



IOA Proposed Revised Standards of Practice & Ethical Principles

Methodology Memo

I. Background

In 2015, the IOA conducted a review of its existing committees and updated descriptions for each committee role, including the then-dormant Best Practices and Professional Standards Committee. Many IOA members had voiced concerns that the IOA Standards of Practice had not been reviewed or updated since IOA came into existence in 2005. (The current Standards of Practice version is officially dated effective as of October 2009.) As a result, in spring 2015 the then IOA President, Reese Ramos, announced to the membership that the Board had chartered an Ethics and Professional Standards Task Force ["Task Force"] to review the current standards and to make recommendations for any changes or updates, in light of developments in the legal field and in the ombuds profession. The Board, however, did not presuppose that the Standards of Practice would be entirely revamped or even revised at all. The Task Force was directed to report back to the Board because IOA bylaws authorize only the IOA Board to implement changes to the Standards of Practice.

The "Terms of Reference" for the Task Force were finalized and approved in January 2016. Board members David Carver and Bruce MacAllister were appointed to form the Task Force and lead it. The Task Force was charged with conducting its work to a detailed methodology, approved in advance by the Board. This methodology included extensive research and canvassing of the membership for feedback. The Task Force chairs recruited seasoned ombuds from various ombuds sectors to serve on the Task Force. In addition to Dave Carver and Bruce MacAllister, Task Force members included: David Miller, then from the international NGO sector, Isabel Calderon, from the corporate sector, and Jessica Kuchta-Miller, from the higher education sector.

II. Task Force Methodology

Once formed, the Task Force created its detailed methodology for the proposed approach, which the Board approved. Key elements of the Task Force methodology included the following.

1. Establishing and chartering an "IOA Standards of Practice Expert Advisory Panel." The responsibilities of this Panel were to:
 - Respond to a broadly scoped, open-ended questionnaire, and follow-up questions, designed to help the Task Force identify any areas for improvement or change;
 - Help develop parameters for any identified SOP changes;
 - Perform critical review and analysis of any proposed SOP changes and provide feedback and recommendations regarding those proposals;
 - Serve as a resource to the IOA Board, through the Task Force, to answer questions and offer diverse perspectives to ensure that any recommended changes to the Standards of Practice were rigorously vetted and robustly reviewed at many levels within the IOA.
 - Assist in developing the rationale for any proposed changes;

- Help introduce proposed changes to the membership.
2. In addition to creating the advisory panel, the research work of the Task Force included:
- Administering a series of three rounds of surveys designed to capture the perspectives of many diverse constituencies and stakeholders. The survey process included reaching out to diverse sources of perspectives including:
 - The expert panel;
 - Other senior ombuds practitioners, practicing worldwide;
 - All IOA Committee Chairs and Co-chairs in place at the time of the survey process;
 - The then-IOA Board of Directors (2017); and
 - Additional practitioners and non-practitioners (such as retirees and legal experts) identified by members of the Task Force and by IOA Board Members.
 - Conducting both quantitative and qualitative survey reviews to extract themes and trends from multiple respondents.
 - Conducting extensive benchmarking, including reviewing virtually every published standards of practice for ombuds practitioners, sector-linked practitioners worldwide, as well as other similar professions, such as mediators, classical ombuds, long-term care ombuds, and even professions such as counseling, legal, and medical standards.

This exhaustive work continued from 2016 through 2019. In October 2019 the Task Force submitted its recommendations for revisions of the Standards of Practice to the Board along with a detailed analysis which listed the proposed changes and the Task Force's rationale for the changes.

The Board reviewed and discussed the recommendations of the Task Force and, while largely agreeing with the recommended changes, nevertheless requested further work on the proposed revisions. In February 2020, the Board approved a revised version of proposed changes to the Standards of Practice to be presented to IOA leadership and members for discussion and comment. The Board also considered and approved proposed changes be prepared for the Code of Ethics (to be called "IOA Ethical Principles") so that these could be presented to IOA leadership and members at the same time for discussion and comment. And finally, the Board identified the background documentation (including this memorandum) that should be prepared to assist IOA members in their review of the proposed changes and developed a process for soliciting and considering member comment before any final action would be taken by the Board to approve any changes to the Standards of Practice and Code of Ethics.

The Board has expressed its great appreciation for the hard work and the detailed and extensive methodology of the Task Force. The Board now seeks input from all IOA members on these proposed changes.

III. Summary of Key Changes and Conclusions from Task Force Research:

Assessing trends and themes garnered from its research presented a major challenge to the Task Force, because survey results demonstrated that perspectives about the current standards were quite diverse. Based on the full body of its research, the Task Force ultimately identified the following elements as the focus of its recommended updates:

1. Clarifying the structure of the Standards of Practice to reduce redundancy and legalese and to eliminate commingling of concepts among the principles embodied in the Standards. (i.e. added rigor to the document design so that topics more uniquely relate to the Standard under which they are categorized.)
2. Dropping the reference to legal "privilege" in the confidentiality Standard, which over the years has gained little legal recognition and has actually been viewed as undercutting the credibility of the balance of the Standards;

3. Clarifying the acceptable limits and exceptions to the promise of confidentiality;
4. Proposing the use of the concept of "impartiality" instead of "neutrality" as a Standard in response to thematic input about the confusion created by the current use of the term and the Task Force's finding that the term "impartiality," is more commonly found in benchmark standards reviewed by the Task Force;
5. Clarifying the boundary between advocating directly for a visitor versus advocating for fair process;
6. Providing more realistic guidelines regarding reporting relationships, while at the same time specifying reporting relationships that are inherently problematic;
7. Recommending elimination of "informality" as a separate Standard. This particular recommendation, however, was not accepted by the Board after much discussion in light of the Board's view of the generally accepted approach used by active organizational ombuds practitioners to articulate the principles upon which their programs were established and to preserve as much continuity as possible between the existing Standards and the proposed revisions to the Standards;
8. Reconciling the statement that Ombuds should have access to all records and other private documents, while avoiding the appearance that ombuds have investigative authority relative to formal reviews and inquiries;
9. Embracing language from other benchmarks to emphasize the rationale for organizational ombuds models to include language relating to the focus of the ombuds on *fairness, equity, and respect*, which led to a more expansive preamble section.
10. Restructuring the Standards of Practice so that they begin with a General Standards section that provides an overall description of what an organizational ombuds *is*, eliminating the optic that that "Informality and Other Provisions" was an afterthought or added catch-all Standard,
11. With the key exception of dropping the provision that requires the ombuds to assert the legally unreliable claim of a testimonial privilege, wherever possible, retaining the essence of all current Standards, while enhancing overall organization, clarity, brevity, and concision.
12. The Task Force considered changing the term from ombudsman to ombuds based on a pattern of reported concerns about the gender bias connotation inherent to the term. However, the Task Force deferred making a recommendation regarding such a fundamental change in deference to the role of the Board. The Board considered and discussed eliminating the use of the term "ombudsman" in both the Standards of Practice and the Code of Ethics in favor of the use of "ombuds" or "ombudsperson." Given the contradictory views on this issue expressed by Board members, members of the Task Force, and other members who provided input, the Board deferred any decision on that issue and also on the implication of a decision on that issue on the name of IOA (International Ombudsman Association) until it had an opportunity to hear from a broader selection of IOA members. The Board intends to address and resolve these issues at the time of final adoption of the Standards of Practice and Ethical Principles.

IV. Next Steps

At this stage the work of the Task Force has concluded and responsibility for finalizing and enacting any changes to the Standards of Practice and the Code of Ethics (or Ethical Principles) is now under the stewardship of the IOA Board and its Executive Director. Before the Board approves any changes to the current Standards, it has determined to implement the following, sequenced steps:

1. Present the new drafts of the Standards of Practice and Ethical Principles to the IOA Leadership Group, consisting of all Task Force and committee chairs and receive comments and questions.
2. Compile the input received, comments, and questions and, based on that input, prepare a package for the full membership to review in a timeframe that the Board determines is appropriate given today's uncertain environment. This package will include a summary of changes and responses to frequently asked questions.
3. Assign a group of Board members and possibly others to review the input received from the full membership and evaluate the response to the proposed changes. If deemed appropriate, this group will recommend any modifications to the current proposed amended Standards of Practice and Ethical Principles

4. The Board will review any recommendations of this working group, and will then vote on any proposed changes to officially enact them.
5. The Board appreciates the gravity of amending the existing Standards of Practice and Code of Ethics and, accordingly, the time frame for finalizing the proposed changes is variable depending on the depth and breadth of response from Leadership Group and the full membership. The Board also recognizes that these are unprecedented times and wishes to proceed in a manner that ensures that the full membership feels heard and respected.

As a part of this initiative, the Board may consider other, related issues. For example, the very name of the organization, as such as key terms as “ombuds,” “ombudsman,” “ombudsperson” and other issues as they may become apparent in the membership input process.

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