

Appendix A Summary of Ombuds Responses

- A. Re: institutional setting/organizational aspects of the Ombuds program/office:
1. What is the process for selecting and appointing the Ombuds?
 - A national search (9 institutions).
As one Ombuds stated, “The trend is to have a national search for a full-time professional Ombuds” (one institution received around 200 applicants for their most recent Ombuds search).
 - Internal search (4 institutions)
 - Did not discuss (3 institutions)
 2. Who appoints the Ombuds?
 - The President/Chancellor (8 institutions)
 - Executive Vice Chancellor/Provost (2 institutions)
 - Did not discuss (6 institutions)
 3. Who does the Ombuds report to?
 - President/Chancellor (7 institutions); President’s office (2 institutions)
 - Provost (1 institution); Provost’s office (1 institution)
 - Executive Vice President (1 institution)
 - Vice President for Student Affairs (1 institution)
 - The University Assembly (1 institution). The Ombuds at this institution stated that this is an elected body that includes faculty staff, and student representatives—“this reporting structure separates the Ombuds Office from administration.”
 - Campus Counsel (1 institution)
 - Director of Equal Employment Opportunity (1 institution)
 4. How long is the Ombuds term of service?
 - NA—it is a regular position (11 institutions)
 - NA—no term limits: the Ombuds serves at the pleasure of the President (1 institution)
 - 5-year terms, but an individual can be reappointed (1 institution)
 - 3-year terms for Faculty Ombuds (1 institution)
 - 2-year terms, indefinitely renewable (1 institution)/2-year terms, which can be extended for many 2-year terms (1 institution)
 5. What level/ kind of staffing does your Ombuds office have?
 - At least 1 FTE Ombuds + 1 FTE or part-time office support (12 institutions)
 - At least 1 FTE Ombuds, but no office support (2 institutions)
 - .33 FTE Ombuds for staff (this was established because of a lawsuit) + 1 part-time Faculty Ombuds (who reports to the President) + 1 part-time graduate Ombuds (reports to the Dean of the Graduate School (1 institution)
 - Ombuds “Office” is an Ombuds Committee consisting of the Chair of the Committee (appointed by President) and about 15 faculty and staff who have volunteered to serve as unofficial dispute mediators, who perform their job on a purely voluntary basis (receiving credit for their 'service' obligations to the University); The chair of the committee receives some course relief for serving as committee chair (1 institution)

One Ombuds offered that the general rule of thumb for staffing an Ombuds office is 1 FTE Ombuds for 10,000-20,000 FTE's.

6. What University unit/s fund/s the personnel and day-to-day operations of the Ombuds office?
 - President's office (8 institutions)
 - Provost's office (3 institutions)
 - Did not discuss (5 institutions)

7. Where is your Ombuds office physically located?
 - In a building on campus shared with a variety of academic departments and/or offices "with a mix of things going on" (13 institutions)
 - In a main administration building that "gives all kinds of reasons for someone to go there" (2 institutions)
 - There is no physical Ombuds Office and no office staff (1 institution—this is the same institution that runs their Ombuds office by committee)
 - Did not discuss (1 institution)

- B. How does your Ombuds office accomplish its responsibilities to maintain:
 1. Independence in structure, function, and position within the University
 - The fact that the Ombuds Office reports to the President or Provost (9 institutions)
 - Did not discuss (7 institutions)

 2. Neutrality and impartiality
 - Neutrality is a "key to success for working with all layers of the university"/The Ombuds Office informs all who use it that the Ombuds are impartial/neutrals within the organization—that the Ombuds advocates for "fair process" for all involved (3 institutions)
 - Did not discuss (13 institutions)

 3. Confidentiality

(In particular, has University compliance concerning policies, laws, and regulations related to Title IX, the Violence Against Women Act (VAWA), the Clery Act, and other Acts affected your ability to serve as a confidential resource? If so, in what way(s)?)

 - "There are a number of universities that have backed their Ombuds office—check the *Ombuds Blog* for these affirmations. The International Ombuds Association (IOA) now has a task force re: Title IX." (1 institution)
 - "Probably 1 in 5 institutions have maintained confidential status while under investigation by OCR. To check how many institutions are under investigation by OCR—search Chronicle OCR Title IX investigation." Prior to the 2014 White House Guidelines, General Counsel at _____ University "was incredibly conservative re: the [2011 Dear Colleague Letter](#), stating the Ombuds office did not have the status of 'confidential,' to which the Ombuds informed General Counsel that "we are only 'not confidential' for Title IX," and talked to... clients about the limits of confidentiality." After the April [2014 White House guidelines](#) and the accompanying U. S. Dept. of Education Office for Civil Rights (OCR) *Questions and Answers on Title IX and Sexual Violence* came out, the General Counsel fully agreed, and returned the status of 'confidential' to the Ombuds office—Counsel changed totally." _____ University understands that it is a leap of faith for General Counsel to consider the Ombuds office as 'confidential,' and to acknowledge that General Counsel is relying on the judgment of the incumbent in the Ombuds position. General Counsel will tend to see this as a risk factor, not a benefit." (1 institution)

- _____ University's Ombuds Office has a 'confidential' status (except if individual is under imminent risk of serious harm or if they are subpoenaed by a court of law). They have worked with University Counsel. They do not keep any records. Regarding Title IX, they are confidential, and have agreed that they will inform the Title IX officer regarding the number of cases that have passed through their office. (1 institution)
- "Ombuds is "having a meeting with the Title IX officer at the end of December [2014] regarding confidentiality and notice requirements." Ombuds does not consider self as a 'responsible employee,' since the position has no power or authority over anyone at the University. (1 institution)
- The two Ombuds work independently and never meet together. They do not share names with each other; they do not keep exterior documents; the people going into the offices do not see who is going out. _____ University agreed that if the Ombuds needed to be defended, they can get their lawyer of choice. They shred everything; there are no files in the Ombuds office
- _____ University's Ombuds Office "has maintained the status of 'confidentiality,' and are not considered an 'office of notice.'" (1 institution)
- The Ombuds at _____ University "have led the advocacy for their office to remain confidential related to all issues, with the exception of imminent self-harm or harm to others. Their office has been identified as one of four offices at _____ University as a confidential resource for individuals who are alleged survivors or accused of sexual misconduct." (1 institution)
- _____ University has a new General Counsel, "who believes that everyone should be a mandatory reporter, and for the first time they have to place the following disclaimer on their website: *The Ombuds Office is always available as a resource. You can contact us with confidence that you will be treated with respect and fairness. The Office of the University Ombuds is not a confidential resource for matters mandated by federal or state law to be reported, such as sexual assault or harassment. Any disclosures made to Ombuds' personnel with regard to these matters must be reported to the appropriate University personnel. The Office of the University Ombuds may still maintain confidentiality with regard to other university related concerns.* The Ombuds informs individual up front what the limits regarding confidentiality are, and "tells them to stay away from giving a date and any time/location." (1 institution)
- The Ombuds at _____ University are confidential, have retained that status, and are not obligated to report. Their General Counsel "was going to put the Ombuds office in with Counseling because of 'confidentiality...' 100% of the people who have some kind of grievance will not report to a formal official at the University." But, "an institution can't have it both ways"—if an individual were in imminent danger, the Ombuds would report. (1 institution)
- _____ University has a new Title IX officer, and they "work together really well." (1 institution)
- The Ombuds at _____ University "was not really sold on the idea of an Ombuds office at first," but "had an experience where a person came because he had nowhere else to go—part of it is the confidentiality." (1 institution)
- "Confidentiality is important to a point—it's huge for IOA (International Ombudsman Association)," but at _____ University they do everything to keep confidential. "They don't work for confidentiality, but for people..." It hasn't popped up in a legal way—since they're no longer the Ombuds place for sexual harassment." (1 institution)
- "The Ombuds at _____ University is "as confidential as we are allowed to be." The office destroys records on a regular basis. "University counsel is highly risk-averse with respect to these laws, and has instructed us to consider ourselves obligated to report allegations of violations of these laws. They also revised the anti-discrimination policy in the past year, designating only the medical and counseling services personnel on campus as having no duty to report." The Ombuds has "made repeated arguments that OCR's intent is to encourage more confidential resource options on

university campuses, and that the federal laws and guidelines for Title VII and Title IX do not require Ombuds to be considered 'responsible parties' with a duty to report," but so far has "been unable to persuade the university attorney that ___ is being overly cautious. I am working with the International Ombudsman Association and Ombuds at other universities in our region of the country to find strategies to change this situation at _____ University. (1 institution)

- Did not discuss (2 institutions)

4. Informality

- The Ombuds Office does not retain records (or regularly destroys records) and does not "participate in any formal investigations or hearings, other than as a silent observer in some student conduct board hearings and some employee termination events" (3 institutions)
- Did not discuss (13 institutions)

C. Do you have any challenges, issues, and/or concerns you are willing to share with us?

- Outreach is a challenge. (6 institutions).
One Ombuds commented, "The success of any office depends, in part, on an effective, persuasive outreach to the campus," e.g., "a 'dog and pony' show to heighten awareness about how important the Ombuds Office is to every member of the university community. These campus outreach efforts set the tone for respect for what the Ombuds is doing. The biggest outreach-related challenge was/is with students, because they are a constantly changing population..." "It is really important for the Ombuds to do a lot of marketing—to 'get out there,' but it is very difficult for one person to do it all, "e.g., outreach, upward feedback, caseloads, office administration, etc.
- "Space was one of the biggest problems—there needs to be some process for making determinations about the space." (1 institution)
- "The work is sometimes challenging because of the nature of the cases, but the University has been very supportive of the office as an alternative channel for resolving problems." (1 institution)
- "The Title IX confidentiality issue is the greatest concern at the moment. Another might be sometimes awkward relations with Human Resource, whose personnel are sometimes unwilling to share all the information we think we might need to resolve a situation; same for the Provost's Office's unwillingness to share tenure and promotion information in cases of denials..." "One other challenge is the difference in vision between the IOA's standards of practice" and what one of the Vice Presidents and the Director of Human Resources "were used to seeing as the appropriate role of the Ombuds." (1 institution)
- Did not discuss (6 institutions)

D. Do you have any advice for us regarding establishing an Ombuds office?

- "Ombuds offices are particularly important/effective during times of change. Set standards and policies for roles, not for people—approach the Ombuds Office in terms of the abstract, not in relation to the person." (1 institution)
- "Try to get a sitting Ombuds—bring in someone from a well-known school, and then add an individual from the University who knows the lay of the land." Syracuse University needs "to have successful strategies that demonstrate how an Ombuds office can enhance the experience of students, faculty, and staff; that it can prevent litigation or at least reduce the impact of the litigation." (1 institution)
- "The Ombuds office is there to help everybody in the University community—it needs to be a safe place, and will be confidential, unless the circumstances dictate otherwise." The Ombuds "has a great relationship with General Counsel, and deals with 'hypothetical' cases. Do not ignore the human element..." (1 institution)

- “Working well with General Counsel is very important. The best way to start an Ombuds office is to find stakeholders to support it—key thing is to have support from key areas at the University; some areas will not want an Ombuds office. It is important to characterize the Ombuds office as a place to diffuse things; it is not a place to come to complain, but as a place to solve problems.” (1 institution)
- “Address all the issues and expectations related to confidentiality when establishing the office and document these in policy or charter. Ensure that the university community understands what the role of the organizational Ombuds is. Often individuals believe we are individual advocates. Ensure the Ombuds Office has adequate resources at the inception of the office.” (1 institution)
- “Maintaining confidentiality is key to its success. Having support from the President’s and General Counsel’s office, and having HR and student services educated about the mission and functioning of the office is essential.” (1 institution)
- “People need a confidential, safe place.” (1 institution)
- We need “to present a reasoned, logical, and persuasive discourse about why we need an Ombuds office. If the office is established, University administration needs to support it— institutional leadership must be seen as supporting the Ombuds office. The Ombuds does not need to be a lawyer.” (1 institution)
- “Go ahead and just serve everyone. The office is ‘there’ for anyone who needs them. The Ombuds office offers a safe place for people to come forward—maybe 6-7 out of 10 went ahead and reported. The office does not tell them what to do, but gives them options. No one trusts HR...Make sure there is representation of the stakeholders. Establish a charter/terms of reference as soon as possible—i.e., what the role of the office is; the limits of the office (based on IOA’s principles). Their charter was approved by General Counsel, the University Senate, and the Chancellor. Establish a good relationship with General Counsel.” (1 institution)
- “The Ombuds office is really trying to protect the interests of the University.” (1 institution)
- “An Ombuds office practices advocacy for fairness—it is not an advocate for an individual. The most important skills for an Ombuds are good listening skills and understanding how to get people to hear you—to help them hear and to consider other options.” (1 institution)
- “Don’t hire someone who is an assistant. Find someone who will build relationships across campus—a thoughtful, pragmatic entrepreneurial who does not get comfortable in the position. Need to carve out time to do outreach to faculty, staff, and students. Focus on “solutions forward,” letting a person know what their options are—they take a “forward thinking” approach to handling issues. You want someone who can be roundly supported by faculty, staff, and students.” (1 institution)
- The Ombuds “suggests drawing up a clear charter for the office and its operations, per the suggestion of the IOA. This charter should ideally set up the office ‘from the get-go’ as an office of non-report (with no legal duty to report anything). Adhere to the standards of the IOA. Engage in regular data/records destruction. Limit communications via email because it is not a confidential means of communication. Report to the highest-level administrator you can (President or Provost). Consider doing a tour of administrative offices and college deans, etc., to inform them in person (so they can get to know you) about your services, standards of practice, etc. Share stories confidentially with other Ombuds at other universities to get sage, experienced advice if you’re unsure of how to handle a situation. Have an emergency protocol in place in case you get a violent visitor (they have panic buttons that directly alert campus police if they are in trouble). Refer to the IOA website for lots of valuable information and join the organization. Attend conferences/workshops to learn more. For sure attend an IOA conference training session for beginning Ombuds training (used to be called Ombudsman 101 or something like that.” (1 institution)
- Did not discuss (3 institutions)