The Ombudsman's Roles in Changing the

Conflict Resolution System in Institutions of Higher Education

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In recent years we have seen a burst of interest in organizational conflict resolution system design. Colleges and universities are among those institutions that have expressed rising concern to find alternative means of managing conflict. Many factors contribute to this exploration of alternatives, including a more diverse workforce and student body, a climate that gives employees and students a stronger voice in decision-making, the high cost of unresolved conflicts in time lost, demoralization, student withdrawal, employee turnover, more challenging recruitment after disputes gain negative publicity, and the skyrocketing cost of litigation.[1] Another factor is the increased media attention to workplace violence. Several highly visible incidents of campus violence have been perpetrated by students and faculty who did not find satisfaction with existing avenues of academic conflict resolution.[2]

There are many ways to initiate and implement organizational conflict resolution system change in institutions of higher education. This paper will focus on the pivotal roles that may be played by the university ombudsman.[3] Because the starting point is the ombudsperson's knowledge of the academic organization, my model will diverge from the more common approach,

especially familiar in business corporations, of initiating change from the highest levels of senior management, when executives work closely with external consultants whom they have selected for their system design expertise.

My thesis is that the ombuds is ideally situated to play a vital role in virtually every phase of the change process. As the complaint handler at the center of the university, the ombuds meets with anyone with a concern: emeritus faculty, tenure candidates, and part-time adjuncts; undergraduate and graduate students; blue-collar workers as well as middle managers and senior administrators.[4] The ombuds knows what is bothering people at all levels, and what they want; the ombuds understands the organizational culture and has the obligation to make recommendations for change within this context; the ombuds is a skilled negotiator who can work to understand and overcome resistance to change; in his or her on-going role, the ombuds will continue to hear complaints about the new or changed conflict resolution systems to contribute to continuous evaluation and development.

Figure 1 indicates the recommended steps the consultant or designer will take in creating an organizational conflict resolution system.[5] Generally, the consultant's role is linear, with entry and exit points, but when the contract with the designer comes to an end, the baton may be passed to an internal "keeper of the flame," who is responsible for overseeing the system's functioning and for recommending changes to continually improve its procedures.[6] Since continuous improvements are a generally recommended principle of conflict management system design,[7] I present the Costantino-Merchant model in cyclical rather than linear form:

Assess the Organization

- Culture
- Systems

Create Support and

Acceptance

Design Conflict

Management

System

Evaluate Effectiveness

Implement the Model

- Training and Education
- Pilot
- Full System

Figure 1. Steps in Designing a Conflict Management System

Compare this with Figure 2, a diagram that indicates the ombuds' roles in this dynamic process:

Ombuds Hears Complaints

Ombuds Understands Organization's

Culture and Systems

Ombuds' "Ear to the Ground"

Contributes to Evaluation

Ombuds Makes

Recommendations

Ombuds Fosters Communication,

Training, Understanding of New System

Ombuds Negotiates with Decision-Makers,

Works through Resistance toward Implementation

Figure 2. The Ombuds' Roles in Changing Conflict Resolutions Systems

The roles of the ombuds are more organic than the functions of the design consultant. When an organization's senior management hires a designer, it already has the will to change, though the nature of the change may be confirmed or revised by the designer's needs assessment. Beginning with this "buy-in," the commitment is reinforced by expanding the range of stakeholders included in the planning process.[8] The stakeholders whose

contributions are sought tend to be those in leadership positions. After the new system is designed, the leaders “champion” the changes.

In contrast, the ombuds may initiate a process with an idea or a recommendation to which no one else in the organization has yet subscribed. Those grievants who may be demanding the change, or the complainants who might at first glance appear most immediately likely to benefit from it, could include the lowest status members of the organization, or those least likely to be heard. The process of evaluating a new system’s acceptability, and persuading others of its value, or analyzing others’ resistance and creating more acceptable alternatives, is less linear, and less one-directional, since it may involve much back-and-forth. This process of negotiation for change depends on the ombuds’ thorough knowledge and understanding of the university’s organizational culture.[9]

The ideal means of fostering conflict resolution system design change in an institution of higher education might be a partnership between the university ombuds and a consultant designer. However, many universities are not ready to hire a design expert. If this is the case, part of the ombuds' role as change agent may include persuading senior administrators of the advantages of seeking the expertise of a consultant. The designer would bring the perspective of an architect of a complete *system* approach, as well as techniques for conducting an organizational needs assessment and measuring a pilot program or newly initiated system in a formal evaluation. These are functions the ombuds is less likely to be able to fulfill. However, if the university administration is still not persuaded of the need for a designer, the ombuds may by default need to "cover" many of the functions of a consultant. In fact, an ombuds often needs to take on at least partial coverage of informal recommendation functions and resources in an organization that either do not exist or are not adequately meeting the community's needs. Though I believe that a partnership between a

professional systems designer and an internal organizational ombuds is preferable, I argue in this paper that many of the roles of the conflict resolution system designer can be partially filled by the ombuds, and in several areas the ombuds' contributions may be even more helpful than the services of a design consultant. Moreover, developing a conflict resolution system based on ombuds' recommendations is extremely cost-effective.

The Ombuds' Broad Scope

Essential to the neutrality of the ombuds' function is the principle of hearing and understanding all perspectives on any given case or situation.[10] In seeking responsible resolutions to individual conflicts, the ombuds is accustomed to taking into consideration the welfare of all parties, including the interests of the university. The ombuds not only has close and frequent contact with members of all ranks and affiliations within the University, but also handles questions and complaints about all aspects of the institution's policies and procedures – from student services to curriculum planning, from laboratory safety to email regulations, from accounting guidelines to benefits packages, from perceived discrimination to threats of violence, from conflicts of interest to intellectual property ethics. Thus, the ombuds is ideally located to understand how change in one part of the organization's system might impact on other parts, and to recognize the interdependence of the components.

For example, if a new grade dispute resolution system is under consideration, the ombuds is familiar with general practices for resolving grade disputes, and possibly with significant precedents. The ombuds knows the faculty's tradition of academic freedom and their sense of the importance of respect for the professor's authority to evaluate students' work and assign grades in his or her class. The ombuds also understands the roles of deans or student affairs officers in resolving other kinds of student-faculty conflicts, and the full range of grievance mechanisms available to students.

The ombuds is aware of the registrar's procedures for changing grades, and the principles of academic record-keeping. The ombuds recognizes whether changes in grade dispute options will be inconsistent with requirements of university governance – including statutory authority to make academic evaluations or university senate involvement in ratification of judicial process. Above all, the ombuds comprehends the *interests* of all parties -- including issues of dignity, learning experience, efficiency, permanence of official records, access, equity and fairness.

In addition to familiarity with all the elements of the formal and informal policies and procedures, the experienced ombuds also knows the university's culture: which policies are rigidly enforced, and which are only loosely adhered to, which procedures are left to the discretion of various departments, which are uniform or centrally monitored, the tone and manner in which variations are negotiated, whether change is approached cautiously or enthusiastically, and the degree of openness in communication about different interests.

Even for students, and certainly for employees, the university is a workplace. All the members of this organization are part of a community of people with a shared history, whose transcripts and resumes, careers and life history will always bear the mark of this association. Thus, they all have a stake in how the university manages its conflicts and what image it projects, both internally and externally. This long-term investment in, and often identification with, the college or university is one of the significant features of conflicts that occur within the institution. The effective ombuds respects the sub-cultures of individual departments or disciplines as well as the common culture of the university as a whole.

The college or university ombuds also is aware that the successive generations of students and employees may have a long history of working together, which means that they may have developed accepted patterns and

predispositions, common values based on shared experience. They probably have mixed motives, with both cooperative and competitive goals; and in pursuit of these goals, they are dependent on each other. They also may be carrying problems that have festered for a long time, and long pent-up emotions may run very high. Faculty, support staff, and administrators may have significant job security and career issues at stake – which might lead them to be risk-averse or, conversely, extreme in their responses. In the case of both students and faculty, the parties are likely to have a continuity of their relationships into the future; even if they move to other institutions, they may remain in the same field or specialized sub-discipline, and students share a future in alumni groups. These future relationships involve not only the primary parties, but also their connections with the university, and their interactions with their superiors, subordinates, and peers – who may be allies or competitors.

The social context is an important factor in organizational conflicts because these interpersonal relationships can be so important. Unlike other kinds of conflict resolution, workplace conflict resolution is virtually always multi-party. That is, the situation is very likely to spill over and have an impact on others, beyond the primary parties. The ombuds is in the key position to appreciate this ripple effect. In fact, as one indication of the ombuds' broad scope, the ombuds often hears about conflicts from bystanders, colleagues, or others who may be concerned or indirectly affected, but are not themselves the primary parties. Differences in status, authority and hierarchy may be significant factors. But almost as important are the history and future of the relationships, including the other individuals and groups affected.

For example, in the case of a female secretary who decides to make a formal complaint of financial mismanagement against her male boss who is the department chair, the rights-based adjudicator, probably the Director of

Internal Audit, may see a conflict between two primary parties. The ombuds, however, may hear from a wide variety of other parties with interest-based concerns. For example, the other administrative assistants may come to discuss their dilemmas in the workplace – that they feel subtle pressure on them to corroborate the secretary’s complaint, or to decline to serve as witnesses; that differences in their levels of support for the secretary's decision to make a formal complaint are causing tensions among them; that awareness that she complained is feeding a distracting rumor mill; that her personal stress is contagious as the process grinds forward. Work-study students with part-time jobs in the office may also be affected, and friends or colleagues of the secretary in other departments may be demoralized. The ombuds may also be contacted by the dean, whose agenda for the semester required the active participation of the department chair, or who felt he or she should have been contacted earlier in the complaint process. If the chair is asked to step aside pending investigation, it may not be possible for the acting chair to get up to speed on all the current projects. If the chair remains in office, he may be so distracted by the investigation that he is unable to fulfill all his responsibilities. The ombuds may be aware that the deputy chair or acting chair is feeling suddenly burdened by unexpected responsibilities, or that other faculty or students suffer because of tasks not completed in a timely way. Other department chairs may be demoralized, or concerned about due process for the accused. If an adjudicative hearing panel is assembled, the ombuds may receive questions from the panelists or witnesses called to testify involving possible procedural concerns. And if confidentiality is not maintained, and other groups get wind of the formal process, the case may have a public and political ripple effect involving many more parties. The outcome and consequences of the investigation and possible adjudication may likewise impact on multiple parties.

The ombuds is acutely aware of the multi-party nature of workplace disputes, and the various and flexible options these many parties need to feel comfortable enough to surface concerns and to achieve interest-based resolution. Therefore, the ombuds is most likely to recommend a system for conflict resolution that is multi-option and has multiple access points, giving the complainants, or the people caught in dilemmas or distress, the power to choose their own responsible course of action. It has been shown that even when a concern could merit a formal resolution process and such a process is available, only a small percentage of people will choose to use the formal procedure.[11] In cases that spill over to affect others, the secondary parties' complaints are much less likely to merit a formal process and would instead be more suited to internal, informal, and interest-based approaches. That is, the kinds of resolution options that the ombuds normally offers will provide the essential flexibility, "elegance," and custom-designed choices that are needed in an institutional conflict resolution system to address the additional interests of the additional stakeholders. Moreover, when the multiple stakeholders' interests are not addressed, the organizational culture is most likely to be adversely affected, setting the stage for recurrence or resurfacing of the same underlying conflicts in the future.

The Ombuds' Access to Information

In addition to being ideally placed to understand the organization's culture and the full scope of the university's climate of conflict resolution, the ombuds also has access to specific information. The ombuds who hears several dozen to several hundred concerns per year usually keeps a database. It is highly important that the ombuds' records do not include individually identifiable notes, in order to insure confidentiality.[12] However, the anonymous aggregate statistics generally record the status and/or rank and divisional affiliation of complainants or visitors to the

office as well as the same demographic information about individuals complained against, and the nature of the concern.[13]

Because of multiple access points within an organization – and particularly in an institution as complex and decentralized as a university – the ombuds' data will not be the only source of information indicating what people are concerned about. Because only a small percentage of the population will consult with the ombuds, the data are not as representative or comprehensive as survey results might be. But, the ombuds' aggregate anonymous statistics, and well as representative cases or "stories" stripped of individual identification, do offer unique information, both quantitative and qualitative, of the climate and concerns in the organization. Particularly when collected and analyzed over time, ombuds data can provide a valuable indicator of problem areas, patterns, and trends.

Ombuds data may help to prioritize areas of innovation, by indicating where change is perceived to be most urgently needed, or the sources of both new and long-standing concerns. One of the reasons that senior managers are sometimes motivated to initiate system change is the arrival of an "avalanche" of a certain type of problems.[14] The ombuds data can record this sort of sudden development; but more subtly, ombuds reports may be a means of surfacing information about a new problem area just as it is emerging, before it turns into an "avalanche."

Ombuds data will also reflect the degree of satisfaction with the conflict resolution procedures in place, with an indication of whether perceptions of unfair process are reported by complainants, respondents (people accused), or bystanders.

Some concerns brought to the ombuds office may explicitly include a suggestion for a change in existing policies or procedures.[15] Other visitors may state their preference for self-help or ombuds' facilitation of

resolution because of dissatisfaction with or distrust of other options for resolution.

Those who write about conflict resolution systems design stress the importance of stakeholder input, early on in the process,[16] and this principle is of course unquestionable. But the data gathered by the ombuds may reveal more about the texture of the organization – especially the kinds of concerns that are not formally reported. This is both because stakeholders are generally defined as those in leadership positions, and also because the public concerns expressed in system design consultations may be quite different from the private concerns brought to an ombuds by an individual caught in a particular dilemma. Case data and statistics are understood by the ombuds in terms of the quality of the presentations: the characteristics of the complainants, their doubts and fears, why they may resist formal reporting, the kinds of choices they need and want.[17]

The ombuds' insight into complainants' concerns is balanced with insight into the concerns of respondents or alleged offenders, supervisors, and other "secondary parties," such as bystanders. About one-fifth of the people who contact me are supervisors seeking options for handling a situation involving a subordinate, or faculty or advisors looking for ways to deal with a complicated student issue. Although approximately two-thirds of the people who come to discuss a situation with me select the option of self-help, or do not ask me to play a role in the conflict resolution process, the other 33% of cases, in which the visitor does request facilitation, shuttle diplomacy, or mediation, are the most time-consuming. These may involve contacts with two or three other individuals, and the shuttle diplomacy often includes listening intently to the concerns and interests of the additional parties. In some complicated cases, resolution requires contact with six or twelve or more decision-makers.

Thus, the ombuds' general understanding of the organization's culture and aggregate anonymous statistics, alone or in combination with other data gathered by a designer or consultant conducting organizational assessment, provide a firm foundation for making recommendations for an enhanced conflict resolution system.

The Ombuds' Recommendations for Change

Most "terms of reference" or job descriptions for the organizational ombuds include the responsibility to make recommendations for systemic change, based on concerns brought to the ombuds office. To ensure neutrality and the general appearance of neutrality, it is important for the ombuds not to initiate recommendations idiosyncratically or arbitrarily; likewise, a designated neutral does not go out on "fishing expeditions" to seek complainants who would report a particular kind of concern to which the ombuds might be personally attached. On the other hand, at the same time that the ombuds assures confidentiality to individuals, it is important also to surface problem areas and needs for change.

The ombuds does not have the line authority to make policy decisions or to implement change. On the other hand, the effective ombuds has both the negotiation skills and the moral authority to make suggestions or recommendations that are taken seriously by the administration and other decision-makers in the university.

Some university ombuds make recommendations in their annual reports, based on that year's case data. It is also common practice to make recommendations as issues arise at any time during the year. Some recommendations for university-wide or systemic change must be addressed to the highest levels of the institution. The ombuds is also well situated to know which recommendations might best be carried forward or upward through the chain of command by a middle-level administrator or stakeholder. "Research indicates that internal ombudsmen typically spend a quarter to a

third of their time as internal management consultants, trainers, and change agents."[18]

Because the ombuds is not a decision-maker, and because universities are so complex and decentralized, the process of negotiating for a conflict resolution system change can be complex and sometimes slow.[19] At this stage of the project, the ombuds' function may contrast starkly with that of the outside consultant, especially the expert who thinks in the solid terms of "design architecture."[20] Rather than "constructing conflict management models," the ombuds may be engaging in "floating trial balloons," or "suggesting conflict resolution system options." The ombuds' role may be just to plant the seeds, or perhaps to remind others to pursue the process that they subscribe to but may not have on the front burner. The necessary dialogue is also a very constructive process – even if the original goal is denied or deferred.

Since the systems for conflict resolution are often interlinked within a university, the ombuds can provide a bridging role, by making recommendations to a variety of stakeholders in various divisions, and bringing together and helping to communicate their differing needs and interests. In this communication process, the ombuds is listening to the perspectives of all parties that would be affected by the proposed change, and is often engaging in reframing, modifying, and adapting the plan to respond to expressed concerns. Mediation skills, which come naturally to the experienced ombuds, are an inherent part of this negotiation for the acceptance of system change.

Ury, Brett, and Goldberg describe a series of actions taken by the designer of the new grievance mediation system introduced into the coal mining industry to identify and respond to sources of resistance or perceived obstacles to the change. They also outline the steps taken to overcome these obstacles and how most of the stakeholders and participants were finally

convinced of the advantages of alternative dispute resolution that addresses interests as well as rights, so that one union representative declared, "That's one of the best aspects of it. You get at the gripes as well as the grievances."[21] The ombuds often must engage in this kind of time-consuming discussion and clarification in order to achieve “buy-in” or acceptance, particularly when the idea for change did not originate in the senior administration. Helen Hasenfeld describes three examples of change that she as the California Institute of Technology ombudsperson initiated and negotiated for: teaching assistant training, a revised sexual harassment policy and procedure, and a new Work and Family Life Committee. It was sometimes necessary to proceed with a “one step backward—two steps forward” approach, or to wait until the timing was right to take the next steps. Some of Hasenfeld’s other principles of ombuds effectiveness as a change agent include: start with a series of small successes; make recommendations that will serve the institution as a whole so the ombuds is perceived as neutral; make recommendations that are in keeping with the campus climate; gather allies in the planning and presenting stages; and support recommendations with data on need and feasibility.[22]

The ombuds’ role in negotiating for conflict resolution system change will be strengthened by sensitivity to conditions that favor acceptance, such as:

*a really difficult case that the administrators involved feel might have been better managed, or that the system was too rigid, or the procedures were too vague;

*a case that generated negative publicity, resulting in administrators’ agreement that it might have been better managed, and/or that system

change could send a message to those affected by the negative publicity that the institution cares to improve the fairness of its process;

*a very costly case, or a series of costly cases, in which time lost or attrition of staff or students indicates a need for change to foster higher morale and improved retention rates, or which raises concern to avoid future litigation expenses;

*compliance with a new government or accrediting agency mandate;

*the desire to remain competitive with peer institutions, and to offer resources comparable to what is available on other campuses.

Finally, the ombuds will continue to remind all those involved in designing an enhanced conflict resolution system of the importance of *integrating* both informal and formal, both interest-based and rights-based components. The tendency of the interest-based approach to emphasize the process of resolution and reconciliation can help people move beyond the details and definitions and interpretations of exactly what happened (was it unintentional offensiveness or mean behavior or general harassment or generic hostile environment or sexual harassment?) to the remedies and future improvements. The ombuds knows from experience the relief many people feel from the opportunity to tell their story; the sense of dignity people acquire from being listened to without being judged; the empowerment people gain from having a range of options and being able to select their own preferences; the peace of mind people achieve from conciliation, apologies, forgiveness, restoring reputations and re-building trusting relationships. The ombuds will also understand the intersection of various aspects of conflict, and that constructive interest-based options have the capacity to encompass a

wide range of issues, "the gripes and the grievances."[23] The ombuds' experience will guide the institution in putting into place the range of choices in a system that can best foster healing, moving forward, and reconciliation.

The Ombuds' Role in Follow-Up

Even after achieving agreement to implement a systemic change, a number of additional steps need to be taken. If some of these are skipped, the ombuds is likely to hear about it from complainants. One of the reasons that the ombuds' office will hear complaints if a new system is not working to its capacity is that "ombudsmen often fill in for parts of a dispute resolution system that are not functioning well, as fail-safe, back-up check and balance. Moreover, these practitioners can focus precisely on the dispute resolution element that is failing."[24]

The ombuds can play a vital role in reminding the "owners" or "keepers" of the new system that it must be publicized and explained to the entire community, and to help follow up if some groups are left out. Many ombuds participate in official training programs; those who don't will still have ample opportunity for presenting and explaining a new procedure, one-on-one, on an "as needed" basis to visitors to the office.

The process of helping all members of the community understand a new conflict resolution system option is essentially an interest-based process. The ombuds' function includes assisting administrators or campus leaders in identifying how it is in their interests for the entire community to be familiar with the innovations. The ombuds also carries forward the concern that all potential complainants, responders, supervisors and bystanders will be knowledgeable about the new options.

The final step in the implementation of a designer's conflict resolution system is the evaluation. Costantino and Merchant offer an entire chapter on how to *measure* the effectiveness of a new conflict management

program.[25] Such broad-based methods are more suited to the design expert than to the organizational ombuds. On the other hand, the ombuds' neutral quantitative and qualitative data on responses to the new program provide a valuable complement to the consultant's more objective evaluative measures.

No conflict resolution system design is stable, and “continuous improvement” is necessary for it to remain responsive and relevant. The ombuds is ideally situated to hear responses to the developing process. Asking for feedback indicates that the institution cares about its own procedures and also elicits suggestions for more improvements. Additional aggregate anonymous data from the ombuds will also indicate the response to the new option. Mary Rowe calls this evolutionary process “steady systems change to meet changing needs.”[26] Thus, the follow-up process may feed into new complaints that lead to new recommendations in the ongoing cycle of evaluation and improvement. As illustrated in Figure 2 (above), the ombuds' roles revolve constantly in this dynamic cyclical evolution that charts the organization's development. Each new situation leads to a new set of concerns, as changes in the community stimulate inevitable and constructive conflict, providing ever more opportunities for growth and change.

Change is not easy to achieve, especially in institutions of higher education. Citing universities' inclination toward hiring faculty with tenure, planning programs with longevity, and seeking funds earmarked for permanent endowment, former Stanford University President Donald Kennedy shows the "result is a set of policies and practices that favor the present state of affairs over any possible future. . . . in every sector, there is a powerful attachment to the status quo."[27] However, he points out that continuation of the university's vital role in our society depends on its "capacity to envision opportunity and welcome change."[28] The ombuds' contributions to our institutions' development and implementation of new systems of conflict resolution will help them change to become more

inclusive, more participatory, happier, fairer, more cost-effective and safer.

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[1] Mary Rowe offers a concise review of the explanations for increased attention to conflict resolution system design by various authors in "Dispute Resolution in the Non-union Environment: An Evolution toward Integrated Systems for Conflict Management?," in Sandra E. Gleason, ed., Workplace Dispute Resolution: Directions for the Twenty-First Century (East Lansing: Michigan State University Press, 1997), see especially p. 82.

[2] Academic conflicts were factors, for example, in the homicides-suicide at the University of Iowa in 1991, the homicides and injuries at Concordia University in 1992, and the homicides at San Diego State University in 1996.

[3] Much has been written previously to describe the overall roles and functions of the ombudsman as "a desirable and cost-effective element in a dispute resolution system," as presented by Mary P. Rowe in "The Ombudsman's Role in a Dispute Resolution System," Negotiation Journal 7, no. 4 (October 1991), p. 353. See also Mary P. Rowe, "Options, Functions and Skills: What an Organizational Ombudsperson Might Want to Know," Negotiation Journal 11, no. 2 (April 1995):103-14. Please note that my paper differs in that it focuses specifically on the ombuds' roles in *changing* a university's conflict resolution system.

[4] On the "wide scope" of the organizational ombudsman function, see Rowe, "Dispute Resolution in the Non-union Environment," p. 88.

[5] This diagram simplifies the steps recommended in Cathy A. Costantino and Christina Sickles Merchant, Designing Conflict Management Systems: A Guide to Creating Productive and Healthy Organizations (San Francisco: Jossey-Bass Publishers, 1996). Before the Costantino-Merchant book was published, the standard reference for conflict resolution system design was William L. Ury, Jeanne M. Brett, and Stephen B. Goldberg, Getting Disputes Resolved: Designing Systems to Cut the Costs of Conflict (San Francisco: Jossey-Bass

Publishers, 1988). Ury, Brett and Goldberg also show how a designer can bring change to an organization's dispute resolution systems. Their approach consists, broadly, of three steps: diagnosing the existing system, designing an effective system, and making the system work by involving the parties.

[6]The Royal Canadian Mounted Police use the term "keeper of the flame" to refer to their National ADR Co-ordinator. See "Labour Management Dispute System Design: the RCMP Experience – An Interview with Jennifer Lynch, Q.C.," in Journal d'Arbitrage et de Médiation Canadien, summer 1997, p. 9.

[7] On "continuous improvement," see Rowe, "Dispute Resolution in the Non-union Environment," p. 88.

[8] "So the first step was to ascertain buy-in and commitment from both senior management and senior employee leaders," "Labour Management Dispute System Design: The RCMP Experience -- An Interview with Jennifer Lynch, Q.C," p. 8. See also Constantino and Merchant, Chapter 4, "Involving the Stakeholders," pp.49-66.

[9] The organizational development literature contains much discussion of organizational culture. An interesting range of approaches to organizational culture are presented from a psychological perspective in Larry Hirschhorn and Carole K. Barnett, eds., The Psychodynamics of Organizations (Philadelphia: Temple University Press, 1993).

[10] On ombuds neutrality, see Howard Gadlin and Elizabeth Walsh Pino, "Neutrality: What an Organizational Ombudsperson Might Want to Know," (Dallas: The Ombudsman Association, 1997).

[11] Mary Rowe estimates that "75 to 95 percent of all men and women in a given institution or workplace will not willingly choose, or even cooperate with, a formal polarized grievance process when they feel harassed," though ". . . probably 5 to 25 percent of men and women will ultimately only be satisfied by having a win-lose option oriented toward their rights—toward investigation and justice," "An Effective, Integrated Complaint Resolution System," in Bernice R. Sandler and Robert J. Shoop, eds., Sexual Harassment on Campus (Boston: Allyn and Bacon, 1997), p. 204.

[12] See The Ombudsman Association (TOA) Code of Ethics and Standards of Practice; the University and College Ombuds Association (UCOA) Ethical Principles for College and University Ombudsmen; and the Handbooks of each organization. See also Charles L. Howard and Maria A. Gulluni, "The Ombuds Confidentiality Privilege: Theory and Mechanics," (Dallas: The Ombudsman Association, 1996), especially "Record-Keeping," p. 13.

[13] See Marsha Wagner, "Reporting Ombus Office Data: The Tension between Confidentiality and Constructive Feedback to the Community," Ombuds: The Journal of the University & College Ombuds Association, Occasional Papers on Confidentiality and Record Keeping, 2 (Spring 1996), 11-15.

[14] Jennifer Lynch lists an “avalanche” of a certain type of problem as an indicator of a need for change in “RCMP: Revitalizing Culture, Motivating People—Innovations in Conflict Management System Design at the Royal Canadian Mounted Police,” unpublished report, November 18, 1997, p. 26.

[15] See Rowe, “Systems Change,” “Dispute Resolution in the Non-union Environment,” pp. 92-93.

[16] See, for example, Costantino and Merchant, p. 49; Rowe, "Dispute Resolution in the Non-union Environment," p. 85.

[17] See Rowe, “Begin with the Characteristics of Complainants,” “Dispute Resolution in the Non-union Environment,” p.85.

[18] Rowe, "The Ombudsman's Role in a Dispute Resolution System," p. 357.

[19] Ury, Brett and Goldberg also recommend taking the extra time to involve stakeholders. See "Negotiating the Changes: Don't Recommend Changes, Negotiate Them," pp. 115ff.

[20] Costantino and Merchant, p. 117. The authors do acknowledge that design architecture may tend to become mechanistic and linear, rights-based and expert-imposed. Thus, they urge designers to encourage participation of stakeholders and of the "design team," p. 118.

[21] Getting Disputes Resolved, p. 161; see also pp. 144-163.

[22] Helen Hasenfeld, “The Ombudsperson as a Change Agent,” in The Journal: California Caucus of College & University Ombudsmen, 1995.

[23] A fine model of an integrated system that provides a range of multi-access options for resolution of *all kinds of* harassment is MIT's Dealing with Harassment at MIT (Cambridge, Mass: Massachusetts Institute of Technology, 1996).

[24] Rowe, “The Ombudsman’s Role in a Dispute Resolution System,” p. 359.

[25] Costantino and Merchant, chapter 10, pp. 168-186. See also Lynch, "RCMP: Revitalizing Culture, Motivating People--Innovations in Conflict management System Design at the Royal Canadian Mounted Police," pp. 141-144.

[26] Rowe, “The Ombudsman’s Role in a Dispute Resolution System,” p. 360.

[27] Donald Kennedy, Academic Duty (Cambridge, Mass.: Harvard University Press, 1997), p. 272.

[28] Ibid., p. 288.