

# DePaul Office of the University Ombuds



## Staff Council

September 15, 2021



# DePaul University's Mission

Guided by an ethic of Vincentian personalism and professionalism, DePaul compassionately upholds the dignity of all members of its diverse, multi-faith, and inclusive community.

- <https://offices.depaul.edu/mission-ministry/Pages/default.aspx>



# The IOA Code of Ethics



## Four Ethical Principles

# Independence

The Ombuds is independent in structure, function, and appearance to the highest degree possible within the organization.



# Neutrality and Impartiality

The Ombuds, as a designated neutral, remains unaligned and impartial. The Ombuds does not engage in any situation which could create a conflict of interest.



# Confidentiality

The Ombuds holds all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm.



# Informality

The Ombuds, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.





## IOA STANDARDS OF PRACTICE

### PREAMBLE

The IOA Standards of Practice are based upon and derived from the ethical principles stated in the IOA Code of Ethics.

Each Ombudsman office should have an organizational Charter or Terms of Reference, approved by senior management, articulating the principles of the Ombudsman function in that organization and their consistency with the IOA Standards of Practice.

### STANDARDS OF PRACTICE

#### INDEPENDENCE

- 1.1 The Ombudsman Office and the Ombudsman are independent from other organizational entities.
- 1.2 The Ombudsman holds no other position within the organization which might compromise independence.
- 1.3 The Ombudsman exercises sole discretion over whether or how to act regarding an individual's concern, a trend or concerns of multiple individuals over time. The Ombudsman may also initiate action on a concern identified through the Ombudsman's direct observation.
- 1.4 The Ombudsman has access to all information and all individuals in the organization, as permitted by law.
- 1.5 The Ombudsman has authority to select Ombudsman Office staff and manage Ombudsman Office budget and operations.

#### NEUTRALITY AND IMPARTIALITY

- 2.1 The Ombudsman is neutral, impartial, and unaligned.
- 2.2 The Ombudsman strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The Ombudsman advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the organization.
- 2.3 The Ombudsman is a designated neutral reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures. The Ombudsman should not report to nor be structurally affiliated with any compliance function of the organization.
- 2.4 The Ombudsman serves in no additional role within the organization which would compromise the Ombudsman's neutrality. The Ombudsman should not be aligned with any formal or informal associations within the organization in a way that might create actual or perceived conflicts of interest for the Ombudsman. The Ombudsman should have no personal interest or stake in, and incur no gain or loss from, the outcome of an issue.
- 2.5 The Ombudsman has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration.
- 2.6 The Ombudsman helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best options.

#### CONFIDENTIALITY

- 3.1 The Ombudsman holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, including the following: The Ombudsman does not reveal, and must not be required to reveal, the identity of any individual contacting the Ombudsman Office, nor does the Ombudsman reveal information provided in confidence that could lead to the identification of any individual contacting the Ombudsman Office, without that individual's express permission, given in the course of informal discussions with the Ombudsman; the Ombudsman takes specific action related to an individual's issue only with the individual's express permission and only to the extent permitted, and even then at the sole discretion of the Ombudsman, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombudsman Office. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm, and where there is no other reasonable option. Whether this risk exists is a determination to be made by the Ombudsman.
- 3.2 Communications between the Ombudsman and others (made while the Ombudsman is serving in that capacity) are considered privileged. The privilege belongs to the Ombudsman and the Ombudsman Office, rather than to any party to an issue. Others cannot waive this privilege.
- 3.3 The Ombudsman does not testify in any formal process inside the organization and resists testifying in any formal process outside of the organization regarding a visitor's contact with the Ombudsman or confidential information communicated to the Ombudsman, even if given permission or requested to do so. The Ombudsman may, however, provide general, non-confidential information about the Ombudsman Office or the Ombudsman profession.
- 3.4 If the Ombudsman pursues an issue systemically (e.g., provides feedback on trends, issues, policies and practices) the Ombudsman does so in a way that safeguards the identity of individuals.
- 3.5 The Ombudsman keeps no records containing identifying information on behalf of the organization.
- 3.6 The Ombudsman maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including management), and has a consistent and standard practice for the destruction of such information.
- 3.7 The Ombudsman prepares any data and/or reports in a manner that protects confidentiality.
- 3.8 Communications made to the ombudsman are not notice to the organization. The ombudsman neither acts as agent for, nor accepts notice on behalf of, the organization and shall not serve in a position or role that is designated by the organization as a place to receive notice on behalf of the organization. However, the ombudsman may refer individuals to the appropriate place where formal notice can be made.

#### INFORMALITY AND OTHER STANDARDS

- 4.1 The Ombudsman functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and – with permission and at Ombudsman discretion – engaging in informal third-party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves.
- 4.2 The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.
- 4.3 The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the organization.
- 4.4 The Ombudsman supplements, but does not replace, any formal channels. Use of the Ombudsman Office is voluntary, and is not a required step in any grievance process or organizational policy.
- 4.5 The Ombudsman does not participate in any formal investigative or adjudicative procedures. Formal investigations should be conducted by others. When a formal investigation is requested, the Ombudsman refers individuals to the appropriate offices or individual.
- 4.6 The Ombudsman identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.
- 4.7 The Ombudsman acts in accordance with the IOA Code of Ethics and Standards of Practice, keeps professionally current by pursuing continuing education, and provides opportunities for staff to pursue professional training.
- 4.8 The Ombudsman endeavors to be worthy of the trust placed in the Ombudsman Office.



# Why Have an Ombuds?

- Safe haven with no formal record
- Voluntary
- Clarity of available resources
- Opportunity to consider options
- Opportunity to discover allies
- Whistleblower
- Feedback loop
- Place for a cup of tea



# Culture

“Culture is a way of assigning meaning, and every conflict happens partly because people assign different meanings to what was said and done, or not said and done.”

Ken Cloke, “Transforming Conflict Cultures Through Mediation,” Newsletter # 14, July 19, 2021, 3.



# DePaul's Culture: "Old DePaul"



- Little school under the el
- Chicago-Catholic-parish based
- Hierarchical
- Personalism—just pick up the phone
- Teaching institution
- “mythical” past?

# DePaul's Culture: the “new DePaul”

- Largest Catholic University and one of the largest private universities in the nation
- Lay leadership—at all levels
- Mission oriented
- Grant and Fundraising emphasis
- Bureaucratic and Corporate
- Legal, Regulatory, Litigation



# DePaul Culture: the “new DePaul”

- Diverse:
  - racial
  - economic
  - generational
  - religious and non-religious
  - academic vs. administrative
  - tenured faculty vs. everyone else; tenured faculty vs. non-tenured faculty; faculty vs. staff;



# The Challenge of Culture

“We can also predict that conflict avoidant and highly competitive cultures will only be able to solve simple problems; and that collaborative cultures and advanced conflict resolution skills will increasingly be required as societies evolve and problems become more complex.”

- Cloke, “Transforming,” 4.



How do we look at a mission that commenced in the 17<sup>th</sup> Century as we face a troubled world united only through a pandemic and a sudden, but not so new challenge to eradicate racism?



“DePaul University has always been, and still remains, committed to conducting its business with great integrity, accountability and dignity. The university is faced with the challenge of operating in an increasingly complex environment in which governmental and legal oversight is growing more and more stringent.

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The Code of Conduct is also a compliance tool that’s not just about following the letter of the law, but about creating an impact on the university’s environment and its employee’s ethical behavior.

To this end, DePaul can illustrate to the university community exactly what its expectations are for its employees.”



DePaul University Code of Conduct



HERE, WE DO.

# But it is more than following procedures....

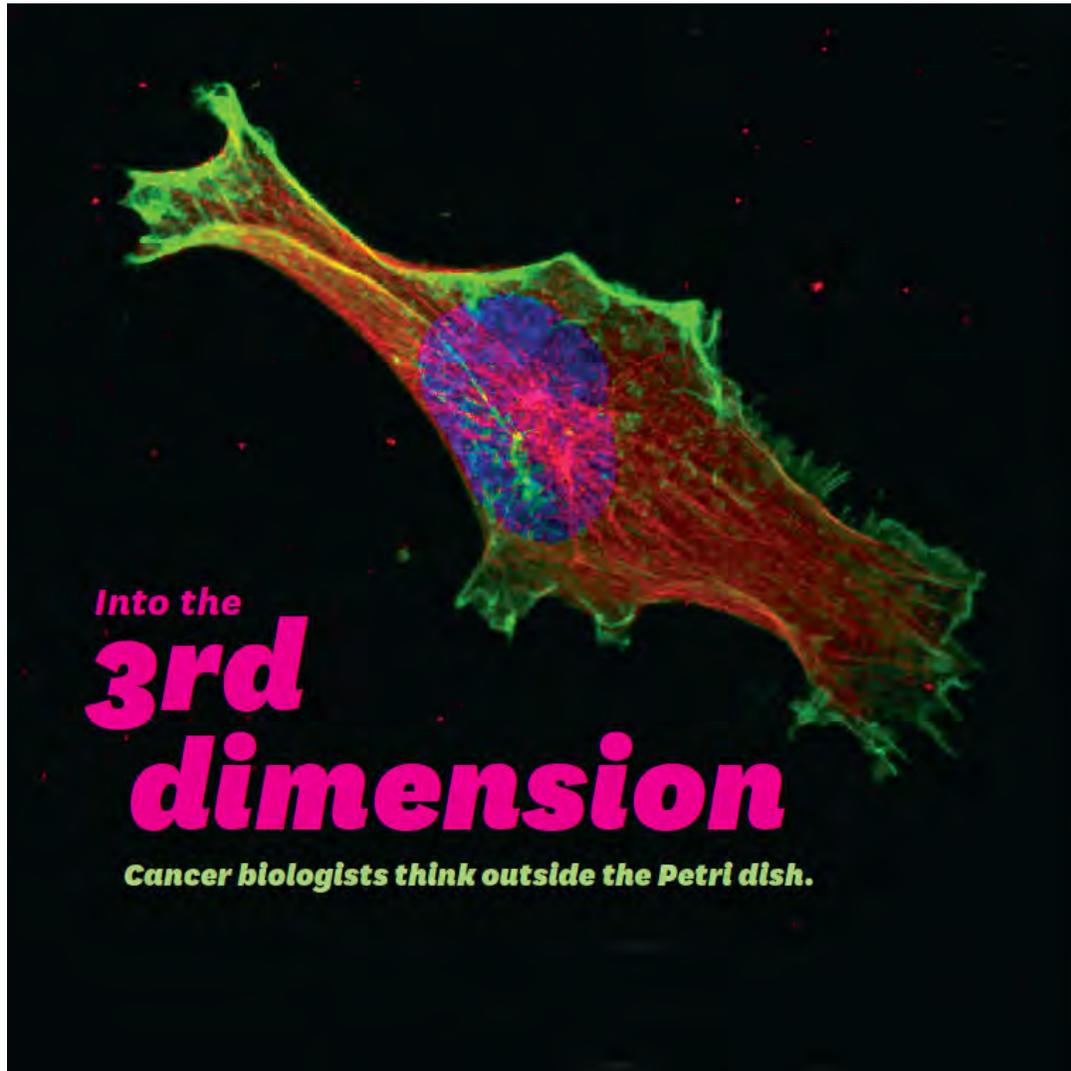


By being a part of DePaul's community, it is our responsibility to be good stewards of its resources. Your dedication to the university's mission and its ethical standards contribute to DePaul's overall success.



# The Petri Dish—Since 1887





## Galen of Pergamos

was a physician with a practice in second-century Rome. Among his clientele was the Roman Emperor Marcus Aurelius. Galen was also a prolific scribbler, so we know a lot about his ideas regarding disease, including his theory of cancer. Cancer, he wrote, was caused by "black bile" that flowed through the body; when it became trapped somewhere, it formed a malignant tumor.

He was wrong about black bile, though it is one hell of a good metaphor. But he was strikingly close to the mark with the flow theory. There are cancers, such as glioblastomas in the brain, in which the primary tumor can be deadly. But for most cancers, the original tumor does not pose the mortal peril. In more than 90 percent of cancers, what kills is metastasis. Cancer cells have a terrifying ability to move through the body and form new tumors in the bones, in the lymph nodes, in the lungs, in the liver and other internal organs. If a physician finds your tumor before the cancer has spread, you may survive. If the tumor has metastasized, cancer will probably kill you. Medicine still cannot do much to counter the flow of black bile.

What if that is, in part, because a substantial portion of cancer cell biology and cancer drug testing has been reliant on a ubiquitous piece of lab equipment?

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Dale Keiger | CELL IMAGE Anjil Giri

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Dale Keiger, Johns Hopkins Magazine, Vol. 65 No. 4, Winter 2013 (Cell image Anjil Giri), 28. (used with permission)



HERE, WE DO.

# Values of the Human

“Human work is a *key*, probably *the essential key*, to the whole social question... And if the solution – or rather the gradual solution – of the social question... must be sought in the direction of ‘making life more human,’ then the key, namely human work, acquires fundamental and decisive importance.”

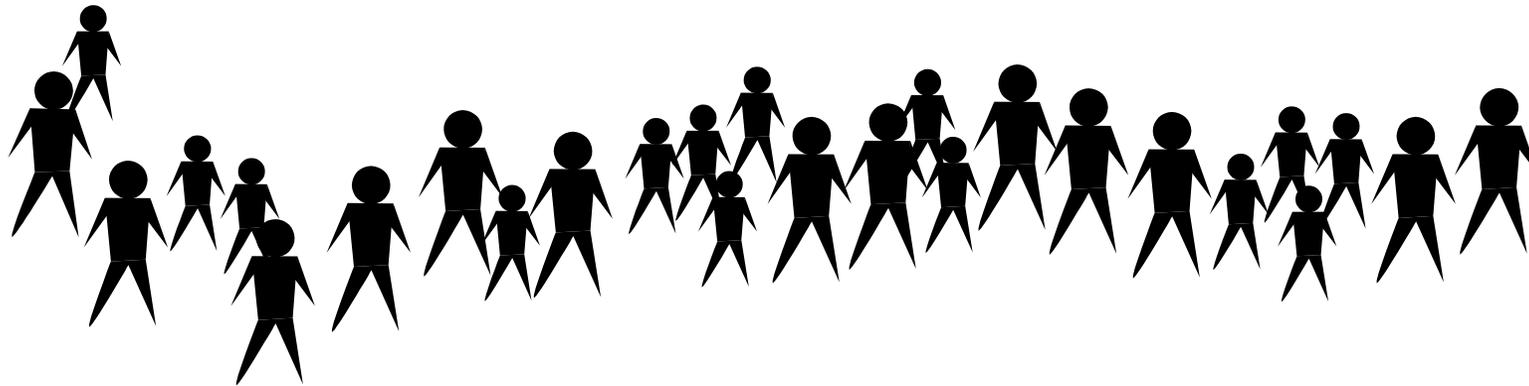
Pope John Paul II

*Laborem Exercens* 4



“Managers need to be ‘**entirely possessed by justice,**’ so that their intentions are in accord with the common good.”

Helen J. Alford and Michael J. Naughton, *Managing as if Faith Mattered: Christian Social Principles in the Modern Organization*, (2001), 91.



“A school is a *learning relationship*. It requires a team effort by teachers, staff, administrators, parents, community, *and students* to expand awareness, both of the external world and of the internal self.”

Kenneth Cloke, *Conflict Resolution: Mediating Evil, War, Injustice and Terrorism*, p. 348



# Conflict may be inevitable, but can it also be opportunity?

Stuart Hampshire: *Justice is Conflict*:

“Diversity and divisiveness of languages and of cultures and of local loyalties is not a superficial but an essential and deep feature of human nature – both unavoidable and desirable – and rooted in our divergent imaginations and memories.”



“Anytime we feel vulnerable or our self-esteem is implicated, when the issues at stake are important and the outcome uncertain, when we care deeply about what is being discussed or about the people with whom we are discussing it, there is potential for us to experience the conversation as difficult.”

Stone, Douglas, Patton, Bruce, and Heen, Sheila, *Difficult Conversations, How to Discuss What Matters Most*, (Penguin Books, N.Y., 2000) , xv, (Hereinafter, “D.C.”).



# Silence or violence:

- As people begin to feel unsafe, they start to move to ... either silence (withholding meaning from the pool) or violence (trying to force meaning in the pool).”

Kerry Patterson, et. al., *Crucial Conversations: Tools for Talking when Stakes are High, Second Edition*, page 51 (Hereinafter “CC”)



- When people purposefully withhold meaning from one another, individually *smart* people can do collectively *stupid* things.”

CC page 22

- “Not only does a shared pool help individuals make better choices, but since the meaning is *shared*, people willingly act on whatever decisions they make.

CC page 23



# How Do We Experience Diversity?

## The Richard Henry Dana Example

“[C]atholic Social Thought emphasizes how humans flourish in the workplace when dignity is respected and community emphasized. [D]ivisions within the community can decrease productivity and well-being for everyone. Dana knew community. He lived and worked with sailors through storms and through clear blue water. He knew the challenges when bad leaders and outside forces threatened the safety of the ship and the crew. And he saw how a community in which dignity was honored despite differences in education or class fostered harmony, safety, and productivity in which everyone could share.”

Jeffrey L. Amestoy, *Slavish Shore, The Odyssey of Richard Henry Dana, Jr.*, (Cambridge, Ma., 2015), 21 quoting Richard Henry Dana Jr., *Two Years Before the Mast and Other Voyages* (New York: Library of American, 2005)

Craig B. Mousin, “Knowing the Ropes,” Association of Catholic Colleges and Universities (ACCU) Newsletter, <https://www.accunet.org/Portals/70/UpdateNewsletter/Update-Winter2016.pdf?ver=2017-06-15-110726-550>



# The Truth Assumption

1. “...we often fail to question one crucial assumption upon which our whole stance ...is built: I am right and you are wrong.”
2. \*\*\*\*” “...difficult conversations are almost never about getting the facts right. They are about conflicting perceptions, interpretations, and values. They are not about what a contract states, they are about what a contract *means*.”



# Challenge Ideas with Respect

“CEO Andy Grove ...invites everyone...to challenge his ideas. For Grove, the focus has always been on finding the truth, not on putting people down.”

“...when teams engage in conflict over ideas in an atmosphere of mutual respect, they develop better ideas and perform better.”



- Sutton, Ph.D., Robert I. (2007) *The No Asshole Rule: Building a Civilized Workplace and Surviving One That Isn't*. New York, NY: Hachette Book Group USA. Page 17.

# Negotiate Your Way to Curiosity

- “Remind yourself that if you think you already understand how someone else feels or what they are trying to say, it is only a delusion.”
- “Another way to rekindle your curiosity is to keep focused on your purpose in the conversation. If your purpose is to persuade or win or get the other person to do something, your internal voice will ask... ‘why don’t you just do this?’”



# Vincent's cloak can keep danger out or connect



“Every conflict...can be regarded as *creating* or reinforcing a border or boundary that divides us, drawing a line of separation that separates us into opposing sides...isolating and alienating us from one another.

Yet every boundary is also a *connection*, a potentially unifying element, a place where two sides can come together.”

Kenneth Cloke, *Conflict Resolution: Mediating Evil, War, Injustice and Terrorism*, page 478.

# Nelson Mandela's cell at Robben Island, South Africa





“Writing, displaying, and repeating words about treating people with respect, but allowing or encouraging the opposite behavior, is worse than useless....leaders are seen as hypocrites, which fuels cynicism and scorn.”

Sutton, Ph.D., Robert I. (2007) *The No Asshole Rule: Building a Civilized Workplace and Surviving One That Isn't*. New York, NY: Hachette Book Group USA. Page 61





*Viam Sapientiae  
Monstrabo Tibi*

I will show you the way of wisdom

Suggests that individually, none of us have a full grasp of wisdom



# Conclusion to DePaul's Mission

Our mission statement and the distinctive identity, core values, and commitments that follow from it, serves to define the ultimate purposes of DePaul University. These purposes mirror a common bond that unites students, staff, faculty, alumni, and trustees and frame a criterion against which our plans are formulated, and major decisions are made and assessed. **Our future success requires the ongoing participation of all in our DePaul community as we seek to be what Vincent de Paul envisioned: Congregation of the Mission, a community gathered together for the sake of a common mission.**



# Contact the Ombuds Office



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<https://mission.depaul.edu/Ombudsperson/Pages/default.aspx>



# Other Ombuds Resources

- ❖ [http://works.bepress.com/craig\\_mousin/](http://works.bepress.com/craig_mousin/) (Craig Mousin's publications)
- ❖ <http://hr-forum-ccu.blogspot.com/> (blog on Human Resources and Mission from articles in ACCU's quarterly newsletter *Update*.)
- ❖ <http://ombuds-blog.blogspot.com/> (blog on all things Ombuds)
- ❖ Craig B. Mousin. "Vincentian Leadership—Advocating for Justice" (2005) Available at: [http://works.bepress.com/craig\\_mousin/5/](http://works.bepress.com/craig_mousin/5/)



# Resources: Works Cited

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- Pope John Paul II, *Laborem Exercens Encyclical*, 1981.
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