

FAS-SEAS SENATE

AN ELECTED BODY OF THE FACULTY OF ARTS AND
SCIENCES AND SEAS

YALE UNIVERSITY

University-Wide Ombuds Office at Yale

Report of the Peer Advisory and Ombuds Committee

Approved by the FAS-SEAS Senate

February 20, 2025

The committee:

Beverly Gage, Alessandro Gomez, Maria Piñango (chair)

Mark Solomon, Alison Sweeney, Mimi Yiengpruksawan

Preamble

Complex educational organizations such as Yale University, whose stated mission is to create, disseminate, and preserve knowledge through research and teaching,¹ involve dynamic interactions among faculty members, students, teaching fellows, postdoctoral associates, research assistants, and the administrators who are charged with managing and facilitating an environment within which academic work and training can best be done. Inevitably, internal conflicts or grievances arise that necessitate resolution in the interest of fair play and institutional well-being. The University to its great credit already has in place a number of offices and programs which, informed by federal guidelines, vigorously address and seek to resolve specific areas of concern such as sexual harassment and discrimination. These include the University-Wide Committee on Sexual Misconduct; the Sexual Harassment and Assault Response and Education Center (SHARE); Title IX Coordinators; and Discrimination and Harassment Resource Coordinators. The Office of Institutional Equity and Accessibility (OIEA) also provides extensive guidance and options for conflict resolution, as does Human Resources. In addition, Sections III.L. 3, III.M, and III.N of the Faculty Handbook outline a variety of procedures for the filing and adjudication of a wide range of complaints, conflicts, and grievances specific to the faculty in all aspects of their work.²

To mediate these inevitable conflicts, Yale currently has a *highly distributed system* involving multiple administrators and facilitators across an array of institutional entities and jurisdictions.

¹ See Faculty Handbook II.B; and <https://gsas.yale.edu/resources/conduct-grievance-procedures/faculty-conduct>

² Adjudication of matters that are delineated in the Faculty Handbook, from conflict resolution to the process of appeal itself, rests primarily in the Office of the Provost.

However, it has no single office charged with oversight, information-gathering, or follow through. Crucially, there is *no formal bridging mechanism* to link the many entities charged with resolving disputes. Such institutional gap results in a dispersed approach to grievance and conflict resolution. Without a clearly articulated track to follow when conflict arises, individuals must instead negotiate without support an array of offices with differing titles and resources. The very best intentions on the part of the University notwithstanding, this dispersed approach has resulted in conflicting, vague, and even inaccurate information provided to appellants at the time of their highest point of vulnerability in seeking redress or resolution. Moreover, within this distributed system *confidentiality is not assured*. Most if not all of the offices involved in the system either have an obligation to report as specified under Titles VII and IX of federal law, or have no clear policies or even training on whether or how sensitive information is to be handled within the University.

The absence of a *designated neutral* at the highest level of conflict management at Yale, along with the administration's distributed system that inevitably leads to a dispersed approach to conflict resolution means that members of the academic community—faculty, researchers, students, teaching fellows, postdoctoral associates, research assistants—may experience inequities in how their cases are handled. Some members of the Yale community, daunted by the challenges of conflict resolution in this context and its lack of confidentiality, feel that their voices cannot be heard. As an institution that places a premium on, and publicly espouses, what it calls “collective well-being” across its community,³ this is not optimal for Yale. It is time for the University to reconsider its structures for conflict resolution in the interest of advancing its mission as an institution of higher learning dedicated to equity and fairness in the pursuit and dissemination of knowledge. Establishing an ombuds office is a clear first step in that direction.

An Ombuds Office at Yale

Yale is not unique among its peer institutions in the complex interactions that exist among its many stakeholders and the challenges that must be faced in resolving conflicts that inevitably arise. However, Yale is at least in the minority in forgoing investment in a designated neutral space in the form of an Ombuds Office to provide impartial conflict resolution and problem-solving services to its members in coordination with, but independent from, other channels for conflict resolution within the University.⁴ According to the International Ombuds Association,

An organizational ombuds provides confidential, informal, independent and impartial assistance to individuals through dispute resolution and problem-solving methods such as conflict coaching, mediation, facilitation, and shuttle diplomacy. The organizational ombuds responds to concerns and disputes brought forward by visitors to the office and may convey trends, systemic problems, and organizational issues to high-level leaders and executives in a

³ <https://beingwell.yale.edu/collective-well-being>

⁴ Brown University, Columbia University, Cornell University, Dartmouth College, Harvard University, MIT, Princeton University, Stanford University, University of Chicago, and University of Pennsylvania all have long-standing ombuds offices.

*confidential manner. Ombuds do not advocate for individuals, groups or entities, but rather for the principles of fairness and equity. The organizational ombuds does not play a role in formal processes, investigate problems brought to the office's attention, or represent any side in a dispute.*⁵

The essential features of such an office are independence, impartiality, informality, and confidentiality. It represents a centralized point of contact, providing a clear and transparent point of access for those seeking guidance in the resolution of conflicts, grievances, appeals, and complaints. Issues within the purview of an Ombuds include conflicts related to interpersonal disputes, harassment, discrimination, unfair treatment, policy misinterpretations, inappropriate or unethical behavior and systemic problems. As a supplement to Yale's current processes for conflict resolution, and tailored specifically to Yale's unique situation and needs, an Ombuds Office at Yale makes good institutional sense from all perspectives.

An Ombuds *does not replace or compete with existing mediation resources on campus*, such as the Title IX Office. An Ombuds "Refers individuals to one or more formal organizational resources that can potentially resolve the issue" and "assists in surfacing issues to formal resolution channels. When an individual is unable or unwilling to surface a concern directly, the ombuds can assist by helping give voice to the concern and/or creating an awareness of the issue among appropriate decision-makers in the organization. (ombudsassociation.org)"

The first proposal for an ombuds office at Yale of which we are aware was made in a 2011 report concerning the sexual climate on campus.⁶ In 2019 the FAS Senate issued a recommendation calling for creation of a University Ombuds Office at Yale. (Appendix A)⁷ To date there has been no formal response from the University and no substantive discussion of the recommendation, which still stands. We now take the opportunity here to reissue and re-emphasize this recommendation with specific attention to (a) the benefits of having an Ombuds

⁵ <https://www.ombudsassociation.org/ombuds-faq>

⁶ "The Report to the President and Fellows of Yale University of the Advisory Committee on Campus Climate" (https://titleix.yale.edu/sites/default/files/files/Report_Advisory_Committee_Campus_Climate_Sept2011.pdf) was issued on September 15, 2011 by a committee chaired by Margaret Marshall, former member of the Yale Corporation and former chief justice of the Massachusetts Supreme Judicial Court, in response to campus incidents of sexual harassment and misconduct. Among its recommendations were an expansion of the SHARE center, the creation of the UWC, and the creation of a university-wide ombuds office. In his response (https://titleix.yale.edu/sites/default/files/files/Levin_Response_to_Advisory_Committee_Campus_Climate_Nov2011.pdf), Yale President Levin accepted all of the recommendations except the creation of an ombuds office writing, "The Provost and I have considered this possibility seriously, and we have concluded that we should not create yet another office at this time, when we are trying to simplify and streamline our process. ... If, over time, we find that these avenues do not provide sufficient means of confidential consultation, we may then revisit the recommendation to establish a separate office of ombudsman."

⁷ <https://fas-seas-senate.yale.edu/sites/default/files/files/Reports/FASS%20Ombuds%20Recommendation%20FINAL.pdf>

Office from a university-wide perspective and (b) the administrative structure and responsibilities envisioned for that office.

Specific Benefits of an Ombuds Office at Yale

By not having an Ombuds Office, the University misses out on at least three opportunities for more efficient, more just management of grievance and conflict from a holistic perspective.

- Without a centrally integrated Ombuds Office in place, the University misses the opportunity of having a means to identify whether there are gaps or inconsistencies in jurisdiction across offices over conflicts and their resolution campuswide.
- Without full-time professionals trained in dispute resolution and mediation, the University misses the opportunity of having experts at the helm in emergent situations involving potentially litigious outcomes.
- And, without a centralized office that tracks issues within and across its divisions, the University misses the opportunity of identifying new patterns of conflict, proactively intervening and preventing escalation, and informing policy going forward.

It is widely recognized that an Ombuds Office ultimately benefits the organization within which it operates and offers substantial institutional support toward a healthy and productive work environment. There is every reason to believe that creation of a University Ombuds Office at Yale will redound to the greater good of the institution and its mission.

Desiderata for an Ombuds Office at Yale

Based on our study of ombuds offices at other universities, consideration of best practices recommended by the International Ombuds Association, and discussion with the head of the Harvard office, we strongly recommend the following structure for a Yale ombuds office:

- The Ombuds Office is fully *centralized* and equipped with the requisite administrative resources to serve the whole university.
- It employs *full-time professionally trained Ombuds officers with expertise* in conflict resolution and mediation, and knowledge of Ombuds best practices, such as that provided by the [CO-OP credential](#) of the International Ombuds Association.
- It is crucial that Yale's Ombuds office is *fully independent* and *reports directly to the Office of the President*. A theme of this report is the absence of informational bridges between resources available to various groups on campus and administration. A *designated neutral* that reports to the Office of the President will provide an important

and evidently missing bridge between the Office of the Provost and the Office of the President regarding faculty grievances.⁸

- It has a *university-wide remit* that encompasses faculty, staff, researchers, students, postdoctoral associates, teaching fellows, and research assistants.
- It assures *full confidentiality*, comparable to that afforded to the SHARE center, with no legal obligation to record or report. This follows general practice as established by the International Ombuds Association (Appendix B) and has been adopted at Harvard University and the other peer institutions.⁹

In conclusion, given the challenges inherent to Yale's current disbursed system of conflict resolution, we believe that creation of an Ombuds Office is an investment in Yale's future as we enter a new era with many challenges ahead. That we are joined in this initiative by the Graduate Student Assembly (GSA) and the Graduate & Professional Student Senate (GPSS), who jointly passed Resolution S23-003 on April 6, 2023 (Appendix C), and the Yale Postdoctoral Association (YPA) indicates just how crucial this initiative is to all members of our community.¹⁰

+++++

Appendix A – [2019 Senate Resolution regarding University Ombuds Office at Yale](#)

Appendix B – [International Ombuds Association – Overview on Ombuds Confidentiality](#)

Appendix C – [Graduate & Professional Student Senate \(GPSS\) Resolution S23-003 04/06/2023](#)

⁸ Conforming to the practice of International Ombuds Association, the adjudication of conflicts and grievances is *not* within the purview of the Ombuds. For that we advocate the selection of pertinent and school-specific committees with substantial faculty representation.

⁹ See "An Overview of Ombuds Confidentiality: A Primer to Assist General Counsel, Program Designers and Ombuds," at <https://ioa.memberclicks.net/assets/docs/2023/Final%20Revised%20Overview%20of%20Ombuds%20Confidentiality%20Ver.%205.1-CORRECTED%20%26%20OPEN-combined.pdf> and, for the Harvard Ombuds Office and its policy on confidentiality, see <https://harvardombuds.harvard.edu/about-the-ombuds-office/> and the Harvard ombuds office charter at <https://bpb-us-e1.wpmucdn.com/websites.harvard.edu/dist/6/48/files/2023/10/HOO-Charter-FINAL-8-2354.pdf>. Confidentiality is arguably the most important feature of an ombuds office. The university has expressed concerns regarding the extent of confidentiality that can be guaranteed and whether reports to an ombuds office could be argued in a legal claim to have placed the university on notice of offenses. The evidence indicates that these concerns are unfounded. Melissa Brodrick, long-standing head of the Harvard ombuds office, has informed us that not only there have been no legal attempts to pierce their confidentiality but also that they have been supported by Harvard's Office of General Council in maintaining strict confidentiality. Brodrick also informed us that rather than discouraging formal reports to the university, her office has facilitated formal reporting by persons who were disinclined to do so prior to engaging in confidential discussions with her office.

¹⁰ See <https://gsa.yale.edu/sites/default/files/files/resolution%20s23-003.pdf> and "YPA Statement on Ombuds Office at Yale 2023" at <https://ypa.yale.edu/about/statements/ypa-statements-released-in-2023/ypa-statement-on-ombuds-office-at-yale-2023>