

"Developmentally speaking, children raised by gay, married, divorced, lesbian, and/or multipartner parents are as cognitively, socially and psychologically sound as those raised by married heterosexual couples." — Nick Malherbe, thoughtleader.co.za



Every varsity should have an ombud

Transformation in higher education is vital, but a neutral arbiter is required to ensure fairness

Zetu Makamandela-Mguqulwa

The transformation discussion in higher education should not have come as a surprise. Universities, owing to their nature, are the perfect breeding ground for conflicts, disputes and grievances. This has been a year of numerous protests led by groups such as #RhodesMustFall, #TransformUCT, #OpenRhodes and #OpenStellenbosch.

One concern seemingly shared by everyone involved is the pace and quality of transformation in higher education, 21 years into democracy. Also of concern is that attempts to resolve disputes or engage in discussion over transformation have started with protests and litigation.

It took time for the University of Cape Town (UCT), for instance, to succeed in creating a collective working group to try to find answers to unresolved questions that #RhodesMustFall raised. This is despite the transformation initiatives that have been in place at the university for years.

Notwithstanding South Africa's Constitution, existing legal frameworks and good internal policies in universities, there are still, sadly, numerous instances of discrimination, harassment and other violations where people are afraid to come forward. What often helps in such cases is having a way to promote best practice in governance, risk management and general compliance with institutional policies in a way that is seen to be objective and nonpartisan. This is where the role of an ombud comes in. An ombud acts as a neutral arbiter whose primary concern is to ensure institutional decisions reflect impartiality and fairness at all times.

For instance, a member of staff may feel that they have been passed over unfairly for promotion to a vacant position in their department, and that they have not been assisted by the processes available in the human resources department for dealing with such a complaint.

This staff member has the option of discussing this complaint with the ombud, who can provide another perspective that sits outside the normal management channels. The ombud can mediate such a dispute and provide alternative suggestions that may not have been considered.

provides a way for the institution to listen differently to all its stakeholders. The ombud, as a relative outsider looking in, can help reframe difficult issues in a way that makes the institution more conflict-competent and transformative. Defining problems at their appropriate level of scope and depth improves the prospects for successful intervention.

The ombud is also well placed to identify gaps in policies, and to give feedback to the university so that it can fix and attend with urgency to all the hot spots.

In 2013, for instance, UCT was forewarned of an increasingly racially charged climate. UCT had already begun years earlier to put into place transformation initiatives such as a discrimination and sexual harassment office. These initiatives were designed to help students from diverse cultures get the most out of living in residence and academic development programmes, as well as the committees for changing the names of buildings and addressing other cultural issues.

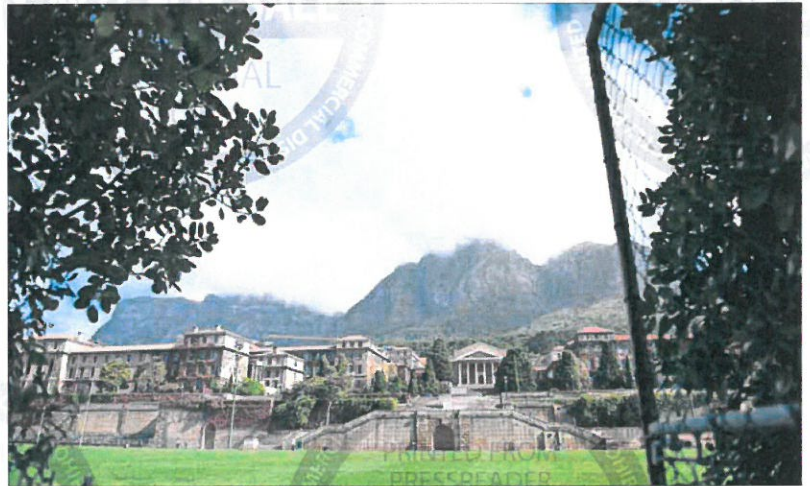
So though #RhodesMustFall's rise was not foreseen, UCT was already addressing issues that commonly arise as the result of a more diverse campus community.

The word "ombudsman" is Swedish for "legal representative". It is not gender-specific, although many universities are using "ombud" or "ombudsperson" to try to make the word gender-neutral.

Since the 1950s, many governments, universities and businesses have appointed ombuds as designated neutral, independent third parties who specialise in conflict resolution and receive confidential complaints, concerns or inquiries about alleged acts, omissions, improprieties and broader systematic problems in the institution.

Thus, the ombud serves the wider organisation and not just management. An ombud is obliged not to be accountable to management in order to guarantee his or her impartiality in disputes that may involve management.

Democratic values, social justice and fundamental human rights feature strongly in higher education's transformation. The department of higher education and training states in its policy on transformation: "The transformation of the higher education system to reflect the changes



Room for negotiation: Zetu Makamandela-Mguqulwa says the ombud's office at the University of Cape Town makes the institution more conflict-competent and transformative. Photo: David Harrison

Since 2011, officials of other universities have visited UCT's ombud office to benchmark this service. In 2013 the chief director of university education policy and development in the office of the minister of higher education issued a statement encouraging all South African universities to establish ombud offices.

This strengthened my resolve, as the UCT ombud, to host a work-

shop in 2013 for all 23 tertiary education institutions in South Africa at the time, to discuss the viability of establishing ombud offices throughout the sector. Currently, UCT, Stellenbosch University, the University of KwaZulu-Natal, the University of Johannesburg, the University of South Africa, Nelson Mandela Metropolitan University and Tshwane University of

Technology all have ombud offices. The November 2013 workshop highlighted the need for training and the UCT ombud office recently facilitated an ombud training workshop, in partnership with the International Ombudsman Association, UCT and the department of higher education.

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