

# Ombudsing in the New Era

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## **ABSTRACT**

Many ombuds offices arose in times of unrest, incivility, and questions about individual rights and responsibilities. Today is no different. As ombuds enter an era where individuals seem to be losing the ability to dialogue, this article examines how ombuds might lead the way in reestablishing connection among individuals and groups. Through the lens of Planned Happenstance Theory, it argues that the history of the profession uniquely positions ombuds to take action.

Additionally, in an effort to urge others to critically reflect on that notion, the article provides resources with the hope that ombuds will engage and explore them to inform how they might move forward.

## **KEYWORDS**

Ombuds, neutrality, bias, politics, dialogue, planned happenstance, identity, brave space, truth, fairness, systems, critical thinking, group facilitation

## INTRODUCTION

Looking back at the history of ombuds practice in the United States and beyond, many of these offices arose in times when protest, incivility, and questions about one's rights permeated daily conversations. Today is no different, save one piece. In the 1960s and 1970s, establishment of ombuds offices emerged as part of a larger trend to create channels by which authority could be questioned. Seen as an important mechanism for giving voice to those without power or with less power than authorities and leaders, the trend included giving protections for those who raised issues or dissented so that they could exercise those rights without or with less risk, punishment, or retribution.

While this trend enhanced the right to dissent or disagree, it included the belief that disagreements were legitimate and could be resolved by taking into account the different perspectives and interests of the disputants. At the same time, there existed general agreement that in many situations, individuals could agree on or could establish a shared understanding about events or issues in dispute and that many matters could be addressed by moving away from seeing relationships and conflicts from a win-lose orientation. The difference from the initial days of ombuds practice to today appears to be a movement away from dialogue and deliberation.

Questions have emerged as to what space an ombuds can occupy in the current conversations around the political climate and civil discourse. Given the Standards of Practice, a neutral space seems natural for ombuds when conflict arises. However, neutrality also calls for us to refrain from siding with one side or another. What happens if the conflict is between those who argue for civil discourse and those who do not want civil discourse, or if civil discourse is rejected by both sides? Yet, it is that same call to resolve conflict and ease tensions that urges ombuds to find space within the conversation and provide opportunities for individuals to come together. In addition it is often calls for justice, fairness, and equity that keep ombuds so engaged in their work. These calls can seem to conflict with the goal of neutrality. However, neutrality does not prohibit one from having an opinion about the issues at hand. For that reason, ombuds may be best situated to build this space.

## PLANNED HAPPENSTANCE & HAPPENSTANCE LEARNING THEORY

The Standards of Practice, as outlined by the International Ombudsman Association (2017), have afforded ombuds planned happenstance in the development of the field. A term coined by Krumboltz (2004), "planned happenstance" describes the concept whereby one's career has been designed in such a way that when an opportunity presents itself, one may fully take advantage of it. The era that the ombuds community now finds itself in appears as one of "planned happenstance" in that the many years that ombuds have encouraged civil discourse in organizations, attended to neutrality and

informality, and attended to biases, have given the field cause to hone skills required for repairing the current fractures in society. Within Planned Happenstance Theory, environmental conditions and events play a vital role in the ways one divines one's career and profession. Zimbardo (2007) stated that power of the environment can greatly control human behavior. Present times have created just such a space where the environment can greatly control the ways in which the ombuds profession further defines itself and assists others in defining their own actions within their organizations. This time provides an opportunity for the profession to further assist others in understanding civil discourse and conflict resolution, and a moment for ombuds to further define the profession and communicate its value to others across the globe.

Within Happenstance Learning Theory, individuals take action to better prepare for events that change their circumstances. First, one must orient expectations. In this day, it seems that many ombuds fear what changes in administrations and in the overall political climate mean, especially as it relates to their role; how it might affect them rather than how they might see it as a space to further define roles within organizations. This concern needs to be framed in terms of the climate being an opportunity for the field. Second, ombuds, as a professional body, need to identify initial concerns in order to better position the field for opportunity (an aim of this article). Third, they can use successful past experiences with unplanned events as a basis for current actions. There exists a history wherein ombuds practitioners have dealt with the unknown and shifts in organizational structure and leadership and assisted others in best understanding these shifts. Again, today is no different. Fourth, ombuds can recognize potential opportunities. Opportunities do not come without a certain level of risk. However, to recognize this era as an opportunity for the field to better define itself and an opportunity for the field to act on its Standards of Practice in providing space for others to address concerns remains key. Finally, ombuds can overcome any blocks to action that they may have. For example, some ombuds may believe that the Standards of Practice hinder the ability to act as agents of justice rather than enhance the ability to do so.

To assist ombuds practitioners in planning for the happenstance provided by the current era, this article outlines several areas for ombuds to consider in an effort to further define the field and help others to better understand it, as well as work to address the fractures in the global society. These areas center on two themes: the ombuds experience and ombuds practice:

### **The Ombuds Experience**

1. Identity
2. Fear and anxiety

**Ombuds Practice**

1. Brave spaces
2. Neutrality and silence
3. Modeling actions and behaviors
4. Truth and fairness
5. Large group conversations

**THE OMBUDS EXPERIENCE*****Identity***

Much of what happens in this new era may conflict with or confirm the beliefs of the individual ombuds. How does one account for this in their practice without displaying personal bias in their words or actions? The honest truth exists that an ombuds can never be wholly unbiased when it comes to their identity and personal views. For example, the field recognizes gender and race as factors of which an ombuds needs to be aware and self-conscious. The same could be said of political perspectives. The key is to recognize that bias and learn to create strategies to recognize it and attend to it when working with a visitor (or administrator) with an opposing view, as well as recognize the perspective of differentiating between the individual and the office itself. Being an ombuds might place some constraints on political involvement and create more caution about involvement as a private citizen, but as private citizens, ombuds practitioners may be unwilling to limit their involvement in politics entirely. One just needs to attend to their identity and bias when working with visitors.

While many resources on bias center on racial and gender biases, these strategies and theories could be extrapolated for working with political bias in this era as well. For resources on attending to bias, please consult the following:

**Read**

Rowe, M. (2008). Micro-affirmations and micro-inequities. *Journal of the International Ombudsman Association*, 1 (1).

<http://ombud.mit.edu/sites/default/files/documents/micro-affirm-ineq.pdf>

Brogaard, B. (2013). Micro-inequities: 40 Years Later. *Psychology Today*.

<http://www.psychologytoday.com/blog/the-superhuman-mind/201304/micro-inequities-40-years-later>

**Explore**

Kirwan Institute for the Study of Race & Ethnicity

<http://kirwaninstitute.osu.edu>

The Kirwan Institute for the Study of Race and Ethnicity is an interdisciplinary engaged research institute at The Ohio State University. Their goal “is to connect

individuals and communities with opportunities needed for thriving by educating the public, building the capacity of allied social justice organizations, and investing in efforts that support equity and inclusion.”

Project Implicit

<https://implicit.harvard.edu>

“Project Implicit is a non-profit organization and international collaboration between researchers who are interested in implicit social cognition—thoughts and feelings outside of conscious awareness and control. The goal of the organization is to educate the public about hidden biases and to provide a ‘virtual laboratory’ for collecting data on the Internet.”

Teaching Tolerance

<http://www.tolerance.org>

“Teaching Tolerance provides free resources to educators—teachers, administrators, counselors and other practitioners—who work with children from kindergarten through high school. Educators use our materials to supplement the curriculum, to inform their practices, and to create civil and inclusive school communities where children are respected, valued and welcome participants.”

### ***Fear & Anxiety***

While ombuds look for fairness within systems, in this new era one may indeed become targets when providing resources and supports to individuals who increasingly feel that their voices have not been heard. Whether these threats come from budgetary constraints or from other venues (media backlash, complaints about the ombuds office itself, etc.), ombuds have historically had the charge to speak out when processes and systems appear unfair. To deny that as a role within the field acts contrary to the very values of neutrality and independence that the field holds dear. While the work of the ombuds might face a few more barriers, ombuds also know how systems work and can find hope in that.

While ombuds do not advocate for visitors, we can certainly advocate for ethical and responsible systems and leadership for all constituents within society. It correlates with the role of reporting systemic trends and issues upwards within the organization, especially as it relates to concerns relative to recognition of social, political, economic, and cultural factors. When ombuds become aware of external factors that act as barriers to a visitor’s process, they may respond by advocating for a re-examination of the system by the leadership. For resources on understanding systems, please consult the following:

### Read

Bolman, L. & Deal, T. (2003). *Reframing organizations: Artistry, choice, and leadership (3rd Ed.)*. San Francisco, CA: Jossey-Bass.

Oshry, B. (2007). *Seeing Systems: Unlocking the mysteries of organizational life (2nd Ed.)*. Oakland, CA: Berrett-Koehler Publishers.

### Watch

Senge, P. (2013, October). Peter Senge: Systems Thinking and The Gap Between Aspirations and Performance [Video file]. Retrieved from:

[https://www.youtube.com/watch?v=\\_PFo7zdiw34&t=25s](https://www.youtube.com/watch?v=_PFo7zdiw34&t=25s)

Wujec, T. (2013, June). Tom Wujec: Got a Wicked Problem? First, tell me how you make toast [Video file]. Retrieved from:

[https://www.ted.com/talks/tom\\_wujec\\_got\\_a\\_wicked\\_problem\\_first\\_tell\\_me\\_how\\_you\\_make\\_toast](https://www.ted.com/talks/tom_wujec_got_a_wicked_problem_first_tell_me_how_you_make_toast)

### Explore

Human Systems Dynamics Institute

<http://www.hsdinstitute.org/>

The HSD Institute offers excellent and varied online and in-person training, written resources, and tools for thinking about and working with organizational systems.

## OMBUDS PRACTICE

### *Brave Spaces*

Defined as an area where individuals can come together to engage in critical dialogue through questioning and active listening, a brave space fosters greater understanding and knowledge sharing. It differs from the term “safe space” in that as individuals begin to discuss difficult topics, those facilitating cannot guarantee that there will not exist risk. This shift in language helps those involved in conflict, or struggling with issues of justice, to voice their concerns and rise to the more difficult work of engaging in difficult dialogue. As ombuds, the field has created “brave spaces” for decades as individuals have been given access to confidentiality and neutrality. In this era of uncertainty for many, ombuds offices continue to offer this space and perhaps, do so with much more perspective and trust than other, newer forums. For resources on creating “brave spaces,” please consult the following:

### Read

Arao, B. & Clemens, K. (2013). From safe spaces to brave spaces. *The Art of Effective Facilitation: Reflections from Social Justice Educators*, 135-150.

Zheng, L. (2016). Opinion: Why your brave space sucks. The Stanford Daily. Retrieved from: <http://www.stanforddaily.com/2016/05/15/why-your-brave-space-sucks/>

### Watch

RSA Events. (2015, February). Brene Brown on Blame [Video file]. Retrieved from: [https://www.youtube.com/watch?v=RZWf2\\_2L2v8](https://www.youtube.com/watch?v=RZWf2_2L2v8)

Sinek, S. (2014, March). Simon Sinek: Why Good Leaders Make You Feel Safe [Video file]. Retrieved from: [https://www.ted.com/talks/simon\\_sinek\\_why\\_good\\_leaders\\_make\\_you\\_feel\\_safe](https://www.ted.com/talks/simon_sinek_why_good_leaders_make_you_feel_safe)

Roots and Wings. (2016, July). RaW Skill: Creating Brave Space [Video file]. Retrieved from: <https://www.youtube.com/watch?v=-tO5P0knc-o>

### Explore

Center for Courage and Renewal  
<http://www.couragerenewal.org/>

“The Center for Courage & Renewal and its growing global network of Courage & Renewal Facilitators help people lead lives of courage and integrity by offering online resources, in-person retreats and personal/professional development programs. Our Facilitators lead programs using the Circle of Trust® approach, based on the work of author and activist Parker J. Palmer.”

### ***Neutrality & Silence***

A widely agreed upon tenet for ombuds, ombuds debate the possibility of whether an ombuds, or indeed any individual, might truly remain neutral and unbiased. Truth and fairness exist as key values for the ombuds role. While ombuds strive to understand the perspectives of all parties, faith endures in a common core of facts about which it would be possible to have agreement between the parties. The current climate challenges this assumption with the rise of alternative facts given credence based solely on their having been asserted. How does one engage in discussions or address alternative facts without impacting neutrality or becoming silent and not advocating for fairness? Teaching critical thinking skills through the conflict resolution process may create space for individuals on both sides of a conflict to set emotion aside, utilize joint fact-finding and evaluate the facts of the situation in a logical manner. For resources on teaching critical thinking, please consult the following:

### Read

Paul, R. & Elder, L. (2006). *Miniature guide to critical thinking*. The Foundation for Critical Thinking. Retrieved from:

[http://www.criticalthinking.org/files/Concepts\\_Tools.pdf](http://www.criticalthinking.org/files/Concepts_Tools.pdf)

Carroll, R.T. (2007) *Teaching critical thinking: Expanded from a presentation at the Critical Thinking Workshop the Amazing Meeting V Las Vegas January 18, 2007*. Retrieved from: <http://skepdic.com/essays/teachingCT.pdf>

Brookfield, S. (2011). *Teaching for critical thinking: Tools and techniques to help students question their assumptions*. San Francisco, CA: Jossey-Bass. Retrieved from: <http://www.wiley.com/WileyCDA/WileyTitle/productCd-0470889349.html>

### Watch

Richardson, J. (2014, October). Jesse Richardson: How to think, not what to think [Video file]. Retrieved from:

<https://www.youtube.com/watch?v=6dluwVks444>

### Explore

The Critical Thinking Community

[www.criticalthinking.org](http://www.criticalthinking.org)

Website sponsored by the Foundation for Critical Thinking and the Center for Critical Thinking. It provides resources such as full-text articles and teaching materials.

### ***Modeling Actions & Behaviors***

The ombuds can model behavior and actions for visitors. For example, an ombuds can demonstrate and communicate their respect for individual visitors no matter what those visitors' opinions might be. This builds a rapport with the visitor, but also models for them how they might approach a situation without judgment, without labels, and with true neutrality. For resources on behavioral modeling, please consult the following:

### Read

Goleman, D. (2005). *Emotional intelligence: Why it can matter more than IQ (10<sup>th</sup> Ed.)*. New York, NY: Bantam Books.

Cherniss, C. & Goleman, D. (2001). *The emotionally intelligent workplace*. San Francisco, CA: Jossey-Bass.



Schrage, M. (2016). Like it or not, you're always leading by example. *Harvard Business Review*. Retrieved from: <https://hbr.org/2016/10/like-it-or-not-you-are-always-leading-by-example>

### ***Truth & Fairness***

A central role of the ombuds attends to fairness and due process within systems. However, individuals have different notions of “fairness” and what it means within various contexts. The ombuds role understands the essence of fairness and works to help the individuals and systems to better comprehend it. For resources on fairness, please consult the following:

#### **Read**

Prevoux, S. (2017, May). Ombuds and ethics: Combination for success. *IOA Independent Voice*. Retrieved from: <https://www.ombudsassociation.org/Resources/IOA-Publications/The-Independent-Voice/May-2017/Ombuds-Ethics.aspx>

#### **Explore**

Association of Canadian College and University Ombudspersons. Fairness Resources: [http://www.uwo.ca/ombuds/accuo\\_ouucc/english/resources\\_fairness.html](http://www.uwo.ca/ombuds/accuo_ouucc/english/resources_fairness.html)

### ***Large Group Conversations***

Ombuds may be asked to facilitate large discussions to better attend to public concerns on particular issues, as both a trusted source to visitors and leadership. What happens if this breaks down into chaos? Does risk exist for the ombuds? As a facilitator of the conversation, there exist many ways that might manage such conversations without impacting the ombuds. Would the ombuds facilitate a restorative circle? Do other tools in the kit allow for constructive conversations? Some suggestions for ombuds working in this vein include:

- Start small and build capacity by piloting conversations among a few key constituencies;
- Establish ground rules and clarify expectations;
- Gain buy-in from all participants;
- Anticipate and plan for what comes after the conversation, in terms of participant processing and/or action steps.

For resources on facilitating group conversations, please consult the following:

**Read**

Pranis, K. (2005). *The little book of circle processes: A new/old approach to peacemaking*. Intercourse, PA: Good Books.

Chasin, L. (2006). *Foster dialogue across divides: A nuts and bolts guide from the Public Conversations Project*. Watertown, MA; Public Conversations Project. Retrieved from: <http://www.whatisessential.org/resource/fostering-dialogue-across-divides-nuts-and-bolts-guide-public-conversations-project>

Parker, P. (2011). *Healing the heart of democracy*. San Francisco, CA: Jossey-Bass.

**Explore**

Everyday Democracy, Study Circles Resource Center  
<https://www.everyday-democracy.org/>

Information and publications related to study circles, participatory discussion groups meant to address community issues.

The Harriet W. Sheridan Center for Teaching & Learning at Brown University  
Facilitating Effective Group Discussions:  
<https://www.brown.edu/about/administration/sheridan-center/teaching-learning/effective-classroom-practices/discussions-seminars/facilitating>

**WHERE DO WE GO FROM HERE?**

Each of these areas poses many questions and this article does not offer solutions, only a few resources and tools that one might use to further their own “planned happenstance.” It is the hope that individual practitioners will explore these topics and reflect on what role they might play in this next era of ombuds history. Will ombuds colleagues take advantage of the planned happenstance offered the profession now and help to further define the field before others define the roles for it? Just as the field has begun to define this space through addressing Title IX and confidentiality for the ombuds, so too should it do this as it looks to other issues facing visitors. While it may present some risk and challenges at the outset, at its core, the current environment is an opportunity...an opportunity for action, for definition and for leadership.

## REFERENCES

International Ombudsman Association. (2009). *Standards of practice*. Retrieved from [http://www.ombudsassociation.org/IOA\\_Main/media/SiteFiles/IOA\\_Standards\\_of\\_Practice\\_Oct09.pdf](http://www.ombudsassociation.org/IOA_Main/media/SiteFiles/IOA_Standards_of_Practice_Oct09.pdf)

Krumboltz, J.D. (2004). *Luck is no accident: Making the most of happenstance in your life and career*. Atascadero, CA: Impact.

Zimbardo, P. (2007). *The Lucifer effect: Understanding how good people turn evil*. New York, NY: Random House.

## AUTHOR BIO

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