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How an Organizational Ombuds Program Can Help a University Mitigate Risk

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KEY ISSUES



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Key Issues

1. What is an Organizational Ombuds Program?
2. Why Create an Ombuds Program?
3. How can an Organizational Ombuds supplement and work cooperatively with Risk Managers to help a university mitigate risk?

Poll

Have you ever worked with an ombuds or ombudsman before?

Yes

No

Poll

If so, what was the nature of the issue:

Discrimination/harassment?

Safety?

Fraud?

Unethical conduct?

Incivility/bullying?

Other?

Poll

Does your institution currently have an ombuds program?

Yes

No

I don't know

Avoiding Confusion

Types of Ombuds

Classical

Advocate

Organizational

What is an Organizational Ombuds?

An **independent** and **neutral** person with whom someone can speak **confidentially**, **informally**, and off-the-record to receive information, guidance, or options about university-related concerns or questions.

Dual Responsibilities

- Help people with their issues
- Help the university by helping to surface issues and identify systemic problems

Organizational Ombuds: DO

- Listen and help sort/frame issues to navigate situations
- Provide assistance on full spectrum of issues
- Provide information confidentially
- Identify options; explain process and procedures
- Develop and evaluate strategies to assist people:
 - ✓ Use resources
 - ✓ Report misconduct
 - ✓ Manage or resolve conflict
- Coach on how to best articulate concerns
- Mediation and facilitated discussions
- Trend and other reports for systemic change
- Provide early warning of issues to university

Organizational Ombuds: **DO NOT**

- Have authority to receive notice of claims against university
- Have authority to conduct investigations
- Have authority to make management decisions or policy
- Advocate or take sides
- Substitute for formal channels
- Testify or produce documents in legal or other proceedings about confidential communications

Why Create an Ombuds Program?



- A safe place that permits confidential communications
- Information and guidance to people to help resolve conflict and surface issues
- A knowledgeable resource--able to deal with all types of issues in all sectors
- Accessible and confidential--no barriers to access
 - Uncertainty
 - Fear of retaliation
- Identifies (without breaching confidentiality)
 - Systemic and campus climate issues
 - Patterns of behavior

Why Create an Ombuds Program?

- The "Blue Uniform" problem
 - "Police" role of formal channels--
No confidentiality; duty to report
 - (Deans, HR, Compliance, Administration, Hot Lines)
- Limited use of hotlines
 - Hotlines not suitable for common issues (e.g., employment)



Why Create an Ombuds Program?



- Uncertainty--causes non-reporting
 - "Am I right?" syndrome
 - Inexperience and youth
 - Diversity and different cultural approaches and assumptions

Why Create an Ombuds Program?

- Fear of Retaliation - causes non-reporting
- Even assuming no official retaliation, there still is a fear of:
 - Peer retaliation
 - Below the radar retaliation
 - Ripple effect from stories of retaliation elsewhere



An Ombuds Program provides a place where people can receive confidential guidance **BEFORE** they take action, which makes it more likely that an issue will be surfaced even if someone is not identified as the person who raised it.

It has never been more important for:

- people to have a safe place to bring concerns
- leaders to learn about important, unknown, or undetectable problems and trends to better manage a university
- universities to be--and be seen as--fair, ethical, and trustworthy institutions

Your world - Risk

- Institutional reputation
- Financial exposure
 - Misconduct, fraud, theft
 - Lawsuits, especially:
 - Employment
 - Negligence
- Liability based on governance and/or campus life issues
- Other?

How can an Ombuds Program help you mitigate risk?

- Extends your reach--not a "blue uniform"--to learn about problems
- No barriers to use for everyone
- Knowledgeable resources with peripheral vision
- Concern for systemic issues, fairness, and helping people
- Confidential but proactive in surfacing issues that should be brought forward
- Skilled and experienced in conflict and problem resolution
- Helps avoid litigation by de-escalating conflict before positions become irreversibly adversarial
- Feed-back to senior leaders

Discussion with University Ombuds

- Melanie Jagneaux, Baylor College of Medicine
- Joan Waters, Columbia University
- Actual Ombuds Examples (see handout)

Questions?



Thank you



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