exist, annually creating billions of dollars in savings and benefits."

Litigation and other formal processes—mitigating the high cost of conflict

How, then, is it possible to measure impact? Retired ombuds Mary Rowe, formerly with the Massachusetts Institute of Technology, has written that "there is no single, scientific way to calculate the *cost effectiveness* of ombuds." That's because they

- are neutral and keep minimal records
- have multiple stakeholders, including, as Rowe points out, "management at all levels, those who call upon the office, people who are alleged to be a problem, responders whom the ombuds calls about a case or an issue, employees and managers in the organization who do not directly use the office, other cohorts in an organization like students"
- have different missions, depending on the organization, and individual ombuds have specific (and varied) skill sets
- are successful, in part, because of the decisions and actions of many people *outside* of the ombuds office

Even with the many complexities signaled by Rowe, some concrete savings figures can be credited to ombuds programs…or at least be inferred. Ari Cowan and Tony Belak, writing in the California Caucus of College and University Ombuds, assert that "there are several factors to measuring the full cost of conflict:

- Direct Costs—legal fees paid; insurance costs; theft and sabotage when associated.

- Hidden Costs—team members' commitment; resignation; presentism; absenteeism; stress; distorted judgment based on inaccurate data in conflicts between the decision maker and information source.
- Time Spent Dealing with Conflict— about 40% of a manager's time is spent dealing with conflict; unmanaged conflict can consume massive amounts of time, energy, and dollars.
- Turnover—business costs and impact are reflected in severance costs, benefits costs, recruitment and staffing cycle time costs, training and development costs, and lost productivity; in chronic, unmanaged conflict the best talent often walks out the door."

Bruce MacAllister, formerly the Executive Director of Business Excellence Solutions, a consulting firm involved with conflict resolution and organizational assessment, recounts an unusual opportunity he encountered while a corporate ombudsman: two visitors brought virtually the same issues to his office. One was quickly and successfully resolved; the other was prolonged and ended with litigation. The cases involved two employees who were demoted amid allegations of retaliation, resulting in lost wage-earning potential. Employee "A" was offered a settlement that included an independent internal investigation, a "fact-finder" to suggest an amount to be paid in damages, and review of the arrangement by a senior manager. Employee "B" received only a payment for damages.

Two Employee Relations Cases with Different Outcomes				
Employee	**Offer/Settlement**	**Result**	**Time to Resolution**	**Total Cost**
A	• $10,00 in back pay • $7500 annual salary increase	• Accepted and approved by employee and employer • Employee resumed leadership role and had productive career	3 months	$17,500
B	• $50,000 lump sum award • Full release of claims	• Accepted by employee, rejected by employer • Jury awarded employee $400,000 • Total legal fees to end of trial: $640,000 • Employer appealed decision, employee remained "unassigned" through legal proceeding, and both parties had additional costs; eventual decision was confidential and not disclosed	7 years	$1,040,000

The amount saved by the handling of Employee "A's" case vs. Employee "B's" case was $1,022,500—the equivalent of a three-year budget for MacAllister's office.

At OSU, where litigation involving employees and students is fortunately very infrequent compared to peers, there were five (5) employee- or student-related lawsuits over the last four years "that may have been amenable to resolution through an ombuds office." Each cost an average of $80,000 for legal fees/costs and settlement (the legal fees/costs alone averaged $60,000 per case). Many other formal processes involving the Office of Equity and Inclusion (OEI), Human Resources for faculty and Collective Bargaining Agreement (CBA) grievances, the Bureau of Labor and Industries (BOLI), Equal Employment Opportunity Commission (EEOC) admin claims, or tort claims use significant internal OSU time and financial resources but potentially could be minimized by involvement with UOO.

Helping reduce workplace stress

Stress is pervasive in modern work culture and its impact is another source of significant costs for public and private institutions, including OSU (Oregon's fourth largest employer, according to CareerOneStop, a website sponsored by the U. S. Department of Labor, Employment and Training Administration). Stress negatively affects employee health, attendance, memory function, productivity, the ability to listen and communicate, and adeptness at handling conflict.

- The American Stress Institute (AIS) says "numerous studies show that job stress is far and away the major source of stress for American adults and that it has escalated progressively over the past few decades."
- AIS also notes that "Increased levels of job stress as assessed by the perception of having little control but lots of demands have been demonstrated to be associated with increased rates of heart attack, hypertension and other disorders."
- From the U.S. Centers for Disease Control (CDC): "40% of workers report that their workplace is stressful. Among the major factors in the workplace influencing stress levels are interpersonal relationships, management styles, and work roles."
- Lost-work statistics from the European Agency for Safety and Health at Work (EU-OSHA) show that "over half of the 550 million working days lost annually in the U.S. from absenteeism are stress related and that one in five of all last minute no-shows are due to job stress. If this occurs in key employees it can have a domino effect that spreads down the line to disrupt scheduled operations. Unanticipated absenteeism is estimated to cost American companies $602.00/worker/year and the price tag for large employers could approach $3.5 million annually."
- A number of studies cited in EU-OSHA's 2014 report, "Calculating the Cost of Work-related Stress and Psychosocial Risks: European Risk Observatory Literature Review", estimate that the annual cost of workplace stress to the US economy is $200-300 billion (studies considered to varying degrees absenteeism, staffing, performance, turnover, and replacement/training).
- The EU-OSHA report highlights a 1990 study estimating the organizational cost of mobbing at between $30 and $100 per victim.
- Data from the University of Manchester (UK) Health and Occupation Research network (THOR) revealed that workplace interpersonal relationships generally and bullying/harassment specifically accounted for 24% of mental ill-health cases seen by THOR's general practitioners (a subset of the network's 2000 specialists and physicians) from 2006 to 2012. The same data pool showed that mental ill-health on average accounted for longer absences: a mean of more than 24 days per absence in the United Kingdom.
- In an interview with *Gallup Business Journal,* Damian Byers of Australia's Benevolent Society, asserts that "Psychological injury has become a well-recognized category of injury, and the rate of increase is skyrocketing….It's almost always [the result of] a failure of management practice and process, particularly a breakdown in the management relationship. In most of the cases that I have analyzed in the organizations that I have worked in, we're talking about bad manager-worker relationships and a well-established, unproductive, poisonous dynamic within a team. These dynamics are the result of poor people management practices and often poor people management tools and policies. The remedy there is well and truly in the hands of senior line managers."

While metrics are not in place to assess the specific financial losses associated with workplace stress and/or psychological injury at OSU, it's clear that the University Ombuds Office functions as a "relief valve" for the campus community. UOO helps managers, employees and students by carefully listening

and directing all visitors to the resources they need to resolve their concerns—and hopefully mitigate stress-related costs.

Bottom Line

Christine Porath, an associate professor at Georgetown University, recently surveyed a global sample of 20,000 employees (with the Harvard Business Review and Tony Schwartz, consultant with The Energy Project). Here are some of the findings:

- "When it comes to garnering commitment and engagement from employees, there is one thing that leaders need to demonstrate: Respect. …No other leader behavior had a bigger effect on employees across the outcomes we measured."
- "Being treated with respect was more important to employees than recognition and appreciation, communicating an inspiring vision, providing useful feedback—even opportunities for learning, growth, and development."
- "Those that get respect from their leaders reported 56% better health and well-being, 1.72 times more trust and safety, 89% greater enjoyment and satisfaction with their jobs, 92% greater focus and prioritization, and 1.26 times more meaning and significance."
- "Those that feel respected by their leaders were also 1.1 times more likely to stay with their organizations than those that didn't."

Respect is one of OSU's constellation of core values and every member of this community has an opportunity and a responsibility to contribute to a civil and respectful workplace. The existence of an ombuds office is a figurative and literal reflection of that value, a hallmark of a diverse and inclusive campus. For leaders, exemplifying the organization's values is an unquestioned competency—a level of self-awareness—that frequently needs reinforcement. For staff, faculty, and students, honoring and living OSU values is no less a necessity, but education, training, feedback, and modeling are essential to keep it top-of-mind. This is why the University Ombuds Office exists.

With gratitude to John Sulzmann, Assistant Ombuds 2014,
for researching and drafting this document for us.

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Online Resources

International Center for Compassionate Organizations
http://www.compassionorg.net/

International Ombuds Association
http://www.ombudsassociation.org/

NorthWest Ombuds Group
http://www.nwogblog.com/

The Ombuds Blog
http://ombuds-blog.blogspot.com/

United States Ombudsman Association
http://www.usombudsman.org/public-sector-ombudsman/

University Ombuds Office
http://oregonstate.edu/ombuds/