

MC-709  
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Folder 3

The Ombudsman Association board of  
directors correspondence

1992-1994

Contains a  
list of  
members by  
State

# *Corporate Ombudsman*

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A S S O C I A T I O N

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## CORPORATE OMBUDSMAN ASSOCIATION

### Articles of Organization (As Amended, July 1989)

#### Purposes of the Corporation

1. In an effort to enhance the quality and value of the ombudsman function to business and industry with the goal of improving relations and the quality of communication between and among management and the workforce and of promoting efficient and effective approaches to dispute resolution in the workplace, the Corporation shall, through conferences and periodic newsletters, provide an educational forum for developing and disseminating to the public a framework of job responsibilities, standards of excellence and ethical guidelines for the ombudsman function and for assessing the development and value of the ombudsman function to business and industry.
2. The Corporation shall have, and may exercise in the furtherance of the foregoing purposes, the power to solicit and receive gifts, grants, contributions, and bequests, and to engage in fund-raising activities; the powers specified in Section Nine of Chapter 156B of the General Laws of the Commonwealth of Massachusetts (except the powers specified in paragraph (m) thereof) and the power to be a partner in any enterprise which the Corporation would have the power to conduct by itself, provided that no such power shall be exercised in a manner inconsistent with Chapter 180 or any other chapter of said General Laws, and further provided that no part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, its members, directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the foregoing purposes set forth in Article Third hereof.

Other Lawful Provisions

1. The Board of Directors shall have the power to make, amend, or repeal the By-Laws.
2. Meetings of members may be held anywhere within the United States.
3. Each person at any time a director, officer, employee or agent of the Corporation and any person who serves at its request as a director, officer, employee or other agent of another organization in which the Corporation directly or indirectly has an interest (including any person who is no longer a director, officer, employee or agent of the Corporation or of said other organization) shall, to the extent permitted by law and only to the extent that the status of the Corporation as an organization exempt under Section 501(c)(6) of the Internal Revenue Code is not affected thereby and without prejudice to any other rights he or she might have, be entitled to be reimbursed by the Corporation for, and indemnified by the Corporation against, all costs and expenses reasonably incurred by him or her in connection with or arising out of any claims made, or any action, suit or proceeding threatened or brought against him or her or in which he may be involved as a party or otherwise by reason of any action alleged to have been taken or omitted by him or her as such director, officer, employee or agent, whether or not he or she continues to be such director, officer, employee or agent at the time of incurring such costs and expenses, including amounts paid or incurred by him or her in connection with reasonable settlements (other than amounts paid to the Corporation itself) of any claim, action, suit or proceeding, provided that no person shall be so indemnified in relation to any matter which has been made the subject of a settlement, except with the approval of a court of competent jurisdiction or a vote of a majority of the members of the Corporation, or by a vote of a disinterested majority of Directors then in office. Any rights to reimbursement and indemnification granted under this section to any such director, officer, employee or agent shall extend to his or her heirs, executors and administrators. No such reimbursement or indemnification shall be provided for any person with respect to any matter as to which he or she shall have been adjudicated in any proceeding not to have acted in good faith in the reasonable belief that his or her action was in the best interests of the Corporation. Reimbursement of indemnification hereunder may, in the discretion of the Board of Directors, include payments by the Corporation of costs and expenses incurred in defending a civil or criminal action or proceeding in advance of the final disposition of such action or proceeding upon receipt of an undertaking by the person indemnified to repay such payment if he or she shall be adjudicated to be not entitled to indemnification hereunder. Nothing herein contained is intended to, or shall, prevent a settlement by the Corporation prior to final adjudication of any claim, including claims for reimbursement or indemnification hereunder, against the Corporation when such settlement appears to be in the interests of the Corporation. Each such person shall, by

reason of his or her continuing such service or accepting such election or employment, have the right to be reimbursed and indemnified by the Corporation, as above set forth with the same force and effect as if the Corporation, to induce him or her to continue so to serve or to accept such election or employment, specifically agreed in writing to reimburse and indemnify him or her in accordance with the foregoing provisions of this section. No directors or officer of the Corporation shall be liable to anyone for making any determination as to the existence or absence of liability of the Corporation hereunder or for making or refusing to make any payment hereunder in reliance upon advise of counsel.

4. Neither the Board of Directors, nor any member or officer, shall have power to bind the members or the individual directors or officers of the Corporation, personally. All persons or corporations extending credit to, contracting with, or having claims against the Corporation, shall look only to the funds and property of the Corporation for payment of any such contract or claim or for the payment of any debt, damage, judgment or decree, or of any money that may otherwise become due and payable to them from the Corporation, so that neither the members nor the directors nor the officers, present or future, shall be personally liable thereof.

- The Ombudsman Association  
1992 Conference Evaluations

	Excellent	Good	Fair	Poor	NR
1. NEW MEMBER ORIENTATION	5	12	6		1
2. MARY ROWE'S CRYSTAL BALL	28	5			
3. CREDIBILITY & DIVERSITY (Professor Bruce Fraser)	21	10	1		
4. WORKSHOPS					
A. Letting People Know Who You Are...(Nassef)		1(?)			2
B. Everything You Want.... (Marti)	8	4			3
C. Maintaining Confidentiality... (Redding)	11	9			
D. Evaluating the Effectiveness... (Simon)	17	7	1		
5. "BOTH SIDES NOW"	21	11	2		
6. HARASSMENT IN THE WORKPLACE (Grissom)	13	11	6	1	
7. PANEL DISCUSSION (The Role of the Ombudsman)	8	14	2		1
10. ATTENDANCE AT ANNUAL MEETING		Yes <u>29</u>	No <u>2</u>		
14. WOULD YOU PREFER CONFERENCE AT BEGINNING OF WEEK <u>13 + 3</u>		MID-WEEK <u>2 + 1</u>		END OF WEEK <u>17 + 5</u>	

# Carole M. Trocchio

A S S O C I A T E S

Franchise Mediation & Conflict Management

Date: October 20, 1992  
To: Mary Rowe, Jan Newcomb Briggs, Lou Garcia  
From: Carole M. Trocchio  
Re: Query to Ombudsman Associations regarding the development  
of an Ombudsman Directory

Dear Fellow Ombudsman:

Attached is a draft letter to Ombudsman Associations which is self-explanatory.

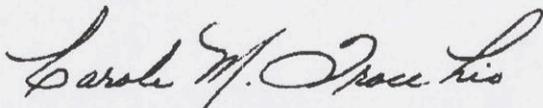
Per our discussion during the Board of Directors Conference Call, I have drafted this letter and am requesting your review prior to sending it to a list of Ombudsman Associations provided by Mary Rowe.

I would appreciate your comments and you have editing rights. You may respond by phone or mail, or fax your comments and/or changes between 9:00 a.m. and 5:00 p.m. CST to (214) 348-6621.

Lou, I require some Ombudsman stationary, letterhead and envelopes. Please send them to the address listed below.

Mary, would you prefer to have the associations contact you with any questions? Also, should I send the letter to all the associations on your list, or just those six major associations we previously discussed.

Sincerely,



Carole M. Trocchio  
Vice President - The Ombudsman Association

Enc.

DRAFT

Date: (appropriate date)  
 To: (name of association)  
 From: Carole M. Trocchio  
 Re: Directory of Ombudsman<sup>e/</sup>

(TOA)

The Ombudsman Association is interesting in developing a Directory of Ombudsmen and making it available to all other ombudsman associations, and their members, at cost plus shipping and handling.

The purpose of this letter is to inquire if your association and your members would participate in helping us compile a nationwide ombudsman directory (which may grow to include international ombudsmen).

North American

We realize that this proposal <sup>may</sup> will have to be considered and approved by your board of directors. We would appreciate your bringing this request to your board members at the next appropriate meeting and notifying me of their decision.

and/or members.

Should you have any questions, call me at (214) 553-1616. You may also fax a response between 9:00 a.m. and 5:00 p.m. CST. Facsimile number is (214) 348-6621.

Sincerely,

Carole M. Trocchio  
Vice President - The Ombudsman Association

DRAFT



DATE: 10-20-92 PAGES INCLUDING THIS: \_\_\_\_\_

TO: MARY P. ROWE

COMPANY MIT

FACSIMILE NUMBER: 617-253-8544

FROM: CAROLE M. TROCCHIO

COMPANY: CAROLE M. TROCCHIO ASSOCIATES

TELEPHONE : 214-553-1616

FACSIMILE NUMBER: 214-348-6621

MESSAGE:

# OMBUDSMAN UNIVERSITY

*News*

Spring 1993

## HIGHLIGHTS OF THE OMBUDSMAN ASSOCIATION'S TENTH ANNUAL CONFERENCE

San Francisco was the site of The Ombudsman Association's 10th Annual Conference hosted by the Federal Reserve Bank of San Francisco and Pacific Bell. Eighty-five ombudsmen from across the country joined together to discuss problems, enhance their skills, and learn from one another.

Ombudsmen new to the profession attended the Wednesday afternoon Orientation, a unique concept designed to ease new practitioners into the not often calm waters of conflict management. Lou Garcia, president of TOA, welcomed the group and Mary Simon, board member, described the history of the association. Tom Bolden, board member, facilitated three breakout groups: (1) what members want from the conference, (2) what members want from TOA, and (3) identify concerns of ombudsmen. The thoughts and ideas of the three groups were shared and will be carefully considered by TOA in an effort to meet the needs of members.

The orientation was followed by the annual membership meeting during which information was provided to members that included the treasurer's report; the activities of the various committees; and the election of new board members. The evening was concluded with a wonderful reception hosted by Pacific Bell.

Thursday morning the group was welcomed by Sallie H. Weisinger, vice president corporate personnel, Federal Reserve Bank of San Francisco, who compared today's ombudsman to the prospectors who came to California in 1849 - both are looking for the golden nugget. Jackie Minor, assistant vice president - ombudsman, Pacific Bell, welcomed the group and described the Pacific Bell program.

Mary Rowe, special assistant to the president - MIT, described the various challenges that would face ombudsmen in the near future. Rowe broke these challenges into three categories: (1) **Individual** - violence in the workplace, sexual harassment by women managers, stalking, and misappropriation of assets; (2) **Company** - developing an integrated dispute resolution system, ADR programs, the use of outside "fact-finders," and teams that will assess threats and determine appropriate course of action; and (3) **Issues for the Profession** - the downsizing of corporate America and its effect on the ombudsman in having to train and re-train new management; private companies offering ombudsman services who have no experience and/or understanding of the profession; and pressure on the ombudsman to violate confidentiality.

Dr. Richard A. Orange, Jr., a renowned leader in assisting

institutions in becoming multicultural workplaces, was the keynote speaker and answered the question, "What's the Ombudsman's Role in Diversity?" Dr. Orange challenged ombudsmen to experience and enjoy the beauty and value of different cultures to better understand their clients and build trust and credibility within the workplace.

The afternoon session offered ombudsmen a variety of workshops to choose from including: Marketing the Ombudsman Function, facilitated by Tom Furtado; Facilitating Conflict Management Sessions, Carole Trocchio; Ethics, with Kent Druyvesteyn; and Building Relationships with Human Resources and Management, Rhuenette Washington and Susanne Lee Weightman.

Friday morning participants listened attentively to the presentation of Dr. Robert A. Fein, a forensic psychologist, who has served as a consultant regarding violence in the workplace. Dr. Fein spoke on "Predictions of Danger/Violence in the Workplace" and encouraged ombudsmen to work with other members of their organizations in setting up a team approach to assess and address threats of violence. Dr. Fein advised that (1) violence is a process, not just an act; (2) violence occurs in specific contexts and situations;

# OMBUDSMAN OMBUDSMAN

(3) the persons who pose the greatest threats may not make threats; and (4) there is no one formula for threat investigation, evaluation, and management.

The conference was brought to an appropriate ending with Janet Newcomb-Briggs facilitating a "Discussion of Current Issues Affecting Ombudsmen" which provided attending ombudsmen

the opportunity to share ideas, concerns, suggestions and recommendations for the professional ombudsman to consider.

All in all, the 10th Annual Conference provided its participants with a broad brush of skill, learning, and sharing and the feedback indicated it was well worth attending.



## Profile of an Ombudsman

If you have ever been a patient in a hospital, you know that the last thing you need to be exposed to are frustrated, unhappy employees who are having difficulty with their co-workers and supervisors. Ella Thurman works daily to make sure that doesn't happen to patients at the University Hospitals of Cleveland, Ohio. As Employee Advisor, Thurman is the ombudsman available to approximately 5800 employees at the University Hospitals of Cleveland, Ohio, a 947 bed academic medical center serving the community and the nation through patient care, research, and teaching.

With a BA Degree in Business, Thurman has served the employees of UHC for the past twenty-two years, providing an avenue for employees to resolve disputes and conflict in the workplace, which in turn allows them to provide superior patient care. Thurman handles problems via the telephone and, in addition, meets face to face with approximately five hundred employees each year. These employees bring their concerns knowing that confidentiality will be strictly observed, except in situations of imminent danger where duty to warn would be prudent.

Ella Thurman has experienced many unusual situations and recalls with wry humor an instance where one of the employees requested "permission" to retain a .357 Magnum until the workday ended!

Highly regarded, her services are communicated through new employee orientation sessions and, of course, satisfied clients. Her function is part of the

hospital's Human Resource Department and she reports to the acting senior vice president.

When asked what "words of wisdom" she would impart to fellow ombudsmen, this tenured, well experienced, and credible ombudsman responded: "Strive to create an environment of mutual respect for all people."

## NUTS & BOLTS...



### Communicating Without Words...

by Carole M. Trocchio

Some years ago there was "much ado" about body language - or to use the more scientific term - Kinesics - the behavioral patterns of nonverbal communication. There seems to be a lot less emphasis on "body language" in the business community today, and it is probably due to the fact that body language can be, and often is, misinterpreted. No body position or movement, in and of itself, has a precise meaning. Crossed arms don't always mean "I won't let you in"; rubbing the nose with a finger doesn't always mean disapproval or rejection; patting the hair doesn't always mean approval; just as steeping the fingers is not necessarily a sign of superiority. Then again, there is a lot to be said for some body postures ... for example, have you ever seen a salesman who is trying to sell something to a more influential client, sitting

back in his chair? More often than not, he is leaning toward the client working hard to make the sale.

Body language, along with other non-verbal clues, is a covert but often effective tool that can be used successfully to send subtle messages. It is especially useful where the ombudsman must take charge but has no formal authority. An ombudsman can often confront a superior more effectively through non-verbal communication. Just as spoken language alone doesn't always give the full meaning of what a person is saying, body language alone will not give the full meaning. However, when a man of some authority comes to a meeting I have arranged in the hope of resolving a dispute between several people, takes his seat at the head of the table, leans back and clasps his hands high above his head, then keeps them behind his head, his elbows extended like wings, legs fully extended and crossed at the ankles, and looks directly at me and says "Whenever you're ready," I must believe that person has just indicated he intends to be in charge — I may have called the meeting, intend to conduct the meeting, and even though his words indicate the "start time" is up to me, his body clues are fairly "shouting" that he is the authority in that room. I know I have to regain control. I may do that through some specific behaviors that do not challenge his authority directly, but indicate that I am still in charge of the meeting. I can send body clues by: (1) standing (at least when I begin the meeting), and (2) by taking a seat near the other end of the table (if I sit at the "foot" of the table he may see this as a

challenge and we'll have a tug of war; if I take a seat to his right or left I will be viewed as only reflecting his authority).

I can avoid this altogether if I set the room up in advance and place my papers, files, etc. at the head of the table (the head of the table is the one that faces the door where people enter). Another way to maintaining control is to use place cards indicating where people are to sit. (Note: this does not prevent people switching their cards to sit where they want but it does deter it somewhat). Always get to **your** meetings early, make sure the room is set to your specifications, observe the people as they come in. By being there first, it is you who are welcoming the participants which is another behavior that indicates control. Another body clue that helps me remain in charge is to use chart pads to record thoughts, etc. It gets me standing again, and makes me responsible for "charting" the information — remember information is power.

While you're conducting the meeting here are some other behavior clues to watch for and how you might respond:

#### Observation:

Blink Rate of the Eyes - if the blink rate of your audience's eyes increases to the point that you become conscious of it, you may have a confused audience.

#### Suggestion:

Pause and review the highlights of what you are trying to say.

#### Observation:

The person you are talking with can't seem to get comfortable, he/she keeps changing positions, or the person is tapping on the table and

keeps swinging a leg as though he/she were impatient to "get somewhere."

**Suggestion:**

Pick up the pace and move to the next topic.

**Observation:**

The person keeps looking around, distracted by every sound.

**Suggestion:**

Good chance the individual is having a hard time concentrating on what you are say-

ing; you're off the mark, try changing course.

**Observation:**

Your audience nods agreeably and smiles every so often.

**Suggestion:**

You're on track - it's smooth sailing.

**Observation:**

You pause at an appropriate moment and your audience "leaps in" with ideas and suggestions.

**Suggestion:**

Your audience is involved.

**Observation:**

You pause at an appropriate moment and your audience leaves the pause unoccupied.

**Suggestion:**

Your audience has "checked out." You may want to take another approach.

Observing body language and sending specific body clues of your own can be a useful tool and there are many helpful resources at your local bookstore or the library.

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

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P.O. Box 7700 Arlington, VA 22207

DATE: November 4, 1993  
TO: TOA Board of Directors  
FROM: TOA Training Committee  
RE: Ombudsman 202 Training Program

Dear TOA Board Members:

Attached is a proposal and sample agenda for a pilot Ombudsman 202 Training Program. The members of the Training Committee (Mary Rowe, Mary Simon, Marsha Wagner, and Carole Trocchio, with input from Tom Furtado) request that the TOA Board approve the pilot program to be held post Chicago Conference.

If the pilot program is successful, based on evaluations from participants, then TOA would offer a regularly scheduled Ombudsman 202, in addition to Ombudsman 101 (which will be offered twice this year).

Attached also, for your information, is the results of a training questionnaire I recently sent to all graduates of Ombudsman 101 (1991 - 1992 - 1993). Based on the response, Ombudsman 101 meets the needs of new ombudsman and Ombudsman 202, as it is developed, will meet many of the needs of experienced ombudsmen.

Please review the attached and be prepared to discuss this issue at the next TOA Board conference call later this month. It is our hope that the board will approve the proposal and plans can be made to implement the advanced training.

If you have any questions prior to the conference call, feel free to contact any member of the Training Committee.

Carole M. Trocchio  
Enc.

**PROPOSAL**

**OMBUDSMAN 202  
ADVANCED TECHNIQUES and STRATEGIES FOR OMBUDSMEN**

**PURPOSE** To provide experienced, practicing ombudsmen with an opportunity to test and stretch their skills in a safe and confidential environment.

**FORMAT** Ombud 202 will be a highly interactive workshop dealing with extremely difficult human relationships. The program will provide (1) education in negotiation theory, (2) training in case analysis from the perspective of a neutral and, (3) experience in using strategies and techniques to work through tough cases in role-play situations.

**CLASS SIZE** Minimum of 12 - maximum of 39 allowing for break-away groups of three (ombudsman-visitor-observer).

**INSTRUCTORS/COACHES** Each instructor will be responsible for (1) developing the case study (2) providing a list of questions to assist in a complete analysis of the situation, (3) introducing the case study and, (4) serving as a resource.

Each group will have a "coach" to facilitate analysis of the case study and serve as observer. Coaches will be part of the student body.

**CRITERIA** Participation is limited to ombudsmen who have had full time equivalent of two years practice as a designated neutral. Instructors will be limited to those who have five years experience as ombudsman.

**TRAINING FEE** Ombuds 202 registration is \$300. TOA members will be offered a discount. One suggestion is that TOA members pay \$125 [\$300 less the cost of new membership in TOA. (Note: renewed membership is \$85)], or that TOA members pay \$225 or \$250.

**BROCHURE** Ombuds 202 brochure will contain a statement, to be signed by the applicant, certifying that he/she has served the full time equivalent of two years as a practicing ombudsman and designated neutral.. Ombuds 101 is **not** a pre-requisite for 202.

**TIME FRAME** A "pilot" Ombuds 202 program will be held post conference in Chicago -- to begin Friday pm and end Saturday pm. (See attached) The pilot program is 10 hours -- future Ombuds 202 would run approximately 20 hours.

**COST** It is anticipated that the "pilot" program may not break even due to so many unknowns, ie., number of students, instructors, coaches, meals, facilities, etc. TOA may have to underwrite this pilot program, if necessary. Future Ombuds 202 would be expected to result in a profit to the association. Air fare will not be reimbursed to instructors who would be attending the conference anyway. TOA will reimburse two nights' rooms for instructors.

**SUBJECT MATTER** All case studies will contain an ethics dilemma. The three subjects chosen for the "pilot" program include: Sexual Harassment, Threat of Violence, and Hostile Management. It will be at the discretion of the instructor as to what other "hidden agendas" may be included in the case study.

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## Ombudsman 202 Agenda

### FRIDAY

3:30 p.m. - 4:30 p.m.

Introductions - instructors/coaches/participants  
List expectations  
Discuss format

4:30 p.m. - 6:30 p.m.

Case Study: Sexual Harassment  
Instructor gives a brief synopsis of the subject matter to bring everyone to the same level of awareness. Case study is distributed and class breaks into small groups, of six or so, each with a coach. The coach will "prompt" the group with questions to assist in analysis and determination of techniques and strategy and generally keep the group "on track". Instructors will serve as additional resources to groups as needed.

After they have analyzed the case the coach asks for volunteers to act out the role of visitor and the role of ombudsman. The case study is then played out.

Groups are brought together to share the results of the role-play. Instructor leads the discussion.

6:30 p.m.

ADJOURN

### SATURDAY

8:00 a.m. - 10:00 a.m.

Negotiation Theory for Ombudsmen  
- Mary Rowe

10:00 a.m. - 10:30 a.m.

BREAK

10:30 a.m. - 1:00 p.m.

Case Study: Threat of Violence  
(same format as Friday except break into triads)

1:00 p.m. - 2:00 p.m.

LUNCH

2:00 p.m. - 4:30 p.m.

Case Study: Hostile Management  
(same as above - triads)

4:30 p.m. - 5:00 p.m.

Wrap-up/Evaluation/Certificates



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Massachusetts Institute of Technology  
77 Massachusetts Avenue  
Cambridge, MA 02139-4307  
[libraries.mit.edu](http://libraries.mit.edu)



The remaining contents of this folder have been redacted.

If you would like to see the full folder, please email the

Department of Distinctive Collections at

[distinctive-collections@mit.edu](mailto:distinctive-collections@mit.edu)