

Options, Functions and Skills

What an
organizational
ombudsperson might
want to know

By Mary Rowe, Ph.D.

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The ombuds profession is expanding rapidly. With this expansion comes ever-increasing interest—and sometimes confusion—about the profession. Generally speaking, there are two common kinds of ombudsperson today—the classical ombudsperson and the organizational ombudsperson. My focus here is the organizational ombuds practitioner, the more numerous of the two categories in North America.¹

An organizational ombudsperson is a confidential and informal information resource, communications channel, complaint-handler and dispute-resolver, and a person who helps an organization work for change. Organizational ombudspeople are employed by public and private institutions, agencies and corporations.² Their purpose is to foster values and decent behavior—fairness, equity, justice, equality of opportunity, and respect. The ombudsperson often will be especially concerned with respect for those who are—or who see themselves as—less powerful than others in a given situation. The organizational ombudsperson is a designated neutral within an organization and usually reports at or near the top of that organization, outside ordinary management channels.³ An outside organizational ombudsperson works on contract as an ombuds service provider and may report to the chief executive officer or to the head of the division that is contracting with the practitioner. Outside ombudspeople work under the same precepts as internal ombudspeople.

Both the designation of neutrality and direct access to the chief executive officer help to preserve the independence and contribute to the effectiveness of ombudspeople. The ethic—and strict practice—of confidentiality help to preserve the possibility that people who contact the ombudsperson can decide themselves how to deal with their concerns. Organizational ombudspeople typically will not answer questions from anyone, including senior management, about those with whom they may have had contact—and they maintain the privacy of everyone with whom they have spoken—unless they have permission to speak for the purpose of informal problem resolution.

Even with “permission to speak”, ombudspeople typically will not appear in formal proceedings inside or outside their organizations. In order to safeguard both the appearance and practice of neutrality and confidentiality, they do not keep case records for the employer and they resist appearing as witnesses in judicial or quasi-judicial proceedings. Ombudspeople maintain that there is or should be a privilege which belongs to the office and not to any visitor to the office—thus no visitor to the office may waive privilege to ask an ombudsperson to testify. In support of this practice, many ombudspeople have an agreement with their employers that the employer will not call the ombudsperson in its own defense. Ombudspeople may of

course serve managers as they would any other employee, but the ombuds practitioner does not represent or act formally on behalf of a manager (or on behalf of the employer or of any employee).

Organizational ombuds practitioners are different in some significant ways from “pure” or classical ombudspeople, who are created by law and generally appointed by legislative bodies. Classical ombudspeople receive complaints about the administrative acts of government agencies. They may have jurisdiction over all agencies of a local or state government or only over certain agencies. Outside of the United States, some are national ombudspeople with powers to investigate many agencies throughout the given country. Some classical ombudspeople, in North America and elsewhere around the world, are “specialty ombudspeople” who deal with the needs of a defined population such as children or crime victims. Classical ombudspeople are also designated neutrals and have many of the functions I shall describe in this article. However, they also serve an important additional role for citizens, as formal investigators and fact-finders with subpoena power and strong legal safeguards for their independence and for the confidentiality of their records. In addition they can—and do—publish public reports that make findings on whether a complaint was justified and they may also offer recommendations to an agency they have investigated. Like organizational ombudspeople, they have no power to enforce their findings or recommendations.

An organizational ombudsperson may serve *internal staff* (employees and managers) or *clients of the organization*⁴ (such as students, franchisees, newspaper readers, retirement plan participants, banking customers, etc.) or *both internal staff and clients of the organization*. Some organizational ombudspeople who serve the employer’s clients do so in a manner similar to that of classical, statutory ombudspeople. That is, some client ombudspeople may on occasion look into a problem and issue a written report. A common example is that of a newspaper ombudsperson—and some other organizational ombudspeople who serve clients (customers of the employer) also may use this mode. However, many ombuds practitioners do all their work informally, and put almost nothing on paper. Most ombudspeople who deal with internal staff, and many of those who deal with students, do no formal investigations and write no case reports.

By tradition, an ombudsperson may neither make or change nor set aside, a law or management policy or decision.⁵ An ombudsperson may agree or not agree to help a person who contacts him or her. Ombuds practitioners often prefer not to deal with third party complaints, that is complaints from people who are outsiders to a dispute. However, at their own judgment, they may agree to listen to a third party, and in certain cases like whistle blowing this

service may be important to the organization. By tradition, an ombudsperson may act “on his or her own motion (or initiative)” if he or she perceives a problem that appears to need attention. Acting in this fashion the ombuds practitioner should try not to run the risk—or give any impression—of violating the confidentiality of any visitor to the office. Acting on one’s own initiative would be most likely when the practitioner personally observes some problem like a safety hazard—or a management document that seems indecipherable and needs to be rewritten. It might also happen if the practitioner sees multiple problems of the same sort arising within the organization, and finds a way to surface a pattern to the attention of management without disclosing the identity of any visitor.

People who call upon an organizational ombudsperson typically need *options* and usually can be offered a number of different options from which to choose. In fact, the customary practice of offering options, rather than choosing for a complainant how a complaint will be handled, helps to define the profession of ombudsmanry within organizations. Many managers think of options for conflict management as options for the *manager*. An ombudsperson, by contrast, in most instances thinks of options to offer to the *person* who contacts the practitioner. Most organizational ombudspeople, by their codes of ethics, will not act without permission unless a situation seems potentially catastrophic and there seems no other responsible option and no time to develop a responsible option. For this reason organizational ombuds practitioners typically assert that speaking to an ombudsperson does not put the employer on notice. Typically an ombudsperson who hears a concern that does not appear to pose an imminent risk of harm will simply continue to work to see that the issue gets raised in a responsible fashion.

In addition to serving as mediators, counselors, and third party intervenors, ombudspeople have a variety of other functions. In practice, organizational ombudspeople have most of the functions that any dispute resolution practitioner can have. The exceptions are that organizational ombudspeople typically do not investigate formally for management for the purpose of adjudication, they do not keep case records for the employer, and they do not make management decisions (see box below). The multiplicity of functions—and the fact that organizational ombudspeople typically do not do formal investigations for adjudication and that they do not adjudicate—also help to define the ombuds profession.

Ombudspeople need certain knowledge and need to learn a variety of skills to pursue their basic functions. Skills and knowledge may be acquired through experience, academic courses, reading, self-reflection, workshops at professional conferences, discussions with other ombudspeople, and through training courses like Ombudsman 101, 202, 303.⁶

The information that follows covers all three subjects simultaneously: the basic *options* and alternatives open to a inquirer/visitor/complainant, the *functions* of complaint-handlers (all but two of which are practiced by ombudspeople) and a basic outline of *skills* that an ombudsperson should acquire. This information comes from four national surveys of organizational ombudspeople, presentations by many practitioners at national conferences and hundreds of discussions with practitioners for which I am greatly indebted. It is important however to note that ombudsmanry is a profession in evolution, and that probably no statement about ombudspeople is true for all practitioners. This article derives from an attempt by other practitioners and myself to describe and set forth some standards of practice—it is not an assertion of consensus about or within the profession.

Basic Options, Functions, and Skills

Listening. The first option that a caller or visitor may choose is just to talk, and for the ombudsperson to listen, in an active and supportive fashion. The ombudsperson may affirm the feelings of the individual but should be an impartial person with respect to the facts of a situation. In many cases “being heard” is all that a caller wants. Listening and being gently questioned may help put a problem into perspective. It may help a person to deal with rage or grief or uncertainty or fear. It may help people deal with stress so they can take the time that they need to figure out what is happening to them. Listening impartially is a special skill and requires constant thought and discipline.

Providing and Receiving Information. Often a caller needs information on a one-to-one basis. For example, a caller may not know what information or which records are by law available to him or her. The ombuds practitioner might provide a copy of a policy or obtain clarification of the meaning of a policy, so a complainant under stress need not search or read through dozens of pages of a manual. The ombudsperson may be able to provide (or help to find) information that resolves a problem in one or two contacts. An ombudsperson also may serve an important role in receiving information. A person who perceives unsafe work conditions, discrimination, or other unethical or criminal behavior, may be able to surface information through an ombudsperson in a way that protects the observer.

Reframing Issues and Developing Options. An ombudsperson may be able to help a visitor or complainant develop new options. Often people come to an ombudsperson’s office believing they have no options or only bad ones. The ombuds practitioner can often help frame or reframe the issues, identify or develop new and different perspectives, and describe additional, responsible and effective paths from which the visitor may

choose. This function is often especially useful to managers in a quandary—for themselves or with respect to supervisory problems—as well as to employees.

Referral. Many visitors and complainants need more than one helping resource; in effect, they need a helping network. Some need the help of a person such as a social worker or an “accompanying person” who can act as an advocate. And sometimes the ombuds practitioner is not the best person to help but knows who would be more appropriate. An ombudsperson should understand the other resources within the organization which are available for people with problems, should be able to refer callers and complainants to others, and should be able to work with others on behalf of a visitor or complainant when given permission to do so.

Helping People Help Themselves in a Direct Approach. An ombuds practitioner may help a visitor or complainant to deal directly with the perceived source of a problem. Through discussion, support and role-playing, a visitor may develop the skills and self-confidence to work on an issue without third party intervention.

This option includes A (the complainant) choosing to deal directly with B (the apparent offender or the perceived source of a problem) in any of several ways:

- A could choose (to learn how) to write a private note or letter to B, laying out the facts as A sees them, A’s feelings about these facts, and the remedies proposed by A.
- A could choose (to learn how) to go talk directly with B, with or without presentation of a note or letter. A may decide to go back to B alone, or accompanied by a friend or colleague.

If an ombudsperson knows that a direct approach is being chosen by A, the ombudsperson typically would follow up—asking if the situation is resolved with no apparent reprisal, or “just checking in.”

Drafting a private letter is often the most helpful first step for a visitor to take, in deciding what to do next. This is especially true if the visitor is angry and upset. Thus, preparing a private letter, whether or not it is sent, is almost always helpful in choosing an option—and in pursuing any option. If the complainant wishes help in drafting a letter, an ombudsperson may ask questions, offer editing suggestions, offer ideas about an effective tone for the intended message of the letter, suggest reorganization of points, etc. The practitioner typically would not write, or keep a copy of, notes or a letter for a complainant, though it is important for the writer to keep a copy. The ombudsperson typically will explain that it is the responsibility of a com-

plainant to document and preserve evidence that he or she has, and to make sure that his or her evidence is in safekeeping in the files of responsible line or staff managers, if the complainant wishes such evidence to “be on record.”

Sending a private letter—in the cultural context of North America—may be a good approach for a complainant whose concerns are (at least in part) a matter of perception, as in the case of arguments over who should get credit for a good idea. These personal communications often work. But the writer should keep a copy in case the private letter does not succeed. In a subsequent formal complaint of harassment, for example, the complainant’s letter might help to demonstrate that offensive behavior actually occurred and that it was unwelcome—which would be essential in making a finding of sexual harassment. In some cultures, the direct approach may not be considered appropriate and in some cultures a direct approach should only be in a note—or, conversely, only in person.

Informal Third-party Intervention and Shuttle Diplomacy. A visitor or complainant may choose to ask a third party to be a shuttle diplomat—to go back and forth between A and B, or bring A and B together informally, to resolve the problem. The third party could be the ombuds practitioner himself or herself. On the other hand, after consultation with the ombudsperson, the visitor might choose to ask someone else—a colleague, housemaster, student dean, or faculty member in an academic institution, an administrative officer, a personnel officer, an impartial line supervisor or department head, or some other appropriate person—to intervene. Or the ombudsperson might agree to take a concern directly to a supervisor or even a very senior manager for review and informal problem solving.

An ombudsperson should be sensitive to fairness in such approaches. She or he should be prepared to communicate that there should be no formal disciplinary action taken by a third party without a process which is fair to an alleged offender. (For example, moving someone or re-assigning duties is not by itself defined as disciplinary action, where these are customary management responsibilities—although the employer should carefully consider the fairness of moving a complainant or respondent—but a formal letter of reprimand *would* be defined as disciplinary action which requires a fair investigatory process.) The ombudsperson will often follow up, to see if informal intervention solved the problem, and to check about possible reprisal.

“Looking into” the Problem. Organizational ombudspeople typically have access to all or to almost all of the data kept by an employer. Some organizational ombudspeople may occasionally agree to look into a

problem on a fairly exhaustive basis and write a report. Some such practitioners refer to this practice as “investigation,” as a classical ombudsperson might do. However, this function is typically at the request of someone in the organization other than the employer, and is typically not for disciplinary purposes.⁷ The written reports of some organizational ombudspople, for example in Canada, may occasionally be introduced in formal hearings, though in these cases the ombudsperson typically will refuse to identify his or her sources of information, unless names have been included with permission as part of the report.

Client ombudspople (who serve clients of the employer, such as readers of a newspaper, customers of a bank, vendors, franchisees of a franchiser) also may agree to look into a problem and submit a written report. Sometimes this report is submitted in draft to a relevant manager before being issued, allowing for discussion and perhaps remedy of a problem—or revision of the draft. Sometimes the report is simply issued without such a step. The findings of an ombudsperson may be accepted in whole or in part, ignored, or rejected by the employer and its managers. By tradition the findings are not binding on the employer.

It appears that most organizational ombudspople who serve internal staff and students look into problems much less formally, and never or almost never write a case report. They usually will report their findings directly to a relevant manager or the findings become part of the work of shuttle diplomacy and informal intervention. If the informal findings of an ombuds practitioner indicate the need for formal investigation, for example by the audit department, ethics office, safety office, security department, campus police, or line management, the practitioner will typically endeavor to see the matter turned over to the appropriate fact-finder.

Classic Mediation. This option is offered by ombudspople in many (though not all) organizations. In classic mediation, A and B are helped by an ombudsperson (or another person who is a trained mediator) to find their own settlement in a process that is rather formal and well-defined. A and B may meet with each other and the mediator, or may deal with each other indirectly, with the mediator going back and forth between them. Classic mediation is purely voluntary for A and B and for the mediator. This option must therefore be chosen by *both* disputants, and agreed to by the ombudsperson or other trained mediator, if it is to occur. Settlements often are put into writing, and may be on- or off-the-record, depending on the wishes of the parties. Formal mediation is still relatively rarely chosen as an option but is becoming somewhat more common. Many 30-40 hour training programs are available to teach mediation, and most offer a certificate of completion.

Some ombudspople also have training and expertise in inter-group and intra-group mediation and conflict management. They find themselves occasionally working with groups, or called in to advise managers who are interested in mediation techniques to manage dissent and disputes. Some ombudspople are called upon to support the work of teams—especially self-managed teams—that are experiencing tension.

Generic Approaches. A visitor may choose a generic approach which is intended to change a process in the workplace—or to alert possible offenders to their inappropriate behavior without identifying them or the visitor—in such a way that the alleged problem disappears. For example, an ombuds practitioner might be given permission to approach a department head about a given problem without using any names. The department head might then choose to distribute and discuss copies of the appropriate employer policy—for instance to stop supervisors from requiring uncompensated overtime from non-exempt staff. Or a department head who was informed about possible harassment might encourage harassment training, in such a way as to stop and prevent inappropriate behavior. Generic approaches may be effective in stopping a specific offender and may help to prevent similar problems. These approaches typically do not affect the privacy or other rights of anyone in the organization.

Systems Change. Ombudsman Association surveys indicate that about a third of the working time of organizational ombudspople is spent on systems change—that is working with line and staff managers to improve supervision, human services and conflict management system of the organization. A practitioner might notice a problem new to the organization and surface it in a timely fashion, thus serving as an “early warning” channel for new issues. The practitioner might notice a pattern, or multiple incidents of the same kind, which would indicate the need for employer attention—or the need for a new policy or procedure or structure in the organization. She or he might also hold focus groups on current issues to supply information to decision-makers. In addition, some ombudspople produce annual reports, including statistical data, and some also summarize or highlight problems of concern. These practices must be pursued in a manner consistent with the confidentiality of ethical ombuds practice. Many ombudspople teach or facilitate in training programs to help prevent certain kinds of problems and to help teach principles of ethical management relevant to the given organization. Some are especially active with respect to diversity training.

Following Through. Often an ombuds practitioner will undertake some action as requested by a visitor. In other cases the visitor will act directly. Ombuds practitioners may thereafter “follow through” on the problems brought to them—in a wide variety of ways. For example, the

ombudsperson may simply ask the visitor to call back in a month, to see if all is well—or the practitioner might call back a year later to see how things are going. The ombudsperson might follow up on an administrative action to see that it was effective—or might decide to track problems in a given area or of a given type with an eye toward further consultation with management.

A Custom Approach. Where none of the options above seem exactly right a caller or visitor may ask for or need unusual help. A typical example would be action with a long or short time lag that is appropriate to the situation. If all options temporarily seem inappropriate, and especially if the concern seems serious, an ombuds practitioner may simply commit to continuing to look for a responsible approach that is tailor-made for a particular situation.

Investigation and Adjudication and Formal Appeals. There are two formal complaint-handling functions that an ombuds practitioner does not have, but should know about. As distinguished from an ombudsperson, a supervisor, department head, personnel officer, formal fact-finder or other appropriate staff person may investigate and/or adjudicate a concern in a formal fashion, or deal with an appeal in a formal grievance channel. A practitioner functioning as an ombudsperson is, by contrast, not part of the due process⁸ or compliance structure of an organization and does not provide testimony, or require testimony from others, or do formal investigations, or keep formal case records for the employer. (Some ombudspersons do play a neutral role in convening or supporting peer review grievance channels.)

An ombuds practitioner should, however, understand the formal grievance process. Disciplinary action and adverse administrative action require a fair investigatory process, including notice to the alleged offender and a reasonable opportunity for that person to respond to complaints against him or her. The ombudsperson should be able, if asked, to help others to learn how to investigate and adjudicate fairly, and to support managers to deal with appeals effectively and fairly. The ombudsperson typically would not need to learn the particulars of a formal grievance, but might be able to advise on fair process in dispute resolution—perhaps offering pros and cons for consideration. The ombudsperson should also be able to describe and offer the formal grievance option to complainants for consideration. Some ombudspersons accept concerns and complaints about apparently unfair formal procedures.

Additional Skills and Knowledge

An ombudsperson needs additional skills and knowledge. These include maintaining confidentiality and neutrality, maintaining statistical records and using them appropriately, and using data—in a fashion consonant with confidentiality—to inform management of new problems. The practitioner should know how to inform senior managers of exemplary management and employee practices that deserve commendation or emulation.

Developing new skills on a continuous basis, and teaching skills to other practitioners are important both for the practitioner and for building the profession. Ombudspeople should practice self-reflection, and self-evaluation of their function. Ombudspeople should foster continuous evaluation—through surfacing the concerns and commendations of users—of the employer's conflict management system, and, as appropriate, of other human services in the organization. The cost effectiveness of good communications, of raising problems on a timely basis, and of fair conflict management, should be understood and communicated by ombuds practitioners.

One hopes that the ombudsperson will show common sense, and continually strive for good judgment, respect, and compassion. An ombudsperson should learn how to use inoffensive humor to defuse stress and tension. Mentoring and teaching mentoring are important skills. An ombudsperson should continually try to learn more about preventing and dealing with reprisal, and how to help people who fear reprisal. Dealing with senior managers who are themselves a problem for the organization, and dealing with difficult and possibly dangerous people are vital skills to learn and to continue to learn. An ombudsperson should learn when and how to seek consultation when he or she needs help.

An ombudsperson needs to know such guidelines as the Code of Ethics and Standards of Practice for his or her professional organization. The practitioner should know how and where ombudspeople practice, how ombudspeople meet together professionally, how the profession is organized, and how to keep improving professional skills on a continuous basis. An ombudsperson should understand and practice thoughtful confidentiality, with respect to discussions with other ombudspeople, to protect the privacy of those whose concerns are discussed and to protect the privacy of other ombuds practitioners and their employers. An ombudsperson should not use names or other clearly identifying details in discussing any case with another ombudsperson. With respect to discussions about cases and concerns, an ombudsperson should not quote another ombudsperson or mention the relevant employer unless he or she has explicit permission to do so.

The ombudsperson should know his or her employer's values and ethics, policies and procedures, and the structure and processes of the employer's organization. The practitioner should have general knowledge of laws relevant to the given organization, and of laws related to major client groups that will be served. Examples of such knowledge might include employment law, the Federal Sentencing Guidelines, laws governing access to records, etc. The ombudsperson should have reasonable knowledge of cross cultural, ethnic and gender issues and facts.

Functions Organizational Ombudspeople Should Not Have

There is much discussion in the profession about functions that organizational ombudspeople do not or should not have. In addition there is much discussion among practitioners who perform multiple roles in their organization about roles where there is or may be role conflict. Accordingly I present what I see as a growing consensus about functions that organizational ombudspeople should *not* perform when they are in the role of ombudsperson.

Practitioners should not—in the role of ombudsperson—write formal reports at the request of management for decision making by management.⁹ For example organizational ombudspeople should not provide formal risk assessment with respect to formal grievances, or factfinding for formal grievances, or keep case records with names for the employer. Ombudspeople ought not be compliance officers in any domain—for example, with respect to equal opportunity, safety or ethics functions—nor should they be inspectors general. Ombudspeople should not be human resource/employee relations/industrial relations officers, or serve as internal counsel. In the role of ombudsperson they should not make binding decisions for the employer or serve as arbitrators. Ombudspeople should not be advocates for any party in a formal process or accompany visitors or give testimony in a formal grievance process. They should not be part of any formal due process structure, though they may be mediators or neutral convenors attached to such a structure. Ombudspeople should not negotiate with lawyers on behalf of any party. Part time ombudspeople should not serve as ombuds practitioners in any area where they are also line managers.

In this article I have tried to outline the present day practice of organizational ombudsmanry in North America, as I understand it thus far. I have drawn on very generous contributions from others in the profession, from my own experience, and from research. Probably no ombudsperson lives up, every day, to the standards he or she has set for good judgment, fairness, compassion, neutrality, respect for others—for true and ethical professionalism. These are qualities that may be instinctive in some people but which may be

acquired by all of us in greater measure through study and self-reflection—as I learn from the steadfast examples of close colleagues around North America.

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¹ Ideas presented in this article have evolved over many years, in many discussions with colleagues. In addition, drafts of the article were sent out on email and by fax to dozens of ombuds practitioners who sent back suggestions and criticism. Some of the people whose ideas and questions about the profession have contributed to this article are: Frances Bauer, Suzanne Belson, Ann Bensinger, Mike Birnbaum, Bill Breslin, Andrea Briggs, Kay Buckler, Deborah Cardillo, Elizabeth Clark, Therese Clemente, Dawn Duquet, David Ewing, Robert Fein, Mary Lou Fenili, Tom Furtado, Howard Gadlin, Lou Garcia, Brian Gimlett, Tim Griffin, Dean Gottherer, Helen Hasenfeld, David Heaton, Richard Hebein, James Hendry, Gene Herbert, Alfred Heron, Larry Hill, Liz Hoffman, Robert Hutchins, Harley Johnson, Deborah Kolb, Elizabeth Lorimer, James Lucey, Jack Lynch, Anita Madrid, Virgil Marti, Lew McClam, Robert McKersie, David Nassef, Janet Newcomb, Fred Olson, Beatrice Pearson, Don Perigo, Elizabeth Pino, Lewis Redding, David Rehel, Janet Rifkin, Toni Robinson, Bill Rogers, Timothy Rowe, Kimberly Rupert, Kate Schenck, Tom Sebok, Justine Sentenne, Mary Simon, Pete Small, Carole Trocchio, Carl Valvo, James Vice, Marsha Wagner, Geoffrey Wallace, Merle Waxman, Jerome Weinstein, Ella Wheaton, Al Wiggins, Linda Wilcox, Clarence Williams, Ron Wilson—and many other ombudspople, from whom I have learned a great deal. Mistakes and shortcomings are, of course, my own.

² I estimate that there are several hundred organizational ombudspople working in academic institutions in the United States and Canada and one to two thousand in corporations, government agencies, foundations, etc.

³ Some ombudspople serve more or less by themselves as dispute resolution practitioners, or side-by-side with a traditional, single grievance channel. However, organizations are increasingly moving toward integrated conflict management systems—of which the ombuds function is one part. There are several basic changes implicit in this evolution. The first is the idea of a *system* that deals with all persons in the workplace and all kinds of problems—rather than a single grievance procedure, which is typically solely for workers grieving against management, and restricted to resolution of a limited list of disputes. The second is the idea of *conflict management* as a goal for everyone in an organization. This may include such ideas as teaching all managers and members of teams how to use constructive dissent for continuous improvement, as well as training managers in traditional

“complaint handling.” A third idea is that of *integrating* conflict management options and structures—with each other—and with the organization’s overall human resource strategy.

In my view an effective, integrated conflict management system might have these characteristics: There are multiple access points for people with concerns and problems, and there are multiple options for managing conflict which are often available in parallel rather than as designated steps of one procedure. The options are initially available for *complainant* choice for most problems rather than solely at *supervisory* choice. These options may be interest-based, rights-based, or power-based. A complainant may in many circumstances either loop forward from an interest-based option to a rights and power-based option, or loop back from a rights-based option to an interest-based option. The system is open to managers with concerns, as well as employees. The system will deal with virtually every kind of concern of interest to people in the organization, including for example, disputes between co-workers and between fellow managers, teammates, and groups, as well as the classic concerns about conditions of employment and termination. There is a set of principles about conflict management, and these principles are embedded in the organization’s human resource strategy, and backed by top managers.

⁴ There is much confusion about the use of the term “client.” I do not use the term client to refer to a person who comes to my office or calls me—lest it appear that I am an advocate for that person—as distinguished from being an advocate for a fair process with respect to that person and with respect to others involved in the concern. (I do use the term client to refer to people who are clients of the *organization*—by the same token, a client ombudsperson is a person who serves the clients of the organization.) In general, in referring to people who contact me, I refer to “visitors” or “callers.” If a person brings a complaint I may use the term “complainant”. Other practitioners use terms like “inquirer” or simply “people in contact with the office.”

⁵ Some organizations today do have managers, whom they refer to as ombudspople, who make binding decisions for the employer. Many contemporary organizational ombuds practitioners would prefer that these managers should not be called ombudspople, but rather that they should have a title correctly reflecting their function as managers or arbitrators.

⁶ The Ombudsman Association (TOA) offers Ombudsman 101, 202, 303 for ombudspople, a Handbook, a Bulletin, a Newsletter, regular surveys, a mentoring program, and a national conference. There are several active organizations of academic ombudspople: ACCUO (The Association of Canadian College and University Ombudspople), The California Caucus of Ombudsmen, and UCOA (The College and University Ombuds Association),

which offer annual conferences, excellent journals and papers, support for new and experienced academic practitioners, and a forthcoming UCOA Handbook. The United States Ombudsman Association brings together classical ombudspople, and the Canadian Public Sector Ombudsmen bring together the classical practitioners in Canada. The National Society of Patient Representatives serves those who work with patients, and the National Association of State Long-Term Care Ombudsman Programs serves those who work with nursing home residents.

⁷ Individual ombudspople do occasionally act outside their ordinary role and agree to do formal investigations for the employer for the purpose of adjudication. Some ombudspople have served as formal observers of the fairness of an adversarial hearing process. On the basis of consultations with several hundred practitioners, I believe that in such circumstance ombudspople should write a memo to file noting the exception from ordinary practice. With respect to such exceptions practitioners should not necessarily expect to be shielded from a summons to testify in formal hearings inside or outside the organization, although they should attempt to preserve the privacy of anyone who has given information, to the extent possible.

⁸ The term due process means different things to different people and in different contexts. Broadly put, the concept of due process includes principles of fair process in a formal adversarial procedure. Tenets of due process include notice to a respondent, a fair chance to present one's own case and to respond to evidence put forward by others, freedom from arbitrary or capricious action, timeliness, reasonable impartiality of decision-making, the possibility of appeal.

⁹ See note 7, above.

The information contained in this booklet represents the views of the author and the collective experience of members of The Ombudsman Association. The contents are intended for general informational purposes only. A competent professional should be consulted for advice on any specific matter.

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