

THE INDEPENDENT VOICE

News from the International Ombudsman Association

PRESIDENT'S LETTER

Solid Foundations

BY KEVIN JESSAR, IOA PRESIDENT

We look forward enthusiastically to a collegial and productive four days together at our Montreal conference on April 15-19, 2009. This IOA conference with ACCUO and FCO is the first ever joint IOA conference and our first conference held outside of the continental United States. As we turn the corner and look ahead to April, I want to update members on several fronts.

In the past year the Board has worked assiduously to provide sound management of IOA, lay critical groundwork for IOA's development in the next 5-10 years, help the Board of Directors evolve as an effective collaborative decision-making body, and address tensions within the IOA community. I believe that we must continue to build IOA in all of these areas, serve members' needs as practitioners, and set the profession on solid foundations.



A natural guide for these efforts is the recently posted needs assessment in which IOA members indicated high levels of satisfaction with the quality and rich networking opportunities of both IOA training

programs and the IOA conference. Survey participants expressed their belief that IOA enhances the credibility of the profession and effectively facilitates quality interactions and connections with a wide array of colleagues. Survey participants indicated as well a continuing interest in IOA pursuing further efforts on communicating the value of the Ombudsman function to other associations and professions, enhancing communication within IOA, increasing website resources, and maintaining the affordability of conferences and trainings. More detailed information on the survey results can be found in the Documents section of the member's only page at www.ombudsassociation.org/members/default.asp. I would like to highlight a few of the most prominent and promising aspects of the recent needs assessment.

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GREATER EFFORT ON EXTERNAL COMMUNICATION

Survey participants expressed a desire to see IOA work systematically to "spread the word" about the function and value of the organizational ombudsman role. The Board has considered various options to accomplish this goal, including hiring a Public Relations consultant, hiring an Executive Director, and attempting to increase our international profile.

The Board has specifically tasked the Strategic Planning Committee to review the costs, benefits, value and feasibility of hiring an Executive Director. This would enhance IOA's ability to engage meaningfully with external stakeholders. The Strategic Planning Committee has also been tasked with outlining a plan for IOA to more effectively engage other professional associations in the legal, human resources, ethics and compliance fields in the United States and around the world.

IOA, and in particular the International Committee, continues as well its efforts to reach out internationally. Since 2005, there have been four trainings held in Europe and North Africa, as well as two trainings in Canada. In addition, in April 2009, IOA's annual conference will be held outside of the United States — for the first time in Montreal, Canada.

INCREASE DIALOGUE IN THE ORGANIZATION

Members have expressed a desire for increased communication throughout the Association. Suggestions included:

- Increased dialogue opportunities among members;
- Increased communication from the Board to the members;
- Increased dialogue opportunities from members to the Board, and;
- Enhanced venues for sector specific communication within the membership.

This member satisfaction survey is one initiative carried out by the Board to increase communication. Other activities intended to enhance communication include the annual conference, a Journal, a quarterly newsletter, continued development of the web site with enhanced resources, sector specific list-servs and a general member list-serv. Survey participants offered a range of other communications-related activities, including sector specific teleconferences, sector meetings at the conference, Board-membership dialogue opportunities at the conference, training webinars, and VOIP for confidential case consultations.

The Board, the Conference Planning Committee, the Conference Oversight Committee, the Communications Committee and the Membership Committee will consider these options as we plan for the coming year.

INCREASE RESOURCES ON IOA WEBSITE

As you may recall, the web site was re-launched in the Summer of 2008. Member feedback indicated possible improvement of the IOA website as it simultaneously confirmed the value and wisdom of several web development projects currently underway.

The Communication Committee has just completed a revision of "endangered office" materials that were originally developed by UCOA and are now posted in the Member's Section of the site. In addition, a sub-group of the Commit-

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tee is working on materials that can be used to support organizations that are considering developing an ombudsman office. These materials will help clarify issues organizations should consider when exploring the utility of creating an office. The materials may also be of assistance to current members who are looking for information on best practices. Lastly, the Communications Committee is developing a resource for articles on Ombudsman related topics. In order to better organize all of this information the Committee is planning to add a "resources" page to the IOA site to house these materials, which will be supplemented on an ongoing basis.

AFFORDABILITY OF CONFERENCE & TRAININGS

Some members raised concerns about the affordability of conferences and trainings. The Conference Oversight Committee has been charged with the responsibility to plan for our conferences to remain accessible and pertinent as our membership grows and diversifies. The Conference Oversight Committee considers cost, location and cultural context of the information presented at the conferences. Because conference rates and fees decrease per person when more people attend, the Conference Oversight Committee conducts long-range planning and strives to find cities (and venues) which are convenient for travel at a reasonable price. In addition, the Conference Planning Committee solicits sponsorship monies to subsidize the conference so it will break even; the conference has never been one of IOA's money-making ventures.

The Professional Development Committee also strives to be cost conscious when planning training locations and venues. The Commit-

tee works closely with our management company, Professional Management Associates, to find the most cost effective venues in different parts of the US and Canada so that training locales are accessible to everyone at the lowest possible rate. The PDC continues to discuss alternative training options as well, such as holding trainings at universities and using emerging technology to offer trainings.

NAME ISSUE

The survey asked IOA members to share their views on whether they prefer the IOA name to remain The International Ombudsman Association or to change it to The International Ombuds Association. As you can see in the final results, 38% selected the current name, 43% selected the name change, and 19% stated that they have no opinion either way. Between the two choices of keeping the name as is and changing it, those favoring a name change to International Ombuds Association outnumbered those who did not by 5% or 10 participant responses. A greater difference of opinion was expressed on the subsequent question such that 48% of participants (87 people) opposed adding the word "organizational" to the IOA name while 30% of participants (54 people) favored such a change.

A name change requires amending the Articles of Incorporation under Virginia law, where the Association is incorporated. Virginia law requires that a vote to change the name of an organization under the Articles of Incorporation needs 2/3 margin by the Board before it can be referred to the membership for a vote. The name change is adopted only if the 2/3 Board vote is followed by a similar vote to change the name by 2/3 of the membership.

The Board believes that it was important to solicit membership views on this issue which elicits strong feelings on both sides. The Board has decided that as a matter of substance and based on what the survey has revealed, and after great deliberation and analysis, not to vote to change the name of IOA. However, the Board has approved, and the IOA has obtained in New Jersey (where IOA conducts its business transactions), a "doing-business-as" designation. This enables IOA to conduct business as both the International Ombudsman Association and the International Ombuds Association in the state where the vast plethora of IOA business is transacted.

ADDITIONAL POINTS

I want to highlight only a few additional points. In the past year we have worked closely with the various IOA committees to implement the strategic plan and we have tightened our Vision and Mission Statements to clarify IOA's focus both inside and outside the association. We have continued work on the strategic priorities identified in 2007 by the Board, as follows:

Certification: we are working to build a successful program based not simply on developing a certification exam but on member and potential test-taker outreach, sound structuring of the relationship between the certification board and IOA, assessing longer term viability of a certification program, staffing of the certification function, and developing an appropriate and fair appeal process. We will hold a certification breakfast during the conference to discuss progress on this initiative.

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*(President's Letter continued from page 3)***Taskforce on Building Programs:**

we are working here to develop resources for tracking inquiries to IOA from organizations that may want to create an Ombudsman program. And we are looking at how contractor or consultant Ombudsman services can best be represented or shared with such organizations.

Research: the Board has been supporting projects that we hope will spur research related to the organizational ombudsman role. In particular, we will launch this coming year a new annual writing competition, and we are supporting the work of the Uniform Reporting Categories Taskforce that will collect data from

various offices of IOA members to give us the first composite picture of the organizational impact we have across entities and sectors. We are also supporting the work of the IOA Journal and the Professional Development Committee's initiative to launch the first-ever partnership between IOA and an academic institution, namely, a joint projects of IOA and Pepperdine's Straus Institute on Conflict Resolution.

Finally, I would like to recognize that the many initiatives described in this letter are entirely volunteer-driven and we are always looking for new contributors to help support the various projects that we are launching and pursuing. I hope you will consider getting involved this year

and sharing the talents you have to offer. You may wish to review the list of committees on IOA's website and email committee chairs or speak with them and others at the Montreal meeting to learn more about how you might assist within the level of commitment you can make.

In closing, I look forward to seeing everyone in Montreal for our first joint conference which promises to be an exciting and productive meeting.

See you in April! ●



KEVIN JESSAR

JOINT OMBUDSMAN CONFERENCE TO BE HELD APRIL 15-18, 2009

I Love Paris Montréal In The Spring Time!

BY KEVIN JESSAR, IOA PRESIDENT

Bonjour mes amis! Our annual Conference in Montréal is just a month away and the Conference Planning Committee is putting the finishing touches on an extraordinary list of activities, all of which are crafted to guarantee the value and success of this original joint project. The final program can be viewed at <http://www.ombudsassociation.org/conference/2009/>.

Our Canadian friends from ACCUO and FCO are looking forward to exchanging insights and experiences, and networking with all of us in IOA. Everything is in place to make this event a memorable experience, from inspiring speakers and thought provoking sessions to exciting

social activities, visits and discoveries in beautiful Montréal, the largest city in French-speaking Québec.

Perfectly conscious of the present challenging economic environment, your colleagues involved in the various conference committees and planning process have spared no effort to save where it was possible to save, boost sponsorship support and maintain, and raise, the quality and variety of the sessions offered. I personally encourage you not to miss this great educational opportunity and to join us in Montréal on **April 15 to 18, 2009**. If economic conditions will permit you to take advantage of only one professional development opportunity in 2009, we hope you will make this the one! ●

If you have not done so already, click here to register for the event: <http://tinyurl.com/bu29dy>

For more information about Montréal, please follow the link: <http://www.tourisme-montreal.org/>

Certification Update

BY NATHANAEL HADDOX AND JENNIFER WOLF

As the Certification Taskforce continues its charge to investigate, design and plan organizational ombudsman certification and accreditation for organizational ombudsman programs, it has moved into two new phases: the **Job Analysis** process and the **Item Writing** process. These two stages have helped the Taskforce make recommendations to the Board about the feasibility, content, structure, cost and timetables to launch these programs.

A core component of the certification effort has been the **Job Analysis process**—basically a scientific research study to define the role of an organizational ombudsman in order to determine the content of an individual certification examination.

As we wrote in our last newsletter update, the job analysis survey (which listed knowledge, skills and abilities performed by an organizational ombudsman) was sent to 472 individuals [members and associate members], and 200 responses were received (for a response rate of 42%). The results of the job analysis were then reviewed and some of the key findings follow:

- Approximately 97% of respondents indicated that the survey either completely or adequately described the important tasks and knowledge elements required for competent Ombudsman practice
- 83% of the respondents were members and 16% were associate members.

- 87% of respondents practice in the United States and 13% practice internationally.

- There was a well-represented spread in terms of years of practice for respondents, with the largest percentage (34%) for those who have practiced for less than 2 years, and the smallest (9.5%) for those who have practiced over 15 years.

- There was also distribution of representation from the academic sector (50%), the corporate sector (24%), the government sector (14%)

Respondents indicated that 11 of the 181 elements did not seem important enough (evaluated by percentages of individuals who responded that they are “tasks not performed”) to be included in the list. Respondents also suggested new elements which seemed to be missing from the list, and from those suggestions, three new elements were added, for a total of 173 elements. The responses were also evaluated by the group, based on respondents’ primary practice sector, geographic area and years of practice.

The list of elements, representing knowledge, skills and abilities were approved by the subject matter experts working on the Job Analysis. These ele-

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ments also served as the outline on which examination questions were based (during the item writing phase), to link necessary competencies with an evaluation of that competency.

- 33% of respondents indicated that they serve a population of 1,001 to 10,000 individuals and 48% indicated that they see 101-301 cases each year.

The job analysis survey listed 181 possible elements of competent ombudsman practice. These 181 elements were categorized into seven domains areas: 1) **Conflict Management**; 2) **Effective Communication**; 3) **Addressing Issues**; 4) **Outreach & Education**; 5) **Policies, Procedures, and Organizational Culture**; 6) **IOA Code of Ethics and Standards of Practice**; 7) **Feedback to the Organization**.

A cross section of 13 Ombudsmen with varying degrees of experience and from multiple sectors, met the second week of November to begin the **Item Writing process**, i.e. writing questions or “items” for the certification examination. As mentioned above, these questions were based on the knowledge, skills and abilities (KSA’s) defined in the job analysis survey. Thank you to all who participated in the survey. Your

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contributions were invaluable in helping to create the foundation for writing exam questions. Before the item writing process began, the facilitators with Schroeder Measurement Technologies provided lessons in examination writing. Once the item writing began, participants wrote questions for a few hours and then began the task of editing. The goal was to ensure that each question was clear and unambiguous. Additionally the participants had to agree that questions were not too advanced, given that the examination is expected to test basic KSA's. It was a rich experience to see all of our best ombudsman skills put to work in discussing each question that had been written, not to mention the art of persuasion and influence!

It was a challenge to devise questions that were basic, but couldn't be answered by just anyone. The exam will help distinguish those who are knowledgeable about IOA practice. By the end of the three day workshop of writing and editing items, enough questions had been written and approved to create an examination form. Each participant was thoughtful, dedicated and committed to enhancing the professionalism of our practice.

For the complete findings of the Job Analysis process, you may read the Job Analysis report, which will be available on the IOA webpage in early 2009. ●



What's in a Name?

BY JIM LEE, UNITED NATIONS

Ever since our annual meeting in Boston, I've been thinking about what some of us call ourselves, what others of us call ourselves, and what others than ourselves call us. I've been encouraged to share my musings, so here goes.

The word in the title of our organization that troubles me most is, of course, ombudsman. It does so from morphological, gender and phonological perspectives.

speakers could naturally arrive at anything else, in particular, horrible dictu, ombudsmans. Here the "s" would be pronounced simply in order to pretend that by doing so, the word has obligingly become gender-neutral. Nothing to do with man or men at all!

Certainly none of us can prescribe what we would like the rest of us to say or proscribe what we would prefer them not to say. Please

None of us can prescribe what we would like the rest of us to say or proscribe what we would prefer them not to say.

Let's take a look at the morphological complexities first. For the plural of this word, I believe there is only one possibility in English: ombudsmen. That does not hold true in French, for example, where I see ombudsmans. Of course, the word itself in French is not gender marked and since it has become a French word (as it has become an English word), there is only one option: add the "s" marker of plurality, which in the case of French is silent. I think we are fighting a lost cause to try to say that English native

remember this when you read the Wikipedia entry on ombudsman; whoever wrote it is on a linguistic moon. In a similar manner, this aspect of the problem is reflected in the prescriptive, sociolinguistic heft that the IOA Board and other convinced members would like to have when they give a variety of reasons for wishing that everybody else would just obey and say "ombudsman" and "ombudsmen". It's not as simple as that, as some of our members who took the floor in Boston quite rightly pointed out. There are gender-inclusive terms for other professions, as words such as lawyer, letter carrier, chair, author

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and poet bear witness. For many people, it is quite unacceptable to perpetuate a gender difference in a word that applies to both sexes, particularly when they see a viable alternative. Ombudsperson is not a viable alternative in everybody's opinion, unfortunately.

The natural tendency of native English speakers is to make words of foreign origin conform syntactically and phonetically and, in latter days, socially (for which read "politically correctly"). I find it very important in this whole debate to remember the phonological aspect: "ombudsman" is not an easy word for native English speakers to pronounce and "ombudsperson" is even worse (not to mention *ombudsmanperson, which I hear more and more). It is at this point that I like to think of Fowler, who said that "To say a French word in the middle of an English sentence exactly as it would be said by a Frenchman in a French sentence is a feat demanding an acrobatic mouth...it is a feat that should not be attempted...All that is necessary is a polite acknowledgment of indebtedness to the French language indicated by some approach in some part of the word to the foreign sound and even this only when the difference between the foreign and the corresponding natural English sound is too marked to escape a dull ear." Of course, Fowler was writing for a different, class-divided society and there is much we can deride today about his Dictionary of Modern English. Still, I think he has a point about phonetic callisthenics. Which all goes to show that if many educated people have a

problem pronouncing the word ombudsman and other educated people find it gender offensive, the odds are that it will be modified.

If we in the profession can't always pronounce "ombudsman" correctly, or at least uniformly (a question of stress, mainly, but the "s" does get transposed even by practitioners), then our visitors probably have a hard time pronouncing it, too. If they can't pronounce it and they don't know what it means (and we can't always tell them!), we might be



in a spot of bother. The ABA followed the English mode of reduction in talking about "ombuds" but then what about the plural or possessive of that form? The "purists", citing the original Swedish word "ombud" and noting that it is an abstract noun meaning "business, commission, something that must be done" and that the "om" possibly means "by a third party", claim that it is unacceptable in any case to call a person by an abstract idea.

The word ombudsman has been part of the English language for decades, as the OED notes and so it is an English word and will behave like an English word. If we want to truncate

the word and call ourselves ombud in the singular and ombuds in the plural, English patterning will not stand in the way. Of course, we will stand in one another's way and there's the rub. There's no refuge to be had in etymology since that tells us only the fascinating way in which the word got here but not how it will behave in English. However good one's Swedish might be, it is — and should be — of little avail. *Mutatis mutandis* (no longer italicized in English), those who

remember that the Latin plural of forum is fora are always dismayed to discover that the OED tells us the plural in English is forums, likewise bienniums.

It would be neat if we could find another word, on analogy with letter carrier, or one that is as obliging as teacher, lawyer or accountant but we can't so we'll argue and eventually we'll come

to terms with something that not everybody likes. If it does turn out to be ombud in the singular and ombuds in the plural, all very well. But I bet it won't be anything ending in — man (even taking into account "ombudswoman", recorded on the OED). Whichever form wins the day, everybody who is one should know precisely how to answer the question "and what is it you do?" And on that point, all the more reason to make sure that our own ranks have the professional standing and understanding that certification alone can bring. ●

A VITAL REFERENCE FOR OMBUDS:**Report on Federal ADR Programs****BY TOM A. KOSAKOWSKI, OMBUDSPERSON FOR THE CENTER FOR HEALTH SCIENCES, UCLA**

In April 2007, the Federal Interagency Alternative Dispute Resolution Working Group and other federal agencies issued a *“Report for the President on the Use and Results of Alternative Dispute Resolution in the Executive Branch of the Federal Government.”*¹ The Report surveys Cabinet and independent federal agencies and finds an increasing number of ADR programs.

There are two primary reasons organizational ombuds should add the Report to their libraries. It provides a comprehensive survey of federal ombuds programs, including many offices with no IOA representation. In addition, and more significantly, the Report provides compelling evidence of the effectiveness and cost savings associated with ADR processes—evidence that support the arguments ombuds often make on their own behalf.

It should come as no surprise that ombuds are featured prominently in the Report. The Steering Committee previously collaborated with the Coalition of Federal Ombudsmen to issue the *“Guide for Federal Employee Ombuds”* in May 2006 as a supplement to the American Bar Association’s *“Standards for the Establishment and Operation of Ombuds Offices.”*

Ombuds also had a hand in preparing the Report. The Steering Committee included **Gregory Burke**, the Ombuds for the Office of Resolution Management at the U.S. Department of Veterans Affairs from May to October 2006. **Howard Gadlin**, Ombudsman for the National Institutes of Health was also an initial/grandfathered member of the Steering Committee.

SURVEY OF FEDERAL OMBUDS PROGRAMS

The Report collects information on the current state of ADR programs used by over 100 agencies and sub-agencies. A table of ADR programs indicates that at least 42 ombuds offices were operating in 2005–2006. The Report summarizes the work of many of these ombuds programs.

OMBUDS OFFICES WITH IOA MEMBERS

Department of Education, Office of Federal Student Aid — “Ombuds works with federal student aid recipient loan holders, guarantee agencies, and schools to prevent loan foreclosures” and “to resolve loan problems informally.”

Department of Health and Human Services, National Institutes of Health — “Office of the Ombudsman has developed a special expertise in addressing and settling scientific disputes relating to peer reviews of grant-funded scientific research. The office additionally uses ADR processes to resolve disputes involving intellectual property rights and authorship of scientific papers.”

Department of Homeland Security, Secret Service — “ADR program relates almost entirely to EEO or other workplace disputes, which are addressed by the Ombudsman Program serving the agency’s 2,300 employees.”

Department of Homeland Security, Transportation Security Administration — “The Office of the Ombudsman, established in January 2003, serves as a resource to employees with any concern relating to their workplace, and tracks patterns

of complaints in order to identify needed changes within the organization.” In addition, the Contact Center “Office of the Ombudsman is the central point of contact for all public complaints, including passenger screening issues, and also is available as necessary to provide informal and neutral problem resolution services to the traveling public.”

Federal Deposit Insurance Corporation — “Office of the Ombudsman . . . provides ADR services and outreach largely to the public and regulated entities.”

OMBUDS OFFICES WITH NO IOA MEMBERS

Defense Contract Management Agency, Contract Law Group — “Ombuds Program provides another avenue for employees or contractors to raise issues of integrity, fraud, or other conflict.”

Department of Energy, Office of Dispute Resolution — The role of “The Technology Transfer Ombuds is to prevent and resolve at the earliest possible level : disputes between the laboratories and inventors or private companies, over technology transfer issues.”

Department of Energy, National Nuclear Security Administration — “Ombuds Program services all of its employees and contractors, providing a confidential, impartial, independent, and informal resource facilitating fair and equitable resolutions to all types of workplace concerns.”

Department of Justice, Community Relations Service — “The Ombuds Program facilitates problem solving between staff and management at

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an early stage for non-EEO complaints and grievances.”

Department of the Treasury, Office of the Comptroller of the Currency

—“The Office of the Ombudsman, through its Customer Assistance Group, addresses disputes between consumers and national banks or their subsidiaries.”

Consumer Product Safety Commission

—“Small Business Ombudsman serves as an effective conduit to facilitate communication between the small business community and the agency.”

Environmental Protection Agency, Office of Administrative Law

—“Small Business Ombudsman reviews and resolves disputes between the agency and the small business community in the development and enforcement of environmental regulations.” In addition, “The Regional Public Liaison Manager (formerly National Ombudsman) assists the public and regulated community in resolving problems concerning requirements under the agency’s hazardous waste programs.”

Federal Reserve Board —“Ombudsman provides mediation and other ADR processes in supervisory matters, permitting affected stakeholders to contact a Board official to address issues of concern.”

Small Business Administration —“National Ombudsman assists small businesses with unfair and excessive federal regulatory enforcement.”

U.S. Agency for International Development —“Ombuds provide employees and citizens an opportunity to speak directly with an agency representative about issues of concerns. The ombuds provides timely feedback to the potential disputant and, as importantly, ongoing feedback to the respective

agency regarding the impact and effectiveness of its programs.”

Other departments and agencies with at least some type of ombuds program include: Department of Defense (Air Force, Army, Navy, Defense Commissary Agency, Defense Contract Mgt. Agency, Defense Info. Systems Agency, Defense Logistics Agency, and Dept. of Education Activity); Department of Health and Human Services (Agency for Healthcare Research and Quality, CDC, Departmental Appeals Board, FDA); Department of Housing and Urban Development; Department of the Interior; Department of Justice (Civil Div., Civil Rights Div., Environment and Natural Resources Div., Executive Office for US Attorneys, FBI, Federal Bureau of Prisons, and Tax Div.); Department of Treasury (Alcohol and Tobacco, Tax and Trade Bureau, US Mint); Department of Veterans Affairs; National Mediation Board; and US Postal Service.

While many of these ombuds programs are classical, there is no better summary of ombuds offices in the federal sector.

EVIDENCE OF THE BENEFITS OF ADR

The Report is also loaded with information demonstrating the value of alternative dispute resolution. The Report posits a three-fold benefit from ADR programs:

1. Promotion of a citizen-centered government;
2. Management of the costs of government; and
3. Support of the strategic management of government resources.

Ombuds programs are cited as a particularly useful method of improving an agency’s responsiveness, a key component of citizen-centered government. Many agen-

cies are using ombuds offices to increase direct interaction between the agency and the public. The Report acknowledges that ombuds inhabit “a special place outside of the routine bureaucratic channels” and have “authority to approach high levels of leadership directly for immediate action or decision making.” In addition, ombuds serve an equally important function as “monitors of overall agency effectiveness as well as agents of change where necessary.”

The Report also provides many examples of significant cost savings for federal agencies implementing ADR processes.

- The Social Security Administration estimated that traditional handling of an EEO complaint cost \$40,000, while mediation cost \$50 to \$1,500.
- The General Services Administration found that EEO cases resolved through mediation avoided \$3,500-\$4,500 in investigation costs.
- The Federal Bureau of Investigation reported that EEO investigations costs over \$250,000 for a final decision, but that mediations cost only \$1,800 on average. In part, these cost savings are due to shorter resolution times.
- The Air Force reported that workplace disputes could be mediated in just 27-40 days, but that EEO cases handled administratively took an average of 390 days.
- Similarly, the DOD Washington Headquarter Service found that ADR processes took 39 days on average, but formal complaints took 469 days.

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- The Department of Housing and Urban Development processing times in EEO matters fell from 802 days in formal cases to 53 days if ADR was used.

Several agencies reported ADR resolution rates of 50 to 80 percent for workplace disputes, with high satisfaction rates among participants.

LOOKING TO THE FUTURE

ADR programs are widespread in federal agencies and reflect the fundamental belief that conflict is reduced whenever communication is improved. The Report urges agencies to broaden ADR programs from workplace disputes into other areas. In addition, "ADR in the next decade needs to grow into a system of proactive conflict management as opposed to a one-shot reaction to a presenting dispute." Achieving these goals will require leadership and support from the President and other decision makers, and integration of conflict management competencies into agency performance management and evaluations.

As federal ADR programs become more integrated and better coordinated, there will be more opportunities for organizational ombuds. The Federal Interagency ADR Report is a valuable tool for individual ombuds and the profession as a whole. ●

FOOTNOTES

¹The Federal Interagency ADR Report is available online at http://www.usdoj.gov/adr/pdf/iadrsc_press_report_final.pdf.

THE MERITS OF WRITING AN ADVICE COLUMN:

Reaching Those Who Don't Reach Out to You

BY TOM BARNETTE, AMERICAN EXPRESS

Ours is a profession for which many of the rewards are intangible and derived from self-satisfaction. For many of us, one of the more rewarding, but fleeting, aspects of our efforts comes in a very private setting. It's when a visitor has just left our office and we take a moment to sit back and feel good about the guidance and options that we have provided. We are confident that the person is leaving more empowered to pursue a resolution in a way that is likely to serve the individual and the organization well. Our boss doesn't know. Our family doesn't know. But **we** know that what we just did made a difference and added value.....and it feels great.

Well, the next time you are enjoying one of those moments, may I suggest that you consider a couple of questions?

- How might I assist other people in my organization who are in a similar situation?
- What about the undetermined number of people who might need similar advice, but for whatever reason will never visit our office?

If you want to expand your contribution beyond your direct visitors, then consider the merits of writing an advice column.

Over the years, we have used many such columns at my organization and typically placed them in a variety of communication vehicles that employees use. Sometimes the content is advice to leaders to help prevent issues in the future, sometimes we write for all employees to suggest options to resolve issues. In all cases, we base the subject and content on recurring themes we are hearing from our ombudsman practices and/or gaps we observe in resolution processes. And frankly, if we are truly listening, there is no shortage of useful material.

Granted, it is hard to measure the effect of advice columns and our data is purely anecdotal. But the feedback we get is overwhelmingly positive. People appreciate the neutral point of view and our willingness to address topics that usually do not appear in print and are frequently relieved to see that their concerns are shared by others. An additional benefit is that the advice articles serve as an effective awareness communication vehicle for the office and may encourage others to come forward.

On the next page is one example of the many articles we have used. If you have not tried this before, I hope you will consider it. I think that you will be glad that you did.

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(Advice Column continued from page 11)



Building Trust

Dear Ombudsperson:

No matter how hard I try, the group I lead doesn't seem to trust me. I'm really an honest person. What can I do?

Sincerely yours,

Leader

Dear Leader:

In my role as an Ombudsperson, employees sometimes share with me why they have lost trust in their leader. Let me share some of the things I hear. Maybe some of it will be helpful.

Fairness — Employees lose trust in leaders who they perceive as not being fair. One example I have heard is that the leader is perceived to personalize issues or conflicts. People believe the leader incorporates inappropriate personal factors into leadership decisions. To minimize this perception, you should make sure you are reaching decisions based on the relevant facts and not being influenced by your own personal likes or dislikes. If you articulate your reasoning, your people can better understand what went into your decision-making process.

Favoritism — This situation occurs when a leader is perceived as giving special treatment to certain individuals or groups. You can promote trust by conscientiously avoiding situations and behaviors that might be perceived as favoritism. Examples of favoritism I hear mentioned include giving extra support or help to a friend in the group; selectively sharing information that everyone needs; or socializing outside of work with a subset of your team.

Honesty/Integrity — Employees lose trust in leaders who do not follow up on commitments, break their own rules, avoid admitting errors and abuse the authority of their position. By virtue of your leadership position, you are an organizational role model for your group. If you

make a commitment, keep it. If you set expectations, make sure you hold yourself to at least the same standard. If you were wrong, say so. You will build respect and trust in your leadership.

Respect — Very simply, people do not trust leaders who do not respect the people they are leading. You might inadvertently communicate a lack of respect by your body language, tone, or the words you choose. Employees tell me it is especially disrespectful when a leader “talks down” to the group or to individuals. Treat the people you lead as you would like to be treated – as responsible, adult, professional colleagues.

Communication — Lack of accurate and timely communication can create mistrust because employees must resort to filling in the information gaps, usually with assumptions, rumors or best guesses. If in doubt, always err on the side of over-communicating. Let your group decide if they do not need the information. They will let you know.

Finally, I have noticed that when employees tell me about leaders they feel they **can** trust, it's usually because those leaders have demonstrated that they are focused on helping the individuals they lead be as successful as they can. Those leaders demonstrate that focus when they obtain the resources people need, find the answers people need, and express appreciation for a job well done. At the end of each day, try asking yourself, “As a leader, how did I help my group be successful today?” One of the best ways to lead is to serve. ●

Helping Visitors Achieve SMART Results!

BY MAURICIO RAMOS

My experience as an Ombuds has been that visitors often need help in getting focused on changing the situation from where they are to where they want to be. As Ombuds we cannot tell a person what they need to do, but we can give them questions to think about so they can decipher for themselves what is best for them. Then, when they leave the office they have a clear goal and direction of where they will focus their energies. One of the tools I have found useful in helping visitors create clear goals and a direction is through an acronym that has been floating out there for ages, SMART.

Assume a manager has contacted the Ombuds Office, saying that they have just received anonymous feedback that they are not very good at managing staff. This manager is dismayed by this information and wants to be better at managing people. The manager has given an Ombuds permission to help articulate goals that will help propel them forward. Let's put SMART into action.

"S" STANDS FOR SPECIFIC.

This means whatever the goal is, it must be clear enough that there is a focus. This includes the what, who, where, how and why of the goal. Assume the manager says they want to be "communicating" better. This is a good goal and has great intent. Yet, what would make it even more specific so that it's a clearer objective? How can the manager articulate in one line this over-arching goal they want to achieve? Perhaps the manager says they want their own director to say how they have noticed improvement in communication. Or that the next time they are given anonymous feedback they

would like to hear positive feedback from employees. As always, there is not a specific answer we are looking for. We simply want the visitor to have decided for themselves with specificity what it is they want. Specificity creates a clear destination of where the visitor is headed.

"M" STANDS FOR MEASURABLE.

There is an old adage that you cannot manage what you cannot measure. In goal setting that would mean coming up with a gauge of knowing whether the visitor is on track. In our scenario the manager wants to improve communications and the best gauge to measure this would be through the employees the manager supervises. Some good questions would be, "How will you know you've attained this goal of communicating better with those around you?" "What happens when communications are not as effective?" "What would it look like if communications were effective?" "What would your employees say or do?" Let's say the manager concludes the best gauge would be if his employees simply tell him that he is communicating better. Because this is subjective the manager would like employees to rank on a scale of 0-10 how his communication skills are perceived now and then he would like employees to rank him down the line on a scale of 0-10. Hopefully, the manager believes, there will be improvement and this is an accurate way of assessing long term results. On a day to day basis the manager will also measure whether he is communicating effectively by asking people whether or not he has understood them.

"A" STANDS FOR ACTION.

We all have had dreams but it is when we take action that we start creating reality. We want to help the visitor create their own list of what will thrust them towards achieving their goals. So far we have got a visitor that has 1) articulated that they want to communicate better and 2) that if his employees say he is communicating better that will be a measure of how effective he has been. What actions would support this goal? What can the manager do to create better communications? In this scenario the goals rest on feedback and perceptions that he cannot control. What does he need to do or say to create results? Perhaps the manager decides that 1) He will take a coaching class to help communicate better with his employees, 2) He will read a book on how to be a better active listener, 3) He will work with the Ombuds Office on role-playing out difficult conversations that the manager might have with employees, 4) The manager will emphasize at staff meetings that he invites people to give him direct and sincere feedback and 5) He will choose one or two techniques he has learned and will use it with his employees to enhance communication (he may ask more clarifying and open-ended questions).

"R" STANDS FOR WHETHER THE GOAL IS REASONABLE.

In finding out whether something is or isn't reasonable we get to play devil's advocate. Questions might include: "How do you know whether employees are giving you sincere feedback?" "How easy would it be to implement what you are envision-

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ing?" "Are your goals attainable?" "Are there any actions on your list that you think you might not be able to do simply because you don't have the right resources?" Asking questions about the reasonableness of the manager's goal and action may help the manager discover that he has made an unreasonable assumption in believing that the staff will provide him direct and sincere feedback. In actuality, the original feedback that prompted him to seek guidance on the situation had been anonymous and from a number of people. Therefore, after thinking and talking about options to calibrate his expectations the manager decides that he would like to invite his staff to connect with the Ombuds Office periodically to discuss their experiences of how the manager is communicating. Being reasonable is simply about constantly calibrating expectations so that outcome is in proportion to the resources at hand.

"T" STANDS FOR TIMELY.

Timeliness ensures that visitors are accountable to themselves by a specific date. There should be a set date as to when the manager would like to have met his over-reaching goal (getting positive feedback from employees on his communication skills). There should also be deadlines set on the actions steps he is committed to taking. For example, the manager may decide to commit that he will take that coaching class within one month. He will also read that book on better listening within two months. He will set a date for each action step and then decide what a reasonable deadline is for his over-reaching goal. Assume the manager decides that within six months he would like to be getting feedback that is positive.

There is one final piece that is incorporated into making sure the goals are specific; this is ensuring that the visitor is clear on *WHY* the goal matters. Articulating the purpose behind the goal creates motivation and energy that will create momentum the manager will need to achieve the desired results. Two simple questions to ask visitors are: what will you gain from achieving this goal and what will it cost you if you fail?

After spending time on all of these steps the Ombuds has helped the manager come up with the following plan:

SMART PLAN

I will become a better communicator with all those around me at work. I will know whether or not I have met this goal because I will invite my staff, colleagues, and upper management to give honest and sincere feedback to the Ombuds Office. In turn, they will share this feedback with me. My goal is that within six months there will be a marked improvement in my communication skills.

I commit to the following specific actions steps:

- 1) I will sign up and participate in a 1-day Coaching for Managers class within 1 month,
- 2) I will listen in the car to at least one audio book on active listening within 2 months,
- 3) I will contact the Ombuds & role-play difficult conversations that may arise with staff,
- 4) At the next staff meeting I will emphasize to my team my commitment to improving communication and will invite them and others (such as my own manager) to give feedback directly to me or to the Ombuds Office who will then provide their anonymous feedback to me,
- 5) On a daily basis when I interact with others I will consciously apply skills such as asking clarifying questions to ensure I'm understanding people.

I will know if my approach to communicating differently is working because I will ask people to share anonymously with the Ombuds Office how they would rank me presently. Then in six months they will be asked again by the Ombuds to rank me on my communication skills. My goal is to hear, on a scale of 0-10, people consistently ranking me an eight and above.

I need to meet this goal because it will greatly improve my relationships with others, create a more supportive environment for everyone, help people deliver better results, and gain respect of upper management and others. If I fail to communicate effectively I will lose employees, fail to deliver results and may jeopardize my job. Therefore, I choose to communicate better.

Of course the above may not be perfect, yet what matters is that the manager has crafted this action plan on their own and they have something more concrete than a simple intent. As milestones and setbacks are encountered it will be necessary for the visitor to modify the action plan but following these steps ensures a greater likelihood of success. And there you have it, a SMART way to get results. ●

Where's the International?

BY WILBUR HICKS

Back in the 80's, a popular hamburger commercial would taunt its burger rivals with the searing question, "Where's the beef?" With the IOA, which promotes itself as a global organization, members often ask, "Where's the international in the **International** Ombudsman Association?" While the answer can be found in the many members of the association who reside outside of North America, the programmatic reality can be found most prominently in the international professional development program, growing and expanding into its sixth year.

Since 2004, the international professional development program has taken root in Geneva, Switzerland (2004 and 2005); Rome, Italy (2006); Tunis, Tunisia (2007); and Paris, France (2008). Under the presidency of **John Barkat**, now the United Nations Assistant Secretary General and Ombudsman, the international training program was launched. Working with **Asha Williams**, then the Ombuds at the World Health Organization in Geneva, John wanted the then Ombudsman Association (TOA) to expand its reach into other areas of the world. The United Nations ombuds function had begun to expand and was looking for opportunities to become more closely associated with TOA and, at the same time, make professional development opportunities more available to its members.

In 2003, the United Nations ombuds held their first meeting. Asha Williams thought a professional development component of the

meeting would add immensely to the professionalism and expertise of the group. The interests of the two groups, TOA and the UN ombuds met and the first international training program was launched at the World Health Organization in Geneva. Ombudsman 101 was the first offering. At the suggestion of Asha Williams, the course was adjusted to meet the needs of an ombudsman serving an international population. In subsequent years, in



addition to O 101 being offered at each venue, specialized courses were offered, as well. Some of the courses included "Working with Difficult People," "Helping People Come Forward," and "The Support Role in the Ombuds Office."

A breakthrough occurred in 2007 in Tunis, Tunisia when a course especially designed for the international program was offered — "Ombudsing in the Field." In the following year in Paris, a new course emerged again when the United Nations Educational, Scientific, and Cultural Organization (UNESCO) asked for a course in Conflict Resolution; the international teaching team was embarrassed to discover that IOA did not have a basic course in Conflict

Resolution. On the other hand the team saw an exciting opportunity to develop and deliver a Conflict Resolution course that incorporated elements of multiculturalism.

The international teaching faculty has been developed with teaching expertise and international experience as criteria. Instructors in the international professional development program have included **John Barkat** (United Nations), **Danielle Fischer-Lebailly** (Masterfoods), **Veronica Luard** (United Nations), **David Miller** (World Health Organization), **Linda Wilcox** (Harvard Medical School), **Jim Lee** (United Nations), **Asha Williams** (International Labor Organization) and **Howard Gadlin** (National Institutes of Health). **Wilbur Hicks** (International Monetary Fund) has been the Coordinator for International Training. Another criterion for the selection of international faculty has been the

support of the employer-organization. Expenses for international faculty are covered by the instructor's organization, so that no IOA funds are used to cover faculty costs.

The international program has now been in Europe and Northern Africa. Future programs are being contemplated for Asia (2009) and South America. Further information about these programs will soon be found on the IOA website.

So when the question is asked, "Where's the international in the International Ombudsman Association," members can point with pride to the scope and vitality of the international professional development program. ●

Remembering James Nabina

FORMER OMBUDSMAN FOR THE AFRICAN DEVELOPMENT BANK

The following letter from John Barkat, United Nations Ombudsman, shared the sad news of the recent death of James Nabina.



JAMES NABINA

It is with a heavy heart that I am writing to inform you of the death of **James Nabina** and his wife **Christiana Nabina**. James had served as Ombudsman for the African Development Bank (ADB) and had been an active member of the International Ombudsman Association (IOA) and the UN network of ombudsmen and mediators (UNARIO). James was a soft-hearted and kind soul who worked as a career diplomat for his country of Ghana and joined the ADB in 1985 as a translator. He made the transition to mediation and ombudsman work in 2004 with natural ease. He has been a presenter to several annual conferences and recently hosted the UNARIO meeting and IOA courses in Tunisia.

He and his wife had been re-establishing their home in Ghana where, in addition to some freelance translation work, he was excited to be promoting mediation in his country and connecting with other ADR professionals who shared his interest. Recently he had been exploring the possibility of re-entering the Ombudsman profession, which he greatly missed.

It was impossible to know James and not be untouched by the experience. He was rigorous about maintaining high standards for the profession, always caring and empathetic to the needs of those who brought issues to him, and ever diplomatic in his resolutions. Personally, his large physical stature was juxtaposed with an ease and familiarity when speaking with friends and co-workers, and his deep chuckle and laughter resonated regularly throughout his conversations.

When we spoke just before the holidays, he was, as always, optimistic about the new challenges that life was offering. I was reminded of how easy we worry about tomorrow and was struck by the faith that James had in things working out for good. He talked as always about his children and we spoke of each of them. They tugged at his heart and he was looking forward to finding more time to spend with them in the coming days and years. Ever gracious he invited his friends and colleagues to visit his country and, with genuine pride, spoke of the natural beauty of the countryside.

Perhaps it is easy for someone with such a caring personality to see beauty around him and help others see it more clearly. Certainly those who knew him always left our conversations with James feeling touched, encouraged, and more hopeful than we had been only moments before. He possessed the skills of an ombudsman and mediator, but, more importantly, those intangible qualities that helped bind people when they were feeling broken, and encouraged when they felt hopeless.

During this time of mourning our hearts go out to his four children at the loss of their parents, and to other members of their family. ●

Transitions

From **Tom Sebok**, University of Colorado: Here (<http://www.colorado.edu/Ombuds/graphics/press.html>) is a link to a press release about Larry Singell, our newest Faculty Ombudsperson. He started in mid-August, 2008.

From **Dr. Frank Fowlie**, DCR, The Internet Corporation for Assigned Names and Numbers (ICANN): The following is a link to my doctoral dissertation on Ombudsman evaluation (<https://omblog.icann.org/?p=97>). Dr. Fowlie has now earned a Doctor of Conflict Resolution from La Trobe University, Melbourne.

Education

2009 TRAINING OPPORTUNITIES

June 11-13, Malibu, CA, USA

July 13-17, Denver, CO, USA

Sept. 7-9, Bangkok, Thailand

Oct. 26-30, Charlotte, NC, USA

ANNUAL CONFERENCES

April 15-18, 2009
Montreal, Canada

April 7-10, 2010
New Orleans, LA, USA

For more information on any of IOA's Trainings or conferences:

www.ombudsassociation.org/

Welcome New Members

The International Ombudsman Association welcomes its newest members::

Affiliate Members

D. Patricia Bolton, Analyst, West Vancouver, BC, Canada

Kathy Bonapace, Rochester, MN, USA

Christopher Bozik, Taxpayers' Ombudsman, Office of the Taxpayers' Ombudsman, Ottawa, ON, Canada

Michelle Brody, The Exctor Group, White Plains, NY, USA

Helmut Buss, Chief, Legal Affairs Section, United Nations High Commissioner for Refugees (UNHCR), Geneva, Switzerland

Natalie De Witte, Student Grievance Resolution Coordinator, Ashford University, San Diego, CA, USA

Marc Flegenheimer, Emergency HR Coordinator, CARE International, Geneva, Switzerland

Cindy Foster, Ombudsman, FINRA, Rockville, MD, USA

Wayne Hayde, Chief, Conduct and Discipline, Unifil Maquora, Lebanon

Christopher Hein, Ombudsman, PJM Interconnection, LLC., Norristown, PA, USA

Ryan Keyt, Labor Relations/ HR Rep., Lockheed Martin Corp., Albuquerque, NM, USA

Martha Kim, Director of Public Policy, Research & The Law, Level Playing Field Institute, San Francisco, CA, USA

Tarja-Liisa Laaksonen, PhD student at Helsinki School Of Economics, Lahti, Finland

Lauren Langford, Associate Professor, Neuropathology, UTMD Anderson Cancer Center, Bellaire, TX, USA

Eng Kiat Lee, Trusted Governance (S) Pte Ltd, Singapore

Wei Hao Lee, Trusted Governance (S) Pte Ltd, Singapore

Janie McCusker, Security Coordinator, UNFPA, New York, NY

Dawn Osborne-Adams, Manager of ADR Programs, U.S. District Court - Central District of CA, Long Beach, CA, USA

Bjorn Rohde-Liebenau, External Ombudsman for Whistleblowing Issues, RCC Risk Communication Concepts, Hamburg, Germany

Andrew Silver, Resolution Experts, Charlotte, NC, USA

Kimberly Wiley, Ombudsman Service Representative, American Red Cross, Washington, DC, USA

Associate Members

Marvin Adams, Director of Equal Opportunity Programs & Ombudservices, School District #11, Colorado Springs, CO, USA

Tahiana Andriamasomana, Senior Officer, UNHCR, Geneva, Switzerland

Rex Elliott, NASA Headquarters Ombuds, NASA Headquarters, Washington, DC, USA

Maxine Evers, Assistant Ombud, University of Technology, Sydney, Broadway, Australia

Dennis Martinez, Ombudsman, Special Agent in Charge US Secret Service, Springfield, VA, USA

Gary Ostrower, Ombuds Officer, St. Bonaventure University, Alfred, NY

Terri Wide, Recovery School District, New Orleans, LA, USA

Members

Singogo Alisand, Ombudsperson, African Development Bank, Tunis, Tunisia

Constance Bernard, Ombudsman, The World Bank, Washington, DC, USA

Timothy Donnelly, Ombudsman, Ross University, School of Medicine and Veterinary Medicine, North Brunswick, NJ, USA

Jon Everest, Facilitator & Disputes Advisor, Victoria University of Wellington (New Zealand), Wellington, New Zealand

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Dr. Roberto Gaona, Defensor Universitario (University Ombudsman), Universidad Autónoma del Estado de Hidalgo, Mineral de la Reforma, Hidalgo, Mexico

Nicole Goodfellow, Ombudsman, Canada Post Corporation, Ottawa, ON, Canada

Robin Goodstein, Ombudsperson, Kenyon College, Gambier, OH

Jai Nitai Holzman, Ombudsman, American Red Cross, Washington, DC, USA

Lanla Kamara, Case Officer (Peacekeeping), United Nations, New York, NY, USA

Arline Kardasis, External Ombuds, Agreement Resources LLC, Wellesley, MA, USA

Lara Khalife, Senior Conflict Resolution Officer, United Nations, New York, NY, USA

Deb Ledvina, Transportation Ombudsman, Minnesota Department of Transportation, St. Paul, MN, USA

Samantha Levine-Finley, Associate Ombudsman, National Institutes of Health, Bethesda, MD, USA

Ed Madden, Director of Mediation Services, N.U.I. Maynooth, Maynooth, Co. Kildare, Ireland

Reto Meister, Ombudsman, International Committee of the Red Cross, Geneva, Switzerland

Mamodupi Mohlala, Pension Funds Adjudicator - South Africa, Benmore, South Africa

Linda Monet, Ombudsman, National Bank Financial Group, Montreal, QU, Canada

Shirley Nakata, Ombudsman for Students, University of British Columbia, Vancouver, BC, Canada

Elaine Newell, Ombuds Officer, Iowa State University, Ames, IA, USA

Patricia Romero, Ombudsman, New Mexico Department of Transportation, Santa Fe, NM, USA

John Ruger, Athlete Ombudsman, United States Olympic Committee /USOC, Colorado Springs, CO, USA

Anje Schubert, Information Officer United Nations, Long Island City, NY, USA

Jay Solman, Simon Fraser University, Burnaby, BC, Canada

Jean Spaulding, School of Medicine Ombudsman, Duke University Medical Center, Durham, NC, USA

John Stowe, Mediator, The Willow Bay Company, Inc, Altamonte Springs, FL, USA

Jetta Todaro, Ombudsperson, UTMD Anderson Cancer Center, Houston, TX, USA

Coralie Valcarcel, Student Ombudsperson, University of Puerto Rico, San Juan, Puerto Rico

Thomas Van Schoor, Student Ombudsman, University of North Florida, Jacksonville, FL, USA

Herb Waye, Assistant to Ombudsman, ICANN, Oxford Mills, ON, Canada

Ralph Williams, Lower Colorado River Authority, Austin, TX, USA

Retired Members

Angelica Brantley, Team Decision- Making Facilitator City/County of Denver, Wheat Ridge, CO

Walter Jayandran, Trusted Governance, Singapore

Bruce Lyon, Faculty Ombuds, University of West Georgia, Carrollton, GA, USA ●