HEPC SUPPORTS PUBLIC POLICY EFFORTS TO IMPROVE TRANSPARENCY, COMMUNICATION, AND THOUGHTFUL CONFLICT RESOLUTION. OMBUDSMAN OFFICES ARE USEFUL MECHANISMS FOR THESE GOALS.

The purpose of this bill is to re-establish and expand the duties of the UH Manoa Ombudsman Office. The last UH Ombudsman was Dr. Neal Millner. Such an office does not replace or undercut the efforts of existing administrators, but rather complements their efforts. Busy UH officials cannot possibly devote enough time to the typical functions of an Ombudsman.

An institutional Ombuds Office at UH will require a full-time director and full time staff. It could either be attached to the UH Manoa Chancellor’s Office, or, with the possibilities of expansion to serve other campuses, the UH President’s Office.

The bill lists several areas of appropriate activities:

“(c) Issues that may be brought to the attention of the office of the ombuds shall include the following:

(1) Communicating the views and voices of students, faculty, and staff to decision makers;
(2) Harassment or discrimination;
(3) Violations of University of Hawai’i at Manoa policy;
(4) Professional and organizational disputes;
(5) Ethical dilemmas;
(6) Cultural misunderstandings;
(7) Conflicts of interest;
(8) Student employment issues and disputes;
(9) Assistance to administrators and regents in analyzing and framing difficult issues;
(10) Disputes between the university and the community at large;
(11) Health and safety concerns;
HEPC finds that all of these have been or are areas of concern for various stakeholders. Of particular note are items #1 Communicating the views and voices of students, faculty, and staff to decision makers; #8 Student employment issues and disputes; and #12 Availability and transparency of public information regarding university policies, finances, decisions, and programs. These three particularly address ongoing frustrations and criticisms. HEPC is especially interested in the possibilities of item #1. Current technology now allows us to survey students and faculty through web based methods at little to no cost. Recently HEPC conducted an informal poll of student in this manner. (see http://web41.its.Hawai‘i.edu/manoa.Hawai‘i.edu/hepc/wp-content/uploads/Analysis-of-HEPC-Student-Survey.pdf)

Background and Information on Similar Offices

Currently Hawai‘i has a state level Ombudsman (. http://ombudsman.Hawai‘i.gov/), and a Long Term Care Ombudsman (http://health.Hawai‘i.gov/oea/home/long-term-care-ombudsman-program/). At the Federal level, several agencies have established this function, including the U.S. Department of Education, the Environmental Protection Agency, the Food and Drug Administration, and the United State Navy.

Since 1967 at least five state legislatures and one territorial legislature have established and continued to employ a full-time ombudsman. These states are Hawai‘i, Nebraska, Alaska, Iowa and Arizona, and the U.S. territory of Puerto Rico. Many other states have ombudsmen appointed by, and located within the office of, the governor.

WHAT is an Ombudsman?

The job description for state offices of ombudsmen invariably involve the trouble-shooting function of investigating citizen complaints concerning specific acts by government agencies. For example, in Nebraska the ombudsman's duties are as follows:

“To receive complaints from the public and from persons working in government; to investigate; and where appropriate to negotiate remedial action with the agencies involved. A secondary duty is to answer questions and assist people with problems relating to government.”
HAWAI’I’S LONG TERM CARE OMBUDSMAN PROGRAM
The Long-Term Care Ombudsman Program (LTCO) was established by federal and state statutes. The LTCO identifies, investigates, and resolves complaints that are made by, or on behalf of residents, and related to action, inaction, or decisions that may adversely affect the health, safety, welfare, and rights of residents of long term care facilities such as nursing homes, adult residential care homes, assisted living facilities, and other long-term care facilities.

LONG-TERM CARE OMBUDSMAN PROGRAM SERVICES
If you need information or assistance in the following areas, please call the LTCO at 586-7268 (Oahu).
• Investigate and resolve problems or complaints about the care or services provided in a long term care facilities;
• Alternatives to nursing home placement;
• Options for paying for long term care;
• Choosing a nursing home;
• Help with initiating a power of attorney or guardianship;
• When can long term care residents refuse treatment;
• What rights nursing home residents have;
• Information, referral, and consultation on any long term care issues.

WHAT CAN THE HAWAI’I STATE OMBUDSMAN DO?
* Independently and impartially investigate your complaint against state and county agencies.
  1. If our investigation reveals that the complaint is substantiated, we can attempt to resolve the problem with the agency.
  2. determine whether a complaint is substantiated by comparing an agency’s actions against what the law requires as well as the principles of sound, fair, and reasonable administrative practice. We do not have the power to compel or reverse administrative actions but instead try to resolve substantiated complaints through recommendations and reasoned persuasion.
  3. In addition to the resolution of individual complaints, if the office find possible areas for improvement to make government work better, it will make recommendations for changes to the law, administrative rules, or operating procedures.

WHAT IS THE OMBUDSMAN’S JURISDICTION?
By law, the Ombudsman is authorized to investigate the administrative actions of state and county agencies. We cannot investigate complaints about the governor and lieutenant governor and their staffs; the legislature and its staff; the judiciary and its staff; the various
county mayors and councils; the federal government; a multistate governmental entity; or a nongovernmental entity. We also cannot investigate public employee grievances covered by collective bargaining agreements.

The Office of the Ombudsman is established by Chapter 96 of the Hawaiʻi Revised Statutes. To view the law, please click chapter 96.

§96-8 Appropriate subjects for investigation. An appropriate subject for investigation is an administrative act of an agency which might be:

1. Contrary to law;
2. Unreasonable, unfair, oppressive, or unnecessarily discriminatory, even though in accordance with law;
3. Based on a mistake of fact;
4. Based on improper or irrelevant grounds;
5. Unaccompanied by an adequate statement of reasons;
6. Performed in an inefficient manner; or
7. Otherwise erroneous.

The ombudsman may investigate to find an appropriate remedy. [L 1967, c 306, §9; HRS §96-8]

On final thought. Notwithstanding the desire to be politically correct, the normal term is Ombudsman, understood to mean any gender. Ombuds sounds very strange and probably would confuse the public.

Mahalo for your thoughtful consideration of this testimony.
Here are links to Ombudsman organizations, Ombudsman offices, and other State Government agency sites.

**OMBUDSMAN ORGANIZATIONS**

**USOA – The United States Ombudsman Association**
The United States Ombudsman Association serves public sector ombudsman offices across the United States, and member offices in Canada, Central America, and other parts of the world.  
[www.usombudsman.org](http://www.usombudsman.org)

**IOI – International Ombudsman Institute**
The International Ombudsman Institute is a worldwide organization of public sector ombudsman offices. The University of Alberta, Edmonton, Canada, and its Faculty of Law support the IOI. The web page has links to member offices from around the world and other references.  

**ALASKA OFFICE OF THE OMBUDSMAN**  
[www.state.ak.us/local/akpages/legislature/ombud/home.htm](http://www.state.ak.us/local/akpages/legislature/ombud/home.htm)

**ANCHORAGE (AK) OFFICE OF THE OMBUDSMAN**  

**ARIZONA OFFICE OF THE OMBUDSMAN / CITIZENS’ AIDE**  
[http://www.azleg.state.az.us/ombudsman/default.htm](http://www.azleg.state.az.us/ombudsman/default.htm)

**DETROIT (MI) OFFICE OF THE OMBUDSMAN**  

**IOWA OFFICE OF CITIZEN’S AIDE/OMBUDSMAN**  
[https://www.legis.iowa.gov/ombudsman/](https://www.legis.iowa.gov/ombudsman/)

**JOINT OFFICE OF THE OMBUDSMAN (DAYTON, OH)**  
[www.dayton-ombudsman.org](http://www.dayton-ombudsman.org)

**KING COUNTY (WA) OFFICE OF CITIZEN COMPLAINTS**  
[www.metrokc.gov/ombuds](http://www.metrokc.gov/ombuds)

**NEBRASKA OFFICE OF THE OMBUDSMAN (PUBLIC COUNSEL)**  

**PORTLAND (OR) OFFICE OF THE OMBUDSMAN**  

**HAWAI‘I EDUCATIONAL POLICY CENTER**  
1776 University Avenue, Castle Memorial Hall 133 • Honolulu, Hawai‘i 96822  
Dr. Jim Shon, Director  Phone (808) 282-1509 • jshon@hawaii.edu  
[http://manoa.hawaii.edu/hepc/](http://manoa.hawaii.edu/hepc/)