The ombuds role is often confused with that of Human Resources’ employee relations function. In actuality, the roles are markedly different. Ombuds maintain greater confidentiality, are independent and impartial in relation to the administration, and do not get involved in formal processes. Certainly, ombuds and HR may see many of the same cases. These can include disagreements between supervisors and employees, concerns with classification or salary, or more pervasive issues such as bullying or low morale. If HR and ombuds approach these problems together, with their differing roles, perspectives, information, and backgrounds, they can be more effective than either of them would be individually.

The following is an interview with Jason Shelton at the University of Colorado Boulder, about his experience working with ombuds.

Tell me a little about your experience working with ombuds
As a Senior Employee Relations Specialist in Human Resources (HR), I was responsible for advising and training supervisors on progressive discipline policies, performance management, and employee leave issues. It was in this role that worked most closely with ombuds where we would discuss concerns regarding employee leave and performance issues. Though I would say that both the roles of Employee Relations and ombuds in our organization have evolved over the years, we maintained a good working relationship and have been able to assist countless employees and managers work through the often thorny issues that come up on a university campus. Rarely was there a month when it wasn’t helpful to have an active ombuds here at the university.

What is the most important thing ombuds should know about working with HR?
An ombuds should look to establish a strong relationship with HR and work to build trust between the two offices. The more ombuds and HR are seen as partners in addressing faculty, staff, and managerial issues, the more effective the organization can run as a whole (time, resources, etc.).

What suggestions do you have for doing that?
First, I would recommend that an ombuds seek to create or take advantage of co-training opportunities. For instance, at the University of Colorado Boulder, we offer a two-day Crucial Conversations workshop. Ombuds and our HR Directors often co-facilitate the workshop. In addition, ombuds provide the conflict resolution segment of HR’s managerial courses. It serves a dual function of building a relationship with HR colleagues while educating the organization on the different roles serving the common purpose of maintaining a healthy work environment. Co-training on conflict management or mediation would be other examples of areas that might be ripe for partnership. This type of training could help educate the organization on the distinction between the informal ombuds approach as opposed to some of the more formal avenues of conflict management (e.g. grievance processes) governed by organizational policy and managed by HR. Additionally, I would advocate for taking advantage of as many low-stakes opportunities to work with your HR/ER to clarify roles and responsibilities in an effort to avoid “turf war” battles that sometimes arise when a good relationship doesn’t exist between the offices.
How can ombuds be most helpful to HR?

An ombuds may work directly with a person regarding poor performance or misconduct to identify underlying issues, coach, etc., rather than just relying on a supervisor to discipline. HR often must work through departmental leadership and typically, the range of options HR has the freedom to explore can be limited. On the other hand, ombuds can often help an employee explore a wider range of options and more deeply explore potential strategies and consequences than a person in an HR role. More broadly, I have often wished HR and employees consulted ombuds much earlier in a dispute before the parties were strongly positioned on an issue and before formal processes have been triggered. I have also found – and I’ve been guilty of this myself – that HR will sometimes with good intention offer to provide protection or assurances to an employee in a conflict situation only to find that its responsibility to protect the university or organization is greater than its interest in assisting the employee. The ombuds as a neutral is a great resource when HR encounters an issue where there is likely to be a strong obligation to protect the organization. Finally, the ombuds will often hold valuable missing pieces to a puzzle. Within their capacity to share, the ombuds can help inform HR when they might only have one side of the story. I have also found it helpful to give our ombuds a “heads up” when we are about to announce a reorganization, layoff, or change in policy that might have a significant impact on staff.

How does ombuds ability to keep information confidential help?

For one, the ombuds is able to share group concerns anonymously with management. It also serves a critical role in providing informal options to address perceived or potential discrimination and harassment confidentially. I have found that ombuds are often able to effectively “lower the temperature” in advance of a potentially heated situation. Ombuds also can coach new managers about policies or management best practices without revealing that a visitor came to the ombuds with an issue. They’re often helpful with “reminders” that keep a new supervisor on track without revealing potential errors to anyone else.

Can you think of a time when a case might have come out better if it had been referred to the Ombuds Office?

We had one case where a supervisor and employee were clashing about use of leave. There was an initial misunderstanding, which led to hurt feelings. The argument blew up over e-mail and text. The supervisor went to HR to work on disciplining the employee – over leave without prior approval and the tone of the discussion. They were both so upset at one another they hardly spoke for months. Eventually, they both went to the ombuds, but the whole thing could probably have been worked out a lot quicker and with a lot less hurt if they’d gone to the ombuds in the first place.

What’s one thing ombuds do that gets in the way of HR?

The Ombuds-HR relationship can be taxed when ombuds represent themselves as an authority on a particular HR procedure or policy when guidance on the particular procedure or policy should best be referred to HR. While it is helpful to HR for an ombuds to be versed on university performance management guidelines, grievance procedures and general leave policies, it is often best to either call your HR partner if there are specific questions or direct visitors to the proper resource for clarification. We recognize that it is common to work with visitors who are forum
shopping for answers or with individuals who aren’t afraid to falsely claim “the ombuds told me to.” It is important, however, to make appropriate referrals and recognize that there might be policy nuances best addressed by HR. Again, it is worth repeating that it is important that ombuds check in with HR frequently for clarification to be sure all parties are working from the same page.

**What are HR’s common misconceptions about ombuds?**
A common misconception is that the ombuds office is merely a place where staff can cry or vent with no expectation that the ombuds provides anything of service or that ombuds might actually help. Ombuds is often seen as a last resort – “We can’t think of anything else you can do so maybe just go the Ombuds.” HR sometimes doesn’t fully understand the range of services and assistance an ombuds office provides. In addition, HR professionals will sometimes have difficulty with the informality tenet of an ombuds office. They’ll sometimes want to formalize the campus relationship with the ombuds, especially if the ombuds office mediates for the organization. For instance, an employee may be given a choice between a warning letter or mediation with the ombuds. Or perhaps a mediation will be part of a settlement of a grievance. Because of the voluntary and informal nature of the ombuds, this would not be appropriate. We see this tendency far more from management or supervisors than I’ve experienced from actual ER/HR staff, but sometimes HR will need a reminder that employees should never be required to consult the ombuds.

**A lot of people say that they have Employee Relations so they don’t need ombuds. What would you tell them?**
You’ve been lucky so far! While Employee Relations offices serve an important and valuable function within a well-functioning Human Resources department, its connection to Human Resources and obligation to represent the interests of the organization limits how effectively ER can assist all parties in a conflict. The fact that the ombuds is neutral can sometimes allow an employee to trust them if they have lost their trust in HR, particularly if there is a power dynamic between the parties, or, like I referenced earlier, the HR professional has had to shift from “helping” the employee to representing the university. That trust can also mean that an ombuds can give people bad news or hard lessons that they might not “hear” from HR.

All in all, I’ve found that having an ombuds provides an additional useful resource in helping maintain a healthy organization. I know from personal experience that the campus is much better served having maintained a strong Ombuds Office for the 20 years that I’ve worked at the University of Colorado Boulder.

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