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Abstract

Organizational ombudsmen play a vital role in framing problematic situations in order to generate options for dispute resolution. This paper shows the utility of a theoretical but practical model taken from corporate management literature (Bolman & Deal, 1984) that can serve as an overarching framework for reframing organizational disputes for the ombudsman practitioner. This model can (1) launch and add insight into ombudsman interaction with parties, (2) provide a shared vocabulary to assist parties to a conflict to analyze situations, and (3) create a comprehensive narrative for both personal insights and systems perspectives.

Keywords: ombudsman, conflict resolution, multiple frames

Canary in the Mine: Ombuds as First Alerts for Workplace Bullying on Campus23

Leah P. Hollis

Abstract

Nationally, only Tennessee and California have enacted statutes to begin addressing workplace bullying (Yamada, 2015). Hence, workplace bullying remains a critical workplace issue. Responses from 401 study participants employed at 175 four-year colleges and universities in the United States indicated that 62% have experienced the adverse impact of workplace bullying (Hollis, 2015). Despite the debilitating impact in higher education related to employee disengagement, health issues, and the cost of turnover, many study respondents still perceived offices of human resources to be ineffective in dealing with this problem. The ombuds office can bridge the gap by providing impartial and confidential support to visitors who report bullying. The purpose of this article is to highlight the ombudsperson as an early alert figure who can impartially mitigate personal and financial losses for those affected by workplace bullying.

Keywords: workplace bullying, ombudsman, early intervention, higher education

Some Ideas... ‘For Your Hilarious or Indignant Rejection...’: The Mary Rowe Keynote Presentation, 201532

David Miller

Abstract

This paper is an edited and abridged version of the Mary Rowe Keynote Presentation given by the author at the International Ombudsman Association (IOA) Annual Conference in Atlanta, GA, on 20 April 2015. It briefly describes the enduring impact and breadth of Mary Rowe’s work on the organizational ombudsman profession. It then asserts the importance of taking greater account of experiences and needs of organizational ombudsmen in all the regions in which they practice and suggests some concrete ways in which this might be done. The paper emphasises that the ability to demonstrate a clear capacity for internal self-regulation and accountability is crucial to build both internal and external credibility and respect for the ombudsman profession. Finally, the paper offers additional options for the profession to consider as a means to enable greater external accountability and respect.

Keywords: ombudsman, internationalism, internal self-regulation, accountability, Mary Rowe

Embracing Paradox: Three Ombuds and a Book.46

Jenna Brown, Jan Morse, and Jim Wohl

Abstract

Three ombuds from different U.S. academic institutions organized a book group to read *The Conflict Paradox* by Bernard Mayer. This article reviews the book and describes the ombuds authors' shared learning process, which included an interview with Mayer. The book is highly relevant to the work of organizational ombudsmen and describes seven key paradoxes, including neutrality and advocacy. It provides valuable examples and strategies for conflict interveners. *The Conflict Paradox* can also serve as a tool for reflecting on one's approach to ombudsmanry. The description of the authors' shared learning model offers recommendations and key insights for others who may be interested in this approach to engaging with conflict literature.

Keywords: paradox, book review, polarities, framing, ombudsman, reflective practice, conflict theory, professional development

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EDITORIAL

Note from the Editors

Howard Gadlin and Samantha Levine-Finley

For a long time it felt as if ombuds spent more time talking about being ombuds than they spent ombudsing. In that way, we were similar to young lovers — we talked a lot about how special we were and about the idyllic future we would build. And like young lovers, if we did not elicit the appreciation we believed we deserved, we worked to overcome what we interpreted as resistance. It made a certain sense. When our identity was not yet firmly established, we spent almost as much time promoting our role, supporting one another, and commiserating as we spent actually doing our work. That talk is not for nothing — it is part of how we began to build an identity and develop a presence in the world. Now our discussions are beginning to change, expand and deepen. The papers in this issue of *Journal of the International Ombudsman Association* represent considerable progress in this evolutionary process.

Kathleen Moore's paper represents an approach that can significantly enrich ombuds case work. Ombuds have long talked about how they assist those who come to them by helping to identify and consider various options to address their concerns. Kathleen's framework is important because it begins with the recognition that identifying options is not merely a passive examination of possible courses of action that exist outside of the interaction between the ombuds and the person seeking her help. Rather, the ombuds and the person with whom she is working generate those options through their efforts to understand jointly the person's problems, concerns, or grievances. How people understand their problems shapes the possible options for addressing them: if I understand my situation in personal or interpersonal terms, then I am likely to pursue some sort of interpersonal interaction to address that problem. If I understand my problem to be rooted in a problematic policy, I may seek resolution by trying to effect changes in rules and regulations. Kathleen helps us further broaden our awareness through a discussion of four significant frameworks for understanding a situation: structural, human resource, political, and symbolic. Kathleen then walks us through a case in which she applied this model of frames to help the parties, and herself, better understand and work to resolve the conflict at hand. It is important to note that Kathleen's approach does not limit her to attending to just one dimension of the situations about which people seek her help.

Among the more interesting challenges for ombuds is how to reconcile the ombuds commitment to neutrality and confidentiality with obligations to identify and address systemic and recurring problems within the organizations in which we work. One of the most notorious of those problems in recent years is workplace bullying. Since the phenomenon of bullying first gained widespread attention several years ago, it has elicited the interest of lawmakers; attracted the concern of human resource offices in organizations; led to a burgeoning cottage industry of experts who conduct workshops on bullying and how to handle it; and stimulated research studies on the impact of bullying on people and organizations. One of those researchers is Leah Hollis, a professor and healthy workplace advocate. Leah offers her thoughts on the special potential of ombuds as an organizational resource for addressing bullying in the workplace. Her work is especially interesting, and potentially controversial, because it followed from studies she conducted that explored employee perceptions of how institutional human resource offices addressed — or failed to address — complaints of bullying coming from within the organization.

When one thinks of a relatively new profession working to achieve legitimacy and acceptance of its standards of practice and code of ethics it is crucial to think about ensuring that these codes are meaningfully upheld. Controversy is no stranger to David Miller, former ombudsman for the World Health Organization and currently the ombudsman for the Global Fund to Fight AIDS, Tuberculosis and Malaria. At last year's IOA annual meeting, David gave the first Mary Rowe Honorary Keynote Address that tackled some of these topics. In this issue, David has condensed and revised that provocative but well-received talk. David first asks us to take up the commitment to internationalism implicit in the very name of the IOA and offers a set of concrete suggestions that he believes will help IOA achieve this goal. But the more potentially contentious part of his paper is in the section entitled "Internal Self-Regulation." Here he calls for the development of regulations and processes whereby IOA as an organization, and the ombudsman profession, can address violations of IOA standards of practice and ethical guidelines. David's presentation elicited many comments when he gave it in 2015 and publishing it here gives ombuds and others a chance to study his carefully thought-out analysis of the problem of ombudsman misconduct and possible approaches to addressing it. Returning to the young lover analogy with which we began, we anticipate that the lovers' initial passion will mature into a more multi-dimensional relationship. If they are lucky it becomes a resilient relationship, one in which they can acknowledge flaws and limitations, endure criticism and deepen their connection, even while they work together to address adversity and explore new opportunities. We ombuds also have to reach the point where, while maintaining solidarity, we can exchange criticisms and identify and address problematic actions and situations. We see David's paper as an indicator that our field is maturing.

Finally, the last piece in this issue is what we plan to become a regular feature of the Journal — a review of an important book that has significant applicability to the work of ombuds. Ombudsmen Jenna Brown, Jan Morse, and Jim Wohl, each located in a different U.S. state, formed a discussion group as they were all reading a wonderful new book by Bernard Mayer, one of the leading thinkers in the dispute resolution world and a keynote speaker at the upcoming IOA annual conference. The book, *The Conflict Paradox: Seven Dilemmas at the Core of Disputes* (2015), has special relevance to organizational ombuds because our role itself is paradoxical. We are independent but embedded in the very organizations from which we claim independence; defined as neutral but having to express a genuine empathy and concern to those who come to us; and confidential but committed

to bringing forward issues of concern to our organizations. This book review has an added bonus: a section that presents a suggestion for how ombuds, many of whom are solo practitioners, can band together, pool their experience and study together, in this case by reading and discussing the same text and tying it into their work as ombuds.

We are always interested in hearing your feedback and suggestions for how we can improve the Journal, cover issues of importance to our profession, and continue to serve as a resource for ombuds practitioners, students and the organizations in which we work.

If you have input for us, or if you would like to write for the *Journal of the International Ombudsman Association*, [please visit our webpage](#) or [email us](#).

The Art of Ombudsing: Using Multiple Frames to Resolve Conflict

KATHLEEN MOORE

ABSTRACT

Organizational ombudsmen play a vital role in framing problematic situations in order to generate options for dispute resolution. This paper shows the utility of a theoretical but practical model taken from corporate management literature (Bolman & Deal, 1984). This can serve as an overarching framework for reframing organizational disputes for the ombudsman practitioner. This model can (1) launch and add insight into ombudsman interaction with parties, (2) provide a shared vocabulary to assist parties in conflict analysis, and (3) create a comprehensive narrative for both personal insights and systems perspectives.

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KEYWORDS

Ombudsman, mediation, conflict resolution, frames, narrative

INTRODUCTION

Organizational ombudsmen provide impartial, independent, and confidential dispute resolution to employees within organizations and rely on several well-established alternative dispute resolution (ADR) processes to assist parties in reaching solutions. These include individual coaching, in which an employee brings a concern and privately discusses options for handling the matter on his/her own; shuttle diplomacy, in which the ombudsman goes back and forth between parties with information and negotiable options without bringing the parties together; and facilitation and mediation, in which ombudsmen bring together all involved parties to arrive at solutions that are mutually agreeable.

The process of generating options from which to proceed is fundamental to most ADR processes. It is important to note that differences exist in whether the ombudsman believes it is his/her responsibility to propose options or whether the options should come solely from the parties. Although few researchers have explored the process of generating options (Witzler, 2014), the assumption is that the ombudsman assists the parties in identifying alternative positions, interests, or behaviors as a byproduct of either elicitive questioning or discussions with the parties regarding desired outcomes in the matter. One might ask, "Just how does an ombudsman assist parties in conceptualizing

problems, imagining solutions, and developing a variety of ways of seeing the problem? How, in fact, does an ombudsman propose options that are appropriate? Is there a guiding principle or a step-by-step process in which certain types of options are considered first?"

This paper explores how a specific model from corporate management and leadership literature may provide a useful framework in explaining this process and answering these important questions. The model arises from the bestselling text from Lee G. Bolman and Terrence E. Deal (1984) entitled *Modern Approaches to Understanding and Managing Organizations*. First published in 1984, and now in its 5th edition, the book is a classic in the management and leadership field.

This model offers different lenses through which to frame and reframe issues and conflicts, suggesting a structure and order that can organize clues about motives of the parties. It provides a way to introduce relevant external factors that give the ombudsman a path through the dead ends and murky alleyways of conflict to a superhighway where the ombudsman and parties can together more readily develop options that may bring the situation to a satisfying end result. Ombudsmen do not work solely on instinct, but also with more tangible coinage. To fully appreciate the blending of intuition, practical theory, and techniques, it is necessary to first review the stages of conflict resolution, and especially the general process of framing and generating options which an organizational ombudsman employs. Second, this paper will review the Bolman and Deal organizational model to familiarize the reader with the concepts contained therein. Finally, readers will explore a case study that illustrates how the Bolman and Deal model may prove a useful overarching framework for the organizational ombudsman to situate her practice of problem setting and generating options.

PSYCHOLOGICAL DIMENSIONS IN OMBUDSMAN PRACTICE

Several general stages characterize an ombudsman's problem solving intervention. First, the party (or parties) contact the ombudsman and arrange a confidential meeting. If the interaction establishes clear expectations for building baseline trust and comfort, the party presents an initial characterization of the situation. The ombudsman outlines the guiding principles of her role and sets general expectations of how she might be useful in resolving problems. Thus, the ombudsman and parties establish an initial implicit agreement about the scope of the work they will pursue together. As the party begins to tell his story, the ombudsman takes note of a variety of information and cues, including psychological, substantive, and procedural information.

Moore (1996) describes the utility of spotlighting the role of *psychological* conditions that affect the parties in conflict. Moore recommends that mediators (expanded by this author to include ombudsmen who are mediating) consider the psychological readiness of the parties in addition to their substantive concerns, such as the remedies they desire or the procedural preferences for achieving their substantive resolution. Moore (1996) also considers *substantive* interests which:

[A]re often central needs on which negotiations focus, including particular goods such as money and time. *Procedural* interests refer to the preferences that a (mediator) has for the way that the parties discuss their differences and the manner in which the bargaining outcome is implemented. Possible procedural interests might be that each person has the opportunity to speak his or her mind, that negotiations occur in an orderly and timely manner... leading to a written document or contract if it should result from the (process). He should then design appropriate procedures to reduce potential negative impacts and enhance positive ones. (p. 72)

The ombudsman begins to ask herself the following questions: What seems to have been the most injurious event that harmed the party, what seems to matter most to the party about that event, what is the history of the relationship between the parties currently, what sort of relationship is anticipated in the future, and what remedy is the party seeking?

Ideally, several results emerge from the initial and ongoing engagement with the ombudsman. These results include a general understanding of the situation, the range of potentially satisfactory solutions, and an assessment of the likelihood of a productive problem solving relationship between the parties. A critical aspect for success in any stage of the intervention is the establishment of a working relationship that is devoted to building mechanisms for trust and cooperation for solving the conflict at hand. The ombudsman can also help parties find creative options for resolution through self-reflection – leading and guiding them to reflect on their needs, worries, and hopes in a trusting and non-evaluative space. This reflection fosters more effective reality testing of the parties' own feelings and attitudes, as well as reality testing cues from the environment. A party's ability to accurately read and respond to stimuli from outside can help him move away from thinking in preconceived categories. Carl Rogers (1961), the renowned psychotherapist and master of communication, states that this person is:

able to take in the evidence in a new situation, as it is, rather than distorting it to fit a pattern which he already holds.... This increasing ability to be open to experience makes him far more realistic in dealing with new people, new situations, new problems, and older familiar ones as well. It means his beliefs are not rigid, that he can tolerate ambiguity. (p. 43)

FRAMING AS ART AND RELATIONSHIP

As trust develops, an interaction begins in which the ombudsman and the party together develop potential options for viewing the context or "framing" the situation, evaluating the options that seem possible and discarding some, and, finally, shifting into a tentative adoption of a strategy to implement action (or perhaps even "wait and see non-action," which is sometimes appropriate). Ackoff (1979) describes this process as "designing a desirable future and inventing ways of bringing it about" (p. 100). As parties and the ombudsman share information and the working relationship gels, the ombudsman develops a working formulation of the problem that she tentatively shares with the parties for inspection and analysis. We can define this preliminary casting as framing.

Donald Schon (1983), although not writing specifically about ombudsmen in *The Reflective Practitioner*, suggested framing happens through a process he calls "reflective practice." He said:

In real-world practice, problems do not present themselves to the practitioner as givens. They must be constructed from the materials of problematic situations which are puzzling, troubling and uncertain. In order to convert a problematic situation to a problem, a practitioner must do a certain kind of work. He must make sense of an uncertain situation.... When [he] sets the problem, [he] selects what [he] will treat as the "things" of the situation, [he] sets the boundaries of [his] attention to it and [he] imposes upon it a coherence which allows [him] to say what is wrong and in what directions the situation needs to be changed. Problem setting is a process in which, interactively [he] *names* the things to which [he] will attend and *frames* the context in which [he] will attend to them.... It is through the non-technical process of framing the problematic situation that we may organize and clarify both the ends to be achieved and the possible means of achieving them. (p. 40)

Schon (1983) explained that the specialized practitioner, in the course of his practice, “experiences many variations on a [relatively] small number of cases, [presented over and over in which he] develops a repertoire of expectations, images and techniques. He learns what to look for and how to respond to what he finds” (p. 60).

One can also apply Schon’s model of reflective practice to describe the ombudsman’s orientation to problem solving within the organization. As an experienced problem solver for the organization in which she works, the ombudsman has developed an understanding not only of the general types and peculiarities of conflicts that often percolate and arise there, but she also has had experience and developed a repertoire of remedies that are likely to satisfy both organizational and individual interests in that culture. And, according to Schon (1983), “frames are the interpretive schemes that mediators use to make sense of and organize their activities while at work on a dispute” (p. 60). Kolb (1994) described this activity in the following way:

What a mediator (or ombudsman who is mediating or coaching or providing organizational consultation) does in a case is a blend of intentional and explicit technique, the tacit and taken-for-granted ways each has developed of dealing with the typical cases in practice, and more general beliefs about the causes of conflict and the possibilities for its resolution. We see frames as a way to capture some of the implicit but nonetheless powerful orientations mediators have toward their role. This focus on frames derives from our observation that mediators are rarely passive actors in the process. Rather, they actively orchestrate the ways the dispute will be handled and let the parties know in no uncertain terms what is expected of them. Frames give focus to the myriad of choices mediators make while at work in a dispute, and suggest as well what comes to be seen as problematic and difficult. (p. 469)

Although she often follows the reflection and framing process described above, the ombudsman does not simply impose her formulations or reframing on the party. Instead, there is a highly interactive process in which the ombudsman uses elicitive questions to discover the party’s psychological and substantive interests in order to drive the reflective process. The transactional nature of the process allows the ombudsman to remain open to the discovery of deepened understanding of the party, as well as the discovery of new twists and turns regarding the problem. This verbal inquiry turns into the ombudsman’s preliminary reframing of the situation, but remains open to the party’s feedback, thoughts, beliefs, and emotional tone which serve to refine the framing dialogue. Mayer (2009) stated that:

[T]he evolution of an enduring conflict can be tracked by the various ways the conflict has been framed over time. Struggles over framing are often central to the way a conflict is enacted. Each framing both reflects the nature of the conflict and promotes a particular set of interests and approaches to engagement. One of the most profound impacts of agreements in enduring conflict is their potential for developing, promoting, and solidifying a new framing of a conflict. To the extent that these new narrative frames are rooted in the fundamental needs of the disputants and the structure of the conflict they can have a permanent impact on how people engage in a conflict. (p. 195-196)

In summary, we see how the ombudsman begins her work by 1) establishing trustworthy contact with the party; 2) developing an information gathering dialogue to understand the history and interests of the party with an eye towards the psychological, substantive, and procedural needs em-

bedded in the situation; 3) deepening a relationship with the person as she listens closely, offering feedback so that the two interact to deconstruct the interwoven elements of the presenting problem; 4) creating a framework of the problem for the party; 5) assessing the reframing jointly with the party, and reaching consensus regarding tentative strategies possible for resolution; and 6) shifting to agreement on which option to implement. In any event, the "... options must satisfy the substantive, procedural and psychological interests of the parties if they are to be considered as acceptable solutions to the conflict" (Moore, 1996, p. 154).

BOLMAN AND DEAL FRAMEWORK

Bolman and Deal suggest four perspectives through which to understand organizations as well as reframe organizational problems. The four categories, or lenses, are as follows: Structural, human resource, political, and symbolic. Although there are both weaknesses and strengths in viewing issues and organizations through any of the lenses, the authors described the selective applicability of each, showed how they can help individuals understand what is happening within organizations, and demonstrated how they can illuminate different approaches to deal with difficult situations within organizations.

Bolman and Deal's book is written for an audience of managers and leaders, but the framework is useful for anyone in an organization who may have to engage in problem solving when issues arise. They believe that:

[U]nderstanding organizations is nearly impossible when the manager is unconsciously wed to a single, narrow perspective. Most organizations are complicated... Managers in all organizations – large or small, public or private – can increase their effectiveness and their freedom through the use of multiple vantage points. [They] believe that managers who understand their own default frame – and who can adeptly rely on more than one limited perspective are better equipped to understand and manage the complex everyday world of organizations. Sometimes they can make a significant difference in how that world responds. (Bolman & Deal, 1984, p. 4)

The four frames described are based on the four major schools of organizational research and theory. For each frame, Bolman and Deal provided a label and consolidated the central assumptions and propositions.

Table 1

	Emphasis	Problems Arise When	Preferred Solutions
Structural	Formal roles, policies, and coordination processes.	Existing structure does not fit the needs of the organization.	Identification of the mismatch, possible reorganization.
Human Resource	Individual worker's skills, needs, and attitudes.	Human needs to belong and contribute one's skills are thwarted.	Tailor organization to enable people to feel good about their contributions.
Political	Changing coalitions around interests that change as issues come and go.	Power is so unevenly distributed that it is difficult to accomplish goals, feel secure.	Develop solutions through political skill and complex conflict resolution.
Symbolic	Unlike others, this abandons assumptions of rationality. Organizations are bound by histories, rituals, and myths more than by rules.	Individuals are not aware of their symbolic roles and do not embody the organization's symbols and rituals in meaningful ways.	Develop improvements through clarity of symbols and myths that link to productivity.

The *structural frame* emphasizes the importance of formal roles and relationships. Structures – commonly depicted in organization charts – are created to fit an organization's environment and technology. Organizations allocate responsibilities to participants ("division of labor") and create rules, policies, and management hierarchies to coordinate diverse activities. Problems arise when the structure does not fit the situation. At that point, some form of reorganization is needed to remedy the mismatch.

The *human resource frame* (Bolman and Deal's term, the author would suggest an alternative that more effectively captures the humanistic element of the framework) establishes its territory because organizations are inhabited by people. Individuals have needs, feelings, and prejudices. They have both skills and limitations. They have great capacity to learn and a sometimes even greater tendency to defend old attitudes and beliefs. From a human resource perspective, the key to effectiveness is to tailor organizations to people – to find an organizational form that will enable people to get the job done while feeling good about what they are doing. Problems arise when human needs — such as the need for achievement, to belong, and to practice one's skills — are throttled.

The *political frame* views organizations as arenas of scarce resources where power and influence are constantly affecting the allocation of resources among individuals or groups. Conflict is expected because of differences in needs, perspectives, and lifestyles among individuals and groups. Bargaining, coercion, and compromise are all part of everyday organizational life. Coalitions form around specific interests and may change as issues come and go. Problems may arise because power is unevenly distributed or is so broadly dispersed that it is difficult to get anything done. Solutions are developed through political skill and acumen much as Machiavelli suggested centuries ago.

The *symbolic frame* abandons the assumptions of rationality that appear in each of the other frames and treats the organization as theater or carnival. Organizations are viewed as held together more by shared values and culture than by goals and policies. "They are propelled more by rituals, ceremonies, stories, heroes, and myths than by rules, policies, and managerial authority... Problems arise when actors play their parts badly, when symbols lose their meaning, when ceremonies and rituals lose their potency. Improvements come through symbol, myth, and magic" (Bolman & Deal, 1984, p. 5-6).

Keeping these four frames in mind, let us turn our attention to an example of a conflict that might appear in the office of the ombudsman and analyze options according to the assumptions found from each frame.

APPLICATION OF BOLMAN AND DEAL MODEL TO HYPOTHETICAL OMBUDSMAN CASE SCENARIO

The following scenario is fictional, but is representative of casework in an organization comprised of individuals engaged in scientific research. There are three parties involved: The Principal Investigator (PI) of a prominent laboratory in a pharmaceutical research facility, and two postdoctoral fellows (postdocs) from European countries who have been recruited and brought to the organization to provide expertise in a particular area of brain imaging and surgery. One is an informatician/mathematician with expertise in creating innovative computer scans and the other is a physician with a PhD and clinical skills in surgery.

The PI contacted the ombudsman for assistance in managing a dispute between these two researchers. The PI expected the two to collaborate on research and clinical applications of a particular brain imaging technology as applied to surgical techniques. The PI stated that the postdocs had not been getting along for some time and had ceased essential communication, thus stalemating the exchange of scientific information. The PI admitted that he had tried to “stay out of it” hoping the two would eventually work out their differences and the expected scientific collaboration would find a productive track. However, a recent incident occurred in which the two exchanged angry words and the physician shoved the mathematician, jamming her arm into a revolving door. This occurred in front of other members of the lab, disrupting the work of the lab and creating a division of loyalties among the staff. The mathematician postdoc who was shoved has threatened to bring charges against the physician and demanded the early termination of his appointment due to what she felt was a violation of workplace respect and what constituted workplace violence. The PI explained that he spoke to both separately and told them he would like them to work with the ombudsman to mediate the dispute. Both reluctantly agreed, possibly to mitigate disciplinary proceedings.

The ombudsman at this point entered in an information gathering discussion with the PI. The discussion ascertained the PI's involvement in the development of the collaboration – how he recruited and selected the two postdocs and his scientific and personal impressions of their work and maturation as scientific colleagues. The ombudsman needs to know how active and direct he has been regarding his expectations of the postdocs in the collaboration. He may or may not have been specific about his expectations with respect to authorship of papers from the work, allocation of scientific resources, boundaries of their personal scientific input with respect to each other and him, and expectations of guidance and mentoring from him for the duration of the two-year project. It was important to understand how involved the PI was willing to be in managing the conflict and how he saw his role in influencing the social and professional culture of the lab and the caliber of communications and relationships that develop there.

It was during this conversation of inquiry that a cooperative spirit began to build between the PI and the ombudsman regarding the manner in which this situation could be resolved. This preliminary dialogue gave the ombudsman a beginning sense of context of the issues important to the PI as she prepared to meet with the postdocs. For the purposes of brevity, we will assume that the ombudsman met with each of the postdocs. (The ombudsman can meet with the postdocs either separately

or together. There are advantages and disadvantages to each option and it is largely a matter of practice preference that dictates the choice.) The ombudsman engaged them in exploratory conversations as described in the sections above and generated a working hypothesis regarding how to reframe the problem to each of them.

At this point in the process, we now shift to an exploration of the Bolman and Deal model and its application in reframing the problematic situation between the postdocs.

Structural frame. Defining the issues: The first perspective the ombudsman may take is that the issues might fit loosely in the *structural* frame. There appears to be a problem of coordination and communication, ill-defined roles, vague goals, and no consistent processes for communication between the PI and the two postdocs. Conversations with the PI and the two postdocs revealed that there was no clear understanding about how they would collaborate on a day-to-day basis. When the two arrived in the lab, they were left to themselves to define the processes by which they would exchange information, obtain guidance from the PI, and proceed with the scientific research including publishing and authorship expectations. There was no agreement on the type or duration of guidance the PI would provide or how to establish the goals of the scientific work itself. Both postdocs felt that the lack of structure, lack of definition of roles, and vague goals contributed to their frustration during their transition to the American lab.

Options for resolution: A structural solution might include suggesting the three discuss the kinds of regular meetings or structures that would assist them in defining concrete scientific goals; clarifying each person's role and responsibilities in meeting those goals; and identifying agreed-upon processes for communication of scientific content, as well as personal checking in by the PI to see how the two postdocs were adjusting to the American lab and bureaucratic issues that they felt impeded their work.

Human resource frame. Defining the issues: Using this frame, the ombudsman could suggest that the issues emanate from misunderstandings of the working style of each, poor interpersonal skills, and differences in personal temperament and culture that affect each person's communication skills. In the discussions with the postdocs, they identified that they were "put out" by the way the other interacted. For example, the female mathematician postdoc preferred to do her work alone and felt resentful when other colleagues interrupted her work with questions or even invitations to lunch or breaks. For her, this was a disruption of her internal creative process. She also felt uncomfortable with the others in the lab whom she did not know well and she preferred to work independently and with little guidance or input from others.

The physician postdoc, a man, enjoyed giving advice to others who had questions and welcomed interruptions and conversation. The physician saw the mathematician as "odd, nerdy, and unapproachable." The mathematician saw the physician as giving more attention to relationships within the lab than to the work itself. Furthermore, she did not respect his more casual working style. Thus, the two had divergent styles of working that immediately impeded the willingness to communicate, and, on a personal level, they didn't seem to like each other. Finally, English was the second language for the mathematician and the third language for the physician. The added step of fine-tuning English to share information made the situation far worse.

Another factor contributed to the mismatch between individual needs and organizational ones. Because the mathematician arrived in the lab first, she was given the responsibility for coordination and drafting of the lab protocol which would drive the collaboration. She was not suited nor interested in the coordination aspects that would require her to meet with other lab members and work in a more collaborative style not aligned to her comfort level. Although she was given the lead on the drafting of the protocol, it was not clearly understood who would be first or second author on papers that would no doubt result from this work. The issue of authorship had never been discussed openly, but was item one on the hidden agenda of both parties.

Options for resolution: Using the human resource frame, a possible remedy might be to engage the postdocs in a discussion about how to legitimize and more effectively deploy their different working styles. Perhaps the physician would enjoy managing the protocol duties, relieving the mathematician of a task she did not enjoy. The ombudsman might hypothesize that the PI, whom both postdocs respected enormously, might play a valuable role here in several regards. The PI could make explicit his policy and expectation of the authorship question; reaffirm his confidence and trust in both of their unique qualities and talents; and consider assigning roles and responsibilities suited to their different skills and interests. This represents a structural solution to a human resource mismatch.

Political frame. Defining the issues: This view suggests that power and influence constantly affect allocation of resources among individuals, and that bargaining, coercion, and compromise are to be expected in everyday life. It is also important to keep in mind that when power is perceived to be unfairly acquired or wielded, it is natural for individuals in such a situation to guard against potential psychological, substantive, or procedural loss, a dynamic that can rock the boat in unintended ways. This can be conceptualized as a natural protective measure.

In this lab, power was so broadly dispersed and ill-defined that it was difficult to get anything done. When the postdocs needed equipment, instruments, or other materials, they had to personally approach the organization's procurement officer to order the items. This proved a daunting and bureaucratic tangle that felt far from efficient and delayed experiments. The mathematician, not wanting to address the procurement clerk whom she felt was uncooperative, and not wanting to burden her PI with the difficulty, began to either do without things she needed or borrow software from colleagues in her home country's lab. This became problematic in several ways: It limited her effectiveness in communicating with the procurement officer and her PI, and because the physician postdoc would often hear her talking on the phone in her native language, he assumed the conversation was not in English in order to exclude him. This assumption contributed to their spiraling distancing and distrust of each other because it created and fostered distance between two people who may have otherwise supported one another in dealing with a shared problem — the procurement process — and possibly devised concrete ideas to remedy the situation. The unfortunate assumption further fractured the cohesive team-building possibilities that might have been nurtured in the lab.

As it turned out, the physician had managed to effectively learn the bureaucratic system, cooperate with the procurement officer, and continue to place orders for things he needed. This engendered resentment and envy from the mathematician who was not as assertive and did not effectively navigate the procurement system. Using the political framework, the mathematician had in turn assumed that the physician was positioning himself among the Americans in hopes to remain in the country at the end of his fellowship. The physician worried that the mathematician was loyal only to

her colleagues at home and might share data or information with them without sharing it with himself and the others in the U.S. lab. In any event, neither had an accurate understanding of what the other had in mind for the duration of the collaboration, larger career goals, or expectations from the other in achieving them. They were operating from different frames about their roles, their communications, how power should and was wielded in the lab, and the ultimate personal and professional meanings of this period in their careers.

Options for resolution: It proved useful to ask how each postdoc managed their administrative duties, as well as to discuss their perceptions regarding responsibility for coordinating and drafting the lab protocol that was intended to serve as the fundamental guidance for the collaboration. The mathematician expressed her discomfort with the role of coordinating the protocol and also appeared uncomfortable working jointly with other members of the lab with respect to administrative tasks. The physician, on the other hand, expressed comfort and ease with both aspects of interaction and responsibility. It seemed possible that the two might consider switching roles, allowing the physician to assist with the lab protocol and administration which he might enjoy and which might serve as a relief for the mathematician.

Symbolic frame. Defining the issues: The two postdocs held very different views of the context of their collaboration. The mathematician left her home under tremendous political and familial pressure. She was the first student from her university and the first child in her family to have the opportunity to study and work in America. She felt the weight of the burden of her academic community and of her family's expectations crushing her. She was charged with representing her academic specialty, that of informatics/mathematics, in a biomedical collaboration that held tremendous meaning for her. Personally and professionally the stakes were high. She felt intense pressure to publish in established American journals: Her future professional status largely depended on the recognition she brought from this American collaboration. To her, successfully publishing in an American journal symbolized not solely personal and professional achievement, but national pride and familial standing in the community at home. She single-mindedly focused on this goal rather than reflecting on how she would integrate with the lab colleagues or develop lasting professional relationships.

In contrast, the physician had previously studied abroad and felt little performance anxiety. He was primarily engaged in the collaboration to learn and expand his surgical expertise so that he could stay in America and start a private clinical practice.

Options for resolution: The fact that the two cared about different symbols and power dynamics is not automatically a problem. Instead, pointing out the multiple realities, legitimizing each, and perhaps developing a joint symbol for their work together could soften their hardened opinions about each other's motivations. Ironically, not only did the two hold disparate symbolic views of what constituted success individually, they also *shared* a mythic expectation that their professional and personal identities could best be fostered in the United States. For both, the United States symbolized freedom to study and to excel in ways not possible at home. An unrealistic symbolic expectation or myth about what can be achieved can present its own thorny perceptions, so there could be value in attempting to discuss what might constitute a joint symbol to envision and conduct their collaboration.

PRACTICE CONSIDERATIONS

In this section, we will explore this case in more depth, including the perspectives of others involved and how their frames affected the conflict. We will see how the different frames that the parties had shaped the ways they talked to one another and to the ombudsman. It is clear that the frames were not solely of use to the ombudsman: The parties themselves are operating from and reacting based on different frames.

We introduce the next question trifecta for practice consideration:

1. In what way does the frame choice affect the paths for resolution?
2. How does an ombudsman choose a frame?
3. What happens when parties have different frames from one another?

It is easy to imagine the limits of reframing and generating options if one operates from only one frame. For example, in the scenario above, if the ombudsman had utilized only a structural frame, she would have set the problem in only those terms and attended to resolving it through the reframing of the lack of structure, ill-defined roles, and vague goals. A satisfactory result may have included newly defined goals, specific role identification, and a mechanism to meet regularly for critical assessment of the progress of the project. However, this path would leave unaddressed issues of working style, the political interpretations of the other's intentions, and the wide chasm between each postdocs' symbolic assumptions. Although this weakness might not threaten the satisfactory structural solution, it would not allow the parties an opportunity to recognize and address important aspects of the conflict that would not only widen their self-awareness, but perhaps also strengthen the synergy of the scientific collaboration and pursuit of individual interests.

In this situation, the ombudsman chose a structural frame intertwined with elements from the human resource frame, dancing back and forth between issues related to power as outlined in the political frame. She arrived at this arrangement only after talking with shadow, but crucial parties to the situation: the PI and the lab manager. Both provided key and new information about the impact of the conflict on the entire lab. This new information also expanded the framing possibilities by highlighting the different frames of those involved.

The PI approached the situation as one that required a disciplinary response and he thought the dispute was about a cultural difference or personal dislike. He ultimately admitted he was not really sure of these issues as he was absent much of the time. His stated goal was to shepherd the professional relationship back to a productive level so that the scientific work could continue. The PI was only secondarily concerned with improving the understanding or relationship between the two scientists. He recommended that the ombudsman speak with the lab manager to gain a broader context of the laboratory's personal and professional dynamics.

The ombudsman met with the lab manager who indeed provided new information about the professional styles and personalities of each scientist and their incompatibilities. She believed a dispute involving authorship of a paper that involved the mathematician's husband (who had worked in the lab several years prior) provided the underpinning for the deterioration of the postdocs' relationship. She further believed the dispute was a failure of a well-defined establishment of authorship process in the department, rather than a straightforward difference in personalities and work styles. This was a *structural* problem.

The ombudsman next met individually with each of the postdocs. During these meetings, each told their story and defended their position with respect to the shoving incident which was the stated problem. The mathematician was keenly aware of how the dynamics between the two might impact others in the lab. She felt that the situation was such a severe violation of scientific integrity that she should look for another position in order to restore order to the lab. This perspective constituted a blend of the *human resource* and *symbolic* frames, perhaps a reflection of either her perceptions of power or her perceived lack of power.

The physician, on the other hand, professed that the situation affected no one else in the lab and that sometimes “adrenalin got out of hand.” He felt that his statement to the mathematician – “I’ll be watching you” – was not a real threat and that the other postdoc should understand that people often say things in the heat of the moment that they do not really mean. He added that the mathematician told him, “I send you straight to the hell [sic],” which showed that they both acted in an unprofessional manner and that she had provoked him. He claimed not to be too bothered by the comment and distanced himself from the fact that he shoved the other postdoc, calling it an “accident.” His strategy was to “forget it” and get on with the science, and basically ignore the mathematician. He happened to mention in passing he had some concerns about how authorship was established in the lab.

FRAMING AND REFRAMING DURING MEDIATION: AN ORGANIC DYNAMIC

When the ombudsman met with the two scientists together, they each took a position on either side of the table forming a triangle and avoiding each other. As each told the story of what had happened, they debated their positions back and forth regarding who was responsible for shoving, for sending whom to “the hell,” etc. The ombudsman intentionally waited to see whether either party would surface the issue of authorship that had been mentioned by the lab manager and physician.

When neither party mentioned the authorship issue and the debate about who should be disciplined and how continued unabated, the ombudsman wondered aloud whether the triggering event in their relationship was actually authorship of the paper. This was the first conscious framing of the conflict. It captured an idea that had not been identified or vocalized by the parties or the PI. Both postdocs reacted with surprise and readily agreed.

The ombudsman then was able to ask questions to elicit ways in which things could have gone very differently during the authorship process. The questions introduced other potential frames with which to view the situation. For example, the ombudsman asked the physician whether it would have changed his perspective about the mathematician’s role in the authorship process if he knew that the PI had approved the authorship order, but had neglected to share that information with him. (The ombudsman had learned this information from a caucus with the mathematician.) The physician said it might have, that it was easier to blame the other postdoc based on their rocky communication history rather than on any unhappiness with the PI whom he was still trying to impress since he was so new in the lab. This line of thought represented a shift in reframing into the *symbolic* aspects of what it means to belong in the lab and how *power* is wielded in making decisions – whose work is considered valuable, with whom the PI communicates most frequently, etc.

The ombudsman shifted to testing the human resource frame when the postdocs reverted into an argument about who was to blame for the shoving incident. The ombudsman asked the physician

(first privately in a caucus) whether it was acceptable to communicate that he admitted he should have said “excuse me” or apologized when he was moving the equipment that ran into the other postdoc. He agreed to have the ombudsman share that information. Afterwards, both postdocs sat very quietly. After a few minutes, the ombudsman broke the silence by asking the mathematician whether it made a difference to learn that the physician believed he should have handled things differently and apologized. She agreed that it did make a difference. Another long silence resulted in which neither party spoke a word, or, indeed, looked up from the table. The ombudsman also sat quietly for a few minutes to allow them to process what had been said. The ombudsman was uncomfortable, but did not want to direct the interaction at this critical point. Finally, the ombudsman raised the possibility of a different perspective, a different frame as it were: One of personal apology and the possibility of acceptance and forgiveness, the *human resource* frame. This notion appeared to stop the action between them. They both nodded and smiled. The tension seemed to drain away.

The moment seemed comfortable at this point, so the ombudsman ventured yet another frame. She asked if they wanted to talk a few minutes about how they might introduce and use tact in their daily life in the lab to smooth the relationship, to devote time to develop the criteria for setting up boundaries and systems to resume work in the laboratory (a structural frame), or engage in both discussions. They both agreed to focus on how to resume productive work in the laboratory that incorporated ways to share space and exchange specimens when needed, preferring to focus on the structural aspects of the situation. They spelled out in detail ways in which they would like to separate their areas of scientific focus, allowing them some professional space from each other and to foster personal autonomy. As part of a set of recommendations to their PI, they agreed to inform him that they wished to switch roles of administration and lab protocol development (as mentioned above) so that the physician would assume primary responsibility for development of the lab protocol and coordinate administrative processes within the lab. They also agreed that establishing processes for regular dialogue with all members of the lab would allow everyone the opportunity to discuss emergent administrative and scientific issues. They agreed that the lab sorely needed written communication from the PI about his expectations regarding authorship processes. They ended with solutions intersecting the structural and human resource frames, with increased shared power — a dynamic in the political frame.

This case also provides an opportunity to highlight mediation techniques that involve the ombudsman mindfully using information to support the parties and foster resolution. In addition to introducing different frames to help the parties think about their perspective differently, this technique illustrates an important aspect of conflict resolution practice. The ombudsman was able to assist the parties in calling forth needed adaptive roles to “save the show” through the use of tact and information control. She consciously over-communicated some facts and under-communicated others. She intentionally imparted versions of the other party so that a closer relationship between the two might look possible to each of them by conveying reformulations or re-framings of what had gone wrong in the past. She presented entrusted information from private meetings by seeking permission and by voicing tentative overtures to maximize the timing of the new information so that the injured party might accept the information in its most positive translation.

CONCLUDING REMARKS

One of the most provocative moves an ombudsman can make is to ask questions from another frame to help parties reflect on the existence and legitimacy of different perspectives. This technique expands awareness for the parties and, through raising other frames, fosters a habit of impartiality in the ombudsman. Ombudsmen can consider different frames in order to keep a check on their own impartiality. An additional advantage may be that, for both the parties to a conflict and the ombudsman, utilizing different frames allows for shifts in focus without a presumption that one frame is “right” or “wrong.” This orientation can stimulate an expectation and ethos that there is value in simply observing differences in approaches without judgment of which is better or worse.

This fictional scenario illustrates how the Bolman and Deal (1984) conceptual model of organizational theory can provide a framework for framing and generating options for the organizational ombudsman and parties to a conflict. Each recasting suggests questions to ask and additional options to consider. Not every situation will require the same depth of attention to each. But deliberate re-framing of disputes from these vantage points may open up additional avenues for the ombudsman in forming hypotheses, imagining solutions, generating options from these frames, and facilitating the dialogue between all parties towards reaching tentative strategies that meet the psychological, procedural, and substantive interests of the parties.

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Canary in the Mine: Ombuds as First Alerts for Workplace Bullying on Campus

LEAH P. HOLLIS

ABSTRACT

Nationally, only Tennessee and California have enacted statutes to begin addressing workplace bullying (Yamada 2015). Hence, workplace bullying remains a critical workplace issue. Responses from 401 study participants employed at 175 four-year colleges and universities in the United States indicated that 62% have experienced the adverse impact of workplace bullying (Hollis 2015). Despite the debilitating impact in higher education related to employee disengagement, health issues, and the cost of turnover, many study respondents still perceived offices of human resources to be ineffective in dealing with this problem. The ombuds office can bridge the gap by providing impartial and confidential support to visitors who report bullying. The purpose of this article is to highlight the ombuds person as an early alert figure who can impartially mitigate personal and financial losses for those affected by workplace bullying.

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KEYWORDS

Workplace bullying, ombudsman, early intervention, higher education

Introduction

"[Bullying] is a serious problem with no solution on the horizon... Moreover, there is nepotism and favoritism that makes public discussions ineffective in finding strategies."

Respondent #36 (2012)¹

¹Direct quotes at the beginning of each segment are verbatim remarks from study respondents who offered open-ended comments about workplace bullying in higher education (Hollis 2012).

For many years, coal miners who entered mine shafts often carried a canary into the mine to sound a first alert warning signalling the presence of lethal carbon monoxide in the air. Even though the canary is small, the bird's shrill warning was powerful, saving lives, as well as protecting families who could have lost a loved one to the toxic environment. I use the analogy of the canary in the mine to illuminate the potential for the ombudsman to similarly sound an important warning in the face of toxic workplace environments, including those involving bullying.

This article emerged from the primary data I collected as an academic researcher studying workplace bullying in American higher education (Hollis, 2012). The voices from the data set reflect the respondents' first-hand experiences related to bullying or bullying behaviors. Of the respondents, more than 60 percent reported experiences with bullying. The study participants provided open-ended comments regarding people's experiences with bullying; about one-third of the respondents noted a particular frustration with seeking relief through offices of human resources (HR). My analysis included reflecting on leadership and power, which is outside the scope of this article. I also sought to explore the concerns related to the HR function and how ombuds' impartiality could play a role in helping to address workplace bullying. The purpose of this article is to highlight the unique role of the ombuds as an early alert figure who can help organizations and their employees mitigate the personal and financial losses workplace bullying can leave in its wake.

THE COSTS OF WORKPLACE BULLYING

"A chronic, pervasive problem that undermines the effectiveness and integrity of higher education."
Respondent #115 (2012).

Bullying can be defined as harassing, offending, socially excluding someone or negatively affecting someone's work tasks. The behavior occurs repeatedly and regularly over a period of time. As the behavior escalates, the person subject to the bullying can end up in an inferior position and become the target of systematic negative social acts (Einarsen et al., 2010, p. 22). Workplace bullying researchers have chronicled the magnitude of this abusive trend (Björkqvist, Österman & Hjelt-Bäck, 2006; Branch, Ramsay & Barker, 2013; Cowan, 2012; Fritz, 2014; Zabrodska & Kveton, 2013).

The costs of unchecked bullying range far and wide, incurring personal and organizational damage. Researchers have documented the impact of workplace bullying on the target's health and well-being (Constanti & Gibbs, 2004; Djurkovic, McCormack, & Casimir, 2008; Query & Hanely, 2010). Those facing workplace bullying often develop self-esteem issues, lack concentration, and may even have post-traumatic stress symptoms (Thomas, 2005). If a damaging situation is allowed to fester, either the bullies or their targets can be forced to leave the institution and sacrifice standing in their professional career trajectory (Constanti & Gibbs, 2004; Djurkovic, McCormack, & Casimir, 2008). The target and those colleagues witnessing the abuse recoil into phantom busy work, take more sick time, and begin looking for other employment (Hollis, 2015).

Researchers have documented the institutional costs of bullying, including high turnover and employee disengagement that dampens productivity (Bliss, 2012; Hollis, 2015; Namie & Namie, 2009; Pearson, 1999; Wiedmer, 2010). Given that "the average cost for replacing an employee is 150% of the departing employee's pay" (Hensen, 1997, p. 17), a figure also confirmed by Seaver (2015) and Ruyle (2012), organizations may spend hundreds of thousands of dollars to recruit and on-board new staff to replace those who have left after episodes of bullying. Also, the bully who seeks to break the

will of his or her colleagues may also be willing to break other rules, such as organizational policies and even state or federal laws (Hollis, 2012). As such, the organization may wind up paying untold extended costs.

TOXIC YET LEGAL BEHAVIOR

"I had to seek professional counseling and tried to report her [bully], but did not trust the system to actually do anything about it but make me look like a tattler... You don't expect it, you can't believe it, you are not prepared to deal with it and most organizations have nothing in place to help you."
Respondent #39 (2012).

Researchers have given toxic work behavior many names, including "bullying," "mobbing" (Dav-enport et al., 1999), "psychological aggression" (Keashly, 2010), and "abusive supervision" (Tepper, 2000). Regardless of the name, the behavior is still legal in the United States with the exception of California and Tennessee, which passed statutes regarding abusive workplace behavior in 2014 (Yamada, 2015). "Harassment is unwelcome conduct that is based on *race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information*. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive." (EEOC, 2012, emphasis added).

In the absence of state and federal laws directed at bullying, organizations can craft policies to curtail unwanted behavior. For example, colleges and universities can develop acceptable use policies to manage behavior online or using social media on equipment owned by the institution. Some organizations have instituted anti-harassment and anti-discrimination policies, revamping their internal policies to protect themselves from illegal behavior emerging from within the staff. In regards to bullying, however, organizations often dismiss this negative behavior as stemming from personality conflicts between colleagues. As such, the majority of targets do not have legal recourse to protect themselves from what Yamada (2000) categorized as "status-free harassment."

Some targets of workplace bullying attempt to frame bullying behavior in the context of hostile work environment claims in the hopes of focusing organizational attention on their concerns. However, these claims are only actionable under federal laws protecting harassment if the behavior "is so severe and pervasive that it alters the conditions of the victim's environment and creates an abusive working environment" (Rotteveel, 2015, p. 6). The treatment must be so extreme that it detrimentally affects the complainant and that others in the same protected class would be affected. Lastly, the element of *respondeat superior* must be met for a successful hostile workplace claim. "For *respondeat superior* liability to exist, a plaintiff must demonstrate that the employer failed to provide a reasonable avenue for complaint, or, if the employer was aware of the alleged harassment, that it failed to take appropriate action" (Rotteveel, 2015, p. 6). Off-color jokes, insults, yelling, cursing, and other manipulative or intimidating behaviors found in bullying typically do not fall under the hostile work environment provision.

In most cases, if employees claim that bullying created a hostile work environment, employers will engage in some minimal mitigation to avoid further legal action. The employers' responses are often enough to nullify the hostile work environment claim, yet they can leave employees feeling that the

organization has not truly addressed the problem (Hollis, 2012). Findley et al.'s (2012) study of 50 complaints of hostile work environment provided a sample of the struggles employees faced in filing such claims. The commonality in these 50 complaints was that "all of the victims usually complained to managers, but little or nothing was done to ameliorate the situation" (p. 32). As noted in Findley's study, the hostile work environment claim is particularly hard for complainants to prove.

In 2015, the United States still lags behind other nations that have passed laws to protect employees from workplace bullying. For example, France, Serbia, Sweden, Norway, and Finland (French Court of Cassation, December 6 2011, no. 10-82266; Ministry Social Affairs and Health, 2004; Ordinance Swedish National Board Section 1, para 4, 1993) prohibit workplace bullying. Norway's Work Environment Act reads:

Employees shall not be subjected to harassment or other improper conduct. Employees shall, as far as possible, be protected against violence, threats and undesirable strain as a result of conduct with another person. Ministry may by regulation issue further provision concerning implementation of the requirement of this section. (Work Environment Act 2012, p. 11)

Some Canadian provinces, including British Columbia, Quebec, Victoria, and Manitoba, also have healthy workplace legislation (New Harassment Prevention, 2011; Quebec Provincial Government, 2004; Safe at Work Ontario, 2011; Worksafe BC, 2013; Worksafe Victoria, 2012). In 2014, Australia amended its fair work legislation to include this clarification: "enable an employee who is bullied at work to apply to the Fair Work Commission [FWC] for an order to stop the bullying" (Fair Work Amendment 2013, para 1).

HUMAN RESOURCES, INSTITUTIONAL ADVOCATE

"HR is of no help whatever when the bully has brought in a million dollars for the institution and is the president's buddy." Respondent #100 (2012).

The primary purpose of human resources departments is to serve and protect the institution, not the individual employee. In many institutions, human resources also has a role in employee relations, labor relations, and answering employees' questions about policies and practices. The extent to which human resources offices provide support to staff varies widely. What is less variable is the fact that human resources personnel are often hired to directly serve those in power. Given that bullies are typically people with some sort of positional power, human resources staff may not be in the best position to approach those with power regarding allegations of bullying. Therefore, in matters involving bullying by people with positional power, human resources staff members are in the precarious position as "rule enforcers" who cannot in fact enforce. Rather, they advise and coach executive staff to adopt more agreeable behaviors. Problems can arise when the executive finds that these recommendations contradict their preferred style of wielding authority (Janove, 2011). This circular problem can render the human resources person largely powerless to address complaints of bullying by those with power.

In a recent study of 401 employees from 175 colleges and universities in the United States (Hollis, 2015), about one-third of the respondents shared the perception that the human resources department was ineffective in dealing with a workplace bully at their institution. In the absence of state or federal policies dictating appropriate responses, human resources personnel can respond in various ways when receiving reports of bullying. Spraggins (2014) wrote that the human resources profes-

sional may “mislabel the bullying as interpersonal conflict...assume the target has done something wrong...suggest the target has mistaken bully’s benign actions for aggression...or suggest mediation efforts, not recognizing that the bully is interested in control not conciliation” (p. 190).

The following are verbatim statements by respondents answering the question, “Are there any specific comments or insights you would like to share about workplace bullying in higher education?” See table 1.

Table 1

Respondents’ comments regarding workplace bullying and human resources

Respondent #83	I think bullying is overlooked and human resources work for the institution and not the employee. I therefore think that human resources is hoping that it will just go away!
Respondent #103	When behavior is named as “bullying” the admin and human resources people immediately circle to prevent a lawsuit. I have seen a faculty member name a bully, and then have the dean immediately ask if this faculty member intends to sue the institution. This does not address the actual problem of bullying.
Respondent #97	Given the economic status of the country, I firmly believe that bullying will continue. People are tolerating more because higher education is becoming more business-like. People are often reminded that they are lucky to “just have a job.” This is very unfortunate and human resources is doing nothing to strategize to change the perception.
Respondent #63	I have held four jobs in fundraising for higher education and at three of the organizations, the toxic atmosphere was beyond oppressive and people were afraid to say anything. Human resources offices have usually protected the bullies because they were senior staff and the person being bullied was let go or left in frustration. I know a lot of people who have felt very let down by human resources offices and it would be helpful to have human resources offer greater assistance and support. It gives you the confidence to not suffer in silence.

OMBUDS IMPARTIALITY NEEDED

“The norm is bullies running unchecked devouring the meek and weak in an organizational structure.” Respondent #32 (2012).

The ombuds role presents a unique space within an organization to mitigate bullying without taking sides. With knowledge of organizational players and politics, the ombuds can report trends that will objectively point to toxic work environments and can inform interventions. Ombuds are in a solid position to offer confidential guidance and coaching to complainants (with exceptions to confidentiality in cases that involve threats of imminent harm). For example, the ombuds can help complainants think strategically about how to engage in self-advocacy or raise concerns to leadership, or whether to leave the institution if the visitor determines that departure is the healthier option. Ombuds can also work with leadership, highlighting where costly bullying is occurring and advising strategic engagement to quell the problem. Joyce (2014) commented that the ombuds can provide “feedback about how the situation has been handled and to help the supervisor realize, that if unaddressed, this problem will continue” (p. 15).

Wagner (2000) offered interventions that ombuds can employ in a variety of difficult scenarios, with compelling applications to workplace bullying.

1. The ombuds can silently influence policy. According to Wagner (2000), ombuds can offer insight into discussions on fair labor practice. Though ombuds are never present for the resolution of formal pending cases, the ombuds can contribute to later discussions on policy to suggest phrases to guard against a repeat of the same unfair labor practice.
2. Aggregated, anonymous ombuds case data can project objective evidence highlighting trends of bullying and incivility. Such data can inform leadership about emerging problems and give an early warning before they mushroom into more egregious problems.
3. The ombuds can highlight bias, unfairness, and unresponsiveness in organizational policies and procedures. While HR may be perceived as existing to protect the organization, ombuds can objectively evaluate the application of policies with an eye towards fairness to all. When the ombuds sees trends emerging in problematic policy application or institutional apathy, the ombuds can bring such inequities forward to policy makers.

CONCLUSION

The ombuds operates from a basis of impartiality and, as such, can draw attention to problematic and toxic behaviors in the organization, including bullying, without taking sides. The ombuds can benefit an organization, and its employees, by serving as a safe environment to raise and address concerns. Similar to the canary in the mine that saved miners' lives in toxic mine shafts, ombuds can also sound an early alert that preserves careers and avoids organizational costs. Unlike human resources personnel in many institutions that serve the leadership and, potentially, the power structure that exhibits bullying behavior, the ombuds can operate as a catalyst for change by making recommendations that foster healthier work environments.

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Some Ideas...‘For Your Hilarious or Indignant Rejection...’: The Mary Rowe Keynote Presentation, 2015

DAVID MILLER

ABSTRACT

This paper is an edited and abridged version of the Mary Rowe Keynote Presentation given by the author at the International Ombudsman Association (IOA) Annual Conference in Atlanta, GA, on 20 April 2015. It briefly describes the enduring impact and breadth of Mary Rowe’s work on the organizational ombudsman profession. It then asserts the importance of taking greater account of experiences and needs of organizational ombudsmen in all the regions in which we practice and suggests some concrete ways in which this might be done. The paper emphasises that the ability to demonstrate a clear capacity for internal self-regulation and accountability is crucial for our professional credibility and respect, internally and externally. Finally, the paper offers additional options for the profession to consider as a means to enable greater external accountability and respect.

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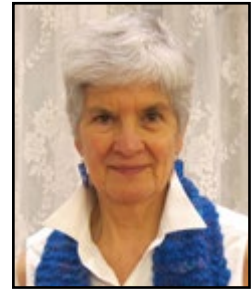
KEYWORDS

Ombudsman, internationalism, internal self-regulation, accountability, Mary Rowe

FOREWORD

In our world of organizational ombudsmanry, Mary Rowe is the mother of us all. Professionally, we are all her children. Mary retired in 2014 from the Massachusetts Institute of Technology (MIT) where she was an ombudsman for 41 years.

She has literally created parts of our operational vocabulary (such as 'micro-inequities' and 'micro-affirmations', and ensured the currency of the term 'sexual harassment'). She has modelled creative and functional ombudsman interaction through her voluminous writings and her video trainings. She was the first instructor for the International Ombudsman Association's (IOA) 'Ombuds 101' training courses, and has been a mentor to untold hundreds of us for the past four decades.



Mary has developed innovations in how we reflect upon our profession. For example, she spearheaded the Crystal Ball presentations given for years at the IOA Annual Conferences and the IOA's compensation and practice surveys for organizational ombudsmen. She has nurtured a rigorous and determined operational, philosophical and procedural questing and questioning, not least through her pioneering Editorial Board work for the *Journal of the International Ombudsman Association* (JIOA). Mary embodies the modelling of inclusiveness in all aspects of our work, in addition to her seemingly tireless and extraordinarily effective advocacy for organizational ombudsmen globally. To assess the nature of Mary Rowe's insinuation into our professional collective consciousness, I commend the profile of her that long-time University of Colorado ombudsman Tom Sebok (2013) wrote for the *Journal of the International Ombudsman Association's* 'Pioneers' series.

In April of 2015, I was honoured to deliver the first annual Mary Rowe Keynote presentation at the IOA Annual Conference in Atlanta, Georgia. The conference organisers stipulated that the paper:

1. Critiques an area in the ombudsman profession or practice that warrants exploration,
2. Reflects at least one contribution from Mary examining an emerging issue or topic and/or research in organizational ombudsman practice, and
3. Reflects the significant contributions Mary has provided the organizational ombudsman profession and associations throughout her career.

Accordingly, I focused my remarks on two broad issues that reflect on the practice of ombudsmen and on the profession as it is presently administered:

1. Our developing Internationalism, and
2. The importance of establishing a new standard of internal self-regulation.

The following article represents the talk I delivered in Atlanta, with slight modifications for publication. It is my privilege to offer a paper that honours Mary Rowe.

I am so proud to be an Organizational Ombudsman, to be a part of this profession! Although some of what I discuss in the following remarks may appear critical, I want to assure all readers and colleagues of my deep respect and appreciation for all those who have served as office-holders and volunteers for the IOA (and predecessor organizations, The Ombudsman Association [TOA] and University and College Ombuds Association [UCOA]), and of my full support for the extraordinary quality and professionalism their work has generated. This explains part of my pride in this profession. At the same time, I cherish the idea that we must uphold the obligation to dissent. In what follows, I trust you will allow both the support and the obligation as I propose some thoughts "...for your hilarious or indignant rejection," as Mary Rowe herself would often say!

WE ARE EVERYWHERE: ASSERTING AND SUPPORTING THE IOA'S INTERNATIONALISM

A story I like to remember in the context of ombudsman toil concerns the great orchestral conductor, Herbert von Karajan. After a reportedly difficult rehearsal, he is said to have stormed down to his waiting car and then flopped into the back seat saying, "Drive, just drive!" "But where to, Maestro?" his bewildered chauffeur responded. Von Karajan replied, "It doesn't matter—they need me everywhere!" (Zander & Zander, 2002).

The IOA has been going for more than 10 years and we now have a truly global Association. At a recent conference convened in Bangkok under the auspices of the Asia-Pacific Regional Advisory Committee (RAC) of the IOA International Committee, fourteen of us gathered. We started collecting information about where Asia-Pacific regional colleagues are actively working—so far, the list includes the following 58 countries:

Afghanistan, Armenia, Australia, Azerbaijan, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Cook Islands, Fiji, Hong Kong, Georgia, Guam, India, Indonesia, Iraq, Israel, Japan, Jordan, Kazakhstan, Kiribati, South Korea, Kyrgyz Republic, Lao PDR, Lebanon, Macao, Malaysia, Maldives, Marshall Islands, Micronesia, Mongolia, Myanmar, Nauru, Nepal, New Zealand, Pakistan, Palau, Papua New Guinea, Philippines, Russia, Samoa, Saudi Arabia, Solomon Islands, Singapore, Sri Lanka, Taiwan, Tajikistan, Thailand, Timor-Leste, Tonga, Turkmenistan, Turkey, Tuvalu, United Arab Emirates, Uzbekistan, Vanuatu, and Vietnam.

The reach of the few ombudsmen in the Asia-Pacific region is out of all proportion to the numbers working there. The metric used by the IOA to determine that reach, and the reach of other RACs should, I believe, reflect the *breadth* of this influence, not just the relatively small numbers providing it. The time is appropriate, in my view, for the IOA to more actively work to ensure it is taking meaningful lessons back from this regional industry and the ombudsman practitioners implementing it from beyond North America.

For I believe we have to ask some important questions of ourselves as an Association of professionals about how we relate professionally to the regions. For example:

- What added value does the IOA and its annual conference bring to parts of the world outside North America? (One esteemed colleague in Bangkok asked us all, "Why would I go to the annual conference when it reflects mainly the concerns of the United States? What relevance does that have for me?" Colleagues also discussed the need for support and nurturing of their practice in the region as that we get through enabling regional meetings.)

- How can we learn more from the regions, and how can we truly represent them and grow together? Should we not be taking more risks in growing, developing and connecting to the regions? IOA training courses have been provided with some regularity in Europe since 2004. IOA undertook the first iteration of Ombuds 101 training in Africa in 2007, and, at the time of this writing, the first Foundations of Organizational Ombudsman Practice¹ and other courses were successfully concluded in South Africa. Additionally, the IOA has had a successful programme of Annual Conference scholarships for members from developing countries. Practically, such funding helps ensure participation particularly where an absence of a formal invitation or conference role might otherwise prevent funding for attendance from an individual's own organization. The seeds sown from this scholarship programme have helped nurture the IOA's reach (as seen in the recent South African training programme mentioned above). Having shown how successful such outreach and connection with the regions can be, let us plan for more, and more regularly.

Accordingly, I would like to propose that the current systems for feedback and application of lessons learned from the regions be afforded a greater focus and attention by the IOA Board, committees and the Association's management partner. The aim would be simply to ensure that the Association acknowledges and responds to the activities, issues, and needs of ombudsmen in the regions more easily, openly, and actively. The fact of the matter is that now, in our tenth year, the IOA and our profession has more to offer, and more to learn from, the regions and we should seize those opportunities. (As a participant in that Bangkok gathering, I was moved and grateful for the excellent content, the reassurance that came with sharing and modelling of approaches and experience, and the camaraderie of fellow ombudsmen in the Asia-Pacific Region. That workshop was an excellent model for the IOA to follow and learn from.)

Of course, practicalities such as financial cost may make regional activities less viable. But we need to know and learn from observations from the regions if our profession is to grow in relevance across the globe. Otherwise, we might find that our current IOA Standards of Practice make cultural engagement more difficult in professional settings where, for example, taking initiative is regarded as equivalent to insubordination, or the power of hierarchy is beyond the scope of traditional Western egalitarianism. Perhaps the nuances of language need local refinement in a way that challenges the certainties of our present published Standards?

Some practical suggestions for enabling stronger feedback and operationalising lessons from the regions might include:

- Ensure that IOA members, practitioners, and professionals in the different regions have equitable access to the IOA, its bodies, services, and opportunities, for example, by ensuring that the regional networks such as the RACs have clear roles in relation to the IOA and the ability to have exchanges on regional needs and share developments with the IOA Board and all the standing committees;
- Establish a minimum quota of annual conference presentations from regional ombudsmen, e.g., by ensuring that there are presentations devoted to feedback from each of the regions in a plenary session (as used to be the case with the 'Crystal Ball');
- Ensure a rotation of annual conference locations beyond the United States (e.g., at least one in three conferences to be held beyond North America);

¹ The title of the course Ombuds 101 was changed to Foundations of Organizational Ombudsman Practice when the content was revised in recent years.

- Commit to at least one regional training opportunity annually in each region outside North America;
- Reserve a minimum of three positions on the IOA Board of Directors for ombudsmen from outside the United States.

And now, for the second broad theme: Our need as a profession to critically strengthen our internal self-regulation.

INTERNAL SELF-REGULATION

In my Annual Ombudsman Reports for the Global Fund, I have made reference to the issues raised by visitors in the context of ‘organizational life cycles’ (Miller, 2011; 2014). This field of enquiry has many pathways, some of them interesting for an Association like the IOA. For example, given the extent and sophistication of the IOA’s functioning, it is reasonable to assert that we have moved to the ‘midlife’ stage of professional development—we have professional support, policy and procedural guidance, and task forces.

Having said that, a recent, searching critique of our profession was recently made by attorney and ombuds observer Charles Howard in a plenary speech at the 2014 IOA Annual Conference. He touched on key challenges he saw facing the profession, including the relative insularity of the ombudsman profession; the need for better IOA decision-making processes; our professional need for greater internal and external accountability; the necessity of developing third-party evaluations of ombudsman programmes and practitioners; the importance of ombudsmen having better IOA-facilitated support, including access to lawyers through the IOA; and the need for the profession to revisit the IOA Code of Ethics and Standards of Practice (Howard, 2015).

I want to follow on later from some of these suggestions and will do so through the vehicle of issues that emerged during my recent tenure as Editor of the *Journal of the International Ombudsman Association*. The point I wish to make with these examples is that the ability to demonstrate a clear capacity for internal self-regulation and accountability is crucial for our professional credibility and respect, internally and externally.

To begin, I would like to spell out the circumstances of a question that came in the form of an email whilst I was the editor of the *Journal of the International Ombudsman Association*. The correspondent (Person A) asked if the *Journal* would accept for publication a critique of an organizational ombudsman’s practice. As was my normal practice when a potential author approached the Editorial Board about a possible topic, I suggested by return that we talk by phone. The correspondent agreed to this, and sent some additional documentation that verified an allegation of a breach of the IOA Standards of Practice. In other words, this was not a ‘he said – she said’ situation; documents substantiated the verifiable complaints that Person A wished to put into print. In our telephone call, it was clear the correspondent was hurt, offended, and disadvantaged as a result of the described lapses in the practice standards of the ombudsman involved. The complainant was suffering and insistent that the verifiable actions of the ombudsman were a significant—if not the whole—cause of the situation.

Other complaints about ombudsman (mis)conduct of which I have been aware have included an instance of verified plagiarism, a documented instance of public disorderly conduct, and an om-

budsman who was proven to have lied about their qualifications in their *curriculum vitae* (CV). Other reported instances of ombudsman misconduct have included allegations of an ombudsman allegedly engaged in conflict-of-interest adultery within the organization, a frequent 'no-show' ombudsman who routinely failed to respond to visitors, and an ombudsman apparently routinely sharing information with management without visitor consent to do so.

Although employers intervened in some of these cases, in only one instance mentioned here did the ombudsman lose their apparent standing *vis-a-vis* the IOA. If I am identified as having committed misconduct as an ombudsman at my place of work, it would be possible, at present, for me to move to another employer and work as an ombudsman. This is because we, the IOA or the ombudsman profession, have no current instruments for self-regulation of proven misconduct, other than an instance in which the practitioner is certified through the Board of Certification for [Certified Organizational Ombudsman Practitioners \(CO-OP\)](#) and another Certified Organizational Ombudsman Practitioner lays the complaint.

Coming back to Person A, I sought advice from close colleagues and the President of the IOA Board of Directors. I took the view, supported by my colleagues, that the *Journal* was not the forum for ventilating this issue—we did not wish to publish a paper so obviously targeting a colleague where only one side of the story would be presented, and when there might be more satisfactory options available. It also seemed obvious to me that the correspondent wanted to be heard, and wanted some investigation and/or accountability exercised over the actions of the ombudsman by the ombudsman's peers. In sum, however, when it came to accountability for the ombudsman's behaviour, IOA as a professional body could demonstrate none.

Processes for internal self-regulation for an Association like ours are complex, because they typically involve a fine meshing of policy, procedure, and law. In addition to being an organizational ombudsman I am a registered clinical psychologist and, as a pre-requisite of maintaining my licence to practice, I am required to abide by the Code of Conduct of my professional society (in my case, the New Zealand College of Clinical Psychologists). Further, my professional conduct is subject to scrutiny by the New Zealand Psychologist's Board, a legislatively mandated body responsible for matters of quality in all things to do with psychological practice. This is a relatively common structural approach to the administration of complaints through professional associations: they are linked to disciplinary tribunals grounded in national or state laws, and implemented through national or state bodies charged with legislative oversight of the profession's conduct.

As a clinical practitioner I have always worked within the law whilst sometimes responsibly challenging it. All over the world, it has been my experience that the law is an ally, just as due process and fair process are often allies for ombudsman visitors. The reason for examining such an issue is simply based in my wish that our profession is able to formalise its moral authority by demonstrating its mechanisms of internal and external accountability. It is also based in the fact that assembling such a mechanism leads to options for strengthening our professional practice in other, additional ways.

Because we are an international Association with colleagues working in a huge number of independent, sovereign legal jurisdictions, how can internal self-regulation grounded in national and state laws possibly work? If we are to follow the model offered by many professional associations, I think we need to consider doing the following:

1. Separate the realms of national or state legislative requirements from that of professional membership requirements when complaints are laid;
2. Ensure we have clearly articulated and relevant principles for membership behaviour (e.g., our current Standards of Practice and Code of Ethics);
3. Have an IOA standing committee on professional conduct (as with the Board of Certification's Professional Practices Committee);
4. Have on-call legal support for the membership and for the IOA;
5. Have on-call support for best practices for practitioners *and* other organizational actors/stakeholders who want to discuss what best practices based on our Standards and Code of Ethics look like and how to effectively integrate them;
6. Develop a clearly articulated process for visitors and/or members to follow when they seek to make complaints (this includes concerns that may be raised by colleagues about an ombudsman's behaviour). We have an excellent template for this purpose in the complaints procedure of the Board of Certification;
7. Have an ombudsman service for organizational ombudsmen—a zero-barrier office for ombudsman practitioners in which visitors can confidentially share information, review options, and receive information on appropriate referrals and potential interventions. This service would stand as a complement to the Board-based response options when complaints arise. This model is available in other professional contexts when, for example, medical staff and health practitioners are subject to complaints or legal action. It is all the more relevant as a possible prevention option when we are a small organization and allegations of misconduct may be accordingly magnified both internally and externally.

Any complaints process worth its salt would require an adherence to administrative and legal fairness. Those subject to complaints would be given full opportunity to answer any allegations in a setting that is neutral, impartial, confidential, and in which only relevant information is considered in a context whose possible outcomes are not pre-determined and which are proportional to the proven allegations.

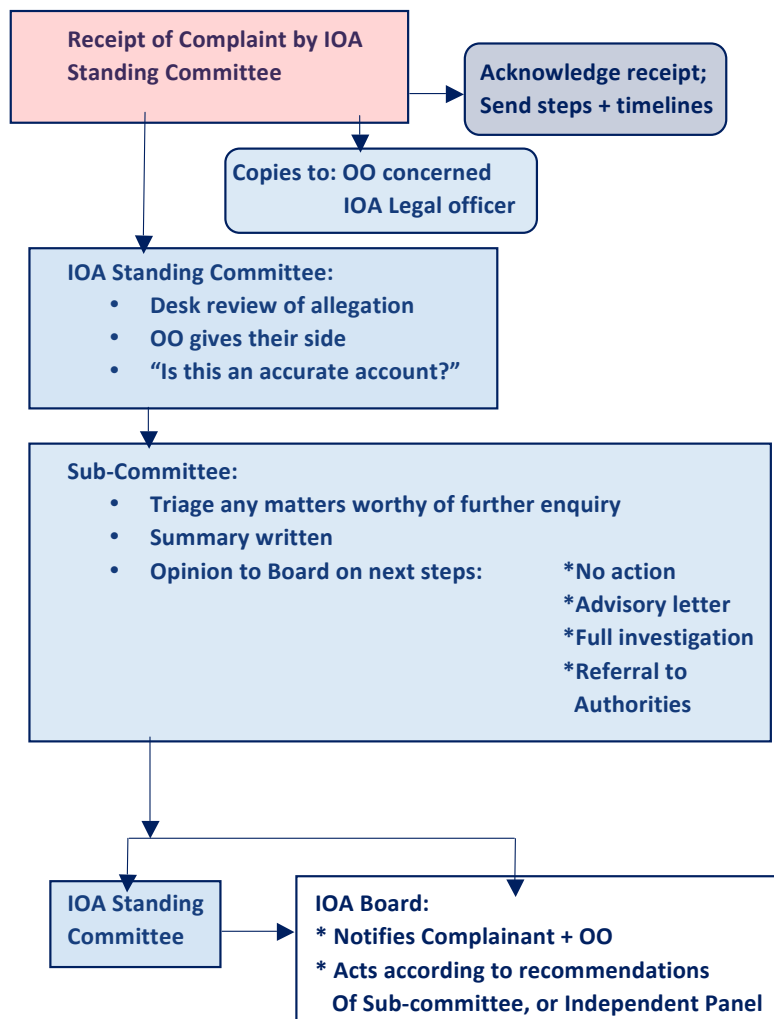
So, in the case of Person A, if we had such measures in place, a workable complaints procedure might work as follows:

- Following receipt of the complaint (to the IOA Standing Committee), the IOA would acknowledge receipt and send Person A an information sheet identifying likely steps and timelines;
- A copy of the complaint would be sent to the identified ombudsman or office;
- A copy would be sent also to the IOA Legal Officer;
 - The IOA Standing Committee would then commence its process of information-gathering. This could be determined to some degree by the nature of the allegation. It would likely involve a review of relevant available documentation. The identified person or office would be given the opportunity to give their side (without advice or input from the Standing Committee). Once all the information is in, it would be sent in the most appropriate form back to the complainant and respondent (Person A and the relevant ombudsman) with the question, "Is this an accurate account as you see it?"
- The Standing Committee would then convene a sub-committee to triage out those matters worthy of further investigation, for example, in the case of a falsified CV or substantiated violations of IOA standards. Of course, it may be that there is insufficient evidence to be worthy of action by the IOA.

- The sub-committee would write a summary of the case and its reviewed elements and give an opinion on what should happen next. Some options might include:
 - No further action;
 - Sending an advisory letter to the practitioner (e.g., recommended actions to be taken, including training, mentoring or regular discussion with IOA members);
 - Appointing an independent IOA panel to conduct a full investigation (e.g., the panel would comprise three independent, Board-appointed individuals, at least two of whom must be Certified Organizational Ombudsmen Practitioners);
 - Referring cases that involve suspected criminality to competent organizational and national or state authorities.
- The relevant steps would then be taken. Where the Board judged the matter to be within its professional remit, they would notify the complainant and the ombudsman of the outcome and act according to the recommendation of its sub-committee or independent panel.

This suggested process is illustrated in Figure 1, below.

FIGURE 1: A Possible Complaints Procedure for the IOA



The issue, however, is entirely moot currently because, outside of Certified members making complaints about Certified members, we currently have none of this apparatus at our disposal. Our IOA website under 'Contact us' even says explicitly: "The IOA is a professional association and DOES NOT investigate or respond to complaints about government agencies, ombudsman offices, or private entities. The IOA DOES NOT provide referral services" (IOA, 2015). Person A had no recourse other than emailing their frustration and indignation that we could do nothing.

Clearly, where there is evident serious misconduct involving physical or psychological harm, and/or likely illegal or criminal behaviour, there will be thresholds beyond which the IOA will need to surrender its authority to the competent authorities with such jurisdiction. In professional associations such as those working in health settings, a ladder of steps such as I've described would be confidential at all levels. However, if there was an identified major public risk, confidentiality would be superseded by the need for public safety and the governing board would suspend confidentiality.

So, at the very least, the IOA needs a mechanism through which to receive and respond to complaints by and/or about ombudsmen who are not Board-certified and thus beyond the reach of potential Board support or sanction where there are alleged violations of our Standards of Practice and Code of Ethics. There is also need for a process to address concerns that arise involving people who call themselves ombudsmen but are not affiliated with IOA. Because the IOA crosses national borders, the Association also needs at the very least a self-declared international coherence in how it characterises and responds to thresholds of concern for each action reported and responded to by the IOA. Additionally, the quote on the IOA web page cited above needs to be replaced with a statement of what the Association *can* do in the event of a complaint being considered by a visitor, a colleague, or an institution.

But, and it is a big 'but,' what happens next? Serious questions and dilemmas need thinking through. Our capacity to act coherently is complicated by matters of our own making, including, for example, the divisions in IOA membership categories. Do the requirements of proportionality require us to demonstrate different standards of accountability for different categories of membership?

And, is our apparent reluctance to act as a profession located in something beyond the traditions of non-alignment associated with our Standards of Practice? Tom Sebok suggested during the preparation of this paper that the issue of ombudsman identity might lead us to assume that we cannot formally investigate, judge or determine sanctions—even when complaints are made about our own members. Indeed, all our Standards of Practice mandate that we should not. We are not offices of record, we keep no notes and we assert privilege. In addition, supervision is entirely voluntary, meaning it is not easy to investigate or defend us. But are we really so captivated by our own Standards of Practice that we are now powerless to demonstrate our adherence to responsible accountability?

And what about reconciliation—what do we do for those found to be culpable? Are they lost to our profession for one demonstrated lapse? Should there be a statute of limitations on proven ombudsman misconduct? Should we provide an opinion rooted in the principles of restorative justice to allow for the identification and repair of harms in certain situations? How could we make that work?

I am sure such statements as these might generate real discomfort—we are talking serious consequences that challenge the very nature of some of our Standards. But I think that goes with the territory and we should not be squeamish. For example, as a practising clinical psychologist in the United

Kingdom working in the context of sexual and reproductive health in the 1980s and 1990s, the law required my profession to inform the police of any instances of child sexual abuse revealed in the context of confidential clinical discussions or examinations. We established clinic protocols for doing so, and advertised our responsibilities in that regard on posters in our waiting rooms—everyone was on the same page about how we were required to act.

In the same era, HIV/AIDS was bursting on the scene and, as we slowly came to grips with the often desperate circumstances surrounding instances of diagnosis and care (when no treatments were reliably available, unlike now), we struggled to assert a rights-based approach to processes of testing and consent (Miller, Jeffries, Green, Harris & Pinching, 1986). The complete absence of treatment, and of legislation compelling disclosure of HIV status, led to dilemmas that, today, might seem extraordinary but which were then very real. For example, compulsory informing of sexual partners about HIV infection was not yet legally required. Further, testing by clinicians without consent was considered by leading medico-legal opinion to be a form of assault and battery. What to do when the husband is found to be HIV-infected in the context of a general practice or sexual health service, and no consent is given to inform his pregnant wife? Decisions were taken either way in many similar instances that I know of, and those instances still rank as the most discomfiting of my professional life. The point I am making is that being prepared to work within well-defined legislative boundaries freed up my colleagues and me to be the professionals we prided ourselves in being; not having such boundaries gave infinitely greater scope for anxious practice *and* anxious external observation of our practice.

In describing these circumstances I am very mindful of the difficulty inherent in communicating difficult or challenging or critical ideas—even when constructively meant—to an organization of which one is an enthusiastic member. However, my enthusiasm for the profession of organizational ombudsmanry has me almost desperate to see us as I truly believe we can be—a bastion of decency never decried, probity beyond probing, and authority authenticated by our investment in ourselves that we can then demonstrate to all-comers. My position as *Journal of the International Ombudsman Association* Editor revealed the many shades of usually complicated thoughts about ombudsman accountability contained in our membership but, in my final years as an ombudsman, I'm realising more and more that accountability is *not* synonymous with surrendered control or defensive professionalism. At the very least, I believe the IOA needs to take a head-on view of ombudsman accountability by gathering, reviewing and deliberating on how we can take the best from the best *and* remain true to our founders' visions of what and how ombudsmen can be. These significant questions deserve much more discussion within our profession.

STRENGTHENING ACCOUNTABILITY

I have argued thus far that, as organizational ombudsmen, we should be more accountable to ourselves—that we will profit as a profession from strengthened internal self-regulation. I also think it will strengthen our relations with external stakeholders, such as our employers, companion professions (including the legal and mental health professions), and national and state regulatory authorities.

Below are initial thoughts about how we might get to a point of greater external accountability and, because of that, greater external respect. These initial suggestions are just the tip of an iceberg of possibilities, some reflecting elements of Howard's (2015) paper mentioned earlier.

- a. The appellation of organizational ombudsman should be earned, not assumed. The certification of organizational ombudsmen has been a massive step in professional self-assurance and in setting a standard for our work. But certification should not be voluntary forever! That which is cheap is often not valued. It is wrong, but there it is! I also feel we will have a demonstrable professional authority when we can say that those who work as organizational ombudsmen have earned the right to be called such, by winning the qualification that assesses their competence at an agreed minimum standard nationally (and, by extension, globally). Having such a qualification might even become a minimum requirement for access to IOA-based legal support and/or indemnity insurance, should our development take us that far. However we evolve, I believe it is the IOA, not employers or individuals that should bestow the title of ombudsman, as is the case with legal, health, and other professions.
- b. We need to work to agreed minimum practice standards asserted through published best practices. In other words, our profession urgently needs practice advisories, much as we see in the Institute of Internal Auditors' 'Red Book' – the IIA International Professional Practices Framework (IPPF). This vital document includes a definition of Internal Auditing, a Code of Ethics, International Standards, Position Papers, Practice Advisories and Practice Guides. It is revised and updated every two years. It has international reach and relevance, tested through Professional Practices Advisory Councils, government agencies, members of management, boards of directors and academics. In my opinion, it is an excellent model for organizational ombudsmen.
- c. The IOA would benefit from programmed, regular reviews of its Standards of Practice. And we need to work smarter in the way such Standards are tested, perhaps by looking at a wider range of constituencies and experience. To paraphrase an American president, the IOA should be doing these things not because they are easy, but because they are hard! Taking such a proactive approach will allow consideration of evolving knowledge—from science (I congratulate the IOA on the recent establishment of the Research and Assessment Committee), management, the evolution of law, and experience across all the regions. And, in the meantime, we will have a system of internal absorption and reflection that will take the best of all our experiences—not just those of the dominant national membership. There are inspiring models for such regular Standards reviews in the context of, e.g., auditing (the IPPF, described above); health (the globally agreed International Classification of Diseases [ICD], which is published every 10 years or so); and mental health (the Diagnostic and Statistical Manual [DSM] published by the American Psychiatric Association over a similar latency). Both of the latter rely on the inputs of volunteer research and clinical physicians and health workers.
- d. We need to extend our present efforts in demonstrating how we work, what we do and what we achieve. I believe the ombudsman roles in our organizations will be taken more seriously as we learn increasingly to rely on the appropriate use of data—having the data increasingly tell the story, without any need to editorialise. Using data in my own annual reports indicates options for managers because they can see where the issues are most common. Providing trend analyses over recent years has also given added impetus to act on suggested recommendations. Although it isn't perfect, and it is in need of revision, a hugely helpful resource is Version 2 of the IOA Uniform Reporting Categories (Dale, Ganci, Miller, & Sebok, 2008).
Additionally, in my first experience of 'Ombudsman 101,' I remember the emphasis that instructor and former Shell Oil Ombudsman Wilbur Hicks gave to reaching out to one's constituency: flying the ombudsman flag, asserting accessibility and encouraging use of the office. As my

practical confidence has grown in the role, I have tried harder to follow this excellent advice, giving regular seminars, working with colleagues, being available, and using the data I collect to help show the value and impact of the ombudsman's office. Perhaps we have some internal hesitation about this because we may not yet have defined what it is acceptable for ombudsmen to discuss, to teach, or even do! But we are a profession based on the legacies of brilliant teachers—we have a head start on options and role models for outreach in and across our organizations—we simply need the confidence to do so.

- e. Our professional licencing requirement should include an undertaking to have mandatory mentoring and continuing education for all ombudsmen. I am minded of something Howard Gadlin often said: "We don't know what ombudsmen do, we only know what they say they do." To put it another way, we assume levels of competence and ethics in our colleagues but don't mandatorily test or discuss either. I feel certain that most organizational ombudsmen do have their own ways of getting practice input, testing theories, and discussing difficult cases anyway; it is just not mandatorily proscribed. I also know first-hand that solo, remote ombudsman practice can be a very lonely business, especially when witnessing the idiosyncracies of bad-faith organizational management or governance. Stress can distort perspectives—we all need to have our views supportively challenged to ensure good operational health. That's what mentoring does. It helps to uphold standards of practice. Of course, mandatory mentoring also necessitates that we agree on best practices for supervisors—those doing the mentoring. In the first years of the Psychologists' Board in New Zealand, instances of patient and practitioner complaints were frequently associated with those psychologists who were not talking regularly with colleagues on a professional level (and under agreed confidentiality). We have had mentoring programmes for new ombudsmen—the current IOA model can serve as a very useful foundation for extending such services to all of us no matter where we work or for how long we have been doing so.

Similarly, the IOA has an excellent continuing education portfolio and we are on the upward curve of a new wave of research development and publication in the profession (see Lincoln, Rowe, Sebok, 2009, and Bingham, 2015). But I do feel we should be discussing the extension of regionally relevant continuing education requirements to all ombudsmen in all the regions, not just those who are Board certified.

IN CONCLUSION: LOOKING BACK TO OUR FUTURE

In its first ten years, those who have served us all through the phases of evolution of the IOA are responsible for our professional maturation and we owe them a lasting debt of gratitude. The growth of the organization on all levels serves as a model for organizational development. Because of that, if it is not already being done I would urge that a key function of the Association is curating its history. This is because the history of our own species repeatedly illustrates that as we grow we forget! And, although lessons in organizational development—be they philosophical, ideological, practical or even administrative—may be absorbed in the growing accretion of organizational lore that we increasingly come to see as 'the way things are,' the logic of those lessons will remain and will have instructive power as questions about the way things are arise in the future. But this is the case only if they are recorded. And this is not a defensive impulse—we should be celebrating *how* we are, not just *what* we are!

In this presentation I have talked about Mary Rowe's extraordinary foundation-building and continuing expansive contributions, our profession's growing internationalism, and how our strengthened internal self-regulation can benefit our internal and external professional credibility.

As I come to conclude, I have to confess that I have been a lamentably late convert to the truth that in life, as in art, and in science, and in love, the best destination is the journey itself. As a proud New Zealander, I'd like to offer a sentinel poem from one of our finest poets, James K. Baxter²—a man of deep spirituality who, towards the end of his life, lived on the remote banks of one of our mightiest rivers, the Whanganui. I think this poem is especially fitting for ombudsmen:

High Country Weather

Alone we are born
And die alone;
Yet see the red-gold cirrus
Over snow-mountain shine.

Upon the upland road
Ride easy, stranger:
Surrender to the sky
Your heart of anger.

1948

Upon *our* upland road, our profession is solidly launched, and our journey is well and inevitably underway. As I described earlier, I believe it is possible to support, assert and emulate our current IOA Standards of Practice, whilst in addition upholding the obligation to dissent. These are not incompatible positions and their inherent tension can help generate vital professional creativity if they are respectfully entwined. This expression of support and dissent is respectfully proposed and most gratefully given in honour of Mary Rowe.

2 James K. Baxter (1948): High Country Weather. Published with kind permission of the James K. Baxter Trust, and The Caxton Press.

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Embracing Paradox: Three Ombuds and a Book

JENNA BROWN, JAN MORSE and JIM WOHL

ABSTRACT

Three ombuds from different academic institutions organized a book group to read *The Conflict Paradox* by Bernard Mayer. This article reviews the book and describes the ombuds authors' shared learning process, which included an interview with Mayer. The book is highly relevant to the work of organizational ombudsmen and describes seven key paradoxes, including neutrality and advocacy. It provides valuable examples and strategies for conflict interveners. *The Conflict Paradox* can also serve as a tool for reflecting on one's approach to om-

budsmanry. The description of the authors' shared learning model offers recommendations and key insights for others who may be interested in this approach to engaging with conflict literature.

KEYWORDS

Paradox, book review, polarities, framing, ombudsman, reflective practice, conflict theory, professional development

In this article, we offer two ideas: that one book can challenge all ombudsmen to consider their work through a new lens, and that ombuds can learn together in a way that may provide a model for shared learning. This article will first offer a review of an influential new text for our field. Second, we will outline the learning model that we developed to guide our work and that could serve as a template for other practitioners interested in engaging in similar dialogues.

INTRODUCTION

We the authors have pursued professional development in a number of ways, including through trainings and conferences offered by professional associations and organizations and self-organized communities of practice, such as peer case consultation. When one of us was interested in Bernard Mayer's new book, *The Conflict Paradox: Seven Dilemmas at the Core of Disputes* (2015), we quickly formed a small group to read the book together. All of us have been in practice long enough to have experienced a variety of cases and share a common curiosity about ways to enhance our effectiveness.

Bernard Mayer is an internationally recognized leader in the field of conflict resolution. A founding partner of CDR Associates in Boulder, Colorado, Mayer is currently Professor of Dispute Resolution at The Werner Institute at Creighton University. He has intervened in a wide variety of complex disputes in different countries, and has been at the forefront of the field of conflict resolution for more than 30 years.

Mayer's previous books include *Beyond Neutrality* (2004), *Staying with Conflict* (2009), and *The Dynamics of Conflict* (2012). They reflected the author's thoughts and feelings about his work in dispute resolution and offered ideas that informed our views and our practices. Without knowing exactly what *The Conflict Paradox* would offer, we were interested in Mayer's most recent observations and reflections. We were also interested in how Mayer's book could affect our work.

The Conflict Paradox is the ideal text for a new or experienced ombudsman who is looking to enrich and further develop his or her practice. A paradox is two seemingly contradictory truths, both of which are indeed true. The first commonly used handbook on negotiation techniques was *Getting To Yes*, originally published more than 30 years ago by Harvard Negotiation Project faculty members Roger Fisher and William Ury (1981). It assisted those working with disputing parties, such as mediators and ombudsmen, but its basic approach and well-worn metaphors describing approaches to problem solving — 'win/win', 'positions and interests' — focused on the transactional level of dispute resolution and was thus limited in scope.

Mayer's book builds on the early work of Fisher and Ury to fully develop a bridge to a deeper understanding of the nature of conflict. He constructs a framework of paradoxes that are central to the work of conflict interveners. Mayer borrows from philosophy and science; as physicist Niels Bohr said, "A great truth is a truth whose opposite is also a great truth" (Schroeder, 1991, p. 319). Herein lies the power of the paradox framework. It is a lens to examine a situation from multiple points of view through a process of dialectical inquiry, which aims to discover truth through examining and interrogating competing ideas, perspectives or arguments. In a conflict setting, the end result of this analysis may be a richer understanding of the issues and better resolution for the parties.

THE REVIEW

Mayer's book invites the reader to transcend the binary frames by which conflicts are commonly understood as a means to gain deeper understanding and open potential paths forward. His target audience includes mediators, ombuds, coaches, and conflict participants. As he states in the preface to *The Conflict Paradox*, much of the conflict literature is geared toward the practicalities of improving communication, reappraising positions, and seeking cooperation. Mayer's greater concern, however, is how to navigate those practicalities in "the chaotic world of human society, fraught with intense emotions, complex interactional systems, long histories, and troubling power dynamics" (p. x).

Mayer's roadmap is to deconstruct the seemingly contradictory choices or polarities by which conflict is framed for disputants themselves and the interveners who assist the parties in resolving their conflict. The book's subtitle, *Seven Dilemmas at the Core of Disputes*, reflects the polarities explored in the core of the book: competition and cooperation; optimism and realism; avoidance and engagement; principle and compromise; neutrality and advocacy; emotion and logic; and autonomy and community. The text squarely rejects the notion that the polarities in these paradoxes are opposites and instead encourages readers to become comfortable with them as "codependent realities" (p. xi). Concluding the book is a particularly well-crafted final chapter that will lead the reader to explore the endless paradoxes native to their personal and professional lives beyond conflict.

The interconnectedness of these seemingly mutually exclusive polarities drives Mayer's thesis and challenges the body of literature on conflict analysis and intervention. Drawing on philosophy, biology, conflict research, psychology and the author's own experience as a mediator, Mayer proposes

that neither polarity is actually viable without its corresponding opposite. The second chapter on the paradox of “competition and cooperation” is a notable example of Mayer’s approach. After analyzing the Thomas-Kilmann *Conflict Styles Inventory* and the Lax and Sebenius “negotiator’s dilemma” to explain the distinctions between cooperating and competing, he launches into a discussion of the evolution of the competitive-cooperative paradox using game theory via Robert Axelrod’s *The Evolution of Cooperation*. Here, Mayer shows us how Axelrod’s experimentation with the prisoner’s dilemma revealed that an optimally successful game strategy was a competitive approach characterized as being “nice, provocative, forgiving, and transparent” (Mayer, 2015, p. 36). Mayer illuminates the winning strategy not as an either/or strategic choice, but rather an example of cooperation as a method of competition and the simultaneous use of a competitive strategy as a means of cooperation. In the chapter exploring the paradox of “Community and Autonomy,” Mayer draws on theories from family therapy, sociology, and biology (even referencing a work on the social life of spiders!) to demonstrate the interconnectedness of the individual self and the community. Mayer’s own personal journey living in collective communities is especially informative in this chapter.

For Mayer, a posture of cooperation cannot be understood without recognizing simultaneously the element of competition: optimism cannot exist without realism; logic and emotion are never truly devoid of the other; compromise without principles is as illusory as principles without compromise. This premise challenges the reader to seek and embrace in each conflict a reality that encompasses the continuum of human responses. Through this lens of paradoxes, Mayer finds enriched understanding of the sources of and responses to conflict. For conflict interveners especially, this enriched understanding creates possibilities for reframing, metaphor, exploration, and solutions.

Woven throughout the text are case examples of how the conflict paradox is accessible to the parties engaged in conflict and the conflict interveners. To demonstrate furthering one’s principles through compromise, Mayer relates a narrative involving an emergency room patient who suffered a misdiagnosis resulting in negative consequences for her health and finances. Attempts to seek a resolution through meetings with the hospital staff were unproductive. The discussions alternatively focused on a compromised financial solution and the patient’s values of acknowledging responsibility, as well as the harm she experienced and preventing the problem from happening to another patient. These discussions failed to reach a mutually acceptable resolution. However, in a subsequent mediated discussion between the patient, her own physician, and the emergency hospital administration, the patient found a way to express her underlying principles, while also working toward an acceptable financial settlement.

While a conventional interpretation of this episode might center on the distinction between competing positions and interests, à la Fisher and Ury, or prioritizing one’s principles in order to choose where to compromise, Mayer’s (2015) appraisal of the elements of the negotiation are more nuanced. The resource-centered focus of the hospital administrators and the values important to the patient, representing the paradox of compromise and principles, each informed, at times exacerbated, and ultimately facilitated a solution (p. 153-155). Compromise was the path by which the patient was able to further her principles, while the administrators arrived at a financial solution through engagement in a discussion of values (their own as well as those held by the patient). Rather than polarities, compromise and principles “were distinct but inseparable” (p. 155). In addition to such case examples interspersed among the discussions of science and conflict theory, Mayer includes practical “Reflections from Practice” sections that draw on the author’s extensive experiences as a mediator (and sometimes conflict participant) in exploring the relevant paradoxes.

If ombuds and mediators have become comfortable, even reliant, on the polarities in which people approach disputes, *The Conflict Paradox* presents a nuanced and persuasively argued alternate reality. When the polarities Mayer explores are perceived as mutually exclusive choices they trap disputants and interveners into choosing divergent realities; viewing them as paradoxes challenges disputants and all parties to engage in a more intellectually and emotionally sophisticated level of understanding that invites a “higher truth ...that embraces the unity of both elements” (p. 3). There is elegance to both Mayer’s writing and his argument.

Focusing on a desired outcome and providing opportunities for genuine growth can help the parties “transform from a destructive to a creative endeavor” (p. 275). Mayer states that diversity, complexity, clarity, and simplicity are necessary to find the underlying unity beyond seeming opposites. When using a paradox lens, simplistic clarity is abandoned in favor of a deeper dive into an examination of the nature of the conflict. Integration of polarities provides the opportunity to examine the issues across a broader landscape of possibilities. Mayer, who uses the terms *neutrality* and *impartiality* interchangeably, argues that conflict interveners are well served when they adopt a strategy that integrates neutrality with advocacy: “Our work as interveners requires that we learn to function as both advocates and neutrals to fulfill our commitment to our clients and to promote a constructive approach to conflict.” (p. 202) Mayer identifies three key skills of the advocate: communication, strategic thinking, and emotional management. His advice to conflict interveners is to focus on effective coaching and problem-solving; be empathetic and caring; do not take on the parties’ pain, anger, or fear; avoid rescue strategies; and know how to intervene in complex systems. Mayer acknowledges what many ombuds have long suspected: that it’s just not possible to be neutral all the time, and that’s okay.

The paradox framework is an approach to help ombuds make sense of a conflict for themselves and for and with parties. It is usual for people in conflict and who are so close to their problems to lose sight of their situation or to be constrained in a narrow and ineffective view. They’re stuck. The ombudsman, using the paradox framework, can help parties acknowledge the real and contrasting truths of their situation, freeing them to consider alternatives and approaches that can lead to effective resolutions. And the framework scales up to the organizational level as ombuds identify systemic issues and work to change dysfunctional and complex systems problems.

Engaging in conflict intervention through the paradox lens seems to require the particular skills of suspension of judgment and tolerance of ambiguity. There may be challenges in using this model in situations where the intervener, or the parties, may lack the skills needed to manage the complexities that arise. Even as seasoned practitioners, we found this book to be very provocative and challenging, particularly the chapter on neutrality and advocacy. Therefore, we appreciate Mayer’s invitation to all conflict interveners to venture out beyond the comfortable and well-defined world of absolutes into the rich and messy uncertainty of paradox.

THE LEARNING MODEL

We could have each read this book on our own, but we felt that reading it together with people who do similar work would provide us with an opportunity to deepen our experience with this book, its ideas, and its application to our work. It also would allow us to share a meaningful connection with one another.

Our plan: read and discuss two chapters of the book at a time and keep a log about our impressions. We arranged monthly conference calls to discuss our reflections, after which we circulated running notes to digest our conversations. In addition to our group calls, we arranged a conference call with Mayer and Howard Gadlin, then ombudsman at the National Institutes of Health, who knows Mayer and has long considered the work of the organizational ombudsman in different contexts.

To prepare for the call with the author, we each wrote questions in hopes of further illuminating what the book could offer to ombudsmen in particular. Mayer explained that his intention in writing the book was not to create a theoretical formulation, but to use the concept of paradox to further our understanding of the world and our work, and to apply the approach to conflict. He also wonders what is it that we actually do that makes a difference, and why some of things that we say are good things to do are actually good to do. He asks, “Why does that work? What works? Our field is so full of aphorisms, or little rules or beliefs . . . if we can understand them at a different level.” Mayer said he wrote the book to “stir thinking.” (Telephone interview, October 19, 2015)

After the call, our discussion had a new focus—reviewing Mayer’s book in written form, as well as sharing our learning experience with others in the field. Several elements made this exercise successful and could be replicated by others with an interest in following our example:

- Experience and focus. We each brought significant experience as ombuds and in reflecting on ombuds work. Enhancing our discussion was our ability to connect the topics in the book to actual casework, without getting lost in the details of the case stories.
- Complementary differences. We each had different and sometimes overlapping perspectives on an array of topics, such as the ombuds as intervener and addressing systemic change, which made for a richer dialogue than had we agreed on most points.
- Pacing of the reading schedule. We set a pace that we felt was fast enough to keep everyone reading and slow enough to allow time to think and reflect. We read the book over a period of three months and had four conference calls.
- Shared workload. Each of us volunteered to lead some aspect of the project: initiating the group and setting its pace; recording and distributing notes; leading the preparation for the meeting with the author; and leading the writing project. By sharing the workload we were able to accomplish a great deal in a relatively short amount of time.
- Achievable and energizing goals. Reading the book together was, from the start, an exciting goal. Engaging in a meaningful dialogue with the author set up new tasks, namely, focusing our thoughts and questions. Writing a book review challenged us to put our thoughts into words for others outside of the group. However, with good process and delegation of responsibilities, we were able to realize these goals.
- Regular check-ins. At the beginning of each call, we confirmed the purpose and goal of the call. Near the end of every call, we reflected on the experience thus far and confirmed the chapters to be read for the next call.
- Minimal and inexpensive resources: A book, a phone, email, and the readers’ time.

The authors agreed that the learning model worked very well for this book. This model gave us an opportunity to engage in detailed and informative discussions about important topics in the field of

dispute resolution. Throughout our discussions it was useful to explore various perspectives on how the framework would work for ombuds, identify potential pitfalls, and discuss ideas on how to incorporate the strategies Mayer presents. Taking on the challenge of the paradox framework was almost like learning a new language. We helped each other test this new way of thinking and the means to express those new ideas. As the ombudsman profession continues to grow and evolve, it is essential that practitioners seek to understand and work with emerging knowledge learned through experience. Learning from new texts that feature emerging knowledge is a benefit to practicing ombuds and the ombudsman profession.

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