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COMPARING APPLES TO APPLES: DEVELOPMENT OF THE IOA UNIFORM REPORTING CATEGORIES

AUTHORS: Beatriz Dale, Joe Ganci, David Miller and Tom Sebok

ABSTRACT: This article describes the development of the International Ombudsman Association (IOA) Uniform Reporting Categories by the Uniform Reporting Categories Task Force, from 2003 to 2007. From the earliest steps of identifying a core team, and core categories based on previous typologies used in a variety of offices, the processes of Broad- and Sub-Category development are described. Mechanisms for discussion and feedback over various iterations based on membership feedback and on-line surveys of acceptability and utility are considered. Results of such surveys are presented. Additionally, persistent difficulties and questions in the development of the IOA categorisations are addressed. The IOA Uniform Reporting Categories (Version 1, 2006, and Version 2, 2007) are attached.

SCENARIO-BASED PERFORMANCE ASSESSMENT: EVALUATING THE WORK OF OMBUDS

AUTHOR: Susan Kee-Young Park

ABSTRACT: Although office usage, issue identification and visitor demographics are relevant in assessing whether ombuds are addressing organizational needs, such information only begs the question of whether the services provided are up to standard. This paper suggests that a scenario-based performance assessment model is a way of assessing ombuds skills without compromising confidentiality. The author suggests that applications of this model may include local office and IOA training and evaluation of ombuds skills, and explores possible application of the model to IOA ombuds certification.

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SHARED GLOBAL INTEREST IN SKILLFULLY APPLYING IOA STANDARDS OF PRACTICE

AUTHORS: Nancy Erbe and Tom Sebok

ABSTRACT: Responses to a 2007 survey of IOA members emphasize the importance of skillfully and reflectively adhering to IOA Standards of Practice. SOPs are stressed as instrumental to building ombudsman credibility and effectiveness over time. This article shares some of the survey highlights and themes, including the greatest challenge reported by respondents: hostility from those who have maintained a historically abusive working environment, with a specific look at workplace bullying. The complexity of ombudsman response is demonstrated through case study application of relevant IOA SOPs. The authors hope this article will serve as a springboard stimulating global dialogue that continues to inform sound and skillful ethical practice impactfully addressing the most troubling of institutional concerns.

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President's Message

JANIS SCHONAUER

This inaugural ***Journal of the International Ombudsman Association*** represents the combined efforts of many volunteers. The Journal will strive to enrich the understanding of the ombudsman function, for example, to demonstrate how the office can encourage change by bridging the gap between observed and reported ethical lapses, and to develop a common vocabulary about our work.

JIOA can be a resource for those who are, in increasing numbers, asking:

"What does an ombudsman do?"

"Why should our organization have an ombudsman?"; and,

"How can the value of an ombudsman program be understood and communicated?"

The Journal represents a major peer-reviewed publication focused on the organizational ombudsman. It will highlight our role, our Standards of Practice and provide an additional forum for our traditions of sharing best practices and learning from each other.

Our community will also benefit from research from other disciplines. The editors will invite relevant submissions by practitioners from many allied fields, such as Social and Behavioral Sciences, Alternate Dispute Resolution, Mediation, and Law.

As you read, I hope you will start to consider how your ideas, experiences and research may contribute to future editions of the Journal.

Journal Development

ALAN JAY LINCOLN

The possibility of developing a professional journal accelerated late in 2005 when I approached the Communications Committee of IOA. We discussed the advantages of supporting a journal and a number of options. The Communications Committee suggested that the first annual conference in La Jolla would be an ideal setting to assess members' interest in the project.

A number of small, informal discussions and an open round-table session confirmed that there was support to continue the discussion. Several publication options were presented and discussed at the conference, refined and presented to the Communications Committee. As part of our continuing efforts to assess preferences for the journal format, the round-table journal group was contacted again in May, 2006. While there were enthusiastic discussions about linking with a known publisher, Wendell Jones encouraged us to move in the direction of electronic publication. We then found consensus to publish electronically, with strong support for the final production and distribution by IOA's management group. Member feedback stressed that development and editorial decisions should be in the hands of the IOA membership, not under the supervision of a publishing firm. An electronic journal increases the likelihood of success and minimizes the financial and volunteer labor costs. There also was a preference to have a journal that focused on the ombuds profession — not just another general conflict studies journal. In June, 2006 the Communications Committee agreed to support an electronically published journal. A proposal was submitted to the Board of Directors and approved at the next meeting.

Our new Journal of the International Ombudsman Association (JIOA) will focus on research and issues for and about the ombuds profession with particular attention to organizational ombuds and their concerns.

We believe that this new journal will be beneficial to the membership and to our relatively new profession. Most professional associations have an avenue to disseminate scholarly information for and about the profession. We need to continuously understand, define and clarify the role and function of the professional organizational ombuds. A professional journal will help us and others understand who we are and what we do. We need to foster recognition that what we do for our agencies, corporations, colleges and universities is valuable and worthy of study.

While we must vigorously protect the confidentiality of our interactions we can still study and be studied to understand what works, what doesn't work, what our options are, how social, technical and legal changes may impact us, the profile and career development of ombuds professionals, and so on. Scholars and practitioners outside of our profession have an interest in what we do and how we do it. A scholarly journal can facilitate a greater interest in ombudsing, enhance our professional standing, and serve to give us a better understanding of our dynamic roles. The journal also will allow IOA members, other ombuds, and other professionals to reach out to their colleagues with their ideas, findings, recommendations for best practices, and engage in ongoing discussions of critical issues.

JIOA is distributed at no charge to all IOA members. If we choose, we can broaden our subscription base to those outside IOA, perhaps charging a market-place rate to individual subscribers, libraries and other institutions. We expect that the editorial board will be responsible for all pre-publication content tasks. I am grateful to the

University of Massachusetts Lowell for providing space and financial support for an editorial office. UML also has allowed me the flexibility to coordinate development of our journal. The editorial office has served as the central point for submissions, distribution to reviewers, and correspondence with authors.

We quite simply would not have a journal without the efforts of many colleagues. Early on, we had the support and encouragement of the Communicatons Committee co-chaired by Molly McAvoy and Nick Diehl. The president, Jan Schonauer, and the Board of Directors have given us their support and input. A talented and supportive editorial board is in place. Mary Rowe and Tom Sebok have been serving as Associate Editors and given a great deal of their time and their expertise. David Miller and Tom Kosakowski took on the burden of developing many policies and procedures, including the "Instructions for Authors" and the "Copyright Policy." Neal Milner is serving as Book Review Editor. Many on the Editorial Board have provided timely and informative reviews and continued to help us fine-tune our journal.

CURRENT ISSUE

The inaugural issue of JIOA reflects many of the interests of the membership. We include three original articles focusing on IOA reporting categories, performance assessment, and applying standards of practice.

There are three continuing features that we hope you find informative.

— "**I was just thinking**" provides a forum to share thoughts about current issues and controversies. Mary Rowe has provided the first essay — see Micro-affirmations and Micro-inequities. (Please, everyone, consider a contribution for subsequent issues.)

— "**Recent research you can use**" will continue to update us on selected research in areas of interest to organizational ombuds. We start this series with reviews of studies on two issues, workplace bullying and concerns of justice. Laurie Patterson is working with me on this feature. Others are encouraged to join us.

— **"Legal developments"**, prepared by Tom Kosakowski, will provide updates on issues impacting ombuds.

JIOA is a work in progress. We will continue to expand and improve. We ask for and welcome your suggestions and contributions.

Comparing Apples to Apples: Development of the IOA Uniform Reporting Categories

BEATRIZ DALE, JOE GANCI, DAVID MILLER, AND TOM SEBOK

ABSTRACT

This article describes the development of the International Ombudsman Association (IOA) Uniform Reporting Categories by the Uniform Reporting Categories Task Force, from 2003 to 2007. From the earliest steps of identifying a core team, and core categories based on previous typologies used in a variety of offices, the processes of Broad- and Sub-Category development are described. Mechanisms for discussion and feedback over various iterations based on membership feedback and on-line surveys of acceptability and utility are considered. Results of such surveys are presented. Additionally, persistent difficulties and questions in the development of the IOA categorisations are addressed. The IOA Uniform Reporting Categories (Version 1, 2006, and Version 2, 2007) are attached.

INTRODUCTION

"The trouble with measurement is its seeming simplicity…" (Anonymous)

The capacity of a profession to represent the nature of the work it does to its own members and to outside observers is one of the defining characteristics of its professional maturity. Indeed, Williams (2006) asserted that,

"The success of this [Ombudsman[1]] profession will depend on the continuing evolution of its identity and the identity of its professionals".

An example of how identity is formative for professional evolution is the development of the Diagnostic and Statistical Manual (DSM) by the American Psychiatric Association. It was only with the development of the DSM-I in the 1950's through to the DSM-IV-TR in 2000 that the profession of psychiatry was able to move from a discipline perceived as being fundamentally subjective (albeit with disciplined though diverse professional developmental standards) to an evidence-based profession that could reliably explain its processes of diagnosis and, hence, enable standardised recommendations for treatment. From this early platform, the professional development of psychiatry was to escalate with unprecedented speed, supported by increasing sophistication in diagnostic processes, matched by developments in psychopharmacology and development of complementary behavioural and social models, alongside enriching critiques of psychiatry and its activities. The net result in the following decades to the present was the rise of a more coherent, visible, evidence-based profession and continually higher levels of professionalism and training (American Psychiatric Association, 2000).

For Organizational Ombudsmen, one of the "low-hanging fruit" for consolidating the professional identity and practice of the profession is the development of standardised reporting categories, by which issues can be identified and logged in a consistent manner across all the sectors in which the profession operates. Using consistent reporting categories in this way brings a number of potential advantages. For example, it would allow:

- Tracking of the evolution of issues which Ombudsmen address, thereby possibly enabling conclusions about causality on organisational and individual levels, and certainly enabling the charting of trends in Ombudsman intervention, both across time and sectors;

- A basis for standardisation of professional responses to dominant themes and issues emerging from the data (standard operating procedures and frameworks for "best practice");

- Identification of relevant training and research needs across the profession, in response to themes and crises emerging from comparison data;

• Cross-sectoral comparisons, involving disciplined, systematic and increasingly empirical approaches resulting in progressively reliable data bases.

Prior to this point and based on content analyses from informal discussions with ombudsman colleagues in all sectors, it was clear that there were no prior uniform categorizations of issues being used. In fact, requests by new ombudsmen for suggested categories could not be met because no ombudsman professional organization had developed such a taxonomy. Further, the underlying rationale often differed for the various schemes that did exist. For example, one colleague tracked only the location of complaints within their organization, while another used the chapter headings from their organizational staff rules. Additionally, offices reported that their own categories changed from year to year in an attempt to more accurately capture the issue trends. Thus, no long-term charting of trends was possible.

Within this context, in 2003 the then-President of The Ombudsman Association (TOA), John Barkat, in cooperation with the then-President of the University and College Ombuds Association (UCOA), Andrea Briggs, convened a "Joint TOA-UCOA Uniform Database Categories Task Force" (hereafter referred to as the Task Force) to explore the possible development of standardised case categories across the main sectors engaging organisational Ombudsmen. This paper aims to discuss the methods employed by the Task Force since that time, to illustrate the results of the Task Force's work and to locate future development of the resulting "Database Reporting Categories" in the context of discussions that have evolved from the work of the past four years.

METHODS

At the time of the formation of the Joint TOA-UCOA Uniform Database Categories Task Force, in 2003, it was agreed that all core sectors of the TOA and UCOA membership should be included – Higher Education, Corporate, Government and International agencies (complete Task Force membership since its beginning is reflected in the Acknowledgements, below). From that start, a frank brainstorming of possible content items was undertaken, based on a sharing of the categories being used in each of the offices represented, and then a review of the categorisations used in the offices of a number of

experienced colleagues. These steps were then followed by content analyses of the issues and an initial Broad-Category grouping. While discussions within the Task Force on category groupings were ongoing, inputs were regularly invited and received from the TOA and UCOA membership, particularly during the annual conferences of the TOA and UCOA in Tucson and Atlanta, and as IOA in La Jolla and St. Louis.

A key element of the development of both Broad- and Sub-Categories has been the piloting of the categories themselves, and also the piloting of colleagues' readiness to actually use them. For example, the joint TOA and UCOA conference in Tucson in 2004, and overlapping conference in Atlanta in 2005, saw the distribution of the "yellow reference sheet" – the updated list of Broad- and Sub-Categories – with the aim of encouraging colleagues' feedback following testing by ombudsman offices.

Task Force members had always recognized that, for the classification system to be of value to colleagues, the Broad Categories would need to represent the breadth of their work across sectors. In addition, the underlying logic of the classification system would need to be obvious so that accurate placement of any issue, question, concern, or inquiry would be evident to users of the system. Toward that end, between the 2005 overlapping TOA-UCOA Atlanta Conferences and the First IOA Annual Conference in 2006 in La Jolla, California, the Broad Category definitions were revised and re-formatted for consistency.

Task Force members also recognized it would not be possible to anticipate every Sub-Category needed by all colleagues across sectors. This recognition led to the idea that colleagues be encouraged to create their own Sub-Categories as needed. However, allowing this presented the potential for inconsistencies in placement of subcategories. To minimize this problem, for the first time, every Sub-Category was defined and examples were also included for each.

In time for the First IOA Annual Conference in La Jolla in April 2006, the Task Force conducted an on-line survey of IOA members to assess the utility of the (then) eight Broad Categories, along with the willingness of the membership to use them by using their data from 2005 and cross-matching them to the Task Force's categories.

In September 2006, the Board of the IOA approved and agreed to posting the Task Force's Broad- and

Sub-Categories on the IOA Web pages, together with:

· Frequently Asked Questions and Answers on the reporting categories;

· Optional Data Elements that Ombudsmen might find useful;

· An example of a six-organisation cross-sector comparison of data from 2005 undertaken by ombudsmen and mediators working in the UN system in Geneva, and by other Task Force members, using data from 2005 (Figure 1).

In addition, a two-page Crib-sheet was developed to provide a convenient reference for Ombudsmen seeking to make categorisations of the issues brought to them, and to facilitate cross-matching from prior taxonomies they may have been using.

The on-line survey process was repeated for the IOA Annual Conference in St. Louis in April 2007. The IOA sent an email to the membership requesting that members complete the "Electronic Reporting Categories Survey" on-line with their office data from 2006. This request was posted in December 2006 on the Members Section of the IOA Website. In addition, the Task Force also offered to help recipients cross-match IOA members' prior data categories with those the Task Force proposed.

RESULTS[2]

EVOLUTION OF THE BROAD- AND SUB-CATEGORIES

Table 1 illustrates how the Broad-Category groupings evolved as a result of the discussions and feedback from the annual conferences, and from the experiences of individual ombudsmen offices.

There have been many discussions and reasons given for every evolution of the Broad-Categories, but some brief examples may be illustrative of the range of considerations underlying the choices made. For example, a major change from 2005 to 2006 was the division of the category "Performance, Evaluation, Supervision, and Career Development" into two Broad-categories: "Evaluative Relationships" and "Career Progression and Development". It was agreed that such a change was merited in order to increase the internal consistency of the categories — for example, evaluative relationships issues did not fit with issues concerning administrative procedures linked to recruitment, job permanence and separation. Increasing internal consistency of the categories would also ensure that analyses of data did not become distorted, and early pilot testing also showed that each of the resulting Broad-Categories was sufficiently large to merit such division (see **Figure 1**).

TABLE 1: EVOLUTION OF THE BROAD CATEGORIES, 2004-2006

2004 (Tucson) (N=5)	**2005 (Atlanta) (N=8)**	**2006 (La Jolla) (N=9)**
1. Policies, Proceduresand Standards	1. Compensation and Benefits	1. Employee Compensation & Benefits
2. Physical Environment	2. Performance, Evaluation, Supervision, and Career Development	2. Evaluative Relationships
3. Interpersonal Issues	3. Financial, Legal and Compliance	3. Peer and Colleague Relationships
4. Systemic/ Leadership	4. Safety, Health, and Physical Environment	4. Career Progression and Development
5. Career Development	5. Services/Administrative Issues	5. Legal, Regulatory, Financial and Compliance
	6. Interpersonal/Group Conflict	6. Safety, Health, and Physical Environment
	7. Organizational (*not covered in other broad categories)*	7. Services/AdministrativeIssues
	8. Policies, Procedures, Ethics and Standards *(not covered in other broad categories)*	8. Organizational, Strategic,and Mission Related
		9. Values, Ethics and Standards

FIGURE 1: CROSS-SECTORAL COMPARISON OF OFFICES USING IOA CATEGORIES, 2006
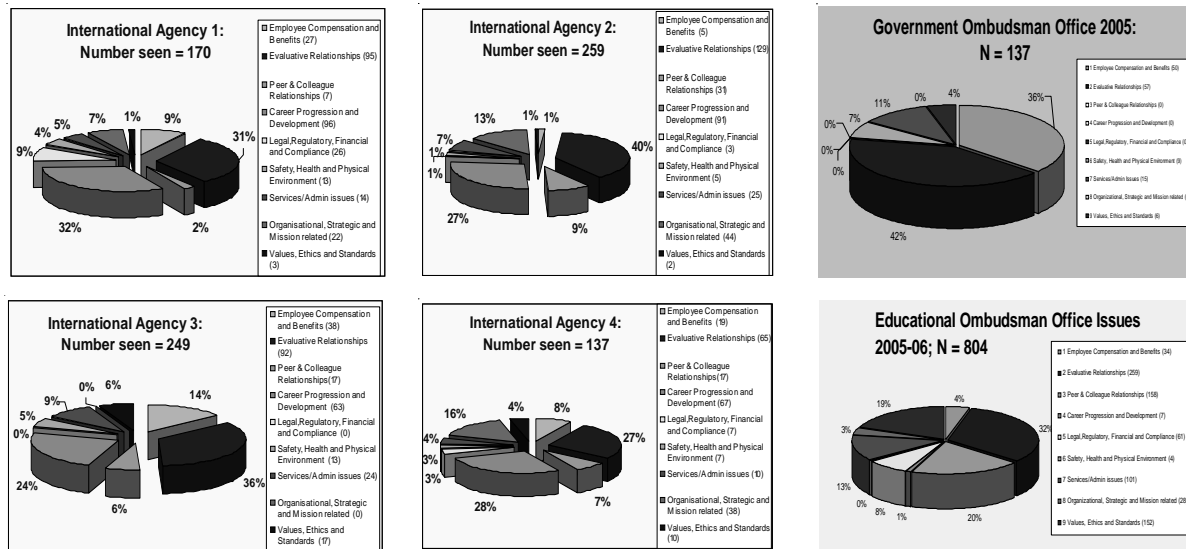
A second example of the Broad-category changes at this time concerned changing "Organizational (not covered in other Broad-Categories)" to "Organizational, Strategic, and Mission Related". This reformulation included the addition of Sub-Categories reflecting the technical, scientific and data issues that many specialized, technical research and policy bodies have raised in their Ombudsman offices. The use of data for policy is often highly contentious and can have enormous public-health, political or development implications (e.g., where organizational missions concern issues such as climate change, avian influenza, provision of food aid, or HIV/AIDS prevention and treatment policy and implementation), so a specific Broad-Category reflecting such issues at an organizational level was considered merited.

INITIAL CROSS-SECTORAL COMPARISONS

The first cross-sectoral comparison, based on the categories as they had evolved from the La Jolla meeting, was undertaken by Geneva-based colleagues in the United Nations and Related International Organizations (UNARIO) network in the latter half of 2006 — these comparisons were then expanded with data available from Governmental and Educational Ombudsman offices, and presented together to the IOA Board in September 2006. The findings from this comparison are illustrated in **Figure 1**. Needless to say, the pie-chart comparison of Broad-Category issues seen across offices gives an immediate view of how different offices have different emphases in categories of issues seen.

SURVEYS OF ACCEPTABILITY OF THE EVOLVING CATEGORISATIONS

When the membership of the IOA was first requested, in January 2006, to identify their willingness to use the Task Force categorisations, and the acceptability of the categories so far, a total of 11 responses were received. Of those responding, 72% (n=8) indicated either "strongly agree" or "agree" to the question "Could you report using the eight Broad Categories?", with 18% (n=2) indicating "neutral" and 9% (n=1) saying "disagree". Importantly, 81% (n=9) of the respondents indicated "strongly agree" or "agree" when asked if they would be willing to report annually their case categorisations to the IOA.

In preparation for the 2007 IOA conference in St. Louis, an on-line survey of the IOA membership was undertaken from December 2006 to February 2007, requesting that members complete the Reporting Categories Survey with data from their last year, and offering help from Task Force members to assist with cross-matching from their prior categorisations to that currently proposed. A total of 23 responses were received: 40% (n=9) from the Education sector, 26%

FIGURE 2: QUESTIONS, CONCERNS, ISSUES AND INQUIRIES BY BROAD CATEGORIES
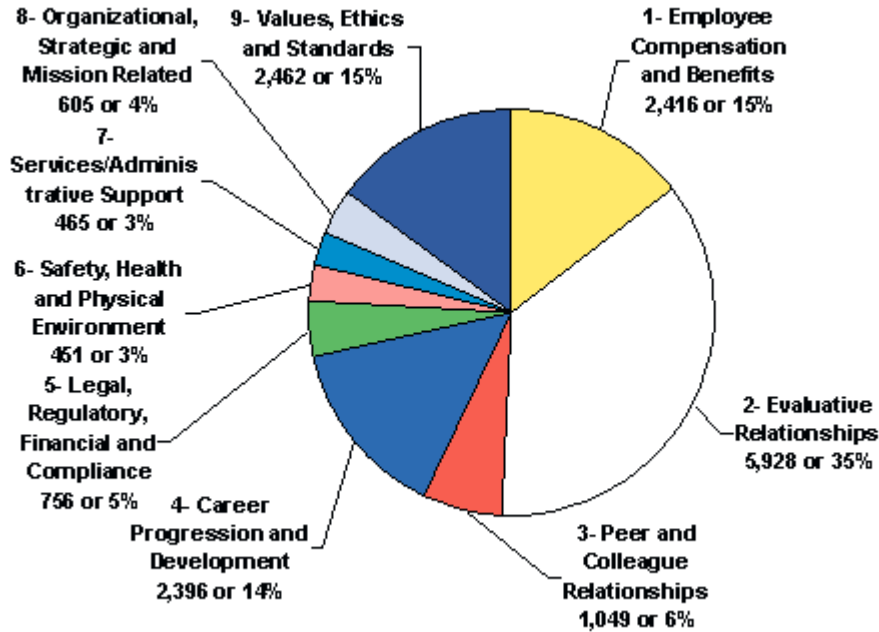
(n=6) from Government offices, 17% (n=4) from the Corporate sector, and 13% (n=3) from the International sector (the affiliation of one respondent could not be identified). **Figure 2** illustrates the total questions, concerns, issues and inquiries by Broadcategories from the respondents (the actual total number of issues reported was 16,801).

As with the initial Broad- Category comparison shown to the IOA Board in September 2006, this on-line survey also enabled a comparison, across sectors, of where the relative emphases in issues were being reported. This comparison is presented in **Figure 3.**

Note that the numbers on the x-axis refer to the Broad Category numbers described on the IOA Data Categories Reference Sheet (Annex 1).

Finally, from the 2007 on-line survey, 69% (n=15) answered "strongly agree" or "agree" when asked "Would you be able to use these categories?" Two respondents were "neutral", while 3 disagreed. This survey reflected a broad agreement with the categorisations presented, while also revealing many suggestions for additional subcategories, e.g.:

• Specific managerial behaviours and competencies;

• Grant funding; leave of absences; graduate programme;

• Conditions of employment, physical and job recertification;

• Classification of various discipline procedures;

• Training, contract conversion, promotion, spouse employment;

• Substance abuse endangering people

FIGURE 3: QUESTIONS, CONCERNS, ISSUES AND INQUIRIES BY SECTOR
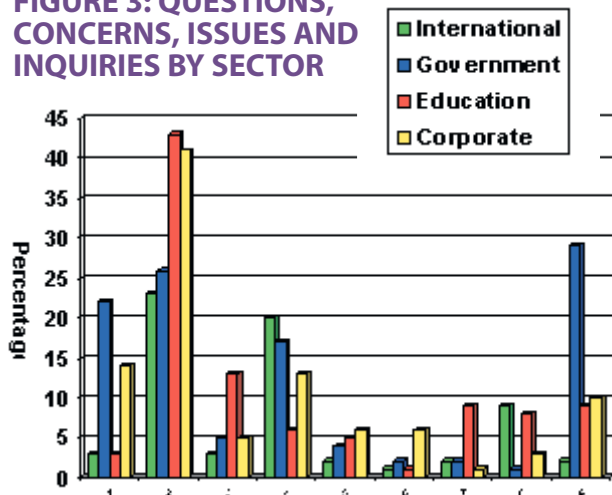
Those respondents who were neutral were either happy with their own categories or didn't want to change because they used their categories in multi-year comparisons. One respondent stated they wished they had the IOA categories when they first began their practice. Those respondents who disagreed didn't recognize how the categories represented the work of their practice as ombudsman. However, when requested, the taskforce was able to cross-match the categories of numerous colleagues from across sectors with the task force's categories.

PERSISTENT ISSUES IN CATEGORY DEVELOPMENT

A key principle maintained by the Task Force was the need to observe the use of neutral language for sub-categories, particularly language eliminating any implication of a decision by the ombudsman. Additionally, other dilemmas were continuously arising – the "persistent questions" challenging the Task Force, for example:

a. What, exactly, should an Ombudsman count – numbers of cases, of different people assisted, or of issues raised?

For the purposes of IOA reporting, the Task Force decided an Ombudsman should count the number of different "Questions, Concerns, Issues, or Inquiries." However, many choose to count the number of different people they assist, or the number of "cases", as well.

Eventually, the Task Force opted not to define "cases" because at least two common definitions were recognized and were considered irreconcilable or unacceptable to all colleagues. These two different definitions are illustrated below:

1. In some offices, a "case" is all the work the ombudsman does involving the same situation. For example, if a visitor initiates a request for help about a conflict with her supervisor over her performance evaluation, and the ombudsman sees no one else about this matter, that is one case. And if, with the employee's permission, the ombudsman initiates contact with the supervisor or if the supervisor independently contacts the ombudsman and expresses concern about, perhaps, the employee's poor response to the feedback he gave her about her performance, it is still one case because the issue which resulted in the ombudsman having contact with both parties is the same.

2. In some offices, every different visitor who initiates a request for help is considered a separate "case" – even if it is two people talking about the same incident whether from the same perspective or two.

Accordingly, instead of defining a "case," the Task Force decided that, in each of our nine Broad-Categories, we would use the phrase "Questions, Concerns, Issues, or Inquiries" to include all the matters about which Ombudsman offices assist members of their organizations to discuss information and/or options and for assistance in understanding, managing, or addressing.

b. Who decides how an issue will be categorized — the visitor or the Ombudsman? And what should we do when conflicting parties define issues differently (e.g., "poor performance" vs. "discrimination")?

The Task Force recommended that the "questions, concerns, issues, or inquiries" counted would only be those for which the Ombudsman provides information or for which options are explored (this solution became known as "The Beatriz Breakthrough").

c. Should categories be developed based on the constituencies assisted, or on the issues raised?

Of the nine Broad-Categories developed by the Task Force, seven are solely about the issues themselves. However, two different types of interpersonal issues, concerns, etc. – which appeared to the Task Force to be qualitatively different from one another – emerged from our discussions: those involving 1) peers/colleagues and 2) those involving "evaluative relationships" (e.g., where differences in formal power existed). As a result, two of the Broad-Categories are defined according to the constituencies involved (not necessarily the constituencies "assisted" since we often speak only with one party involved in a given situation). Even here, however, all the subcategory choices focus on the issues about which those involved have questions, concerns, issues, etc. One benefit of this approach is that it gives a very quick overview of the number of issues, etc. with which Ombudsmen assist involving people with differences in formal power versus the number between peers. It was our conclusion that, on balance, conflicts between people where differential power exists involve greater emotional impact and higher stakes (at least for the person in the lower power position) than conflicts involving peers.

d. Should we aim for a simple classification system that colleagues can easily adopt (and adapt), or should we aim for a standard, comprehensive taxonomy to replace all others?

From the outset, it was recognized that many offices had pre-existing taxonomies that might require some adaptation to enable a clear transition to the Task Force recommended categorization, or that would be preferred as a basis for continued data collection. Accordingly, the Task Force recommendations are presented in the expectation that individual colleagues and offices will modify and add any of their own subcategories as they see the need. Additionally, we have offered to help colleagues do the cross-matching from their categories and subcategories to the IOA ones. With these qualifiers in mind, we have asked our colleagues – at the least - to report to us in these nine Broad-Categories.

e. Should we be tracking only primary issues, or allow for identification of primary, secondary and tertiary issues, etc.?

We decided to allow for the tracking of <u>all</u> issues about which an Ombudsman provides information or about which options are discussed. We did not develop any method to indicate whether an issue was "primary," "secondary," etc. although we may review means for doing so in the future.

f. Should the Task Force also offer a means of classifying the complexity or risk to the organization of the issues presented?

We have not yet offered a means of classifying the complexity or risk to the organization of the issues presented. However, in addition to the reporting categories provided, the Task Force has indicated a compendium of possible "Additional Data Elements" that offices may consider collecting, including indications of risk and complexity of issues (the additional data elements are available on the Task Force webpage, on the IOA website).

g. Given the potential legal risks for an Ombudsman and/or their organization, should the Task Force even be encouraging colleagues to track and report certain sensitive allegations such as "sexual harassment"?

 In an effort to provide a mechanism to classify the issues, concerns, etc. with which we assist our constituents, the Task Force decided to include

certain more general subcategories, such as "harassment" (5c) and "discrimination" (5d), and not include further specificity. It was also decided that future versions of the Categories Reference Sheet will contain explanatory language indicating that all issues, concerns, etc. categorized by an Ombudsman are allegations not yet investigated , and with a reminder that Ombudsmen do not conduct investigations or decide whether an allegation is true or false. Additionally, given our neutral role, we wanted to be able to classify requests for assistance by those who had been informally accused of "sexual harassment" (or anything else) and those who simply wanted information about how the "sexual harassment" policy and procedures were supposed to work. The mechanism developed accomplishes this.

DISCUSSION

An important limitation in the methodology employed in development of the IOA Uniform Reporting Categories is the small number of respondents (n=11 and n=23) in relation to the total number of IOA members polled (approximately 390 at the time of the surveys). Despite this, the reported experiences, both through the two on-line surveys described and through practical application in Ombudsman offices in numerous sectors, have shown that employing standardised reporting categories is feasible, acceptable to the majority of IOA respondents, and enables meaningful inter-and cross-sectoral comparisons of issues seen in Ombudsman offices.

Although the taxonomy presented is comprehensive enough to replace most others, some feedback suggests that resistance to adopting the new uniform issue categories may be based on the following concerns: a) Starting a new process may lead to interruptions to data capture, a cost for changing their current database system, or difficulties in making year-to-year comparisons involving prior taxonomies; b) the flexibility of the current categorization process is not sufficiently understood or appreciated - some may not understand how well the IOA categories could match up with their own, pre-existing approaches, or that they can add their own Sub-Categories; c) what is used currently is really more precisely what they want and need, in their particular sector or setting; or d) some offices are unable to accommodate or appreciate the added value of changing their approach. The acceptability of

and/or resistance to the use of future versions of the Categories Reference Sheet will be a basis for future research by the Task Force.

In order to ensure the relevance and responsiveness of the Task Force categorisations, the current categories are being continually evaluated – they are a work in progress and a subsequent, yearly, update is expected (Version 2 of the Categories Reference Sheet (2007) is attached, following the latest inputs from users of Version 1 (2006)). The methodology for future revisions will involve the assembling of suggestions from members, with agreed revisions being released annually as the "new" version for that year, and described at the IOA Annual Conferences. Feedback is constantly sought.

The Reporting categories are now included in the "Ombudsman 101" training. This forum is also an ideal opportunity to explain the methodology of using the Categories Reference Sheet, particularly where confusions between or overlap of sub-categories may arise. The Categories Reference Sheet can be found on the IOA website, along with instructions for participating in the annual IOA reporting survey. Version 2 (2007) has recently been finalised following feedback from users of Version 1 (2006). Changes have been made to some sub-categories in order to clarify points of potential confusion; all broad categories have been retained.

Having the categories in relatively stable Broad Category groupings is a crucial development, but then having them in tracking software that can easily chart the development of trends, while also allowing routine editing and changes to sub-categories, is the vital next step.

ACKNOWLEDGEMENTS

ENDNOTES

[1] The term "Ombudsman" is used by the authors to communicate to the widest possible community and is not intended to discourage others from using alternatives, including plural versions.

[2] Connoisseurs of methodology and others who may wish to follow the identification of all Broad and Sub-category changes can find a contemporaneous record of this process reflected in the presentations of the Task Force, available from the IOA - http://www.ombudsassociation.org/Reporting_Categories/Reporting_Categories_Index.htm

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Joseph Ganci began his employment with the U.S. Department of Labor, Office of Inspector General (OIG) in 1978 after graduating from Villanova University with a Bachelor of Science Degree in Accounting in 1977. From 1978 to June 1996, Mr. Ganci was promoted from staff auditor to the Regional Inspector General for Audit for the Philadelphia Regional office. In 1996, Mr. Ganci became the Director for the Office of Audit Operations in the Office of Audit's Headquarters and in 2000, Director of the Washington Audit Office. During Mr. Ganci's audit career, he has managed performance and financial audits in most DOL programs.

In December 2002, Mr. Ganci was asked by the Inspector General to serve as the first Ombudsman for the Office of Inspector General. Since then, Mr. Ganci has worked with all components of the OIG to resolve work related issues and concerns.

Mr. Ganci is a certified public accountant in the State of Pennsylvania and Certified Information System Auditor. Mr. Ganci is a husband to a lovely wife and a father of two great sons, both attending college in Florida.

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APPENDIX 1:
IOA Uniform Reporting Categories
Version 1, 2006

1. **Employee Compensation & Benefits** Questions, concerns, issues or inquiries about the equity, appropriateness and competitiveness of employee compensation, benefits and other benefit programs.

   1.a **Compensation** (rate of pay, salary amount, job salary classification/level)

   1.b **Payroll** (administration of pay, check wrong or delayed)

   1.c **Benefits** (decisions related to medical, dental, life, vacation/sick leave, education, worker's compensation insurance, etc.)

   1.d **Retirement, Pension** (eligibility, calculation of amount, retirement pension benefits)

   1.e **Other** (any other employee compensation or benefit not described by the above categories). Please specify below:
   Other 1: ....
   Other 2: ....
   Other 3: (add additional rows, if necessary)
   ....
   ....
   ....

2. **Evaluative Relationships** Questions, concerns, issues or inquiries arising between people in evaluative relationships (i.e. supervisor-employee, faculty-student.)

   2.a **Assignments/Schedules** (appropriateness or fairness of tasks)

   2.b **Feedback** (feedback or recognition given, or responses to feedback received)

   2.c **Consultation** (requests for help in dealing with issues between two or more individuals they supervise/teach or with other unusual situations in evaluative relationships)

   2.d **Performance Appraisal/Grading** (job/academic performance in formal or informal evaluation)

   2.e **Departmental Climate** (prevailing behaviors, norms, or attitudes within a department for which supervisors or faculty have responsibility)

   2.f **Supervisory Effectiveness** (management of department or classroom, failure to address issues)

   2.g **Insubordination** (refusal to do what is asked)

   2.h **Discipline** (appropriateness, timeliness, requirements, alternatives, or options for responding)

   2.i **Equity of Treatment** (favoritism, one or more individuals receive preferential treatment)

   2.j **Priorities, Values, Beliefs** (differences about what should be considered important – or most important – often rooted in ethical or moral beliefs)

   2.k **Respect/Treatment** (demonstrations of inappropriate behavior, disregard for people, rudeness, crudeness, etc.)

   2.l **Trust/Integrity** (suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)

   2.m **Communication** (quality and/or quantity of communication)

   2.n **Bullying, Mobbing** (abusive, threatening, and/or coercive behaviors)

   2.o **Diversity-Related** (comments or behaviors perceived to be insensitive, offensive, or intolerant on the basis of an identity-related difference such as race, gender, nationality, sexual orientation)

   2.p **Retaliation** (punitive behaviors for previous actions or comments, whistleblower)

   2.q **Physical Violence** (actual or threats of bodily harm to another)

   2.r **Other** (any other evaluative relationship not described by the above categories). Please specify below:
   Other 1: ....
   Other 2: ....
   Other 3: (add additional rows, if necessary)
   ....
   ....
   ....

3. **Peer and Colleague Relationships** Questions, concerns, issues or inquiries involving peers or colleagues who do not have a supervisory–employee or student–professor relationship (e.g., two staff members within the same department or conflict involving members of a student organization).

   3.a **Priorities, Values, Beliefs** (differences about what should be considered important – or most important – often rooted in ethical or moral beliefs)

   3.b **Respect/Treatment** (demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.)

   3.c **Trust/Integrity** (suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)

   3.d **Communication** (quality and/or quantity of communication)

   3.e **Bullying, Mobbing** (abusive, threatening, and/or coercive behaviors)

   3.f **Diversity-Related** (comments or behaviors perceived to be insensitive, offensive, or intolerant on the basis of an identity-related difference such as race, gender, nationality, sexual orientation)

   3.g **Retaliation** (punitive behaviors for previous actions or comments, whistleblower)

   3.h **Physical Violence** (actual or threats of bodily harm to another)

   3.i **Other** (any peer or colleague relationship not described by the above categories). Please specify below:
   Other 1: ....
   Other 2: ....

Other 3: (add additional rows, if necessary)
   ....
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4. **Career Progression and Development** Questions, concerns, issues or inquiries about administrative processes and decisions regarding entering and leaving a job, what it entails, (i.e., recruitment, nature and place of assignment, job security, and separation.)

   4.a **Job Application/Selection and Recruitment Processes** (recruitment and selection processes, facilitation of job applications, short-listing and criteria for selection, disputed decisions linked to recruitment and selection)

   4.b **Job Classification and Description** (changes or disagreements over requirements of assignment, appropriate amount of work and/or tasks)

   4.c **Involuntary Transfer/Change of Assignment** (notice, selection and special dislocation rights/benefits, removal from prior duties, unrequested change of work tasks)

   4.d **Tenure/Position Security/Ambiguity** (security of position or contract, provision of secure contractual categories), **Career Progression** (Promotion, Reappointment, or Tenure)

   4.e **Rotation and Duration of Assignment** (non-completion or over-extension of assignments in specific settings/countries, lack of access or involuntary transfer to specific roles/assignments, requests for transfer to other places/duties/roles)

   4.f **Resignation** (concerns about whether or how to voluntarily terminate employment or how such a decision might be communicated appropriately)

   4.g **Termination/Non-Renewal** (end of contract, non-renewal of contract, disputed permanent separation from organization)

   4.h **Re-employment of Former or Retired Staff** (loss of competitive advantages associated with re-hiring retired staff, favoritism)

   4.i **Position Elimination** (elimination or abolition of an individual's position)

   4.j **Career Development/Coaching/Mentoring** (classroom, on-the-job, and varied assignments as training and developmental opportunities)

   4.k **Other** (any other issues linked to recruitment, assignment, job security or separation not described by the above categories). Please specify below:
   Other 1: ....
   Other 2: ....
   Other 3: (add additional rows, if necessary)
   ....
   ....
   ....

5. **Legal, Regulatory, Financial and Compliance** Questions, concerns, issues or inquiries that may create a legal risk (financial, sanction etc.) for the organization or its members if not addressed, including issues related to waste, fraud or abuse.

5.a **Criminal Activity** (threats or crimes planned, observed, or experienced, fraud)

5.b **Business and Financial Practices** (inappropriate actions that abuse or waste organizational finances, facilities or equipment)

5.c **Harassment** (unwelcome physical, verbal, written, psychological or sexual conduct that creates a hostile or intimidating environment)

5.d **Discrimination** (different treatment compared with others or exclusion from some benefit on the basis of, for example, gender, race, age, national origin, religion, etc.[being part of an Equal Employment Opportunity protected category – applies in the U.S.])

5.e **Disability, Temporary or Permanent, Reasonable Accommodation** (extra time on exams, provision of assistive technology, interpreters, or Braille materials including questions on policies, etc. for people with disabilities)

5.f **Accessibility** (removal of physical barriers, providing ramps, elevators, etc.)

5.g **Intellectual Property Rights** (e.g., copyright and patent infringement)

5.h **Privacy and Security of Information** (release or access to individual or organizational private or confidential information)

5.i **Other** (any other legal, financial and compliance issue not described by the above categories). Please specify below:
Other 1: ....
Other 2: ....
Other 3: (add additional rows, if necessary)
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....

6. **Safety, Health, and Physical Environment** Questions, concerns, issues or inquiries about Safety, Health and Infrastructure-related issues.

6.a **Safety** (physical safety, medical evacuation, meeting federal and state requirements for safety training and equipment)

6.b **Physical Working Conditions** (temperature, odors, noise, available space, lighting, etc)

6.c **Ergonomics** (proper set-up of workstation affecting physical functioning)

6.d **Cleanliness** (sanitary conditions and facilities to prevent the spread of disease)

6.e **Security** (adequate lighting in parking lots, metal detectors, guards, limited access to building by outsiders, anti-terrorists measures (not for classifying "compromise of classified or top secret" information)

6.f **Telework/Flexplace** (ability to work from home or other location because of business or personal need, e.g., in case of man-made or natural emergency)

6.g **Safety Equipment** (access to/use of safety equipment as well as access to or use of safety equipment, e.g., fire extinguisher)

6.h **Environmental Policies** (policies not being followed, being unfair ineffective, cumbersome)

6.i **Work Related Stress and Work–Life Balance** (Post-Traumatic Stress, Critical Incident Response, internal/external stress, e.g. divorce, shooting, caring for sick, injured)

6.j **Other** (any safety, health, or physical environment issue not described by the above categories). Please specify below:
Other 1: ....
Other 2: ....
Other 3: (add additional rows, if necessary)
....
....
....

7. **Services/Administrative Issues** Questions, concerns, issues or inquiries about services or administrative offices.

7.a **Quality of Services** (how well services were provided, accuracy or thoroughness of information, competence, etc.)

7.b **Responsiveness/Timeliness** (time involved in getting a response or return call or about the time for a complete response to be provided)

7.c **Administrative Decisions and Interpretation/ Application of Rules** (non-disciplinary decisions by those providing administrative or academic services, eg., financial aid, parking, etc)

7.d **Behavior of Service Provider(s)** (how an administrator or staff member spoke to or dealt with a constituent, customer, or client, eg., rude, inattentive, or impatient)

7.e **Other** (any services or administrative issue not described by the above categories). Please specify below:
Other 1: ....
Other 2: ....
Other 3: (add additional rows, if necessary)
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8. **Organizational, Strategic, and Mission Related** Questions, concerns, issues or inquiries that relate to the whole or some part of an organization.

8.a **Strategic and Mission-Related/ Strategic and Technical Management** (principles, decisions and actions related to where and how the organization is moving)

8.b **Leadership and Management** (quality/ capacity of management and/or management/leadership decisions, suggested training, reassignments and reorganizations)

8.c **Use of Positional Power/Authority** (lack or abuse of power provided by individual's position)

8.d **Communication** (content, style, timing, effects and amount of organizational and leader's communication, quality of communication about strategic issues)

8.e **Restructuring and Relocation** (issues related to broad scope planned or actual restructuring and/or relocation affecting the whole or major divisions of an organization, eg. downsizing, offshoring, outsourcing)

8.f **Organizational Climate** (issues related to organizational morale and/or capacity for functioning)

8.g **Change Management** (making, responding or adapting to organizational changes, quality of leadership in facilitating organizational change)

8.h **Priority Setting and/or Funding** (disputes about setting organizational/departmental priorities and/or allocation of funding within programs)

8.i **Data, Methodology, Interpretation of Results** (scientific disputes about the conduct, outcomes and interpretation of studies and resulting data for policy)

8.j **Interdepartment/Interorganization Work/Territory** (disputes about which department/organization should be doing what/taking the lead)

8.k **Other** (any organizational issue not described by the above categories). Please specify below:
Other 1: ....
Other 2: ....
Other 3: (add additional rows, if necessary)
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....

9. **Values, Ethics, and Standards** Questions, concerns, issues or inquiries about the fairness or need for revision of policies, values, and standards of conduct.

9.a **Standards of Conduct** (fairness, applicability or lack of behavioral guidelines and/or Codes of Conduct, e.g., Academic Honesty, plagiarism, Code of Conduct, conflict of interest)

9.b **Values and Culture** (questions, concerns or issues about the values or culture of the organization)

9.c **Scientific Conduct/Integrity** (scientific or research misconduct or misdemeanors, e.g., authorship; falsification of results)

9.d **Policies and Procedures NOT Covered in Broad Categories 1 thru 8** (fairness or lack of policy or the application of the policy, policy not followed, or needs revision, eg., appropriate dress, use of internet or cell phones)

9.e **Other** (Other policy, procedure, ethics or standards issues not described in the above categories). Please specify below:
Other 1: ....
Other 2: ....
Other 3: (add additional rows, if necessary)
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APPENDIX 2:
IOA Uniform Reporting Categories
Version 2, 2007

1. Compensation & Benefits

Questions, concerns, issues or inquiries about the equity, appropriateness and competitiveness of employee compensation, benefits and other benefit programs.

1.a Compensation (rate of pay, salary amount, job salary classification/level)
1.b Payroll (administration of pay, check wrong or delayed)
1.c Benefits (decisions related to medical, dental, life, vacation/sick leave, education, worker's compensation insurance, etc.)
1.d Retirement, Pension (eligibility, calculation of amount, retirement pension benefits)
1.e Other (any other employee compensation or benefit not described by the above sub-categories)
....
....

2. Evaluative Relationships

Questions, concerns, issues or inquiries arising between people in evaluative relationships (i.e. supervisor-employee, faculty-student.)

2.a Priorities, Values, Beliefs (differences about what should be considered important – or most important – often rooted in ethical or moral beliefs)
2.b Respect/Treatment (demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.)
2.c Trust/Integrity (suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)
2.d Reputation (possible impact of rumors and/or gossip about professional or personal matters)
2.e Communication (quality and/or quantity of communication)
2.f Bullying, Mobbing (abusive, threatening, and/or coercive behaviors)
2.g Diversity-Related (comments or behaviors perceived to be insensitive, offensive, or intolerant on the basis of an identity-related difference such as race, gender, nationality, sexual orientation)
2.h Retaliation (punitive behaviors for previous actions or comments, whistleblower)
2.i Physical Violence (actual or threats of bodily harm to another)
2.j Assignments/Schedules (appropriateness or fairness of tasks, expected volume of work)
2.k Feedback (feedback or recognition given, or responses to feedback received)
2.l Consultation (requests for help in dealing with issues between two or more individuals they supervise/teach or with other unusual situations in evaluative relationships)

2.m Performance Appraisal/Grading (job/academic performance in formal or informal evaluation)
2.n Departmental Climate (prevailing behaviors, norms, or attitudes within a department for which supervisors or faculty have responsibility)
2.o Supervisory Effectiveness (management of department or classroom, failure to address issues)
2.p Insubordination (refusal to do what is asked)
2.q Discipline (appropriateness, timeliness, requirements, alternatives, or options for responding)
2.r Equity of Treatment (favoritism, one or more individuals receive preferential treatment)
2.s Other (any other evaluative relationship not described by the above sub-categories)
....
....

3. Peer and Colleague Relationships

Questions, concerns, issues or inquiries involving peers or colleagues who do not have a supervisory–employee or student–professor relationship (e.g., two staff members within the same department or conflict involving members of a student organization).

3.a Priorities, Values, Beliefs (differences about what should be considered important – or most important – often rooted in ethical or moral beliefs)
3.b Respect/Treatment (demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.)
3.c Trust/Integrity (suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)
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3.e Communication (quality and/or quantity of communication)
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3.g Diversity-Related (comments or behaviors perceived to be insensitive, offensive, or intolerant on the basis of an identity-related difference such as race, gender, nationality, sexual orientation)
3.h Retaliation (punitive behaviors for previous actions or comments, whistleblower)
3.i Physical Violence (actual or threats of bodily harm to another)
3.j Other (any peer or colleague relationship not described by the above sub-categories)
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....

4. Career Progression and Development

Questions, concerns, issues or inquiries about administrative processes and decisions regarding entering and leaving a job, what it entails, (i.e., recruitment, nature and place of assignment, job security, and separation.)

4.a Job Application/Selection and Recruitment Processes (recruitment and selection processes, facilitation of job applications, short-listing and criteria for selection, disputed decisions linked to recruitment and selection)
4.b Job Classification and Description (changes or disagreements over requirements of assignment, appropriate tasks)
4.c Involuntary Transfer/Change of Assignment (notice, selection and special dislocation rights/benefits, removal from prior duties, unrequested change of work tasks)
4.d Tenure/Position Security/Ambiguity (security of position or contract, provision of secure contractual categories),
4.e Career Progression (promotion, reappointment, or tenure)
4.f Rotation and Duration of Assignment (non-completion or over-extension of assignments in specific settings/countries, lack of access or involuntary transfer to specific roles/assignments, requests for transfer to other places/duties/roles)
4.g Resignation (concerns about whether or how to voluntarily terminate employment or how such a decision might be communicated appropriately)
4.h Termination/Non-Renewal (end of contract, non-renewal of contract, disputed permanent separation from organization)
4.i Re-employment of Former or Retired Staff (loss of competitive advantages associated with re-hiring retired staff, favoritism)
4.j Position Elimination (elimination or abolition of an individual's position)
4.k Career Development, Coaching, Mentoring (classroom, on-the-job, and varied assignments as training and developmental opportunities)
4.l Other (any other issues linked to recruitment, assignment, job security or separation not described by the above sub-categories)
....
....

5. Legal, Regulatory, Financial and Compliance

Questions, concerns, issues or inquiries that may create a legal risk (financial, sanction etc.) for the organization or its members if not addressed, including issues related to waste, fraud or abuse.

5.a Criminal Activity (threats or crimes planned, observed, or experienced, fraud)

5.b Business and Financial Practices (inappropriate actions that abuse or waste organizational finances, facilities or equipment)

5.c Harassment (unwelcome physical, verbal, written, e-mail, audio, video psychological or sexual conduct that creates a hostile or intimidating environment)

5.d Discrimination (different treatment compared with others or exclusion from some benefit on the basis of, for example, gender, race, age, national origin, religion, etc.[being part of an Equal Employment Opportunity protected category – applies in the U.S.])

5.e Disability, Temporary or Permanent, Reasonable Accommodation (extra time on exams, provision of assistive technology, interpreters, or Braille materials including questions on policies, etc. for people with disabilities)

5.f Accessibility (removal of physical barriers, providing ramps, elevators, etc.)

5.g Intellectual Property Rights (e.g., copyright and patent infringement)

5.h Privacy and Security of Information (release or access to individual or organizational private or confidential information)

5.i Property Damage (personal property damage, liabilities)

5.j Other (any other legal, financial and compliance issue not described by the above sub-categories)
....
....

6. Safety, Health, and Physical Environment

Questions, concerns, issues or inquiries about Safety, Health and Infrastructure-related issues.

6.a Safety (physical safety, injury, medical evacuation, meeting federal and state requirements for training and equipment)

6.b Physical Working/Living Conditions (temperature, odors, noise, available space, lighting, etc)

6.c Ergonomics (proper set-up of workstation affecting physical functioning)

6.d Cleanliness (sanitary conditions and facilities to prevent the spread of disease)

6.e Security (adequate lighting in parking lots, metal detectors, guards, limited access to building by outsiders, anti-terrorists measures (not for classifying "compromise of classified or top secret" information)

6.f Telework/Flexplace (ability to work from home or other location because of business or personal need, e.g., in case of man-made or natural emergency)

6.g Safety Equipment (access to/use of safety equipment as well as access to or use of safety equipment, e.g., fire extinguisher)

6.h Environmental Policies (policies not being followed, being unfair ineffective, cumbersome)

6.i Work Related Stress and Work–Life Balance (Post-Traumatic Stress, Critical Incident Response, internal/external stress, e.g. divorce, shooting, caring for sick, injured)

6.j Other (any safety, health, or physical environment issue not described by the above sub-categories)
....
....

7. Services/Administrative Issues

Questions, concerns, issues or inquiries about services or administrative offices including from external parties.

7.a Quality of Services (how well services were provided, accuracy or thoroughness of information, competence, etc.)

7.b Responsiveness/Timeliness (time involved in getting a response or return call or about the time for a complete response to be provided)

7.c Administrative Decisions and Interpretation/Application of Rules (impact of non-disciplinary decisions, decisions about requests for administrative and academic services, e.g., exceptions to policy deadlines or limits, refund requests, appeals of library or parking fines, application for financial aid, etc.)

7.d Behavior of Service Provider(s) (how an administrator or staff member spoke to or dealt with a constituent, customer, or client, e.g., rude, inattentive, or impatient)

7.e Other (any services or administrative issue not described by the above sub-categories)
....
....

8. Organizational, Strategic, and Mission Related

Questions, concerns, issues or inquiries that relate to the whole or some part of an organization.

8.a Strategic and Mission-Related/ Strategic and Technical Management (principles, decisions and actions related to where and how the organization is moving)

8.b Leadership and Management (quality/capacity of management and/or management/leadership decisions, suggested training, reassignments and reorganizations)

8.c Use of Positional Power/Authority (lack or abuse of power provided by individual's position)

8.d Communication (content, style, timing, effects and amount of organizational and leader's communication, quality of communication about strategic issues)

8.e Restructuring and Relocation (issues related to broad scope planned or actual restructuring and/or relocation affecting the whole or major divisions of an organization, e.g. downsizing, off shoring, outsourcing)

8.f Organizational Climate (issues related to organizational morale and/or capacity for functioning)

8.g Change Management (making, responding or adapting to organizational changes, quality of leadership in facilitating organizational change)

8.h Priority Setting and/or Funding (disputes about setting organizational/departmental priorities and/or allocation of funding within programs)

8.i Data, Methodology, Interpretation of Results (scientific disputes about the conduct, outcomes and interpretation of studies and resulting data for policy)

8.j Interdepartment/Interorganization Work/Territory (disputes about which department/organization should be doing what/taking the lead)

8.k Other (any organizational issue not described by the above sub-categories)
....
....

9. Values, Ethics, and Standards

Questions, concerns, issues or inquiries about the fairness of organizational values, ethics, and/or standards, the application of related policies and/or procedures, or the need for creation or revision of policies, and/or standards

9.a Standards of Conduct (fairness, applicability or lack of behavioral guidelines and/or Codes of Conduct, e.g., Academic Honesty, plagiarism, Code of Conduct, conflict of interest)

9.b Values and Culture (questions, concerns or issues about the values or culture of the organization)

9.c Scientific Conduct/Integrity (scientific or research misconduct or misdemeanors, e.g., authorship; falsification of results)

9.d Policies and Procedures NOT Covered in Broad Categories 1 thru 8 (fairness or lack of policy or the application of the policy, policy not followed, or needs revision, e.g., appropriate dress, use of internet or cell phones)

9.e Other (Other policy, procedure, ethics or standards issues not described in the above sub-categories)
....
....

Scenario-Based Performance Assessment: Evaluating the Work of Ombuds

SUSAN KEE-YOUNG PARK

ABSTRACT

Although office usage, issue identification and visitor demographics are relevant in assessing whether ombuds are addressing organizational needs, such information only begs the question of whether the services provided are up to standard. This paper suggests that a scenario-based performance assessment model is a way of assessing ombuds skills without compromising confidentiality. The author suggests that applications of this model may include local office and IOA training and evaluation of ombuds skills, and explores possible application of the model to IOA ombuds certification.

INTRODUCTION

Determining how best to evaluate whether an ombuds office is doing a good job is no small task. In view of the service goals of an ombuds office, it would appear that such an evaluation should assess not only whether the office is providing the amount and variety of services to its constituency for which the office has been created, but also whether the quality of services provided meets the goals of the institution. Further, many ombuds offices claim that they subscribe to the standards of practice of the International Ombudsman Association (IOA); how do ombuds offices assure themselves, and their stakeholders, that they are performing up to such standards?

Ombuds offices currently use a variety of methods of measurement and assessment to hold themselves accountable to their stakeholders and to identify ways to improve the delivery of ombuds services. Thus statistics concerning office usage, demographics and visitor issues[1] typically appear in ombuds' annual reports, and user satisfaction surveys are used to provide evidence that visitors are pleased with the services they received.[2] What has remained a challenge, however, is how to assess the quality of the problem-solving process services aside from the subjective standard of user satisfaction. The problem-

solving process is the core function of an ombuds office.[3] Ombuds need a way of assessing that such services are up to snuff.

The purpose of this paper is to propose that ombuds consider the value of scenario-based performance assessment (SPA) as a method of both evaluating the efficacy of the services they provide and assessing whether they are operating up to IOA Standards of Practice. This paper explores how the SPA methodology may be used in ombuds training, and suggests possible application of the methodology for IOA ombuds certification.

THE NEED TO EXAMINE PROCESS

It is rarely the case that organizations and institutions are so financially flush that service units do not feel the need to justify their existence come budget time. Although some ombuds offices may feel that they have become so integral a part of their organization that they are not compelled annually to assure stakeholders that money spent on ombuds is money spent well, such offices are certainly the exception. Many of the rest of us provide, at minimum, an annual accounting of the number and demographics of visitors served (with the ubiquitous pie chart), the kinds of services provided and issues addressed, and our outreach efforts.

Constituency demographics and issue reporting provide valuable information about office usage, issues of concern to constituents, trends of concern to the organization, and possible areas of future outreach. The annual report provides information that is valuable in helping stakeholders to measure in some fashion whether an ombuds office is addressing institutional needs. But, of course, the numbers and descriptors in a typical annual report are of limited value in either evaluating whether the office is effectively serving its constituency or assessing whether an ombuds office is operating up to IOA standards of practice.

Many ombuds offices employ user surveys to get visitor feedback in order to supplement the annual report numbers with a qualitative assessment of their effectiveness with clients. There are, however, several well-known limitations to the usefulness of exit surveys. One limitation is that response rates to visitor satisfaction surveys are notoriously low. And because of the confidentiality concerns of the ombuds office (IOA Standards of Practice 3.1 mandates that "[t]he Ombudsman holds all communications with those seeking assistance in strict confidence"), it is difficult to conceive of a manner in which a visitor's failure to return the survey could be monitored and a recalcitrant visitor could be encouraged to return the survey. Also, although it may be more likely that an office would receive a greater number of returns if the surveys are completed close to the date of the office visit, if surveys were requested immediately after an ombudsing session, the questions posed may not return reliable information about whether the options identified by the ombuds and the information provided were sound. In other words, the user survey would in effect only measure short-term client satisfaction. This is certainly valuable feedback about the manner in which we provide services to our visitors; however, it is of limited use in assessing whether our process was effective in helping visitors resolve their issues. A visitor certainly deserves to meet with an ombuds who treats him respectfully and helps him to feel "heard." But how would a visitor know if an ombuds failed to spot an issue that was fundamental to a successful resolution to the visitor's problem? How would a visitor know whether the ombuds operated up to IOA Standards of Practice?

The most direct and thorough way of assessing whether an ombuds is providing services effectively and up to standard is by having a trained observer observe the ombuds in the process of providing services to visitors over a period of time. Visitors often come to ombuds offices while under stress, however, and may not be open to the presence of an observer, or may find it more difficult to confide when a third party is present. Further, the process of evaluation may have to occur over an extended period of time in order to obtain a large enough sample of case facts, issues and personalities, so that conclusions concerning the ombuds' skills would be well grounded.

Real life observations present other challenges. There is always the risk that the evaluation of an office mate may be skewed by peer bias and other relational issues.[4] On the other hand, if the evaluation is conducted by a person from outside of the ombuds office, it can be argued that the ombuds' confidentiality privilege is waived.

SPA provides a model that permits observation of an ombuds officer in the process of providing problem-solving services, without visitor discomfort or running afoul of confidentiality concerns. SPA can incorporate standardized case situations so that skills can be tested on a variety of issues that commonly arise in the organization, with standardized assessment benchmarks and qualitative feedback.

SCENARIO-BASED PERFORMANCE ASSESSMENT

The author conceives of SPA as a method that would assess ombuds issue-spotting, problem-solving and interpersonal communication skills using "simulated visitors" who present with issues typical of the visitor population. The interaction between an ombuds and a simulated visitor would be assessed against pre-determined performance benchmarks and would include feedback on ombudsing style and other intangibles.

THE CARVER COLLEGE MODEL

Performance-based assessment of clinical interaction under simulated conditions has been productively used in the medical arena. The Performance-Based Assessment (PBA) Program in the Carver College of Medicine at the University of Iowa (developed by Dr. George Bergus and Ellen Franklin) provides an instructive model:

The PBA program assesses the clinical and communication skills of 3rd and 4th year medical students at the Carver College of Medicine. By having students interact with Standardized Patients (SPs) in 15-minute encounters, medical faculty are able to assess medical students according to the objectives set forth by the college and its clerkships. This form of authentic assessment supports the College's objective that all our students will graduate with demonstrated competency in the areas needed by physicians starting residency training. The program also provides faculty with a means of assessing the areas of strength and weakness in the medical school curriculum.

Our SPs are not true patients, but rather, they simulate a patient case that may have been seen in the clinics or on the wards in the hospital. Previous research with practicing physicians, as well as with students, shows that the performance a learner or physician demonstrates in this setting is highly correlated with actual performance in a real clinical setting. … .

[A] broad range of skills can be given focus during an assessment. Cases can be tuned to specifically focus on interpersonal relationships ("bedside manner"), patient education, or professionalism. (University of Iowa Carver College of Medicine)

The Carver College SP is carefully trained to "portray a patient with the accompanying history, physical findings, personality, emotions, and behavior appropriate for the specific cases." (University of Iowa Carver College of Medicine) Such standardization permits that each medical student can be assessed with the same patient and problem. "Thus, if a faculty member wants to assess the competency of students faced with a patient with abdominal pain, the PBA program can create such a case. In that way, all students can have that experience without having to wait for such a patient to check into the hospital." (University of Iowa Carver College of Medicine)

USE AND APPLICATIONS OF PERFORMANCE-BASED ASSESSMENT IN OMBUDS WORK

Performance-based assessment under simulated conditions appears as desirable and well-warranted in the ombuds arena as it is in the medical field. Properly designed, a SPA can be geared to assess ombuds'"clinical" competencies according to individual ombuds program and IOA objectives. The use of trained "standardized visitors" would eliminate the issue of confidentiality, and would permit an evaluation of targeted skill and information sets in a way that allows assessment between ombuds on the same criteria, so that proficiency would be scaleable. And upon a positive assessment, an ombuds would demonstrate competency in the skills of core concern to the profession in a manner that could be open to scrutiny.

The possible applications of SPA are wide-ranging and significant. The fact that an ombuds has passed a standardized assessment of ombudsing skills could serve as an important indication of effectiveness to organizational stakeholders, which could support office credibility and assist with office funding efforts. IOA ombuds skill certification using SPA could enhance the public confidence in the ombuds profession and provide some basis for legislative support for ombuds privilege legislation. It would also appear that SPA, or SPA scenarios, can be used as a training tool, both in ombuds office settings and as a part of IOA's education and skill-building training programs.

Identifying the benefits of SPA is, of course, only the beginning of the inquiry. Before SPA can be used in ombuds evaluation, there are a number of complex issues to work through with respect to the construction of suitable scenarios and the administration of the assessment process. Because, as discussed above, the SPA can be employed for different purposes, and the complexity and nuance of an SPA administration will certainly vary according to the purpose of the assessment or training, it is difficult to generalize about necessary program components. The purpose of this paper is to introduce a concept and not to present a working model; however, let me suggest some considerations that may help in framing an effective SPA program.

CONSTRUCTING SCENARIOS

First things first. What ombuds skills do we want to assess? Before scenarios that mean anything can be generated, we must first establish what behaviors (skills and qualities) we are looking to assess for proficiency. From a review of the IOA literature (for example, Rowe 1995) and a number of ombuds websites, the author assumes, for purposes of this paper, that the kinds of ombudsing skills necessary for an ombuds proficiently to discharge his duties include: (1) skills likely to elicit useful information from the visitor, including listening skills, being alert to both verbal and behavioral cues, and issue spotting (which requires that the ombuds has a base of information about the organization, applicable laws and policies, and human nature, to put the information from the visitor in context), (2) skills in identifying options, including analytic and creative thinking (which again requires that the ombuds have an information base within which to put the information in context), and (3) skills in communicating information to the visitor. The author would further suggest that an assessment of ombuds proficiency should

measure whether the ombuds discussed information concerning ombuds office functions and characteristics consistent with IOA Standards of Practice (esp. confidentiality and impartiality), and whether the ombuds operated in the session consistent with such standards.

Scenarios can then be designed to test whether an ombuds, presented with a fact pattern that would arise in the ombuds' organizational setting (e.g., an academic ombuds being visited by a student who alleges that the student was being bullied by a faculty member), exercises the appropriate skills proficiently. The scenario can be constructed to raise certain issues in the visitor's opening narrative, but keep certain issues unspoken until effectively probed by the ombuds. The "simulated visitor" (SV) could be trained to display certain behaviors or drop certain verbal clues that a proficient ombuds should know to probe with follow-up questions.

The broad behavioral categories would need to be refined into more specific subsets of behavior, and determinations made concerning the benchmarks that represent a finding of proficiency in the context of the given scenario, e.g., what issues should have been spotted given a particular visitor narrative, what options (e.g., referrals to policies or resources) should have been discussed with the visitor if a particular issue had been spotted.

Aside from assessing ombuds behavior against skill level expectations and goals, SPA observations may also provide helpful feedback concerning the effectiveness of an ombuds' approach and interpersonal style in dealing with different visitor personality and character traits.

ADMINISTERING THE ASSESSMENT

Assume that we now have a number of scenarios created and benchmarks set with respect to targeted skill sets. How should the SPA be administered? Who should administer the assessment protocol?

In order to assure accountability of the process, it would appear that optimal administration of the SPA would include the participation of a fully-trained, independent SV, and a venue that would allow observation or video recordation of the assessment session. Obviously, this kind of set-up would not be feasible in most situations, and SPA administration can be adjusted to suit the purpose and formality of the assessment.

Ideally, an SV would be carefully trained, as in the Carver College model,[5] to portray a visitor "with the accompanying history, …, personality, emotions, and behavior appropriate for the specific cases." This training would appear particularly critical to an SPA program designed for purposes of IOA certification, to assure that all ombuds undergoing testing be subject to the same set of SV traits and case information. Because an SPA assessment is highly interactive, the SVs would require sufficient mock encounters in the training process to assure that the SV knows his character and issues thoroughly enough to deal with different lines of ombuds questioning.

Ideally, also, the facility in which the assessment takes place would allow for video recordation of the session and/or observation (one-way mirror) and note-taking by an evaluator skilled in ombuds work. In a training situation, a video may provide valuable feedback to the assessed ombuds concerning the ombuds' style and other intangibles. In a certification program, the video may serve as a record (test results) and an internal tool in refining scenarios and other aspects of the certification process.

Life is rarely ideal, however, and ombuds financial resources are not generally at a level where a dedicated facility or thoroughly trained actors is an option. In such situations, assessment checklists may be provided to a trained (to a greater or lesser extent) SV, which the SV would use to record the ombuds performance after the assessment session.[6] It is also possible that SPA ombuds assessment would attract sufficient interest to entice third-party assessment operations to take on SPA assessment on-site as a fee for services endeavor.

SUMMARY

The services provided by ombuds offices are not adequately measured by simple output data. Although office usage is, of course, relevant to the issue of whether we are addressing organizational needs, office usage figures only beg the question of whether the services we are providing to our constituencies are quality services. We need to have a way to assess our process. We need to see whether we are walking the walk.

SPA permits the assessment of ombuds work in a way that simulates real life without compromising the ombuds' claim to confidentiality. There are many obvious challenges in implementing an ombuds SPA program, and much discussion needs to occur with respect to every level of the formulation and administration of such a program. Properly implemented, however, SPA promises to provide a way not only to help individual ombuds offices improve ombudsing skills, but also to lend credibility to the profession. It is the author's hope that this paper will begin the discussion.

ENDNOTES

[1] The IOA Uniform Reporting Categories Task Force is in the final stages of designing a model to rationalize the categories of issues dealt with by ombuds offices so that statistical information can be gathered which will be useful to IOA and its members.

[2] At least one ombuds office has also engaged in assessing its operations using comparables ("Statistical Comparison," 2006), and has evaluated whether the structure of its office reflects appropriate standards and criteria in the literature concerning ombuds operations ("Literature Based Evaluation Report," 2006).

[3] This paper does not address functions of an ombuds office beyond the work done with individual visitors, e.g., providing upward feedback on trends and systemic issues, and acting as an organizational change agent.

[4] Generously staffed ombuds offices may handle a number of cases in teams. In situations of team ombudsing, however, both ombuds are participating and any involvement may affect the ability of the evaluator to give full attention to the other ombuds' process. Further, to the extent that the ombuds share the problem-solving duties, the participation of the evaluator does not provide an opportunity to observe whether the evaluated party would have made that contribution if he were the only person present. It thus appears likely that peer feedback in a team ombudsing situation would be limited in scope and utility.

[5] Carver College draws its SPs from the University and community at large. Many of the SPs have extensive acting experience. The actors are paid a small hourly fee. (University of Iowa Carver College of Medicine)

[6] Obviously, this would work if an office had several

ombuds and the head of the office coordinated the assessment efforts, including the SV training.

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Shared Global Interest in Skillfully Applying IOA Standards of Practice

NANCY ERBE AND TOM SEBOK

(IOA) principles serve as guide rails and lighthouses to keep us on the rails and off the rocks…(T)he trick is to understand that while our principles may limit choices and options, political courage can be inspiring to those who observe it[1] (IOA Survey, 2007).

ABSTRACT

Responses to a 2007 survey of IOA members emphasize the importance of skillfully and reflectively adhering to IOA Standards of Practice. SOPs are stressed as instrumental to building ombudsman credibility and effectiveness over time. This article shares some of the survey highlights and themes, including the greatest challenge reported by respondents: hostility from those who have maintained a historically abusive working environment, with a specific look at workplace bullying. The complexity of ombudsman response is demonstrated through case study application of relevant IOA SOPs. The authors hope this article will serve as a springboard stimulating global dialogue that continues to inform sound and skillful ethical practice impactfully addressing the most troubling of institutional concerns.

INTRODUCTION

Last spring, with author Sebok's support, author Erbe received permission from the International Ombudsman Association (hereinafter "IOA") board of directors to question its membership regarding internationalization. Using electronic mail, all were invited to join the survey.[2] Thirty-four (34) members responded, providing rich anecdotal description of their practice and perspective. In contrast to IOA membership, survey response is relatively equally divided between those practicing outside and those practicing within the U.S. Fifty-three (53) percent of the respondents practice outside the States; the remaining forty-seven (47) percent within. Thus, even though survey response cannot be used to describe IOA membership as a whole, it provides an early window into IOA perspectives and practices around the world.

Our purpose in writing this article is to share some of the most significant reports from last spring's survey, while demonstrating and examining their assertions through applied case study analysis. Since many survey respondents stress IOA Standards of Practice (hereinafter "SOPs"), several are introduced in detail. Challenges arising from application of the SOPs to real world case study facts are identified and analyzed. An in-depth and comprehensive exploration of the complexity and challenges of applied IOA ethics is quite ambitious and beyond the scope of this article.[3] We hope, though, to stimulate and encourage IOA leadership and readership in a few significant ways: 1) sparking dialogue about how IOA can act to create safe spaces that encourage members to honestly raise ethical doubts, dilemmas and challenges with trusted and respected IOA members, 2) modeling basic applied ethics through case study analysis, and 3) encouraging continuing publication in the IOA journal that emphasizes SOPs and case study analysis with international perspectives—perhaps even a column where readers can contribute case study challenges that a rotating group of IOA members analyze with diverse rationale and experience. If nothing else, we anticipate and hope that IOA members are curious about what was reported by survey respondents and interested in learning whatever they can about their relatively new global community.[4]

HISTORICAL AND CONTEXTUAL BACKGROUND

IOA was formed on July 1, 2005 by the merger of The Ombudsman Association (TOA) and the University and College Ombuds Association (UCOA). According to the IOA website, its mission is "to advance the profession of organizational ombudsman[5] and ensure that practitioners are able to work to

the highest professional standards." The term "Organizational Ombudsman" was first used by Mary Rowe of the Massachusetts Institute of Technology in the mid-1980's. Rowe defined the term as: ". . . a confidential and informal information resource, communications channel, complaint-handler and dispute resolver, and a person who helps an organization work for change" (Rowe, M., 1995).

The comparatively recent organizational ombudsman model is but one of many models. A few common variations include: 1) "classical" ombudsman, defined by *The International Ombudsman Yearbook*, as "an independent office, traditionally appointed by the legislative branch, to investigate poor administration of government; 2) advocate ombudsman (e.g., Long-Term Care or Prison Ombudsman) whose primary function is to advocate for the rights of particular constituencies, and 3) news ombudsman who, according to the Organization of News Ombudsmen website, ". . . receives and investigates complaints from newspaper readers or listeners and viewers of radio and television stations about accuracy, fairness, balance and good taste in news coverage [and] recommends appropriate remedies or responses to correct or clarify news reports."

As Howard Gadlin Ombudsman at the National Institutes of Health has observed, the proliferation of a variety of ombudsman models in different sectors performing distinct functions and serving myriad constituencies has "lead to confusion in the general public about what an ombudsman is, [and] they have also engendered a considerable amount of disputing among ombudsmen themselves" (Gadlin, H., 2000). This confusion exists both within and outside the United States (hereinafter "U.S.") Eighty (80) percent of the more than six hundred (600) IOA members are from the U.S. Of the remaining twenty (20) percent, many hail from countries where a classical ombudsman tradition exists. A few live and work in countries with no tradition of ombudsing of any kind.

As noted above, the IOA SOPs apply only to the organizational model of ombudsing. Eighty-five (85) percent of those completing the 2007 survey of IOA members self-identified as "organizational ombuds." Perhaps desire and need to avoid the aforementioned widespread confusion about various ombudsman approaches explains why many survey respondents indicate that consistently acting with integrity through practicing in accord with IOA SOPs represents

their "greatest source of power and protection (IOA Survey, 2007)." Survey response, particularly emphasis on the importance of honoring IOA SOPs, has inspired and shaped this article.

SURVEY REPORTS

As introduced above, sixty-two (62) percent of respondents, relatively equally divided between international organizations, transnational corporations, universities and colleges, and other varied organizations, repeatedly stress the importance of professional integrity through strict adherence to IOA SOP's. As explained by one, steadfastness in ethical behaviors garners essential respect. (IOA Survey, 2007).[6]

ENSURING INDEPENDENCE

Several survey respondents reiterated the importance of ombudsman independence. To that end, fifty-five (55) percent of the IOA survey respondents indicate that they follow what they perceive to be IOA "best practice" regarding selection of an office location.[7] Forty four (44) percent of survey respondents go on to stress the importance of clarifying the organizational ombuds' role as compared with other organizational offices like compliance and human resources. Only then can their community actually appreciate the ombudsman's distinctive independence within their organization. Twenty four (24) percent describe publishing their office's limitations for all to see and otherwise trying to educate each visitor about ombudsman independence.

With the aim of achieving actual structural independence, more than one survey respondent[8] reported they have: 1) no other organizational role or any decision making power, including committee service, 2) no one commanding them, 3) no socializing with those in power outside of official business, and 4) no reporting obligations . Some describe an office charter or organizational code that stresses IOA SOPs and lifetime appointment, or tenure, as well.[9]

IMPORTANCE OF CONFIDENTIALITY

Fifty five (55) percent of survey respondents identify confidentiality as the "cornerstone of our practice: the very reason organizational members dare to contact the ombudsman and feel safe disclos-

ing "deep risky truth" (IOA Survey, 2007). In the words of one, "Confidentiality is probably the single most important factor in bringing people to my door in the first place. Without it I would likely gather dust… (E)verything I do should be conducive to building trust in the office" (IOA Survey, 2007).

COMPLEXITY OF ETHICAL RESPONSE TO ALLEGED AND ACTUAL BULLYING

Hostility from internal people in historically abusive environments is named by more than one survey respondent as the organizational ombudsman's toughest challenge. In the words of another respondent, this tough task involves "(r)econciling the obvious disconnect between rhetoric about the importance of respect for human dignity with the apparent absence of sanctions against senior staff who flout rules and standards of civilized behavior and make the lives of their subordinates a misery" (IOA Survey, 2007).

As explored in detail later in this article, principled commitments to confidentiality, informality and neutrality may restrain and even prohibit direct disclosure of specific complaints to leadership, depending on the circumstances. In the face of systemic abuse, disclosure may be met with apathy or, worse, further hostility, depending on leadership. In such cases, recalling Mary Rowe's definition of the organizational ombudsman, the role as change agent may be the only one that can be ethically exercised.[10] Sixty two (62) percent of survey respondents name "smoke watching"[11] as their most important contribution, describing it in myriad ways: acting as an early warning mechanism, providing upward feedback, alerting leadership to emerging trends, patterns and systemic issues through unfiltered feedback, monitoring organizational climate, identifying practices that hinder organizational systems, and recommending changes (IOA survey, 2007). In cases where an ombudsman is prohibited from sharing the concerns of a specific department due to risks involving confidentiality, informality and neutrality, the ombudsman can still attempt to identify receptive leadership[12] and persuade them to do a climate survey regarding bullying and harassment, as one example, or otherwise bring leadership's attention to the importance of taking its organizational pulse around these issues. Survey respondents describe their ability to facilitate brainstorming of alternative approaches to a problem as an essential catalytic role. Organizational ombudsmen have a golden opportunity to model their ability to generate, explore and evaluate effective options whenever they face a tough ethical issue or dilemma like the ones presented here.

IMPARTIALITY IN ACTION

Survey respondents name building the conflict management capacity of their organizations through training and coaching as their second most important role (IOA Survey, 2007). They recommend "lobbying" for the support and buy-in of top leadership, or working hard to build sufficient trust, long before challenges like those described here arise. As one respondent said, "We have no coercive power. Our power comes from our ability to persuade, to act quickly and to take on what no one else will" (IOA Survey, 2007). Leaders must be educated about IOA SOPs and the reasons behind them, specifically how honoring them will serve the organization so that they will understand the reasons for not pressuring ombudsmen into compromising activities or misperceive ombudsmen as betraying the organization with their disclosures. On-going dialogue with leaders at all organizational levels is vital if the ombudsman can find a way to proceed without violating confidentiality.[13] Some of the circumstances described later in this article involve the challenge reported by survey respondents as approaching the right level of leadership. Developing resilient credibility with top leadership is particularly important in preparing to give authority feedback about their own negative contributions or otherwise say "no". In the words of another survey respondent, "This is difficult to do unless you have built up trust and confidence over time. It… requires exquisite interpersonal sensitivity and communications skill to say "No" to those in power in a way that does not damage your reputation, and to give those in power critical feedback about their own negative contributions to a situation in a way that does not alienate them" (IOA Survey, 2007).

At the same time, survey respondents commend moral courage. One goes so far as to say:

> This profession requires a person with a solid moral backbone that is willing to take risks but can also have high levels of empathy and flexibility. One… way to address our anxiety is to have (a) good alternative… outside of your

position (a good BATNA).[14] This does not mean that the Ombudsman should be reckless. They should respect the right that officials have of not following…recommendations. However, the Ombudsman should not shy away from provid-ing feedback, even if it is "politically sensitive" or…a dissenting voice. All this should be done while keeping confidentiality and respecting the visitor's right of self determination (IOA Survey, 2007).

Of course, relationship building must also be done with requisite neutrality. Ombudsmen must con-stantly model what many call multi-partiality or commitment to the best interests of and fairness to all.[15] If done over time, the risk of misperception that an ombudsman is aligning with or advocating for a particular side will diminish. One survey respondent recommends vigilant awareness of assumptions others might be making when assisting them in viewing events from a variety of perspectives so that the organizational ombudsman can quickly correct misunderstanding. Another acknowledges the ever-present challenge of being accused of taking sides when challenging parties to seek understanding of the other side but reports that seeking feedback from all those concerned regularly assures him that he is effectively and ethically navigating the challenge. "Being neutral does not mean being shy. I make the point because I have seen…some Ombudsman are hiding behind being Neutral (or keeping things confidential)" (IOA Survey, 2007).

REAL LIFE APPLICATION:
HOW SOPS GUIDE DECISION-MAKING

While the IOA SOP's do not answer all questions confronting organizational ombudsmen, they provide guidance about many areas to assist practitioners in recognizing what is expected. They are especially helpful in identifying limitations for ombudsmen. In this section, we first discuss a few IOA standards stressed by survey respondents: neutrality, indepen-dence and confidentiality, exploring some concrete ways ombudsmen satisfy these standards through choice of office location and not identifying office contacts or requiring signatures in records. All relevant SOPs are introduced. We then describe a complex case study example which allows us to demonstrate and discuss several survey anecdotes. All relevant SOPs are introduced and analyzed in factual context, and options for satisfying SOPs are raised,

with underlying interpretation and rationale. We attempt to show the actual thinking and questioning, or reflective practice, of at least one ombudsman in action as he considers the ethical issues arising from a particular set of facts and his options for proceeding in accordance with all relevant IOA SOPs. Naturally challenges arise. In the case study presented, obvious challenges include listening from a neutral perspec-tive while responding to alleged and actual bullying.

ENSURING INDEPENDENCE

One choice facing any organization considering establishing an organizational ombudsman office is where to physically locate the office. Although no particular Standard directly addresses where to locate an office, SOP 2.3 suggests one important underlying consideration: "The ombudsman is a designated neutral reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures." The 2000 UCOA Handbook elaborates.

Some campuses prefer to house the Ombuds Office in the administration building — close to the CEO in order to enhance the perception of the ombuds' influence. However, this location can inhibit users who have concerns about administrators or who do not wish administra-tors to know they are using the Ombuds Office. And, location in (an) administration building can also be perceived as limiting the office's neutral-ity and independence. Ideally, ombuds offices should be located in space that allows visitors to enter and leave with a minimum of visibility by others" (Sebok, T., Fenili, M., and Sagen, M., 2000).

Only when office location supports actual neutrality and structural independence does it satisfy SOP's 1.1, 2.3, and 3.1.[16] One office at a large U.S. university is in a mixed-use building near — but not in — the administration building. Today this building includes the Office of Victim Assistance and Office of Disability Services, which serve all constituencies, the Employee Assistance Program, which serves faculty and staff, and various academic support services for students. The office is located on an upper floor of the building near a stairwell and elevator, which allows visitors to enter and leave quickly without being seen by many people. The windowless door to the office is kept closed to allow visitors an added degree of privacy.

This location away from executive offices in a building where a variety of services assist diverse constituents enhances the perception of both neutrality and independence and its easy access reduces the likelihood of being observed by others, as well.

IMPORTANCE OF CONFIDENTIALITY

Following principles of confidentiality[17] leads organizational ombudsmen to practice differently from other conflict resolution practitioners. A very clear illustration of this difference is in the area of record-keeping practices. One specific SOP related to Confidentiality (SOP 3.5) directs organizational ombudsmen to avoid keeping any records that identify users of an office. For organizational ombuds-men, this SOP applies when they facilitate or mediate conversations between disputants. In contrast, some mediators keep signed "Agreement to Mediate" forms in which disputants agree not to call the mediator as a witness should any formal process (e.g., grievance or litigation) occur. In fact, according to the state of Massachusetts website presenting the *General Laws of Massachusetts*, mediators *must* keep these forms for confidentiality protections to apply.[18]

CASE STUDY

The Case Study that follows (using fictional names) provides illustrations of how ombudsmen use some of the IOA SOPs to guide their choices and, in the process, educate others within their organizations about the IOA SOPs. After introducing some basic facts, the case study discussion responds to the survey reports given earlier and follows their basic organization, emphasizing with the challenge and complexity of ethical response to alleged and actual bullying,[19] beginning with a discussion of referrals to and relationships with formal institutional channels, and proceeding to the challenge of impartiality in action, with a particular look at challenges faced in discussions with management. What becomes obvious is the importance of the ombudsman role in creatively envisioning and exploring options as well as encouraging visitors to do the same. Carefully reviewing consequences helps visitors simultaneously evaluate their best alternatives. The ombudsman role in conceiving and coaching with an emphasis on viable options is equally key to conversations with management, particularly when abuse within the organization has historically been allowed.

Open ethical dialogue with trusted and seasoned peers is foundational for increasingly expanding the ombudsman repertoire with the toughest of con-cerns.[20] The reader might feel challenged at various points with tying all relevant concerns to appropriate SOPs. This real world case study analysis shows how applied ethics requires spiral logic, often within networks of relevant and potentially relevant SOPs. The authors recommend that readers keep a list of SOPs handy as a checklist for their daily ethical analysis and reflective practice. They may also benefit from developing a habit of writing out the facts presented to them in any given situation, with enough space to write out possible and actual ethical issues, questions to be explored, options, conse-quences and their related ethical framework. This can all be done without identifying information and the material can be shred when no longer needed.

A staff member named Leonard made an appoint-ment to speak with the ombudsman, Thaddeus, to discuss what he described as a pattern of abusive treatment by his supervisor, Miriam. Leonard ex-plained that he has worked for the organization for nine years and for the first four years; he was in a job class that offered limited annual raises but some degree of job security. The Program Assistant position in Miriam's office offered a much better salary and great benefits, but no job security whatsoever. Despite the warnings he received from three different people who knew Miriam, he wanted the raise and thought to himself, "I can work with anybody." He accepted the position in her small office. "With perfect 20-20 hindsight," Leonard explained, "I now believe this was the worst decision I ever made."

As Leonard told his story, he expressed pride in the fact that his nearly five years under Miriam's supervi-sion was far longer than anyone else had ever lasted in her office. Before the end of the first year he said he had both witnessed and personally experienced "Miriam's wrath" multiple times. Since working with Miriam, Leonard learned that many different people had filled — and then left — both his position and the Administrative Assistant position in her office. In fact, two Administrative Assistants had transferred or quit during Leonard's time and the latest one was already looking for another job after less than nine months on the job. Additionally, he said more student assistants had come and gone than he could remember. According to Leonard, sometimes apparently depen-dent on her mood, Miriam would target individual

staff members for months at a time and speak to them in a hostile, threatening, humiliating, and demeaning manner — sometimes in front of other staff. He said she sometimes interpreted routine questions from staff members or student assistants as challenges to her authority and her tone of voice would convey that she was displeased with the question — and the questioner — when she replied. Also, he said she reacted to small mistakes as though they were gigantic failures. In contrast, Leonard reported that Miriam was "sweet as pie" toward her own supervisor, Jim, who was very high in the organizational structure and whose office was in a different building about a quarter mile away.

Leonard provided several examples to illustrate why he believed Miriam's behavior was "abusive:"

1. A letter had been mailed to the top fifteen (15) managers and officers in the organization informing them of some upcoming events. Apparently, one of the student assistants did not know that one of the officers had moved to a different office and used an incorrect address on the envelope. When a staff member called Miriam to inform her of the error and ask that her office's records be updated to reflect the change, Miriam huffed into Leonard's office and said, "Leonard, we've got to talk about your ineffectiveness as a supervisor right now," in front of a student assistant. She also interrupted his explanation, saying, "No excuses! I want you to call that office and apologize for your mistake right now—and don't let it happen again!"

2. Last year after Leonard's automobile accident, Miriam refused to sign an employment verification form sent by the insurance company, saying Leonard might be somehow "using it against the organization." Leonard had to call the Human Resources department and ask an administrator there to contact Miriam and explain this was routine and ask that she complete the form.

3. Upon returning from sick leave Miriam accused Leonard of falsifying his time sheet. When they reviewed it carefully together, it turned out to be accurate. Upon discovering this, Miriam simply said, "Okay" and left without making any apology to Leonard for making the accusation.

4. When Leonard inadvertently left his caps lock on in responding "WILL DO NOW" to a routine e-mail request from Miriam, Miriam accused him of "being

inappropriate, angry, hostile, and unprofessional." When Leonard immediately apologized by e-mail and explained about his inadvertent oversight, Miriam responded, "I trust you are clear about the expectations for professional communications in the future."

Leonard said this most recent e-mail exchange was the proverbial 'straw that broke the camel's back' that led him to contact Thaddeus for help. He said he now gets nervous walking toward his office every morning and his heart beats faster and palms sweat when Miriam walks into his office. He said he increasingly found himself replaying incidents with Miriam in his head while he was at home in the evenings and on weekends. He also reported that he has begun to notice that he is drinking more wine in the evenings "to unwind." Although he said his performance evaluations have been above average, he said he is now sure Miriam wants to fire him. He described himself as "Miriam's latest target."

As Thaddeus listened to Leonard, he periodically paraphrased or summarized the details and confirmed with Leonard that he accurately understood what Leonard was saying (e.g., "So, if I understand correctly, when Miriam raised her voice and questioned your ability as a supervisor, you felt humiliated, and this feeling was amplified for you because the student assistant you supervise witnessed the interaction. Do I have it right?") Occasionally, he asked Leonard open-ended questions (e.g., "How would you have liked for Miriam to tell you about her concerns?"). This approach seemed to build rapport with Leonard, encouraged Leonard to elaborate, and, simultaneously, allowed Thaddeus to verify that he, indeed, understood the situation. It also clarified the gap between Miriam's actual behavior and how Leonard would have liked for her to behave toward him.

When Leonard finished telling his story, Thaddeus said, "It sounds like your working relationship with Miriam has been painful and frustrating for you, Leonard. How were you hoping I might be able to help?"

Leonard said, "I have reached the end of my patience with her abuse. I'm not paid enough to tolerate this and I shouldn't have to. I want to find another job, preferably somewhere else in this organization. Until I do, I want Miriam to leave me alone. And, I want someone in authority to confront her and make her stop abusing the people she supervises — including

me. I was hoping you could help me review options about how I might make these things happen."

Leonard did not believe it would be safe or fruitful for him to communicate with Miriam about his concerns — with or without the help of a facilitator or shuttle diplomat. Although he knew he wanted to find another position in his current job class, since there were relatively few positions, lateral transfers were rare. Leaving the organization or returning to his previous job class would almost certainly require a significant pay cut. As a single dad this was close to unacceptable. However, Leonard said he would even take a pay cut if he had to in order to get away from Miriam's abuse.

After discussing various ways Leonard might identify transfer opportunities, Thaddeus asked Leonard who in a position of authority he thought might be appropriate to notify. They discussed Leonard's perceptions of the pros and cons of notifying various people. Leonard said that even though Jim, Miriam's supervisor, held a position near the top of the organizational hierarchy, there had been a good deal of turnover in his position in recent years and Jim was fairly new. Further, although Leonard said Jim seemed like a nice man, he expressed doubts about Jim's willingness and ability — especially being so new in the position - to deal effectively with Miriam. And while he barely knew Jim, Leonard said he had had a number of positive interactions with Pablo, Jim's supervisor, who was the second highest level executive in the entire organization. He thought Pablo was a person of integrity and, despite his high level position in the organization in relation to Leonard's, Leonard thought Pablo might be willing to meet with him. Leonard said he might also ask Pablo about other possible positions within the organization for which he might qualify. Leonard thanked Thaddeus for listening and said it had helped him decide how he wanted to proceed.

COMPLEXITY OF ETHICAL RESPONSE TO ALLEGED AND ACTUAL BULLYING

A number of situations ombudsmen are likely to face involve serious challenges to following the SOPs. One such example involves the ombudsman who, after hearing the same or similar stories from a number of constituents, decides to speak with someone in the organization's management about a supervisor who has allegedly been engaging in "workplace bullying."

Depending on the circumstances and people involved in this situation, the ombudsman could find it difficult to maintain Independence, Neutrality/Impartiality, and/or Confidentiality. For the purposes of this article, the authors assume that the case study facts reported above involve workplace bullying. Uncertain is whether this bullying has gone on due to systemic abuse—the toughest challenge reported by survey respondents, with institutional apathy, tolerance of abuse and even collusion. Regardless, the ethical challenges explored below would arise.

Although Leonard did not indicate whether he was aware of it, he was not the first of Miriam's supervisees to visit the Ombudsman Office expressing concerns about her behavior. Two other employees had complained to Thaddeus in the previous four years as well. One of them cried while describing how Miriam had treated her. Both of them wanted help in learning how to cope with what they described as "Miriam's abuse" while they looked for another job. Like Leonard, neither of them wanted to communicate with Miriam either directly or with the help of a facilitator about their concerns. Both were extremely fearful that she would "go ballistic" if she found out they had been to the Ombudsman Office to talk about her. As a result, neither was willing to allow Thaddeus to contact Miriam — or anyone else — about their concerns. Given the small size of Miriam's department, it was clear to Thaddeus that he needed to adhere to IOA SOP 3.1, which requires that he "safeguard the identity" of those who approached the office for help. It was never clear how he could also follow IOA SOP 3.4, by simultaneously providing "feedback on trends" to management that included this apparent problem. The Ombudsman Office can always track conversations as part of its regular organizational statistical data collection survey—as both perceived and potentially true bullying. When a noteworthy trend emerges, organizational leadership can be made aware of the need to respond systematically and does not have to depend on individual initiative or risk-taking to address important concerns. One survey respondent takes her annual report "on the road" and dialogues with all constituencies (IOA Survey, 2007). Thus, all stakeholders can be conscious of and take responsibility for rectifying significant troubling trends. Further, the ombudsman can discuss with institutional leadership the importance of noticing high and unusual staff turnover as a "red flag" that needs be examined in depth and on a case to

case basis to ensure competent and humane management throughout an organization. Despite these change agent options, however, living with the knowledge that people in Miriam's unit may continue to face on-going abuse, and not telling anyone about it, felt to Thaddeus as though he was not functioning effectively.

REFERRALS TO FORMAL CHANNELS

The ombudsman can always decide to refer those involved to formal channels, or at least, carefully review all available options and their distinctions with visitors. Survey respondents recommend developing trusting relationships with formal organizational members (IOA survey, 2007).

SOP 4.5 indicates, "Formal investigations should be conducted by others." Some people visiting an ombudsman will insist on using formal procedures because they want to establish a record of a complaint and perhaps because they want sanctions to be administered. Depending on the circumstances and the interests of visitors, ombudsman referrals to those who conduct formal investigations are entirely appropriate for these individuals. For example, employees with grievance rights or in jurisdictions with safety standards providing legal redress with injury from hostile work environments may prefer to use their legal rights to address issues such as workplace bullying. Further, when employees believe they are being bullied because of their protected class status (e.g., race, gender, religion, etc.) they can make formal complaints alleging discrimination on this basis.[21] Ideally, referrals can be made both ways between those who administer formal investigative procedures and ombudsmen. When an employee is open to or even appreciative of the opportunity for an informal resolution to her or his concern and/or wants any future conversations to be confidential, referral to an ombudsman is appropriate.

A significant challenge ombudsmen face in some organizations is from non-ombudsmen whose work overlaps with the work of the ombudsman office. This can lead to territorial disputes and role confusion. One specific group with whom overlap is likely is the Human Resource (hereinafter "HR") department. Whose responsibility is it to assist employees who are experiencing conflict: the ombudsman or the HR professional? In truth, as introduced above, either and both might be able to assist. If the ombudsman is

following the IOA SOPs, the approaches of the two offices will likely be quite different. No records will be kept by the ombudsman. Records — including names and other identifiers, such as dates — are usually required for the HR professional. While the ethical and conscientious HR professional will maintain confidentiality as much as possible, the contents of the conversation would not be confidential upon requests for information by her or his own supervisor or from the organization's legal counsel. The conversation with the ombudsman, on the other hand, will be completely confidential unless the ombudsman perceives "imminent risk of serious harm" (SOP 3.1[22]). In the event the employee filed a formal grievance or initiated a disciplinary action, the HR professional may very well direct the formal process and in the event of litigation, if asked by the organization's legal counsel, she or he will almost certainly testify. In contrast, if the organization's legal counsel respects IOA SOPs she or he would not even ask the ombudsman to testify. If the employee asks the ombudsman to provide testimony in a grievance or lawsuit, the ombudsman will resist if she or he is following SOPs 3. 2[23] and 3.3.[24]

Another important — and potentially thorny — relationship exists between the ombudsman and an organization's legal counsel. While legal counsel can advise the ombudsman about various policies or legal requirements, it is essential that they agree not to contact the ombudsman to ask about confidential communications involving the ombudsman. This is a very unusual situation for legal counsel because, normally, everyone within an organization — including top management — cooperates with their requests for information. It would be very easy for legal counsel to view an ombudsman's refusal to do so as evidence of disrespect or arrogance by an individual ombudsman. Clearly it would not be in any ombudsman's interest for the organization's legal counsel to have this impression. Following IOA's SOP's on neutrality and confidentiality means it is just as inappropriate for ombudsmen to talk with the organization's legal counsel about the details of their work with visitors as it would be for them to talk with plaintiff's attorneys.

Ombudsmen anticipating these differences and potential problems with both HR and legal counsel and initiating communications with them before these issues arise, however, can establish good working relationships. Fortunately, the American Bar Association (ABA) has been increasingly interested in

and supportive of the ombudsman role in recent years. The "Revised Standards for the Establishment and Operation of Ombuds Offices" document on the ABA website[25] explains the ombudsman role — including its confidential nature — and differentiates organizational ombudsmen from other types of ombudsmen. Providing at least the section of this document on independence, impartiality, and confidentiality to an organization's attorneys can be very helpful. An ombudsman must help her or his organization's legal counsel understand why the neutral and confidential ombudsman role means she or he cannot divulge confidential information, either to a plaintiff's attorney - or to the organization's legal counsel.

IMPARTIALITY/ NEUTRALITY IN ACTION

A subtle challenge to several of the SOP's on Neutrality and Impartiality, especially 2.1,[26] 2.2,[27] and 2.5[28] involves the skill of listening. Often position announcements for ombudsman openings highlight "effective listening" as essential for the role. Indeed, listening is a critically important skill for an ombudsman. Functioning as a designated neutral, however, requires a different approach to listening than is required in many other roles. According to Howard Gadlin and Elizabeth Walsh Pino, "Ombudsmen help by maintaining their neutrality, not by giving advice" (Gadlin, H. and Pino, E., 1997). [29]

Yet facilitative listening also has its challenges. People who initiate a request for assistance from an ombudsman often do so because they believe they have been or are about to be treated unfairly. They want the ombudsman to believe that they have legitimate concerns. While the demonstration of empathy often leads those with concerns to feel comfortable with and understood by a listener and encourages important disclosure, risks exist that the visitor may interpret this deep understanding as agreement that the ombudsman believes she or he has been wronged. An organizational ombudsman conveying agreement — or disagreement — with a visitor, even unintentionally, can easily undermine perceived and actual neutrality. Some visitors may, in fact, be predisposed to believe the ombudsman "agrees with them" and may tell others this after leaving the office — regardless of the ombudsman's intentions. It is critically important that the ombudsman educate all visitors about requisite neutrality practiced through a variation of separating people from the problem.[30]

Specifically, visitors must be helped to understand that strong interest in understanding their problems is not agreement and that the ombudsman is ethically bound to extend equivalent empathy to the others concerned as part of facilitating constructive problem-solving. The organizational ombudsman's job is to impartially assist visitors with exploring goals and underlying interests and evaluating a range of options. One internally monitored method an ombudsman may use to guide ethical reflective practice while communicating with any visitor is to ask the question, "How would I act if the person(s) with whom a visitor is in conflict were present?"

As he listened to Leonard, Thaddeus recognized that he found Leonard's story very compelling and he was aware that this could challenge his ability to function with Neutrality/Impartiality, as outlined in IOA's SOP's 2.1, 2.2, and 2.6[31]. In order to address this concern, throughout their conversation, he tried his best to listen empathically to Leonard's feelings while conveying neutrality about the facts. He believed that if the facts were as Leonard presented them, Miriam's behavior was inappropriate and she may well have been engaging in "workplace bullying." Ordinarily, he would have also reminded himself that he had only heard Leonard's — and not Miriam's — perceptions about these events. While it was true that he had not heard Miriam's perceptions, as noted above, Thaddeus had heard of virtually identical complaints from two others who had worked with Miriam over a number of years. Naturally, this was impossible to ignore and it presented a significant challenge to Thaddeus' ability to remain neutral. Thaddeus knew that SOP 2.5 required him to "consider the legitimate concerns and interests of all individuals affected by the matter under consideration." Despite his empathy for Leonard and all he had heard from the two previous employees, following SOP 2.5 inspired Thaddeus to continue to try to communicate neutrality/impartiality as they interacted.

As acknowledged by survey respondents, organizational neutrals, by the very nature of their mandate to multipartiality with long term institutional relationships, continually risk being misunderstood and scapegoated as betraying personal alliances and unspoken institutional rules, e.g. those in power are protected from each other's scrutiny ("You scratch my…I'll scratch yours"). Human nature predictably demands loyalty through partiality, or "taking sides." Rare, and sometimes suspect, are those mandated to

"walk in the middle" for the sake of greater institutional good. As mentioned earlier, one survey respondent continually imagines others' assumptions about the ombudsman role and seeks feedback from all concerned to ensure he is both perceived as neutral and ethically practicing this tricky mandate. Skillfully navigating these tough challenges builds a reputation for institutional responsiveness. Further, as is quoted at the beginning of this article and echoed throughout survey response, moral and political courage inspire.

SOP 2.3 states that the ombudsman should report to the highest possible level within the organization. This reduces the likelihood that an ombudsman will face a conflict of interest between her or his supervisory relationships and professional responsibility to SOPs. As mentioned earlier, in cases where a pattern of allegations about bullying has emerged, following SOP 1.3, an ombudsman may agree or decide to speak with management about ". . . a trend or concerns of multiple individuals over time" to discuss what she or he believes might be a potentially serious problem. If an ombudsman can find a way to surface a concern without revealing the identity of those with whom she or he has communicated, she or he could speak with management at her or his own initiative. In fact, SOP 1.3 suggests that an ombudsman ". . . exercises sole discretion over whether or how to act regarding an individual's concern, a trend or concerns of multiple individuals over time." Indeed, giving "feedback on trends, issues, policies and practices . . ." as outlined by SOP 3.4 falls squarely within an ombudsman's scope of responsibilities. However, as the above case involving Leonard and Miriam illustrates, simultaneously following these various SOP's is sometimes quite challenging.

Employees who believe they are being bullied usually just want the bullying to stop. Many employees fear directly engaging the alleged bully in discussing their concerns and, unlike Leonard in the case study above, do not feel comfortable approaching management themselves. As noted above, many employees do not want the ombudsman to talk with the allegedly bullying supervisor either. This scenario may lead an employee to request that an ombudsman speak with someone in management about the matter. While SOP 1.3 suggests an ombudsman is free to do this, especially if the complaint represents an apparent trend, such a decision should be thoroughly considered by both the employee and the ombudsman.

Possible outcomes, advantages, and disadvantages of this approach need to be considered. For example, alternative outcomes of such a conversation are that the manager might: a) listen, b) express concern, c) minimize or dismiss the concern, d) gather additional information, e) do nothing, f) retaliate against the visitors, g) take action to effectively stop the bullying behaviors. As with Leonard, this conversation can help the visitor assess which members of management are most likely to offer support and effectuate change, as well as evaluate all of their viable options; once again, as Leonard did in analyzing his willingness to act on his own behalf and seek another position.

When an ombudsman does speak with management or anyone else about an issue such as alleged bullying, while she or he has no SOP related obligation to "safeguard the identity" of an alleged bully, ethical risks nevertheless exist. The ombudsman may be perceived as aligned against the alleged bullying supervisor and advocating for those who have complained. At the very least, approaching management in this situation risks appearing to be in violation of SOP 2.2 (an ombudsman "does not advocate on behalf of any individual in the organization") and SOP 2.5 (an ombudsman ". . . has an obligation to consider the legitimate concerns and interests of all individuals affected by the matter under consideration"), especially if the manager trusts, respects, and regularly depends on the supervisor in question. Given this, what can an ombudsman who has never even spoken with an allegedly bullying supervisor do to consider that person's "legitimate interests" when she or he goes around her or him and speaks to her or his manager? And how might she or he begin such a conversation with the alleged bully's supervisor?

Once again, the ombudsman's effectiveness in developing "a range of possible options to resolve problems"[32] is key. The ombudsman can preface any conversation with a manager by reminding her or him that, while she or he needs to discuss a pattern of concerns that have been brought to her or his attention, as an ombudsman, she or he is a designated neutral. Therefore, she or he is not an advocate for — or against — anyone in the organization — even though raising this kind of concern about alleged behaviors involving a single individual may make it look that way. If she or he has not been given permission to speak directly with the supervisor in question, this can explained as the manager may wonder why the ombudsman is contacting her or him

and not the supervisor. It may also help convey the ombudsman's neutrality/impartiality to remind the manager that the information is only anecdotal, not scientific, and, in order to be fair to the supervisor, it might be beneficial to use 360 degree evaluations and/or exit interviews to get a fuller and more accurate picture. Further, the ombudsman can suggest that, if the information gathered reveals bullying problems, as a matter of fairness, the manager might want to present the information to the supervisor, give her or him an opportunity to respond, discuss her or his expectations of appropriate supervisory behavior, and if she or he feels it appropriate, consider giving the supervisor assistance (e.g., coaching, counseling) for improving this important area of her or his work performance.[33]

CONCLUSION

While espousing the IOA SOPs and their basic concepts may be relatively straightforward, the case study analysis provided here demonstrates that application is necessarily complex, requiring multitasking, spiral rather than simple linear reasoning, and continuous reflective practice. Ombudsmen must know the SOPs well enough to quickly identify any and all ethical issues present in any given fact set; thus identifying all relevant and potentially relevant SOPs. The ombudsman must, at the same time, be aware of all mental assumptions and be prepared to consider perspectives of all concerned—comprehensively and accurately identifying this group is yet one more task. Reflective practice includes brainstorming available options and evaluating consequence; yet again with the SOPs as criteria. Last but not least, all skills exercised must be done in line with SOPs as demonstrated here with neutral listening.

While the above description of challenges may seem daunting, seasoned organizational ombudsmen report that effective navigation is not only essential but possible and fruitful through continual reliance on IOA Standards. In one research participant's words, "long term reputation for confidentiality, compassion, helpfulness and impartiality"- with all constituencies - builds the credibility and influence needed for effectiveness. It simultaneously protects the ombudsman (IOA Survey, 2007).

ENDNOTES

[1] Thanks to David Miller, Staff Ombudsman, World Health Organization. He has given us permission to acknowledge his quote from the IOA survey.

[2] Sample questions from this survey are in Appendix I. IOA has recently approved more extensive research to ensure the response rate necessary to generalize across membership. All readers are encouraged to participate and can indicate their interest through contacting author Nancy Erbe at nerbe@csudh.edu or 310-243-2805. The purpose of this extended research is to demonstrate the organizational ombuds' institutional value and impact, with a focus on responsiveness to stakeholders' most important interests. Survey anecdotes like those presented in this article will be used to shape research questions.

[3] There are several sources included in this article's references that can be used to study advanced applied ethics. Advanced ethics encompass study of moral reasoning, dilemmas between apparently conflicting ethical concepts, sincere educated doubt about appropriate and best practice options in a given factual situation, reasonable professional difference in applying ethical standards, and exploration of human and institutional "blinders" or blind spots, unconsciousness, projection, and other distortions that interfere with truth such as groupthink. The latter often stresses the importance of reflective practice, which examines perceived incongruence between "walk and talk," ways to raise consciousness, such as soliciting candid and informed feedback, and the skills necessary to effective applied ethics.

[4] The authors are willing to consider writing an additional article that presents remaining survey data if enough interest is demonstrated.

[5] A note on the International Ombudsman Association webpage (http://www.ombudsassociation.org) indicates: "The term ombudsman is used to communicate to the widest possible community and is not intended to discourage others from using alternatives. IOA respectfully acknowledges that many practitioners use alternative forms of this word." The term "ombudsman" is used by some — including those who initially created the IOA website - as both the singular and plural form of the word "ombudsman." The IOA Board decided in the fall of 2007 to use "ombudsmen" to connote the plural of "ombudsman" so the authors will use "ombudsmen" as the plural form except when quoting others who use "ombuds-

man."

6 While the reader may assume and hope that all IOA members concur with this report, it bears mentioning that only sixty two (62) percent of respondents mentioned IOA standards as their greatest source of power and protection. While IOA members agree with the importance of following IOA standards as a condition of their membership status, additional research like that described in footnote 2 is recommended to evaluate actual practice.

7 A DRAFT document authored by the IOA Ethics and Standards Committee, "IOA Best Practices — A Supplement to IOA's Standards of Practice" provides examples with applications of various standards. Interestingly, although 2007 survey respondents linked selection of an office location to "independence," within the "Best Practices" document this choice is tied directly to confidentiality, neutrality/impartiality, and informality, and only indirectly to independence. Under the section on Confidentiality, it says, "The Ombudsman Office should be situated in an appropriate location to protect the *privacy* of visitors to the office." The connection to independence is presented more indirectly. SOP 1.2 indicates "The Ombudsman holds no other *position* within the organization which might compromise independence." SOP 2.3 states "The ombudsman is a designated neutral…operating independent of ordinary line and staff structures." SOP 1.1 says "The Ombudsman Office and the Ombudsman are independent from other organizational entities." However, the language of the DRAFT recognizes that this is not always possible and advises, when it is not possible, "The Ombudsman should provide Ombudsman services in a location that is different from the location in which the Ombudsman, in the other role, works, teaches, counsels, etc., to clarify the distinctions between roles, and to assure *confidentiality* and off-the-record *informality* of the Ombudsman communications."

8 The numbers vary based on practice and are not reported here since these reports cannot be used to generalize across IOA membership.

9 While lifetime appointment, or tenure, may not be common within IOA, it was reported in response to last spring's survey.

10 *See* Wagner, M. (2000) The organizational ombudsman as change agent, *Negotiation Journal*, 99-114.

11 Thanks again to David Miller, Staff Ombudsman, World Health Organization, this time for his phrase eliciting a vivid visual of this ombudsman role.

8 Kurt Lewin's force field analysis mapping restraining and empowering forces or similar systems' models can help ombudsmen identify institutional assets, friendly alliances and other variables underlying sound organizational option generation and evaluation. *See* Erbe, N. (2003). Holding These Truths. Berkeley: Berkeley Public Policy Press.

13 In a small department or work unit, when one or more people allege being bullied by the supervisor but do not wish to be identified, raising the pattern of complaints can easily risk exposing those who expected the ombudsman to keep what was said confidential.

14 "BATNA" was coined by the Harvard Negotiation Project and stands for Best Alternative to a Negotiated Agreement. It appears in: Fisher, R. and Ury, W., 1981.*Getting to Yes: Negotiating Agreement Without Giving In*. Houghton-Mifflin.

9 *See* Erbe, N. (2006) Appreciating mediation's global role in promoting good governance *Harvard Neg. Law Rev.* 417-419 for a list of questions created to help assess impartiality.

16 Once again**,** SOP 1.1 says, "The Ombudsman Office and the Ombudsman are independent from other organizational entities," SOP 2.3 says, "The Ombudsman is a designated neutral . . . and operating independent of ordinary line and staff structures," and SOP 3.1 says, "The Ombudsman . . . takes all reasonable steps to safeguard confidentiality . . ."

17 SOP 3.1 provides "The Ombudsman does not disclose confidential communication unless given permission to do so in the course of informal discussions with the Ombudsman, and even then at the sole discretion of the Ombudsman; the Ombudsman does not reveal and must not be required to reveal, the identity of any individual contacting the Ombudsman Office."

18 A sample form is included in Appendix II.

10 "Bullying is characterized by the following three criteria: (a) it is aggressive behavior or intentional "harmdoing," (b) it is carried out repeatedly and over time, and (c) it occurs within an interpersonal relationship characterized by an imbalance of power…One survey of 135 adults revealed that forty-two (42) percent had observed yelling or verbal abuse at their

workplace….A pattern is emerging in U.S. school tragedies where victims of relentless and cruel taunting and bullying are using guns in schools. Fortunately, there are also highly successful prevention programs. In one program, bullying typically reduced by more than fifty (50) percent with concerned response, or empathy, combined with firm limits to unacceptable behavior. Erbe (2003) Holding These Truths, Berkeley: Public Policy Press, 81, 110 and 170.

[11] The authors hope that this article's readers will write them with their recommended response to the tough and important challenges of bullying, other workplace hostility and power abuse.

[12] Of course, organizational ombudsmen would never presume or present themselves to be legal experts regarding all of their visitor's formal options, which will vary depending on particular facts and may require legal assessment. Different behaviors involved with workplace bullying may invoke harassment and criminal law, for example, as well as what is introduced above. The organizational ombudsman can share the best of his or her legal knowledge as sample and possible formal recourse but must recommend that visitors seek expert advice to learn all formal options available to them.

[22] Standard 3.1 states, "Whether this risk exists is a determination to be made by the Ombudsman."

[23] SOP 3.2 provides, "Communication between the Ombudsman and others (made while the Ombudsman is serving in that capacity) are considered privileged. The privilege belongs to the Ombudsman and the Ombudsman Office, rather than to any party to an issue. Others cannot waive this privilege."

[24] SOP 3.3 provides, "The Ombudsman does not testify in any formal process inside the organization and resists testifying in any formal process outside of the organization, even if given permission or requested to do so."

[25] IOA has expressed some concerns about this document and offers guidance to members about interpreting it at its own website: http://www.ombudsassociation.org/members/documents/GuidanceOnABAStandards%20_final.pdf.

[26] SOP 2.1 provides, "The Ombudsman is neutral, impartial, and unaligned."

[27] SOP 2.2 states, "The Ombudsman strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues."

[28] SOP 2.5 provides, "The Ombudsman has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration."

[29] This sounds like the facilitative-evaluative distinction within the mediation community. Facilitative mediators generally do not give advice while evaluative mediators often do. *See* Erbe, N. (2004) The Global Popularity of Facilitative ADR, *Temple International & Comparative Law Journal.* pp. 352-357.

[30] Fisher, R., and Ury, W., (1981). *Getting to yes: negotiating agreement without giving in*. Boston: Houghton Mifflin.

[31] SOP 2.1 says, "The Ombudsman is neutral, impartial, and unaligned." SOP 2.2 says, "The Ombudsman strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The Ombudsman advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the organization." And SOP 2.5 says, "The Ombudsman has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration."

[32] *See* SOP 2.6.

[33] These are a few of many options possible here. The authors hope that this article's readers will write them with their recommended response to the tough and important challenges of bullying as well as other workplace hostility and power abuse.

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ABOUT THE AUTHORS

Nancy Erbe is Associate Professor of Negotiation, Conflict Resolution and Peacebuilding at California State University Dominguez Hills where she teaches classes including the Ethics of Conflict Resolution. Most recently, she was guest professor at Cornell School of Law. She has also taught at the Straus Institute for Dispute Resolution at Pepperdine School of Law (Education and Dispute Resolution), University of California Berkeley, University of Denver and University of Oslo. She began external-contract ombuds work with universities and government agencies in the mid 1990s after several years of mediating a range of disputes. Her clients include U.S. Office of the Interior, U.S. Office of Personnel, Colorado State Commission on Indian Affairs, Colorado State Department of Corrections, Bay Area Rapid Transit, City of Boulder Human Relations Commission, Wu Yee, and the County of Los Angeles. Previously, she represented the Minneapolis Public Schools. In 2005 she was added to the Fulbright roster of Senior Specialists in Peace and Conflict Resolution. Rotary International has designated her a Paul Harris Fellow in appreciation for furthering better understanding and friendly relations among peoples of the world. Her clients and students to date represent seventy different countries. Her B.A. is in non-profit administration.

Tom Sebok is the Director of the Ombuds Office at the University of Colorado at Boulder. Between 1976 and 1990 he worked as a counselor in three different community colleges. He became an ombudsperson at the University of Colorado at Boulder in 1990 and the Director of the office in 1992. From 1995-1999, he served as Secretary for the Board of the University and College Ombuds Association (UCOA) and has served as Secretary for the Board of the International Ombudsman Association (IOA) for three years. He is an Associate Editor of the Journal of the International Ombudsman Association, has published numerous articles related to ombudsing, mediation, and restorative justice, and has made numerous presentations at regional and national conferences.

APPENDIX I:

2007 IOA Questionnaire

1. Which country are you from and where do you practice?

2. Identify the nature of the institution where you are an ombuds: academic, corporate, governmental, non-profit or other: (specify).

3. Do you consider yourself to be an organizational ombudsman, classical ombudsman, or hybrid of the two? Please explain.

4. What are your most important roles as an ombudsman?

5. Describe your toughest challenges and recommendations for addressing:

6. Have you successfully averted crisis? If yes, please describe. If no, what would you do differently in the future?

7. How do you advise addressing your most politically sensitive mandates while preserving your position?

8. What are your greatest sources of power and protection?

APPENDIX II:

Agreement to Mediate

This Agreement is made on the_____ day of _____, 2000, between:

FIRST PARTY:

Name: _____

Address: _____

ATTORNEY NAME & FIRM: _____

Address: _____

Telephone: _____ Fax: _____ Email: _____

SECOND PARTY:

Name: _____

Address: _____

ATTORNEY NAME & FIRM: _____

Address: _____

Telephone: _____ Fax: _____ Email: _____

THIRD PARTY:

Name: _____

Address: _____

ATTORNEY NAME & FIRM: _____

Address: _____

Telephone: _____ Fax: _____ Email: _____

The parties and their attorneys, as named above, have agreed to participate in a voluntary mediation in an attempt to resolve a dispute between the parties. If an agreement is reached, that agreement will be reduced to writing and will become binding when signed by both parties and the mediator. The parties, their attorneys, and the mediator agree as follows:

A. PROCEDURE

1. The mediation will take place at the office of Holland & Knight LLP in Boston unless otherwise agreed.

2. At least 48 hours prior to the first mediation session, each party shall provide the mediator with a confidential, short (not to exceed 5 pages in length, unless otherwise agreed) statement of what they consider to be the relevant facts and issues. The parties will also forward copies of the most pertinent relevant documents.

3. The parties, or the representatives of the parties attending the mediation, shall have full authority to settle the dispute.

4. The parties may have counsel attend the mediation with them.

5. Unless all the parties agree that a person not a party or related to a party may attend the mediation, that person may not attend.

6. No stenographic record of the mediation session(s) may be made.

7. The role of the mediator is to assist the parties in reaching a mutually acceptable resolution of their dispute, and not to render a decision as to how the dispute should be resolved. In addition, the parties understand and agree that the mediator is not to provide legal advice to any of the parties in connection with the mediation.

8. If the mediation results in a written settlement agreement, the parties shall provide in the agreement whether the terms of the agreement may be disclosed in a court proceeding in connection with any action to enforce the agreement or be disclosed under any other circumstances.

9. The parties and counsel agree to participate in good faith in the mediation process.

B. CONFIDENTIALITY

1. The parties understand and agree that the mediation process shall be treated as a compromise / settlement negotiation for the purposes of Massachusetts state law and of Rule 408 of the Federal Rules of Evidence.

2. As the mediation process is confidential under Massachusetts General Laws, c. 233, § 23C, all material and information presented to and received by the mediator and the mediator's file on this case shall be treated as being confidential and shall not be subject to disclosure in any judicial or administrative proceeding involving the parties to this mediation. Accordingly, the mediator will not voluntarily disclose to any person not participating in the mediation any information the mediator obtains in the mediation, unless required to do so by law.

3. In addition, the parties and their counsel hereby agree that any communication made in the course of and relating to the subject matter of the mediation shall be treated as being confidential and shall not be subject to disclosure in any judicial or administrative proceeding.

4. The parties, and their attorneys, further agree that none of the parties shall call the mediator as a witness in any proceeding relating to the subject matter of the mediation, or subpoena the mediator or any of the mediator's documents in connection with any such proceeding, and that the parties will oppose any effort to have the mediator or the mediator's documents produced at any such proceeding.

C. DISCLOSURE OF PRIOR RELATIONSHIPS

1. The mediator, parties and the parties' counsel confirm that they have disclosed any information that a reasonable person would believe would influence the mediator's impartiality. That information includes any business, professional or social relationship the mediator has or had with any party, any officer of a party, or the parties' counsel. This disclosure relates to all attorneys in the attorneys' or mediator's law firms to the extent that any of the participating attorneys or the mediator has actual knowledge of such relationships.

D. COMPENSATION

1. The parties and their attorneys agree to the fee schedule as set forth in Exhibit A to this Agreement, which exhibit is incorporated in and made a part of this Agreement by reference. This Agreement may be executed in one or more counterparts, each shall be deemed an original, and all of which together shall be deemed to be and the same document.

FIRST PARTY:

By: _____

Attorney for (the FIRST PARTY)

SECOND PARTY:

By: _____

Attorney for (the SECOND PARTY)

THIRD PARTY:

By: _____

Attorney for (the THIRD PARTY)

MEDIATOR:

By: _____

Stephen S. Young

I was just thinking...

Micro-affirmations & Micro-inequities

MARY ROWE

In 1973 I took a job at MIT, working for the then new President and Chancellor. I was charged, among other things, with learning how the workplace could improve with respect to people who were underrepresented at MIT—as examples, men and women of color and white women, and people with disabilities.

MAJOR ISSUES

As an economist I had expected to learn about big issues standing in the way of progress for "non-traditional" people. Working together with others, I did find some. For example we looked at the pension plan, a plan that paid benefits unequally for men and women with the same record of service. (Senior officers at MIT changed the plan in a way that ben-efited both women and men). I helped a working group to design Serious Search recruitment proce-dures, procedures that turned out to help people of color—and, of course, also Caucasians. We looked at supports for dependent care that were needed by women—which of course illuminated the fact that men also needed support for dependent care. We helped with campus maps, and ramps, and lifts for those who needed them, and learned of course that they helped everyone. I learned what everyone now knows—that equitable work structures usually help everyone.

LITTLE ISSUES

In addition I noticed the importance of "little issues." Little acts of disrespect, and failures in perfor-mance feedback, seemed to corrode some profes-sional relationships like bits of sand and ice. "Little issues" included names mistakenly left off a list, people who were not introduced at meetings, (or mistakenly introduced as someone else of the same race).

I learned of inequitable job assignments, failures to provide schedules or food or space that were needed by a particular group, invitations that were uncomfort-able for gays, or women, or non-Christians ("Please feel free to bring your wife;" "There will be a belly-dancer at the party;" "Please join us to celebrate Christmas"). There were ugly cartoons that attacked certain groups, and jokes that made fun of different cultures or of disabilities. Sometimes I would hear a presumption that someone of a certain gender or race or religion could do some task better—which then often led to selective perceptions favoring an already favored group.

MICRO-INEQUITIES

In 1973 I began writing about "micro-inequities." I defined them as *"apparently small events which are often ephemeral and hard-to-prove, events which are covert, often unintentional, frequently unrecog-nized by the perpetrator, which occur wherever people are perceived to be 'different.'"*

I observed what I saw as the cumulative, corrosive effect of many inequities, and concluded that micro-inequities have been a principal scaffolding for discrimination in the US. Micro-inequities appeared to be a serious problem since much of this bias is unconscious and unrecognized—and even hard to believe when described—unless videotaped.

I found other authors who had looked at micro-messages, including Jean-Paul Sartre with respect to anti-Semitism and Chester Pierce, MD, with respect to racism. And I found, and continue to find, a huge literature on selective perception, in-groups and out-groups, Pygmalion studies, mirror neurons, how we communicate emotionally, and the like—which I will not attempt to summarize here.

Mainly I just pondered, from the point of view of a practitioner, why if at all would little things make a

difference? I published a number of hypotheses as to why micro-inequities may be a problem.

In addition, I wondered, if micro-inequities really *are* a problem, how did under-represented and non-traditional people ever succeed? Of course the truly important point is that non-traditional people succeed and have succeeded by dint of great talent, by strength of character, brilliant innovations and very hard work.

In addition, in the 1970's I learned something that now is considered commonplace: the power of person-to-person (one-on-one) recruitment, of mentoring, and of networks, to bring minorities and women into traditionally white male organizations, and to help them succeed. But, I wondered, how did these practices actually work?

I observed many hundreds of our top faculty and managers as they recruited effectively, and mentored brilliantly, and established cohesive and supportive networks with each other and their mentees. And I watched how some effective supervisors recruited and mentored non-traditional people, and lent support to networks of women and people of color.

A dozen times I watched a department head get to know networks of people of color and then success-fully recruit outstanding men and women who had been thought "not to exist." (Once a particularly charming, handsome and gallant department head happily introduced himself to every woman at a scientific conference, saying that he had been "in-structed by our ombudsman to get to know all the women.")

MICRO-AFFIRMATIONS

How *do* effective mentoring practices work? They seem to me to work by *micro-affirmations—apparently small acts, which are often ephemeral and hard-to-see, events that are public and private, often unconscious but very effective, which occur wherever people wish to help others to succeed*.

Micro-affirmations are tiny acts of opening doors to opportunity, gestures of inclusion and caring, and graceful acts of listening. Micro-affirmations lie in the practice of generosity, in consistently giving credit to others—in providing comfort and support when others are in distress, when there has been a failure at the bench, or an idea that did not work out, or a public attack. Micro-affirmations include the myriad details of fair, specific, timely, consistent and clear feedback that help a person build on strength and correct weakness.

I have come to believe that teaching and training about micro-affirmations may help an organization in several different ways:

The first effect is obvious—appropriately affirming the work of another person is likely both to help that person do well, and to help him or her to enjoy doing well.

The second effect is that consistent, appropriate affirmation of others can spread from one person to another—potentially raising morale and productivity. It helps everyone, men and women, people of color and Caucasians. It appears to be particularly helpful for department heads, and anyone who is senior to another person, to "model" affirming behavior.

The third effect is subtle, and deals with the point that it may be hard for a person to "catch" himself or herself unconsciously behaving inequitably. I may not always be able to "catch myself" behaving in a way that I do not wish to behave. But if I try always to affirm others in an appropriate and consistent way, I have a good chance of *blocking* behavior of mine that I want to prevent. Many micro-inequities are not conscious—but affirming others can become a conscious as well as unconscious practice that *prevents* unconscious slights. This effect is the subject of the rest of this essay.

IMPLICATIONS FOR ACTION

How might all this be useful to all of us and especially to managers?

Let me offer some thoughts.

- Managers can and should pay attention to "small things."

- The principles of appreciative inquiry are relevant to micro-affirmations: "leading" rather than "pushing;" building on strength and success, rather than first identifying faults and weakness.

- Small things are especially important with respect to feelings. (Managers must be impartial about *facts* but it is often appropriate and helpful to

affirm peoples' *feelings*.) As it happens, it is relatively easy for most people to practice and teach how to affirm feelings. This is important because the "mechanics" of affirmation are not trivial in human affairs—attitudes may follow behavior just as behavior may follow attitudes.

- Whenever a question is brought to us about how to change offensive behavior—our own behavior or that of another—we can teach the principles of changing behavior, and explore options about how to do it.

CHANGING BEHAVIOR

People often ask how they can change their own behavior or help someone else to do so. This list suggests some ideas. These suggestions are in descending order of probable effectiveness. Alas, the least effective option, at the bottom of the list, occurs very commonly in organizations.

Option One. Reinforce and reward good behavior that, as it takes place, is *inconsistent with, and blocks, the (bad) behavior that you hope will disappear*.... It is likely to be important to consider intangible rewards as well as tangible rewards for "doing things right." This is the most effective option.

Option Two. Reinforce good behavior; commend and reward actions that are helpful, commend good performance and the correction of errors. It is likely to be important to consider intangible rewards as well as tangible rewards for "doing things right."

Option Three. Punish bad behavior, with appropriate tangible and intangible sanctions.

Option Four. "Name" what is good behavior and bad behavior.

Option Five. Ignore bad behavior (and good behavior).

Option Six. Reward bad behavior.

Option Seven. Alternately reward and punish bad behavior—this could cast it in concrete forever. *This is the least effective option.*

SOME EXAMPLES

Imagine that a unit head, Dr. Lee, asks for "advice" because he or she is seen to be abrasive and rude. It seems that Lee is given to tirades, harsh words and cutting criticisms. Lee's "bullying" is reported by certain under-represented groups to be especially uncomfortable; members of those groups simply do not thrive near Lee.

How did Dr. Lee get this way? It may be that Lee has been promoted and given raises because of pushing others fiercely to perform (see option six above). Or—worse yet—Lee has been commended for performance *and* also scolded for abrasiveness—but then promoted again—so Lee ignores the scolding (option seven). Or many people around Lee ignore Lee's temper (option five). Lee is not likely to change.

Can we help Lee? Suppose that Dr. Lee acquires a new supervisor or a courageous friend who "names" Lee's bad temper, in a friendly and professional way, and suggests to Lee that Lee might stop the tirades (option four). Or a new supervisor writes a disciplinary letter to Lee for interpersonal abuse (option three). It is possible that Lee will notice.

Can we be more effective? Now imagine that new supervisors and colleagues and friends commend Lee for giving up the tirades (option two). This may help. It might help even more if Lee learns active listening and the habits of supportive feedback (option one).

Suppose that Dr. Lee agrees with you to try an experiment. He or she will attempt not to speak until spoken to—and then will affirm what the other person has said —before launching into an instruction or request or a criticism. Lee agrees to practice this behavior, whether the topic is mundane or work-related.

"Good morning, Dr. Lee."

"Chris, hello, it is a good morning — I am happy that it has stopped snowing."

Chris continues, "Might you help me with this problem, Dr. Lee?"

"Chris, I would be glad to sit down with you about this. And when we finish, could we also discuss the next project?"

Will this be difficult for Dr. Lee? Lee has agreed to practice raising concerns constructively, and to respond to questions effectively. How might Lee actually do this? Here is one idea.

The supervisor first asks Lee to think of someone that he or she most reveres and respects, or someone with whom Lee is always mindful of his or her conduct. *(Even very abrasive people are usually able to think of someone: a grandparent, a religious leader, the spouse of the CEO, or a former teacher.)* Lee then imagines that this deeply respected person is listening to every conversation—and practices accordingly.

Of course this simple plan will not always work or be appropriate, and the situation might be beyond the reach of a good new habit. But we may be able to apply the principles in many situations.

Often Option One takes the form of a generic plan of action. If department heads are failing to search for non-traditional candidates for a job, or do not "see" them, the generic plan might be that department heads engage in one-on-one recruitment. (When any organization wants to hire a particular top performer, or attract a particular customer or donor, department heads are likely to "recruit" that individual in person.)

If an organization wants to become more diverse, one-on-one recruitment is likely to be much more effective than advertisements. Moreover, a department head who reaches out in person, and feels affirmed by actually hiring a desirable candidate, may become an effective mentor.

As another example, if people of color and white women are "invisible" in the organization, then Option One might be to institute career development planning for everyone, with training for all cohorts in what is expected—and with rewards for supervisors whose supervisees give them the highest 360 evaluations for this skill.

The idea of affirming (good) behavior that blocks the (unwanted) behavior one wants to change can of course be extended into any arena. If I have gained a few pounds and wish to become more fit, I can try exercising at the time I might otherwise eat. I tell myself that endorphins—and the improved fitness— will serve as micro-affirmations.

ABOUT THE AUTHOR

Mary Rowe is an MIT Ombudsperson and Adjunct Professor of Negotiation and Conflict Management at the MIT Sloan School of Management. She came to MIT in 1973. She has a PhD in Economics, has been a mediator for many years, and was a founding member of the Corporate Ombudsman Association, now the International Ombudsman Association. The MIT Ombuds Office website (http://web.mit.edu/ombud/) includes some of her articles on the ombuds profession, conflict management system design and other topics, including "Options Functions and Skills," and "Dealing with the Fear of Violence." She has lived and worked in Africa, the Caribbean, and in Europe. She is currently working with a number of other Ombuds colleagues on a "close observer" study: ***"Dealing with—or Reporting—"Unacceptable" Behavior"*** and another ***"Why does a Conflict Management System Need an Ombuds Office?"***

Rowe has a number of special interests in the field of conflict management: unacceptably unprofessional behavior of all kinds, harassment of all kinds, "micro-inequities," that is, small insults that do damage; mentoring and career development, including "micro-affirmations;" dealing with very difficult people and people who "won't let go," options for action if one sees something bad happen, mediating intellectual property disputes, work/family concerns, the role of apologies. (You might call her if you think you owe someone an apology—or if someone owes you an apology). She likes children, gardens, music, scuba, chocolate—and admires the artistic achievements of other people.

recent research you can use. . .

Workplace Bullying

ALAN JAY LINCOLN

Workplace bullying or mobbing, as it sometimes known, is gaining more attention from researchers and the level of public concern appears to be rising. There are a number of issues and questions that come to mind when we consider the problems bullying and mobbing might cause in our work and educational settings. How common is bullying? What contributes to or influences the patterns of bullying? What is the impact on students, employees and the institution? How is bullying defined and perceived by workers and students? What can be done to control, reduce or eliminate the problem?

At this time it might be helpful to us in our roles as organizational ombuds to review selected recent studies.

Moayed, Farman A., Daraiseh, Nancy, Shell, Richard, and Sam Salem,. "Workplace bullying: a systematic review of risk factors and outcomes." <u>Theoretical Issues in Ergonomics Science</u> 7.3 (2006): 311-327.

Moayed et al have attempted to clarify the association between bullying and various workplace conditions and help us understand the outcomes or impact of bullying. They identified 37 studies of workplace bullying cited in eight major data bases and examined seven of the studies published in English in detail. They review major hypotheses and findings for articles published prior to July 2004. (Additional summaries presented below will provide an update on the more recent research findings.) Moayed et al report that among those experiencing bullying, psychological health problems were common as was increased absence from the workplace. One study (Kivimaki et al, 2003) indicated that continuous bullying was linked to the early stages of cardiovascular disease among the victims. They also reported that

the absence rate for sickness (4 days or more) was 51% higher among victims of bullying than for non-victims. Complaints of dizziness, stomach distress and chest pain were reported by Mikkelsen and Einarsen (2002). Quine (2003) suggested that physicians who reported being bullied had lower job satisfaction that ther non-bullied colleagues. Moayed et al (2006) concluded that "Workplace bullying has an impact on both organizational and individual levels. The consequences can vary from stress and depression to psychosomatic problems or even cardiovascular diseases." They also determined that a variety of workplace factors increase the risk of bullying while interacting with individual factors such as personality and drug or alcohol use. Finally they suggested that "More studies need to be carried out to standardize the definition and assessment of workplace bullying so results can be applicable across different cultures and professions." Three recent studies that show how bullying is influenced by the complex relationship between the individual and the work environment are summarized below.

Randle, Jacqueline, Stevenson, Keith, and Ian Grayling. "Reducing workplace bullying in healthcare organizations." <u>Nursing Standard</u> 21.22 (2007): 49-56.

Randle and her colleagues point out that workplace bullying is a growing problem in the NHS (National Health Service) that impacts both individuals and the organization. Randle et al provide an overview of the problem and suggest individual, group and organizational options to help control and minimize the occurrence of bullying. They remind us that bullying is a problem in the post office and armed forces as well and may be related to the organizational culture.

Several experts are suggesting a move away from an earlier view of bullies as weak with low self-esteem. For example, Lewis (2006) offers an alternative view that bullies tend to be highly manipulative, socially skilled with the ability to develop social support for their behavior. As we know, the greater the social support for behavior, even negative behaviors, the more resistant the behavior is to modification.

Randle et al (2007) tell us that within the NHS there are organizational triggers for bullying which include:

"High stress levels

Inadequate training

Organizational change and uncertainty

Pressure from management staff [and]

Unrealistic targets"

They further suggest that it is important to establish an anti-bullying culture supported by the highest levels of administration and clearly communicated to all employees. More collaborative work within teams also discourages bullying. According to Randle there are some practical steps that will help reduce the amount of workplace bullying:

Disclosure. It is crucial that victims of bullying disclose the problem. Through disclosure comes a better understanding of the circumstances, patterns, and impact of bullying. Supportive colleagues and supervisors are the key to disclosure.

Awareness of workplace legislation. Employees and management need to be knowledgeable about relevant legislation in the area of workplace harassment and discrimination.

Keeping a log or diary. Victims of bullying should maintain written records of the episodes and circumstances surrounding the events. This will help identify triggers and possibly aid in predicting high risk situations.

Assertive communication. Victims and others should be provided with a model and encouraged to stand up for their rights. Demonstrating how the bullying impacts both individuals and the organization and that the behavior will not be tolerated can be helpful.

Randle et al conclude:

"Workplace bullying is a sensitive issue and difficult to address because to be accused of bullying a colleague can have devastating consequences. However, bullying that goes unchallenged because the working culture tacitly supports it can be even more disastrous for those who are bullied. Staff who witness workplace bullying are placed in an unenviable position because they may feel that by intervening they risk becoming the bully's next target….managers need to become more proactive in developing effective structures and processes that reduce the incidence of workplace bullying and its effects on staff, patients and organisations."

Lewis, Sian E. "Recognition of workplace bullying: a qualitative study of women targets in the public sector." Journal of Community & Applied Social Psychology 16.2 (2006): 119-135.

Using in depth interviews of women who had been victims of workplace bullying, Lewis explored how these women struggled to identify and cope with the behavior. Difficulty in appropriately identifying behavior as bullying impedes both the victims' coping responses and the organization's response to the bullying. Victims of bullying and their supervisors often have different interpretations of what is occurring. It is not uncommon for supervisors to place responsibility for bullying on the victims' personal traits and behaviors.

All ten of the interviewed women were professionals in the public sector and had been victims of workplace bullying over a period of several months. Interviews were conducted by female researchers either in the victims' homes or in a private office in the workplace. Interviews were semi-structured, allowing for variability as the discussion progressed, and lasted between 1.5 and 3 hours. Several common reactions were identified.

Minimizing interpersonal difficulties. It was common for targets initially to trivialize or minimize the behaviors directed against them even though these actions impacted performance. Reports included patterns of questioning qualifications in public, interrupting and ignoring at meetings, removing comfortable office chairs and replacing with old furniture, deliberately removing data and information essential for the job, and denying the right to express an opinion.

Preserving self. Participants indicated that it was difficult to acknowledge interpersonal problems at work; that doing so threatened their own and others'

perceptions of competence. An inability to cope was seen as a threat to their status as professional women. Thus they tried to cope with the problems on their own rather than seek assistance.

Maintaining commitment to professional and organizational values. Several women expressed that the behavior directed against them directly conflicted with their views of how professionals were expected to behave. One stated "It's very disappointing when it comes from people in similar professions with qualifications to suggest that they have compassion." (Lewis, 2006). Recognizing and identifying the behavior as bullying also challenged perceptions of the organization. Nine of the ten bullies were managers which meant that coming to the realization that the offensive behavior was indeed bullying meant that there were problems in the power structure of the organization and perhaps the organization itself. "I could never have believed that management would aid and abet a bully and liar….It would have been much better if they'd blindfolded me and shot me at dawn… they took away everything that I ever morally believed in." (Lewis, 2006)

Sickness explanation. Each of the ten participants experienced health related symptoms which were validated by their health professionals. Typically the symptoms were not linked to the bullying until late in the process. "Illness was an available, powerful and accessible explanation for participants' difficulties at work….Participants were seen by others and themselves as failing to function as individuals, rather than identifying difficulties within the wider context of the workplace." (Lewis, 2006) These explanations minimized the role of managers and the organization. "…oh it's me, it's something in me. I'm not functioning right. I've got post-natal depression."

Naming the problem. It was clear that most participants did not identify the behavior as bullying early in the process. Some only came to that realization by chance when reading about bullying or hearing accounts from others. It also became evident that identifying or naming the behaviors as bullying was the start of the recovery process and impacted upon perceptions of self and self-esteem.

Lewis concluded that "As bullying progressed and as participants gained information about workplace bullying, they were more likely to recognize and name

their experiences, and shift from self-blame to locating difficulties in others and within their organizations." (Lewis, 2006)

While there was no reference to ombuds within these specific orgainizations, it is not unreasonable to suggest that working with these victims of bullying would be appropriate for organizational ombuds. Increasing awareness, understanding and proper identification of troubling behaviors may facilitate earlier intervention and maintain the target's self image and perceptions of both their personal value and the integrity of the organization.

Lee, Raymond T., and Céleste M. Brotheridge. "When prey turns predatory: Workplace bullying as a predictor of counteraggression/bullying, coping, and well-being." <u>European Journal of Work & Organizational Psychology</u> 15.3 (2006): 352-377.

Are workers who are bullied more or less likely to bully others? Lee and Brotheridge (2006) predicted that:

"Being bullied by others leads to counteraggressive bullying behaviours on the part of targets" and

"Aggressive/bullying behaviours towards others may lead to being bullied by others." and that

"Targets' coping responses are positively associated with 'equivalent' forms of bullying." That is, the coping response chosen mirrors the pattern of bullying; yelling leads to yelling and isolation leads to isolation.

A sample of 180 Canadian workers completed an anonymous survey on work experiences, which included measures of bullying. The sample included managers, professionals and clerical workers. Three types of bullying were identified: verbal abuse, undermining work, and belittlement. Nearly half (40%) of the respondents reported being the target of at least one act of bullying weekly during the prior 6 months and 10% noted that bullying occurred at least 5 times per week.

Analyses showed that "being bullied by others was not directly linked to burnout or ill health in targets, but appeared to operate through their sense of self-doubt, which in turn affected targets' level of well-being." Further, aggressive responses were common reactions to being targeted particularly following

verbal abuse that was often met with reciprocal verbal abuse. Revenge and retaliation were often cited as the motivation for continuing the bullying. Bullying in the form of belittlement was more likely to increase self-doubt resulting in effects on health and well-being.

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Kivimaki, M., Virtanen, M., Vartia, M., Elovainio, Vahtera, J., and L. Keltikangas-Jarvinen. "Workplace bullying and the risk of cardiovascular disease and depression." Occupational Environment Medicine 60 (2003): 779-783.

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ABOUT THE AUTHOR

Alan Jay Lincoln was hired as the first member of the criminal justice program at UMass Lowell in 1977. Lincoln has a long history of contributing to the campus community. He has served three terms a graduate coordinator for the Criminal Justice Depart-ment and eleven years as Special Assistant to the Graduate Dean. Alan was named the first University Ombuds in 2001 and continues to serve in that role. He also served on the editorial board of the Journal of the California Ombuds Caucus and the Research Committee for The Ombuds Association.

Alan earned master's degrees in psychology and sociology and a doctorate in sociology. He completed a Postdoctoral National Institute of Health program in Family Violence and also held a Fulbright Professor-ship in the Netherlands. He is the author of numerous articles and three books on crime and violence, and is a former journal editor of Library and Archival Security. Alan is a certified mediator and recently completed advanced mediation training. He currently serves as the editor of JIOA. Alan looks forward to spending summers in Maine with Carol, their two daughters and grandchildren.

recent research you can use...

Organizational Justice & the Ombuds Role

LAURIE PATTERSON

De Dreu, Carsten K.W. "The Virtue and Vice of Workplace Conflict: Food for (Pessimistic) Thought." Journal of Organizational Behavior 29 (2008): 5-18.

Focusing less on the "opportunity" side and more on the "crisis" side of the conflict coin, DeDreu argues that the positive effects of conflict occur "only under an exceedingly limited set of circumstances." Urging more research, especially "longitudinal studies, assessing not only the immediate, but also the delayed, and more distal consequences of conflict at work," the author challenges the "traditional view of conflict as episodic but benign." He cites and discusses Deutsch's Theory of Cooperation and Competition. In the article's conclusion, DeDreu mentions the valuable role internal neutrals can play in restoring balance in our visitors by skillfully guiding them through conflicts: "constructive conflict management…is critical to mitigate the potentially very negative effects of workplace conflict on health and well being."

Shaia, Jacquelyn S., and William J. Gonzenbach. "Communications with Management in Times of Difficulty and Crisis: Silence Explained." International Journal of Strategic Communication 1.3 (2007): 139-150.

The Ombuds role is specifically mentioned as one way for employees to break silence fearlessly, especially in organizations in which "management has not created or fostered an environment where those concerns can be adequately addressed, to the employee's satisfaction." Shaia and Gonzenbach also explore the importance to employees of anonymity and the reasons why they don't communicate up the chain of command. There is a useful discussion of the cost to recent corporate whistleblowers and an interesting discussion of Noelle-Neumann's "Spiral of Silence" theory and its three basic assumptions about what motivates employees to choose either silence or communication with management.

Tomaskovic-Devey, Donald, and Kevin Stainback. "Discrimination and Desegregation: Equal Opportunity Progress in U.S. Private Sector Workplaces since the Civil Rights Act." The Annals of the American Academy of Political and Social Science 609 (January 2007): 49-84.

Organizational Ombuds continue to hear issues of discrimination. This study by Tomaskovic-Devey and Stainback explores "what progress has been made and for whom in private sector employment since 1966" and paints what they describe as a "fairly disappointing story." What is useful in this article, however, is that the authors point to areas where we can be effective agents of change. For example, in supporting inclusive admissions practices in higher education: "We think that what is important here is…the admissions practices of colleges and universities. The desegregation of higher education has probably produced much more EEO progress among desirable jobs than any workplace lawsuits or innovations in human resource practice." While it is disheartening to read there has been "continued undisturbed white male privilege in access to the peak blue-collar and white-collar jobs," Ombuds can take the authors' suggestion to separate out "organizational practices and processes that are likely to maintain status inequalities in the workplace and those that might be catalysts of change." The article may be useful to help us see clearly what work is left to do for organizational justice and continue to shape our work to support that goal.

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ABOUT THE AUTHOR

Laurie Patterson, an Ombuds in health care, assists employees at all levels deal constructively with workplace conflict. The aims of her program are to increase employee satisfaction and retention, enhance organizational communication and support the delivery of safe patient care. Laurie has a Master's Degree and fifteen years experience in community-based mediation, inter-cultural conflict resolution, facilitation, and training.

recent developments. . .

A Legal Perspective

TOM KOSAKOWSKI

This article summarizes significant legislation and case law relating to Organizational Ombuds between January 2007 and January 2008. During this period, the field saw favorable developments on the legislative side at both the federal and state level. The United States Congress amended its charter of the American Red Cross to require the creation of an Ombuds program. The Texas state legislature favorably considered but was unable to pass a bill that would have created a first-of-its-kind shield law for Ombuds. In addition, although there were no published decisions from state or federal courts, the Securities and Exchange Commission created important precedent in an administrative matter.

LEGISLATION:

RED CROSS BYLAWS AMENDED TO CREATE OMBUDS PROGRAM

In February 2007, U.S. Senator Chuck Grassley introduced the "American National Red Cross Governance Modernization Act of 2007," to amend the Congressional Charter of the American National Red Cross[1] Among other things, Senate Bill 655 proposed creation of an Organizational Ombuds who would report to Congress on trends and systemic matters confronting the Red Cross. The bill was quickly reconciled with a House Bill sponsored by Representative Tom Lantos.[22]

H.R. 1681, 110th Cong. (2007), available at http://thomas.loc.gov/cgi-bin/bdquery/

The legislation passed with broad and bipartisan support in the House and Senate, and was signed into law by President Bush on May 11, 2007.[3]

In endorsing the creation of an Ombuds for a preeminent nonprofit, Congress reiterated the fundamental ethical tenets of the International Ombudsman Association. In its findings, Congress stated, in relevant part:

Given the role of The American National Red Cross in carrying out its services, programs, and activities, and meeting its various obligations, the effectiveness of The American National Red Cross will be promoted by the creation of an organizational ombudsman who—

(A) will be a neutral or impartial dispute resolution practitioner whose major function will be to provide confidential and informal assistance to the many internal and external stakeholders of The American National Red Cross;

(B) will report to the chief executive officer and the audit committee of the Board of Governors; and

(C) will have access to anyone and any documents in The American National Red Cross.[4]

The Red Cross Ombudsman Office opened in October 2007.[5]

TEXAS LEGISLATURE RUNS OUT OF TIME TO PASS A SHIELD LAW

In March 2007, Texas State Representative Patrick Rose introduced legislation (House Bill 3578) which would have created a state privilege for private and public sector Organizational Ombuds.[6] IOA endorsed and supported the bill through the legislative process.[7] The Texas House of Representatives approved H. 3578 by a vote of 140 to 0, and sent the bill to the Senate Jurisprudence Committee for consideration on the final day of committee hearings.[8] Several Texas Ombuds provided testimony before the committee.[9] Although favorably received by the Senate Jurisprudence Committee, the bill was left pending when the

Texas legislature adjourned its biennial session on May 18, 2007.[10] There is no indication of whether or not Texas lawmakers intend to revisit the issue when the state legislature convenes its next biennial session in fall 2009.

CASE UPDATE:

SEC AFFIRMS ROLE OF NASD OMBUDS

In the administrative case of **In the Matter of Sky Capital LLC**, the SEC reviewed a decision by the National Association of Securities and Exchange Dealers.[11] (As the primary regulator of America's securities industry, NASD licenses individuals and admits firms to the industry, writes rules to govern their behavior, examines them for regulatory compliance and disciplines those who fail to comply.) In this matter, broker-dealer, Sky Capital, alleged that it had been harassed by the NASD and denied access to NASD's internal complaint process.[12] Among other things, the firm said that its complaints to the NASD Ombuds had "fallen on deaf ears."[13]

In dismissing the case, the SEC that said the alleged failure by the Ombuds did not trigger SEC jurisdiction because the Ombuds did not deny Sky Capital access to the NASD's formal membership functions.[14] The SEC also noted that, under The Ombudsman Association Standards of Practice (which were available to Sky Capital through the NASD Ombuds' website), the NASD Ombuds had "the discretion in determining whether to act on a concern brought to its attention."[15] The SEC thus acknowledged the relevance of the Standards of Practice and affirmed the Ombuds role as neutral and independent. As a published decision, this administrative matter may serve as precedent for future securities cases by clarifying the role of an Organizational Ombuds and thus is positive for the field and especially the NASD Ombuds program.

ENDNOTES

[1] S. 655, 110th Cong. (2007), available at http://thomas.loc.gov/cgi-bin/bdquery/z?d110:s.00655:.z?d110:HR01681:.

[3] The American National Red Cross Governance Modernization Act of 2007, Pub. Law No. 110-26, 121 Stat. 103 (to be codified at 36 U.S.C. §§ 300101-300112).

[4] Pub. Law No. 110-26, § 2(a)(8).

[5] American National Red Cross Press Release, "Ombudsman to Strengthen 'Sacred Trust' with Public, October 17, 2007, available at http://www.redcross.org/article/0,1072,0_312_7154,00.html.

[6] H. 3578, 80th Leg. Sess. (Tex. 2007), available at http://www.legis.state.tx.us/BillLookup/History.aspx?LegSess=80R&Bill=HB3578.

[7] David Talbot, "Texas Ombudsman Privilege Legislation: Update and Next Steps," *The Independent Voice*, June 2007, 9.

[8] House Journal, 80th Leg. Sess. (Tex. 2007) http://tlo2.tlc.state.tx.us/hjrnl/80r/pdf/80RDAY73FINAL.PDF#page=96.

[9] H. 3578, 80th Leg. Sess. (Tex. 2007) (Witness List), available at http://www.legis.state.tx.us/tlodocs/80R/witlistbill/html/HB03578H.htm.

[10] H. 3578, 80th Leg. Sess. (Tex. 2007); Talbot, "Texas Ombudsman Privilege Legislation," 9-10.

[11] Exchange Act Rel. 55828 (May 30, 2007), available at http://sec.gov/litigation/opinions/2007/34-55828.pdf.

[12] *Id.*, at 4-5.

[13] *Id.*, at 4.

[14] *Id.*, at 7-8.

[15] *Id.*, at 7, n.20.

The opinions in this article should not be considered as legal advice and are not endorsed by the IOA Legal and Legislative Affairs Committee.

ABOUT THE AUTHOR

Tom Kosakowski is CGU's first University Ombudsperson. Tom majored in economics and minored in art at Occidental College. After working as an economist for eight years, Tom earned his law degree from Loyola Law School, where he was an editor of the Entertainment Law Journal and a member of Phi Delta Phi. In nine years of law practice,

Tom represented and counseled clients in state and federal actions and in California State Bar disciplinary matters. Tom has also been an associate ombudsperson at UCLA and interim director of the ombuds office at UC Riverside.

Tom has completed training as an organizational ombuds by the University and College Ombuds Association and The Ombudsman Association. Tom is a member of the International Ombuds Association, where he is active on the Legal and Legislative Affairs Committee. In addition, Tom was trained as a facilitative mediator by the L.A. County Bar Association's Dispute Resolution Services and served as a court-appointed mediator for the Los Angeles Superior Court. He publishes the Ombuds Blog, the leading source of news and information for organizational ombuds, and is on the editorial board of the Journal of the IOA. Tom also serves on the executive board of the Occidental College Alumni Board of Governors.

book review...

Mediation and Facilitation Training Manual: Foundations and Skills for Constructive Conflict Transformation

Mennonite Conciliation Service Fourth Edition. Schrock-Shenk, C., Editor (2000)

REVIEW BY BRIAN BLOCH

There is a Bengali saying: *mitam ca saram ca vaco hi vagmita,* "Essential truth spoken concisely is true eloquence." An ombuds friend told me recently that she doubted if many of us find the time to regularly read up on subjects pertaining to our profession. She indicated that "one-pagers" were the way to go. I also love "one-pagers." I think it proves an author's grasp of his or her subject if he or she can convey the key points in the shortest possible space. *The Mennonite Conciliation Service's Mediation and Facilitation Training Manual* is a series of over 180 one- or two-page summaries covering a spectrum of topics related to the broad field of conflict resolution.

The Manual was originally a series of papers stapled together and used for training. Over the years it grew to be what it is today, a 300-page collection in its fourth edition. It contains sections on understanding conflict—the personal, relational, structural, and cultural dimensions of it (with five to ten mini-essays on each dimension); and on communications skills; group facilitation; creating systemic change; and ethics. There is also a lengthy section on mediation and a section on pedagogy that describes how to train others in conflict resolution.

There are a number of essays by well-known Mennonite peacebuilders such as John Paul Lederach, Howard Zehr, and David Brubaker (who spoke at the IOA conference in 2007).

The mediation section covers all the steps in the mediation process used by MCS practitioners. It also covers specific topics of interest for mediators. The pages on working with power imbalances, handling difficult situations, and intercultural mediations may prove especially helpful for ombuds.

The section on group facilitation provides practical suggestions that I've found missing in books exclusively dedicated to the subject. The writings of Zehr and others on restorative justice offer a lucid introduction to a subject I believe is important for ombuds to be familiar with.

The section on conflict analysis in particular stands out. Discussions with ombuds lead me to believe that our cases are getting more complicated with multi-cohorts, multi-cultural influences, multi-contexts, and so on. The Manual offers a number of tools to visually map such situations. I've found it helpful to sit together with a visitor and use these analysis tools to help the visitor better understand a situation they are trying to deal with.

The Manual doesn't hide its Mennonite roots. The first section is titled "Conflict Transformation and Faith" and offers sixteen faith-based discussions on peace building, providing a Biblical basis for the practice of peace building. Mennonites are known for their "peace theology"; their principles and practices have had a lasting impact on the ADR community.

The new ombudsman will find much here in the form of ideas and skills that can help improve our ability to aid visitors. Readers inevitably will come across pages where they say to themselves, "Let me try that out." For the seasoned ombudsman the Manual serves as a helpful refresher. It's a book to take down from the shelf at any time and instantly connect with theory or practical tips.

Other books certainly offer more in-depth information on the various subjects covered in this Manual. I'm yet to find a book, however, that covers such a variety of subjects with truly substantial information.

The Manual is only available from the following link:

http://secure.mcc.org/mccstore/
index.php?main_page=product_info&products_id=110

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Brian Bloch is director of ISKCONResolve, an integrated conflict management system for the Hare Krishna community.

biographies. . .

BRIAN BLOCH is director of ISKCONResolve, an integrated conflict management system for the Hare Krishna community.

BEATRIZ DALE has been a Regional Ombudsperson at American Express Company for 11 years and covers Latin America and parts of the United States. She has been with Amex for 28 years and held various positions in Finance before being selected to be an Ombudsperson. Beatriz has a B.A. degree in Mathematics from the University of Miami and an MBA in Finance from Indiana University.

NANCY ERBE is Associate Professor of Negotiation, Conflict Resolution and Peacebuilding at California State University Dominguez Hills where she teaches classes including the Ethics of Conflict Resolution. Most recently, she was guest professor at Cornell School of Law. She has also taught at the Straus Institute for Dispute Resolution at Pepperdine School of Law (Education and Dispute Resolution), University of California Berkeley, University of Denver and University of Oslo. She began external-contract ombuds work with universities and government agencies in the mid 1990s after several years of mediating a range of disputes. Her clients include U.S. Office of the Interior, U.S. Office of Personnel, Colorado State Commission on Indian Affairs, Colorado State Department of Corrections, Bay Area Rapid Transit, City of Boulder Human Relations Commission, Wu Yee, and the County of Los Angeles. Previously, she represented the Minneapolis Public Schools. In 2005 she was added to the Fulbright roster of Senior Specialists in Peace and Conflict Resolution. Rotary International has designated her a Paul Harris Fellow in appreciation for furthering better understanding and friendly relations among peoples of the world. Her clients and students to date represent seventy different countries. Her B.A. is in non-profit administration.

JOSEPH GANCI began his employment with the U.S. Department of Labor, Office of Inspector General (OIG) in 1978 after graduating from Villanova University with a Bachelor of Science Degree in Accounting in 1977. From 1978 to June 1996, Mr. Ganci was promoted from staff auditor to the Regional Inspector General for Audit for the Philadelphia Regional office. In 1996, Mr. Ganci became the Director for the Office of Audit Operations in the Office of Audit's Headquarters and in 2000, Director of the Washington Audit Office. During Mr. Ganci's audit career, he has managed performance and financial audits in most DOL programs.

In December 2002, Mr. Ganci was asked by the Inspector General to serve as the first Ombudsman for the Office of Inspector General. Since then, Mr. Ganci has worked with all components of the OIG to resolve work related issues and concerns.

Mr. Ganci is a certified public accountant in the State of Pennsylvania and Certified Information System Auditor. Mr. Ganci is a husband to a lovely wife and a father of two great sons, both attending college in Florida.

TOM KOSAKOWSKI is CGU's first University Ombudsperson. Tom majored in economics and minored in art at Occidental College. After working as an economist for eight years, Tom earned his law degree from Loyola Law School, where he was an editor of the Entertainment Law Journal and a member of Phi Delta Phi. In nine years of law practice, Tom represented and counseled clients in state and federal actions and in California State Bar disciplinary matters. Tom has also been an associate ombudsperson at UCLA and interim director of the ombuds office at UC Riverside. Tom has completed training as an organizational ombuds by the University and College Ombuds Association and The Ombudsman Association. Tom is a member of the International Ombuds Association, where he is active on the Legal and Legislative Affairs Committee. In addition, Tom was trained as a facilitative mediator by

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ALAN JAY LINCOLN was hired as the first member of the criminal justice program at UMass Lowell in 1977. Lincoln has a long history of contributing to the campus community. He has served three terms a graduate coordinator for the Criminal Justice Department and eleven years as Special Assistant to the Graduate Dean. Alan was named the first University Ombuds in 2001 and continues to serve in that role. He also served on the editorial board of the Journal of the California Ombuds Caucus and the Research Committee for The Ombuds Association.

Alan earned master's degrees in psychology and sociology and a doctorate in sociology. He completed a Postdoctoral National Institute of Health program in Family Violence and also held a Fulbright Professorship in the Netherlands. He is the author of numerous articles and three books on crime and violence, and is a former journal editor of Library and Archival Security. Alan is a certified mediator and recently completed advanced mediation training. He currently serves as the editor of JIOA. Alan looks forward to spending summers in Maine with Carol, their two daughters and grandchildren.

DAVID MILLER is New Zealander, a Clinical Psychologist and Public Health specialist from the field of HIV/AIDS and sexual health medicine. He has implemented public health systems and services for HIV/AIDS management in 45 countries, and his clinical protocols for HIV/AIDS psychosocial management have been adopted globally. Since 2004, David has been the Ombudsman for the World Health Organization (WHO) and twelve other programmes and agencies that receive WHO administration in whole or in part around the world, including the Joint United Nations Programme on HIV/AIDS (UNAIDS), the Global Fund to fight HIV/AIDS, Tuberculosis and Malaria, and the International Agency for Research on Cancer. He has published nine books and many articles on his work. David serves on the board of JIOA and as an instructor in the IOA trainings in Europe.

SUSAN KEE YOUNG PARK received a B.A. (Psychology) from University of Hawaii (UH), a J.D. from UH School of Law, and an LL.M from Yale Law School. She practiced business bankruptcy and commercial litigation in Hawaii and New York, and served as Insurance Commissioner for the State of Hawaii, and as a Per Diem Judge for the District Court, State of Hawaii. She has been an Ombuds Officer at the UH Manoa Ombuds Office since the Office's August 2006 inception. She is an IOA member, and serves on the IOA Legal & Legislative Affairs Committee.

LAURIE PATTERSON, an Ombuds in health care, assists employees at all levels deal constructively with workplace conflict. The aims of her program are to increase employee satisfaction and retention, enhance organizational communication and support the delivery of safe patient
care. Laurie has a Master's Degree and fifteen years experience in community-based mediation, intercultural conflict resolution, facilitation, and training.

MARY ROWE is an MIT Ombudsperson and Adjunct Professor of Negotiation and Conflict Management at the MIT Sloan School of Management. She came to MIT in 1973. She has a PhD in Economics, has been a mediator for many years, and was a founding member of the Corporate Ombudsman Association, now the International Ombudsman Association. The MIT Ombuds Office website (http://web.mit.edu/ombud/) includes some of her articles on the ombuds profession, conflict management system design and other topics, including "Options Functions and Skills," and "Dealing with the Fear of Violence." She has lived and worked in Africa, the Caribbean, and in Europe. She is currently working with a number of other Ombuds colleagues on a "close observer" study: ***"Dealing with—or Reporting—"Unacceptable" Behavior*** and another ***"Why does a Conflict Management System Need an Ombuds Office?"***

Rowe has a number of special interests in the field of conflict management: unacceptably unprofessional behavior of all kinds, harassment of all kinds, "micro-inequities," that is, small insults that do damage; mentoring and career development, including "micro-affirmations;" dealing with very difficult people and people who "won't let go," options for action if one sees something bad happen, mediating intellectual property disputes, work/family concerns, the role of apologies. (You might call her if you think you owe someone an apology—or if someone owes you an apology). She likes children, gardens, music, scuba, chocolate—and admires the artistic achievements of other people.

TOM SEBOK is the Director of the Ombuds Office at the University of Colorado at Boulder. Between 1976 and 1990 he worked as a counselor in three different community colleges. He became an ombudsperson at the University of Colorado at Boulder in 1990 and the Director of the office in 1992. From 1995 - 1999, he served as Secretary for the Board of the University and College Ombuds Association (UCOA) and has served as Secretary for the Board of the International Ombudsman Association (IOA) for three years. He is an Associate Editor of the Journal of the International Ombudsman Association, has published numerous articles related to ombudsing, mediation, and restorative justice, and has made numerous presentations at regional and national conferences.

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The Journal of the International Ombudsman Association (JIOA) is a peer-reviewed online journal for scholarly articles and information relevant to the ombudsman profession. As members of a relatively new profession, we continually strive to understand, define and clarify the role and function of the professional organizational ombudsman. JIOA will help foster recognition that what we do for our agencies, corporations, colleges and universities is worthy of study. While we must vigorously protect the confidentiality of our interactions, we can still study and be studied to understand what we do and how we do it; what works well and what doesn't work; what our options are; how social, technical and legal changes may impact us; what the profile and career development of ombudsman professionals might be, and other matters of interest. The JIOA can facilitate a greater interest in ombudsing, enhance our professional standing, and serve to give us a better understanding of our dynamic roles and the impact on our institutions and agencies. The journal also will allow IOA members, other ombudsmen, and other professionals to reach out to their colleagues with their ideas, research findings, theories, and recommendations for best practices and to engage in ongoing discussions of critical issues.

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The Journal of the International Ombudsman Association (JIOA) is a peerreviewed online journal for scholarly articles about the ombudsman profession. JIOA aims to foster recognition and understanding of the roles and impact of ombudsman offices in a variety of institutions and sectors. JIOA is a unique publication for organizational ombudsmen and other professionals to reach out to their colleagues with ideas, findings, recommendations for best practices, and engage in ongoing discussions of critical issues.

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Submissions are encouraged from all responsible contributors regardless of affiliation with the International Ombudsman Association. JIOA encourages contributions relevant to the work of organizational ombudsmen in any setting. JIOA is a refereed journal and articles are accepted without remuneration. Authors wishing to discuss submission ideas are encouraged to contact the editors or a member of the editorial board.

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