

# USC Gould

## School of Law

### LAW-868 Organizational Ombuds

**Units:** 2

**Day/Time, Location:** March 22-23, April 19-20, 2024

**Instructor:** Nicholas Raichart

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#### Course Description

Organizational Ombuds explores the origin, development and practice of the modern organizational ombuds. The course is designed to provide practical foundation in the theories, policies and ethical issues of ombuds practice in a variety of workplaces. It will introduce the role, scope and duties of the ombuds role including the four basic principles: neutrality, independence, confidentiality, and informality. Through a combination of reading, discussion and role play activities, the course will provide students with knowledge of best practices to establish and operate an ombuds office, mastery of the skills to effectively manage conflict in the workplace, and an understanding of effective strategies to promote the office and gain support from management.

#### Learning Objectives

- Examine how the role, scope, and duties of today's ombuds began and evolved.
- Identify, articulate and apply ombuds ethics as well as the four basic principles of the organizational ombuds: neutrality, independence, confidentiality, and informality.
- Apply skills and confidence to serve as a neutral, including effective techniques for interviewing, reflective listening, reframing, identifying issues, and providing options.
- Demonstrate how and when to effectively intervene in workplace conflict.
- Apply best practices for establishing and operating an ombuds office, including maintaining appropriate logs, tracking data and reporting to management.
- Describe the mission, values, and culture of an organization and to align the ombudsman office within that structure.

**Prerequisite(s); co-requisite(s), or recommended preparation:**

None

**Required Materials (e.g., textbooks or other)**

#### READER:

- Stieber, Carolyn. "57 Varieties: Has the Ombudsman Concept Become Diluted?" in *Negotiation Journal*, January 2000, 49-57
- Rasch, David. "A Meatball by Any Other Name", in *Journal of the International Ombudsman Association* (2018)
- Mintzberg, Henry. "Rebuilding Companies as Communities", *Harvard Business Review*, July-August 2009
- Ulrich, Zachary P. "Reconsidering the Neutrality and Impartiality Standard: A Multidisciplinary Analysis," in *The Journal of the International Ombudsmans Association*, 6, no.2 (2013).
- Rowe, Mary. "What Happens to Confidentiality if a Visitor Refuses to Report Unacceptable Behavior?", in *Journal of the International Ombudsman Association*, 4, no.2 (2011)
- Rowe, Mary. "Informality, the Fourth Standard of Practice," in *Journal of the International Ombudsman Association*, 5, no.1, (2012)
- Shelton, Robert L. "Justice as Basis of Equity and Fairness in Ombudsman Practice," in *Journal of the International Ombudsman Association*, 4, no. 1 (2011)
- Gunning, Isabelle R. "Diversity Issues in Mediation: Controlling Negative Cultural Myths", in *Journal of Dispute Resolution*, 1995, no. 1 (1995)
- Gadlin, Howard. "I Was Just Thinking About Fairness," in the *Journal of the International Ombudsman Association*, 4, no. 1 (2011)
- Harrison, Tyler and Morrill, Calvin. "Ombuds Processes and Dispute Reconciliation," *Journal of Applied Communication Research*, 32, no.4 (2004)
- Brinkert, Ross. "Conflict Coaching and the Organizational Ombuds Field," *Journal of the International Ombudsman Association*, 3, no. 1 (2010): 47-53.
- Levine-Finley, Samantha. "Stretching the Coaching Model," in *Conflict Resolution Quarterly*, 31, no. 4, (2014)
- Blair, Wayne. "Reimagining the Role of the Organizational Ombuds," in *Journal of the International Ombudsman Association* (2017)
- Waxman, Jason A. "The Conflict Competent Organization: Assessing the Perceived Economic Value of the Corporate Ombuds Office," in *Journal of International Ombudsman Association*, 4, no.2 (2011)
- Buss, Helmut. "Controlling Conflict Costs: The Business Case of Conflict Management", in *Journal of the International Ombudsman Association*, 4, no.1 (2011)
- Barkat, John S. "Blueprint For Success: Designing a Proactive Organizational Ombudsman Program," *Journal of the International Ombudsman Association* 8, no. 1 (2015)
- Rowe, Mary and Williams, Randy. "Organizational Ombudsman," in *Cutting Edge Advances in Resolving Workplace Disputes*, 2014, Chapter 6, pp. 106-111
- Schonauer, Janis. "Creating an Effective Office – A Case Study," in the *Journal of the International Ombudsman Association*, 3, no. 1 (2010)

#### OPTIONAL READINGS:

- Charles L. Howard, *The Organizational ombudsman : origins, roles, and operations : a legal guide* (2010) ISBN: 978-1604427783
- Levine-Finley, Samantha and John Carter. "Then and Now: Interviews with Expert US Organizational Ombudsmen," *Conflict Resolution Quarterly* 28 no. 2 (2010): 111-39

- Wiegand, Shirley A. "A Just and Lasting Peace: Supplanting Mediation with the Ombuds Model," in Ohio St. J. on Disp. Resol. 95 (1996).
- Hasenfeld, Helen. "Lessons Learned: A Revisit to the Garstang Vs. California Institute of Technology Ruling," in Journal of the International Ombudsman Association, 4, no.2 (2011)
- Bainbridge, John. "Our Far-Flung Correspondents: A Civilized Thing", in New Yorker Magazine, February 13, 1965
- Burton, Shannon. "Taking Arms Against a Sea of Troubles: The Experience and Legacy of Michigan State University's First Ombuds", in Journal of the International Ombudsman Association (2020)
- Van Soye, Scott. "Illusory Ethics: Legal Barriers to an Ombudsman's Compliance with Accepted Ethical Standards," in Pepperdine Dispute Resolution Law Journal, 8, no.1 (2007)
- Larratt-Smith, Andrew. "An Ethical Privilege: The Case for a Statutory Privilege for the Organizational Ombuds," in Journal of the International Ombudsman Association, 3, no. 1 (2010)

### **Optional Materials**

None

### **Description and Assessment of Assignments**

Participation credit will account for 30% of each student's grade, which will be counted for regular class attendance, thorough preparation and meaningful contributions. Please be aware that as part of the course, students will participate in role play simulations to help practice skills often used in real-world scenarios.

A written assignment ("Organizational readiness assessment"), worth 20% of each student's grade, will be assigned March 25, due April 21. This will be a short exercise in identifying and clarifying organizational needs and goals prior to establishing an ombuds office. More detailed instruction will be provided in class.

Final Paper. A final paper will account for 50% of the course grade. A list of potential topics will be provided to students prior to the last day of class instruction. The paper should be 7-9 typed pages. Additional instructions will be provided to students during course instruction.

### **Grading Breakdown**

The course will be graded as follows:

Participation in classroom discussions: 20%

Organizational readiness assessment: 30%

Final paper: 50%

### **Course-Specific Policies**

Professional conduct and participation in class is expected of all students, which includes arriving to class on time, providing meaningful feedback on class topics, and limiting use of laptops to note-taking.

### **Course Schedule**

	<b>Topics/Daily Activities</b>	<b>Readings and Homework</b>	<b>Assignment Dates</b>
<b>Week 1</b> (3/24)	<p><b>Section 1: Introduction &amp; history</b></p> <p>Contrasting classical and organizational models</p> <p>The need for ombuds programs</p> <p>Ombuds' role within conflict management systems</p> <p>Ombuds in diverse settings</p>	<p>Stieber (2000) Rasch (2018) Mintzberg (2009)</p> <p><i>Optional Readings</i> Levine-Finley, Carter (2010) Weigand (1996) Bainbridge (1965) Burton (2020)</p>	
<b>Week 1</b> (3/25)	<p><b>Section 2: IOA Standards of Practice</b></p> <p>Confidentiality Independence Informality Neutrality</p> <p>For the aspiring ombuds: Structure, ethics and legal issues</p>	<p>IOA Code of Ethics and Standards of Practice Shelton (2011) Larratt-Smith (2010) Ulrich (2013) Rowe (2011) Rowe (2012)</p> <p><i>Optional Readings</i> Van Soye (2007) Hasenfeld (2011)</p>	Organizational readiness assessment assigned
<b>Week 2</b> (4/21)	<p><b>Section 3: Working with the individual</b></p> <p>Ombuds practice</p> <p>Establishing visitor expectations</p> <p>Reconciliation vs. feedback</p>	<p>Gadlin (2011) Harrison and Morrill (2004) Brinkert (2010) Levine-Finley (2014) Blair (2017)</p>	Organizational readiness assessment due

	Conflict coaching		
<b>Week 2</b> (4/22)	<b>Section 4: Working with the organization</b>  Designing and implementing effective ombuds programs  Interfacing with organizations  Working with groups  Pushing the boundaries of ombuds practice  <b>Section 5: Case studies/exercise</b>	Waxman (2011) Buss (2011) Barkat (2015) Rowe and Williams (2014) Schonauer (2010) Gunning (1995)	Final papers assigned

### Statement on Academic Conduct and Support Systems

**Academic Conduct:**

Plagiarism – presenting someone else’s ideas as your own, either verbatim or recast in your own words – is a serious academic offense with serious consequences. Please familiarize yourself with the discussion of plagiarism in *SCampus* in Part B, Section 11, “Behavior Violating University Standards” [policy.usc.edu/scampus-part-b](http://policy.usc.edu/scampus-part-b). Other forms of academic dishonesty are equally unacceptable. See additional information in *SCampus* and university policies on scientific misconduct, <http://policy.usc.edu/scientific-misconduct>.

**Support Systems:**

*Student Counseling Services (SCS) – (213) 740-7711 – 24/7 on call*

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention. [engemannshc.usc.edu/counseling](http://engemannshc.usc.edu/counseling)

*National Suicide Prevention Lifeline – 1 (800) 273-8255*

Provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week. [www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org)

*Relationship and Sexual Violence Prevention Services (RSVP) – (213) 740-4900 – 24/7 on call*

Free and confidential therapy services, workshops, and training for situations related to gender-based harm. [engemannshc.usc.edu/rsvp](http://engemannshc.usc.edu/rsvp)

*Sexual Assault Resource Center*

For more information about how to get help or help a survivor, rights, reporting options, and additional resources, visit the website: [sarc.usc.edu](http://sarc.usc.edu)

*Office of Equity and Diversity (OED)/Title IX Compliance – (213) 740-5086*

Works with faculty, staff, visitors, applicants, and students around issues of protected class.  
[equity.usc.edu](http://equity.usc.edu)

*Bias Assessment Response and Support*

Incidents of bias, hate crimes and microaggressions need to be reported allowing for appropriate investigation and response. [studentaffairs.usc.edu/bias-assessment-response-support](http://studentaffairs.usc.edu/bias-assessment-response-support)

*The Office of Disability Services and Programs*

Provides certification for students with disabilities and helps arrange relevant accommodations.  
[dsp.usc.edu](http://dsp.usc.edu)

*Student Support and Advocacy – (213) 821-4710*

Assists students and families in resolving complex issues adversely affecting their success as a student  
EX: personal, financial, and academic. [studentaffairs.usc.edu/ssa](http://studentaffairs.usc.edu/ssa)

*Diversity at USC*

Information on events, programs and training, the Diversity Task Force (including representatives for each school), chronology, participation, and various resources for students. [diversity.usc.edu](http://diversity.usc.edu)

*USC Emergency Information*

Provides safety and other updates, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible. [emergency.usc.edu](http://emergency.usc.edu)

*USC Department of Public Safety – UPC: (213) 740-4321 – HSC: (323) 442-1000 – 24-hour emergency or to report a crime.* Provides overall safety to USC community. [dps.usc.edu](http://dps.usc.edu)