



## The Ombudsman's Role in Changing the Conflict Resolution System in Institutions of Higher Education

### KEYWORDS

Privatization, Quality Education, Ombudsman, Exploitation, Unfair Practices

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**ABSTRACT** *In recent years we have seen a burst of interest in organizational conflict resolution system design. Colleges and Universities are among those institutions that have expressed rising concern to find alternative means of managing conflict. Existing avenues of conflict resolution are woefully inadequate and frustration is growing amongst students and faculty who are not satisfied with existing avenues of academic conflict resolution. Existing system of conflict resolution in educational institutions is only by way of litigation which is very expensive and time consuming resulting in delayed justice and in some cases only judgements not justice. The ombudsman is a person who knows the academic system and knows what is bothering people at all levels and what they want, the Ombudsman understands the organization culture and has the obligation to make recommendations for change. This paper will focus on the pivotal roles that may be played by the university ombudsman.*

### Introduction:

The word "ombudsman" has Swedish origins, and was first used as a public office in Sweden. The term refers to "a person who has an ear to the people." In American colleges and universities, the office is often referred to as an "agent for justice" within the complex institutional systems of higher education. Ombudsman is "Public safety Valve" against mal-administration. A good system of administration, in the ultimate analysis has to be responsible and responsive to the people. An Ombudsman has become a standard part of the machinery of any democratic government in the modern world. Owing to intensive increase in governmental activities, the occasion of individual grievances multiplied. There appears to be a continuous flow of relatively minor complaints not sufficient in themselves to attract public interest but nevertheless of great importance to the individuals concerned, which gives rise to the feeling of frustration and resentment because of inadequacy of the existing means of seeking redressal. In these circumstances, the quest for an effective control mechanism over the administration has led the people to the institution of ombudsman. The institution of ombudsman originated in Scandinavian countries. Sweden was the first country to adopt this institution as early as 1809. Since then it has been adopted in a number of Countries, such as Finland, 1919; Denmark, 1954; Norway, 1960; New Zealand, 1962; Mauritius, 1966; Guyana, 1966; United Kingdom, 1967; Australia, 1976.

### Ombudsman in Higher Education

The origins of the University Ombudsperson can be found in the United States in Eastern Montana College, where in 1966 the first ombudsperson began to work; and Michigan State University established an ombuds office in 1967. Since then the presence of the ombudsperson has increased considerably, since then, ombudsperson offices can be found in around 200 colleges and universities in the United States and Canada. And it also appears that number is growing.

A university ombudsperson is an independent, impartiality and neutral person to whom students, staff, faculty and/or administrators can turn in a formal/informal and confidential manner for help with their complaints about the university and its community. The University Ombudsperson does not have executive power and his/her interventions are confined to the elaboration of reports, recommendations or resolutions, which in no case can be considered administrative acts, nor are they binding or can they be appealed. The University Ombudsperson acts on request of the parties and, although there are variations in accordance with the statutes of each

university, she may often also act ex-officio. The University Ombudsperson is not subjected to any imperative mandate, and acts with autonomy and independently of all university organs, though he/she normally presents and explains his activities to the university senate in an annual report for each academic year. The problems that the University Ombudsman Office receives most frequently refer to: (a) breach of norms, (b) violation or harm of rights, (c) restriction of liberties, (d) conflicts in interpersonal and group relations, (e) interpretation of norms, (f) conflicts of interests, (g) conflicts of values, and (h) other complaints and grievances about the delays or the errors in operating diverse university services. For coping with these subjects, university ombuds strategies are predominantly communicative in nature and include such well know techniques as active listening, giving hearing to feelings, defusing rage, giving advice, creative problem solving and developing options, investigation and fact findings, shuttle diplomacy, and often mediation and coaching.

### CURRENT HIGHER EDUCATION SCENARIO IN INDIA: A trend towards privatisation

In India the management of private educational institute from KG to PG and other professional colleges are making huge profit and starting 'teaching shops' one after another. In one hand the government is reducing its investment on education (4.3 % of GDP despite the target of 6 % set as far back in 1968 by the Kothari commission) on the other hand they are handing over this important sector in the hands of corporate. Education has become a commodity in the hands of these corporate giants. The seats are being auctioned in professional courses for a million of rupees and are charging exorbitant fees from the students. The result of this auctioning is that there is a degradation of quality in education and it is becoming a tool for exploitation and discrimination. Today in India the ambition of Middle Class and Poor students to undergo Higher and Technical education is becoming a dream due to the huge amount of fees charged by the money minded Private Colleges. Postgraduate Courses are mostly self financed and the fee per year for MBA, MCA, M.Sc courses is more than Rs.50,000/- per year depending upon the state and reputation of the College. So for two year M.Sc courses a student has to spend minimum Rs.50,000/- for tuition fees besides the huge Hostel fees and this is not in reach of a Middle Class/Lower Middle Class. In a country where majority of people are groaning under the weight of poverty, hunger and increasing prices how the middle class Indian people will pay huge amounts for higher and Technical education. So it has become a distant dream for the middle class to get higher education. It is surprising to note that even project

reports of MCA and MBA are available for sale. This clearly shows how the education system is commercialized.

In this era of privatization, there has been a tremendous growth in the number of Private professional colleges. This growth has no doubt contributed to a quantitative increase in the number of colleges providing higher education but this has been at the cost of quality, as the Government does not exercise sufficient control over 'unaided colleges'. Statistics shows that the number of public institutions – both government and aided institutions has increased only marginally, private institutions have increased significantly. Private universities and foreign education providers that financially independent are also emerging on the scene. In future the number of government and private aided universities and colleges is not likely to increase significantly while the number of private unaided higher education institutions may increase.

Type (by Management / Funding) 2000-2001	Universities		Colleges		Higher Education Institutions		Enrolment (in thousands)		
	2005-2006	2000-2001	2005-2006	2000-2001	2005-2006	2000-2001	2005-2006		
Public	Govt.	245	268	4097	4225	4342	4493	3443	3752
Private	Aided	-	10	5507	5750	5507	5760	3134	3510
Private	Un-aided	21	70	3202	7650	3223	7720	1822	3219
Total		266	348	12806	17625	13072	17973	8399	10481

Source: University Grants Commission (India) and Agarwal (2006)

Type	2006	2007	2009	2010
Central Universities	20	25	40	41
State Universities	217	231	234	257
Institutions Deemed to be Universities	102	102	128	130
Private Universities	10	21	21	61
Total	349	379	423	489

The figures for 2010 are up to 01.07.2010

(HIGHER EDUCATION IN INDIA Strategies and Schemes during Eleventh Plan Period (2007-2012) for Universities and Colleges)

#### UNIVERSITY GRANTS COMMISSION NEW DELHI

So the Rapid growth in the number of these colleges has make the atmosphere competitive so most of the Private colleges although fulfilling the standard admission procedures like conducting entrance tests, interviews, etc. tend to admit students by charging an heavy handed amount as fee. Merit regularly takes a backseat and those with the ability to pay more often tend to get admission without fulfilling the admission requirements. And resulting most of the students as unemployable. Many of the private institutions don't have qualified teachers, which is a prerequisite framed under AICTE/UGC norms and those who are well qualified are exploited by the management by paying less than the amount specified by various regulating agencies of the State which regulate higher education, like the University Grants Commission, etc. This may lessen their efforts and ultimately result in a fall in the standard of education.

#### Prevailing Malpractices in Higher Education:

In a recent report of Nasscom and the report which is doing rounds in the Mail boxes of everyone is what says that 75 percent engineering students in India are unemployable, education experts said that the Indian higher education system is not giving skill building and practical training equal importance as academics to give them an edge.

"An amount of Rs 8,000 to Rs 10,000 per thesis is the cheapest one can get readymade research work. It is because this would not have the signatures of the guide. Such thesis is basically for all those who are already enrolled in a PhD or

M.Phil course somewhere but cannot do the tedious research bit. "These have been submitted in a university but no one is likely to find out. However, in case you are caught, it would be solely your responsibility," (Source: Chitleen K Sethi and Smriti Sharma Vasudeva, Tribune News Service- The Tribune dated April 8, 2010)

The national employability report compiled by Aspiring Minds revealed that only 17.45 percent of technical graduates in the country are ready to be employed. What this also means is that the rest, that is, 82.55 per cent, engineering graduates are unemployable.

There are private universities that make it simpler to get the degrees, as there will not be any botheration for the attendance. Two or three days of attendance are sufficient to get a PhD degree. Also there is no need to worry about the synopsis or thesis as well; these shops which have been blatantly selling these degrees, where candidates don't even need to appear for an entrance test. The study and admission centres of these private universities are not affiliated to any recognized universities. And yet, hoardings put by them testimony to illegal degree enterprise flourishing in the city.

#### ROLE OF OMBUDSMAN IN MANAGING CONFLICTS IN INDIA:

And this is precisely where the University Ombudsperson can help resolve the conflict, facilitating processes of mediation. It offers parties involved in conflicts and problems the opportunity to meet with one impartial, trained mediator who will support better communication and effective negotiation between them. It is important for mediators and mediation interventions to acknowledge that not all conflicts can or should be mediated. Thus, when the rights and freedom of members of the university community are seriously and flagrantly violated, or when laws, rules or obligations are failed to fulfill, the mediation is not possible. Then the University Ombudsperson should undoubtedly assume his or her functions of informing, pointing out the offences and recommending the strict application of the rules and regulations. Mediation is only one of the roles of Ombudsmen, and he or she cannot –and should not– expect to resolve all conflicts in this way. Finally, like any other mediator, the University Ombudsman is responsible for carrying out a process with a guarantee for the parties, committed to the equality of opportunities to express opinions, ideas, suggestions and solutions and making the parties involved responsible for the content of the agreements reached. In addition to mediation, facilitation, and a variety of hybrid intervention efforts, Ombudspersons also provide coaching, training, and consultation services that enable individuals and groups to prevent, reduce, and intervene in conflict situations as creative problem solvers.

#### Strange but True Facts

- 75% of Indian Engineering students are unemployable
- 'Original research' for PhD on sale!
- Over 82% Indian IT engineers unemployable
- Degrees on Sale: Jaipur study centres offer Bachelor degree to PhD for money.

In India existing system of conflict resolution in educational institutions is only by way of litigation which is very expensive and time consuming resulting in delayed justice and in some cases only judgments not justice. Working on the concept of better late than never Now the Union Human Resource Development (HRD) ministry has proposed to appoint ombudsman in india also to check on unfair practices in higher education. The Ombudsman is a person with judicial or legal experience appointed from a panel suggested by the affiliating university for technical and management institutions, by the Central Government for deemed universities and by the regulator for non-degree granting institutions. The Ombudsman knows the academic system and knows what is bothering people at all levels and what they want, the Ombudsman understands the organization culture and has the obligation to make recommendations for change. Every educational in-

stitution affiliated to a Central University and under control of a Central regulator such as University Grants Commission (UGC) and All India Council for Technical Education (AICTE) comes under the purview of ombudsman to deal with grievances. The ombudsman has the power to instruct the institutions to take corrective measures on complaints regarding denial of admission, non-observance of declared merit in admission, with-holding of documents and non-refund of fees in case of withdrawal of admission. In case of matters concerning weaker sections such as SCs/STs/OBCs or minorities, the ombudsman can co-opt a person of eminence from the area coming from the weaker section to assist him/her in arriving at a decision. Though the orders are not to be binding on the institution, the regulator would rely on the frequency of non-observance of the order to decide on continued recognition to such institutions so the presence of an Ombudsman on the premises of educational institutions would pose a question on the sovereignty of the institutes thereby improving the quality of education. It will be a boon to the Indian institutions when foreign universities are opening their centres in India even though they are not recognized in their own countries so there will be checks and balances and fine tuning of standards. So Ombudsman proves to be

a good move that will bring accountability in the working of private institutions which are meant to serve the public.

### CONCLUSION

Mediation in academia is a viable process for resolving conflicts. Ombudsman possesses a unique ability and perspective to initiate and implement change, to understand the impact of this change on the organization, and to provide support for it. Since ombudsman function on persuasive powers and credibility, they are in an ideal position to champion change. Ombudsmen in higher education were pioneers in dispute resolution in other countries and in the future they should lead the way in the design and implementation of conflict resolution systems in India as well. There is a dire need of ombudsman in India since lot of irregularities and malpractices are taking place, so ombudsman will act as deterrent for the existing institutions.

Though ombudsman may not prove as panacea but surely it will go a long way in mitigating so many ills afflicting the educational institutions on which the progress of the country depends.

### REFERENCES

- Ombudsman - Wikipedia, the free encyclopedia | en.wikipedia.org/wiki/Ombudsman | Ombudsman in India | jurisonline.in/2011/08/ombudsman-in-india/ | INDIA: A crisis of confidence in higher education? - University World... | www.universityworldnews.com/article.php?story | The Need for Change Pawan Agarwal | www.icrier.org/pdf/icrier\_wp180\_higher\_education\_in\_india\_pdf | HIGHER EDUCATION IN INDIA: SEIZING THE OPPORTUNITY | www.icrier.org/pdf/wp\_179.pdf | Degrees on sale: Jaipur study centres offer ba chelor degree to PhD... | indiatoday.intoday.in/story/degrees-on-sale-in...phd.../153852.html | 'Original research' for PhD on sale! - The Tribune | www.tribuneindia.com/2010/20100409/main2.htm | SHOCKING! Over 82% Indian IT engineers unemployable - Rediff... | www.rediff.com › Getahead | 75% Indian engineering students are unemployable | toostep.com/debate/75-indian-engineering-students-are-unemployable | Albert, R., & Howard, D.A. (1985). Informal dispute resolution | through mediation. *Mediation Quarterly*, 10, 99-108. | Anderson, S. (1993). Disaggregating the ombudsman: Towards a pure theory of conflict resolution. *California Caucus of College and University Ombudsman. UCI Ombudsman: The Journal* 1993. Retrieved from the Web November 2, 2005. <http://www.ombuds.uci.edu/JOURNALS/1993/disaggregating.html>. | Barkat, J. (2002). Building on the strengths of different approaches. *Negotiation Journal*, 18, 359-362. | Bingham, L. (2004). Employment dispute resolution: The case for mediation. *Conflict Resolution Quarterly* 22(1-2), 145-174. | Bazerman, M. & Neale, M. (1992). *Negotiating rationally*. New York: The Free Press. | Gadlin, H. and E. Walsh Pino. 1997. *Neutrality: a guide for the organizational ombudsperson*. *Negotiation Journal* 13 (1); 17-37. | Gellhorn, W. (1967). *Ombudsmen and others: Citizen's protectors in nine countries* Cambridge: Harvard University Press. | Gordon, L. (2005). *Disputing the alternative*. Boalt Hall Transcript, Summer 2005. | Gosline, A., et. al. (2001). *Designing integrated conflict management systems: Guidelines for practitioners and decision makers in organizations*. Ithaca, NY: Cornell University. | Harrison, T.R. (2004). What is success in ombuds practice: Evaluation of a university ombudsman. *Conflict Resolution Quarterly*, 21, pp. 313- 335. | Hayford, S.L. (2000). "Alternative dispute resolution." *Business Horizons*. 43, pp. 2-4. | Hill, L.B. (1982). The citizen participation-representation roles of American ombudsmen. *Administration & Society*, 13(4): 405-433. | University and College Ombuds Association (2000). *Standards of Practice*. Retrieved November 12, 2005, from <http://www.ucoa.org/pdf/sop.pdf>. [Note this site is no longer active, with the merger of UCOA and IOA. As of April 2007, it could be accessed via the Internet Archive's Wayback Machine - <http://web.archive.org/web/20051025225747/www.ucoa.org/pdf/sop.pdf>.] | International Ombudsman Association (2007). Home page. Retrieved on May 10, 2007 from <http://www.census.gov/popest/geographic/>. | Kochan, T. & Lipsky, D. (Eds.). (2003). *Negotiations and change: From the workplace to society*. Ithaca, NY: Cornell University Press. | Lawrence Technological University, Office of the Dean of Students web page. Retrieved April 17, 2006 from <http://www.ltu.edu/taubmancenter/dean.asp>.