

Blueprint for Success: How to Effectively Design an Organizational Ombuds Department

By

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When organizations experience crisis situations, it often becomes clear that the roots of disarray began with a series of “small” mistakes: ethical improprieties, poor business practices, minor legal or professional infractions, or escalating personal conflicts. Yet, most of these antecedents to corporate meltdown were visible to employees who felt powerless because they did not find a safe place to share concerns, or resolve issues before they escalated. Many successful organizations of the 21st century, however, are taking proactive steps to organizational health and recognizing that by listening to employee concerns and providing safe venues for issues to be raised, they can increase overall organizational effectiveness and productivity. A key function that serves as a confidential employee resource and early-warning tracking for problematic trends is an ombuds¹ department. Indeed, a current issue of *Negotiation Journal* focused on the role of the organizational ombudsperson, highlighting the ombuds’ emergence as a viable and critical role for organizational health. Likewise, reflecting on the post Enron era, *The Wall Street Journal* recently highlighted the timeliness and value of establishing corporate ombuds offices.

It is notable that this model is proliferating, especially among organizations for which profit is the primary business goal, so that along with major government and non-profit organizations such as the International Labour Organization in Geneva, the National Institutes of Health and the United States Department of Justice, corporate organizations like Coca-Cola, Texaco, Conoco Oil, and United Technologies are also rapidly integrating ombuds roles into their organizations. This proliferation suggests that, aside from the platitudes of enlightened management practices, employing an organizational ombuds makes good business sense.

¹Ombudsman is a term used for the first ombuds office established in the early 1800’s. Today many organizations use variations of the term such as ombuds, ombudsperson or ombuds officer. This article uses most of these variations with the understanding that they refer to the same function.

The concept of an ombudsperson is understood in a variety of ways.² To many, the ombudsperson serves as a corporate conscience, constantly pushing and prodding an organization toward fairness and good practices. To others, the ombuds represents the true scales of justice, weighing both sides of disputes and helping facilitate solutions that are acceptable for all. Others view the ombuds as a complaint handler, and still others see the ombuds as an internal consultant who provides valuable feedback for management. While there is accuracy in each of these characterizations, I believe it is possible to more clearly define and understand the function. Defining and understanding the focus, purpose, and scope of practice of an ombuds can consequently inform the design of an organizational ombuds department.

A good starting point for understanding the role of an organizational ombuds is clearly defining what it is not. The article by Gadlin, in *Negotiation Journal*, offers an interesting and detailed analysis of some of the differences between the “Classical” and “Organizational” ombuds models. However, for the purpose herein, which is to focus solely on the organizational model, a few simple distinctions will help the reader understand the differences. The Classical ombuds is generally established by legislation to serve a state or city and serves as a complaint or conflict-handling resource which can formally investigate and issue findings about particular cases. Its confidentiality privileges are articulated by statute. The organizational ombuds, on the other hand, is generally established to function within an organization as a designated neutral and an informal channel of resolution. Thus, organizational ombuds would not conduct “formal” investigations, nor would they issue “formal findings”. The confidentiality privilege is supported primarily by common law (case precedence). While both models have their place in the field of conflict resolution, the one that has been expanding most rapidly is the organizational ombuds model.

The organizational ombuds model fits into the structure of a well-designed conflict management system. Any well-designed system has, as foundational elements, both formal and informal systems. Formal systems include grievance panels, hearing panels, judicial boards, formal complaint-handling structures, etc. On the other hand, informal conflict management

² Note too that the concept of ombudsperson, mediator, or designated neutral is one that is common in many different countries, religions and groups throughout the world. The role is paralleled in early rabbinical courts, in many Asian cultures’ use of designated elder advisors and shuttle mediators, and in the Latin American matriarchal model of the third party who untangles disputes. Recently, also, a business in China was established to use third party neutrals to shuttle between disputants and convey apologies.

systems include the organizational ombuds department, confidential hotlines, or voluntary mediation programs. Any organization that provides for only one system (formal or informal) is not optimal and may actually engender more conflict than it resolves. Yet, an organization that balances its formal and informal complaint and conflict resolution processes has the basic tools to learn and grow productively from disputes.

As part of the informal system, the organizational ombuds should function as an internal consultant whose role rests on three foundational cornerstones: neutrality, confidentiality, and independence. Underpinned by these cornerstones, the ombuds serves three vital functions: problem assistance, organizational critical self-analysis, and education.

I. Three Foundational Cornerstones: Neutrality, Confidentiality, and Independence

The first cornerstone is **neutrality**. The notion that customers or employees will turn to an intra-organizational resource to share personal or potentially controversial conflicts, harassment, or discrimination is a bit unrealistic without this cornerstone. While many employees turn to human resources (as one example only) for assistance with information on medical benefits, job orientation, or transfers, many are acutely aware that in the final analysis HR ultimately represents management. Thus, when a layoff is announced, it is HR that, appropriately, implements the layoff strategies and management decisions. In a sense, then, it too is “management”³; thus, employees may hesitate to share serious concerns with HR in the same way they may hesitate to share with others in the organization’s management structure. In contrast, employees may find it more comfortable to approach the “designated neutral” ombudsperson, who does not stand in the shoes of management, unions, staff or administration, and who serves to provide unbiased feedback, honest evaluation, and the unfettered ability to listen objectively.

³ I hasten to add that I do not intend to demean the role of Human Resources (HR) or the fact that human resource professionals seek to represent employee concerns. However, the point I stress is simply that many employees misunderstand the role of HR and this misperception causes employees to feel frustrated. Furthermore, HR professionals feel frustrated by not being able to please employees. It is my view that HR functions are critical to corporate and organizational health and indeed are first cousins, so to speak, of ombuds departments. From my own experience as an ombudsperson, some of the most supportive colleagues I have had have been HR professionals who clearly understand our complementary roles. For an excellent article about the roles of ombuds and HR see Bensinger et al.

As a “designated neutral”, the ombuds officially represents no one and represents everyone and the organization equally. The ombudsman does not advocate for the employee or for management, but rather for fair treatment and fair processes. Thus, the ombuds serves as an independent internal consultant to the organization. In the absence of an independent internal consultant, employees frustrated with a lack of options may turn to formal dispute systems within the organization, to external advocates, or to legal counsel, each of which can lead to greater cost (in multiple forms) for the employee and the organization.

The second cornerstone is **confidentiality**.⁴ This foundational element is critical to the success of the organizational ombudsperson. Without the cloak of confidentiality, the inquirer to the ombudsperson is not likely to share fully or trust openly. Because of confidentiality and the open sharing which generally results from it, issues are known in more detail, motives exposed more readily, and solutions explored which are likely to be longer lasting and generally more effective for all.

Consider a common concern that is taken to an ombudsperson—sexual harassment. In these cases the inquirer (generally, but not always, a woman) may be traumatized by uninvited propositions or barely veiled threats. However, balanced with this is her desire to retain employment and handle the situation in the most low-key fashion possible. Yet, in many organizations managers are required to report and investigate allegations of sexual harassment—arguably for the protection of the inquirer and other potential targets in the organization. Regrettably, many of these investigations propel the incident to the forefront of the organization and impose a visibility that was not originally desired by the woman. Furthermore, when handled by most formal mechanisms, while there is generally an attempt to treat the situations delicately, the woman is often forced to provide evidence, retell her story repeatedly and face cross-examination by those defending the alleged offender. Because these cases ultimately involve a wider circle of participants over a longer period of time (including involvement of peer panels and quasi-judicial boards), word inevitably spills out into the organization more quickly. This can polarize members of the organization into camps: those who support the woman and those who support the alleged offender. This common unfolding of the

⁴ As mentioned, confidentiality is statutorily articulated for classical ombudspeople. Confidentiality for organizational ombudspeople is generally supported by common law. Also, in many organizations employees are explicitly made aware of the confidentiality of using the ombuds department during new staff orientations, in employee manuals and other materials. This constitutes an implied contract (between employer and employees), which can also serve as legal support for confidentiality.

process can essentially victimize the woman twice. There may ultimately be justice—but at what cost?

Because many recognize that formal means of justice often carry such a price, people are often reluctant to use them. The alternative is that many issues remain submerged and go unidentified, which may contribute to festering and escalation of the problems over time. In these cases, the issues generally reemerge—often years later—bigger and more venomous than they began, causing even greater cost to the organization. However, when a confidential resource like an organizational ombuds department is established, employees feel comfortable to bring issues forward and seek assistance in evaluating options.

The third cornerstone is **independence**. When I was working with a South African colleague to help establish an ombuds office, she insistently (and rightly) demanded that the ombuds office report directly to the top officer. According to her, “...the dog must have teeth!” This vivid expression accurately identifies one of the key components of a well-designed ombuds department—that it report to the top and carry with it the full backing and support of upper management.

In the performance of its duties, in the informal investigation of cases, with the handling of sensitive issues, the ombuds office must be able to move unimpeded by the politics of the organization as much as possible.

If structured this way, even if an allegation arises against the staff of the CEO, the ombudsperson can be free to work without fear of direct retaliation by someone to whom he or she reports. The more people between the ombuds department and the CEO, the more diluted the strength and flexibility of the ombuds office, for employees will widely recognize that there are too many people to whom an ombudsperson could potentially be beholden.

II. Three Vital Functions: Problem Assistance, Organizational Critical Self-Analysis, and Education

Problem assistance is the function most commonly associated with an ombuds department. In this capacity, ombudspeople are available to employees to provide information, to hear concerns or complaints, to direct concerns to appropriate internal resources, to help mediate interpersonal conflicts (directly or through shuttle mediation), to assist in untangling tough problems, to propose or brainstorm possible solutions, to coach visitors on how to strategically navigate turbulent conflicts, or to simply communicate

information upward in the organization. These functions are often the first priority for many ombuds departments and are how the ombuds office gathers its data, becomes aware of issues, and handles cases.

Organizational Critical Self-Analysis pertains to what the ombuds does with the institutional knowledge that is gathered. While the ombuds clearly maintains confidentiality by not attaching or revealing the names of inquirers to their concerns, the department does collect and report aggregated data so that the organization can critically evaluate and improve its practices. This data may include general information on types of cases seen, analysis of emerging issues, or perhaps even recommendations of general areas of practice or policy that should be addressed by management. Because the data gathered comes under the cloak of confidentiality and directly from a variety of employees, it is first hand and fairly accurate. This information is valuable to the organization in analyzing areas to be improved and in examining interventions or changes in management practice—now more than ever recognized as valuable in the post Enron corporate era.

If the ombuds only served these two functions it would be useful for any organization. However, a proactive model of ‘ombudsing’ recognizes that it is somewhat incomplete to simply assist in problem solving and generate statistical reports. Thus, many strong organizational ombuds departments use the expertise available to conduct or coordinate efforts to **educate**, train or coach employees and management on how to work together more collaboratively with their differences. In my own experience directing an ombuds department, we have conducted a regular series of negotiation and mediation training for support and mid-level staff, provided and contracted out intensive weekend retreats in managerial negotiation for directors and faculty, and provided an executive seminar series for executive and upper-level management. In this way, we have sought to provide a common language to all members of the organization on the topic of conflict and collaboration. This too can help the organization in its external relationships with vendors and customers as collaborative skills become the norm in all types of business interactions.

III. Considerations in Setting Up the Department: Common Mistakes

The planning process of establishing an ombuds department is extremely critical (see appendix A). If done poorly, the result will be either a token office that is not respected or taken seriously or an office that is

viewed as another arm of organizational management. If planned well, the office will be fully able to carry out the functions described above by being planted firmly on the cornerstones of the profession.

To explore the “best practices” of set up, let us look at common mistakes:

- Mistakes:
- Does not report to the top and lacks top leadership support
 - Confidentiality not assured or supported
 - Structured to participate in management functions
 - Not professionalized
 - Not adequately funded
 - Inadequately staffed
 - Organization does not provide adequate balance of resolution channels
 - Independent legal counsel not provided
 - Lack of organizational buy-in during establishment

While many of these have been mentioned in passing and are outlined in appendix B, a few are worth highlighting:

Does Not Report to the Top

This element was addressed briefly in our discussion of independence but bears some elaboration here. Clearly, as noted, it is important that the ombuds department report directly to the CEO. Some organizations go a step further by allowing the ombudsperson unimpeded access to a governing board. It must be stressed here that because the ombuds department is truly neutral, it does not have any direct policymaking ability. Thus, it is important that it has referent power from the key power holder in the organization. Most organizations recognize this fact by not only having the department report to the top, but also by paying the ombudspeople at rates comparable to other top executives which report directly to the chief officer. It is also critical to the success of the department that top management publicly articulate support for, and confidence in, the ombuds department.

Participation in Management Functions

While the ombuds can clearly be valuable to management and can participate as a member of the organization, care must be taken to avoid alignment, or appearance of alignment, with areas commonly associated

with management. Things to watch for include serving on committees that create policy, make decisions, or adjudicate. However, the dilemma is clearly that the ombudsperson, by having a finger on the pulse of the organization, can be valuable in the formation of corporate policy. Some ombuds have addressed this by serving on committees provided there is full representation by all organizational constituency (staff, management, executives, unions). Another precaution to take if contributing in this way is to serve as an advisor or ex officio member of a committee or to be a non-voting member. In this way, the ombudsperson can fully contribute to discussions but leave voting on policy or “official” membership to others.

Position Is Not Professionalized

When the organizational model first became popular in the 1960’s there were few practitioners. In its infancy it was assumed that an ombudsperson would be someone internal who was a good problem-solver and was generally well respected. There was virtually no pool of professional ombudspeople to draw on and indeed every organization had its ombudsperson function differently. As a result many developed shortsighted practices, such as requiring the ombudsperson to be a retiring employee or other individual who was given a fixed limited term⁵, after which s/he could not continue working for the organization—even as the ombudsperson. Such a practice overlooked the importance of continuity and often resulted in ejecting strong practitioners at the end of the contract in favor of those with less skill and experience.

Since then, there has been a professionalization of ombudspeople. The professional associations that represent ombudspeople (such as The Ombudsman Association--TOA) have aggressively identified best practices and articulated these in their Standards of Practice and Codes of Ethics. Thus, for organizations that adhere to these standards, there are certain commonalities and consistency of practice and function.

Furthermore, these associations have identified relevant skill sets, such as experience in mediation, understanding of group dynamics, training in organizational development and expertise in collaborative negotiation that can contribute to success in the role. For example, TOA has designed a

⁵Very few organizations today use the outdated approach of setting term limits on the ombudsperson. However, 99% of ombuds departments today have the ombudspeople serve at the pleasure of management or some governing body. This ensures there can be a change if needed, but allows for continuity and history to continually improve ombuds practice, and for the role to continually evolve with the needs of the changing organization. Keeping the role structured as a regular employee also avoids the reality or perception that the ombuds will be a political appointee of a particular administration—particularly important in non-profit or government organizations or NGOs.

comprehensive training program that explores basic skills such as ombuds conflict management and ombuds case handling in its Ombudsman 101 course and explores systemic interventions and organizational diagnosis in its Ombudsman 202 advanced training course. Today there is an understanding that the ombudsperson is a specialist. Relevant skills can be honed by interacting with specialists who have common experience and expertise in organizational ombudsing in spite of differences in background of sector, organization type or business purpose. Thus, there has been a move in hiring practices toward seeking skilled specialists, especially from outside the organization, to develop and direct ombuds departments.⁶

Not Adequately Funded

When I taught management classes to graduate MBA students I would often pose this question: where does an organization most clearly articulate its priorities? Inevitably, most students recited common answers such as its mission statement, corporate vision, or other articulated management principles. Rarely did they offer the place I believe organizational priorities are most accurately identified: the budget. By its allocation of resources, an organization articulates where it is putting its support and in what proportions. Thus, an organization that claims to “put its employees first” may not actually do so in practice if there is little or no funding allocated for job training, continuing professional development, or comprehensive benefit plans.

The organizational ombuds is an easy office to support publicly. After all, who would not want to offer employees a safe place to go to resolve employment concerns? However, it is easy for management to do this in a token fashion by appointing an ombudsperson in title and then not giving further support in budget or staffing. To do so is a disservice to the entire organization: employees are not fully given the promised resource and management loses a valuable source of critical feedback. Further, the organization does not get consistent early-warning signals of underlying problems.

⁶ Thus, also, the outdated practice of hiring retiring senior executives or faculty is now considered somewhat questionable. The fact that most offices now hire specialists recognizes the particular skill set needed and also recognizes that there are reputable university programs in negotiation, conflict resolution and organizational development which—in addition to specified ombuds training courses—help equip such specialists. Furthermore, there are potential conflicts of interest inherent in hiring someone who has served as part of an administrative team or faculty who might now be required to sit in the role of a neutral in disputes involving former managers or colleagues or in cases where their own prior input in organizational governance decisions are the subject of a current dispute. Recently, this has also been highlighted in case where a sitting ombuds was deposed in a lawsuit based on his previous role in the organization.

Well-designed offices should be supported by budgets that can provide for contracting out assistance for particular cases. Thus, an ombudsperson may become aware of an employee who does not feel safe after harassment and may need temporary use of a cell phone. Or, perhaps a manager who is facing an uprising from staff is in need of external coaching to resolve a particular type of issue. Other examples of budgetary considerations include: expenses for regular travel to various organizational sites, hospitality budget to pay for meals for inquirers who choose to meet off site, support for a separate toll-free hotline, regular professional development for ombuds staff, maintenance of a resource library of books or videos to assist managers and employees with tough issues such as handling concerns of discrimination or communicating better with one's supervisor.

Inadequately Staffed

Common shortcomings in funding include appointing one ombudsperson for an entire organization. This is a particularly vexing problem. On the one hand, particularly for corporations where non-revenue generating functions are harder to justify, it may seem logical to minimize the role. However, several analyses have revealed that the cost savings provided to an organization by the function minimally pays for the function and more likely saves in indirect costs.⁷ Most organizations staff human resources offices well. In fact, they are likely to have many sub departments within human resources. Similarly, a well-designed ombuds department provides a number of ombudspeople for the organization. Ideally, the composition of the ombudspeople mirrors the mix of faces within the organization in terms of gender, ethnicity, age and language. In this way employees can seek out the ombudsperson with whom they feel most comfortable. And, from the practitioner's perspective, cases can truly be heard, developed and followed through to resolution.

Many well-designed departments have not only multiple professionals and support staff (such as the National Institutes of Health program), but also offer additional staffing support. For example, Shell Oil provides for a conflict specialist who does not serve as an ombudsperson, but serves as professional staff that takes the aggregated data and creates value-added reports. Other organizations provide for specialists within the ombuds area who are dedicated to training or other efforts of the function.

⁷ See Rowe, Ziegenfuss

Organization Does Not Provide Adequate Balance of Resolution Channels

Comprehensive systems allow for multiple entry points. While this includes the need for an adequate array of formal grievance mechanisms it can also include employee assistance programs (internal or external) or equal opportunity functions.

However, not all complementary mechanisms need to involve the hiring of employees or creation of departments. Organizations can articulate commitments to mediate employee disputes by neutral external professionals prior to litigation. Toll-free hotlines can be set up for employees to provide assistance or information. Or, town hall forums can be created in which employees may share concerns and identify solutions to common problems.

The value of multiple points of entry into a conflict management system is that it encourages direct, collaborative methods for resolving problems. When a system is skewed and overly balanced toward formal systems it sends a message that it is the preferred path of resolution and effectively discourages less formal channels of resolution. Furthermore, many organizations are now recognizing that a “zero-barriers” (Rowe & Bendersky) approach to conflict management systems is preferable to the “zero-tolerance” approach. In typical zero-tolerance approaches, there is no tolerance for specific designated acts or speech within an organization. However, the fact that these approaches result in formal processes tends to discourage employees from reporting issues that fall under these categories and can encourage the equal treatment of offenses without a gradation of response. Thus, all offenders who violate the “zero-tolerance” policy understand that it will result in sanction, termination or other adverse action.

However, the zero-barriers approach attempts to provide as few barriers as possible to keep people from utilizing resolution channels. It recognizes that an organization that provides many points of entry into resolution channels, formal and informal, will result in more issues being brought forward, and consequently more issues resolved.

Independent Legal Counsel Not Provided

The organizational ombuds explains to every inquirer that the organizational ombuds will assert a privilege and resist testifying in any formal process. Yet, occasionally it may happen that the Ombuds department, because of its intimate knowledge of particular difficulties within an organization, will be named as a witness in a formal grievance or litigation. While it is the responsibility of the organization to protect the

ombuds department from testifying in these forums, many organizations use their existing legal departments to assist the ombuds department.

Ideally, the ombuds department is provided with external legal counsel. This reinforces the fact that the organization truly supports the independence of the office and avoids conflicts of interest when the ombuds office may have knowledge of confidential inquirers the organization would like to know about. Furthermore, the dedicated legal counsel can support the ombuds department in issues of proper set up and operating procedures and offer ongoing support for assistance on legal issues which, if shared with the organizations' counsel, might reveal sensitive or confidential cases or identities.

In Conclusion

The organizational ombuds department is rapidly becoming an essential and critical function in government, education, corporations, non-profits and NGOs. However, for every office that is well designed and planned, there are other examples of shortsighted planning and insufficiently supported departments. Fortunately, most offices established in accordance with professional association guidelines and with solid management support behind them can be confident that they are well designed.

Looking forward in the new millennium and to an arguably “new economy”, organizations are facing new challenges in the form of an increasingly diverse workforce, increasingly litigious environments, less job certainty and employee loyalty, and increasing pressures in balancing both work and family. It is appropriate, then, that organizations are focusing on how they handle conflict in the workplace by updating the proven model of an ombudsman to meet these new challenges. This trend represents the willingness of organizations to operate more transparently and self critically to develop strategies that strive for self-improvement, fair treatment of people, and, ultimately, improvement of whatever bottom line is used to measure the organization's success. With careful planning, the organizational ombuds department can prove to be a key element in the successful organization.

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Appendix A

Stages to Establish a Strong Ombuds Department

Before Setting Up...

1. Create good buzz: Open dialogue on integrated systems and informal resolution approaches, collaborative resolution
2. Get buy-in of management, stakeholders, staff and unions
3. Set boundaries: Clarify what the ombuds department is and isn't and who it serves
4. Separate oil and water: Ensure department is completely removed, and has different reporting lines from H.R., grievance, EEO or other compliance functions
5. Learn from others: Get outside professional assistance on best practices for structure and establishment—don't copy models blindly
6. The devil's in the details: Create job description consistent with standards of practice for profession, set initial budget, plan for growth short and long term, determine evaluation criteria
7. Balance the scales: Establish working group to explore improvement of formal systems

Set Up...

8. Involve constituency in the hiring process where possible
9. Space wars: Determine appropriate office space
10. Spread the word: Publicize program, posters, public forums and trainings
11. Statement of support: Distribute public statement of support from the CEO and support of confidentiality

After Set Up...

12. Forge partnerships with key internal formal and informal players
13. Generate periodic data on issues and comparative data to highlight trends, issues or problems
14. Continually evaluate client satisfaction with the department
15. Educate community on how to prevent recurring conflicts from becoming destructive

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Appendix B

Common Mistakes	Negative Impact	Best Practices & Options
1) <u>Not report to top</u>	<ul style="list-style-type: none"> •Not viewed as operating independently or neutrally, potentially beholden to many others 	<ul style="list-style-type: none"> •Report to CEO/Chairman/President/Secretary •Report to (or at least have access to) board of directors •Report to independent committee comprised of representatives of organization
2) <u>Confidentiality not supported</u>	<ul style="list-style-type: none"> •Reduced trust •Office viewed as management •If management doesn't articulate support it can appear they might want access to information collected by ombuds 	<ul style="list-style-type: none"> •Publicize confidentiality •Don't keep records which attach names of inquirers •Have management issue strong public (written) support to confidentiality & pledge to protect office from testifying
3) <u>Participates in Management functions</u>	<ul style="list-style-type: none"> •Conflict of interest in viewing unjust policies if ombuds helped create them. •Viewed as "management" not "neutral" by constituency 	<ul style="list-style-type: none"> •Don't participate in policy formation as voting member •Serve as "ex-officio" only if committee is represented by all levels & groups in organization
4) <u>Position not professionalized</u>	<ul style="list-style-type: none"> •Hire internal person without specialized knowledge or training in conflict resolution field •Due to lack of expertise, position responds to influence of management's expectation of the role 	<ul style="list-style-type: none"> •Hire outside "expert" lead Ombuds & supplement with internals to round out department •Send internal candidate to extensive training in ombudsing, organizational development, negotiation, mediation and insist s/he operates according to standards of practice
5) <u>Not adequately funded</u>	<ul style="list-style-type: none"> •Unable to pursue professional development to improve department •Hampered in ability to meet with inquirers at various locations •Role as collaborative educator restricted by not being able to contract out for training •Cannot sponsor educational training initiatives based on issues observed •Scarce resources & threat of cuts can be used to influence neutrality •If shared budget, ombuds becomes a "party" to budget battles with other department jeopardizing neutrality and independence 	<ul style="list-style-type: none"> •Fund to allow for Ombuds' discretion in training & education •Allow Ombuds full control of budget •Do not mix budget with other functional areas •Allow for supplemental budget to hire external mediators or subcontractors as needed

Appendix B Continued

Common Mistakes	Negative Impact	Best Practices & Options
6) <u>Inadequate Staffing</u>	<ul style="list-style-type: none"> • Assuming 1 or 2 people can handle all informal complaints or issues creating case overload • Imbalance between formal resources (people who handle grievances, legal dept, human resources) and informal • Inability to accept all cases or follow through appropriately resulting in high dissatisfaction of department 	<ul style="list-style-type: none"> • Ombuds staff proportional to constituency or to other comparable offices (1 ombuds per 800 employees; 1 ombuds for every 5 HR/training representatives.) • Supplement Ombuds fulltime staff with subcontractors who could mediate, assist with group facilitations, provide reports, train, etc... • Include lines for rotating Fellowships from outside the organization • Involve graduate or post-doctoral interns
7) <u>Imbalanced or not well-designed resolution channels</u>	<ul style="list-style-type: none"> • Ombuds can be sole “informal channel” creating excessive usage • If formal channels not functioning well then all issues re-routed to Ombuds department creating unreasonable expectations 	<ul style="list-style-type: none"> • Must have strong formal & informal systems • Must allow many “open doors” to encourage people to bring concerns forward early
8) <u>Independent counsel not provided</u>	<ul style="list-style-type: none"> • Doesn’t reinforce office independence: viewed as another arm of management • Appears to show conflict of interest (independence and neutrality) if represented by same legal counsel as organization 	<ul style="list-style-type: none"> • Provide external legal counsel for set-up phase, ongoing consultation and subpoena defense • Helps in protection/evaluation of issues, which may become litigious while maintaining confidentiality from organization
9) <u>Lack of community buy-in before set-up</u>	<ul style="list-style-type: none"> • Appears forced “top-down” by management • Lack of understanding of role/function 	<ul style="list-style-type: none"> • Create open forum info sessions • Bring in outside ombuds consultants to educate organization • Conduct needs analysis of problem areas requiring attention
10) <u>Links with management lines or compliance functions</u>	<ul style="list-style-type: none"> • Office is linked or reports similarly to a compliance function (such as EEO, audit, inspector general, legal department, HR) creating the appearance of conflict of interest and lack of independence for ombuds department 	<ul style="list-style-type: none"> • Report to top (CEO) • Don’t share reporting lines with those who also manage Legal, EEO, HR, grievance, etc • Don’t structure to report to a line or division manager who has other responsibilities or areas
11) <u>Copy models from similar organizations without improving</u>	<ul style="list-style-type: none"> • Assumes that a similar business type has a well-functioning ombuds department or grievance structure • Many times similar organizations are struggling to “fix” their own programs due to lack of foresight and planning 	<ul style="list-style-type: none"> • Look at other models for good practices, but don’t replicate entire model; every organization is different even if from a similar industry • Seek out structures from other sectors (government, corporate, academia) where great innovations may be taking place

