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[Notes and correspondence, 2 of 2]

circa 1984

Dear Colleague,

I am writing you because of your interest in ombudsman work, to invite you to the next annual SPIDR conference which will have a day of ombudsman discussions. Some of you work within institutions, in corporations and universities and agencies. Some of you are classic ombuds practitioners. I thought you might all be interested to see what other ombuds practitioners do and talk about problems common to all of us. The 1984 SPIDR Conference will be October 14-17 in San Francisco; the ombuds day will be October 15. Let me tell you a bit about that day.

Larry Hill is appearing on the panel in the morning; I think you will find him particularly interesting. Larry has written a number of major articles studying and comparing different ombuds structures. (He has agreed to bring extra copies of his articles with him.) Herman Doi of Hawaii may be the most senior of the classic ombuds practitioners in the US. Carolyn Stieber, long-term university ombudsman is also just back from a trip to talk with New Zealand and Australian practitioners. Fred Olson's long-term corporate structure at Control Data is widely considered one of the best private sector models in the country. And the afternoon topics were developed from the "nuts and bolts" requests of practitioners meeting in various ombuds conferences over the past two years.

If you can come, please feel free to bring any brochures, books, articles or other materials you feel would be of interest to other practitioners? We will have a display table.

Also, I think you may enjoy the chance to meet and hear mediators and other neutrals in the other SPIDR sessions.

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The "Elements of Good Practice" seem to be remarkably similar wherever mediators and other neutrals work. I very much hope you will be able to come; please feel free to call me or write if you have questions.

Sincerely yours,

Mary P. Rowe
Chair, SPIDR Ombudaman Committee
and
Special Assistant to the President
Massachusetts Institute of Technology
77 Massachusetts Avenue, Room 10-213
Cambridge, MA 02139
(617) 253-5921

MPR:CT

NOTES ON THE OMBUDSMAN IN THE U.S., 1986

Mary P. Rowe, Ph.D.
Special Assistant to the President,
and Adjunct Professor at the Sloan School of Management
M.I.T., Cambridge, MA 02138

Why Think About Ombudsmanry?

- Ombuds practitioners play all the roles and have all the functions possible for complaint handlers and dispute resolution specialists, including even arbitration in a few instances;

- They can help to "change the system" as well as helping with individual problems;

- They may work within the context of a given contract, or set of policies and procedures, or set of rules and statutes; they also often work in contexts where "which rules do govern here?" is the first question to address;

- They work with the widest possible distribution of problems and disputes;

- They appear in many different milieux, with very different purviews;

- It is a field where almost all rules of thumb have exceptions: for example, ^{many} most ombuds practitioners work in a non-union context,....but some work with union people. Most do not arbitrate,....but a few do. Most are designated (or see themselves) as impartial or neutral, but a few are designated to have a tilt toward advocacy; some are designated to "begin as advocates" though they are meant to be objective third parties;

- It is a swiftly growing profession, where most practitioners are paid;

- Practitioners mirror the US population, making this a highly integrated profession;

- The field has wonderful colleagues, compellingly interesting research problems, and fascinating ethical dilemmas.

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What Kinds Of Jobs Do Ombuds Practitioners Have?

- Classic or pure ombuds practitioners, created by statute for city, province, state or nation;
- Variants exist for school systems, counties, mayor's and governor's offices, prisons, professional associations, ~~for radio and television stations~~, etc.;
- There are ^{many hundreds} thousands of part-time and full-time volunteer and paid practitioners with oversight over long-term care and nursing homes;
- There are hundreds of "quasi-ombuds" practitioners who work within institutions: corporations, colleges, and universities, government agencies, foundations, international bodies, etc.; *most are full-time; many also have other duties;*
- There are thousands of client ^(or patient) ombuds practitioners who serve at newspapers, hospitals, HMO's, government agencies (like IRS), public utilities, *radio and TV stations*, etc.;
- Many businesses have consumer ombuds offices.

What Are The Functions Of An Ombudsman?

- To give a personal and confidential hearing, to defuse rage, to provide a caring presence to those in grief about a dispute;
- ^{confidential} To provide (and sometimes to receive) information on a one-to-one basis;
- To counsel people (confidentially) on how to help themselves, by helping to develop new options, by problem-solving, by role-playing;
- To conciliate (as in shuttle diplomacy);
- To mediate (bringing people together face-to-face);
- To investigate formally or informally, either with or without presenting recommendations; *to a formal, adjudicatory person or committee;*
- To arbitrate or adjudicate; (this is a rare function);
- To facilitate systems change, by recommending "generic" solutions, by upward feedback, internal memos and

"management consulting" within institutions, by public reports, by recommendation to legislatures, by supporting education and training.

The classic phrase describing most ombuds practitioners is: "They may not make, or change, or set aside any law or policy or management decision; theirs is the power of reason and persuasion."

Research Activities of the
Corporate Ombudsman Association

COA was founded in 1984 with the intent of supporting development of the ombudsman profession, especially in a work place context. The Research Committee of the COA conducts surveys to study the functions of corporate ombuds practitioners, their reporting relationships, their cost-effectiveness and their contribution to employees, managers, employers and society. These surveys go considerably beyond typical association inquiries and have resulted in a number of academic and professional articles and other materials, as well as a Handbook for ombudspeople. Current work covers such topics as ethical concerns brought to ombudspeople, and successes and failures of ombudsman practice.

COA depends on contributions from many people and institutions. We would like to apply for support to the National Institute for Dispute Resolution, to the National Institute for Justice and to other non-profit and government agencies as well as from philanthropic individuals interested in conflict resolution, alternatives to litigation, work place diversity and the like. It is important to the Association not to become the vehicle for proprietary research by any one employer, since the purpose of COA is to disseminate useful ideas in the public interest.

REPORTER

A DIGEST OF NEWS FROM M.I.T.

Rising Ombudsmanship, Falling Autos

The Rise of Ombudspople

Ombudspople are sprouting like spring flowers throughout the United States, but there is still no widely accepted job description; the concept is "very varied and currently very lively," says Mary P. Rowe, a founder of the Corporate Ombudsman Association who is adjunct professor in the Sloan School of Management.

By Rowe's definition, the ombudsperson's task is "to provide confidential and informal assistance to managers and employees on work-related concerns." The ombudsperson's office is "located outside ordinary line management structures." There are in the United States and Canada perhaps 100 ombudspople's offices in colleges and universities and 200 in corporations, Rowe estimates.

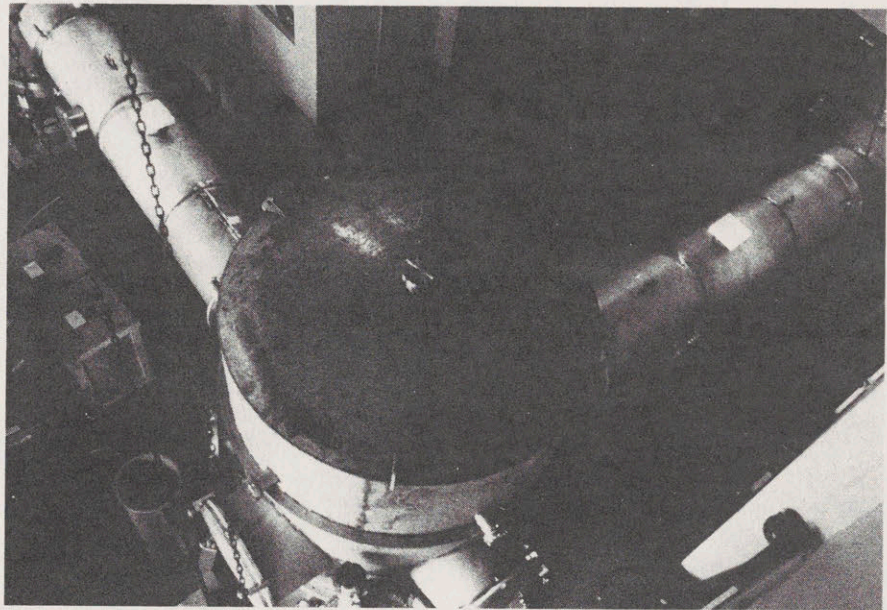
In view of the fact that they're on company payrolls, can ombudspople be neutral? Yes, says Rowe; the problem is "far more serious in theory than in practice because you get pushed by all sides into neutrality." Surveying her ombudspople colleagues, she finds "relatively little stress over the issue." Most pledge confidentiality except when life or society are threatened, or serious infractions of the law are involved.

Do ombudspople really make a difference? Most report that they have contact with 2 to 8 percent of the community they serve each year. And those that keep records say that at least half of those with whom they have worked have been "satisfied" with the outcome. Most ombudspople can cite policy changes that result from their work, and they cite cost savings as well (keeping employees from leaving, avoiding litigation, preventing theft or sabotage, implementing employees' morale-enhancing suggestions).

But in assessing such data, Rowe warns that "no general rule holds . . . for all ombuds offices." However, she says, "the ideas of listening to people as individuals and of trying to deal with problems at an early stage are clearly of current interest to a wide variety of employers."

The Coming Glut of American Cars

The world's capacity to build automobiles for export will rise by 2.4 million cars a



When a star explodes, do tiny gravity waves radiate through space like the tsunami that radiate through the seas from an underwater earthquake? Einstein predicted gravity waves as long ago as 1916, but they have never been detected. A new effort to confirm their existence will be made by M.I.T. and Caltech in the mid-1990s, using two laser gravity-wave antennas like the prototype

above that is now being tested in Cambridge. Each antenna consists of several heavy polished reflectors that hang inside an evacuated tunnel. Even the slightest change in the reflectors' positions owing to a gravity wave would be revealed by laser beams shining down the tunnels. Research physicist Andrew Jeffries of the Center for Space Research is in the foreground.

year by 1990, roughly matched by worldwide demand for about 2.3 million imported cars. But much of the new capacity will build the wrong kinds of cars, and the loser in this game of Russian roulette will be the United States, says Daniel T. Jones of the University of Sussex, England, who is European research director for M.I.T.'s International Motor Vehicle Program.

Jones predicts "a serious crisis of overcapacity in North America."

According to present plans, Japanese automakers (and one Korean firm) will have invested some \$5.6 billion in new North American facilities to produce at least 2.3 million cars a year. This expansion of "transplant capacity" will mean that North American factories will be able to build 4.2 million cars a year more than the United States and Canada need.

Meanwhile, Western Europe will be in a break-even situation, and Japan will be the major supplier of small cars—which the U.S. cannot make efficiently—to the Third World. Small-car demand is rising

fast in these countries, which do not produce cars themselves.

A major factor in this drama, says Jones, is the program of voluntary export restraints that the United States demanded of Japan in the early 1980s. Determined to share in the profitable U.S. market, the Japanese evaded the restraints by building the new "transplant capacity" that will soon cause the glut of American-built cars.

The voluntary restraints worked against us in another way, too, says Jones. They did what they were designed to do—they returned U.S. automakers to profitability. But in doing so, they reduced the pressure for the "major structural change" that most observers believe U.S. automakers must achieve to be effective world competitors.

The necessary "new world-class levels of productivity and quality" elude General Motors in particular, says Jones, and GM will probably be the greatest victim of the forecast North American overcapacity of the 1990s.

March 14, 1989

Dear Ombudsman Colleague:

I enclose with this letter the new Corporate Ombudsman Questionnaire. This questionnaire has been revised to reflect issues suggested by COA members. I am happy to report again that member companies have provided resources for this study.

Please note, this questionnaire is anonymous. However, please feel free not to answer any question that makes you uncomfortable on grounds of company privacy. When you have returned your questionnaire, please also mail in the separate postcard? We will send a follow-up letter to anyone who has not sent a postcard by April 5.

We know that some companies develop annual ombuds reports. If you wish to send these reports or additional material (e.g. statistics), either anonymously or formally, we would be very happy to have them.

If you have any questions, please feel free to call Jim Ziegenfuss at (717) 948-6050 or call me at (617) 253-5921? And, on behalf of Jim Ziegenfuss, the benefactor companies, other COA members, and the COA Research Committee--thank you!

Sincerely,

Mary P. Rowe
Treasurer
Corporate Ombudsman Association

MPR:CT
Enclosures

FILE COPY

CORPORATE OMBUDSMAN ASSOCIATION

Directors' Meeting, Hotel Sonesta, Cambridge, Mass.

July 28, 1986

AGENDA

Directors invited: Kay Buckler, James Hendry, Virg Marti , Martha Maselko,
Lee Pledger, Lewis Redding, Mary Rowe, Carole Trocchio,
and Jerry Weinstein

1. By-laws and legal matters;
2. Finances and membership;
3. Outreach Plans and ideas; reports on inquiries;
4. Corporate Ombudsman Handbook;
5. Research Committee, plans, gifts;
6. Conference Planning overview;
7. New Business.

COA NEWSLETTER

Notes from Mary Rowe

1. Siblings and Cousins

Many of us have gotten calls from other ombudspople or from non-company organizations that want to have an ombuds office. Here are some leads, to refer people:

University and College Ombudsman Association

(UCOA): Edward Sharples, Ombudsman
Wayne State University
652 Student Center Building
Detroit, MI 48202
(313) 577-3487

California Caucus of Ombudsmen (also nationwide)

Rena Grant, Ombudsman
296 McHenry Library
University of California
Santa Cruz, CA 95064
(408) 429-2073

Canadian College and University Ombudsman's Association

Suzanne Belson, Ombudsman
Concordia University
1455 Blvd de Maisonneuve
Montreal, Quebec HG IM8
(514) 879-4247

National Society of Patient Representatives

840 North Lake Shore Drive
Chicago, IL 60611
(312) 280-6424

The Organization of News Ombudsmen

Clair Balfour, Ombudsman
CP/P.O. Box 4300
Place d'Armes
Montreal, Quebec H2Y3S1

Association of Nursing Home Ombudsmen

Jill Duson, Ombudsman
Maine Committee on Aging
State House, Station 127
Augusta, ME 04333
(207) 289-3658

The U.S. Ombudsman Association (statutory and public ombudsmen)

Thomas Fess, Ombudsman
Montgomery County Public Schools
850 Hungerford Drive
Rockville, MD 20850
(301) 279-3301

There are also many consumer dispute resolutions programs; see the Report on Consumer Dispute Resolution by Daniel McGillis, from the National Institute for Dispute Resolution, 1901 L Street, N.W., Suite 600, Washington, DC 20036; (202) 466-4764.

2. A Shield Law

If you expect to do a fair amount of formal mediation, you may wish to check as to whether your state has a "Shield Law" to protect mediators, participants, and mediation proceedings from later subpoena. In Massachusetts this law is called An Act Providing for the Confidentiality of Communications Made During Certain Mediation of Disputes, Chapter 325, (1985).



Department of Distinctive Collections
Massachusetts Institute of Technology
77 Massachusetts Avenue
Cambridge, MA 02139-4307
libraries.mit.edu



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Department of Distinctive Collections at

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