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[Ombudsman News (TOA BULLETIN)]

1994-1995's

OMBUDSMAN UNIVERSITY

News

FALL/WINTER 1994

Message From The President

On November 4th and 5th a milestone meeting in our profession took place in Chicago, Illinois. On those two days, representatives of seven ombudsman organizations met to explore working together to further the goals and to meet the challenges of our growing profession. Present were members of The Ombuds-

man Association (TOA), United States Ombudsman Association (USOA), Canadian Public Sector Ombudsmen, University and College Ombuds Association (UCOA), Association of Canadian College and University Ombudsmen (ACCUO), California Caucus, and the National Society of Patient Representatives (NSPR). TOA was represented by Tom Furtado, Howard Gadlin, Mary Rowe, and Carole Trocchio.

The meeting was originally planned to discuss the possibility of a joint conference, but this rare opportunity to exchange views and information, face to face, quickly led to a much more comprehensive agenda, including a shield law, marketing the function, and cost effectiveness.

The meeting was open and candid. Each organization freely put its agenda and perspectives on the table. There was a lot of give and take, and some "digging in" as we sought to find common ground. The most gratifying part of the two days was to see the caution and wariness of the first morning give way to respect and constructive problem-solving and compromise as time wore on. By the end of the meeting we had come much further than any of us could have imagined.

We have agreed to hold a joint conference in 1996. It will consist of a core that all groups attend, and separate meetings before and/or after the core for each organization. A committee, made up of one member from each group, has been tasked to plan the conference.

We have agreed to pursue a shield law as a common objective, and to that end another committee, with a member from each group, has been formed to lead the charge in this arena.

Separate groups will also be formed in the same way to discuss how to better market our profession, how to enlarge the salary survey, liaison with legislative bodies, and study cost effectiveness of the ombuds office. Participants agreed to sharing training information, mailing lists, and newsletters.

Finally, the participants agreed to create an informal Ombudsman Leadership Forum (OLF) to include one designee (and one alternate) from each of the organizations represented at this meeting. The group chose Dean Gottehrer to chair the forum and Carole Trocchio as secretary.

There is a long way to go and a lot of work to do. We have our differences. Yet this was a real break-through toward unity and a shared agenda that can benefit all of us. Our TOA delegation came away with a sense that we had helped to climb over a major years old hurdle. Things are looking up!

Tom Furtado
President — TOA

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MARK YOUR 1995 CALENDAR

- January 16th
Deadline for Ombudsman 101 and
Ombudsman 202 Registration.
- February 13th to 15th
Ombudsman 101 in San Francisco,
California.
- February 14th to 16th
Ombudsman 202 in San Francisco,
California.
- March 16th - deadline for TOA's
Annual Conference Registration
- April 26th - 28th
The Ombudsman Association Annual
Conference, New Orleans, Louisiana -
The Fairmont Hotel (1-800-527-4727)
- May 2nd - 3rd
Conference Board 7th Annual
Business Ethics Conference New York
Contact Mary Simon (508) 960-6490

INTERVIEW WITH MARY SIMON

OMBUDSPERSON AT AT&T, CHAIR OF TOA MEMBERSHIP COMMITTEE

Note: The Ombudsman Association Board of Directors charged the Membership Committee with revisiting the criteria for membership in TOA. TOA's Newsletter Editor, Carole Trocchio, contacted Ms. Simon for an interview to learn more about these membership changes.

Trocchio: As indicated on the Committee Update page of this newsletter, the membership committee has been reviewing TOA's membership criteria. Please tell our readers why the membership committee was asked to review the criteria.

Simon: A serious, growing concern for ombudspeople is protection from testifying or producing records in the event of a formal legal proceeding in which they are named. The longer we practice, the more cases we handle, the more likelihood there is of someone filing suit against our employers and naming us in that suit. In fact, this has happened to some of our members this year. The TOA Board is concerned that the decisions regarding the ombudspeople in these cases affects us all and it affects the future of the profession.

Therefore, the TOA Board has decided to help shield its members. At the present time, this is difficult to do since our members operate their offices in very different ways. For example, some adhere to only part of the TOA Code of Ethics.

Rather than attempt to differentiate, in the midst of a legal situation, ombuds who practice to the Code and those who don't, it seemed prudent to differentiate as they join TOA.

Trocchio: Why is it important that the ombuds have shield law protection?

Simon: It is important that the ombuds practice as a designated neutral and provide confidentiality and/or anonymity (as stated in the TOA Code of Ethics). If an ombudsperson is required to testify on behalf of one party this would: (a) negate the ombuds role as a neutral practitioner, and/or (b) prevent the ombuds from maintaining confidentiality. If the ombuds is required to allow records to be reviewed the ombuds cannot protect the identity of individuals, nor the confidentiality of the ombuds office.

Trocchio: What was the result of your membership review?

Simon: We found that there are some current members of TOA who do not, in practice, adhere to the Code. We felt that people who want to be members of an association must follow the code of the association. We felt, too, that having "members" who do not adhere to the Code, weakens our argument for protection for those who practice to the Code. As a result we will be instituting criteria for membership in TOA based on the ombudsman's adherence to TOA's Code of Ethics and standards of practice.

Trocchio: Are you saying that an ombudsman who does not adhere to TOA's Code of Ethics will be denied membership in TOA?

Simon: We're saying that an ombudsman who adheres to TOA's Code of Ethics and follows the standards of practice will be eligible for membership in TOA. Other practicing ombuds who, for example, act as an arbitrator or do not honor the confidentiality of the office, or have other functions that conflict with their ability to adhere to the Code, may become associates of TOA — but not members.

Trocchio: What's the difference between a member and an associate?

Simon: Basically, what I said earlier. A member is a practicing ombuds who adheres to the Code; an associate may be a practicing ombuds who does not fully adhere to the code, or someone who has a conflicting role in their organization. Further, an associate may be someone who honors the Code but is not a

The Ombudsman Association

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THE OMBUDSMAN NEWS

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Quotable Quote ...

"Whenever you are to do a thing, though it can never be known but to yourself, ask yourself how you would act were all the world looking at you, and act accordingly."

Thomas Jefferson

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COMMITTEE UPDATES

THE STANDARDS COMMITTEE *Chair — Ann Bensinger*

The Standards Committee has drafted a list of proposed standards of practice for ombuds and is now working on the definitions of each one. The committee would appreciate the membership's critique of our suggestions:

1. We adhere to The Ombudsman Association Code of Ethics.
2. We are designated neutrals and serve no additional role which would compromise this neutrality.
3. We maintain confidentiality.
4. We listen carefully.
5. We refer those consulting us to appropriate resources and formal channels and with permission, we work with these resources towards resolution of the issue.
6. With permission we surface concerns and issues for appropriate formal investigations by others.
7. We help generate options to resolve problems and provide coaching on the options being considered.
8. We are independent of ordinary reporting lines and have access to the organization's top management, when necessary.
9. We pick up new problems and surface these in responsible ways.
10. We provide feedback on trends.
11. We provide support for responsible systems change.

Please send your suggestions, criticisms, and/or any concerns to:
Ann Bensinger Phone/fax — 203-621-1168 E-Mail — OmbudsAB@aol.com

THE TRAINING COMMITTEE *Chair — Carole Trocchio*

The Training Committee develops training programs for ombuds. Most recently an Ombudsman 303 Training Program was developed and offered to experienced ombuds. A pilot program was held in 1994 and received with much enthusiasm. (See Summer 1994 Ombudsman News). In 1995 an Ombudsman 202 Training Program will be offered to ombuds who have at least 6 months experience as a practicing ombuds, and/or have attended 101.

In addition, the training committee has been looking at criteria that might be used for certification of ombuds "down the road."

COMMUNICATIONS COMMITTEE *Chair — Marsha Wagner*

The TOA Communications Committee holds teleconferences every 4-6 weeks. Members are responsible for enhancing all internal/external communications. The committee has recently overseen the development of the Ombudsman Handbook, Second Edition (currently being printed and anticipated to be mailed the first quarter of 1995), the Newsletter, the Bulletin, and a new TOA brochure.

Current projects include re-designing information packets sent to those interested in ombudsmanry and/or the Association, and the development of a series of TOA booklets on the issues that currently face today's ombuds.

LONG RANGE PLANNING COMMITTEE *Chair — Tom Furtado*

The Long Range Planning Committee is responsible for the strategic vision of TOA. It was this committee in 1993 that set forth the plan to create the position of a paid Executive Officer, to increase the communications within and outside TOA, to move forward with further courses to build on Ombudsman 101.

The committee has not met for over a year since most of its members were involved in carrying out some of its recommendations, either on the Board of Directors or as other committee members. The next meeting of this committee will be in the first quarter of 1995, as it begins to look at where TOA should be five years from now.

DID YOU KNOW?

One of your membership benefits is the availability of a Mentor. Who and/or what is a mentor? Well, it has its roots in Greek Mythology ... legend has it that "Mentor, (was) the friend of Odysseus who was entrusted with the education of Odysseus' son Telemachus."

Basically, a mentor is a trusted counselor, guide, tutor, or coach. TOA's mentoring program will put an ombudsman in touch with a suitable mentor whose organizational profile matches that of the requesting ombuds to the extent possible including, geographical proximity.

If you are interested in working with a mentor, or becoming a mentor to other ombuds, simply send your name, address, telephone and fax numbers along with specific information regarding your organization to The Ombudsman Association and mark it to the attention of Mentor Program.

The Ombudsman Association's Research Committee has completed the first North American Ombuds Directory. All TOA members will receive a copy of the directory mailed the last week of December, 1994. Included with the directory is a brief summary of salary information based on a survey of nearly 300 ombuds. If you were a member of TOA as of 12/31/94 and have not received your directory by the end of January, call the Executive Office (214) 553-0043.

"Before you give somebody a piece of your mind, make sure you can get by with what you have left."

Anonymous

RESEARCH COMMITTEE *Chair — Mary Rowe*

The Research Committee of TOA has, roughly every other year, undertaken surveys of its members. The typical survey was of the paper and pencil variety that took an hour to complete. The last three surveys — in 1987, 1989, and 1991 — were completed by some five or six dozen practitioners. Those surveys have been reported in several articles and, most recently, in the *Journal of Health and Human Resources Administration*, Winter 1993.

In the fall of 1994, the Committee sent out anonymous machine-scorable survey forms to hundreds of ombudspeople.

The research list was compiled by amalgamating the lists of all known ombuds associations in North America. The primary purposes of this (much shorter) survey were to assess salary information and reporting arrangements. Several hundred practitioners returned their forms which are now being checked for machine scorability. (Erasures have to be made complete, pencil must be used instead of pen, etc.) Salary and other information about case loads and hours worked should be available by the end of the year.

In addition, the Committee has published the first directory of all known ombudspeople in North America who wished to be listed. And several other articles about ombudsmanry (integrated dispute resolution systems design, dealing with difficult people, etc.) are to emerge shortly.

MEMBERSHIP COMMITTEE *Chair — Mary Simon*

The membership committee is responsible for defining criteria for membership and for developing the membership application. Recently, the board asked the committee to look again at the membership criteria and the process for joining TOA to see that it reflects the work of the standards committee and the shield law committee.

Each Spring, at TOA's Annual Conference, the nominating group (a subcommittee of the Membership Committee) presents to the board, and to the membership, a slate of new board members. The nominating committee works to present a slate that represents the constituency of TOA, and includes those who are willing to work on behalf of TOA.

The membership, at the annual meeting, then votes to accept or amend the slate.

In addition, the nominating group brings to the board a proposed slate of officers which the board then votes on at the board meeting following the annual conference.

CONFERENCE COMMITTEE *Chair — Elizabeth Clark*

Responsibilities of the Conference Committee include developing the agenda for the conference and overseeing the activities at the conference. The members begin soon after a conference with a review of the conference evaluations coupled with feedback on conference activities.

A major goal of the Conference Committee members is to seek out speakers who provide a balance between information and motivation.

Editor's Note: It takes a lot of commitment and work on the part of many people to meet the needs of TOA members. Committees are the foundation of TOA. Members work tirelessly, contributing their time, their energy, and their resources to benefit the association's members in particular, and the profession in general.

TOA would like to take this opportunity to thank all the committee members for their contributions helps to build the TOA membership and strengthen the profession of ombudsman.

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practicing ombudsman, such as an individual who manages or oversees the ombudsman.

Trocchio: How will this change effect current members?

Simon: Membership in TOA is individual, and annual renewal is required. The next membership renewal mailing (sometime in the first quarter of 1995) will require members to complete an application that is more detailed than previous applications.

It will ask specific questions regarding the operation of the ombuds office; if they have other jobs or duties that might conflict with their ability to follow the Code; how they communicate their adherence to the Code and so on. The application is still in draft form but that gives you the idea. If current members do not meet the criteria for 1995, we will invite them to become associates of TOA. We recognize that there are unique circumstances that might prohibit some ombuds from operating under the Code and we want to be able to include them in TOA activities.

Trocchio: Will the fee be different for members and associates?

Simon: The fee for members and associates will be the same. Members and associates will receive most of the same benefits. Both will receive the handbook, the newsletter, the bulletin, information on training and the conference. However, only members will be invited to sit on the Board of Directors and only members would be eligible to vote at the annual conference. In addition, only members would be given TOA support in their efforts to be shielded.

Trocchio: Any other differences?

Simon: The Training Committee is looking at limiting attendance in training programs beyond Ombudsman 202. TOA training programs are based on ombuds operating under TOA's Code of Ethics and standards of practice.

Ombudsman 101 is open to everyone interested in the profession. The mid-

(continued on page 5)

PROFILE OF AN OMBUDSMAN

JAMES J. LUCEY - U.S. SECRET SERVICE

The U. S. Secret Service is the oldest general law enforcement agency of the Federal Government. It was created on July 5, 1865 at the direction of President Abraham Lincoln to suppress counterfeiting. Over the years, the scope of the Service's investigative mission to safeguard the nation's monetary and financial system as well as its protective mission has been expanded repeatedly to meet the nation's growing needs.

Today it has approximately 4,500 employees; 2,500 Special Agents located in offices throughout the nation and around the world; over 1,500 police officers assigned to the Uniformed Division which is based in Washington, D.C.; and 1,500 professional, technical, or administrative personnel to keep the agency working on a daily basis.

Born and raised in New York City, James Lucey served in the U.S. Army and graduated from Marquette University. He was hired by the Secret Service in 1970 and assigned to the Minneapolis, Minnesota Field Office. In the Service for more than 24 years, Lucey has served in the Intelligence Division, Personnel Division, Washington Field Office, Office of Inspection, and the Director's Office.

Lucey reports to the Director and Deputy Director of the Secret Service. As a member of the Director's staff he attends all staff meetings and keeps them abreast of trends within the Ombudsman program.

As coordinator, Lucey also provides the staff with an annual report which outlines – in a generic fashion – the issues and trends that come to the attention of the program.

It was in 1987 when a group of consultants recommended that the Service improve internal communication within the Uniformed Division by providing employees with an informal, confidential option to solving problems that the Secret Service turned to Dr. Mary Rowe to help design an alternative method to address work-related problems. The Secret Service Ombudsman program was born at that time and history was made; the Service was the first federal law enforcement agency with such a program. The first Ombudsman chosen by the Director were Special Agent Brian Gimlett and Lieutenant Al Wiggins and they provided the program with instant respect and proved to be natural ombudsmen. Within two years the program was expanded to include all employees and supervisors.

One full time Ombudsman works in the Director's Office and thirteen others perform their ombudsman duties in addition to their current assignment. The Ombudsmen are located throughout the country and are reflected in the work force as follows: five from the Uniformed Division, six are Special Agents, three are from the clerical, professional, and technical areas.

The program reflects the Service's work force diversity - nine men and five women including five African Americans and two Hispanics.

"The Ombudsman Program is communicated through normal internal publications which highlight the program on a regular basis," Lucey explains. "We also have a brochure outlining our program as well as posters with the photos of all the Ombuds with their phone numbers and e-mail addresses posted on every bulletin board. "Most important," says Lucey, "we constantly give presentations to training classes held here in Washington. This gives us access to a large percentage of our employees and we're able to personally explain the purpose of the program." Lucey notes, "It seems that after every presentation we receive at least one additional case."

Lucey, a Letterman fan, offers his
Top Ten Reasons...
"Why I Like Being An Ombudsman"

10. Always have messages on my answer machine.
9. It's an advantage to forget names.
8. MORE staff meetings!
7. Always wanted my name in a brochure.
6. Have been looking for a way to get to New Orleans!
5. People think I'm from Sweden.
4. Thought I had problems before.
3. Snappy TOA t-shirt!
2. People keep buying me a Bud

AND THE NUMBER ONE REASON...

I love hearing people mispronounce the word OMBUDSMAN.

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level Ombudsman 202 is limited to ombuds who have been practicing for at least six months, or who have attended 101. TOA may limit attendance in the more advanced training programs to members and other ombuds who follow TOA's Code.

Trocchio: Are there any other changes?

Simon: There are many people who are not practicing ombuds, who are very interested in the profession but unable to join TOA. We have created something we call "Friends of TOA."

For a small annual fee of \$25.00 they will receive all of TOA's mailings – this will allow them to stay abreast of what is happening in TOA and in the ombudsman profession.

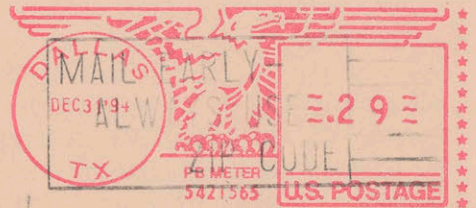
Trocchio: Thank you, Mary, for taking the time to explain the reasons for the membership changes. Is there anything else you want to share with our readers?

Simon: More information on changes to membership will be mailed out very soon. We hope these changes will continue to support our members and enhance the profession. Members with questions or comments are invited to contact any TOA board member.

The
Ombudsman
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MEDIATE.
don't litigate



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OMBUDSMAN UNIVERSITY

News

Summer 1994

MESSAGE FROM THE PRESIDENT

"The Next Few Years" ...
Tom Furtado

Since passage of the United States Sentencing Guidelines in 1991, the growth of the ombudsman profession has been phenomenal, and the end is nowhere in sight. Hardly a week goes by without three or four calls asking about the function and how to get started. This growth, however, poses a challenge, and that is how to bring large numbers of people into the profession without losing our standards.

For this reason, standards of conduct are a priority for The Ombudsman Association over the next year or two. The Board has established a Standards Committee, chaired by Ann Bensinger, which is revisiting our Code of Ethics and laying the groundwork for a major effort to establish shield laws across the country in as many states as possible. At the Chicago conference, several meetings showed that some people are not adhering to the TOA Code with regard to confidentiality. This will make it difficult to pass shield laws, and it raises questions about criteria for membership. This is another issue we need to decide in the next year.

Our second major goal over the next several years is to expand the training offered by TOA.

Ombudsman 101 has become widely known and accepted by the profession, and we now offer this program twice a year. Ombudsman 202, a follow-up for new ombuds, is being developed now and will be given in February 1995 in San Francisco. Ombudsman 303, piloted in Chicago last May, was a success and will be even better after we change it to respond to our students' feedback. This program offers several cases for mature ombuds who wish to perfect their skills. When all three of these courses are running, TOA will be the premier training ground for ombudsmen.

Our third goal is to increase the communications to our membership and the profession at large. A newly revised handbook, and several brochures on critical subjects such as harassment, discrimination, and confidentiality, will be available in the next year.

Finally, we have grown to where a paid executive officer is needed and that will happen this fall. This position will allow us to expand our services to members, and our outreach to our profession and the community. All of these goals over the next several years will tax our commitment and our energies. Play a role in our growth. Call if you would like to be a part of it. The best is yet to come.

The Ombudsman Association Board of Directors (1994-1995)

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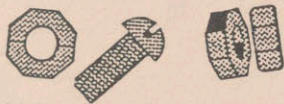
Carole M. Trocchio

The Ombudsman News
Editor: Carole M. Trocchio

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NUTS & BOLTS ...



So, you've been an ombudsman for some time now and you feel like all you do is put out fires. Well, that's OK for fire fighters, but for ombuds this could be hazardous to your professional health.

Virg Marti, McDonnell Douglas retired ombudsman "extraordinary", has developed the following "check points" that are necessary for ombuds tenure ...

Are you providing timely feedback to management?

A pattern of complaints can mean several things: the system is breaking down, the information is not getting to those who need it the most, there is a bottleneck somewhere, training is long overdue, the population and/or the environment has changed and so on. Who better to identify systemic problems and bring them to the attention of top management, than the ombuds? A well prepared, confidential, quarterly or even annual report to top management on issues handled by the ombuds, will enhance the value of the function to the organization.

Are you encouraging clients to work out their own problems within the system?

The ombuds is a "safety net" for those problems that cannot be resolved through the normal

chain of command. Pro-actively teaching people how to utilize the chain of command (through articles in the newsletter, flyers, etc) is an effective way for the ombuds to "empower" his or her clients. It increases their self-esteem, enhances the systems in place, and goes a long way toward building credibility and trust with other managers. Sometimes there is a fear that teaching people how to utilize the chain of command will cut down on the number of contacts to the ombuds—experience shows that the number of contacts continue but the "mix" of issues will be different.

Are you networking with other managers and department heads?

Taking the time to network with other managers and department heads is another way to build credibility and trust for the ombuds role. It's a lot easier to influence associates when they know what you are about and that you have an interest in helping them do their job better.

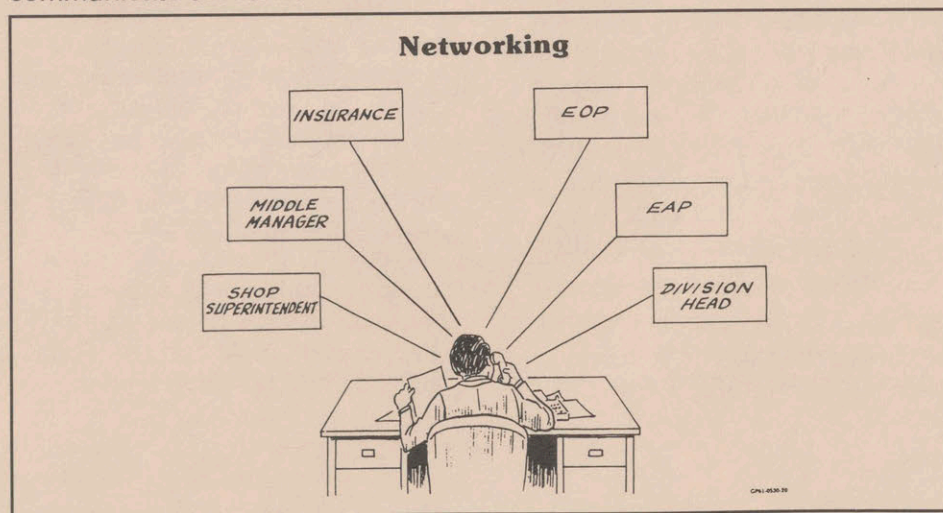
Are your materials current and realistic?

Before reprinting it's a good idea to carefully review the materials that the ombuds office uses to communicate the function. What

made sense three years ago may not be appropriate today. Is a bilingual brochure necessary? Do you have language that states you are a neutral and by using your service they agree not to call upon you to testify in administrative or legal hearings? Ask your clients and management for ways to improve the material. Have the organization's attorney review the material to be sure you are not promising something you cannot deliver. For example: you may be able to promise that all issues *will be addressed*, can you really promise that all issues *will be resolved*?

Have you devised a formula to determine your cost effectiveness?

Enlist the aid of other departments in determining the cost of recruiting, training, and turnover; the costs associated in allowing drug abuse to go unaddressed, as well as the average cost of a law suit (including a settlement before trial), and so on. Every time you help an individual successfully resolve a situation, you are saving the organization real dollars. Make sure top management understands that the ombuds function is a strong bottom line asset, not a soft liability.





Profile of an Ombudsman



Jerome Fields - Jail Ombudsman

While most organizations believe in the right of due process for individuals and will accept, if not welcome, the presence of an ombudsman, Jerome Fields works in an environment where some argue that his clients do not deserve his intervention. Fields not only believes in the concept "innocent until proven guilty", he works diligently, and within the framework of confidentiality, to address issues of improvement of conditions brought to him by pre-trial detainees, in both maximum and medium security institutions, in the city of St. Louis.

A number of jail uprisings during

the early 1970's prompted a public research group's recommendation that an ombudsman function be created. In 1974, the concept was approved by the Missouri Public Interest Research Group and endorsed by local newspapers.

Field's education and experience strongly qualifies him to work as Jail Ombudsman. He earned a B.A. in Urban Affairs with a Major in Criminal Justice, after which he was employed as a correctional officer for four years, and then served five years as correctional counselor. In December of 1988 Fields accepted the ombudsman position monitored through the Lutheran Ministries Association, a multi-faceted organization which, for the last ninety-five years, has been providing services to individuals confined in

jails, nursing homes, hospitals, and mental institutions.

Fields spreads most of his time between one maximum security institution and two medium security institutions, serving a base of almost 1,000 clients. These include inmates, staff, family, volunteers, and other outside professional agents, generating in excess of 2,000 complaints annually. In addition, Fields provides information regarding the function through news articles, institutional meetings, training academy presentations, and public speaking engagements and career days at public and parochial schools.

As an ombudsman for almost six years, Jerome Fields encourages fellow ombuds to work at maintaining a positive attitude.

COMMUNICATING ACROSS CULTURES

GAYS, LESBIANS, AND BISEXUALS IN THE WORKPLACE
by Marsha Wagner, Ombuds Officer, Columbia University

The obvious fact about being gay, lesbian, or bisexual is that it may not be obvious. An ombudsman may not know how many employees or constituency are homosexual (though one common estimate is 10% of the population), and if she or he wishes to create a comfortable workplace climate for everyone, regardless of sexual orientation, what understanding is necessary? What proactive steps can be taken?

Of course, not all gay, lesbian and bisexual people are alike. What pleases or offends one individual may evoke different reactions in others. The first step is to avoid any inclination to generalize or stereotype the individuals who belong to these groups.

Recognizing that one may be working side by side with gay or

lesbian colleagues might in itself promote greater sensitivity. A careless person could make a hostile comment about "those people" directly to a gay man or a lesbian without realizing it; gays who have not come out may be more productive and more committed to the organization if they do not overhear remarks that humiliate them.

Not only is sexual orientation usually not obvious, it can also be deliberately hidden—unlike race or gender. It might be rational in a hostile environment to deny the fact that one is a member of a despised group. But the psychological and emotional costs of trying to hide a secret life may be considerable. In an extreme example, one's performance may suffer if he or she is

stressed by fear of inadvertently revealing a clue to his or her sexual orientation, wondering if others might suspect, planning cover-stories, and dreading the possible consequences of leaks or mistakes.

"Coming out" may bring liberation from lies and masks, isolation and subterfuges. A common ritual among gay, lesbian, and bisexual people is to share coming out stories, because this is often a major life turning point, a fundamental assertion of what straight people have been able to be all their lives: themselves. But coming out of the closet, stripping off the masks, requires the courage to cope with the new vulnerability of a gay identity in a homophobic society. Most people come out in stages; many

straights do not understand that a gay person may be "out" in some contexts and not in others. Respecting the right of a gay man or lesbian to make his or her own decisions about when and how and to whom to come out confers dignity.

The ombudsman can find ways to indicate that the Ombuds Office is a safe place to explore the concerns of gay and lesbian visitors—as it is for other minorities. The increasing visibility of homosexuals in the work force is a relatively new development, but the process of creating a supportive climate is similar to that for other minority groups.

The ombudsman, in making a presentation to introduce the ombuds role, might include "sexual orientation discrimination" in the list of possible issues that could be brought to the ombuds office. Trust can be established by subtle gestures—referring to "spouse or partner", displaying books about gay issues, or making a positive comment about the Gay Games, or the film *Philadelphia*. Unless individual trust has already been established, however, it is advisable to make such comments in a group setting lest the ombuds be premature in identifying someone as possibly gay or lesbian, either in error or before that person is fully ready to disclose. The ombuds might, if appropriate, speak to the ombuds function at a lesbigay support group meeting, or join a lesbigay e-mail network.

Ombuds can talk with employees who are already "out", and, if applicable, show willingness to communicate with management

about perceptions of homophobia and how to help all people feel comfortable at work regardless of their sexual orientation. If a pattern of complaints indicates the need, the ombudsman might recommend company policies that assure fair treatment of gays and lesbians—including recognition of domestic partners, considering gays for all types of promotions, or adding sexual orientation sensitivity as a topic in diversity training programs.

Managers can be reminded of the benefits inherent in a work environment free of discrimination of any kind. An important step is a company policy that provides protection from bias and homophobia, and a grievance process that takes seriously any complaints of perceived harassment or disrespect. Managers can indicate acceptance by allowing or encouraging the formation of support groups for gay, lesbian, and/or bisexual employees; mentioning domestic partners' benefits in an employment interview; providing opportunities for discussion of homophobia; or even suggesting avoiding business travel to states or cities that have initiated anti-homosexual legislation. Many gay or lesbian employees rate the degree of tolerance in a workplace according to the degree of comfort they feel about openly displaying a lover's photograph on their desks. Invitations to company social events may be addressed to "employee and guest", rather than "spouse", and department personnel address lists may include the option of listing one's domestic partner as well as one's husband or wife.

As with all forms of discrimination, it is important for complaint handlers to listen carefully, and to be alert for patterns, such as stereotyping gays and lesbians into certain kinds of jobs or a perceived "glass ceiling" for gay employees who are passed over for high-level promotions. Incidents that outsiders might regard as minor slights may loom large for members of a group that is generally held in low social esteem. Hostility is most demoralizing, but an extreme expression of pity, though well-intentioned, may be more painful than supportive if it is patronizing.

Retaining productive gay, lesbian and bisexual staff depends on creating an atmosphere of acceptance. As coming out of the closet becomes more common, there will be less willingness to accept hostile climates, and talented homosexuals will be attracted to companies where they can be themselves, or will leave to establish their own businesses. The ombudsman who resists negative stereotypes, who encourages diversity and fairness, and who treats all employees with dignity and respect will benefit from cultural change.

Additional reading:

Alistair D. Williamson, "Is This the Right Time to Come Out?" *Harvard Business Review*, July-August 1993, pp.1-8.

Paul Monette, *Becoming A Man; Half a Life Story* (New York: Harcourt, Brace, Jovanovich, 1992) A moving and engaging confessional autobiography, available in paperback.

"I SURVIVED THE 303 PILOT!"

Note: On May 20th and 21st, 1994 following The Ombudsman Association Annual Conference, TOA conducted a 303 "Pilot" Training Program for experienced, practicing ombuds. The following are the views and feelings of some of the graduates. TOA appreciates their comments and, with the evaluations of the other participants, is pleased to offer a full 303 in July, 1995.

"The cowards never even started, the weak died along the way, only the strong survived"

Inscription on a Conestoga wagon in Rawhide, Arizona.

"As a sole proprietor/independent contractor ombuds, I sometimes feel like the Maytag repairman in terms of relating to ombuds practitioners. Therefore, I treasure the opportunity for contacts with colleagues. It requires an out of pocket investment in conference and travel costs as well as lost billable time. Past TOA sponsored events lived up to their billing and 303 was worth it, a keeper!

Confronting fearful feelings and living in the present moment is a goal in this second half of my life. Ombuds 303 was a wonderful field test for living without fear. I let go of the fear of not being perfect, found the flow of the course, felt tested and visualized being a sponge. My first ever case of laryngitis gave me an advantage and I learned a lot more by listening.

The great thing was that I was not alone. Other attendees, and some instructors, were also succeeding in slaying their own dragons. This was the first time, a pilot test, for tough case studies to be role played with "seasoned" (Howard Gadlin would say "chronologically advantaged") ombuds from corporations and universities across North America. The spirit of love, support, encouragement, and acceptance that permeated the plenary training and role plays was palpable.

Ombuds 303 offered the chance to learn from the best, both instructors and participants. Thanks to the instructors for not backing down from the advertised difficulty. They provided case studies that were realistic, believable, challenging and emotionally charged. Their own role plays made it seem like we were playing "Jeopardy", without being told the categories. It made for electric moments in the role plays. Future cases should be tougher, with more twists and turns as learning points. What better way to excel? The hardest steel goes through the hottest flame.

A great group of people attended 303. My compliments to the Canadian ombuds. They offered insights, options, and approaches from a "classic" perspective that taught me a lot and has much to offer all practitioners. Those in my role play group were great teachers, especially when they were most human. Participants were occasionally too tough on themselves, emphasizing missing a clue or a question they might have asked. It was wonderful to watch their talents and competence consistently demonstrated in an understated and professional way. It was an honor to be a part of an inclusive experience."

*Robert E. Mathews, Ombudsman
The Trimeath Group*

"We divided into groups and were asked to role play in cases described as *difficult* and *challenging*. I wasn't sure what would happen. I worried—what would my peers think of my efforts, would they understand my

discomfort, would they forgive my mistakes? I wondered—could I really try out different ways to solve problems, take risks without being judged harshly, expand my repertoire of responses?

When it was over, my efforts felt rewarded and my fears abated. With the struggle had come respect, appreciation for each other, and new friends.

I was able to explore my strengths and weaknesses and became more alert as to how they affect my practice. I returned to work ready to meet new problems, refreshed and energized."

*Linda Wilcox, Ombudsman
Harvard Medical School*

"Overall, I would give the course a B-. I thought the concept to be excellent; the content good. The method of presentation might be further examined.

Mary Rowe's presentation was excellent and I would have personally benefited if more time had been spent in further discussion of that subject following her presentation.

The scenarios we examined were very good, for "old timers" as well as the "less seasoned." I thought the course was excellent. Who are the players? At what point does the ombudsman intercede? How? What about the right to privacy? Where does the ombudsman's role really begin and end? And on and on!

All of these questions came up in our group and could have—should have been discussed in

far more detail than we had time. To that degree I was disappointed in the course.

Finally, role playing is not every individual's cup of tea. Accordingly, I'm not sure how much was gained by HOW we acted out those scenarios. Every one didn't act out every role. Some did not act out any role. No one really had time to think out the role they were asked to play. And, at least at our table, no one stayed in a given role sufficiently long to develop anything. To that degree I'm not sure that we were in a position to constructively criticize each other's performance or approach in dealing with the case at hand. In other words, too little time.

It's very possible that I missed the real intent of what the course was all about. If it was to emphasize the potential breadth and complexity of every case an ombudsman may get, I believe that was presented very, very well. If, on the other hand, it was designed to hone our skills in carrying out our responsibilities—doing the job, it may have fallen short of the mark.”

*Bill Rogers, Ombudsman (retired)
Social Security Administration*

“Despite working approximately ten years as an ombudsperson in a not-for-profit religious organization, I truly benefitted from engaging in the Ombudsman 303 Training Program.

I carefully chose the term engaging over surviving because of the high level of involvement and enthusiasm that permeated the

overall training.

In fact, 303 was an excellent opportunity to meet other women and men who are immersed in the art and science of human interactions. In this setting, I was able to gather and exchange ideas in a format that was free and relaxed, yet energized and structured.

After attending the 11th Annual Ombudsman Association Conference, I eagerly agreed to enroll in 303. The Annual Conference was well attended by a diverse group of professionals. This diversity was not only illustrated by race, gender, age, but also geographic location, experience, work setting and style. The 303 participants represented a microcosm of the larger conference who maintained their readiness to be exposed to additional “mental activities.” I think it is probably useful to reveal that I am a zealous (not overly) believer in life-long learning, and 303 matched and mirrored my philosophy that there is something new and refreshing to examine, explore, and experience.

As a small but intense community of learners, observers, and “actors”, I felt we were challenged by a program format geared to the adult learner. The 303 program included readings, lectures, presentations, group and individual training activities. There was a balance of theory, practice and “what if's.” Because of the pedagogical style of the various trainers and instructors, 303 was well organized and processed that a high degree of

creativity and ingenuity was evident.

I was particularly impressed with the variety of case studies that were developed for review and discussions. This specific teaching/learning method encouraged participants to identify and investigate fundamental principles and the ever expanding practices of ombudsmanship. While exploring the issues within the case studies, I had the privilege and access to exchange my strategies and perceptions with other colleagues immediately.

Finally, 303 was rich with issues, insights, and information. I am a “survivor” who is indeed strengthened by the challenge, connection, and commitment to a professional organization and training that is grounded in knowledge and expertise.”

*Cherryetta Williams,
Ombudsperson
General Board of Global Ministries*

Appreciation of Pilot Ombuds 303 in Chicago

On May 1st, 1994, I completed three years as corporate ombudsman for a large electric utility. In my role as ombudsman, the many cases with which I have had to grapple have sometimes been very difficult, not only to solve but also to assess and evaluate fairly and equitably. Confidentiality also prevented me from trying to get ideas from other resource persons outside the profession. Therefore, the opportunity for me to hone my skills with colleagues of superior calibre and with my peers, was of great benefit to me.

Since time constraints were an important factor in structuring the program, I feel the planners chose wisely in providing the 25 participants with three case studies which were all quite timely and useful in providing the opportunity of dealing with various aspects of being an ombudsman. Furthermore, the support material refers to the theoretical and legal aspects one encounters frequently but which,

I for one, tend to forget. It was useful to have it inserted in the binder as a reminder for future use. Happily, I can say that I have made use of it since my return.

The organizers devised a team-approach to problem solving and presented us with three case studies. We were thus grouped into three units with a roving resource person and definite role-playing. It was always possible to discuss further whenever the time schedule brought an end to any activity. It strikes me that the organizers chose well in planning this type of a pedagogical environment over the static lecture-type approach. Personally, I learned a lot from our team and appreciate the constructive criticism brought by the resource persons and/or participants. As the topics allowed further development of certain theories such as conflict management, etc. we also learned to look for solutions outside the "normal" channels of dispute resolution and were given additional material to document certain elements of the program.

The variety of background we 25 practitioners represented was an asset in itself. Added to this the dynamism of role-playing in the three case studies and it turned out to be a very stimulating couple of days. From a professional point of view, the limited size of the group was most conducive to further discussions and provided valued networking opportunities.

Now that the dust has settled for a few months, it appears clear to me that Ombuds 303 further complements whatever other courses and/or seminars I have attended in the past three years might have brought me. The immediate benefit was a much keener awareness of the importance of ensuring confidentiality, of building trust and of following every lead, however insignificant it might appear at first.

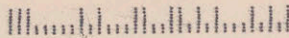
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SUMMER 1995

Highlights of The Ombudsman Association's Eleventh Annual Conference

contributed by Dorothy G. Washington

The Fairmont Hotel in New Orleans, on the bank of the Mississippi, not far from the picturesque French Quarter, was the site of TOA's 11th Annual Conference — "The Second Decade — Taking the Next Step." The 106 participants — the largest TOA conference ever — benefited from the combined wisdom and experience of their fellow ombudspeople.

The conference, held from April 26 through the 28th, served up a generous helping of Mary Rowe's "Crystal Ball," Chorda's Dispute Resolution Systems Design, and "Nightmare case" discussion groups. Making a return engagement after last year's rave reviews "the poster session" was again filled with information on a variety of topics related to the organizational ombudsman function. Participants tested themselves on the Myers-Briggs Type Indicator. TOA members voted in the 1995-96 Board of Directors and Officers.

Tom Furtado, president of TOA, welcomed the participants to the "heart of Cajun country." He stated that one of the main topics of the conference would be standards of practice which will have a major effect on the future of the ombuds profession and our role as professionals.



Mary Rowe, one of the founders of TOA, stated that whenever she "hears something new," notes are made for the Crystal Ball. Whether it is a broad new topic, questions from peer practitioners or something that happens in the work place, this information is shared among members. She shared her findings for 1995:

- 1) Anti-hierarchical feelings — employees feel "harassed" by supervision because of an unfavorable performance evaluation. They don't trust the system. What about team evaluations, and are they appropriately measured?
- 2) Sexual Harassment — North America is doing pretty well in this area. The message is getting out, especially what employees themselves have done. More people are vocal.
- 3) Affirmative Action Laws/Policy/Regulations — what's the difference between EEO and AA? We need to be very clear on these policies. This issue is stirring up problems such as:
 - a. Racism - now more broadly defined. We used to think black and white problems. It's now described as religion, personal habits, anti-Muslim and just blatant tribal and ethnic racism.
 - b. Gay bashing — discrimination towards individuals because of their sexual orientation.
 - c. Disability — miscommunication of ADA policies. ADA does not cover mental illness. Will disabled individuals be covered under AA?
- 4) "Angry Persons" phenomenon - anger is generated from "white females and males" against traditional religion, anti-Catholicism, anti-Semitic, lashing out angrily at folks of color or people of difference.
- 5) Work place treatment/work place violence — violence continues to increase. We need to be aware of the types of people who may lash out at others. We also should be aware of potential targets within our respective organizations.
- 6) Distrust for Internal Processes — employees are going outside of the organization to report audit or safety problems, to name a couple. Are we



Mary Rowe, Special Assistant to the President at MIT, delivering her Crystal Ball presentation.

losing our touch? Ombudspeople need to lend more credibility to the internal process.

Rowe enlightened members about broad topics, questions about peer practitioners and what's happening in work place dispute resolution.

At the Annual Meeting Mary Simon, Chair of the Membership Committee, proposed six nominees for TOA's Board of Directors. All were approved: Gene Herbert, Brodrick Hill, Nancy Radcliffe, Kimberly Rupert, Shirley Thomas and Larry Wood. The officers for 1995-6 are: Tom Furtado, President; Marsha Wagner, Vice President; Howard Gadlin, Secretary; Linda Wilcox, Treasurer.

"If we are to obtain privilege from legislatures and courts, it's very important that we operate with some uniformity."

— Ann Bensinger

Following the installation of officers and board members, the Standards Committee chaired by Ann Bensinger, presented a working draft of "Standards of Practice for TOA Members." Bensinger stressed that "if we are to obtain privilege from legislatures and courts, it's very important that we operate with some uniformity." During the two and a half hour session members gave critical feedback to the Standards' text.

Bensinger, a consulting organizational ombudsman said TOA's standards would become a valuable tool, not only to educate others about our standards, but to defend our practice and provide a clear definition of who we are and what we do. Standards of Practice is a step towards certification.



The first evening provided ample networking opportunity at the New Orleans Creole Cuisine Buffet Reception. Poster Discussions took place around the perimeter of the banquet room. Good food and good conversations provided an relaxing atmosphere.

For those who were not yet on information "overload" three "Nightmare Case" discussion groups were held in small meeting rooms enabling

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ombuds to share and advise on their "worse case experiences."

Thursday was filled with Myers Briggs (see article on page 2) and Dispute Resolution Systems Design (see article on page 2).

Friday morning kicked off with a panel discussion on judicial recognition of Ombudsman Privilege, Standards, and the need for Shield Laws to protect ombuds' confidentiality. Ann Bensinger, Elizabeth Clark, Brodrick Hill, and Sharan Levine shared their experiences in their efforts to protect the confidentiality of the ombudsman function. Examples of "horror stories" were provided and further validated the need for organizational ombuds to operate by a well defined set of standards regardless of our respective work environments.

Closing remarks by Furtado spelled out that Ombudspeople are basically in isolation. He said, "We're in isolation because this function does not belong to any part of an organizational structure. "We're unique!." Because we're unique, there is a tendency to suffer the burden of isolation." He reminded the group, however, that isolation is not the same as loneliness and we should not "live in a vacuum" He continued, "Ombudspeople who share accomplishments or problems with each other seem stronger and more effective. You should pick up a phone and call an "ombuddy" when you have a problem. Become more involved with committee work, get to know other ombuds within your area of interest or contact individuals with different backgrounds ...don't become a victim of loneliness through isolation."



Mary Simon, Ombudsperson AT&T, presenting nominees for TOA's 1995-96 Board of Directors

MYERS - BRIGGS

contributed by Nancy Radcliff

Katherine Myers-Briggs based her research and development of the indicator on Carl Jung's psychological research of personality preferences. Originally I anticipated using the Myers-Briggs type indicator to help individuals identify their personality preferences, how those impact the particular employee's communication style and ultimately how they might be able to use this knowledge to effect the specific issues that they brought to the Ombuds Office. As I started to use this tool with specific employees, the word "got out" and I was requested frequently to help teams use this information to enhance teams effectiveness. I have now administered over 1200 indicators at Bronson Health Care Group and it's subsidiaries.



Nancy Radcliff, Ombudsman for Bronson Healthcare Groups, presenting the Myers-Briggs type indicator. (Note: Nancy, a member of TOA, is willing to speak to other companies upon request.)

This year, at the TOA Conference in New Orleans, I had the privilege and challenge to score a Myers-Briggs Type Indicator on each ombudsman attending the conference. The following day I gave feedback regarding the different preferences. We had a great time and enjoyed laughing at the obvious types and type behaviors all around us.

After the Myers-Briggs feedback at the Conference, an informal inclusive sampling was done comparing the Preference percentages between the population norm to the Ombuds who took the personality preference tool.



EXTROVERTED 62% Ombudsman 75% General Population	INTROVERTED 38% Ombudsman 25% General Population
SENSING 35% Ombudsman 75% General Population	INTUITIVE 66% Ombudsman 25% General Population
THINKING	FEELING
Male Ombudsman 57% Male General Population 75%	Male Ombudsman 43% Male General Population 25%
Female Ombudsman 42% Female General Population 25%	Female Ombudsman 58% Female General Population 75%
JUDGING 53% Ombudsman 55% General Population	PERCEPTIVE 47% Ombudsman 45% General Population

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THE OMBUDSMAN NEWS

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Dispute Resolution Systems Design

contributed by Mary Rowe

Dispute Resolution System Design is of swiftly growing interest among the U. S. and Canadian employers. Ombudspeople are increasingly finding themselves involved in dispute resolution system design. These facts led to the choice of Dispute Resolution Systems Design (DRSD) as a topic for the New Orleans TOA Conference.

A DRS is an "internal" system offering to all employees and managers different options for getting their problems resolved. DR systems that serve "clients" of the employer offer options to clients, in an analogous fashion. For example, an internal system might encourage people to learn how to settle their problems directly, might offer informal resolution, classic mediation, formal options through peer review or a grievance committee, and generic options. Clients might, for example be offered structured ways to complain directly, appeal informally to a complaint person or ombudsperson, seek formal mediation, enter binding arbitration, or be heard by a grievance committee.

Is an ombudsperson a system? Ombudspeople typically have all the possible functions that any system can have... except 1 — the function of formal investigation for the purpose of disciplinary action, and 2 — the function of adjudication (arbitration) or managerial decision-making. Thus, an ombudsperson often operates as a kind of "mini-

system." However, it is important to note that in most situations we are simply part of a system. This is in part because there are two important functions — formal investigation and adjudication — that we do not have. And, most employers have many other complaint-handlers in addition to the ombuds office. These other complaint handlers such as EO, HR, Safety, Ethics, Audit, EAP, Customer Service, and the like are important so that complainants have many or all of the possible options for dispute resolution available to them.

All this looks fairly obvious until one starts to actually build a complete and integrated system. Various people may object to one or another form of complaint handling. For example some people believe only in formal grievance channels and some people hate them. And where exactly should an ombuds office fit in? Who should offer formal mediation if this option is offered? What exactly are the roles of each of the possible complaint-handlers? Will anything work if the managers do not understand the system and hate conflict?

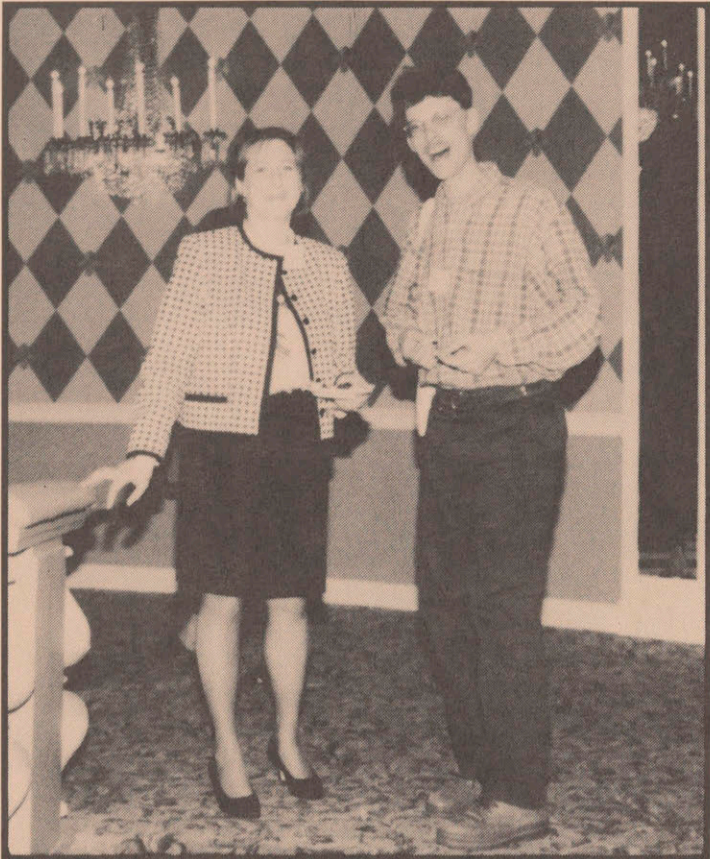
The TOA conference presentation, by Ralph Hasson of Chorda Associates of Austin, Texas began with basic questions of who would benefit from an integrated dispute resolution system and why. Hasson presented

a work book format for getting an internal team to work together to design a DRS that fits each work place. He took the conference attendees step by step through various stages of design and building a Dispute Resolution System.

Chorda has helped a number of employers across several industries set up an internal system and train managers in the use of the employer's system. One such system that received some attention at the New Orleans Conference was that of Brown & Root a large Texas based construction firm. (The ombudsman at Brown & Root is Bobbie Tanley, a member of TOA).



Conference participants working on DRSD



Jill Miller Zimon and David Hodgson enjoying a little pre-luncheon networking.



Tom Furtado, TOA President taking a break from official duties.



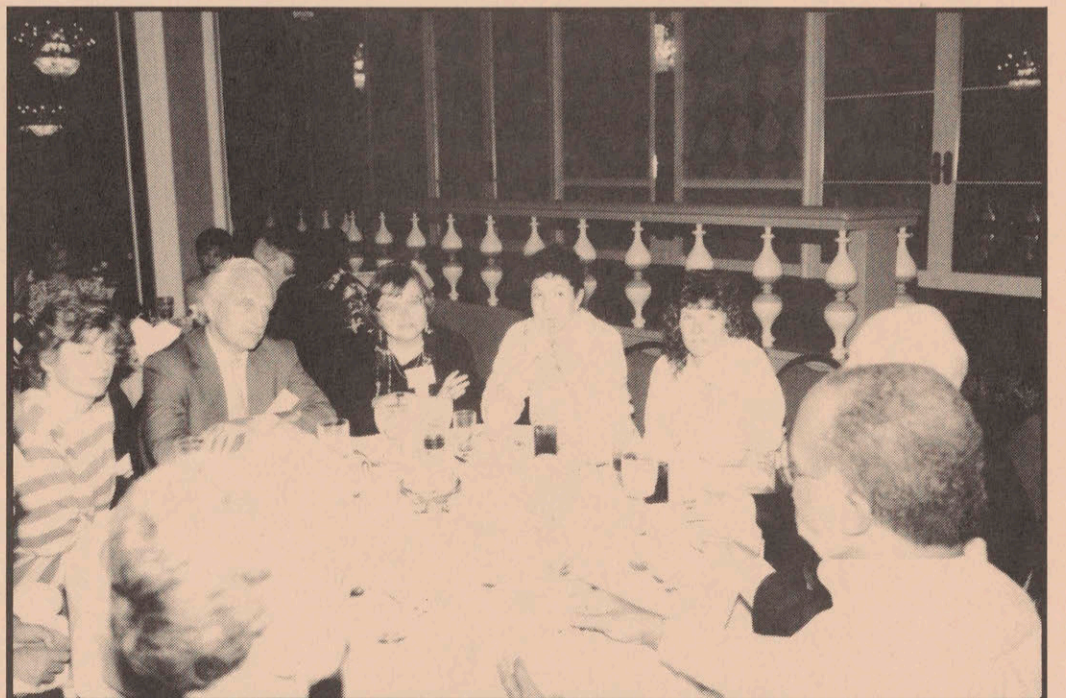
Panel Members (L-R) Elizabeth Clark, Sharan Levine, Brodrick Hill, and Ann Bensigner discussing the need for Ombuds Shield Law.



New TOA Board Member Shirley Thomas



Linda Kangur, Employee Assistance Representative, Chester County Hospital, facilitating a poster session discussion with conference attendees.



Post luncheon discussion (L-R) Debbie Cardillo, Terry Van Houten, Elizabeth Clark, Ann Bensigner, Mary Simon, David Keery, Brodrick Hill, and Joan Schultz.



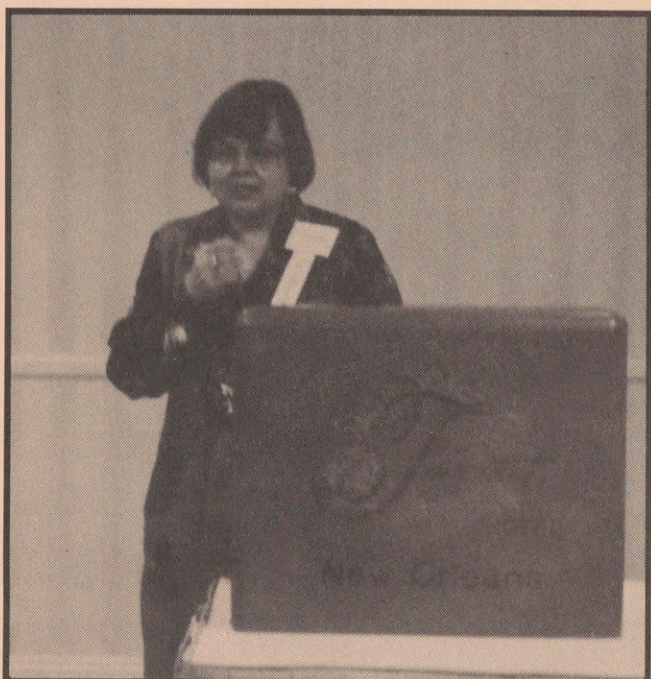
TOA BOARD MEETING... Board members (L-R) Brodrick Hill, Lou Garcia, Linda Wilcox, Mary Rowe, and Tom Furtado discussing issues at the pre-Conference Board Meeting.



Ralph Hasson of Chorda Inc. presenting Dispute Resolution Systems Design.



Conference attendees (L-R) Jill Miller Zimon, David Hogdson, Kathy Baker and Ralph Hasson.



Elizabeth Clark, Chair of the Conference Committee, sharing conference details with attendees.



Conference attendees enjoying a post-luncheon discussion in the Fairmont's Blue Room. (L-R) Joan Schultz, Maggie Weisman, Mary Rowe, and Debbie Cardillo.

CONFERENCE CRITIQUE

contributed by Voloria Drew

As usual, the Conference was held in a great location. New Orleans is a lovely old quaint city with interests for everyone, even legalized gambling. I did not find, however, the Fairmont Hotel to be up to the San Francisco Fairmont standards. Even though we (Ombuds) received a conference rate, the hotel left a lot to be desired and \$105.00 per day plus the heavy room tax was overwhelming. Saying that, I must comment on the food — it was excellent. I left with the impression that you cannot get a bad meal in New Orleans.

On to the "meat" of the Conference. Mary Rowe, as usual, was very informative. Her foresight of the issues facing Ombuds today and tomorrow were right on and reflect the "state of the nation." Though retired a few months, I am in touch with my former peers and media hype and her remarks and forecasting seem to reflect what's happening now. The annual Crystal Ball Presentation is a great way to initiate the Ombuds Conference.

High marks for the TOA Standards presentation! It was obvious that much work has been done in this area and I am pleasantly surprised that a committee of this size has made such headway in that area. I find the Standards to be sorely needed, right on target and feel certain the Standards will provide consistency in the area of Ombuds. In the three years of my membership with TOA I see it growing and becoming very "polished." I am happy to belong to such an organization.

The Poster Session was good. However, I would like to suggest a more diverse presentation. The presentations appeared to be highly technical and limited in scope. I would like a more balanced presentation. TOA members come from a variety of organizations, i.e. American Express, United Technologies Automotive, Universities, Federal, AT&T, Pacific Bell and other corporate organizations. It would be informative to all if a sampling of technical and non technical organizations were represented. I was extremely impressed with the quality of the presentations, charts, graphs, etc.

I have taken the Myers-Briggs Test Instrument several times. However, I was particularly pleased with this presentation. Nancy Radcliff is a very dynamic and energetic person and could hold my attention for weeks! Her presentation and the results of such testing were very beneficial, especially for us extroverts. I feel it is in the Ombuds best interest to know their personal behavioral style, why we do

what we do when .. personally, I use Myers-Briggs to make positive change, depending on who I am working with. This learning experience was a highlight at the conference for me.

The Dispute Resolution Systems Design presentation was helpful but could have been limited to half a day. Ralph is an excellent presenter and extremely patient. However, my feelings are (and based on the comments from other members) the presentation did not have much value for most participants.

The presentation on Friday morning was excellent! It provided the members with updated information in terms of Privilege, Confidentiality, and Judicial Recognition. Based on my limited knowledge, I believe this is the kind of "hands on" information that is needed among Ombuds. The information and sharing between the panel and participants was very practical. This is the kind of practical information we need in our work. A day in this area would be well spent. I could hardly tear myself away to catch my plane. Keep up the good work!

One last comment, and this is personal. It would be helpful if the name tags were in larger print with company and/or agency and location. Those of us who use glasses only for reading were at a disadvantage when trying to read names.

It was very beneficial for me, a retiree, to attend this conference. Keeping up with the state of the art in this area is a plus. Never know when I might to back to work.

If I were going to rate the TOA Conference on a scale of 1 - 10 ... I give it a 7.5. A 10 would be a 4 star hotel on a beach in Hawaii! Thank you for the opportunity to provide you my comments.

Four-year old Johnny ran into the house hollering, "Mommy, Mommy, there's a cat out in the yard as big as a lion."

"Now calm down," said his mother, "If I've told you once, I've told you a thousand times, don't exaggerate."

HEADS UP!

An Ombudsman "SuperConference" is in the works for 1996 in St. Louis, Mo.

What is a SuperConference? It's a not-to-be-missed joint collaboration of six Ombudsman Associations: The Ombudsman Association (TOA), University and College Ombudsman Association (UCOA), United States Ombudsman Association (USOA), Association of Canadian College and University Ombudspersons (ACCUO), California Caucus of College & University Ombudsmen (CCCUO) and the National Society for Patient Representation and Consumer Affairs (NSPRCA).

Mark your calendar now! May 15-19, 1996. This is one conference you want to attend next year.

We'll keep you posted as plans progress.

MARK YOUR CALENDAR!

Ombudsman 101 Training
July 24-26, 1995
Alexandria, Virginia
Contact: TOA Office
(214) 553 0043

Ombudsman 202 Training
July 26-28, 1995
Alexandria, Virginia
Contact: TOA Office
(214) 553 0043

Ombudsman 101 Training
November 1-3, 1995
Boston, Massachusetts
Contact: TOA Office
(214) 553 0043

USOA Annual Conference
October 5-7, 1995
Plymouth, Minnesota
Contact: Dean M. Gottehrer
(408) 425 4688

Ethics Officer Association Conference
October 18-20, 1995
Toronto, Canada
Contact: Mary Chiasson
(617) 891 2575

SPIDR Annual Conference
September 12-17, 1995
Washington, DC
Contact: SPIDR
(202) 783 7277

TOA says "Thank You"...

On behalf of TOA, former TOA President, Lou Garcia, presented Vince Riley, with a Brass Barometer for his many years of contributions to the Association. Riley, past-President, served as Executive Officer, on a voluntary basis, for the past three years. He was instrumental in setting the first Ombudsman 101 Program and several of the Annual Conferences. Vince shared that the barometer was much appreciated as he was a weather forecaster for the U. S. Navy in his days before ombudsmanny.

Certificates of Appreciation to TOA Committee Chairpersons were given by Tom Furtado to Elizabeth Clark, Chair of the Conference Committee; Mary Simon, Chair of the Membership Committee, Mary Rowe, Chair of the Research Committee, Carole Trocchio, Chair of the Training Committee; and Marsha Wagner, Chair of the Communications Committee.

Furtado also recognized the outstanding work of the members of the Conference Committee in facilitating the 1995 Conference: Nancy Radcliffe, Elizabeth Clark, Ella Thurman, Ann Bensinger, Patti Lynch, Margaret Martin, Debbie Cardillo, Justine Senteene, and Jo Ann Selby. Carole Trocchio received a surprise bouquet of flowers in appreciation for her work with the committee.

Carole Trocchio (former Training Director) took the opportunity offered by an "after luncheon lull" to acknowledge the work of TOA members who volunteer their time to Ombudsman 101, Ombudsman 202, and Ombudsman 303. Trocchio noted that these members donate a lot of time designing and constantly improving the content of these programs, in addition to the "away from home" instructor time. Each instructor was then presented with a plaque representing TOA's appreciation of their time, and acknowledgment of their contribution to the ombuds profession.



TOA's TRAINERS receive plaques in appreciation for their contribution to Ombudsman 101 - 202 - and 303. (L-R) Joan Schultz, Jan Newcom, Ella Thurman, Carole Trocchio, Marsha Wagner, Tom Furtado, Mary Rowe, Mary Simon, and Virg Marti.

CONFERENCE FEEDBACK

MARY ROWE'S CRYSTAL BALL...

"Wonderful kick-off to stimulate our thinking"

"I especially like the way Mary brings in the data from the listeners"

"Always good to have my experiences validated by Mary Rowe and hear what some other stuff may be on the way"

"Lovely way to start the conference. Could have used more time with this"

ANNUAL MEETING...

"Standards discussions were very useful — I agree we need Standards".

"Lots of great discussion and communication of important information"

"Good idea to involve the whole group in the Standards Discussion"

"Standards discussion seemed slow moving but it perhaps showed everyone that this is an important topic. Request more written feedback, send out definitions for more common understanding"

"Brief! Was not sure of expected outcome"

"Detailed discussion of Standards not appropriate here"

POSTER GROUPS...

"Good opportunity to network, especially with the way the buffet was done"

"Very enjoyable to walk around in an informal way; ask questions, share experiences and get to know one another"

"Improved over 1994. Good presentations"

"Really just OK — not a lot of benefit for me personally"

"Need more diverse poster groups, ie.e., university, medical, federal, etc."

"Not enough of them; need some more substantive ideas, so it feels less like advertising"

NIGHTMARE CASE DISCUSSION GROUPS...

"Open dialogue — seemed we just got started and it was time to breakup. So wonderful to have input from others"

"Great idea but improperly scheduled"

"Wonderfully realistic"

"Possibly move this part up. Didn't capture everyone's interest, many were too tired!"

"Poorly organized. Didn't start on time — no announcement triggering the start. The discussion was OK"

"Needed a facilitator"

MYERS-BRIGGS...

"Nancy is very lively and informative. Her time flew by. I wish she were allowed more time because I enjoyed her so much. Her examples were clean and really hit home."

"Incredible presentation — fun session where we also learned!"

"Ms. Radcliff's examples/personification of the personality types was brilliant".

"Spend time telling us how we can use the knowledge in our jobs — did not relate"

"Need clearer linkage to its use in dispute resolution. One hour probably made this impossible"

DISPUTE RESOLUTION SYSTEMS DESIGN...

"I really got a lot out of this. Thank you!"

"I see this process in many of our futures — great"

"I'm dubious about its relevance to practicing ombudsmen"

"I was lost as to what to do with this. I disagreed with the role of the ombuds in this system"

"The material was not very advanced and could have been presented in 2 hours — good information but not enough for an entire day"

PANEL DISCUSSION...

"This was great. These sessions could go on all day. This is the hands on experience that we need to discuss and interact"

"Very well handled — very informative — the discussions were wonderful — points that were brought up were very appropriate"

"Not enough time dedicated to the discussions. Further small group discussion should have taken place"

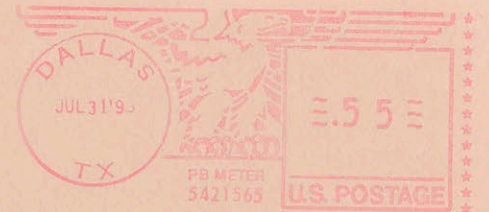
"Please use this format again in the future for hot topics"

"Helpful and confusing too. Standards, Standards, Standards! (Sigh). Ambiguities will exist"

The
Ombudsman
ASSOCIATION

5521 Greenville Avenue
Ste. 104-265, Dallas, Texas 75206

MEDIATE...
don't litigate



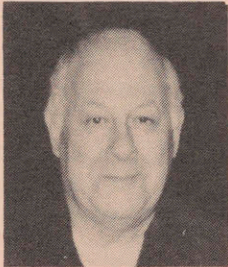
MARY ROWE
OMBUDSPERSON
MIT RM 10-213
77 MASSACHUSETTS AVENUE
CAMBRIDGE MA 02139

OMBUDSMAN CIVILIAN

News

WINTER 1996

Message From The President



Tom Furtado
President – TOA

Dear Colleagues: As I write this column, we are only a week away from the beginning of winter. Some of you have already had your first winter storm, and if you follow the news, you know that Ella Thurman, TOA board member in Cleveland, got her dearest wish — 40 plus inches of snow. Way to go - Ella!

We've had a very successful year in TOA. Membership is at an all-time high. Training programs have increased with some interesting new offerings, and they are well attended.

Our financial situation is excellent. We are fortunate to have persuaded Carole Trocchio to stay on as executive director for another two years. We have a very active board and several productive committees. We are blessed with wonderful members, associates, and friends. Let's all work to keep it this way.

The end of the year also brings holidays and some free time. It's an opportunity to reflect on the past year and take stock of where we are, personally and professionally. It's a time to renew. Recently in Baltimore, while working in Ombudsman 202, I was approached individually by several ombuds on the issue of burnout. For the most part they were general inquiries, but one person suggested that burnout was becoming a problem. This person acknowledged that he/she was putting in 12 hour days, some weekends, and hadn't taken any serious vacation time in several years. This may sound familiar to some or many of you. There are people who can do this forever — they are rare. Most of us try to do whatever the workload demands, but we may be fooling ourselves into thinking that everything is under control.

There is no easy answer when we are understaffed and overworked. Caseloads ignore the size of a staff or the mental and physical health of the ombuds. We have to recognize the downside of trying to do everything. It's a given that health can suffer and morale drop. Worse yet, there is the danger of depression. There is also the possibility that quality suffers, which compounds the problem, because then the more people we see, the less help we can offer.

The end of the year is a good time to ask ourselves how we're doing. It's also a time to latch on to the holidays or vacation or semester break time and treat ourselves to a change of pace. Stay away from the office, go somewhere different, read that book you have been putting off (hopefully, not something related to the job), and just revel in the wonderful options you have to renew your spirit.

Happy Holidays, everyone.

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SUA SPONTE

(Lat. Of his or its own will or motion; voluntarily; without prompting or suggestion.)



by Sharan
Levine,
Attorney

ADRA Reauthorized

One year after it expired, the Administrative Dispute

Resolution Act ("ADRA") is back on the books — new and improved. Co-sponsored by Senator Carl Levin, (D-MI) and Representative Chuck Grassley, (R-IA) the legislation signed by President Clinton in October continues the six year tradition of encouraging Federal agencies to resolve disputes through arbitration and mediation.⁽¹⁾

Senator Levin emphasized the cost effectiveness of ADR: "Before it originally became law (in 1990) about 25% of all civil cases filed in Federal Court involved the Federal Government. The Army Corps of Engineers' ADR Program successfully resolved 53 of 55 contract disputes, including settling a \$55 million claim for \$17.3 million in four days."

"Ombuds" is now a "defined term" in the statute. Alternative dispute resolution includes "any procedure that is used to resolve issues and controversy, including, but not limited to, conciliation, facilitation, mediation, fact finding, mini-trial, arbitration and use of ombuds or any combination thereof."

A second Congressional focus exempts dispute resolution communications from Freedom of Information Act queries. This provision may assist public university ombuds. Public universities subject to the Freedom of Information Act have pressured ombuds to turn over their files when administrators request them. Now that ADRA supports shielding such communications, public universities may be more willing to fend off petitions for the information on behalf of university ombuds.

Last June, the Distinguished Professor Emeritus of Law at Southern Methodist University, Charles J. Morris, wrote "Ombudspersons and the limits of the general counsel's authority under the National Labor Relations Act: An open letter to Fred Feinstein." ⁽²⁾

His open letter addressed an advice memorandum published in 1995, in which the National Labor Relations Board found that Polaroid Company had not unlawfully created an "employee committee," and that the ombuds ... "acts as a neutral party to hear any type of dispute from any employee at all levels of the company."

Professor Morris contends that the Polaroid Company violated the National Labor Relations Act by creating an unlawful labor organization when Polaroid established "a company wide cadre of 5 ombudspersons to informally resolve employee complaints." In his comments, Professor Morris argued that the NLRB's decision in the Polaroid Case (Advice Memorandum, Case No. 1-CA-32607-NLRB) was wrong and asked the Board to reverse its decision involving "managerial ombudspersons who deal with an employer on behalf of employees regarding employee grievances." (emphasis added).

Certain points raised in Professor Morris' letter require clarification. This column addresses only the most salient points in his letter.

Morris' concerns are valid, but he mischaracterizes the role and function of the classical ombuds as well as the organizational ombuds, specifically those organizational ombuds who are members of The Ombudsman Association (TOA).

Nevertheless, his comments are a reminder for all TOA ombuds to be vigilant in their practice, to adhere to the Associations' Code of Ethics and follow the Association's Standards of Practice.

Duncan Fowler, ombuds for the state of Iowa says, "Both in the United States and Canadian classical realm, clear statutory language define the ombuds' role which typically requires

them to be confidential neutral resources in order to investigate and to resolve problems in government."

Organizational ombuds are not members of management. The Standards of Practice established by TOA make it clear: "we are designated neutrals and remain independent of ordinary line and staff structures."

Organizational ombuds do not have the power or authority to make decisions that properly belong to management. While ombuds consult with members of management to assist in arriving at an appropriate solution, the final decision always rests in the hands of management.

An organizational ombudsman is not a designated resource for employees' grievances. The ombudsman is a voluntary, informal, resource. The employee typically chooses from a variety of resources, including management, human resources, and EEO officers who formally handle employee complaints. The ombuds is the confidential, off the record, source of assistance.

Professor Morris raises a philosophical question which has real practical affect for ombuds and to which ombuds must respond. He referred to the legislative history of the National Labor Relations Act, 1935, in which Senator Wagner said "'a man whose very livelihood depends upon maintaining the favor of his employer cannot be outspoken and independent in representing the interest of employees'" (emphasis added).

The central distinction between Senator Wagner's historic comment and the organizational ombuds function is that organizational ombuds do not represent employees. The ombuds, as a neutral, considers the interests of all parties, ie: the visitor and the organization, and works to create an environment of problem solving for mutual benefit, that is found nowhere else in the organization.

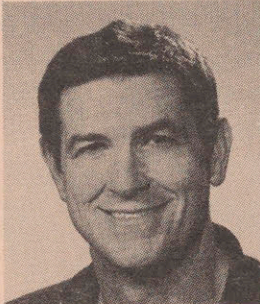
Whether an employee of the organization, an independent provider of ombuds services by contract, or a gov-

(Continued on page 4)

THE BOOK SHELF

by Wendell Jones
Ombudsman — Sandia Labs
E-Mail: wbjones@sandia.gov

The Tao of Negotiation



Joel Edelman
& Mary Beth
Crain

Harper
Business
Publishing -
356pp -
\$12.00 US

This is a small book that has managed to grow into all areas of my life and my ombuds practice. I will first attempt to define the "Tao." However, to even purport to describe the Tao is presumptuous for me. I have only a limited sense of this Eastern concept. In its simplest description, "Tao" means "way" or "path." But, it is much more than a recipe or prescription. It is, rather, a transcendent approach, view, and process of responding to what happens in front of us. Edelman and Crane say... "Attitude and intention are, to the Tao, the most powerful tools of human existence. How we perceive a situation - how we choose to perceive it - will often determine its outcome, says the Tao."

This book is written directly to, among others, us as ombudspeople. We are in a profession of women and men with no organizational power working with only influence and process. In the preface, the authors state their goal: "The Tao of Negotiation" is intended to show you how you - and you alone - can prevent conflicts from occurring in your life, and how in the process, you can make your relationship more energizing, enlightening and fulfilling."

The first half of the book develops many of the principles with which we are familiar from the Harvard Project on Negotiation (without using the same vocabulary). That's part of what makes this book so useful. It provides a different window into things that are already part of our practice. Key to their approach is the Oriental notion that it takes two to start a conflict and only one to

end it. This is in contrast to our more Western view that one person starts a conflict and it takes both to end it. Starting from their point of view leaves a person with choices influenced by others, but not controlled by others. The first portion of the book describes this way of looking at conflict and the opportunities this provides. This half concludes with a discussion of two important topics. First, the aspect of our nature that causes us to project our internal selves into our external worlds. While dealing with this directly is more in the realm of therapy than ombudsmanship, the insights in this chapter have been useful for me in examining my role in cases. The last topic covered in this portion of the book is how to deal with anger. The view taken is, again, Eastern. Anger is energetic, and needs not to be repressed, but to be redirected into creative efforts at problem solving.

The second half of the book is devoted to specific relationships and how this "way" can be applied. Included in these chapters are discussions of workplace disputes, partnership disputes, and customer/supplier disputes. There is plenty of specific and useful information. Words and thoughts from this book have shown up as part of every service we provide. The challenge of encouraging visitors to take responsibility for their part in a conflict and to encourage them to be in action on their own behalf is always going to be a significant part of what we do. The "Tao of Negotiation" can contribute much that is useful in that part of our work.

This book would have been an interesting read and would have returned to a static place on my bookshelf if these concepts were handled only as intellectual principles and processes. Instead, my copy has dozens of Post-It tabs sticking out and pages dog-eared from use. Practical examples of how this "way" of being can be applied are given throughout.

Next time I'll talk about one of the newest books from the Harvard Project on Negotiation: "Getting Ready to Negotiate," by Fisher and Ertel.

• • • • •

MARK YOUR CALENDAR

BAY AREA OMBUDS FORUM
December 12, 1996
Sandia National Laboratory
Livermore, CA.
Contact: Geri Albright
510 294 2065

OMBUDSMAN 101
February 3-5, 1997
Fisherman's Wharf
San Francisco, CA
Contact: TOA
(214) 553-0043

COACHING AND MOTIVATING
VISITORS TO HELP THEMSELVES
February 6, 1997
Fisherman's Wharf
San Francisco, CA
Contact: TOA
(214) 553-0043

VIOLENCE AND THE FEAR OF
VIOLENCE IN THE ORGANIZATION
February 7, 1997
Fisherman's Wharf
San Francisco, CA
Contact: TOA
(214) 553-0043

TOA ANNUAL CONFERENCE
May 13-16, 1997
Montreal Bonaventure Hilton
Montreal, Canada
Contact: TOA
(214) 553-0043

ACCUO ANNUAL CONFERENCE
June 22-25, 1997
University of British Columbia
Vancouver, BC Canada
Contact: Suzanne Belson
(514) 848-4963

THE MYSTIQUE OF OMBUDSMAN 202

contributed by George Wratney
Ombudsman - United Technologies



Had Sir Arthur Conan Doyle, the creator of Sherlock Holmes, lived to the late 20th century, he would have tipped his hat to the complexity

and subtleties of the case that form the basis of TOA's Ombudsman 202 course which I recently attended in Baltimore this past October.

The solid three-day course began with an intense discussion of culture, communication, and conflict in a diverse society, and it then moved quickly to a complex case study that unfolded to reveal as many facets as a fine gem.

The case involves fictitious companies but is based on late 20th century realities: a corporate acquisition, old-line managers, aggressive up and coming professionals, office gossip, prejudice, and a host of other human characteristics. Sound familiar?

Twenty-four ombuds professionals from throughout the United States and three other countries attended the session. Through assorted role-playing sessions and discussions, they were required to address the case as the ombudsperson in search of "the elegant solution."

TOA President, Tom Furtado, one of the creators of the case and an instructor for this most recent Ombudsman 202 course, said the case represents "some trial and error and a lot of work" by TOA's training staff. "We developed the course, tested it, and realized early on that we had made a few mistakes," Furtado said. "And, so we continued to refine it to its present state."

Based on informal comments of course participants, the Ombudsman 202 course and its search for "the elegant solution" are well worthy of any practicing ombudsperson's attention. And, one feels very confident that Sir Arthur Conan Doyle, Dr. Watson, and yes, even Holmes himself, would agree.

OMBUDS SURVEY

by Mary Rowe, Ombuds, MIT

If you are a practicing ombudsperson we hope you have received your anonymous ombudsman survey which was mailed the end of November. The survey is 13 pages long (down from the 25 pages originally drafted!) but requires mainly that you know your practice and caseload. You should be able to fill it out from memory, making quick estimates and checking things off.

Each question in the survey comes from an ombuds who wanted the answer — so please be patient and fill out as much as you can. You will find that the survey is oriented toward cost-effectiveness questions — nearly 100 ombuds asked for these questions.

Data from the surveys have been especially important for helping practitioners get paid fairly, so we encourage everyone to spend a few minutes to fill it out when you get it.

(Sua Sponte, continued from page 2)

ernment entity, ombuds are supported by their respective organization/government specifically to furnish a neutral, confidential environment in order to deal with issues in their community.

In fact, Dean Gottehrer, former Alaska State Ombudsman, notes that regulations promulgated pursuant to the Alaskan Ombuds Statute specifically preclude the Alaskan ombuds from investigating a complaint "which constitutes the grievance of an employee covered by a collective bargaining agreement" (Section 21 AAC 20.010) Further, organizational ombuds working in an organization where employees are union members will often be precluded from assisting union members in addressing issues which are included in the union's contract. It's interesting to note, however, that it is not unusual for some shop stewards to refer union individuals to the ombudsman when the issues are not union related. Professor Morris also castigated ombuds when they perform "other corporate functions" and he referred to Mr. Kandel and Ms. Frumer's 1994

article⁽³⁾. Classical ombuds usually maintain stiff internal policies pertaining to conflicts of interest, as well as, jurisdictional issues. The Ombudsman Association, too, has recognized such a conflict of interest, and the potential danger of jeopardizing the value and necessity of the ombuds role as a neutral and confidential resource if they perform certain functions outside their ombuds role. To avoid such pitfalls, TOA's of Standards of Practice provide "we serve no additional role (within an organization where we serve as ombuds) which would compromise this neutrality."

Professor Morris' comments are indicative of misconceptions about ombuds throughout our culture. Even in the ombuds' work environment, many experience confusion and misunderstanding as to what the ombuds can and cannot do on behalf of a visitor. The process of educating the uninitiated serves as a reminder to ombuds to be steadfast in exercising consistency in their practice.

Footnotes:

(1) The bills are identified as S.1224, H.R. 4194.

Note - TOA President Tom Furtado submitted testimony to the Senate Subcommittee on Governmental Affairs in support of the legislation in November 1995 which is part of the congressional record. The Hearing before the Subcommittee on Oversight of Government Management and the District of Columbia of the Committee on Governmental Affairs United States Senate may be cited as S. Hrg. 104-401, November 25, 1995.

(2) Fred Feinstein is General Counsel of the NLRB. This article was printed in the Labor Law Journal, Volume 47, No. 6, June 1996.

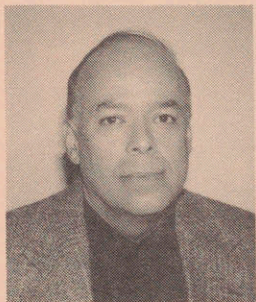
(3) (The Corporate Ombudsman and Employment Law: Maintaining the Confidentiality of Communications.) Employee Relations Law Journal, Vol. 19, No. 4, Spring 1994.

Sua Sponte is written quarterly. I welcome your comments and suggestions for topics. If you have specific questions you would like me to address in this column, write to me at Levine & Levine, 429 South Burdick Street, Kalamazoo, Michigan 49007. My e-mail address is SLEVINE555@AOL.COM. The comments and opinions contained in Sua Sponte are the opinions of the author and do not necessarily represent the opinion of TOA.

Sharan Lee Levine is a partner in the law firm, Levine and Levine, located in Kalamazoo, Michigan and currently provides counsel to several corporate ombuds. Mrs. Levine is an associate of TOA.

TELEPHONE TECHNIQUES FOR OMBUDS PROFESSIONALS

Contributed by Bill Morales
Associate Director - NYNEX Office of
Ethics and Business Conduct



Under many circumstances, a face-to-face interview is the preferred method of communication for ombuds, ethics or similar professionals. But

for growing numbers of ombuds working in companies or institutions both large and small, the telephone is fast becoming an indispensable communications tool.

The reason? Employees frequently work in multiple geographic and satellite locations or from home offices. In these situations the phone allows ombuds — particularly those who manage high case volumes — to respond quickly to problems and conduct interviews with greater speed, flexibility and efficiency.

While there is no doubt that letting your "fingers do the walking" can often enhance your overall productivity and efficiency, there are simple guidelines to follow when relying on the phone as a communication vehicle.

The first general rule for all ombuds is to have a working knowledge of the phone's functions and features, which can include Call Waiting and Call Conferencing. This knowledge will allow you to make the best use of the phone as you perform your job and maintain sensitivity to those on the other end of the line. If you have Call Waiting, for example, you should know how to cancel that feature before conducting a sensitive interview so that the call is not interrupted.

If you use a speaker phone in an office setting, be aware that the person you are calling may be overheard by others, violating their need for confidentiality.

Familiarize yourself with voice messaging

systems where appropriate. Be aware that some systems actually store messages for a period of time, even if you cancel them, so that they can be accessed. Let people know that voice mail is not the appropriate way to communicate messages that should be kept strictly confidential. And never leave voice mail messages as a means of closing out cases that involve highly confidential material. In these instances, direct communication is necessary.

Whenever you are placing or receiving calls at the office or at your home office, be sure to follow the basic rules of phone etiquette.

- ~ Keep a telephone appointment at the time promised, just as you would a personal interview.
- ~ At the beginning of a call, always ensure that the employee is able to speak confidentially
- ~ Make an extra effort to show you are an active listener by asking questions or responding briefly when the person is speaking.
- ~ Try not to keep callers in a work setting on the phone too long, because this can result in an overall impression that the employee is on a personal call.
- ~ If you have a separate home-office line, it is helpful to forward any calls after-hours into Voice Mail so that you can offer 24-hour accessibility while maintaining your privacy.
- ~ Be sure to identify with your name and your job function when you answer the phone when working from home so that employees know you are fulfilling your role as an ombuds professional even if you are working off-site.
- ~ If you do not have a separate office line at home, never give out your home phone number to a client.
- ~ To further ensure your privacy, you should press *67 or another appropriate code to block any Caller ID devices from displaying your reach number. Check with your local phone company to find out if Caller ID blocking is available.

Make certain that you periodically retrieve messages from your office voice mail system while working at home or from a satellite location. Find out if you are able to forward calls from your office number to your alternate work site.

The main disadvantage of phone calls is that you are unable to gauge body language, which often is an important sign of how a person is feeling. This means you need to pay particular attention to nuances in the caller's voice that can communicate urgency or signal a person in trouble. Always have a game plan in place for gaining assistance from medical, security or other appropriate personnel in the event that a call turns into an emergency situation requiring immediate on-site attention.

Taping conversations is another issue when the phone is used to discuss confidential matters. Always be aware that your conversation can be taped by callers. It is also important that you assure callers that you will not tape the conversation because of your confidential role as an ombuds professional.

There may be occasions when using the phone is not appropriate, particularly when someone expresses a strong preference for a face-to-face interview. If a personal shows considerable signs of discomfort about talking on the phone, always opt instead for a face-to-face interview.

HEADS UP!

TOA's 1997 Renewal Drive is in progress. Don't miss out on all the exciting events and activities in the coming year. Remember, an investment in TOA is an investment in your professional future.

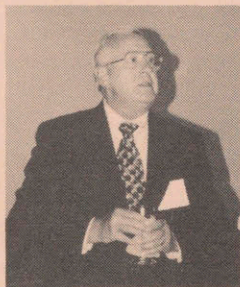
Renewal applications were mailed November 1st, and must be returned by January 31st, 1997 to be included in the 1997 TOA Directory of Members and Associates. Don't delay - it will just take a few minutes to complete the renewal short form, include your renewal fee of \$95.00 and return.

SAN FRANCISCO HOSTS FIRST MEETING OF BAY AREA OMBUDS FORUM

by Elaine M. Lutkitz, Ombudsman, Federal Reserve Bank of San Francisco

On September 17, 1996 the Federal Reserve Bank of San Francisco hosted the first meeting of the Bay Area Ombuds Forum. It was attended by ten ombudspersons from Pacific Bell, National Semiconductor Corporation, Stanford University, UC Berkeley, Community Boards of San Francisco, Sandia National Laboratory and the Federal Reserve Bank of San Francisco.

The development of this Forum was the result of two recent educational and outreach efforts to bring members of the ombuds profession together to discuss common areas of interest. One



David Steenhausen, Corporate Ombudsman, National Semiconductor Corporation

was a panel discussion "Ombudsing — Organizational Troubleshooting" sponsored by the Northern California Chapter of the Society of Professionals in Dispute Resolution (SPIDR), and the other was The First North American Conference: Gateway to a Better Future, held in St. Louis, Missouri in May of this year.

We believed that the establishment of a Bay Area Ombuds Forum would provide us with an opportunity to: (1) meet other ombuds in the Bay area; (2) explore meeting several times a year to discuss common issues; (3) listen to speakers whose expertise would enhance our work; and (4) learn about other professional organizations.

The kick-off meeting of the Bay Area Ombuds Forum was a great success. Beginning with a "welcome reception" and taking advantage of many "photo opportunities," the group then adjourned to the conference.

As host, Lutkitz focused on the need for commitment by ombuds. Commitment to the organization — learning of, and

using, the tools of the trade through membership in TOA, SPIDR, and networking with fellow ombuds; Commitment to those who use our services — communicating the function and building trust; (3) Commitment to our profession — keeping connected; and (4) Commitment to ourselves — going the extra mile.

The forum was officially opened with remarks from John F. Moore, First Vice President and COO of the Federal Reserve Bank. Moore stated that the ombudsman plays a critical role by serving as intermediary and troubleshooter and noted that, "As a conduit of change, the ombudsman is in a very unique position to gather information from employees throughout the organization, and identify trends and patterns that we otherwise may not become aware of. This, in turn, helps us identify ways to make the changes necessary to strengthen our organization and make it a better place in which to work."

Susan Porterfield, Vice President of District Human Resources at FRB echoed the comments of Moore and emphasized the importance of "collaborative teamwork" on the part of HR and the ombudsman's office, while at the same time respecting confidentiality unless permission is given by the employee to the ombuds to disclose such information.

The group spent the time remaining discussing expectations of the forum including: (1) supporting one another around various issues such as confidentiality, potential legal actions (requests for ombuds files and testimony); (2) advocating for the ombuds role in the organization; (3) basic skills devel-



Elaine Lutkitz, Corporate Ombudsman, Federal Reserve Bank and Carmen Jevons, Asst. Ombuds, Stanford University

opment, including roleplays and case presentations; (4) how to prevent burn-out in the ombuds role, etc.

To continue the momentum, the group plans to meet on a quarterly basis at different locations in the Bay Area. The next meeting will be held at Sandia National Laboratory in Livermore, California on Thursday, December 12, 1996 from 3 pm to 5:30 pm. All ombudspersons are invited to attend by calling Geri Albright, ombudsman at Sandia — 510 294 2065.

Lutkitz notes that it was an honor, not to mention a challenge, to be able to host the first meeting of the Bay Area Ombuds Forum. Many issues for future discussion were identified — watch for periodic updates in future issues of OMBUDSMAN NEWS.

(Continued on page 7)



(left to right) Susan Porterfield, VP Human Resources, Federal Reserve Bank; Ellen Waxman, Board Member, TOA; Robert Sheardy, Ombudsman, Pacific Bell

COMMENTS FROM PARTICIPANTS

"Based on the synergy evidenced at the first meeting, my expectations are that the forum will provide a rallying point for us to highlight resources for our own extended training, as well as to share ideas for communicating 'words of wisdom' with our own client bases, e.g., in employee newsletters."

David Steenhausen
(National Semiconductor Corporation)

.....

"The Bay Area Ombuds Forum is a wonderful opportunity to meet other professionals in the role of ombuds in the Bay Area. I thoroughly enjoyed the chance to exchange ideas in a more-relaxed setting."

Carmen Jevons
(Stanford University)

.....



Elaine Lutkitz, Ombudsman
Federal Reserve Bank of San Francisco



Susan Porterfield, V.P. District Human Resources

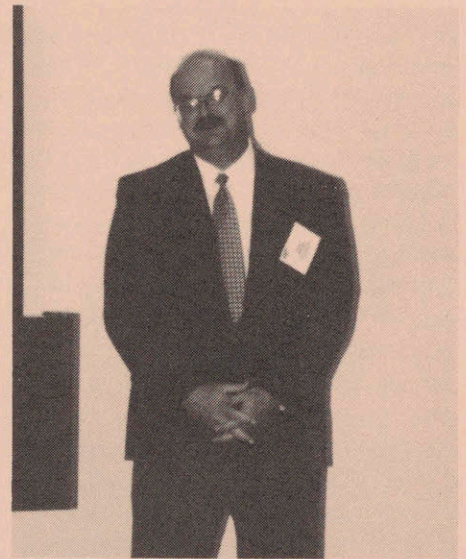
"As a professional dispute resolver for more than 15 years, I found it especially gratifying to be part of the group that organized the Bay Area Ombuds Forum. Supporting one another in jobs that are stressful and can sometimes be isolating due to the responsibilities of confidentiality and impartiality is a priority for me.

Groups like this forum will not only reduce that isolation but will also support skills development and linkages with other organizations."

Dianne Walker
(UC Berkeley)

"I find meeting with my colleagues to be extremely helpful, especially in staying current on developments in our field. Unfortunately, as in many other organizations, opportunities to attend professional conferences have seriously diminished because of budgetary constraints. Establishing a Bay Area Ombuds Forum was for me a crucial step in establishing a viable venue to maintain this professional contact with my colleagues."

Kathleen Dickson
(UC Berkeley)



John Moore, First Vice President, C.O.O.
Federal Reserve Bank of San Francisco



(left to right) Robert Sheardy, Pacific Bell; Geri Albright, Sandia National Laboratory; Tracey Lamee, Federal Reserve Bank of San Francisco; and Ellen Waxman, Stanford University

FEEDBACK!



by Diane Pattee,
Ombudsperson
NE Region,
American
Express

(Note: This is the first in a series of three articles addressing ombuds surveys.)

Feedback - how to get it and what it means once you have it. These are two issues that we have wrestled with at American Express since we opened our doors two years ago. Judging from the ongoing interest in this topic on the e-mail network, we take consolation in knowing that we are not alone in our struggle.

At Amex we have five regional ombuds covering approximately 50,000 U.S. employees and three recently added international ombuds. From the beginning we were asked, "How will you know if you're doing a good job?" Responding with, "We will each have a warm, fuzzy glow as we go home each evening," just didn't seem scientific enough, particularly when the question was being asked by our chairman in the context of our annual budget review. In giving thought to the question, we decided that there were three groups of people that we would want to hear from in assessing our performance. People who had actually used our service (our inquirers), people who were potential users of our service, and people from the company channels (human resources, audit, security, general counsel, etc.) with whom we worked on a regular basis as we surface inquirer concerns.

We started with the last group, the company channels, as they presented the fewest logistical problems - we didn't have to protect the confidentiality of the responder, and they were of a limited enough number so as not to present an administrative nightmare. We assembled a list of approximately 170 individuals from various staff and line groups that we had worked with in the U.S., and created a 10 question

survey. The survey covered a range of subjects including, how clearly we communicate issues, the appropriateness of the issue to the channel, and the degree to which we maintain confidentiality and neutrality. We used a 5 point scale from "strongly agree" to "strongly disagree," and allowed for written comments. Responders had the option to be anonymous.

We received 67 responses for a 40% return rate. In most categories we received results that were 80% favorable ("strongly agree" or "agree"). Our strongest areas were maintaining the confidentiality of the inquirer, respectfully complementing the channel function, and bringing to the channels issues that were appropriate to their expertise. The areas with the most room for improvement were the usefulness of trend information, and the perception of neutrality. It was in reading the written comments, however, that we were able to put some of the numbers in perspective.

Usefulness of Trend Information - 36% of responses were non-favorable. We found that the timing of the survey was a factor in this feedback. As the survey was sent out about one year after we had opened our doors, we had not yet reached a point where we were sharing information with the channels on a regular basis. We shared case specific information as appropriate, but not trends - there was not enough case volume in many of our business units for it to be meaningful. Additionally, some responders indicated that they had contact with our office only one or two times, and therefore found it difficult to judge our performance. As a result of this, we decided that once we had 6 quarters of data we would begin scheduling updates with management and staff. For certain levels of management the update is every 6 months, while for certain staff groups, such as regional human resource teams, it is monthly.

Perception of Neutrality - 32% of responses were non-favorable. Comments in this area included that certain respondents viewed us as "employee advocates" by the very nature of our jobs, rather than based on our

specific words or actions with regards to a case. As we provide an opportunity for employees to discuss options when they are dissatisfied with a judgement that has already been made by a line manager or a staff group, we are viewed as allowing decisions to be reopened after channels "have already spent months working" on an issue. We also heard that we were, at times, "more involved in a case than (it was) thought appropriate." We were also found to have "sympathy problems" (Given the nature of the question, we optimistically chose to interpret this as our being too sympathetic, rather than the alternative). As a group we ombuds discussed our practices around neutrality, talked about some wording or phrasing that might have worked for one of us in the past and, of course, being competitive, goal driven perfectionists, vowed to get those scores up the next time we did the survey.

We are currently discussing what the timing, scope, and distribution of a second survey might look like. We would welcome the opportunity to see samples of surveys that other ombuds have used for their internal channels, and offer to send a copy of our first questionnaire to anyone who is interested. You can e-mail us at Amexombud@aol.com or call us at 800-297-1010.

DEADLINE FOR TRAINING REGISTRATION:

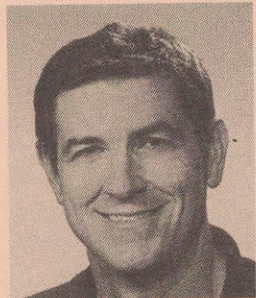
TOA is offering two new specialized courses in February, 1997: **Coaching and Motivating Visitors to Help Themselves**, and **Violence and the Fear of Violence in the Organization**.

These classes are filling up... deadline for registration for one or both is January 3rd, 1997. Contact TOA's executive offices for information.

Ombudsman 101 fills up fast. If you are considering attending this class in February 1997 you are urged to contact TOA's executive office ASAP. The next scheduled Ombudsman 101 is July, 1997 in Boston, MA.

PROFILE OF AN OMBUDSMAN

by Dotti Washington



Wendell Jones

Laboratory Ombudsman Sandia National Laboratories

Pulsed power accelerators... advanced robotics... weapons stockpile... stewardship ...supercomputing... the development of new air bags, mine detection systems and prosthetics... these are but a few of the high technology areas of which Sandia National Laboratories is on the cutting edge. In the midst of highly classified projects and highly educated people, strong opinions often lead to conflict. Fortunately, there is a place to turn for alternative dispute resolution ... the Sandia Ombuds Office.

Wendell Jones is one of the three ombudspeople that service Sandia's 15,000 employees and contractors in New Mexico and California. Jones has been with the program since its beginning in 1992. He reports directly to the executive vice president and the president of Sandia, and Jones is quick to point out that one of the important aspects of the program is that the ombuds office is not tied to any particular department.

Wendell's career with Sandia spans 20 years. His interests in dispute resolution began with church and community volunteer work. Ultimately, in 1991 he realized he wanted to do dispute resolution work full time and was about to craft a second career when the ombuds position was posted at Sandia. Selected as Sandia's first ombuds, Jones was able to combine his career desires with his operations experience bringing a unique perspective to his work.

After two years a decision was made to add a second ombudsman to Sandia/New Mexico. Wendell says, "In a company where reducing overhead costs is so important, the people responsible for funding made adding a second position a priority. We did not

have to use our clout with the president, nor lobby for it. This decision was real validation of the importance of this program to the Laboratories."

Wendell handles a client base of approximately 300 annually and no classification is hugely over represented or under represented. Conflicts with direct management is the most common issue addressed, followed by peer conflict, subordinate conflict, and concern with policy issues. Wendell adds, with a second ombudsman here we can stretch our thinking to offer a wider range of services including managing a mediation cadre of 30 trained peer mediators, leading negotiation workshops, and working with other organizations to set up ombuds offices.

Confidentiality is something that is taken very seriously. Wendell and his colleagues at Sandia are very strict in adhering to the TOA Standards of Practice and Code of Ethics. Sandia's policy states that Sandia will not call on the ombuds office on the laboratories' behalf and Sandia must resist any attempt to compel the ombuds to testify.

The most difficult situations, states Jones, are those where the conflict is highly emotional and polarized. In these cases, it's difficult for people to believe that anyone could be genuinely neutral. No matter what is done or not done, explains Jones, the action will be painted by someone as "taking sides" one way or another. Even choosing not to get involved can be interpreted a siding with someone.

In contrast, Wendell recalls a particular incident which was touched with humor. A female client came to Wendell with an e-mail message she had received which was clearly a love letter misaddressed to her. She wanted the correct parties to find out what had happened so that it could be straightened out without anyone getting into trouble for the incident. Wendell contacted the originally intended recipient, who was extremely embarrassed at what turned out to be an unsolicited sign of affection, and encouraged closer check of e-mail addresses in the future.

When asked for some "words of wisdom" for fellow ombuds, Wendell says, "Really be, and be seen as, your own

sternest critic. We ombuds, who seek the trust of our institution in ways larger than most other employees, are honor-bound to be clear-eyed critics of our own work. The leaders of our institutions need to see us that way... and they need to trust us to hold ourselves accountable for what they don't see us doing. Don't underestimate the extent to which this contributes to our credibility."

VOLUNTEERS WANTED TO FACILITATE A POSTER SESSION IN MONTREAL

by Elizabeth Lorimer, Staff Ombuds, Scotiabank

Plans are well under way for our 13th annual conference in Montreal from May 13 to May 16, 1997. If you haven't yet marked your calendar please do so now! We're looking for volunteers to run poster sessions which provide great opportunities to learn something new about our profession, swap ideas with other ombuddies, and join in some amazing discussions.

All volunteers have to do is select a topic of interest for which you are willing to prepare a "poster" and let Elizabeth Lorimer know about it. Elizabeth will add your name and topic to the list of presenters. Then you bring your descriptive poster to Montreal, make a brief presentation about the topic, and facilitate the ensuing discussion.

People have indicated interest in hearing about ways to promote the profession, the importance of confidentiality, the "search for values" and record keeping. Poster sessions on these or other topics would be welcome.

Elizabeth can be reached via e-mail at "ombudsb@ican.net" or by phone at 416 866 3501. Please don't be shy — the poster sessions are great, your audience will be appreciative and the discussions are guaranteed to be thought-provoking.

See you in Montreal!

CONSIDER OMBUDSMAN NETWORK E-MAIL

by Mary Rowe, Ombuds, MIT

If you are not on e-mail you might want to consider the following. Some O's are not on e-mail because they HATE TYPING. This is probably a reasonable thought and may also help to prevent the kind of RSI (repetitive strain injury) that comes from computer use. So, if that is you we will not further nag at you to get up on e-mail. However, if you are sure you do not want to be on e-mail you might want an "e-mail buddy" — connect yourself with a colleague who IS on the net and who will keep you informed about such questions as jobs that come open and training programs available and survey data about the profession.

But others are not on e-mail "because the employer is not yet connecting everyone on e-mail." And, others are not on the internet "because my employer

is concerned about security — our internal e-mail is not connected to the internet."

If that's the case then here's an idea — if you have a computer at home, get a modem and join one of the nation's internet access vendors (this might cost you \$150.00 a year or less.) The ombudsman network, solely for practicing ombudspeople, is a useful vehicle for keeping up on current issues and for discussing difficult problems. The network also provides the possibility of asking anonymous questions of other ombuds. If you are a practicing ombuds and wish to join the network, send a note to mrowe@mit.edu (together with your work address and phone number for identification purposes) to get up on the net.

"It is not the strongest of the species that survive, nor the most intelligent, but the one most responsive to change."

Charles Darwin

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THE OMBUDSMAN NEWS

PUBLISHED QUARTERLY

Editor — Carole Trocchio

Co-Editor — Dottie Washington

"Ombuds News" is published quarterly by The Ombudsman Association to provide information on developments in ombuds practice, association news and other information of professional interest to members and associates of TOA. Articles reflect the views of the individuals or committees that prepared them and do not necessarily represent the position of The Ombudsman Association.

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TOA Bulletin

December 1993/January-February 1994

This Bulletin is a bit lengthy due to some urgent updates which came in recently. The first is a draft of an update to a paper by Rowe, Simon and Bensinger on confidentiality, neutrality and testifying. Another is a note about AAA and Ombudservice^(C), a third is about the Structure Committee of TOA, and a fourth is a job opening in dispute resolution. Please check each article for whom to call with your comments.

Confidentiality Update

(Draft Paper--please send comments to Ann Bensinger, Deputy Corporate Ombudsman, United Technologies Corporation, 1 Financial Plaza, Hartford, CT 06101)

Not Everything is Confidential

A previous article (*Ombudsman Dilemmas: Confidentiality, Neutrality, Testifying, Record-Keeping*¹) discussed the profession's need for a confidentiality privilege and the jeopardy to the profession of testifying in any adversarial proceedings. We argued that confidentiality is essential to the effectiveness of the profession. We continue to believe that ombuds should seek to quash most subpoenas for records or testimony. Yet, (as we noted in the original article) we believe that there are certain exceptions to confidentiality.

If a subpoena for the ombudsman arises under one of these exceptions, we believe that an ombudsman should not seek a protective order against testifying or offering records. Most importantly, we believe that to attempt to claim privilege in such instance jeopardizes the ability of the profession to establish a confidentiality privilege.

Circumstances under which ombudspeople should not claim privilege:

- The ombudsman agrees to do a formal, written investigatory report submitted to a decision maker - and includes either judgments about the substance of what is uncovered, a recommendation to management about a decision, or both².
- The ombudsman has essential information that can **only** be offered by the ombudsman. As in one real example -- if a client dies just after communicating vital information which cannot be obtained in any other way, to the ombudsman, the ombudsman may need to testify.
- The ombudsman is a direct witness to a felony. For example, the ombudsman witnesses an individual, who has been a visitor to the ombuds office, assault someone.
- The ombudsman is asked to testify about something that occurred when he/she was not an ombudsman.

We urge our colleagues **not** to attempt to claim privilege in such circumstances.

Circumstances under which ombudspersons may choose not to claim privilege:

- An ombudsman is misquoted as having done or said something that was never said. Even in this situation the practitioner first should consider whether he or she really needs to testify about the given case. For example, suppose the alleged improper actions were actions which a true ombudsperson would never have taken under the office terms of reference. In this example the ombuds practitioner might be inaccurately quoted as promising a job or a benefit, or as stating formally that a visitor was wrongfully treated. Here the practitioner may be able simply to testify about consistent office practice - which is always appropriate - in a way that is useful in a hearing. In this example the ombudsman might simply say, "As the notice in my office door indicates, I do not make management decisions about (benefits) (wrongful treatment) and I never have done so."
- The ombudsman has been accused of improper actions in exercising her or his duties as an ombudsman. Again under these circumstances the practitioner should first seek an alternative to direct testimony about any specifics of the particular case.

We stress that in all circumstances, we believe that the ombuds should consider every possible way to preserve confidentiality. For example, practitioners are urged to discuss - of course without any identifying details - any requests for their testimony or records as ombuds with other ombudsman colleagues. These discussions should fully explore all responsible alternatives to testifying, such as customary office practices, limiting testimony, and so on. We also urge ombuds to seek the support of TOA in attempting to quash a subpoena.

¹Mary Rowe, Mary Simon and Ann Bensinger Journal of Health and Resources Administration. pp.329-340, Winter, 1993. (For a copy of the article please feel free to contact United Technologies Corporation, Office of the Ombudsman, 1 Financial Plaza, Hartford, CT 06101.)

²A formal report could consist of simply provable, ascertainable facts - such as could logically be recorded on video or audio tape - and which facts or materials are otherwise available. In this case, these facts should presumably be used on their own without implicating the ombudsman.

Subpoena Update

In 8-10 weeks, there were 28 requests for the "subpoena" packets (see the September/October/November 1993 Bulletin or call Mary Simon 508-960-6490). Given the interest in this topic, we have pulled together two sample confidentiality statements for the packet. We would be delighted to add others, so if you have a different one, please send yours to Mary Simon and/or post it to everyone on email.

1. Is the Ombuds office confidential?

Confidentiality is the rule. No formal written records are kept. No action is taken without permission, except for the rare situations where there is a reason to believe that criminal behavior is involved or a life or national security is at stake and there appear to be no options except to act without permission.

(Please Note: If the ombuds is not allowed to act, XYZ Company/University itself will be unaware of your complaint and unable to respond or assist you.)

2. The ABC ombudspersons are designated neutrals. Their offices are completely confidential; they keep no formal written records. They do not act without permission, except for the very rare situation of a serious crime or where there is reasonable reason to believe a life is at stake, and there appear to be no other options except to act without permission. (Obviously an ombudsperson may have to work long and hard together with a given complainant, to design some kind of acceptable option for surfacing delicate problems, but it is almost always possible to find an option acceptable to each person with a problem. Moreover, this may be important to a complainant. If a complainant does not give permission to notify

ABC, then ABC will be unable to respond to a problem. ABC does not call the ombudspeople on its behalf in proceedings outside ABC and has consistently sought to protect ombudspeople from subpoena by others.)

We are also interested in collecting current information about ombuds who are being subpoenaed. If you have faced this issue in the past 12 months or so, or almost faced a subpoena, please consider sending Mary Simon your answers to the following questions (we promise to publish an anonymous summary of the responses):

1. Briefly describe the elements of your situation (for example, what kind of case is it, how were you involved, how long ago was this).
2. Who is asking for your records or testimony? The complainant or your employer or...who?
3. What stance have you taken in response?
4. What documentation have you used to substantiate your position?

Anonymous Ombuds Survey Update

Various TOA Board Members have received many dozens of requests for new salary and caseload information. In response to these queries, a survey has been drafted and is going into production soon. This year, about 650 ombudspersons will receive this survey. It includes questions about length of time in office, type of ombuds, reporting relationship, constituency, caseload, and salary. This survey will be anonymous, and scored by machine. The data on each survey will be disaggregated (and then answers aggregated by questions asked). The survey answer sheets will then be destroyed -- no individual survey score sheet will survive.

American Arbitration Association Flyer

Many ombudspeople received a flyer from AAA about their new Ombudservice^(c). Some 31 people got in touch with each other and with Mary Rowe on -- email and the phone -- expressing various concerns (28 people) or other comments (3). These comments were summarized for the TOA Board which is working

with the AAA about this. If you have a specific comment, you may wish to drop a line to Lou Garcia. The basic orientation of the TOA Board is to see how things can go better in the future. For example, suggestions include recommendation to AAA that they refer for ombuds assignments only such people as are or have been ombudsmen for the equivalent of two or more full-time years and who ascribe to the Code of Ethics of one of the major ombuds associations.

Job Openings

Assistant/Associate Professor of Dispute Resolution. Applications are now being accepted for two anticipated assistant/associate professor positions in the Department of Dispute Resolution in the School of Social and Systemic Studies at Nova Southeastern University in Ft. Lauderdale, Florida. The projected positions, pending funding approval, will begin July 1, 1994. Applications should be post-marked no later than March 11, 1994 in order to receive full consideration. For more information contact Bill Warters, Chair of the Dispute Resolution Search Committee at (305) 424-5703.

Mentoring Update

Ella Thurman received some calls and these people have been paired with mentors. If there are other new ombudspeople looking for mentors, they should call Ella at (216) 844-1485.

Mentors -

If you have at least 2 years full-time experience and want to serve as a mentor, please call Ella to volunteer.

TOA Structure Subcommittee Report by Linda Wilcox

The Structure Subcommittee has been asked to provide the TOA Board with recommendations regarding its operational structure in light of TOA's recent accelerated growth, demands being made on TOA to provide education and information on the profession.

We expect our first recommendation to be that TOA try to maintain an executive officer who is, or has experience, as an Ombudsperson. We have become keenly aware through the American Arbitration

Association's Ombudservice Brochure that few people really understand our profession. It seems imperative that we have an individual answering questions for us who is able to provide accurate information. We believe that this can best be achieved by someone with experience in the field of Ombudsing.

We are now looking more specifically at the nature of the responsibilities and the magnitude of the workload that such a person could expect. We are anticipating that we will continue to grow and have increasing demands made upon us in the future.

Vince Riley, our present Executive Officer, has shared with us the position's job description, written three years ago by Jim Hendry, and summarized job requirements as he is experiencing them today. Vince tells us that there are essentially four main job functions for the executive officer. They are conference site selection, finance management, member relations, and communications. The organization has grown from 100 to 189 members in just the last 17 months. The tasks needed for each of the four functions has expanded as well. These demands are swiftly outgrowing what might normally be expected from a part-time volunteer executive officer. For instance, Vince told us that in the last year alone, in order to respond to the needs of the membership and of people inquiring about our profession, he has sent out 5000 pieces of mail!

Based on Vince's experience, we will probably also recommend that the executive officer's new job description include tracking the nature of the queries from people requesting information from TOA. Using this list the Communication Subcommittee might develop a series of short, pre-written responses that could be sent directly to the inquirer.

Since the executive officer may live anywhere in the country, we have grappled with how we might insure that TOA have the consistency and stability required for a national professional organization. We will likely recommend that we have a New York telephone number (already in the works) and be listed in the Washington, DC phone book stating our New York phone number and the address of the executive officer. Since listings are updated yearly, a change

in the executive officer would only require a change in the listing name and address. This will insure that people will be able to reach us via phone or mail no matter where the executive officer resides.

We are also looking into a "user friendly" state for us to re-incorporate. Presently, we are incorporated in Massachusetts. This state has incorporation guidelines which require meeting in the U.S. -- a restriction we would like to be able to bypass.

Finally, we will also include in our recommendation that an ad hoc subcommittee be formed, or an individual be selected, to be responsible for making arrangements for the annual conference site. This person should probably be appointed as soon as the site is established, should live in or near the site, and should act as host or co-host for the event.

Over the next few weeks, we plan to further explore the growth of the executive officer's job so that it can be better defined in terms of the time commitment, additional help needed, and the financial implications. If anyone has some input regarding any part of our task, please call Linda Wilcox at (617) 432-4040.

Comings (since April 1, 1993)

Welcome to *Kathy Baker*, Johns Hopkins University; *Kathleen H. Bouchard*, University of Southern Maine; *Judi Brophy*, Perot Systems Corp.; *Karen J. Challberg*, MIT Lincoln Laboratory; *Janice M. Charette*, Department of Public Welfare; *Frederic K. Conover, II*, The Faegre Group; *Charles N. Dawson*, Office of Assistant Secretary of Defense - Reserve Affairs; *Jessie L. Douglas*, Baltimore County Public Schools; *Thomas S. Fess*, Montgomery County Public School; *Jerome G. Fields*, City of St. Louis, Department of Corrections; *John W. Finarock*, U. S. Army Missile Command; *Patricia J. Folan*, New York Life Insurance Company; *Duncan C. Fowler*, State of Alaska; *Willie Mae Gallahan*, DOD-Department of the Army; *Tim D. Griffin*, Northern Illinois University; *Lucy L. Guernsey*, Seattle Pacific University; *Philip C. Gugel*, Hawthorne Management Company; *Richard A. Hansen*, New York Life Insurance Company; *Wilbur Hicks*, Princeton University; *Brodrick Wm. Hill*, Chevron Chemical Company; *Scott Hurley*, General Dynamics - Electric Boat Division; *Robert L. Hutchins*,

The Johns Hopkins University; *Marti Jutte*, Perot Systems Corp.; *Linda L. Kangur*, Chester County Hospital; *Jim Konetsky*, God's Love We Deliver; *Mary Mareno Kowal*, MIT Lincoln Laboratory; *Elizabeth Lorimer*, The Bank of Nova Scotia; *James J. Lucey*, U. S. Secret Service; *John T. Lynch*, MIT Lincoln Laboratory; *Wendy L. Mahle*, National Radio Astronomy Observatory; *Joyce Matheny*, TM Products Inc.; *Robert E. Mathews*, Mathews & Associates; *Susan Genevieve McAdams*, The Ovid Bell Press, Inc.; *David E. McCloskey*, Holliston Human Relations Commission; *Francine McFalls*, Royal Bank of Canada; *Alan D. Meyer*, United Parcel Service; *Jerry L. Murase*, Total Employee Relations Services, Inc.; *Richard L. Querze*, Buffalo Tire Corporation; *Beverly Raimondo*, John F. Kennedy School of Government (Harvard); *Dr. Benjamin D. Reese, Jr.*, The Rockefeller Foundation; *David Rehel*, Bank of Montreal; *Sallie Reid, PhD*, Pacific Graduate School of Psychology; *Holly Roos*, Life Management Systems; *John S. Stephenson*, W. J. Connell Company; *Beverly J. Taylor*, Prog. for Appropriate Technology in Health (PATH); *Donald R. Timms*, Cleveland Electric Illuminating; *Edward S. Warfield*, Johns Hopkins University; *Harry D. West*, United Telephone of Florida; *Cherryetta Williams*, General Board of Global Ministries of the United Methodist Church; *Clarence G. Williams*, Massachusetts Institute of Technology; and *Sue Rosenberg Zalk*, City University of New York.

New members who joined prior to April 1993, but were not listed in a previous bulletin

Kevin Chin, American Arbitration Association; *Claudia E. Cohen*, AT&T Easy Link; *Marion Cummings*, Lockheed Missiles & Space Company, Inc.; *Victoria J. Drew*, USDA, Forest Service; *Mercedes S. Evans*, Tufts University; *Carol Pianalto*, Social Security Administration; *June L. Pietrantonio*, Tufts University; *Nancy G. Radcliff*, Bronson Healthcare Group; *James W. Vice*, Loyola University Chicago; *Merle Waxman*, Yale University School of Medicine; and *Jill Miller Zimon*, Bellefaire.

**SEND ALL SUBMITTALS TO MARY G. SIMON,
AT&T, 1600 Osgood Street, Building 21-3S5, North
Andover, MA 01845, FAX (508) 960-1284**

The
Ombudsman
A S S O C I A T I O N

P.O. Box 7700 Arlington, VA 22207

TOA BULLETIN
May thru August 1994

DIRECTORY AND SURVEY

Attention! Your Ombuds survey and directory form are in the mail. If you were put off by some of the questions in the survey, please make notes on the survey form and return as many answers as you can. If you didn't receive one, call Mary Simon at (508) 960-6490.

The following is a message from Mary Rowe which went out on the email network, and is reprinted here with her permission.

THIS MESSAGE IS IN RESPONSE TO THE MANY MANY COMMENTS ON THE QUESTIONNAIRE.

We are now collecting more comments on the questionnaire. (200+ have come in, and we are still getting requests for surveys from ombuds who have heard about the survey.)

First, let me say self-servingly that sixty or so people have thanked us for trying anything, however infirm, to get going in this area. We are particularly being thanked for doing a salary survey. I write this first sentence partly to ask everyone: *****please to consider answering some of the survey even if you think that the rest is intolerably useless...especially to consider answering the salary question.*****

LOTS OF PEOPLE ARE WRITING ON THEIR QUESTIONNAIRES AND SENDING THEM BACK WITH THEIR MACHINE SCORABLE SURVEYS. THIS IS FINE. WE ARE COLLECTING ALL PROSE INFO (FOR EXAMPLE, SOME O's REPORT TO THEIR TRUSTEES OR TO OUTSIDERS OR GOVERNING

BOARDS). We plan just to attach this information in summaries of answers. As with all other data, when we have retrieved the data we are destroying the paper that you send back, to preserve privacy...so if you think that you can contribute any info on a basis acceptable to you, please do so.

In answer to two questions, we are not scrapping this survey -- at least not until we examine the computer data (smile) -- because so many people want back whatever info we can garner.

Several Canadians have asked that the Canadian salaries be separately averaged. Until we began to get some dozens of replies from outside the US, I was reluctant to do this. This now makes sense to me -- what we did was to pull out all non-US stamped envelopes and those will be run separately through the computer. I agree with the people who thought that answering in "US dollars" can be seen as US chauvinist piggery, though the reasons for establishing a common base are also obvious.

I think that this question along with many others needs to be remanded to a committee to work out the next questionnaire. I very much agree that we want to set up a pan-ombuds mechanism to collect data...and I hope that the question will be considered by the ombuds association heads as they meet in Chicago in early November. We should be able to draft a new questionnaire to go out no later than the summer of '96 -- but hopefully yearly.

TO SPECIFIC QUESTIONS: Fill in blanks on numerical questions with answers placed snug to the RIGHT-hand margin. The decimal point is on the right.

If this baffles you, be of good cheer, others are in the same boat. Write your answers on paper and we will fill in the machine-scorable survey.

Q. 8-12: THE TERM "CLIENT" IS MEANT TO REFER TO ALL IN YOUR CONSTITUENCY WHO ARE NOT EMPLOYEES (AND MANAGERS) OF YOUR EMPLOYER. "Clients" refers to citizens if you are a public ombud...prisoners, if you are a prison ombud, ...vendors, if you are a procurement ombud, etc....students if you are an academic ombud, etc. If you deal with both clients and employees of your employer, separate those categories in answering 8-11. Then total in 12.

If your numbers are over a million, fill in all 9's: 999,999.

If you have an odd problem (e.g., how many university alumni are in my constituency?), make a good faith estimate and tell us about it. For example, I estimated the size of the alumni constituency that generates the number of alumni who call me, by assuming the same fraction of alumni call me as the proportion of students who call on me. Or if this irritates you, leave the question blank (thus returning a conservative estimate of your total constituency). Because of this problem we will report these data just saying that for these reasons the numbers given are a conservative estimate.

Other countries: If 99% of your visitors and callers are from your workplace, then you are "one country." If you deal with a lot of international visitors, vendors, clients, parents, students, etc. -- such that a significant part of your time and budget goes for international outreach, then list many countries... Again, we will report this with mention of the questionnaire problem...as a conservative estimate.

Cost-effectiveness: This question is in by popular demand because the data on it from the last three surveys were so interesting. Of course the answer is an

estimate. And it may be self-serving. And of course it is a tiny indicator of our cosmic effectiveness. (Please refer to the articles that have been written on how to think about cost-effectiveness of an ombud). But it is there because it is the single easiest way to provide at least some response to the dozens of employers who ask how to think about ombuds cost-effectiveness. Again...a good question for the next questionnaire committee -- yes?

So -- this is the first step of a long journey, not the end of the road.

OMBUDS OPENINGS

Lou Garcia has offered to provide a clearing house for Ombuds openings. If you are looking for an Ombuds position, call Lou and he will then inform you when he hears of openings.

1994-1995 TOA BOARD

The TOA Board thanks "retiring" directors John Murphy and David Nassef. We welcome Linda Wilcox, Michael Birnbaum and Elizabeth Clark to the Board. Congratulations also to Tom Furtado, our new President; Marsha Wagner, Vice President; Toni Robinson (continuing) Secretary; Linda Wilcox as Treasurer; and Vince Riley (continuing) Executive Officer.

Other members of the Board are as follows: Mary Rowe (Emerita), Howard Gadlin, Lou Garcia, Joan Helmes, Eugene Herbert, Janet Newcomb, Mary Simon, Ella Thurman, and Carole Trocchio.

Please keep in touch with members of the Board with your ideas and interests throughout the year.

TOA OFFERS OMBUDSMAN TRAINING

TOA offers a range of training for both the new and experienced ombuds. In 1995 TOA will offer two Ombuds 101 programs for the new and "nearly-new" ombuds practitioner. In addition, an Ombuds 202 and Ombuds 303 will be offered to experienced neutrals who wish

to improve their skills in the profession. Brochures for these training programs are being developed and will be mailed to members of TOA et al during the last quarter of '94. Watch for these mailings and for further announcements in upcoming editions of the TOA Bulletin.

JOINT ACCUO AND UCOA MEETING

Submitted by Marsha Wagner

The Association of Canadian College and University Ombudspersons (ACCUO) and the University and College Ombuds Association (UCOA) presented a joint conference in Ottawa, Ontario, June 11-15, 1994.

The conference program, entitled "Back to Basics," emphasized the definition of ombuds roles and functions (an interesting parallel to the current work of the TOA Standards Committee). There were sessions on varieties of ombuds practice in different contexts, interpretations of confidentiality and neutrality, and what should be specified in a mandate or terms of reference. Discussions focused on how ombuds might avoid testifying in court and how an ombuds might respond to an allegation of error or poor practice.

For example, a number of practicing ombudspersons from the US and Canada gave accounts of how they had avoided being called to testify. Some expressed the opinion that instances of ombudspersons being asked to participate in adversarial procedures are increasingly frequent. A number of speakers stressed the need for clarification of protecting ombuds' records and memories from disclosure or discovery in terms of reference and the need for statutory protections in shield laws.

In cases of internal allegations of bad advice or poor practice coming from the ombuds office, it was proposed that the ombudsperson might decline to participate in any formal grievance or adjudicatory procedure within the institution, but to offer that if visitors to

the ombuds office had misgivings or criticisms or if there were a conflict between the ombudsperson and a visitor, an informal dispute resolution structure might be initiated. For example, someone from the President's or CEO's office might serve as a confidential mediator between the two parties, or some informal resolution of a misunderstanding or off-the-record settlement might be arranged.

Another presentation ran an entire morning, and explored how to do a thorough and systematic information investigation.

Later in the program, participants chose round table discussions on subjects such as how to evaluate an ombuds office, handling conflict of interest concerns, crisis response teams, research projects, and stress management.

Other sessions included a presentation on privacy issues on the internet, copyright and intellectual property ownership policies, mediation and informal conflict resolution in New Zealand, and a beginners workshop.

The conference hospitality was extraordinary. Ottawa is a lovely city in which to take trolley tours, enjoy long walks into the countryside, jog along the canal, or sample the multicultural fare at British pubs and French bistros as well as many other international restaurants. Organized by Jim Kennelly, the Carleton University Ombudsperson, official events included an elegant banquet and reception at the famous Chateau Laurier Hotel, a day of meetings inside the Canadian Parliament buildings, another day of meetings on the Carleton University campus, and a lively picnic on board a 3-hour steam train ride through the Canadian hills.

OPINION PIECES

Tom Crum - a refreshing addition to the conference by Nancy Radcliff

Tom Crum was a refreshing addition to the conference. A lot of times in such a

stressful job as ombudsmen, we do need to remember to take care of ourselves and to not only remain "centered" within our speaking and behaviors to our employees/clients, but also to ourselves. As we give all day, we need to realize that we need to be replenished also, and I think that Tom Crum gave us a window of that vision.

Ponders and Postulates on Thomas Crum's "Aikido" Perspective View of Conflict Management by Marty DePalma

At the TOA Conference (Chicago, May 18-21, 1994), Thomas Crum presented a workshop entitled "Methods of C/M Aiki Works, Inc." The question that quite a few Ombudsmen posed is this: what is the nexus between Aikido - CM and Ombudsman work? My humble opinion is that Mr. Crum failed to provide this nexus.

Mr. Crum is keenly knowledgeable in Aikido, which has the philosophical underpinnings of the "east" and its framework, or paradigm, to conflict. However, it is an approach to personal conflict and stress. If an Ombudsman can truly understand and accept this paradigm, as opposed to the power paradigm, he or she can capably handle stress and conflict better, but does this ability provide a significant contribution to the work areas involving Ombudsmen? These are of course the everyday decision making, problem solving working relationships created by the workforce. I think not, but you can answer that individually.

To his credit, Thomas Crum did provide us with insight into conflict and change. He understands the cumulative learning process and assumption made from different frameworks (e.g., the opposing paradigms of Limits of Perfection, Work and Struggle, and the Power of Discovery). Mr. Crum's conclusion, I believe, is that relationships dealing with conflict and solving problems need to be taught early on to children to avoid violence.

There is nothing mystical about what was presented such as centering, force/power, and accepting emotions. It can all be explained in a western philosophy. Give me a call, or see me if you enjoy conversation in the arena of conflict and different philosophical frameworks. I love conversations on assumptions and anomalies.

Marty DePalma, Lieutenant, United States Secret Service Uniformed Division (202) 634-2225

MOVIE REVIEW

The Story of Qiu Ju, Beijing Film Academy, The Youth Film Studio 1993, by Carole Trocchio

I had read about this movie and wanted very much to see it as the story dealt with a dispute and one individual's attempt to get satisfaction. The movie was filmed in China (English sub-titles), and takes place in a village province, where Qiu Ju and her family are peasant farmers. The story begins with Qiu Ju taking her husband to the doctor in the city. He was pushed by the Chief of the village and injured. The doctor examines the husband and gives them a receipt which the wife, Qiu Ju, promptly brings to the Chief. She wants him to do "what's right." The Chief pretty much ignores the pleas of Qiu Ju.

In China there are a series of dispute resolution steps available to its citizens. Mediators are sort of a combination mediator and arbitrator. They talk with both parties and offer a decision. If the decision is accepted by both parties, fine, the dispute is ended. But, if one of the parties does not like the proposed resolution of the mediator, he or she may appeal to the next higher level.

Qiu Ju was not happy with the decision of the mediator, she wanted something more from the Chief -- she wanted an apology! The Chief not only refused, but attempted to humiliate her while reimbursing her for the doctor bill, which was the solution proposed by the mediator.

Qiu Ju, who is obviously well into a pregnancy, treks from the country into the city to avail herself of the next level of dispute resolution. Again, she gets no satisfaction. She makes several attempts, at several levels, but still she cannot get what she wants -- an apology.

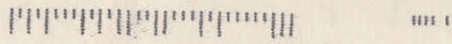
I don't want to spoil the ending for those of you who might be interested in watching it, so let me just say that the story culminates in an ironic twist and is a "must see" for dispute resolution practitioners.

COMINGS

Welcome to *Tom Barnette*, American Express; *Dawn C. Bechard*, Juvenile Court Commission; *Richard O. Belden*, Sikorsky Aircraft; *Timothy E. Blewett*, McDonald's Corporation; *Vincent F. Cervellieri*, IMO Industries; *Alma L. Clark*, Seattle School District #1; *Victor J. Davis*, Bristol-Myers Squibb Company; *Rudolph V. DeLeon*, County of Los Angeles; *Susan DelGrippe*, Otis Elevator Company; *Martin C. DePalma*, U.S. Secret Service; *Judy A. Duncan*, United Technologies Automotive; *Wendy Friede*, American Express; *Helen Hasensfeld*, California Institute of Technology; *Richard Hebein*, Bowling Green State University; *Alexander B. Jamison*, American Express; *Barbara J. O. Katz*, Library of Congress; *Paul Kelley*, Polaroid Corporation; *Gloria Kirchheimer*, Social Science Research Council; *Kayla Kirsch*, Far West Laboratory; *Robert Klomp*, Frequency Electronics Inc.; *Robert T. Linquanti*, Far West Laboratory for Educational Research & Development; *Elaine M. Lutkitz*, Federal Reserve Bank of San Francisco; *Judith A. Matousek*, The Upjohn Company; *Janice Moore*, Moore Consulting Services; *Thomas J. O'Brien*, Met Life Insurance Company; *Cindielie Pow-Sang*, Allied Signal Air Transport Aeronics; *Laurie Winans Reiser*, AT&T Global Information Solutions; *M. Kimberly Rupert*, American Express Company; *Charlotte W. Selvidge*, Pratt & Whitney - Govt. Engines & Space Propulsion; *Robert J. Sheardy*, Pacific

Bell; *Sharan M. Solie-Dashner*, EG&G Florida, Inc.; *Janice Thaxter*, Norden Systems; *E. Shirley Thomas*, U.S. Department of Energy; *John J. Upchurch*, Cobb Cole & Bell; *Jayne K. Vicelich*, Sony Electronics Inc.; *Dr. Geoffrey Wallace*, University of California at Santa Barbara; *Bradley M. Weiss*, Library of Congress; *Diane Weitzel*, Canada Trust; *Sharon R. Williams*, AT&T Network Systems; and *Nathaniel E. Wilson*, Smithsonian Institute.

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TOA BULLETIN
September 1994

TOA CONFERENCE 1995 - A CALL FOR POSTERS Submitted by *Justine Sentenne*

In preparation for the new Orleans TOA Conference, it is my pleasure to invite you to send me any material you may have to help make this second Poster Session a success.

Some of the topics suggested are:

1. Ombuds Reports

Annual reports, or anything else used to indicate the output of the Ombuds office in any given period. Statistical surveys, trend lines, support received or denied, etc. Respect of confidentiality in reporting techniques. General comments on the function and its usefulness in the organization.

2. Confidential Investigating Techniques

When an ombuds interviews, what approach should be used? How to conduct fact-finding, what to do in a difficult situation (sexual harassment, stalking, violence, etc.). How much information is necessary, how to protect confidentiality of sources of information, who should be told what and when?

3. Dealing with Violence in the Workplace

Two years after our initial discussion of this topic, how are ombuds dealing with these situations? Particularly how to cope with the fear, the presence of a potentially violent person, the aftermath of violence.

4. Closing a Case

When does an ombuds terminate a situation, how and what needs to be done? How to deal with "repeat cases" and chronic complainers? Is time a factor in solving some cases.

5. Ombuds Networking

Within the corporation, how does the ombuds walk the fine line between the

chummy-chummy and the negative cold-stare relationship? How does ethics play a role in the neutrality of the ombuds office while allowing necessary hierarchical contacts? Should the ombuds cut off any networking links? If so, which ones?

Please feel free to alter any of the above or suggest other topics. Also, we would be glad to welcome "volunteer ombuddies" to handle these poster sessions, please indicate your interest. I look forward to your comments, suggestion and participation, please send to: Justine Sentenne, Corporate Ombudsman, Hydro-Quebec, 75 Rene-Levesque Quest, 3rd Floor, Montreal (Quebec) H2Z 1A4. Phone (514) 289-4846. Fax (514) 289-2541. E-Mail: Justine_Sentenne@INFOPUQ.UQUEBEC.CA

OMBUDSMAN 202 Submitted by *Carole Trocchio*

This training program is designed for the ombudsman who has been practicing the profession for at least a year or has completed Ombudsman 101. Ombudsman 202 is an intermediate program that focuses on expanding information, skill building, neutral listening, and practical application of conflict management techniques. Ombudsman 202 combines lecture and role-play activity dealing with diversity, defensive management, and confidentiality.

Attendance for this two and one-half day training is limited to 40. Ombudsman 202 Training is offered once a year. The next program is scheduled for February 14th in San Francisco, California. The cost is \$590.00 with a discount fee of \$500.00 for TOA members. The fees do not include travel, hotel, or evening meals.

Watch your mail for 101 and 202 Ombudsman Training Brochures and register early – space is limited!!!

GREAT LAKES REGIONAL OMBUDS MEETING Submitted by *Ella Thurman*

On Thursday, September 29, 1994, a group of ombuddies from the Great Lakes Region held a meeting at Kalamazoo, Michigan for the purpose of just being together. It was the first time ever for a gathering of ombuddies from the region. The effort to get the group together was spearheaded by Elizabeth Clark from the dynamic ombudsman office at the Upjohn Company in Kalamazoo.

The meeting convened at 11:00 a.m. at the Bravo Restaurant where following the introduction or re-introduction of everyone in attendance, lunch was served. After lunch the group settled in and held some rather lively discussions surrounding consensual relationships on the job, sexual harassment and a number of other topics. The sharing and exchange of ideas regarding how various members approached such issues was electrifying.

All who attended the meeting were in agreement that it was very productive and that repeats of the same should occur in the future on a two times per year basis. It was decided that the Great Lakes Regional would meet next in Toledo, Ohio in early spring of '95 before TOA's Annual Conference in New Orleans.

Fifty percent of the ombuds from the region who were invited attended the meeting. Participating ombuds were from a variety of businesses such as healthcare, automotive, energy/utilities and pharmaceutical.

The meeting ended on a very positive note. Ombuddies lingered and talked individually with others before taking the journey home. For some the journey home was as much as five to six hours of driving.

DIVERSITY CHAMPIONS COURSE Submitted by *Mike Birnbaum*

The Diversity Champions Workshop I attended was put on by the Kaleel Jamison Consulting Group (KJCS). Sandia is trying to get about 10% of the employees, including senior management, to take on the role of diversity champions. On a personal level, the workshop was a catalyst to my continuing my own growth. It was an

excellent next step after the Covey, Active Communicating, and Social Styles classes. Over the last several months, there were times when I got glimpses into my heritage and roots regarding my family's immigration to this country. I have had thoughts regarding my basically being a first-generation American, and what this meant to me. There were times when I wondered about the experiences my family went through, upon entering this strange country, where they did not speak the language of the majority, and where the customs were so different. Listening to my fellow participants speak about their backgrounds and struggles enabled me to finally get my thoughts and feelings straight on this subject. Thus, I was able to make a little more progress in better understanding myself, which hopefully will help me to also function better at work.

There was a great deal of active participation woven into the class, interspersed with short facilitator led dialogues. There were discussions on how to deliver and receive messages, and examination of what social groups you identify with (e.g., be it ethnic, racial, physical ability, mental ability) and why. It was truly a soul searching experience. The handouts for later reading were numerous, thus providing for greater analytical depth and study.

RELATIVELY PAINLESS TRAINING Submitted by *Mary Rowe*

In 1993 MIT adopted an interesting new mode in diversity training. This training uses videos of supervisors in action. The videos are for training supervisors and other complaint handlers on how to deal with all forms of harassment and discrimination. The innovation is that discussion is basically about "how is the supervisor in the videotape doing, and how could the process have gone better?" --which appears to get the attention of all who see the videos. Almost everyone in the world likes to critique the performance of others, and, as a result, there has been remarkably little boredom or backlash.

The Institute uses MIT people playing in video-taped skits: one on race, one on gender, one on religion. (All tapes also

raise issues of possible poor supervision and/or possible poor performance or poor performance evaluation -- just to be sure that the skits are completely realistic!) The focus is on options open to the complainant and the supervisor who learns of an allegation of discrimination.

Use of these tapes has led to hot discussion. And it also instigates many questions of the sort that one wants supervisors to be asking -- about policy, definitions, legal considerations, moral considerations, the nature of racism and sexism and the like.

RECOMMENDED BOOKS submitted by Mike Birnbaum

"Dealing with Difficult People: An Understandable Practical Guide," by Ben Bissell, 1992, Shirah Publishing, Richmond, VA.

"Managing Corporate Ethics," by Francis J. Aguilar, 1994, Oxford University Press.

"The Rage of a Privileged Class," by Ellis Cose, 1993, Harper Collins.

UC OMBUDS JOB LISTING

The following is a job listing from UC Santa Cruz. Interested applicants should contact: Barbara Parees, (408) 459-4335, barbra@ua.ucsc.edu.

The Ombudsman is a neutral party that offers informal and confidential advice, problem solving, mediation and conflict resolution to all members of the UCSC community. The Ombuds staff attempt to facilitate equitable resolution by encouraging direct interaction between involved individuals and by supporting individual responsibility for resolution. Ombuds procedures do not replace formal grievance or hearing procedures or other established processes. The Ombudsman assists individuals in evaluating options available to them within the institution in a confidential and non-partisan manner. The Ombudsman acts independently, but reports to the Executive Assistant to the Chancellor for budgeting and administrative matters.

Incumbent provides confidential advice, investigation, mediation, crisis intervention,

and resolution of complaints from all campus constituencies. Complaints vary and are sensitive, politically complex, or controversial in nature, and may have a major campus-wide impact. Incumbent identifies and resolves problems or issues before they escalate. Where relevant, recommends improvements of campus-wide policies and procedures to senior-level administrators. Provides conflict management training programs throughout academic year.

The National Association for Mediation in Education (NAME) is seeking a part-time Editorial Consultant to assist with the development of the organization's national Publications Clearinghouse. The primary task of the Editorial Consultant will be to review manuscripts under consideration for publication. Once a manuscript has been selected as appropriate for the NAME's Clearinghouse, the Editorial Consultant will then work with the authors toward preparation of a final document. Desired skills and experience include: background experience editing manuscripts; dedication of approximately 100 hours of time per semester to the job; ability to meet deadlines; ability to work closely with NAME's Coordinator of Publication Services; initiative to work autonomously; access to, and familiarity with electronic mail via the internet; familiarity with conflict resolution in educational settings.

NAME is committed to being socially diverse. We feel that social diversity brings strength and unity to NAME and to the field of conflict resolution in education. Our definition of diversity includes, but is not limited to diversity of race, class, gender, sexual orientation/preference, religion, physical and mental ability, age, national origin, and role in the educational community.

SALARY - NAME would provide up to \$2500 per semester to be used by the Editorial Consultant for a one course release at her/his college or university. Minimum commitment of two semesters required.

DEADLINE - Letters of application should be received for review by December 1, 1994. The intention is to notify search finalists by December 15, and reach a final decision before the end of December.

APPLICATIONS - Interested applicants should send their vita, names and contact information for three references, and a cover letter explaining the candidate's appropriateness for the position to: Bill Warters, Chair, Higher Education Committee, Department of Dispute Resolution, Nova Southeastern University, 3301 College Avenue, Ft. Lauderdale, FL 33314. Phone (305) 424-5703, fax (305) 424-5711.

OMBUDS MALAPROPISMS

Do you have examples of an ombuds malapropism? The current list includes:

- OMBUDDY (of course)
- ALMSMAN
- OM! (as in -- oh thou jewel in the heart of the lotus flower)
- NOW YOU ARE UP COULD YOU GET ME A BUD?
- OMBOSOM (refers to a female practitioner)
- OMNIBUSMAN (refers to a swiftly moving ombud)
- "OMBUESMAN," this is a particularly nice one because its so close to both "ombluesman" or "imbuesman."
- NATURAL BUD AND BUD LITE (refers to ombudspersons of color and colorless ombudspersons)
- HOW DO YOU COLLECT OMBUDS? -- IN A BUD VASE OF COURSE.
- HOW MANY OMBUDSPEOPLE DOES IT TAKE TO CHANGE A LIGHT BULB? --THE ANSWER CANNOT BE KNOWN WITH PRECISION SINCE WE DO NOT CHANGE THINGS AND CAN ONLY MAKE RECOMMENDATIONS.
- AND OF COURSE "DEAR EMBALSMAN".....

WHEN? WHERE? Submitted by Vincent J. Riley (Results of a survey of site preferences taken of TOA members, May/June 1994.)

Members will recall that at our May conference in Chicago, TOA again circulated its annual "When? Where?" questionnaire to measure members' preferences regarding future meetings. Those unable to attend the Chicago conference received a questionnaire by mail.

The results: a very strong preference for the west.

The questionnaire listed 26 cities, grouped in six regional clusters. Each person was asked to check no more than three cities. A total of 78 returns was received.

The preferred conference site, by far, was Seattle, with 27 votes. Interestingly, nearby Vancouver got 12 votes, eight of them on ballots where Seattle also was checked. Four other cities scored above 15. San Diego topped this list with 19, followed by Baltimore/Washington, Montreal, and Phoenix, with 16 votes each.

Only eight other cities had vote totals in double digits: Albuquerque (13); Vancouver (12); Boston (12); Orlando (11); Denver (11); San Antonio (10); St. Louis (10); and Los Angeles/Long Beach (10).

Regionally, the westward tilt was even stronger. Texas and the Rockies got 61 votes and the Pacific Coast (not including the votes for Vancouver) got 56. The other regional totals were Canada (43); Eastern U.S. (36); Midwest (27); and Florida (15).

Cities where our Association has met recently, and New Orleans, where we will meet in 1995, were intentionally not included in the list. Nevertheless, there were a couple of write-ins for Chicago and San Francisco.

In the past, we also had questions about "When?:" This has two aspects: time of year and time of week. Time of year is largely settled by our Articles of Organization, which point to an annual meeting in mid-May, but give the Board some latitude in choosing an alternative date. Nevertheless, after the inaugural conference on Cape Cod in July 1984, our meetings have fallen between April 24 and

May 25. As noted, next year's will be in New Orleans, April 26-28.

In regard to time of week, this year we wrote:

Past surveys show clear preferences for meeting at the beginning of the week (Monday to Wednesday) or at the end (Wednesday to Friday). Mid-week and weekend meetings get little support. Members also favor a city/downtown location, rather than a resort, suburban, or airport site. Unless a change of sentiment is indicated, we take these two parameters as "givens."

While we have heard no indication of changed sentiment, one respondent objected to our assuming such "givens" and suggested we resurvey this at every conference. The point was well taken; these questions will be reasked in the future

You will note, of course, no conclusion yet about our 1996 conference. The reason is the planned meeting, in early November, of the heads of several ombuds organizations (including TOA), which will be exploring the possibility of a joint "Super Conference" in 1996, a concept endorsed by several respondents. The results of our 1994 survey, and some past ones, will, of course, be available to the TOA representatives at that meeting.

RUSSIAN DELEGATION VISITS MINNESOTA TO STUDY PROGRAMS, TECHNOLOGY FOR HUMAN RIGHTS OMBUDSMAN EFFORT

MTI Group Provides Computer Network Expertise, Methodology for Model Program. MINNEAPOLIS, August 31, 1994 - In an effort to build a human rights program to investigate citizen complaints about government, a Russian delegation visited Minneapolis-St. Paul August 26 and 27 to meet with ombudsman organizations and computer networking companies.

"Russia is trying to build a human rights ombudsman agency that could serve as a model for other countries, especially in Eastern Europe," said Duncan Fowler, deputy Iowa state ombudsman, who

traveled with the delegation during its Minnesota visit. "The delegation's objective is to learn about the structure and projects of U.S. ombudsman programs and to help the agency's computer specialists get technical assistance in planning, establishing, networking and using information systems."

Appointed by Russian President Boris Yeltsin and approved by the Russian legislature, the Russian Ombudsman Office will have a staff of 270 people and expects to handle more than 160,000 complaints in its first year of operation.

To develop this extensive program, directors from Russia's National Human Rights Agency studied the practical work of U.S. ombudsman organizations. At the same time, technical representatives met with specialists from Hewlett-Packard; MTI Group, a Minnetonka, Minnesota-based professional computer network services firm; and Enterprise Solutions, an Eagan, Minnesota-based company that develops client/server business solutions for customers.

"We are very gratified to have the opportunity to assist Russia in an endeavor that is so important to that nation, as well as to the wider region," said Jerry Ford, MTI Group president. "Besides providing technical knowledge, we outlined a comprehensive, step-by-step methodology that MTI Group uses to deliver enterprise networks to customers. That proven methodology will be as important as technical know-how in the development and ongoing management of a network to handle citizen input and meet human rights needs in Russia."

MTI Group's methodology is called Network Wellness™ and includes assessment, planning and design, implementation, and management of enterprise networks.

"It (the discussion) was more than we had hoped for," said Alexandr Ladov, an expert programmer for the Russian President's Commission on Human Rights. "The meetings have helped us understand how to define our problems and plan approaches to solve them."

The delegation's Minnesota stop was the second in a two-week tour that also included visits to Anchorage, Alaska, and Washington. The mission was funded by the U.S. Agency for International Development and coordinated by the U.S. Ombudsman Association in conjunction with the Alaska, Minnesota and Iowa ombudsman offices. In recognition of the Minnesota visit, Governor Arne Carlson proclaimed August 26 "Russian Federation Ombudsman Day." The delegation currently is in Washington meeting with the United Nations Development Program to discuss future funding.

The Iowa Office of the Citizens' Aide/Ombudsman is a legislative office established in 1970. Its charge is to independently investigate citizen complaints about government and make findings and recommendations that will improve the fairness and administration of government.

MTI Group serves more than 350 clients from offices in Minneapolis; Des Moines, Iowa; Washington; and Fargo, North Dakota. The company, founded in 1990, had 1993 revenues in excess of \$9 million.

COMINGS

Welcome to *Yvonne Amundson*, Harvard University/JFK School of Government; *Lyn Blatch*, International Monetary Fund; *Joseph P. Castellano*, Sandoz Pharmaceuticals; *Kim Charleston*, Nationwide Insurance Enterprise; *Betty B. Hable*, Texas Department of Protective & Regulatory Services; *Karen Grace Kaho*, Santa Clara County - Social Services Department of Family & Children; *Diane Pattee*, American Express Company; *Kathleen A. Peirce*, University of Connecticut Health System; *John J. Rizzo*, American Express.

SEND ALL SUBMITTALS TO MARY G. SIMON, AT&T 1600 OSGOOD STREET, BLDG. 21-3s5, NORTH ANDOVER, MA 01845, FAX (508) 960-1284

The Ombudsman
ASSOCIATION

P.O. Box 7700
Arlington, VA 22207



Mary Rowe
Special Assistant to the President
Massachusetts Institute of Technology
77 Massachusetts Avenue, MIT 10-213
Cambridge, MA 02139



The *Ombudsman*

A S S O C I A T I O N

TOA BULLETIN January & February 1995

The TOA Bulletin is an informal communication mechanism for TOA members. It includes articles written by individual members which present the views of those individual members. Including these articles in the Bulletin does not represent endorsement by the Board of Directors.

TOA ANNUAL CONFERENCE

The 1995 Conference will be held April 26-28 in New Orleans. The Conference Information packets will be mailed to all TOA members the week of February 27th. This is a very busy time in New Orleans, so sign up immediately for hotel rooms and get your conference registration back to Carole.

CALL FOR POSTERS by *Justine Sentenne*

The September 1994 TOA Bulletin referred to the upcoming posters session at the 1995 Conference and offered five topics of interest to ombudspersons. As time draws near, these topics are still available for presentation in New Orleans. I thought someone else might have some pertinent information to share with us. Despite their busy schedules, I have prevailed upon Nancy Radcliff and Ann Bensinger to help me out in setting up some of these sessions but still need the assistance of volunteers to help staff these sessions.

1. Ombuds Reports - Nancy Radcliff, Ombudsperson of Bronson Healthcare Group has agreed to arrange for table-top displays of her latest report. This topic covers reports or any other instrument of reporting used to reflect the work/output of the Ombuds office, for any given period. Statistical surveys, trend lines, reporting techniques, etc.
2. Dealing with Violence in the Workplace - Ann Bensinger, Consulting Ombudsman has agreed to receive material related to this topic. An update on a topic discussed at the San Francisco Annual Meeting in 1993. Coping with fear of

violence, the presence of potentially violent persons and the aftermath of violence. Development of corporate policy in this respect.

3. Confidential Investigating Techniques - How is complaint investigating done? Particularly in cases of workplace discrimination and harassment and human rights. How much information is necessary, how to protect confidentiality, who should be told what and when.
4. Closing a Case - When does an ombuds terminate a case, how and what needs to be done? How does one treat chronic complainers and "repeats". How much is time a factor in solving some cases.
5. Ombuds Networking - Within the corporation, how does the ombuds walk the fine line between the very friendly or very distant relationship? What part does ethics play in the neutrality of the ombuds office, while still allowing necessary line management contacts. Should the ombuds office cut off any corporate networking links?

I would be happy to discuss your involvement and participation by 15th April 1995, at the latest. Here are my various points of contact:

Mail: Justine Sentenne,
CorporateOmbudsman,
Hydro-Quebec,
75 Rene Levesque Blvd. W.,
3rd Fl. (391.S),
Montreal, Quebec H2Z 1A4

Fax: (514) 289-2541

Telephone: (514) 289-4846

E-Mail: fr5004@mailgtway.vpi.hydro.qc.ca

EAST COAST AREA OMBUDS GROUP MEETING

The next ECAOG meeting will be Tuesday, March 7, 1995 at MIT. The tentative agenda includes: the viewing & discussion of MIT videos on "isms" in the morning. In addition

to updating us on organizational activities and events we will use the afternoon to discuss pertinent issues or situations and/or the presentation of a case. Call Linda Wilcox at (617) 432-4040 for more information.

CANADIAN OMBUDSPERSONS by *Justine Sentenne*

Since I have been an ombudsperson at Hydro-Quebec in May of 1991, I have participated in five meetings grouping Canadian ombudspersons in various fields and from different areas (2 in Toronto and 3 in Montreal).

The latest meeting grouped 21 of us and was hosted by Elizabeth Lorimer of the Bank of Nova Scotia in Toronto on November 22nd 1994 and covered the following topics:

- A review of TOA activities (Annual Conference, standards, code of conduct, current initiatives, benefits of membership, etc.)
- Record-keeping
- Reporting data outside the Ombuds Office
- Privileged information
- Dealing with "repeat and habitual clients"
- What cases does the Ombud accept/reject? (viz harassment/discrimination).

The next meeting will be held at Hydro-Quebec on Monday, 27th February and will address the following:

- Up-date on the last Canadian group meeting in Toronto
- The rapprochement of various ombud groups (TOA et al.)
- Presentation on one-stop wicket for acts of violence in the workplace by an outside consultant with large local government.
- A review of current local developments in the field
- Review of statistical and other reporting techniques.

So far some 20 ombudspersons have accepted the invitation and other topics may be added to the agenda as the list grows. These ombuds are in government, healthcare and the corporate sectors. At these meetings, TOA material is distributed and new contacts are established for future networking.

Since Canada is 1/10th the size of the USA, and Canadian legislation is somewhat different, it is more difficult for us to network specifically in our own working area, but the cross-over of interests has been quite beneficial to all our meetings so far. Hopefully, our informal group will continue to serve our local needs.

BUSINESS ETHICS CONFERENCE

The Conference Board's 1995 Business Ethics Conference is May 2-3 in New York City. There will be a panel discussion about structuring the ethics office including comparisons of ethics versus Ombuds offices. John Strickland of McDonnell Douglas Corporation and Mary Simon of AT&T are on this panel. For more information, call (212) 339-0345.

WHAT DO WE CALL OURSELVES? *This is Mary Rowe's response to an e-mail discussion about what we call ourselves - reprinted with her permission.*

Someone on e-mail asserted that the word "Ombudsman" is the only correct term in Scandinavian for what we do and asserted that "Ombudsman" is not a generic male.

I was asked what I think about the words "ombudsmen" and "ombudsman." I think the derivation from the Old Norse is irrelevant and not the way to settle the question for TOA.

What matters -- as with all evolving language -- is what it connotes in North America. There is no doubt what it connotes in North America in the 1990's, that is to say a generic male, so the views of the Old Norse do not seem to me to be the appropriate basis for discussion. There is by the way, controversy on that point -- the Harvard prof of Old Norse says -- "of course it is a generic male."

Think of the terms that 18th century Americans applied to people of color. We would not use them even if other countries did.

(Also some Scandinavians are switching over, or so I was told by a passing ombud.)

My own view is that each practitioner should decide his/her own title and talk and write as

he or she will -- I use all forms of the word when I am speaking, probably including generic male words.

WHAT DOES TOA CALL US?

Standardized Language:

The TOA's Communications Committee has recommended the following standard language in an effort to provide consistency and clarity in materials published and presented by The Ombudsman Association:

Ombudsman (singular).

Ombudspeople (plural, one word).

Ombuds practitioner, ombuds concerns, etc. (two words).

Organizational ombudsman (to differentiate from classic ombudsman).

Internal organizational ombudsman (to identify those ombudspeople who are employed by the organization).

External organizational ombudsman (to identify those ombudspeople who contract as a provider of ombudsman services).

Specialty Ombudspeople (to identify either internal or external ombudspeople who deal with a narrowly defined population such as children or crime victims).

RECOMMENDED READING Submitted by Marsha Wagner

Bebe Moore Campbell's powerful novel, Brothers and Sisters (New York: G. P. Putnam's Sons, 1994) is set in the tense Los Angeles aftermath of the April 29, 1992 riot following the Rodney King verdict. The portrait of the reeling and healing of a multicultural city is provocative, but the novel explores more personal issues as well.

On one level, Bebe Moore Campbell investigates whether friendship is possible between a black woman and a white woman who are professional colleagues: neither character is flawless and the author subtly probes the distrust and unfamiliarity, as well as attraction and commonality, each feels for the other. Beyond that, the inter-racial friendship theme expands in the portrayals of cross-race dating, cross-class dating, traditional marriages and affairs, as well as sexist and non-sexist courtship.

At the center of Brothers and Sisters' large cast of characters is the urban bank that brings them all together. "Angel City Bank"

needs an ombudsman! The novel dramatizes dozens of would-be ombuds workplace "cases," including scenarios of sexual harassment, embezzled funds, complicated racial factors in hiring and promotions, seething resentment at being passed over for promotion, mentoring, networking, unsuccessful diversity training programs, corruption, abuse of power, and mid-life crises. The dramatis personae, bank employees from the most junior teller and mail deliverer to the president and chairman, also appear to us in their family contexts, enriching our understanding of the complex social, economic and ethnic factors that motivate today's urban workforce.

Bebe Moore Campbell demonstrated that she is a major African-American writer in her acclaimed first novel, Your Blues Ain't Like Mine, which begins with a small-town Mississippi white-on-black murder and trial (very similar to that of Emmett Till in 1955), but then traces the lives of the characters of both races for the next three decades, showing how the civil rights movement, the war on poverty, and Reaganomics did and did not change American society and these characters' options. In Brothers and Sisters, she substitutes a snapshot moment for chronological sweep, and brings it to life by capturing the ambivalence and uncertainties, hopes and dreams, limitations and possibilities of the people who inhabit our immediate present.

SPECIAL BULLETIN - CAUTION ABOUT LETTER & PARCEL BOMBS

This information has been compiled with information obtained from the U.S. Postal Inspection Service and the International Association of Bomb Technicians and Investigators.

LETTER AND PARCEL BOMB RECOGNITION POINTS

- Mail bombs may bear restricted endorsements such as "Personal" or "Private". This factor is important when the addressee does not usually receive personal mail at the office.
- Addressee's Name/title may be inaccurate.
- Return address may be fictitious.

- Mail bombs may reflect distorted handwriting or the name and address may be prepared with homemade labels or cut-and paste lettering.
- Mail bombs may have protruding wires, aluminum foil, or oil stains and may emit a peculiar odor.
- Cancellation or postmark may show a different location than the return address.
- Mail bombs may feel rigid, or appear uneven or lopsided.
- Parcel bombs may be unprofessionally wrapped with several combinations of tape used to secure the package and may be endorsed "Fragile-Handle With Care" or "Rush - Do Not Delay".
- Package bombs may have an irregular shape, soft spots or bulges. There may also be excessive or uneven weight distribution.
- Package bombs may make a buzzing or ticking noise or a sloshing sound.
- Pressure or resistance may be noted when removing contents from an envelope or parcel.

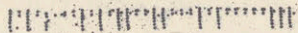
If you are suspicious of a mailing and are unable to verify the contents with the addressee or sender:

1. Do not open the article (or squeeze, drop, prod or push it).
2. Isolate the mailing but DO NOT place it in a confined space such as a desk drawer.
3. Notify the Police immediately.

COMINGS

Welcome to *John Burns*, National Convenience Stores, *Ivy Ang*, Benentech, Inc., *Johnny Outing Sr.*, McDonnell Douglas Space & Defense Systems, *Dwayne E. Clark*, Owens-Brockway, and *Jose Ignacio Estavez*, Interamerican Development Bank.

 SEND ALL SUBMITTALS TO MARY G. SIMON, AT&T, 1600 OSGOOD STREET, BLDG. 21-3s5, NORTH ANDOVER, MA 01845, FAX (508) 960-1284



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MEDIATE...
 don't litigate

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The Ombudsman

A S S O C I A T I O N

TOA BULLETIN April/May/June 1995

The TOA Bulletin is an informal communication mechanism for TOA Members and Associates. It includes articles written by individuals in TOA which present the views of those individuals. Including these articles in the Bulletin does not represent endorsement by the Board of Directors.

CANADIAN OMBUDS CONFERENCE JUNE 11-14

The Association of Canadian College and University Ombudspersons (ACCUO) is holding its Annual Conference in WATERLOO ONTARIO from June 11 - 14.

The theme chosen for this year's ACCUO Conference is PREPARING FOR THE 21ST CENTURY: THORNY ISSUES AND NEW TECHNOLOGIES. Topics include Codes of Conduct, Civility; Voicemail and Telephones - Pitfalls and Benefits of Technology; Peculiar Practices; Intellectual Properties - Panel Discussion; Internal/External Relationships with Lawyers Privacy and Information; The Information Superhighway and Electronic Mail; Thorny Issues: Will We Exist in 10 Years? Evaluation and Feedback for Ombudspersons; and Recordkeeping and Short Papers.

How to Get a Conference Package: EMAIL SANDY KUEHL: skuehl@mach1.wlu.ca

Phone Sandy at (519) 884-1970, ext. 6107 or 6581; FAX Sandy at (519) 884-8853

REQUESTS FOR ARTICLES FOR THE 1995 JOURNAL by Ron Wilson

If you wish to submit an article relating to the Ombudsman Profession which will appear in the 1995 JOURNAL and will be published for the 22nd Annual CAL CAUCUS CONFERENCE at Asilomar in November 5-6, 1995, please use the following guidelines:

1. Type the article in double space.

2. Type the article in the specified format (call Ron Wilson at (714) 824-7256 for a sample of the format).
3. Submit the article by 08/16/95.
4. Relate the content of your article to your experiences or research in the Ombudsman field of academic complaint handling; dispute resolution; conflict negotiation; mediation; problem solving; or, any of the myriad complexities confronting an Ombudsman.
5. Include a short "Biographical Sketch" for the "Contributors Page."
6. Send articles to: Ron Wilson
University Ombudsman
Rm. 255 Administration
Univ. of California, Irvine
Irvine, CA 92717-4325

NEW OMBUDDY EXPERIENCE Submitted Anonymously

I have now been an ombudsman for approximately two months for a large international corporation. In February 1995, I attended "Ombudsman 101" in San Francisco and had the great pleasure and opportunity to hear Dr. Mary Rowe present her wonderful experiences during her 22+ years as an ombudsman.

One thing I remember (among many) is Mary's reference to how she has handled lunch or dinner invitations during her ombudsman's work life. Mary stated that she never allowed anyone in her community to pay for her meal. She says that when people ask, she says, the only things she would accept (and I quote) are "one piece of chocolate" and in the case of flowers -- "one flower". (In real life she says she has been known to accept a whole chocolate bar or several flowers -- but she tries to hold the line.)

This made an impression on me as I could easily understand how accepting luncheon or dinner invitations, as well as other gifts, might

at some future time compromise an ombudsman in carrying out his or her duties.

A month or so after I became an ombudsman, a long-time fellow employee invited me to lunch to "celebrate" my new position. I thought nothing of it until the night before the luncheon date when my husband reminded me of Mary's comments about accepting such invitations. Early the next morning I faxed Mary to ask her advice. Lunchtime came and no response from Mary.

I was still wondering how I would handle the situation while at the restaurant eating lunch with my friend when just before the bill arrived -- it came to me! The waitperson brought the bill and I picked it up and said to my friend -- "this is MY treat -- just your thoughtfulness is enough and I really appreciate it." My friend balked a bit, but not enough to change the outcome.

I felt really good about the situation and felt even better when I returned to my office to find a fax reply from Mary Rowe saying pretty much the same thing. Mary's response was "I would laugh -- tell her her company and interest are more than enough celebration -- and I would pay for my own lunch".

SUPPORT FOR PRACTICE OF "CODE OF ETHICS" Submitted by Brodrick Hill

This article is in support of the efforts of the members of the Board to unify the practice of "members" of TOA.

This issue has become of paramount importance to attaining a "Shield Law" for Ombudsman. Very recently, it took another turn for me when I was audited by our corporation auditing department and again when I was asked by an employee to get involved in a discrimination allegation by a represented employee. The fact was that the employee felt that they were being discriminated against and filed a grievance. The employee later felt that the union did not take the matter to heart because of biases by certain members. The employee then came to me because I stress in my materials that the Office of Ombudsman is not a substitute for other company and union processes. We agreed that represented employees would not be covered by this process and therefore

would not be handled by this office. Once the union got wind I was involved they claimed foul play because I was an agent of management. The AFL - CIO stated because I am hired by the company, I am an agent of management. By my materials and published article, I demonstrated that I was a member of an organization, TOA's "Code of Ethics" and "The Role of the Ombudsman" clearly demonstrated that I was not an "agent" of management representing them or the employee, but an advocate of resolution.

Now my greatest fear was that they would ask to talk to some Ombudsmen at random. My reason for that was what I experienced when the auditing department did a random calling of Ombudsmen and got responses that were all over the board on how they handled reporting, dealing with union represented issues, confidentiality of information, etc. In the case of audit, these responses almost doomed me. The only thing I had to stand on was my own practice and the brochure and materials that I use and distribute.

I believe these type of issues will come up more frequently in the future. We will need to have unity and uniformity within our organization so anyone can call and have a member, not necessarily an associate member, say the same thing not a variety of things.

WANTED - INPUT ON OMBUDS NEUTRALITY by Elizabeth Walsh Pino

For a TOA booklet on neutrality I would appreciate hearing from TOA members who have experienced internal (personal feelings, biases, etc.) or external (organizational pressures) challenges to their neutrality and how they dealt with such challenges. In addition, I'm sure that many of you have given a lot of thought to the tension between the O's role as empathetic listener and designated neutral. If you are willing to share your thoughts and experiences, please contact me before July 31 at (i) Palmer & Dodge, One Beacon Street, Boston, MA 02108, (ii) 617-573-0333 or (iii) epino@palmerdodge.com Elizabeth Walsh Pino, Ombudsman, Palmer & Dodge.

ADR/MEDIATION JOKES

These two jokes came from an ADR bulletin board:

- How many mediators does it take to change two light bulbs? *Mediators won't do it, but will empower the bulbs to change themselves.*
- How many mediators does it take to hang a picture? *Mediators don't hang pictures, they reframe them.*

DUTIES OF ASSOCIATE OMBUDS

Summarized from email by Mary Simon

The following is a brief summary of an email dialogue about the duties assigned to Associate Ombuds.

In most cases the Associate Ombuds are the initial contact for the callers. They collect some information from the caller and schedule appointments. They may explain the role of the Ombuds and the confidential nature of the communications, provide referral information to other resources, and provide clerical support. In some organizations, the associate Ombuds handle the less complex or less sensitive cases and may do research for the Ombuds. In all organizations that responded, the Head Ombuds would handle all cases that involve more serious issues like ethics violations or situations which involve senior management, corporate officers or faculty members.

All of the responding Ombuds send their Associate Ombuds to some combination of Ombuds Association Conferences, regional ombuds meetings, and TOA Ombuds training.

EMAIL NETWORKS

Dispute-res is a list designed to promote communication among those teaching about dispute resolution and working in projects involving alternative forms of conflict resolution. It provides an opportunity to raise issues and share concerns related to the use of non-adversarial models of dispute resolution in many different contexts.

You may subscribe to the Dispute-res list by sending the following message to listserv@fatty.law.cornell.edu

subscribe dispute-res yourfirstname yourlastname

In other words, President Clinton could subscribe with the following message:

subscribe dispute-res Bill Clinton

If you have any problems subscribing, please contact Janet Rifkin or Ethan Katsch. Please feel free to forward this message to any individuals you may know who might be interested in it.

Janet Rifkin
Ombudsperson &
Prof. of Legal Studies
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Ethan Katsch
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Dept. of Legal Studies
Univ. of Massachusetts
Amherst, MA 01003
Katsh@legal.umass.edu

Other email networks include:

Business Ethics Computer Network
378 participants (4/11)
Network address:
buseth-l@ubvm.cc.buffalo.edu
Subscribe or unsubscribe via:
listserv@ubvm.cc.buffalo.edu
Managed by: Bill Baumer,
ucsbillb@ubvm.cc.buffalo.edu
FAX 716-645-2127

Conflict Management Division Network
197 participants, all Academy members (4/11)
Network address:
cmdnet-l@ksuvm.ksu.edu
Subscribe or unsubscribe via:
listserv@ksuvm.ksu.edu
Managed by: John Bunch,
bunch@business.cba.ksu.edu
FAX 913-532-7024

Discussion List for Gender Issues in Organizations
255 participants (4/11)

Network address:
wimnet-l@vm.ucs.ualberta.ca

Subscribe or unsubscribe via:
listserv@vm.ucs.ualberta.ca

Managed by: Michele Bowring,
mbowring@gpu.srv.ualberta.ca
FAX 403-492-3325

Learning Organization Discussion Group
738 participants (4/12)

Network address:
learning-org@world.std.com

Subscribe or unsubscribe via:
majordomo@world.std.com

Managed by: Richard Karash,
rkarash@world.std.com and Charles Kiefer,
ckiefer@world.std.com
FAX 508-626-2205

ETHICS CONFERENCE by Mary Simon

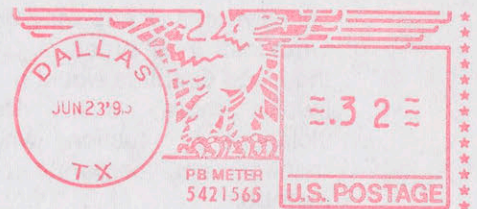
At the recent Conference Board Ethics Conference there was quite a bit of discussion about Ombuds functions and Ethics functions. Some people think they are interchangeable, but others see and understand the difference. The point some of us Ombuds tried to make is that because Ombuds are different, corporations have an opportunity to surface and resolve more issues by initiating an Ombuds function. As background for my talk on the Ombuds function, Ann Bensinger and I developed a handout comparing Ethics and Ombuds Programs. This handout is attached to the Bulletin - please contact us with your comments and feedback about the handout.

#####S
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BLDG. 21-3s5, NORTH ANDOVER, MA
01845, FAX (508) 960-1284

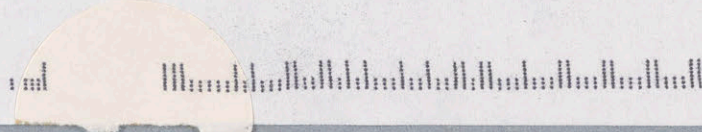
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Cambridge, MA 02139-4307

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Department of Distinctive Collections at

distinctive-collections@mit.edu