

It all started in Sweden during the reign of King Charles XII. As a result of the Russian victory over the Swedes at Poltava in 1709, the Swedish king was an unwilling guest of the Turkish Sultan until 1714. During the five years of his absence from Sweden, Charles ruled through a Council of Ministers and the bureaucracy of the Royal Court. In 1713 he wrote one of his trusted aides to keep an eye on the bureaucracy - especially the judges and the tax collectors. After his return from exile in 1714 he was so pleased with this arrangement that he made it permanent, giving the official the title of Chancellor of Justice.

Almost a century later, after Sweden had become a constitutional monarchy by the Constitution of 1809, the Parliament decided that it also needed a watchman, perhaps to watch the king's watchman. So came into existence the Ombudsman. Both offices still exist; both watch for the "oppressor's wrong, the law's delay, the insolence of office," and the other burdens which Hamlet says cause us to "To grunt and sweat under a weary life." The Ombudsman, however, has come to be the more active and important of the two officials, and it is that title which has come to be used in popular parlance in many countries, regardless of what the official title actually is. Such offices exist not only in Sweden, but in Norway, Denmark, Finland, which also has two such officials, one for the executive branch of government and one for the legislative, and New Zealand. Most of these posts have been established in the last 10 or 15 years - in Denmark in 1954, in Norway in 1962, and in New Zealand in 1962.

These offices were all established in response to a feeling that government was getting so big and impersonal that Joe Citizen needed someone in high position to look out for his interests or that those

who administer the law do not always do it in the spirit in which it was created or that human frailty being what it is, bureaucrats often become arrogant and need to be checked or that even judges are not infallible and that it does no harm to have someone looking over their shoulders as they write their decisions.

What are the duties and the powers of Ombudsmen? This question can be answered in part by saying what they are not. The Ombudsmen do not take part in the legislative process - they are not policy-makers. They do not have the power to reverse decisions made by the courts or governmental agencies. In Denmark the Ombudsman may order the public prosecutor to investigate the conduct of a public servant or to commence criminal proceedings against him. It is interesting that in the eleven years since his appointment, the present Ombudsman has never ordered such action. The Swedish Ombudsman has similar powers. In addition all these officials in various countries have very great powers of investigation, with practically unlimited access to official records. Finally, the Ombudsmen can often explain actions by the courts or administrative agencies which citizens do not understand. In this connection the Danish Ombudsman publishes frequent articles in newspapers and magazines about problems - not people - that have come to his attention. In this way, the Ombudsmen serve a valuable educational function for the general public. And the decisions which they make privately, that are seen only by those immediately concerned, also educate those involved.

However, the Ombudsman's principal power is expressed in the Danish statute in this innocuous sounding sentence: "In any case the

Parliamentary Commissioner may always state his views on the matter to the person concerned." This simple statement contains the Ombudsman's real muscle. The fact that he has the power to voice his opinion enables him to exercise a guiding influence on public servants and provides him with a legal basis for initiating negotiations with the agencies concerned. In those countries having an Ombudsman this power of criticism has been proved to be remarkably potent. Professor Hurwitz, the Danish Ombudsman, puts it this way, "Persuasion is more enduringly forceful than edict."

For the most part the Ombudsmen operate behind the scenes to correct conditions eliciting complaints. As a matter of fact, most of the time their reports simply announce conclusions that have been reached with various officials and reveal nothing of the negotiations involved. The process is aptly described as "discussion before pronouncement."

Now, having inflicted upon you this summary of the history and characteristics of the Office of the Ombudsman, I am sure that certain correspondences, certain analogies have presented themselves to you. As government has grown so vast and complex that the individual citizen feels helpless and frustrated when he has to deal with a governmental agency, so have universities grown so large and complex that students often feel that they are no more than IBM cards. As citizens need help in dealing with government bureaucracy, so do students need help in coping with University faculty and functionaries. Hence the decision of the Faculty Committee on Student Affairs to recommend the appointment of a University Ombudsman.

There are also correspondences between the duties of the governmental and the university ombudsmen which I need not belabor. As to powers,



I am as yet not certain, for I have not had to test the powers of my office. I have received such wonderful cooperation from all the people I have approached that the question of power or authority has never yet arisen. I might point out, moreover, that the university Ombudsman also has complete access to official records, except those of the Counseling Center and Olin Health Center, which involve professional confidence. He also has, as the Academic Freedom Report puts it, "direct and ready access to all university officials from the President on down." And my experience is that he really does have that access. The "broad investigatory powers" of which the Report speaks are also real.

As to procedures - again quoting the Academic Freedom Report - "He shall establish simple, orderly procedures for receiving requests, complaints, and grievances of students." This has been done. The student who comes in to see me fills out a simple form, giving his name, student number, class, major, and college. Then he completes the following statement, "I wish to consult the Ombudsman about . . ." Having filled out this form, he is given the opportunity to express his grievance privately, behind closed doors, to the Ombudsman.

Following the conversation with the student, the Ombudsman investigates to determine whether the student's complaint is truly justified. If it involves an instructor, he must be given the opportunity to state his view of the matter. If it involves an administrative official, he must be consulted to learn whether the student has fully and accurately reported the matter. Following the investigation, the Ombudsman reports, either orally or in writing, the results of his investigation to the complainant, together with a statement that his allegation has or does not have merit. If the former, a recommendation for further action is made or the matter is settled out of hand. Often this in-

vestigation involves merely a phone call; sometimes, however, it can consume hours and spread over several days.

The University Ombudsman, like his governmental counterparts, is concerned with complaints about arbitrary and capricious enforcement of regulations, with requests for help in a great variety of situations, with explanations of the meaning of regulations and the necessity for their existence. Students, being late adolescents or young adults, desire complete freedom of behavior but they want also to be protected against the possible results of their behavior. They are very quick to take offense against what they regard as infringements on their rights and, being human, and relatively inexperienced, they sometimes misinterpret or misunderstand. As a result some of their complaints or grievances, when examined and investigated, are revealed to be without real foundation.

Let me quit speaking in generalities and discuss the precise kinds and numbers of problems that students have brought to me. These fall into three categories: 1) Those related to the business and secretary's offices, 2) Those related to housing and social regulations, and 3) Those related to academic matters.

Those related to the business and secretary's offices include such things as comments ranging from the resigned to the enraged about the new graduated tuition schedule. Some just wanted to register their protest; others wanted help in getting a refund, still others were angry because they had to pay more than they had expected to. Some came to me about problems relating to scholarships and loans. Several had questions about fee refunds when they reduced their academic loads, about late registration fees, about fees for

replacing a lost ID card or library card or bus pass. I have listened to sad stories about the Shaw Lane parking ramp, about the discrimination practised against those who have to park their cars in the parking lot on Mount Hope Road and Farm Lane. Several students, especially teaching and lab assistants, have appealed for my help in getting permits to park on campus (they were referred to the traffic committee). I have even been asked whether I could fix a traffic ticket!

Several students have come to me about problems that really are not the responsibility of the business office, but I do not know how else to classify them. They are problems that students have encountered with respect to on-campus employment, such things as variable scales of remuneration or being fired without warning. One student called to complain of the plumbing in his room; another asked for help with an income tax problem; another, a graduate student, needed help to be admitted to Olin Health Center. And of course, there were those who complained about the way football tickets are distributed.

Complaints concerning housing range from, "I don't like my roommates. How can I get into another room?" through "How do I go about breaking my housing contract?" to "Why can't I study with my boy/girl friend in the dormitory lounge as long as we please?" Queries like these are referred to the appropriate authority in the office of the Dean of students or of the Residence Halls or I inquire myself on the student's behalf.

Those who do not live in University housing sometimes come to me with questions about breaking apartment leases, getting back deposits, or appealing to the committee which hears the cases of students who move



off campus without permission before they reach twenty-one.

Some of these are referred to the legal aid division of ASMSU, or to people in the Dean of Students Office concerned with such matters.

The third category is that of academic problems, which may in turn be divided into several sub-categories. For example, during registration I was asked by students who had flunked out of school (sometimes they were accompanied by their parents) to help them get back to school. These students came from several different colleges on campus. I am glad to report that two or three were readmitted after the assistant deans had reconsidered the records. Another academic area where students appealed for my help was that of registration. A considerable number came to me because they could not get into courses that they wanted or needed. Sometimes I was able to help but not always. I have had to explain various academic regulations, such as that which says that one must complete a full year of elementary foreign language in order to receive credit for any part of it. Students have asked for help in getting into courses for which they did not, technically speaking, have all the pre-requisites; they have complained about the drop-add policy, and of course they have complained about grades, for what, I suspect, are pretty obvious reasons. I simply recommend that the student follow the due process prescribed in the Academic Freedom Report. The Academic Freedom report recommends that the student who is unhappy about a grade he has received first consult with the instructor. If he gets no satisfaction there, he should appeal to a department committee and then perhaps, to a college committee and finally to the Dean. And I presume he could go

even beyond him to the Faculty-Student Judiciary, though the Report is not very clear on this.

One of the pleasant surprises thus far has been the fact that I have had so few complaints about my faculty colleagues. One of the principal reasons why the Faculty Committee on Student Affairs recommended the appointment of an Ombudsman was their concern over the number of students who had come to them with bitter complaints about bad teaching, about instructors who cut classes time after time, and about other kinds of unprofessional conduct. However, thus far I have had very few such complaints; perhaps there will be more after the students have received their fall term grades.

Now let me give you some statistics. As of Friday, November 17, 137 students had appeared in my office. A number of others had spoken to me on the phone for whom no record was kept. Of these 93 were men and 42 were women. It is clear that male students are more willing to take their problems to the Ombudsman than females are. Perhaps the girls are braver; they just suffer in silence. Of the total 16 are freshmen, 28 are sophomores, 44 are juniors, 36 are seniors, and 9 are graduate students. There have been 65 non-academic complaints and 72 academic ones.

It should be pretty clear by this recital that the Ombudsman will listen to almost any kind of complaint, grievance, or question that students wish to bring to him. Many of these, as I have indicated, are referred to another official or faculty member in response to the charge made to the Ombudsman in the Academic Freedom Report that he "may advise a student that [he] should seek his remedy before another duly constituted body or officer of the University." This is the most frequent recommendation made



since very often the student has not taken advantage of the resources available to him, usually because he is ignorant of their existence or timid about using them. The Ombudsman helps by making appointments and by speaking on the student's behalf. The campus can be a big and bewildering place, even for some juniors and seniors.

In accord with the injunction of the Freedom Report the Ombudsman tries "to assist the student in obtaining an informal settlement of the student's problems." The controlling word here is "informal." The tools of the Ombudsman's trade are the Faculty and Staff Directory, the telephone, and the fact that during twenty years on the campus he has made the acquaintance of many members of the faculty and administration. Believing with Professor Hurwitz that "persuasion is more enduringly forceful than edict," he works quietly and behind the scenes to effect solutions to student problems.

Now, finally, let me address myself to the title of this report, "Impressions of an Ombudsman." These remarks must be labelled impressions because I do not yet have a sufficiently large body of data to be justified in calling them conclusions. They are concerned with the system, with the complaints, and with the students.

First, the system. Though the growth of the University enrollment has caused a corresponding burgeoning of the administrative apparatus and the faculty, one has the feeling that most of these people are dedicated, hard-working, and efficient. Inevitably, however, inexperienced, unsympathetic, or discourteous people get into positions where they can wreak havoc with students. Part of the difficulty, I believe, is that secretaries, receptionists, clerks, and similar

people attempt, with the best of intentions, to answer questions to which they do not really know the answers. Or not knowing the answers, they refer the student to another office because there is no one at hand who is really informed. So the student gets shunted from one office to another.

Another weak thread in the bureaucratic fabric is the professor who does not keep office hours or is in his office from 8:00 A.M. to 8:10 on alternate Thursdays. Professors too, being all too human and usually over-burdened with classes, research, and committees, frequently are very impatient with students and give them short shrift when they ask for help. Nor should students be thought altogether free from blame. They can be rude, inconsiderate, demanding, and youthfully intolerant. However, I would like to paraphrase a remark made by Mr. Alfred Bexelius, the present Ombudsman in Sweden. He said, "There is no reason why a judge cannot behave like a gentleman." I would change only one word, "There is no reason why a professor cannot behave like a gentleman."

Another impression for which I have not only six weeks of evidence as Ombudsman but five years as assistant dean and many more than that as teacher. Generally speaking, students who have come to me for help, have told the truth. They may have been, in fact often were in error, but they told the truth as they saw it. My attitude toward the student across the desk telling me his tale of woe is that he is telling me the truth until I find out that he is lying. I have made that melancholy discovery on several occasions, but not often enough to change my basic convictions.

So most of the troubles students bring to me are real. Even though they may have contributed to or even caused their difficulty by their youthful

impatience, by inexperience and immaturity disguised as idealism, their troubles are real. As I commented earlier, characteristically they want complete freedom but want to be protected from the results of their exercise of that freedom. And though we may - indeed we do - become impatient, censorious, even angry with them, we still must help them. We must educate them not only by our performance in the classroom but also by our examples as scholars and gentlemen. They deserve it.