



Taking Arms Against a Sea of Troubles: The Experience and Legacy of Michigan State University's First Ombuds

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ABSTRACT

The title of this article comes from the very first report of Michigan State University's Office of the University Ombudsperson where the ombuds compares the role of the ombuds as one that helps students to take "arms against a sea of trouble" (Hamlet) referring to the faculty and administration as the sea. While a unique observation, it truly does not describe the scope and depth of the work of this role during those early years. This research began as an effort to revisit and reflect on the legacy of fifty years of ombuds practice that started at Michigan State University in 1967. In order to effectively understand the role, scope and purpose of the office, as well as the founding ombuds, Dr. James Rust, the

researcher examined the annual reports provided by Dr. Rust and his colleagues that covered the years of 1967 through the end of his tenure in August 1974. To provide context for these reports, additional reports and papers produced during that time were consulted.

KEYWORDS

ombuds, ombudsman, history, students, university, higher education



INTRODUCTION

The title of this article comes from the very first report of Michigan State University's Office of the University Ombudsperson in which the ombuds compares the role of the ombuds as helping students to take "arms against a sea of trouble" (*Hamlet*), with reference to the faculty and administration as the sea and arms being the solutions to complex problems. Albeit a unique and confrontational observation, it hardly describes the scope and depth of the work of this office during those early years. The present research began as an effort to revisit and reflect on the legacy of the fifty years of ombuds practice at Michigan State University since 1967. Reflecting on this early history helps the field better understand how and why the office was initially established, and the complexities in how the field continues to define its role.

The Office of the University Ombudsperson remains the longest standing ombuds office at any college or university in the United States with the sixth ombuds taking office in 2018. To effectively understand the role, scope and purpose of the office, the researcher examined the annual reports provided by Dr. James D. Rust, Michigan State University's first University Ombudsman and his colleagues that covered the years of 1967 through the end of his tenure in August 1974. To provide a more comprehensive context for these documents, additional reports and papers produced during that time were consulted. These supplementary documents included a dissertation done in 1968 by Rowland, a doctoral student at Harvard University, who interviewed Rust during his research, an interview in *Parade Magazine*, as well as Rust's own papers. Finally, interviews were conducted with a former staff member of Rust, and close friends of his who also worked at the institution. A comprehensive list of these documents is available in the References.

These early years of ombuds practice focused on establishing the office within the university and developing the means for training in and an understanding of the role. Through the review of the documents, key themes related to these issues emerged. These included staffing, practice and relationships, and student problems and trends. Many of these themes still dominate discussions around the work today and the paper will naturally posit questions in this space. Let us begin however with why and how the office was created.

DEFINITION OF THE ROLE

The first college or university in the United States to have an ombuds office was Eastern Montana College which operated on a year to year basis beginning in the 1966-1967 (Janzen, 1971, 170). The last record of the office was in the 1981-1983 Campus Bulletin (Eastern Montana College, 1981). Eastern Montana College later became Montana State University – Billings in 1995 (MSU-Billings, 2019). State University of New York – Stonybrook had also established an office slightly before that of Michigan State University in 1967 in response to campus demonstrations by students not given enough information on university policy and plans. SUNY – Stonybrook had appointed three faculty members as ombudsmen at that time. However, in the following summer (1968) it was placed "in limbo" (Parness, 1969) and did not emerge again until the 1988/1989 academic year (SUNY, 2019). The reason for this nebulous position is given as a "difference of opinion concerning the people to whom the ombudsmen should be responsible." The ombudsmen at SUNY-Stonybrook felt they were responsible to the students and faculty; while the president felt they should be accountable to his office (Parness, 1969). Despite these setbacks by various institutions, at the start of 1968, fourteen institutions had created ombuds offices and by the first meeting of college and university ombuds in October of 1968, fifty already existed (Rowland, 1968, 5). Rowland described the role as:

An independent faculty member who receives complaints, mainly from students, at a college or university. He makes inquiries and recommends appropriate action. His remedial weapons are persuasion and criticism... his objective is to improve rather than replace the existing system... The ombudsman has no staff, considers student academic



and non-academic problems, is not involved in student disciplinary matters and has more investigatory authority.

In his paper, Rowland outlines the key skills of the ombuds: knowledge of campus operations and regulations; understanding; effectiveness; authority and accessibility. He also notes that students are turning to more legalistic definitions of their rights (Rowland, 1968, 43). As a result, ombuds serve an accountability function within their institutions, as an auxiliary to, not a replacement for, existing processes (Rowland, 1968, 170). One key factor in this piece is that the ombuds reports directly to the President, and in some cases, the student body president. During these early beginnings, although few had professional training or experiences in student personnel work, they did share a familiarity with their campuses and a concern for justice. Rowland also notes their additional attributes of prestige, personality, and their persuasive power that they brought to the table. As such, many ombuds seemingly saw their roles as change agents and catalysts in bringing about structural alterations.

Ultimately the Office of the University Ombudsman (now Ombudsperson) at Michigan State University was created through a report of the Academic Council Committee on Student Affairs to the Academic Council on February 7, 1967 and promulgated during the following Fall (Rowland, 1968, 31). The *Academic Freedom for Students at Michigan State University Report* (now titled the *Student Rights and Responsibilities*, and often referred to as the *Academic Freedom Report* in university documents) provided regulations for guiding student conduct and due process in adjudicating cases. The Office of the University Ombudsman would be the key in ensuring the effectiveness of these new processes.

ESTABLISHMENT OF THE OFFICE AND ROLE

Emerging from a time of civil unrest and protest during the Vietnam War, Michigan State University's Office of the University Ombudsman was created in response to the filing of a suit by a former student, Paul Schiff, and the American Civil Liberties Union (ACLU), in which he alleged his dismissal from Michigan State University was due to his involvement in the Committee for Student Rights which challenged issues related to the university's administration. Participating in the Committee, he wrote a publication called *Logos*, which was distributed in the residence halls. The university held that this was a violation of an MSU ordinance covering the distribution of advertisements (Brattin, n.d.), and eventually, revoked his student status and disallowed his return to campus. Judge Fox however found that:

After due consideration of the cases which have been cited by counsel, and of cases which have been examined separate and apart from those cited by counsel, this Court is satisfied that a temporary injunction as such would not be justified at the present time. It is the opinion of the Court that this matter should be handled by the authorities at Michigan State University without a court order, except as later developments may point out the necessity for action by this or some other court.

In the opinion of this Court, the defendants, or those charged with the appropriate duties, should furnish to the plaintiff within ten days, a letter setting forth in sufficient detail the reasons for rejecting the plaintiff's application for readmission as a graduate student in history. After receipt of such letter, plaintiff should be afforded ten days thereafter in which to present to the Administration a reply, including any affidavits which he may wish to attach thereto, setting forth his claims in opposition to the reasons given by the Administration for rejecting his application.

Within ten days after receipt of the plaintiff's reply above referred to, plaintiff should be afforded an audience with the appropriate Administrative authorities of Michigan State University charged with the final determination of the acceptance or rejection of his application for readmission. Such audience shall be conducted in accordance with the



guidelines laid down in *Dixon v. Alabama State Board of Education, supra.* (W.D. Mich. 1966)

The key words in this opinion that would lay the groundwork for the creation of the Office of the University Ombudsman was the statement “except as later developments may point out the necessity for action by this or some other court.”, as well as reference to *Dixon v. Alabama State Board of Education*, the landmark 1961 U.S. federal court decision that spelled the end of the doctrine that colleges and universities could act *in loco parentis* to discipline or expel their students. *Dixon v. Alabama State Board of Education* also established that students could not be expelled without due process.

As a result, Mr. Schiff’s case was brought back to the university to redetermine. In their December 1, 1965 minutes, Michigan State University’s Academic Senate addressed the progress in rehearing the case within university regulations. It was in these notes that MSU Vice President John A. “Jack” Fuzak, Dean of Students and later Vice President of Student Affairs, noted that:

the members of his staff and the Committee on Student Affairs were trying to bring the rules and practices for student government in line with due process, and that they were working with the Associated Students of Michigan State University in order to accomplish the same end in those cases where the students were privileged to make rules and establish practices.

To this end, the Academic Council Committee on Student Affairs, which advised the university on all matters related to the academic achievement of students, deliberated leaning heavily on the 1964 report of Committee S of the American Association of University Professors (Dressel, 1987, p. 321), in particular the recommendations surrounding the “Responsibility of Faculty for Procedural Due Process in Cases of Alleged Misconduct” which states:

The faculty has an obligation to see that students are not disciplined for alleged misconduct without adequate procedural safeguards. The following procedures are recommended to assure reasonable protection of the student, a fair determination of facts, and the application of appropriate sanctions (AAUP, 1964, p. 256).

The procedures included:

- Notice of Conduct Subject to Discipline
- Conduct of Investigation Preliminary to Formal Charges
- Notice of Charges
- Treatment of Student Pending Final Action
- Hearing
- Further Recourse

Ultimately, the Academic Council Committee on Student Affairs for Michigan State University drafted a statement that was approved by the Board of Trustees on March 16, 1967 (Dressel, 1987, p. 321). In it, the Academic Council Committee on Student Affairs documented that students hold a ‘dual citizenship’ in the sense that they are still part of broader society, while also being part of the university. The university can thus not deprive a student of civil and societal rights. As a critical part to this principle, the Committee recommended the creation of the Office of the University Ombudsman “designed to operate with both formal procedures and personal charisma” (Dressel, 1987, p. 322). The Ombudsperson was put into place to safeguard the rights and responsibilities of the students. According to Article VIII of the report (MSU, 1967, p. 31-32):

The President shall appoint from the senior faculty a high prestige official with the title of Ombudsman. The sensitive and confidential nature of the Ombudsman’s work dictates that he conducts his operations with dignity and integrity. He shall respect the privacy of



all persons who solicit his assistance and protect them against retribution. His functions shall include the following charges:

He shall establish simple, orderly procedures for receiving requests, complaints, and grievances of students.

He shall assist students in accomplishing the expeditious settlement of their problems. He may advise a student that the student's request, complaint or grievance lacks merit, or that the student should seek his remedy before another duly constituted body or officer of the University; or the Ombudsman (if he deems it appropriate) may assist the student in obtaining an informal settlement of the student's problem.

In the performance of his duties the Ombudsman shall have broad investigatory powers and direct and ready access to all University officials from the President down.

When the Ombudsman deems it necessary, he shall report directly to the President valid complaints for which no remedy has been found. He shall also report any recommendations he wishes to make regarding such complaints.

He shall make periodic reports to the President regarding the operation of the Ombudsman's office.

The notion of "high prestige" was particularly important to the ability to serve as ombuds. As noted by Munding (1967, 497):

In a sense, the ombudsman should represent a brooding presence to which an aggrieved member of the university could appeal in the confidence that the ombudsman is a man of established integrity and reputation whose sole concern is the advancement of justice and equity in the campus community.

Additionally, the establishment of ombuds to address student concerns at a time of great change in higher education was not novel to Michigan State University. As a result, other institutions began to examine the ombuds role as a response to increasing bureaucracy for not only students, but faculty and staff too:

As students become part of large bureaucracies, there will be instances of red tape, mishandling, denying students their proper rights. The mere operation of large bureaucracies often is detrimental to the individual. Isolation of the individual from decision making and power is too complete. The problem is to protect his rights and personality (Schlossberg, 1967, 32).

Furthermore,

Although this office would not necessarily be in Student Personnel, it seems student service workers would be a logical group to push the concept. After all, this group is most clearly associated with students and most conscious of their mishandling and tangling with red tape (Schlossberg, 1967, 33).

As the ombuds would impact the relationships between students and the university in theory, how did Michigan State University begin the selection process of someone with "high prestige" to address the "red tape"? According to Rust (Anderson, 1969, p. 325), the process had the Provost soliciting nominations from the Deans, from faculty members and from student leaders. This solicitation resulted in approximately 65 names being submitted. The Provost and a selection committee of students then put the names into three categories: "recommended", "acceptable", and "not acceptable". A first recommendation and alternates were then provided to the President



who in turn made a recommendation to the Board of Trustees. In their selection criteria, the following factors were of foremost importance:

1. An ability to relate to students;
2. Experience as a classroom teacher and student advisor;
3. Ability to say “no”, as well as “yes”;
4. A wide acquaintance with faculty and administration; and
5. A good knowledge of the workings of the university.

It is also important to note that Michigan State University was the only institution to incorporate student opinion in the process for selection at that time (Buccieri, 1967). The qualities outlined above have persisted into 2018 with the selection of the sixth Ombudsperson. In the most recent job posting, the following qualifications and knowledge were required (MSU, 2017):

- conflict resolution skills;
- University policies, procedures, and regulations;
- teaching and advising at graduate and undergraduate levels;
- academic governance;
- communication skills necessary to relate to a diverse community of students, faculty and staff;
- University resources; and
- unit administration.

While some of the language describing the University Ombudsperson had changed and those who can qualify for the position has expanded, the description of the role remains relatively unaffected. As stated in the current *Student Rights and Responsibilities* (2019d):

The President shall appoint a senior faculty member, executive manager, or other qualified person with the title of University Ombudsperson. The Ombudsperson shall respect the sensitive and confidential nature of the position and the privacy of all persons soliciting assistance from the Office of the Ombudsperson, thereby protecting them against retaliation. The Ombudsperson’s functions shall include the following charges:

1. The Ombudsperson shall establish simple, orderly procedures for receiving requests, complaints, and grievances from students.
2. The Ombudsperson shall assist students in accomplishing the expeditious settlement of their problems and may advise a student that the student’s request, complaint, or grievance lacks merit, or that the student should seek a remedy elsewhere in the University. The Ombudsperson may also assist the student in obtaining an informal settlement of the student’s problem.
3. The Ombudsperson shall have broad investigatory powers and direct and ready access to all University officials, including the President.
4. When necessary, the Ombudsperson shall report directly to the President valid complaints for which no remedy has been found. The Ombudsperson shall also report any recommendations regarding such complaints.
5. The Ombudsperson shall make periodic reports to the President regarding the operation of the Office of the Ombudsperson.

Some of the language related to “high prestige” has been lost over the past fifty years. However, for those in the role, the centering of integrity, academic ability, and commitment to justice and equity serves as the foundation for the work of an ombuds.

EXPERIENCE, EDUCATION AND TRAINING



Indeed, per the report of the Faculty Committee on Student Affairs, an individual with “high prestige” was chosen for the role as first University Ombudsman. A faculty member hailing from the Department of English, Rust stepped into the role of University Ombudsman after having served as Assistant Dean in the College of Arts and Letters (Rust, 1968). In naming Rust to the office, President Hannah stated, “The Ombudsman will be charged with responsibilities uncommon in American universities, or indeed in universities anywhere.”

As Rust had no direct experience as an ombuds, he relied heavily on his understanding of the university structure through his experiences at Michigan State University. Rust came to Michigan State University in 1947 as an Assistant Professor in the Department of English. Prior to this time, he had served as an Instructor at Grinnell College for two years after earning his Ph.D. at Yale in English where his dissertation titled “George Eliot’s Periodical Contributions” was published (Broomfield & Mitchell, 1996, 171). Rust also had a B.A. (1934) and an M.A. (1937) from Indiana University – Bloomington where he also worked as a “tutor” (Gray, 1973). During the twenty years prior to becoming the ombuds, Rust had held the following roles (MSU, 1999):

- Instructor, Department of English, University of Missouri 1937-1941
- Instructor, Department of English, Indiana University 1942-1944
- Instructor/Assistant Professor of English, Grinnell College 1945-1947
- Assistant Professor, Department of English, Michigan State University 1947-1959
- Associate Professor, Department of English, Michigan State University 1959-1965
- Acting Head of the Department of English - April 1, 1962 through August 31, 1962 (MSU, April 13, 1962)
- Professor and Assistant Dean of the College of Arts and Letters effective August 1, 1962 (MSU, July 19, 1962) where he served until becoming ombuds on September 1, 1967 (MSU, September 21, 1967)

Rust also was a member of Phi Beta Kappa, the Modern Languages Association, the American Association of University Professors, and the American Federation of Teachers (MSU, 1999). He supplemented his knowledge of the university and the role through reading Walter Gellhorn’s *Ombudsmen and Others: Citizen’s Protectors in Nine Countries* published in January 1966 (Rust, 1968, 1), and Donald C. Rowat’s *The Ombudsmen: Citizens’ Defender* (Rust, 1969).

While not defined as such in 1967 and 1968, Rust leaned heavily on independence and neutrality/impartiality - aspects that are now defined by the International Ombudsman Association as the *Standards of Practice* (IOA, 2019) as “[N]ot concerned with the making of the law, but with its administration and enforcement. He must preserve his independence and objectivity and try to see that the law is interpreted and enforced as its makers had originally intended (Rust, 1968, 1).”

There is also some evidence to suggest Rust’s research on George Eliot (the pen name of Mary Ann Evans) may have impacted his desire for the ombuds position. For example, in the few articles by Rust still available today, he notes that Eliot believed art widened men’s sympathies and that she saw the novel as a medium for ethical teaching (Rust, 1956). Additionally, in his thesis at Indiana University and his dissertation at Yale University, he highlighted sentiments that stood out to him in Eliot’s work as a reviewer. Rust notes the fact that Eliot was fair, over-generous, loved truth, was interested in ethical problems and individual rights, and had sympathy for human beings (Rust, 1945). He notes on her fairness:

In comparison then, with other reviewers of the time, Miss Evans was scrupulously fair, undogmatic, and more perceptive than most. She could be sarcastic and blunt, but her irony was exercised upon people and books worthy of being expunged. No one would dare defend the victims of her pen... and others who felt her wrath would have utterly disappeared had she not preserved them in insects like amber (p. 153-154).



On Eliot's generosity, Rust stated "Her own efforts to be fair sometimes cause her to be over-generous, but her contempt for stupidity, insincerity and vanity never weakens (p. 156)." On truth, he further noted:

They reveal that one of her strongest elements of her nature was her love of truth... This same respect for the truth is also evident in her belief in realism as a literary creed. The novelist and the poet should observe mankind carefully and report faithfully and humbly all varieties of experience and all the manifestations of nature – thus they will be revealing the truth (157).

On ethical problems:

Revealed also is the fact that George Eliot's interest in ethical problems was of long standing. She believed that this is an ethical world and that literature and art should concern themselves with matters of morals – even books of travel should, not teach, but disclose ethical lessons (p. 158).

On individual rights:

Miss Evans was also in the mainstream of nineteenth century thought in her attitude toward the rights and liberties of the individual... This belief in the sanctity of the individual was the foundation of George Eliot's political and social opinions... It also entered into her support of feminist ideals and her views concerning the need for wider and more thorough education (p. 159).

Finally, on sympathy for human beings:

One other significant attribute of George Eliot is observable in these writings of Mary Evans – her all-embracing sympathy for human beings... They lie deep in the personality of the writer, in her emotional nature and the experiences of her life. She had suffered much and had learned the hard lesson that all men suffer alike (p. 159).

Additionally, Rust also noted her unique placement in history as a writer at a time when women were discouraged from intellectual work and having been from poor standing – representing a class often without voice. This comes through in his descriptions of the ombuds as the "conscience of the university" (MSU, 2017). In some ways, it seems he saw the role as a medium for ethical teaching and voice as well: "I was interested in trying to help students solve some of their problems, but also because the idea of a university Ombudsman as a means to that end was a most intriguing one (Rust, 1968, 1)".

One of clearest aspects in Rust's writings on Eliot was his genuine admiration of her:

She was the type of person to whom almost everybody instinctively tells his troubles. She had a remarkable power of sympathy for almost all kinds of peoples and ideas... this sympathy is revealed in her literary criticism as a desire to do justice to all sides (Rust, 1937, 3-5).

Not surprisingly, individuals who at the time knew Rust, the ombuds, had similar thoughts about his practices in the role. On Rust's generosity:

That is the kind of thing Jim would do. He would find a relationship with somebody. He would find a way... in a way to make things pleasant for everybody. Where they could talk about their issue without being confrontational (Smith, personal communication, November 25, 2019).

On truth:



He really encouraged to listen to both sides. It wasn't a one-sided discussion, whenever we had to discuss an issue. To find the facts on both sides... if they are correct facts. So, what I'm trying to say, he was strong on me, the office staff, particularly me, on being a good listener (Ensley, personal communication, October 7, 2019).

Their impressions of Rust's handling of ethical problems: "For Jim, it was about what was right to do, it was never, you didn't just blindly accept what students said or what faculty said (Smith, personal communication, November 25, 2019)."

Finally, on sympathy and empathy:

Well Jim was a caring person. I think that's the core of his personality. He cared... And he cared about every individual, I would say, that he came in contact with... And he laughed a lot, he smiled, and he meant it, you know? He'd see something about you that he could like no matter who you were (Smith, personal communication, November 25, 2019)

He mostly... It's from what he said, he talked a lot. A lot of us just behind the scenes, underneath, working with people, and Jim was, I'm just going to say this again, he was very caring. So even if he disagreed with you, he was never uncivil. He was never confrontational, that I knew him anyway. And he could always find a common thread with people. So, if he was trying and taking a student's concern up and out, he was a great person to do it (Smith, personal communication, November 25, 2019)

It certainly seems Rust emulated many of the same characteristics that he noted in George Eliot's work during his tenure as an ombuds.

CHARACTER, PHILOSOPHY AND REPUTATION

Given this influence, his history at the organization, and his research and personality on his ombuds philosophy, Rust agreed that the ombuds was somewhat determined by the characteristics of the individual practitioner: "Determined by the character and style of the person holding it and by his conception of his role as well as by the traditions and general nature of the particular institution (1969, 1)."

While his "character and style" certainly show in his annual reports, his practices as an ombuds emerge as central to the ways in which he worked with students and faculty. Throughout, Rust highlights the skills of advocacy, listening, persuasion and outreach as core components of his philosophy as an ombuds. In fact, in his first report (1968), Rust states:

I regard myself as an advocate of the student whose case I judge to be a valid one. I seek explanations of the student's predicament and attempt to persuade people to help solve or clarify it. I review faculty and administrative decisions; I suggest alternatives; and I consult other persons who might have more authority or be more knowledgeable about the particular circumstances.

And at the end of his tenure as ombuds (Morrison, 1974):

I consider myself an advocate of the student when I feel certain that the student has a grievance... Up to that time, I consider myself an investigator... I'm bullish on Michigan State. Very few people have been able to see how this institution operates as well as I have. I work with students, with the faculty in the trenches, and with the administrators at all levels.

In the 1968 report, Rust states that he listens, advises, explains, refers, and reviews. He often expresses surprise at how little students know about the help available to them even after several



years on campus. Rust saw listening as core to his work as an ombuds: “to be a courteous, even sympathetic listener is the first duty of a university Ombudsman”. He returns to this theme in his final report where he states: “Someone on whom the student can vent his anger and frustration (1974, 1).”

In terms of reviewing, he saw it as important to review the actions of Assistant Deans in dismissing students while he also reviewed decisions by the Registrar concerning refunds or fees. He reaffirms these roles and skills in the second annual report (Rust, 1969) and in interviews with reporters: “If the student gets caught in the University machinery, it is the ombudsman’s job to pluck him out before he is torn limb from limb (Moran, 1969).”

Further, in this second report, he highlights that part of the role is to “detect malfunctions in the university machinery and to recommend measures to eliminate them perhaps to the point of extensive overhaul or rebuilding (Rust, 1969, 2).” He saw his role in reviewing reports provided by other university offices and reinforce them where needed from the perspective of the ombuds and felt that these types of actions and relationships were key to his work.

When describing this philosophy, he saw himself more conventional than other ombuds at the time (this can be seen as well in his first report in his discussion of student activists): “I am more conservative than some other college and university Ombudsmen who conceive their role to be that of leaders of the student revolution or at least to be foremost among those pressing for reform of higher education (Rust, 1969, 2).”

And again:

Some of my counterparts think their mission is to reform the university. In that respect, I guess I’d be classified as an arch-conservative... [Ombudsman] relieves student pressures and frustrations, improves administration and corrects small injustices, but he does not put down mass student rebellions (Morris, 1969).

This approach to his work was further highlighted as he presented at conferences where he noted he was the lone voice in stating an ombuds should serve students in distress and not be a leader for transforming the university (Rust, 1969, 23). Rust states: “As I have said, this Ombudsman does not regard himself as a revolutionary or as one who is out to change human nature.”

Admittedly thus conservative in terms of his role as an ombuds, he interestingly also described some offices as having “a very rigid and legalistic interpretation of such requirements (Rust, 1969, 14).” From statements as this, one can certainly sense Rust’s humanistic approach to his work. This is also seen in his final statements in the 1969 report:

Much student hostility and ‘alienation’ would be prevented or alleviated if all who came in contact with them – clerks, secretaries, cashiers, police, faculty and administrators – would remember that, exasperating and obnoxious as they sometimes are, they are by all odds the brightest, most idealistic, most honest generation we have ever had in college (25-26).

While he was critical of the interactions between certain individuals and students on campus, his working relationships with colleagues assisted him in his work. In efforts to solve the problems brought to him, Rust found it valuable to reach out and connect with other units to build a network to which he could refer. This network-building included both his personal and professional lives. He was one of the founding members of the University Club (Membership #11) and in his early years as a faculty member lived in the university’s Quonset Huts (Smith, personal communication, November 26, 2019). These emergency war housing facilities were constructed on campus in 1945 to house the growing student enrollment numbers (MSU, 2019). Rust and his family were one of the faculty families that joined students in this housing when he initially arrived at the campus (Smith, personal communication, November 26, 2019). These deeply



personal interactions in the University Club and in the Quonset Huts highlighted his focus on community and relationship building.

His focus on relationship-building comes clearly to the fore in one of his early reports (1968) where, in reaching out to Housing, he noted that the university served as “landlord for 20,000 students”. He also served as part of the Faculty-Student Traffic Committee as some of the issues he dealt with revolved around busing and train transport. He reached out to Student Employment and in relation to graduate assistant work issues, employed the Graduate Council to get involved. He also worked diligently to connect with Olin Health Center, the Dean of Students, and the Department of Psychiatry.

Despite all these efforts, Rust did not seem himself as “Big Brother” when it came to working with faculty and staff (1968):

I would hope that this awareness would serve to curb some regrettable behavior among a small segment of the staff and faculty. On the other hand, the Ombudsman has absolutely no desire to be thought of as “Big Brother,” always looking over the shoulder of his colleagues. Two of my faculty associates, one a department chairman, have spoken with some heat about the danger which they regarded not as possible, but as present (7).

He further noted this point in 1971 after having been in office for several years:

It has always seemed to me that the principal authority of the office was the knowledge of the faculty and the administrative officers of the University that the Ombudsman understood something of their problems and was not trying to “get” them. He seeks rather to prevent mistakes or help correct them when they inevitably occur, than to embarrass, for example, by exposure in the State News --- though he has occasionally been tempted (Rust, 1971, 1)!

Rust also found that the majority of faculty were well-rounded in their profession: “The vast majority of the teachers at MSU are not only well-trained in their disciplines but are sensible, considerate, and responsible in evaluating the work of their students. They take their teaching seriously (Rust, 1968, 10).” Despite this, he also found that there did exist issues within the faculty culture:

He is very much of the opinion that a few (but too many) faculty members use grades punitively, though he could not prove this in a court of law. The behavior of a few instructors towards students is inexcusably rude. One has the feeling that they are taking out their aggressions on the students (Rust, 1968, 10).

Additionally, “there are too many professors... who have allowed themselves to go to seed, not keeping up with the latest developments in their fields, who lecture from yellowed notes, who escape from their responsibilities by making use of audio-visual aids (Rust, 1968, 11).”

He felt that many faculty regarded their students as the “enemy”, especially “in these days of student unrest, an enemy who is taking their time from more important matters (Rust, 1968, 12).” He also notes that some faculty regard them as “cheats and liars” and treat them as such. In his conversations about students, it seems that Rust struggled with the shifts of *in loco parentis* to student citizen. In his initial report (Rust, 1968), he notes: “His clientele, consisting of late adolescents and young adults, is peculiarly volatile, idealistic, impatient, and often more than a little self-righteous and intolerant of restraints, particularly those imposed by an older generation (2).”

He was grateful that some students did not visit his office: “Another tension-packed group has almost ignored my office – the campus activists. They have not attempted to use my office as a means of achieving their goals, a fact for which I am most grateful (Rust, 1968, 22).” That said, he

also demonstrates his ability to be neutral as he states that students are “sensible, reasonable people” whose problems arise from misunderstanding or insufficient information.

Rust acknowledged that many students learn to live with unresolved problems because they are “timid” and do not know where to go (Rust, 1969, 3). He discussed carrying the office into the dorms - similar to what the ombuds of Denmark was doing at the time (Rust, 1970, 6): “If a student doesn’t come to the office or doesn’t know about its existence (I am afraid this is true among a very large percentage of the student population) then perhaps the office should go to the student.” On the other side, he also noted that some students are “so aware of their rights that they tend to forget their responsibilities (Rust, 1969, 4).”

In all these interactions, Rust leaned heavily on Gellhorn’s publication to define the ways in which he worked. Like Gellhorn, Rust concluded that the chief source of ombuds’ power came from the fact that an ombuds “may always state his views on the matter to the person concerned (Gellhorn, as cited in Rust, 1968, 2).” In many of his articles discussing the role, Rust discusses the ombuds role as conceptualized in legislative processes. He notes:

In any case the Parliamentary Commissioner may always state his views on the matter to the person connected... the fact that he has the power to voice his opinion enables him to exercise a guiding influence on public servants and provides him with a legal basis for negotiating with the agencies concerned (Anderson, 1969, 323).

Regardless of this confrontational power, he believed however that the best way to achieve an equitable outcome was to subtly influence the process behind the scenes. In quoting the Danish Ombudsman, Hurwitz: “Persuasion is more enduringly forceful than edict.”

His perception of his power and scope is also noted in his reports. In one case, he stated:

Two students suspended by the Student-Faculty Judiciary accused that body of improper behavior in hearing and deciding their case. An investigation revealed absolutely no grounds for such an accusation. This case established that the Ombudsman may review the procedures (not the substantive decisions) of that body. The Ombudsman does not believe it is his function to serve as a court of last appeal nor does the Vice President (1971, 14).

In his own writings, Rust also notes that an ombuds should:

- Have his/her charge phrased in general terms so that “the person appointed would have fairly wide latitude in creating the part to fit his own conceptions of the role;”
- “Be appointed from among the senior faculty and the position should be one of “high prestige”;
- Be outside the regular table of the organization; and
- Have “broad investigatory powers” and “direct and ready access to all University officials.”

Again, one finds that these characteristics are inherent in today’s organizational ombuds as outlined by the International Ombudsman Association in their *Standards of Practice and Code of Ethics* (IOA, 2019):

- 1.1 The Ombudsman Office and the Ombudsman are independent from other organizational entities.
- 1.2 The Ombudsman holds no other position within the organization which might compromise independence.
- 1.3 The Ombudsman exercises sole discretion over whether or how to act regarding an individual’s concern, a trend or concerns of multiple individuals over time. The



Ombudsman may also initiate action on a concern identified through the Ombudsman's direct observation.

1.4 The Ombudsman has access to all information and all individuals in the organization, as permitted by law.

2.3 The Ombudsman is a designated neutral reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures. The Ombudsman should not report to nor be structurally affiliated with any compliance function of the organization.

2.4 The Ombudsman serves in no additional role within the organization which would compromise the Ombudsman's neutrality. The Ombudsman should not be aligned with any formal or informal associations within the organization in a way that might create actual or perceived conflicts of interest for the Ombudsman. The Ombudsman should have no personal interest or stake in, and incur no gain or loss from, the outcome of an issue.

2.5 The Ombudsman has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration.

2.6 The Ombudsman helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best options.

4.8 The Ombudsman endeavors to be worthy of the trust placed in the Ombudsman Office.

Rust also defended the role of the ombuds. In a 1971 letter to the editor in, he responded to the criticism of a student:

It is not the function of the Ombudsman either to enact rules or to encourage students to violate them. On the contrary, this office attempts to see that rules and regulations are administered and enforced as uniformly and fairly as possible... Another function of the Ombudsman is to recommend changes in regulations or procedures when they seem in his judgement to be causing problems to significant numbers of students or to be gravely unjust to even a few students.

While many of the expectations and qualifications for an ombuds established during Rust's era are still encapsulated by current standards, Rust's own character and style certainly helped him to define the role of the ombuds for Michigan State University and Rust's successors. Clearly, not only his charge made him an "ombuds", but also the breadth of his experiences as a faculty member and an administrator; his research into the history of the role in other regions; his own research as an academic related to moral philosophy and psychology through Eliot's works; the conversations maintained with other ombuds offices as they were established; including the overall campus climate and history of the university itself.

STUDENT CONCERNS

The focus for Rust's ombuds role as defined in his own character and style at Michigan State University would appear to be student-related concerns. Rust stated that students often come to the ombuds as they do not know where to go and need advice. Rust noted that "[t]hey ask about everything from legal questions to where they can get information about vocations and professions (Rust, 1968, 3)."

The issues in the first year included the breaking of leases, false arrests, divorce and even income tax. In all these cases, he made it clear that he did not provide legal advice and referred them to the Associated Students of Michigan State University's legal services. He also notes some of the more humorous stories which included dealing with encyclopedia sales and magazines, rock bands, car garages and filling station concerns, even a complaint regarding early enrollment beginning on the first day of deer season (Rust, 1969, 15). He states that these issues really highlighted that students needed to learn what they could and could not go to the ombuds office for. Concerns that Rust worked with exclusively included the changing of majors,



entrance to law school, issues with public safety and more. In an article from November 18, 1967 in the *Phi Delta Kappa*, Rust stated after having only been in the role for a little over two months:

So, most of the troubles students bring to me are real. Even though they may have contributed to or even caused their difficulty by their youthful impatience by inexperience and immaturity disguised as idealism, their troubles are real. As I commented earlier, characteristically they want complete freedom but want to be protected from the results of their exercise of that freedom. And though we may – indeed we do – become impatient, censorious, even angry with them, we still must help them. We must educate them not only by our performance in the classroom, but also by our examples as scholars and gentlemen. They deserve it (10-11).

He often found that graduate students were treated inequitably: “The opportunities for exploitation of graduate assistants are so great that department chairmen and deans should be constantly on the lookout for any evidence that this is occurring (Rust, 1968, 20).”

However, the areas of greatest concern for him seemed to be those centering on matters of instruction: “showing partiality in class, giving impossible examinations, providing inadequate information about such things as class attendance (Rust, 1969, 3).” For him, the most troubling among these was the matter of grades.

The Ombudsman, still at heart a professor, (he has been a teacher for 33 years, an Ombudsman for two) sincerely believes that no one but the teacher can give grades and no one but he can change them. He also believes, however, that the instructor should be willing and able to explain, and, if requested by proper authority, to justify any grade he gives (Rust, 1969, 4).

Furthermore,

It has always seemed to this observer that a student has a right to inspect his final exam and to have this instructor explain to him what was right or wrong about it and what effect it had upon his term grade (Rust, 1969, 6).

These concerns related to instruction would later result in the creation of the *Code of Teaching Responsibility* (MSUa, 2019), a code that outlines the minimum expectations for faculty interactions with students and that is used in the consideration for salary increases, promotion and tenure. Rust also continued to be concerned about fees, tuition, and incivility as it related to the access of administrators. In the 1972 report, Brooks notes: “We use this code almost without exception in the resolution of problems of instruction (3).”

During the academic year 1969-1970, a shift in the problems brought to the office seemed to occur. Rust noted that the complaints seemed to be more difficult and require more meetings with more people and additional tact and diplomacy (Rust, 1970, 2). Later, in 1973, he also notes that visitor numbers had dropped significantly - from 956 to 702. He attributed this to a “cooling off of campus” (1973, 1):

The ending of large-scale American involvement in Vietnam, the cessation of draft calls, and the increased difficulty of finding jobs have all acted to reduce unrest and tension and to increase motivation for ‘hitting the books.’ And in turn they account in part for the decreased traffic through this office... Further, and less modestly, I believe that the Ombudsman has influenced many offices on campus to improve their procedures and to treat students with more courtesy and consideration.

This sentiment was however short-lived as in the following year, the complaint numbers surged again. This Rust attributed to the pressures on students to make high grades, so that they are now evermore protesting when they do not.



As problems mounted, Rust found it important to document his efforts through a classification system for complaints. Even early on, he noted the differences between academic and non-academic issues. He felt that these classifications were not always as tidy as they could be and sometimes bled over into one another. However, it assisted him in explaining his work. Rust often reflected on his own practice:

From my own vantage point, I can report that approximately 75% of the 525 students who have come to see me (or 393 students) seem to be satisfied with the treatment they received, with the solutions suggested, or with the explanation either as to why they have no valid grounds for complaint or why nothing could be done to alter the situation (Rust, 1968, 6).

As in current practices where ombuds provide upward feedback to administrators, Rust followed a similar approach. In his first report (1968), he urged: "I believe that it would be a good thing both for the sinners and saints among the university community to reread carefully and to discuss thoughtfully Chapter IV of the report of the Committee on Undergraduate Education (12)." This he recommended in his belief that each department needed to have a Committee on Teaching to improve teaching practices within the institution. Additionally, he urged the creation of a Committee on Professional Conduct for the university. He stated, "[t]he only means of discipline existing is for the department chairman and dean to deny inept teachers and those how behave in an unprofessional manner in the classroom salary and promotion (Rust, 1968, 12)." While there did exist a Tenure Committee, he wanted faculty and staff to be held more accountable for their behavior in the classroom. In connection with this, he felt that students had the right to know what was going to happen in the classroom.

Another area that Rust worked to impact was the registration and admission processes. In his first report (1968), he urged the faculty to approve recommendations made by the Assistant Dean Group: "Assistant Dean Group has worked out a uniform procedure for implementing the long-standing policy concerning late drops, not all faculty members agree either with the policy or the procedure and many insist on acting independently (14)." Rust also moved forward with a recommendation to the Educational Policies Committee:

As a result of my observations and experiences as Ombudsman in this area of student-faculty relations, I have requested the Educational Policies Committee to student the possibility of preparing a set of recommendations, which would be most useful to new faculty members especially, concerning what is expected of them... (Rust, 1969, 6)

He further recommended that these expectations be published in *Faculty Facts and Handbook for Students*. These suggestions later became what is now called the *Code of Teaching Responsibility* still in use in 2019 at Michigan State University. His one hope, that has not materialized yet, was that "[p]erhaps this Code could be incorporated in the Academic Freedom Report if that document is reviewed and amended."

Given his concerns over fees and tuition, Rust met with President Hannah "about the possibility of the university shifting from its present block structure to a plan in which the student would pay a flat rate per credit hour (Rust, 1969, 8)." This later went to a Board of Trustee committee where it was recommended that the university shift to this model.

While Rust seldom mentions the Presidents he worked with and in what capacity he may have communicated with them, he did serve during the tenure of three such university heads: John Hannah (1941-1969); Walter Adams (1969-1970); and Clifton Wharton, Jr. (1970-1978). The descriptions of their tenure from the Michigan State University website further highlight the environmental context in which he operated as an ombuds and that influenced his practices. Hannah's time at Michigan State University was characterized by a tremendous growth in enrollments – jumping from 6,000 to over 40,000 students. Hannah is described as:



Very concerned with both the faculty and the students at the University. In the late 1940s he began the Spartan Roundtable which provided students a forum in which to present their concerns directly to the president. He oversaw the reorganization of the faculty governance structure, as well as the creation of the “Rights and Freedoms of Students”. (MSUc, 2019)

Adams had made it clear he was in the role only on an interim basis, which made way for Wharton. Wharton’s time is described as:

Often a turbulent one, featuring student demonstrations in 1970 and 1972 as well as a National Collegiate Athletic Association investigation of the MSU football program. Fiscal problems resulting from budget cuts remained a constant problem throughout Wharton’s tenure. His major achievements were his successful efforts to maintain the quality of MSU’s academic programs despite budget reductions, his commitment to the education of the economically and educationally disadvantaged, and the integration of the School of Osteopathic Medicine with the other medical schools (MSUc, 2019).

Despite the immense growth of the university, and the “turbulent” times under these Presidents, Rust stated: “I have been responsible to the President... At most universities, the ombudsman is appointed by and responsible to the president of the school (Stein, 1974).” The Presidents and other administrators did not try to impact Rust’s work: “Never once has anyone from above interfered with one of my investigations, or even suggested that I do something in one way or another (Morrison, 1974).” In discussing his authority on campus, Rust’s colleagues even stated (Smith, personal communication, November 25, 2019):

But here’s a guy who had been an Assistant Dean in Arts and Letters, which has never been a powerhouse college on campus. All of a sudden, the president invests a lot of power in him. Makes a big deal about it. And I have no doubt that if somebody squawked, the president just hit them over the head, in a very diplomatic way. And it would have only taken once.

From these observations, Rust’s position as ombuds allowed him to operate in ways that best addressed how students were treated by the administration on campus and provide the systemic feedback as outlined in the *Academic Freedom for Students at Michigan State University Report*. In later years, tuition and financial aid continued to be areas of concern which he often expressed to the President, and to the Vice President for Student Affairs. Additionally, the drop and add policy was developed because of an ombuds recommendation at this time (Rust, 1969). Not only did his upward feedback improvements that could be made on campus, but it also discussed academic units and offices the “right thing” when it came to their work with students. Finally, Rust handled upward feedback head-on and in the moment rather than waiting until the annual report to provide his comments to the President.

Whether it was an individual appointment with a student or providing upward feedback to the university’s President or another administrator, Rust managed a wide range of concerns throughout his time in the ombuds role. Throughout, the core of his work remained the ensuring that students were treated fairly, not only by the faculty and administrators, but by the office and its staff. Here, his noting of the caseload and available resources and his advocating for more support when needed helped address and maintain the reputation and services of the office.

CASELOAD, STAFFING AND SUPPORT

According to University records, Rust’s initial salary as University Ombudsman was \$18,000 (\$139,463,74 today adjusting for inflation) up from \$17,300 (\$134,030.15 today adjusting for inflation) on a 12-month basis. This increase in salary acknowledged that moving to the ombuds position was a promotion. The operating budget for his office outside of his salary was \$9,900



which included amounts for Labor, Supplies and Services, Equipment, even additional salaries for support staff (MSU, September 21, 1967). Funding for the position came from the general account through the President's budget. The office during Rust's time was initially located in room 18 of Morrill Hall (MSU, 1968) where he had kept his office as a faculty member in English. Later, the office moved to room 101 in Linton Hall (MSU, 1969) or per its nickname - the "Old Administration Building". Providing an office outside of the Department of English for Rust, it remained in Linton Hall until MSU's third ombuds moved it to North Kedzie Hall in order to provide a space for visitors outside of areas suggesting the office was part of the administration. Ms. Helen Groh was the office's full-time secretary. In Rust's tenure, he reports caseloads ranging from 525 to 963 students from 1967 to 1974. While no standard number exists for the appropriate caseload for an ombuds, it seems that increased use and the need for upward feedback, support and staffing were also a concern for Rust.

During the academic year 1969-1970, the number of visitors to the office increased to an extent that impacted the way in which Rust was able to perform his work: "One would not think that an increase of approximately 25% in his business would have made all that much difference, but it stretched the energy and resourcefulness of the Ombudsman to the limit (Rust, 1970, 1)." As a result of this case upsurge, he successfully appealed for assistance for both the 1969-1970 and 1970-1971 academic years. Rust stated "It was not possible for the Ombudsman to spend as much time in the investigation of the cases which were brought to him. Oftentimes, he had an uncomfortable feeling that the investigation was superficial."

The university appointed Dr. Theodore Brooks on a half-time basis as Associate Ombudsman to assist Rust with his work. Brooks had served as the Assistant Dean of Research Development and Graduate Studies for the School of Advanced Graduate Studies, as well as an Assistant Professor in the School of Social Work. Brooks began at Michigan State University in 1964 after earning degrees from Calvin College (AB), University of Michigan (MSW) and Michigan State University (PhD) (MSU, 1970). He stated that his goal was to reach "alienated minorities" and fringe groups (MSU, 2017).

In the following year, the office also added Donald E. Ensley, a graduate student in community health with a bachelor's degree in social biology and minor in environmental health (Tabb, 2015), as Assistant to the Ombudsman to specifically assist minority students. He had previously worked with the Office of Equal Opportunity at North Carolina Central University and began at Michigan State University in March of 1970 (Twitchell, 1970). In an article in the MSU Faculty News on September 29, 1970, the following is noted:

Ensley prefers to call himself the "ombudsman counselor". He said that having a black ombudsman will make black and minority students more comfortable about seeking aid through the ombudsman's office. Rust agrees that the addition of a black ombudsman is important because "I know a number of black students haven't come to me because I'm a White man."

After Ensley left the office in 1971, Peter Dual took over to assist in working with minority students during 1972. Dual was a doctoral student in the Educational Administration. Prior to Michigan State University, he had earned a bachelor's degree from Western Michigan University in Sociology with minors in Social Work and Elementary Education and had went on to also achieve a master's degree there. He had served as a Career Counselor for the Neighborhood Youth Corporation, and while occupied in the Office of the University Ombudsman for 16 hours a week, he also worked in the Supportive Services Center (Zurawski, 1971). He would later become the Dean of the College of Health and Human Services and Professor of Public Health at San Diego State University and Provost of Hahnemann University (Jet Magazine, 1993).

The addition of Brooks, Ensley and Dual to the office allowed more time spent on investigations and working with students to find resolution to their concerns. Rust noted "Because of the enlarged staff – each student could – and did – receive more attention and his grievance was



more thoroughly investigated and, I believe, more successfully treated than in previous years (Rust, 1971, 1).”

Brooks authored the report in 1972 as Rust was on sabbatical leave from June 15, 1972 through September 14, 1972 (MSU, January 20, 1972). Representing the office, Brooks discussed the ways in which they were able to expand their interactions with the broader university community and address student concerns more diligently as a result:

- 1) Wider university participation by staff (e.g. Rust with Academic Council, Brooks with Student Affairs Committee, etc.);
- 2) More campus visibility of staff (participation in dorm training programs, visits to departments, e.g.);
- 3) More intensive follow-up on problems;
- 4) A broadened variety of approaches to students and their complaints (Brooks, 1972, 1).

These comments clearly show that having more than one individual working in the office benefitted the types and amount of services it provided as members of the office were able to participate in other spaces of the university. Brooks noted: “The fuller participation by the Ombudsman staff in a growing number of vital areas of the university community and in more meaningful responses to student needs (Brooks, 1972, 1).”

Brooks left the office in 1973 and no replacement of an Associate Ombudsman was made at that time. Ensley left to pursue an Instructor position in the Michigan State University College of Osteopathic Medicine and as of the date of this publication is a Professor Emeriti in the Division of Health Sciences at East Carolina University (Tabb, 2015). Instead, the office shifted to utilizing graduate students until 2004 when it again appointed an Assistant Ombudsperson, but this was outside the term of Rust’s role in the office.

Despite his limited staff, Rust noted yet another area of support that, in his opinion, would be of great use to the office:

The Ombudsman often wishes that he could consult a lawyer himself. Mr. Carr, the attorney for the Board of Trustees, is most often unavailable and it would be a matter of great convenience, both to the Ombudsman and to the students whom he represents, if he could have access to a lawyer when he needs to. He wishes that his budget could include a retainer fee for legal counsel (Rust, 1969, 17).

However plausible this recommendation, the Office of the University Ombudsperson still does not have its own external counsel to that of the university, despite its role as an “independent” office. With that being noted, during Rust’s tenure as ombuds, it appears as though the return on investment in the office was well-received – and has been ever since - as the presence of an ombuds on campus has never been suspended since 1967. In fact, the office has expanded in terms of staff in recent years and is continuing to examine its recruitment, support, and resources in a continuous effort to better address the concerns of the student population.

LEGACY AND CONCLUSION

Being one of the first ombuds in the United States made Rust a resource for other colleges and universities as they explored options for the creation of their own ombuds programs. During the second year of the office, Rust already received “written inquiries from 83 institutions, ranging from Princeton and Rutgers in the east to UCLA, Oregon and Gonzaga in the west.” He also cites Wayne State University, University of Illinois, Southern Arkansas, Aquinas College, Southwest Missouri, and Pontiac State Hospital as being some of the first institutions to reach out to him (Rust, 1969, 23) with the University of Cincinnati and the State of Michigan following the trend a bit later (Rust, 1970, 5).

Aside from these individual consultancies, Rust participated in nationwide workshops and presentations about the role:



The ombudsman was a participant in workshops concerning “The Role of the Ombudsman in Higher Education,” the first at Detroit in October, the second at San Francisco in May. At the Detroit meeting, he was an almost lonely voice expressing the view that the Ombudsman’s chief function is to serve individual students in distress, not to be a leader of campus drives for transforming the university (Rust, 1969, 23).

Additionally, he took part in a seminar by the Higher Education Executive Associates in Chicago (Rust, 1970, 6) while also presenting to local groups like the Lansing Civitan Club and campus organizations like the Residence Hall Program (Rust, 1969). Rust discussed his participation in the discussions by the Carnegie Commission on Higher Education in 1971 on the campus decision-making process: “The Carnegie Commission probably sees us as close to what is going on and will expect us to give an insight into what students think their role in decision-making is (MSU, 1971).” Furthermore, he was requested to serve as a consultant on ad hoc committees within the university based on his unique perspective. Rust’s impact on the field of ombuds work was so wide-ranging during his tenure that his experience and unique approach to the role are still reflected in the practices of many ombuds offices today. Given the campus climate and student issues of the time, he shared the following reflections at the outset and at the end of his career as an ombuds that certainly resonate today:

Were it not for the fact that the laws brought by Moses from the Mount of Sinai were so largely ignored, I could wish that some present-day Moses would promulgate a new eleventh commandment, “Though shalt be kind, one to another” (Rust, 1968, 23).

That is to reaffirm my faith in our students, regardless of how annoying they can be, regardless of how impatient I often feel with their maturity, with their quick anger, and their equally quick imputation of dishonorable motives to honorable men. They are still the brightest and best we have and I believe they’ll do a better job of running things when they get into positions of power than we have done (Rust, 1968, 23).

Testament to his personality, Rust appeared to have managed the role with little complaint. In an interview in 1967, it was noted:

He hopes eventually “when I get on top of the job” to begin teaching again. But for now, Rust said he’s usually exhausted after “contenting with the intensity of student emotions” and wants nothing more than to go home to a quiet evening with his wife.

That said, the role was never expected to be an easy one, neither by Rust, nor the University. A news article from March of 1968 (Buccieri, 1968, 55) mentions some foreseeable difficulties:

And MSU’s Provost Neville fears that the nature of the role could alienate an ombudsman from his colleagues. ‘He may drift out of the mainstream of programs of the department and college... because he is not doing the same thing as his colleagues.’ There is also the fear that one ombudsman, or three ombudsmen, is not enough to do the job.

Rust retired from the role of University Ombudsman on September 1, 1974 but retired only from the university on September 1, 1975 after going on what was described as a “terminal leave” - now defined as a consulting year (MSU, January 18, 1974). He reflected on his time in the office in his final report (1974):

It is with mixed feelings that I leave this office. I look forward to freedom from the alarm clock’s blare and to the leisure to read and engage in my several hobbies. But I shall also miss the contact with the many talented, learned, and humane people with whom I have worked. I can only wish my successor well and stand ready to give him/her the benefit of what I have learned as Ombudsman.



Rust passed away on August 4, 1988 at the age of 78. Dr. Carolyn Stieber, Michigan State University's second University Ombudsman, noted this in her annual report for that year. She was his immediate successor to the role being appointed effective November 1, 1974 (MSU, October 18, 1974) following a two-month Interim Ombuds, Dr. Frederic Dutton, founder and first Dean of the Lyman Briggs College who was assisted by R. J. Carlberg, a graduate student in Educational Administration.

Rust's legacy still carries on both in the Department of English through an endowed scholarship in his name and in the history of the Office of the University Ombudsperson at Michigan State University. While the current staff of the office never had the opportunity to meet him, his words, and the way he constructed the office and role strongly impact the daily operations. In fact, many of the practices in relation to fairness, individual rights, and the way in which the office listens to visitors have remained nearly unchanged. In the words of his close friend, "To my mind, Jim quietly started an administrative revolution on campus that continued on for many years (Smith, personal communications, October 16, 2019)." And ironically, for someone who insisted that "this Ombudsman does not regard himself as a revolutionary" (Rust, 1969, 23) it is exactly his administrative revolution of fairness and kindness that has expanded to institutions of higher education across the United States.

In reflecting on the history and legacy of James D. Rust, one wonders how these themes present themselves in the work of today's ombuds. Also, whether examining this history can be beneficial to the field in the present-day context and climate. In fact, today's ombuds and institutions are grappling with questions related to whether an ombuds office should be established or retained; who should hold these roles and what their training should be; how to place a value on an ombuds' approach to the work and the building of relationships to do the work; the different concerns being brought forth and how an ombuds should address them; and how many ombuds there should be within an organization and what an appropriate caseload should look like. This research does not propose answers to these detailed questions. It does however show the inception of the role in higher education in the United States and offers a clear marker for comparison with the work today. It also offers the field a means to examine how the personal and professional experiences of an ombuds shape the role and how the role ultimately shapes them. Finally, this research lends us the opportunity to interpret and learn from the experiences of the unique personalities that came before. Perhaps now, with Rust's "sea of trouble" still raging at times, an ombuds role should be more than ever to help those afloat reach safe waters.



REFERENCES

- American Association of University Professors – AAUP (September 1964). Statement on Faculty Responsibility for the Academic Freedom of Students. *AAUP Bulletin*, 50, 3, 254-257.
- Anderson, S. V. (1969). *Ombudsman Papers: American Experience and Proposals*. Institute of Governmental Studies: University of California.
- Brattin, J. (n.d.). Brief of American Association of University Professors, Michigan State University Chapter, as Amicus Curiae.
- Broomfield, A. & Mitchell, S. (Ed.) (1996). *Prose by Victorian Women: An Anthology*. New York, NY: Routledge Press.
- Brooks, T. (1972). *Annual Report to the President*. Michigan State University Internal Report. Unpublished.
- Bucciarei, C.H. (March 1968). Ombudsman: New Troubleshooter on Campus. *College and University Business*, 44, 3, 52-55).
- Dressel, P.L. (1987). *College to University: the Hannah Years at Michigan State University 1935-1969*. East Lansing: Michigan State University Publications.
- Eastern Montana College. (1981). *General Bulletin*. Retrieved from: <https://mtmemory.org/digital/collection/p16013coll144/id/2049>
- Gellhorn, N. (1966). *Ombudsmen and Others: Citizen's Protectors in Nine Countries*. Cambridge, MA: Harvard University Press.
- Gray, D.J. (1973). The Annals of the Department of English 1868-1972. *Department of English at Indiana University – Bloomington 1868-1970*. p. 201-247.
- International Ombudsman Association. (2019). *Standards of Practice and Code of Ethics*. Retrieved from: https://www.ombudsassociation.org/assets/docs/IOA_Standards_of_Practice_Oct09.pdf
- Unknown. (July 19th, 1993). Peter Dual Names Provost at Hahnemann University. *Jet Magazine*. Johnson Publishing, Co., Inc.
- Janzen, F.G. (May 1971). *A Historical Study of the Campus Ombudsmen in United States Higher Education*. Texas Tech University: A Dissertation in Higher Education.
- Korona, J. (November 20, 1967). I'm Not Big Daddy: Dr. Rust. *Michigan State News*.
- Michigan State University (April 13, 1962). *Minutes of the Meeting of the Finance Committee*. Michigan State University Internal Report. Unpublished.
- Michigan State University (July 19, 1962). *Minutes of the Meeting of the Finance Committee*. Michigan State University Internal Report. Unpublished.
- Michigan State University (December 1, 1965). *Minutes of the Academic Senate*. Michigan State University Internal Report. Unpublished.
- Michigan State University. (February 7, 1967). *Academic Freedom for Students at Michigan State University: A Report of the Faculty Committee on Student Affairs to the Academic Council*. Michigan State University Internal Report. Unpublished.



- Michigan State University (September 21, 1967). *Minutes of the Meeting of the Finance Committee*. Michigan State University Internal Report. Unpublished.
- Michigan State University (1968) *Directory*. East Lansing: Michigan State University.
- Michigan State University (1969) *Directory*. East Lansing: Michigan State University.
- Michigan State University. (September 18, 1970). Press Release. East Lansing: Michigan State University.
- Michigan State University (January 20, 1972). *Minutes of the Informal Meeting of the Board of Trustees*. Michigan State University Internal Report. Unpublished.
- Michigan State University (January 18, 1974). *Minutes of the Meeting of the Michigan State University Finance Committee*. Michigan State University Internal Report. Unpublished.
- Michigan State University (October 18, 1974). *Minutes of the Meeting of the Michigan State University Finance Committee*. Michigan State University Internal Report. Unpublished.
- Michigan State University (1999) *Department of Information Services: Biographical Information James D. Rust*. East Lansing: Michigan State University.
- Michigan State University. (November 30, 2017). *University Ombudsperson Job Posting*. Michigan State University Internal Job Postings. East Lansing: Michigan State University.
- Michigan State University. (2017). *Exhibit - Paul Schiff, Academic Freedom, and the Office of the Ombudsperson*. On the Banks Historical Archive. Retrieved from: <http://onthebanks.msu.edu/Exhibit/1-6-2D/ombudsperson/>
- Michigan State University (2019a). *Code of Teaching Responsibility*. Retrieved from: <http://splife.studentlife.msu.edu/regulations/selected/code-of-teaching-responsibility>
- Michigan State University. (2019b). *Gone But Not Forgotten: Campus Buildings that No Longer Exist*. University Archives and Historical Collections. Retrieved from: <http://archives.msu.edu/collections/buildings.php>
- Michigan State University. (2019c). *MSU Presidents Since 1857*. University Archives and Historical Collections. Retrieved from: <http://archives.msu.edu/collections/presidents.php>
- Michigan State University (2019c). *Student Rights and Responsibilities*. Retrieved from: <http://splife.studentlife.msu.edu/student-rights-and-responsibilities-at-michigan-state-university>
- Montana State University – Billings. (2019). *History and Overview of MSU Billings*. Retrieved from: <https://www.msubillings.edu/geninfo/history.htm>
- Moran, K. (November 11, 1969). Rust: Human Cog in U Machinery. *Michigan State News*.
- Morris, G. (October 28, 1969). Ombudsman After Two Years Provides More Student Help. *Michigan State University Faculty News*.
- Morrison, M. (May 30, 1974). Ombudsman Rust Hears It All. *Michigan State University News Bulletin*.
- Mundinger, D.C. (December, 1967). The University Ombudsman: His Place on Campus. *The Journal of Higher Education*, 38, 9, 493-499.



Parness, B. (September 1969). Ombuds Serves as Campus Catalyst. *Michigan State News*.

Parness, B. (January 7, 1969). Ombudsman Perform No Miracles. *Michigan State News*.

Rowat, D.C. (1965). *The Ombudsman: Citizen's Defender*. Toronto: University of Toronto Press.

Rowland, H. (1968). *A Study of the Campus Ombudsman in American Higher Education with Emphasis on Michigan State University*. Michigan State University: Department of Administration and Higher Education.

Rust, J. (1937). *George Eliot as a Literary Critic*. Indiana University.

Rust, J. (1945). *George Eliot's Periodical Contributions*. Yale University: ProQuest Dissertations Publishing.

Rust, J. (1956). The Art of Fiction in George Eliot's Reviews. *The Review of English Studies*, 7, 26, p. 164-172.

Rust, J. (November 18th, 1967). Impressions of an Ombudsman. *Phi Delta Kappa*.

Rust, J. (1968) *Annual Report of the Office of the University Ombudsman*. Michigan State University Internal Report. Unpublished.

Rust, J. (1969) *Annual Report of the Office of the University Ombudsman*. Michigan State University Internal Report. Unpublished.

Rust, J. (March 11, 1969). *Report to Academic Council*. University Archives. UA14.6 Box 595 Folder 7.

Rust, J. (1970) *Annual Report of the Office of the University Ombudsman*. Michigan State University Internal Report. Unpublished.

Rust, J. (1971) *Annual Report of the Office of the University Ombudsman*. Michigan State University Internal Report. Unpublished.

Rust, J. (April 28, 1971). Ombudsman: Fair Enforcement (Letter to the Editor). *Michigan State News*.

Rust, J. (1973) *Annual Report of the Office of the University Ombudsman*. Michigan State University Internal Report. Unpublished.

Rust, J. (1974) *Annual Report of the Office of the University Ombudsman*. Michigan State University Internal Report. Unpublished.

Schlossberg, N. (1967). An Ombudsman for Students. *NASPA Journal*, 5, 1, 31-33.

Stieber, C. (1988). *Annual Report*. Michigan State University Internal Report. Unpublished.

Stein, S. (1974). Ombudsman's Job – To Untangle Hassles. *Michigan State News*.

SUNY-Stonybrook (2019) *Stonybrook University Ombuds Office Charter*. Retrieved from: <https://www.stonybrook.edu/commcms/ombuds/pdfs/Ombuds%20Office%20Charter.pdf>

Tabb, K. (February 2, 2015). Coastal Sketch: Don Ensley. *Coastal Review Online*.



Twitchell, B. (September 29, 1970). Ombudsman Office: Now it's ombudsmen. *MSU Faculty News*.

Unknown. (October 5, 1971). U Ombuds to Attend Meet. Publication Unknown.

US District Court for the Western District of Michigan (1966). Schiff v. Hannah, 282 F. Supp 381.

Zurawski, K. (September 27, 1971). Ombudsman Dislikes 'Master-Slave' Set-Up. *Michigan State News*.



AUTHOR BIO

Shannon Lynn Burton, PhD became the University Ombudsperson at Michigan State University in July 2018. During her tenure, she has cultivated a culture of academic integrity, guided students on goal setting and educational choices and ensured institutional compliance with federal regulations. As University Ombudsperson, she seeks to make the office a touchpoint for building trust within the organization by creating a space where individuals can freely discuss their concerns in an environment that adheres to the International Ombudsman Association (IOA) Standards of Practice: confidentiality, informality, neutrality and independence. Ultimately, her goal is to develop human capital in managing conflict and improve communication skills in line with the role and purpose of the ombuds office, as well as in line with the university's mission.