To the Graduate Council:

I am submitting herewith a dissertation written by Stephen E. Burcham entitled "A Descriptive Study of the Current Status of the Campus Ombudsman in American Higher Education." I recommend that it be accepted in partial fulfillment of the requirements for the degree of Doctor of Education, with a major in Educational Administration and Supervision.

Frederick P. Venditti, Major Professor

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and recommend its acceptance:

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Vice Chancellor
Graduate Studies and Research

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A DESCRIPTIVE STUDY OF THE CURRENT STATUS OF THE CAMPUS OMBUDSMAN IN AMERICAN HIGHER EDUCATION

A Dissertation

Presented for the

Doctor of Education

Degree

The University of Tennessee, Knoxville

Stephen E. Burcham

August 1979

1398035

Dedicated

to Betty

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Assistance in the completion of this work came from many contributors.

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Dr. Earl Ramer brought to his committee membership a lifetime of knowledge and service in higher education.

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ABSTRACT

The purposes of this study were to review the literature related to the historical development of the civil and campus ombudsman, and to describe the current status of the campus ombudsman in American higher education. The research procedures were designed to provide answers to three specific questions:

1. How many higher education campuses are currently continuing the office of campus ombudsman, and how many have discontinued it?

2. For what reasons have some higher education institutions decided to discontinue the office of ombudsman?

3. What is the current attitude regarding the position of campus ombudsman on the part of administration, faculty, students and ombudsmen?

A survey questionnaire designed to gather data regarding the above questions was distributed to chief executive officers, faculty organization heads, student government heads and ombudsmen on 185 American higher education campuses which were reported to have an ombudsman office. Of the 343 responses received from 140 campuses, 118 came from chief executive officers, 94 from faculty organization heads, 80 from student government heads and 51 from ombudsmen. Categorizing the responses in relation to the status of the ombudsman revealed that 169 responses came from 55 campuses which never had an ombudsman, 30 responses came from 20 campuses which had terminated the ombudsman, and 144 responses came from 65 campuses which were continuing the ombudsman.

The four reasons described as most influential in the decision of twenty campuses to discontinue the ombudsman position, in descending order,

were: (1) other personnel can more effectively hear and resolve personal grievances; (2) regular systems were operating adequately; (3) lack of adequate funds; and (4) caseload did not justify the position.

Chief campus executive officers, faculty organization heads, student government heads and ombudsmen on the 140 responding campuses represented in this study had a favorable attitude toward the campus ombudsman. This finding reflects the results of responses to a semantic differential composed of 20 adjective sets which were value rated by respondents from campuses which were continuing or had discontinued the ombudsman position. Of the 3,538 responses 2,524 indicated clearly a generally favorable attitude toward the ombudsman. Of the 153 respondents from the 65 campuses which were continuing the ombudsman position, 110 indicated that the position would be continued indefinitely.

Analysis and interpretation of the data supported the following conclusions:

1. There is general satisfaction with the position of campus ombudsman where it remains.

2. The increase in the number of ombudsmen in American higher education was slowed.

3. On campuses which had terminated the ombudsman there was the general attitude that others could better, or at least adequately, fulfill the function.

4. Ombudsmen viewed their position as being much more valuable to the campus than did any other group.

5. The exact number of campus ombudsmen currently in service is not absolutely established.

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CHAPTER I

INTRODUCTION

In 1965 the students at Simon Frazier University in Vancouver, British Columbia, initiated an unsuccessful effort to bring to their campus a position entirely new to higher education. The position was that of campus ombudsman.[1] There had been congressional proposals for adapting the ombudsman concept for use in the United States civil government as early as 1963.[2] Such proposals were unsuccessful until the State of Hawaii appointed a governmental ombudsman's office in 1969.[3] Three years before Hawaii's governmental appointment, however, "The first campus ombudsman was appointed . . . at Eastern Montana College in Billings, Montana."[4]

Literally meaning "one who represents someone"[5] or "grievance man"[6] the word "ombudsman" first appeared in Scandinavia where "Primative Islandic tribes were believed to be using the word 'unbodsmadr' as part of their

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[1]Fred G. Janzen, "A Historical Study of the Campus Ombudsman in United States Higher Education" (unpublished doctoral dissertation, Texas Tech University, 1971), p. 24.

[2]Janzen, p. 24.

[3]Stanley V. Anderson and others (eds.), Establishing Ombudsman Offices: Recent Experiences in the United States (Berkeley: Institute of Governmental Studies, 1971), p. 1.

[4]Janzen, p. 25.

[5]Article in the UT Daily Beacon, May 29, 1972.

[6]Clarence L. Barnhard (ed.), The World Book Dictionary (Chicago: Field Enterprises Education Corporation, 1969), II, p. 1435.

legal system to connote a mediator for family disputes."[7] Sir John Whyatt provides a valuable discussion of what is generally attributed to be the formal origin of the governmental ombudsman.

> In 1713 Charles XII of Sweden appointed one of his councillars to be "koningen hogstra Ombudsman" (the kings highest Ombudsman) and charged him with the duty of prosecuting government officers and others who contravened the law. In 1719 the designation "koningen hogstra Ombudsman" was changed to "Justitican-stern" (translated by Professor Herlitz as Attorney General) but his duties remained the same. At the beginning of the 19th century, when a new constitution for Swedish Parliament proposed that they should have their own officer to prosecute officers who contravened the law instead of leaving the duty entirely to the Justiticanstern who was himself a government officer, [sic] accordingly in the Constitution of 1809 provision was made for the appointment of a Justicombudsman to supervise the observance of statutes and regulations by the courts and by public officials and employees.[8]

Quite clearly then, the ombudsman was responsible for keeping an eye on the bureaucracy and for reporting to the King any injustices against his subjects.[9] In a continuing effort to protect private rights and to investigate the complaints of citizens a justee-ombudsman (citizen's protector) was still an effective position in Sweden, Norway, Denmark, Finland and New Zealand.[10]

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[7]Donald G. Christ, "Ombudsman Selection and Status in Higher Education" (unpublished doctoral dissertation, Indiana University, 1972), p. 14.

[8]Sir John Whyatt (ed.), "The Citizen and the Administration: The Redress of Grievances," Justice -- British Section of the International Commission of Jurists, London, 1961, p. 46, cited by Christ, p. 14.

[9]Ake Sandler, "The Ombudsman in Government: Implications for Higher Education," address given at the conference on the Ombudsman in Higher Education, United States Office of Education (Washington: Government Printing Office, 1969), ERIC Microfilm, ED 037 169, June 25, 1970, p. 50.

[10]Claudia Buccieri, "Ombudsman: New Trouble Shooter on Campus," address given at the conference on the Ombudsman in Higher Education, United States Office of Education (Washington: Government Printing Office, 1969), ERIC Microfilm, ED 037 169, June 25, 1970, p. 3.

Generally it appears that the higher education ombudsman was appointed because of growing concern that persons were being victimized by increasingly elaborate and bureaucractic university systems. The expansion of higher education and the increasing use of mechanized processes were contributing to the depersonalization and dehumanization of individual students.

Tom Yoder enumerated four specific deterrents to student personalization.

> 1. Society is apathetic and seemingly noncognizant of the student's dilmema.
> 2. Administrators have expressed some concern for the problems of students, nevertheless there is an undue delay in diagnostic adjudication.
> 3. Huge size and resultant impersonalization of universities have alienated students; and
> 4. Burgeoning population of college enrollments has resulted in severe administrative problems and has diverted the concern for the individual into other channels.[11]

In his historical study of the campus ombudsman Janzen included such factors as apathy toward human rights, slow progress of the law, university population growth, traditional student impatience, diversity of students backgrounds, and rapid metamorphosis as contributing to a general feeling of depersonalization on campus.[12] The omnipresent IBM card regularly reminded the student that while the bureaucracy does know him, albeit only as a number, he was in actually isolated from those who were responsible for its and his control.

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[11]Tom Yoder, "Witch-hunting by Super Sleuth Possible with New Type Ombudsman," The Educator, 17 (1970), p. 76.

[12]Janzen, pp. 8-20.

Awareness developed of the need for a person who could be a sympathetic listener and would have the freedom within the organization to "plug in" wherever necessary to provide answers to questions and solutions to problems. In addition, there seemed to be a need for a mature person, capable of appreciating the student's prospective, who would call attention to any malfunctioning adminstrative processes.

A statement by the University of Tennessee-Knoxville's Chancellor at the time of the appointment of the campus ombudsman summarized well the thinking which had produced rapid growth in the number of ombudsmen on campuses of higher education within the last decade.

> The large university must take special measures to be sure that it is responsive to student needs. In many universities the ombudsman has been very helpful as a means of taking account of students as individuals. Functioning from an office centrally located on the campus, the ombudsman will be authorized to assist students in the expeditions [sic] settlement of their problems within the university.[13]

During the year 1967, New York State, Michigan State and San Jose Universities appointed persons to the position of campus ombudsman.[14] Other institutions of higher education subsequently appointed ombudsmen also until, by 1969, the number of active ombudsmen was estimated to be more than 50.[15]

In 1972 Donald Christ developed a list of 143 United States colleges and universities which had one or more ombudsmen.[16] Interestingly,

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[13]Article in the UT Daily Beacon, May 29, 1972.

[14]Buccieri, p. 3.

[15]Sandler, p. 51.

[16]Christ, p. 10.

Donald C. Snow's Study of 1975 listed only 102 campuses as having had ombudsmen.[17] Of that number 30 campuses no longer employed an ombudsman. Twenty-five of the ombudsmen were employed only part-time in the position.

L. J. Mahoney, in his "Ombudsmen Directory" of 1974, listed 103 ombudsmen. Subsequent studies had attempted to survey the total American population of campus ombudsmen. All "known" (writer's quotes) ombudsmen were claimed to have been surveyed in Bricker's 1975 study.[18] Sherman Beck made what he termed "a comprehensive survey" of ombudsman in 1976.[19]

The citations above reveal much variety in the supposed number of active campus ombudsman. Ombudsman directories, which had been published spasmodically, tended to be both incomplete when published and quickly outdated due to fluctuation in the number of ombudsman positions and changes in location.

That Christ found 143 ombudsmen in 1972 and Mahoney's directory listed only 103 in 1974 may have meant that the research effort of one or both was inadequate. Or the disparity may have reflected a serious disillusionment with the campus ombudsman concept. Beneath an exterior of wide acceptance and high praise there had been, since the very beginning

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[17] Donald C. Snow, "An Investigation of the Bottom Hypothesis Regarding a Tripartite Campus Ombudsman Role Model" (unpublished doctoral dissertation, Northern Illinois University, 1975), p. 24.

[18] Ronald Allen Bricker, "An Assessment of the American Campus Ombudsman by Members of the Faculty, Administration, and Staff Frequently Contacted by the Ombudsman's Office," Dissertation Abstracts, 1976, p. 6500-A.

[19] Sherman Andrew Beck, "The Ombudsman Concept in Higher Education Administrative Theory and Model Building," Dissertation Abstracts, 1977, p. 7420-A.

of the adaptation of the ombudsman concept to higher education, an undercurrent of dismay and criticism.

One of the most vocal and earliest opponents of the appointment of campus ombudsmen was Earle Clifford.

> . . . a decision to go the ombudsman route is a fine advertisement for the failure of an administration in general or a student personnel program in particular to meet responsibilities for equity and communication in an academic community.[20]

Said Clifford of the ombudsman's post, "as a permanent post on the campus it may simply add another stop for students seeking speedy resolution of a problem."[21]

"What we need instead of an ombudsman," said Clifford, "is a rejection of the organization pattern of business and government that takes us down the road to galloping bureaucracy."[22] In Clifford's mind the best the ombudsman could do was to treat the symptom of a problem rather than the cause. As he viewed the situation, the administration, dean of students and student personnel staff should have been treating the cause by giving first priority to ". . . protection against the misuse and abuse of authority and power."[23]

It is possible that the early nucleus of opposition to the campus ombudsman had spread even more rapidly than ombudsman appointments. More

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[20]Earle W. Clifford, "Second Thoughts on the Ombudsman in Higher Education," address presented at the conference on "The Ombudsman in Higher Education," United States Office of Education (Washington: Government Printing Office, 1969), ERIC Microfilm, ED 037 169, June 25, 1970, p. 11.

[21]Clifford, p. 12.

[22]Clifford, p. 12.

[23]Clifford, p. 12.

recently published dissertations in the area of campus ombudsmanry alluded to numbers of campuses which had discontinued their campus ombudsman's position. That Snow discovered 30 campuses which no longer employed ombudsmen has already been mentioned (see page 5). Margaret Wyatt wrote of the ". . . conspicuous decline in the number of institutions continuing the office."[24] Bricker suggested:

> A study should be made of the institutions that have discontinued their ombudsman in an effort to ascertain the basis for their decision and, if possible, some information about the office and its operating methods prior to discontinuation.[25]

Studies to determine the degree of satisfaction with the campus ombudsman had taken place periodically during the position's history in higher education. Such efforts had often reported a high degree of satisfaction with the ombudsman, although administration had sometimes valued the ombudsman much more highly than students and faculty.

Bottom indicated 60.8 percent "In Favor," 31.4 percent "Sceptical," and 7.8 percent "Not in Favor" in reporting his 1971 survey of administrators at the Calremont Colleges.[26] Seventy-four percent of the college presidents surveyed in Johnson's 1972 study indicated satisfaction with the ombudsman.[27] However, the vice-presidents for student affairs were

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[24]Margaret Alys Wyatt, "The Campus Ombudsman in American Higher Education with Emphasis on the Ohio University," Dissertation Abstracts, 1977, p. 4509-A.

[25]Bricker, p. 6500-A.

[26]Norman Rockford Bottom, Jr., "American Campus Ombudsmanry with Emphasis on the Claremont Colleges" (unpublished doctoral dissertation, Claremont Graduate School and University Center, 1971), p. 172.

[27]Thomas Frank Johnson, "The Campus Ombudsman as Perceived by College and University Presidents, Vice-Presidents of Student Affairs, Student Body Presidents and Functioning Campus Ombudsmen" (unpublished doctoral dissertation, North Texas State University, 1972), p. 40.

much less enthusiastic, with only 8 percent more affirmative responses than negative. The same study reported the student body presidents to be precisely split, 50 percent affirmative and 50 percent negative in their view of the benefits of the ombudsman.

Bricker concluded that "The general satisfaction with the campus ombudsman is strong . . ." after his 1975 study of 359 administrators, faculty members and staff members contacted by the ombudsman three or more times a year in the course of problem-solving efforts.[28] The previously mentioned decline in the number of campus ombudsmen raised doubts about this conclusion, however. The opinions of Bricker's subjects may not necessarily have been the opinion of the groups they represent. Persons having the opportunity to develop an acquaintance and/or friendship with the ombudsman would have been likely to view the office more favorably.

Statement of the Problem

In 1976 the American higher education campus ombudsman was concluding the first decade of its history. To a great extent the position as it then existed was the reflection of a broad concern that effort be made to countermand the increasing campus dehumanization and depersonalization brought about for the most part by institutional growth in organizational size and complexity as a result of burgeoning student population.

Despite efforts to identify and understand the origin, development and role of the campus ombudsman, the literature suggested that the decade concluded with an aura of uncertainty surrounding this position.

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[28]Bricker, p. 6500-A.

Growth in the number of campus ombudsmen in higher education was dramatic in the first four years of the decade. Apparently, that growth had at least diminished greatly if not halted altogether. And while the total number of campus ombudsmen may or may not have been diminishing, it was certain that some campuses had decided to discontinue the position.

The diminished growth in the number of ombudsman and the uncertainty about the current attitudes of administrators, faculty members, and student personnel regarding the position, raised questions about the current status of ombudsmen in higher education. It was to this particular problem that this study was directed.

Purpose of the Study

The purposes of this study were to review the literature pertaining to the historical development of the ombudsman position and to describe the current status of the campus ombudsman in American Higher Education. Although the foregoing description of the origin and development of the office of campus ombudsman was merely a synopsis in lieu of the full literary review contained in Chapter II, it brought clearly to focus the valuable contribution which could be made to American higher education by a research effort directed toward providing answers to the following questions:

1. How many higher education campuses are currently continuing the office of campus ombudsman, and how many have discontinued it?

2. For what reason(s) have some higher education institutions decided to discontinue the office of ombudsman?

3. What is the current attitude regarding the position of campus ombudsman on the part of administration, faculty, students and ombudsmen?

Finding the answers to these three questions was a major purpose of this study. In addition, this survey gathered data regarding predictions for the future of the campus ombudsman in higher education, and made possible the development of a current ombudsman registry.

Significance of the Study

Sensitive educators continue to be interested in providing for an increasingly individualistic student population the reasonable recourse for grievances which is their right. To such persons the success or failure, increase or decrease in number, continued service or demise of the campus ombudsman is highly significant.

For the first time in higher education there were administrators who had as much as ten years experience in analyzing the effectiveness of the campus ombudsman. Whether the position was justified simply to assist with information and communication was under consideration in some quarters. Why indeed, had some campuses given the ombudsman the ax? Was the campus ombudsman still a significant asset? The answers to these questions were of interest to many higher education institutions; those which no longer employed ombudsmen, those which were continuing the office, and those which were considering the development of the position.

Assumptions of the Study

1. The campus executive officers, faculty organization heads, student government heads and ombudsmen would respond accurately to the survey questions.

2. The survey instruments would facilitate the collection of data sufficient in quantity and quality to satisfy the purpose of the study.

3. Interest in the campus ombudsman is sufficiently high to justify attempting the study.

Limitations and Delimitations

1. Literature relevant to ombudsmen of several different types was reviewed; however, this research survey was limited to those American higher education campuses reported to be utilizing the office.

2. The selected population was chief campus executive officers, faculty organization heads, student government heads, and ombudsmen of campuses where an ombudsman was reported to have been functioning.

3. The study lacked the scope of a longitudinal study but comparison with data from other studies was possible.

Definition of Terms

Campus Executive Officer

The chief executive officer was that person who was at the top of the administrative hierarchy in relation to an individual college or university campus.

Faculty Organization Head

The faculty organization head was the person who was serving as the administrative leader of the major campus faculty organization. Such a person was most often titled president or chairman of the faculty senate.

Student Government Head

The student government head was that person, usually selected by student election, who was serving as administrative leader of the major student campus organization for the current academic year.

Campus Ombudsman

A synthesis of various definitions of campus ombudsman is that he is an independent higher education official who receives complaints, primarily from students, investigates those complaints and makes recommendations for suitable action. His power lies in his ability and freedom to persuade, criticize and publicize.

Ray Bass provides a similar definition:

> Campus Ombudsman: That individual employed in institutions of higher learning to hear grievances from members of the campus community, to investigate without interference the merits of the complaints, and to assist the complainants in the expeditious settlement of their problems.[29]

Bass developed a role model for a campus ombudsman which, among other suggestions, provided that the ombudsman "Be completely independent of all individuals and groups on and off campus."[30] and, also

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[29]Ray Bass, "The Development of a Role Model for Campus Ombudsman at Institutions of Higher Learning in the United States" (unpublished doctoral dissertation, The University of Mississippi, 1972), p. 6.

[30]Bass, p. 217.

". . . exercise his powers without regard to what will be the final outcome by for? the administrative staff."[31] Counterbalancing this independence were the limitations commonly characteristic of the classical - traditional model, specifically that ombudsmen, ". . . have no power to reverse or alter any administrative decision," and ". . . correct a wrong only by criticism, persuasion, and publicity . . ."[32]

From a status report collected by Janzen a composite definition of the ombudsman was drawn.

> It was concluded that the ombudsman serves as an independent agent to improve communication between the individual and the institution, and to provide avenues through which institutional injustices can be rectified and the cause of those injustices alleviated.[33]

The present author prefers Janzen's definition.

Procedures

Survey Population

This study attempted to survey all chief executive officers, faculty organization heads, student government heads and ombudsmen on campuses which were reported to have had an ombudsman. In developing the list of campuses to be survedy, directories of ombudsmen, published literature, periodicals and research reports and unpublished literature such as theses, dissertations and ombudsman conference papers and reports were consulted by the researcher.

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[31] Bass, p. 218.

[32] Bass, p. 219.

[33] Janzen, p. 224.

Survey Instrument

The survey instrument was composed of four sections (See Appendix E). The first section was preceeded by brief directions presented in the hope of conserving the subject's time and improving the quality of the responses.

Section I. The researcher planned to gather sufficient information to permit the development of a current ombudsman directory. Consequently, the first section requested the name, address and position title of the ombudsman.

Section II. The first of the three major questions of the study was: How many higher education campuses are currently continuing the office of campus ombudsman, and how many have discontinued it? Three divisions in Section II facilitated responses indicating whether the campus had never had an ombudsman, had terminated the ombudsman position or currently employed an ombudsman. Division A permitted an indication of whether there was interest in establishing an ombudsman position and, if so, what the level of progress was. Division B - for campuses which had terminated the office of ombudsman - gathered information on the length of time the campus had an ombudsman and the amount of time which had transpired since discontinuation of the office. Division C - for campuses continuing the office of ombudsman - solicited opinions regarding the future disposition of the office.

Section III. A list of ten possible reasons for discontinuing the ombudsman position preceeded by four numbers, zero to four, permitted respondents to indicate the degree of influence any of the reasons may

have had on the decision to terminate the office of ombudsman. An eleventh space following the list allowed respondents to write in any additional reason(s) which may have influenced the decision. The purpose of this section was to gather data regarding major question two which was: For what reason(s) have some higher education institutions decided to discontinue the office of ombudsman?

Section IV. The third major question of the study was: What is the current attitude regarding the position of campus ombudsman on the part of administration, faculty, students and ombudsmen? Data related to this question were collected through the use of a carefully developed and thoroughly tested semantic differential previously used effectively in gathering information on attitudes regarding the campus ombudsman. A description of the development and previous use of this particular semantic differential follows.

In 1973, during the period this writer was developing questionnaires for use in completing a study already designed regarding the role and degree of acceptance of the campus ombudsman, Dissertation Abstracts carried the report of a study completed by Thomas Johnson which corresponded very closely to the writer's then-planned study.[34] Johnson utilized a 20-item semantic differential to measure the attitudes of campus administration, deans of students and students regarding the campus ombudsman. Relying heavily upon the work of Osgood, Suci, and Tannenbaum, Johnson constructed a semantic differential using pairs of bipolar adjectives sets selected primarily from a list of 50 opposites which Osgood

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[34]Johnson, p. 28.

and his associates had pretested.[35] These selected sets are reported by Osgood to be representative of the three major dimensions of attitudes: evaluative, potency and activity.[36] By setting up a seven-space, numbered continuum with one (1) representing the extreme negative and seven (7) representing the extreme positive, Johnson was able to arrive at a numerical attitude score.

According to Gilbert Sax, Osgood developed the semantic didferential ". . . as a way of measuring the connotative meaning of concepts."[37] "Actually," says Sax, "any concept or stimulus may be rated along a number of polar traits, and the rating will operationally define the connotative meaning of the concept for the individual doing the rating."[38]

The semantic differential was very widely used in the measurement of attitudes. In evaluating the semantic differential Sax listed the following points:

> 1. The semantic differential is . . . a combination of the usual type of rating scale with factor analysis.
> 2. The technique is extremely flexible and is simple to construct, administer and score.
> c. The semantic differential is subject to all the limitations which seem to be present in rating scales, namely, the possibilities of faking responses, or acquiescing (i.e., the tendency to place marks in the middle position), and of having to mark a concept on a rather meaningless scale (is honesty more purple or green?).
> d. A number of studies have demonstrated validity for the semantic differential.

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[35] Charles E. Osgood, George J. Suci, and Percy H. Tannenbaum, The Measurement of Meaning (Urbana: University of Illinois Press, 1957).

[36] Osgood, pp. 36-38.

[37] Gilbert Sax, Empirical Foundations of Educational Research (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1968), p. 269.

[38] Sax, p. 269.

e. The semantic differential has found its widest application in the study of personality development and in the evaluation of psychotherapy.[39]

Raymond Smith agreed that the semantic differential was widely used in attitude measurement. According to Smith the technique possessed the significant advantage of offering a wide choice in the magnitude or completeness of the concept under consideration.[40] Gene Summers described the semantic differential as having an unprecedented amount of cross-cultural validation. He agreed with Sax that the instrument was easy to administer and code.[41]

Instruments of social measurement are commonly evaluated against the criteria of objectivity, reliability, validity, sensitivity, comparability, and utility, among others. Osgood has shown that the semantic differential meets the requirements in each of these areas.[42] Specifically, in dealing with the question of validity, Osgood considered the problem of scaling assumptions. He said, "When an integer score is assigned as a concept's scale position, the property of equal intervals within the scale is assumed."[43] As a means of investigating the scaling properties of the semantic differential Osgood applied the psychometric method of successive intervals to nine of the most frequently used scales.

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[39]Sax, pp. 271-272.

[40]Raymond Smith, Speech Communication: Theory and Models (New York: Harper and Row, 1970), p. 251.

[41]Gene F. Summers, Attitude Measurement (Chicago: Rand McNally and Co., 1970), p. 251.

[42]Charles E. Osgood, George J. Suci, and Percy H. Tannenbaum, The Measurement of Meaning (Urbana: University of Illinois Press, 1975), p. 381.

[43]Osgood, p. 146.

The analysis was based upon data originally gathered by the method of equal-appearing intervals. As Osgood described it:

> . . . the method of successive intervals provides an estimate of interval length and this permits an evaluation of the equality of intervals along a scale. The procedure used in the present investigation was an interative, graphical, least squares solution developed by Diederich (see Diederich, Messick, and Tucker, 1955). In addition to providing scale values for stimuli, the method of successive intervals also yields scale values for the boundaries separating response categories. Since seven response categories are used on the semantic differential scales, the successive intervals solution for each scale will yield six boundary values, which will be designated as t_g, where g = 1, 2 . . . 6. Estimates of the size of intervals can then be found by subtracting successive boundary values.[44]

In short, through application of the successive interval method, Osgood was able to establish six category boundary values for each scale, and by interpolation from the boundary points, locate mid-points for the middle five categories of each scale. Although there was some deviation from equal within a given scale, the deviations were small, and within the error limits of the instrument.[45] Osgood concluded:

> Considering this and the other indications of the present study, i.e., an approximate equality of intervals between scales and a similar placement of origins across scales, it seems reasonable to conclude that the scaling properties assumed with the semantic differential have some basis other than assumptions.[46]

As a part of his definition of attitudes Osgood said ". . . that attitudes can be ascribed to some basic bipolar continium with a neutral or zero reference point implying that they have both direction and

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[44] Osgood, p. 150.

[45] Osgood, p. 151.

[46] Osgood, p. 152.

intensity and providing a basis for the quantitative indexing of attitudes."[47] By assigning the unfavorable poles of the evaluation scales the score "1" and the favorable poles the score "7" Osgood proceeded to determine both the direction of attitudes and the intensity.[48]

The procedures outlined by Osgood were precisely those utilized by Thomas Johnson in 1972 for gathering and evaluating the attitudes of college and university presidents, vice-presidents of student affairs, student body presidents and functioning campus ombudsmen regarding the campus ombudsman. In developing his semantic differential Johnson selected 30 pairs of bipolar adjective sets primarily from a list of 50 opposites which had been pretested by Osgood and his associates. The instrument was then evaluated by a panel

> . . . of persons who had written dissertations pertaining to the campus ombudsman, persons who had published articles dealing with the campus ombudsman, and one person who had a dual appointment as the director of a program in student personnel administration and as the director of research of the student affairs area of a large mid-western university.[49]

From Johnson's 30 pairs of bipolar adjective sets the panel members were asked to select the 20 pairs which they believed most appropriately suited evaluation of the campus ombudsman. The 20 adjective sets were then arranged in random order and, in order to avoid patterned responses, the direction of the scale was reversed for part of the sets.

The wide use of the semantic differential in attitude measurement, the thoughtful procedures utilized in the development of Johnson's

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[47] Osgood, p. 189.

[48] Osgood, p. 189.

[49] Johnson, p. 30.

semantic differential, and the fact that Johnson's instrument had been used eight years earlier in gathering data regarding attitudes about the campus ombudsman, made the use of this instrument appear very appropriate for the final segment of this research endeavor.

Johnson's report of the preparation of his survey instrument, including the semantic differential, lacked any mention of the need for, or procedures used in, evaluating the instrument for internal consistancy. After some casual discussions with acquaintances and serach of the literature, this writer concluded that appropriate measures for determining the internal reliability of a questionnaire with the characteristics of the one developed for this research project do not exist. A review of Henry Garrett's discussion of methods of determining reliability will serve to confirm this conclusion.[50]

Garrett identified four procedures for computing internal reliability. They were: (1) Test - retest (repetition); (2) Alternate or parallel forms (more than one form of a test); (3) Split - half technique (compare halves); and (4) Rational equivalence (intercorrelation of items).[51]

The test - retest method depends upon the correlation of two separate administrations of the same test. Utilizing such a procedure to determine the reliability of the writer's survey instrument was a practical

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[50]Henry E. Garrett, Statistics in Psychology and Education (New York: David McKay Company, Inc., 1966), pp. 337-369.

[51]Garrett, p. 337.

impossibility even if other consideration had not been prohibitive. At any rate, this is an inferior method.[52]

In using the alternate forms method of testing reliability a second form of the instrument must be developed in which content, difficulty and form match the first form. The index of the equivalence of the two froms indicates the reliability. An interval of "at least two to four weeks" between tests is advisable.[53] The preparation and administration of an additional form of the writer's survey instrument did not appear to be a feasible method of testing reliability.

Various split - half techniques are used to determine the reliability of a test instrument, particularly when it is not feasible to construct parallel forms and not advisable to repeat the test. This is often the case with questionnaires and personality inventories.

Some common restrictions of split - half techniques, however, make such a procedure unacceptable for use in determining the interval reliabiity of the survey instrument under discussion.

1. Since the test is split in half, usually into odds and evens, a comparatively large number of items is needed.

2. Items should be in some necessary order, such as order of difficulty.

3. Answers may be tabulated in such a way as to produce "scores" from the two halves of the test, which can then be compared.[54]

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[52]Garrett, p. 338.

[53]Garrett, pp. 338-339.

[54]Garrett, p. 340.

Any one of the restrictions listed above is sufficient to raise doubt about the wisdom of using a split - half technique with the writer's survey questionnaire as a whole, or any section of it.

The fourth method of testing for reliability and validity, as mentioned above, was the method of rational equivalence. Garrett set out five factors which were essential to the computation of rational equivalence. The third factor was the standard deviation of test "scores." The fourth factor was the proportion of the group answering a test item correctly, and the fifth factor was the proportion of the group answering a test item incorrectly.[55] Because the survey instrument provides no answers which could possibly be "scored" as "correct" or "incorrect," this method too was not suitable for use.

This researcher was unable to find professional support for the use of statistical methods of determining reliability in instances other than those where correct or incorrect answers provide a numerical score. In fact, authorities support the idea that internal - consistancy reliability depends upon an item "distribution of scores, with a mean and a standard deviation."[56] In discussing the theory which undergirds tests of internal reliability, Guilford and Fruchter wrote:

> Most tests are composed of items. Most tests are scored by giving credit of + 1 for each correct response to an item and a weight of 0 for each wrong answer or omission. The theory about to be explained assumes that kind of test.[57]

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[55] Garrett, p. 341.

[56] J. P. Guilford and Benjamin Fruchter, Fundamental Statistics in Psychology and Education (New York: McGraw-Hill, 1973), p. 410.

[57] Guilford and Fruchter, p. 410.

Because tests of internal - consistancy reliability require numerical scores provided by correct (+1) or incorrect (0) responses, this researcher, apparently like Thomas Johnson, found that to utilize any of the statistical methods for internal - consistancy reliability with this study's survey instrument would be an abuse of the method.

When statistical methods for internal - consistancy reliability are inappropriate, the researcher can determine validity by means of judgments. In selecting items or soliciting the judgment of experts in the selection of items to be included in an instrument, the researcher is employing "content (item) validity." If a measuring instrument appears to measure whatever the author had in mind, in his judgment and/or the judgment of others, the instrument may be described as having "face validity." Garrett wrote, "Judgments of face validity are very useful in helping an author decide whether his test items are relative to some specific situation or to specialized occupational experiences."[58]

Johnson's procedure for establishing the validity of his semantic differential was very clear as the following statements demonstrate. In developing his semantic differential Johnson:

1. Began with a list of 50 opposites which had been pretested by Osgood and his associates.

2. From the pretested list of 50 opposites Johnson selected 30 items to be considered for use.

3. Presented the semantic differential to a group of doctoral students in a personnel course at North Texas State University for evaluation and suggestions.

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[58]Garrett, p. 355.

4. A panel of experts (see page 19) evaluated the instrument and selected 20 items which they believed most appropriately suited for evaluation of the campus ombudsman.[59]

This present writer broadened the base of judgments regarding the validity of the semantic differential, and the entire questionnaire, through the following procedures.

1. After initial completion and some refinement of the questionnaire, it was submitted to a group of 43 career educators of whom 37 percent had completed graduate work beyond the master's level. Resulting comments, suggestions and data were given careful consideration and appropriate alterations in the questionnaire were implemented.

2. The questionnaire was then mailed to a representative jury of subjects including two university executive officers, two faculty senate heads, two student government leaders and two ombudsmen. Direct consultation with a departmental professor who had a background in educational research and two of the writer's doctoral committee members was also initiated. To the degree considered by the researcher to be feasible the suggestions for improvement of the questionnaire were followed. Some items were eliminated from use altogether. The introductory format was altered and the general effectiveness of the instrument was improved as a direct result of suggestions from the above sources.

Collection of the Data

In order to determine the current status and attitudes regarding campus ombudsmen this study attempted to survey chief executive officers,

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[59]Johnson, p. 30.

faculty senate heads, student government heads and ombudsmen on American higher education campuses. From mimeographed directories and published literature the researcher developed a list of 185 campuses which were thought to have an ombudsman. In instances where statewide multi-campus universities were reported to have one or more ombudsmen in the system, all campuses in the system were surveyed. Although this procedure tended to falsely inflate the survey population, it also permitted the collection of data on some campuses which were not widely known to have instituted the office of ombudsman. A group of 185 colleges and universities was finally identified as having, probably having or having had an ombudsman. (See Appendix A.)

Volumes containing directory information regarding American universities and colleges are somewhat undependable. Submission of pertinent information to such publications is apparently voluntary and rewards are at best indirect. For example, institutional addresses were often incomplete and such items as student population were sometimes omitted. Current addresses for faculty senate heads and student government heads were not available. Neither was information regarding the location and addresses of ombudsmen readily available. As indicated earlier, the more informal sources such as mimeographed listings and directories were generally incomplete when published and quickly inaccurate due to personnel changes.

The circumstances outlined above prompted the decision to route all survey questionnaires through the office of the chief campus executive officer. Each of the 185 campuses received a packet containing,

1. Correspondence from Dr. Earl Ramer, a member of the writer's doctoral committee, encouraging participation in the study. (See Appendix B.)

2. Correspondence from the researcher requesting the forwarding of enclosed, addressed envelopes to the faculty organization head, student government head and the ombudsman, and completion and return of the questionnaire. (See Appendix C.)

3. A questionnaire. (See Appendix E.)

4. A return addressed and stamped envelope.

5. Three envelopes, each addressed to one of the following: (a) the faculty senate head; (b) the student government head; and (c) the ombudsman. Each of the three envelopes contained: (a) correspondence from Dr. Earl Ramer encouraging participation in the study; (b) correspondence from the researcher briefly relating the purpose of the study, assuring subjects of anonymity, and expressing appreciation for their participation; (see Appendix D), a questionnaire, and (d) a return addressed and stamped envelope.

Treatment of the Data

This research project was directed primarily toward gathering information relative to the number of campus ombudsmen currently active, the reasons some campuses have discontinued the ombudsman's office and the current attitudes regarding the ombudsman position, as viewed by chief campus executive officers, faculty organization heads, student government heads and ombudsman. Data obtained in a survey of 185 college and university campuses were punched into cards for computer processing.

The data cards were entered into the computer to obtain a printout of the information. The data printout was then compared to the questionnaire for computer card verification.

As indicated above, the survey instrument contained four formal sections. The format included an introductory statement and four directives. An additional statement permitted respondents to express their desire to receive a report (abstract) of the study. The number of frequencies for this request was tabulated by computer. The reseracher mailed reports to persons desiring them shortly after completion of the study by cross-checking for addresses through a pre-arranged identification system.

Information to be included in an ombudsman directory, which was developed as a by-product of the research, was solicited through section one. This section, to be completed only by ombudspersons as directive one indicated, provided names, addresses and position title if other than ombudsperson or ombudsman. Frequency counts of positions titled ombudsperson, ombudsman or other than those two, were tabulated. Titles other than the two mentioned and a frequency count of their usage were also reported.

Determining the current and future status of the campus ombudsman position was the object of section two. Because survey instruments were mailed to campuses of large state university systems even when not all system campuses were reported to have ombudsmen -- a procedure adopted in an attempt to survey <u>all</u> campuses employing an ombudsman -- section two included a division for responses from campuses which <u>never</u> had employed an ombudsman. Within this division respondents indicated:

(1) if the campus had never had an ombudsman; (2) whether there was interest in establishing such a position; (3) whether the campus had initiated a process for instituting the position; and/or (4) whether the campus had a person who fulfilled ombudsmanlike functions. If number four was affirmed, respondents were asked to indicate that person's title. Frequency counts were reported for all items in the division. Titles and their frequencies were also reported.

The second division in section two gathered data regarding whether campuses had terminated the ombudsman position, the length of time the position was in service and the amount of time which had lapsed since termination. These data were categorized and frequency counts were reported.

In the final division of section two, subjects on campuses which were continuing the ombudsman position indicated their opinion of its future. Would the position be discontinued or continued indefinitely? Was the future for the position uncertain or could some other fate be predicted? Again, frequency counts were reported.

Additional treatment of the three categories in section two, identified as campuses which <u>never</u> had an ombudsman, <u>terminated</u> the ombudsman or <u>retained</u> the ombudsman, was a cross-tabulation with responses on the survey of attitudes (semantic differential), section four. A one-way analysis of variance was used to determine whether significant differences in means existed between groups. When significant differences in means were revealed, the Sheffē procedure for comparing any and all combinations between pairs of means was utilized.

To permit a simplified evaluation of group attitudes, the averages of these three grpups on the adjective sets were categorized into positive and negative responses. A chi-square procedure was then applied to determine whether any differences identified were more than the result of mere chance.

In order to gather data regarding the reasons for which some ombudsman positions had been terminated, section three prompted responses indicating the degree of influence of ten possible reasons for discontinuation. Space in which other reasons could be written in and rated was provided. The degree of influence of each item on the decision to terminate the ombudsman postiion, according to the opinions of the respondents, was tabulated and reported.

The purpose of section four was to assess the attitudes of the survey population regarding the position of campus ombudsman. As was true of all questionnaire items, tabulation of the responses to the adjective sets was completed by the computer. Application of a one-way analysis of variance on the basis of the four major research groups was then made and the Sheffe̅ procedure was used to compare any and all combinations between pairs of means where significant differences in means had been revealed.

In order to facilitate an simplified presentation of group attitudes, the averages of all the adjective sets were categorized into positive or negative responses. A chi-square procedure was then applied to determine whether the results were merely a matter of chance. The outcomes were then appropriately reported.

Organization of the Study

Chapter I presents the introduction; statement of the problem; purpose of the study; significance of the study; assumptions of the study; limitations and delimitations; definition of terms; procedures of the study, including survey population, survey instrument, collection of data and treatment of data; and organization of the study.

Chapter II presents a review of the related literature.

Chapter III presents the data.

Chapter IV offers an analysis of the data and describes the current status of the ombudsman.

Chapter V presents the summary, conclusions and recommendations.

CHAPTER II

REVIEW OF RELATED LITERATURE

"You're a what?" This seemed to Milton Brawer to be the most frequently asked question when he began his tenure as university ombudsman at Western Michigan University.[1] The word "ombudsman" is a difficult one for most Americans to pronounce. As late as 1968 even the best unabridged dictionaries were devoid of the word.[2] And today a university professor will sometimes be caught struggling with the decision of which syllable ought properly to receive the accent.

Not unexepctedly, students too sometimes have trouble with the word.

> "Say, are you Mr. Buzzman?
> "No, I'm the ombudsman.
> "Oh, I'm sorry, but if you're Hans Budman, who's the University Ambushman?"[3]

Yes, this student was searching for the ombudsman.

After one learns to pronounce the word, the next logical step is to consider what the responsibilities of a person with such a title would be. Is the ombudsman a super, campus detective?

> Professor: "You see, I'm not sure. Their two papers were very much alike. I'd like to find out whether they actually

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[1]Milton J. Brawer, "Notes of a Novice Ombudsman," Journal of Higher Education, XLIV (1973), p. 148.

[2]Webster's New Twentieth Century Dictionary Unabridged (ed.) Jean L. McKechimi (New York: The World Publishing Company, 1968).

[3]Brawer, p. 148.

studied together before the test or whether they did their collaborating during the exam."[4]

Sometimes the ombudsman serves as a resource person on campus protocol. "Faculty wife: 'My husband just joined the faculty and we just got here two days ago. Can you tell me what I ought to wear to the President's Reception.'"[5]

Generally, a campus ombudsman is busy assisting students with problems which to them are very real and extremely important.

"Student: 'I don't know what to do. I just got a notice that I've been dismissed for academic reasons, and I've never even been on probation.'"[6]

> An older student is nearing graduation but has several incompletes from the last quarter; a month of library work will be required to remove them. Personal finances are exceptionally tight and the student is seeking the least expensive and most expeditious way to gain access to the library; normally it is not available to students unless they are registered for classes. A question about the problem is ask of three different sources, and the student is given three incorrect and contradictory answers: 1) a validated ID card is necessary for use of the library, 2) registration for at least 10 hours of classes is required to get a validated ID, and 3) access to the library could be had for one month for $40 without the validated ID. In desperation the student seeks a reasonable solution.[7]

He acquires the needed assistance through the university ombudsman's office.

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[4]Brawer, p. 149.

[5]Brawer, pp. 149-150.

[6]Brawer, p. 150.

[7]Charles L. Cleland. "The Ombudsman Function," Teaching - Learning Issues, No. 38 (Fall, 1978), The University of Tennessee, Knoxville; Learning Research Center, p. 3.

Non-Campus Ombudsmen

The campus ombudsman is the beneficiary of a colorful and prestigious history although few people, and too often not even campus ombudsmen, are aware of it. The purpose of this section of the literature review was to trace the historical development of the ombudsman and ombudsman systems. The historical record begins with the Germanic tribes; moves to Sweden, Finland, Denmark, New Zealand, and Norway; then to Britian, the Canadian Provinces and several smaller countries; and finally to the United States.

Etymology of "Ombudsman"

The etymology of the word "ombudsman" is extremely intriguing, as Stanley V. Anderson recounts:

> The word "Ombudsman" had its origin in a primitive legal order. In the decentralized governments of the Germanic tribes, two punishments could be inflicted upon lawbreakers. First, when the folkmeet[8] gathered to apply the customary law as recited by the lawman, it could convict the culprit and declare him to be an outlaw. The individual so branded was fair game. Anyone who killed him was merely enforcing the judgement of the folkmeet. While it seems rather savage, the institution of outlawry represented progress because it provided a substitute for family feuds.
>
> The second option for punishment represented further progress: as an alternative to outlawry, it provided for a fine to be paid by the family of the culprit to the family of the aggrieved person. In England this fine was called the Wergild. A modicum of administrative delegation was necessary to insure that the Wergild helped prevent violence. Thus, for a member of the aggrieved family to collect the Wergild directly might have resulted in violence; for a member of the culprit's family to go to the aggrieved family might also have encouraged vendettas.

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[8]"folkmeet' is apparently the parallel Germanic form of the Old English "folkgemōt" (later "Folkmoot"), which signified a general assembly of the people of a town, city, or shire.

> Consequently, a neutral person was appointed to collect the fine and carry it to its destination; he was the OM-BUDSMAN -- "Om" being "about;" "Bud" being the messenger collecting the "fine." Imagine a Viking with horned helmet marching up to the door of a medieval Nordic hut. The man of the house answers the call, and then shouts back to his family; "It's the man about the fine: the Ombudsman."[9]

Sweden

Tracing the word "ombudsman" to its Germanic source provides an adequate location for the origin of the word, but does not bring us anywhere near the origin of the idea that there is, in Geoffrey Sawer's terms, "A need for controlling the controllers." Sawer cites the office of "Censor," a title given to magistrates who were responsible to examine and hear complaints regarding the performance of government officials, as an example of very early checks on government. These "Censors" served terms of about eighteen months during the golden period of the Roman Republic, between 200 and 80 B.C.[10]

According to Sawer, China also developed, at about the same time, an office titled "Control Yuan" which was given very similar responsibilities. The Christian Church in medieval Europe and Britian, the English "Court of Exchequer" of Norman times, and the later English Lord Chancellor, "Keeper of the King's Conscience," are additional examples, however inadequately they may have performed, of the efforts of civilized peoples

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[9]Stanley V. Anderson, Ombudsman Papers: American Experience and Proposals (Berkeley: Institute of Governmental Studies, 1969), p. 2.

[10]Geoffrey Sawer, Ombudsman (London: Cambridge University Press, 1968), p. 6.

to answer Juvenal's question, "Quis custodiet ipsos custodes?" which translated is, who governs the government?[11]

Other countries experimented with the ombudsman idea at a relatively early date. United States Congressman Henry Reuss quoted Professor Kenneth Davis as saying that Peter the Great instituted an ombudsmanlike system in Russia prior to the beginning of the 19th century.[12] In Luzon the Ifugao peoples quite early were benefitted by the services of a "monkalum" who had no authority of his own but functioned as a peace-making go-between depending upon his persuasive abilities.[13] Even the American Comanche Indians had a "champion-at-law" who was responsible to provide equity for the weak.[14]

Hundreds of years after the Germanic tribes had initiated "the man about the fine," but before the Swedish constitution provided for a Kiksdagens Justiticom-budsman (Parliament's Agent of Justice), the word "ombudsman" in the Swedish language had come to designate agents of business, insurance, creditors, sales, press, trade unions and others.[15]

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[11] Sawer, p. 1.

[12] Congressman Henry Reuss, 109 Congressional Record 2197 (1963), cited by Norman Bottom, Jr., "American Campus Ombudsmanry with Emphasis on the Claremont Colleges" (unpublished doctoral dissertation, Claremont Graduate School and University Center, 1971), p. 1.

[13] Bottom, p. 1.

[14] Bottom, p. 2.

[15] Stanley V. Anderson, "Introduction," Ombudsmen for American Government?" (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1968).

Gullberg's Swedish - English Dictionary offers "representative, agent, attorney, solicitor, deputy, proxy, delegate" as synonyms for "ombud."[16] It is not surprising that this term was selected for use when the Swedish Parliament became concerned about abuses of power among government officials.

Sir John Whyatt, director of research for the British section of the International Commission of Jurists, who led in developing the original proposal for a British Ombudsman, traces the early history of the Swedish ombudsman idea. As explained by Whyatt, King Charles XII of Sweden, who had been out of the country at war for twelve years, returned home to a situation which demanded that citizens have some redress against government officials who were overstripping and abusing their authority. The King appointed a supreme representative, the King's Highest Ombudsman (koningen Hogste Ombudsmanmen), to ensure that public servants discharged their duties properly.[17] "In 1719, the name of the office was changed to the still-used Chancellor of Justice (Justitiekansler, in Sweden generally referred to as JK)." However, the same change made little or no difference in function.[18]

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[16]Donald C. Rowat, "Ombudsmen for American Government?" (Englewood Cliffs, New Jersey: Prentice-Hall, 1968), p. 7.

[17]Sir John Whyatt, "The Citizen and the Administration: The Redress of Grievances," Justice, 1961, p. 46, quoted extensively by Donald G. Christ, "Omubdsman Selection and Status in United States Higher Education" (unpublished doctoral dissertation, Indiana University, 1972), p. 15.

[18]Sten Rudholm, "Sweden's Guardian of the Law: The Chancellor of Justice," The Ombudsman: Citizen's Defender (ed.), Donald C. Rowat (London: Urwin Brothers, Ltd., 1966), p. 17.

Rudholm cites four main categories of responsibility for the JK or Chancellor of Justice:

1. Be the Council's legal advisor.
2. Act as attorney general for the crown.
3. Supervise public servants and act against abuses of power.
4. Carry out the written duties of the office.[19]

In about the middle of the eighteenth century, the death of King Charles XII shifted political power to four representative bodies named the Estates. During this period, from 1766 to 1772, the JK operated at the pleasure of the Estates rather than the King and Council, and the conduct of the office was very similar to that of the "Justitieombudsman" (JO), whose office did not originate until 1809. King Gustavus III staged a "coup d'etat" in 1772, and with the acquisition of political power assumed also the power to appoint the JK.[20]

The Constitution of 1809 sought to divide the state's authority between the King and the Estates in order to stabilize the government. Two separate institutions were to exercise control over public officials under this constitution. The JK would continue to act on behalf of the King and Council. In addition the new constitution provided for the Justitieombudsman, JO, who acted in behalf of the Estates (later Ricksdag, or Parliament).[21]

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[19]Rudholm. p. 19.

[20]Rudholm, p. 18.

[21]Alfred Bexeluis, "The Ombudsman for Civil Affairs," The Ombudsman: Citizen's Defender (ed.), Ronald C. Rowat (London: Urwin Brothers, Ltd., 1966), p. 24.

In order to avoid overlapping of their activities the JK and JO communicate informally. Says Rudholm:

> When a citizen considers himself treated unjustly by a public office or official, he will as a rule find it more natural to apply to the Ombudsman as the Parliament's and the voter's own spokesman. If, on the other hand, a governmental office desires to have some action examined and verified as to its correctness, it is usually the JK who is approached as the counsel of the office's superior authority. . . . Summing up, one could say that in practice there have been no real inconveniences . . .[22]

As previously indicated, the JO came into existance because it was believed that an office more independent of the government -- King and Council -- was needed if the citizens were to be protected adequately. The basic reason for the initiation of the office, probably against the wishes of the government at the time, was to guarantee to the citizens their civil rights.[23]

Sweden's ombudsman is selected by a special body composed of 24 electors from each of the two Chambers of the Parliament.[24] Probably because the Swedish Constitution mandates that he should be a person of known legal ability, the ombudsman is usually selected from the judiciary. Additionally, the ombudsman is to be a person of outstanding integrity. According to one parliamentary leader, however, it is the office which

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[22]Rudholm, p. 21.

[23]Bexelius, p. 24.

[24]Ulf Lundvik, "Comments on the Ombudsman for Civil Affairs," The Ombudsman: Citizen's Defender (ed.), Donald C. Rowat (London: Urwin Brothers Ltd., 1966), p. 44.

distinguishes the man, rather than the man bringing distinction to the office.[25]

At first the ombudsman was to be elected formally the same day his electors were appointed. Since this procedure left no room for deliberation and selectivity, the party leaders generally made the actual choice. Later the law was amended to permit ten days for election, 1941, and then fifteen days for election, 1961.[26]

The carefully developed legal position of the ombudsman's office tends to provide immunization from the political pressure of the day. He reports annually to Parliament and has no responsibility to the Cabinet. Parliament itself acts to safeguard the ombudsman when needed. If complaints arise about the ombudsman's work, they must be channeled to a special committee of Parliament to which the ombudsman is directly responsible. Both the ombudsman and the committee members assert that no effort has ever been made to influence work which the ombudsman had in progress.[27] In this way public confidence is assured.

Alfred Bexelius, former Swedish career judge and civil ombudsman, reported on the duties of the office:

> Checking the work of officials while he is on inspection tours is probably the most important sphere of the Ombudsman's activity. Every year he and/or his assistance visit courts, prosecutors, police authorities and government officials of all types. By talking with the officials and by examining

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[25]Walter Gellhorn, Ombudsmen and Others: Citizen's Protectors in Nine Countries (Cambridge: Harvard University Press, 1966), p. 203.

[26]Lundvik, p. 44.

[27]Gellhorn, pp. 203-204.

> random documents, they check to see that the cases have been legally tried and decided upon, and that prompt action has been taken. The Ombudsman also personally inspects jails, guard rooms, mental hospitals, institutions for alcoholics, and homes for wayward children. Through conversations with officials and inmates he meets on each visit, he can ascertain for himself whether or not the inmates are being properly treated.[28]

After considerable experience in the office Bexelius retained confidence in the adequacy of the ombudsman's powers. He wrote:

> To perform his supervisory duties the Ombudsman has access to all documents -- even the secret ones -- and the right to be present at all deliberations at which judges or administrative officials make their rulings. The Ombudsman is thereby assured a complete view of all legal and administrative activity. Furthermore, on request all officials are obliged to provide the Ombudsman with the information they have on a matter in question. The Ombudsman also has the right to ask for the assistance of any officials for the purpose of making necessary investigations, and all prosecuting attorneys must perform any prosecution the Ombudsman may decree.[29]

In regard to the effectiveness of the office Bexelius gave this summary:

> No official likes to be exposed before the general public and his colleagues. Awareness of the fact that an official action may be questioned by the Ombudsman will certainly ensure that officials take greater pains in doubtful cases.[30]

Marion Sanders evluated the tenure of Bexelius, who was Sweden's thirty-first ombudsman with the following words, "The heart of the system is without question, the character of the JO (ombudsman) himself. Mr.

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[28] Bexelius, p. 29.

[29] Bexelius, p. 25.

[30] Bexelius, p. 41.

Bexelius is a man of commanding presence and intellect."[31] Bexelius summarized his feelings about the position by describing it as a "useful thing, a civilized thing."[32]

In Sweden today the recommendation of the ombudsman is rarely disregarded, a high tribute to the office, the manner in which it has been conducted, and the men who have acquired such a high level of respect. Although rarely true to the original, it is generally agreed that presentday ombudsmen stem from this office.

Finland

Since, for about six hundred years, Finland was a part of Sweden, it is not surprising to learn that Finland has, since 1919, had a Chancellor of Justice. However, Finland was isolated from Sweden in 1809 and, for more than one hundred years, fell under Russian dominance. During this period a "Procurator" served to determine that the constitution was followed and Russian dominance was limited. When Finland became an independent republic in 1919, the Constitutional Act provided for a Parliamentary Ombudsman patterned after the Swedish model. Also like Sweden, the Finnish ombudsman's term of office has been extended to four years.[33]

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[31]Marion K. Sanders, "Sweden's Remedy for 'Police Brutality,'" Harper's, CCXXIX (November 1964), p. 136, cited by Ray Bass, Jr., "The Development of a Role Model for Campus Ombudsmen at Institutions of Higher Learning in the United States," (unpublished doctoral dissertation, University of Mississippi, 1972), p. 23.

[32]John Bainbridge, "Our Far-Flung Correspondents: A Civilized Thing," The New Yorker, 40 (1965), p. 136, cited by Bass, p. 23.

[33]Bass, pp. 23-25.

The ombudsman conducts inspection tours, usually unannounced, in such places as penal campus, police stations, mental institutions and hospitals. During such tours the ombudsman provides inmates the opportunity for private talks regarding their treatment.[34]

The characteristics of the Finnish Ombudsman are:

> 1. He is an officer of the legislature, not the executive. He is free to report to the legislature at any time and presented to this body an annual report which was a summary of his year's work.
> 2. He is an impartial investigator and is politically independent. Once he had begun an investigation of a complaint, the legislators did not intervene.
> 3. He has no power to reverse a decision of and has no direct control over the courts or the administration. His primary powers include the right to investigate, to have access to all documents, and to release his findings to the legislature and to the press.
> 4. He can undertake investigations on his own initiative.
> 5. His method of securing results is direct, speedy, and inexpensive for the complainant. Because of this feature, many minor complaints can be handled.[35]

In comparison to the ombudsman of Sweden and Denmark the Finnish ombudsman has received relatively little literary treatment. Walter Gellhorn criticizes both the Finnish Chancellor of Justice and ombudsman. "In dealing with the problems of Little Man and Big Government, both officials have lacked verve. Their potentialities have been only partly realized."[36] In the opinion of Norman Bottom, the Finnish ombudsman ". . . is afflicted with the same sense of formalism which is, reportedly, generally prevalent in his nation."[37]

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[34]Bass, p. 26.

[35]Rowat, Ombudsmen for American Government? pp. 9, 10, as paraphrased by Bass, pp. 27-28.

[36]Gellhorn, p. 89.

[37]Bottom, p. 9.

Denmark

Although Norway established an ombudsman for its armed forces in 1952, it was Denmark which followed Finland with a civil ombudsman, provided constitutionally in 1953 and finally selected in 1955.[38] Professor Stephen Hurwitz, Denmark's only ombudsman until 1971, may well be the world's most renowned ombudsman. He has traveled all over the world to "spread the gospel" of ombudsmanship. When Professor Hurwitz gave his ombudsman talks over B.B.C., Englishmen by the hundreds wrote to Denmark for his assistance with their problems.[39]

Hurwitz is not among those who believe the civil ombudsman has too little power to be effective. James Egan quotes Hurwitz as follows:

> When our Ombudsman criticizes an official, we say he is giving him a nose. The expression comes from old times in Denmark when they punished an offender by parading him through the streets wearing a paper nose to make him look ridiculous . . . Lawyers tell me that when an authority is too slow in dealing with the matter, then to say the case is going to the Ombudsman acts like magic.[40]

The Danish legislative stature specified that the ombudsman was

> . . . to see that no person within the scope of his activities pursues unlawful objects, makes arbitary and unreasonable decisions, or is in any way guilty of mistake or negligence in the performance of his duties.[41]

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[38]Kenneth E. Miller, Government and Politics in Denmark (Boston: Houghton Mifflin Company, 1968), p. 56.

[39]Rowat, "The Spread of the Ombudsman Idea," in Ombudsman for American Government? p. 15.

[40]James Egan, "Ombudsman," Holiday (November, 1966), p. 31, cited by Bottom, p. 10.

[41]Henry J. Abraham, "The Danish Ombudsman," The Annals of the American Academy of Political and Social Sciences, 337 (May, 1968), p. 57.

The jurisdiction of the ombudsman was so broad that he ". . . could deal with alleged infractions on and by virtually every level of government authority except that of the judiciary and the legislature."[42]

According to Henry Abraham, immediate compliance was practically inevitable following the ombudsman's announcement of his position on any matter within his jurisdiction.[43] Not the least of the reasons the Danish ombudsman is so influential is the fact that the Danish press maintains an acute interest in his work.[44] Also, a Danish citizen can receive, through the ombudsman, free legal aid in his attempt to bring a legal claim against either the Danish government or a particular official.[45] Unlike his Swedish and Finnish counterparts, the Danish ombudsman was bound by law to keep information confidential if the circumstances of the case indicated such a need. This factor caused various government departments to be more cooperative in providing requested information.[46]

The following categories of complaints received by the ombudsman illustrate the extent of the authority of the office.

1. Questions regarding the qualifications of an official;
2. Suspicion of bias on the part of an official;
3. Failure of government employee or agency to provide correct and complete data resulting in harm to a citizen;

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[42]Abraham, p. 56.

[43]Abraham, p. 59.

[44]T. E. Utley, Occasion for Ombudsman (London: Christopher Johnson, 1961), pp. 11-12, cited by Bottom, p. 11a.

[45]Sawer, p. 9.

[46]I. M. Pederson, "Denmark's Ombudsman," The Ombudsman: Citizen's Defender, (ed.) Donald C. Rowat (London: Urwin Brothers Ltd., 1966), p. 84.

4. Failure to disclose the reason(s) for a decision;
5. Unnecessary delay in administrative process;
6. Procedures handled in an arbitrary, unreasonable, or capricious manner;
7. Offical behaved rudely;
8. Deliberate negligence;
9. Other acts of malfeasance, misfeasance, or non-feasance in office.[47]

The qualifications of the position were that the ombudsman should (1) be a graduate in law, (2) hold no other employment, public or private, (3) be paid a salary equal to but not to exceed that of the Supreme Court Justices, (4) be elected or re-elected after every general parliamentary election, and (5) report to a special 17 member parliamentary committee.[48]

Broad satisfaction with the Danish ombudsman is reported. Pederson writes:

> From a Danish point of view the conclusion must therefore be that the Ombudsman's office has proved to be an extremely useful institution: it has supplemented the control without hampering the efficiency or the independence of the administration. This has, moreover, been done with a small personnel and complaints have been answered quickly. The Ombudsman has been able to raise matters of principle even in cases where no formal complaint has been made, and he has a well developed technique which enables him to dismiss frivolous or unimportant complaints summarily.[49]

In regard to cases which the ombudsman has declined to investigate, Mogens Lerhard surveyed the Danish ombudsman's work from 1955 to 1969, a period covering all but two of the years during which Stephan Hurwitz, who retired in 1971, held the office. Lerhard discovered that

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[47] Abraham, p. 59.

[48] Abraham, p. 56.

[49] Pederson, p. 94.

Hurwitz had received 15,816 complaints of which 11,627 were not investigated, a total rejection rate of 73.5 percent.[50] In contrast, Nordskov Nielson, the current ombudsman, had received by 1975, a total of 8,053 complaints of which 4,803 were rejected, an average rejection rate of 59.92 percent.[51] Frank Stacey reports:

> Since the change of ombudsman in 1971 there has . . . been an increase in the number of complaints received, a reduction in the proportion of complaints not accepted for investigation, and a considerable increase in the proportion of cases investigated in which the ombudsman has found cause for criticism or recommendation.[52]

Remarking on the level of success of the constitutional reform which brought the Danish ombudsman into existance, Stacey describes the institution as "markedly successful within the limits set for it," and views the ombudsman as "doing a valuable job."[53] Mr. Neilson sees himself as attempting to make certain, "that administrative procedures, at all levels of government, are 'humane and considerate' towards all citizens."[54]

Although Sweden is quite accurately credited as the formal birthplace of the modern ombudsman, it is equally accurate to say that, after many years of relative dormancy in Sweden and Finland, it was the Danish ombudsman and his office that "turned on" the world to the ombudsman

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[50] Mogens Lerhard, Danish Ombudsman 1955-1969, trans. Reginald Spink (Copenhagen: Shultz, 1972), p. 7.

[51] Computed by the researcher from Table IV, Frank Stacey, Ombudsmen Compared (Oxford: Clarendon Press, 1978), p. 30.

[52] Stacey, pp. 30-31.

[53] Stacey, p. 31.

[54] Stacey, p. 31.

concept. Rowat believes that it is the Danish ombudsman rather than the Swedish, which became the model for the rest of the world.[55] Sherman Beck wrote:

> The majority of students of the ombudsman concept have come to regard the Danish version as the most viable modern enbodiment of the ombudsman idea, i.e., in essence a higher level officer appointed to receive, investigate, and report on citizens' complaints of bureaucratic abuse.[56]

New Zealand

The literature indicates that New Zealand and Norway were developing the legal base for a civil ombudsman at approximately the same time. Both offices were constituted in 1962 with the New Zealand office opening in October, 1962, and the Norwegian office opening in January, 1963.[57]

The New Zealand National Party included a plan for an ombudsman in its successful 1960 political platform. Parliament was concerned that citizens have opportunity for redress of grievances against officials and administration. This impetus brought about the creation of an office directed strongly toward citizen complaints.[58] Not surprisingly, the ombudsman received as many as 1,100 complaints in his first eighteen months.[59]

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[55]Rowat, "The Spread of the Ombudsman Idea," in Ombudsman for American Goverment?, p. 15.

[56]Sherman Andrew Beck, "The Ombudsman Concept in Higher Education: Administrative Theory and Model Building," (unpublished doctoral dissertation, University of Montana, 1976), p. 37.

[57]J. F. Northey, "New Zealand's Parliamentary Commissioner," and Audvar Os, "Norway's Ombudsman: The Ombudsman for Civil Affairs," The Ombudsman: Citizen's Defender, (ed.) Donald C. Rowat (London: Urwin Brothers Ltd., 1966), pp. 127, 110.

[58]Northey, pp. 127, 132.

[59]Northery, p. 140.

Larry Hill, who researched the authority of the New Zealand ombudsman, explains that the office:

1. Does not have the authority to supervise judges.
2. May decide whether any publicity is given.
3. May not prosecute officials.[60]

According to Hill the ombudsman was to investigate when an action was: (1) contrary to lawn, (2) unreasonable, (3) based on a mistake, or (4) wrong, such as clear abuse of power or giving no reasons for a decision.[61]

As was true of Denmark, the success of New Zealand's ombudsman office is largely attributable to the first ombudsman. Says Geoffrey Sawer:

> New Zealand has been fortunate in its first Ombudsman, Sir Guy Powles. Formerly a lawyer, soldier, and diplomat, he brought to the task a mature and tolerant personality, a wide knowledge of New Zealand law and government, and personal enthusiasm for the potentialities of the office. In holding the balance between citizens who sometimes resent interference on anything but the strictest legal grounds, he has inevitably incurred some criticisms, but most of those who were lukewarm about the office in 1961-1962 are now enthusiastic supporters. There are proposals to extend his jurisdiction, and the Labour Party and the civil servants in particular have abandoned their previous objections.[62]

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[60]Larry B. Hill, "The New Zealand Ombudsman's Authority System," Political Science, 20, No. 1 (September, 1968), p. 41, cited by Fred Janzen, "A Historical Study of the Campus Ombudsman in United States Higher Education" (unpublished doctoral dissertation, Texas Tech University, 1971), p. 48.

[61]Hill, p. 41.

[62]Geoffrey Sawer, "The Ombudsman and Related Institutions in Australia and New Zealand," The Annals of the American Academy of Political and Social Science. Edited by Roy V. Peal, 77 (May, 1968), pp. 68-69, cited by Janzen, p. 49.

In the view of Stanley Anderson the success of the New Zealand ombudsman is due to two basic characteristics of the office:

> 1. The ombudsman has authority to investigate and pass judgment, privately or publicily, but no powers of enforcement.
> 2. The individual in the office is held in high respect because his views and actions have been reasonable.[63]

One final observation about the New Zealand ombudsman should be made. Unlike any other known ombudsman, the New Zealand ombudsman may collect a one pound fee from each complainant. Although there seems to have been no research as to whether this fee has influenced the number of complaints received, one might question whether such a charge would discourage those most likely to need the ombudsman's service. Fortunately the ombudsman can waive the charge, and often does so.[64]

The New Zealand ombudsman, like his counterparts in other countries, has not been without his critics, perhaps justly so. A member of the House of Representatives once sneered, "The Ombudsman talks a lot about not being flouted, but he is canny about 'discovering' some reasons not to push along when somebody is likely to challenge him. He knows how not to get into battle."[65] A similar, if more kindly, remark was made by a Department Head,

> The Ombudsman had military experience, you known. He has enough sense to try to pick favorable terrain for a fight . . . I call it, simply, recognition of the old saw about discretion being the better part of valor.[66]

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[63]Stanley V. Anderson, "Ombudsman Proposals: Stimulus to Inquiry," Public Affairs Report, 9 (December, 1966), pp. 6-8, cited by Janzen, p. 50.

[64]Gellhorn p. 122.

[65]Gellhorn, p. 121.

[66]Gellhorn, p. 121.

Norway

As previously stated, Norway undertook legislative action on the civil ombudsman at approximately the same time as New Zealand. West Germany's action in establishing a military ombudsman in 1957 had followed that of Norway in 1952.[67] Audvar Os, Assistant Attorney General, traces the development of the Norweigan civil ombudsman's office. A special "Expert Commission on Administrative Procedures" drafted a bill for a civil ombudsman based upon the Swedish and Danish models. The ombudsman was to be a lawyer with widely recognized qualifications. He was to possess such great insight and authority that public departments and private persons would be willing to conform to his opinions.[68]

The Sorting (Parliament) accepted the Commissions recommendations and a compromise bill was unanimously passed. The bill authorized the ombudsman to investigate administrative descretion when the questioned decision was clearly unlawful or unreasonable. Although the ombudsman was independent of the Sorting, his independence was limited in that the Sorting created general regulations for the office and retained the right to dismiss the ombudsman for cause.[69]

The rationale for the bill included the following general ideas;

1. The ombudsman will be of help to those who have been subject to abuse of power.
2. The ombudsman will clear up matters which have no real substance benefiting both public employees and the Sorting.

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[67] Egon Lohse, "West Germany's Military Ombudsman," The Ombudsman: Citizen's Defender (ed.) Donald C. Rowat (London: Urwin Brothers Ltd., 1966), p. 119.

[68] Audvar Os, "The Ombudsman for Civil Affairs," The Ombudsman: Citizen's Defender (London: George Allen and Unwin Ltd., 1965), p. 95.

[69] Os, p. 98.

3. The ombudsman system will enable the citizen to feel more secure about his relation to the government.[70]

It was expected that the ombudsman would usually begin an investigation on the basis of a citizen complaint, although he could initiate action on his own. Three requirements were to be met by each formal complaint.

1. Submitted by a person with direct interest.
2. Submitted within one year of the action.
3. Complainant must have sought all other possible alternative assistance.[71]

The reply of Assistant Attorney General Audvar Os to those who were critical of the governmental reforms which brought the civil ombudsman's office into existance will serve to illustrate what was obviously the opinion of the Norweigen Sorting.

> There is still some skepticism prevailing as to the necessity of this new institution. . . . The correct point of view is to regard this reform as an expansion of the existing safeguards in our legal system in order to improve even further the relationship between the public authorities and the individual citizen.[72]

In relation to previous comments regarding the international significance of the Danish ombudsman system, it is noteworthy that Norway's Expert Commission on Administration Procedure agreed unanimously that their ombudsman sytem ". . . be based on the Swedish and <u>especially</u> [writer's italics] Danish systems." Additionally the Commission emphasized the importance of finding the proper person for the job.[73]

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[70] Os, pp. 96-97.

[71] Os, p. 102.

[72] Os, p. 110.

[73] Os, p. 95.

England

Students of the development in England of the use of the ombudsman concept are greatly benefited by the comprehensive work of Frank Stacey on this subject in his book, The British Ombudsman. As Stacey himself described it:

> In this book I have attempted to do three things: to describe and analyse the campaign which led up to the decision by the Wilson government to set up a Parliamentary Commissioner; to study the drafting of a Parliamentary Commissioner Bill and its passage through both houses of Parliament; and to evaluate the operation of the Parliamentary Commissioner in his first four years of office.[74]

In regard to his use of the term "ombudsman" Stacey writes:

> I have called the book The British Ombudsman although the Parliamentary Commission Act does not mention the word "Ombudsman." Indeed, some of the Ministers who introduced the Bill frowned upon any use of the word. But the Press always speak of the "Ombudsman," and many members of the public would not recognize the title "Parliamentary Commissioner for Administration." He is, therefore, by usage, the "British Ombudsman."[75]

In discussing the origins of the office of ombudsman in England, Stacey begins with the so-called Franks Report, a 1957 report of the Committee on Administrative Tribunals and Enquires which had been set up by Parliament to improve regulation of the administrative tribunal system developed to administer the Welfare State. It was widely expected in England at this time that the Franks Report would provide recommendations regarding provision for consideration of complaints against the administration where statute did not provide a tribunal or course of inquiry. Public interest in a citizen's recourse of this nature had been greatly

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[74]Frank Stacey, The British Ombudsman (Oxford: Clarendon Press, 1971), p. v.

[75]Stacey, The British Ombudsman, p. v.

intensified by the Crichel Down Affair.[76] In point of fact the Franks Committee was authorized to bring recommendation only in areas where tribunals were already set up.[77]

Shortly after the Franks Report appeared the "Manchester Guardian" published articles regarding the Swedish system for protection of citizen rights through an ombudsman. Subsequently, additional articles appeared in a relatively new (1956) but influential journal entitled "Public Law." An equally new and even more influential organization named simply "Justice," which was composed of lawyers of the three main political parties, began collecting information on ombudsmen in Sweden, Denmark and Finland. Through an unusual series of events "Justice" was able to secure the Prime Minister's support for a formal inquiry into the possibility of an ombudsman for England.[78]

Sir John Whyatt, a retired colonial judge, with the help of a very able Advisory Committee, performed the work of the inquiry and developed a report which directed itself to the question of complaints against the acts of administrators. The report proposed additional

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[76]This case resembles somewhat the TVA Tellico Dam controversy where in citizens who "lost" land to the dam clamored for its return if the dam was not built. In the Crichel Down Affair a landowner was able to regain ownership of land which had been "requisitioned" before the Second World War but was unused and unreturned by the Ministry of Agriculture. The land was returned, however, only after great public outcry, an extended campaign by the original owner's Minister in Parliament, and the subsequent resignation of the Minister of Agriculture (Stacey, The British Ombudsman, p. 4.)

[77]Stacey, The British Ombudsman, p. 5.

[78]Stacey, The British Ombudsman, pp. 15-19.

tribunals to deal with complaints against administrators, and the establishment of an ombudsman to investigate complaints of maladministration.[79]

Unfortunately the Whyatt report severely restricted the ombudsman in two ways. First, any Minister could stop any investigation proposed by the ombudsman (actually termed Parliamentary Commissioner, PC). Secondly, the ombudsman could examine the inward and outward correspondence of a department but only in extreme cases could he request of the Minister to see the internal minutes and the Minister could refuse this privilege.[80]

The efforts of another influential group, the Society for Individual Freedom, and the wide publicity given a second visit to England by Danish ombudsman, Professor Stephan Hurwitz, in April 1960, dramatically increased public and governmental interest in the Parliamentary Commissioner. And yet, despite great interest in the Whyatt Report which was finally published and widely distributed in 1962, the Macmillan Government rejected all proposals of the report. The Attorney General wrote that such an office could not be reconciled with Ministerial responsibility and would cause delays in administration. Additionally, in the government's opinion, there was adequate opportunity for redress of citizen complaints through right of access to Members of Parliament. Subsequently, in November, 1962, the Attorney General stated publicly that the report would not be implemented and the Macmillan government

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[79]Stacey, The British Ombudsman, p. 22.

[80]Stacey, The British Ombudsman, p. 22.

closed its file on the Whyatt Report.[81]

But the members of the influential organizations mentioned above were far from willing to permit the idea of an ombudsman for England to die. As the Labour Party prepared for the 1964 General Election, various party leaders, including Harold Wilson, spoke out strongly in support of a proposal for a Parliamentary Commissioner who would be responsible to

> . . . investigate complaints and to report both on individual cases where an injustice may appear to have been involved, or on defects in the system which have the effect of creating injustice or of failing to provide adequate rights of reconsideration or appeal.[82]

The Whyatt Advisory Committee was re-formed, although without Whyatt, and a revised report was prepared by the end of summer, 1964.[83]

This report dropped the provision that a Minister could veto an investigation. Also, the new proposal included for the Commmissioner the right to see internal departmental minutes related to an investigation. The Preface stated that the Labour Party had:

> resolved to humanise the whole administration of the state and to set up the new office of Parliamentary Commissioner with the right and duty to investigate and expose any misuse of government power as it affects the citizen.[84]

Although returned to power by only a very narrow majority in October, 1964, the Labour Party soon had a subcommittee at work planning the Parliamentary Commissioner Bill. However, the first of the three required "readings" in the Commons did not take place until February,

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[81] Stacey, The British Ombudsman, pp. 22-37.

[82] Stacey, The British Ombudsman, p. 42.

[83] Stacey, The British Ombudsman, p. 43.

[84] Stacey, The British Ombudsman, p. 46.

1966. Before a second reading could take place the Prime Minister announced, in August, that Sir Edmund Compton had been appointed Parliamentary Commissioner designate. By the time the Bill had completed all stages in March, 1967, Compton was ready to begin his work.[85]

Sir Edward Compton made a marked impression on the development of the Parliamentary Commissioner office in England. Due to his experience as Auditor-General, an office which had essentially the task of ex post facto review of governmental expenditures, the efforts of the British ombudsman were early concentrated on ex post facto investigations, a characteristic which somewhat distinquishes the office because in Britian it developed to be the main function.[86]

A second characteristic of the office as developed under Compton was a very high proportion of staff in relation to the number of investigations completed. In 1975, for example, the office completed investigation of 244 cases while maintaining a specialized staff of 38 plus 19 support staff, making a total of 57. Stacey attributes the large staff and the civil service character of the upper level staffmembers to Compton's background and the "Rolls-Royce" character of the investigations.[87]

As previously indicated the British ombudsman system was void of some very important ingredients found in earlier systems. (1) A citizen had to bring his complaint to his Minister of Parliament rather than directly to the ombudsman. The citizen had no concrete assurance that his

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[85]Stacey, The British Ombudsman, pp. 69, 70.

[86]Frank Stacey, Ombudsman Compared (Oxford: Clarendon Press, 1978), p. 136.

[87]Stacey, Ombudsman Compared, p. 138.

complaint would be forwarded to the ombudsman. (2) The findings of the ombudsman were not reported to the citizen but to the member of Parliament who had forwarded the complaint. Thus the citizen had no assurance that he would receive accurate results of the investigation. Indeed he might not receive the results at all. Further, these two characteristics effectively prevented the ombudsman from investigating on his own initiative.[88]

An additional restriction was that certain complaints, such as those regarding police, nationalized industries and local government authorities were off limits to the ombudsman. Introductory schedules of the Parliamentary Commissioner Act, 1967, listed almost all central government departments and authorities as being subject to the investigation, but subsequent schedules, particularly schedule three, eliminated large areas within many of these same departments from investigation. Some of these exclusions have since been eliminated by special legislation such as the Police Act of 1976, which set up a tribunal to hear complaints against the police.[89]

Throughout the progress of the Parliamentary Act through Parliament various members descried the restrictions placed upon the position. Both during and following legislative process the press and the public strongly criticized the government for limiting the Commissioner's office so severely. The fact that the Commissioner's term began on April 1, in the opinion of many British subjects, symbolized the lack of any real

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[88]Rowat, Ombudsman for American Government?" p. 24.

[89]Stacey, Ombudsman Compared, p. 126.

investigative power in the office. Terms such as "muzzled watchdog," "Crusader without a sword," and ultimately, "Ombudsmouse" were commonly used to describe the legislatively weakened office.[90] A headline in the British Sunday Mirror read, "Ombudsboob - £8,600 for the Swordless Crusader."[91] The article described the ombudsman as "shackled" with "handcuffs, ball and chain, gag, the lot."[92]

An example of the weakness of the Commissioner is the final result of an investigation conducted by Sir Edmond Compton, the first Commissioner. Compton conducted an intensive investigation into the reason for refusal of funds for twelve former servicemen who had spent time in a German concentration camp and had applied for standard, government, financial compensation. Although Compton concluded that a grave injustice had been done and recommended redress, the Foreign Office which was at fault, took no action. Compton simply had no leverage with which to enforce his recommendation since he was not permitted to publicize his findings.[93]

Partial quotation of a sample complaint received by the first Commissioner illustrates the intensity of British disenchantment with their ombudsman system.

> . . . and I have the letter from Edward VII to prove it. Now that you know I am the rightful King of England, I look forward to hearing from you. We remain, yours faithfully, George VII.

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[90] Rowat, Ombudsman for American Government?" p. 25.

[91] Stacey, Ombudsman Compared, p. 133.

[92] Stacey, Ombudsman Compared, p. 133.

[93] "Britian: Tough Cheese," Newsweek (January 8, 1968), p. 32.

On the bottom of this complaint Compton wrote, "I'll ask around about this one. Tactfully."[94]

Frank Stacey suggests that the Commissioner has leeway, within the Parliamentary Commissioner Act, to offset the restrictions imposed by the legislation. A proper interpretation of the Act will permit the Commissioner to disclose the content of his results reports to the press according to Stacey. Too, Stacey believes the Commissioner to be free to submit individual reports to Parliament when responses to his recommendations are not forthcoming. Further, Stacey urged improvements in the Quarterly Reports which would make them more readily intelligible to the press.[95]

As the Commissioner role has developed there have been numerous instances in which the Commissioner has been influential in legislative change benefiting the citizen. And, although Sir Edward began the office by interpreting the Commissioner's function in maladministration almost exclusively in procedural terms, his successor, Sir Allan Marre, distinquished a second type of maladministration as being within his province wherein a decision, although procedurally correct, was one which no reasonable person could have made on the basis of the evidence.[96] This interpretation significantly widened the concept of maladministration and narrowed the difference between the British ombudsman and ombudsmen of New Zealand and Canada.

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[94]"In Case of Complaint," Punch (January 15, 1969), p. 86.

[95]Stacey, Ombudsman Compared, p. 146.

[96]Stacey, Ombudsman Compared, p. 160.

Canada

Although Canada has been slow to develop a national ombudsman system, a host of proposals for creation of Parliamentary Grievance Commissioners have been introduced, usually by minority parties, and debated in the provincial legislations.[97] Alberta and New Brunswick adopted ombudsman proposals in 1967 which charged the Lieutenant-Governor to receive recommendations from the Legislative Assembly and to appoint ombudsmen for these two provinces. According to their legal base these ombudsmen could receive complaints from the public but had no jurisdiction over local government. Alberta's ombudsman was more limited by the executive branch than was that of New Brunswick.[98]

In 1969 Quebec passed the Public Protector Act and the Public Protector was appointed by the Legislative Assembly upon a two-thirds vote. A former law school dean was named upon a motion by the Prime Minister.[99]

The Manitoba Assembly appointed a special committee which selected an ombudsman effective April 1, 1970. This office with its two investigative assistants and secretary is separated from any governmental department.[100]

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[97] Stanley V. Anderson, Canadian Ombudsman Proposals (Berkeley: Institute of Governmental Studies, 1966), p. ix.

[98] Stanley V. Anderson, Ombudsman Papers (Berkeley: Institute of Governmental Studies, 1969), p. 364.

[99] Anderson, Ombudsman Papers, p. 364.

[100] Report of the Ombudsman, For the Period April 1, 1970 - December 31, 1970, Province of Manitoba, Canada, February 1971, pp. 3, 4, cited by Ray Bass, Jr., "The Development of a Role Model for Campus Ombudsman at Institution of Higher Learning in the United States," p. 53.

The Nova Scotian House of Assembly established a Commissioner of Investigations to be called the ombudsman effective September 1, 1971. He serves for a five-year term at a $25,000 salary.[101]

National legislators in Canada have been developing a support for a national civil ombudsman system since 1960 even though Federal law currently prohibits it. A resolution passed by the Alberta Assembly indicates the feeling of some legislators:

> Whereas the office of an Ombudsman has proved eminently successful in assisting governments, civil servants, and the ordinary layman in adjusting complaints, investigating abuse of power by Government Departments or its employees,
>
> And whereas fundamentally the appointment of an Ombudsman was found necessary where was an evident abuse of Civil Rights and no intermediary to plead on behalf of the common man,
>
> And whereas such an officer appointed by the Government could greatly assist an opposition by narrowing the imbalance where the Government has a preponderance of members,
>
> Be it resolved that the Government give favorable consideration to the appointment of an Ombudsman.[102]

Strangely enough it is the absence of strong public support, despite the considerable efforts and concern of some legislators, which has most hindered the adoption of a federal ombudsman system in Canada. Rowat and Llambias write:

> Throughout the Commonwealth countries there seems to be a general attitude of complacency about the protection of the

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[101] House of Assembly, Nova Scotia, Canada, An Act to Establish the Office of Ombudsman, December 14, 1970, p. 2, cited by Bass.

[102] Alberta Legislative Assembly, Alberta Journals (Alberta: Alberta Legislative Assembly, 1965), pp. 87-88, cited by Fred Janzen, "A Historical Study of the Campus Ombudsman in United States Higher Education," p. 56.

> citizen's rights, . . . In Canada, one of the most frequently voiced objections to the Ombudsman proposal is that it is not needed: citizen's rights seem to be adequately protected already, and one doesn't hear about very many cases of persons who have been dealt with unfairly by the administration. The objectors do not appreciate that, since administrative action is secret, the great majority of such cases do not come to light. Only some of the most serious ones are revealed and, since they concern isolated individuals, often they are not widely publicized by the press and are soon forgotten by the public.[103]

Despite the hesitancy of Canadian subjects to support a federal ombudsman system, ombudsmanry is alive and quite well as indicated by the growing acceptance of the provincial ombudsman.

Fred Janzen reasons that the adoption of Canadian ombudsmen might well be credited for the early application of the concept to higher education in American university life.[104] This position may indeed be valid since, as Stanley Anderson reports:

> On October 13, 1965, at the new Simon Fraaier University in Vancouver, the students elected one of their own number, John Mynatt, as an Ombudsman to investigate student complaints against faculty and administration.[105]

Although not all researchers seem to be aware of it, this is the earliest record of an ombudsman on a higher education campus.

Other Countries

In addition to those previously mentioned in this chapter, many other countries have experimented with some type of an ombudsman system.

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[103]Donald C. Rowat and Henry F. Llambias, "Canada," The Ombudsman: Citizen's Defender (ed.), Donald C. Rowat (London: George Allen and Unwin Ltd., 1965), pp. 186-187.

[104]Janzen, p. 57.

[105]Stanley V. Anderson, Canadian Ombudsman Proposals, p. 3.

Maurituis, a British Island-Colony, included provision for a civil ombudsman in legislation coming out of a constitutional conference held in London in 1965. Further legislation followed in 1969, but the question of the independence of Maurituis has thwarted attempts to institute the position.[106]

British Commonwealth Buyana adopted an ombudsman system in 1966 when the Governor-General appointed an ombudsman. The primary function of the ombudsman was to investigate the degree of legitimacy of complaints against the administration.[107]

Both the government of Malaysia and the Republic of Singapore have considered and deferred a decision to legislate an ombudsman system. Singapore decided to continue to depend upon their Anti-Corruption Bureau. Malaysia, even after a feasibility study and recommendation by Sir Guy Powles, decided that their Anti-Corruption Bureau was producing results equal to those which could be reasonably expected of an ombudsman.[108]

In India there have been attempts to legislate an ombudsman system since 1959.[109] In 1968, the State Comptroller became the Israili ombudsman. A Permanent Commission of Enquiry is reported to have been established by Tanzania in 1965.[110]

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[106]Hing Yong Cheng, "The Emergence and Spread of the Ombudsman Institution," The Annals of the American Academy of Political and Social Science, 337 (May, 1968), p. 27.

[107]Cheng, p. 26.

[108]Cheng, p. 27.

[109]Cheng, p. 28.

[110]Gerald Caiden and Nimrod Raphaeli, "The Ombudsman Debate in Israili Politic," Paraliamentary Affairs, 21 (1968), p. 215, cited by Bottom, "American Campus Ombudsmanry with Emphasis on the Claremont Colleges," p. 22.

Ombudsmanlike Systems

Ombudsmen or ombudsmanlike systems and/or offices have been established at a rate now increasing almost as rapidly as civil ombudsman positions. Military ombudsman systems were adopted by Sweden, Norway and West Germany in 1915, 1952 and 1957 respectively.[111] Some countries, including Sweden, have now adopted the ombudsman concept for consumer affairs, an innovation not unattractive to many United States citizens.[112]

Although there is much diversity in title, role and geography, these ombudsman systems do have certain characteristics which may be considered to be generic. A collection of characteristics was developed by the American Assembly in 1967 and paraphrased by Donald Snow essentially as follows. An ombudsman:

1. Has official stature
2. Is independent
3. Is impartial
4. Receives complaints
5. Investigates complaints
6. Investigates on his own initiative
7. Recommends remedial action as needed
8. Makes public reports
9. Cannot reverse decisions
10. Uses persuasion, criticism and publicity.[113]

Not every ombudsman fits entirely the description above, foreign or American; perhaps not even one ombudsman exists or behaves exactly as the above list characterizes. And yet, wherever ombudsmen are found,

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[111]Thomas Johnson, "The Campus Ombudsman as Perceived by College and University Presidents, Vice-Presidents of Student Affairs, Student Body Presidents and Functioning Campus Ombudsmen" (unpublished doctoral dissertation, North Texas State University, 1972), pp. 4-6.

[112]Donald C. Snow, "An Investigation of the 'Bottom Hypothesis' Regarding a Tripartite Campus Ombudsman Role Model" (unpublished doctoral dissertation, Northern Illinois University, 1975), p. 5.

[113]Snow, pp. 5-6.

their role, to a greater or lesser degree, appears to follow the Assembly's characteristics.

The United States

The ombudsman idea has spread rapidly in recent years because it represents a novel and uniquely appropriate institution for dealing with citizen complaints about unfair administrative action. The United States, in a halting, groping manner, has also begun to push for and experiment with the ombudsman concept on various bureaucratic levels. In this subsection relevant literature on the implementation of the ombudsman idea on the federal, state and local government levels was considered. In addition, some further examples of the application of the idea to special business and institutional situations were discussed.

The case for a federal ombudsman. Perusers of the American governmental scene will not be surprised to read that Canada, England and the Scandanavian Countries are joined by America in their struggle with bureaucracy. Alan Wyner, who describes government bureaucracy as ubiquitous, states, "Government is high on the list of American's favorite gripes."[114] Wyner quotes Edmund Burke as follows:

> To complain of the age we live in, to murmur at the present possessors of power, to lament the past, to conceive extravagant hopes for the future, are the common dispositions of the greatest part of mankind . . . Such complaints and humors have existed in all times; yet as all times have not been alike,

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[114]Alan J. Wyner, "Executive Ombudsman, and Criticism of Contemporary American Public Bureaucracy," Executive Ombudsman in the United States (ed.), Alan J. Wyner (Berkeley: Institute of Governmental Studies, 1973), p. 3.

> true political sagacity manifests itself in distinquishing that complaint which only characterizes the general infirmity of human nature, from those which are symptoms of the particular distemperament of our own air and season.[115]

1. Bureaucratic problems. Whether complaints regarding the bureaucracy are a matter of "general informity" or seasonal distemper may be debatable, but that ". . . contemporary American society is a bureaucratic society" is not debatable. The true question is one of whether Americans have available to them adequate channels through which frustrations and grievances toward government can be expressed. Unfortunately, James Wilson's description of the widespread disenchantment with public bureaucracy, despite the efficiency rationale, may be all too accurate.

> The federal bureaucracy, whose growth and problems were once only the concern of the Right, has now become a major concern of the Left, the Center, and almost all points in between. Conservatives once feared that a powerful bureaucracy would work a social revolution. The Left now fears that this same bureaucracy is working a conservative reaction. And the Center fears the bureaucracy isn't working at all.[116]

Alan J. Wyner, who is a staff associate of the Ombudsman Activities Project conducted by the Institute of Governmental Studies at Berkeley which has been funded since 1970 by the United States Office of Economic Opportunity, summarizes as follows the complicated interaction of people and government that results from bureaucratization:

> These patterns are often characterized by (1) an absence of clearly understood rules and operating procedures; (2) technical jargon understood by only a select few; (3) reliance upon precedents that limit experimentation and creative expression; (4) development of routines ("standard operating Procedures") that are unresponsive to the problems of individual

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[115] Wyner, p. 3.

[116] James Q. Wilson, "The Bureaucracy Problem," The Public Interest, 6 (Winter, 1967), p. 3.

> clients; and (5) a tendency by bureaucratic personnel to place their own needs for convenience and comfort above the requirements of the public.[117]

According to Walter Gellhorn, while administrative responsibilities have been enlarged, bureaucratic efforts to suppress blunders have intensified. Insensitivity, imprecision (even Homer is said to have nodded), misconceptions of responsibility, and faulty analization of facts or law are cited as evidence supporting the need for "quality controls."[118]

William Gwyn's response to the question of whether the United States needs an ombudsman was:

> No modern industrial nation can dispense with the many services and regulations rendered by efficient and impersonal large-scale organizations, yet it seems abundantly clear that the men who manage these organizations do not always act so as to fulfill social goals.[119]

Gwyn cites the failure of administrators to live up to expected behavior (under-organization) and the exaggeration of expected behavior (over-organization) as illustrative or oathological behavior.[120]

One of the most vivid indictments of American government was Theodore Becker's Government Anarchy and the Pogonogo Alternative. Becker claimed to have coined the phrase "government anarchy" to designate unlawful acts by government officers to further the performance of their

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[117] Wyner, p. 4.

[118] Gellhorn, pp. 420-421.

[119] Gyn, p. 49.

[120] Gwyn, p. 50.

duty. The official anarchy, according to Becker, stems from the fact that,

> American government officials are first and foremost Americans. Their official role might call for obedience, if not subservience, to the law they swear to uphold. However, their American consciousness deems it acceptable to disobey the law and discard the legal demands of their official roles with a clear conscience. It is perfectly compatible with the American super-ego, which equates some lawbreaking with high virtue.[121]

As further explanation of the causes of government anarchy Becker discusses James Madison's Federalist Paper, Number 10, wherein Madison appeals for ". . . a federal separation of powers as a superior way to deter factions (even when they constitute a majority) from forcing their will."[122] "What the Federalist authors neglected to emphasize" according to Becker, "was that government can become a faction itself."[123] Becker's thesis was that those inside government ". . . have a set of interests peculiar to themselves that are alien, if not hostile to those outside government."[124] Further, as Becker saw it, these government people view the state, and therefore themselves, as above mere mortals and tend to treat those outside government as lesser souls. The result, wrote Becker, is that "We the People" become the inferiors.[125]

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[121]Theodore Becker, Government Anarchy and the Pogonogo Alternative (New York: Stein and Day, 1972), pp. 16-17.

[122]Becker, p. 28.

[123]Becker, p. 29.

[124]Becker, p. 29.

[125]Becker, p. 29.

The Mayday arrests in the spring of 1971 and the attempted Nixon suppression of the New York Times in June, 1971, were, to Becker, illustrative of how dangerous the "government faction" can be. After relating various episodes to substantiate his contention of governmental anarchy by the police, military, general bureaucracy, judiciary and local officials, Becker recommended Negative Ortho-Government (NOGO), an entirely separate countergovernment or antigovernment ". . . apart from, but the mirror image of, the positive government," (POGO).[126] "The solitary objective of antigovernment would be to monitor the exercise of power by those in positive government."[127]

How serious Becker was about his NOGO is questionable. "We'd have more government officials than ever," he wrote, "all of whom would be far more contentious than ever -- but at least with each other."[128] He did say that he believed his proposition was the only logical way to properly balance our system. In terms of pragmatic feasibility, however, Becker admitted that there is not the ghost of a chance that such a system could win popular support.[129]

2. Federal ombudsman support. As a more feasible and consistent alternative to POGONOGO Theodore Becker prescribed a federal ombudsman, a government anarchy law, and a Government Anarchy Court. In response to those who criticized his suggestions by stating that the answer to our

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[126]Becker, p. 235.

[127]Becker, p. 236.

[128]Becker, p. 236.

[129]Becker, p. 242.

governmental problems was not more government Becker simply wrote. "It takes a diamond to cut a diamond," and "They laughed at Fulton."[130]

Representative Henry S. Reuss and his legal assistant, Everard Munsey, joined Becker in recommending a national ombudsman for the United States. As Reuss and Munsey viewed it, the dramatic expansion of the federal bureaucracy was due to unprecedented social and economic responsibilities. The result had been a great increase in the average citizen's contact with the federal government. In their minds the question continued to be one of how to give administrators the power to act effectively and, at the same time, provide the means for checking abuses and misjudgements.[131]

According to Reuss and Munsey the American answer to the above dilemma had been the increase of the mediator function on the part of Congressmen. Congress regularly acted as citizen's advocate both to investigate government abuse and to explain bureaucratic behavior and procedures. So important is this function that one reporter wrote, "Neglect of correspondence, of constituent services or of vital local needs lies behind the defeat of a vast majority of those few in Congress who fail re-election."[132]

The ever increasing casework, legislative complexity, unrepresentative districting and intolerable rules are congressional problems.

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[130]Becker, pp. 241-244.

[131]Henry S. Reuss and Everard Munsey, "The United States," The Ombudsman: Citizen's Defender (ed.), Donald C. Rowat (London: Urwin Brothers Ltd., 1966), p. 194.

[132]David S. Broder, "Portrait of a Typical Congressman," New York Times Magazine, October 7, 1962, p. 31, cited by Reuss and Munsey, p. 195.

which caused Congressman Reuss to propose, on July 16, 1963, the creation of an Administrative Counsel of the Congress. "The proposal," according to Reuss, "represented an attempt to adapt to the American governmental system the institution of Ombudsman."[133] By Reuss's proposal the ombudsman would receive complaints from the Congressman and report to them on specific cases. Additionally he would make an annual report to the House and Senate.[134]

Two major advantages were cited by Reuss as obtainable from his proposal. First, Congressman could be relieved of some of their casework and have it handled by an expert. Since the Congressman would still control the beginning and end of each case, there need not be any impairment of the congressional-constituent relationship. Second, because the ombudsman would handle cases for many congressman, general problems between citizens and the bureaucracy would be recognized more quickly and eliminated. Also, Reuss expected that there would be some increase in efficiency and a reduction in the increase of congressional staff.[135]

Henry Abraham, a strong proponent of what could be termed the ombudsman movement, wrote of America's bureaucratic growth, increase in regulations, aggrandizement of the executive branch, sheer bigness, burdened Judiciary and the limited and cumbersome procedures for redress of grievances in supporting the need for ombudsman of the Danish Norwegian

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[133]Reuss and Munsey, p. 196.

[134]Reuss and Munsey, p. 197.

[135]Reuss and Munsey, p. 198-199.

model. Three essential defenses against government abuses are quality personnel, procedural safeguards, and the principal of outside check.[136] Stated Abraham:

> . . . it is precisely at the level of the "check" that an Ombudsman could provide that blend of expertise, speed and political independence that is so essential to the principle of effective oversight. . . . an Ombudsman, patterned after the Danish model and really accessible to the people, could stand above the strife and winds of politics. By continuing, well-publicized (where warranted) criticism of administrative action, he could not only bring redress of grievances but could also focus attention on lack of efficiency; and he could make recommendations to the legislative body. . . . he would be in that rare position of independence or 'splendid isolation' that has made the Comptroller General, for one, such an effective figure in government.[137]

Abraham recognized that the sheer volume and diverse nature of the complaints that would reach a national ombudsman might well be overwhelming. Therefore regional offices might be necessary to handle the load, an aberration which, although not entirely unlike Representative Reuss's "corps of agents," might well diminish the symbolic grandeur of the ombudsman functioning as the people's protector.[138]

In discussing the problem of the large United States population Gwyn reported a sampling of complaints which indicated that Congressmen received in excess of 200,000 complaints per year. Modern forms of transportation, communication and information retrieval would permit a

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[136]Henry F. Abraham, "The Need for Ombudsman in the United States," The Ombudsman: Citizen's Defender (ed.), Donald C. Rowat (London: Urwin Brothers Ltd., 1966), pp. 234-236.

[137]Abraham, "The Need for Ombudsmen," pp. 236-237.

[138]Abraham, "The Need for Ombudsman," p. 237.

larger caseload than the foreign experience would indicate. Perhaps, to begin with at least, a national ombudsman system might have jurisdiction over only a limited number of government agencies, extending the jurisdiction to the limits of efficiency as experience dictates.[139]

A further consideration in transfering the ombudsman to the United States government was his compatibility with the American governmental system, specifically the separation and balance of powers. The five goals of the separation of powers had historically been the following:

> 1. To create greater government efficiency;
> 2. To assure that statutory law is made in the common interest.
> 3. To insure that the law is impartially administered and that all administrators are under the law;
> 4. To allow the people's representatives to call executive officials to account for the abuse of their power; and
> 5. To establish a balance of governmental powers.[140]

As Gwyn perceived the situation, an ombudsman would contribute directly to the achievement of the first three goals. As to the fourth goal, the ombudsman could conceiveably contribute to calling an administrative officer to account for power abuse through publicity if by no other means. If the ombudsman were truly independent of all three branches it is difficult to imagine how he would or could affect the balance of power.[141]

An alternative to a single federal ombudsman which provided relief for those concerned about separation of powers was offered by Donald

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[139] Gwyn, p. 62.

[140] Gwyn, p. 64.

[141] Gwyn, p. 64.

Rowat. Rowat suggested the creation of a plural ombudsman with one member each appointed by the President, the House and the Senate. The effectiveness of such a body would lie, not in its relationship to the President or Congress precisely, but in its accessibility, investigative authority and judicious opinions.[142]

With all due respect for the qualities of the American Republic, it could be less than entirely accurate to assume that nowhere in all the world has the development of political science achieved or surpassed the level experienced in the United States. Whereas many countries have provided citizen redress from unfair administrative decisions through national and local ombudsmen, the American ". . . little man, standing by himself" is deterred from legal reconsideration by substantial costs and undue delay and has no other recourse.[143] Writes Fritz Marx:

> On one point it should not be too hard among Americans to achieve agreement. Independent review of administrative determinations, extending beyond the strictly legal aspects, is not formally provided.[144]

Marx suggested the initiation of a controlled experiment with the ombudsman scheme in an American state or city.[145]

3. Formal ombudsman proposals. The first proposal for a national ombudsman was introduced in the House of Representatives by Congressman

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[142]Donald C. Rowat (ed.), The Ombudsman: Citizen's Defender (London: George Allen and Unwin Ltd., 1965), p. 289.

[143]Fritz Morstein Marx, "The Importance of Foreign Institutions," The Ombudsman: Citizen's Defender (ed.), Donald C. Rowat (London: George Allen and Unwin Ltd., 1965), p. 258.

[144]Marx, p. 258.

[145]Marx, p. 259.

Henry S. Reuss as H.R. 7593. Reuss has subsequently reintroduced the bill regularly but it has never cleared the house. The ombudsman, whose actual title was initially to be Administrative Counsel and later, in 1967, Congressional Ombudsman, was severely restricted to investigate only those complaints received from congressional members. Reuss anticipated that this restriction would reassure legislators who were concerned about any possible loss of the vote-getting potential of constituent service and also, that the ombudsman's caseload would remain manageable if the legislators acted as a screening service.[146]

The major objection by congressmen to the ombudsman proposal was that it would be an abdication of their elected responsibilities to turn casework over to an ombudsman. Despite the attractiveness of lightening their workload and the obvious benefit of having available investigative and research assistance, Reuss's bill did not even clear committee.[147]

The Ombudsman Committee of the American Bar Association opposed Reuss's bill. That a central office was needed for handling the mass of complaints received by congressmen they agreed. But, at least in the opinion of this committee, an ombudsman system was not consistent with the purpose of constituent service. As committee chairman Kenneth Culp Davis wrote, "The long term objection [sic] of an ombudsman system should be effective criticism of administrators by independent officers who have

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[146]Stanley V. Anderson, Ombudsman Papers: American Experience and Proposals (Berkeley: Institute of Governmental Studies, 1969), pp. 14-15, 20-21.

[147]Anderson, Ombudsman Papers, pp. 15-17.

no stake, direct or indirect, in any particular result."[148]

On March 7, 1967, Senator Edward V. Long (D., Missouri) introduced a legislative proposal for an "Administrative" [writer's quotes] ombudsman. Long believed that a federal ombudsman was needed, external to the Congress, who would receive complaints directly from citizens even if a congressional ombudsman proposal were instituted.[149]

As proposed by Senator Long the bill provided jurisdiction over the Bureau of Prisons, Internal Revenue Service, Veterans Administration, Social Security Administration and Selective Service Systems. The bill was opposed by at least two of the systems mentioned.[150]

The Treasury Department completely ignored the standard requirement that the citizen must exhaust all remedies before turning to the ombudsman in reasoning that taxpayers would forsake regular channels and apply directly to the ombudsman for redress. Actually the ombudsman would be concerned that normal procedures be followed first, and equally concerned for the adequacy and improvement of all normal appeal mechanisms.[151]

In opposing Long's bill the Veterans Administration's position was that in sitting down with a complainant and determining that his proper services were being received they were doing more already than an ombudsman would do. Even such a client-centered agency, however, is

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[148]Anderson, Ombudsman Papers, p. 18.

[149]Anderson, Ombudsman Papers, p. 20.

[150]Anderson, Ombudsman Papers, p. 20

[151]Anderson, Ombudsman Papers, p. 20-21.

subject to the marginal mistakes of human error. An external check such as that provided by an ombudsman would serve as a fail-safe mechanism.[152] It is difficult to understand, from a citizen's viewpoint, how public service would be detrimentally affected by an independent non-authoritarian who could be available to those persons for whom the system did not function properly.

4. Ombudsman: executive and classical. The rapid spread of the ombudsman function in the United States and the world has been matched by the endless varieties of the office. Each governmental of institutional entity that has fashioned an ombudsman position, regardless of the title, has obviously done so with a view toward its own peculiar situation. Perhaps the only absolute regarding ombudsman offices is that no two are entirely alike. The preceding discussion of Congressman Reuss's and Senator Long's ombudsman bills and the description of state ombudsman offices which follows reflect two basic types of ombudsman; the congressional or legislative ombudsman, who is generally accountable to the bicameral group as was true in the classical ombudsman model, and the administrative or executive ombudsman who has appeared with increasing frequency, often after attempts to institute the classical model have failed.[153]

Alan Wyner defines the executive ombudsman as follows:

> An executive Ombudsman is a centralized complaint-handling officer who has been appointed to office and who serves at the pleasure of an elected or appointed chief executive.[154]

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[152]Anderson, Ombudsman Papers, p. 21.

[153]Wyner, Executive Ombudsman, p. 10.

[154]Wyner, Executive Ombudsman, p. 10.

Keeping in mind the precaution that in actual practice no two are alike note the characteristics of the executive ombudsman:

> 1. Because an order from the chief executive is sufficient to establish an executive Ombudsman, these offices are relatively easy to open.
> 2. Executive Ombudsmen generally process very large caseloads.
> 3. Executive Ombudsmen are aggressive in their client relations.
> 4. Most of the executive Ombudsman's caseload involves the alledgedly inadequate, unfair, or illegal delivery of governmental services.
> 5. Executive Ombudsman rarely pursue a case to its final resolution.
> 6. Some executive Ombudsmen, notably those with outreach capabilities, attract a significance percentage of their cliental from lower income residents.[155]

Wyner discusses the differences between the executive and classical ombudsmen in relation to their different sources of authority. He concludes that both offices ". . . share the qualities of accessibility, expertise, independence, impartiality, and reliance on reasoned persuasion, but they are distinquished by the different forms these qualities assume."[156] Any improvement in government services will be welcomed by the citizenry with little regard for the question of whether the office adheres closely to the classical model.[157]

Ombudsmen for state government. While Scandinavian ombudsman systems have tended to spread from the national to local levels, it may

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[155] Wyner, Executive Ombudsman, pp. 11-13.

[156] Wyner, Executive Ombudsman, p. 314.

[157] Wyner, Executive Ombudsman, p. 314.

well be that the United States experience will be the reverse.[158] Several writers with considerable expertise in ombudsmanry, had suggested that local or state experimentation may be the avenue over which any federal ombudsman system must go. Samuel Krislov believed that the ombudsman innovation would be more useful at the state and local levels where, in his opinion, the need was greater. Experience and evidence of success at the lower levels would cause the application at the federal level to appear more feasible.[159]

1. Need and proposals. Attorney Ralph Rader posited that the growth of state bureaucracy was "posing serious problems" for the citizen in his quest for relief from administrative abuses. In the vein of Theodore Becker's lament over governmental anarchy Rader described a relatively unbridled and unsupervised administrative "faction" of a million and a half state employees, in 1965, largely of executive creation and causing a severe imbalance of power. To offset this imbalance Rader proposed ". . . an Ombudsman attached to the legislature and empowered to directly receive and investigate citizen's complaints . . . initiate inquiries and make inspections . . ."[160] The effectiveness of such a state ombudsman would depend largely on:

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[158]Samuel Krislow, "A Restrained View," The Ombudsman: Citizen's Defender (ed.), Donald C. Rowat (London: George Allen and Unwin Ltd., 1965), p. 255.

[159]Krislov, p. 254-255.

[160]Ralph Rader, "Ombudsmen for State Government," The Ombudsman: Citizen's Defender (ed.), Donald C. Rowat (London: George Allen and Unwin Ltd., 1965), p. 245.

1. The kind of support for and the circumstances preceding enactment of an Ombudsman bill,
2. The level of administrative and political integrity and competence of the particular state, and
3. The stature and skill of the person holding the new office.[161]

Although he favored a federal ombudsman Henry Abraham readily acknowledged the number of difficulties in establishing the position at the national level. On the state level Abraham believed that such problems as size, population and diversity would be less pronounced while the basic need for an ombudsman was more acute. Regarding the value of an ombudsman at state and local levels Abraham concluded:

> As it has amply demonstrated where it has been adopted, it has more than proved its mettle and, indeed, has almost invariably become enormously popular.[162]

Although no Congressman had as yet guided a national ombudsman bill through Congress, their failure had not thwarted efforts at other governmental levels in the United States. The title of a 1970 article by Aaron Cohodes, "Ombudsman Turn Up Here and There, Like March Crocuses," aptly described the state of government ombudsmanry in the previous decade.[163] "Nowhere is the growth of interest in the Ombudsman more striking than in American state legislatures."[164] The first proposal for a state ombudsman was offered in Connecticut in 1963. By 1967, 26 states had considered such legislation.[165]

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[161]Rader, p. 245.

[162]Abraham, "The Need for Ombudsman," pp. 237-240.

[163]Aaron Cohodes, "Ombudsman Turn Up Here and There, Like March Crocuses," Nations Schools, 85 (March, 1970), p. 14.

[164]Anderson, Ombudsman Papers, p. 28.

[165]Anderson, Ombudsman Papers, pp. 28-29.

2. Hawaii. Hawaii's ombudsman bill, after being passed by the House, 38 to 12, and then approved by the Senate, became law on June 14, 1967, without the Governor's signature. Governor Burns considered the measure the exclusive prerogative of the Legislature.[166]

The Hawaiian ombudsman was appointed by a majority vote of each house in joint session. Applications were invited and the Senate Committee on Government Efficiency, along with a House committee, screened applicants and recommended Mr. Hermon Doi who was not approved until 1969. The $22,000 salary, $6,000 less than recommended in the original bill, appears inadequate in relation to Hawaii's cost of living.[167]

Mr. Doi's procedure for setting the office in motion was first, to do the necessary reading in the area, and then second, to identify the seven following objectives listed in a descending order of priority.

1. Redress of individual grievances;
2. Prevent recurrence of similar complaints;
3. Increase responsiveness of administrators;
4. Protect government administrators from unfounded criticism;
5. Identify and correct patterns of undesirable administrative practices or procedures;
6. Education of the public about governmental operations and functions; and
7. Relieve legislators of the complaint-handling burden.[168]

The Hawaiian ombudsman's jurisdiction excluded federal and multi-state agencies as well as legislators, the governor, and the courts. In

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[166]Anderson, Ombudsman Papers, p. 34.

[167]Anderson, Ombudsman Papers, p. 37.

[168]Stanley V. Anderson and John E. Moore (eds.), Establishing Ombudsman Offices: Recent Experience in the United States (Berkeley: Institute of Governmental Studies, 1972), p. 64.

contrast to the Scandinavian model, Doi's office did not initiate any investigations due to the heavy demands placed upon the staff by citizen complaints and the more than ample number of problems awaiting resolution.[169]

3. Oregon. The first statewide executive ombudsman was appointed by the governor of Oregon on July 1, 1969, apparently to insure that the governed were not ignored and because the governor's appointee was already performing the ombudsman's tasks as defined by the governor. In a special radio broadcast -- never in writing -- the governor detailed the following powers for the position:

> 1. The Ombudsman is charged to investigate on his own initiative or on complaint of any person administrative action of any state agency.
> 2. When an Ombudsman finds that an agency action is objectionable he is directed to submit his criticism to the agency concerned, including any recommendations he would like to make to the agency in question.
> 3. The Ombudsman is required to report to the governor and to the legislature.
> 4. The Ombudsman will be available for special assignment upon the governor's request.
> 5. The Ombudsman will have the responsibility of identifying patterns or clusters of problems, procedures and policies.
> 6. The Ombudsman's workload will include field contact, observation and investigation.
> 7. The Ombudsman will have the opportunity to help determine priorities and positions.[170]

Douglas Capps suggested some rather important shortcomings in the governor's mandate: (1) Terms such as "state agency," "administrative

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[169]Anderson, Establishing Ombudsman Offices, pp. 66, 117.

[170]Douglas L. Capps, "Executive Ombudsman: The Oregon Experience," Executive Ombudsman in the United States (ed.), Alan J. Wyner (Berkeley: Institute of Governmental Studies, 1973), pp. 206-207.

action," and "objectionable" were not defined; (2) Qualifications of the ombudsman were not mentioned; (3) No provision for continuation of the office, should it become vacant, was made; (4) Absence of a publicized salary level detracted from the prestige of the position; (5) Extent of investigative powers was not spelled out; (6) No compulsion process for acquiring needed information was outlined; and (7) No guidelines were provided for deciding when cases will be pursued.[171]

Proceeding to compare the Oregon ombudsman with the classical model, Capps faulted the Oregon experience in four critical areas. The first was on the matter of independence. While the ombudsman managed to obtain a certain amount of defacto independence by his and the governor's deliberate efforts, his independence was not assured as was true with the Scandinavian model.

The second fault, as Capps evaluated it, was in the area of impartiality. No particular case indicated that the ombudsman was influenced to favor one side in his investigation. But when many complaints reach the ombudsman through the governor, may there not be partiality in the screening? Also, the executive environment within which the ombudsman worked could subtly influence his impartiality.

A third fault was that the Oregon ombudsman did not appear to approach an acceptable level of professional competence, specifically in the area of expertise in government. According to Capps, "Lack of assurances that the Ombudsman will be qualified is the most serious objection to the Oregon example."[172]

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[171]Capps, pp. 207-208.

[172]Capps, pp. 213-214.

The final fault cited by Capps was apparent lack of accessibility. The governor referred to the "formidable" prospect of visiting the capital when emphasizing the accessibility of government in his inaugural address. And yet the ombudsman's office adjoined the governnor's ceremonial office in the state capital.[173]

Two comments by Capps conclude this discussion of the Oregon ombudsman:

> An executive Ombudsman in the Oregon tradition is chosen for reasons external to professional improvement of state bureaucracy, and he exists without assured longevity. Executive Ombudsman, moreover are easily linked to mere symbols and political effects.[174]

> We should remember two things about the executive attachment. First, as occupants of the office change, we know that the office will still be largely what the office holder makes of it. In addition, the executive Ombudsman function is affected as much by environmental as personal factors. Only time will tell if greater commitment and expectations within that environment will release the office from a subordinate and tenuous existance and permit development of full Ombudsman status.[175]

4. Nebraska. A freshman Senator, Loran Schmit, successfully spearheaded the effort to pass ombudsman legislation in the Nebraska Congress in 1969. "The bill, LB251, designated the ombudsman as "Public Counsel," a distinctly less foreign-sounding title."[176] Two very common thoughts undergirded the development of Schmit's proposal: (1) Citizens

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[173]Capps, p. 214.

[174]Capps, p. 227.

[175]Capps, p. 229.

[176]Alan J. Wyner, Nebraska Ombudsman (Berkeley: Institute of Governmental Studies, 1974), p. 5.

needed an additional channel for redress; and (2) Government needed humanizing.[177]

> 1. State government is large and complex in its organization and operation.
> 2. Communication between government and individual citizens is difficult.
> 3. Senators do not always have the time and sometimes are not qualified to help all the constituents who approach them with problems and complaints.
> 4. State administrative agencies treat individual citizens with much less interest and deference than they accord to Senators. Consequently the states have a responsibility to rectify problems and inequities.[178]

Also, it was expected that the ombudsman would relieve legislators of some casework and provide research on various legislative proposals.[179]

The first Nebraska ombudsman, Murrell McNeil, articulated three goals to guide the development of the office: "(1) Keep the office small, easily accessible, and relatively inexpensive; (2) Develop an efficient office routine; and (3) Acquaint Nebraskans with the office's potential."[180] McNeil's determination to be guided by these goals had to some extent created problems for him in that his efforts to keep the staff small by handling most complaints himself had considerably curtailed his publicizing activities.[181]

Some simple operational rules were developed during the initial period of the existance of the office.

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[177] Wyner, Nebraska Ombudsman, p. 8.

[178] Wyner, Nebraska Ombudsman, p. 8.

[179] Wyner, Nebraska Ombudsman, pp. 8-9.

[180] Wyner, Nebraska Ombudsman, p. 38.

[181] Wyner, Nebraska Ombudsman, p. 41.

1. Anonymous complaints are accepted unless they are against a specific person.

2. The complainant is not required to exhaust all other alternatives before being assisted by the office.

3. The ombudsman does not initiate investigations on his own.[182] One indication of the high level of acceptance of the ombudsman was the large number of legislative referrals; as high as 33 percent of his caseload.[183]

Wyner recommended the following considerations to improve the Nebrasks Ombudsman office:

1. Expansion of the staff to free McNeil for the more complicated or sensitive cases, initiation of "own-motion" investigations, and publicity.

2. Greater utilization of files, trend analysis and report preparation.

3. Reduction of information requests from senators.

4. Possible expansion of jurisdiction to include local government.

5. More comprehensive investigations in order to provide a more thorough conclusion.[184]

Ombudsman McNeil was receiving more than 50 complaints per month not including informational inquiries. Of these cases 56.6 percent were

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[182]Wyner, Nebraska Ombudsman, pp. 47-49.

[183]Wyner, Nebraska Ombudsman, p. 63.

[184]Wyner, Nebraska Ombudsman, pp. 97-99.

completed within three days. In Wyner's view, the Nebraska innovation had been successful in making a significant and positive impact on hundreds of Nebraskans, including many administrators and legislators.[185]

5. Iowa. A legislative proposal for a state ombudsman in Iowa was first introduced in 1967. But not until 1972 did an approved bill reach the governor's desk. Since Governor Robert Ray had urged the creation of an ombudsman office in his 1969 inaugural address, he quickly approved the legislation and it took effect July 1, 1972.[186]

Prior to the legislative enactment, however, the head of OEO had indicated an interest in sponsoring a demonstration ombudsman project in Iowa and, subsequently, a plan was developed, in 1970, whereby OEO furnished funds for an ombudsman position in the governor's office. Because there had been legislative opposition to early ombudsman proposals, the decision was to name the office the Iowa Citizens' Aide rather than the Iowa ombudsman.[187]

From a list of approximately 50 applicants the governor selected a man with a background in legal training and government experience but a person who was viewed as an active partisam politician contrary to the governor's early criteria. When the ombudsman statute was actually approved it provided for appointment and setting of salary by the

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[185]Wyner, Nebraska Ombudsman, pp. 54, 107.

[186]Albert M. Liston, "The Office of the Iowa Citizens' Aide," Executive Ombudsman in the United States (ed.), Alan J. Wyner (Berkeley: Institute of Governmental Studies, 1973), pp. 153-154.

[187]Liston, p. 154.

Legislative Council and confirmation by a constitutional majority.[188]

State government departments, institutions, councils, commissions and boards were all under the jurisdiction of the Citizens' Aide as well as local government agencies when not explicitly excluded. The governor and staff, the courts and judiciary staff, the Iowa General Assembly members, staff and committees, and any interstate agencies were excluded from jurisdiction. State agency employees were not permitted to submit complaints to the Citizens' Aide but prisoners were permitted.[189]

The Citizens' Aide was free to undertake investigations on his own initiative. Unless specifically made confidential by law, he had access to all agency records. In general the Citizens' Aide seems to have had sufficient authority to enable him to perform adequately. The selection process minimized partisanism and the four-year term length was only one year short of that recommended in Gellhorn's model statute.[190]

City and county ombudsmen. The history of American government is, in part, the history of the search for means by which the government may be petitioned for redress of grievances. The ombudsman is but one avenue of complaint. Many government agencies provide channels for complaints by citizens. And government at all levels has developed means outside the various agencies whereby grievances may be handled. Traditional avenues lead ultimately to elected officials. More recently

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[188]Liston, pp. 185-186.

[189]Liston, p. 186.

[190]Liston, pp. 186-187; Walter Gellhorn, "Annotated Model Ombudsman Statute," Ombudsman for American Government (ed.), Stanley V. Anderson (Englewood Cliffs: Prentice-Hall Inc., 1968), p. 162.

grievance approaches include formal structures such as decentralized delivery of public services and police review boards, and informal protest groups such as the New York rent strike organization.[191]

In the midst of the multiplicity of complaint channels it is often impossible to identify the ombudsman function. In some situations the mechanism for doing ombudsmanry has been set up without previous knowledge of the word "ombudsman." In other situations an office with the name ombudsman is operating in a manner largely inconsistent with the classical model. In still other situations the classical model has been closely followed but, out of regard for what was believed to be legislative or public preference, a non-ombudsman title was chosen. When is a complaint receiving person an ombudsman? When is an ombudsman not an ombudsman? Is an ombudsman by any other name still an ombudsman? Is this ombudsmania? This necessarily limited review of the literature regarding the various ombudsmen or ombudsmanlike offices in the cities and counties of America can furnish some better known examples of the efforts of government to provide citizens the right to petition.

1. City of Boston. In his efforts to "bring government closer to the people" Mayor Kevin White of Boston has been credited with offering the most useful working definition of decentralization.[192] White's

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[191]Wyner, "Executive Ombudsman, and Criticisms," pp. 7-9.

[192]Eric Nordlinger, "Boston's Little City Halls: Citizens as Clients," Executive Ombudsmen in the United States (ed.), Alan J. Wyner (Berkeley: Institute of Government Studies, 1973), p. 74.

program was intended to improve citizen - government communication thereby decreasing resentment against government and improving the delivery of services.[193]

The backbone of the Mayor's program was a citywide network of 14 little city halls. The chairman of the Mayor's study group which recommended the plan identified the program's four functions: (1) to recommend changes in city service deliveries; (2) to insure that services are performed in an acceptable manner; (3) to provide information regarding the availability of services; and (4) to increase neighborhood participants in community projects.[194]

Within the first year it became evident that registering complaints was not to be the primary function of the centers. Requests for individual service or information outnumbered complaints seven to one. And yet controlling the city agencies and improving their services remained a continuing emphasis.[195]

A 1970 survey revealed that 67 percent of the random sample knew about the little city halls and 22 percent indicated use of the program. When ask what the little city halls were for 96 percent offered responses indicating an accurate idea of the purposes for the programs' existance. Citizens contacted the little city halls 248,701 times in 1970 alone.[196]

One obvious benefit of the program has been that citizens have become convinced that they have a right to complain and to expect the

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[193]Nordlinger, p. 82.

[194]Nordlinger, p. 82.

[195]Nordlinger, p. 84.

[196]Nordlinger, pp. 91-94.

city to respond with some dispatch. By providing direct services and serving as complaint referral centers the little city halls have become an established and accepted part of Boston's governmental landscape.[197]

2. City of Buffalo. In order to provide empirical evidence on the question of whether ombudsman can operate at any level of government in the United States, the United States OEO, in conjunction with the faculty of Law and Jurisprudence of the State University of New York, sponsored an Ombudsman Demonstration Project in the city of Buffalo. Under the guidance of Professor William H. Angus a number of law students had been permitted by the city to process a few selected complaints on a voluntary basis. A more extensive phase followed in which a credited seminar on the ombudsman was offered wherein each participating student was required to interview a complainant, investigate the complaint and confirm the facts, research the applicable law, meet the appropriate official to resolve the difficulty, and formally report the results.[198]

Subsequently, in the summer of 1967, OEO approved funding for an ombudsman project which officially began receiving complaints and inquiries on November 20, of that year. Eleven law students worked part time in a central office and in neighborhood offices at various locations under the supervision of a director and a deputy director.[199]

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[197]Nordlinger, pp. 96, 109.

[198]Lance Tibbles and John H. Hollands, Buffalo Citizens Administrative Service: An Ombudsman Demonstration Project (Berkeley: Institute of Governmental Studies, 1970), pp. 1, 8-9.

[199]Tibbles and Hollands, p. 10.

Some operating procedures were:

1. No requirements on how complaints may be received.

2. Only complaints within the city will be taken. This included physical objects within the city, complaints by any persons living within the city, and complaints regarding agencies with a branch office within the city.

3. Complaints relating to the judicial branch were not received.[200]

The third criteria is especially interesting in light of the fact that the project was funded through OEO's Legal Service Program, developed from a law school program and was almost entirely directed and staffed by law professors, lawyers and law students.

The project ran 71 weeks. During this time 1,224 complaints and inquiries were received of which 170 were either rejected or withdrawn. The topics which received the largest number of complaints and inquiries were: social service - 153; public housing - 119; building demolition - 109; public health - 103; street paving - 54; police (traffic) - 55; police (non-traffic) - 44; and garbage removal - 46.[201]

Indicative of the general attitude of the city toward the ombudsman project was the statement of a Social Services employee who labelled the service a "government better business bureau." A city official who admitted he had at first been dubious about the project remarked that he was sorry to see it terminate.[202]

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[200]Tibbles and Hollands, p. 14.

[201]Tibbles and Hollands, p. 22.

[202]Tibbles and Hollands, p. 25.

Twelve specific conclusions regarding the municipal ombudsman were:

1. By and large an American Ombudsman can and should use the Scandinavian Ombudsman as his model.
2. He or some member of his staff should have legal training.
3. A fairly concentrated population of 250,000 probably will, and one as small as 100,000 may, justify the establishment of a municipal Ombudsman's office, particularly if more than one government is involved.
4. His function is better discharged by a separate office than by combining it with a neighborhood legal office or an information bureau.
5. Except for the purpose of gaining experience, an Ombudsman's Office should not function as an information or complaint-routing office.
6. Whenever requested the Ombudsman should cooperate with legislators in investigating and disposing of the complaints they receive regarding administrative matters.
7. In recognition of the fact that conditions giving rise to complaints against local government more often exist in the poorer neighborhoods, the Ombudsman should have aides indigenous to those neighborhoods (with or without setting up neighborhood offices to which they can be assigned).
8. While police departments and public hospitals present special problems which should be recognized, no good reasons appear for excluding them from the administrative agencies with which the Ombudsman deals.
9. Law students are potentially good office aides, but some time is required to give them the experience they need to develop into first-rate assistants.
10. While the existance and availability of the Ombudsman should be widely advertised, care must be taken not to exaggerate his powers or hide his limitations.
11. The local Ombudsman is more effective if his activities are not limited to the local governments but allowed to extend to the local offices of the state and national governments.
12. Finally, although we obviously cannot prove it, our experience leads us to believe that over a period of years on Ombudsman's office, properly run, will gradually gain prestige, will be consulted more often, and will find itself entrusted with increasingly important matters.[203]

3. City of Chicago. Created by the ambitious and service oriented Mayor Daley shortly after his first (1955) inauguration, the Mayor's office

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[203]Tribbles and Hollands, pp. 57-58.

of Inquiry and Information was the vehicle for reaching three goals: (1) running an efficient administration; (2) improving Daley's personal political position, and (3) insuring Democratic Party continuity.[204]

MOII employed ten professional and six clerical/secretarial persons located in a city hall office. In 1970, for example, 55,053 contracts were made by citizens. This figure does not include 24,000 calls after closing nor an estimated 200,000 simple information calls which are not recorded. The five agencies about which MOII was most often phoned were Streets and Sanitation - 15,962, Building Department - 11,238, Police Department - 5,729, Environment Control - 5,689, and No Heat (referred to Building Department) - 3,914. MOII uses branch offices and a mobile unit, but most contacts were made to the main office by phone.[204]

An enormous workload and a reluctance to pursue matters deep into the city bureaucracy tends to relegate the MOII role to one of a non-aggressive, complaints brokerage. There is a lamentable lack of follow-up on cases.[205]

An additional criticism is that staff-members carried professionalism to the extreme, evidencing a certain sense of distance and lack of interest even when warmth and willingness to help are desperately needed. Intergovernmental relations have not been well developed although there was some effort in that direction. An assessment of the geographical and socioeconomic distribution of its caseload would enable MOII to

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[204]Tribbles and Hollands, p. 24.

[205]Tribbles and Hollands, p. 34.

provide more personalized and humanized service. "On a more positive note . . . The size of its workload testifies to its popularity.[206]

4. City of Dayton, Dayton School Board and Montgomery County. After corresponding with Theodore C. Bingham, Director, Ray Bass reported on the Dayton Joint Office of Citizen Complaints. This office was instituted jointly by the Dayton City Commission, Dayton School Board and Board of Montgomery County Commissioners. Three persons from each of the above groups were named to a Citizen Complaints Board which was responsible for the activities of an ombudsman and his staff.[207]

From a Dayton City Commissioner's memo Bass outlined the duties of the ombudsman:

> 1. To investigate upon complaint any act done or omitted by any department or board or agency responsible to the Dayton City School Board, the City of Dayton, or the Montgomery County Board of County Commissioners which caused any citizen of Montgomery County to be aggrieved;
> 2. To make routine inspection of agencies, departments, and boards made subject to his jurisdiction in order to be informed of existing conditions;
> 3. To review upon reasonable notice all documents of the agencies, departments and boards subject to his responsibility;
> 4. To address himself to acts or omitted acts which may be (a) contrary to law or regulations; (b) unreasonable, unfair, oppressive, or inconsistant with the general course of an administrative agency's functioning; (c) arbitrary in ascertainment of facts; (e) unclear or inadequately explained when reasons should have been revealed; (f) inefficiently performed; or (g) otherwise objectionable;
> 5. To discard those grievances which in his judgment appear trivial, frivolous, vexations, not made in good faith, or delayed too long to justify examination of its merit;

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[206] Tribble and Hollands, pp. 34-35.

[207] Ray Bass, "The Development of a Role Model for Campus Ombudsman at Institutions of Higher Learning in the United States," (unpublished doctoral dissertation, University of Mississippi, 1972), p. 112.

6. To file a quarterly report with the Joint Office of Citizen Complaints Board concerning the number of cases handled and their results and his expenses;
7. To make the services available to all citizens of Montogomery County without charge.[208]

According to the memo received by Bass, a special committee on the ombudsman proposal submitted the following objectives for the ombudsman office:

1. Provide investigative services upon written complaint by any citizen;
2. Provide convenient public service to assist individual citizens in getting fair treatment from the three participating governments;
3. Provide an impartial agency for investigating citizen complaints concerning government services;
4. Provide independent investigation of citizen complaints that wrongly accuse public officials;
5. Further improve citizen confidence in local government service;
6. Generate public information via the media that would lead to a better community understanding of urban dilemna;
7. Provide an opportunity for constructive public service for a limited number of volunteers.[209]

Bass further reported from the committee memo their recommendations for the ombudsman's qualifications which were only three: (1) be a citizen of the United States; (2) be a person well equipped to analyze problems of public administration; and (3) not engage in any political activity except voting.[210]

Bingham evaluated his position as being one wherein he had adequate independence and authority. A 15 member staff and a $61,000 budget were too restrictive. Bass reported 52 speaking engagements for Bingham

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[208]Bass, pp. 113-114.

[209]Bass, pp. 114-115.

[210]Bass, p. 114.

and 20 inquiries from other cities and states about the office, but nothing of the caseload or public satisfaction with the office. It is significant, however, that the American Bar Association described the Dayton office as one of the two ombudsmanlike operations in the United States which came close to the original Swedish concept.[211]

5. City of Honolulu. Statements by the Director of the Honolulu office of Information and Complaint have caused authors such as John Moore to assume that the 1959 city charter both originates and terminates the office.[212] As Director Loomis stated at an ombudsman workshop in Honolulu, "The Office of Information and Complaint for the City and County of Honolulu is created and dismissed in the City Chapter in one sentence."[213] Loomis then paraphrased the charter statement regarding HOCI:

> There shall be attached to the office of the Mayor the Office of Information and Complaint whose function shall be to answer inquiries and complaints about city policies, procedures and so on.[214]

Apparently Loomis's point is that there is no additional statement regarding the office. This present writer is unable to locate any words or phrases which imply termination of the office.

The two basic activities of HOIC are public relations and complaint. When a complaint is received it is forwarded to the appropriate

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[211] Bass, pp. 115-116, 112.

[212] John E. Moore, "Honolulu's Office of Information and Complaint," Executive Ombudsman in the United States (ed.), Alan J. Wyner (Berkeley: Institute of Governmental Studies, 1973), p. 47.

[213] Anderson, Establishing Ombudsman Offices, p. 140.

[214] Anderson, Establishing Ombudsman Offices, p. 140.

department for service and a follow-up report within 20 days. The complainant is then notified of what action was taken or why none was taken.[215]

The volume of inquiries and complaints is about 11,000 per year.[216] The top five complaints are Mass Transit - 411, Dead Animals - 234, Cesspool Service - 139, Road Maintenance - 115, and Auto Vehicle Registration - 77.[217]

HOIC predates any effort to transport the ombudsman concept to the United States and is therefore obviously not fashioned after any ombudsman model.[218] The majority of HOIC functions appear to fall outside the jurisdiction of a classic ombudsman office.[219]

6. County of Nassau. Angus and Kaplan gave Nassau County, Long Island, credit for putting "into operation the world's first experiment based largely on the Ombudsman principle and designed to operate exclusively on the local government level."[220] By executive order on May 31, 1966, the county executive empowered Judge Samuel Greason to assume the powers of Public Protector as outlined in a public law presented the same day to the county legislative body. At the same time Greason was

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[215]William H. Angus and Milton Kaplan, "The Ombudsman and Local Government," Ombudsmen for American Government? (ed.), Stanley V. Anderson (Englewood Cliffs: Prentice-Hall Inc., 1968), pp. 120-121.

[216]Anderson, Establishing Ombudsman Offices, p. 141.

[217]Moore, p. 54.

[218]Angus and Kaplan, p. 121.

[219]Moore, p. 66.

[220]Angus and Kaplan, pp. 111-112.

appointed to the post of Commissioner of Accounts pending legislative and referendum approval of the Public Protector Law.[221] In November, 1967, a compromise bill was defeated, due in large measure to police opposition based on their fear that the Public Protector was the first step toward appointment of a civilian police review board.[222]

According to Stanley Anderson, Judge Greason operates effectively as an ombudsman even without legislative foundation. Of course his independence and longevity depend upon the county executive.[223] Greason's feeling was, "I have more power now than if the proposal had passed. . . . I can still investigate any damned thing I please -- any county agency, including the police."[224] Professor Angus and Kaplan conclude, "So far, the utility and worth of an Ombudsman at the local level appears to be justified by the Nassau County experience."[225]

During his first year of service Greason received over 470 complaints, about 70 percent by letter. Cases are usually settled through a memorandum directed to the appropriate department. Replies take an average of three days.[226] Estimates indicate that about 20 percent of the complaints are valid and 20 percent are unfounded. Approximately 35 percent were due to administrative delay.[227]

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[221]Angus and Kaplan, p. 112.

[222]Anderson, Ombudsman Papers, p. 49.

[223]Anderson, Ombudsman Papers, p. 50.

[224]Anderson, Ombudsman Papers, p. 51.

[225]Angus and Kaplan, p. 119.

[226]Angus and Kaplan, p. 114.

[227]Angus and Kaplan, p. 117.

Investigation of police activity, inquiry into judicial complaints and recommendations for legislative change are each a continuing part of Greason's work.[228] It may be that in this instance the man has made the job.

7. City of Newark. Although the possibility of a city ombudsman had been proposed for Newark shortly after the 1967 riots, no real progress was made until the Mayor accepted an offer from OEO in 1971. OEO was willing to fund a two-year demonstration project in Newark as a part of its ombudsman experimentation program.[229]

An unusual wrinkle in the operating procedure for the ombudsman were the city's Action Now offices. These offices, with five neighborhood locations, were to continue to function as complaint handling brokers, referring to the ombudsman as needed for investigation, action and/or reform.[230]

From the point of view of employees of the Ombudsman Activities Project,[231] perhaps in retrospect, several early developments in the preparation for Newark's ombudsman office cast shadows of foreboding. (1) The Mayor's legal adviser ruled that an executive degree was

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[228] Angus and Kaplan, pp. 116-119.

[229] William B. Gwyn, Barriers to Establishing Urban Ombudsman (Berkeley: Institute of Governmental Studies, 1974), p. 12.

[230] Gwyn, Barriers to Establishing, pp. 16-17.

[231] The Ombudsman Activities Project (OAP) was sponsored by the Institute of Governmental Studies, established in 1919 and one of the oldest organized research units in the University of California. The OAP was financed by the Office of Economic Opportunity (U.S.) and directed by Stanley V. Anderson, an expert and prolific author on ombudsman systems (Gwyn, Barriers to Establishing), pp. ii, xi.

insufficient to set up the office making it necessary to obtain a resolution or ordinance from city council. (2) Opposition from the director of the state OEO was shoved aside rather crudely. (3) Although selected by an impressive committee, including a law school dean, a prominent civil rights attorney and the director of the New York City Board of Mediation and Community Disputes, OAP representatives had misgivings about Earl Phillips because he had no experience nor education in government or law. This was atypical in both American and Scandinavia. (4) The national OEO registered strong objections to the first draft of the ombudsman ordinance becasue it did not adhere closely to the Gellhorn model. Such weaknesses as the absence of a section on qualifications of the ombudsman, only a four-year term and that concurrent with the Mayor's term, and removal from office at the Mayor's discretion made the ordinance unacceptable to OEO.[232]

Opposition to the ombudsman project intensified with the Mayor's efforts to implement it. Although problems with OEO regarding some aspects of the ordinance were solved other problems defied solution. City council continued to fault nominees and debate the length of term. Two police organizations opposed the project on the grounds it was intended to function as a civilian police review board. Suburban community organizations began to oppose the ombudsman concept as they understood it.[233] With all these factors at work plus the continual battle between the Mayor and the council on almost all issues the passing of the

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[232]Gwyn, Barrier to Establishing, pp. 15, 18-23.

[233]Gwyn, Barriers to Establishing, pp. 21-23, 38-47.

ordinance by the council on May 17, 1972, appeared incredible.

Why were councilman willing to approve the ordinance in the face of their own and the above-mentioned opposition? The answer is suggested by Gwyn who wrote:

> The discussion prior to voting on the ordinance ended in a manner which, from hindsight, seems ominous . . . Earl Harris . . . said, "The City Clerk mentioned the fact that we have the right to approve this appointee and by exercising wisdom we can make a determination whether the individual nominee measures up to our standards, and having that sort of power we should move expeditiously on the vote."[234]

Gwyn then raised this question, "Were those remarks a message to councilmen that they could avoid responsibility for voting against the ordinance yet reserve the opportunity to destroy the Ombudsman at the nomination stage?"[235] The council's liason with the Mayor's office later

> . . . related that when the ordinance had been put before the council in May, councilmen were told that passage did not perclude their changing their minds about having an ombudsman when the office came to be filled.[236]

Enlightened by the foregoing discussion the reader will not be surprised by the fact that most of the discussion at the meeting to confirm the selected nominee centered not around his qualifications but on the ordinance which had already been passed. The nomination was rejected.[237] "'The City Council,' said the Mayor, 'could not conceivably have been saying no to Mr. Washington, the nominee; they were saying no to the

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[234]Gwyn, Barriers to Establishing, p. 34.

[235]Gwyn, Barriers to Establishing, p. 34.

[236]Gwyn, Barriers to Establishing, p. 35.

[237]Gwyn, Barriers to Establishing, p. 49.

concept of the Ombudsman.'"[238] Hoping for the possible election of a different nominee, OEO set a two-month deadline for filling the ombudsman's office. The Mayor made no nominations.[239]

Patricia Stolfa of OEO stressed the following characteristics of Newark as contributing to the failure to implant an ombudsman: (1) lack of grassroots support; (2) the "wild and wooly" political climate; (3) inadequate Mayorial commitment; and (4) lack of support by influential groups.[240]

8. Seattle - King County. In May, 1971, the Seattle Citizen Service Bureau and the Office of Citizen Complaints of King County were combined to form the Joint Seattle - King County Office of Citizen Complaints.[241] A Citizen's Commission composed of three members from each of the two councils (city and county legislative bodies) helps in setting the policies and direction of the office and recommends to the councils a nominee for the director (commonly called ombudsman).[242] In turn the ombudsman receives informal recommendations and appoints a deputy director from each of the two legal entities.[243]

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[238]Gwyn, Barriers to Establishing, p. 51.

[239]Gwyn, Barriers to Establishing, p. 53.

[240]Gwyn, Barriers to Establishing, pp. 55-56.

[241]Bass, p. 108; Anderson, Establishing Ombudsman Offices, p. 53 There is a difference of opinion about the formal name of the office.

[242]Anderson, Establishing Ombudsman Offices, p. 44.

[243]Anderson, Establishing Omdudsman Offices, p. 46.

The purpose of the office was to provide citizens assistance in resolving their grievances against county or city administrations.[244] Bass noted that within a year of the formation of the office all elected officials except one were removed from the ombudsn's jurisdiction.[245] In addition, although he retained the power of subpeona, the ombudsman had lost previously granted immunities, and penalties for falsifying information or interfering with an ombudsman's investigation had been dropped.[246]

The ombudsman served for a five-year term as an objective intermediary rather than a citizen's advocate.[247] Complainants were requested to exhaust regular avenues of assistance and grievances before approaching the ombudsman for assistance. Anonymous complaints were rarely investigated unless the ombudsman considered them worthy of inquiry on his own initiative; this freedom he did possess.

The ombudsman was particularly enamoured with powers

> . . . to undertake, to participate, and to cooperate with general studies or inquiries, whether or not relating to any administrative agency or any administrative act, if he belives that that may enhance knowledge about and lead to improvements in the functioning of administrative agencies.[248]

He believed that the longrange challenge of the position lay in the direction of attempting to resolve the broad problem rather than specific complaints.[249]

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[244] Bass, p. 109.

[245] Bass, p. 108.

[246] Bass, p. 109.

[247] Bass, p. 109.

[248] Anderson, Establishing Ombudsman Offices, p. 50.

[249] Anderson, Establishing Ombudsman Offices, pp. 50-51.

9. Other ombudsman or ombudsmanlike institutions. Mention has been made in this literature review of the wide variety of characteristics of ombudsmen as the concept is adopted to local situations. The constantly increasing applications of ombudsmanry, as revealed in the literature, produce so many deviations from the classical model that one may lose sight of the model itself. Some words from Stanley V. Anderson, an internationally recognized authority on the ombudsman, will serve to refocus our awareness of precisely what are the standards for classical ombudsmanry.

> "A powerful case can be made for the ombudsman-like institutions, in all businesses and professions dealing with people. Why don't you start making?" An advisor remarked. The case should be made, but first, it must be pointed out again that an Ombudsman is no substitute for adequate grievance machinery. Most proposals for corporate Ombudsmen, for example, have merely recommended the creation of a right-hand man for the president. By the same token the Ombudsman cannot simply be either an advocate for the public or an office of information and referral as urged in proposals for consumer Ombudsmen.
> . . . the standards for an Ombudsman require him to be independent, impartial, expert, accessible, informed, and empowered only to express an opinion. Only a few of the suggestions for extraordinary Ombudsman have kept this definition in mind.[250]

Failure to adhere to a classical model does not condemn a citizens' agency to uselessness, by whatever name it functions. Neither does giving the agency director the title of ombudsman assure it of success. It is of value that persons considering whether the ombudsman function will improve citizen-government relations be aware of the characteristics of the classical model and deviate from it only when truly necessary, and even then with caution. For any deviation is apt to make the office less effective than it might otherwise have been.

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[250]Anderson, Ombudsman Papers, p. 58.

10. Action lines. A valuable medium for grievance expression was provided at least as early as 1961 by the Houston Chronicle which inaugurated the newspaper action line. Many of the nation's largest daily newspapers have adopted the idea. The Buffalo Evening News action line column entitled "Newspower" describes itself as "a forum for solving problems, getting action on complaints, correcting wrongs, cutting red tape, insuring your rights."[251]

Many newspapers, including those mentioned above, require that queries or complaints be in writing to keep the number of contacts within handling capacity. The St. Louis Globe Democreat opened a similar column guaranteeing to answer all questions whther telephoned or written. The resulting deluge of mail required a staff of 19 persons before mounting costs forced the close of the column. Obviously the less literate segment of the population is discouraged from seeking help by the writing requirement.[252]

Over a six month period the Buffalo Evening News received 1,068 action line contacts of which 563 were requests for information and 505 were complaints. The five highest local government complaints were Road and Street Maintenance - 43, Vacant Building and Land - 33, Traffic Control - 32, Trees - 22, and Parks and Recreation - 20.[253]

Of course those complaints considered for publishing must be investigated, but the investment in time and money may be well worth it for the newspaper. A Detroit survey indicated that 70 percent of the readers

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[251] Angus and Kaplan, p. 123.

[252] Angus and Kaplan, p. 123.

[253] Angus and Kaplan, pp. 124-125.

of the Detroit Free Press consistently read their action line features; a percentage generally reached only by the front page and comic section. The newspaper attributed a 50,000 increase in circulation to introduction of its action line column.[254]

11. United States Army. William Evan describes the office of the Inspector General (IG) of the Army as being a "very close approximation" of an ombudsman. Since the Continental Army during the Revolution American soldiers, enlisted men and officers have had the right to register complaints. Prior to 1813 complaints were directed to the Judge Advocate General. Since the formation of the Inspector General's office the complaints are reviewed there.[255]

The IG complaint procedure, which permits a soldier to circumvent his immediate superior, is in obvious conflict with the rigid Army chain of command. This conflict creates obstacles which decrease the effectiveness of the system. Sources of these obstacles, as identified by Evan are: (1) IG personnel are on temporary assignment from line duty and often view the assignment with resentment because it is seen by peers as downgrading; (2) Line officers tend to view complaints as reflective of a lack of confidence in them on the part of their subordinates, or even as an act of disloyalty; (3) Fear of becoming the object of reprisal discourages complaints.[256]

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[254] Angus and Kaplan, pp. 123-124.

[255] William M. Evan, "The Inspector General in the U.S. Army," The Ombudsman: Citizen's Defender (ed.), Donald C. Rowat (London: George Allen and Unwin Ltd., 1965), p. 147.

[256] Evan, p. 149.

When an IG officer receives a complaint he investigates and recommends action to the relevant commanding officer. An unsatisfied complainant may appeal to a higher level IG officer or to the central IG office in Washington.[257]

A survey of 2,908 enlisted men showed that 20 percent had submitted a complaint to the IG. When ask whether they had felt like making a complaint but had decided not to do so, 40 percent responded "yes." Their reasons were difficulty in getting to see the IG, uselessness of seeing the IG, and fear of reprisal.[258]

The office of the chaplain has undertaken, to some degree, the function of complaint handling.[259] In this researcher's experience, fear of reprisal is the largest single factor contributing to this development.

In Evan's view the IG office "probably contributes significantly to the resolution of conflicts." Further, Evan believes, the IG will function more satisfactorily if the ombudsman idea is extended more fully to all levels of American Government.[260]

12. Correctional ombudsmen. Since Swedish and Danish ombudsmen had jurisdiction over prison systems the development of a program of correctional ombudsmanry seems logical. David Fogel, State Corrections

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[257]Evan, pp. 147-148.

[258]Evan, p. 152.

[259]Evan, p. 150.

[260]Evan, p. 152.

Commissioner for Minnesota, successfully urged the administrative appointment of America's first state correctional ombudsman in 1972.[261]

Governor Ronald Reagan vetoed the California Prison Ombudsman Bill in 1971 on the grounds that the office would be divisive. Research, begun early in 1970 by the Assembly Criminal Procedure Committee, had resulted in the recommendation of a correctional ombudsman who would be directly responsible to the legislature.[262]

Pennsylvania's Homesburg Prison was the location for the appointment of America's first active penal ombudsman. A 1970 prisoner riot and a recommendation from the Pennsylvania Prison Society resulted in formulation of the local penal ombudsman's office in early November, 1971.[263]

A specially trained correctional officer hears the complaints of prisoners in the Oregon State Penitentiary system. In Minnesota the governor selected an ombudsman for the State Department of Corrections. New York State has, ". . . an independent, objective, impartial non-governmental inspection/monitor/ombudsman program for correctional institutions.[264]

The California correctional ombudsman proposal insures independence and impartiality by (1) providing for nomination of the ombudsman by a non-political committee and final approval by the legislative body,

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[261]Timothy Fitzharris, The Desirability of a Correctional Ombudsman (Berkeley: Institute of Governmental Studies, 1973), pp. xv-xvi.

[262]Fitzharris, p. 4.

[263]Fitzharris, p. 4.

[264]Fitzharris, p. 5.

and (2) giving the ombudsman a tenure of four years with the possibility of reappointment. In addition the proposal would:

> 1. Give the Ombudsman complete investigative powers (powers to subpoena testimony and records).
> 2. Give the Ombudsman power to hold meetings privately, and to protect witnesses.
> 3. Restrict the Ombudsman's power of action to making recommendations to the agency involved. If not satisfied with the response, he may carry the matter to higher administrative levels, or to the legislature.
> 4. Permit the Ombudsman at his descretion, to use the public media as a forum.
> 5. Require the Ombudsman to report annually to the legislature.[265]

Walter Gellhorn emphasized that a prisoner continues to be a person with certain rights. Gellhorn believed that the prisoner's residual rights can be maintained without damaging prison discipline and security. An ombudsman was proposed as the answer.[266]

Global ombudsmen? The possibilities for use of the ombudsman concept are indeed unlimited.[267] Hospitals, corporations, consumer associations, even religious organizations are fertile ground for the planting of an ombudsman to "give voice to collective conscience."[268] Why not a global ombudsman? Anderson quotes Professor Carey who recommends:

> . . . impartial investigation, followed by negotiation, and, where necessary, publication, as the most fruitful method for international protection of individuals.[269]

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[265] Fitzharris, p. 47.

[266] Fitzharris, p. 2.

[267] Anderson, Ombudsman Papers, p. 60.

[268] Anderson, Ombudsman Papers, pp. 58-60, 3.

[269] John Carey, "Procedures for International Protection of Human Rights," Iowa Law Review, 2 (1967), p. 324, cited by Anderson, Ombudsman Papers, p. 1.

The office might be established through the United Nations or "multilateral treaties proposed by the United Nations General Assembly."[270] Examples of international ombudsmanry are the International Covenant and Optional Protocol on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, both of which have been approved by the United Nations General Assembly.[271] Anderson concludes:

> To speak to the conscience of mankind, we must first listen to small separate voices and their individual expressions of grievance. A Global Ombudsman could hear those voices and amplify their message.[272]

Campus Ombudsmen

> At any rate, it is certainly an expression of real democracy that society supports a special body with the task of seeing to it that the other organs of society respect the rights of the citizen, and that anybody in society -- even if he is poor and without social position -- has the right to get his complaints against the society investigated and tried free, even if the highest officials in the country are involved.[273]

The above statement of internationally respected Swedish ombudsman, Alfred Bexelius, expressed in very clear terms his rationale for the civil ombudsman. The following review of early campus ombudsman appointments and the thinking of persons who influenced those appointments, will demonstrate

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[270] Anderson, Ombudsman Papers, p. 4.

[271] Anderson, Ombudsman Papers, pp. 8-9.

[272] Anderson, Ombudsman Papers, p. 10.

[273] Bottom, p. ii. (Cited in preface; no reference given.)

that the undergirding rationale was at times dissimilar but more often similar to that of Bexelius.

The review of literature related to the campus ombudsman will include studies reported since the position was formally instituted on American higher education campuses. The characteristics of the ombudsman position as it developed will be traced and role models will be set forth. The levels of satisfaction or dissatisfaction with the ombudsman as reported by the studies will be indicated. A word picture of the typical campus ombudsman as described in the studies and a brief summary of the total literature review will conclude the chapter.

Early Appointments

That the campus ombudsman experiment began in 1965 at Simon Fraser University, Burnaby, British Columbia, Canada, is accepted without question in relevant literature.[274] In 1966, Franz Schneider, a retired faculty member of the University of California at Berkeley, published a volume which included the following statement:

> To assure thoughtful consideration to everyone of this MULTI-VERSITY, there should be created the Office of OMBDSMAN of the Scandinavian persuasion. The existance of such an office would be clear and convincing evidence that the busy men on top are deeply concerned that order and justice prevail in their domain.[275]

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[274] Bottom, p. 44; Francis Koster, "A Paper on the Role of the Ombudsman in Higher Education." Paper presented at the national conference of the American Association for Higher Education (28th, Chicago, Illinois, 1975), p. 5, cited by Beck, footnote 2, p. 53.

[275] Beck, p. 55.

From the standpoint of public record the above is the first proposal for a campus ombudsman.

On May 15, 1966, at Eastern Montana College, Billings, Montana, newly appointed president, Stanley John Heywood, gave his inaugural response. Because of the significance of Heywood's rationale for the appointment of the first United States campus ombudsman, he is quoted extensively below:

> There is no question that rules and regulations for behavior must be established on a college campus, as they must be established in the city, the state and nation and, as I believe, ultimately for our world, if war is not to be the final arbitrator of disputes. We have established such rules and regulations. We are in the process of establishing procedures for their implementation and enforcement. They provide for the fair hearing and appeal which we in the United States as part of our English speaking connection consider important. We get ideas from other sources too; for example Scandinavia. Becuase of the increased bureaucratization of our countries and the danger that the individual may be lost sight of, a new term has come into being, the term of "ombudsman." I believe that this has relevance for colleges. It was developed in Sweden over 150 years ago to mediate between the citizen and a public agency. It has spread to other Scandinavian countries and a number of countries of the Commonwealth including Britian. It is being discussed in this country.
>
> With the start of the next school year I intend to appoint an "ombudsman" at Eastern Montana College. This man will be a senior faculty member who will have the power to investigate any alleged discrimination on the campus, by any office on the campus, academic or non-academic. It will not supplant any office or procedures currently in effect or that will later be introduced. It will be available when the official channels have been exhausted. When complaints of discrimination are valid, the ombudsman will prepare a report with recommendations for redress. I intend to accept his report and recommendation.[276]

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[276]Stanley John Heywood, "Inaugural Response." Unpublished address given at Eastern Montana College, Billings, May 15, 1966, pp. 10-11. Acquired by the researcher from Dr. Charles Cleland, Omubudsman, The University of Tennessee: Knoxville.

On October 3, 1966, President Heywood made the following announcement to the student body and college community of Eastern Montana College:

> On May 15, I announced the creation of a new post for the 1966-67 school year. It was the non-stipendiary post of Omubudsman. I am pleased this morning to announce to you that I will appoint officially to this post Dr. George Gloege, Professor of Chemistry. . . this appointment is without termination date and carries with it the minimum of direction at this time and the assurance that the administration will in no way dictate the manner in which he carries out his responsibilities.
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> . . . The minimum direction or what I like to call the minimum ground rules are these:
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> 1. Students who have exhausted all channels for redress of grievances may appeal to the Ombudsman to investigate their grievances and to ascertain whether they have received due consideration and decision.
> 2. After preliminary investigation the Ombudsman may decide to investigate or not investigate the case.
> 3. The Ombudsman has the independent right to investigate when there isn't a complaint.
> 4. Information provided to the Ombudsman during the investigation may be considered priviledged if the individual providing the information desires, or if the Ombudsman so decides.
> 5. The final report to the President of any investigation will be made available with reasonable safeguards for personal information.[277]

In 1967, College and University Business ignored the Eastern Montana College ombudsman entirely in enumerating what were described as the first five American ombudsmen:

> The State University of New York (SUNY) at Stoney Brook was the catalyst. John S. Troll, President of the university, appointed three regaular faculty members last April to act as "independent agents to investigate student and

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[277] Stanley John Heywood, Announcements Made to Students, 2; 5 (October 7, 1966), p. 2; acquired by the researcher from Dr. Charles Cleland, Ombudsman, The University of Tennessee: Knoxville.

> faculty complaints" (Homer Goldberg, professor of English; Theodore Goldfarb, professor of Chemistry; and Robert Weinberg, professor of physics). Michigan State University, East Lansing, followed in September with the appointment of James D. Rust ("conscience of the campus") an M.S.U. professor of English for 20 years and former assistant dean of the college of Arts and Letters, to the post of ombudsman. The following month Robert D. Clark, president of San Jose College, California, selected as ombudsman the campus Methodist minister, Rev. J. Benton White (". . . a kind of door in a stone wall").[278]

At a conference on the ombudsman in higher education in 1969, Ake Sandler estimated that there were more than 50 active ombudsman.[279] Bottom located 61 colleges and universities with ombudsmen in 1970.[280] By 1972 the number had grown to 143 according to Christ.[281]

Rationale for the Ombudsman

Factors such as the definition of campus ombudsman and the quality of the research caused some fluctuation in the reported numbers of ombudsmen in the ensuing years. But that higher education was willing to utilize the ombudsman concept to assist in the provision of order and justice on campus was clear. In defining the place of the ombudsman on campus Donald Mundinger wrote, "If there is one institution in

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[278]Claudia H. Bucceri, "Ombudsman: New Trouble Shooter on Campus," College and University Business, 94 (March, 1968), p. 52.

[279]Ake Sandler, "The Ombudsman in Governemnt: Implications for Higher Education," address given at the conference on Ombudsman in Higher Education. U.S. Office of Education (Washington: Government Printing Office, 1969), ERIC Microfilm, ED 037 169, June 25, 1970, p. 53.

[280]Bottom, p. 3.

[281]Christ, p. 10.

contemporary society which is dedicated to a fearless application of justice and equity for all, it is the university."[282]

Earle Clifford, a staunch opponent of the ombudsman office for higher education campuses from the very beginning of its transition, was no less adamant about the need and importance of protection against bureaucratic abuses:

> What we need is a student personnel staff and a college administration willing to recognize the message of the "Joint Statement" that protection against the misuse and abuse of authority and power is especially crucial in the academic community and demands, therefore, first priority.[283]

While the word "bureaucracy" may be defined rather simply as groups of people carrying out government, it carries the additional connotation of insensitive efficiency. Proposals for Scandinavian and Commonwealth ombudsmen spoke often of the desire to humanize the government. Although Clifford did not believe an ombudsman was the answer, he did believe that bureaucratic problems existed. "We need," Clifford said, "a dean of students with the courage, conviction and commitment to be the Ombudsman and more for students on his campus."[284] The growth in the number of ombudsman on American college and university campuses resulted from the general commitment of educators to truth and justice and the awareness of the possibilities for power abuse and dehumanization within a highly bureaucratized system.

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[282]Donald C. Mundinger, "The University Ombudsman: His place on Campus," Journal of Higher Education, 38 (December, 1967), p. 499.

[283]Earle W. Clifford, "Second thoughts on the Ombudsman in Higher Education," U. S. Office of Education (Washington: Government Printing Office, 1969), ERIC Microfilm, ED 037 169, June 25, 1970, p. 12.

[284]Clifford, p. 12.

Chancellor Archie Dykes faced squarely the potential of the modern campus for dehumanization in his 1972 appointment of the University of Tennessee: Knoxville campus ombudsman, "The large university must take special measures to be sure that it is responsive to students needs."[285] President Robert Clark of San Jose State College used stronger language in justifying the ombudsman appointment on that campus:

> We have long perceived the need for a staff member to function in a wide scope -- namely, to devote full time attention to the growing frustrations and misunderstandings being created daily by the red tape and impersonality of rules and regulations.[286]

Howard Rowland identified three simultaneous developments which led to the appointment of university ombudsmen:

> One was the increasing dominance of large-scale formal organizations in modern society, accentuating the asymmetry in size and power between the individual and the organization. Another was rapid enrollment growth at institutions of higher learning, expanding many of them into complex, quasi-bureaucratic organizations. By the mid-1960's, students had begun to react against individual neglect and abuse within the impersonal organization. The third development was the spread of the ombudsman concept in civil government.[287]

Symtomatic of bureaucratic growth had been the tendency of higher education to slowly adopt the methods and techniques which had been proven successful for governmental and business bureaucracies. This development is pinpointed by Brown and Mayhew:

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[285] Article in UT Daily Beacon, May 29, 1972

[286] Buccieri, pp. 3-4.

[287] Howard Ray Rowland, A Study of the Campus Ombudsman in Higher Education with Emphasis on Michigan State University" (unpublished doctoral dissertation, Michigan State University, 1969), pp. ii-iii.

> Similarly, higher education has come to adopt practices of management and control found effective by business, industry and the military. Once it was assumed that education was different from business and could be conducted by unbusiness-like methods.[288]

It is unlikely that any modern board of trustees would accept the latter of the preceding statements.

Jacques Barzun offered a European prospective on the "big business" atmosphere of modern collegiate bureaucracy:

> Nothing so strikes the foreign observer with surprice as the size and power of American collegiate administration. The best offices and the best buildings, the rows and rows of filing cabinets, the serried ranks of secretaries and stenographers, make the European feel that he has wandered by mistake into some annex of a large business concern. The thick carpets, the hush and polish of the surroundings, cannot form part of an academy. The foreigner is used to a distinctive shabbiness, to hollowed steps and an inky smell, without which no school, college or university seems genuine, be the place England, Germany, Italy or France.[289]

Barzun seems to this writer to be saying that university administrators are much more likely to become concerned about the loss of free use of a state vehicle than about the absence of any "left-handed" desks in a classroom. His description of the working environment of high level university administration was even more accurate in 1979 than when he wrote it.

That universities are unavoidably complicated and inescapably bureaucratic was emphasized by Peter Magrath; he also identified precisely the danger. "The danger of course," wrote Magrath, "is that bureaucracies

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[288]Hugh S. Brown and Lewis B. Mayhew, American Higher Education (New York: The Center for Applied Research in Education, 1965), p. 86.

[289]Jacques Barzun, Teacher in America (New York: Anchor Books, 1954), p. 157.

may lose sight of the obligation and purposes justifying their creation and come to serve primarily the interests of the bureaucrats."[290]

Of course university bureaucratic growth, to a great extent, simply parallels the growth of student population, research programs and community service capacities. There is an abundance of statistics to support the fact that more and more citizens are participating in public education. In relation to this trend John Eddy stated:

> American leads the world in an attempt to provide a college level education for as many of its citizens as are qualified to attend a college or university. However, when a nation tries for universal education for its people, there is a tendency toward the mass approach . . .[291]

Peter Van Houten suggests that the improvement of relationships with students is possible and crucial to their attidues:

> While it is impossible to escape from the obligation to educate the masses entering our schools, the ways students are handled can be of great importance in determining their attitudes and conduct.[292]

An inner-bureaucracy memorandum from a campus official who was participating in the development of an ombudsman proposal emphasizes both a commitment to humanism and integrity and an awareness of the scope of university bureaucratic shortcomings:

> On a campus of this size [30,000], red tape, rules and regulations often strangle the student or faculty member with

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[290]Peter C. Magrath, "The Dean of Faculties," Perceptions in Public Higher Education (ed.), Gene A. Budig (Lincoln, Nebraska: University of Nebraska Press, 1970), p. 26.

[291]John Paul Eddy, "Campus Ombudsman in American Higher Education," Kappa Delta Pi Record, 5 (December, 1968), p. 35.

[292]Peter S. Van Houten, "A Positive Approach to Better Student Conduct," College Student Personnel: Readings and Bibliographies (ed.), Laurine Fitzgerald (Boston: Houghton Mifflin Company, 1970), p. 209.

> a problem. . . . There are some universal problems anyone involved in a mega-institution will encounter though.
>
> All people do not enjoy equal access to mechanisms for redress of grievances. There are two aspects to this problem. One is the situation where actual discrimination does occur. We are all aware of the reality of racial discrimination, but another form has been recognized by the Chancellor forming a commission to deal with the problems of women. Other aspects of discrimination, such as age (we're legal now), and personal or political beliefs will also be dealt with. The other aspect of this overall problem is that some people just don't know where to go with their problem. In fact, not having such information widely available accomplishes the same thing as not having the service available in the first place. Even in the case of an official responding to a specific complaint, such redress provides a special service to some, but does not bring about equity among all.
>
> Where there are complaint mechanisms, these tend to reenforce current procedures and condone employee actions. How many secretaries will lament, "I only follow orders" as they send you to another office where you'll get the same treatment? How many paper-pigs follow regulations to the letter in their over-zealous enforcement of a code which takes no account of individual differences? How many others will shrug off a legitimate complaint to avoid a ticklish situation?
>
> And, finally, the route of trying to get a rule changed oneself is a long and tiring process which rarely builds a respect for the image of a university that is supposed to be out to help the individual?
>
> In essence, the Ombudsman (or woman) will deal with human emotion and problems as they relate to the impersonality of the campus.[293]

Such are the realities which have brought the campus ombudsman to the American higher education scene.

Campus Ombudsman Studies

J. Benton White, who was appointed ombudsman at San Jose State College in October, 1966, completed a master's thesis on the campus

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[293] Memorandum from chairman to members of an ombudsman proposal committee. Acquired by writer from a campus ombudsman.

ombudsman in 1968.[294] This study was, to this writer's knowledge, the first formal step in the continuing effort to understand the office as it functions on higher education campuses.

White traced the Scandinavian origin of the ombudsman and the application of the office of higher education as a preliminary to examination of three campus ombudsman offices: State University of New York at Stony Brook, Michigan State University and San Jose State College. His evaluation of the offices was as follows:

> 1. The three ombudsman offices were created out of "crisis situations."
> 2. The campus ombudsman had been instrumental in resolving some issues which had the potential of direct confrontations and ensuring [sic] disorder.
> 3. The campus ombudsman could be effective only when those for whom that office was designated to serve were willing to use that office and were somewhat trustful of its functions.
> 4. The campus ombudsman could restore a sense of accessibility to the student.
> 5. The campus ombudsman could furnish alternative channels to the confrontation taking place on campus.
> 6. The campus ombudsman could help to provide a base for administrative decision making.
> 7. The campus ombudsman could offer a student a place to go when he felt he was not being heard.
> 8. The campus ombudsman could give some hope that real concerns would not be lost in the shuffle of the events, and that the student could well feel that these concerns were better handled through such a process.
> 9. The students could have the confidence that the campus ombudsman was not present to defend the "status quo."
> 10. The campus ombudsman was free from administrative influence so that he could function effectively.
> 11. The campus ombudsman should have roots in higher education.
> 12. The campus ombudsman could help to make growing and mechanized administrative systems more human, and perhaps point the way to healthier forms of common life among those

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[294] J. Benton White, "The Ombudsman in Higher Education " (unpublished Master's thesis, Graduate Division, Pacific Lutheran Theological Seminary, 1968), cited by Bass, pp. 57-59.

who share involvement on college and university campuses.[295]

In the summer of 1968, the same year White completed his study, Paul Bloland and Daniel Howak performed an informal survey of 60 western colleges and universities.[296] Of the 53 responding institutions, 29 (55 percent) had studied the ombudsman concept and 24 (45 percent) had not. Seven of the institutions (13 percent) reported adopting some form of an ombudsman program. Snow reports that Bloland and Nowak summarized the reasons for which seven institutions implemented the concept, and the reasons for which nine of the remaining 46 institutions did not implement the concept.[297]

In 1969, Howard Rowland completed a doctoral study with the purpose of defining the campus ombudsman, reviewing the circumstances leading to his appearance, describing this activites and analyzing the effects of his activities.[298] A survey of students who consulted the ombudsman at Michigan State University in the fall of 1968, and interviews of campus ombudsman at six institutions of higher learning were major aspects of the study.

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[295]White, pp. 77-112, cited by Bass, pp. 57-59.

[296]Paul A. Bloland and Daniel P. Nowak, "The Ombudsman - An Informal Survey of the Implementation of the Ombudsman Concept" (University of Southern California, Los Angeles, 1968), p. 2 (mimeographed), cited by Johnson, pp. 9-10, and Snow, p. 17.

[297]Snow, p. 17.

[298]Howard Ray Rowland, "A Study of the Campus Ombudsman in American Higher Education with Emphasis on Michigan State University" (unpublished doctoral dissertation, Michigan State Universtiy, 1969), (xeroxed abstract obtained from Charles Cleland, Ombudsman, The University of Tennessee: Knoxville).

Rowland's definition of the campus ombudsman position follows:

> The campus ombudsman, modeled primarily on the Danish civil ombudsman, is defined as an independent faculty member who receives complaints, mainly from students, at a college or university. He makes inquiries and recommends appropriate action. His chief responsibility is to help resolve individual student grievances. His secondary responsibility is to seek procedural changes to reduce grievances. His objective is to improve rather than replace the existing system.[299]

As previously reported in this review, Rowland identified as leading to the appointment of campus ombudsmen, three simultaneous developments: (1) the increasing dominance of large-scale formal organizations; (2) the rapid growth of higher education institutions; and (3) the spread of the ombudsman concept in civil government.

Rowland found that he was unable to report on the effectiveness of the ombudsman because of the lack of concrete data on file by the ombudsmen. A record of 67 percent effectiveness was reported for the Michigan campus emphasized in the study.

A "suggested" ombudsman model developed as a conclusion of Rowland's study recommended the following features:

1. A long-time, highly respected, well-paid faculty member relieved of teaching duties.

2. Selection by a committee representing students, faculty and administration.

3. Appointment for a renewable two-year term by the institution's governing board.

4. A private office separate from the main administration building easily accessible to students.

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[299]Rowland abstract, p. 2.

5. Receptive to individual student grievances concerning the institution, both academic and non-academic.

6. Uses reasoned persuasion to bring about expeditious redress of genuine grievances.

7. Detects patterns of grievances and works for changes to end them.

8. Has access to nearly all campus files.

9. Keeps written confidential records.

10. Makes period reports.

11. Appeals to organizational superiors or chief administrative officer when rebuffed.

12. Has no power to take disciplinary action, reverse decisions or circumvent regulations.[300]

Rowland concluded that even when performing effectively, the ombudsman would not be able to ward off student confrontations of a political nature challenging the organizational structure of the institution. In his opinion the position, like that of the civil ombudsman, required an organizational structure which was relatively stable, supported and trusted by most of the people within it most of the time. That the office was intended to make a system of government function as designed rather than to restructure the system was emphasized.[301]

A 1971 doctoral dissertation by Fred Janzen studied 73 campus ombudsmen to evaluate practices in terms of meeting the needs of

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[300]Rowland abstract, pp. 4-5.

[301]Rowland abstract, p. 5.

students.[302] To accomplish his research Janzen analyzed literary sources and compiled characteristics and role responsibilities as perceived by the ombudsmen. He then analyzed the effects of activities and practices among his sample group.

Interestingly, Janzen learned that one of his own notions, that the popularity of the ombudsman concept was largely due to the campus unrest of the early and middle 60's, was inaccurate. Only 19 of Janzen's sample indicated that campus unrest was a major precipitating cause for their appointment.[303] The reasons for creation of the office were:

1. Need of better avenues for improving communication.

2. Lack of respect for the dignity of the individual as evidenced by personal abuses and injustice.

3. Need for more human considerations in hearing grievances and safeguarding human rights.

4. Need for a university advocate who is totally familiar with rules and regulations.

5. Bureaucratic size and enlarged student population made it necessary to experiment with the office of ombudsman.[304]

By far the larger segments of the sample indicated improved communication (81 percent) and humanizing the campus (53 percent) as the most important reasons for appointment of the ombudsman.

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[302]Fred G. Janzen, "A Historical Study of the Campus Ombudsman in United States Higher Education" (unpublished doctoral dissertation, Texas Tech University, 1971).

[303]Janzen, pp. 206-207.

[304]Janzen, p. 207.

Janzen developed a profile of a representative ombudsman in a list of twelve roles, functions or duties which "the good ombudsman should strive to accomplish."

In descending order of priority they were:

1. Improve Communication
2. Prevent Injustices
3. Humanize the Campus (Human Rights)
4. Alienation -- Impersonalization of Campus
5. Bureaucratization
6. Poor Grievance Procedures
7. Rumor Control
8. Unrest - Dissent
9. Review Procedures - Recommend Changes
10. Minority Problems
11. Supplement Counseling Agencies
12. Advisement (Legal and Technical)[305]

Recommendation of twenty items for the institution of the ombudsman in higher education concluded the study:

1. The ombudsman should be selected by a committee composed of representatives from students, faculty and administrators with the ultimate appointment being made by the President of the institution.
2. He should be permitted to serve a two-year term which may be renewable upon proper recommendations from a selection committee composed of students, faculty, and administrators.
3. The office should be independent of control by any agency of the university other than the President or his designated assistant.
4. The campus ombudsman should be a person who is more than remotely familiar with legal statutes and should be equally familiar with the university rules and regulations.
5. The ombudsman should look for areas within the university needing improvements and should register such recommendations with appropriate high level officials in order that such recommendations would be heard.
6. The ombudsman should be a person highly trained as a counselor with human relations skills and some knowledge of legal matters.
7. Semiannual reports of the ombudsman's work should be prepared and submitted to the President of the institution.

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[305]Janzen, p. 212.

8. Based upon his limited powers, the ombudsman should have the courage to expose injustices before those officials deemed guilty of creating them. This exposure should not exclude the ombudsman's "colleagues" or "friends."

9. He should keep an accurate account of his daily work load in order that his semiannual reports reflect true accounts of his work.

10. A student understudy is recommended who could serve as an aide and also relieve the ombudsman of many of the lesser tasks.

11. The ombudsman should make a concerted effort each day to visit members of the various departments, offices, and agencies within the institution in order to personally appraise them of his presence on campus.

12. A full-time secretary should be employed to help the ombudsman with his day-to-day obligations.

13. Before publicizing any criticism of any bureau or individual, the ombudsman should advise the person or persons of such actions.

14. The ombudsman should avail himself to hear grievances from any member of the university community.

15. The office, in order to prove its worth, must encompass additional characteristics not part of the formal organization, while excluding the human weaknesses which the system was designed to overcome.

16. The office of ombudsman should not be isolated, but in a place where most students appear and have easy access to his services.

17. The office of ombudsman should be philosophically consistent with the overall philosophy of the institution it represents.

18. The ombudsman should be a participant in both student and faculty meetings and committees as much as possible in order to understand the needs and interest of both.

19. The ombudsman in his battle for the individual with the formal organization should strive to increase the humanity and personal dignity of the impersonal, rational, bureaucratic and burgeoning institution.

20. The ombudsman should promote needed organizational changes endeavoring always to help reduce irritants and should work with dispatch to eliminate the need for his services.[306]

Norman Bottom did an extensive literature review and interviewed in-depth four ombudsmen before identifying three separate ombudsman role

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[306] Janzen, pp. 229-231.

models; (1) Advocate; (2) Innovative; and (3) Grievance.[307] Bottom reasoned that the advocate type ombudsman would lose his effectiveness because his lack of objectivity would soon be recognized. Of the innovative role Bottom posited that so much time was needed that the grievance function would be neglected.

Therefore, Bottom preferred the grievance function. He wrote:

> This type of campus Ombudsman accepts the traditional function and values of Scandinavian Ombudsmanry and is concerned with individuals -- rather than groups (the Advocate) or policy change (the Innovator). Advocacy shown by the Grievance Man is limited to the case in hand and decided by the merits of that particular case -- whether the merits are on the side of a faculty member, administrator, or student. His relation to innovation is a minor facet of his activities and limited to advising changes in the rules rather than wholesale policy change. The Grievance Man recommends change as the incidental result of some of his cases when it is obvious that future contretemps of the same sort can be avoided by a rule change.[308]

After criticizing Rowland's ombudsman model as "clumsey, overblown and too restrictive," Bottom proposed a model of his own "designed to protect the essentials of the ombudsman concept."[309]

> a. The ombudsman office should have the status of an independent agency.
> b. All members of the Campus Community should have direct access to the ombudsman.
> c. The ombudsman should have full access to all campus records.
> d. The powers of the ombudsman should be:

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[307]Norman Rockford Bottom, Jr., "American Campus Ombudsmanry with Emphasis on the Claremont Colleges" (unpublished doctoral dissertation, Claremont Graduate School and University Center, 1971), pp. 106, 111, and 113.

[308]Bottom, pp. 113-114.

[309]Bottom, p. 129.

1. to decide what cases he will accept;
2. to initiate his own cases; and
3. to make public or private recommendations and/or revelation of fact.

e. The ombudsman should be chosen by a nomination process involving staff, faculty, and students.

f. The individual nominated as ombudsman should have majority endorsement by student government, faculty senate, and staff organization (if extant). Appointment should be automatic following this process.

g. The term of office, salary, staff allowances, and reappointment, and removal procedures should be explicit. Removal should involve two-thirds approval of student government, faculty senate, and staff organization.

h. The ombudsman should be required to submit public annual reports.[310]

With the intent to assemble information pertaining to ombudsman selection and status and make it available to ombudsman selection committees and other persons, Donald Christ completed a study of 125 higher education institutions in 1972.[311] Identified for research were eight specific areas of interest:

1. Institutional type and enrollment
2. Former or current department of the ombudsman
3. Age grouping and sex
4. Academic credentials
5. Location and founding date of office
6. Selection procedures and practices
7. Current status and relationship to the institution
8. Future personal career projections.[312]

Of the 65 campuses indicating they had an ombudsman, 26 percent were on campuses of population over 25,000 students. The next highest group was the 10,000 - 14,999 category with 18 percent. Sixty-nine

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[310] Bottom, p. 130.

[311] Donald G. Christ, "Ombudsman Selection and Status in United States Higher Education" (unpublished doctoral dissertation, Indiana University, 1972).

[312] Christ, p. 6.

percent (69 percent) of the ombudsmen served campuses with a student population of over 10,000. In regard to former department, no finding of any consequence was reported. Of the two largest age categories there were 18 respondents in the age 38 - 47 group and 15 respondents in the age 28 - 37 group. Only eight of the 65 respondents in the sex category were female.[313]

In the area of academic credentials student ombudsman totaled 17 of the 65 respondents. The next highest were administrators, twelve, and associate professors, eight. In 1969, six ombudsmen were appointed while four were appointed in 1970. These were the years of highest number of appointments according to Christ.[314]

By far the greatest number of ombudsmen were recommended by a committee representing the community; 30 (46 percent). Of the sample 65, twelve were appointed by the president without benefit of a formal committee. Final approval was often by the president and trustees.[315]

The ombudsman generally reported to a combination of administration, faculty and students, 44 (69.8 percent), or to administration, sixteen (25.4 percent). Salary equivalents were on the levels of associate professor, professor and assistant professor, in that order.[316]

Thirty-three ombudsmen were eligible to return to their former campus position. Those planning to do so were only 23. Ten would

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[313]Christ, pp. 37, 39, and 41-42.

[314]Christ, pp. 42-44.

[315]Christ, pp. 48-49.

[316]Christ, pp. 51-53, 60.

leave campus and seven would assume a new position.[317]

In an effort to determine the roles, duties and authorities of ombudsmen in American business and industry, government and education, and to prepare a model for use by institutions of higher learning, Bass did an extensive literature and correspondence survey.[318] From analyses of case studies a role model was developed.

Bass's role model included suggestions for: (1) Official Name; (2) Purposes of the Office; (3) Selection of the Ombudsman; (4) Primary Duties; (5) Location and Staffing of the Office; (6) Independence of the Ombudsman; (7) Authority and Power; (8) Jurisdiction; (9) Complaints; (10) Investigations; (11) Reports; (12) Relationships; (13) Role; and (14) General Items.[319]

Purposes of the office, according to Bass's role model, were:

> 1. Provide a focal point for individuals to register complaints and to provide answer to inquiries;
> 2. Assist those students, staff, faculty, or administrators who feel they have been entrapped in the bureaucracy of the institution;
> 3. Assist those students, staff, faculty, and administrators who feel that they have been treated unfairly or unjustly and who feel they have no further recourse for action;
> 4. Aid in the improvement of administrative practices of the campus administrators;
> 5. Insure that the civil rights of the individual are not violated on campus;
> 6. Increase the confidence of aggrieved persons in the administrative activities of the institution and its personnel;

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[317] Christ, p. 61.

[318] Ray Bass, Jr., "The Development of a Role Model for Campus Ombudsman at Institutions of Higher Learning in the United States" (unpublished doctoral dissertation, The University of Mississippi, 1972).

[319] Bass, pp. 209-234.

7. Respond directly and personally to the inquiries and complaints of the campus community;
8. Categorize patterns of complaints and make recommendations for improvements throughout the system;
9. Develop suggested changes to remedy the causes of legitimate complaints concerning the institutions;
10. Eliminate frustration from the daily activities of members of the campus community which is caused by or within the institution;
11. Assure the individuals on campus that their needs are considered at the top decision-making level.[320]

Bass included on his list of primary duties of the ombudsman, the following:

1. Receive, hear, investigate, and make recommendations on complaints of students, faculty, staff, and administrators pertaining to any matter, procedure, or operation of the institution;
2. Recommend positive changes in the administrative bureaucracy/procedures of the campus;
3. Settle grievances at the lowest possible administrative level.
4. Develop and improve lines of communications among all members of the campus community;
5. Submit an annual report on a specified date which contains a summary of cases reported and their outcome as a satistical report on the case load.[321]

Within his suggested role model Bass included specific role behaviors.

The campus ombudsman shall:
1. Attempt to resolve emerging problems before they become well established events;
2. Make independent evaluations of administrative office procedures when requested or upon his own actions if so indicated;
3. Use complaints as building blocks to better institutional procedures;
4. Bring a personal touch to the maze of institutional 'red tape' and open paths of inquiry through the channels of the institutional bureaucracy;

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[320] Bass, pp. 211-212.

[321] Bass, p. 215.

5. Use his powers judiciously; (He is at his best concentrating on problems which occur only because of the peculiar factors applicable to individual cases or problems which involve a clear denial of rights.)
6. Be prepared to act as a mediator in unreasonable situations;
7. Attempt to humanize the campus based upon input from its members;
8. Supplement the administrative organization on the campus rather than serve as a short-cut through the systems;
9. Be limited to identifying the problem setting it in proper focus, suggesting general approaches and determining criteria for fair treatment to all interested parties;
10. Be objective in the entire process of fact gathering and in positioning the facts against the applicable laws, rules, regulations, or other norms of equity and reasonableness; (He shall not let pity, compassion, charity, or a desire to satisfy the complainant dictate the results of the case, for it is also the campus ombudsman's duty to clarify and defend the administrator or administrative office when his acts are deemed to have been justified.)
11. Make the system more responsive to the needs of the individual;
12. Give humanism the edge over bureaucracy on the campus;
13. Guarantee those human rights which are essential to a society in which fundamental rights and human dignity are respected;
14. Fill the gap in the machinery for the redress of grievances by members of the campus community; (He shall give the individuals an expert, impartial, objective, and independent service, which can move faster and informally, without personal cost, and without the necessity of counsel or influence by those in high positions.)[322]

The two purposes of a 1972 study conducted by Thomas Johnson were: (1) To determine whether ombudsman implementation was viewed differently by college and university presidents, vice-presidents of student affairs and student body presidents; and (2) To discover whether the ombudsman concept is perceived differently by college and university presidents,

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[322]Bass, pp. 230-232.

vice-presidents of student affairs, study body presidents, and functioning campus ombudsmen.[323]

Thomas surveyed 38 institutions of higher learning using a questionnaire which included a semantic differential. His findings were that:

1. The administrative group is most instrumental in establishing the ombudsman position.

2. Presidents are the most satisfied with the benefits of the ombudsman.

3. The most positive improvements resulting from employment of an ombudsman are improvement in rules, regulations, procedures and policies, improved communication, and lessoning of problems.

4. Negative aspects of employing an ombudsman were unfulfilled expectations and disregard of other grievance procedures.

5. There was not an unusual amount of student unrest prior to the ombudsman's appointment.

6. Much of the knowledge about the ombudsman was acquired from peers and colleagues.

7. There was general agreement among the sample in their views of the ombudsman.

8. Ombudsman viewed their position as the most viable and positive of the four groups; students the least viable.[324]

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[323]Thomas Johnson, "The Campus Ombudsman as Perceived by College and University Presidents, Vice-Presidents of Student Affairs, Student Body Presidents and Functioning Campus Ombudsman" (unpublished doctoral dissertation, North Texas State University, 1972), p. 2.

[324]Thomas, pp. 76-78.

Conclusions of the study by Thomas were:

1. Instituions employing campus ombudsman are generally satisfied with the position.

2. Ombudsmen are of more benefit to the institutions and the administrators than to the students.

3. Ombudsmen can be useful in decreasing bureaucratic impersonalization.

4. The ombudsman's effectiveness is related to his authority and exposure.

5. Knowledge about the ombudsman was gained after the ombudsman was on campus.

6. Increased implementation of the ombudsman concept is not the result of excessive student disorders.

7. Administrators, other than ombudsmen, are the most satisfied with the ombudsman office.[325]

Charles Hewitt surveyed 21 persons who had consulted the ombudsman at Western Michigan University "to discover more about the work of the campus ombudsman in higher education."[326] From questionnaire and interview data Hewitt reported the following observations:

1. Grievances were most often related to academic problems.

2. Those who had not consulted the ombudsman indicated they would do so if necessary.

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[325]Thomas, pp. 78-79.

[326]Charles Franklin Hewitt, "A Study of the Ombudsman in Higher Education with Emphasis on Western Michigan University" (unpublished doctoral dissertation, Western Michigan University, 1972), Dissertation Abstracts, 1972, p. 2734A.

3. Inquiries to the ombudsman were related to need for policy information, unfair evaluation (grading), and poor communication.

4. Criticism and public exposure were viewed by subjects to be the ombudsman's strongest weapons.

5. Those who had consulted the ombudsman were satisfied with the results.[327]

To test the descriptive and predictive validity of Bottom's campus ombudsman role model was the purpose of a study completed by Donald Snow in 1975.[328] Surveyed were 21 experienced full-time campus ombudsmen, 210 clients and 105 receipients of campus ombudsman grievances.

Snow concluded, after statistical evaluation, that Bottom's model had doubtful predictive validity but might demonstrate descriptive validity.[329] He recommended additional study for Bottom's model and development of modified or additional models. Study of the decrease in the number of ombudsmen was also recommended.[330]

Perceptions of the role, duties, and functions of the campus ombudsman were the object of River's 1975 study. The population of the study was 216 students who consulted the ombudsman, 206 faculty members

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[327]Hewitt, p. 2734A.

[328]Donald C. Snow, "An Investigation of the 'Bottom Hypothesis' Regarding a Tripartite Campus Ombudsman Role Model" (unpublished doctoral dissertation, Northern Illinois University, 1975), p. 2.

[329]Snow, pp. 48, 52.

[330]Snow, p. 59.

and 15 administrators of West Valley College.[331]

Rivera indicated the following findings.

1. During the school year 1972-73 the majority of students who consulted the ombudsman were freshmen.

2. All groups believed the ombudsman was effective.

3. The majority of the subjects viewed the ombudsman as properly impartial.

4. All groups thought the ombudsman should be a teaching faculty member with more than a two-year period of service as ombudsman.[332]

Conclusions of the study were: (1) All groups were generally satisfied with the ombudsman; (2) There was general agreement on role perception; and (3) The Ombudsman needs persuasive power rather than authority.[333]

Rivera recommended the development of precise guidelines for the ombudsman. The selection of an ombudsman with appropriate character traits and human relations skills was also recommended. Final recommendations were an emphasis upon communications on the part of the ombudsman and additional studies to define the ombudsman's role, duties and functions.[334]

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[331]Michael Anthony Rivera, "The Role of the Ombudsman as Perceived by Selected Campus Groups of West Valley College" (unpublished doctoral dissertation, University of Southern California, 1975), Dissertation Abstracts, 1975, p. 1334A.

[332]Rivera, p. 1334A.

[333]Rivera, p. 1334A.

[334]Rivera, p. 1334A.

Charles Oliver performed a study to determine the development and operations of the higher education ombudsman in 1976. Perceptions of the faculty, administrators, and ombudsman regarding the ombudsman's work were compared.[335]

The four questionnaires designed by Oliver gathered information regarding operation of the office, attitudes of those who used it, and perceptions of the ombudsman operation. Responses were received from 53 ombudsmen, 132 students, 40 faculty members and 50 administrators on campuses having a full-time ombudsman (full-time was defined as an office which served students, faculty and administrators).[336]

Manifest differences in the office to which the ombudsman reports, the educational level of the ombudsmen and in the clientele they served were found. Faculty and students brought different types of grievances but there was no significant difference in the way they, or administrators, viewed the proper duties and services of the ombudsman. Subjects saw little need for modifying the operations of the office.[337]

Comparing the ombudsman offices by institutional size revealed the same differences reported above in the aggregate analysis. Grouping the data according to institutional type or focus of control yielded the same differences. Oliver recommended further study including discovery

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[335]Charles William Oliver, "An Analysis of Operations of the Offices of College and University Ombudsman" (unpublished doctoral dissertation, The University of Connecticut, 1976), Dissertation Abstracts, 1976, p. 5637A.

[336]Oliver, p. 5637A.

[337]Oliver, p. 5637A.

of means to eliminate retaliation against grievants and the nature of community services being offered by some ombudsmen.[338]

The purpose of a 1976 study completed by Kenneth Stewart was "to devise and illustrate the utility of a dramaturgical model for analysis of routine activities associated with the operation of a safety-valve institution."[339] Safety-valve institutions were defined as "mechanisms adopted by formal organizations for the purpose of eliciting social control by managing conflicts among members of an organization."[340] Such institutions, wrote Stewart, "represent organizationally authorized routines for providing assistance to members so that conflicts may be resolved within the existing values . . . of the organization." Since the function of such institutions was conflict management, their agents required considerable interactional skill.[341]

A dramaturgical model was devised by partitioning the performances of conflict management agents into four theoretical phases; appearance, negotiation of order, dramatic realization, and termination. Appearance had to do with an analysis of the behaviors an agent exhibited in creating an impression about his identity or position. Negotiation of order was a concept used to describe the activities undertaken by the agent to influence a client's situation. Dramatic realization was an

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[338]Oliver, p. 5637A.

[339]Kenneth L. Stewart, "A Dramaturgical Model for Analysis of Social Control Through Conflict Management: The Case of a University Ombudsman" (unpublished doctoral dissertation, Western Michigan University, 1976), Dissertation Abstracts, 1976, p. 494A.

[340]Stewart, p. 494A.

[341]Stewart, p. 494A.

analysis of the agent's demonstration of capacities for resolving conflicts. Termination was a focus on the endings of activities undertaken by an agent.[342]

The basic concepts and assumptions of Stewart's dramaturgical model were then applied to the position of campus ombudsman at Western Michigan University in order to demonstrate the utility of the model. The findings illustrated: (1) How the ombudsman established himself with the client as a qualified authority for handling grievances (appearance); (2) The ways in which the ombudsman influenced definitions of situations (negotiation of order); and (3) The ways in which the ombudsman mobilized efforts to resolve individual conflicts.[343]

A survey instrument entitled "Ombudsman Analysis Survey" (OAS) was developed by Andrew Garrett in 1976 for the purpose of investigating the perceptions of 35 ombudsman regarding their role and tasks.[344] Garrett's research centered around the question of whether the ombudsman could arbitrarily alter decisions made by anyone other than a chief administrator, or merely influence such decisions.[345] In determining the tasks of the ombudsman the reseracher modified ". . . the tasks described in a Task Analysis Survey Instrument for library associated positions with

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[342]Stewart, p. 494A.

[343]Stewart, p. 494A.

[344]Andrew Garrett, "An Investigation of the Tasks Associated with the Role of Campus Ombudsman" (unpublished doctoral dissertation, University of Pittsburg, 1976).

[345]Garrett, p. 15.

reference to the job task activities of the campus ombudsman."[346]

Of Garrett's sample of 35 ombudsman, 34 indicated that the major means of resolving complaints was based upon persuasion rather than power over other institutional members. In regard to the tasks considered by ombudsmen to be crucial to their role, Garrett discovered the following ranking:

> 1. Recommends to the chief official(s) and to appropriate authorities such changes in rules, policies, and procedures as he deems necessary or desirable.
> 2. Recommends redress to the chief official(s) when he determines that an individual has been improperly treated and when he cannot resolve the matter.
> 3. Reviews all files and records he determines are relevant to a complaint made by any university community member.
> 4. Brings any complaint to the attention of the appropiate university agency if it has not already been heard by that agency.
> 5. Establishes and maintains confidential records of cases brought before him in his role.
> 6. Receives complaints from students and members of the faculty and staff about alleged inequities within the institutions.
> 7. Serves as a source of information and assistance to all university community members.
> 8. Investigates complaints already heard if the individual(s) concerned still feels aggrieved.
> 9. Undertakes investigations on his own initiative.
> 10. Makes periodic, general, and widely publicized reports of his tasks as an ombudsman to the university community members.[347]

Garrett was able to identify five tasks which ombudsmen considered to be inappropriate to their role.

> 1. Reverses decisions of those other than a dean, president, provost, or similar officers when he determines that individual rights have been violated.

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[346] Garrett, p. 12.

[347] Garrett, p. 34.

2. Takes disciplinary action against those other than a dean, provost, president or similar officers when he determines that individual rights have been violated.
3. Helps to select new faculty and staff members.
4. Takes responsibility for determining university policy, procedures, and regulations in conjunction with chief officials.
5. Makes modification(s) of school policies that have caused a grievance or have the potential to do so.[348]

In order to identify role perceptions of students, faculty, administrators and ombudsmen regarding the campus ombudsman, and to acquire a bank of information regarding the usefulness of the campus ombudsman, Margaret Wyatt undertook a two-division study in 1977.[349] Wyatt first used interviews and surveys on Ohio University campus to determine subjects' feelings, beliefs, attitudes and priorities regarding the ombudsman. The second division of the study utilized a national sample of university ombudsman to gather information on feelings, beliefs, attitudes, and priorties.[350]

Selected conclusions were:

1. The office is needed to serve as a neutral alternative for problem solving.

2. The ombudsman has time and talent to listen, mediate and build trust.

3. The office is important in reducing feelings of anomie and alienation.

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[348]Garrett, p. 36.

[349]Margaret Alys Wyatt, "The Campus Ombudsman in American Higher Education with Emphasis on the Ohio University" (unpublished doctoral dissertation, Ohio University, 1977), Dissertation Abstracts, 1978, pp. 4590A-4510A.

[350]Wyatt, p. 4509A.

4. Students and faculty customarily channel common problems through traditional routes.

5. The office speeds up the decision-making process.

6. The office reduces dissatisfaction, violence, discord and punitive practices.

7. Role perceptions are surprisingly uniform nationally.

8. Support for the office must come from administration, faculty and students for the office to be effective.

Wyatt notes a "conspicuous decline" in the number of institutions continuing the office.[351]

MacArthur Darby completed at Indiana University - Bloomington in 1977 a study describing the origin, development and current status of the third-party based and controlled campus ombudsman. Part of the significance of the study, according to Darby, was that "interest in the campus ombudsman had subsided in recent years."[352]

The notion of an ombudsman ministry was first explored on this campus by the University Ministries Council in 1970. Racial conflict in the residence halls in 1972 brought about an expansion of campus ombudsman service and the appointment of a minority individual as assistant campus ombudsman.[353]

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[351] Wyatt, pp. 4509A-4510A.

[352] McArthur Darby, "The Origin and Development of the Campus Ombudsman Service at Indiana University - Bloomington" (unpublished doctoral dissertation, Indiana University, 1977), Dissertation Abstracts, 1977, p. 3314A.

[353] Darby, p. 3314A.

Findings of this more or less "historical" study were limited. Of the inquiries to the ombudsman office during the academic years 1974-75 and 1975-76 at least 37 percent required some investigation and/or negotiation. "The overwhelming majority of the complaints were brought by students and involved a variety of offices and concerns."[354]

Conclusions were: (1) That the campus ombudsman arose out of the campus unrest of the 1960's both in United States higher education and at Indiana University - Bloomington; (2) At Indiana University - Bloomington the ombudsman arose primarily out of the concept that ombudsmanship fulfilled a function of campus ministry; and (3) The campus ombudsman fulfills a necessary role at Indiana University - Bloomington, and the need is expected to continue.[355]

With the purpose of building a theoritical model on the basis of administrative theory, Sherman Beck initiated a survey and analysis of ombudsman programs at California State University at San Diego and at Arizona State University at Tempe.[356]

The resultant model had four dimensions: (1) A nomothetic dimension pertaining to the institution's philosophy and policies; (2) An idiographic dimension regarding the ombudsmen's perception of his human role as a psychological factor; (3) A clientage dimension concerning those individuals who come to the ombudsman and their problems;

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[354]Darby, p. 3314A.

[355]Darby, p. 3314A.

[356]Sherman Andrew Beck, "The Ombudsman Concept in Higher Education: Administrative Theory and Model Building" (unpublished doctoral dissertation, University of Montana, 1976).

and (4) A classical dimension regarding that which is part of the traditional ombudsman concept. The study concluded that the behavior of campus ombudsmen was influenced by the above four dimensions as illustrated in Figure 1, a further development of the Etzels - Guba model of social behavior.[357]

A survey questionnaire regarding the desired role for a campus ombudsman revealed the following assessment as viewed by campus ombudsmen and interested others:

1. Trust and integrity (paramount)
2. Humanistic approach to life
3. Distrust of bureaucracy
4. Righteous indignation
5. Ability to establish rapport
6. Understanding of higher education
7. Belief in change
8. Sensitivity
9. Friendly and warm
10. Independence
11. Sense of humor
12. Willing to be in crossfire.[358]

Of unusual interest to the present researcher was Beck's emphasis upon the understanding of theory as a means of decreasing the

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[357] Beck, p. 145.

[358] Beck, p. 174.

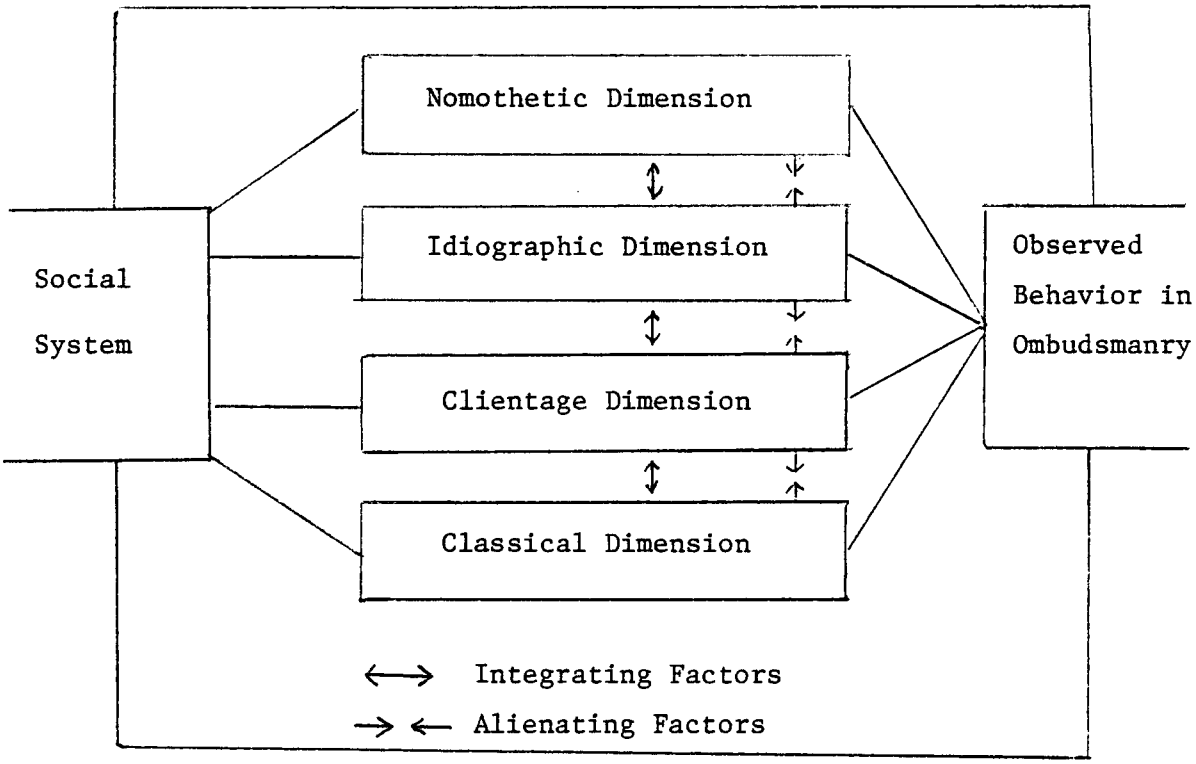


Figure 1. Beck's suggested Ombudsman Administrative Model for American Higher Education

confusion over the role of the ombudsman.[359] In Beck's opinion many persons fear theory and others believe theory to be without value or practicality.[360]

> Theory should give new prospective and, as it were, provide the practitioner with various sets of spectacles with which to view his particular situation. If these spectacles are valid, they should provide guides to (1) action, (2) collection of facts, and (3) new knowledge.[361]

Portrait: A Typical Ombudsman

On the basis of the preceding review of studies regarding the campus ombudsman, it is possible to describe in general terms the typical ombudsman office now in service.

Definition. The campus ombudsman is an independent campus executive who receives complaints from all campus members, makes impartial inquiries and, when appropriate, recommends action at the necessary level. He strives to improve existing systems through the use of reasoned persuasion.

Reasons for Appointment. The campus ombudsman has sometimes been appointed to function in defusing campus unrest, but these instances are atypical. Generally the institution of the ombudsman office has been due to a desire on the part of persons responsible for higher education to provide a more humanistic, personalistic and individualistic campus

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[359] Beck, p. 88.

[360] Beck, p. 92.

[361] Beck, p. 95.

atmosphere and character. The presence of the ombudsman serves public notice that responsible persons are aware of the potential for depersonalization and dehumanization and determined to furnish alternatives.

Who selects the ombudsman? Without question the ombudsman is typically selected by a committee representing students, faculty and administration. Appointment may then be routine or subject to the approval of trustees and/or the campus executive officer.

Term of appointment. The typical term of appointment is two years with the option of renewal. There is considered variety on this point.

Desirable personal characteristics. Paramount for the campus ombudsman is the characteritic of trustworthiness or personal integrity. Also found typically in campus ombudsmen is the trait of self-confidence or personal independence. The typical ombudsman has a sensitive, humanistic concern for individuals. Usually he (or she) is a respected, tenured professor. A willingness to stand in the crossfire of campus criticism is typically present. The ability to analyze problems and determine solutions in the higher education setting is essential. A counselor-listener who has the capacity to achieve rapport with all segments of the campus is desirable.

Location of office. A private office located in a place separate from administrative offices yet near the mainstream of campus life where all members have easy access is desirable.

Authority, power, status and jurisdiction. An ombudsman's real power lies in his ability to reason and persuade. He is recognized as having independent status with freedom to criticize or expose, or even appeal as high as the chief executive officer when necessary.

Typically the ombudsman will have sufficient jurisdiction to permit: (1) access to all files except personal letters, medical and psychological records, and government classified items; (2) decision on which cases to investigate; (3) initiating "own motion" investigations; (4) private hearings and (5) visits to administrative offices without notice.

Administrative relationships. The campus executive officer sets the tone of the ombudsman office. When this officer publicly supports the ombudsman and provides for the ombudsman direct access to the appropriate administrative levels, as is generally the case, the ombudsman has a satisfactory operational base. With this base and the awareness that his function is to supplement regular channels, the ombudsman actually assists the campus administrator in reaching mutually desirable educational objectives.

Accountability. Ombudsman are typically required to submit to the chief executive officer or a community committee an annual report of the activities and caseload of the office. Usually the report, or a synopsis of it, is published. Ultimate accountability is provided by the stipulation that an ombudsman may be removed from office by a two-third or three-fourths vote of the faculty and student senates.

Operations and Objectives

1. Be available to receive inquiries and complaints from anyone on campus.

2. Record daily workload and report as required.

3. Detect patterns of abuse and initiate resolutions or recommend changes.

4. Settle grievances at the lowest possible level.

5. Improve campus communication.

6. Work to prevent injustice and increase awareness of human worth and dignity.

7. Use power judiciously; do not embarrass anyone unless it is unavoidable.

Benefits. The studies report improvement in rules, regulations, procedures and policies resulting from the ombudsman's endeavors. There is a decrease in impersonalization and feelings of alienation. Communication and decision making are reported to be improved. In general, administration, students and faculty view the ombudsman as being impartial and effective. There have been, as reasonably expected, isolated reports of unfulfilled expectations on the part of complainants, and, occasionally, regular channels of redress are disregarded.

Summary

This chapter was divided into two major sections. The first section reviewed the literature regarding the historical origin and development of the civil ombudsman from the early Germanic tribes to various government levels in the United States.

The second section described the concerned attitudes and the needs which brought the formal ombudsman concept to American higher education campuses. Studies of the campus ombudsman beginning in 1966 and continuing through 1977 were then reviewed and a word portrait of the typical American higher education ombudsman was drawn. A summary concluded the chapter.

CHAPTER III

PRESENTATION OF THE DATA

The data presented in this chapter were gathered in the spring of 1979 through the use of a questionnaire directed to chief executive officers, faculty organization heads, student government heads and campus ombudsmen on 185 American higher education campuses. The survey instrument was designed to gather information regarding three major questions:

1. How many higher education campuses are currently continuing the office of campus ombudsman, and how many have discontinued it?

2. For what reason(s) did some higher educational institutions decide to discontinue the office of ombudsman?

3. What is the current attitude regarding the position of campus ombudsman on the part of administration, faculty, students and ombudsmen?

Additionally, information to be combined in an ombudsman directory was gathered including positions which fulfilled ombudsmanlike functions. Subjects on campuses which had never had an ombudsman reported whether there was an interest in establishing such a position or if the process of appointment had begun. Also, respondents who wished to receive a report of the results of the study were permitted to indicate the request. Finally, in campus situations where the position of campus ombudsman had been terminated, the questionnaire gathered data regarding the length of time the office was in service and the amount of

time which had elapsed since its termination. A sample of the survey form may be seen in Appendix E.

Survey Responses

Of the total of 744 questionnaires which were mailed, 343 were returned. The percentage of return (46) from individuals surveyed was not as high as anticipated and somewhat limits the extend to which generalization regarding the total study sample may be made. In terms of the major questions of the study, however, the number of returns on a campus basis (140 or 76 percent) was much nearer that which was expected and provided creditable information.

Of the 343 returns, 118 were from the campus executive officer or his designate; 94 were from faculty organization heads; 80 were from student government heads; and 51 were from ombudsmen. Table 1 indicates these division and corresponding percentages. The population number for ombudsman was unknown.

TABLE 1

FREQUENCY AND PERCENTAGE OF RETURNED INSTRUMENTS

Population	Number	Frequencies	Percentages
Chief Executive Officers	185	118	64
Faculty Organization Heads	185	94	51
Student Government Heads	185	80	43
Ombudsmen	Unknown	51	Indeterminable
Total		343	

In evaluating the number of responses it must be remembered that, due to the lack of adequate information on the number of campuses employing ombudsmen and lack of accurate addresses for faculty organization heads and student government heads, all questionnaires were forwarded through the chief campus exeuctive's office. While 185 chief executives probably had the opportunity to respond, it is equally probable that 140 or less of each of the faculty organization heads and student government heads actually had the opportunity to respond; those chief executive officers of campuses from which no responses came (45) not only did not respond, they probably did not forward the questionnaires to the other campus subjects.

Table 2 indicates the frequency and percentage of responses in terms of real opportunity.

TABLE 2

NUMBER AND PERCENTAGE OF RETURNED INSTRUMENTS FROM RESULTING SAMPLE (n = 343)

Population	Number	Responses	Percent
Chief Executive Officers	185	118	64
Faculty Organization Heads	140	94	67
Student Government Heads	140	80	57
Ombudsmen	65	51	78
Total	530	343	65

Of the 140 reporting campuses, only 65 had on campus a person who was defined as a formal ombudsman. The responses of 51 of those 65,

or 78 percent, reflected much more accurately, in the researcher's mind, the willingness of ombudsmen to participate in the development of information regarding their professional area. The total percentage of responses (65 percent) was relatively high for a study utilizing procedures of this nature.

Responses from the three divisions of section II permitted tabulation of the corresponding distributions of response frequencies. From campuses never having an ombudsman came 164 questionnaires. Those campuses which had terminated the ombudsman position returned 30 questionnaires. Those campuses which were continuing the ombudsman position returned 149 questionnaires. These results are shown in Table 3.

TABLE 3

RESPONSE FREQUENCIES BY CATEGORIES - OMBUDSMAN

Campus never had an ombudsman	(N - Never)	164
Campus terminated the ombudsman	(T - Terminated)	30
Campus was continuing the ombudsman	(H - Have)	149
Total		343

Appendix A contains a list of: (1) the campuses surveyed; (2) the number of responses from each campus; (3) which campus position(s) responded; and (4) the campuses which never had, had terminated, or had retained an ombudsman. Indicated also are the 95 campuses which requested a report of the results of the study.

Ombudsman Directory and Status

Section I solicited information to be used in an ombudsman directory. The 51 responding ombudsmen and other ombudsmen whose names and addresses were otherwise reported, are included in the directory. See Appendix J.

In response to section I, division C, regarding whether their position was titled ombudsperson, 23 of the 51 responding ombudsmen, 45 percent, indicated this was their title. Of the remaining 28 responding ombudsmen, 27 indicated that their title was not ombudsperson, and wrote in "ombudsman." Objections to use of the term "ombudsperson" will be discussed in Chapter IV. See Table 4.

TABLE 4

POSITION TITLES OF OMBUDSMEN

Name	Frequency	Percent
Ombudsperson	23	35
Ombudsman	27	42
Other Titles	15	23
Total	65	100

Responses from the one remaining responding ombudsman and from the 14 other campuses identified as having ombudsmen revealed a variety of titles. Among them were Vice-President for Student Affairs, Director of Personnel Relations, Consultant to the President on Special Services and Student Advocate.

Section II, division A, was completed by subjects on campuses which had never had an ombudsman. From 55 campuses corresponding to this category came 169 responses. These respondents indicated: (1) in 28 instances there was interest in establishing an ombudsman position; (2) in no (zero) instances was the process of setting up the position begun; (3) in 64 instances there was little or no interest in an ombudsman position; and (4) in 39 instances there was a person on campus who fulfilled ombudsmanlike functions. Table 5 reflects these responses. Note that respondents could check any or all of the items.

TABLE 5

INTEREST IN OMBUDSMAN POSITION

Responses*	Frequency	Percent
Never been an ombudsman	169	49 (of 343)
Interested in the position	28	17 (of 169)
Position is being set up	0	
Little or no interest	64	38 (of 169)
Campus person fulfills functions	39	23 (of 169)

*Respondents could check none, some or all of the items.

The last item in division A, section II, of the questionnaire requested the title of the person on campus who fulfilled ombudsmanlike functions. A large number of different responses resulted. Those mentioned two or more times and their frequencies were: (1) faculty senate member, five; (2) dean of student services, four; (3) student mediator,

three; (4) executive assistant to the president, two; (5) director of student services, two; and (6) special assistants to the president, two. Table 6 shows these results.

TABLE 6

PERSONS WHO FULFILL OMBUDSMANLIKE FUNCTIONS

Title	Frequency
Faculty Senate Member	5
Dean of Student Services	4
Student Mediator	3
Executive Assistant to President	2
Director of Student Services	2
Special Assistant to President	2

Section II, division B, evoked responses regarding the 20 campuses which had terminated the ombudsman. Item one regarded how long the ombudsman had served. Responses indicated time periods from one year (6) to twelve years (1). Table 7 reflects the responses to this item. The mean years was 5.00 The mean frequency was 4.00

The final item in division B of section II regarded the amount of time which had elapsed since termination of the ombudsman position. Time periods from one year (4) to ten years (2) were indicated. The mean of years was 4.875 while the mean of frequencies was 4.125. These responses are reflected in Table 8.

TABLE 7

HOW LONG THE TERMINATED OMBUDSMAN SERVED

Years*	Frequencies**
1	6
2	8
3	4
4	6
5	2
6	3
7	2
12	1

*Mean years equals 5.00.

**Mean frequencies equal 4.00.

TABLE 8

TIME ELAPSED SINCE THE OMBUDSMAN SERVED

Years*	Frequencies** (All Responses)
1	4
2	9
3	4
4	4
5	5
6	1
8	4
10	2

*Mean years equals 4.875.

**Mean frequency equals 4.125.

Division C of section II permitted those subjects whose campus currently retained an ombudsman to predict what was in their opinion the future for the office. From the 65 campuses continuing the position came 153 responses:

1. The position will be discontinued, eight;

2. The position was established on a trial basis - future uncertain, nine;

3. The position will be continued indefintely, 110;

4. Other responses (written in), twenty-six.

Table 9 reflects these responses.

TABLE 9

FUTURE FOR THE OMBUDSMAN

Predictions of Future	Frequencies
Will be discontinued	8
On trial; Uncertain	9
Continued Indefinitely	110
Other	26
Total	153

Regarding the future of the ombudsman position on their campus respondents listed a number of comments having to do with financial restrictions, campus priorities, evaluation, attitudes, needs and termination. Table 10 reflects the frequencies of these responses.

TABLE 10

WRITTEN RESPONSES REGARDING THE OMBUDSMAN'S FUTURE

Factors Affecting Future	Fequencies
Financial restrictions	6
Student government priorites	5
Administrative priorities	4
Annual evaluation	2
Strongly negative remarks	2
Termination is scheduled	2
Services will be expanded	1
Strongly positive remark	1
Termination has been recommended	1
Continuation depends on need	1
Total	26

A summary of the status of the 185 campuses which were surveyed is as follows: (1) 55 campuses never had a formal ombudsman position; (2) 20 campuses had terminated the ombudsman position; (3) 65 campuses were continuing the ombudsman position; and (4) 45 campuses did not respond at all to the survey questionnaire. Table 11 contains these figures.

Reasons for Discontinuation

Section III of the questionnaire solicited responses regarding the reasons for discontinuation of the ombudsman position. Respondents were requested to indicate to what degree each of the ten items listed

TABLE 11

FREQUENCIES OF RESPONSES FROM CAMPUSES SURVEYED

Factor	Frequenies
Never had a formal ombudsman position	55
Terminated the ombudsman position	20
Continuing the ombudsman position	65
No response from the campus	45
Total	185

affected the decision to terminate the ombudsman. Table 12 presents a frequency tabulation of the results.

TABLE 12

REASONS FOR TERMINATION OF OMBUDSMEN

Reasons for Termination	0	1	2	3	Total
Decline in campus unrest	7	11	9	2	29
Regular systems adequate	5	2	13	10	30
Inadequate funds	13	5	4	9	31
Position unjustified	10	8	6	6	30
Worked himself out of a job	22	6	0	3	31
Ombudsman ineffective	21	5	1	4	31
Intended to be temporary	15	6	4	5	30
Overly independent	20	7	3	0	30
Others more effective	5	2	8	15	30
Unavailable replacement	26	3	1	0	30
Other	3	0	0	5	8
Total					310

0 = of no influence 2 = quite influential

1 = slightly influential 3 = extremely influential

Since zero meant that a reason was of no influence, all zero responses were dropped and a frequency count of all number one, "slightly influential," number two, "quite influential," and number three, "extremely influential" was made. Table 13 displays the results of this tabulation. This tabulation implies that two reasons have had a strong influence on the decision to terminate the ombudsman. They were: (1) "regular systems adequate," 25; and (2) "others more effective," 25.

A close third was item one, "decline in campus unrest," 22 responses. Item four, "position unjustified," received 20 responses.

TABLE 13

MOST INFLUENTIAL REASONS FOR TERMINATION BY FREQUENCY COUNTS

Reasons for Termination	1	2	3	Total
Decline in campus unrest	11	9	2	22
Regular systems adequate	2	13	10	25
Inadequate funds	5	4	9	18
Position unjustified	8	6	6	20
Worked himself out of a job	6	0	3	9
Ombudsman ineffective	5	1	4	10
Intended to be temporary	6	4	5	15
Overly independent	7	3	0	10
Others more effective	2	8	15	25
Unavailable replacement	3	1	0	4
Other	0	0	5	5
Total	55	49	59	163

1 = slightly influential 3 = extremely influential

2 = quite influential

To determine the reasons for discontinuing the ombudsman position the researcher asked the respondents to assign each reason a value rating according to the scale indicated in the above paragraph. Multiplying the frequencies by the assigned value rating produced results more nearly indicative of the degree of influence attached to each reason by the respondents. Table 14 reflects the degree of influence of each reason in a descending order.

TABLE 14

MOST INFLUENTIAL REASONS FOR TERMINATION BY ASSIGNED VALUES

Reasons for Termination	Assigned Value Points			Total
	1	2	3	
Others more effective	2	16	45	63
Regular systems adequate	2	26	30	58
Inadequate funds	5	8	27	40
Position unjustified	8	12	18	38
Decline in campus unrest	11	18	6	35
Intended to be temporary	6	8	15	29
Ombudsman ineffective	5	2	12	19
Worked himself out of a job	6	0	9	15
Other	0	0	15	15
Overly independent	7	6	0	13
Unavailable replacement	3	2	0	5

The procedure outlined in the paragraph just above established clearly the reasons considered to be most influential in the decision to terminate the ombudsman position. The reasons are those which were indicated by frequency count, but the value rating procedure established that what was reason number nine on the questionnaire, "others more effective," was the most influential of all reasons for the decision to terminate the ombudsman. Second in influence was reason two, "regular systems operating adequately." "Inadequate funds" was the third most influential, while "position not justified: was the fourth. The degree of influence of the remaining items was also reflected in Table 14.

Item eleven of section III of the questionnaire requested that respondents write in other reasons which prompted the decision to terminate

the ombudsman position and indicate the relative levels of influence. Strangely, three respondents wrote in an additional reason but then valued the reason "of no influence" as previously indicated in Table 12 (page 163). However, five reasons written in were valued as "extremely influential." They were: (1) a desire of regular campus offices to get back to handling their own affairs, two responses; and one response each for (2) terminated by the president; (3) tried it as an experiment; and (4) unionization of faculty.

Subject Attitudes

A major interest of this study was that of determining the attitudes of the four survey groups toward the ombudsman position. Therefore campus executive officers, faculty organization heads, student government heads and ombudsmen were asked to complete a semantic differential which was originally developed specifically for attitude assessment regarding the campus ombudsman. This section of the questionnaire contained a list of 20 bipolar adjective sets; each set was separated by seven spaces along a scale representing the two extremes of attitude. Subjects were asked to indicate with an "X" the space which most nearly reflected their attitude toward the campus ombudsman in relation to each adjective set.

Attitude Frequencies

In relation to trait one, weak - strong, of the semantic differential, the highest frequency of responses was found at the sixth space, 47 or 26.3 percent. Space four, which indicated non-commitment, was the next highest choice. Table 15 displays these findings.

TABLE 15

ADJECTIVE SET NUMBER ONE: WEAK - STRONG

Scale Values	1	2	3	4	5	6	7
Frequencies	4	10	17	42	37	47	22
Percentages	2.2	5.6	9.5	23.5	20.7	26.3	12.3

Space six on the rating scale received 72 or 39.75 percent of the responses on the constrained - free trait. Space seven was second with 48 responses, 26.8 percent of the 174 responses. Table 16 carries all the responses for this trait.

TABLE 16

ADJECTIVE SET NUMBER TWO: CONSTRAINED - FREE

Scale Values	1	2	3	4	5	6	7
Frequencies	4	9	6	27	14	71	48
Percentages	2.2	5.0	3.4	15.1	7.8	39.7	26.8

Trait number three, unfair - fair, elicited 85 responses or 47.5 percent on space seven. Scale space six received 55 or 30.7 percent of the responses. These and other findings for trait three are found in Table 17.

TABLE 17

ADJECTIVE SET NUMBER THREE: UNFAIR - FAIR

Scale Values	1	2	3	4	5	6	7
Frequencies	0	1	3	24	11	55	85
Percentages	0	0.6	1.7	13.4	6.1	30.7	47.5

Table 18 carries the findings for trait four; dishonest - honest. Space seven received 110 responses, 61.5 percent. No other scale category received nearly as many responses.

TABLE 18

ADJECTIVE SET NUMBER FOUR: DISHONEST - HONEST

Scale Values	1	2	3	4	5	6	7
Frequencies	0	4	4	21	5	35	110
Percentages	0	2.2	2.2	11.7	2.8	19.6	61.5

The trait, slow - fast, was rated positively with 51 or 28.5 percent indicating space four, neutral, but 46 responses in scale space six, 25.7 percent, 36 responses in space five, 20.1 percent, and 21 responses in scale space seven, 11.7 percent. Table 19 displays these findings.

TABLE 19

ADJECTIVE SET NUMBER FIVE: SLOW - FAST

Scale Values	1	2	3	4	5	6	7
Frequencies	0	9	16	51	36	46	21
Percentages	0	5.0	8.9	28.5	20.1	25.07	11.7

The ombudsman was rated helpful by 70 or 39.1 percent, 59 or 33.0 percent and 18 or 10.1 percent while only a total of eight persons rated the ombudsman harmful. Table 20 indicates these findings and also that 24 responses to this trait were neutral.

TABLE 20

ADJECTIVE SET NUMBER SIX: HARMFUL - HELPFUL

Scale Values	1	2	3	4	5	6	7
Frequencies	2	0	6	24	18	70	59
Percentages	1.1	0	3.4	13.4	10.1	39.1	33.0

Scale space seven contained 65 responses, 36.3 percent, on the trait, unnecessary - necessary. Spaces six and five followed with 38, 21.2 percent, and 31, 17.3 percent respectively. Table 21 shows these responses and the negative responses also.

TABLE 21

ADJECTIVE SET NUMBER SEVEN: UNNECESSARY - NECESSARY

Scale Values	1	2	3	4	5	6	7
Frequencies	6	3	6	30	31	38	65
Percentages	3.4	1.7	3.4	16.8	17.3	21.2	36.3

Of the 179 responses, 78 or 43.6 percent believed the ombudsman to be useful and rated the position at scale space seven. Scale space six followed with 44 responses, 24.6 percent. Space four, neutral, received slightly more responses, 22 or 12.3 percent, than space five, 21, 11.7 percent. These and other responses are included in Table 22. Only 14 responses or 7.8 percent feel on the negative, i.e., useless, side.

TABLE 22

ADJECTIVE SET NUMBER EIGHT: USELESS - USEFUL

Scale Values	1	2	3	4	5	6	7
Frequencies	4	2	8	22	21	44	78
Percentages	2.2	1.1	4.5	12.3	11.7	24.6	43.6

Incompetent - competent was the ninth trait. Again, far more respondents gave the ombudsman position positive ratings; 68 or 38.0 percent in space seven and 64 of 36.3 percent in space six. The neutral space position received 32 responses or 17.9 percent. See Table 23 for these responses.

TABLE 23

ADJECTIVE SET NUMBER NINE: INCOMPETENT - COMPETENT

Scale Values	1	2	3	4	5	6	7
Frequencies	0	0	3	32	11	65	68
Percentages	0	0	1.7	17.9	6.1	36.3	38.0

Additional positive ratings for the ombudsman position were received regarding the irresponsible - responsible adjective set. Of the 179 respondents, 82 or 45.8 percent indicated scale space seven and 51 or 28.5 percent marked space six. Thus 133 respondents or 74.0 percent gave the two highest ratings as shown in Table 24.

TABLE 24

ADJECTIVE SET NUMBER TEN: IRRESPONSIBLE - RESPONSIBLE

Scale Values	1	2	3	4	5	6	7
Frequencies	3	1	5	20	17	51	82
Percentages	1.7	0.6	3.4	11.2	9.5	28.5	45.8

Positive attitudes toward the ombudsman position were further displayed in the evaluation of trait eleven, detrimental - beneficial. The two highest scale levels, spaces seven and six, received 81 or 45.3 percent and 48 or 26.8 percent of the responses respectively. Again, as shown in Table 25, the neutral category, space four, was indicated more often than positive space five.

TABLE 25

ADJECTIVE SET NUMBER ELEVEN: DETRIMENTAL - BENEFICIAL

Scale Values	1	2	3	4	5	6	7
Frequencies	0	0	3	27	20	48	81
Percentages	0	0	1.7	15.1	11.8	26.8	45.3

The trait, regressive - progressive, although not rated so strongly positive as some other traits, continued the generally positive ratings. Space six was given 59 responses, 33.0 percent, space seven was given 52 responses or 29.1 percent, and space five received 30 responses or 16.8 percent. Space four again outnumbered space five with 34 responses. See Table 26.

TABLE 26

ADJECTIVE SET NUMBER TWELVE: REGRESSIVE - PROGRESSIVE

Scale Values	1	2	3	4	5	6	7
Frequencies	1	1	2	34	30	59	52
Percentages	0.6	0.6	1.1	19.0	16.8	33.0	29.1

Table 27 presents the response frequencies for adjective set number thirteen, meaningless - meaningful. Scale spaces five, six and seven were all indicated more frequently than any of the other spaces, including the neutral position, space four. Space seven had 64 responses, space six had 53 responses and space five had 28 responses. Percentages are also carried in Table 27.

TABLE 27

ADJECTIVE SET NUMBER THIRTEEN: MEANINGLESS - MEANINGFUL

Scale Values	1	2	3	4	5	6	7
Frequencies	3	2	2	27	28	53	64
Percentages	1.7	1.1	1.1	15.1	15.6	29.6	35.8

Responses were not nearly so decisive for the adjective set, remedial - preventive. Space four, the neutral area, received 62 or 34.6 percent of the 179 responses. Seventy-three responses or 40.8 percent, were entered on the remedial side and 44 or 24.6 percent on the preventive side. Table 28 contains the frequencies and percentages on each scale.

TABLE 28

ADJECTIVE SET NUMBER FOURTEEN: REMEDIAL - PREVENTIVE

Scale Values	1	2	3	4	5	6	7
Frequencies	5	32	36	62	15	17	12
Percentages	2.8	17.9	20.1	34.6	8.4	9.5	6.7

The dissonant - harmonious trait was viewed positively with 65 or 36.3 percent indicating space six and 29 or 16.2 percent and 25 or 14.0 percent indicating spaces seven and five respectively. The neutral space, level four, received 43 or 24.0 percent of the responses as shown in Table 29.

TABLE 29

ADJECTIVE SET NUMBER FIFTEEN: DISSONANT - HARMONIOUS

Scale Values	1	2	3	4	5	6	7
Frequencies	0	2	15	43	25	65	29
Percentages	0	1.1	8.4	24.0	14.0	36.3	16.2

Table 30 displays the evaluation of the trait, temporary - lasting, adjective set number sixteen. Neutral area space four was indicated just slightly fewer times, 42 or 23.5 percent, than was space six, 43 or 24.0 percent. Spaces seven and five received 36 or 20.1 percent and 31 or 17.3 percent of the responses respectively.

TABLE 30

ADJECTIVE SET NUMBER SIXTEEN: TEMPORARY - LASTING

Scale Values	1	2	3	4	5	6	7
Frequencies	6	7	14	42	31	43	36
Percentages	3.4	3.9	7.8	23.5	17.3	24.0	20.1

A large number of neutral responses characterized the results regarding the trait, prohibitive - permissive. More than half, 90 or 50.3 percent, of the 179 responses were placed in scale space four. Of the remaining responses, 75 were placed above neutral; 39 or 21.8 percent in space five, 30 or 16.8 percent in space six and six or 3.4 percent in space seven. As Table 31 reflects, only 14 responses were entered in space one to three.

TABLE 31

ADJECTIVE SET NUMBER SEVENTEEN: PROHIBITIVE - PERMISSIVE

Scale Values	1	2	3	4	5	6	7
Frequencies	0	6	8	90	39	30	6
Percentages	0	3.4	4.5	50.3	21.8	16.8	3.4

The adjective set which queried respondent attitudes regarding whether the ombudsman position was passive or active received a strong response on the active side. Scale space six received the largest number of responses, 67 or 37.4 percent. Space seven received 33 or 20.7 percent and space five received 24 or 13.4 percent of the responses. The neutral space, level four, again received a large quantity of responses, 43 or 24.0 percent, second only to the space receiving the greatest number of responses. Table 32 carries these findings.

TABLE 32

ADJECTIVE SET NUMBER EIGHTEEN: PASSIVE - ACTIVE

Scale Values	1	2	3	4	5	6	7
Frequencies	1	5	6	43	24	67	33
Percentages	0.6	2.8	3.4	24.0	13.4	37.4	20.7

The response pattern for trait number nineteen, unsuccessful - successful, was similar to many of those reported above. Space six received 75 responses or 41.9 percent. Space seven received 35 responses or 19.6 percent. Space four received 30 responses or 16.8 percent. In

number of frequencies space five followed with 27 responses or 15.1 percent. Table 33 reports these and other scale findings.

TABLE 33

ADJECTIVE SET NUMBER NINETEEN: UNSUCCESSFUL - SUCCESSFUL

Scale Values	1	2	3	4	5	6	7
Frequencies	4	3	5	30	27	75	35
Percentages	2.2	1.7	2.8	16.8	15.1	41.9	19.6

Not so strongly positive as some other traits was the adjective set, defensive - aggressive. Of these respondents, 63 or 35.2 percent indicated the neutral area, space four. Space five indicated 47 responses or 26.3 percent, space six received 39 responses or 21.8 percent and space seven received 14 responses or 7.8 percent. These responses and others for this trait are reflected in Table 34.

TABLE 34

ADJECTIVE SET NUMBER TWENTY: DEFENSIVE - AGGRESSIVE

Scale Values	1	2	3	4	5	6	7
Frequencies	0	4	12	63	47	39	14
Percentage	0	2.2	6.7	35.02	26.3	21.8	7.8

Table 35 recapitulates the responses received above and offers an over-view of the attitude of research subjects toward the ombudsman position. Tabulating the positive responses and comparing the total

TABLE 35

ATTITUDE SCALE FREQUENCIES

Adjective Sets	1	2	3	4	5	6	7
Weak - Strong	4	10	17	42	37	47	22
Constrained - Free	4	9	6	27	14	71	48
Unfair - Fair	0	1	3	24	11	55	85
Dishonest - Honest	0	4	4	21	5	35	110
Slow - Fast	0	9	16	51	36	46	21
Harmful - Helpful	2	0	6	24	18	70	59
Unnecessary - Necessary	6	3	6	30	31	38	65
Useless - Useful	4	2	8	22	21	44	78
Incompetent - Competent	0	0	3	32	11	65	68
Irresponsible - Responsible	3	1	5	20	17	51	82
Detrimental - Beneficial	0	0	3	27	20	48	81
Regressive - Progressive	1	1	2	34	30	59	52
Meaningless - Meaningful	3	2	2	27	28	53	64
Remedial - Preventive	5	32	36	62	15	17	12
Dissonant - Harmonious	0	2	15	43	25	65	29
Temporary - Lasting	6	7	14	42	31	43	36
Prohibitive - Permissive	0	6	8	90	39	30	6
Passive - Active	1	5	6	43	24	67	33
Unsuccessful - Successful	4	3	5	30	27	75	35
Defensive - Aggressive	0	4	12	63	47	39	14
Totals	43	100	117	754	466	1018	1040

frequencies, 2,524, to the total frequencies of negative numbers, 260, reveals an approximate ten-to-one ratio.

Analysis of Variance in Group Attitudes

In order to identify differences in attitude among members of the four groups surveyed for this study, an analysis of variance program was used. When statistically significant differences were found at the .05 level, the Sheffē method of comparing all combinations of means was used to determine where the differences were.

Of the 20 factors in the semantic differential, 18 were found to have significant differences in mean ratings between groups. The location of these differences and the level of their significance are given in Tables 36 through 53. An asterick indicates significant difference at or above the .05 level. The groups are numerically identified as follows: Campus chief executive officers (CEO), numeral 1; faculty organization heads (FOH), numeral 2; student government heads (SCH), numeral 3; and ombudsman (O), numeral 4.

On variable, weak - strong, ombudsman rated themselves significantly above the three other groups on the strong side. No other comparison between mean ratings were significant as shown in Table 36.

Table 37 displays that there was a significant difference in how ombudsmen viewed the variable, constrained - free. The other three groups rated the ombudsman position significantly less toward the free side of the scale.

As shown in Table 38 ombudsman again showed a significant difference from all other groups in the way they valued the variable, unfair -

TABLE 36

GROUP MEANS AND ASSOCIATED DIFFERENCES FOR
VARIABLE ONE: WEAK - STRONG

	Means	CEO Differences	FOH Differences	SGH Differences	O Differences
CEO	4.3475				
FOH	4.2234	.1242			
SGH	4.1875	.1600	.0359		
O	5.3922	1.0447*	1.1688*	1.2047*	

TABLE 37

GROUP MEANS AND ASSOCIATED DIFFERENCES FOR
VARIABLE TWO: CONSTRAINED - FREE

	Means	CEO Differences	FOH Differences	SGH Differences	O Differences
CEO	4.8220				
FOH	4.5957	.2263			
SGH	4.3500	.4720	.2457		
O	5.6275	.8055*	1.0318*	1.2775*	

fair. Ratings of chief executive officers were also significantly different from those of students. In both instances the significant variations were toward the positive end of the scale.

TABLE 38

GROUP MEANS AND ASSOCIATED DIFFERENCES FOR VARIABLE THREE: UNFAIR - FAIR

	Means	CEO Differences	FOH Differences	SGH Differences	O Differences
CEO	5.0847				
FOH	4.7553	.3294			
SGH	4.5750	.5097*	.1803		
O	6.4706	1.8956*	1.7153*	1.3859*	

Precisely the same pattern was found with variable, dishonest - honest. All mean ratings were relatively high but chief executive officers were significantly higher than students and ombudsmen were significantly higher than all three other groups as reflected in Table 39.

Table 40 shows that ombudsman valued their positions significantly higher on variable, slow - fast, than the other groups. No other significant differences in means were found.

Attitude rating means on the variable, harmful - helpful, were found to have significant differences. Again, chief executive officers were significantly different from student government heads, and ombudsmen rating means were higher than any of the other three groups. See Table 41.

TABLE 39

GROUP MEANS AND ASSOCIATED DIFFERENCES FOR
VARIABLE FOUR: DISHONEST - HONEST

	Means	CEO Differences	FOH Differences	SGH Differences	O Differences
CEO	5.1525				
FOH	4.8191	.3334			
SGH	4.6000	.5525*	.2191		
O	6.5882	1.4351*	1.7691*	1.9882*	

TABLE 40

GROUP MEANS AND ASSOCIATED DIFFERENCES FOR
VARIABLE FIVE: SLOW - FAST

	Means	CEO Differences	FOH Differences	SGH Differences	O Differences
CEO	4.3000				
FOH	4.2979	.0021			
SGH	4.2542	.0458	.0327		
O	5.4706	1.2164*	1.1727*	1.2164*	

TABLE 41

GROUP MEANS AND ASSOCIATED DIFFERENCES FOR
VARIABLE SIX: HARMFUL - HELPFUL

	Means	CEO Differences	FOH Differences	SGH Differences	O Differences
CEO	4.9661				
FOH	4.5638	.4023			
SGH	4.4250	.5411*	.1388		
O	6.3922	1.4261*	1.8284*	1.9672*	

In relation to the variable, unnecessary - necessary, ombudsmen again rated their position as significantly more needed than did the other three groups. No other significant differences were found as shown in Table 42.

TABLE 42

GROUP MEANS AND ASSOCIATED DIFFERENCES FOR
VARIABLE SEVEN: UNNECESSARY - NECESSARY

	Means	CEO Differences	FOH Differences	SGH Differences	O Differences
CEO	4.5532				
FOH	4.5085	.0447			
SGH	4.4625	.0907	.1138		
O	6.4118	1.9493*	1.9033*	1.9493*	

Table 43 reveals that ombudsmen valued their position significantly higher than other groups on the variable, useless - useful. No other significant variations in means were found.

TABLE 43

GROUP MEANS AND ASSOCIATED DIFFERENCES FOR VARIABLE EIGHT: USELESS - USEFUL

	Means	CEO Differences	FOH Differences	SGH Differences	O Differences
CEO	4.8051				
FOH	4.5638	.2413			
SGH	4.4500	.3551	.1138		
O	6.6471	1.8420*	2.0833*	2.1971*	

Variable nine, incompetent - competent, was found to elicit significantly different mean ratings on the part of ombudsmen also. No other group mean varied significantly from the remainder as seen in Table 44.

Ombudsmen continued to rank the position significantly higher on the positive side with the trait, irresponsible - responsible. The means of the four groups continue to be on the median level or above as again revealed in Table 45.

All group means on the variable, detrimental - beneficial, were well above the precise center of the scale, 4.0. Ombudsmen were again significantly higher than any other of the three groups. See Table 46.

TABLE 44

GROUP MEANS AND ASSOCIATED DIFFERENCES FOR
VARIABLE NINE: INCOMPETENT - COMPETENT

	Means	CEO Differences	FOH Differences	SGH Differences	O Differences
CEO	4.9068				
FOH	4.6809	.2259			
SGH	4.500	.4068	.1809		
O	6.5686	1.6618*	1.8877*	2.0686*	

TABLE 45

GROUP MEANS AND ASSOCIATED DIFFERENCES FOR
VARIABLE TEN: IRRESPONSIBLE - RESPONSIBLE

	Means	CEO Differences	FOH Differences	SGH Differences	O Differences
CEO	4.9068				
FOH	4.7340	.1728			
SGH	4.4625	.4443	.2715		
O	6.6667	1.7599*	1.9321*	2.2042*	

TABLE 46

GROUP MEANS AND ASSOCIATED DIFFERENCES FOR VARIABLE ELEVEN: DETRIMENTAL - BENEFICIAL

	Means	CEO Differences	FOH Differences	SGH Differences	O Differences
CEO	4.8898				
FOH	4.7128	.1770			
SGH	4.6250	.2648	.0878		
O	6.6275	1.7377*	1.9147*	2.0025*	

On variable twelve, the predominant pattern of the analysis was repeated. The ombudsman group mean was significantly higher on the progressive side of the regressive - progressive trait. No other significant differences in group means were found as demonstrated in Table 47. The means continued to run in the same order, 3, 2, 1, 4 or student government heads, faculty organization heads, chief executive officers and then, ombudsmen.

TABLE 47

GROUP MEANS AND ASSOCIATED DIFFERENCES FOR VARIABLE TWELVE: REGRESSIVE - PROGRESSIVE

	Means	CEO Differences	FOH Differences	SGH Differences	O Differences
CEO	4.7712				
FOH	4.5957	.1755			
SGH	4.4250	.3462	.1707		
O	6.2353	1.4641*	1.6396*	1.8103*	

On variable thirteen, meaningless - meaningful, no group mean was significantly different except, again, that of the ombudsmen. All three other means indicated that groups valued the position as less meaningful than did ombudsmen as Table 48 shows.

TABLE 48

GROUP MEANS AND ASSOCIATED DIFFERENCES FOR VARIABLE THIRTEEN: MEANINGLESS - MEANINGFUL

	Means	CEO Differences	FOH Differences	SGH Differences	O Differences
CEO	4.8559				
FOH	4.5638	.2921			
SGH	4.4125	.4434	.1513		
O	6.4314	1.5755*	1.8676*	2.0189*	

No two groups were significantly different in relation to variable fourteen, remedial - preventive. Comparisons between mean ratings on variable fifteen, dissonant - harmonious, found ombudsmen again significantly different from the other groups in the direction of harmonious. As Table 49 shows, no other significant differences were found.

Temporary - lasting, the sixteenth variable, was one in which the ombudsman group mean was the only one of significant difference. Other means were below the 4.5 center space medium as seen in Table 50.

The prohibitive - permissive variable, number seventeen, motivated no significant difference on the part of any group mean. Variable eighteen, passive - active, on the other hand, was one in which significant

TABLE 49

GROUP MEANS AND ASSOCIATED DIFFERENCES FOR VARIABLE FIFTEEN: DISSONANT - HARMONIOUS

	Means	CEO Differences	FOH Differences	SGH Differences	O Differences
CEO	4.6949				
FOH	4.4468	.2481			
SGH	4.3500	.3449	.0968		
O	5.3922	.6973*	.9454*	1.0422*	

TABLE 50

GROUP MEANS AND ASSOCIATED DIFFERENCES FOR VARIABLE SIXTEEN: TEMPORARY - LASTING

	Means	CEO Differences	FOH Differences	SGH Differences	O Differences
CEO	4.3983				
FOH	4.3723	.0260			
SGH	4.2750	.1233	.0973		
O	5.4706	1.0723*	1.0985*	1.1956*	

difference again appeared on the part of the ombudsman group mean. Note Table 51.

TABLE 51

GROUP MEANS AND ASSOCIATED DIFFERENCES FOR VARIABLE EIGHTEEN: PASSIVE - ACTIVE

	Means	CEO Differences	FOH Differences	SGH Differences	O Differences
CEO	4.5508				
FOH	4.5319	.0189			
SGH	4.400	.1508	.1319		
O	5.7843	1.2335*	1.2524*	1.3843*	

The ombudsman mean was again significantly different on the nineteenth variable, unsuccessful - successful. No other significant differences were found. Other ratings tended to center in the neutral space as indicated in Table 52.

Variable twenty, defensive - aggressive, was valued relatively lowly by the subject groups. Other than the ombudsman mean, which was significantly higher than other groups, means fell slightly below the center of the neutral space. Table 53 reflects these findings.

Recapitulating the results of the analysis of variance and Sheffē procedure, in the case of every attitude variable except two, the mean of ombudsman responses was significantly different from the means of the other three groups at the .05 level of significance. In fact, all ombudsman means were found to be significant both at the .01

TABLE 52

GROUP MEANS AND ASSOCIATED DIFFERENCES FOR VARIABLE NINETEEN: UNSUCCESSFUL - SUCCESSFUL

	Means	CEO Differences	FOH Differences	SGH Differences	O Differences
CEO	4.7119				
FOH	4.4043	.3076			
SGH	4.4000	.3119	.0043		
O	6.0588	1.3469*	1.6545*	1.6588*	

TABLE 53

GROUP MEANS AND ASSOCIATED DIFFERENCES FOR VARIABLE TWENTY: DEFENSIVE - AGGRESSIVE

	Means	CEO Differences	FOH Differences	SGH Differences	O Differences
CEO	4.3305				
FOH	4.2625	.0680			
SGH	4.2128	.1177	.0497		
O	5.3137	.9832*	1.0512*	1.1009*	

level and the .0001 level. Ombudsmen consistantly rated the ombudsman position more highly than other groups. Even in relation to the two variables where ombudsman means were not significantly higher - those variables were variable fourteen, remedial - preventive, and variable seventeen, prohibitive - permissive, ombudsmen rated their position higher than the other subject groups.

Chief executive officers exhibited a response mean significantly higher than that of the student group mean on three traits. Those were unfair - fair, dishonest - honest and harmful - helpful. Means of the chief executive officer group were consistently higher than those of the faculty head group and the student government head group but lower than the means of the ombudsman group. With equal consistency faculty organization head means were higher than student government head means. Figure 2 is a composite graph approximating the mean responses by each of the four groups on each of the twenty variables included in the semantic differenial.

Chi-Square Analysis of Group Attitudes

In an attempt to sharpen the focus upon response variations, a computerized procedure which permitted responses of the subjects to be "squeezed" into semantic scale spaces two and six was utilized. The result was a broader individual response pattern. The resulting responses were then subjected to a chi-square procedure to test for significant differences between groups. With three degrees of freedom no significant differences were found at the .05 level of significance. Table 54 displays these results.

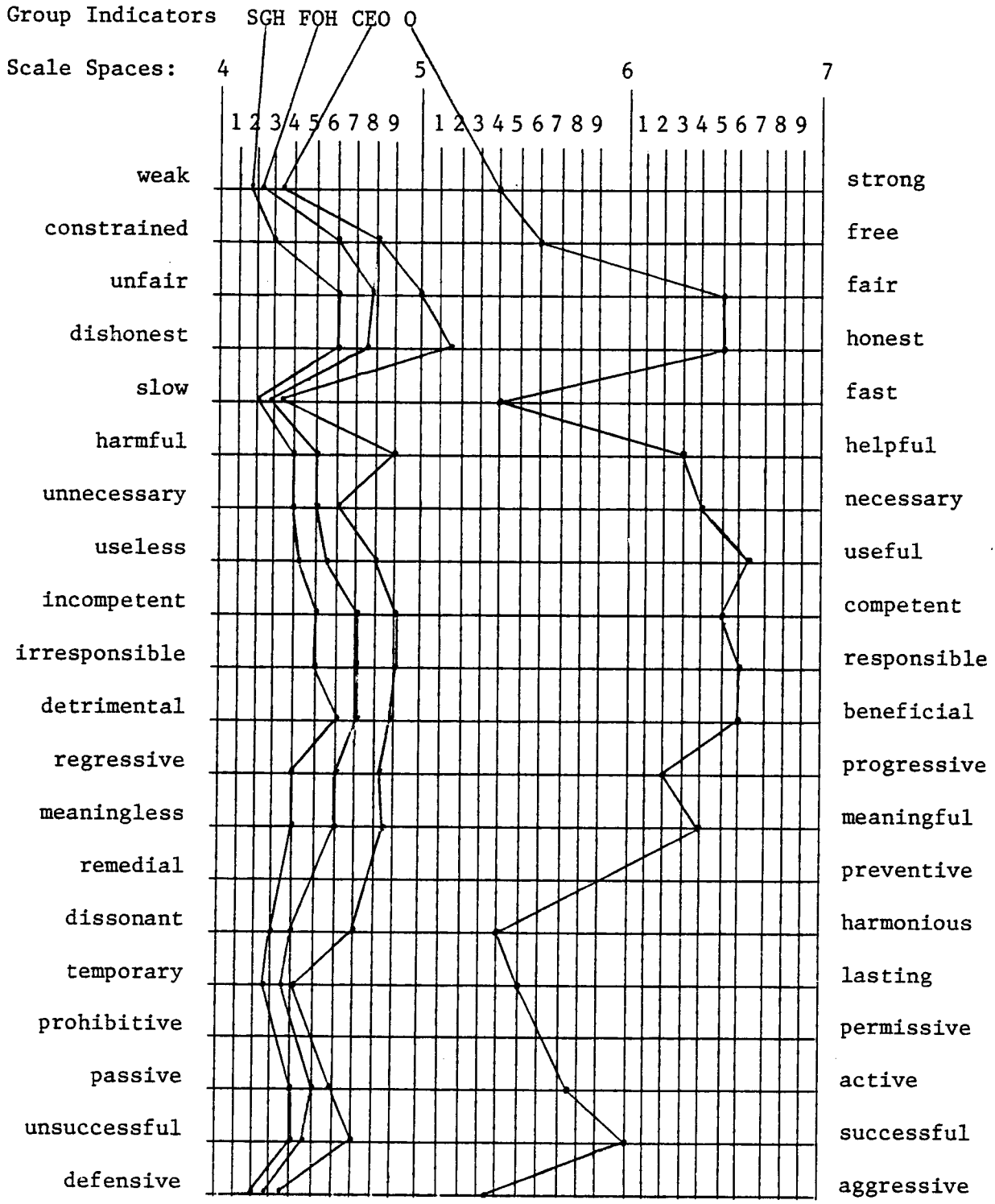


Figure 2. Group Attitude Means Regarding the Campus Ombudsmen

TABLE 54

SUMMARY OF CHI-SQUARE ON POSITIVE AND NEGATIVE ATTITUDES - CEO, FOH, SGH AND O

	Count Row Percentage Column Percentage Total Percentage	Negative (Space 2)	Positive (Space 6)	
Position	1	4	55	59
		6.8	93.2	35.5
CEO		44.4	35.0	
		2.4	33.1	
	2	3	31	34
		8.8	91.2	13.9
FOH		33.3	19.7	
		1.8	18.7	
	3	2	21	23
		8.7	91.3	13.9
SGH		22.2	13.4	
		1.2	12.7	
	4	0	50	50
		0.0	100.0	30.1
O		0.0	31.8	
		0.0	30.1	
		9	157	166
		5.4	94.6	100.0

Chi-Square = 4.32653 with 3 degrees of freedom.

Significance = 0.2283.

Analysis of Variance in Attitudes of Terminating and Non-Terminating Campuses

In order to determine whether there were significant differences, an analysis of variance procedure was used to compare the attitudes of surveys subjects on campuses which had terminated the ombudsman with subjects on campuses which were continuing the position. Table 55 displays the results. On every variable except one, the remedial - preventive trait, subjects on campuses which had terminated the ombudsman had a less positive mean atitude toward the position. Significance went far beyond the .05 level to the .00001 or more.

Chi-Square Analysis of Attitudes of Terminating and Non-Terminating Campuses

A computerized procedure which permitted individual responses to the semantic differential to be relegated to negative space two or positive space six provided the data for a chi-square analysis again comparing the attitudes of subjects whose campus had terminated the ombudsman with the responses of subjects whose campus was continuing the position. As was true with the analysis of variance and Sheffē procedure reported on above, there was a statistically significant difference between groups. The chi-square difference was 22.24 with two degrees of freedom. The level of significance was .00001 or more. Table 56 reflects these findings. Appendix K carries the analysis of variance data for the four subject groups on each of the twenty adjective sets of the semantic differential including source, sum of the squares, degrees of freedom, mean squares, F ratio, and P.

TABLE 55

MEAN DIFFERENCES BETWEEN CAMPUSES TERMINATING AND THOSE CONTINUING THE OMBUDSMAN

Variable	Group 2-Terminated	Group 3-Continuing	Difference
Weak - Strong	3.8148	5.0134	1.1986
Constrained - Free	4.7407	5.6107	.8610
Unfair - Fair	5.5926	6.1544	.5618
Dishonest - Honest	5.7778	6.2617	.4839
Slow - Fast	4.1852	5.0268	.8416
Harmful - Helpful	5.1111	5.9329	.8218
Unnecessary - Necessary	4.0000	5.8054	1.8054
Useless - Useful	4.7407	5.9799	1.2392
Incompetent - Competent	5.1852	6.0470	.8618
Irresponsible - Responsible	5.1852	6.0940	.9088
Detrimental - Beneficial	5.0370	6.1678	1.1308
Regressive - Progressive	4.5926	5.8389	1.2463
Meaningless - Meaningful	4.5185	5.9597	1.4412
Remedial - Preventive*	No significance difference		
Dissonant - Harmonious	4.6296	5.3691	.7395
Temporary - Lasting	3.9939	5.2483	1.2544
Prohibitive - Permissive	4.4074	5.5705	1.1631
Passive - Active	4.2222	5.6980	.5272
Unsuccessful - Successful	4.2222	5.6980	1.4758
Defensive - Aggressive	4.1111	4.9463	.8352

*All variables significantly different at .05 level, except Remedial - Preventive.

TABLE 56

CROSSTABULATION OF CONTINUING AND TERMINATING CAMPUSES BY ATTITUDE (CHI-SQUARE)

Campus Categories	Negative	Positive	Row Total
Terminated	6	17	23
the	26.1	73.9	13.9
Ombudsmen	3.6	10.3	
Continuing	3	139	142
the	2.1	97.9	86.1
Ombudsman	1.8	84.2	
Column Totals	9	157	165
and Percentages	5.5	95.2	100.0

Chi-Square = 22.24 with 2 degrees of freedom.

Significance = .00001.

Numbers in the columns in each category are Count, Tow Percentage, and Column Percentage.

CHAPTER IV

DATA ANALYSIS AND CURRENT STATUS OF THE CAMPUS OMBUDSMAN

The purpose of this study was to describe current status of the campus ombudsman in American higher education. In this chapter the data gathered from a survey of 185 higher education campuses and presented in the previous chapter of the report will be discussed in relation to the major questions which guided the research effort. Those questions were:

1. How many higher education campuses are currently continuing the office of campus ombudsman, and how many campuses have distoninued it?

2. For what reason(s) have some higher education institutions decided to discontinue the office of ombudsman?

3. What is the current attitude regarding the position of campus ombudsman on the part of administration, faculty, students and ombudsmen?

Information regarding the three questions presented immediately above, including predictions for the future of ombudsman offices currently being continued, will be discussed in five subsections: (1) Analysis of Survey Responses; (2) Campuses Which Have Never Had an Ombudsman; (3) Campuses Which have Discontinued the Ombudsman; (4) Campuses Which Still Have the Ombudsman Position; and (5) Current Attitudes Toward the Ombudsman Position.

Analysis of Survey Responses

As previously mentioned, this study attempted to survey all higher education campuses which have had or currently have an ombudsman. This population was located by reviewing current literature on the subject, collecting unpublished materials such as mimeographed ombudsman directories, and including all major campuses of large multi-campus university systems if one or more of the campuses were reported to have an ombudsman.

Survey instruments were directed to faculty organization heads, student government heads and ombudsmen through chief campus executive officers who were included in the study also. Responses were received from 140 of the 185 campuses. Chief executive officers may not have forwarded the survey instruments on the 45 campuses from which no responses at all were returned. To assume that only 140 faculty organization heads and 140 student government heads actually had the opportunity to complete the survey instrument appeared to the researcher to be the logical decision. Of those 140 campuses, 65 were reported to have ombudsmen. A tabulation of 185 campus executive officers, 140 faculty organization heads, 140 student government heads and 65 ombudsmen produces an "assumed" population of 530 subjects.

Other studies of the campus ombudsman have typically selected a segment of the ombudsman or campus population, mailed a survey instrument and applied the term "sample" to the quantity of returns without regard to the unreturned instruments. Such a procedure was permissable when the assumption of the statistical methods being used did not require that the sample be randomly selected. In such instances "sample" denotes only its

ordinary meaning; "a part to show what the rest is like."[1]

This present research attempted to study the entire population of higher education campuses which had an ombudsman. Never was it intended that generalization would be made on the basis of statistical inference. While it was possible to discuss the resulting (assumed) sample with some degree of certainty, it was not possible to make statistically sound inferences. In other words, the results of this study could not be generalized to the remainder of the population of campuses with ombudsmen, however many that may be, on the basis of statistical inferences. Any generalization of this study to the still unknown segment of campuses with ombudsmen must be conditioned on the understanding that the assumption is being made that the remainder of the population bears the same characteristics as the sample, an assumption for which there is no statistical foundation since the sample was not randomly selected.

Assuming a sample of 530 subjects as indicated above, the survey produced a 65 percent response; 118 chief campus executive officers, 94 faculty organization heads, 80 student government heads and 51 ombudsmen. Responses were received from 140 or 76 percent of the list of 185 campuses compiled by the researcher. These campuses and the population responding were included in Appendix A.

It was possible to determine that of the 343 responses received, 164 were from subjects whose campus did not have an ombudsman, 30 were

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[1]Clarence L. Barnhart (ed.), The World Book Dictionary (Chicago: Field Enterprises Educational Corporation, 1968).

from campuses where the ombudsman position had been discontinued, and 149 were from campuses upon which the ombudsman position was being continued. On a campus basis 55 campuses never had an ombudsman, 20 campuses had terminated the ombudsman, and 65 campuses still had the ombudsman position.

Campuses Which Never Had an Ombudsman

A major interest of this study was that of determining the total number of campus ombudsmen currently in service. The decision to include all major campuses of large university systems with one or more campuses having an ombudsman involved the recognized risk of inflating the population and thereby decreasing the percentage of returns. In the interest of reaching all higher education campuses with an ombudsman this risk was taken. Aside from the obvious limitation of reaching only 140 of those 185 campuses, it was found that of the 343 responses, 169 were from persons on the 55 campuses which did not have a formal ombudsman. Were this finding generalized, again without a statistical basis, it would mean that 72 of the 185 campuses the study attempted to survey did not have an ombudsman.

Of these 169 responses, 64 or 38 percent indicated that there was no interest in initiating the ombudsman concept on campus. Only 28 respondents or 16 percent reported campus interest in the ombudsman and no campus was reported to be involved in the process of setting up the office. It is the opinion of the researcher that, had the campus ombudsman concept been experiencing the same growth as in the early 1970's, at least one of those 55 campuses would have been involved in the process of

least one of those 55 campuses would have been involved in the process of instituting the ombudsman position.

According to 39 of these respondents, the work of the campus ombudsman was being done by another office. Faculty senate members reported in five instances that they were doing ombudsmen's work. In four responses the Dean of Student Services was credited with the function of ombudsman. In other responses it was the Student Mediator (2), an Executive Assistant to the President (2), the Director of Student Personnel (2) or a Special Assistant to the President (2) who was fulfilling the ombudsman role. The lack of any extensive interest in instituting the ombudsman position more widely appears to indicate that it is believed that the persons performing ombudsmanlike functions are adequate for the needs.

Campuses Which Have Discontinued the Ombudsman

A question often recommended for further research by those conducting studies of the campus ombudsman is that of establishing the reasons for the termination of the position on some campuses. On pages four to six of this study the present writer discussed the inconsistency of reports regarding the number of ombudsmen and the apparently growing tendency to terminate the position. The findings of this study were that 20 of the 140 campuses responding had terminated the ombudsman position.

Service time of the ombudsmen on the terminating campuses ranged from one to ten years with a mean of 5.00 years. A mean time of 4.875 years had elapsed since the termination of the office. These findings

do not support the ideas that offices of long standing are immune to termination and that an ombudsman position, if "lost" at all, will be lost in the first two or three years. The reasons for termination provide enlightening information in this area of interest.

Major question number two of this study pertained to the reasons for discontinuation of the ombudsman office on some campuses. The responses of subjects on campuses which had terminated the ombudsman provided information on this question through a list of ten possible reasons for termination. These ten reasons were value rated by the respondents. Also, subjects were permitted to indicate and value rate other reasons for termination. The researcher expected that financial considerations would be by far the most influential reason for discontinuation of the ombudsman position. Such was not the case, although funding was third in importance according to the assigned value procedure.

The reason rated highest as influential in the decision to terminate the ombudsman position was that other personnel could more effectively hear and resolve personal grievances. This reason received a total of 65 value points.

The second most influential reason for termination of some ombudsman positions was that regular systems were operating adequately. This response was valued with a total of 58 points. These two reasons seemed together to say that at least some campuses are simply deciding that ombudsmen are not needed.

Even if ombudsmen are needed, some campuses believe they cannot afford the position. A value rating of 40 points was given to the reason, lack of adequate funds, as being influential in the decision to terminate

the ombudsman position on some campuses. Indeed one response from an ombudsperson, J. Ella Hannah of San Jose State in San Jose, California, indicated that her position was being terminated as of July 1, 1979, due to financial considerations relative to Proposition 13.[2]

The fourth and last reason to be mentioned in this analysis is that the ombudsperson's caseload did not justify the position. Others can do it, regular systems are adequate, we cannot afford the position, and the position is unjustified; for these reasons ombudsman positions are being terminated in higher education.

A response written in by a survey subject sums the attitudes which are apparently present on terminating campuses. He said, "Other offices on campus have the desire to get back to handling their own affairs." That the classical ombudsman model proposes that ombudsmen merely facilitate existing systems rather than circumvent them is of little significance to persons with this attitude.

Campuses Which Are Continuing the Ombudsman

One of the strong motivations for this study was the determination to ascertain the precise number of campus ombudsmen in United States higher education. This same desire has prompted previous studies of which that of Donald Christ is an example; an example of the intention, and of the problems involved. Christ researched available sources and developed a list of 143 campuses which were listed as having ombudsmen

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[2]Julian Phillips, "The Ax Falls . . . Ombudsman's Head Rolls," The Independent Weekly, San Jose, California, March 7, 1979, p. 3.

or ombudsmanlike functionaries. Although a high percentage of his subjects responded, Christ[3] established that only 65 campuses had an ombudsman. Even this figure was misleading because, of the 65 campuses, six belonged to the Claremont Colleges of California which had only one ombudsman.

Some researchers would raise questions about the accuracy of Christ's report of even 59 ombudsmen. Is a so-called ombudsman really an ombudsman if the word ombudsman in his title is prefixed by the adjective, student? Traditional models for ombudsmanry insist that an ombudsman works for justice and humanism for the total community. A person whose interests are confined to the welfare of a specific group as opposed to the total community would be described, in relation to the traditional definition, as an advocate, in this case a student advocate, rather than an ombudsman.

It is not possible to locate and count ombudsmen with any high degree of accuracy without a common understanding of the description of the office. It is to be expected and hoped that American higher education campuses will continue to adapt the ombudsman concept to local needs and local ideas about meeting those needs. The researcher does not harbor the concern aboutbastardization of the ombudsman concept which has been expressed in some quarters. A convincing case can be made for believing that campus administrators do care about bureaucratic inequities. If the position which is needed to meet the needs of the local academic community is a deviated form of the traditional model, so be it. Let the

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[3]Donald G. Christ, "Ombudsman Selection and Status in Higher Education (unpublished doctoral dissertation, Indiana University, 1972), p. 37.

characteristics of the position conform to the need. It is less than proven that the model adapted to local need is actually inferior to the genuine article. But researchers will continue to have the problem of differentiating the "sheep" from the "goats." And there will continue to be confusion about the precise quantity of ombudsmen.

A definite effort was made, in the development of the survey instrument used in this study, to confine the research regarding the campus ombudsman to those persons who more nearly conformed to the traditional model. It was thought that by using the word "formal" as a prefix to ombudsman survey subjects would understand that, at the least, the office should have some degree of stature and independence to be included in the study. The idea expressed by one subject, that "Everyone is an ombudsman, actually," while admirable in terms of humanistic values, contributes little to defining the position.

The report of 65 ombudsman on 140 campuses as a finding of this research effort must be understood in the context of the preceding paragraphs. At one reporting campus, for example, the questionnaire for the ombudsman was routed to a presidential assistant who checked that the campus never had an ombudsman. Subsequently, the same respondent checked an item under division C of section II which was pointedly described as directed toward those whose "campus currently employs an ombudsman." Two other respondents from the same campus indicated that the campus had never had a formal ombudsman but named entirely different positions as the position which fulfilled ombudsmanlike functions.

Of course an ombudsman, by whatever name, is still an ombudsman if he (or she) fulfills ombudsmanlike functions. But not just any name

is entirely acceptable. The researcher was encouraged, early in the planning of this study, to consider using the term ombudsperson rather than ombudsman. However, when asked if their title was ombudsperson, 27 of the 51 responding ombudsmanpersons (ombudspersonmen) checked "no" and wrote in "ombudsman." Accompanying comments, all of which were written by males, expressed strong disapproval of the term. The following examples are typical of the quips of those who found the term ombudsperson offensive:

"No such thing here."
"ridiculous"
"loses meaning if changed"
"a sickening word"

A minor objective of this research study was to determine the opinion of survey subjects on campuses continuing the ombudsman regarding the future of the position. There were 153 responses to the question, If your campus currently employs a campus ombudsperson, what in your opinion, is the future for the position? Of those 153 responses as many as 32 individuals expressed uncertainty about the continuation of the position or were certain the position would be terminated. Specifically, eight persons said the position would be terminated and six additional persons wrote in under "other" that the position would probably be discontinued for financial problems. According to nine other subjects, the ombudsman position on their campus was established on a trial or experimental basis, and the future was uncertain. Administrative priorities and student government priorities were factors mentioned by nine respondents who were uncertain about the position's future. Other comments also indicated some degree of uncertainty about the future of the position.

In summation, 110 or 72 percent of the respondents from campuses still retaining the ombudsman position were relatively certain that the position would be continued. One of the ombudsmen included in this group remarked, however, "You never know." On the other hand, 43 or 28 percent of this group were either sure the position would be terminated or uncertain whether the position would be continued. Apparently, the research discussions relative to a possible trend in discontinuation of the ombudsman position will continue to occupy space in the reports of survey results.

Current Attitudes Toward the Ombudsman Position

Despite the concern for the future of campus ombudsmanry expressed by some survey subjects, the semantic differential used in this study revealed that the position of ombudsman continued to be highly valued on higher education campuses. An analysis of variance procedure produced, through the utilization of group means, a picture of slight appreciation for the ombudsman position on the part of chief executive officers, faculty organization heads and student government heads, as reported in Chapter III. Ombudsmen were more favorable with respect to all variables, and significantly so, statistically, in relation to all but two. On variables fourteen, remedial - preventive, and seventeen, prohibitive - permissive, there was no significant difference in means, but ombudsmen received very favorable ratings. In all instances, of course, significant statistical differences in means do not necessarily mean favorable or unfavorable ratings.

The design of the semantic differential is such that responses reflect the direction of the respondent's attitude regarding the ombudsman

in relation to each trait, and the intensity of the attitude. Traits included among the adjective sets were either positive or negative, or one side of the adjective set was clearly more positive than the other. Therefore, a measure of whether attitudes regarding the campus ombudsman were favorable or unfavorable was obtained from responses to the semantic differential.

The semantic differential responses came from 149 responses of subjects on campuses which still had an ombudsman and 30 responses from subjects on campuses which have terminated the ombudsman. Of a potential 3,580 responses, 3,538 responses were received. By subtracting from the total responses all the center space (i.e., space four) responses, which totaled 754 responses, the researcher found the total possible favorable or unfavorable responses, in this instance, 2,784. A tabulation of the frequencies of favorable and unfavorable responses produced the frequencies 2,524 and 260 respectively. These frequencies reflect a favorable attitude toward the ombudsman position by an impressive relationship of 9.7 to 1, or about 10 to 1. That there was on higher education campuses a highly favorable attitude toward the campus ombudsman was clearly demonstrated.

Equally clearly was it demonstrated that ombudsmen value their position much more highly than the other response groups. The order of the attitudinal value placed upon the ombudsman position never varied. Student government leaders valued the ombudsman least of the subject groups, faculty organization heads valued the ombudsman postion less than chief campus administrators or ombudsmen, and chief campus administrators valued the position more than faculty heads or student heads but less

than ombudsmen. Interestingly, the survey of college and university presidents, vice-presidents of student affairs and student body presidents completed by Thomas Johnson in 1972 produced the same attitudinal order.[4]

In summary, the study questions and research findings were as follows.

1. How many higher education campuses are currently continuing the office of campus ombudsman, and how many campuses have discontinued it? The findings of this study were that of the 140 participating campuses, 65 campuses were continuing the ombudsman position and 20 campuses had discontinued the position.

2. For what reasons have some higher education institutions decided to discontinue the office of ombudsman? The four reasons described as most influential in the decision of 55 campuses to discontinue the ombudsman position, in descending order, were (1) other personnel cam more effectively hear and resolve personal grievances; (2) regular systems were operating adequately; (3) lack of adequate funds; and (4) caseload did not justify the position.

3. What is the current attitude regarding the position of campus ombudsman on the part of administration, faculty, students and ombudsmen? The opinions of the subjects contacted for this study may conceivably not be representative of the campus groups they represent. But chief campus executive officers, faculty organization heads, student government heads and certainly the ombudsmen of the 140 responding campuses represented in this study have a favorable attitude toward the campus ombudsman.

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[4]Thomas Frank Johnson, "The Campus Ombudsman as Perceived by College and University Presidents, Vice Presidents of Student Affairs, Student Body Presidents and Functioning Campus Ombudsman," (unpublished doctoral dissertation, North Texas State University), 1972, pp. 77-78.

CHAPTER V

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

The purpose of this chapter was to summarize the study and its findings, set out some conclusions indicated by the findings, and provide some recommendations for futher study.

Summary

At the time this study was designed the literature relative to the higher education campus ombudsman was either devoid of current information or contradictory in four specific areas. These areas had regard to:

1. The number of ombudsmen currently serving;

2. The number of campuses which had terminated the ombudsman position;

3. The reasons for termination of the ombudsman position on some campuses; and

4. The attitudes toward the ombudsman on those campuses where the position was being continued.

Consequently, a study was designed to provide answers to the following questions:

1. How many higher education campuses are currently continuing the office of campus ombudsman, and how many have discontinued it?

2. For what reason(s) have some higher education institutions decided to discontinue the office of ombudsman?

3. What is the current attitude regarding the position of campus ombudsman on the part of administration, faculty, students and ombudsmen?

As representative of the first three of the four campus groups mentioned immediately above, the researcher selected respectively chief campus executive officers, faculty organization heads and student government heads. A survey questionnaire designed to gather information regarding the three major study questions, and regarding the subjects' opinions of the future of the ombudsman position, was directed to the three groups just mentioned and to the ombudsmen. All questionnaires were channeled through the office of the chief executive officer.

From the 185 campuses which were identified as having or possibly having an ombudsman, came 343 responses from 140 campuses. Data showed that 55 campuses never had an ombudsman, 20 campuses had terminated the ombudsman, and 65 campuses were continuing the ombudsman position. Of the 343 responses from the 140 campuses, 118 came from chief executive officers, 94 from faculty organization heads, 80 from student government heads and 51 from ombudsmen. Categorizing the responses in relation to the status of the ombudsman revealed that 169 responses came from the 55 campuses which never had an ombudsman, 30 responses came from campuses which were continuing the ombudsman position.

The reasons for termination of the ombudsman position given by subjects on whose campus the position was discontinued were identified. Of the 312 responses in this area, 196 represented five reasons: (1) other personnel can more effectively hear and resolve personal grievances; (2) regular systems operating adequately; (3) lack of adequate funds; (4) ombudsperson's caseload did not justify the position; and (5) decline in campus unrest. Collectively, the first four of these reasons seem to reflect the attitude that the campus ombudsman simply was no longer needed, if indeed he ever had been.

A semantic differential composed of 20 adjective sets was used to gather responses regarding subject attitudes toward the ombudsman position. Of the 3,538 responses 2,524 indicated clearly a generally favorable attitude toward the ombudsman. An analysis of variance coupled with use of the Sheffē procedure revealed that statistically speaking ombudsman valued their position significantly more than other groups on every trait except two. Statistically chief executive officers rated the ombudsman position significantly higher vis-a-vis three traits than did student government heads. The order of favor exhibited by the four groups was consistently the same: ombudsmen were most favorable, followed by chief executive officers, faculty organization heads, and student government heads in that order.

Respondents from the 65 campuses which were continuing the ombudsman position were queried regarding their opinion of the future of the position. Of 153 responses, 110 indicated that the position would be continued indefinitely. Of the remaining 43 responses, eight indicated that the position would definitely be terminated and 15 that the future of the position was uncertain. Administrative and student government priorities were given as factors affecting the future.

From the 55 campuses reporting that they never had a ombudsman, came 49 percent of the 343 responses to the survey. Respondents from these campuses provided information regarding the level of interest in the ombudsman position on their respective campuses. Specifically, 38 percent of these 169 respondents indicated that there was little or no interest in establishing the position. A percentage of 17 indicated that there was interest in establishing the position. On no campus was

the process of instituting the office begun. The percentage of responses pertaining to the person who fulfilled ombudsman-like functions was extremely small. Most often mentioned were faculty senate members and dean of student services.

Conclusions

Analysis and interpretation of the study data suggest the following conclusions:

1. There is general satisfaction with the position of ombudsman on campuses where it remains.

2. The increase in the number of ombudsmen in American higher education has slowed. This conclusion rests in part on previous studies indicating rapid growth in the number of positions and also on a finding of this study that not even one of the 55 campuses reporting that they never had an ombudsman were in the process of implementing the position.

3. On campuses which had terminated the ombudsman position there was the general attitude that others could better, or at least adequately, fulfill the function. This attitude contributed to the demise of the 20 positions reported as terminated and to the expected demise of others.

4. Ombudsmen viewed their position as being much more valuable to the campus than did any other group.

5. Although several studies have attempted it, no research effort has as yet identified absolutely the number of campus ombudsmen in service in American higher education. A successful effort to do so would of necessity have to include visits by the researcher to those

campuses which have been unwilling to cooperate in survey efforts.

6. While campus ombudsman positions were not increasing as rapidly in number as at other times in the recent decade, this study indicates that the position will continue to thrive on some campuses in the forseeable future.

Recommendations

The following recommendations were developed from the literature review, study findings and conclusions:

1. A protracted study of all higher education campuses in the United States should be undertaken, directed toward absolute determination of the number of campus ombudsman in service. Phone calls and campus visits should be used as necessary. Essential to such a study is the definition of the ombudsman position.

2. A study should be undertaken to compare the effectiveness of student and/or faculty ombudsman with that of the campus ombudsman who serves the entire local academic community.

3. Periodic research efforts of a nature similar to this present study should be undertaken in order to continuously update the available information.

4. A study should be undertaken to determine the relationship between ombudsman jurisdiction and independence and the degree of success of the office.

5. A study should be made of the similarities and differences of ombudsmanlike offices and ombudsman offices per se.

6. A study should be undertaken to determine why countries utilizing the civil ombudsman have elected not to use the campus ombudsman in higher education.

7. A study should be undertaken to determine why students who apparently have much to gain from the ombudsman position do not support the office more strongly.

8. A study should examine the attitudes toward campus ombudsmen on the part of administrators on whose campuses the ombudsman has been terminated.

9. Additional investigation of whether there is a correlation between ombudsman appointments and periods of relatively intense student unrest is needed.

10. The question of the employment status of ex-ombudsmen should be given study.

11. Efforts to clarify the position of campus ombudsman as that of an independent investigator who serves to facilitate the regular campus procedures and systems should be continued.

The concern of persons involved in higher education, such as trustees, administrators, faculty members and students, for the general atmosphere of the campus and welfare of the individual student brought the campus ombudsman to the American campus scene. On some campuses the ombudsman has apparently completed his work. On other campuses he is still greatly needed. As long as the needs are there and the concern is alive someone or some group of persons, whatever the title(s), will continue to perform the functions of the campus ombudsman.

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APPENDIXES

APPENDIX A

TABLE 57

INSTITUTIONS AND MAJOR RESPONSES

ID No.	Name of Institution	Office(s) Responding CEO	FOH	SGH	O	Number of Responses	Never O.	Term. O.	Have O.	Interest
1	Auburn University	X	X	X		3	X			
2	University of Alabama					0				
3	Arizona State University	X	X	X	X	4			X	
4	Northern Arizona University	X	X	X		3	X			
5	University of Arizona	X	X	X		3	X			
6	California State University, Chico					0				
7	California State University, Dominquez Hills		X	X		2			X	
8	California State University, Fresno					0				
9	California State University, Fullerton	X				1		X		
10	California State University, Hayward	X	X	X		3	X			
*11	California State University, Long Beach	X	X	X	X	4	X			
*12	California State University, Los Angeles	X	X		X	3			X	

TABLE 57 (CONTINUED)

ID No.	Name of Institution	Office(s) Responding				Number of Responses	Never O.	Term. O.	Have O.	No Interest
		CEO	FOH	SGH	O					
*13	California State University, Northridge	X	X			2		X		
14	California State University, Sacremento	X				1		X		
*15	Humbolt State University	X				1			X	
*16	San Diego State University	X	X	X	X	4			X	
17	San Francisco State University	X	X	X		3	X			
*18	San Jose State University	X	X		X	3			X	
*19	California Polytechnic State University, Pomona	X	X	X		3	X			
20	California Polytechnic State University, San Luis Obisop	X	X	X		3	X			
*21	California State College, Bakersfield	X	X	X		3	X			
22	California State College, San Bernardino					0				
23	California State College, Sonoma					0				
24	Claremont Graduate School	X			X	2			X	
25	Claremont Men's College	X			X	2			X	
26	Harvey Mudd College	X			X	2			X	
27	Pitzer College	X	X		X	3			X	

TABLE 57 (CONTINUED)

ID No.	Name of Institution	Office(s) Responding CEO	FOH	SGH	O	Number of Responses	Never O.	Term. O.	Have O.	No Interest
28	Pomona College			X	X	2			X	
*29	Coastline Community College	X	X	X		3	X			
*30	Golden West College	X	X	X		3	X			
*31	Scripps College		X		X	2			X	
32	Orange Coast College	X	X	X		3	X			
*33	Contra Costa College	X	X	X		3	X			
*34	Diablo Valley College				X	1			X	
35	Immaculate Heart College					0				
36	Layola Marymount University	X	X	X		3	X			
37	Mills College	X	X	X		3	X			
38	Monterey Peninsula College	X	X	X		3	X			
39	Mount San Antonio College					0				
40	Cypress College	X	X	X		3	X			
41	Fullerton College					0				
42	Occidental College	X	X	X		3	X			
43	Pasadena City College	X	X	X		3	X			
44	Pepperdine University, Seaver College					0				
45	Pepperdine University, Los Angeles	X	X	X		3	X			

TABLE 57 (CONTINUED)

ID No.	Name of Institution	Office(s) Responding CEO	FOH	SGH	O	Number of Responses	Never O.	Term. O.	Have O.	No Interest
46	Chapman College					0				
*47	University of California, Berkeley	X	X	X	X	4			X	
*48	University of California, Davis	X	X	X		3	X			
49	University of California, Irvine	X				1		X		
50	University of California, Los Angeles	X				1			X	
51	University of California, Riverside					0				
*52	University of California, San Diego	X	X	X		3	X			
53	University of California, San Francisco					0				
*54	University of California, Santa Barbara	X				1			X	
55	University of California, Santa Cruz	X	X	X		3	X			
56	University of the Pacific					0				
57	West Hills College					0				
*58	West Valley College	X	X			2			X	

TABLE 57 (CONTINUED)

ID No.	Name of Institution	Office(s) Responding CEO	SOH	SGH	O	Number of Responses	Never O.	Term. O.	Have O.	No Interest
59	Whittier College	X	X	X		3	X			
*60	Colorado State University		X	X		2	X			
*61	University of Colorado Boulder		X		X	2			X	
62	University of Colorado at Denver					0				
63	University of Denver	X			X	2			X	
*64	University of Northern Colorado	X	X		X	3			X	
65	Manchester Community College					0				
*66	University of Bridgeport	X	X			2			X	
67	University of Connecticut					0				
*68	University of Hartford	X			X	2			X	
69	University of Delaware	X	X	X		3	X			
70	Florida Atlantic University					0				
71	Florida State University	X	X	X		3	X			
72	University of Florida	X			X	2			X	
*73	University of Miami				X	1			X	
*74	University of Hawaii at Manoa	X			X	2			X	

TABLE 57 (CONTINUED)

ID No.	Name of Institution	Office(s) Responding				Number of Responses	Never O.	Term. O.	Have O.	No Interest
		CEO	SOH	SGH	O					
75	Bradley University	X	X			2			X	
*76	Lewis College	X	X	X		3	X			
77	Governors State University	X	X	X		3		X		
*78	Northern Illinois University	X	X	X		3			X	
*79	Southern Illinois University at Carbondale				X	1			X	
80	Southern Illinois University at Edwardsville					0				
81	University of Chicago				X	1			X	
82	University of Illinois at Chicago Circle	X	X	X		3	X			
*83	University of Illinois, Urbana-Campaign	X	X	X	X	4			X	
*84	Western Illinois University	X	X		X	3			X	
*85	Indiana University, Bloomington				X	1			X	
*86	Valparaiso University	X		X	X	3			X	
87	Cornell College					0				
88	Iowa Wesleyan College					0				
89	University of Iowa	X				1			X	

TABLE 57 (CONTINUED)

ID No.	Name of Institution	Office(s) Responding CEO	FOH	SGH	O	Number of Responses	Never O.	Term. O.	Have O.	No Interest
*90	Asbury College	X	X	X		3	X			
91	Murray State University	X	X	X		3	X			
*92	University of Kentucky	X	X		X	3			X	
*93	University of Louisville	X		X	X	3			X	
94	Tulane University	X	X	X		3	X			
*95	Louisiana State University at Baton Rouge				X	1			X	
96	John Hopkins University					0				
97	Morgan State University					0				
98	Amherst College					0				
99	Boston College	X	X	X		3	X			
*100	University of Massachusetts	X			X	2			X	
101	University of Massachusetts at Boston	X	X	X		3	X			
102	Acquinas College					0				
103	Adrian College					0				
104	Calvin College	X	X	X		3	X			
105	Ferris State College					0				
106	Macomb County Community College		X	X		2		X		
107	Michigan State University					0				

TABLE 57 (CONTINUED)

ID No.	Name of Institution	Office(s) Responding CEO	FOH	SGH	O	Number of Responses	Never O.	Term. O.	Have O.	No Interest
108	Oakland University	X	X	X		3		X		
109	University of Detroit					0				
*110	University of Michigan	X			X	2			X	
*111	Wayne State University	X			X	2			X	
*112	Western Michigan University	X	X	X	X	4			X	
113	Saint Johns University					0				
114	University of Minnesota			X		1			X	
*115	Washington University				X	1			X	
116	Eastern Montana College					0				
*117	University of Montana	X	X	X		3		X		
*118	The University of Nebraska at Lincoln	X		X	X	3			X	
*119	The University of Nebraska at Omaha	X	X		X	3			X	
*120	University of Nevada, Las Vegas	X	X	X		3	X			
121	University of Nevada, Reno	X				1		X		
*122	Dartmouth College	X	X	X		3			X	
*123	University of New Hampshire		X		X	2			X	
124	Princeton University					0				
125	Rutgers (The State University)					0				

TABLE 57 (CONTINUED)

ID No.	Name of Institution	Office(s) Responding CEO	FOH	SGH	O	Number of Responses	Never O.	Term. O.	Have O.	No Interest
126	Eastern New Mexico University	X	X	X		3	X			
127	New Mexico State University					0				
128	Alfred University					0				
129	Borough of Manhattan Community College	X				1		X		
*130	Bronx Community College	X	X			2			X	
*131	City College of New York	X			X	2			X	
*132	City University of New York	X				1			X	
133	Columbia University in the City of New York	X	X	X		3	X			
*134	Cornell University		X		X	2			X	
135	C. W. Post College					0				
136	Long Island University					0				
137	New York University	X	X			2			X	
138	Queens College of City University New York					0				
139	Saint John Fisher College					0				
*140	State University of New York at Albany	X				1		X		
*141	State University of New York at Binghamton	X	X	X		3		X		

TABLE 57 (CONTINUED)

ID No.	Name of Institution	Office(s) Responding CEO	FOH	SGH	O	Number of Responses	Never O.	Term. O.	Have O.	No Interest
142	State University of New York at Buffalo	X	X			2		X		
143	State University of New York at Stoney Brook					0				
144	State University of New York at Brockport	X	X	X		3	X			
145	State University of New York at Oneonta	X		X	X	3			X	
146	State University of New York at Oswego	X	X	X		3	X			
147	Sullivan County Community College	X	X		X	3			X	
*148	Union College	X				1		X		
149	Case Western Reserve University					0				
150	Cleveland State University			X	X	2			X	
151	Cuyahoga Community College					0				
*152	Kent State University	X	X			2		X		
153	Ohio State University					0				
*154	Ohio University	X	X	X		3			X	
*155	University of Cincinnati	X	X	X	X	4			X	
156	University of Dayton	X	X	X		3	X			

TABLE 57 (CONTINUED)

ID No.	Name of Institution	Office(s) Responding CEO	FOH	SGH	O	Number of Responses	Never O.	Term. O.	Have O.	No Interest
157	Wilberforce University					0				
158	Wilmington College	X				1		X		
*159	Wright State College	X			X	2			X	
160	Linfield College	X	X	X		3	X			
*161	Oregon State University	X	X	X		3	X			
162	Oregon Technical Institute	X	X	X		3	X			
*163	Portland State College	X	X	X		3	X			
*164	Community College of Beaver County	X	X	X		3	X			
165	Gannon College					0				
166	University of Pennsylvania		X		X	2			X	
167	Widener College	X	X	X		3	X			
168	Roger Williams College				X	1			X	
*169	University of Rhode Island	X		X	X	3			X	
170	University of South Carolina at Columbia	X				1		X		
171	University of South Dakota	X	X	X		3	X			
*172	East Tennessee State University	X	X	X		3	X			

TABLE 57 (CONTINUED)

ID No.	Name of Institution	Office(s) Responding CEO	FOH	SGH	O	Number of Responses	Never O.	Term. O.	Have O.	No Interest
173	University of Tennessee					0				
174	North Texas State University	X	X	X		3	X			
175	Texas Tech University	X	X	X		3	X			
176	University of Texas - Austin		X	X	X	3			X	
*177	Brigham Young University	X				1			X	
178	Southern Utah State University	X	X	X		3	X			
179	Utah State University	X	X	X		3	X			
180	Weber State College	X	X	X		3			X	
*181	University of Washington	X	X		X	3			X	
*182	Washington State University		X		X	2			X	
183	West Virginia University	X				1			X	
*184	University of Wisconson	X	X	X		3	X			
*185	University of Wyoming	X	X	X		3	X			
	Total	118	94	80	51	343	55	20	65	

*Indicates request for report of study.

APPENDIX B

COMMITTEE MEMBER - COVER LETTER

THE UNIVERSITY OF TENNESSEE
Knoxville 37916

College of Education

Department of
Continuing and Higher Education
15 Henson Hall

Telephone 615-974-3071

DATE: March 1, 1979

TO: Selected Chief Executives, Campus Ombudsmen, and Faculty and Student Government Heads in Higher Education

SUBJECT: Current Status of the Campus Ombudsman

For the first time in this country we now have numbers of persons with mature experience in observing and evaluating this position. The time is therefore ripe for serious study of this aspect of American higher education.

Mr. Steve Burcham, a doctoral student on this campus, has had a strong interest in the position and has decided to study several of its aspects in his doctoral dissertation.

I am a member of his doctoral committee and I know that you share interest with Mr. Burcham and me in the topic. We hope that you will work with us in the study.

The enclosed questionnaire can be completed in ten minutes or less. We're grateful for your assistance.

Sincerely yours,

Earl M. Ramer
Professor Emeritus

EMR/dk

Enclosure

APPENDIX C

RESEARCHER'S COVER LETTER TO CHIEF EXECUTIVE OFFICERS

DATE: March 1, 1979

TO: Selected Campus Executive Officers in Higher Education

SUBJECT: Current Status of the Campus Ombudsperson

Two requests are related to your participation in the study described:

(1) Please foreward the three enclosed letters to the persons addressed through campus mail. It is not possible to acquire names and addresses for all the individuals holding these positions.

(2) Please complete the brief questionnaire enclosed and return it in the stamped envelope provided. The questionnaire has been designed to gather information regarding the number of ombudsperson positions currently active and the number which have been discontinued, the reasons some positions have been discontinued, and the current attitude of students, faculty members and campus administrators regarding the campus ombudsperson position.

If you would like a report on this research please indicate your desire in the introductory section of the questionnaire. Each participating campus will also receive a copy of the Directory of Ombudspersons being compiled from this study. Your participation is vital to this research effort and greatly appreciated.

Respectfully,

Stephen E. Burcham

APPENDIX D

RESEARCHER'S COVER LETTER TO CHIEF EXECUTIVE OFFICERS, FACULTY ORGANIZATION HEADS, STUDENT GOVERNMENT HEADS AND OMBUDSMEN

DATE: March 1, 1979

TO: Selected Chief Executives, Campus Ombudspersons, and Faculty and Student Government Heads in Higher Education

SUBJECT: Current Status of the Campus Ombudsperson

The enclosed questionnaire will gather information relative to three significant questions regarding the campus ombudsperson: (1) What is the number of currently active ombudspersons and how many such positions have been terminated? (2) For what reasons have some ombudsperson position been terminated? (3) What are the current attitudes of students, faculty, ombudspersons and campus administrators regarding the campus ombudsperson position?

Your willingness to participate in this study is appreciated. All responses will be held in absolute confidence. At no time will your responses be identified to anyone other than the researcher.

You may indicate on the questionnaire your desire to receive a report on this research. Additionally, each participating campus will receive a copy of the Directory of Ombudspersons compiled from the study. Your participation is essential to the validity of both these items.

Sincerely,

Stephen E. Burcham

APPENDIX E

OMBUDSMAN QUESTIONNAIRE

This questionnaire is directed toward discovering how many campuses have discontinued the ombudsperson position and why, and assessment of cur rent attitudes regarding the campus ombudsperson.

DIRECTIONS:

(1) Section I is to be completed only by ombudspersons.

(2) If your campus has never had an ombudsperson, please complete only Section II-A.

(3) If your campus has terminated the ombudsperson position, please complete only Sections II-B, III and IV.

(4) If your campus currently employs a campus ombudsperson, please complete only Sections II-C and IV.

(5) If you wish to receive a report of the results of this inquiry, please check here. _____

SECTION I

INFORMATION FOR DIRECTORY OF OMBUDSPERSONS

(Your name will never be identified with your responses.)

A. Name: (Mrs., Miss, Mr., Dr.)_____
First Initial Last

B. Complete campus address: _____

_____

C. Is your position titled Ombudsperson? ___Yes; ___ No
If your answer is No, please write in your title._____

SECTION II

CURRENT AND FUTURE STATUS

A. If your campus has never had a formal campus ombudsperson position, please check any and all appropriate statements:

____ There has never been a campus ombudsperson.
____ There is interest in establishing such a position.
____ The process of setting up the position is begun.
____ There is little or no interest in establishing such a position.
____ The campus has a person who fulfills ombudsmanlike functions.
That person's title is_____

B. If your campus has terminated the ombudsperson position:
   1. How long did the campus have an ombudsperson? ___ Years, ___ Months
   2. Time lapse since termination? ___ Years, ___ Months

C. If your campus currently employs a campus ombudsperson, what in your opinion, is the future for the position?
   ____ Will be discontinued
   ____ Established on a trial basis; future uncertain.
   ____ Will be continued indefintely.
   ____ Other (Please write in) _____

SECTION III

REASONS FOR DISCONTINUATION

A major concern of this study is that of determining the reason(s) for which some campuses have discontinued the ombudsperson position. A list of possible reasons for discontinuing the ombudsperson position follows. If your campus has terminated the ombudsperson position, please circle one of the four numbers preceeding each statement to indicate the degree of influence on the decision to discontinue the position of ombudsperson. The scale of influence is: 0 = Of no influence; 1 = Slightly influential; 2 = Quite influential; 3 = Extremely influential.

0 1 2 3 (1) Decline in campus unrest.
0 1 2 3 (2) Regular systems operating adequately.
0 1 2 3 (3) Lack of adequate funds.
0 1 2 3 (4) Ombudsperson's caseload did not justify the position.
0 1 2 3 (5) Ombudsperson worked himself out of a job.
0 1 2 3 (6) Ombudsperson was ineffective.
0 1 2 3 (7) The office of ombudsperson was intended to be temporary.
0 1 2 3 (8) Ombudsperson was overly independent.
0 1 2 3 (9) Other personal can more effectively hear and resolve personal grievances.
0 1 2 3 (10) Unable to locate an acceptable replacement ombudsperson.
0 1 2 3 (11) Other (Please write in other reasons and rate them according to the same scale.)_____

SECTION IV

ATTITUDE ASSESSMENT

A semantic differential is being used to assess your attitude regarding the position of campus ombudsperson. Below you will find a series of bipolar adjective sets. Each pair of opposites is separated by seven spaces along a scale representing the two extremes. Please place an X in the space that most accurately reflects your attitude regarding the position of campus ombudsperson. It is your first or immediate response to each set of terms that is wanted. Make each response a separate and independent judgement.

weak	____:	____:	____:	____:	____:	____:	____	strong
free	____:	____:	____:	____:	____:	____:	____	constrained
unfair	____:	____:	____:	____:	____:	____:	____	fair
honest	____:	____:	____:	____:	____:	____:	____	dishonest
fast	____:	____:	____:	____:	____:	____:	____	slow
helpful	____:	____:	____:	____:	____:	____:	____	harmful
unnecessary	____:	____:	____:	____:	____:	____:	____	necessary
useful	____:	____:	____:	____:	____:	____:	____	useless
incompetent	____:	____:	____:	____:	____:	____:	____	competent
responsible	____:	____:	____:	____:	____:	____:	____	irresponsible
beneficial	____:	____:	____:	____:	____:	____:	____	detrimental
regressive	____:	____:	____:	____:	____:	____:	____	progressive
meaningless	____:	____:	____:	____:	____:	____:	____	meaningful
preventive	____:	____:	____:	____:	____:	____:	____	remedial
dissonant	____:	____:	____:	____:	____:	____:	____	harmonious
lasting	____:	____:	____:	____:	____:	____:	____	temporary
permissive	____:	____:	____:	____:	____:	____:	____	prohibitive
passive	____:	____:	____:	____:	____:	____:	____	active
successful	____:	____:	____:	____:	____:	____:	____	unsuccessful
aggressive	____:	____:	____:	____:	____:	____:	____	defensive

APPENDIX F

LETTER TO GRADUATE GROUP

Dear Faculty Members,

It seems foolish to have all this academic ability around me every day and not make some use of it in the research effort related to my dissertation. Would you help me by reading the explanation of what I am doing and evaluating my questionnaire: I would appreciate it.

For the past decade a new position has been developing on American higher education campuses. The position is that of Campus Ombudsman. An ombudsman is a person who receives complaints, primarily from students, investigates the complaints and makes recommendations for suitable action. His power lies in his ability to persuade, criticize and publicize.

I am attempting to answer three questions about the ombudsman:

1. How many higher education campuses are currently continuing the office of campus ombudsman?

2. For what reason(s) have some higher education institutions decided to discontinue the office of ombudsman?

3. What is the current attitude regarding the position of campus ombudsman on the part of students, faculty and administration?

In addition to answering these three questions, I hope to develop an ombudsman registry, obtain an overview of ombudsmen's opinions regarding current attitudes toward their position, and discover what ombudsmen believe is the future for ombudsmanship in higher education.

Even though you may never have heard of the ombudsman, you can help me. Please review the three major questions I am seeking to answer. Look carefully at the paragraph just above which describes the additional information I hope to gather. Then ask yourself the following questions:

1. Assuming the subjects answer the questionnaire to the best of their ability, will Mr. Burcham have the information he needs to answer the three major questions of the study? In other words, does the questionnaire ask for the information he wants? Please comment. (use back if needed.)

2. Is the language clear? Do you understand what is being ask? How would you change questions to clarify them? (Wrote on this sheet and/or on the questionnaire itself.)

3. What changes do you suggest for the study or the questionnaire? What seems strange or difficult to understand? Please comment.

4. Make any additional comments you wish. Criticism is strongly encouraged.

APPENDIX G

QUESTIONNAIRE EVALUATED BY GRADUATE GROUP

Section I

A. Institutional type: (check one)

___ Public

___ Private

(check one)

___ Two year community college

___ College

___ Single campus university

___ Multi-campus university

B. Campus Population: (Check one)

___ Under 2,000 students ___ 2,000 - 5,000 students

___ 5,000 - 10,000 students ___ 10,000 - 15,000 students

___ 15,000 - 20,000 students ___ 20,000 - 25,000 students

___ 25,000 - 30,000 students ___ Above 30,000 students

C. If there has never been an ombudsman position on your campus, please check the appropriate statement(s) below and return the entire form in the envelope provided.

___ We have never had an ombudsman on this campus.

___ We are interested in establishing such a position.

___ We are in the process of selecting an ombudsman.

___ To my knowledge there is little if any interest in establishing an ombudsman position.

___ We have a campus person who fulfills ombudsmanlike functions.

The person's title is what? _____.

D. If your campus no longer has an ombudsman:

1. How long did you have an ombudsman?

___ Over 10 years ___ 5 - 10 years

___ 3 - 5 years ___ 2 - 3 years

___ 1 - 2 years ___ Less than 1 year

2. How long since the ombudsman's office was terminated.

___ 5 - 10 years ___ 3 - 5 years

___ 2 - 3 years ___ 1 - 2 years

___ Less than 1 year

E. If your campus currently employs an ombudsman, please skip Section II and go directly to Section III.

F. If the ombudsman position on your campus has been terminated, please complete both Sections II and III.

G. If you wish to receive a report of the results of this inquiry, please check here. _____

Section II

A major concern of this study is that of determining the reason(s) behind the decision of some campuses to discontinue the ombudsman position. A list of possible reasons for discontinuing the ombudsman position follows. Please circle one of the four numbers preceeding each statement to indicate the degree of influence on the decision to discontinue the position of ombudsman. The scale of influence is:

3 = Extremely influential
2 = Quite influential
1 = Slightly influential
0 = Of no influence

3 2 1 0 (1) Decline in campus unrest.

3 2 1 0 (2) Regular systems operating adequately.

3 2 1 0 (3) Lack of adequate funds.

3 2 1 0 (4) Ombudsman's caseload did not justify the position.

3 2 1 0 (5) Ombudsman worked himself out of a job.

3 2 1 0 (6) Ombudsman was ineffective.

3 2 1 0 (7) The office of ombudsman was intended to be temporary.

3 2 1 0 (8) Ombudsman was independent.

3 2 1 0 (9) Other personnel can more effectively hear and resolve personal grievances.

3 2 1 0 (10) Unable to locate an acceptable replacement ombudsman.

3 2 1 0 (11) Other (Please write in the reason and rate it according to the same scale.)

3 2 1 0 (12)

Section III

Evaluation of the Campus Ombudsman

A semantic differential is being used to elicit your evaluation of the campus ombudsman's office. Below you will find a series of bipolar adjective sets. Each pair of opposites is separated by seven spaces along a scale representing the two extremes. Please place an X in the space that most accurately reflects your evaluation of the campus ombudsman.

It is your first or immediate response to each set of terms that is wanted. Make each response a separate and independent judgment. Note the following illustrations:

If your evaluation of the campus ombudsman as related to a particular set of bipolar adjectives is very close to one extreme or the other you would place the X as follows:

good __X__ : ____ : ____ : ____ : ____ : ____ : ____ bad

or

good ____ : ____ : ____ : ____ : ____ : ____ : __X__ bad

If your evaluation of the campus ombudsman as related to a particular set of bipolar adjectives is slightly less than extreme you would mark that set as follows:

good ____ : __X__ : ____ : ____ : ____ : ____ : ____ bad

or

good ____ : ____ : ____ : ____ : ____ : __X__ : ____ bad

If your evaluation of the campus ombudsman as related to a particular set of bipolar adjectives is only slightly nearer one extreme as opposed to the other you would mark the set as follows:

good ____ : ____ : __X__ : ____ : ____ : ____ : ____ bad

or

good ____ : ____ : ____ : ____ : __X__ : ____ : ____ bad

If your evaluation of the campus ombudsman as related to a particular set of bipolar adjectives is neutral, equally associated, neither toward one extreme or the other, you should place the X in the middle space.

good ____: ____: ____: ____: ____: ____: ____ bad

Please place an X in the space that most accurately represents your evaluation of the campus ombudsman in relation to the following bipolar adjective sets.

weak	____:	____:	____:	____:	____:	____:	____	strong
free	____:	____:	____:	____:	____:	____:	____	constrained
unfair	____:	____:	____:	____:	____:	____:	____	fair
honest	____:	____:	____:	____:	____:	____:	____	dishonest
fast	____:	____:	____:	____:	____:	____:	____	slow
helpful	____:	____:	____:	____:	____:	____:	____	harmful
unnecessary	____:	____:	____:	____:	____:	____:	____	necessary
useful	____:	____:	____:	____:	____:	____:	____	useless
incompetent	____:	____:	____:	____:	____:	____:	____	competent
responsible	____:	____:	____:	____:	____:	____:	____	irresponsible
beneficial	____:	____:	____:	____:	____:	____:	____	detrimental
regressive	____:	____:	____:	____:	____:	____:	____	progressive
meaningless	____:	____:	____:	____:	____:	____:	____	meaningful
preventive	____:	____:	____:	____:	____:	____:	____	remedial
dissonant	____:	____:	____:	____:	____:	____:	____	harmonious
lasting	____:	____:	____:	____:	____:	____:	____	temporary
permissive	____:	____:	____:	____:	____:	____:	____	prohibitive
passive	____:	____:	____:	____:	____:	____:	____	active
successful	____:	____:	____:	____:	____:	____:	____	unsuccessful
aggressive	____:	____:	____:	____:	____:	____:	____	defensive

APPENDIX H

LETTER TO HIGHER EDUCATION JURY

From: Stephen E. Burcham
Doctoral Candidate
Educational Administration
and Supervision
The University of Tennessee
Knoxville, Tennessee

Since 1971 I have been interested in the development of the position of campus ombudsman in higher education. The enclosed questionnaire, which is in its developmental stage, is being prepared to solicit information from chief campus executive officers, faculty organizational heads, student organizational heads and ombudspersons regarding the following questions:

1. How many higher eudcation campuses have terminated the position of campus ombudsman and how many campuses are currently continuing the position?
2. For what reason(s) has the ombudsman position been terminated on some campuses?
3. What is the current attitude regarding the ombudsman position on the part of chief campus executive officers, faculty organizational heads, student organizational heads and ombudsmen?
4. In the opinion of survey subjects, what is the future of the position of ombudsman on their respective campuses?

A. Complete the questionnaire. (You may be certain that your name will never be identified with your responses.)

B. Rate the questionnaire according to the following criteria:
   1. Format: ___Superior; ___Adequate; ___Poor.
   2. Intelligibility: ____Superior; ___Adequate; ___Poor.
   3. Adequacy: (i.e., Will the instrument provide the desired date?) ___Superior; ___Adequate; ___Poor.

C. Provide suggestions for the improvement of the questionnaire, including means of encouraging subject responses. (As indicated on the questionnaire, those who so indicate will receive a report of the study. In addition, each ombudsman will receive an Ombudsman Directory.) Write on the reverse side as necessary.

D. Please return the questionnaire in the envelope provided. Thank you.

APPENDIX I

OMBUDSMAN QUESTIONNAIRE

This questionnaire is directed toward discovering how many campuses have discontinued the ombudsman position and why, and assessment of current attitudes regarding the campus ombudsman.

DIRECTIONS:

(1) If your campus has never had an ombudsman, please complete only Sections I and II-A. (Omit III and IV.)

(2) If your campus has terminated the ombudsman position, please complete Sections I, II-B, III and IV.

(3) If your campus currently employs a campus ombudsman, please complete Sections I, II-C, and IV. (Omit III.)

(4) If you wish to receive a report of the results of this inquiry, please check here.

SECTION I

INSTITUTIONAL TYPE AND SIZE

A. Institutional Type:

1. Affiliation (check one): ____Public; ____Private

2. Type (check one): ____Junior college; ____Two year community college; ____Four-year College; ____Single campus university; ____Multi-campus university.

B. Campus Population:

Please indicate your total campus student enrollment._____

SECTION II

CURRENT AND FUTURE STATUS

A. If your campus has never had a formal campus ombudsman position, please check any and all appropriate statements:

____ There has never been a campus ombudsman.

____ There is interest in establishing such a position.

____ The process of setting up the position is begun.

____ There is little or no interest in establishing such a position.

____ The campus has a person who fulfills ombudsmanlike functions.
That person's title is_____.

B. If your campus has terminated the ombudsman position:

1. How long did the campus have an ombudsman? ____Years; ____ Months

2. Time lapse since termination? ____Years; ____Months

C. If your campus currently employs a campus ombudsman, what in your opinion, is the future for the position?

____ Will be discontiued

____ Established on a trial basis; future uncertain

____ Will be continued indefinitely

____ Other (Please write in.) _____.

SECTION III

REASONS FOR DISCONTINUATION

A major concern of this study is that of determining the reason(s) for which some campuses discontinued the ombudsman position. A list of possible reasons for discontinuing the ombudsman position follos. Please circle one of the four numbers preceeding each statement to indicate the degree of influence on the decision to discontinue the position of ombudsman. The scale of influence is: 0 = Of no influence; 1 = Slightly influential; 2 = Quite influential; 3 = Extremely influential.

0 1 2 3 (1) Decline in capus unrest.

0 1 2 3 (2) Regular systems operating adequately.

0 1 2 3 (3) Lack of adequate funds.

0 1 2 3 (4) Ombudsman's caseload did not justify the position.

0 1 2 3 (5) Ombudsman worked himself out of a job.

0 1 2 3 (6) Ombudsman was ineffective.

0 1 2 3 (7) The office of ombudsman was intended to be temporary.

0 1 2 3 (8) Ombudsman was intolerably independent.

0 1 2 3 (9) Other personal can more effectively hear and resolve personal grievances.

0 1 2 3 (10) Unable to locate an acceptable replacement ombudsman.

0 1 2 3 (11) Other (Please write in other reasons and rate them according to the same scale.) _____

SECTION IV

ATTITUDE ASSESSMENT

A semantic differential is being used to assess your attitude regarding the position of campus ombudsman. Below you will find a series of bipolar adjective sets. Each pair of opposites is separated by seven spaces along a scale representing the two extremes. Please place an X in the space that most accurately reflects your attitude regarding the position of campus ombudsman. It is your first or immediate response to each set of terms that is wanted. Make each response a separate and independent judgement.

weak	____: ____: ____: ____: ____: ____: ____	strong
free	____: ____: ____: ____: ____: ____: ____	constrained
unfair	____: ____: ____: ____: ____: ____: ____	fair
honest	____: ____: ____: ____: ____: ____: ____	dishonest
fast	____: ____: ____: ____: ____: ____: ____	slow
helpful	____: ____: ____: ____: ____: ____: ____	harmful
unnecessary	____: ____: ____: ____: ____: ____: ____	necessary
useful	____: ____: ____: ____: ____: ____: ____	useless
incompetent	____: ____: ____: ____: ____: ____: ____	competent
responsible	____: ____: ____: ____: ____: ____: ____	irresponsible
beneficial	____: ____: ____: ____: ____: ____: ____	detrimental
regressive	____: ____: ____: ____: ____: ____: ____	progressive
meaningless	____: ____: ____: ____: ____: ____: ____	meaningful
preventive	____: ____: ____: ____: ____: ____: ____	remedial
dissonant	____: ____: ____: ____: ____: ____: ____	harmonious
lasting	____: ____: ____: ____: ____: ____: ____	temporary
permissive	____: ____: ____: ____: ____: ____: ____	prohibitive
passive	____: ____: ____: ____: ____: ____: ____	active
successful	____: ____: ____: ____: ____: ____: ____	unsuccessful
aggressive	____: ____: ____: ____: ____: ____: ____	defensive

APPENDIX J

OMBUDSMAN DIRECTORY

3. James W. Creasman
Arizona State University
Administration Bldg., Room 203
Tempe, Arizona 85281

7. Campus Ombudsman
California State University
Carson, California 90747

12. William K. Schatz
5151 State University Drive
Los Angeles, California 90032

15. Dr. Louise Watson
129 Siemens Hall Humboldt
State University
Arcata, California 95521

16. Dr. Barbara E. Gunning
Ombudsman S.D.S.U.
San Diego, California 92182

18. Mrs. Jo Ella Hannah
San Jose State University
Washington Square
San Jose, California 95192

24. Campus Ombudsman
Claremont Graduate School
Harper - East 115
Claremont, California 91711

25. Campus Ombudsman
Claremont Men's College
Claremont, California 91711

26. Campus Ombudsman
Harvey Mudd College
Claremont, California 91711

27. Miss Harriet J. Udin
Office of the Ombudsman
McAlister Center
Claremont Colleges
Claremont, California 91711

28. Campus Ombudsman
Pomona College
333 College Way
Claremont, California 91711

34. Mr. Wenden M. Taylor
Diablo Valley College
321 Golf Club Road
Pleasant Hill, California 94523

47. Dr. Povindar K. Mehta
53F Darius Hall
University of California
Berkeley, California 94720

47. Joseph Mileck
328 Stephens Hall
University of California
Berkeley, California 94720

50. Campus Ombudsman
University of California - L.A.
405 Hilgard Avenue
Los Angeles, California 90024

54. Campus Ombudsman
University of California
Santa Barbara, California 93106

58. Dr. Michael Rivera
14000 Fruitvale Avenue
Saratoga, California 95070

61. Jolene H. Quigley
U.M.C. 328
University of Colorado
Boulder, Colorado 80309

63. James D. McKnight
Student Omdudsmen's Office
University of Denver
Denver, Colorado 80210

64. William D. Mitchell
University of Northern Colorado
Greenley, Colorado 80639

66. Dr. William F. Allen
University of Bridgeport
Bridgeport, Connecticut 06602

68. Mr. David R. Gant
200 Bloomfield Avenue, Room 325
W. Hartford, Connecticut 06117

72. Dr. Thomas W. Cole, Sr.
Academic Affairs
231 Tigert Hall
University of Florida
Gainesville, Florida 32611

73. Mr. Rick Artman
P. O. Box 248193
University of Miami
Coral Gables, Florida 33124

74. Mr. Donald J. Perry
2465 Campus Road
Honolulu, Hawaii 96822

75. Dr. Glendon O. Arrin
Morgan Hall 101
Bradley University
Peoria, Illinois 61025

78. Campus Ombudsman
Bradley University
1501 Bradley Avenue
Peoria, Illinois 61625

79. Mrs. Ingrid Gadway
University Ombudsperson
Woody C 302
Southern Illinois University
Carbondale, Illinois 62901

81. Ms. Gail J. Hankins
University of Chicago
Reynold Club 204

83. Mr. Hugh M. Satterier
420 C Illini Union
University of Illinois
Urbana, Illinois 61801

84. Mr. Don F. Daudelin
Office of the Ombudsman
Western Illinois University
Macomb, Illinois 61455

85. Ms. Agenes S. Raymundo
1514 E. 3rd Street
Bloomington, Illinois 47401

86. Warren G. Rubel
Box 189
Valparaiso University
Valparaiso, Indiana 46383

92 Miss Jane M. Emanuel
109 Bradley Hall
University of Kentucky
Lexington, Kentucky 40506

93. Dr. Stanley R. Frager
University of Louisville
Louisville, Kentucky 40208

95. Mr. Matthew J. Barker
S.G.A. Ombudsman Office
P. O. Box 16960-A
Louisiana State University
Baton Rouge, Louisiana 70803

100. Dr. Robert R. Wellman
Campus Center
University of Massachusetts
Amherst, Massachusetts 01003

110. Mrs. Elizabeth K. Davenport
3000 Michigan Union
University of Michigan
Ann Arbor, Michigan 48109

111. Dr. Theodore B. Fleming, Jr.
Office of the Ombudsman
217 S. C. B.
Wayne State University
Detroit, Michigan 48202

112. Dr. Phillip H. Kramer
218 U.S.C Western Michigan
University Kalamazoo, MI 49008

114. Mr. Moez E. Manji
102 Johnston Hall
University of Minnesota
Minneapolis, Minnesota 55455

115. Dr. Ronald C. Freiwald
Department of Mathematics
Box 1146
Washington University

118. Dr. Allen E. Dittmer
116 LH
University of Nebraska
Lincoln, Nebraska 68505

119. Mr. Don J. Pflasterer
60 Dodbe Street
University of Nebraska Omaha
Omaha, Nebraska 68182

122. Dr. M. H. Bonz
Hinman 6-18
Dartmouth College
Hanover, New Hamphire 03755

123. Dr. Heidi Marie C. Sherman
51 Hamilton Smith
University of New Hampshire
Durham, NH 03824

131. Dr. Richard H. Goldstone
Department of English
City College, New York 10031

132. Claire E. Francy
Room 201 Graduate Center
33 W. 42nd Street
New York, New York 10036

134. Eugene C. Erickson
201 Barnes Hall
Cornell University
Ithaca, New York 14853

137. Dr. Martin Hamburger
51 West Fourth Street
New York University
New York, New York 10003

145. Ferdinano A. Ermlich
121 Morris Hall
State University of New York
Oneonta, New York 13820

147. Mr. Lou Harmin
Sullivan Co. Community Col.
Loch Sheldrake, NY 12759

150. Dr. Edward P. Brennan
UT 1553
Cleveland State University
Cleveland, Ohio 44115

154. Dr. Lester J. Jarks
McGuffes 103
Ohio University
Athens, Ohio 45701

155. Ms. Susan E. Novik
335 T.V.C.
Office of Ombudsman
University of Cincinnati
Cincinnati, Ohio 45220

159. Ms. Jane M. Lynch
Wright State University
Dayton, Ohio 45431

166. John C. Keene
3537 Locust Walk
University of Pennsylvania
Philadelphia, PA 19104

168. Mr. Harold Payson
Roger Williams College
Bristol, RI 02809

169. Dr. Karen A. Schroeder
220 Quinn Hall
University of Rhode Island
Kingston, RI 02881

176. Ms. Anna Clare Brie
Ombudsman Student Services
Building Room 7
University of Texas at Austin
Austin, Texas 78712

177. Dr. Maren Mouritsen
B.Y.U.
Provo, Utah 84602

180. H. K. Galnder
Weber State College
3750 Harrison Blvd.
Ombudsman Office
Ogden, Utah 84408

181. Pro. Sunner Moncus
University of Washington DS-10
Seattle, Washington 98195

182. Dr. Toshio Akamine
Wilson Hall Room 2
Washington State University
Pullman, Washington 99164

183. Campus Ombudsman
West Virginia University
Morgantown, WV 26506

APPENDIX K

TABLE 58

ANALYSIS OF VARIANCE

Variable No.	Source	Sum of Squares	Degrees of Freedom	Mean Squares	F Ratio	P
1	Between	56.7334	3	18.9111	16.213	0.0000
	Within	395.4050	339	1.1663		
	Total	452.1384	342			
2	Between	54.7820	3	18.2607	11.255	0.0000
	Within	550.0203	339	1.6225		
	Total	604.8022	342			
3	Between	128.9329	3	42.9776	30.817	0.0000
	Within	472.7786	339	1.3946		
	Total	601.7114	342			
4	Between	139.9788	3	46.6596	28.009	0.0000
	Within	564.7301	339	1.6659		
	Total	704.7087	342			
5	Between	61.5986	3	20.5329	21.251	0.0000
	Within	327.5363	339	0.9662		
	Total	389.1348	342			
6	Between	142.1459	3	47.3819	39.496	0.0000
	Within	406.6863	339	1.1997		
	Total	548.8320	342			
7	Between	157.3379	3	52.4460	38.074	0.0000
	Within	466.9639	339	1.3896		
	Total	624.3018	342			

TABLE 58 (CONTINUED)

Variable No.	Source	Sum of Squares	Degrees of Freedom	Mean Squares	F Ratio	P
8	Between	183.2394	3	61.0798	43.955	0.0000
	Within	471.0789	339	1.3896		
	Total	654.3184	342			
9	Between	156.0884	3	52.0295	45.353	0.0000
	Within	388.9078	339	1.1472		
	Total	544.9961	342			
10	Between	172.3485	3	57.4495	41.655	0.0000
	Within	467.5445	339	1.3792		
	Total	639.8928	342			
11	Between	155.0242	3	51.6747	41.760	0.0000
	Within	419.4820	339	1.2374		
	Total	574.5061	342			
12	Between	119.0957	3	39.6986	34.669	0.0000
	Within	388.1848	339	1.1451		
	Total	507.2803	342			
13	Between	149.4493	3	49.8164	40.060	0.0000
	Within	421.5630	339	1.2435		
	Total	571.0122	342			
14*	Between	1.7686	3	0.5895	0.505	0.6790
	Within	395.6060	339	1.1670		
	Total	397.3745	342			
15	Between	39.4092	3	13.1364	11.579	0.0000
	Within	384.6059	339	1.1345		
	Total	424.0149	342			

TABLE 58 (CONTINUED)

Variable No.	Source	Sum of Squares	Degrees of Freedom	Mean Squares	F Ratio	P
16	Between	54.6820	3	18.2273	13.011	0.0000
	Within	474.9013	339	1.4009		
	Total	529.5833	342			
17*	Between	3.1502	3	1.0501	1.660	0.1754
	Within	214.4157	339	0.6325		
	Total	217.5659	342			
18	Between	72.4305	3	24.1435	21.180	0.0000
	Within	386.4246	339	1.1399		
	Total	458.8550	342			
19	Between	108.5636	3	36.1879	31.386	0.0000
	Within	390.8631	339	1.1530		
	Total	499.4268	342			
20	Between	47.6780	3	15.8927	21.872	0.0000
	Within	246.3208	339	0.7266		
	Total	293.9988	342			

*No significant difference.

VITA

Stephen Edward Burcham was born in Harford County, Maryland, and began his formal education at Emmorton Elementary School, Bel Air, Maryland. Later he attended Rising Sun Elementary and High Schools in Rising Sun, Maryland.

In June 1951, Stephen was inducted into the United States Navy and, after training, served in maintenance in an air-transport squadron in the Marshall Islands and at Moffett Field, California. He was discharged honorably in 1955.

Mr. Burcham was accepted probationally as a student at Carson-Newman College in Jefferson City, Tennessee in 1960 on the basis of scores obtained on Maryland's General Education Diploma Test. In 1963 Carson-Newman awarded him the B.A. degree with a composite major in English and speech.

While employed by the Tennessee public school systems of Jefferson County and Knox Counties as a teacher, guidance counselor or administrator from 1963 to 1979, he completed a Master's degree in Educational Administration and Supervision at the University of Tennessee, Knoxville, in 1970 and the Doctor of Education degree with a major in Educational Administration and Supervision and minors in Higher Education and Sociology at the same institution in 1979.

Mr. Burcham is a member of Phi Delta Kappa, American Association of School Administrators, Tennessee Association of Elementary School Principals, National Education Association, Tennessee Educational Association, and Jefferson County Education Association. His family includes his wife, Betty; two sons, Larry and Robby; and two daughters, Rhonda and Stephenee.