



Office of the Ombuds: Frequently Asked Questions

What does "Ombuds" mean?

"Ombuds" or "ombudsman" is a Swedish term. According to one scholar, it refers to a "person who has an ear to the people." In the United States and Canada, ombuds agencies have been created to assist citizens, consumers, and employees who wish to address concerns about administrative actions. A number of universities have established ombuds offices in response to demands for an impartial and confidential place to express and identify concerns, develop resolution options, get information, manage conflict, and learn more productive ways of communicating.

The Office of the Ombuds: An Overview

The Office is a conflict management resource that serves the entire UCSB campus community, including faculty, staff, and students. The Office assists those who seek guidance with the resolution of academic or administrative issues and disputes.

What Does the Ombuds Do?

- Listens to your questions and concerns
- Helps you to identify and evaluate options
- Offers an impartial perspective
- Facilitates difficult conversations as an impartial third-party
- Makes referrals to appropriate resources
- Provides training for conflict management skills
- Recommends constructive change in University policy

What the Office Cannot Do:

- Provide legal advice
- Provide psychological counseling
- Make decisions or render judgments on issues
- Conduct formal investigations
- Participate in formal processes, including lawsuits or grievances
- "Take sides" or advocate for either party or for the University in a dispute
- Accept notice on behalf of the University



Who can use the Office?

All members of the UCSB community including:

- Undergraduate students
- Graduate students
- Staff, including supervisors, managers, and administrators
- Faculty and other academic appointees
- Members of the public with a University-related concern

The Ombuds assists campus members with the informal resolution of any University-related complaint or conflict.

What types of concerns are brought to the Office of the Ombuds?

Undergraduate Students:

- Student / Instructor Disputes
- Disability Issues
- Grade Disputes
- Disciplinary Matters

Graduate Students:

- Advisor Issues
- Thesis / Dissertation Concerns
- TA Concerns
- Intellectual Property Questions

Faculty:

- Appointments / Hiring
- Promotion / Tenure Issues
- Conflict with Colleagues & Students
- Departmental Politics

Staff:

- Conflict with Colleagues / Supervisors
- Performance Evaluations
- Ethical Considerations



What might I gain by coming to the Office?

- Identification and clarification of options
- Insight into a complicated situation
- A clearer perspective concerning an issue or problem
- Enhanced ability to effectively deal with a problem
- Effective communication skills to resolve interpersonal issues
- Assistance from an ombuds to resolve the issue, including coaching, facilitated discussions, shuttle diplomacy, and mediation

What authority does the Ombuds have?

The Ombuds can informally mediate disputes, bring issues to the attention of those with authority to address concerns, and make recommendations for change in policy or practice when appropriate

How is the Office of the Ombuds unique?

- Office is a confidential, impartial, informal, and independent resource
- Office proactively seeks to educate and inform campus members about conflict management options *before* problems occur
- Office is a change agent; identifies patterns and causes of conflict in the University and brings those issues to the attention of administrators
- Discussing an issue with the Office is not notice to the University about the existence of a problem

Confidentiality

The Office is firmly committed to maintaining the confidentiality of those who use our services. The Ombuds will not disclose any part of your communication with the Office unless in the course of your discussions with the Ombuds you give your permission to disclose information. In those situations in which the Ombuds believes that talking with other individuals may help your situation, you will be asked for your permission before any disclosures are made.

The only exception to this confidentiality is when the Office determines that an imminent threat of serious harm exists. This determination is made at the sole discretion of the Office. If you have particular concerns about confidentiality, please be sure to raise the issue when you meet with the Ombuds. This confidentiality cannot be “waived” by users of the Office because the privilege of confidentiality belongs to the Office and not to the users of the Office.



Because confidentiality is so important to the Office, all communications with the Office are made with the understanding that they are confidential, off-the-record, and that no one from the Office will be called to testify as a witness in any formal or legal proceeding to reveal confidential communications.

Case notes regarding issues brought to the Office are retained only until the matter is resolved as determined by the Office and then they are shredded.

Are there some things that will not be kept confidential?

Yes. If the Office determines that an imminent threat of serious harm exists, some information might be disclosed. This determination will be made at the sole discretion of the Office.

Will the Ombuds talk to my attorney or testify for me or for the University if I choose to file a grievance or lawsuit?

No. Once a matter is in a formal process, including legal action, the Office does not have any further involvement in the situation. Because confidentiality is so important to the Office, all communications with the office are made with the understanding that they are confidential, off-the-record, and that no one from the Office will be called to testify as a witness in any formal or legal proceeding to reveal confidential communications. The Office will maintain the confidentiality of all dealings and communications with the Office and will assert any and all legal protections to maintain that confidentiality. The Office reserves the right to uphold confidentiality even when the person using the services of the Office requests disclosure.

Can I remain anonymous?

Yes. You can call or meet with the Ombuds to discuss the issue without giving your name. The Ombuds will work with you to find a way to address your concern in a way that does not compromise your identity. However, this may limit the options available to you for resolution of your concern.

Can I put the University “on notice” about my problem by speaking with the Ombuds?

No. Because of the confidential and informal problem-solving role of the Office, informing the Office about a concern does not constitute “notice” to the University that the problem exists, nor is speaking to the Office a step in any grievance process. Anyone who wants to “put the University on notice” may contact an administrator or invoke a formal grievance process. The Office can provide referral information about whom to contact, but the Office does not receive “notice” for the University about the existence of problems.



What kind of records does the Office keep?

The Office does not keep records other than aggregate statistical summaries. The Office is not a place of notice or “record keeper” for the University. Case notes regarding issues brought to the Office are retained only until the matter is resolved as determined by the Office, and then they are shredded.

What does the Office make public?

The Office keeps aggregate statistics and periodically reports general problem areas to senior administrators. Data indicating general categories of users of the office and types of concerns are available in our annual report. The data are strictly demographic and do not contain information that would identify individuals who have used the Office. The data may signal emerging issues, indicate trends, highlight vulnerable groups, or suggest areas of improvement.

What happens when I go to the Office?

The Office is an informal and impartial resource for conflict management. At your first meeting with the Ombuds, the Office will provide you with information detailing its role at UCSB. You will be told that the Office keeps all information confidential and that the Office helps you to find options to address your concerns. The Ombuds may discuss both informal and formal options that are available to you; however, if you choose to pursue a more formal option, the Office will be unable to provide further services. The Office does not participate in formal processes. Working informally with the Office often results in effective resolution of issues, but you should also be aware that it is your responsibility to adhere to existing timelines or deadlines in filing formal grievances or appealing decisions.

You will have an opportunity to consult with the Ombuds and to describe in your own words the situation as you see it. The Ombuds will provide a safe forum to voice your concerns and will help you to assess the options available for your specific circumstance.

Some options that the Ombuds may present to you include simply talking about your problem, facilitating communication between you and others, beginning informal processes available at UCSB, or pursuing a formal grievance proceeding. If appropriate, the Ombuds may refer you to other resources. You will select the option(s) that you wish to pursue. Please remember that in informal problem solving through the Office, the person bringing the problem retains control of the problem and how it will be resolved. The Ombuds will not act without permission to do so except in the rare instance of threat of imminent harm.



If resolving the situation informally is unsuitable or unsuccessful, you may choose to initiate a formal grievance or complaint process. It is crucial to note that certain issues are time sensitive and that your rights may be affected by the actual date when formal action is initiated. In some situations you may wish to consult with an attorney or other resource, such as Labor Relations, regarding your rights. Union members will follow the process outlined in their collective bargaining agreements. Since the scope of the Office is limited to informal dispute resolution, the Office does not participate in formal processes. The Office does not keep records for the University and is not available for testimony or other activity related to any formal process, including grievances, arbitration, hearings, or litigation.

If the Ombuds is a University employee, how can the Office be independent?

The Ombuds does not report individual complaints to anyone. The Office reports to the Executive Vice Chancellor for administrative and budgetary issues, but not regarding the substance of matters discussed in the Office.

Is the Ombuds my advocate?

No. The Ombuds does not take sides in a dispute. The rights and interests of all parties are carefully considered with the aim of assuring a fair and civil process to resolve the issue.

What else should I know about the Office?

- The tenets of *confidentiality*, *impartiality*, *informality*, and *independence* are absolute and non-negotiable. These tenets belong to the Office of the Ombuds and not to users of the Office. Thus, a user of the Office cannot request the Office to breach any of these tenets
- The Office does not communicate via email, as it does not consider email to be a confidential medium
- Any communications, oral or written, to the Office do not provide notice to the University about the existence of a problem
- All communication is “off-the-record” and does not constitute a step in any grievance process. Therefore, it is your responsibility to adhere to any existing timelines or deadlines in filing formal grievances or appealing decisions
- The services of the Office do not compromise or replace policies or procedures established under collective bargaining agreements
- The Office has the right to discontinue providing service and disassociate from a matter at any time