



Midpeninsula Regional
Open Space District

R-12-44
Meeting 12-11
April 11, 2012

AGENDA ITEM 4

AGENDA ITEM

District Ombudsperson Interview and Appointment

LEGISLATIVE, FUNDING AND PUBLIC AFFAIRS COMMITTEE'S RECOMMENDATION

The Legislative, Funding and Public Affairs Committee (LFPAC) recommends that the Board appoint Dr. Erik Nolen Allen as the District's Ombudsperson.

SUMMARY

On May 24, 2011, Carol Joyce, the District's Ombudsperson for many years, resigned from her position to take advantage of an employment opportunity in another state, leaving the District with the task to appoint another Ombudsperson to act as a liaison between District staff and the public to resolve citizen inquiries and concerns.

On July 13, 2011 the Board approved a recruitment and selection process for a new Ombudsperson which delegated responsibility for screening the District Ombudsperson applications to LFPAC (See Report R-11-74) and charged the committee with returning to the Board with the top applicants. The committee interviewed Dr. Allen on February 22, 2012, and recommends that the Board appoint him to the position of Ombudsperson.

Following is a summary of the Ombudsperson's duties; for the complete list of the Ombudsperson's role, duties, assignment and reporting responsibilities please see Attachment 2:

- Listens to resident concerns.
- Opens avenues of communication between residents and neighbors and the District.
- Gathers information and educates residents on District policies or procedures and their purpose or effect.
- Facilitates conflict resolution.

- Finds other resources to meet resident needs, if applicable.
- Provides a written summary of citizen concerns as requested by the Board of Directors.

DISCUSSION

At its May 26, 2004 meeting (see Report R-04-57), the Board adopted Resolution No. 04-13 establishing a process for appointment of a District Ombudsperson in conformity with the San Mateo County Local Agency Formation Commission's (LAFCO's) conditions of approval of the District's expansion to the San Mateo County coast in 2004.

At its July 13, 2011 meeting, the Board of Directors approved the General Manager's recommendation for a selection process which included screening of the applications by LFPAC and a return to the Board with the top four applicants. The Board, it was decided, would then schedule interviews and appoint an Ombudsperson either at an upcoming Regular or Special Meeting.

LFPAC met with Dr. Allen on February 22, 2012, and is enthusiastic in recommending his appointment as the District's new Ombudsperson. Dr. Allen is currently the Administration and Planning Analyst for San Jose State University, has past mediation experience along with a certificate by the Santa Clara County Dispute Resolution Program and he comes highly recommended by, among other people, Associate Professor and Program Director for Higher Education Administration at Saint Louis University Dr. Gerard Fowler. Professor Fowler currently serves as the Regional Chair for the National Academy of Arbitrators and arbitrates and mediates employment disputes in schools, colleges and private industry.

The Committee believes that the full Board will agree that Dr. Allen will be an effective mediator who can work with constituents to address any issues that may arise and that he will be able to serve as an outstanding Ombudsperson for the District.

FISCAL IMPACT

There are no unbudgeted fiscal impacts with this report.

PUBLIC NOTICE

Notice was provided pursuant to the Brown Act. No additional notice is necessary.

CEQA COMPLIANCE

No compliance is required as this action is not a project under the California Environmental Quality Act (CEQA).

NEXT STEPS

Upon Board approval, District Counsel will draft an Ombudsperson Agreement and upon its execution, Dr. Allen will begin serving as the District's Ombudsperson.

Attachment

1. Application
2. Ombudsperson duties

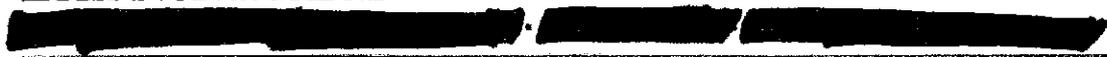
Responsible Department Manager:
Rudy Jurgensen, Public Affairs Manager

Prepared by:
Rudy Jurgensen, Public Affairs Manager

Contact person:
Rudy Jurgensen, Public Affairs Manager

ATTACHMENT 1

Erik Nolen Allen



August 2, 2011

Midpeninsula Regional Open Space District
330 Distel Circle
Los Altos, CA 94022

Re: Ombudsperson,

I am submitting this letter of interest regarding the Ombudsperson position. I have been looking specifically for an opportunity that would allow me to use my skills in organizational development and mediation to enhance institutional effectiveness.

I am dedicated to the creation of an impartial, fair process where members of the community can be heard. I am committed to being an unbiased advocate that can assist in the alternative dispute resolution process. I have completed Mediator Certification Training hosted by the Santa Clara County Dispute Resolution Program and I plan on attending the Ombudsman training program hosted by the International Ombudsman Association.

I enjoy working with people from all ethnic and professional backgrounds and consider myself to be at my best when working as a member of a cohesive team with a common goal. I have mediation experience at Vanderbilt University in the Office of Student Conduct and Academic Integrity where I acted as the primary investigative officer in cases involving student misconduct. At Saint Louis University, I worked in the Department of Leadership and Higher Education where I mediated student and faculty disputes regarding grades, student conduct and other academic matters.

I believe I would be an asset to the Midpeninsula Regional Open Space District and welcome the challenges presented with the Ombudsperson position. Please give me the opportunity to demonstrate my dedication to conflict resolution. I look forward to hearing from you soon.

Sincerely,

Erik Nolen Allen, Ph.D.

APPLICATION FOR OMBUDSPERSON

Erik Allen

8/2/2011

[REDACTED]
[REDACTED]
[REDACTED]

1. I am submitting this letter of interest regarding the Ombudsperson position. I have been looking specifically for an opportunity that would allow me to use my skills in conflict resolution and mediation to enhance organizational effectiveness. I am dedicated to the creation of an impartial, fair process where faculty, staff, and students can be heard. I am committed to being an unbiased advocate that can assist in the alternative dispute resolution process.
2. I have completed Mediator Certification Training hosted by the Santa Clara County Dispute Resolution Program and I plan on attending the Ombudsman training program hosted by the International Ombudsman Association. I have a Ph.D. in higher education from Saint Louis University. My undergraduate degree was in psychology and I have taken additional graduate coursework in counseling psychology.
3. I have mediation experience at Vanderbilt University in the Office of Student Conduct and Academic Integrity where I acted as the primary investigative officer in cases involving student misconduct. At Saint Louis University, I worked in the Department of Leadership and Higher Education where I mediated student and faculty disputes regarding grades, student conduct and other academic matters.

I also have four years of experience conducting various duties for University Housing Services and the Department of Art and Design at San Jose State University. I have coordinated the writing of departmental reports, surveys, training, evaluations, policies, procedures, and budgets. I have provided members of the university with information regarding regulations, laws, accreditation standards, and guidelines. I also have years of experience constructing effective working relationships with members of the community (see attached resume for time periods).

Supplemental Questionnaire

1. I have resolved many conflicts, both formally and informally. As I mentioned in the above comments, I remain an unbiased, impartial advocate to ensure a fair process. I let both sides openly communicate in a safe environment. I have found that letting people communicate, often fixes most disputes. Many conflicts are simply a result of miscommunication. If there is a genuine conflict that cannot be resolved by communication alone, I help facilitate a process where both parties can come to a compromise or agreement. I also educate all parties involved regarding pertinent policies, regulations, and procedures that may have contributed to the conflict.

2. Working in a university environment, I deal with challenging customer service type complaints on a weekly basis. The most challenging cases I have dealt with are ones that involve disputes between faculty and students regarding academic matters. Students often claim that they have been wronged in some way (received incorrect grade, biased treatment, accused of cheating, etc.) and it has been my job to investigate these claims. It requires me to balance the needs of the student and the faculty member in order to come to a fair solution. Once again, I must remain impartial and unbiased.

3. I feel the Ombudsperson will probably have to deal with the complaints of private land owners regarding the use of Open Space property, as well as their own property. I would assume that there are disputes on usage that need to be resolved on a regular basis.

4. I personally enjoy spending time hiking in the Midpeninsula Open Space area and would enjoy the opportunity to contribute to the District's mission of preserving land for the people of northern California. I feel the District provides members of the community with an invaluable service that enhances residents' quality of life.

Erik Nolen Allen

PROFESSIONAL PROFILE

- Proficient in mediation, counseling, and advising.
- Familiarity conducting research and interpreting data.
- Knowledge of the International Ombudsman Association Code of Ethics.
- Strong desire to improve the total development of individuals.
- Analytical thinker with the ability to efficiently solve problems.
- Ability to interpret regulations, policies, procedures, and academic guidelines.
- Ability to communicate complex subjects in an understandable language.
- Comfortable creating lasting effective relationships with students, faculty and administrators.

RELEVANT WORK EXPERIENCE

Counseling/Mediation

- Passed 40 hour mediation certification training in the state of California.
- Served as the primary investigative officer at Vanderbilt University in the Office of Student Conduct and Academic Integrity.
- Experience mediating faculty and student disputes regarding grades and other academic matters.
- Counseled students having trouble transitioning from high school to college.
- Advised students regarding course schedules, academic strategies, and career options.
- Provided students with financial aid, scholarship, and fellowship information.
- Monitored academic progress and tutored students in general studies course work.
- Completed graduate coursework in counseling and psychology.

Management

- Seven years of management experience.
- Interprets university policies, guidelines, and operations for the SJSU student body and staff.
- Manages human resources functions for over 100 employees of the department of Housing Services, which include professional, paraprofessional, and student staff.
- Oversees the entire annual performance review process for 70+ staff members in University Housing Services.
- Develops and implements strategic initiatives, process improvements, and team facilitation.
- Manages the departmental annual employee performance review process.
- Maintained departmental budget, managed monthly payroll, and scheduled student supervisors and graduate assistants.

Administration

- Coordinates the writing of departmental reports, evaluations, policies, and procedures.
- Conducts research on best practice techniques for departmental operations.
- Determined strategies for universities to improve marketing and promotional efforts to students.
- Oversees the conduct system for the campus residential population in conjunction with the Office of Student Conduct and Ethical Development.
- Facilitates the Residential Life conduct process by interpreting policies, hearing appeals, placing holds on student accounts, and sanctioning contract terminations.
- Experience dealing with sensitive legal situations and confidential information.
- Aided professors in the preparation and execution of various educational studies.
- Cultivated grant writing opportunities and developed solicitation strategies.
- Assisted with the development, coordination and administration of assessment research activities related to learning outcomes.
- Worked with professors in drafting and editing manuscript materials for publication.

Erik Nolen Allen

EDUCATION

Ph.D. Higher Education Administration
SAINT LOUIS UNIVERSITY, St. Louis, MO, 2007
M.S. Education
SOUTHERN ILLINOIS UNIVERSITY, Carbondale, IL, 2002
B.A. Psychology
SOUTHERN ILLINOIS UNIVERSITY, Carbondale, IL, 1997

CERTIFICATIONS

Mediator Certification Training
Santa Clara County Dispute Resolution Program, Santa Clara, CA, March 2008

EMPLOYMENT HISTORY

Academic Administration & Planning Analyst: San Jose State University, San Jose, CA	2010-present
Assistant Director of Assessment & Planning: San Jose State University, San Jose, CA	2007-2010
Coordinator of Student Conduct and Academic Integrity: Vanderbilt University, Nashville, TN	2007
Interim Assistant Director of Intramural and Club Sports: Washington University, St. Louis, MO	2004 & 2006
Doctoral Research Assistant: Saint Louis University, St. Louis, MO	2003-2005
Vice President of Marketing: AQU Technologies, St. Louis, MO	2002-2004
Coordinator of Recreation, Southern Illinois University, Carbondale, IL	1999-2002
Center for Basic Skills: Counselor/Advisor, Southern Illinois University, Carbondale, IL	1999
Sales Associate: Gaul Searson Limited, San Francisco, CA	1997-1998

REFERENCES

Mr. Martin Castillo, Senior Associate Director of Administrative & Financial Operations
San Jose State University

[REDACTED]

Mr. Sean Curtis, Director of Intramural & Club Sports
Washington University in St. Louis

[REDACTED]

Dr. Gerard Fowler, Professor of Leadership & Higher Education
Saint Louis University

[REDACTED]



OMBUDSPERSON PROGRAM

Role of Ombudsperson

The Ombudsperson is an appointee of the Board of Directors who follows up on resident or neighbor inquiries or complaints for the purpose of attempting to resolve misunderstandings or conflicts that have not been resolved satisfactorily by District staff. The Ombudsperson works independently and objectively to assist in maintaining positive relations with District residents and neighbors.

Duties of Ombudsperson

- ❖ Listens to resident concerns
- ❖ Opens avenues of communication between residents and neighbors and the District
- ❖ Gathers information and educates residents on District policies or procedures and their purpose or effect
- ❖ Facilitates conflict resolution
- ❖ Finds other resources to meet resident needs, if applicable
- ❖ Provides a written summary of citizen concerns as requested by the Board of Directors

Scope of Duties

The Ombudsperson would assist residents in their interactions with the District and facilitate conflict resolution when needed. The Ombudsperson would not handle issues that are privileged or confidential, or which involve personnel, labor relations, legal matters, or Board decisions. The Ombudsperson would present facts that may lead the Board or staff to improve operations or better address citizen needs, as opposed to advocating either for or against a resident, staff or Board policy. The Ombudsperson would not establish or recommend District policy, or affect or make fiscal or budgetary decisions.

Assignment and Reporting Responsibilities

If the initial contact from a citizen is the Ombudsperson, the Ombudsperson will contact the General Manager before taking further action. If the General Manager is not able to resolve the concern/complaint to the citizen's satisfaction, the Ombudsperson will follow up with the citizen for further resolution efforts. If the initial contact from a citizen were a Board Member, the Board Member would immediately contact the General Manager. If the General Manager is not able to resolve the concern/complaint to the citizen's satisfaction, the General Manager shall inform the citizen of the District's Ombudsperson process and shall request the Ombudsperson contact the complainant to offer further assistance.

After completing inquiry and resolution efforts the Ombudsperson would then report back to the General Manager and provide a written summary report for the Board at least quarterly.

Ombudsperson Knowledge/Skills/Abilities

To be effective in this role, the Ombudsperson should demonstrate the following knowledge/skills/abilities:

- Facilitation and conflict resolution skills
- Ability to listen, understand and validate others' points of view
- Familiarity with the District's mission and purpose and how the District programs fit into the greater region
- Knowledge of local government functions and operations and land and property use issues
- Interviewing skills
- Customer service skills
- Public speaking skills
- Analytic and evaluative skills
- Writing skills- the ability to express clearly and concisely complex issues and positions in writing
- Objectivity and good judgment
- Create credibility as an independent evaluator capable of independent conclusions
- Sense of humor
- Professional demeanor and appearance

Training, education and/or experience in public administration, management, psychology, public relations, customer relations, investigations, counseling, consulting, teaching, human resources, risk management, related field or as an elected official would likely provide the required knowledge, skills and abilities.

Compensation and Terms of Appointment

Volunteer status (unpaid), with full reimbursement for Board authorized expenses incurred (per contract). One-year term with the possibility of reappointment annually.