

Approaches for Addressing Sexual Harassment: The Organizational Ombudsman

**Workshop on Strategies for Addressing Sexual Harassment in Academic Science,
Engineering, and Medicine**

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The sexual harassment landscape has changed.

Efforts to bring out reports of sexual harassment:

1980s
Little Effort



2017
Serious Effort

What hasn't changed?

Sexual harassment is still pervasive. . .

and under-reported.

Three Issues:

1. Why more people aren't reporting sexual harassment
2. What is missing from some complaint-response systems
3. How the Organizational Ombudsman can help

Why not report?

Individual Level Concerns:

Damage relationships

Not enough evidence

Slap on wrist not worth it

Loss of privacy

Don't want to lose control of what happens

Other approaches might work better

Systemic Level Concerns

“People who feel harassed need a complaint system with both formal and Informal options.”

--Mary Rowe, 1990

Title IX Guidance

People need multiple confidential resources.

“My mental health is fine.”

“I’m not into religion.”

“I’m not a victim.”

They Keep It To Themselves.

“I can stand it for one more year.”

“Next semester I can move to a different lab.”

“Maybe I’ll quit.”

What can be done to help change this?

Consider the Organizational Ombudsman.

*A Reappraisal:
The Nature and Value of Ombudsmen in Federal Agencies*

Houk, Rowe, Katz, Katz, Marx & Hedeem, H. (2016)

Prepared for the Administrative Conference of the United States.

- This research made sense of “the complex variety of ombuds in the federal sector...” by identifying major types.

Examples of Ombuds roles identified in the research:

- Advocates for vulnerable and aggrieved individuals.
- Impartially addresses complaints from people outside the agency.

Houk, Rowe, Katz, Katz, Marx & Hedeem, H. (2016)

Organizational Ombudsman

- ✓ Works in academic institutions -- and other types of organizations.
- ✓ Helps internally with problem-solving and dispute resolution.
- ✓ Serves students, faculty staff, managers, administrators

Organizational Ombudsman Standards of Practice

International Ombudsman Association

Independence

Confidentiality

Neutrality and Impartiality

Informality

Organizational Ombudsman

IOA Standards of Practice

1. Independence

Organizational Ombudsman

IOA Standards of Practice

2. Confidentiality

✓ **Exception:** Imminent risk of serious harm.

Organizational Ombudsman

IOA Standards of Practice

3. Neutrality and Impartiality

Organizational Ombudsman

IOA Standards of Practice

4. Informality

The Organizational Ombuds Can Help

- Ombuds consistently report on surveys that they have saved their organizations the most time and other costs through their work on sexual harassment cases.

How Organizational Ombuds Address Sexual Harassment Situations

1. The Organizational Ombuds hears of sexual harassment concerns that otherwise would not be brought forward.

✓ **Exception:** Imminent Risk of Serious Harm

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2. The Organizational Ombuds hears about issues from all over the institution; can sometimes piece together information about serious offenders.

3. The Organizational Ombuds Office is sometimes the only place where offenders and alleged offenders may come forward on their own.

4. The Organizational Ombuds helps prevent escalation of behavior that could become sexual harassment.

In summary

- The Organizational Ombuds is a valuable *informal option* in an institution's system for handling conflicts, problems, and complaints.
- In 2016, **70%** of Organizational Ombuds responding to an IOA survey reported hearing about harassment and discrimination concerns *monthly, weekly or daily*.

Should Organizational Ombuds be classified as “responsible employees” under Title IX?

- This causes the Ombuds to violate best practices.

Ombuds status as a responsible employee “is inconsistent with the ombuds’ foundational tenets of independence, neutrality and impartiality, confidentiality, and informality, and undermines the ombuds’ effectiveness. The weight of authority supports the proposition that ombuds are not offices of notice, particularly where the ombuds and the ombuds’ institution make clear that communications with the ombuds do not constitute notice to the institution.”

--Mr. Bruce Berman, March 2016
General Council for Wilmer-Hale

A complaint-response system that does not provide enough informal, confidential options is one that allows people to fall through the cracks.

Recommendations

1. Increase informal, confidential options within the complaint-response system that people can choose from for responding to sexual harassment.
2. Informal options should be provided by highly trained professionals with expertise in conflict resolution and communication with diverse people in varied contexts.
3. Urge the DOE to explicitly name the Organizational Ombuds who practices according to the IOA standards of practice as an appropriate confidential resource in future guidance for Title IX.

Dear Department of Education,

Please have the Office of Civil Rights add the Organizational Ombudsman as a confidential resource to OCR's guidance on Title IX. Thank you!

Sincerely,

The National Academies

Recommended Sources by Mary Rowe

- Houk, C. S., Rowe, M. P., Katz, D. A., Katz, N. H., Marx, L., & Hedeem, H. (2016, November). A *Reappraisal: The Nature and Value of Ombudsmen in Federal Agencies*. Submitted for the consideration of the Administrative Conference of the United States.
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- Rowe, M.P. (1991). The ombudsman's role in a dispute resolution system. *Negotiation Journal*, 7 (4), 353-361.
- Rowe, M. and Bendersky, C. (2003) Workplace justice, zero tolerance and zero barriers (117-140). In T. Kochan and D. Lipsky, (Eds.), *Negotiations and Change: From the workplace to society*, Ithaca, NY: Cornell University Press.
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