



Guidance for Dual Role Ombuds

Organizations should strive to have a full-time, dedicated ombuds who is trained by the International Ombuds Association (IOA) and adheres to IOA Standards of Practice and Code of Ethics. The IOA Standards of Practice state, "Ombuds are mandated to hold no other positions that could compromise their independence. Any non-ombuds duties must not interfere with their primary role, and clear communication regarding their ombuds functions is paramount." Some organizations choose not to employ full-time, fully embedded ombuds. Alternative models may include part-time ombuds with no competing roles, contract ombuds, and dual role (sometimes referred to as "collateral") ombuds, who hold additional roles within the organization. The purpose of this document is to guide those in dual role ombuds positions.

Distinguishing Roles

Dual role ombuds should not hold additional positions in areas of compliance, as this compromises their ability to follow the Standards of Practice¹. Equally important is that they do not report to a compliance office.²

If the ombuds has multiple roles within the organization, the ombuds shall be transparent about their other official organizational duties to educate and to disclose potential conflicts of interest to visitors to the ombuds office. Perceived or actual conflicts of interest are more apparent if the ombuds fills dual roles. Full transparency of the multiple roles is essential, as it facilitates the visitor's understanding, choice, and agency in using the ombuds office.

Items to Consider

The following are items to consider when structuring or operating ombuds offices in which the ombuds has multiple roles:

- Disclosure of specific role, when being introduced or participating in meetings in the organization, to minimize role confusion. Identify which "hat" is being worn (ombuds or other role)
- Development of a charter for the ombuds function (see IOA website for sample charter)

¹ The Standards of Practice provide for ombuds independence in appearance, purpose, practice and decision-making and that they must intentionally operate independently of line staff and reporting structures, without influence from other functions or entities within the organization (see SOP 2.1).

² Ombuds offices as a last resort can be "administratively housed" in a compliance office, provided they are sufficiently "walled", their independence is maintained and are only sharing details of their office with the highest authority in the organization and not the compliance office.



- Disclosure and clarification of dual role employment of ombuds, including in the opening statement with visitors (See example in Appendix A.)
- Disclosure of organizational reporting lines for each role to visitors
- Disclosure of any mandatory reporting requirements of both of the roles (Ex: in higher education Title IX and Clery Act)
- Identification and disclosure of potential conflicts of interest that may arise from the two roles
- Identification and articulation of alternate options for visitors if they are uncomfortable with risks inherent in a dual role ombuds structure
- Identification and utilization of a separate confidential ombuds meeting location or space or, at minimum, have available a confidential space that the ombuds can utilize to meet with visitors
- Publication of ombuds office hours if they are limited or diverge from the other organizational role
- Maintenance and use of a separate and unique website and email addresses for the ombuds and the ombuds office
- Utilization of a dedicated ombuds email signature line when the individual is acting in the ombuds role
- Management of a confidential ombuds database, accessible only to the ombuds office
- Creation of an ombuds office records policy that clearly delineates that the ombuds office does not keep records
- Establishment of a defined, possibly shortened, document retention procedure for the ombuds office, as permitted
- Promulgation of information that the ombuds office is not an office of record for the organization
- Expectation of regularly attending ombuds professional development
- Protection of visitor confidentiality in all aspects of ombuds work

Budget and Compensation

Ombuds Offices should have adequate budgetary allowances to cover the operational costs associated with running the office.

- Does the office budget allow for an adequate number of ombuds to serve the organization?
- Does the budget allow for skilled administrative support staff?



-Does the budget provide for appropriate and clearly delineated financial remuneration to ombuds staff, reflecting the level of responsibility and the percentage of effort dedicated to the position (fixed-salary, stipend, or release from other duties)?

-Does the budget include adequate amounts for technology hardware and software, technology support for the ombuds office? This includes a dedicated computer and/or tablet, telephone and phone service (landline/mobile), office website, web design/maintenance, dedicated ombuds emails, and confidential ombuds database expenses.

-Does the budget include allocation for the dedicated or intermittent use of a confidential meeting space or conference room for ombuds office visitors?

-Does the budget allow for an off-site confidential database that tracks concerns raised by visitors? (Tracking case data allows ombuds to analyze and identify patterns or trends that can be shared with organizational decision-makers.)

-Does the budget include professional membership fees and professional development costs? (These may include International Ombuds Association (IOA) membership, travel to the annual IOA Annual Conference, and/or additional regional or sector meetings or conferences.)

-Does the budget cover expenses related to business cards for the ombuds, print material to educate the organization about the office, and/or promotional items to encourage awareness and use of the ombuds office?

-Does the budget cover expenses related to accommodation needs for visitors (example: hiring an independent interpreter to protect visitor confidentiality)?

-Due to the confidential, impartial, informal, and independent nature of the ombuds work, and possible conflicts of interest, does the office budget include funds for consultation and retention of external legal counsel by the ombuds?

Conflicts of Interest Including Mandatory Reporting

Ombuds should disclose all real or perceived conflicts of interest at each initial visit. These may include organizational mandatory reporting policies or conflicts arising from other organizational roles. If there is a conflict of interest with the visitor or visitor concern, the ombuds should offer to recuse themselves and refer the visitor to another ombuds, if available. Dual role ombuds may have a majority effort with a specific constituent group. If visitors come from a different constituency, they may perceive the ombuds as being biased in favor or against the visitor's personal or group interests.

- How will the ombuds ensure visitors are aware of any potential conflicts of interest before and/or during a visit, including those that arise from the ombuds' dual role within the organization? (e.g., mandatory reporting policies (e.g., Clery Act or Title IX in the educational setting), management oversight, role in formal processes, etc.)



- When would it be appropriate for the ombuds to recuse themselves from a visit?
- What options are available to visitors who have concerns about the ombuds' real or perceived conflict of interest? Is there a policy or procedure for referring visitors who choose not to continue with the ombuds' services?
- Who has access to the ombuds office? How will the ombuds communicate independence to visitors from the dual ombuds' constituency group or other constituencies within the organization?
- Does the professional hold service commitments (committee involvement, etc) that may conflict with the role of ombuds? How will those be managed?

Confidentiality

Ombuds should educate organizational offices about the confidentiality requirements of the ombuds office. Offices may include human resources, general counsel, and executive leadership (e.g., Title IX Office or provost, in the educational setting). They should also seek assurance that visitor conversations are strictly confidential unless there is an imminent threat of serious harm.

- What specific information should the ombuds communicate to organizational offices to ensure they have a clear understanding of the confidentiality requirements/policies of the ombuds office?
- Are there opportunities to enhance collaboration and understanding between organizational offices regarding confidentiality expectations and exceptions?
- How will the ombuds address concerns or misunderstandings raised by organizational offices regarding the confidentiality of the office?
- How can the ombuds address concerns or misunderstandings raised by visitors regarding the confidentiality of the office? (e.g., the visit concerns the actions of the ombuds' colleague, partner/spouse, supervisor, HR, etc.)

Independence

According to the IOA Standards of Practice, organizational ombuds operate independently in appearance, purpose, practice, and decision making.

- What care will be taken to separate professional roles and act independently as an ombuds?
- How will the ombuds manage concerns about cases that may present a conflict of interest (or a perceived conflict of interest) based on their primary role within the organization?
- To whom will the ombuds report for budgetary and administrative purposes? (Does that differ from that of the primary role?)
- To whom will the ombuds have access for reporting patterns?
- Has an independent budget been allocated for the ombuds office?
- Does the ombuds need access to information and/or systems not typically necessary for the primary role?



Building Trust

It can be effective for a dual role ombuds to build trust with potential visitors or organizational partners. Some items to consider include:

- With what groups would the ombuds need to meet to explain their role? How would the ombuds describe their separate roles to visitors?
- Do visitors know when the employee is an ombuds and when they are in their other role (to assist with transparency and trust building)?
- How will the ombuds report information (in either an upward feedback situation or an annual report)?
- Who will have access to an annual report, and where will it be made available?

Constituency Size

In considering the size of constituents that dual role ombuds serve, here are some potential items to keep in mind:

- What percentage of the total employee workload is devoted to the ombuds role, and how many constituents are served? (Ex: If the employee has a 10% role, but serves 10,000 people, is that feasible?)
- In tracking cases, consider keeping notes regarding visitor categories, in case adjustments need to be made (Ex: Perhaps limiting services to only full-time employees, employees in a certain department, undergraduate students, etc.).
- If the ombuds workload exceeds the percentage set out, what are the short-term and long-term plans to address the needs of the visitors?



Appendix A - Sample Opening Statement for Dual Role Ombuds

Welcome (offer seat, water, etc.)

Before we get started, I'd like to tell you a little about the Ombuds Office and my role here at XXXX. The office was created to help people dealing with problems or conflict in the workplace to have a place to go where they can have an informal, confidential conversation with an impartial person.

In full disclosure, I want to share with you about my other role here at XXXX. When I am not acting as an ombuds, I also (explain duties, supervisory roles, reporting roles, etc.). I do everything I can to limit the perception of conflict of interest, and I am committed to working with you in this situation as an ombuds, and not as (other role). While I'm acting in the role of ombuds, I have no agenda other than to try to ensure fair processes in the organization. As such, I'm here to listen to your concern as well as ask clarifying questions so that together we can create options for you to consider as possible ways to address your situation.

Do you have any concerns about this other role I hold here at XXXX?

As an ombuds, I will not tell you what to do, or do anything myself without your permission, unless you tell me something that suggests an imminent risk of serious harm to yourself or others (or insert other requirements for reporting). Our conversation is "off the record" and not notice to the organization. I may take a few notes, but these notes will be shredded upon closure of the case. No records are kept here in the Ombuds Office other than general statistics that are not traceable to any individual.

Do you have any questions? Tell me what brings you today...