

# Journal of the International Ombudsman Association



INTERNATIONAL  
**OMBUDSMAN**  
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## ABSTRACT

The World Health Organization (WHO) carried out an evaluation of its Ombudsman function in 2013 in the context of a comprehensive reform process of programming, governance and management, which also includes the administration of internal justice. Having identified the Ombudsman function as critical to this process, the evaluation sought to assess its overall effectiveness. Effectiveness was understood as a measure of the extent to which a desired outcome or objective is achieved.

The aim of this article is to describe the evaluation process, with particular attention to the reflection process that has underlaid the choice of a methodological approach to assess the Ombudsman function in a meaningful way. The article describes how the evaluation started by questioning the definition of the term “Ombudsman” as applied to an organization such as WHO, and acknowledged the limitations to assessing the performance of an office based on the principles of neutrality, informality, confidentiality, and independence. It explains how the evaluation opted to consider the Ombudsman holistically as part of an organization-wide conflict resolution system and sought to identify meaningful indicators to assess effectiveness through (i) the relevance of the Ombudsman mandate and supporting policy framework, (ii) the efficiency of its operational processes and its adherence to professional principles, and, ultimately, (iii) its contribution to organizational change.

**KEY WORDS:** change model, motivational interviewing, ombudsman practice

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**KEY WORDS:** Ombudsman, research, standards of practice, influence, academic ombudsmen

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**KEY WORDS:** Ombudsman, Backgrounds, Mediation

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**KEY WORDS:** Ombudsmen, pioneers, International Agencies, challenges, opportunities

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This paper is offered to those who are interested in demonstrating the value of an Ombuds office to leaders in an organization. It therefore, builds upon the presumptions that leaders may know little about what an Ombuds office is, whether it "works," and what are its benefits. Similarly, Ombudsmen may know their trade, but be less skilled at how to share their understanding. The paper is not, therefore, intended primarily to address Ombuds "cases" or "visitor issues," as much as it is concerned with the Ombuds office's attempts at self-justification to those who may be doubtful about its necessity, purpose, methods, or efficacy. The desired outcome will lead to improved communications between Ombuds and those with whom they communicate about the office and its value to the organization. I've deliberately offered out-of-the-box metaphors to illustrate different perspectives through which Ombudsmanry may be more easily understood. It is my hope that this article may enlighten Ombuds (new as well as seasoned) whose leaders may be uncertain about the value of an Ombuds office for their organization.

**KEY WORDS:** Ombudsman, value, metaphor, community

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## EDITORIAL

# Moving into Empiricism

David Miller, Editor

*Kia ora, tena koutou!*

In this, my last Editorial, I want to acknowledge first and foremost the people who have kept our Journal going for the past five years – the authors and reviewers. We have, since starting the JIOA in 2009 under Ombudsman Emeritus Alan Lincoln, published 95 papers from 105 authors (not including the 26 individual submissions presented in the 'Creative Issue' [Vol. 6(1)]). Of the unsolicited manuscripts received, 63% have been accepted for publication. During this time we have had active inputs from 39 reviewers. On behalf of the 'old guard' Editorial Team, we offer our most sincere thanks for your support, your patience, and your incisive and creative nurturing of authors.

The Organizational Ombudsman profession is increasingly embracing empirical techniques in furthering our understanding of who we are, how we work and what we may achieve. This Volume of JIOA is an excellent indication of this new empiricism. **Marie Bombin** presents a detailed description of the process of her recent evaluation of the World Health Organization Ombudsman function and effectiveness. This thorough, holistic and principle-based evaluation process may come to serve as a model for evaluations in offices of this type. **Lisa Witzler** presents a summary of her doctoral research which used a qualitative grounded theory methodology to explicate and characterise the influences on Ombudsman practice in US tertiary institutions.

**Tyler Smith** has used a survey questionnaire approach to identify where we as Ombudsmen come from, and how that may influence the degree to which we explore mediation as a visitor option, and what situations have us leaning towards that option. Like the excellent research already described, Tyler's paper asks questions for future research. **Kathleen Moore** explicates the Stage Model of Change, and the application of Motivational Interviewing, to assist Ombudsmen in being more effective in overcoming visitor resistance and enabling more effective behavioural strategies.

As in previous Volumes, we continue to acknowledge and honour those pioneers whose work has laid our operational and philosophical foundations. **Mary Rowe** presents the work and experience of Justine Sentenne, a key pioneer in the world of corporate ombudsmen, and **David Miller** presents

brief descriptions of the contributions and achievements of some pioneers in international not-for-profit agencies (Jim Hendry of the World Bank Group, Jim Lee from the United Nations Programmes and Agencies, Georgia Shaver of the World Food Programme, and Vincent Vuillemin from CERN). A melancholy codicil to the hugely enjoyable interviewing of Jim Hendry was the news of his death at the age of 92 in April this year. Mary Rowe has written an obituary for Jim in these pages.

Finally, **Bob O'Connor** has written a paper based on his workshop presentation at the Denver conference in April this year. The aim of his presentation and paper was/is to address "...the ombuds office's attempts at self-justification to those who may be doubtful about its necessity, purpose, methods, or efficacy." Bob also offers musings on our field informed by decades of experience on many sides of tertiary education systems.

And now, it is time to hand over to the 'new guard' of Editors and Associate Editors. With tremendous confidence that they will take our Journal to new and greater heights of achievement and excellence, the 'old guard' of Alan Lincoln, Brian Bloch, Laurie Patterson, Mary Rowe, Tom Sebok and myself bid you 'adieu' and offer our congratulations and full support to Cynthia Joyce, Deniz Ogretir, Ennis McCrery, Howard Gadlin, Robert Harris, Samantha Levine-Finley, and Sandra Morrison as they take over editing and producing the Journal. The very best of luck to them all!



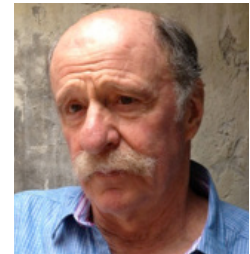
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**Deniz Ogretir**



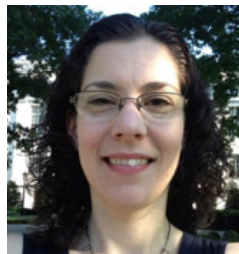
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Levine-Finley**



**Sandra Morrison**

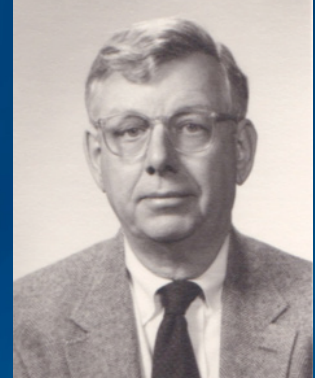
With all warmest wishes and thanks, *nga mihi, kia ora mai*

**David Miller**



## OBITUARY

# James B. Hendry



James B. Hendry, a development economist and retired World Bank official, died on Friday April 25, 2014. He was 92. Dr. Hendry, for many years a resident of Bethesda, MD, served in the World Bank as economist, Division Chief, Senior Project Department Economist and Assistant Director of Agricultural and Education projects in Eastern Africa.

For the last three years of his World Bank career Dr. Hendry served as the World Bank Ombudsman. His tenure there was notable for his abiding interest in issues that would now be called “diversity and inclusion.” He was deeply concerned about issues of respect for the global work force of the World Bank. He strongly supported attention to issues of harassment. During this period he was a member of the Board of Directors of the Corporate Ombudsman Association (which later became The Ombudsman Association, which in turn joined the University and College Ombuds Association to become the International Ombudsman Association.)

After retirement Jim served for three years as the Corporate Ombudsman Association’s Executive Officer. During six very active years of supporting the Ombudsman profession, Jim raised money for research for the COA, pulled together an extraordinarily useful “Ombudsman Handbook” for the Corporate Ombudsman Association, and helped in developing a modern approach to training new Ombudsmen. He was wise—and generous. He was wryly humorous and a realist. He was kind, a superb role model for being a human being, and much cherished by his Ombuds colleagues.

Much of Jim Hendry’s wisdom came from being a world citizen. Prior to joining the World Bank, Jim taught at Washington University (St. Louis) and Michigan State University. While at the latter institution, he held a research and teaching assignment with the Michigan State/AID-sponsored project in Vietnam from 1957 to 1959, and subsequently with the Harvard Advisory Group stationed in Dacca, East Pakistan, now Bangladesh. Earlier service abroad included two years in China, 1947 to 1949, with the Standard-Vacuum Oil Company and the Economic Cooperation Administration (Marshall Plan). Dr. Hendry was the author of “The Small World of Khanh Hau,” a book on the economy of a village in the Mekong delta of Vietnamsam based on field studies in that region, and “A China Story: from Peip’ing to Beijing” a memoir of the period during which a Nationalist Party dynasty in China was replaced by a Communist Party dynasty.

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<sup>1</sup>An interview with Dr Hendry is presented on pp. 93–95 of this issue



He published widely on economics and development. Dr. Hendry was a consultant to various organizations including the Ford Foundation, Foreign Service Institute, the Institute for Defense Analysis, U.S. Senate Small Business Committee, the World Bank and United Nations Development Programme. After his retirement Dr. Hendry was active in community affairs, serving on boards of directors for the Montgomery Hospice Society and the Peninsula United Methodist Homes of Maryland. Dr. Hendry was a graduate of the College of William and Mary and received M.A. and Ph.D. degrees in economics from Columbia University. During World War II he studied Japanese, first at Yale University under the ASTP program, and later at the Military Intelligence Language School at the University of Michigan. He served with the Occupation Forces in Japan through 1946.

Mary Rowe, PhD  
Adjunct Professor of Negotiation and  
Conflict Management, MIT

# Methods Used in Evaluating the Ombudsman Function of an International Organization

**MARIE BOMBIN**

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## ABSTRACT

The World Health Organization (WHO) carried out an evaluation of its Ombudsman function<sup>1</sup> in 2013 in the context of a comprehensive reform process of programming, governance and management<sup>2</sup>, which also includes the administration of internal justice. Having identified the Ombudsman function as critical to this process, the evaluation sought to assess its overall effectiveness. Effectiveness was understood as a measure of the extent to which a desired outcome or objective is achieved.

The aim of this article is to describe the evaluation process that underlies, with particular attention to the reflection process that has underlaid the choice of a methodological approach to assess the Ombudsman function in a meaningful way. The article describes how the evaluation started by questioning the definition of the term “Ombudsman” as applied to an organization such as WHO, and acknowledged the limitations

to assessing the performance of an office based on the principles of neutrality, informality, confidentiality, and independence. It explains how the evaluation opted to consider the Ombudsman holistically as part of an organization-wide conflict resolution system and sought to identify meaningful indicators to assess effectiveness through (i) the relevance of the Ombudsman mandate and supporting policy framework, (ii) the efficiency of its operational processes and its adherence to professional principles, and, ultimately, (iii) its contribution to organizational change.

## KEY WORDS

Evaluation, Organizational Ombudsman, methodology, performance, international organization

In 2013, in the context of a comprehensive reform process, the World Health Organization (WHO) carried out an evaluation of its Ombudsman function. The reform process, which includes the areas of governance, programming and management, identified the administration of internal justice as a key area to improve. The Ombudsman function is critical in addressing workplace related conflicts and an evaluation was required to assess its overall effectiveness. Effectiveness was understood as a measure of the extent to which a desired outcome or objective is achieved.

The aim of this article is to outline the reflection process that underlay the choice of a valid methodological approach to assess WHO's Ombudsman function and provide a meaningful analysis of its effectiveness in delivering on its mandate. The article describes how the evaluation process started by questioning the definition of the term “Ombudsman” as applied to an organization such as WHO, and the impact of this definition on the objectives and principles of the function. It then

acknowledges the limitations to assessing the performance of an office based on the principles of neutrality, informality, confidentiality, and independence and describes how the evaluation sought to identify meaningful indicators of effectiveness. The article then explains how the evaluation opted to assess effectiveness by examining (i) the relevance of the Ombudsman mandate and supporting policy framework, (ii) the efficiency of its operational processes and its adherence to professional principles, and, ultimately, (iii) its contribution to organizational change.

## Definition, Objectives and Principles of The Ombudsman Function In WHO

### THE POSITIONING OF THE OMBUDSMAN IN THE WHO CONTEXT

WHO is a specialized agency of the United Nations (UN) concerned with international public health. More than 7,000 people from more than 150 countries work for the organization in 150 WHO offices in countries, territories and areas, six regional offices and at the headquarters in Geneva, Switzerland<sup>3</sup>. The Organization is headed by the Director-General (DG), who is appointed by the World Health Assembly (194 member states) on the nomination of the Executive Board (34 members). The six WHO regions — Africa, Americas, Eastern Mediterranean, Europe, South-East Asia, and Western Pacific — are governed by Regional Committees composed of member states that elect their Regional Directors.

The Ombudsman, based at HQ and reporting to the DG, thus operates in a highly decentralized structure.

### AN ORGANIZATIONAL OMBUDSMAN

The starting point of the evaluation was to review the definition of an “Ombudsman” and examine ensuing implications in terms of understanding the objectives and principles of the function. The Swedish term “Ombudsman” means “representative” or “proxy.” The term is gender-neutral in origin. Variations of the term exist (i.e. Ombuds, Ombudsperson) and are common among those practicing in the Ombudsman field. At the most fundamental level, an Ombudsman assists individuals and groups in the resolution of conflicts or concerns.

There are different types of Ombudsman with different roles, functional responsibilities and standards of practice. Expectations of the Ombudsman role are not homogenous and clarifying what the role of an Ombudsman should be in the context of an international organization such as WHO is key to assessing the function’s performance. The first task of the evaluation was therefore to reflect on the definition of the “Organizational Ombudsman.” This had wide-ranging implications in terms of the expectations of the function and the ways in which it operates.

WHO, as most international organizations, follows the model of the “Organizational Ombudsman” as opposed to the “classical Ombudsman” shown in Figure 1. Accordingly, the WHO Ombudsman makes recommendations, but takes no decisions, and does not perform formal investigations.

Figure 1: Classical Vs. Organizational Ombudsman	
Classical Ombudsman	Organizational Ombudsman
<ul style="list-style-type: none"> <li>• Created by law</li> <li>• Generally appointed by legislative bodies</li> <li>• Receive complaints about acts of official agencies</li> <li>• Designated neutrals</li> <li>• Often have the power of subpoena</li> <li>• Perform formal investigations</li> </ul>	<ul style="list-style-type: none"> <li>• May or may not be created by law</li> <li>• Not appointed by legislative bodies</li> <li>• Often serve internal staff</li> <li>• May serve external parties</li> <li>• Handle problems and complaints informally</li> <li>• Designated neutrals</li> <li>• Perform informal reviews — do not investigate</li> </ul>

Source: Coalition of Federal Ombudsmen<sup>4</sup>

Bearing this definition of an Organizational Ombudsman in mind, the evaluation set out to research the mandate and the principles of operation of the Ombudsman at WHO in order to design an adapted methodological approach.

## THE MANDATE OF THE OMBUDSMAN AT WHO

Consistent with the approach of an Organizational Ombudsman, the mandate of the WHO Ombudsman is to “advise the Director General on corrective and preventive action in respect of the principles of independence, neutrality, impartiality, confidentiality and informality.” The Ombudsman is ideally a recourse of early resort, not last resort and encourages early resolution of conflict and other employment related difficulties.

The mandate of the Ombudsman presents four objectives:

- **Mediate and facilitate** conflict resolution, related to a wide range of staff issues and disputes that may emerge in the workplace;
- **Monitor trends** in support of early detection of issues of potential significance at institutional level, and advise on appropriate remedial and preventive action;
- **Support preventive action**, helping individuals, managers, teams and departments avoid preventable mistakes; and
- **Contribute to developing and strengthening a workplace and culture** that uphold the values of the Organization, its ethical and functional integrity, respect for the dignity, diversity and rights of staff, in compliance with the Organization’s rules and regulations and the Code of Conduct for International Civil Servants.

## PRINCIPLES OF THE OMBUDSMAN

The Ombudsman is guided by professional standards, which are based on the core principles of the International Ombudsman Association (IOA), and its Code of Ethics and Standards of Practice<sup>5</sup>. These principles include:

- Independence (autonomy from administration and staff committee);
- Impartiality/Neutrality (without bias or prejudice to any party);
- Confidentiality (all dealings in confidence; external discussion only, with explicit consent the only exception is where there appears to be imminent risk of serious harm); and
- Informality (an informal resource).

Two related concepts that are key to the Ombudsman function are:

- Accessibility (available to any staff members — access is a right for all staff); and
- Respect (everyone treated with courtesy, dignity and respect).

Access to the Office of the Ombudsmen is on a voluntary basis and is not intended to discourage staff from using alternative channels. Staff who visit the Ombudsman have the choice to contact other channels within the Organization as in mentioned below as well.

## Methodological approach

A preliminary review of professional Ombudsman literature showed that the issue of effectiveness, which lies at the heart of professionalism, raised particular complications for a profession that has neutrality, informality, confidentiality and independence as core principles. The very nature of the Ombudsman function carries inherent challenges in terms of developing objective indicators to measure outcomes and assess performance. The evaluation acknowledged these limitations to assessing the performance of the Ombudsman and sought to identify meaningful indicators of effectiveness.

### LIMITATIONS

The evaluation opted to address the limitations to developing a methodology to assess the performance of an Ombudsman function early on. Evaluating effectiveness is a challenging task because:<sup>6</sup>

- Ombudsman activities and case details are by nature confidential and gathering the views of staff on Ombudsman functions is a sensitive process;
- Ombudsman operations engage with multiple stakeholders representing different interests and multiple issues. Therefore, effectiveness should be assessed from a variety of viewpoints;
- Attributing a given outcome to the Ombudsman is difficult. Ombudsmen do not make management decisions – many of the “achievements” of Ombudsmen result from the actions of other people within the conflict-resolution system in which the Ombudsman operates. Consequently, it is difficult to collect objective data on the benefits or intangible costs of OMB practice;
- Ombudsman interventions can lead to tangible as well as intangible benefits that are difficult to quantify, e.g. positive externalities (e.g. reduction of costs of conflict in terms of staff turnover, productivity or psychological morbidity and work-related sick leave);
- Measuring customer satisfaction is complex due to the volatile nature of end results achieved, e.g. a customer may be dissatisfied with the outcome of a particular case, yet the Ombudsman may have done a very good job;
- It is difficult to quantify the cost of the time spent by senior management, and Human Resources legal officers on conflict resolution and/or complaints;
- It is difficult to define when a case reaches “conclusion,” “closure,” or “resolution”;
- It is difficult to assess the appropriate time needed to consider and “close” a case; and
- The relationship between the number of formal cases and the Ombudsman’s involvement is not linear, e.g. rather than reducing the number of formal cases, the Ombudsman’s role may lead to an increase in cases.

The evaluation found an emerging consensus in professional Ombudsman literature that while “there is no single scientifically-sound method to measure the cost-effectiveness of an Ombudsman, it is possible to estimate some of the costs and benefits of adopting a new conflict management system that includes an Ombudsman.”<sup>7</sup>

Statistics such as the evolution of the number of appeals of formal administration decisions, the cost of appeals vs. cost of the Ombudsman function, or the sheer number of visitors in a given period of time taken in isolation, do not provide satisfactory indications of performance as such. The number of appeals can evolve independently of the outputs of any Ombudsman. For instance, a high-performing Ombudsman may, in fact, incite people to appeal certain administrative decisions. This may lead to an increase in the number of appeals, rather than decreasing the number of appeals as staff become more aware of conflict-resolution mechanisms as a result of the Ombudsman’s awareness raising efforts. Moreover, a high-performing Ombudsman may have a limited impact on the number of formal appeals in the face of a major organizational change that results in administrative decisions geared towards restructurings or downsizing. Finally, the considerations that lead a staff member to appeal a decision or not, are complex and may not be related to any piece of advice received. Similarly, the number of visitors seen by the Ombudsman in a given year does not, in itself, provide useful insights into the effectiveness of the function. If an Ombudsman is perceived as not credible or partial or weak, this will deter potential visitors who will seek alternative advice.

The evaluation proceeded to research the indicators noted by professional Ombudsmen and peer reviews as the most meaningful ways to assess the success of an Ombudsman function. Figure 2 provides a list of indicators of effectiveness:

**Figure 2: Indicators that can demonstrate effectiveness<sup>8</sup>**

- Internal assessment of the caseload, statistics and analysis of numbers of cases, issues, trends, and response time of the Ombudsman.
- Review of alleged “problem areas” or “problematic cohorts.”
- Anonymous feedback from visitors or staff who have been in contact with the Ombudsman.
- Surfacing problems unknown to the organization or unrecognized.
- Training and outreach to many stakeholders.
- Inclusion in climate surveys, e.g. general analyses of morale, conditions within an area of the organization, responses to change, identity-free analysis from pooled exit interviews, and assistance with 360-degree performance evaluations.
- Specific notes about changes in policies, procedures and structures in response to concerns that have come to the Ombudsman.
- Annual reports and website materials.
- Follow-up on most serious issues over time.
- Identifying the Ombudsman contribution and benefits and cost-savings derived from specific major initiatives in the organization (e.g. new policy, change in procedures).

Source: TOA 15th Annual Conference



The author concluded that the most meaningful means to estimate the effectiveness of an Ombudsman function resides in the analysis of trends over time (e.g. comparing the evolution of the number of visitors over several years), staff perceptions, awareness of the mandate of the Ombudsman, level of information of staff on available recourses and mechanisms to solve issues, and the extent to which the systemic problems identified by the Ombudsman are addressed.

This evaluation accordingly did not attempt to:

- Measure performance in the processing of individual cases;
- Quantify the outcomes of the Ombudsman office activities;
- Examine measures to generate a value proposition for the organization; or
- Assess whether WHO achieves, through the Ombudsman, any specific intended outcome.

## A HOLISTIC APPROACH

### Impact of the organizational context

The evaluation was mindful of the fact that Ombudsman services are intricately rooted in the organizational context in which the Ombudsman operates. In particular, it recognized the fact that a reform environment, or an environment marked by restructuring or downsizing leading to staff separations, could place additional demands on the Ombudsman (e.g. increasing caseload), or give rise to cases of a particular nature (e.g. increasing number of formal appeals).

Similarly, the evaluation sought to take a holistic approach to the Ombudsman's role as an integral part of the organizational context in which it operates and considered structural changes, reforms, and policy developments that could influence the role of the Ombudsman, and vice versa.

### Participation of stakeholders

The author chose an inclusive approach and to interact with all the stakeholders of the organization's internal conflict resolution mechanisms, which typically include the legal, human resources departments, and the staff association, as much as possible. To this end, an "Evaluation Management Group" (EMG) was established to peer review the evaluation. The EMG was composed of two external peer Ombudsmen who provided insight from their professional experience, and three internal staff members in management positions who had knowledge of the internal dynamics of the organization both at Headquarters and in the regional/country offices. Interested parties and/or stakeholders to the internal justice system in the organization were part of the EMG.

The EMG reviewed the Terms of Reference, the design of the all-staff survey questionnaire (see below for further details) and provided comments on the draft report. The EMG provided insights and suggestions throughout the exercise.

## SPECIFIC OBJECTIVES OF THE EVALUATION

Acknowledging the limitations in assessing the effectiveness of a profession that has neutrality, informality, confidentiality, and independence as core principles, the evaluation did not attempt to measure performance in the processing of individual cases. Rather, it focused on the indicators noted by professional Ombudsmen and peer reviews to assess the success of an Ombudsman function, e.g. trend analysis, general awareness levels, training and outreach efforts, contributions to policies and strategic development, ability to surface systemic issues, annual reporting and website materials.

With this in mind, the author decided to analyze effectiveness by assessing the:

- relevance of the Ombudsman mandate and supporting policy framework;
- efficiency of Ombudsman processes, management, monitoring and reporting tools; and
- contribution of the Ombudsman to organizational change.

## TOOLS FOR DATA COLLECTION AND ANALYSIS

The evaluation used a range of tools to collect both quantitative and qualitative information, including a review of professional Ombudsman literature, interviews with staff and external parties, and an all-staff survey.

### Interviews

The evaluation undertook a large number of semi-structured interviews with key staff worldwide, and of peer Ombudsmen in other multilateral organizations. All stakeholders of the internal conflict resolution system were interviewed, and many staff members volunteered their views.

### Survey questionnaire

An electronic survey was designed to gather perceptions from staff worldwide. The questionnaire was developed in consultation with the EMG members, the stakeholders of the internal conflict resolution system, as well as with the HQ and regional Ombudsmen. The survey included five sections to address staff's (i) general awareness of the Ombudsman function; (ii) personal experience of a workplace related issue; (iii) experience as the respondent of a contact from the Ombudsman; (iv) perceptions of the Ombudsman function; and (v) personal details (which could be withheld).

The evaluation focused on detected trends and patterns in respondents' comments rather than individual reflections. Responses in the free text sections of the survey referring to specific individual cases and individual issues revealed in interviews were treated with due respect to their seriousness, but for the purpose of analysis, had to be considered anecdotal and served to inform the research.

### Literature review

The evaluation included a review of relevant published literature, internal documents, and websites, including quantitative monitoring and reporting data from WHO internal and public sources. Relevant literature on the Ombudsman function was selected based on suggestions from professional Ombudsmen.

### Verification of information

The information gathered was validated by verifying multiple data sources (documents, interviews and survey) to develop a consistent and objective analysis. In formulating the conclusions and recommendations, the evaluation also took into account the general organizational context of reform and resource constraints.

## Relevance of the Ombudsman mandate and supporting policy framework

The evaluation assessed the mandate of the Ombudsman and its positioning across the Organization, including regional and country offices. To review the validity of the Ombudsman function, the evaluation assessed the extent to which staff perceptions of the role and success of the Ombudsman were met in practice and analysed the coherence of the Ombudsman mandate both with WHO's mission and objectives, and with professional Ombudsman standards.

Staff perceptions of the Ombudsman function were collected through a survey, which assessed the:

- Level of familiarity with the mandate and role of the Ombudsman
- Understanding of staff of the role of the Ombudsman, with questions designed to delineate staff expectations of the Ombudsman as a provider of mediation services, informal fact-finding, an opportunity to address conflicts early before they develop into crisis, an alternative to formal internal justice mechanisms, an off-the-record resource, independent advice, a confidential environment, impartial advice
- Understanding of staff of the areas of competencies of the Ombudsman: i.e. relationships and conflicts in the workplace, policies/procedures/ethics and standards, administrative contractual matters, performance appraisals/career development, recruitment/selection procedures and special leave/work life balance issues
- Perception of staff of the areas where the Ombudsman's role has been instrumental: i.e. promotion of equal treatment of all staff, promotion of ethical principles and conduct of staff, sending a strong message that the Organization wants to address workplace related issues, fostering a respectful workplace environment, and building trust.

### COHERENCE OF THE SUPPORTING POLICY FRAMEWORK

To examine the coherence of the Ombudsman role with the Organization's policies, rules and regulations, the evaluation reviewed the policy framework in which the Ombudsman operates. The evaluation analysed strengths and weaknesses and identified policy gaps as well as unimplemented policy areas, i.e. where existing policies have not been operationalized or translated into management practices systematically through the adoption of adequate tools to stimulate and support change. It also reviewed the contribution of the Ombudsman to the development of the Organization's policy framework, and the incentives provided by existing policies (i.e. harassment whistleblower, mediation), to favour informal conflict resolution mechanisms vs. formal processes.

### ADEQUACY OF ORGANIZATIONAL POSITIONING

The evaluation reviewed the organizational positioning of the Ombudsman in the organization in relation to Ombudsman principles, with particular attention to independence and accessibility to Ombudsman services worldwide. WHO is a decentralized organization with six regional offices and country offices. The evaluation therefore assessed the coverage of all the Organization's offices, the level of staff awareness of the possibility to access Ombudsman services in different locations, the Ombudsman recruitment process, the Ombudsman terms of reference and administrative reporting lines within the administration.

## THE OMBUDSMAN WITHIN THE ORGANIZATION'S CORPORATE CONFLICT RESOLUTION MECHANISM

The evaluation assessed the relationship of the Ombudsman with the corporate internal justice system and examined collaboration with the departments involved.

### A corporate conflict-resolution system

Addressing workplace-related conflicts requires the simultaneous intervention of multiple actors. Writing about Organizational Ombudsmen, Mary Rowe notes that they often function as an integral element of a larger dispute resolution system: *"The Ombuds practitioner typically works closely with supervisors and with other dispute resolution structures within an organization."*<sup>9</sup> Figure 3 outlines the characteristics of an effective dispute resolution system:

**Figure 3: Characteristics of effective internal dispute resolution system:<sup>10</sup>**

- The system is taken seriously (strong support from top management, widely publicized, training, reports meaningful statistics).
- The system provides significant evidence of change as a result of complaints and disputes (including reversal of some management decisions).
- Policies against retaliation are taken seriously by all (managers are not sanctioned for reversing decisions in good faith, employees are not punished for raising questions for reasonable disputing).
- The system provides options — and choice — for pursuing most complaints.
- The system provides loops back, from adjudicative options to problem-solving options, and also loops forward, so that most people with problems can at any stage choose investigation and adjudication of their complaints so long as they do so in good faith.
- The system is available to everyone.
- The system provides in-house designated neutrals.
- The system provides, if possible, more than one available neutral.
- The system guarantees confidentiality, except in the rare case where there is a duty to protect (i.e. a danger to self or others).

Source: Mary Rowe, *Negotiation Journal*, 1991

The Ombudsman alone cannot be held accountable for fostering an environment that helps resolve disputes informally. The evaluation assessed the extent to which the Ombudsman at WHO had formalized relations with other departments, such as through regular meetings and information exchanges. Considering that a holistic approach including all the departments involved in internal dispute resolution mechanisms was warranted to establish a corporate conflict-resolution system, it assessed the extent to which the Ombudsman had contributed to developing joint work practices.

To this end, the evaluation assessed the awareness of staff of the respective roles and responsibilities of the different stakeholders of WHO's workplace-related conflict-resolution mechanism. It also reviewed how information was made available on the different resources available to staff within the organization to settle a conflict.

The evaluation reviewed the information provided on the organization's intranet, i.e. the different options and processes available to staff to seek a solution, and the roles and responsibilities of the different stakeholders of the conflict-resolution mechanisms. This is key to providing guidance to staff who may be faced with a variety of issues and sometimes receive conflicting advice on "where to go first."

### Interaction with the departments involved in conflict resolution

Staff need guidance on the alternative options available to them when facing issues in the workplace.

The evaluation interviewed representatives from the other offices involved in conflict management processes, and the staff association, to identify the areas where closer collaboration with the Ombudsman was warranted in particular to enhance communication and information exchanges beyond individual cases, e.g. on WHO Human Resources, workplace and conflict management related strategies, policies, standard operating procedures, analysis of trends as well as statistical analysis and reporting of cases, categories of issues, and risks.

### Ombudsman and formal processes

The relationship between Ombudsman performance and the number of formal cases is not linear. It is difficult to find objective indicators to assess the usefulness of Ombudsmen in avoiding or stopping formal processes. The evaluation also factored in the need to consider internal organizational developments which may introduce biases in documenting the relationship between the performance of an Ombudsman and formal processes: i.e. the number of formal processes may increase and yet Ombudsman may be highly effective as some staff may arguably seek formal appeal mechanisms anyway. This evaluation did not attempt to assess the effectiveness of the Ombudsman in terms of avoiding formal processes. Rather, it analyzed the extent to which formal cases that are withdrawn, suspended or settled before their conclusion could have benefited from a greater Ombudsman involvement from the point of view of reaching an earlier informal resolution.

According to the 2004 Management Review of the appeals process undertaken by the Office of Internal Oversight Services at the United Nations<sup>11</sup>, approximately 30% of appeals submitted between 1995 and 1999 were either withdrawn or settled. This reveals a potential to reduce the time and cost of managing the appeal process through stronger emphasis on prevention and informal resolution (Figure 4).

**Figure 4: Cost of appeals, withdrawals and settlements**

The staff members involved in managing the appeals process often spend considerable time and effort, even at this late stage, in trying to reconcile the parties and finding non-adversarial solutions. The cost of prevention is hard to measure, yet it is an essential component of the process. Many of these preventive measures remain undocumented, but some can be traced. OIOS found that roughly 30 percent of the appeals submitted in New York from 1995 to 1999 were either withdrawn or settled before a formal Joint Appeals Board report was prepared (many reports submitted after that time are still in the pipeline). Other duty stations showed a similar pattern. Quantifying and costing the time spent on actual appeals proved difficult, if not impossible.

Source: UN Office of Internal Oversight Services (OIOS),  
Management review of the appeal process, UN, 2004

Similarly, the evaluation found that a sizeable proportion of formal complaints filed for investigation with relevant services were in fact resolved early, before a formal investigation process was launched. In the evaluation's view, such pieces of information provide an indication as to whether informal processes, and mediation, could have a bigger role upstream in avoiding unnecessary escalation to formal solutions, which are time consuming, and costly in financial and human terms for both complainants and complaint subjects.

## OMBUDSMAN NETWORKS

In a profession characterized by a certain level of isolation and exposed to ethical dilemmas where good judgment needs to be exercised on a regular basis, participating in professional fora is key to keeping abreast of developments in the field and obtaining insights from peers. Self-reflection and evaluation are important aspects of the Ombudsman's work, and difficult without sharing information among peers. The evaluation assessed the extent to which the Ombudsman kept abreast of professional developments e.g. through close collaboration and engagement with the International Ombudsman Association and the annual and regular meetings of the network of Ombudsmen from the UN and related international organizations.

## Efficiency and adherence to OMB principles

Efficiency is a measure of how economically resources and inputs are converted into results. The evaluation assessed the extent to which the Ombudsman function is structured to optimize outputs, supported by adequate levels of resources, and adequate processes and tools. It analysed the Ombudsman's main concrete output, the annual report, from the perspective of a meaningful potential communication and advocacy tool.

## LEVEL OF USE OF RESOURCES

The evaluation reviewed the level and use of resources of the Ombudsman function to ensure:

- the adequacy of the terms of reference and skill set of the Ombudsman<sup>12</sup>, with particular emphasis on management and training, and mediation skills;
- the compatibility of the Ombudsman case workload with prevention and trend analysis activities. According to estimations shared with the evaluation by peer Ombudsmen, the adequate yearly maximum case load for an Ombudsman is informally estimated to be around 200 cases<sup>13</sup>. A high caseload makes it difficult for one Ombudsman to fully address the areas of prevention, mediation and coordinate the regional and country levels adequately;
- the even deployment of Ombudsman services worldwide across the Organization; and
- the availability of a mediation capacity across the Organization.

## OMB PROCESSES

The evaluation analysed the tools developed by the Ombudsman to manage individual cases and to follow up across the organization with a view to assessing the performance of the Ombudsman monitoring system to provide a global overview of the types of issues that surface worldwide. Managing and monitoring individual cases is a key prerequisite for the analysis and identification of trends and systemic issues.

The evaluation reviewed the case management system of the Ombudsman and the information captured about individual cases, i.e. typology of cases, time elapsed between contacts and the outcomes achieved. The evaluation noted that tracking the status of cases is not a simple task. Particular issues involved the definition of "outcomes" of interactions with the Ombudsman, and of when a case can be considered closed or concluded, and the need to keep track of cases referred to other departments in consultation with them while maintaining confidentiality.



The evaluation also took note of the fact that the Ombudsman does not function in a vacuum but in the wider framework of the organization. Accordingly, it also raised the need for the Ombudsman to develop a work plan, with objectives, strategy, plan and budget to demonstrate its value and accountability.

## THE OMBUDSMAN ANNUAL REPORT

The evaluation considered the Ombudsman annual report in the light of a comparative analysis of the annual reports over time and the reports of other international organizations. It assessed how the report was used strategically as a communication tool that serves the purpose of demonstrating the Ombudsman's added value, raising staff awareness across the organization, or as a means to take stock of Ombudsman interventions and of limitations in terms of making decisions. This would be instrumental in increasing the visibility of the function, communicating the business case for the Ombudsman across the organization, and ultimately serving as a vehicle to advocate change.

The review of Ombudsman reports over time provided useful insights on how to standardize annual Ombudsman reports for more meaningful content, including in particular, more in-depth analysis of:

- Ombudsman outcomes, such as "resolved informally,"<sup>14</sup> "formal process/appeal," "on-going," "mediation," "conciliation," and "referral" (with a breakdown of referrals to different services);
- comparisons and trends over time (going back several years) and across the organization (including all regions, countries and departments);
- relationship of the Ombudsman with the internal informal conflict-resolution system;
- correlation with formal recourses;
- visitors' feedback, with an analysis of the evolution of staff perceptions through a comparison of the feedback received over a period of time. Such an analysis would provide essential information to the Ombudsman to self-evaluate the services provided and calibrate upcoming outreach and awareness raising efforts;
- training and outreach activities;
- follow-up on the recommendations made in previous years; and
- risk categorization of cases<sup>15</sup>.

## ADHERENCE TO OMBUDSMAN PRINCIPLES

The evaluation assessed the Ombudsman's operations in the light of the Ombudsman principles. Particular attention was given to the principle of confidentiality, which was interpreted in the context of an Organizational Ombudsman's mandate, i.e. applied strictly to individual cases, but not pre-empting collaboration within the informal conflict-resolution system (e.g. policy development, procedures, training and outreach activities). Credibility and the relationship to senior management are key to the success of an Ombudsman.

### The interpretation of confidentiality

According to Ombudsman principles, confidentiality is owned by the complainant who consulted the Ombudsman, not by the Ombudsman. With the exception of cases of imminent danger or serious harm<sup>16</sup>, the Ombudsman can only waive confidentiality to discuss an issue with the explicit consent of the complainant.

At the same time, confidentiality does not entail a culture of secrecy. While there is a firm understanding among stakeholders of WHO's conflict management mechanisms, who in several cases are themselves also held to confidentiality, that this principle should be applied rigorously to individual cases, there is also a need for greater discernment of the organizational realities and the need for interaction with other departments to discuss a wide range of issues that impact on dispute resolution mechanisms. The evaluation was sensitive to the fact that the principle of confidentiality should not be upheld to preclude generic discussions (e.g. on case numbers, issue types, trends), and preclude dialogue on strategic, policy or procedural issues of common interest (e.g. establishing adequate conflict management/ethical training, institutionalizing a respectful workplace approach, reviewing the implementation of staff rules and regulations). Common positions of the different departments involved in these issues can greatly enhance the coherence and visibility of the organization's mechanisms and commitment to resolve conflicts, and create the critical mass necessary to implement cultural change.

### The concept of due process

The evaluation looked at the concept of due process in association with the principles of due diligence and impartiality.

Due diligence is not a principle recognized by professional Ombudsman associations. Ombudsmen refer to fact finding to highlight the difference with formal processes that result in decisions. As opposed to the classical Ombudsman, who carries out investigations, the Organizational Ombudsman functions informally. While classical Ombudsmen need to adhere to a principle of "credible review process" as spelled out in the governmental standards of the United States Ombudsman Association,<sup>17</sup> the Organizational Ombudsman is required to collect as much information to support informal resolution of a conflict as appropriate and necessary.

The lack of clearer IOA standards of practice or operating principles to reassure external parties that the Organizational Ombudsman acts within professional parameters constitutes a weakness in the sense that it leaves the responsibility to conduct fact-finding research to the good judgment of the individual Ombudsman. This may make the Ombudsman vulnerable to perceptions of partiality, e.g. making unfounded recommendations, spreading unfounded rumors. Eliminating this ambiguity would require elaborating due diligence standards of practice. Particularly with regards to situations where there may be a perception of conflict of interest, the Ombudsman needs standard operating procedures to guide professional conduct towards the complainant, the subject of the complaint, and the administration.

According to the definition of the principles of neutrality and impartiality used by the IOA, the Organizational Ombudsman *"strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The Ombudsman advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the organization."*<sup>18</sup> This does not equate to the principle of due process applicable to adversarial conflict-resolution systems, which involves ensuring that *"all sides to a dispute deserve a fair opportunity to be heard; an opportunity to fully respond to a complaint made by the 'other side'; reasonable notice to the parties affected by a complaint and allowing a fair length of time for individuals to prepare and/or respond; and clearly defined, unbiased reasons for decisions reached."*<sup>19</sup>

One of the major benefits of the Ombudsman is its ability to tailor responses and dispute resolution mechanisms to the particular circumstances of each case: *"Ombudsmen do not deliver 'due process' in the sense of a court system. They encourage practices that are fair and just and respectful. They work to foster whatever responsible process is 'due under the circumstances'; (in the ideal situation, this process is one chosen, or at least agreed to, by the parties)."*<sup>20</sup>

There is a practical dichotomy between the concept of due process and confidentiality for Ombudsmen, which may put them in a difficult position. An Ombudsman may only escalate issues with the explicit agreement of the visitor. As most cases involve relationships with managers, an Ombudsman can only sensitize the visitor to approaching the "other party" before escalating an issue. However, the Ombudsman may find himself/herself in a situation where he/she should report an issue concerning a process or a manager which may have been addressed to him/her in confidence by more than one staff member, thereby creating a pattern that is within his/her remit to bring to the attention of management.

Avoiding such situations by finding indirect ways to inform the subject of a complaint that there is an issue while maintaining confidentiality and seeking to validate information received from the visitor, may require creativity. This can go beyond the Ombudsman's responsibility, which is primarily to seek an informal solution. While Ombudsmen's good practice is to foster communication and encourage staff to discuss their issues directly in a first instance, escalating issues to reach a settlement while maintaining confidentiality is ultimately left to the discretion and tact of the Ombudsman.

The relationship of the Ombudsman with senior management is crucial to pre-empt perceptions of favoritism and partiality on the part of the Ombudsman. The evaluation therefore reviewed the collaboration of the Ombudsman with senior management to cover general trends and management issues. The Ombudsman's credibility is essential to ensure that the Ombudsman can rely on the trust and goodwill of senior management and foster their renewed commitment to demonstrate zero tolerance to bullying, harassment, and other unacceptable behaviors.

## Contribution to organizational change

To assess effectiveness, the evaluation questioned the extent to which the Ombudsman had contributed to organizational change. For this purpose, the evaluation analyzed the prevention activities of the Ombudsman and sought to determine how it impacted on the wider culture of the organization.

### PREVENTION: TRAINING, EDUCATION AND OUTREACH ACTIVITIES

#### Prevention and the cost of psychological morbidity

The author noted that too narrow a focus on the cost of appeals could draw attention away from prevention and found that a more meaningful indicator of prevention efforts could include statistics on the cost of psychological morbidity measured for example by work-related sick leave. While appreciating the sensitivity of such data, the evaluation believes that an analysis of such statistics could be a useful tool. With the right safeguards, it could provide a powerful indicator of trends and staff morale.

### Training and outreach

Sustained training and outreach efforts are critical to convey a message about the Ombudsman function as a recourse of early resort and impact on an organization's culture. While the Ombudsman on its own is not responsible for the wide range of prevention activities that should form the basis of a successful approach to conflict, its role is critical. Training and outreach are also of crucial importance for the Ombudsman to promote its values, mission and services as an agent of change that can help staff solve their problems successfully.

The evaluation reviewed peer Ombudsmen advocacy best practices such as all-staff meetings to present the annual Ombudsman report, and intermediate debriefings with information on visitor trends by issue type and cluster. Such meetings provide information on the Ombudsman mandate, professional principles and promote a culture of transparency. The evaluation assessed the extent to which the Ombudsman had conducted such activities to reinforce staff awareness of the Ombudsman function, a pre-requisite if the Ombudsman is to act as a recourse of early resort. Another measure of awareness that the evaluation considered is the inclusion of the Ombudsman function in perception surveys.

The quality of the monitoring of individual cases and of the information presented in the Ombudsman reports, as well as the follow-up on previous recommendations, are critical elements to assess the usefulness of the information shared by the Ombudsman over time.

## INSTITUTIONAL SUPPORT AND ORGANIZATIONAL CHANGE

### Analysis of systemic issues and early warning

A key duty of an Organizational Ombudsman is to bring systemic concerns to the attention of the organization for resolution.<sup>21</sup>

For the Ombudsman, the ability to escalate issues for action by senior management is in direct proportion to the function's credibility. It is intricately linked to the personal credibility of the incumbent and to the institutional credibility granted by the organization. Credibility is the main driver of the function's reputation. A close link to and regular communication with the head of the organization are crucial to the effectiveness of the Ombudsman function. The nature of the link relies on trust and depends both on the Ombudsman's demonstrated personal credibility, and on institutional credibility supported by senior management's visible backing of the function's prevention efforts. The Ombudsman function requires institutional clout to ensure credibility in the form of demonstrated independence and means to carry out its duties.

### Role in cultural change

The evaluation was conscious of the perception from the general public that the Ombudsman function should contribute to avoiding formal processes (e.g. appeals against administrative decisions, harassment complaints). Such perceptions are backed by a sense that if a problem is serious enough, people will appeal. So formal processes tend to be seen as the most effective way to demonstrate the seriousness of a case and to be heard. This undermines the conflict prevention role of the Ombudsman, i.e. create a workplace more conducive to efficient performance, and minimize the cost of psychological morbidity in the organization. Such perceptions shape a culture that is not supportive of conflict prevention efforts or informal resolution of disputes. Figure 5 shows how an Ombudsman can contribute to organizational change.

**Figure 5: The Ombudsman and organizational change**

The Ombudsman provides early warning by identifying “hot spots” or areas needing managerial intervention. Statistics provided by the Ombudsman function can result in periodic recommendations concerning organizational change that might benefit the enterprise as a whole. This can resolve contentious issues early and can prevent their recurrence.<sup>22</sup>

Source: *Mc Bride Associates*

Culture change is needed to shift the focus on appeals towards the benefits/business case of achieving a “respectful workplace” characterized by transparency, the ability to voice issues and resolve them, and enhanced staff acceptance of change. Figure 6 attempts to provide a definition of an organizational culture.

**Figure 6: What is the culture of an organization<sup>23</sup>**

A definition of an organization’s culture is “how people treat each other.” And how people treat each other when in conflict is its essence. Thus, shifting an organization’s attitudes and practices around conflict can fundamentally and positively affect the workplace and its culture.

Source: *Journal of the International Ombudsman Association*

A strong and consistent message is needed to modify this perception over time and convey the organization’s commitment to a workplace where issues can be voiced, heard and discussed without fear of reprisals. Culture change in an organization is a complex process involving multiple actors, and the Ombudsman’s role can only be limited. While it would be preposterous to seek to attribute culture change to an individual Ombudsman, the Ombudsman can make a significant contribution towards change. The tools of the Ombudsman are the analysis of cases, of trends, the knowledge of emerging issues that can be instrumental in departing from a culture of secrecy to a workplace where issues can be voiced and heard and solutions sought in good faith. Implementing the recommendations made in the annual Ombudsman reports, or presenting meaningful data on trends across the Organization and over time such as, for example, statistics on visitor numbers with case typologies, can be instrumental in bringing about change.

Studies of the psychosocial environment at work show that management and co-worker support, rewards, development opportunities, and trust are the main mitigation factors of psychosocial risks. While formulating the body of strategies needed to ensure systematic implementation of the policies and research on workplace related stress is clearly beyond the Ombudsman’s remit, the Ombudsman can contribute to cultural change in a meaningful way: “The mission of the organizational Ombudsman is to provide a confidential, neutral and informal process which facilitates fair and equitable resolutions to concerns that arise in the organization. In performing this mission, the Ombudsman serves as an information and communication resource, upward feedback channel, advisor, dispute resolution expert and change agent.”<sup>24</sup>

## Conclusion

In conclusion, evaluating the effectiveness of an organization's Ombudsman function is an enriching experience with wide ranging lessons. It demonstrates that the Ombudsman function is largely dependent on the personal credibility of the incumbent and on the institutional credibility warranted by senior management. This entails a particular challenge to focus on the Ombudsman function rather than its incumbent and relate Ombudsman operations to the organizational context in which they take place. In this sense, analyzing perceptions and trends through comprehensive interviews and using survey instruments enabled the evaluation to gather information on the prevailing culture of the organization with regards to conflict resolution. It was critical to involve all staff across the organization, covering all grades and geographical locations to take due account of the decentralized nature of organizational structures.

Another challenge was to analyze how an organizational Ombudsman can serve as a catalytic agent of change while recognizing that having an impact on the corporate culture of a complex international organization with decentralized structures is well beyond the remit of the sole Ombudsman. The approach chosen to look at the Ombudsman function in a holistic manner as part of an organization-wide conflict resolution system that can bring about such expectations, entailed extensive discussions with the different stakeholders of the internal conflict resolution mechanism, and senior managers. It also involved an in-depth analysis of the Ombudsman's awareness raising, communication and training activities, and more particularly of the use of the Ombudsman annual report as a strategic communication tool.

As a conclusion, the evaluation showed that the positioning of the Ombudsman within the organization, its relationships with the wider internal conflict resolution system, and with senior management, are critical elements that drive the Ombudsman's institutional credibility.

The issue of credibility of the Organizational Ombudsman raised wider ranging questions for the Ombudsman profession. The absence of a practice manual or operational standards to implement professional principles can make the Organizational Ombudsman particularly vulnerable to perceptions of partiality. The IOA has not developed standard operating procedures along the lines of classical, mostly governmental, Ombudsman associations such as the United States Ombudsman Association<sup>25</sup>, which have a different, significantly more formal, mandate as they typically undertake investigations. However, there is scope for standardizing Ombudsman practices in full respect of the "informality" of the Ombudsman office. Additionally, developing standard practices in the framework of a conflict-resolution mechanism that includes all the departments of an organization that are involved, would greatly contribute to clarifying the options open to staff who encounter work-related difficulties and operationalize the profession's principles.



## Endnotes

1. This is considered a gender neutral term and will be used throughout this article.
2. WHO is reforming to be better equipped to address the increasingly complex challenges of the health of populations in the 21st century. From persisting problems to new and emerging public health threats, WHO needs to be flexible enough to respond to this evolving environment. The process of reform is Member State-driven and inclusive. The three objectives were defined at the Sixty-fourth World Health Assembly and at the Executive Board's 129th session:
  - Improved health outcomes, with WHO meeting the expectations of its Member States and partners in addressing agreed global health priorities, focused on the actions and areas where the Organization has a unique function or comparative advantage, and financed in a way that facilitates this focus.
  - Greater coherence in global health, with WHO playing a leading role in enabling the many different actors to play an active and effective role in contributing to the health of all peoples.
  - An organization that pursues excellence; one that is effective, efficient, responsive, objective, transparent and accountable
3. WHO Internet website, <http://www.who.int/about/structure/en/> accessed on 21 August 2014
4. A unified model for developing an Ombudsman function, Coalition of Federal Ombudsmen, <http://federalombuds.ed.gov> accessed on 29 July 2013.
5. International Ombudsman Association, IOA Standards of Practice, [http://www.ombudsassociation.org/sites/default/files/IOA\\_Standards\\_of\\_Practice\\_Oct09.pdf](http://www.ombudsassociation.org/sites/default/files/IOA_Standards_of_Practice_Oct09.pdf) accessed on 29 July 2013.
6. Identifying and communicating the usefulness of organizational Ombuds, 2010, Mary Rowe, JIOA vol.3, no.1.
7. A look at the OMB role in cultural change, Journal of the International Ombudsman Association, Vol. 3, N.1, 2010.
8. Mary Simon and Mary Rowe, Benchmarking and metrics for Ombuds programs or of what use are we anyway?, Presentation, TOA 15th Annual Conference, 26 May 1999.
9. The Ombudsman's role in a dispute resolution system, Mary Rowe, Negotiation Journal, October 1991.
10. The Ombudsman's role in a dispute resolution system, Mary Rowe, Negotiation Journal, October 1991.
11. A/59/408.
12. The International Ombudsman Association (IOA) outlines no single career path for Ombudsmen.
13. Discussions with members of the International Ombudsman Association.
14. Resolutions doesn't necessarily mean the initially desired outcome for the staff member, but it does mean that the issue has been concluded in agreed fashion. Prevention in transition, Report of the WHO staff Ombudsman, 2004-2005.
15. Such as: Low potential risk: those issues that impact solely on the working terms and conditions of individuals; Moderate potential risk: those issues, which, if not addressed, may become bigger than they need to be for both staff and the organization and result in both possibly being subject to disrepute, and the organization being unable to maintain its quality of work; High potential risk: those issues indicating a high risk of legal challenge, of serious disruption to work or damage to reputations of staff and/or the organization.

16. Even then, the determination of whether such harm exists is subject to the OMB's own judgement
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# Influences On An Organizational Ombudsman's Practice: A Research Report

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## ABSTRACT

This article summarizes the doctoral research the author conducted using qualitative grounded theory methodology. The research resulted in the development of a theory describing the influences on a US-based academic organizational ombudsman's practice. Based on the data, the researcher identified three major influences on ombudsman's practice to be the IOA Standards of Practice, the organization, and the individual ombudsman's personal experiences. The article describes these influences as well as identifies similarities and differences in practice between academic organizational ombudsmen. Finally, the article presents a composite story of the flow of an initial visitor meeting.

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## KEY WORDS

Ombudsman, research, standards of practice, influence, academic ombudsmen

## Introduction

In his 2012 article, Alan Lincoln outlined a research agenda for the IOA. He cited a lack of field research as one of the main reasons for putting forth this agenda. This article is a summary of the doctoral research I conducted in early 2014 exploring the characteristics of practice of organizational ombudsmen. The goals of this research were: to understand and provide a comprehensive definition of the organizational ombudsman, identify characteristics of ombudsman practice during the options and actions stage, identify commonalities among ombudsman practice during the options and actions stage, develop a theoretical model to explain the commonalities and differences identified, and develop and report new information about the role to inform the practice of organizational ombudsmen. The data analysis resulted in a grounded theory of the influences of organizational ombudsman practice.

I explored how organizational ombudsmen define and practice their role. I sought to identify whether or not there are distinct categories or styles of organizational ombudsmen and if there are, define and label them. I sought to answer the following research questions:

- R1: What are the characteristics of the option-generating stage of organizational ombudsman practice?
- R2: Are there commonalities and differences among organizational ombudsman's practice during the option-generating stage and, if so, what are they?
- R3: What influences an organizational ombudsman's practice during the option-generating stage?

To ground my project in the literature, I reviewed literature from both mediation and organizational ombudsman practices. I was particularly interested in the mediation literature which focused on styles of mediation practice. I reviewed articles by Kressel (1997, 2006, 2007, 2009), Riskin (1996, 2003a, 2003b), Herrman (2006), Kolb (1983, 1994), Cobb (1993, 2011), Cobb and Rifkin (1991) Himmelstein and Friedman (2009), and Monk and Winslade (2000). I discovered a handful of master's theses and dissertations, but relatively few scholarly research articles focusing on organizational ombudsmen.

## Methodology

Based on Strauss and Corbin (1990), Creswell (2007), and Glaser and Straus (2010), grounded theory was the most appropriate research method because I sought to understand and develop a theory that explains the reasoning behind behavior or actions for which there is little research or theory to support the actions. Creswell (2007) defined grounded theory as a process that can "generate or discover a theory, an abstract analytical schema of a process....Participants in the study would all have experienced the process, and the development of the theory might help explain practice or provide framework for further research" (p. 63). This research met the criteria outlined by Creswell (2007) because I sought to understand the practice of organizational ombudsmen and there was little to no prior research.

I conducted a survey of US academic organizational ombudsmen and invited survey participants to engage in a follow-up interview. I examined organizational ombudsmen's charters and annual reports to learn how the organizational ombudsmen structure their office and how they communicate with the organizations within which they practice. Seventeen participants were recruited from the academic sector of ombudsman offices as defined by the International Ombudsman Association. Because this was the first study of understanding the characteristics of ombudsman practice, participants were limited to a single sector within a single geographical location (the United States) to limit the number of variables. I included ombudsmen with varying levels of experience as well as educational and professional experience and varying types of institutions to account for the potential impact these factors may have in how ombudsmen practice.

## DATA COLLECTION AND ANALYSIS

In the Spring of 2014, I interviewed 17 organizational ombudsmen via telephone for an average of 65 minutes, transcribed the interviews and analyzed the data using qualitative analysis software (MaxQDA). Fifteen of the 17 organizational ombudsmen also completed an online, anonymous survey that included information about educational and professional backgrounds as well as general information about the structure of their offices and demographic information about their organizations (size, public/private).

Using the data analysis methodology of both Strauss and Corbin (1990) and Huberman and Miles (1994) as described by Creswell (2007), data was coded in several rounds with each round refining the previous round and using finer combing of the broad categories of the previous round. This method of coding allowed for increased refinement of patterns. Data were coded in three rounds of coding: open, axial and selective. Open coding consists of generating categories from the data and then identifying subcategories (Creswell, 2007, p. 67). Axial coding involves using the same data that was coded in open coding and seeking to identify patterns or “causal conditions” that connect the categories (Creswell, 2007). Selective coding integrated the categories into a story line as the theory begins to formulate (Strauss and Corbin, 1990).

The first round of coding elicited the following eight categories of data: interpretation and operationalization of IOA Standards of Practice (SOPs), non-SOP influence on practice, 1st meeting logistics, getting the story/building rapport, generating options, evaluating options, next steps/actions, and engagement with the organization. These eight categories were further refined during subsequent rounds of coding to the following four categories that formed the basis of the theory generated: interpretation and operationalization of SOPs, non-SOP influences on practice, engagement with the visitor, and engagement with the organization. The final stage of the data analysis involved asking questions of the data such as “What one or two phenomena connect all of the categories?” and “Is there a singular category that could be used to describe all of the other categories?”

## Findings

The beauty of grounded theory research is that the data drives the direction of the research; and the data led me to the influences on an organizational ombudsman’s practice. I discovered the common thread linking the data categories was the ombudsman’s interpretation and operationalization of the IOA Standards of Practice. This common thread formed the basis of the theory of influences on U.S. academic organizational ombudsman’s practice. The Standards of Practice influenced not only how an ombudsman interacts with a single visitor, but also how they engage with the organization’s leadership and the organizational system as a whole. The theory that emerged from the data was: The practice of organizational ombudsmen is influenced by the three types of influences: self, organization, and the interpretation and operationalization of the IOA Standards of Practice. The self refers to the organizational ombudsman as an individual and the influences that are unique to the individual such as their educational background, life experiences (including career experience), trainings (ombudsman, mediation, other professional training), mentorship/relationships with other ombudsmen, and personal philosophies (such as a desire to promote justice or fairness). The organization refers to the organization within which the ombudsmen practice including the culture of the organization, the structure of the ombudsman’s office and the expectations and boundaries, or terms, imposed upon by the organization or negotiated between the ombudsman and the organization. The Standards of Practice refers to how the ombudsman interprets and operationalizes (or puts into practice) the IOA’s four standards of practice: confidentiality, neutrality/impartiality, informality and independence. The figure below graphically represents the theory.

The characteristics of practice include elements of meeting with a visitor as well as how an organizational ombudsman engages with the organization. Each of the three influences as well as some of the characteristics of practice are described further in the subsequent sections.



## DIFFERENCES IN INTERPRETATION OF SOPS

As the research evolved, it became clear that the IOA Standards of Practice were the preeminent influence in how an ombudsman practices. This sentiment was shared by all participants. However, how each ombudsman interpreted and operationalized each standard varied from participant to participant.

## CONFIDENTIALITY

The standard of confidentiality was described by several ombudsmen as the most clearly defined standard and easiest to clearly interpret. One example from a participant described the standard succinctly: "never have that much trouble with confidentiality and knew what that meant" (Witzler, 2014). For several, they described confidentiality as "the heart and soul of the work" and is what makes their office unique within their organization (Witzler, 2014). One ombudsman described an office policy of not using email to communicate with visitors because confidentiality cannot be assured over email (Witzler, 2014).

An interesting aspect of confidentiality is why and how an ombudsman might choose to breach confidentiality. Every single ombudsman described one reason for breaching confidentiality, based on the IOA Standards of Practice, was an "imminent risk of serious harm" (IOA Standards of Practice 3.1). There were some differences between the ombudsmen in their interpretation of this phrase. For some ombudsmen, this phrase is defined by their organization while others have defined this phrase independent from their organization. One ombudsman, whose organization defines imminent risk of serious harm for them, said:

...That is determined as physical in my office although I know other offices have a more broad definition and the standards themselves do not define physical but that's what's been defined in my office and I haven't felt the need to change it. It's a nice bright line or relatively nice bright line. (Witzler, 2014).

Another ombudsman described how s/he addresses confidentiality in her/his opening statement by explaining confidentiality and then explaining these reasons s/he would not be able to keep information confidential: 1) if the visitor gives permission to speak with another person, the



ombudsman cannot guarantee the other person will keep the conversation confidential 2) imminent risk of serious harm 3) if the ombudsman receives a court order or subpoena because there are no statutes that protect the confidentiality or privilege of communication with the office (Witzler, 2014). Another ombudsman raised the issue of being subpoenaed and indicated that they would explain to the visitor that the ombudsman would “take a position against that if I could” (Witzler, 2014).

## NEUTRALITY/IMPARTIALITY

There were several examples of how the participants interpret and define neutrality for their practice. One ombudsman provided an example of how a particular interaction with a visitor might be interpreted by colleagues as straying from the neutrality principle. S/He shared the following account s/he had with a visitor who felt like no one in her university cared whether or not she completed her training and graduated:

“But I said to her ‘go talk to this person. They will tell you that they care; that they want you to finish and that’s important to them’ and I said ‘I care that you graduate. I hope that you get through this and I hope that you follow-up with me’... and I think some people feel like neutrality means you can’t express personal concern about someone or an issue and I disagree with that. I don’t think that. I think that helped my visitor. I don’t think I was taking sides between individuals at that time. I think that it was a small thing that had a big impact and I think we shouldn’t be afraid to do that.” (Witzler, 2014)

Two other ombudsmen also described how they interpret neutrality/impartiality.

In terms of the neutrality and impartiality it does not mean that I have no opinions about anything and it does not mean that I will not express my opinion about something. It means that I will not act the way an attorney for the University or for the individual or union steward or an advocate will act. That’s how I interpret it. (Witzler, 2014)

The second ombudsman described her/his interpretation of the standard of neutrality/impartiality and how this impacts how the ombudsman schedules meetings: “So I take it as an issue of part of the neutrality of the practice is to give everybody one hour” (Witzler, 2014). Several of the ombudsmen described this standard in terms of multi-partiality, which is a term commonly used in the mediation field: “I think in practice that really what we’re doing is more multi-partiality” (Witzler, 2014). Three of the ombudsmen described multi-partiality as an explicit influence in how they interpret and define the neutrality/impartiality standard in their practice.

## INFORMALITY

Many of the ombudsmen described how they interpret informality in terms of what they will not do as opposed to what they will do. An example of this comes from one particularly pithy ombudsman, “Well if you are operating in an informal capacity as opposed to a formal one, you definitely don’t have any business being in a grievance hearing” (Witzler, 2014). Many of the ombudsmen described how they will not participate in a formal process. Some of the ombudsmen reported a boundary set by their organization that requires the ombudsman to cease working with an individual once the visitor enters a formal process. Others reported that this was a boundary they had instituted in their own practice as part of informality. One such example is: “My general counsel hasn’t stopped me from talking to somebody although the longer I do this I begin to think it’s generally best practice once they have someone on the outside [such as an attorney]” (Witzler, 2014).

Some ombudsmen described a willingness to work with a visitor if the administrators of the formal process agreed to hold that process “in abeyance.” Other ombudsmen noted that one of the lessons they had learned over the years was to be open to working with visitors with legal representation (Witzler, 2014). Finally, some ombudsmen described a willingness to work with a visitor regardless of their formal complaints, but that the ombudsman would no longer be able to contact anyone else regarding the situation and the ombudsman’s role would switch to coaching about the process: “so I tell them that I can’t directly get involved but maybe there’s some information behind the scenes that I can help you with” (Witzler, 2014). Another ombudsman described her/his role in the formal process as more of an emphasis on how the process is going, not the outcome “how the process or procedure of a formal investigation is going... that I will get involved in because to me that’s not the formal process itself it’s...being involved in how the process is running and that’s a separate issue” (Witzler, 2014). More than one ombudsman interprets the informality standard as their guidance for not engaging in investigatory work on behalf of the organization.

## INDEPENDENCE

For many of the participants, the standard of independence was not a primary standard and was often described lastly. One respondent stated: “I never had that much trouble with operating independently because we do that. Nobody was asking us who did you see and what did they tell you?” (Witzler, 2014). The differences between the ombudsmen in their interpretation of this standard can be described by answering the question: “Who is the ombudsman independent from?” Some of the participants described independence from influence from leadership while others described independence as not only from the organization and the organization’s hierarchy, but also from the individual visitors. An example of this was provided by multiple ombudsmen; one quote from a participant illustrates this: “...the ombuds independence in making determinations that they are not to be directed by HR or even directed by the visitors themselves to take a particular course of action” (Witzler, 2014). Another ombudsman describes how they practice independently in terms of not being influenced by individuals particularly around raising issues: “you know sometimes people may try to influence you to do what they want or not to raise an issue or administrators will try to sweep things under the rug and I don’t feel like I have to play along just because I work here” (Witzler, 2014). Many of the ombudsmen interpreted independence to mean they should “report to the highest level within the organization” (Witzler, 2014). One ombudsman indicated how the standard of independence has influenced her/his practice in terms of the reporting relationship:

It was later elevated and we adopted IOA standards but we’ve had this historical reporting relationship that is lower in the organization and I think that influences the way we work. We don’t have a direct line of communication to the chief executive officer or to the Chancellor so that impacts our ability to be a change agent for the organization. (Witzler, 2014)

Another participant interprets informality and independence as operationally the same standard:

Well, if you are operating in an informal capacity as opposed to a formal one, you definitely don’t have any business being in a grievance hearing. [An ombudsman colleague]’ would say, and I agree, that that’s independence. Now, I would think that it’s both. [Our colleague] would say that it’s about independence. We are not to be confused with the formal process or existing administrative processes we are independent of that but it wasn’t really clear [when I first began practicing] (Witzler, 2014).

Another ombudsman interprets her/his independence in terms of her/his ability to be creative as long as s/he is not breaking any laws or policy: "Independence...As long as I color inside the lines of law and policy I have the liberty to be fairly creative" (Witzler, 2014). Finally, one ombudsman refers to a presentation given by Johnston Barkat at the IOA annual conference in 2012 where Barkat (2012) asserted that for ombudsmen to be valuable and effective within their organizations, they must challenge the more conservative notion of independence and be more engaged within the organization (Witzler, 2014).

Several of the ombudsmen began by describing the Standard of Practice of independence as a somewhat easy standard to interpret, however, as many continued in their responses, the standard of independence did not seem to be as universally defined and operationalized. More than one ombudsman described how they participate on task forces as long as their role is more of a consultant than a full participant. One ombudsman described how s/he also sits in on a regular university-wide leadership group meeting: "I don't sit in on any decision-making if there's any matters about individuals I leave the room, so we've really been careful how my role is framed and that it doesn't show up in any formal way" (Witzler, 2014). Ombudsmen who described serving on a committee or task force described this aspect of their practice as important for being in tune with the current issues and culture of the organization. These aspects of practice are in line with the discussion above of the independence Standard of Practice and the presentation by Barkat in 2012. More than one ombudsman reports attending senate (faculty, student, or staff Senate) meetings to stay informed about current issues within the organization as well as contributing to newsletters or blogs within their universities. However, more than one ombudsman also expressed concern with participating in similar meetings because of the perception that the ombudsman would be considered less independent.

### **"DEVIATIONS FROM SOPS"**

Several ombudsmen reported aspects of their practice, which they know to be in contradiction with or deviations from the four Standards of Practice. The choice to use this diction to describe the sub-category came directly from a participant who described an aspect of her/his practice as a "known deviation from the Standards of Practice" (Witzler, 2014). Some of the ombudsmen described these explicitly as a deviation from the standards while others described these aspects of their practice when discussing the standards of practice in general or how the standards are operationalized. More than one ombudsman reported concern for the perception of not adhering to the Standards of Practice, which could have implications on the security of their position or office within the organization as well as perceptions of their ombudsmen colleagues. An ombudsman described how s/he believes that the standards are actually misinterpreted by ombudsmen. S/He recalled a plenary session at an IOA annual conference where an ombudsman stood up during the question and answer portion and stated that the ombudsman cannot put their organization on notice. According to the ombudsman participant, this is a misinterpretation of the standard and that the key is that an ombudsman cannot receive notice, but there is nothing that states an ombudsman cannot put the organization on notice. (See IOA SOP 3.8 for the direct standard the ombudsman is referring to). More than one ombudsman reported that they have and frequently put their university on notice. For example several ombudsmen provided examples for when they will put their university on notice. One common example involved sexual harassment and sexual assault. One ombudsman describes this in terms of her/his informality:

So another example for informality would be if I have... A real issue for me is sexual harassment and sexual assault and if I have a student come in to me and say I want to report it but I want you there. We're really not supposed to do that because then we're part of putting the University on notice but I'm going to do it. It really is more important to me that that student get that support and if I'm the only game in town, well, I will explore other options to say 'can we get you an advocate? There are all these resources' but if the student says 'I trust you and I need you there,' I will do it. I'm being very honest with you; there are times when I'm going to. I'm not sure that it's pure but I'm trying to have higher principles in mind that guide me as I'm making those interpretations. (Witzler, 2014).

Two of the participants reported holding an additional position within the university in conjunction with the role as an ombudsman. The IOA Standards of Practice 2.1 state "The Ombudsman serves in no additional role within the organization which would compromise the Ombudsman's neutrality" (International Ombudsman Association, 2007). This is a sensitive issue and several ombudsmen acknowledged this and added that either they or colleagues they know to be in this situation would rather not have a dual role. Several ombudsmen acknowledged this was not an ideal structure for the office and would change it if they could; however, they also believed that their structure was better than the alternative, which was no ombudsman office.

One ombudsman described a scene s/he witnessed at an ombudsman conference that summarizes her own views on the Standards of Practice:

...and this one guy got up and said 'you know this is all well and good; you know you have your standards and everything' and he said 'but don't be so good that you're good for nothing' and I thought that is so great because you can't...sometimes the playbook has to be put down. You got to put it down and it's not in the playbook, so then you've got to do something else and be ready to abandon the standard things and go for something else because you need something else. (Witzler, 2014).

Several of the ombudsmen reported a stigma or lack of support for raising differences in adherence to the Standards of Practice. For example, one participant reported:

I think what is particularly painful for me about the field is that we don't create safe places to talk to our colleagues about these things, so we're doing it because there is such a stigma about not adhering to those Standards of Practice and I'm also a certified ombuds. (Witzler, 2014).

This issue of "safe spaces" to discuss the Standards of Practice was mentioned by several other ombudsmen in this study and is something that has become more prevalent and perhaps more challenging with the creation of the certification program. The participant quoted above indicated that s/he is a certified ombudsman practitioner and discussions about how an ombudsman practices could have implications for one's standing in the ombudsman certification program as well as how the organization perceives the ombudsman's practice.

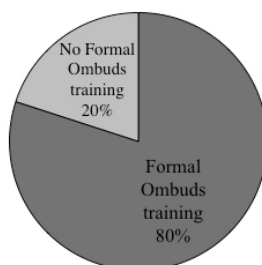
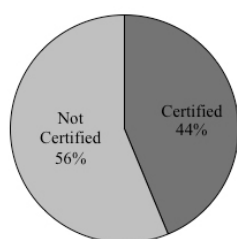
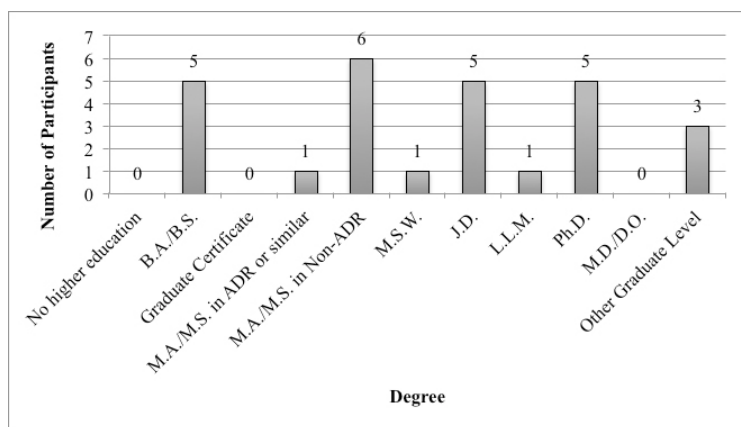
## NON-SOP INFLUENCES: SELF AND ORGANIZATION

The non-SOP influences on ombudsman practice that participants described reminded me of the Pecha Kucha<sup>2</sup> presentations from the past several conferences. This particular category provided the most personal window into an ombudsman's practice. I found all of the ombudsmen to

be incredibly reflective and several ombudsmen expressed a form of “pleasurable stretching” that these questions provided them. Many of the ombudsmen described deeply personal life experiences that have influenced how they practice. Some included personal tragedies that have provided the ombudsman with a deeper level of empathy for their visitors. Many described other academic disciplines and professional backgrounds that have informed their practice. Several of the ombudsmen with legal training indicated that this training has provided the grounding for asking good questions to elicit information from a visitor. Many of the ombudsmen with mental health or social work backgrounds described the challenges of shifting from advocate to neutral.

An additional influence several ombudsmen reported were personal philosophies. For example, three of the participants referenced being influenced by principles such as a sense of justice or peace. One ombudsman described this as: “I think a strong foundation and philosophical belief in social justice and I think that’s broadly defined” (Witzler, 2014). Other ombudsmen referred to literature in a broad scope of topics ranging from neuroscience to religion to psychology to negotiation to mental health literature. (Witzler, 2014). Two of the ombudsmen described their practice as being influenced by the person-centered approach to human interaction (Witzler, 2014). These two ombudsmen had previous professional experience in the field of social work.

The ombudsmen also reported additional influences on their practice including their education, training, and previous professional experience. The ombudsmen reported a variety of graduate degree experience. The graphs below depict educational background, certification status, and formal ombudsman training of participants.



One ombudsman reported that her/his frustration with the formal processes in her/his institution led to an interest in alternative ways of resolving issues and ultimately her/his interest in the ombudsman role:

So for me one of the driving things about how I run this is I am firmly committed to this informal way on grounds that we badly need it because within our world the formal systems produce results but people have to go back and work with each other. And I come with a firm commitment that even if the informal ways are messy and ill-defined, I know what happens when you don't have them and so I find myself committed to explore and experiment and try to make it work. Now that's not exactly a technique, but for me it's an influence that keeps me wanting to experiment with alternate ways of getting the job done informally. And also I think it's what motivates my focus on empowering people to make their own decisions. (Witzler, 2014).

All but two of the ombudsmen reported relationships with other ombudsmen as having an influence on their practice. These relationships ranged from mentorship to informal regional ombudsmen groups to membership in professional ombudsman associations. Two of the ombudsmen reported that they had been influenced by their Canadian ombudsman colleagues' emphasis on fairness. Many ombudsmen reported that the relationships with other ombudsmen have not only been influential on their practice, but instrumental in the development of their practice. This was particularly true for the ombudsmen who began practicing before the Standards of Practice were developed. One ombudsman reported that her/his conversations at ombudsmen gatherings, meetings and informal conversations shaped her/his practice early on because there was not much guidance when s/he first began practicing: "You know if you have enough support and respect for the people you are talking to you can do wonderful things with that" (Witzler, 2014).

## CHARACTERISTICS OF PRACTICE

The data revealed differences in several characteristics of ombudsman practice including the opening statement, generation of options, ombudsman actions, working with leadership and systemic aspects of practice.

### Opening Statement

While most ombudsmen reported consistently providing an opening statement and several shared this opening statement with me, one ombudsman reported consistently not using an opening statement. This ombudsman described that s/he does explain her role, but not upfront because s/he believes the opening statement can be awkward and impede the essential relationship-building in the first few minutes of a meeting. The ombudsman indicated that s/he does explain the boundaries of the role as well as the Standards of Practice and other elements of a standard opening statement; however these are woven into the discussion. The ombudsman did provide a caveat saying that if a visitor is unsure of where to start, the ombudsman will offer to describe a bit about the role and the office. Other ombudsmen also described their practice in a similar manner: if a visitor comes in and is bursting to tell their story, the ombudsman will not stop them to give the opening statement, but rather wait for a break or breath from the visitor and then ask permission or offer to describe how the office functions and what the ombudsman might be able to offer. This was also true for ombudsmen who described very emotional visitors. Alternatively, there were several ombudsmen who reported giving an opening statement upfront, every time. These ombudsmen described situations when they had not done so and a difficult situation emerged that the ombudsmen believe could have



been avoided had the ombudsmen provided the opening statement upfront. The differences that emerged between the opening statements are characterized by the depth of which each standard was described as well as how long an ombudsman spent describing the standards, which ranged from a few minutes or less to fifteen to twenty minutes.

### Differences in option-generation

According to several ombudsmen, this phase can often begin by the ombudsman asking the visitor what they would like to see happen or what the visitor might have already tried to do to resolve the issues. Some ombudsmen are hesitant to offer options before hearing what the visitor has already done. One ombudsman described her/his concern over how important the idea of options is to the visitor and ultimately what the visitor will do. S/He described this as “we are as good as the options that we present at some level” (Witzler, 2014). Another ombudsman described how important it is for the visitor to know what they want because the ombudsman is not in a position to make the decision on how the visitor will proceed. Another ombudsman described the importance of some of the options being generated by the visitor because of the ombudsman’s facilitative mediation background:

So usually I try to elicit and get options from them first and that comes from my facilitative mediation background; I really encourage that but I’ve shifted. I jump in with my options as well and I think that’s appropriate because I am the subject matter expert on options.... My initial question generally is... ‘what have you thought of; what are you doing what kind of options have you considered?’” (Witzler, 2014)

Others are willing to provide suggestions of options with the caveat that the visitor is welcome to reject every single one. Other ombudsmen described how they will arrange the options in a range from the least intervention, such as do nothing or wait and see, to more active options such as file a formal complaint or quit. Several ombudsmen described feeling like the option they begin with has an impact on how the visitor interprets or evaluates the options.

Four of the ombudsmen explicitly stated that they are assessing a visitor’s resistance to options as they are presenting them or generating them. One ombudsman described doing this by asking specific types of questions to assess how comfortable a visitor is with each of the options:

I help visitors develop a range of possible options and then let them choose which option they would like to take. Now in doing so, I am asking questions to make sure what is their comfort level for each of these options and through that process they emerge from that with a direction. And I’m not sure it’s always clear to a visitor that that’s what’s happening (Witzler, 2014).

When a visitor expresses fear or concern about a particular option, one ombudsman described how s/he will explore that fear to understand the level of resistance. Another ombudsman described this as one more piece of information for the ombudsman to use while helping the visitor come to a decision about what to do or not to do. Three ombudsmen also indicated that both skill level and willingness to carry out an option such as having a conversation with a person with whom the visitor is in conflict informs the options an ombudsman might further explore with a visitor. Ombudsmen will also consider the context of the situation including the role(s) of the party(ies) within the organization when generating options. This contextual information provides the ombudsman with essential details to help generate relevant options. For example, if a student visits the ombudsman with



concerns about disrespectful behavior from a professor and a staff member visits the ombudsman about the same professor's disrespectful treatment, the options for each visitor are likely to differ because of the roles each visitor has within the organization. It is likely that the formal options will be different for a student than a staff member because of the organization's procedures; each visitor may have different rights under formal procedures. The informal options are also likely to differ depending on the role of the visitor and the context of the situation.

While there are a multitude of options that an ombudsman might help generate with a visitor, there are five generally common options that all of the ombudsmen described: formal process option, facilitated conversation option, escalate higher option, end the relationship option, and do nothing/wait and see option. The formal process option represents many different kinds of formal options such as filing a formal complaint, filing a lawsuit, going to the police, or filing a grievance. Several ombudsmen noted a trend within the ombudsman field that more ombudsmen refer to these conversations as facilitated conversations and not mediations because the term mediation has taken on a more formal connotation. Several ombudsmen reported rarely facilitating conversations in their practice for various reasons. One ombudsman indicated that they hesitate to facilitate conversations when there is a large power imbalance between the two parties:

I'm a little bit cautious about volunteering to do mediation when there is a power differential in the room. It's so often problematic for the employee later. I am willing to do that but that has to absolutely be on the table and discussed openly so that people can have a sense of these are what my concerns are. So I see that conversation is a critical element of it but I think there's some steps that lay the foundation for a good conversation rather than a reaction where too much emotion gets into it or that kind of thing. (Witzler, 2014).

Twelve of the ombudsmen indicated that they have a conversation with both parties separately before bringing them together for a facilitated conversation. One ombudsman described the purpose of this separate conversation is to ensure that both parties, particularly if there is a power imbalance, know the risks and benefits of having a conversation. Another ombudsman described this as part of her/his neutrality in providing the same amount of time to both parties.

### Coaching

All of the ombudsmen described coaching as an aspect of their practice. Coaching can involve role-playing with the visitor, providing materials or resources on conflict resolution, giving feedback to the visitor about written correspondence, and building skills for the visitor to be able to have a conversation without the assistance or facilitation of the ombudsman. Three of the ombudsmen described role-playing with the visitor in preparation for the visitor having a conversation with another person. Three ombudsmen described giving a visitor additional resources such as a book or an article to read to help them prepare for a conversation. All three referenced providing a copy of the book *Difficult Conversations* by Stone, Patton and Heen as a popular option. Fifteen of the ombudsmen reported providing feedback on written correspondence such as email or a letter or memo. All of the ombudsmen indicated that they would not write the correspondence for the visitor, but would provide feedback around tone and language choice. Another ombudsman indicated that s/he would review and provide feedback to supervisors on their written portions of performance evaluations, particularly if the supervisor is providing vague feedback.

The majority of an ombudsman's coaching, according to the data, is helping a visitor build conversation and communication skills to have a conversation on their own, without the ombudsman present. Another aspect of coaching was a practice that three ombudsmen called "ally building." This practice appears to have resulted from the culture of academic institutions as being very "silo-ed," as one ombudsman describes the culture:

The Academy can get very silo-oriented where the School of Ed. doesn't talk to the Law School doesn't talk to Communication doesn't talk to the Science School or the Computer School, and so all of a sudden there is one secretary feeling like she's the only one in the world that has this problem, and I say you know why don't you reach out to the secretary of the chair of the Computer School. (Witzler, 2014).

The ombudsman described the result of building allies within the university as empowering because one secretary may not be able to make an impact, but several secretaries may be able to effect change. Another ombudsman described how s/he speaks with visitors and brainstorms with the visitor who their natural allies might be as well as resources for information who might prove to be allies for the visitor. Finally, a third ombudsman described her/his own ally that s/he has developed over the years in a key position within the university. This ombudsman described the ally as a person who would be approachable and receptive to a visitor in certain situations. This ombudsman described how s/he would call this key individual and raise a hypothetical to get advice on how the visitor might be received in a certain department. So, the ombudsmen are not only building ally relationships for visitors, but ombudsmen themselves have allies within the university to whom they can turn to raise hypothetical situations and receive advice.

Five of the ombudsmen used the term "empower" or "empowerment" when talking about their role in relation to the visitor. These ombudsmen see their role as empowering visitors to make their own decisions. Other ombudsmen did not use the terms empower or empowerment; however, they described their role in a similar fashion such as "encouraging" the visitor to take action on their own or be in control of their future. One ombudsman reported that s/he would frame options as the visitor being proactive as a first step, in most situations, and that the ombudsman could engage after those options failed: "Yes, I was very clear about how in some way having interventions was something to consider after none of the other visitor being proactive steps will work." (Witzler, 2014). The ombudsman further explained the reasoning behind this as twofold: 1) so that the visitor has ownership of the outcome, not the ombudsman and 2) so that the ombudsman calling up another party in the conflict, such as a supervisor, would not create additional issues of trust or escalate the conflict unnecessarily. In this ombudsman's experience, the act of the ombudsman calling up another party can often be met with many questions including "why didn't the visitor just come to me if they had a problem?" which can further complicate a situation. Another ombudsman described the empowerment as part of her/his conflict coaching with the visitor "...building their capacity to do something to help themselves...." (Witzler, 2014)

### Working with Leadership

Many of the ombudsmen described how they built relationships with key leaders within the organization as well as the nature of the relationship the ombudsmen have with leadership, including how often the ombudsmen meet with and the nature of the meetings with leadership. The work ombudsmen do with leadership can be described in terms of the frequency of meetings from meeting only once a year with the president (or the leader to whom the ombudsman reports)

to meeting at least once a month or more often if either the leader or ombudsman requests a meeting. Several of the ombudsmen reported that their work with leadership has evolved since they started. One ombudsman described her/his relationship with leadership as increasing as a priority since s/he first started in the organization. Work with leadership was also described in terms of the Standard of Practice of independence or informality. One ombudsman described her/his role within the organization as an inside/outsider. This term has been used to describe this aspect of an ombudsman's practice previously (see Barkat, 2012; Wagner, 2000). This particular ombudsman described her/his work with leadership in the following way:

And that is something that I didn't pursue much of in my first few years of doing this and now I do because it makes me...I'm not an entirely an outsider. I'm kind of embedded somewhere.... So I don't think it's so bad to have a big footprint and to have something of a reputation and to have the presence and to do that, though. I do draw the line at going to social stuff...but I do think that it is important to understand the heart and the soul and the strategic direction of your institution even if you disagree with it because you have to work with your institution's strengths as well as its weaknesses and you have to try to understand what they are. (Witzler, 2014).

Another ombudsman described her/his work with leadership as less involved compared to the ombudsman above. This ombudsman described a wariness of the perception others might have of the ombudsman's relationship with leadership:

...besides our standing meetings and the annual report meetings that's really more on an ad hoc basis. There is a part of me that's leery about those kinds of meetings. You know I don't want to be seen to be part of that group. I actually think meeting with the president quarterly might be a little much. (Witzler, 2014).

These two examples are indicative of the differences between ombudsmen's interpretation of the standard of independence as discussed above as well as the resulting ways an ombudsman might practice given their interpretation of their role regarding leadership within the organization.

### Systemic Aspect of Practice

For some ombudsmen, the organization can be described as the system within which the ombudsman operates and accordingly they take a more "systemic approach" to their work. One ombudsman, when asked to describe her/his practice, began by saying,

...The cases kind of act as data points in our landscape and I consider part of my role, a pretty significant part actually, is looking for patterns within that landscape and using my knowledge of discrete issues or cases to put things together that maybe are of the same flavor and then figuring out how can we back this up to the point of origin and consider some other process or if there's some policy that would keep these people from falling over the cliff. (Witzler, 2014).

Another ombudsman, when discussing how her/his office was created and established, said that the organization expected the ombudsman to take a systemic approach to managing conflict, "they wanted a systems approach to conflict management." (Witzler, 2014). Other ombudsmen identified this as an area for growth in their own practice and described a desire to learn more about identifying systemic issues as well as being more proactive once a potential systemic issue is raised.

All of the ombudsmen were asked to provide their definition of a systemic issue. One of the more common responses was “an issue that impacts multiple people at a larger scale.” One ombudsman described how her/his office differentiates between trends and systemic issues:

...in my office we would say that having multiple people come in about a particular issue is a trend, and a systemic issue is really where there is a gap and that could be one case or it could be multiple people so a systemic gap in policy, practice or culture. Just because multiple people come in it may be a trend but it may not be evidence necessarily of a systemic gap. (Witzler, 2014).

Two of the ombudsmen identified a discomfort in using the word “systemic” or “trend” because they described the information that they have as more anecdotal and not scientifically significant to warrant the use of the term “trend.” One of these two ombudsmen said: “I will say I don’t like the word ‘trends’ because again I don’t feel comfortable enough statistically if I only see one percent of our population and they’re all negatives does that mean we have a trend in the institution or does that mean that 99% of the people are doing great?” (Witzler, 2014)

Some aspects of systemic practice included how the ombudsmen raised these issues, the format in which they raised them and to whom they were raised. Ten of the ombudsmen indicated that they report trends or systemic issues in a written annual report, while three survey respondents indicated that they prefer only to provide verbal information. One survey respondent indicated that they do not report any information including trends or systemic issues to their organization. Two ombudsmen indicated that the culture of her/his organization and her/his reporting structure makes it difficult to raise systemic level issues.

Another aspect of the systemic part of an ombudsman’s practice includes what actions an ombudsman might take in response to systemic level issues. Examples of these from the data included providing training (such as conflict resolution skills training), development or review of policy or other actions related to policy review or development, and providing specific feedback or raising a specific issue to the leadership of the organization or the appropriate authority within the organization to address the concern. One ombudsman provided an example of how s/he was involved in raising concerns about equitable treatment of an entire population within the organization, which resulted in a creation of a policy to address the treatment of this particular population. The same ombudsman, like several of her/his colleagues, expressed concern with reviewing policy or being an author of a policy for fear of the impact on their independence or neutrality. Several ombudsmen indicated that the culture of the organization impacts how change, particularly systemic change, is implemented as well as how feedback is received.

Finally, the last aspect of how an ombudsman engages with the organization is how the ombudsmen define their role more broadly in terms of how they operate within the organization. One ombudsman summarized her/his opinion about this aspect and captured sentiments shared by other ombudsmen participants:

...I think there is a distinction between a philosophical approach by ombuds programs that I should state that I think there are some ombuds whose, and I’m not saying that one is better than the other, philosophical approach is to sit back and ‘wait until things come to me’ and then there’s the more assertive ‘I see something on the horizon.’ I see this this, this and this and I need to put this on the organization’s radar here because I have a broader perspective

and I think this is going to be a problem. And so I find a way to go. And I call that the more assertive approach to organizational ombuds. I am more in the latter, the more assertive, of more organizational structure patterns and types of things and putting things on the radar... to key decision-makers, doesn't necessarily mean that the most senior decision-maker is the key decision-maker, so they can be dealt with and addressed proactively and that's the key. I'm not a reactionary ombuds and so this program is not that and I think in my opinion that that has been why this institution and the senior leadership regard us as highly successful. (Witzler, 2014).

This description is similar to another ombudsman who described this aspect of her/his practice as their "footprint" within the organization.

### COMPOSITE STORY

A composite story was developed as a result of my realization during the data analysis that the actual process of an ombudsman's engagement with an individual visitor has not been identified in the body of research examined. The process is outlined in professional development trainings for organizational ombudsmen. The story below is a composite of the process described by the participants about their initial interactions with a visitor. While every interaction with a visitor may not follow this process, the data indicated that many interactions follow this loose process or structure.

The visitor contacts the ombudsman to make an appointment. The method of contact varies from telephone, email or unannounced walk-ins to the office. Some ombudsman offices have support staff who make appointments while others manage their own schedules. The ombudsman and visitor exchange initial pleasantries and the ombudsman invites the visitor into her/his office. Often, the ombudsman will begin by giving his or her "opening statement," or description of the role of the ombudsman, and outline the four IOA Standards of Practice of confidentiality, informality, independence and neutrality/impartiality. Some ombudsmen use written materials to give to the visitor with these standards of practice outlined and all of the ombudsmen interviewed have these standards outlined on their websites. If the visitor is particularly distressed or begins speaking before the ombudsman can begin her/his opening statement, some ombudsmen reported providing the visitor with a description of their role at a later point in the meeting. Some ombudsmen described not consistently providing an opening statement but rather "weaving in" the standards of practice as appropriate.

After the opening statement or description of the role, the ombudsman will invite the visitor to speak about their situation. This transition from the opening statement to the story telling is done in different ways. Some ombudsmen use silence to indicate the visitor can begin while others have specific questions to ask the visitor such as: "Tell me why you've come in" or "Why don't you tell me how you think I can be helpful." The ombudsman will use various listening techniques such as active listening, looping, or remaining quiet while the visitor describes their situation. Some ombudsmen are listening for a specific purpose such as identifying the issues and underlying interests while others may listen for deeper understanding of the situation. Many ombudsmen will encourage or invite the visitor to describe how other people involved in the situation (where applicable) might describe the situation. This so-called "perspective-taking" can occur during this story telling phase, later on in the process, or during multiple phases. Some ombudsmen will limit this storytelling phase, either

directly (such as outlining the structure of the meeting including time for each stage) or indirectly (such as using questions or summary to move the meeting into the next stage), while others allow the visitor to determine how much time they need to describe their situation.

After the visitor has an opportunity to describe their situation, the ombudsman will often provide a summary of what they have heard including the main issues and perhaps the interests of the visitor. At this point, the visitor can clarify for the ombudsman any of the issues or interests. Some ombudsmen do not provide a summary and move directly into the next phase.

Next, the ombudsman moves towards working with the visitor to identify options for the visitor going forward. This phase sometimes begins with the ombudsman asking questions such as: "What have you done to address the situation?" or "What do you think are your options?" Some ombudsmen identify or describe the options as a range of options from "do nothing" to informal options to more formal options while others start at one end or the other of a described range of options (such as most proactive to least proactive) and work towards the other while describing options in between the two ends of the spectrum. Another way that ombudsmen speak about options is to find out what the visitor already has in mind or what the visitor may have already considered or tried. There are two different approaches that emerged from the data for suggesting options: some ombudsmen prefer to hear what the visitor is considering as their options before suggesting options and some ombudsmen suggest options without specifically waiting for the visitor to suggest options first. Some ombudsmen describe this phase in the process as more of a brainstorming and collaborative process. The types of options that are commonly identified are: do nothing/wait and see; visitor speaks directly to another person(s) (in an interpersonal conflict); visitor seeks additional resources or information (such as policy clarification); ombudsman (with permission) speaks to another person(s) involved in the situation; ombudsman inquires within the organization about a situation either to raise a hypothetical or gather more information/clarify policy; ombudsman brings concerns to a senior administrator either hypothetically or with specific details; ombudsman facilitates or mediates a discussion between the visitor and another person(s); ombudsman coaches the visitor on how to have a conversation on their own; visitor uses a formal process (such as filing a complaint within or outside of the university); visitor transfers to another department or position; and visitor quits their job/school. This is not an exhaustive list, but a representation of some commonly identified options. These options are not mutually exclusive and many ombudsmen report that a combination of options is explored. Additionally, all of the ombudsmen reported that they would not take an action unless they have the permission of the visitor (with the common exception of hearing of an imminent risk of harm to the visitor or another person(s)) and some of the ombudsmen also add the caveat that they too must agree to take an action.

Once the options have been identified, and sometimes in conjunction with the identification of options, there is an evaluation or decision by the visitor on which option or options to carry out. During this phase, the ombudsman is often asking questions to help the visitor evaluate the options. This can be done by weighing pros and cons of the options, prioritizing options, identifying risks of each option, and/or doing what many ombudsmen refer to as "reality testing" or "playing devil's advocate." Ultimately, the visitor is the person who must make the decision on how to proceed. All of the ombudsmen reported that their role is not to determine a course of action, but to provide the visitor with the resources to make a decision. Some ombudsmen encourage a visitor to not make a decision during the initial meeting but to take time to think about the options and perhaps discuss with other



people whom the visitor trusts and then return to the ombudsman when they have either made a decision on how to proceed or have taken some time to consider the options. Some ombudsmen systematically or regularly follow up with visitors while others may not routinely follow up with a visitor. Any subsequent meetings with a visitor or additional parties is dependent upon the individual case, so a composite of follow up meetings is not possible based on the data.

This composite story follows the general outline that is taught in the foundational ombudsman training provided by the IOA. It is important to note that the ombudsmen interviewed included individuals who have not taken this training (or similar trainings provided by previous ombudsman associations such as The Ombudsman Association and University and College Ombuds Association) as well as individuals who have taken and/or teach or have taught the foundational ombudsman training. Thus, an additional outcome of this research is not just a connection that individuals who have taken ombudsman training report that they practice how they were trained, but a possible indicator that the training provided reflects the reported practice of organizational ombudsmen. Further research on this specific topic could determine a correlation.

## Conclusion

The purpose of this study was to develop a theory about organizational ombudsman practice that can be later tested. The theory that emerged was the three main influences on an organizational ombudsman practice are: interpretation and operationalization of the IOA Standards of Practice, self and organization. The theory was validated by the participants and one or two of the participants indicated that the influence of other organizational ombudsmen should be elevated to a fourth category (from within self). This indicates that further exploration of each of the three categories is warranted.

This research provided many more questions than answers about how organizational ombudsmen practice and why they practice in the manner they do. The data revealed both consistencies and inconsistencies in practice. The composite story revealed that there are overall consistencies in the major elements of an initial meeting; however, the intricacies of how each ombudsman practices within those major elements varies. It is clear that ombudsmen make decisions about how they practice, much like mediators make decisions. Research currently being conducted at Rutgers University by Kenneth Kressel may inform future research for determining how ombudsmen make decisions at various junctures in their practice.



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## Endnotes:

1. The name of the colleague referred to was removed to protect anonymity.
2. Pecha Kucha presentations are a special format of presentation where the speaker displays twenty different images for twenty seconds each while the slides advance automatically (Pecha Kucha website <http://www.pechakucha.org/faq> visited October 8, 2014). For the past several years, the IOA annual conference has featured Pecha Kucha presentations by ombudsmen speaking about how aspects of their personal lives influence their ombudsman practice.

# Ombuds & Mediation: Frequency, Circumstances and Differences amongst Backgrounds

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## ABSTRACT

Mediation is one of the many services Organizational Ombuds (OOs) can provide. Comparable to traditional mediators, OOs can come from a wide variety of academic and professional backgrounds. This article draws from the findings of survey-questionnaire research that provides descriptive information on OO backgrounds, and examines differences between them with respect to the (1) frequency in which they explore the option of mediation with visitors and (2) the circumstances that would lead them to explore mediation with a visitor. This article then goes on to identify

differences that exist amongst OOs of varying backgrounds and discusses new questions these findings raise.

## KEY WORDS

Organizational Ombudsman, Backgrounds, Mediation

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## The Beginnings

It was a dark and cold day; the snow had fallen in torrents two days before and the Federal Government was finally re-opening. It was that same day that I started my internship with the National Institutes of Health, Office of the Ombudsman, Center for Cooperative Resolution (OO/CCR). From the beginning, much of my time as an intern was spent tagging along with different staff to observe cases and trainings. In addition, I was expected to develop a meaningful project to work on during my stay. It did not take me long to realize that I wanted my project to include research related to Organizational Ombudsing.

The Organization Ombuds (OO) profession and field are constantly growing, yet in the large scheme of things they are still very much in an early stage. Consequently, there is a need for added inquiry

and research to provide past, current and future OO practitioners with a greater understanding of the characteristics, role and function of the OO. In 2007, well-respected practicing OOs Alan Lincoln, Mary Rowe and Tom Kosakowski worked to develop a proposed International Ombudsman Association (IOA) research agenda for the study of the OO profession. The agenda consisted of three broad topic areas including: the ombuds professional, the ombuds profession, and ombuds practices (Lincoln, Rowe and Sebok, 2008). The group dug a bit further to develop questions under each of the main topics. Under the “ombuds professional” topic, this included the question of — “where did OOs come from academically and professionally?” Under the “ombuds profession” topic, this included the question of — “what trends in issues and concerns are we observing of those we assist?” And under the “ombuds practices” topic, this included multiple questions such as — “what tools (including skills) do we use to assist constituents?” and “what strategies work?” (Lincoln, Rowe and Sebok, 2008).

As I floated from one staff OO to another observing cases and trainings, I was exposed to various styles and approaches to the same type of work. At the same time, I started to realize that each OO had different professional and academic backgrounds and experiences. I wondered how much of an impact their backgrounds had on the way they approached their work. Given the fact that “ombudsing” can encompass so many duties, I quickly recognized it would be important to narrow my focus.

At the time, the one aspect of ombudsing that I was most interested in was mediation. This did not come as a surprise to me as I was heavily involved in different aspects of community mediation before starting the internship. In addition to the influence of my previous experience, my case observations frequently involved observing a facilitated conversation or mediation. The OO/CCR at NIH is frequently involved in facilitating conversations (often the preferred term over mediation) between employees, supervisors, students, etc. and at times even asked to serve as mediators for the pre-complaint stage of the Equal Employment Opportunity (EEO) process and the initial stages of an administrative grievance Peer Resolution Process (PRP). I narrowed my interests to OOs academic and professional backgrounds and whether or not differences exist between OOs of different backgrounds as to how they approach specific aspects of mediation in their work as an OO. The initial survey-questionnaire research efforts focused on the following aspects of mediation; (1) how often OOs explored mediation as an option; (2) the types of circumstances in which mediation is explored as an option; (3) the OOs preferred set up and preparation for the mediation process and (4) the OOs style/approach to the mediation process itself. As the first in an envisioned series, this paper will briefly highlight a gap in research, describe the methodology and provide results and discussion related to OO backgrounds and the frequency and circumstances in which they explore mediation.

## Existing Research and the Need for More

It is generally understood that OO backgrounds vary both academically and professionally. An academic background includes the collection of one or more academic disciplines an individual OO has experience in as a result of a degree in higher education. Likewise, a professional background includes the collection of one or more professional positions an individual OO has experience in prior to becoming an OO. Early survey research by Ziegenfuss, Rowe and Munzenrider (1993) found that many Corporate OO backgrounds include areas such as liberal arts, economics, engineering and law. More recently, when collecting information about respondents for mixed-method research, Levine-Finley and Carter (2010) found that the backgrounds of pioneers of the field consisted of a va-

riety of academic disciplines including, but not limited to, Business, Conflict Resolution, Counseling, East Asian studies, Economics, Educational Psychology, Engineering, English, Law; and backgrounds in professional positions in Adult Education, Affirmative Action, Employee Assistance Programs, Undergraduate Counseling, Human Resources and Science. In an informational section about the role of the OO, the IOA website identifies OO backgrounds in disciplines ranging from the Sciences to Academia, Management, Human Resources, Law, Engineering, Accounting, Consulting, and everything in between (IOA, 2007). While some studies have been conducted which incorporated aspects of OO backgrounds, there is still a substantial need to understand more about the non-singular path to becoming an OO.

Beyond a basic understanding of background diversity amongst OOs, no studies were found that explore differences in OO practice based on academic and professional backgrounds. However, other fields, such as mediation, have explored this topic. Like OOs, the academic and professional backgrounds of mediators are varied. Several studies looked at the differences in mediation practice amongst mediators with varying backgrounds. A significant number of those studies have focused specifically on mediators with backgrounds in Law. When examining practices in family mediation, Kruk (1998) found many differences in dispute characteristics, populations served and methods or options utilized between lawyer mediators and mental health practitioner mediators. Along similar lines, a recent study of divorce mediation by Baitar et al. (2013) found “lawyers were more advisory, advocacy, and settlement oriented, [whereas] mental health professionals were more likely to use interest-based strategies and aim for self-determination, quality of interpartner interaction, and processing emotions in their practice” (p. 71). OOs coming from various backgrounds, including areas like law and mental health, may have different perspectives on and approaches to mediation. Also, the way an OO might experience and approach mediation can be different from a traditional mediator, that is, an individual who practices exclusively as a mediator. There are very few resources of information, aside from research and explanations on OO websites, brochures and other promotional materials, that describe mediation in the context of an OO-mediation or an OO office.

In many parts of the world, mediation has been part of effective dispute resolution systems for decades. The key elements of mediation in conflict management systems include having a third party who brings people together in order to address a problem and reach a settlement on their own, or with the assistance of the third party (Rowe, 1991). In some situations, an OO might be the mediator. Differences do exist, however, between an OO mediator and a traditional mediator. Often, individuals come to the OO office for one-on-one help from the OO who listens, provides and receives information, reframes issues and develops options and/or makes referrals to help people help themselves without direct intervention by the OO (Rowe, 1995). Mediation is just one of the tools an OO can use when more than one person is involved in the situation. OOs also have other options of working with multiple parties that may not involve direct intervention or a joint conversation.

Early survey research by Ziegenfuss et. al. (1989) found mediation to be ranked surprisingly low on a list of approaches and techniques corporate OOs used. One respondent’s reason for this was that “bringing disputants together in front of [them] might create embarrassment and make resolution more difficult” (p. 78). Recent research on OO offices in Higher Education by Newhart (2007), however, found that out of 95 respondents, 63.1% of the offices strongly agreed or agreed that they employ ADR techniques. The study used transformative mediation as the example of ADR. An additional survey study of ombudspersons from 27 public and 3 private Spanish universities in 2006 found that the majority of ombudspersons’ interventions consisted of informal mediation (Alcover 2009).

Despite the clear lack of research in this area, what does exist provides an understanding that mediation is just one of the many services an OO might use but, given the circumstance(s), may not always be the most “suitable,” effective or desired option. Therefore, further emphasis should be put on not only how often mediation is explored by OOs but the types of circumstance as well.

An important distinction to make between this study and many of the previous studies lies in the word “explore.” Previous studies have merely asked the question of how often is mediation used. This study sought to identify how frequently the individual OO “explores” the option of mediation. Using the word “explore” allows there to be an examination of the individual OO’s preference and idea of appropriateness. Simply looking at how often mediation is used ignores those important characteristics and presents limitations. For instance, mediation would not be reported as “used” if the original party accepted but the other parties involved declined or were never contacted.

## Methodology

**Sampling:** The method for sampling used in this study was non-probability voluntary based. In non-probability based sampling, reliability cannot be measured; the only way to address data quality is to compare some of the survey-questionnaire results with available information about the population. The respondents to the survey instrument were, therefore, compared to the sector representation of IOA membership. Regardless, it is still important to make generalizations very cautiously.

**Instrument:** The survey-questionnaire instrument in this study was original and developed through a brainstorm of primary questions which addressed four areas; (1) academic and professional background information, (2) frequency in which the option of mediation is explored, the (3) circumstances in which the option of mediation might be explored and (4) approaches to mediation preparation and process. Following the brainstorm process, questions were narrowed down with input and feedback obtained from OOs at OO/CCR, as well as Dr. Brian Polkinghorn, Executive Director of The Bosserman Center for Conflict Resolution. After several drafts, revision and restructuring, the 21-question survey-questionnaire was put into electronic format using SurveyGizmo.com. The final version of the survey-questionnaire included a title page that briefly described the researcher, the research, and provided a loose definition of mediation. Mediation was defined as “a process in which two or more parties work to resolve their differences with the assistance of a neutral third party, in this case, the OO.”

**Procedure:** The survey-questionnaire was opened for 15 days, starting March 19th, 2014 and ending on April 3rd, 2014. The survey-questionnaire was deployed via the International Ombudsman Association’s listserv, which includes approximately 900 individuals, many of whom are practicing OOs from all over the world. In addition to the IOA listserv email, a reminder email was sent to randomly selected individuals and offices from different sectors with the help of contact information resources on the The Ombuds Blog website. On April 5th, 2014, a post was made with a brief description of the study and link to the online survey-questionnaire to the front page of The Ombuds Blog. Those who chose to respond to the survey-questionnaire had the options of choosing to remain anonymous or to provide a name and brief contact information for future follow-up.



**Analysis:** The objective of this study's analysis and results was to provide descriptive and interpretive information on the OO backgrounds, the frequency in which mediation is explored and the types of circumstances in which mediation is explored. As a result, responses to the survey-questionnaire were first analyzed using SurveyGizmo.com's reporting function which allowed the researcher to produce real-time, summary, profile and cross-tab reports. Summary and comparison reports were used to obtain the majority of the descriptive results for all closed-ended survey-questionnaire questions. Descriptive and interpretive conclusions were derived from the open-ended survey-questionnaire questions through a qualitative textual analysis process. The qualitative textual analysis process provided a deductive procedure to generate and organize themes and categories. After major categories of academic and professional background were identified, filters were applied one at a time to merely display responses from individuals who indicated having academic and professional backgrounds in the top six disciplines and positions. Responses to both the close-ended quantitative and open-ended qualitative questions were then compared across the various top six academic and professional backgrounds using frequency tables. Since there were varying numbers of respondents in each of the top six academic disciplines and professional positions, the number of respondents for each answer was divided by the total number of responses in each particular discipline or position – resulting in a percentage (%). Tables are used in the 'Results' section to further illustrate analysis and comparisons. Each table displays a percentage and a raw response number.

## Results

**Respondents:** At the closing of the survey-questionnaire on April 3<sup>rd</sup>, a total of 63 OOs had responded. Of the 63 respondents, 41 completed all 21 questions. Amongst the 63 respondents, a variety of sectors and experience levels, analogous to the make-up of IOA membership, were represented. At 55% (35), Higher Education was the most represented sector in the survey, followed by Government 11% (7); Corporate 10% (6); K-12 School 8% (5); IGO/NGO/Non-profit 8% (5); Healthcare 5% (3) and Other 3% (2). In addition to sector, the respondents were asked to indicate their highest degree of completed education, years of experience as an OO. At 46% (28) a Master's Degree was the most common highest level of completed education, followed by Doctorate 26% (16), Advanced Professional 16% (10) and Bachelor's 12% (7). When it comes to years of OO experience, respondents were able to choose from a variety of answers ranging from less than one year of experience all the way up to 20 or more years of experience. For analysis purposes, the answer selections were later broken down into four levels of experiences; <1 to 3 years, 3 to 7 years, 7 to 15 years and 15+ years. At 41% (26) <1 to 3 years of experience was the most common, followed by 3 to 7 years 26% (16), 7 to 15 years 22% (14) and 15+ years 11% (7).

**Backgrounds:** Respondents were given two lists (one academic and one professional) and asked to check *all* options that applied to their complete academic and professional backgrounds. Each question asked respondents to check one or more options from a diverse list of academic disciplines and professional backgrounds (Displayed in Table 1 and 2). The question specifically used the language "prior to becoming an OO". An additional 'Other' option was included in each list. If the respondent chose 'Other', they were asked to specify the academic discipline(s) or professional position(s) that was/were not already captured on the list. 63 respondents answered both questions. The results are as follows.



**Academic Background:** From the list of academic disciplines, there was at least one OO respondent who had an academic background in each discipline listed except for Engineering. In addition to the academic disciplines included on the developed list, 27% (17) of respondents added disciplines using the 'Other' option. Some of those disciplines included, Criminology, Anthropology, History, Mathematics, Mental Health, Public Administration, Policy Analysis, Social Work and Victimology. At the top, 37% (23) of the respondents indicated that they had some academic background in Conflict Resolution. Law followed Conflict Resolution closely, with 30% (19). The remaining top six academic disciplines included Psychology 25% (16), Teaching/Education 25% (16), Business 24% (15) and Organizational Development 19% (12). Respondents from the top six most common academic disciplines were used throughout the rest of the study for comparison analysis.

**Professional Background:** From the list of professional positions, there was at least one OO respondent who had a professional background in each position listed, except for Engineer. In addition to the professional positions included on the developed list, 31% (19) of respondents added positions using the 'Other' option. Some of those positions included, ADR Trainer, Admissions Counselor, Analyst, Athlete, Banker, Artist, Writer, Economist, Caseworker, Victim Advocate, Journalist, Researcher, Director of EEO and Contract Negotiator. The most common professional position in this survey-questionnaire was a Manager/Administrator; with 42% (26). Second to Manager/Administrator was Mediator, with 32% (20). The remaining top six professional positions included Professor 27% (17), Facilitator 24% (15), Lawyer 21% (13) and Counselor 18% (11). Respondents from the top six most common professional positions were also used throughout the rest of the study for comparison analysis. It should also be noted that the position of Teacher, like Counselor, was also 11% (18). In order to keep the top number at six, Counselor was chosen for further analysis, rather than Teacher, but for no explicit reason.

**Backgrounds and OO Experience:** While level of OO experience was not a primary or secondary area of research the study focused on, by collecting data on OO experience levels, academic and professional backgrounds could then be compared amongst the different levels of OO experience. Table 1 and Table 2 display which academic disciplines and professional positions were common within the four levels of OO experience. While there were an uneven number of respondents from each level of experience, after calculating percentages, there was clear variance in how common specific academic disciplines and professional positions are amongst OOs with different levels of experience.

**Exploring the Option of Mediation:** Respondents were asked, "In cases where more than one individual is involved, how frequently would you say you explore the option of mediation to address the problem(s) or concern(s)? Response options included Always, Often, Sometimes, Seldom and Never. Of the 62 respondents to this question, the most common answer was Sometimes at 37% (23) followed by Often 32% (20), Seldom 19% (12), Always 8% (5) and Never 3% (2). The respondents who chose 'Never' were directed to a question which asked them "why". Although there were only two respondents who chose 'Never', some reasons included "insufficient capacity" for the number of people served, and "wide geographical dispersion", which can make it challenging to bring people together, and even concerns with how the term or process of mediation fits into the OO role.

**OO Backgrounds and Exploring the Option of Mediation:** By using the results of the academic and professional background questions, the frequency in which OOs explore the option of mediation was broken down and compared amongst the top six academic and professional backgrounds. Amongst the top six academic disciplines, there were no strong differences observed. The answers ‘Sometimes’ and ‘Often’ still remained as the most common response. However, there were some other interesting results from this analysis. For example, OOs who indicated having an academic background in Teaching/Education were the most likely to ‘Always’ explore the option of mediation. On the other end, the *only two* respondents who indicated that they ‘Never’ explore the option of mediation, both came from an academic background in Business. Additionally, the table shows that OOs who indicated having an academic background in Law, were the only group that had zero responses for the ‘Seldom’ and ‘Never’ options. Similarly, amongst the top six professional positions, there was no strong difference observed. The answers ‘Sometimes’ and ‘Often’ still remained as the most common. The breakdown does, however, show that Lawyer was the only category of professional position that had respondents who did not answer in any way other than ‘Often’ and ‘Sometimes’. It also shows that OOs who indicated having professional experience as a Manager/Administrator had the most ‘Seldom’ or ‘Never’ responses. Table 3 and 4 display the frequency of exploring the option mediation by all top six academic and professional positions.

**The Circumstances OOs Consider for Mediation:** Respondents were asked about the circumstances in which they would explore the option of mediation with visitors? Because the question specified “in cases where more than one individual is involved”, it was assumed that respondents answered the questions with the understanding that at least one other person, other than the visitor, would be involved in the given circumstances. Rather than having the respondents pick from a set list of options, data was obtained through an open-ended question which asked respondents to describe the types of circumstances that might lead them to think of mediation as a possible option for addressing a problem or concern. Responses to this question varied in context, length and detail. Qualitative textual analysis instead revealed that respondents were likely to consider one or more of the following six categories when deciding whether or not to explore mediation with a visitor: (1) the parties’ relationship, (2) the nature of the problem or concern, (3) the parties’ openness to mediation, (4) the options or alternative to mediation, (5) the mediation process benefits and (6) the prospective mediation result.

Across the board, the majority of respondents considered more than one of these categories, some putting greater emphasis on some categories than others. The subsequent section provides descriptive results of each of the six main categories, as well as any supplementary subcategories. Any indicators of importance within or amongst the categories are based on the frequency in which specific phrases, words or additional aspects, were observed in comparison to others. It was in this analysis that perhaps some of the key results of this research surfaced.

- (1) Under the *Parties’ Relationship* category, several subcategories emerged including *how the parties are affiliated with each other, the power dynamics between them and their relationship needs*. Some of the ways in which parties are affiliated with each other were described as either equal levels, such as colleagues and fellow students or imbalanced levels such as a supervisor and an employee or a professor and a student. Some respondents specified a particular affiliation, while others mentioned several. For example, one respondent indicated that they mediate situations between “students/professors, students/administrators and students/students” while other respondents indicated that they mediate “difficulties between an employee and a manager”.

Although affiliation was cited rather often, there was no clear suggestion that it carried a heavy influence on the decision of whether or not to explore mediation. No respondents specifically expressed refusal to mediate a situation exclusively based on the parties' affiliation with one another.

Power was another important part of the parties' relationship. Several respondents described the importance of power dynamics when considering whether or not to explore the option of mediation. Because of the high frequency in which power was mentioned amongst respondents, it appeared to be more substantial than the parties' basic affiliation with one another. However, power was not the most significant aspect of the parties' relationship. In many ways, how parties relate to each other might directly infer what the power dynamics are. For instance, a supervisor's formal authority might give them more power over an employee (imbalance), whereas colleagues in the same or similar position or students in a class might have equal power (balance). Amongst respondents who did indicate power as something they consider before exploring the option of mediation, some were okay with mediating in situations where power is imbalanced; others would more likely consider mediating in situations where power was reasonably balanced. For example, one respondent specified that they would be more likely to explore the option of mediation in circumstances where "there is an imbalance in power between the parties" or "where there is a real or perceived power difference". On the other hand, different respondents indicated that they would be more likely to consider exploring the option of mediation in circumstance where "there are relatively balanced levels of power between the parties", "when there is not a large power differential" or even "when the power relationships are at the same level". The data collected in this category illustrated a very diverse approach to power differences as it relates to an OOs' decision to explore mediation.

Exceeding power, respondents mentioned the *parties' relationship needs* most frequently. The parties' needs were sometimes described as "regaining lost trust or respect for each other". The most common way it was described, however, was the need, as one respondent put it, "to preserve or maintain a working relationship" because an "ongoing relationships [is] necessary" for their work to be performed. As a result, mediation may be an option to help "improve [the parties'] working relationship". Contrary to the majority of respondents who spoke about relationship needs, one respondent did describe mediation as a process that is most often explored in "situations that have less investment in relationship building".

- (2) Under the *Nature of the Problem(s) or Concern(s)* category subcategories emerged such as *issue-focused problems, people-focused problems and 'other'*. In all, the problem or concern was the category most considered in exploring mediation. Similarly to others, one respondent clearly indicated on the outset of their response that "much depends upon the context of the problem". When describing the "context", respondents had a tendency to put emphasis on either issue-focused problems, people-focused problems, or a combination of both.

Issue-focused problems are characterized as problems or concerns that involve more concrete, tangible matters and place less importance on relationship and other interpersonal dynamics. Topics such as grades, projects, assignments, authorship, money and syllabi were amongst some of the issues-focused problems that respondents described.

People-focused problems, on the other hand, are most likely matters that involve a collegial relationship and other interpersonal dynamics. Some examples of people-focused problems highlighted in responses included communication, misunderstandings, conduct/behavior, diverse perspectives and overall confusion. The majority of respondents said they were most likely to use mediation for communication related problems or concerns. A select number of respondents actually indicated that they lean towards considering mediation for problems or concerns “solely related to communication”. The ‘other’ category was created to capture the nature of a problem or concern some respondents referred to that did not fit within the issue-focused or people-focused problem categories. For instance, some respondents described a consideration of whether or not the problem or concern “relates to interests (vs. power or rights)”; the complexity of the problem, and whether or not “the problem or concern was systemic”. One respondent even described mediation to be neither appropriate nor effective in addressing systemic problems. Additional responses in the ‘other’ category included legal matters where mediation might be used as a way to directly avoid litigation and circumstances when the parties’ actions “don’t fall into a legal or illegal category”.

- (3) The *Parties’ Openness to Mediation* category included subcategories such as the *voluntary nature* of the situation and the parties *comfort and sense of safety* in using a mediated process. Across the range of respondents, OOs were largely on the same page in regards to ensuring that mediation is only explored in circumstances where each of the involved parties are willing to come together in a voluntary fashion and feel safe in doing so. The notion of voluntariness was considered in several different ways. Respondents expressed the need to make sure the circumstance was one in which all parties “accept the [mediation] process” and are “willing to come together”. Some respondents described considering mediation only in circumstances where one or more of the parties requested mediation themselves.

Comfort and safety were likewise considered in several different ways. For example, one respondent alluded to comfort and safety, expressing the need to make sure that the circumstance is one where “there is little to no fear of retaliation or negative consequences”. Other respondents mentioned safety and comfort by acknowledging that mediation may require the parties to have a difficult conversation and therefore they want to make sure the parties are comfortable with having that conversation. Along the same line, some respondents expressed the OOs’ ability to provide a safe place during a mediated process. This was especially true if conversations in the past, between the parties, were found to be “too difficult to discuss without a ‘safe’ environment/facilitator to manage the interactions”.

- (4) The *Options and Alternative to Mediation* category included subcategories such as the *options that may have been explored, exhausted or unsuccessful* already, as well as, the *options or alternative on the table if mediation is not used*. The category also captures considerations of the *time and energy* that other options or alternatives might require.

Considering options was something frequently stated in response to this question. As one respondent put it, “[the OO] must (in partnership with the visitor) determine which interventions have greatest likelihood of success”. Not only was it important to determine how appropriate mediation might be in a particular circumstance, but to first understand what other options had been and/or might be. Some described the importance of understanding what options have already been attempted and how successful they have been. For instance, some respondents specified circumstances where “after individual consultation, conflict coaching and communication/

behavioral plans of action aren't effective; formal mediation is then considered". Another respondent described exploring the option of mediation when "other methods (e.g., coaching, having caller work with Human Resources or higher levels of management) are not successful". Other respondents paid more attention to the alternatives to not using mediation. For example, is the alternative something more within a formal process like "formal investigations or litigation" and therefore mediation might be a more attractive option of informally working together to find resolution? Additionally, respondents considered exploring mediation if circumstances existed such as "separation is not an option" or if "alternatives to resolving the problem are expensive, time-consuming or unlivable," such as having to "[go] through additional bureaucratic channels". The results of this section suggest a clear difference in not only the types of options and alternatives that OOs might explore or consider, but to what extent they believe considering other options first is needed.

- (5) The *Mediation Process Benefits* category covered a wide spectrum of mediation characteristics. Some of the characteristics associated with this category were related to benefits of the mediation process, yet the responses did not easily break down into subcategories. The mediation process benefits category was created after a clear theme had appeared throughout the responses. Some of the circumstances, identified by respondents, included those where parties might benefit from coming together, "[sitting] down face-to-face" and "engaging in dialogue" that would allow "voices to be heard" and parties to "clarify misunderstandings". Many of these benefits were tied to effects of "assisting communication", providing a "framework" and even "helping to establish ground rules". Some respondents focused more on the benefits of developing or "exploring options together" in ways that honor the parties "self-determination". Additional benefits of mediation mentioned included, "[leaving] emotion and the blame game out of the equation and [keeping] the participants on task." While many of the suggested mediation benefits are not novel, it is interesting to understand what characteristics of the mediation process OOs see as most valuable and useful for parties to a particular conflict.
- (6) The *Prospective Mediation Result* category, like the mediation process benefits category, did not have distinct subcategories. This category was developed primarily because a notable number of respondents indicated that the possible result of a mediated process was a factor in considering it as an option. Many of the responses that indicated any "result" language such as change, improve, salvage, resolve and settle were in the context of other previously described categories. This implies that creating the right conditions through mediation may lead to a particular result. For instance, some respondents described using mediation in circumstances where the parties have an "interest to improve, salvage or otherwise renegotiate a working relationship" or "the facilitated communication of mediation might help the parties improve their communication/working relationship". Other responses included "when relationships and communication practices can improve from a mediated dialogue" or when parties are "open to possible compromise or reconciliation". Each one of the examples above highlight a prospective mediation result in combination with other things such as process benefits, voluntariness, relationships and the nature of the problem or concern (communication). No respondents considered exploring mediation if there was certainty that a specific outcome would transpire.



**OO Backgrounds and Circumstances Considered for Mediation:** To explore differences amongst various backgrounds in circumstances considered, frequencies of the six categories described in the previous section were compared amongst respondents with backgrounds in the top six academic disciplines and professional positions. Those frequencies are displayed using Table 5 and Table 6. Each table illustrates two important pieces; first, the frequency of each consideration, including the highest, and second, the table identifies what academic disciplines and professional positions had the highest frequency in each category of consideration.

**Academic Background Compared:** In regards to the frequency of each consideration, regardless of the respondent's academic background, the 'Nature of the Problem or Concern' appeared as the highest. In other words, when describing the circumstances in which they would explore the option of mediation, respondents from all six academic backgrounds expressed consideration around the 'Nature of the Problem or Concern' most often. While all academic disciplines demonstrated the 'Nature of the Problem or Concern' as the highest, Law (83%) and Conflict Resolution (78%) were even higher than the rest by at least 10%. Respondents with a Conflict Resolution academic background also appeared highest for the 'Parties' Relationship' (50%) and 'Parties Openness to Mediation' (61%) categories. Respondents with an academic background in Law, on the other hand, appeared highest for the 'Options and Alternatives to Mediation' (44%) category. Other disciplines with the highest frequencies for particular categories of consideration include Psychology (27%) in 'Prospective Mediation Results' and Business (33%) in 'Mediation Process Benefits'. Table 5 further displays differences in frequencies.

**Professional Background Compared:** When it comes to frequency of each consideration, 'Nature of the Problem or Concern' was also highest in frequency for all professional positions, except for Facilitator. While they were still high in 'Nature of the Problem or Concern' (50%), respondents with a Facilitator background were more likely to consider the 'Parties Openness to Mediation' (57%). Respondents with a Counselor background were actually tied for highest in considering 'Nature of the Problem or Concern' (55%) and 'Options and Alternative to Mediation' (55%). In fact, in responses with a Counselor background the categories were evenly dispersed. Those with a Mediator background considered 'Nature of the Problem or Concern' the most (71%). Professors, while high in 'Nature of the Problem or Concern', were also the highest in considering the 'Parties' Relationship' (47%) and the 'Parties Openness to Mediation' (60%). At the same time, only 7% of the respondents with a Professor background indicated considering the 'Options and Alternatives to Mediation'. All other professional positions considered the 'Options and Alternatives to Mediation' noticeably more. Respondents with a background as a Lawyer were highest in considering the 'Mediation Process Benefit' (42%) and 'Prospective Mediation Results' (25%). Table 6 further displays the differences in frequencies.

**If Mediation, Who Mediates?** In designing the survey-questionnaire, it was important to not assume that all OOs would be the mediator if a problem or concern was addressed through mediation. In fact, quite a few organizations have separate offices or entities that provide mediation or partner with an external program that provides mediation services. After asking respondents how often they explore the option of mediation and the circumstances that might lead them to think of mediation as a possible option for addressing a problem or concern, they were then asked to indicate whether or not they would mediate the situation themselves or make a referral to another office. Of the 57 respondents, 89.5% (51) indicated that they would mediate the situation themselves. Only 10.5% (6) said they would make a referral to another office.

## Discussion

As previously mentioned, generalizations from this research should be made cautiously primarily because of the sampling method (further limitations are described below). Nonetheless, there are several thought-provoking observations to discuss. This study first set out to identify OO backgrounds and determine whether or not differences existed between OOs of different backgrounds and the frequency in which they explore mediation as an option with a visitor, as well as the specific circumstances in which they typically explore mediation as an option with a visitor. In many ways, questions were answered, in other ways, more questions have been raised.

The data collected in this study provide additional clarity on OO backgrounds whether widespread, not widespread, or 'outliers'. Some OO backgrounds, for example Law and Business, still remain popular, especially amongst newer OOs. The results show that some specific academic disciplines and professional positions are becoming more popular amongst OOs, but OO with very different backgrounds are still led to the role. Also, the number of those with backgrounds (identified in earlier studies) such as Economics and Engineering are decreasing amongst OOs. The data also shows that in the last decade, a significant number of OOs are entering the profession with Conflict Resolution experience — both academically and professionally (as mediators, facilitators, negotiators, etc.). The survey data are reflecting a trend illustrated in a study by Polkinghorn and Chenail (2000) which concluded that in 2000 there were approximately 130 conflict resolution related graduate programs internationally that offered certificates, minor concentrations, master's and doctorate degrees, up from only four programs in 1985. With this increase, will more individuals with direct conflict resolution experience choose a career as an OO?

Many of the skills and techniques utilized by practicing OOs such as non-judgmental listening; the ability to communicate successfully with a diverse range of people; courage to speak up; discretion; creativity in developing options; and problem solving and analytical ability are closely related to those taught in conflict resolution academic and training programs. Traditionally, OOs have been hired after having extensive experience in other positions with their companies (Ziegenfuss, Rowe & Munzenrider, 1993). This gives them the advantage of having organizational trust, understanding, knowledge and networks that can undoubtedly aid the work of the OO. In addition to the likely desirable characteristics they already possess, they can then learn and acquire additional needed skills and techniques through training or exposure.

Consistent with the findings of Newhart (2007) and Alcover (2009), the results of this survey-questionnaire suggest that many OOs consider exploring mediation with visitors; with 77% indicating sometimes or more. Without making a sweeping generalization, it should still be noted that the few OOs who indicated that they do not often explore the option of mediation, choose not to more often than not because of organizational limitations such as size and geographic dispersion — which are in no way related to their background. Another reason for not exploring mediation, identified in the results, was because the process of mediation or the term "mediation" can be perceived as too formal and therefore belongs outside of the realm of OO practice. Further research should be conducted in order to gain a better understanding of why OOs might not explore mediation.



The variations in these data amongst OOs of different backgrounds and frequency in which they explore mediation suggest that there could be a connection, but that connection may be weak in comparison to other factors that influence practice. Further research should focus on establishing criteria that can be used to filter out and identify particular influences.

When it comes to the circumstances in which OOs explore mediation, differences amongst backgrounds were not clearly identified. Similar to comparisons with frequency, there may be additional factors that influence the decision to explore mediation with a visitor, aside from background. Nonetheless, the open-ended question to elicit data provided an added layer of understanding around the decision making process of individual OOs. The categories that emerged were in many ways similar to those described in an article by Alcover (2009) which used information from the 2006 survey, as well as other research and literature on the university context, to develop a contingent model for OO mediation in the university setting. The contingent model focuses on power relations between the parties involved, temporal perspective of the relationships, and formalization of the mediation process as potential constraints that may affect the desirability and effectiveness of mediation, specifically for a university dispute.

Backgrounds aside, responses demonstrated strong consistency in some areas, as well as stark contrast in others in OO perspective around the use of mediation. For instance, categories like the *Parties' Openness to the Mediation Process* exhibited strong consistency; no OO indicated exploring mediation despite a party being unwilling or uninterested, consistent with the values of OO work. In other categories of consideration, such as *The Parties' Relationship*, OOs undoubtedly expressed varying perspectives. For example, when it came to the notion of power, as previously indicated, some OOs only considered mediating when power is relatively balanced; while others appeared to be much less concerned about power dynamics. Similarly, data related to *Options and Alternative to Mediation* demonstrates distinctions in when mediation might be introduced as an option. For instance, some respondents gave the impression that they regularly consider mediation as an option from the beginning. Other respondents seemed less inclined to explore mediation from the beginning and explore other options, perhaps viewing mediation as a final option to avoid a more formal process.

## Limitations

There are limitations to the significance of the results that are important to note. First, a survey-questionnaire method was used for its cost-effectiveness and short collection time. Survey-questionnaire data collection is limited, particularly validity because it allows only for self-reporting. Respondents may not provide accurate, honest answers because they do not want to present themselves in an unfavorable way. In addition, the survey-questionnaire could lead to unclear data because respondents may interpret certain questions and answer options differently. For instance, the term "mediation" was loosely defined for respondents at the beginning of the survey-questionnaire; yet, the word mediation can certainly imply different meaning for individuals, which can ultimately determine the way they respond to a particular question.

Non-probability volunteer based sampling is also a limitation for this study. It is challenging to estimate the probability of any one element being included in the sample, including backgrounds, experience levels or sectors. As a result, it is impossible to estimate sampling variability or to identify possible bias.

The majority of OOs who responded to the survey-questionnaire had backgrounds in more than one academic discipline and/or professional position. This factor made it impossible to look at OOs from only one specific background. The study was properly adjusted to focus on differences between individuals with any amount of experience in a particular area.

A final limitation is in the researcher's interpretation of the open-ended question responses and calculation of frequencies for circumstances in which OOs would explore the option of mediation. After categories were established and the researcher determined frequencies, they were not tested by any other individual. It is possible that with the same categorical breakdowns and same responses, a different researcher would establish frequencies differently.

## New Questions for Future Research

If more academic and training programs in conflict resolution are made available and more conflict resolution professionals become interested in a career as an OO, will the path to becoming an OO become less non-singular? Additional questions relating to OO backgrounds and their practice might include:

- How does a particular academic or professional background help prepare someone for the role of the OO or enhance OO skillsets/techniques?
- Besides mediation, are other areas of OO practice influenced by an OOs academic or professional background?
- What other factors influence or inform an OOs' work (in general or in particular areas)?

The survey-questionnaire instrument used in this study collected qualitative data regarding other terminology used (other than "mediation"). Further research might explore differences in understanding and in practice between formal mediation and informal mediation, such as a 'facilitated conversation'; a term that appeared often in survey-questionnaire responses. Additional questions relating to OO-mediation might include:

- What are some of the reasons for why an OO would not explore the option of mediation or would instead make a referral?
- If an OO is involved in a case that started as an OO case, could/should they later be acting as mediator if that case develops into a mediation case (even if the parties agree to that different role of an OO)?

Several questions also emerged from the categorical breakdown developed in respect to circumstances in which an OO would explore the option of mediation. One question in particular stood out:

- Why are some OOs willing to mediate situations where there is an imbalance of power, while others are much more reluctant?

## Conclusion

The findings in this study have confirmed and more specifically described the academic and professional backgrounds of some contemporary OOs. In doing so, the study has identified shifts and possible future trends in pathways to becoming an OO. The study has also demonstrated that mediation is explored more often than not by OOs in cases where when more than one individual is involved. In terms of the circumstances under which OOs explore mediation, this study has identified several categories of consideration including (1) the parties' relationship, (2) the nature of the problem or concern, (3) the parties' openness to mediation, (4) the options or alternative to mediation, (5) the mediation process benefits and (6) the prospective mediation result. Although some differences did exist, the study did not establish any sweeping differences in the frequency or the circumstances in which mediation is explored amongst OOs with different backgrounds. It is for further research to identify elements other than background and professional experience that influence OO practice.

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**Table 1. OO ACADEMIC BACKGROUNDS BY LEVEL OF EXPERIENCE - % (Count)**

Academic Discipline	< 1 – 3 Years of OO Experience	3 – 7 Years of OO Experience	7 – 15 Years of OO Experience	15+ Years of OO Experience
<b>Law</b>	<b>*39% (10)</b>	31% (5)	14% (2)	29% (2)
<b>Psychology</b>	19% (5)	19% (3)	<b>*43% (6)</b>	29% (2)
<b>Sociology</b>	4% (1)	13% (2)	<b>*21% (3)</b>	14% (1)
<b>Philosophy</b>	4% (1)	<b>*13% (2)</b>	0% (0)	0% (0)
<b>Business</b>	15% (4)	25% (4)	21% (3)	<b>*57% (4)</b>
<b>Science</b>	12% (3)	<b>*13% (2)</b>	7% (1)	0% (0)
<b>Teaching/Education</b>	<b>*35% (9)</b>	31% (5)	14% (2)	0% (0)
<b>Literature</b>	8% (2)	0% (0)	7% (1)	<b>*14% (1)</b>
<b>Engineering</b>	0% (0)	0% (0)	0% (0)	0% (0)
<b>Communication</b>	12% (3)	13% (2)	<b>*21% (3)</b>	14% (1)
<b>Political Science</b>	<b>*15% (4)</b>	13% (2)	14% (2)	14% (1)
<b>Medical</b>	0% (0)	<b>*6% (1)</b>	0% (0)	0% (0)
<b>Conflict Resolution</b>	31% (8)	<b>*56% (9)</b>	36% (5)	14% (1)
<b>Visual or Performing Arts</b>	4% (1)	0% (0)	0% (0)	<b>*14% (1)</b>
<b>Organizational Development</b>	4% (1)	25% (4)	<b>*43% (6)</b>	14% (1)
<b>Other (Specified)</b>	35% (9)	<b>*38% (6)</b>	14% (2)	0% (0)
<b>Out of:</b>	<b>26</b>	<b>16</b>	<b>14</b>	<b>7</b>
* = Highest in Frequency Level (Row) <b>Bold</b> = Highest in Discipline (Column)				

**Table 2. OO PROFESSIONAL BACKGROUNDS BY LEVEL OF EXPERIENCE - % (Count)**

Professional Position	< 1 – 3 Years of OO Experience	3 – 7 Years of OO Experience	7 – 15 Years of OO Experience	15+ Years of OO Experience
HR Professional	4% (1)	*19% (3)	14% (2)	14% (1)
Counselor	20% (5)	6% (1)	21% (3)	*29% (2)
Professor	<b>*36% (9)</b>	19% (3)	21% (3)	29% (2)
Teacher	*24% (6)	13% (2)	21% (3)	0% (0)
Manager/Administrator	32% (8)	<b>56% (9)</b>	29% (4)	<b>*71% (5)</b>
Engineer	0% (0)	0% (0)	0% (0)	0% (0)
Scientist	8% (2)	0% (0)	*14% (2)	*14% (1)
Health Professional	0% (0)	*6% (1)	0% (0)	0% (0)
Social Worker	8% (2)	0% (0)	7% (1)	*14% (1)
Lawyer	*28% (7)	19% (3)	7% (1)	29% (2)
Arbitrator	*4% (1)	0% (0)	0% (0)	0% (0)
Accountant	0% (0)	0% (0)	*7% (1)	0% (0)
Consultant	*20% (5)	13% (2)	7% (1)	14% (1)
EEO Specialist/Counselor	0% (0)	0% (0)	*7% (1)	0% (0)
Mediator	36% (9)	*38% (6)	36% (5)	0% (0)
Facilitator	28% (7)	13% (2)	<b>*43% (6)</b>	0% (0)
Other (Specified)	28% (7)	31% (5)	*36% (5)	29% (2)
<b>Out of:</b>	<b>26</b>	<b>16</b>	<b>14</b>	<b>7</b>

\* = Highest in Frequency Level (Row) **Bold** = Highest in Position (Column)

**Table 3. FREQUENCY IN WHICH OOs EXPLORE THE OPTION OF MEDIATION WITH  
PEOPLE WHO COME TO THE OO OFFICE WITH A PROBLEM OR CONCERN  
By Top 6 Academic Disciplines - % (Count)**

Frequency	Conflict Resolution	Law	Psychology	Teaching/ Education	Business	Organizational Development
Always	9% (2)	5% (1)	0% (0)	*19% (3)	0% (0)	0% (0)
Often	35% (8)	<b>*47% (9)</b>	25% (4)	<b>31% (5)</b>	29% (4)	25% (3)
Sometimes	<b>43% (10)</b>	<b>47% (9)</b>	<b>44% (7)</b>	<b>31% (5)</b>	<b>43% (6)</b>	<b>*50% (6)</b>
Seldom	13% (3)	0% (0)	*31% (5)	19% (3)	14% (2)	25% (3)
Never	0% (0)	0% (0)	0% (0)	0% (0)	*14% (2)	0% (0)
<b>Total Respondents:</b>	<b>23</b>	<b>19</b>	<b>16</b>	<b>16</b>	<b>14</b>	<b>12</b>

\* = Highest in Frequency Level (Row) **Bold** = Highest in Discipline (Column)



**Table 4. FREQUENCY IN WHICH OO<sub>s</sub> EXPLORE THE OPTION OF MEDIATION WITH PEOPLE WHO COME TO THE OO OFFICE WITH A PROBLEM OR CONCERN**  
By Top 6 Professional Positions - % (Count)

Frequency	Manager/ Administrator	Mediator	Professor	Facilitator	Lawyer	Counselor
Always	4% (1)	10% (2)	*12% (2)	7% (1)	0% (0)	0% (0)
Often	31% (8)	<b>45% (9)</b>	<b>41% (7)</b>	<b>40% (6)</b>	<b>*54% (7)</b>	27% (3)
Sometimes	<b>35% (9)</b>	40% (8)	35% (6)	33% (5)	*46% (6)	<b>*45% (5)</b>
Seldom	*27% (7)	5% (1)	12% (2)	20% (3)	0% (0)	*27% (3)
Never	*4% (1)	0% (0)	0% (0)	0% (0)	0% (0)	0% (0)
<b>Total Respondents:</b>	<b>26</b>	<b>20</b>	<b>17</b>	<b>15</b>	<b>13</b>	<b>11</b>

\* = Highest in Frequency Level (Row) **Bold** = Highest in Position (Column)

**Table 5. CIRCUMSTANCES WHICH MIGHT LEAD OO<sub>s</sub> TO THINK OF MEDIATION AS AN OPTION FOR ADDRESSING PROBLEMS OR CONCERNS**  
By Top 6 Academic Disciplines - % (Count)

Considerations	Conflict Resolution	Law	Psychology	Teaching/ Education	Business	Organizational Development
Parties' Relationship	*50% (9)	44% (7)	53% (8)	33% (5)	33% (3)	18% (2)
Nature of Problem or Concern	<b>78% (14)</b>	<b>*81% (13)</b>	<b>67% (10)</b>	<b>60% (9)</b>	<b>67% (6)</b>	<b>55% (6)</b>
Parties' Openness to Mediation	*61% (11)	38% (6)	40% (6)	40% (6)	33% (3)	45% (5)
Options/Alternative to Mediation	39% (7)	*44% (7)	13% (2)	20% (3)	33% (3)	36% (4)
Mediation Process Benefits	28% (5)	31% (5)	13% (2)	20% (3)	*33% (3)	0% (0)
Prospective Mediation Results	17% (3)	13% (2)	*27 (4)	20% (3)	22% (2)	9% (1)
<b>Out of:</b>	<b>18</b>	<b>16</b>	<b>15</b>	<b>15</b>	<b>9</b>	<b>11</b>

\* = Highest in Frequency Level (Row) **Bold** = Highest in Discipline (Column)

**Table 6. CIRCUMSTANCES WHICH MIGHT LEAD OOs TO THINK OF MEDIATION  
AS AN OPTION FOR ADDRESSING PROBLEMS OR CONCERNS  
By Top 6 Professional Positions - % (Count)**

Considerations	Manager/ Administrator	Mediator	Professor	Facilitator	Lawyer	Counselor
<b>Parties' Relationship</b>	41% (9)	35% (6)	*47% (7)	36% (5)	33% (4)	45% (5)
<b>Nature of Problem or Concern</b>	<b>64% (14)</b>	<b>*71% (12)</b>	<b>67% (10)</b>	50% (7)	<b>58% (6)</b>	<b>55% (6)</b>
<b>Parties' Openness to Mediation</b>	32% (7)	41% (7)	*60% (9)	<b>57% (8)</b>	33% (4)	45% (5)
<b>Options/Alternative to Mediation</b>	36% (8)	35% (6)	7% (1)	36% (5)	50% (6)	<b>*55% (6)</b>
<b>Mediation Process Benefits</b>	32% (7)	24% (4)	33% (5)	36% (5)	*42% (5)	36% (4)
<b>Prospective Mediation Results</b>	23% (5)	18% (3)	20% (3)	13% (2)	*25% (3)	18% (2)
<b>Out of:</b>	<b>22</b>	<b>17</b>	<b>15</b>	<b>14</b>	<b>12</b>	<b>11</b>
* = Highest in Frequency Level (Row) <b>Bold</b> = Highest in Position (Column)						

# Enhancing Ombudsman Practice and Outcome: Stage Model of Change and Motivational Interviewing

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## ABSTRACT

The Stage Model of Change and Motivational Interviewing from clinical therapies provide a skillset to assist Ombudsmen in the assessment and delivery of their work with individuals who seek their assistance. The Stage Model of Change utilizes delineation of stages that can more precisely direct Ombudsman strategy formulation matched with a client's openness to change in the moment. Motivational Interviewing provides the general processes and tasks necessary

to induce Ombudsman/client connection and develop a deeper understanding of ambivalence and resistance so that the client can more easily identify and cross the barrier psychologically from the status quo to a winning behavioral strategy.

## Introduction

When people need information they will often turn to the internet for definitions, etiology, and action steps to address or read about almost anything one can imagine. Medical advice, arcane trivia and broad reaching universal information are readily available. But when people find themselves in a workplace conflict, this kind of uni-dimensional information will feel unsatisfactory at best and ineffective at worst. People contact an Ombudsman because they want to articulate their concerns and connect with a human being, not just an informational resource. So from the beginning, interaction is expected, valued, and indeed required to clarify problems, identify interests and emotions, and explore resolution.

The author proposes incorporation of the Stage Model of Change and Motivational Interviewing (MI) from the clinical (behavioral psychotherapy) literature to enhance Ombudsmen delivery and efficacy in these areas of active listening, diagnostic inquiry, hypothesis formulation, intervention — and beyond — to include continued professional learning and discovery. This author will refer to the person who contacts the Ombudsman as either the client or the visitor and will use the terms interchangeably to mean the individual with whom the Ombudsman is working.

The use of the Stage Model of Change and MI were first formulated in the early 1980's for addictions treatment (Miller, 1983). Since that time, these evidence based models have been adapted successfully from addiction to health behavior, mental health care, cardiovascular rehabilitation, diabetes management, and chronic pain (e.g., with patients who do not want to reduce their medications and increase their activity level because to do so is painful). MI has also been shown to change physician attitudes about patient resistance. There appears to be a synergy between clinician and client utterances which increases clinician interpersonal skill and attitudes about outcome in addition to producing more effective outcomes. This discovery particularly may translate effectively into Ombudsman practice. Both the Stage Model of Change and MI have been empirically proven in over 200 randomized clinical control trials (Miller, et al. 1994) to have a utility that can be used with anyone when people are ambivalent about anything in their life that they want to change — whether medical or work related.

Adaptation of the skillsets utilized in these models may assist the Ombudsman in those difficult cases in which client ambivalence, resistance, or other factors seem to stall change and confound the Ombudsman and client alike. Incorporating this orientation borrowed from clinical work into daily routine practice may deepen Ombudsman effectiveness, improve case outcomes, and lead to increased satisfaction with the intervention for both the client and Ombudsman. It is a bit like walking backwards – one arrives at the destination whether you walk forward or backwards but the brain has to work differently in a backwards gait and the individual experiences different sensory input and thought processes along the way. It may prove to be a difference that makes the difference.

This paper will first provide an overview of Ombudsmen principles and processes that inform the culture of the Ombudsman role. I will then define the Stage Model of Change and Motivational Interviewing (MI) and suggest implications for Ombudsman practice.

## The Ombudsman Role

Organizational Ombudsmen serve as confidential, independent, neutral and informal dispute resolution sources for a specific entity. As such, they are accessible to a defined population and can advocate for fairness within that population. This unique combination of characteristics distinguishes the Organizational Ombudsman from classical Ombudsmen, mediators, arbitrators and other alternative dispute resolution (ADR) professionals. Mediators, for example, may practice guided by similar principles as ombudsmen, but Ombudsmen serve as inside “outsiders” and are able to weave together, with the visitor’s permission, information from the person’s perspective, information regarding the work place directly from others within the organization, as well as incorporate systems specific information that may be impacting the visitor’s circumstances, and finally, provide ongoing contact with the employee and the organizational unit of which he/she is a part. This wider scope carries the potential to create deeper engagement and interventions that morph over time as the individual makes changes or as the organizational reality changes.

Ombudsmen often begin each session with a new visitor with an initial “triaging” interview. This activity can be described as listening fully and actively so that the Ombudsman understands the person’s perspective as he or she describes the “situation” for which he or she requests assistance. The International Ombudsman Association Standards of Practice state that the Ombudsman functions on an informal, neutral and impartial basis by “Listening, providing and receiving information,

identifying and reframing issues, developing a range of responsible options, and — with permission and at Ombudsman discretion — engaging in informal third party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves” International Ombudsman Association (2010).

Ombudsman work by its nature dictates a problem-solving approach aimed at developing mutual scope for the work, and identifying necessary steps to achieve the goals agreed upon by both the client and Ombudsman. Theoretical positions generally fall into two large categories with various subcategories — those that emphasize either increased understanding of the person and other parties in a conflict, or those that emphasize an orderly and respectful exchange of proposed solutions geared toward a resolution or settlement. The two main camps can generally be conceptualized as promoting *dialogue* toward increased insight as a goal with merit of its own without achievement of settlement, or a primary focus and push toward resolution or *settlement*.

In actual practice a hybrid of the two general approaches may be found. For example, Kenneth Kressel and Howard Gadlin, (2009) outlined a model utilized by one large Organizational Ombudsman office that incorporated a kind of two- step approach encompassing both. Ombudsmen in this study initially approached the individual with overtures toward “a Deep Problem Solving Schema (DPSS) aimed at identifying and addressing underlying sources of conflict and converted to a Tactical Schema (TS) focusing on the issues as identified by the parties and eschewing the examination of “deeper” dynamics” only if the attempts at DPSS were unsuccessful.” Sometimes the parties are unwilling or unable to proceed in a deep problem solving interchange; they may desire a more concrete tactical resolution or be unwilling or unable to reflect in a deeper way.

Howard Gadlin (2009) states that “whether or not we offer ‘deep problem solving’ depends on the sort of working relationship we establish with the parties. This in turn is often a direct consequence of the questions we ask, and the questions we ask do flow from the overall conceptual scheme we bring to the work... For example, in a mentor-postdoc dispute we ask about or offer thoughts about separation and authority issues by using parental metaphors... The Ombudsman would follow a tactical driven strategy in deference to the pragmatic scientific and “political” agenda of a scientific director, even when systemic problems might have favored a deep problem solving approach. In another instance, a deep problem solving strategy was employed to modify a dysfunctional communication pattern between a mentor and a scientifically weak post-doctoral fellow but only enough to negotiate an early termination of the fellows’ employment.”

In workplace settings, employees generally contact the Organizational Ombudsman with concerns regarding fair treatment, performance evaluations, conduct actions, and other communication problems among colleagues or supervisors. Often, too, people contact the Ombudsman with requests for facilitation or group work to examine systems processes or develop strategic plans for change management. Because of this defined area of interest, namely, the workplace in its various singles, diads, triads and groups, the client comes to share elements related to his or her thoughts about how he/she has been treated, and information regarding how he/she has functioned in this environment which can aid in planning the scope of the work with the client.

In addition to the direct report of the client, Ombudsmen often have direct access to information regarding the visitor from people in the visitor’s work place. With the employee’s permission the Ombudsman may contact appropriate others (supervisors, colleagues, or subordinates) to understand important relational or operational factors in the client’s department that impact him or her. The

Ombudsman is thus in the advantageous position of being able to ask for permission to talk with appropriate others so that the Ombudsman and client together can, with permission by the parties, share information, and analyze, reject or incorporate these diverse viewpoints into the assessment and decision making; the process is thus discovery driven and interactive.

In addition, the Ombudsman has direct knowledge of institutional systemic factors that provide the context within which the individual's problems and issues exist. By contrast, personal coaches, private therapists or trusted confidants might have general knowledge about such factors from the client's perspective, but are not likely to have institution specific information. This comprehensive knowledge and the ability to examine and integrate this kind of information in a shared explorative discussion are the true hallmarks of the uniqueness and value of the Ombudsman's role.

## Stage Theory of Change: Conceptual Backdrop

Focusing on theories of change is important because many people who visit the Ombudsman find themselves in painful situations, sometimes without a clear idea how they arrived there and with a secret or not so secret misgiving that they cannot fix it themselves. They turn to others to help them make it better. This "other expert" may be a supervisor, director, human resources person or Ombudsman who the person feels might provide a shred of clarity or perhaps even save the day.

An important consideration in Ombudsmen practice is to first strive to understand the situation as the person sees it; to really pause and spend enough time in an empathetic way that allows the person to articulate his/her predicament so that the Ombudsman fully grasps the hardship involved. It is crucial not to rush this process because all that follows is predicated on the development of a successful connection at this juncture. As a basic level of trust and connection have been established the Ombudsman can assist the person to gently expand and complexify the narrative by asking detailed questions about it, to probe more specifically about what the person wants, evaluate the decisions he/she made in the past that may have contributed to the circumstance in some way, and to help him/her imagine choices that are better for them. As the Ombudsman shifts into the action required to achieve these choices, the Ombudsman can help direct the process by tentatively proposing solutions that mesh with an individual's capacity and commitment to assume personal agency in the desired change. This requires a deeper artistry on the part of the Ombudsman.

The types of questions the Ombudsman considers and asks should create a sense of reciprocity between Ombudsman and client regarding what to expect in the professional encounter. Questions would likely include those that uncover and structure a continuum of choice points for the client and Ombudsman alike:

- 1) first, a pause to consider all the complexities, suffering, resiliencies, and pathways that are embedded in the present circumstance;
- 2) understand the rationale of the visitor's past decision making as well as articulating the preferred future;
- 3) consider improvements in conflict management or communication skills and anticipate potential downsides and advantages (ambivalence) regarding acting on these improvements;
- 4) discuss strategies that may encompass either coaching with Ombudsman to prepare for a direct conversation with other parties in order to communicate his/her view and/or perhaps allow permission for the Ombudsman to contact significant parties who may have information or authority to facilitate changes;



- 5) consider benefits of other options such as shuttle diplomacy or mediation; or
- 7) decide to take no action at the current time.

Every choice point within this continuum requires that the individual him or herself generate decisions to either convert thoughts or desire for change into some kind of behavioral action or not. The interaction with the Ombudsman can serve not only as an information gathering session for possible options but serve as a catalyst for the individual to assess his/her ability and desire to convert a wish for a different circumstance into behaviors to make it possible.

Making these kinds of choices can be difficult and unfamiliar. It is sometimes the case that clients are not always ready to reflect on their contributions to a situation or consider making changes that will lead to more effective functioning and resolution of a conflict. They may not feel it is necessary, they may be anxious or fearful about this kind of reflection, or they may believe the best course of action is to change others instead.

The Stage Model of Change derived from the counseling paradigm is applicable to Ombudsman practice in making these assessments about the client's situation. It is based on the theory that clients move through a series of stages of willingness to change and that tasks and challenges presented by each of the stages of change require different techniques and proposals from the Ombudsman. This does not imply that visitors are somehow stubbornly and consciously unwilling to change and therefore are the main causes of the problems they face (although this may at times be true.) It means that Ombudsmen can more effectively understand that the influence of the environment within which the person lives, works and loves, has left an imprint on the person's situational capacity in that moment for change to occur. It is therefore important to understand that Ombudsmen have a very real opportunity to thoughtfully assess, right along with the visitor, where the person finds him or herself in terms of imagining change, and work with the visitor to correlate options that are most likely to be of benefit to the visitor given his/her change capacity at the time.

According to Connors, et al. (2001), there are five stages of change — pre-contemplation, contemplation, practice, action and maintenance.

1. In the pre-contemplation stage, the client is really not motivated to change. During this stage techniques should not be geared toward behavioral change but rather toward *increased education* as to the effects of the problem behavior in the client's life;
2. In the contemplation stage, the client begins to consider change seriously, and the focus of the intervention is working with the client *to elucidate the pros and cons of change*;
3. In the preparation stage, the focus of the work is *planning action steps* and commitment enhancement as well as identification of strategies to move successfully into action. A review and checkup on the skills needed to implement these strategies is essential;
4. In the action stage, *the plan that was developed in the practice stage is activated*. The need for commitment is crucial, and review and revision are important tasks in the action phase as the client makes changes in behavior; and
5. The maintenance stage requires *continued monitoring of the action outcomes* to ensure they remain useful and healthy.

Stage of Change	Items
Precontemplation	<ul style="list-style-type: none"> <li>• As far as I'm concerned, I don't have any problems that need changing.</li> <li>• I guess I have faults, but there's nothing I really need to change.</li> </ul>
Contemplation	<ul style="list-style-type: none"> <li>• I think I might be ready for some self-improvement.</li> <li>• I wish I had more ideas on how to solve my problem.</li> </ul>
Action	<ul style="list-style-type: none"> <li>• I am finally doing some work on my situation.</li> <li>• Anyone can talk about changing; I am actually doing something about it.</li> </ul>
Maintenance	<ul style="list-style-type: none"> <li>• I'm not following through with what I had already changed as well as I had hoped, and I'm here to prevent a relapse of the problem.</li> <li>• I thought once I had resolved the problem I would be free of it, but sometimes I find myself struggling with it.</li> </ul>

The Ombudsman would work differently with someone who does not currently view his or her behavior as contributing to a problem and is primarily focused on exacting change from others, than they would with someone who is more self-reflective and ready to discuss personal options to remedy the situation. In the former instance, the work would be an educational approach asking a series of questions to determine whether the client's behavior is producing deleterious consequences in his or her life. "The [Ombudsman] thus attempts to increase the client's awareness of the potential problems caused, consequences experienced, and risks faced as a result of the behavior in question. In the later instance, the approach would be behaviorally oriented and would include discussing options for action, activities to enhance commitment and personal skills necessary to implement desired change. Ideally, counselors (or Ombudsmen) help clients envision a better future, and become increasingly motivated to achieve it" (Brodie, et al., 2008). "Either way, the strategy seeks to help clients think differently about their behavior and ultimately to consider what might be gained through change"(Cummings, et al., 2009).

"Another central concept is that ambivalence about decisions is resolved by conscious or unconscious weighing of pros and cons of change vs. not changing" (Ajzen, 1980). It is not that people don't know what to do but rather that they often feel stuck and don't have confidence to act in the way they say they want to. When anyone is ambivalent about a situation they begin to feel pressure and often experience pressure from others who are important in their lives. In this situation we often question ourselves, "What is the deal? Why can't I decide?"

The way in which a client thinks about the work related problems will likely yield clues for consideration. The following questions, which guide the Ombudsman's internal assessment, can assist the Ombudsman in arriving at a sense of the client's sense of agency and locus of control.

1. Does the client see his/her part in creating his/her own problems?
  2. Is the client aware of alternatives for action?
  3. Does the client recognize and try to deal with problems, or invest energy in denying their existence?
  4. Does the client generally blame others for his/her problems?
  5. Is the client willing to consult and work with someone to change the behavior?
- (Corey, et al., 1998).

Utilizing the questions above as a template for hypothesis formulation will help the Ombudsman understand the client's functioning on a continuum of self-awareness, reality testing, and willingness to engage in the change process, and suggest options accordingly. For example, imagine the following presentation "I was referred by my supervisor for anger management but I don't have a problem. I had to set these guys straight and pull out of the project. The other collaborators are way off base with their approach." Here the Ombudsman might wonder to herself whether the person will continue to blame the other collaborators, whether the person will invest energy in resolving the matter and whether the person is willing to work with the Ombudsman to change his behavior or the outcome. She may also wonder whether the person is stalled by ambivalence, feeling or thoughts that define a mixture of strong competing emotions. For example, might there be a blend of anger for not being appreciated, or maybe frustration because the project may not finish in time, or fear that the person's expertise is not adequate and he may not receive a good evaluation. The Ombudsman may not ask these questions directly, or she might, but in any case she would lead the conversation to an opening so that the person could express any conflicting thought or emotions. This is accomplished in a conversational, not interrogatory way, and the Ombudsman infers from the verbal responses and physical cues whether or not the person is interested in an alternative way of looking at the situation.

## Motivational Interviewing

Miller (2009) defines motivational interviewing as "a form of collaborative conversation for strengthening a person's own motivation and commitment to change." It provides a skillset that is consistent with the Stage Model of Change and can guide and deepen the Ombudsman's orientation to the client, his or her interviewing skills, hypothesis formulation and intervention strategies. MI is a "therapeutic method that is evidence-based, relatively brief, specifiable and applicable across a wide variety of problem areas, complementary to other active intervention methods and learnable by a broad range of helping professionals. Although originally developed to address substance abuse disorders MI has now been tested across a diverse spectrum of target behaviors and found to be effective both in reducing maladaptive behavior and promoting adaptive health behavior change. It shows promise as a tool, (to be integrated with other [Ombudsman] methods), for use when client ambivalence and motivation appear to be obstacles to change" (Miller 2009).

MI is unique in that it is a non-expert based model. The Ombudsman as "intervener" is in a different relationship with the client from the very beginning. Even as the Ombudsman might fully listen in order to understand the client's perspective and lead a client through option discussions with the goal of coming to a decision for action, all of which an Ombudsman does and all of which are positive, the Ombudsman does not approach the client as an expert but rather as someone who has equal responsibility to put something into the discussion, as the client equally has something to contribute. This is a nuanced difference from the Ombudsman as 'specialist' in conflict resolution, whose purpose is to listen well and understand deeply but essentially to give advice or construct solutions as though the Ombudsman possessed some special knowledge of the organization that would magically lend itself to a solution *without the visitor's contribution and reflection*. Indeed, it may sometimes be the case that the Ombudsman is aware of particular facts about the organization that may influence which options are viable. In this case the Ombudsman must delicately explore the feasibility of options with the client. The Ombudsman's role, and indeed gift, lies in the creation of

a certain kind of psychological safety through an empathic direction during the work that is more likely to reduce the inherent risk of self-reflection, self-disclosure, and imagined positive outcomes. This in turn better enables the client to dial down defensive or protective thoughts that may be restricting him or her internally so as to better tune into his or her interests, emotions, and history of decision making - all factors in self-opting for behavioral change.

"MI is designed to strengthen an individual's motivation for and movement toward a specific goal by eliciting and exploring the person's own reasons for change — within an atmosphere of acceptance and compassion" (Miller 2009) rather than one of challenge, investigation, or overly structured dialogue. It is thus a joint exploration between visitor and Ombudsman of the full range of factors that contribute or impede the visitor from making desired change.

## The MI Model

MI is "a conceptual model focused on responding differentially to client speech, within a generally empathic person-centered style, with special attention focused on evoking and strengthening the client's own verbalized motivations for change" (Miller 2009). It is a goal-oriented intervention style for eliciting behavior change by helping clients to explore and resolve any bits or chunks of ambivalence the visitor may harbor that impede achievement of his/her goals. The MI model distinguishes itself from solution focused brief therapy, cognitive therapies, and Ombudsman coaching models with its emphasis on both *relational* and *technical* components. Other therapies and coaching models do not emphasize the interdependent nature of these components and have not to date provided empirical data to support their approaches in the way that MI has done. These empirical findings can provide a more solid theoretical marker of validity for Ombudsmen as they work with visitors throughout all stages of the work. The components are applicable to all issues found within the nine International Ombudsman Association Uniform Reporting Categories.

MI emphasizes two specific active components:

First is a **RELATIONAL** component focused on the interpersonal spirit of MI, more specifically the therapeutic skill of empathic understanding as described by Carl Rogers (1959). Rogers hypothesized that accurate empathy and congruence provide a supportive and facilitative atmosphere in which clients can safely explore their experience and ambivalence and are "necessary and sufficient" interpersonal conditions for fostering change. These relational factors have been empirically shown to promote positive change in problem drinking and other medical treatment outcomes (Miller, 1983; Miller et al., 1980; Valle, 1981). In fact, counselor empathy has been shown to account for a meaningful proportion of variance in therapeutic alliance. High-empathy counselors appear to have higher success rates regardless of theoretical orientation and low empathy counselors produced a toxic effect on outcomes of treatment (Moyers & Miller, 2013).

A **TECHNICAL** component involves the differential evocation and reinforcement of client *change talk*. Miller maintains this approach is linked to prior psychological theories such as Festinger's (1957) formulation of cognitive dissonance in which he postulates the change-promoting value of hearing oneself argue for change and with Bem's (1967, 1972) reformulation as self-perception theory.

"The examination and resolution of ambivalence is a central purpose, and the MI counselor is intentionally directive in pursuing this goal" (Shannon, et al., 2003). Counter change arguments commonly referred to as *resistance*, represent the other side of a client's ambivalence to which the counselor expects may be present, probes for its effects, and responds empathetically" (Shannon, et al., 2003). Ambivalence and resistance create indecision because they represent strong opposing thoughts or emotions. Neither ambivalence nor resistance should be perceived as dysfunction or individual weakness nor should register to the Ombudsman in any way as critique or negative assessment of the visitor. They are viewed as supportive markers, used to illuminate the situation for the visitor and Ombudsman alike, and to sketch out more adaptive outcomes that take into account individual patterns of ambivalence.

"These technical and relational components are not rival or incompatible hypotheses. Psychotherapy research has long postulated a combination of specific (technical) and general or non-specific (relational) factors that influence outcome" (Miller, 2009).

Amrheim (1992) "suggested a classification scheme based on analysis of language by which people negotiate and make commitments. He differentiated change talk into linguistic subcategories reflecting various components of motivation for change — desire, ability, reasons and need — all precursors to commitment. The strength of commitment directly and robustly predicted behavior change while the other subcategories seemed to be preparatory steps toward commitment. Foreshadowing this pattern, MI occurs in two phases.

**Phase One:** Counselor focuses on evoking change talk to elicit intrinsic motivation for change. When sufficient motivation seems to be present, the counselor shifts to

**Phase Two:** strengthening commitment to change focusing on converting motivation into commitment to specific change goals and plans. A skilled MI counselor attends and responds to such in-session fluctuations in change talk and resistance and would not press ahead with the agenda if the client were not coming along. If the counselor disregarded or confronted client resistance at these points, motivational momentum would be lost."

## MI Skills Translated into Ombudsman Practice

Four general processes are involved in MI: *engaging, focusing, evoking, and planning*. Within these four processes are eight tasks that provide a framework for learning motivational interviewing and incorporating the skillset into practice (See Appendix A). The first three tasks are not as directive and are designed to gain the knowledge to learn more deeply from the person what is of most importance to them, what the potential ambivalence may be about change, and how to establish a connection within the person from speculation about change to behavioral success implementing desired changes. The last five tasks are more interactive as the Ombudsman shifts from recognizing change talk to more actively eliciting and strengthening change talk, rolling with ambivalence and resistance to change, developing a change plan, consolidating commitment, and transition and blending. The following descriptions are taken directly from Miller and Moyers (2007) found in Appendix A. Direct quotes are underlined for emphasis and clarity.

1. Overall Spirit of MI - Most Ombudsmen would describe their approach in a way consistent with this task – openness to a way of thinking and working that is collaborative rather than prescriptive, strengthens the client's autonomy and self-direction, is more about evoking than installing, and exploring rather than explaining.
2. Client Centered Counseling Skills — MI requires a proficiency in client-centered counseling skills and the comfortable practice of OARS (Miller & Moyers, 2007). These include O -open-ended questions (not targeted simply to positions and interests of the party), A -affirmation of the party's experience, R- reflecting and reframing perspective, and frequently shared Summaries to hone impressions and deepen understanding. These skills are used strategically, while focusing on a variety of topics. Development of these skills serve as reminders even to the most seasoned Ombudsmen to loosen the grip on the steering wheel and stay focused on the client hesitations, ebbs and flows of thought and emotion, before jumping to familiar solutions all too early in the engagement.
3. Recognizing Change Talk –The ability to identify client "change talk" and commitment language that signals movement in the direction of behavior change is critical to effective MI. It requires the recognition of preparatory change talk which includes expressions of desire, ability, reasons and need for change, all of which favor increased strength of commitment of the client. These are discovered in the natural language utterances of a client. Training is required to fully learn the nuances of timing and response to client change talk, but Ombudsmen, particularly in their coaching role, are well placed to learn and respond in this deeper way.
4. Eliciting and Strengthening Change Talk – Includes the ability to evoke and reinforce client change talk and commitment language. In this stage the client centered OARS skills (#2 above) are applied strategically, to differentially strengthen change talk and commitment. For example, change talk can be elicited by asking questions such as "How does \_\_\_\_ interfere with things you would like to do?" "How would you like things to be different?" Awareness alone is not generally sufficient for change and challenges to maintaining motivation and commitment should be expected and openly discussed as an active method to strengthen change talk.
5. Rolling with Resistance – is the ability to respond to client resistance in a manner that reflects and respects it without reinforcing it. The essence is to roll with rather than opposing it. In Ombudsman practice, resistance behaviors might include making excuses for inaction, blaming others, minimizing importance or significance, challenging, hostile communication (both verbal and non-verbal) and ignoring. People who are resistant are not ready to change. Ways to roll with the resistance include acknowledging the person's perception or disagreement with statements such as: "You don't see a need to change your style," "You don't think teamwork is really necessary at work," "You're rather discouraged about trying to change your supervisor's reaction to you," "On one hand you know there are some problems that can happen if you don't; ... and the information I suggested is not acceptable to you."

The following are examples one might routinely encounter in practice:

- a. **Client:** "Can you help me get a reassignment, my supervisor just doesn't appreciate my efforts?"  
**Ombudsman:** "I can support you with your efforts to create a more positive situation. Before we discuss steps you might take to find a reassignment, let me understand more. *I wonder if you might be weighing several sides to this situation (probing for ambivalence and resistance).* For example, what might it take to feel your supervisor appreciates your efforts versus just walking away and starting over with a different supervisor? There may be other factors too...." Or, "If you were an outsider looking in, *what could potentially explain (complexifying and taking alternative perspectives in order to elicit change talk)* what is happening between you and your supervisor?"



- b. **Client:** “No way I could ever talk to my supervisor about this. She would retaliate by downgrading my performance and hold it against me that I came to the Ombudsman.”  
**Ombudsman:** “Sounds like *up until now (change talk)* you have had this suspicion she would hold your attempts to work this out as a negative rather than positive mark against you. Can you share more details about how you came to that conclusion (*OARS skills aimed at expanding details of the situation*)? Under what conditions could you *imagine sharing your concerns (eliciting change talk)* to your supervisor that would surface the issue?”
  - c. Finally, another approach suggested by Miller and Rollnick “is to ask the client to take the position of arguing for a change. The clinician argues the opposite point of view and asks the client to try to persuade the clinician to make the change. This gives the client the opportunity to list all the reasons why he/she should change” (Miller and Rollnick, 2002; and Rollnick, et al, 2008).
- 6. Developing a Change Plan — This task marks the transition into Phase 2 of MI. It is the ability to recognize client readiness and to negotiate a specific change plan that is acceptable and appropriate to the client. It involves acute clinical timing as well as expert negotiation skills. Examples of statements that serve to evoke change talk into intentions and a change plan include the following: “I can see you are feeling stuck right now. What do you think you might be able to do?” “I can see you feel unsure how to proceed right now. What is going to have to change? What might you be able to do? Have you thought about talking to the other party individually? Have you thought about raising your concerns with the appropriate formal official? Have you thought about the disadvantages of maintaining the status quo? On a scale from zero to ten how important is it for you to \_\_\_\_? Tell me why you chose that number? What do you think might help you become more confident in making a change?”
- 7. Consolidating Commitment requires the ability to elicit increasing strength of client commitment to change and to specific implementation intentions. Reinforcing change talk might include responding with one of the following: “It sounds like a good idea.” “It sounds like that could work, You make a good point, I can see you gave this a lot of thought, It’s important for you now to \_\_\_\_”
- 8. Transition and Blending — Ombudsmen often blend intervention methods shifting from coaching to shuttle diplomacy or facilitation or mediation to settlement negotiations and back again in a recursive, not necessarily linear fashion.

## Discussion

Ombudsman principles and practice currently parallel many of the skillsets found in the Stage Model of Change and Motivational Interviewing approach. However, the Stage Model of Change provides a useful delineation of stages of change that can more expertly inform Ombudsman strategy formulation in casework. Understanding that a client may be in the pre-contemplation stage rather than an action or maintenance stage of change would direct the Ombudsman to suggest and employ strategies empirically found to be useful in this particular stage rather than another. Dialogue focused education and exploration during the pre-contemplation stage would look very different from outlining goals and behavioral steps needed to achieve those goals, a type of intervention predominant in the action stage.

Equally important, the model reminds us that a person's current motivation for change is not reflective of a personality trait that rigidly describes a person *en totale* but reflects the social interactional system in which he or she finds oneself at the time. This is in alignment with the systems lens with which Organizational Ombudsmen formulate strategies for resolution in casework. MI can contribute even more comprehensively to help identify patterns and trends that "might point to systemic and/or structural problems at various levels within the organization. Acting within the bounds of permission and confidentiality, this information may become part of upward feedback to organizational leaders, as well as help sharpen the Ombudsman's understanding of the organization and perhaps what types of education, consultation, outreach and support would most benefit the organization." (Levine-Finley, 2014).

The MI processes and descriptions of the tasks within these processes can provide 1) a guide for deepened practice for Ombudsmen of any theoretical orientation. These tasks correspond with Ombudsmen interventions but go beyond current Ombudsman training and description of practice. Coaching, facilitation, and mediation activities can all benefit from stretching the current models of practice to include the MI skillset.

Certainly the ability to recognize ambivalence, resistance, change talk and commitment language is applicable to effective interviewing in most all Ombudsmen processes including coaching, facilitation and mediation, as well as in group work. Eliciting and strengthening change talk can potentially augment the Ombudsman's practice during these interventions and may lead to increased incidents of positive outcomes for the client and an enhanced skill repertoire for the Ombudsman.

Regularly seeking and working with ambivalence is relatively new and often not incorporated in the Ombudsman skill tool box. Taking needed and often extra time to expect and explore client ambivalence is not the traditional Ombudsman approach but doing so can strengthen rapport and understanding, reduce anxiety and resistance, and highlight crannies for creative solutions.

Rolling with resistance introduces another way to work with those cases in which the client or Ombudsman seems stuck or at impasse. The ability to focus on understanding the client's perspective through reflective listening and evoking the client's own concerns is useful in all communication but never more so than when trying to help a client recognize why he or she can't seem to make a decision. Confronting a client, ignoring resistance language, or trying to influence a client to advance to solutions discussion before he or she is ready seem to have the ironic adverse impact of strengthening the resistance.

Developing a change plan is a routine aspect of Ombudsman practice and the MI model takes this stage to a deeper level by witnessing and supporting the client's expressed values, anxieties about successful implementation, and previous history of decision making that may derail the commitment necessary for change behavior. The final task of transition and blending is a particularly rallying point. Ombudsmen are in a unique role in their ability to blend an MI style with other methods and to transition flexibly with MI and Ombudsman work.

Coaching is an integral aspect of almost all Ombudsman activity, leading sometimes to facilitation, sometimes to shuttle diplomacy, sometimes to group work and sometimes back again to simple

personal development. Given the rather intimate engagement in the coaching relationship the ability to deeply understand potential ambivalence, stimulate commitment for action, and strengthen action steps depends on creating both relational and technical bonds with the client.

It behooves the Ombudsman to understand the possibility that in some cases, this deeply personal and empathic regard may surface information about a client's pressing family problems or even their own medical issues. Indeed, personal or medical issues may be large factors in ambivalence creating indecision. If so, it can require an elegant and compassionate referral to other resources such as an Employee Assistance Program or a client's own health care provider while maintaining one's own professional boundaries and focus for the work.

Internal Ombudsmen often provide training on conflict resolution topics such as negotiation, effective performance feedback, and crucial communication but there is currently no unified and valid evaluation component of Ombudsman training. The predominant assumption is that employees will benefit from an interactive workshop and that they can then apply what they have learned to improve their workplace communication and negotiation ability. This assertion could be challenged and addressed by applying the effective evaluation and research design from already established MI studies. For example, recent data (Miller & Mount, 2000; Rubel, Sobell, & Miller, 2000) "found that while clinicians reported high satisfaction and significant self-perceived gains in proficiency after an MI workshop, tape-recorded work samples before and after training reflected only modest changes in practice. The workshop seemed to have convinced clinicians they had acquired MI skillfulness, but their actual practice did not change enough to make a difference to their clients." This may signify an interesting and important theoretical and research question for further study. Ombudsman training could be enhanced as MI training has been modified over time, to include additional one on one coaching and regular skill development support so that the skills would prove more quantifiable and sustainable.

For those Ombudsmen who are not internal to the organization they serve and who helicopter into facilitation and mediation cases, MI can provide a methodology with which to delve more deeply into the relational aspects of the case rather than a singular focus on the technicalities of settlement. In these cases the Ombudsman/mediator can help the clients analyze the situation from a more nuanced perspective and help develop an action plan to address not only the positions and interests on the negotiation agenda but potentially relieve interpersonal tensions by nudging personal efforts for understanding that have surfaced during the discussions. Furthermore, the individual may learn from what has happened in the conflict and subsequent resolution to better identify and prevent future recurrences of the same type.

Research in MI suggests that the principles are indeed generalizable to other professions when anyone is working with someone experiencing ambivalence about making a change in his or her work or personal life. Incorporation of the MI approach in Ombudsman casework could lead to a more durable evidence-based theory of Ombudsman practice. A testable theory now exists to examine these components empirically.

## Appendix A

### Eight Tasks in Learning Motivational Interviewing

1	<b>Overall Spirit of MI</b>	Openness to a way of thinking and working that is collaborative rather than prescriptive, honors the client's autonomy and self-direction, and is more about evoking than installing. This involves at least a willingness to suspend an authoritarian role, and to explore client capacity rather than incapacity, with a genuine interest in the client's experiences and perspectives, not simply his/her positions or interests.
2	<b>Client-Centered Counseling Skills</b>	Proficiency in client-centered counseling skills to provide a supportive and facilitative atmosphere in which clients can safely explore their experience and ambivalence. This involves the comfortable practice of open-ended questions, affirmation, summaries, and particular the skill of accurate empathy as described by Carl Rogers.
3	<b>Recognizing Change Talk and Resistance</b>	Ability to identify client "change talk" and commitment language that signals movement in the direction of behavior change, as well as client resistance. Preparatory change talk includes expressions of desire, ability, reasons, need for change, which favor increased strength of commitment.
4	<b>Eliciting and Strengthening Change Talk</b>	Ability to evoke and reinforce client change talk and commitment language. Here the practice of open-ended questioning, affirmations, frequent summaries and accurate empathy, skills are applied strategically, to differentially strengthen change talk and commitment.
5	<b>Rolling with Resistance</b>	Ability to respond to client (sustain talk) or resistance in a manner that reflects and respects without reinforcing it. The essence is to roll with rather than opposing resistance.
6	<b>Developing a Change Plan</b>	Making the transition into Phase 2 of MI. Ability to recognize client readiness, and to negotiate a specific change plan that is acceptable and appropriate to the client. This involves acute timing as well as negotiation skills.
7	<b>Consolidating Commitment</b>	Ability to elicit increasing strength of client commitment to change, and to specific implementation intentions.
8	<b>Transition and Blending</b>	Ability to blend an MI style with the other intervention methods and to transition flexibly between MI and other approaches.

Sources: Miller, W.R. & Moyers, T.B. (2007). Eight stages in learning Motivational Interviewing. *Journal of Teaching in the Addictions*, (5), 3-17.

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# Justine Sentenne, Pioneer Ombudsman at Hydro-Québec, Canada

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I asked Justine Sentenne, “Where did you come from, as an Organizational Ombudsman (OO) pioneer?” She told me that she was the youngest child among the eight girls born to Paul-Émile Sentenne and Irène Laliberté. Her mother was from Holyoke, Massachusetts, and her father from Montreal. She described a household full of faith in God, love of country, open dialogue and aiming at excellence in life. She said she led a charmed and happy childhood surrounded with much loving, laughing, exploring, learning, receiving. (She loved the “hand-me-downs” from older sisters.) She described challenging experiences where “every avenue was open and available.”

Justine Sentenne’s academic career included bilingual education with business college at the Mother House, university at the Université du Québec à Montréal and McGill, and an MBA from UQAM. Her long career started in business — fresh out of commercial college. She gravitated to the world of finance, and then politics. (She was the first woman in the City of Montreal’s history to become Member of the Executive Committee.) Later she turned to teaching, volunteering and other pursuits before spending 21 years as Corporate Ombudsman at Hydro-Québec. Retiring as a Organizational Ombudsman, Justine feels she “fulfilled her dream of playing a meaningful role in society.”

We then turned to questions about her work at Hydro-Québec.

### **Q1: What was the impetus in developing the OO role at Hydro-Québec?**

I was approached by Hydro-Québec — a large utility — composed of many different entities that were merged and then nationalized by the provincial government. Labor relations had been problematic, with work stoppages, strikes and conflicts of all kinds, throughout less than half a century’s existence. This had prompted analysis and evaluation of potential solutions by successive management teams. In the late 1980’s a new study was extensive; it included many resources, both internal and external.

With a workforce of about 25,000 employees, most of whom were unionized into many different locals, in dealing with grievances of white collar workers, there seemed to be no mechanism in place with which to build credibility and eliminate fear of reprisal. An apparent lack of fairness in the situation made the case for having a neutral third party to hear complaints.

A document I was given as an introduction to my role revealed that numerous drafts had circulated asking for a neutral third party. The input came from many sources — personnel/ human resources, legal, financial, and others. Authorities decided to create the role of organizational ombudsman along the lines of the *Protecteur du Citoyen du Québec* (the provincial ombudsman.) A search was undertaken, with a headhunter. I was told the initial focus was on finding a senior director of personnel/human resources, close to retirement age, who might accept the role on a part-time contractual basis for 3 days a week. My perception was that the corporation wanted to foster acceptance of a new style of management. They wanted to dispel any notion of malaise at the heart of this initiative. It was then that the Board of Directors named me to the newly created position of *Protectrice de la Personne*, the corporate ombudsman.

**Q2. What were some early events and/or developments that provided a foundation for the evolution of your role?**

The selection process created anticipation. A great deal of attention was paid to the need and importance of the position of ombudsman. Then the CEO sent a letter to each rank and file employee (unionized or not.) It announced my nomination by the Board of Directors and spelled out the extent and limits of my role. It stated quite clearly that I had only the ‘power of recommendation to the CEO—whose decision was final and binding.’ The way forward was, thus, clearly laid out.

This initial act by top management did three things:

- i) It acknowledged the needs for a neutral third party in conflict resolution and to improve the workplace environment.
- ii) It highlighted management commitment and resolve in finding solutions to labor relations problems of all kinds.
- iii) It cemented the direct link of the organizational ombudsman to top management and enabled the OO, with investigative powers throughout the firm.

In the initial months and much to my amazement, I discovered that one of my greatest assets in building credibility was the fact I was an outsider with no ties to anyone or anything within the firm. Upon my arrival, I was given free rein to develop the office as I saw fit. My priority was to choose proper staff and ensure that confidentiality, privacy, objectivity and independence were respected. It became apparent, very early on, that I needed resources and that they had to be part of my contractual arrangement. I was allowed to avail myself of internal and external legal advice and counsel from experts in the field. This initial step proved important, not only for my wellbeing, but as a near ironclad protection when my role was questioned or tested in the Courts.

**Q3. What challenges did you face in implementing your role?**

My recollections of the challenges are twofold: Ignorance and Suspicion. Having myself felt ignorance concerning the role, when I was first contacted by the person heading the search, I had great sympathy for those who seemed baffled by my presence and my role. Not surprisingly, those who had little knowledge of the role were the most suspicious of the need for creating a new position in the firm — and they were the most reluctant to welcome my presence.

However, my biggest asset in meeting employees, one on one or in special groups, was my independence from the line organization, and my independence from particular policy directives in any department. It became evident that I was not an employee of the firm. I had no benefits: no paid holidays, vacations, pension plan nor any other such recognition. This perception gave me an idea for a firm position I adopted at the start of my work as an ombudsman — that of not fraternizing with employees. I wanted to enshrine my third party status. On the elevator or walking in the office building or outside, I kept to myself and never engaged in conversation, had lunch or otherwise ‘made friends’ with employees. This also became a directive for whoever worked in my office.

**Q4. Who were key colleagues and allies outside your organization? How did they make a difference?**

In my first interviews it was made clear to me that the candidate would be selected for his or her generalist experience. However, having been in various workplace and academic situations in my prior career moves, once I knew I had been accepted in the position of ombudsman, I was able to tap personal contacts for information and basic advice. Former colleagues and mentors were very willing and helpful in orienting initial steps and in building up my self-confidence. Also, I was most fortunate to have access to professors and other persons who became a source of strength for me in the first two or three months of my life as an ombudsman.

I remember making telephone calls to Professor Mary Rowe, PhD, an MIT Ombudsman, and to James D. Zeigenfuss, Professor and author of a book entitled *Organizational Troubleshooters*. The two calls introduced me to the world of Ombudsmen and COA, the Corporate Ombudsman Association. From this time forward, I felt I had sense of belonging to a ‘profession’ and met persons who were instrumental in enabling me to do a good job as an ombudsman. The impetus provided by this association with like-minded colleagues was a cornerstone of my ability to work and grow in my role, and to make it user-friendly within the firm.

Locally, because I had no OO role model in Canada and had not been in the business of dealing with people who were dissatisfied with their situation at work, I reached out to those who were already in a similar mode of work. These were in agencies where people bore different titles other than ombudsman, such as commissioner, and in other areas such as the financial sector.

Being in Montreal, a city with 4 universities and many other health agencies and hospitals who had an ombudsman or similar individuals handling problem situations, I reached out to these colleagues. I formed an informal association that met to discuss topics and learn from experts in various fields. This exchange was very beneficial and resulted in a helpful network of persons interested in furthering the profession and in sharing experiences. At the outset, I made it very clear that these were to be closed-door meetings — that all sensitive information stayed within the walls of the conference room, and that mutual trust and confidentiality were key to our success. I was fortunate that during my time as ombudsman with the firm many ombudsman meetings were held under its auspices and on its premises. The enthusiasm and approval of my CEO and his management team were steadfast and continued with many successive administrations.

**Q5. What did colleagues in the organization assume your role to be? Did that affect the way you worked?**

Entering a workplace of 25,000 employees with a very large upper-management team, my status was puzzling to many so-called colleagues. Many of my first visitors thought that my role would somehow be that of an advocate for their cause. They were quite startled when I explained that I was an advocate for *'fair treatment,'* while acting as a neutral third-party and looking at both sides of the problem.

On my first day as corporate ombudsman, a letter was sent to each person in the firm, announcing my arrival, setting out the parameters of my role and asking everyone for their cooperation to help fulfill my mandate. This became the best calling card I could ever have hoped for. People were surprised to see that although I was not an employee of the firm, I had a dotted line of responsibility to the person at the highest level in organization — the Chairman of the Board who was also the Chief Executive Officer.

Initially, in my first few weeks as ombudsman, I felt I needed to make some formal recommendations to the CEO to bolster credibility among employees and managers — although, of course, I was able to decide when this was required. My target stakeholders were those in non-unionized positions.

Sometimes a problem was such that I could do a fact-finding analysis in terms of relevant rules and guidelines. But sometimes the root cause of a problem was a personality conflict. This required thinking outside the box to offer a solution.

As it happened, within the first month of assuming the role of ombudsman, I was confronted with an important case of harassment. After numerous meetings at the workplace and elsewhere and taking all available information into account, I made a strong recommendation to my CEO about the matter. The CEO endorsed my recommendation fully. This unfortunate incident helped me to develop a distinct image within the firm; my reputation grew quite rapidly as a result. The case confirmed my inner perception of a need to react quickly and boldly in the resolution of complaints, like this, that can be damaging to the entire workforce. In addition, the delicate part of dealing with each individual involved in such cases revealed to me the great importance of working to insure that there would be no reprisals.

**Q6. Who were your organizational allies?**

During the long, painstaking period before I became ombudsman, ownership of this process was in the hands of a trusted senior manager in Human Resources/Personnel. After my appointment to the position of ombudsman, besides providing me with past history, he became a kind mentor and taught me many important things related to my new profession.

A first decision was choosing my then secretary, Pauline Higgins. She very quickly became a trusted administrative assistant and a dear friend. She accepted the challenge and also was bound by secrecy and confidentiality; I was very fortunate. Her knowledge of administrative matters and key persons in many departments were invaluable. The warm welcome she extended to all visitors made a great impact on the overall perception of the office of the Ombudsman.

It was a pleasant surprise to find support and encouragement from various persons when I made presentations or inquiries in certain units. I discovered many members of senior management, vice-presidents, directors, managers, union representatives and consultants who shared the vision of a more equitable workplace and were helpful in solving workplace problems. Over the years, although I did not seek out friends in the firm I did make a few acquaintances who proved to be trustworthy, understanding, and respectful of my role. I was quite fortunate to have many dealings with the medical team, the security unit, the information/computer specialists, the senior staff in the benefits and payroll as well in the personnel area, in all divisions of the firm. I enjoyed their trust and appreciated the general interest and concern they showed in cases pertaining to individuals with personal difficulties and serious health issues. Today I feel that without their assistance in difficult situations I dealt with, I would not have been able to bring a proper conclusion to some very serious cases. My being able to refer some employees to adequate counseling was crucial in resolving some cases.

**Q7. What kind of cases did you see at first? How did these characteristics change over time?**

In anticipation of being an ombudsman at the firm, I had a vague idea of long-standing concerns. The first-line managers at the firm were in a loose association and had demanded the right to present some cases to my office since they felt the need for closer attention to their plight. In certain divisions, when a job opening occurred, the right of first refusal for a position in this category, had been deemed to be that of a member of this association. In many cases, for the sake of expediency, another candidate was chosen without any further consideration.

The very first case presented to me was by the President of the Association of first-line managers of the firm. I made a recommendation to the CEO to allow the accepted process to go forward — to ensure the selection of a candidate who was a member of the association and fully entitled to obtain his rightful position. In accepting my recommendation, the CEO sent a strong signal within the firm that immediately conferred a certain degree of credibility and legitimacy to my role. This facilitated future contacts.

The first COA conference I attended was in Cincinnati, Ohio in the early 90's. It proved very valuable to me. I learned that our role as ombudsman in our organizations made us 'leading indicators' to corporate entities of what was brewing within our own firms. Looking back I now see even more clearly how true that was. Learning of problems at lower levels in the firm and solving them quickly through the cooperation of all the stakeholders prevented much more serious situations later on and at a more sensitive level. It was heartwarming for me, with a very limited experience in the field as an ombudsman, to meet colleagues who had experienced similar workplace problems and could pass on ways of solving them.

Eventually, our cyberworld became reality and our economic, social and personal world presented new problems. This has made new business imperatives necessary for management and workers living through sometimes dramatic events. The presence of workplace violence and bullying continues to rear its ugly head. New problems are being identified, such as PTSD — an illness not exclusive to the military, but now even in our call centres, which are vital to the firm.

On the positive side, I feel it is extraordinary to see how quickly and expertly answers to our some of our most difficult problems can be found and implemented. The vast network of information, which is now so easily accessible, provides new approaches to human problems that can now be discovered much more quickly.

However, there has to be mutual trust and acceptance of 'interventionists' to produce responses to these new queries. This raised the question in my mind of how to make the role of ombudsman more relevant. In a previous career, I was a financial analyst. As such I belonged to an association, which gave formal training and gave certification of this professional status. The more I thought about being an ombudsman, the more it became apparent that there was a need for better public recognition of the importance of the profession of ombudsman. This entailed the necessity for a structural certification process within our association. I am delighted to have seen the realization of this through IOA's efforts and the perseverance and dedication of its leaders—and to have become certified.

**Q8. How did the development of professional associations (eg. COA, TOA, IOA) influence your work?**

At the outset, seeking a professional model was a very strong motivation for me to join a professional association. Upon learning of the existence of the Corporate Ombudsman Association I became a member. Throughout my career as ombudsman, I participated as much as I could in various activities, seminars, webinars, and was also privileged to sit on many committees and become a member of the Board of Directors of The Ombudsman Association. I particularly enjoyed attending the annual conferences and training seminars and the East Coast Ombuds Group (ECOG) meetings. I valued highly the peer contact, and always came away super-charged with new ideas and new friends.

As more and more Canadians became ombudsman, I felt a need for a new platform to exchange ideas and treat certain Canadian aspects facing our daily work. This sentiment took root at a Vancouver Joint Ombudsmen Conference and culminated in the incorporation of the Forum of Canadian Ombudsmen (FCO). I am proud to have been on the Board of Directors of this new association and appreciated efforts put forward by my colleagues to achieve this milestone in the growth of the ombudsman profession in Canada. Somehow, within the local community and the firm itself, the creation of this new entity brought a greater degree of acceptance and respect for the ombudsman.

At the start it required extra work to ensure its viability and my colleagues and I devoted many volunteer hours to this new endeavour. Suzanne Belson (of the Concordia University and Department of National Defence Ombudsman Offices) led a group of many volunteers in developing FCO training programs and conferences, focussed on Canadian needs and content. In our Canadian experience, it seemed to me that there was a great deal of difficulty for ombudsmen to obtain financial assistance to attend meetings, travel and be absent from the office. Since FCO brought the training sessions to many parts of the country, this facilitated access and reduced expenses to the ombudsman community from coast to coast.



Looking back at all these years of growing into the role of ombudsman, as the profession itself was taking off, I think that the opportunity for networking which was my lifeline at the start and continued later on, was a huge factor in establishing the presence of ombudsmen everywhere. It was always pleasant to answer questions concerning the profession from government agencies, start-up companies or large conglomerates and to learn, sometime later, the name of the person appointed to the role of ombudsman.

For instance, in Montreal, I was approached by a few international legal firms to help them structure the position of ombudsman in their own firms. Many others sought my advice and opinion on the prospect of developing the position within their own organisations. All these events made more and more members of the community aware and appreciative of the work of the ombudsman.

However, there is still much work to do. Here in Canada our efforts to have an ombudsman for all Canadians, is not yet reality at the Federal level. We have tried time and time again to present our case, particularly since one provincial ombudsman was a member of the federal cabinet at a time when we were actively involved in getting public support for this project. However, I am confident that we are not too far away from getting this new position in our federal administration.

**Q9. Which major events/issues have impacted on your work and role in recent years?**

In general terms? I would say terrorism of course, since September 11, 2001. Otherwise, moral harassment, bullying, emotional distress, violence in the workplace and diversification of the work force with the advent of baby-boomers' retiring, and new immigrants arriving.

What strikes me most is the overwhelming sense of distress I witnessed at the end of my mandate. The toll that bullying has wrought is very high. It leaves long-lasting effects in work units across the firm, even after a so-called 'safe workplace' environment has been restored. The scarring takes on a different form in each work area where it is detected. The personal toll assumed by the targeted employee adds to the mental health victims' statistics and taints a whole category of employees and managers in a sly and subtle manner. This generation of workers usually doesn't have the comfort of stability of employment. On the contrary, change is all it has known and sometimes the adaptation required by change is not only difficult, it can also be nearly impossible.

When such a visitor came to my door, he or she felt it was a safe-haven and a place of peace where the inner self was able to articulate some of the most terrible and inhumane acts committed. The visitor felt he or she was trapped and had to struggle to be free of this stigma without any help from anyone else, at times even blaming themselves for that extreme situation.

I found it strange that the more employees and managers there are, in an organisation such as my firm, the more difficult it appeared to find a sympathetic ear or even at times, a shoulder to cry on. It became more and more common for targeted employees to withdraw from the workplace and suffer the discomfort and suffering in silence.

I discovered that the skill set of the ombudsman that plays the biggest role in these cases, is that of listening. Listening is not always easy. It is often a constant exercise in humility, forcing the ombudsman to be devoid of any prejudice favorable or unfavorable and to accept and receive the message as it is spoken and in its entirety. It is amazing what solutions come to mind when confronted with



these difficult cases after hearing both sides in the problem. Oftentimes, if the outcome is too slow and wrought with red tape, the victim may decide to act alone, and bring unto himself and others tragedy and grief. The media culture is dangerous, in this context of exposing us all to each incident of a difficult nature. I was pleased to note a reinforced security force at strategic physical locations throughout the geographical area covered by the organisation, as it showed employees and managers that there was a zero-tolerance policy against violence and other such events.

**Q10. How do you see the future of the OO profession?**

I am very optimistic about the future of our profession. I think there are still many bridges to cross in order to gain wider acceptance of the role of the ombudsman and its place in any organisation. Also, budgetary considerations need to be recast; we should signal to top management everywhere that there are economies of scale to be made by ensuring proper and fair treatment of all employees. Too often it appears that the first positions to be axed by firms in financial difficulties are in the office of the ombudsman. This short-sighted view will probably cost these organisations much more in years to come when it realizes the negative impact on its workforce and underlying distrust of those in higher places.

As our profession grows, we must ensure that our ombudsman organisations continue to provide the best service to members forever.

# Pioneers of Organizational Ombudsmanry in International Agencies

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## ABSTRACTS

This paper describes the foundational activities of four Organizational Ombudsmen (OO's) who have been instrumental in developing the role in International Agencies. Each Ombudsman was provided with a standardised set of questions designed to explicate the challenges and opportunities of establishing such offices in often highly politicised environments, and their responses are provided in their own words. The article concludes with a brief summary of how professional developments in policy and training have been valued, and how developmental challenges and opportunities appear essentially timeless.

## KEY WORDS

Ombudsmen, pioneers, International Agencies, challenges, opportunities

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## Introduction

As Organizational Ombudsmen in the 21<sup>st</sup> century, we stand on the shoulders of giants. The forerunners in our profession in many sectors have established significant and lasting foundations upon which Organizational Ombudsmanry has not only evolved but flourished. Although the implementation of Organizational Ombudsman offices in International agencies<sup>1</sup> has, for many, been relatively recent, there were some notable exceptions. In this article, I will review a few international agencies' Ombudsman offices through the words of those associated with their early and crucial development. In particular, the Ombudsmen interviewed here give their perspectives on similar questions, asked commonly of each. The aim was to identify commonalities and divergences in the way offices have come into being and subsequently evolved.

Mindful of the increasing numbers of Organizational Ombudsmen (OO) offices in international agencies, and of the consciously evolving nature of the JIOA series on pioneers of our profession, I opportunistically interviewed several of these pioneers. In some cases it wasn't possible to speak directly with the people concerned — in these instances, those approached kindly wrote answers to the set of standardised questions (see Table 1) asked of each.

Table 1. Standardised Questions for Pioneers of International Agencies

1. What was the impetus in developing the Organizational Ombudsman role in your organisation/sector?
2. What were the significant early events and/or developments that laid a foundation for the evolution of your role?
3. What were the challenges you faced in implementing the role?
4. Who were your key colleagues/allies outside your organisation and how did they make a difference to your (ability to) work?
5. What did colleagues in the organisation assume your role to be? Did that affect the way you worked?
6. Who were your organisational allies?
7. What kinds of cases did you see at first? How did these cases' characteristics change over time?
8. Were there significant legal issues impacting on how you worked?
9. How did the development of professional associations (e.g., University and College Ombuds Association [UCOA], The Ombudsman Association [TOA], the International Ombudsman Association [IOA]) influence your work?
10. What have been the major events/issues that have impacted on your work and role in recent years?
11. How do you see the future of the Organizational Ombudsman profession?

Interviews for this article took place in early 2013 and follow-up discussions were undertaken thereafter. In the descriptions below, answers given are weaved into a broad narrative though specific answers are given where they provide insight into the organization's or the pioneer's thinking.



### JIM HENDRY

#### Ombudsman for the World Bank, 1983–1986

Dr. James B. Hendry was the second Ombudsman for the World Bank (WB)<sup>2</sup>, serving in that role from 1983-1986. The first to hold that role was Gene Webb who, as a lawyer, had served as counsel for complainants involved in the World Bank appeals process. Jim takes up the story:

*"I was an economist by profession and worked in the World Bank for 21 years until compulsory retirement aged 65 in 1986. I had been a manager in the WB and therefore knew the culture, had the respect of colleagues and managers.*

*Becoming Ombudsman was a terminal assignment of 3 years. I couldn't be fired, had routine salary increases and guaranteed access to the President and Vice Presidents. I had very little idea of what an Ombudsman was!"*

In describing his induction and immersion into the Ombudsman role, Jim stated that the culture of the World Bank was a significant support in getting established — and in the role's evolution:

*"The WB was a special kind of corporate organisation — a not-for-profit with a prominent concern for staff morale and welfare. There was a heavily European attitude to dispute resolution which was more positive than the norm in the US. The WB was looking for a supplement to the formal appeals process. Also, thinking on the role was influenced by an article in Harvard Business Review (Silver) on the role of corporate Ombudsmen (May-June 1967)."*

Additionally, having direct and practical support from colleagues in related administrative areas proved to be of considerable help:

*"I didn't feel any part of the Bank was against the Ombudsman role. The President of the Bank (Alden Winship Clausen) was very supportive and the main point of contact was the Vice President for Personnel. I had access to anybody and had complete support from the top. I had a very good relationship with the social worker in the medical department. She was very easy to work with and helped 'diagnose' some health overlays to visitor presentations. Also the head of the Personnel Department and Personnel Officers were very helpful."*

It seems that Jim came into the role with his credibility clearly established through his considerable expertise and long service as a WB staff member. Indeed, he described his main challenge at that time as simply that of learning how Ombudsmen worked. In this regard, he described being helped considerably by his effective collaborative relationship with the then Ombudsman of the International Finance Corporation, and the early development of the Corporate Ombuds Association (COA):

*"In the early 1980's an assortment of early OOs (Mary Rowe, and Ombudsmen from Anheuser Busch, Southland Corporation, etc.) found each other and became the COA. In 1984 we held our first conference in Falmouth, Massachusetts — around 50 people attended. Most were full-time ombudsmen. The COA became the TOA, which became IOA<sup>3</sup>".*

Gaining visibility in the role was an essential early initiative, and Jim was interviewed early on for the WB in-house magazine. Additionally, the President of the WB sent a very supportive letter to all staff explaining the role and principles of the Ombudsman's office. The other main instruction for staff on the role of the office came through word of mouth.

From a staff of 3,000, Jim would see 60-plus visitors annually. Casework during his tenure focussed on performance evaluations, career development issues, probation, and the exercise of disciplinary measures. Jim added,

*"I had two cases where management asked me to look into something, and the President and Vice Presidents would also ask for inputs and advice from time to time. I never saw a case of sexual harassment but I did see many cases arising from managers being cowards in performance management. I never had a whistleblower."*

Although he did not see any sexual harassment cases, Jim was instrumental in the first major initiative of the World Bank to prevent sexual harassment. Jim also described one case in which there were angry and very diverse reactions of employees to the prospective re-admission to the workplace of a person accused of a crime.

Jim was very supportive of the COA. The World Bank made important financial contributions to the first research program of COA. Jim's engagement with the profession lasted long after he retired from the WB Ombudsman role in 1986. For the next several years he became the first professional Executive Officer for the COA. (Having been on the Board of COA during his Ombudsman tenure at the World Bank, Jim described knowing well the administrative difficulties of having the Association run piecemeal by a handful of volunteers.) Jim arranged the conferences, collected dues, and — notably — wrote and edited the first professional Handbook for Ombudsmen, which COA

sold for \$150 each. In looking forward to the future of the profession in 2013, Jim was clear that the Organizational Ombudsman profession remains a good, viable alternative to formal dispute resolution systems and should therefore be encouraged to grow. He saw an enduring challenge to the profession as being that of perceived neutrality.

Dr. Jim Hendry remained active, engaged and of good humour to the end — with his loss we as a profession lost a beloved, visionary early practitioner, a role model as effective and supportive as he was modest.



### JAMES LEE

**Ombudsman to the United Nations Programmes and Agencies (United Nations Development Program [UNDP], United Nations Population Fund [UNFPA] and United Nations Office for Project Services [UNOPS], 2002-2007**

Dr. James (Jim) Lee became the first UNDP/UNFPA/UNOPS Ombudsperson in 2002, following a career in which he taught English in France, Sweden and Ethiopia (where he became Assistant Dean of Arts in Haile Selassie I University) before attaining a Ph.D. in medieval French from Vanderbilt

University. He is fluent in English, French, Italian and Spanish with a working knowledge of Amharic and Russian. He joined the United Nations Development Programme in 1985 and became chief editor in 1987, working primarily with the Executive Board. Jim still has great pleasure in working for what is now the Office of the Ombudsman for United Nations Funds and Programmes, serving UNDP, UNFPA, The United Nations Children's Fund [UNICEF], UNOPS and The United Nations Entity for Gender Equality and the Empowerment of Women [UN-WOMEN].

The impetus for developing the Organizational Ombudsmen role in UNDP came in the 1990s, when there was a growing awareness in UNDP, UNFPA and UNOPS that staff were not well served by the Internal Justice System (IJS). In 2000, management reviewed the IJS — a team of three people talked to all stakeholders and made recommendations. A key recommendation was that a professional Ombudsman office should replace the Ombudsman Panel of 12 volunteers in place at that time. Jim was coordinator of the Ombudsman Panel, followed by Linda Schieber (both were volunteers).

Jim noted how a volunteer basis for the ombudsman role really didn't work in a hierarchical organization. As resources diminished over time, volunteers on the Panel became afraid to speak out. Cases were discussed openly among Panel members — visitor confidentiality was minimal. Accordingly, among other steps, Jim stopped general discussion of ongoing cases with names attached.

Ultimately, the administration created the Office of the Ombudsperson. Jim was asked to be the first Ombudsperson and was appointed by the three executive heads and the Staff Association. He believes he was chosen because he *"...had the trust of many, I could speak the truth, and as Editor of Executive Board reports, I knew how to give advice and empower people. I also had years of dealing with conflict at the university level in several countries"*

Jim describes the functioning of the office in its early days as presenting significant challenges, as well as opportunities. For example, on the plus side was

*"... The growing perception of the need for an ombudsman. Plus the idea had the buy-in of the major players- the administrations of the three programmes and the staff association. There was an issue of the length of the term of office — a five-year term was unprecedented in the Funds and Programmes (the maximum length of contract was two years) so I was placed on rolling two-year contracts. A key early element was the quality of the relationship between the administration and the OO.*

*On the other hand, while the need for the office was fully appreciated and understood, the work of the office was not. And there were widely differing expectations of the office — e.g., most staff wanted a classical ombudsman and expected that the ombudsman would have the power of determination of outcomes. I did speak out on some issues but did not, of course, have the power of determination."*

A key issue in the early days of the office was its relationship with human resources divisions and other colleagues:

*"Many were obstructive and didn't want an ombudsman — even some in senior management. My role was seen as interference and an indication of possible human resources failure. Personalities can play a huge role. The weaker the human resources division, the greater the importance of the role of the ombudsman.*

*Key colleagues included my colleagues on the Ombudsman Panel, in administration and on the Staff Councils. I made a lot of friends in TOA/IOA — where I learned all about the North American concept of an Organizational Ombudsman. The report of the Redesign Panel on the administration of justice in the United Nations under the leadership of Justice Louise Otis was very important in firmly establishing the role of the ombudsman in the informal resolution of workplace conflict."*

As we've seen with other offices, while having easy access to senior management was a major plus in daily operations, such proximity can lead to misperceptions of dependence and partiality, making it a challenge to demonstrate independence and objectivity in the functioning of the office. In this regard, Jim's colleagues readily attest to his principled willingness to speak up in the face of bad behaviour. As Jim himself says,

*"You can't be neutral about something that's wrong. I don't have the power of decisions about cases, but I do have the power of embarrassment. It was easier to function and to exert appropriate pressure because I was a well-known figure."*

As with the other international agency pioneers discussed in this article, Jim's caseload reflected increasing trust coming from senior management, and the potential differences among the cases coming from headquarters and country offices:

*"Initial cases were interpersonal and about entitlements. Cases grew in complexity over the years. There were also increasing calls for help from senior management — there was growing trust and recognition of the role. Mediation (mediated conversations) was part of our work from the start — very often in troubled country offices."*



It was clear from the outset that the office could not deal with cases of sexual harassment or other forms of gross misconduct which required formal investigation. Nevertheless, Jim described a major early achievement of his role in helping to implement the policy on sexual harassment adopted across the three agencies covered by his office.

Jim also described the added value of TOA/IOA affiliation and training as the role of the Organizational Ombudsman became more firmly established:

*"I joined TOA when I took up office in 2002. I had known what an Ombudsman was supposed to do. When I was appointed, I 'googled' TOA (and found the link also to Patricia Durrant [the first UN Ombudsman]). The TOA training courses were excellent — particularly Ombuds 101 — they gave indications of best practices and brought together Ombudsmen from widely differing practices. TOA was also trying to attract international audiences and when IOA was created, it was very useful in helping me to understand the role of Organizational Ombudsmen. In the United Nations, we are something of a hybrid because we have cases dealing with the misapplication of UN staff regulations and rules, which replace national legislation, and by which we are all governed."*

As a veteran in his field and in his sector, Jim has a clear view of the challenges and future of the Organizational Ombudsman profession:

*"It is moving in the right direction — at least in the UN. There is huge job potential for the further development of conflict resolution and prevention. It is encouraging that younger people are more and more aware of the possibilities of the profession. Professional conflict resolution in schools and workplaces is a response to violence and bullying. I am also very happy about certification — we need to make professional standards more rigorous. At the same time, succession is a big problem and we must all make a special effort in the UN to circulate vacancy announcements in a timely fashion to avoid having to look around for people with the right profile to be an ombudsman."*

Finally, Jim had positive things to say about those with whom he had worked during his tenure and well into what he calls his 'active retirement':

*"The office has expanded and all colleagues have brought their own strengths. Veronica Luard, Mame Diagne and Helmut Buss have all brought new perspectives and expertise to the role of the Ombudsman in informal conflict resolution in the workplace. All the principles we established are in force today and have been enriched by each successive Ombudsman. Other key colleagues have included Selome Yifru, Sheila Smith, Linda Schieber, Kentaro Kanyomozi, Eskandar Rastegar and Judit Revesz. I must also mention the special role of Nancy Ross and Sharon Gordon-Smith. It is a wonderful team composed of people from all over the world and I continue to learn so much from each of its members."*





## GEORGIA SHAVER

### Ombudsman to the World Food Programme, 2005-2010

Georgia Shaver was the first Ombudsman for the World Food Programme (WFP), taking office in 2005. She came to the role having previously served in the organization from 1980, primarily in field programme support and management positions, including in Mozambique and Ethiopia.

The notion of an Ombudsman function for WFP initially arose during a change management programme WFP embarked upon in 1997 and subsequently, during a Global Staff Survey in 2004, the idea emerged again. The then Executive Director acted on that recommendation by internally advertising the Ombudsman shortly thereafter. Georgia noted that early support came from key colleagues in management and HR in the organization. That support attracted her to the role:

*"Fortunately the Executive Director/Chief of Staff and the then HR Director were keen to implement as many recommendations as possible from the Global Staff Survey and were all familiar with the Ombudsman function and were very supportive. The organisation was also able to add a new position at a senior level."*

Georgia takes up the story:

*"Starting from scratch was a huge challenge. There were no other Ombudsmen based in Rome to contact but fortunately there was the Ombudsman 101 training combined with the UN Ombudsman meeting one month after I started the job that helped with implementing the role. It was challenging finding the right assistant (and that took a lot of time so I had to carefully find a temporary person, choosing a retiree who was highly respected by the staff), getting the right office, quickly getting the promo material ready, organising information meetings, putting together the data base, choosing the right information to collect, etc. It got very tiring having to explain over and over the role of the Ombudsman, the requirements, etc. I guess the biggest challenge was doing it on my own having been used to managing large offices with a lot of people to call upon to do the work!"*

Support for the establishment of the office and the role came from a variety of sources, both internally and externally:

*"In my first month I met with all key colleagues (HR, Chief of Staff, Deputy Executive Director, Executive Director, Head of Legal, Inspector General, etc.) and asked them to explain to me what was the role and function of the Ombudsman. Having been trained, these meetings and gathering their impression/assumptions allowed me to clarify and inform. In addition I had to write the terms of reference of the Ombudsman and these same people were part of the working group and through this exercise we were able to be on the same page."*

*Though over the five years organizational allies shifted slightly with the introduction of the Ethics Office, at the beginning they included the Inspector General, the HR Director, the Chief of Staff, the head of Legal and of course the Executive Director. Again towards the end of the mandate*

*and with a change in the ED I would say that at the beginning of her mandate she was an ally but became less so as she embarked on other interests. Many managers became supportive of the function, all of the Deputy Executive Directors (there are four) and several of the investigators working on harassment issues, a few legal officers and the staff relations officer in HR.*

*My key allies outside of WFP were the Ombudsman/mediators in the United Nations High Commission for Refugees (UNHCR), UNDP and the World Health Organization (WHO). They made a difference by being so generous with their knowledge, experience sharing, the sharing of job descriptions, data bases, filing systems, intake reports, job grading, etc. They made the office structuring that much easier and their tips and experience sharing helped me to avoid the pitfalls and progress more rapidly with laying the foundation."*

As often found when a new Ombudsman joins, or a new office is opened, there are visits from staff experiencing chronic difficulties in search of resolution, first in the headquarters office and then from further afield:

*"My first cases were those long standing, intractable problems that no one else could solve. It was a case of 'let's try the new kid on the block and see if we can get something'. Also, many 'friends' came to visit (former colleagues with whom I had worked) — at least those based in Headquarters. After several months however the cases became more diversified not only by issue but geographically, contractually, and by gender."*

Georgia considered that the training and affiliation with IOA gave her a significant advantage:

*"The IOA definitely influenced my work through the Ombudsman 101 training that I was fortunate to have received within one month of my having taken up my appointment. Also being a member of IOA boosted my standing within my organisation as membership in associations is respected."*

Nevertheless, early gains in the evolution of the office and function faced significant challenges, not least with the pressures of organizational transition and down-sizing, and those associated with new leadership:

*"Within my first year we had a down-sizing that impacted on my work by increasing the number of cases and requiring me to be better informed on rules and regulations with respect to contract non-renewal, separation packages, etc. A change in leadership (Executive Director) was challenging given the less-than-enthusiastic behaviour shown. When the ED starts making it difficult to meet her it is almost impossible to break this impasse. Her attitude towards all officers dealing with conflict, accountability/transparency, etc. was the same. The opening up with respect to collaboration by the HR Director (second during my term) helped tremendously to resolve issues. Confidence between me, the Ombudsman, and other important functions was important to ensuring a positive impact on my work and role."*

Georgia eventually retired from WFP and her Ombudsman role in 2010 and has since been designing and teaching courses on alternative dispute resolution (ADR) at The American University of Rome. She is also engaged in consultancies for WFP and, more recently, with the African Union Commission. When asked about how she sees the future of the profession, she replied:

*"In WFP the future is strong. Mediation has been added that completed the conflict resolution options for the staff. It would be an important next step if more funding could be provided to the office as well as more staff so that all functions could be rolled out with the same energy, i.e. training, publicity, activity report follow through."*



## VINCENT VUILLEMIN

**Ombudsman for CERN, 2010-2013<sup>4</sup>**

The European Organisation for Nuclear Research (Organisation Européenne pour la Recherche Nucléaire — known as CERN) is the multi-national research facility based in Geneva, Switzerland, with responsibility for investigating the limits of achievable knowledge in particle physics. It is an extraordinary undertaking involving more than 3,000 staff with users, engineers and its research constituency boosting numbers to 11,000, coming from more than 100 countries. In 2013, CERN astonished the world with its

definitive identification of the Higgs Boson — a key element in the particle 'glue' that enables the development of mass and form.

For 50 years since its inception, CERN had no code of conduct, no harassment or diversity procedure, and no Ombudsman. The only option for resolving disputes was to invoke formal complaints in accordance with the staff rules and regulations. The impetus for development of the Ombudsman role came from a wish to achieve an integrated HR policy, including enabling an open channel through which people could experience a zero-barrier office for informal, confidential case resolution. Establishing the office was also seen frankly as a good image for the organisation and as a practical opportunity for non-aligned explanation and exemplification of the new Code of Conduct.

An integrated strategy including a Code of Conduct, an Ombudsman office, a Diversity Program and a Competency Model, along with a policy for formal and informal resolution of harassment became operational with strong support from the CERN Council President and the Staff Association. However, Vincent noted that establishing the office was not without its challenges:

*"It was a challenge to find a convenient office, close to common areas but also a bit remote so people could come incognito, and to then make appropriate modifications to the premises. It is by far not easy at CERN to grab an office, as all of them belong to various departments. Then, getting the mandate correct — it had to be written by HR and the central legal service, accepted by the Staff Association and then various officials at CERN. It actually took some time to get it finalized [but] the mandate is in line with the IOA Code of Ethics and Standards of Practice.*

*Then after that, doing everything at the same time — web site, posters, flyer to be distributed to all personnel at CERN, and tour all management meetings of the CERN Departments. So I dedicated a lot of time in the first few months to raising awareness about the Ombuds, as I was the first Ombuds at CERN ever. Raising awareness was most important as, in a scientific laboratory, there was little culture towards the new CERN Code of Conduct and Ombuds work. Attracting attention and helping people understand the advantages of coming early in the problem required a lot of information. So I started to write articles for the CERN Bulletin.*

*Taking useful courses as soon as possible, from IOA and in mediation, was very important. That was really a total change for me, coming from the managerial side. That was a big challenge to change my mind from the managerial mind to a mediator one, neutral and impartial. I was used to deciding and now I should not interact so much but favour the decisions taken by the people themselves. My managerial tendency lead me in the beginning to interact and mix myself too much with the process of listening, understanding, coaching, and trying to extract what the people wanted and what could be their decision."*

In common with other technological and normative agencies, the supposed technical skills versus people management skills of managers have been a focus for some negative perceptions at CERN. Vincent noted how many feel that people management was seen as a weakness in management generally. He also noted how

*"Publication of the Code of Conduct was by no mean sufficient to guarantee its application. A lot of information, awareness raising and education still had to be provided, I would say, especially in an Institution where the scientific culture predominates."*

Vincent noted how important his fellow Ombudsmen were for developing his confidence as an Ombudsman practitioner:

*"In Geneva I have profited from regular contacts with Ombuds of the international organisations here. Their advice is always a plus in reflecting on difficult cases. I felt less alone with such regular contacts, which very often gave me the courage to continue, and the feeling also that I was on the right track on my action. Moral support and feedback from them was most appreciated, given the fact that I did not receive much feedback from inside the house. Also, my overall connection with the IOA and the United Nations and Related International Organizations (UNARIO) Ombudsman network supported me a lot, as I felt part of an overall community of peers."*

Main organizational allies within CERN included the Head of the HR Department and HR advisers. Additionally, Vincent said he found real benefit in some urgent cases from collaboration with the CERN medical service. Yet it appeared at the time of interview that supposed concerns for ensuring the absolute independence of the office may have contributed to an apparent lack of feedback from senior management (although Vincent was convinced that the Director General and his team were positive supporters of his role).

The case mix has been evolving since the office started, with more than 50 percent of cases seen by Vincent being related to the IOA 'Evaluative Relationships' broad category. He also noted how growing confidence in the Ombudsman was reflected with the high initial numbers of visitors on limited contracts slowly giving way to more visitors on indefinite contracts. Two features have stood out for him, however, relating to gender and to the issue of mediation:

*"I have seen, proportionally to their populations, a greater percentage of women than men. Looking at reports from other International Organisations, it appears that this phenomenon is related to the percentage of women in the Organisation. If there is an equal number of men and women in them, then the percentages of conflicts is the same, 50% men and 50% women. If the number of women is less, then the percentage of conflicts involving women is higher, generally double that involving men."*

*I also handled a very small number of mediations, although the trend was increasing. Contrary to the general feeling that mediation is a widely used process, I must say that for me as an Institutional Ombuds I did actually very few of them. I should probably have more widely explained what the process is. I actually called them 'facilitated discussions' even if I used the same process along with the same rules. The reason is that as soon as people hear that mediation takes place, they expect a result in terms of success or failure. I wanted to avoid the bad feelings resulting from a failure of mediation. A 'facilitated discussion' does not generate perception of such defined outcomes."*

In common with others approached for this article, Vincent felt that IOA and UNARIO membership conferred tangible benefits:

*"The umbrella of the IOA, and of the UNARIO as well, allowed me to have an international and respected framework for my mandate and my ethics. So, rules and the mandate associated with the CERN Ombuds did not appear as homemade but well established internationally. It was, and still is, an important certification of my actions. CERN also appreciated that another channel towards international contacts was open."*

Since retiring in late 2013, Vincent has been enjoying retirement, studying "a lot of zen, writing on the Chan masters and also travelling" (at time of writing, along the 'silk route' in China). Vincent noted, "I find myself with no spleen from CERN and like a peaceful zen monk."

Finally, from his pioneering perspective of a practitioner based in a temple of science, Vincent makes some clear suggestions on future developments for the profession:

*"I believe that the mandates [of Organisational Ombudsmen] are very restrictive and could be improved by allowing more pro-active actions from the Ombuds. Sometimes I was at the limit of my mandate in order to effectively resolve cases. Also, the notion of 'change agent' should be favoured, and not only the possibility of forwarding systemic recommendations."*

*Regular meetings with the management would be an asset, and could be fostered by IOA Standards of Practice. That would help Ombuds to participate in any culture change if needed."*

*Managers are sometimes the pure product of the culture of the Institution. In order to change the way some managers act, one would have to promote a culture more directed towards respectful human relations. This is much more difficult to realise and there the participation of the Ombuds in such strategic plans would be most interesting. The Ombuds could then have standing invitations to strategic meetings concerning human resources for example, either as observer or as an active member."*

*In summary, the Ombuds work should not be considered by the Institutions as a single conflict resolution tool but also as an active participant in a policy for a respectful workplace environment. I would think that incentives in that direction by the IOA and UNARIO would help."*

## Concluding Comments

Our pioneers have revealed that, aside from establishing benchmarks for Ombudsman office development in their own organizations, they have also been pioneers in addressing many developments within our profession. Some of the issues raised in their responses to similar questions seem timeless, including concerns about managers and performance management, the role/s and impact of human resources departments, and the necessity of facilitative structures in which Ombudsman offices are contextualised, particularly the importance of good relationships with and support from senior leadership..

Additionally, it has been revealing and reassuring to see the added value associated (by Ombudsmen *and* their organisations) with adhering to IOA Standards and Principles, and with the training and regular collegiality that IOA provides. The pioneers interviewed also indirectly indicate how the IOA Standards of Practice are most usefully seen as a work in progress. The evolutionary stance of our pioneers in some areas of the Standards — e.g., independence, informality and neutrality, and our working boundaries as Organisational rather than Classical Ombudsmen — may challenge our contemporary views of these concepts. Nevertheless, we have all moved forward in our thinking and practice as a result of their experience. It may be a surprise that there are so many commonalities in the challenges and opportunities they have described — it seems the needs behind the establishment of these offices remain as strong and as ubiquitous as ever.

## References

1. International agencies referred to in this paper include agencies and programmes within the United Nations, Bretton Woods institutions, and international NGOs and scientific collaborative institutions.
2. Jim Hendry died on 25th April, 2014, aged 92. His role as Ombudsman, his remarkable contributions to the Ombudsman profession, and his extraordinarily productive contributions to the world are described in his obituary by Mary Rowe in pages 7-8 of this volume.
3. IOA was actually formed from the merger of TOA and UCOA.
4. Vincent was interviewed by email in 2013, prior to his retirement from CERN.



# Why and How The Ombuds Office Demonstrates Value To The Organization

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## ABSTRACT

This paper is offered to those who are interested in demonstrating the value of an Ombuds office to leaders in an organization. It, therefore, builds upon the presumptions that leaders may know little about what an Ombuds office is, whether it “works,” and what are its benefits. Similarly, Ombudsmen may know their trade but be less skilled at how to share their understanding. The paper is not, therefore, intended primarily to address Ombuds’ “cases” or “visitor<sup>2</sup> issues,” as much as it is concerned with the Ombuds office’s attempts at self-justification to those who may be doubtful about its necessity, purpose, methods, or efficacy. The desired outcome will lead to improved communications between Ombuds and those with whom they communicate about the office and its value to the organization. I’ve deliberately offered out-of-the-box

metaphors to illustrate different perspectives through which Ombudsmanry may be more easily understood. It is my hope that this article may enlighten Ombuds (new as well as seasoned) whose leaders may be uncertain about the value of an Ombuds office for their organization.

## ACKNOWLEDGEMENTS

The author is grateful for the many professional friendships over the years and the extensive conversations about how organizations and communities interact, how they should interact, and how they can be healed when they behave in a sub-optimal manner.

## KEY WORDS

Ombudsman, value, metaphor, community

## Introduction

Mary Rowe’s definition of “Ombudsman,” although undeniably accurate, does not “trip lightly over the tongue” and, therefore, may not easily “make the case” to leadership about the value of an Ombuds office to an organization.<sup>3</sup> Hence arises the purpose for reflecting about demonstrating the value of an Ombuds office to leadership. An Ombuds office’s worth can arise from helping to reduce “worst case” scenarios from an extant situation, or from helping to lessen the likelihood of predictable events through accurate trend-spotting. Although an Ombuds office may not solve<sup>4</sup> problems, its worth can arise from lessening the likelihood of litigation, separation, and other unnecessary performance distractions for community members. Perhaps the theme of a successful Ombuds might be adapted from the popular children’s book (that without an Ombuds), *It Could Have Been Worse*, by A.H. Benjamin.<sup>5</sup>



## Organizational Mission and the Value of an Ombuds Office

Every activity that falls under the auspices of an organization should have a realistic connection to the mission<sup>6</sup> of the organization. Activities, e.g., tasks, offices, policies, procedures should all flow from and support the mission that authenticates them. But if the organization's concern with tasks eclipses the dignity of and respect for its workers, one is reminded of the infamous quote from Vietnam: "It became necessary to destroy the village (the worker) in order to save (accomplish) it (the task)."<sup>7</sup>

The mission of an Ombuds office revolves precisely around respecting and guarding the dignity of those who work at the tasks within the organization while simultaneously caring for the good of the organization. Naturally, the Ombudsman's focus on individual empowerment should not contravene the mission and just as importantly, whatever the Ombuds does should always be based upon its perceived value to the organization and consonant with its mission.

Ombuds offices *create* value in a variety of ways. They may help to: "solve" an extant problem, prevent a significant problem or improve a situation that had been invisible in the organization but that was nevertheless problematic. Additionally, they may offer cost-effective services (e.g., training, mediation), that improve the organization's overall well-being.

Ombuds offices *show* value similarly in a variety of ways. They "orient" leadership about Ombudsmanry and thereby gain support for the mission of the Ombuds office. They then orient the "rank and file." They publicize activities, conclusions, and results (aggregated to avoid breaching confidentiality). An Ombuds can spot trends of significance that others may not see or may not see until much later.

Please remember that these reflections are aimed at observations that Ombuds might share with decision-makers. I do not mean to suggest that the examples offered would appear to be new to the Ombuds community itself.

The role of an Ombuds office is directly concerned with the foundational values of an organization and whether organizational behavior aligns with those values. It becomes important at times, therefore, to revisit these foundational values. Let me offer an analogy as to why we should do so.

At playoff time coaches can be heard screaming the same admonitions at players (in the NBA, NFL, MLB) that the players have heard from the seventh grade: "Defend with your feet, quit reaching!" "Hold your block!" "Get lower!!" "Keep your eye on the ball!" "Follow through!" (I have deleted the expletives that frequently accompany these admonitions.)

Apparently, top-level coaches believe that reminding (even their star) players of such truisms is critical to their success. If it is important to revisit fundamental principles at significant moments (i.e., when much money is at stake), it probably holds true for organizations, where even more money and the welfare of many more people are at stake. As players can fail to observe game fundamentals, organizations, too, can lapse in the observance of sound organizational principles about how best to deal with people. Hence, it is useful to examine some of these principles as they are popularly understood.<sup>8</sup>

## Organizations and Communities — Ombuds Environs

Given that fundamentals are emphasized when considerable amounts of money and pressure are at stake, it may be appropriate to review some fundamentals salient to the Ombuds office's showing worth to leadership, when the stakes may be similarly high.

Organizations are formed to facilitate tasks that individuals could not accomplish as well. The tasks are deemed by someone or some group to be important enough to create the organization. Communities, however, are the resultant togetherness of similarly task-driven individuals. It is useful to distinguish between them, if not philosophically, at least, as they are regularly understood by the popular mind. Popularly understood, then, one would work *for* an Organization<sup>9</sup>, while one would work *with* a Community<sup>10</sup>. Without more than a passing implication it might be remembered that slaves worked *for* the masters who owned them, while working *with* the other slaves who shared their plight.

Given the nature of the Organization it should be understandable that a bureaucracy is a most appropriate form of management because of bureaucracies' characteristics (i.e., hierarchical, authoritative, rational, specialized, and accountable). One could easily compile a list of bureaucracy's "virtues": efficiency, compartmentalization, predictability, credentialing, quantification, and secrecy.<sup>11</sup>

Clearly, the characteristics and "virtues" of the Organization do not comport well with those of Communities. Rather, the desirable characteristics of Communities — personal, collaborative, empowered, intense, and fluid — oppose those of Organizations. One imagines the embodiment of bureaucracy in General Motors, the Veterans Administration, and "Big Government." Conversely, "start-up" enthusiasm,<sup>12</sup> team work,<sup>13</sup> and other terms that typically represent Communities might include teams, study groups, task force, "band of brothers," strong, functional families. Although such communities may experience "community hiccups,"<sup>14</sup> they frequently can solve them internally based upon their strong, personal bonds and successful communication patterns. William Ouchi's *Theory Z Management*<sup>15</sup> arose out of the challenges posed by the tensions inherent in linking effectively bureaucracy with Community.

Bureaucracy fits Organizations aiming to improve efficiency, while Communities tend to value efficiency less than the togetherness of mission-driven groups. Communities often arise within Organizations and can be seen as oppositional (players versus referees) with inherently different "properties." Although they have differing dynamics, Community remains a part of the larger Organization; Communities contribute to Organizations and Organizations contribute to Communities.

The Ombuds office lives within both worlds. Many of the problems that confound visitors seem to occur in the intersection between the Community and the Organization. Although organizationally task-driven, the Ombuds is specifically charged with safeguarding fairness in the treatment of all, and thus focused upon the person as person, not just as task-doer.

An example of the competing interests of Organization and Community might be the effort by various authors to identify "the best" organizations<sup>16</sup>. Independent of subsequent criticisms of *In Search of Excellence*, Peters' themes<sup>17</sup> seem to devalue the bureaucratic "virtues" and encourage

more community-minded ones. The popular conclusion was that the less bureaucratic an “excellent” company was, the more personal and community supportive it became. Further, it appeared to be a causal connection (i.e., the less bureaucratic, the more communitarian, the more “excellent.”) Again, this was a popular not a scientifically validated, conclusion. The implication was that the best organizations aimed toward being the least bureaucratic, were most likely to value their members’ contributions, and that led to business success. This appeared to be counter-intuitive to many.

An organization that creates and supports an Ombuds office makes a formal statement that its members are important as people, not simply task-doers. Therefore, the enterprises involving humans must attend to the differences that human involvement creates in the accomplishment of a task. If the specifically human dimension remains unattended, negative outcomes are inevitable. The organizational “distance” between absent, weak, or inaccurate communication patterns (or behavior that jeopardizes respect for others) and damage to the organization is reminiscent of Rachel Carson’s *Silent Spring* (1962), which ignited the ecology movement. Her observation about the ecological “distance” between cause and effect was enlightening to most.<sup>18</sup> Her insights revealed that events that appeared to be unrelated, were, in fact, causally connected.

Humans doing work are more than machines (i.e., that may do the same work and often better, faster, and more uniformly). But workers remain human — not simply task-doers with W-2s. They bring to those tasks all their humanness which includes strengths and weaknesses. When the human gifts, such as creativity, spontaneity, and dedication abound, they enrich the lives of co-workers and the workplace (where so many spend so much time). When these gifts are stifled, organizational impoverishment results.

## The Importance of Communication

It is self-evident that communication could be considered like connective tissue for healthy communities. Though we have the capacity for endless, worldwide, instant communication, we seem not to be able to improve relationships, often the very stuff of Ombuds activity. Necessary to the successful community is clear, accurate, consistent, and frequent communication — formal and informal. But it is evident that not all people are skilled at communication (and their numbers are increasing and their skills decreasing). It is also clear that with the disintegration of societal communication skills people are entering the workforce with less experience in successfully resolving conflict (e.g., kids playing by themselves can learn conflict resolution more quickly than if they have to have adult supervision while playing<sup>19</sup>). One cannot fail to note the clear decline of social and conversational skills throughout society, hence among employees and students. This is most ironic, given the virtual permeation of contemporary life through electronic connectedness.

Intellectually, principles of good communication are not hard to understand. People often understand how to communicate, (e.g., be attentive, clarify definitions), but act as though they knew nothing about such principles. Relationship breakups frequently reveal poor performance independent of cognitive understanding.<sup>20</sup> Such behavior characterizes many in the workplace and can create the environment that might explain when and why organizations would benefit from an Ombuds office. In workplaces where poor communication patterns can become the norm, the opportunities for Ombuds activity are almost endless. One can almost imagine Anne Sullivan, Keller’s indispensable teacher and companion, as having performed a role similar to that of an Ombuds.

But, even in well-run organizations, whenever communication weaknesses overshadow strengths (even if temporarily), there is an opportunity for Ombuds activity. Should policies, procedures, or programs either treat classes of people in a way that diminishes human dignity or unfairly affects individuals, opportunities arise for Ombuds activity. Similar opportunities arise if individuals (or groups) treat others unfairly within or around the workplace. One needs only to recall the increased number of instances of workplace (or schoolhouse) bullying to recognize the suffering, realize the costs, and see the benefits of addressing the issues proactively. Whenever the tasks overshadow the dignity, value, or importance of the human task-doers, the community suffers.

## How Can an Ombuds Help the Organization?

An Ombuds can assist individuals as well as organizations. An Ombuds can help individuals by offering a safe place — showing the Organization's concern for the "community's health"; by supplementing, not replacing any existing office or function; by encouraging, facilitating, "coaching" communication, or offering referrals especially when communication has become difficult whatever the reason. Assistance can include shuttle diplomacy or mediation. The Ombuds can empower the visitor by helping to provide clarity where there has been confusion and options where people might have come in not knowing what to do, enhancing the visitor's self-image, where vulnerability had reigned. Although not a personal advocate for the visitor, the Ombuds remains always concerned about the fairness of processes and procedures, respecting the individual as well as the good of the organization.

Because Ombuds offices are not yet well or widely understood<sup>21</sup>, Ombuds need to offer proactively clear and accurate orientation, especially for leaders and then enlisting their aid, for rank and file. When leaders understand the value of the office, they are more inclined to encourage workers to avail themselves of it. Enlightened leaders recognize that the Ombuds office provides a safe place (confidential, independent, impartial, and informal — the principles of the profession). A safe haven encourages workers to discern calmly before acting rashly. It is a good bet that all are better served when people do not act rashly.

Since visits are optional and unofficial, the Ombuds office offers an informal alternative to creating a record in Human Resources, which often complicates and memorializes the issue. Since a visitor hasn't started anything, there's nothing to lose by airing out the issue with the Ombuds. An invisible visit can often reduce the anxiety of visitors, even if their issue is not solved. Additionally, because of their unique data availability, Ombuds can spot trends earlier than might otherwise be the case.<sup>22</sup>

Leaders can be shown the Ombudsman's value by becoming aware of his/her effects. If the work of an Ombuds office reduces turnover in employees, attrition in students, or elevates morale (and bad morale often goes unnoticed by supervisors<sup>23</sup>), or lessens the likelihood of litigation, or improves productivity and job satisfaction, or increases supervisors' skills, or empowers members — strengthening the community — that office offers value to the organization.

The following five examples of real-life Ombuds situations and outcomes may surprise leadership, but would be recognized in the Ombuds community as commonplace.

1. If a visitor is frustrated and ready to leave employment but sees a way beyond the immediate problem and decides to stay and try options he hadn't seen before, everyone wins.
2. If through a series of apparently disconnected issues the Ombuds detects what seems like a trend, giving leadership an opportunity to address it earlier will most likely reduce the harm it can create if left unmanaged.
3. If a student has an issue that seems insurmountable and yet after a successful visit returns to the classroom or dorm with a better outlook on the problem — that results in real revenue neither lost if the student were to withdraw nor wasted if she were to stay but with little hope of success because of the unresolved issue.
4. If a number of employees make similar but unconnected complaints about the same supervisor, an opportunity might arise whereby the supervisor could receive timely and useful formative feedback and become a better supervisor — instead of just a chastened one — everyone wins.
5. If an employee is terminated and is concerned that there were “rough edges” to the event, a visit to the Ombuds might help clarify and sort impressions. Perhaps, the process was unnecessarily abrupt, if not unfair. A visit to the Ombuds might initiate an improvement in termination styles that clarify reasons (for the termination) and offer options to the employee, creating a less confrontational separation. If the termination were justified, better that the employee leave on good terms, than on hostile, hurt ones. If unjustified, better the process be corrected than remain flawed. In any event, a less hostile ex-employee is a win. Similarly, a wrong corrected is a win.

If the Ombudsman's value is absent or invisible in the mind of leadership, organizations large and small that start Ombuds programs might more easily opt out of them as an unnecessary (if modest) cost — or as a source of unnecessary discomfort. That seems to guarantee a more tenuous Ombuds office existence than necessary. It is incumbent on the Ombuds office itself, therefore, to convince leadership about the value of the office.

The effectiveness of Ombuds activity is neither magical nor mysterious. Two characteristics seem to be essential to successful Ombudsmanry: the safe haven that the Ombuds office provides and the support of leadership.

1. The Ombuds office provides a safe haven for supervisor and supervisee alike. The haven is optional, confidential, independent, impartial, and informal — the necessary principles from which an Ombuds operates.
2. Support at the leadership level is also critical to Ombuds success. Such support is manifested by leaders who offer knowledge about and support for all to consider the availability of the office. And, given the need for leadership's belief in the value of the Ombudsman's efficacy, it becomes critical for the Ombuds office to be persuasive about showing its value.

## Understanding Ombudsmanry through Various Metaphors

Since Ombuds functions are neither widely known nor well understood, perhaps cross-disciplinary analogies can offer knowledge that allows leadership an easier entrance into the discussion of the value of an Ombuds office.

Therefore, I'd like to offer a view of Ombudsmanry through a set of metaphors whose Intent is to provoke thought beyond Ombuds frameworks, rather than create ironclad comparisons. Again, although this approach may not shed light to Ombudsmen, it is intended to offer some new approaches for Ombuds offices as they attempt to persuade leadership about the worth of the Ombuds office.

1. The Ombuds and the Family Practice Doctor
2. The Ombuds as "Community Probiotic"
3. The Ombuds as Communications Analyst
4. The Ombuds as Mission Monitor

1. The analogy between the Ombuds and the doctor<sup>24</sup> may be helpful, since most people have extensive experience with medical doctors, but so little with an Ombuds. The Ombuds/doctor analogy can lean on the quality of the medical encounter, either in its presence with excellent doctors or its absence with poor ones.

In good doctor/patient (Ombuds/visitor) encounters doctors and Ombuds exhibit excellent listening skills, and manifest the ability to separate "the chaff from the wheat" in the patient's/visitor's story. Furthermore, they are bound by requirements to safeguard confidentiality.

Both doctors and Ombudsmen understand the optional nature of a visit, cherish professional independence, but are secure enough to consult when necessary. And they understand that it remains the patient's/visitor's decision about what to do with options presented. Since earlier detection is likely to achieve healthier outcomes, they steadfastly encourage healthier processes (lifestyle choices) that foster prevention of undesirable outcomes and maintain concern for the whole patient not just the sum of the body's parts. Both advocate for non-invasive options (e.g., physical therapy, healthy diets, stress-reducing techniques and re-framing arguments) that can achieve results that might be safer, less invasive, less expensive, and better overall than more dramatic (surgical/quitting) techniques.

And both realize that although sometimes surgery/separation (from employment) may be clearly indicated, observing wise counsel is almost certain to better prepare the patient for the surgery or the employee for separation, even if surgery/separation is indicated.

The most far-seeing family practitioners are moving their practices rapidly toward a model that emphasizes prevention. One example of the sea change encouraging prevention is reflected in *The Guide to Community Preventive Services*.<sup>25</sup> If so much effort, money, talent, and time by so many is directed at prevention, professionals must think that it is efficacious and cost-effective. Surely wisdom lies in the adage about the ounce of prevention.



Prevention as a viable approach to improvement is common sense. Data indicate that we are living longer and generally healthier lives. We can learn much from the movement towards heart health via exercise, cholesterol-lowering diets, and medicinal supplements like niacin, statins, Omega-3 fish oil that are all used to reduce cardiac incidents. Life-style changes seem to work (e.g., increase the quality of life, decrease the incidence of disease, etc.).

Although prevention and the Ombuds would seem to have a natural linkage, prevention is sometimes a hard case to justify to the accounting department. Perhaps a viable way of manifesting the value of prevention is for the Ombuds office to estimate the salary values of those whom the office has helped stay when without the intervention, those employees would have left employment. Detailing (even through estimation) the costs that would have been incurred by those separations (e.g., downtime costs, lowered productivity costs, increased search costs). Such an exercise soon yields a significant dollar amount that the Ombuds office *saved*! The most inflexible accountants might be persuaded by such numbers.

Perhaps an increased emphasis on preventive energy designed to reduce employee stress, lowered productivity, workplace hostility, and ultimately, unnecessary turnover enhances the Ombuds worth. Ombuds' office observations of on-boarding goals and techniques might identify their possible relationship to early turnover. Observing the difficulty of new hires "fitting in" might reveal hiring process flaws, unclear expectations, supervisor proficiency. Again, these preventive activities can enhance the worth of an Ombuds office.

2. Ombuds activity might be viewed metaphorically as a probiotic for the organization's health. Since "good" bacteria (those that fight disease and promote health) can be lost during antibiotic regimens and can affect deleteriously the health of the gut, adding "good" bacteria (*Lactobacillus*, *Bifidobacterium* genera, which are believed to promote gut health) to the diet makes sense. Although some might resist the notion of intentionally ingesting bacteria, the popularity of yogurt testifies that many believe it to be tasty as well as good for them.

As bacteria can weaken or strengthen an organism, so too, poor communication can weaken or destroy a community. And, good communication, like good bacteria, can promote it. For instance, random acts of kindness or a habit of friendliness tend to affect a community positively as a probiotic does to the digestive tract. Conversely, weak, inconsistent, or absent communication can weaken or destroy a community as can an infection a healthy organism. And, like bacteria (plural) that are comprised of many units, communication is comprised of many individual units (acts of communication or the absence thereof). Over time, these acts (good or defective) create patterns that can be clear, poor, vague, misleading, etc. Good relationships can be severed by a serious act of bad communication, after which forgiveness may be exceptionally difficult. Often, weak communication is not the result of a single, isolated communication action (like a bacterium), but rather of multiple acts (bacteria, causing an infection) which have a multiplier effect on the communicative environment. Taken to its worst case, an infection can cause serious harm, even death. Similarly, a community can be destroyed by rampant, bad communication patterns.

Unquestionably, problems are easier to manage the less entrenched they are. Probiotics help the body heal itself through prevention or empowerment of useful bacteria to overcome harmful bacteria. Similarly a critical mass of good communication patterns, selfless behavior,



clear directions and expectations can overcome behavior less supportive of community life. But it seems to take many good bacteria to overcome a few bad; whereas, a few bad can overcome many good. We know the adage “one bad apple can spoil the barrel.” Unfortunately, it doesn’t seem to be reversible so that “one good apple can redeem a barrel.” This would appear to be something like social entropy (how rapidly a community is disintegrating). It takes less energy, talent, skill, and time, to destroy a community than to build one (i.e., it is easier to corrupt than to create). An Ombuds can often help parties to repair a deeply wounded relationship, but like most repairs, the process can take time, willingness, and effort.

The very existence of an Ombuds office shows that the organization is concerned about the health of the community, and would prefer to expend resources more in prevention and maintenance than in the more expensive, less efficient, repair mode.

3. The Ombuds can be likened also to a communications analyst who discerns patterns in what appear to be somewhat chaotic stories. The Ombuds is trained to know that the “deeper story” of a visitor is probably not revealed in the first telling and may become evident only after a more extended conversation. Stories may reveal or conceal a pattern, and a visitor’s story may be best understood as a snapshot or it may be a movie (i.e., the story may reveal a genuine characteristic or may simply be an anomalous experience). The Ombuds is uniquely qualified to probe because the job allows for time to explore the communication depths rather than stay with the superficial. Unlike other task-doers in the organization, the Ombudsman’s time is dedicated to the human condition of the visiting task-doers rather than simply their task-doing.

All others in the organization are focused on the tasks themselves. Only after getting closer to the deeper story might the real interest of the visitor become manifest. When the real interests become clear, so often, does the problem, and hence a clearer set of options. Although behavior patterns can improve or worsen (people are not static), improvement is probably easier with assistance.

4. The Ombuds can be likened to a mission monitor in that he/she can help monitor social entropy. This is less because the Ombuds is a prophet (foretelling the future) than that his/her task is focused on attention to the status of the community as community (reading more carefully the reality of the present). If a community were to be compared to a building, one would clearly want advance notice before the building (community) collapsed. When the Ombuds does his/her job well, everyone wins.

A primary task of an Ombuds is to observe the sync between mission and behavior on both a micro (individual issues) and macro (trend-spotting) level. On the micro level the Ombuds might receive information that an individual is behaving contrary to the mission and is concerned only with just getting the task done. Or an individual is demeaning another and no one knows. On the macro level the Ombuds may discern behavior patterns (e.g., regarding diversity, inclusivity, favoritism) that contravene the mission, even though the tasks get done. No other office is so tasked to observe or equipped to assist in identifying the status of the sync as is the Ombuds. The success of the Ombuds office should facilitate the organization’s living up to its mission statement. And, the integrity of an organization is derived from coherence between action and mission.

## Expectation sync — Problem and Solution — A Lesson from Voltaire and Bernstein

The importance of the Ombudsman's "opening statement"<sup>26</sup> to a visitor cannot be overstated. The Ombuds frames (or reframes) the expectation of the visitor and when the visitor and the Ombuds share a realistic expectation, the likelihood of a successful outcome escalates. When their expectations are not in sync successful outcomes become anomalous, rather than predictable. Less than optimal Ombuds activity often results from visitors' expectations being unrealistically optimistic. Successful Ombuds activity on the other hand, builds upon realistic expectations and hard work over time.

Perhaps the following selections from a famous American musical illustrate well both the problem and the solution.

In 1956, Leonard Bernstein's *Candide* opened on Broadway to critical acclaim for its perceptive lyrics and sophisticated musical qualities. The libretto was based upon Voltaire's novella, *Candide*, published in 1759, in which Voltaire satirizes religion, traditional values, and the optimistic philosophy of Gottfried Leibniz. Leibniz had argued that to be successful in the world one should accept that we are living in the "best of all possible worlds" and therefore, should accept our status without working hard to improve it. The two songs that serve my purpose are "Oh Happy We!" and "Make Our Garden Grow."

Candide, well-born, naïve, and a disciple of the panned Dr. Pangloss ("all tongue" in Greek), and the beautiful, but also naïve Cunegonde steal an innocent kiss. Subsequently, Candide is banished from his opulent, sheltered life and encounters years of awful experiences: earthquakes, thefts, rapes, disembowelments, near death, and general tragedy on the part of everyone Candide meets. Certainly a mockery of optimism.

We pick up the story before the banishment and just after the rousing "Best of All Possible Worlds," where everyone is "wise and good." In "Oh Happy We!" Candide and Cunegonde parrot the philosophy of Optimism as they anticipate their happy marriage. I imagine Cunegonde as the Visitor and Candide as the Ombuds. I have included both the lyrics and the URL from YouTube<sup>27</sup> and encourage listening to the music as well as following the lyrics. The expectations of marriage (Ombuds visit) are clearly not in sync. Probably, all Ombuds have had visits where the expectation sync simply was not present. When expectations are not in sync, the likelihood of success understandably is abysmally low. And, as word of unsuccessful Ombuds experiences spreads throughout an organization, leadership confidence wanes understandably and much good can be undone unnecessarily.

The most famous song that closes *Candide* can illustrate the matured expectations of both the Visitor and the Ombuds. After surviving all the tragedies, they have come to reject unrealistic, naïve optimism as the prescription for success in the real world. They understand how marriage functions (as only the unmarried can!) and what expectations are proper. They have come to realize that success is not magic, but the result of hard work and, is not instantaneous, but measured. Hence, rash judgments and blind optimism are imprudent and futile. Knowing their expectations have been unreal, they are now ready to get on with the authentic task at hand. "Make Our Garden Grow," the

musical *tour de force* from *Candide*, captures their newly acquired wisdom. And, for a more enjoyable and richer experience, I encourage listening to the song as well as following the argument.<sup>28</sup> Remember, Cunegonde is the Visitor and Candide, the Ombuds.

### THE “WORK” OF THE GARDEN

Much of the work of making a garden grow takes place in the dark. Depleted soil has been enriched; impacted soil has been loosened and aerated. This work is unnoticed, and most often, not measured easily — perhaps not until the plants emerge from the ground. Only upon emergence and then much later, as the health of the plants becomes clear, does the effect of the work prior to emergence also become clear.

Similarly, as with a probiotic — the work is virtually invisible, unnoticed. Over time, however, the effect becomes clear, not so much from a dramatic cure as from what has improved gradually.

Sometimes the improvement isn't experientially connected with the probiotic (“I don't remember when I started taking it, but I noticed that I no longer have the symptoms”). Likewise, is the work of the Ombuds — unnoticed, somewhat subterranean, with minimal records, or publicity. Often, the beneficial effects, noticed only later, may not be associated with the work that took place much earlier, under the guidance of a skilled Ombuds.

## Conclusion

One might expect the Ombuds to be sensitive to analogies like the ones presented. But he/she cannot expect leaders to be equally attuned to such analogies; although once presented to them, they may accept their worth. The Ombuds cannot expect leadership simply to trust that the position provides value for cost. The case for value has to be stronger than “take my word for it.” The reasons for the case are simple:

1. Even well-run organizations lapse in proper behavior and can benefit (so there's no organizational shame in having an Ombuds office).
2. Significant cost-effectiveness attends prevention or early intervention.
3. Even when employees are separated, the less angry they are, the less they harm an organization's reputation.
4. At times, a safe haven is critical for all — supervisors and supervisees.
5. An Ombuds office succeeds when leadership's support is perceived.

I've tried to offer examples of why demonstrating value to leadership is critical and how one might offer creatively different viewpoints to accomplish it. Although information sharing can be difficult without breaching confidentiality, it is critical for validation and success of the Ombuds office.

## Endnotes

1. The terms "Ombuds," "Ombudsman," "Ombudsmen," and "Ombudsperson" are used without differentiation in meaning but as they appear to be more fluid in the text. There is no gender identity assumed in the terms "Ombudsman" or "Ombudsmen." "Ombudsmanry" is the term that refers to the practice of what Ombudsmen do.
2. "Visitor" is the term preferred in the Ombuds community for what others might call "clients."
3. The organizational Ombudsman is defined as: "a designated neutral who is appointed or employed by an organization to facilitate the informal resolution of concerns of employees, managers, students and, sometimes, external clients of the organization." The classical Ombudsman ... "typically is appointed by a legislative body to represent the public with concerns of the public with regards to the conduct of governmental agencies; they conduct formal investigations." An advocate Ombudsman is defined as one who "advocates on behalf of a designated population, such as patients in long-term care facilities." Rowe, Mary, Options, Functions and Skills-What an Organizational Ombudsperson Might Want to Know (1995).
4. Conventionally the problem remains the visitor's. Hence, the Ombuds does not "solve" it. Rather, he/she may help to empower the visitor to solve it.
5. Backpack Books (2004). The point of the book is that each mishap of the protagonist actually saves him from a more serious disaster. I believe that dynamic might well be true of the successful Ombuds Office in that without the activity of the Ombuds an organization problem could have had a much worse outcome.
6. Normally, the most idealistic expression of an organization's aspirational goals.
7. Whether an historically accurate quote or not is disputed, but it nevertheless, conveys a genuine fear that sometimes it becomes hard "to tell the good guys from the bad" just by observing their behavior.
8. I am less interested here in pursuing a philosophy of organizations than in reflecting upon popular perceptions of the impact of organizations upon the lives of individuals.
9. When organization(s) is capitalized, I am underscoring those features of organizations that are popularly associated with a perception of facelessness, insensitivity, large and hard to change, and perhaps even, inimical to individual needs.
10. When community(ies) is capitalized, I intend to emphasize their best dimensions in the popular mind; e.g., togetherness in completing a task like a team winning a championship; ability to adapt nimbly to new circumstances, and informality in behavior.
11. I am indebted to Robert Boyd Skipper, Ph.D., "Bureaucracy and Education," 2014, (unpublished yet), who contends that bureaucracy itself is inimical to the task of genuine education.
12. The early days of tech start-ups are often described almost romantically in terms of the togetherness — in spite of the long hours, the daunting challenges, the fear of the possibility of failure, etc.

13. Successful sports teams have well-defined roles, but little formal hierarchy within the contest (anyone might be the hero, making the shot, the defensive play — whether a star or a sub, an offensive or defensive player).
14. The dysfunctional experiences that are a part of everyday life.
15. For a quick introduction to Ouchi's work that includes praise and criticism visit: [http://scholar.google.com/scholar?q=ouchi+theory+z&hl=en&as\\_sdt=0&as\\_vis=1&oi=scholar&sa=X&ei=4JugU5n3LoGlqAaB6oCYBw&ved=0CBsQgQMwAA](http://scholar.google.com/scholar?q=ouchi+theory+z&hl=en&as_sdt=0&as_vis=1&oi=scholar&sa=X&ei=4JugU5n3LoGlqAaB6oCYBw&ved=0CBsQgQMwAA).
16. A few, popular examples: *In Search of Excellence: Lessons from America's Best-Run Companies* (Tom Peters and Robert H. Waterman, Jr., (HarperBusiness; 1982, Reprint edition, 2006); *Excellent Catholic Parishes: The Guide to Best Places and Practices*, (Paul Wilkes, Paulist Press, 2001); *Excellent Protestant Congregations: The Guide to Best Places and Practices*, (Paul Wilkes, Westminster John Knox Press; 2001). Regularly, articles in popular \trade journals, "100 Best Places to Work in IT" (<http://www.computerworld.com/category/bestplaces2013>) or the "Best Higher Educational Rankings." (<http://colleges.usnews.rankingsandreviews.com/best-colleges>).
17. <http://www.businessballs.com/tompetersinsearchofexcellence.htm> enumerates the eight themes:
  1. A bias for action, active decision making — 'getting on with it'.
  2. Close to the customer — learning from the people served by the business.
  3. Autonomy and entrepreneurship - fostering innovation and nurturing 'champions'.
  4. Productivity through people — treating rank and file employees as a source of quality.
  5. Hands-on, value-driven — management philosophy that guides everyday practice — management showing its commitment.
  6. Stick to the knitting — stay with the business that you know.
  7. Simple form, lean staff — some of the best companies have minimal HQ staff.
  8. Simultaneous loose-tight properties - autonomy in shop-floor activities plus centralized values.
18. In *Silent Spring* Carson had observed a "distance" between some cause and its effect several "orders" away? She had recognized that pesticides used to kill insects inevitably damaged intermediate systems (the thinning of birds' eggshells, reducing the population of the insects' natural predators — birds) and actually caused an increase in the very insect population that it was intended to reduce. Boston: Houghton Mifflin Co., [25<sup>th</sup> anniversary ed., 1987], c1962.
19. Most adults over forty can remember clearly playing with other children without the need for adult supervision, and resolving conflicts without needing an adult authority to intervene. Many involved with youth sports know harrowing stories of adult misbehavior.
20. It is commonplace to hear people describing the reasons for their "breakup" as "we just couldn't communicate anymore." Workers often say the same thing about colleagues or supervisors. If Helen Keller, who was deaf, dumb, and blind could become a world renowned communicator, perhaps others with fewer obstacles should be able to communicate successfully.

21. I (and other Ombuds with whom I've talked) rarely encounter people acquainted with the word "Ombuds" or the function. The exceptions are those who have had direct experience or knowledge with an Ombuds office. As late as 1979, neither the word "Ombuds" nor any of its cognates could be found in the Compact Edition of the Oxford English Dictionary.
  22. Ombuds often hear about situations before others in the organization do. Furthermore, how and what they hear is often richer and more complete than what might eventually be filed formally.
  23. This is not surprising since supervisors receive reports from directors who understandably don't want to be the messenger carrying bad news. In real ways, then, supervisors are often insulated from morale issues.
  24. Unless otherwise noted, "doctor" in this analogy refers to a modern, family practice physician in a practice emphasizing wellness not just curing.
  25. <http://www.thecommunityguide.org/about/aboutTF.html>. This is a virtual cornucopia of information about the efficacy of preventive approaches to better health.
  26. The brief statement by the Ombuds in the first visit that addresses reasonable expectations and limitations that accompany Ombuds activity.
  27. The lyrics are sometimes hard to understand for those unfamiliar with the the story. The music understandably enriches the lyrics. "Oh Happy We!" see <https://www.youtube.com/watch?v=GfK3NacsA4I&feature=kp>.
- Candide: Soon, when we feel we can afford it, we'll build a modest little farm.
- Cunegonde: We'll buy a yacht and live aboard it, rolling in luxury and stylish charm.
- Candide: Cows and chickens.
- Cunegonde: Social whirls.
- Candide: Peas and cabbage.
- Cunegonde: Ropes of pearls!
- Candide: Soon, there'll be little ones beside us. We'll have a sweet Westphalian home.
- Cunegonde: Somehow, we'll grow as rich as Midas. We'll live in Paris when we're not in Rome.
- Candide: Smiling babies.
- Cunegonde: Marble halls.
- Candide: Sunday picnics.
- Cunegonde: Costume balls. Oh, won't my robes of silk and satin be chic? I'll have all that I desire.
- Candide: Pangloss will tutor us in Latin and Greek while we sit before the fire.
- Cunegonde: Glowing rubies.
- Candide: Glowing logs.
- Cunegonde: Faithful servants.
- Candide: Faithful dogs.
- Cunegonde: We'll round the world, enjoying high life - all bubbly pink champagne and gold.
- Candide: We'll lead a rustic and a shy life, feeding the pigs and sweetly growing old.
- Cunegonde: Breast of peacock.
- Candide: Apple pie.
- Cunegonde: I love marriage.
- Candide: So do I.
- Cunegonde: Oh, happy pair. Oh, happy we. It's very rare how we agree.
- Cunegonde: (overlapping) Oh, happy pair. Oh, happy we. It's very rare how we agree. Oh, happy pair. Oh, happy we. It's very rare how we agree.

Candide: (overlapping) Oh, happy pair.  
Oh, happy we. It's very rare how we  
agree. Oh, happy pair. Oh, happy we.  
It's very rare how we agree.

28. "Make Our Garden Grow" (from  
Candide) [https://www.youtube.com/  
watch?v=tgXMxhMhYm4](https://www.youtube.com/watch?v=tgXMxhMhYm4)).

CANDIDE:  
You've been a fool  
And so have I,  
But come and be my wife.  
And let us try,  
Before we die,  
To make some sense of life.  
We're neither pure, nor wise, nor good  
We'll do the best we know.  
We'll build our house and chop our wood  
And make our garden grow...  
And make our garden grow.

CUNEGONDE:  
I thought the world  
Was sugar cake  
For so our master said.  
But, now I'll teach  
My hands to bake  
Our loaf of daily bread.

CANDIDE AND CUNEGONDE:  
We're neither pure, nor wise, nor good  
We'll do the best we know.  
We'll build our house and chop our wood  
And make our garden grow...  
And make our garden grow.

(ensemble enters in gardening gear and  
a cow walks on)

CANDIDE, CUNEGONDE, MAXIMILLIAN,  
PAQUETTE, OLD LADY, DR. PANGLOSS:  
Let dreamers dream  
What worlds they please  
Those Edens can't be found.  
The sweetest flowers,  
The fairest trees  
Are grown in solid ground.

ENSEMBLE (a cappella):  
We're neither pure, nor wise, nor good  
We'll do the best we know.  
We'll build our house and chop our wood  
And make our garden grow.  
And make our garden grow!



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## MISSION STATEMENT

The *Journal of the International Ombudsman Association (JIOA)* is a peer-reviewed online journal for scholarly articles and information relevant to the Ombudsman profession. As members of a relatively new profession, we continually strive to understand, define and clarify the role and function of the professional organizational Ombudsman. *JIOA* will help foster recognition that what we do for our agencies, corporations, colleges and universities is worthy of study. While we must vigorously protect the confidentiality of our interactions, we can still study and be studied to understand what we do and how we do it; what works well and what doesn't work; what our options are; how social, technical and legal changes may impact us; what the profile and career development of Ombudsman professionals might be, and other matters of interest. The *JIOA* can facilitate a greater interest in Ombudsing, enhance our professional standing, and serve to give us a better understanding of our dynamic roles and the impact on our institutions and agencies. The journal also will allow IOA members, other Ombudsmen, and other professionals to reach out to their colleagues with their ideas, research findings, theories, and recommendations for best practices and to engage in ongoing discussions of critical issues.

## **JOURNAL OF THE INTERNATIONAL OMBUDSMAN ASSOCIATION**

### **PRINCIPLES FOR ACCEPTING MANUSCRIPTS FOR PUBLICATION**

The JIOA will accept manuscripts for publication according to the following principles:

1. All accepted articles will conform to — and/or not be in violation of — the IOA Standards of Practice. This means:
  - a. That the content of the article upholds and does not violate the IOA Standards of Confidentiality, Neutrality, Independence and Informality. Exceptions may be allowed if (a) any alternative content to the IOA SoPs is acknowledged as an alternative to them, and (b) authors provide a rationale for employing alternatives to the IOA SoPs, e.g., where alternate Standards of Practice documents underpin the manuscript, or the current SoPs are being challenged or critiqued;
  - b. The article does not contain data and/or has not employed a research methodology in violation of the IOA SoPs;
2. The content of the manuscript is relevant to the work of Ombudsmen in any setting;
3. Manuscripts, whether solicited or unsolicited, will be subject to blind, anonymous peer-review. Final decisions about publication rest with the Editor;
4. Manuscripts must be original, that is, unpublished elsewhere. Exceptions may be made where, in the opinion of the Editorial Team, the value of the manuscript has historical or vital contemporary importance;
5. All listed authors of a manuscript have agreed to their being listed as authors, and have seen and approved the manuscript;
6. Manuscripts that constitute a complaint against or criticism of an individual Ombudsman or an Ombudsman office will not be considered for publication and, where the target of written complaint is a Board-certified Ombudsman practitioner, authors will be referred by the Editor to the IOA Board of Certification;
7. In all other respects, all accepted articles will conform to the Instructions for Authors as presented in each Volume of the JIOA.

The JIOA Editorial Team (the Editor and Associate Editors) is the final judge of the appropriate implementation of these and any future principles.

## INSTRUCTIONS FOR AUTHORS

### EDITORIAL STATEMENT

The Journal of the International Ombudsman Association (JIOA) is a peer-reviewed online journal for scholarly articles about the Ombudsman profession. JIOA aims to foster recognition and understanding of the roles and impact of Ombudsman offices in a variety of institutions and sectors. JIOA is a unique publication for organizational Ombudsmen and other professionals to reach out to their colleagues with ideas, findings, recommendations for best practices, and engage in ongoing discussions of critical issues.

### ELIGIBLE CONTRIBUTORS

Submissions are encouraged from all responsible contributors regardless of affiliation with the International Ombudsman Association. JIOA encourages contributions relevant to the work of Ombudsmen in any setting. JIOA is a peer-refereed journal and articles are accepted without remuneration. Authors wishing to discuss submission ideas are encouraged to contact the Editor or a member of JIOA's editorial board.

### LANGUAGE OF MANUSCRIPTS

JIOA will accept manuscripts in all major languages for review for publication. Where manuscripts are submitted in languages other than English, an English 'Abstract' must be supplied. Subject to the paper being published in JIOA, this English 'Abstract' will be published alongside the 'Abstract' in the author's original language. Occasionally, at the discretion of the Editor, the paper will be published with a full- English translation. As with all submissions, authors wishing to discuss potential submissions in languages other than English are encouraged to contact the Editor or members of JIOA's editorial board.

## GUIDELINES FOR SUBMITTING AN ARTICLE

Please send an electronic copy of your article as an attachment to [info@ombudsassociation.org](mailto:info@ombudsassociation.org). JIOA's editor will send a reply when the email has been received and the attachment(s) are opened successfully. Submissions should conform to the following guidelines.

### Originality

A cover letter should be submitted with your submission and must include a statement that neither the paper nor its essential content has been published or is under consideration for publication elsewhere. It will be presumed that all listed authors of a manuscript have agreed to the listing and have seen and approved the manuscript.

### Authorship

All persons designated as authors should qualify for authorship. Each author should have participated significantly to the concept and design of the work and writing the manuscript to take public responsibility for it. The editor may request justification of assignment of authorship. Names of those who contributed general support or technical help may be listed in an acknowledgment.

### TYPE OF SUBMISSION

We accept submissions in the form of articles, commentaries, book reviews, essays, short reports, and letters to the editor.

**Articles** of any length will be considered, although JIOA is particularly interested in publishing concise scholarship generally between 1,500 and 5,000 words. Commentaries and book reviews should be no longer than 1,000 words.

**Essays** and short reports that advance an idea, summarize a development, or initiate or engage in a discussion are solicited.

**Letters** to the editor are encouraged, but may be edited for length.

## FORMAT

Manuscripts should be double spaced, with ample margins of at least one inch. Pages should be numbered. All identifying information should be removed from the manuscript files themselves prior to submission. Proofs for checking will normally be sent to the first author named to whom any correspondence and reprints will also be addressed. Footnotes to the text should be avoided wherever this is reasonably possible.

All manuscripts should be made anonymous by the principal submitting author. This involves the following:

1. Removing all identifiable properties from the Word file "Properties" (particularly the author name and organisation) – this can be done manually in Word.
2. Ensure the manuscript contains no mention of the authors' organisations, names, or the names of key colleagues. Substitute real names with "X" throughout – they can be placed in the article after review.
3. Similarly, all those who are being acknowledged as informal reviewers, discussants or inspirations for the submitted article should be anonymised in the manuscript. Where acknowledgements are being made, a separate section for this should appear on the front page of the manuscript, along with the key words, author's name and affiliation, a brief author biography and an abstract of not more than 150 words.
4. Where author names and organisation names cannot be avoided, then authors must accept that their article will not be anonymous. This is not preferred by the JIOA but, where inevitable, authors are required to state that they waive the right of an anonymous review. JIOA prefers submissions prepared in Microsoft Word. Word Perfect and RTF are also acceptable.

## TITLE PAGE, KEY WORDS AND AUTHOR INFORMATION:

The name(s) of the author(s) should appear only on a separate title page which should also include the author(s) affiliation and mailing address. The title page should also include a biographical note of no more than 100 words. Contact information, including telephone numbers and mailing addresses, should be provided for each author. Additionally, the Title page should include up to six key words, including the word "Ombudsman" (or whichever variant of this the author has employed in the article). A sample title page is attached. Author(s) should also submit a statement indicating all affiliations, financial or otherwise, that may compromise or appear to compromise the objectivity or unbiased nature of their submission. Such conflicts of interest may arise out of commitments involving honoraria, consultant relationships, participation in a speakers' bureau, stock holdings or options, royalties, ownership of a company or patent, research contracts or grants, and, in some instances, being an official representative of another organization. Any conflict of interest will be included as a footnote in the published manuscript.

**Abstract:** Please supply an abstract of 100 or fewer words with your submission. The abstract should also include a word count of the article, excluding references.

## GRAPHICS

Please convert all graphics to TIFF or EPS format. Line art should be a minimum of 600 dpi, and halftones a minimum of 266 dpi in resolution.

**Illustrations** should not be inserted in the text but each provided as separate files and given figure numbers and title of paper and name. All photographs, graphs and diagrams should be referred to as Figures and should be numbered consecutively in the text in



Arabic numerals (e.g. Fig. 3). Captions for the figures should be provided and should make interpretation possible without reference to the text. Captions should include keys to symbols.

**Tables** should be submitted as separate files and should be given Arabic numbers (e.g. Table 3). Their approximate position in the text should be indicated. Units should appear in parentheses in the column heading but not in the body of the table. Words or numerals should be repeated on successive lines; 'ditto' or 'do' should not be used.

## STYLE

Authors should conform to the latest edition of the Chicago Manual of Style. Authors will be consulted during the editing process, but are expected to permit minor standardizations and corrections (i.e., headings, alignments, citation formatting, standard American English spelling, and minor punctuation). JIOA encourages and promotes the use of gender-neutral language.

Please note that the Journal publishes manuscripts in accordance with the linguistic and grammatical conventions of the author's country of writing. This means that spelling ('colour' or 'color'; 'organization' or 'organisation') may vary, and Editorial and grammatical conventions may also vary (e.g., placement of citations). While the Journal will normally publish accepted manuscripts in the linguistic style and grammatical conventions of the author, the final say on this rests with the Editor.

**CITATIONS:** The author(s) are responsible for the accuracy and thoroughness of citations. Footnotes should be consecutively numbered and collected at the end of the article. References should be listed on a separate page at the end of the manuscript. Citations should follow the Chicago Manual of Style format. If the submission is accepted

for publication, the author should be prepared to provide access to copies of all materials cited.

### Examples of citations:

Kosakowski, T., & Miller, D. (2007). Why we get no sleep at night. *Journal of the International Ombudsman Association*, 1, 100-101.

Rowe, M.P. (1977). Go Find Yourself a Mentor. In P. Bourne & V. Parness (Eds), *Proceedings of the NSF Conference on Women's Leadership and Authority, University of California, Santa Cruz, California, 1977* (pp 120-140). Santa Cruz: University of California Press.

Miller, D. (2000). Dying to care? Work, stress and burnout in HIV/AIDS carers. London: Taylor & Francis.

Titles of journals should not be abbreviated.

**COMPREHENSION:** The Journal and its reviewers pay much attention to ease of comprehension of manuscripts. For example, is jargon used without explanation, do sentences contain more than one idea per sentence, and are paragraphs and sentences too long? Authors are requested to avoid such concerns by avoiding jargon, keeping to one idea per sentence, and keeping sentences and paragraphs short.

## COPYRIGHT

JIOA seeks to provide authors with the right to republish their work while protecting the rights of JIOA as the original publisher. Authors of accepted articles will be asked to sign an agreement form transferring copyright of the article to the publisher. After original publication, authors retain the right to republish their article, provided that authorization is obtained from JIOA. Authorization is generally granted contingent upon providing JIOA with credit as the original publisher. Authors will be required to sign a Publication Agreement form for all papers accepted for publication. Signature of the form is a condition of publication and papers will not be passed

to the publisher for production unless a signed form has been received. Please note that signature of the agreement does not affect ownership of copyright in the material. Government employees need to complete the Publication Agreement, although copyright in such cases does not need to be assigned. After submission authors will retain the right to publish their paper in other media (please see the Publication Agreement for further details). To assist authors the appropriate form will be supplied by the editorial board.

## **CONSIDERATION OF SUBMISSIONS**

### **Blind Evaluations**

Submissions are reviewed by at least two editors without consideration of the author's identity. Please ensure that the manuscript is anonymous by removing any link to the author. Remove reference material in any footnote that references the author of the piece for review and replace information with "Author." Note the instructions on making the manuscript anonymous in the section entitled "Format."

### **Timeline for Acceptance**

JIOA accepts submissions on a rolling basis throughout the calendar year. The review process starts on the first day of every month. It is intended that decisions on publication will be made within three months of receipt of a submitted manuscript.

### **Expedited Review**

JIOA will attempt to honor reasonable requests for an expedited review of submissions. However, if we are unable to give an expedited review by the date requested, you will be notified that the article has been withdrawn from consideration. To request an expedited review, please contact the JIOA Editor and provide: your name, phone number, and e-mail address; the title of the article; your deadline for a decision.

### **Publication Dates**

JIOA is published biannually.

### **Antidiscrimination Policy**

It is the policy of JIOA not to discriminate on the basis of race, gender, age, religion, ethnic background, marital status, disability, or sexual orientation.

## SAMPLE FRONT PAGE

### THE WAY THINGS ARE, HAVE BEEN AND WILL BE

John Doe  
Organizational Ombudsman  
ABC Inc.

**Contact details:**

ABC Inc.  
1122 Washington Square  
Washington, DC 12345  
Tel: 012 345 6789  
Email: abcomb@abc.com

**Key Words:** Ombudsman, history, dispute resolution, nirvana

**Word Count (including Abstract):** 2500

**Abstract:**

It was the best of times, it was the worst of times, and Ombudsmen saved the day by offering ethically based, neutral, independent and confidential services to their organization ("X") and staff. This paper dissects how Ombudsmen worked in the circumstances of concern and how they might systematise future interventions, using validated procedures described in detail in the article. The outcomes are identified, quantified, and a conceptual structure for applying the lessons learned is presented.

**John Doe:**

John Doe is a native of Equanimity and Hard Work, and has post-graduate degrees in thinking and doing from the School of Hard Knocks in the University of Life. He has worked as an organisational Ombudsman for 30 years and in his present position (at "X") for ten.

**Acknowledgements:**

The author is particularly grateful to A, B, and C for their stimulating discussion and ideas that led to the development of this article, and to D, E and F for reviewing earlier drafts of the manuscript.

## REVIEW PROCEDURES

### RESPONSIBILITIES OF EDITORS AND EDITORIAL BOARD MEMBERS

JIOA editors are designated as the Editor and up to four Associate Editors. The editors collaborate with an editorial board comprised of approximately twenty participants with IOA membership. The editorial board is intended to reflect the diversity of the association as best we can.

The primary contact for JIOA is the Editor who is responsible for the journal publication process and the journal website. The Editor directs the processing of manuscripts and maintains communication with the IOA Board of Directors, the Associate Editors, editorial board members/reviewers, and authors.

Editorial board members, and other IOA members designated by the Editor in special cases, are responsible for the peer reviews of the submitted manuscripts.

### REVIEW PROCESS

JIOA uses a blind review process and all references to the author(s) and author's work place are removed prior to the manuscript being distributed to reviewers.

The Editor and/or Associate Editors will review each submitted manuscript to determine if the topic is appropriate for publication in JIOA. Acceptable manuscripts will be distributed electronically to three editorial board members selected by the Editor for peer review.

Manuscripts judged by the Editor and/or Associate Editors as inconsistent with the general mission of JIOA or the recognized Standards of Practice will be returned to the primary author with comments and possible suggestions for revision.

Reviewers will use a consistent and systematic set of criteria to evaluate the

quality and potential of a manuscript. These criteria include items related to content, organization, style, and relevance. Review forms and comments will be returned to the Editor.

Each reviewer will recommend one of the following:

- Accept for publication as is
- Accept for publication with minor revisions as indicated
- Accept for publication after major revisions by author(s)
- Revision and resubmission for subsequent review
- Reject manuscript

The final decision on whether to publish a manuscript is made by the Editor and is based upon recommendations from the peer reviewers. If there is significant variation among the reviewers regarding the status of a manuscript the Editor may:

- Seek additional input from the reviewers
- Request an additional review
- Seek additional input from the Associate Editors

Reviewers' comments will be provided to the primary author. However, the reviewers of a specific manuscript will remain anonymous. It is the policy of JIOA to work with authors to facilitate quality publications. The Editor may suggest or an author may request that a member of the editorial board be available to provide assistance at various stages of the preparation and publication process.

### NOTES FOR JIOA REVIEWERS

Reviewing manuscripts for JIOA must be undertaken in accordance with the principles of the IOA — by demonstrating independence, neutrality and confidentiality. This requires that manuscripts be accorded the status of office visitors. The content of reviewed manuscripts and of reviews should not be shared with anyone other than the Editor of the JIOA.

It is important for reviews to have a forward-looking, beneficial intent – this is an opportunity to give feedback that will help nurture, guide and develop authorship. It is not an exercise in showing you know more, are wiser or more clever and literate in the subject matter! Authors should learn from reviews and take away from the review a sense of future direction and beneficial development for their paper.

The aim of the review is to strengthen contributions to the JIOA, and thereby strengthen the Ombudsman profession. In this sense, a review is as much a critique of the reviewer as of the manuscript. Accordingly, it is a requirement that all reviews offer information that can help guide the author. Although reviews are confidential (i.e., the manuscript author does not know who the reviewers are), they are best written as though the author is in the room. Accordingly, a useful test of the reviewers' assertions is the "Old Bailey" test: If they were standing in the dock at the Old Bailey, would they be able to justify their assertions to the author? Are they making statements that are justifiable, verifiable and credible, or just say-so? Does the tone of their review convey the IOA Standards of Practice in practice?

Reviewers are asked to look out for issues of comprehension in manuscripts, particularly:

- Make strong recommendations, where appropriate, for authors to break up long paragraphs;
- Avoid and, where possible, eliminate jargon; Maintain only one idea per sentence. Each of these issues comprises an element of the Fog Index — the estimation of the comprehension afforded

by a manuscript. Where the Fog Index is high, comprehension is low, and vice versa. The JIOA aims for the lowest possible Fog Indexes for manuscripts.

Where criticism is appropriate, it should ideally be constructive and be contextualised

within a set of options given by the reviewer for modification of the text. Where there are clear mistakes, inaccuracies or errors, these should be indicated and corrections or options for alternative expression suggested. Personal criticism — whether of content, ideology, style or tone — is unacceptable.

Please note, suggestions for modification should be itemised and returned to the Editor using the "Comments to the Authors" section of the JIOA Referee Review Form, which is sent to reviewers together with the manuscript to be reviewed. Suggestions for modification should not be returned to the Editor in the form of "Track Changes" in the original manuscript. This would identify the reviewer to the author and, even if this does not concern the reviewer, it might concern or prejudice the author in their consideration of the reviewer's comments. Reviewing is a form of power relationship. That is why anonymity is required on both sides.

Manuscripts may come in a variety of styles — from the determinedly academic (with numerous citations and references) to the determinedly idiosyncratic and personal. All styles may be acceptable, and need to be reviewed within their own context. Opinion pieces may have been commissioned by the Editor and, where this is the case, this will be indicated by the Editor.

Please note that the Journal also publishes manuscripts that acknowledge the linguistic and grammatical conventions of the author's country of writing. This means that spelling ('colour' or 'color'; 'organization' or 'organisation') may vary, and Editorial and grammatical conventions may also vary (e.g., placement of citations). While the Journal will normally publish accepted manuscripts in the linguistic style and grammatical conventions of the author, the final say on this rests with the Editor.

## PUBLICATION AND TRANSFER OF COPYRIGHT AGREEMENT

### AGREEMENT

The International Ombudsman Association (the "Publisher") is pleased to publish the article entitled:

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(the "Work") by the undersigned person(s) (the "Author"), which will appear in the Journal of the International Ombudsman Association (the "JIOA"). So that you as Author and we as Publisher may be protected from the consequences of unauthorized use of the contents of the JIOA, we consider it essential to secure the copyright to your contribution. To this end, we ask you to grant the Publisher all rights, including subsidiary rights, for your article. This includes granting the Publisher copyright and licensing rights to the article, separate and apart from the whole journal issue, in any and all media, including electronic rights. However, we will grant you the right to use your article without charge as indicated below in the section on "Author's Rights."

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### AUTHOR'S RIGHTS

The Author hereby reserves the following rights: (1) all proprietary rights other than copyright, such as patent rights; (2) the right to use the Work for educational or other scholarly purposes of Author's own institution or company; (3) the nonexclusive right, after publication by the JIOA, to give permission to third parties to republish print versions of the Work, or a translation thereof, or excerpts there from, without obtaining permission from the Publisher, provided that the JIOA-prepared version is not used for this purpose, the Work is not published in another journal, and the third party does not charge a fee. If the JIOA version is used, or the third party republishes in a publication or product that charges a fee for use, permission from the Publisher must be obtained; (4) the right to use all or part of the Work, including the JIOA-prepared version, without revision or modification, on the Author's webpage or employer's website and to make copies of all or part of the Work for the Author's and/or the employer's use for lecture or classroom purposes. If a fee is charged for any use, permission from the Publisher must be obtained; (5) The right to post the Work on free, discipline specific public servers or preprints and/or postprints, provided that files prepared by and/or formatted by the JIOA or its vendors are not used for that purpose; and (6) the right to republish the Work or permit the Work to

be published by other publishers, as part of any book or anthology of which he or she is the author or editor, subject only to his or her giving proper credit to the original publication by the Publisher.

## WARRANTIES

The Author warrants the following: that the Author has the full power and authority to make this agreement; that the Author's work does not infringe any copyright, nor violate any proprietary rights, nor contain any libelous matter, nor invade the privacy of any person; and that the Work has not been volume 6, number 2, 2013 105 Journal of the International Ombudsman Association published elsewhere in whole or in part (except as may be set out in a rider hereto). If the Work contains copyrighted material of another, the Author warrants that the Author has obtained written permission from the copyright owner for the use of such copyrighted material consistent with this agreement. The Author will submit a copy of the permission letter, in addition to text for credit lines, as appropriate, with the article manuscript.

## IN CONCLUSION

This is the entire agreement between the Author and Publisher and it may be modified only in writing. Execution of this agreement does not obligate the Publisher to publish the Work, but this agreement will terminate if we do not publish the Work within two years of the date of the Author's signature.

Author's Signature: \_\_\_\_\_  
Name (please print): \_\_\_\_\_  
Date: \_\_\_\_\_

Author's Signature: \_\_\_\_\_  
Name (please print): \_\_\_\_\_  
Date: \_\_\_\_\_

Joint Authorship: If the Work has more than one Author, each author must sign this agreement or a separate counterpart to this agreement. All such counterparts shall be considered collectively to be one and the same agreement.

Please keep one copy of this agreement for your files and return a signed copy to:

**Editor, JIOA**  
**David Miller, Ph.D.**  
**384 Decanter Bay Road**  
**RD3 Akaroa 7583**  
**New Zealand**  
**+64 3 304 7567**  
**decanterbay@gmail.com**



## IOA STANDARDS OF PRACTICE

### PREAMBLE

The IOA Standards of Practice are based upon and derived from the ethical principles stated in the IOA Code of Ethics. Each Ombudsman office should have an organizational Charter or Terms of Reference, approved by senior management, articulating the principles of the Ombudsman function in that organization and their consistency with the IOA Standards of Practice.

### STANDARDS OF PRACTICE INDEPENDENCE

**1.1** The Ombudsman Office and the Ombudsman are independent from other organizational entities.

**1.2** The Ombudsman holds no other position within the organization which might compromise independence.

**1.3** The Ombudsman exercises sole discretion over whether or how to act regarding an individual's concern, a trend or concerns of multiple individuals over time. The Ombudsman may also initiate action on a concern identified through the Ombudsman's direct observation.

**1.4** The Ombudsman has access to all information and all individuals in the organization, as permitted by law.

**1.5** The Ombudsman has authority to select Ombudsman Office staff and manage Ombudsman Office budget and operations.

### NEUTRALITY AND IMPARTIALITY

**2.1** The Ombudsman is neutral, impartial, and unaligned.

**2.2** The Ombudsman strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The Ombudsman advocates for fair and equitably administered processes and does not

advocate on behalf of any individual within the organization.

**2.3** The Ombudsman is a designated neutral reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures. The Ombudsman should not report to nor be structurally affiliated with any compliance function of the organization.

**2.4** The Ombudsman serves in no additional role within the organization which would compromise the Ombudsman's neutrality. The Ombudsman should not be aligned with any formal or informal associations within the organization in a way that might create actual or perceived conflicts of interest for the Ombudsman. The Ombudsman should have no personal interest or stake in, and incur no gain or loss from, the outcome of an issue.

**2.5** The Ombudsman has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration.

**2.6** The Ombudsman helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best options.

### CONFIDENTIALITY

**3.1** The Ombudsman holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, including the following:

The Ombudsman does not reveal, and must not be required to reveal, the identity of any individual contacting the Ombudsman Office, nor does the Ombudsman reveal information provided in confidence that could lead to the identification of any individual contacting the Ombudsman Office, without that individual's express permission, given in the course of informal discussions with the Ombudsman; the

Ombudsman takes specific action related to an individual's issue only with the individual's express permission and only to the extent permitted, and even then at the sole discretion of the Ombudsman, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombudsman Office. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm, and where there is no other reasonable option. Whether this risk exists is a determination to be made by the Ombudsman.

**3.2** Communications between the Ombudsman and others (made while the Ombudsman is serving in that capacity) are considered privileged. The privilege belongs to the Ombudsman and the Ombudsman Office, rather than to any party to an issue. Others cannot waive this privilege.

**3.3** The Ombudsman does not testify in any formal process inside the organization and resists testifying in any formal process outside of the organization regarding a visitor's contact with the Ombudsman or confidential information communicated to the Ombudsman, even if given permission or requested to do so. The Ombudsman may, however, provide general, non-confidential information about the Ombudsman Office or the Ombudsman profession.

**3.4** If the Ombudsman pursues an issue systemically (e.g., provides feedback on trends, issues, policies and practices) the Ombudsman does so in a way that safeguards the identity of individuals.

**3.5** The Ombudsman keeps no records containing identifying information on behalf of the organization.

**3.6** The Ombudsman maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including management), and has

a consistent and standard practice for the destruction of such information.

**3.7** The Ombudsman prepares any data and/or reports in a manner that protects confidentiality.

**3.8** Communications made to the Ombudsman are not notice to the organization. The Ombudsman neither acts as agent for, nor accepts notice on behalf of, the organization and shall not serve in a position or role that is designated by the organization as a place to receive notice on behalf of the organization. However, the Ombudsman may refer individuals to the appropriate place where formal notice can be made.

## INFORMALITY AND OTHER STANDARDS

**4.1** The Ombudsman functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and – with permission and at Ombudsman discretion – engaging in informal third-party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves.

**4.2** The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.

**4.3** The Ombudsman does not make binding decisions,

mandate policies, or formally adjudicate issues for the organization.

**4.4** The Ombudsman supplements, but does not replace, any formal channels. Use of the Ombudsman Office is voluntary, and is not a required step in any grievance process or organizational policy.

**4.5** The Ombudsman does not participate in any formal investigative or adjudicative procedures. Formal investigations should be conducted by others. When a formal investigation is requested, the Ombudsman refers individuals to the appropriate offices or individual.

**4.6** The Ombudsman identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.

**4.7** The Ombudsman acts in accordance with the IOA Code of Ethics and Standards of Practice, keeps professionally current by pursuing continuing education, and provides opportunities for staff to pursue professional training.

**4.8** The Ombudsman endeavors to be worthy of the trust placed in the Ombudsman Office.