



# Unpacking the Revised SOPs

Identified significant changes to the IOA SOP's

# Independence

## SOP 2.3

The Ombuds holds no other position that compromises, or could be reasonably perceived as compromising, the Ombuds' independence.

If the Ombuds has non- ombuds duties, those duties must not interfere with their ombuds duties. The Ombuds must clearly communicate when they are and are not acting as the Ombuds.

### What do organizational ombuds need to know about this change?

To practice *independence*, a collateral duty ombuds must clearly communicate when they are and are not acting as the organizational ombuds.

This is not a recommendation to entrust the ombuds role to someone with collateral duties; it is for situations where due to totality of circumstances it makes more sense to have one or more collateral duty ombuds rather than a dedicated ombuds office.

This is an opportunity for collateral duty OO to communicate how they may practice “independence”. Collateral duty ombuds must clearly communicate that they have collateral duties and evaluate if those duties interfere with ombuds duties when working with a visitor. If so, they must recuse themselves.

“Collateral marketing” (multiple roles listed on signature lines, emails, etc.) is discouraged. The ombuds should have different signature lines, etc. when functioning in different capacities to reduce possibility of confusion.

# Independence

## SOP 2.4

The Ombuds has the authority to select Ombuds program staff and to manage the Ombuds program budget and operations without undue external influence or limitations. However, the Ombuds has no formal policymaking, enforcement, or disciplinary role except internally within the Ombuds program.

### What do organizational ombuds need to know about this change?

This is helpful language to include in an office charter; it strengthens protection from external influence in office management and hiring practices.

When an office does not have a charter, it should be included in a guiding document that explains the scope of ombuds office program.

The standard reinforces that the ombuds has autonomy over their budget but has no formal policy-making or disciplinary role in the organization, outside of their own office. The ombuds should clearly communicate these expectations to their organization (perhaps in a charter or scope of program document).

If the ombuds has access to the highest level of the organization / institution and can practice according to standards, then receiving finances from another part of the organization or reporting to another part of the organization is not necessarily violating standards.

A woman with dark, curly hair is shown from the chest up, wearing a light blue blazer over a white collared shirt. She is looking slightly to her left with a thoughtful expression.

**What  
changes  
have you  
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in your  
practice?**



# Informality

## SOP 4.4

Consistent with these standards, consulting with the Ombuds is completely voluntary. People who use the services of the Ombuds are understood to have agreed to abide by the terms, conditions, and principles under which the program was created and not call the Ombuds to testify or disclose confidential information in any formal, legal, or other matter. .

### **What do organizational ombuds need to know about this change?**

This standard offers a layer of protection for the ombuds by reinforcing the need for confidentiality and informality for all parties involved.

When included in an ombuds program's materials and actively communicated, this becomes an important standard for protecting the ombud's claim to informality and confidentiality.

In addition to inclusion on collateral material (literature, websites, etc.) ombuds can include this language in opening statements or elsewhere.

This additionally reinforces that ombuds are not an agent of the organization and are not authorized to receive notice of claims.

For more information, please refer to confidentiality about the implied contract / basis for confidentiality on IOA member resources site.

This is important new language that builds into the IOA SOPs the concept of a "term of use" language.

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# Confidentiality

## SOP 5.1

The identity of those seeking assistance from the Ombuds, as well as all communications and information specifically relating to them is confidential information.

### **What do organizational ombuds need to know about this change?**

Introduces the concept of “confidential information” as a defined term for the ombuds profession.

Language can be used with visitors, with the organization, and in any collateral information such as the ombuds script. “The Ombuds Office does not share information that discloses visitor identifiers due to confidentiality standards of practice, ...”

Intended to protect not only direct identity, but also anything that could be shared that would lead to a breach of confidentiality and impact the integrity of the office.

The identity of those seeking ombuds services continues to be confidential for all parties involved unless required by law or other organizational requirement.

Any organizational exceptions to confidentiality should be clear (e.g., imminent risk of harm, regulations that may impeded confidentiality...)

If exceptions exist, can you impact why exceptions exist in your organizations?

# Confidentiality

## SOP 5.4

The Ombuds shall oppose disclosing confidential information in any formal, administrative, or legal matter external to the organization, unless an appropriate judicial or regulatory authority determines that disclosure is necessary to prevent a manifest injustice or that disclosure is required because the interests served by disclosure clearly outweigh the interests served by ombuds confidentiality.

### What do organizational ombuds need to know about this change?

The requirement for the ombuds to assert a testimonial privilege was removed, as it is not unilaterally within the ombuds or IOA's purview to create such a privilege.

When ombuds are required to report by statute, legislative authority, or regulatory authority, they should do so with as little impact to other standards as possible.

This was designed to protect confidentiality to the maximum extent provided by law.

The ombuds may post a shortened version of this language in their marketing material and email signature. E.g., "we do not keep documentation or formal records. If required by law to disclose, we may do so, although our office would not have any documentation to refer to."

# Confidentiality

## SOP 5.6

The Ombuds may disclose confidential information as necessary to defend themselves against a claim of professional misconduct. (Consulting with legal)

### What do organizational ombuds need to know about this change?

IOA has asked legal counsel to provide additional guidance on how 5.6 is appropriately applied by ombuds

If the SOP allow you to disclose, it is up to you to determine if you would like to disclose, you have the option. "As an Ombuds you hold it, the SOP provides guidance."

You can only disclose to defend when a FORMAL claim has been filed (in your org or with your professional licensing entity), not in response to ANY concern about conduct.

If you have been accused of something in your organization, if there is a formal claim of professional misconduct or a claim that has been filed from another licensing body, then you may **discuss the process** and particulars to defend against the formal claim (i.e. formal investigation...)

If an Ombuds or Ombuds Office is facing disciplinary issues AND visitor information is at the cross point, an Ombuds may disclose relevant information to the extent necessary to explain the **actions of the Ombuds**.

This may be included as an addition to exception to confidentiality in opening script (5.4, 5.5, 5.6)

# Confidentiality

## SOP 5.8

The Ombuds may provide non-confidential information about the ombuds program in any appropriate forum. The Ombuds shares data, trends, or reports in a manner that protects confidential information.

### **What do organizational ombuds need to know about this change?**

To promote outreach and educational opportunities, or include facilitated events in a report, the ombuds may share general information on parts of an organization completing an activity without disclosing attributable information. For example, “The ombuds office provided outreach events to xx visitors and reached xx partners.”

Utilization of IOA Uniform Reporting or other data reporting styles can be used to present data trends for internal and external audiences as appropriate, including to demonstrate value. All data shared should be non-identifiable to protect confidentiality.

Any information shared in a report (e.g., annual report) may be shared with constituents to promote outreach and education, and to demonstrate opportunities for ombuds assistance, as appropriate.

Audience and impact should be considered before the sharing of any information.

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