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Key Words: Ombudsman, informality, OO principles, informal network, Kuroko, Japan

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Key Words: Ombuds, informality, Standards of Practice, confidentiality, neutrality, independence

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Key Words: Organizational Ombudsman, classical Ombudsman, principle, standards of practice, fairness, justice, systemic issues, influence, evaluation, judgment, investigation

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Key Words: Ombuds, Standards, Informality, Neutrality, Inappropriate, Requests

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EDITORIAL

The Discussion of Informality

DAVID MILLER, EDITOR

Ours is a nuanced profession, requiring nuanced understanding from those with whom we work. While our other Standards of Practice (SoPs) are effective in part because they are intuitively obvious, that of Informality requires perhaps more explanation — possibly because it is a principle rarely articulated by allied professions. In my experience as an Organizational Ombudsman, Informality is the hardest SoP to grasp operationally, unless it is explicated as a contrast with related professions, or in terms of our non-engagement with formal processes. But, of course, there is so much more to Informality than that. And that is why this Volume of the JIOA focuses on it.

This Volume represents a series of practice-based perspectives on Informality, and a range of opinion that is happily diverse. What all our writers have in common, however, is a practical appreciation of the interconnectedness of all the SoPs. This interconnectedness reflects the functional reality that we can only function effectively as Ombudsmen if we are a part of a system of interconnected functions, including the routine, formal administrative functions found in most large organizations. Just as our functional independence requires a degree of dependence on the integrity of related functions (e.g., Human Resources, Administration, Management), so Informality requires an ability to function alongside and in connection with the formal in our daily work.

Mary Rowe opens the discussion about Informality by describing the process by which Informality came to be adopted as the fourth pillar of the profession. She convincingly illustrates how Informality is interlinked with the other SoPs and actually enables our continued reliance on them in today's legal climate.

Laurie Miller Patterson describes how Informality is operationally aligned with the Just Culture initiative in health care settings in a manner that encourages reporting of medical errors in a non-punitive manner, thus supporting patient safety and empowering staff.

Noriko Tada gives a description of Informality in the Japanese organizational context, borrowing the concept of Kuroko (the “visible invisible”) from Japanese theatre to explain how informality works in Ombudsman practice.

Carolyn Noorbakhsh reflects on the role of Informality in making decisions as an Ombudsman, and again summons its interconnectedness with the other SoPs.

Howard Gadlin offers an alternative view regarding the elevation of Informality to the status of Standard of Practice — Gadlin offers an historical perspective on the development of the fourth Standard and decries what he describes as passive interpretations of the Ombudsman role. At the same time, he asserts that we should be aspiring to be one of the most influential of those in our organizations, and calling Informality a principle may diminish that.

Tom Sebok provides a final thought by giving illustrations of how our SoPs enable discernment in responding to organizational requests, and how Informality, when explained, helps to differentiate our roles from other offices in the minds of visitors.

Through the discussions and thoughtful considerations of our contributors to this Volume we have a chance to reflect on the seemingly timeless relevance of our SoPs, and on the pioneers of our profession who contributed directly and indirectly to who we are. One of our pioneers was **Dr Yoshiko Takahashi**. She died in January this year, and is remembered by **David Freedman** and **Mary Rowe**.

As always, we are indebted to our contributing authors, and to our reviewers who, together with the Associate Editors, have made this Volume possible. The pleasure of our continued collaborations remains as sustained as it is truly appreciated.

Informality the Fourth Standard of Practice

MARY ROWE, OMBUDSPERSON, MASSACHUSETTS INSTITUTE OF TECHNOLOGY

ABSTRACT

In the 1970's and early 1980's, organizational ombuds recognized three basic pillars of their profession: independence, confidentiality and neutrality (impartiality). Informality was recognized as a fourth principle, or pillar of practice, somewhat later. This happened relatively slowly, over at least fifteen years, after the first three pillars were widely adopted. This article briefly describes that process. The article asserts that informality is an essential principle for the profession as practiced today—as essential as independence, confidentiality and neutrality. Without informality, the other three principles of OO practice could not function in today's legal climate, and many managers would find OOs to be interfering with their

authority. Informality permits OOs to offer a very wide variety of informal options, to all cohorts, and across all organizational boundaries.

KEY WORDS

zero-barrier office, informality, standard of practice, organizational ombudsman, interest-based option, mandatory reporting, conflict management system

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IOA STANDARDS OF PRACTICE

4.1 The Ombudsman functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and — with permission and at Ombudsman discretion — engaging in informal third-party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves.

4.2 The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.

4.3 The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the organization.

4.4 The Ombudsman supplements, but does not replace, any formal channels. Use of the Ombudsman Office is voluntary, and is not a required step in any grievance process or organizational policy.

4.5 The Ombudsman does not participate in any formal investigative or adjudicative procedures. Formal investigations should be conducted by others. When a formal investigation is requested, the Ombudsman refers individuals to the appropriate offices or individual.

During the 1970's and early 1980's, the ombuds who are now called "organizational ombuds" recognized three basic pillars of their profession: independence, confidentiality and neutrality (impartiality). Informality was recognized as a fourth principle, or pillar of practice, somewhat later. This happened relatively slowly, over at least fifteen years, after the first three pillars were widely adopted. This article briefly describes that process. The article asserts that informality is an essential principle for the profession as practiced today — as essential as independence, confidentiality and neutrality. These are the ideas to be discussed:

- Without informality, the other three principles of practice could not function in today's legal climate, and managers would find OOs to be interfering with their authority.
- The principle of informal practice for OOs makes it much easier for employers to provide a low-key, "universal" access point for conflict management. Ombuds offices provide a near "zero-barrier" option¹ — a universal access point throughout an entire organization.
- The principle of informal practice makes it much easier to offer a considerable variety of informal, interest-based options for conflict management. This is otherwise difficult in organizational conflict management systems, where most options are increasingly formal, and often highly specialized².
- The principle of informality is an important part of a supportive context for people to report illegal behavior anonymously.
- Informal practice is an important part of the context in which people are most likely to come forward with problems and issues that are new to the organization and therefore puzzling.
- The principle of informality may be especially useful to people who are shy, fearful, confused, angry, unsure, or depressed, to discuss their concerns.
- The principle of informality for ombuds helps ombuds to support the informal problem solving networks of an organization.
- The principle of informality, perhaps surprisingly, helps ombuds to support the formal, and rights-based, options in an organization — by being "approachable."

INFORMALITY BECOMES THE FOURTH PRINCIPLE FOR OOS

In my memory, it was Ella Wheaton who persuaded colleagues from the University and College Ombuds Association, CalCaucus, The Ombudsman Association — and by extension now IOA — that informality should be considered the fourth pillar of the organizational ombuds profession.

This happened in the context of discussions about OO standards of practice, and parallel discussions about different sub-groups of ombudsmen. The discussions spanned the late 1980's and the 1990's. This was the period when the first OO Standards of Practice and Codes of Ethics were being drafted and discussed among organizational ombuds.

In addition, there were discussions among ombudsmen from other subgroups, about the similarities and differences among the various kinds of ombudsmen. Subgroups included classical ombudsmen, executive ombudsmen, Older American Act advocate ombudsmen, organizational ombuds and others. These debates became focused in and around meetings of the Ombudsman Committee of the American Bar Association in the late 1990's and early 2000's. Ella Wheaton and I were representatives of the University and College Ombuds Association on that Committee.

Ella Wheaton was at the time a distinguished organizational ombudsperson at the University of California at Berkeley, (and later the first ombudsman at the Department of Justice, during the tenure of Attorney General Janet Reno.) Wheaton had been a talented Manager of Employee Relations before being named ombudsperson at Berkeley. She had significant experience and a deep understanding of what it meant to pursue employee concerns in a formal way, as a manager or staff professional would do. She understood what it meant to “represent the employer.”

Wheaton appeared to recognize that organizational ombudsmanry had emerged as a new and different profession. From the first she spoke explicitly about “OO informality.” At the time, most practitioners implicitly took informality for granted. In 1973, MIT President Wiesner instructed his Special Assistants, who became Ombuds, that they were to practice with no formal management authority. McDonnell Douglas put this descriptor into their Ombudsman Handbook in 1991. UCOA included informality in their 1994 Best Practices. There were many OOs practicing informally and speaking of informal conflict management throughout the 1970's, 1980's and 1990's. But it took time to become an OO Standard of Practice — in 1995 for TOA, and in 2000 for UCOA.

Ella Wheaton presented the idea as an essential professional principle, a basic tenet for being an OO. She persuaded other OOs and me that organizational ombuds would not be able to practice according to the OO Standards of Practice, unless we explicitly labeled ourselves as informal practitioners. The “need for an explicit label” was the kind of elegant insight that immediately seemed obvious. We had not thought of it in just her way — after all most of us were practicing informally — until she spoke of it³.

A number of US practitioners immediately thought she was right. However, some felt that informality was just one of several other good characteristics of an OO — like civility, fairness, non-discrimination, and equanimity. And some also thought that informality could be taken for granted and did not need to be mentioned as a separate principle⁴.

In addition, a few ombuds were — and are — doubtful about using the word “informality.” The term has several meanings and is somewhat ambiguous. It can mean “no management decision-making power.” This particular idea is, in fact, now part of the OO Standard of Practice.

However, the term “informal” is also used to describe a “complaint that is not in writing” and “conflict management that leaves no written record.” This interpretation of the word can cause confusion. Some ombuds write recommendations, and some, for example, in Canada, write their opinions about concerns that come to them.

One ombud wrote that: *“The word ‘informality’ itself is problematic. It leads to an image of a gum-chewing, jean-clad ombud that is not a real part of the organization. Perhaps we are trying to create a new definition for the word ‘informal’ which may or may not be understood by others. (An alternative would be) something like “off the record resource” — more at the crux of why an informal resource is different — or maybe ombuds should just say that ombuds practice is ‘not formal’.”*

Another ombud noted that different people and different cultures may interpret “informality” in different ways. For example, OOs may be perceived to have considerable power despite their not making managerial decisions.⁶ Not having formal power does not mean “powerless.” An ombud has some referent authority and moral authority, power from information, expertise, problem-solving ability, perseverance, relationships. An ombud may commend exemplary management actions and may be able to find ways to illuminate destructive actions. Ombuds also derive power from the fact that going to an ombuds office may be the least bad alternative for people with concerns.

In these respects, and perhaps others, the term informality is not a perfect term. But Wheaton’s powerful insight about the need for an explicit label — embedded in the concept of informality that is described in Standards of Practice — became part of the platform for the OO profession. This article is meant to help illuminate the concept, and why practitioners perceived the need for an explicit label.

Practice embedded in the four principles produced a new kind of profession.

The subtleties of Wheaton’s insight about the need for an explicit informality principle are profound. An organizational practice that is based on the four principles is unique in the framework of Western employment relations. There are no other professional employees, at least within US organizations, whose practice is configured in the same way. At present, in the US, organizational ombuds are the only professional employees who do not “represent” their employers and who assert that they do not accept notice for the employer. As informal conflict managers, OOs do not make management decisions or policies; ombuds do not keep case records for their employers, or serve as witnesses. Investigations for the purpose of administrative decision-making should always be done by others.

The four pillars of ombuds practice are essential to each other.

In addition to practicing *informally*, OOs are designated as neutrals. Ombuds practice is independent of all ordinary line and staff functions within an organization. Ombuds keep near-absolute confidentiality.

I believe that these four basic tenets of organizational ombudsmanry are essential to each other.

Consider the interdependence of neutrality and independence. One could not maintain *neutrality*, without being as *independent* as possible. (Imagine trying to be a neutral, if given an order by a superior.) It also would not be easy for a conflict specialist to maintain *independence*, over time, within an organization, without being impartial and neutral. (Imagine how people would view the ombud who was openly taking sides between and among managers.)

Consider the interdependence of informality and confidentiality. Informality is an underpinning for *confidentiality*. Ombuds could not be permitted to be near-absolutely confidential without being designated as “informal” practitioners. A manager who makes formal decisions must be openly accountable to higher levels of supervision.

By the same token any manager who does formal investigations for the organization must keep case records, and be prepared to be a witness. This is especially true with respect to investigations of issues that are subject to Federal and state compliance laws. It is much easier to maintain confidentiality if one is not acting for management and making management decisions.

Informality is also an underpinning for *independence*. By definition, independence does not combine well with formal, hierarchical, decision-making power within an organization. Independence is also an underpinning for informality: it is easier to come up with a variety of options, as an independent professional who is apart from ordinary line and staff structures.

Ombuds informality helps in adding many options to a conflict management system.

Each of the four principles of organizational ombudsmanry is described above to be essential to the other three principles of the profession. For the same reasons, each of the four tenets helps ombuds to provide many, different, informal options, within a conflict management system. This is important for the organization.

In contemporary conflict management theory, an organization needs a spectrum of conflict management channels. This is because people are not all alike in their choices of how to pursue a concern or a conflict. In addition, organizations need to be able to deal with different issues in different ways. In short, people need options — and organizations need options — for managing conflict.

This is especially true in complex organizations and those with diverse populations. In complex organizations staff functions are likely to be specialized and line management often operates in

silos. The fact that OOs have no formal managerial authority in any domain helps them to be able to “hear” concerns, and also offer options, across all internal organizational boundaries.

In any random organization, some employees and managers (and students and professionals) prefer formal, hierarchical, win-lose decision-making. A significant minority of any random population appears to prefer formal management channels for most conflicts. A higher percentage will prefer or require formal channels for certain issues, like criminal behavior. Formal options are necessary.

However, there are employees and managers who heartily dislike formal channels — and cannot easily be persuaded to use them⁷. Some people simply will not use or invoke formal channels even in the presence of illegal behavior. If these people are to come forward timely with their concerns, and if their conflict is to be managed effectively within an organization, it will help to have a near-zero-barrier office within the system.

Many employers say they would like conflict management to be informal, and interest-based, whenever possible. And, it is obvious that line managers and HR managers and other staff managers settle many concerns and disputes informally and very well. But in these days of legal vulnerability, managers may feel that they must immediately take control of the disputes that come to them⁸. It has become harder for ordinary line and staff managers to permit employees with concerns to have a voice in deciding how to handle the concern. Conflict management systems now may be structured by and around the General Counsel’s office, HR, and other compliance offices. New interest-based options are often organized in a formal way⁹.

Ombuds offices — of course — refer people to all conflict management options in the organization: formal and informal, rights-based and interest-based. But, in addition, in part because they have no decision-making authority, ombuds offices can themselves offer a wide spectrum of informal options.

This spectrum is often overlooked in contemporary discussions of “ADR.” “ADR” often refers to external conflict management options that are important — but few — and used only occasionally. An ombuds office offers many internal options that are used in hundreds of cases a year. These options include:

- delivering respect, for example, affirming the feelings of a visitor, while staying explicitly neutral on the facts of a case¹⁰,
- active listening, serving as a sounding board,
- providing and explaining information, one-on-one, for example, about policies and rules, and about the *context* of a concern,
- receiving vital information, one-on-one, for example, from those reporting unacceptable behavior,
- reframing issues,
- helping to develop and evaluate new options for the issues at hand,

- offering the option of referrals to other resources, and to “key people” in the relevant department,¹¹ and to managers and compliance offices¹²,
- helping people help themselves to use a direct approach, for example, helping people collect and analyze their own information, helping people to draft a letter about their issues, coaching and role-playing,
- offering shuttle diplomacy, for example, helping employees and managers to think through proposals that may resolve a dispute, facilitating discussions,
- offering mediation inside the organization,
- “looking into” a problem informally,
- facilitating a generic approach to an individual problem, for example instigating or offering training on a given issue,
- identifying and communicating throughout the organization about “new issues,”
- identifying and communicating about patterns of issues,
- working for systems change, for example, suggesting new policies,
- following up with a visitor, following up on a system change recommendation made by the OO.

All of these options may help to empower employees and managers, and students and faculty, in effective informal dispute resolution throughout the organization.

The four tenets of ombuds practice, taken together, help to build the image of a (near) zero barrier office that can offer many options. At the risk of repetition, it seems worthwhile to mention specific contributions of the four principles, in the particular context of providing the informal, off the record options listed above.

Confidentiality is obviously key for this purpose and it depends on informality. As noted above, near absolute confidentiality can be permitted by the organization only for conflict management professionals who do not make judgments or formal decisions for the employer. (Note that near-absolute confidentiality is different from the professional practice of ethics officers who protect privacy as much as possible, but who must investigate, make judgments, keep records, and testify when necessary.) The ombuds role in a conflict management system needs to be explicitly designated as informal, if lawmakers and the public are to permit practitioners to offer various options off the record.

Independence also is key to being able to offer a variety of options rather than just one option, and independence inside an organization depends on informality. That is, the ombud must be seen as a professional who is not part of any formal line or staff structure that has the right or duty to take control of a concern in a specific way.

Neutrality also is key — the visitor should believe that that an ombuds practitioner will not take sides for any person. Informality means that the ombuds has no formal authority or duty to do so.

Informality also helps the OO to build a bridge to formal options.

Providing informal options in a conflict management system is of course not the only purpose of the OO office. Coaching people to learn how to deal with conflicts on their own is also not the only function of an organizational ombudsperson.

The effective OO will offer *appropriate* dispute resolution to employees and managers. This includes offering referrals to the formal and rights-based options of line and staff management, as well as offering informal options. The effective OO will support the entire conflict management system¹³. The four tenets of ombuds practice help, because they make the office seem, to many people, to be an approachable place to begin¹⁴. An ombuds office may, thus, be able to be a helpful stepping-stone for some people who discover that they need to contact a compliance office or use a formal option in the conflict management system.

SUMMARY

The organizational ombuds office can be seen as one where anyone in the organization can come with distrust and fear, shame and embarrassment, bewilderment and frustration, grief and rage — or news of illegal behavior — or even a surprising, new, happy suggestion for progress — without immediately suffering bad consequences. People can come from any part of the organization and from any cohort. They can consult on any kind of workplace issue. This is true, in part, because the ombud has no formal decision-making authority.

Informality is mutually supportive with the other three tenets of the OO profession. Informality in the OO office supports many effective options in an organization's conflict management system, for managers and employees, students and others. Informality is appealing to many people, and may help people in need to come forward with new issues, and with their most serious problems. Informality may serve to help people learn how to deal with most concerns on their own and may help to support the day-to-day conflict management skills of managers and employees throughout the system. Informality may also, perhaps surprisingly, help people who need to find formal and rights-based options.

Most OOs find that a significant proportion of their practices, and much of their ability to surface "new" problems, and to surface illegal behavior, comes from being seen as very low barrier practitioners. The four principles of ombuds practice, which support each other, contribute to a near zero-barrier office that is able to span the whole organization and everybody in it.

ENDNOTES

¹ A near-zero-barrier office is one where a person who might use the office would anticipate little or no cost, in terms of loss of privacy, loss of control, or risk of retaliation. In addition, the concept of zero barriers suggests *inclusion* across the internal boundaries of the organization. Inclusion means that everyone in every cohort that works for the organization — and people of every background and rank — are welcome. Having an office of this kind, by definition, means that it will be more likely that an organization will get to hear about important problems.

² David Lipsky's 2010-2011 survey — **The Use of ADR by U.S. Corporations — Results from a 2010-11 Survey of the Fortune 1000, Cornell University, ILR School, 2012** — comes from information from corporate attorneys. Lipsky notes that corporate attorneys see arbitration as increasingly legalistic and court-like, and corporation counsel report using arbitration less frequently. Lipsky reports that *"A vanguard of corporations now rely on a portfolio of interest-based options to resolve disputes at the earliest possible stage and avoid the use of arbitration and other rights-based options."* The interest-based options include: mediation, fact-finding, early neutral evaluation, and early case assessment. Most of the interest-based options described by counsel in this report appear to be quite formal. However one company in six now reports having an ombuds office — double the proportion reported in the 1997 survey. An organizational ombuds office offers referral to *both formal and informal options* — appropriate dispute resolution, case by case. And the OO is entirely informal. The OO thus appears to be a unique support to a conflict management system.

³ Ella Wheaton had intended to write her own article about "informality" for this issue of JIOA but was not able to do so. In a personal communication for the present article she wrote: *If an OO crossed into the formality realm, it would interfere with offices that have formal institutional and professional responsibilities, and with the protocols and accountabilities that stand up in formal arenas. An organizational OO lacks the legal and organizational protections that would be required to handle formal conflicts. Once the OO becomes duplicative of other services with historical organizational roles, it becomes a vulnerable office and it creates organizational vulnerabilities. If the OO function "stays in its (unique) lane" the formal offices will support its existence (HR, General Counsel, Employee Assistance Programs, Labor Relations and others)."*

⁴ According to Tim Griffin in a personal communication: *"(Informality) was a vital element of all three (fundamental principles) prior to its adoption as a codified principle, and most of us practiced accordingly. This is not to say that having it explicitly stated is a bad thing, but I question the somewhat revelatory status to which you attribute this. I was on the UCOA board and the Code Ethics/SOP committee (including a joint one with TOA) during the time period to which you refer in your article. My recollection is that Ella's (and others') suggestion for individual inclusion of informality as a stand alone principle was received as a pre-existing given, in terms of the acceptable standards of practice as they existed at that time. Any dissension was more related to the necessity to individually cite a principle that was already so inherent in the existing principles as it was seen by some to be unnecessary and even in a way redundant."*

⁵ Personal communication from Mary Simon.

⁶ In a personal communication, Ann Bensinger wrote: *"I struggle with giving informality the same weight as the core criteria. In my observation, part of why people turn to an ombuds is that even if we work informally, the post carries with it, for lack of a better descriptor, an aura of formality. It seems to me that the informality is from an OO's perspective; it reminds us of how the OO differs from the formal processes. Still, in my observation this distinction does not always extend to how OOs are perceived. It strikes me that informality is still very much a U.S. concept that I'm doubtful translates with the same result. Much of my own effectiveness was built around informality. It's how I got things done. At the same time, my position in the organization and access to the top was undoubtedly an undercurrent in what took place."*

⁷ See Rowe, Wilcox and Gadlin, "Dealing With — or Reporting — Unacceptable Behavior, in JIOA, 2009, vol 2(1).

⁸ As an example, in 2011, managers in US academic organizations were told that, under Title Nine, they must report student complaints of sexual assault. Managers in various US corporations and agencies are expected to report specified "adverse information."

⁹ Lipsky, op.cit.

¹⁰ It seems likely that “delivering respect” is the most highly valued — or one of the most highly valued — functions of an OO, from the point of view of those who have contact with the office. In addition, it may be the most cost-effective — or one of the most cost-effective — functions of an OO.

¹¹ See the article in this issue of *JIOA*, by Noriko Tada, which presents this point in depth.

¹² It seems likely that organizational ombuds have the widest purview for referrals of any persons in an organization. And, over time, they may also be the best-informed sources of referral.

¹³ See “An Organizational Ombuds Office In a System for Dealing with Conflict and Learning from Conflict, or ‘Conflict Management System’” by Mary Rowe in *Harvard Negotiation Law Journal*, 2009, at http://www.hnlr.org/?page_id=35%3E.

¹⁴ Approachability is by definition the hallmark of a zero-barrier office, which in turn requires informality. Informality appears to many people as a definitional element of a zero barrier office. Many people do not wish to fill out forms. Many do not wish to learn or use the formal modes of address and custom that attach to the caste system of organizations. Many do not wish to be required, before they speak, to learn how the law defines their concern. Many people appreciate the fact that no one can be formally required to go to an ombuds office. Many appreciate being welcomed and addressed as an equal — rather than someone who must cede control over a concern. (In fact many people are worried about having someone immediately seize control over their concerns.) Many people appreciate having their *feelings* affirmed, even if their *facts* are received with studied impartiality.

The IOA Informality Standard as a Support for Creating a Just Culture in Health Care Organizations

LAURIE MILLER PATTERSON, OMBUDS, AKRON GENERAL HEALTH SYSTEM

ABSTRACT

The article is a thank-you note to the designers of the IOA Standards of Practice. They couldn't have known the industry-specific benefit to healthcare when they put this in place. Informality, in the practice of one healthcare Organizational Ombuds, supports patient safety by creating a channel through which employees at all levels can discuss problems, including medical error and maintain self-determination in how to address. Different from the benefit of confidentiality, informality offers a non-punitive channel aligned with the Just Culture initiative, whose purpose is to encourage the reporting of medical errors. Formal channels punish and lock out both the workers' ownership—reducing accountability—and suppress report-

ing, thereby suppressing the data needed to make improvements for the patients' good. Informal, non-punitive channels support patient safety by allowing workers to surface and report medical errors and to eradicate the systemic weaknesses that promote them. Because the channels are informal, the workers maintain something valuable and rare—the ability to be empowered and involved in creating solutions and making decisions about process changes.

KEY WORDS

Just Culture, Healthcare, Informality Standard, Non-punitive, Empowerment, Medical Error Reporting, Organizational Ombuds

The door to my office is a heavy fire prevention-approved door, but it is not impossible to open. The IOA Standards of Practice, particularly informality, make knocking on or opening that door much less intimidating for my health care constituency.

Seven years ago, I took a position as the inaugural Organizational Ombuds (OO) in a 511-bed, 26-bassinets, adult, tertiary-care, not-for-profit teaching hospital. While I had extensive experience in community-based mediation and conflict resolution, particularly in conflict resolution skills

training, the OO was a new role for me. As I learned the Standards of Practice in Ombuds 101, I focused on confidentiality — the most familiar to me from mediation work. Little did I know this would not be the standard most important to my visitors.

Some days, I think of informality as a constraint on my ability to have an effect on the organization. Formal channels are the more readily recognized in healthcare organizations, often built around a hierarchy which supports time-honored chain-of-command and discipline as resolution to many problems. My tools are perceived by others as the “soft” tools of listening, etc., not the “harder” tools of punishment and restriction. In this competitive system, I wonder whether my informal practice sometimes dissuades visitors from approaching me, thinking I won’t be able to “do anything” for them. If a visitor is motivated by a wish to “even a score,” she will opt for more formal channels, e.g., filing a formal complaint with Human Resources.

On the other hand, I have been told by visitors that they would not have come to my office without the Informality practice standard. Educated, autonomous professionals appreciate the informal nature of Ombuds work for a number of reasons. The most referenced is the ability of the visitors to make up their own minds about how to proceed on some concern, once the options are explored.

After a visitor to my office sits, and after I introduce myself, before she or he says another thing, I ask permission to give my “commercial.” Visitors always agree. I explain my standards of practice and the ways those standards are relevant to her, how the standards will guide my behavior, and that these ought to clarify for the visitor that she is in the “right” office. Visitors are, of course, uniformly grateful to know that an OO is a confidential source, that I keep no records that identify a department or an individual, and that — while we have had several leadership changes in my years here — I have never been pressured to reveal the name of a visitor. However, if knowing the confidentiality of my office helps them relax a bit, it’s the informality standard that helps them begin to think clearly and to take back some of their power in a situation perhaps fraught with powerlessness and apparent lack of choice.

After about eighteen months, my scope of practice grew to include the entire system, not just the medical center where I began. I believe one of the reasons it grew was that people heard that an OO offered something rare for health care providers: self-determination. They came to understand that visiting an OO’s office does not set into motion any reaction that is out of their hands, such as a formal investigation triggered by the nature of their complaint. Visitors saw that they would continue to make decisions about what happens to their concern. It wasn’t simply dropped off with an anonymous someone who had the power employees did not have to deal with it. In a hierarchical organization such as healthcare, individual empowerment has to be nurtured. The Ombuds office, and particularly the Informality Standard, does this by supporting the visitor’s choice and decision-making power.

In addition to the support for self-determination, visitors saw the beginnings of the idea that workplace conflict is an ongoing and complex dynamic, and that this conflict between themselves and others could be worked through with coaching along the way. In their own language, they began to see conflict as analogous to a disease process and an OO as a skilled professional who helps them manage it, not as a drug to remove it from their consciousness or awareness.

Perhaps most importantly, the informality standard supports non-punitive dialogue that allows for professional and human growth. We suffer in health care from the attraction to and necessity for perfection. If we are providers, we wish to appear fully and perfectly formed before our colleagues. The idea of struggle, or learning curves, or the benefits of trial and error — though they would serve us — do not fit well for most health care cultures presently. In my office, visitors have permission to have a conversation which allows learning from mistakes, either in interpersonal communication or in reaching for clinical best practices. In fact, what we discuss is the connection between those two interpersonal art forms — how we are with each other and the relationship of that to how we are with patients and their family members.

Lately, I have begun to see a larger contribution of the informality practice standard to our organization, to culture change and to patient safety. As with many conscientious organizations, we have for some time been exploring ways to increase reporting of medical errors. We are moving the culture of the organization to alignment with Just Culture, and it is in this particular culture-change initiative where I see the OO Informality practice standard doing great good.

The informality practice standard of an OO in health care supports the Just Culture initiative so important to reporting of medical error. A New Position Statement on Just Culture published by The American Nurses Association (ANA) January 28, 2010, defines Just Culture:

As an alternative to a punitive system, application of the Just Culture model, which has been widely used in the aviation industry, seeks to create an environment that encourages individuals to report mistakes so that the precursors to errors can be better understood in order to fix the system issues (ANA, 2).

To practicing Ombuds, this must sound familiar. Under “Informality and Other Standards 4.2” is the same call: “The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.” The short-sightedness of blaming individuals does not improve our culture in health care and certainly does not improve patient care.

As Supportive Material, the New Position Statement references Dr. Lucian Leape’s testimony before Congress:

Lucian Leape, MD, member of the Quality of Health Care in America Committee at the Institute of Medicine and adjunct professor of the Harvard School of Public Health, noted that “[a]pproaches that focus on punishing individuals instead of changing systems provide strong incentive for people to report only those errors they cannot hide. Thus, a punitive approach shuts off the information that is needed to identify faulty systems and create safer ones. In a punitive system, no one learns from their mistakes” (Leape, 2000).

An OO encourages, by virtue of the Standards by which she or he practices, the longer view to workplace conflict and the examination of parts of the culture that sustain that conflict — those problematic “systems” to which Dr. Leape refers. Further, as we share trending information with leadership, we help them find options to respond to concerns about employee fears of reporting. Among other options, we can then support the involvement of other organizational resources to alleviate fear, to offer in-services trainings in communication and options for that information, to encourage leadership to communicate often the importance of speaking up, and to ask managers to consider how approachable they may seem or not seem to the people from whom they need to hear.

The presence of an internal neutral also supports, when necessary and appropriate, open dialogue and flattening the hierarchy to which healthcare organizations are wedded and which, often, keeps people silent:

Silence is the predominant response in health care organizations to performance problems, near misses, or other deviations from desired practices, particularly when the actor responsible for the error is from a high status professional group (Detert & Edmondson, 2007; Nembhard & Edmondson, 2006; Ramanujam & Rousseau, 2006; Tangirala & Ramanujam, 2008). Khatri, et al, 315.

My informal, off-the-record office is the place nurses, residents, techs, administrators, unit clerks, and housekeepers can be heard, think clearly and openly discuss options for getting patient safety information to the right people, even if the information comes from someone at the bottom of the hierarchy about someone at the top. In a system based on hierarchy, people keenly feel the differences in power and work hard to avoid being vulnerable.

Khatri, et al, also note that “[s]cholars also term just culture by another name, psychological safety” (315). Organizational Ombuds often serve as the leading edge of safety for people that make up our organizations; this is especially true for the employees in a health care system. Visitors to the OO’s office report that they feel safe because nothing will be decided for them, power over decision-making won’t be taken from them, their voices will be heard, and the vital information they surface can be get where it needs to go.

In this way, the Informality standard for which I am so grateful improves the system, the environment of the people working in it, and the safety of those most important — the fragile and vulnerable patients for whom we strive to do our very best, through whichever door we enter.

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Informality for a Organizational Ombudsman in Japan

NORIKO TADA, OMBUDSPERSON, GUIDEA FOR EISAI.CO., LTD.

ABSTRACT

Structuring informality together with the other three principles (confidentiality, neutrality and independence) is part of the uniqueness and strength of the OO function in Japan. Noriko Tada shares her thoughts on *informality* with both the ideas of the “key person” having a lot of influence with the decision makers in the organization, and the OO’s role as “KUROKO” in Japanese traditional theater: Kuroko is “a visible invisible.”

KEY WORDS

Ombudsman, informality, OO principles, informal network, Kuroko, Japan

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The author wishes to convey her deep gratitude to Yoshiko Takahashi and Mary Rowe.

When I started to work as an OO, I was not sure how an OO office would be accepted at a Japanese company in Japan, since the OO function had been developed in US. But now I am very sure that this OO function works in a Japanese organization.

An OO follows four principles. OOs are Independent, Neutral, Confidential and Informal. In particular, the principle of *informality* is accepted in a Japanese organization better than I expected. So today I would like to focus on the concept of informality.

Informality

Many employees in Japan tend to prefer using an informal way to deal with concerns or conflicts, and most employers prefer a collaborative style of organization. A commonly understood method is to talk with “a senior employee (Senpai) or with colleagues (Doryo)”¹. Workers’ unions also believe that “daily communication in the workplace by union members” is very effective to deal with complaints, and with feeling dissatisfied in the workplace².

I have thought about these methods, in looking back on my own experience. When I worked for a Japanese company as a systems engineer, just after graduating from college, I took several issues to one of our senior employees (Senpai). (As a new, young employee, it was not easy to express my difficulties to my boss directly.) In the event, Senpai talked to the boss, and the boss changed the work system to support me. I did not expect that Senpai would talk to the boss, or that the problem would be solved so quickly. As it turned out, it was not just Senpai (a senior employee), but also Doki³ (who joined the company in the same year as I) and a former boss⁴ who was willing to be a potential bridge toward managers. Helping to deal with conflict was a task they took on voluntarily. (It is not their job officially.)

Permit me now to write about the concept of a “key” person in the organization. What is a key person? He or she may not be a decision maker, but “key people” have a lot of influence with the decision makers in every organization. Depending on the specific issue, and the specific situation, the key person may be different each time. So there are many different key people in an organization. If you are a new employee, you do not know who the key people are. They are informally “key people.” If you work in the organization long enough, you know who they are and how to contact them. Traditionally, in Japan, once you join the organization, you may work there until you retire. In such a context, even if you are new in the organization, you will wish to learn who is a key person about which issues, and how to make contact with such a person in a natural way.

However, nowadays, employees join a company and then may leave in the middle of their careers. There are now a variety of types of employment — for example there are temporary, part-time, and contract employees. In such a fluid context, “key” people also change jobs and responsibilities. For the new employee it can be difficult to know who a key person is. In this situation, an OO can be the liaison for an employee with a relevant key person. And with many, many key people.

In my work as OO, one really meaningful experience is when I can connect the employee who comes to see me to the key person. When I can identify just the right key person, and connect the employee who has concerns to that person, concerns will be dealt with in a proper way. Key people know how to work with conflicts informally in the organization.

Of course, the OO can also connect to a relevant decision maker directly. The OO can, in this way, play the role of the key person. However, depending on the issues, the OO connecting an employee to a key person may have a stronger impact than the OO connecting with the decision maker directly. One reason this can happen is that sometimes decision-makers take key persons more seriously. The decision-maker may listen more easily to the voice of a key person who knows more in his or her field than anyone else. And the decision-maker may be more comfortable, after listening to a key person, to make decisions. Putting these thoughts together — a decision-maker may not know exactly what has happened in the field, since he or she is in a high position, but may be comfortable in making decisions on the basis of reports from a trusted “key person”.

There is also a second reason why the referral mode may sometimes be preferable. Where the OO refers an employee to a key person, the role of OO is to help the employee to learn a method, rather than just fixing a problem for someone who did not know how to do it. There is also a third

reason why the referral mode may sometimes be preferable. Using this method, the OO may additionally strengthen the informal problem-solving network in the organization.

An OO can, nearly always, find out who are key people with respect to the issues at hand. An OO can be a bridge between people in the organization. An OO can maximize the organization's potential of resolving conflicts in the organization by helping to strengthen the key-person, and the informal network and, thereby, "communication" in the organization⁵.

When I started to work as an OO, I had some difficulty in developing a deep understanding of the OO function. At that time, Dr. Takahashi (who was the first OO in Japan) explained the OO's role as "KUROKO" in Japanese traditional theater. Kuroko is "a visible invisible."

Let me try to describe this idea. Wikipedia says that, in kabuki, the Kuroko serve many of the same purposes as a running crew. They move scenery and props on stage, aiding in scene changes and costume changes. They will also often play the role of animals, will-o-the-wisps, or other roles that are played — not by an actor in full costume — but by holding a prop. Kuroko wear all black, head to toe, in order to imply that they are invisible and not part of the action onstage.

A Kuroko will never show his face. He will never be an actor. However, without Kuroko, the play will never be performed. An OO in the organization is like Kuroko on the stage. An OO does not need to be recognized officially about his or her work. However people know that without the OO office the organization does not work as effectively. Thus — OO as Kuroko — this is one way to explain the concept of informality as a principle of organizational ombuds in Japan. And there is more to say about the importance of this idea.

We all know that in our organization, and in our whole society, there are many unknown invisible people who support people in the organization and in society. Traditionally Japanese organizations greatly appreciated the "invisible" hard workers. The wonderful thing is that — even though they themselves may be invisible — there are key people who can really "see" a whole situation and help make it better. And it is very important that the importance of these invisible people be recognized. It also follows that if your organizational culture does not value invisible workers, it may be difficult to be an OO. The organization cannot use the full potential of an OO office as part of an ADR system, if informal conflict management is not valued. Whether an OO office will work effectively, or not work, depends on the organizational culture.

Challenges

While I am working as an OO, I remind myself that "informality" is part of a coherent professional platform, together with the other three OO principles (confidentiality, neutrality and independence). Thinking about the four principles together may present challenges in practice — challenges that must be met. In the process of dealing with employees' concerns, "how concerns are verbalized" is an important aspect of OO practice in Japan. It is often said by people from the West

that communication among the Japanese is full of ambiguity⁶. If you deal with concerns informally, since people in Japan are used to dealing with concerns informally, they may have expectations that are not verbalized explicitly.

Here is an example. People who call the office may expect that the OO will work with the organization to solve their concerns for them. They expect that their information will be used only for their benefit. If the information is used (only) for their benefit, they do not care if the information was revealed without their permission. In this way they do understand “informality.” But an OO has to be careful to review all expectations with each caller, and take care to explain the other three principles, and to explain all four of the OO principles together. When I explain carefully and then check their expectations, the people who call me understand, and we more consciously deal with the issues in the context of all four principles. Through this process, I feel that structuring informality together with the other three principles is part of the uniqueness and strength of the OO function in Japan.

ENDNOTES

¹ p. 77, Labour Policy Research Report No.98, 2008, The Japan Institute for Labour Policy and Training(JILPR).

² p. 101, Labour Policy Research Report No.98, 2008, JILPT <http://www.jil.go.jp/institute/reports/2008/098.htm>

³ The concept of Doki is often important to the success of informal networks. Let me explain why. In Japan, every April most big companies hire new employees who have just graduated from school in March. A big company might hire hundreds of new employees at the same time. Then the company gives them training — teaching about corporate culture, business manners, work related knowledge, and providing on the job training from 1 week to 1 year. In my own case, when I joined the company as a systems engineer — as a new employee, I took 3month training from April. Then I started OJT (on the job training). In Eisai, newly hired sales people took 6 months of training before OJT. So the company really trains its new employees. Since new employees are really a “cohort,” spending a lot of time together for training, they develop a special feeling amongst themselves. They are good friends and at the same time they will be rivals (competing with each other). In the company, we say “we are the year of 1989” or “he is my Doki (having joined the company in the same year).

⁴ In certain sized Japanese organization, they regularly transfer employees as one of management strategies. It means that your boss changes regularly.

⁵ Keidanren (Japan Business Federation) indicated the importance of communication in the organization from the viewpoint of corporate management and competition in the report on May, 2006 <http://www.keidanren.or.jp/japanese/policy/2006/029/index.html>.

⁶ Japan is categorized as a “High-Context Communication system.” Hall (1976) claims that human interaction, on the broad level, can be divided into low-context and high-context communication system. “By high-context communication we emphasize how intention or meaning can best be conveyed through the context (e.g., social roles or positions) and the nonverbal channels (e.g, pauses, silence, tone of voice) of the verbal message.” On the other hand, “By Low context communication we emphasize how intention or meaning is best expressed through explicit verbal messages.” P100 – 101 Ting-Toomey, Stella. (1999) “Cross-Cultural Verbal Communication Style.” *Communicating Across Cultures*.

I Was Just Thinking: Musings on Ombudsman Informality from the Perspective of an Organizational Ombudsman

CAROLYN NOORBAKHS, GOLDEN COLORADO

ABSTRACT

Carolyn shares her thinking about the emergence of Informality as a Standard of Practice for IOA and how it is important to her as an SOP. She also discusses some of the challenges she experiences with Informality and provides examples of situations when it may be tempting to forego Informality but ultimately always chooses to adhere to SOPs.

KEY WORDS

Ombuds, informality, Standards of Practice, confidentiality, neutrality, independence

When I “grew up” in the ombudsman field, I initially belonged to The Ombudsman Association, (TOA). TOA did not hold “informality” as a standard of practice. Informality was not a discreet section of 101 training like confidentiality, neutrality and Independence, yet it was clearly conveyed to trainees that informality was a critical part of the ombudsman role.

I remember joking with visitors about the fact that being informal meant that I didn’t have too much paper work, as I was an “off the record” resource and I loved that part of my job! My official spiel with respect to informality was and continues to go something like, “... as an informal resource, I do not participate in any formal processes within or outside of the organization and attempts to subpoena me will be met with every effort to resist.”

When the merger between TOA and the University and College Ombuds Association occurred and became the International Ombudsman Association, (IOA), informality became a Standard of Practice. However, it apparently still did not warrant an entire section unto its own in the SOPs, (“INFORMALITY AND OTHER STANDARDS”). The International Ombudsman Association in the Code

of Ethics says this about informality: "The Ombudsman, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention." This didn't change how I practiced or how I thought about my practice. However, it did prompt me to consider what does or should go into deciding what ombudsman SOPs ought to be. It wasn't that I thought informality should not be an SOP; I didn't have an opinion one way or the other, but I decided I should. I had certainly heard colleagues express opinions, both pro and con on having informality as an SOP. I find even now, six years post merger, that informality still does not get the attention in IOA training courses that other SOPs receive, and some still believe it does not qualify as an SOP. However, I ultimately concluded that informality most definitely belongs in IOA's standards of practice. I use this forum to explain my rationale and to lament about those ways in which I find informality to be sometimes challenging.

When pondering the question, "What should our Standards of Practice be?" I thought about elements of ombuds practice. Certainly confidentiality and neutrality were among the elements considered to be paramount enough to warrant SOPs. I wondered about independence, but also about transparency, fairness, justice and respect. Where did these elements fall on the importance scale? Enough to warrant SOPs? There are additional important elements that we can all think of as well. Just how do we define those elements that should qualify as standards of practice? Here is where I landed: SOPs should be those elements of ombudsman practice that define us, that separate us, that make us different from any other roles or functions in our organizations. Surely someone else has landed in the same place I have and I do not intend to convey this as an original idea. I do not however, recall seeing any previous writing on this so I apologize to anyone who has already described the SOPs in this manner elsewhere.

Given that organizational ombuds are an "off the record" resource and they do not participate in formal adjudicative processes and they resist testifying internally or externally to their organization, this seemingly qualifies as a way in which we are different from other roles in our organizations and therefore belongs as an SOP. Moreover, I find informality so inextricably woven with the other SOPs that we have to practice informally in order to be confidential, neutral and independent. Perhaps this is why TOA did not initially deem it necessary to make informality its own SOP (?)

Here are some examples of what I mean by informality being tied into the other SOPs:

Consider whether or not we would be practicing confidentially if we were to participate in formal processes such as a grievance hearing. Even if our visitor wants to waive confidentiality and asks us to participate in their hearing, just showing up would breach confidentiality, as visitors cannot waive confidentiality. Any participant in the hearing, (supervisors, HR, legal department representative, etc.), would have to wonder just how confidential our practice is if we show up for hearings, let alone offer any input to the proceeding.

Or think about our legal departments requesting our records on a particular visitor whose attorney has notified our organization of pending litigation. Providing any information would not only mean that we were no longer acting informally, but we would not be neutral or independent either. Providing information to our legal departments could convey the notion of being an arm of manage-

ment which compromises independence, confidentiality and neutrality. Of course ideally, given we are not offices of record, we should not possess any records except perhaps aggregate data, to provide anyone with anything in writing, (or verbally for that matter).

And what about the situation where our boss comes to us and says, "So and So, since you are perceived by everyone to be fair and unbiased, I want you to look into this troublesome complaint from X department that Y department is inappropriately using their credit cards. If you will let me know what you find out and if anyone is committing any fraud, what you think we should do about it"? Although we might be flattered by our bosses impression that "everyone perceives us to be fair and unbiased," it seems we are being asked to conduct a formal investigation and make decisions about action the boss should take should wrong-doing be discovered. If we did as the boss asked, we would obviously be compromising our informality standard, but we would also not be acting independently or neutrally. In each of these examples, compromising informality would also launch us into breaches of multiple SOPs.

From the standpoint of personal preference, I certainly appreciate when someone asks me to act in a way that falls outside the parameters of informality, being able to say, "I'm sorry, that is not in keeping with the IOA Standard of Practice on Informality." I don't want to engage in processes that could result in negative job action for a visitor or anyone else. I do not want the responsibility of determining who is right and who is wrong in any given conflict, even if there is a right and wrong. Nor do I want to keep records of all of my meetings with visitors and notes on everything we discussed. I'm not kidding when I tell visitors I love that aspect of my job!

So we have informality as an appropriate stand alone SOP in that it, in part, explains and defines how we are different from other roles and functions in our organizations. And although it is a standalone SOP, we cannot practice confidentially, neutrally or independently unless we are also practicing informally. I believe informality to be important enough to have its own 4.1 through 4.5 section in IOA Standards of Practice. The "other" standards (4.6 through 4.8) could perhaps have their own section - 5.1 through 5.3. I have offered my thoughts on why informality is an important SOP that rightfully belongs with confidentiality, neutrality and independence. Let me now share what in my thinking is the down side of this SOP.

Some of us, perhaps many of us, work in organizations where the Human Resources function is not well respected or trusted. In my organization, I feel very positively about HR, but they are stretched to the limit and therefore cannot always do justice to their formal investigations. It is also the case as with any work situation, some of our HR professionals are better than others. When I refer a visitor to HR for formal processes, but do not trust that they will receive the best treatment or obtain the best result, I feel very, very frustrated. That is not to say I know what the best outcome would be, or that I would want to impose "my best outcome", but I believe I could do the process more justice than some of our HR professionals might. Again, not necessarily because of a lack of skill, but rather a lack of resources on the part of HR. I have been in an organization where I did not feel as positively about our HR department as I do now.

I've heard many colleagues lament the status of their HR departments and the belief throughout their organizations that HR is not to be trusted. In those situations, it is incredibly hard to remain steadfast to the informality SOP and to refer on to the appropriate formal resource. At the risk of blowing our own horn, I do believe that we, (ombuds) are often more likely to a better job than the "right" resource, given our skill and knowledge as ombuds. I had a visitor who had been given a "corrective action".

Part of that process required meeting periodically together with the supervisor and HR. It happens that the HR provider had a reputation as being pro-management, and the visitor wanted me to participate in the monthly meetings. That likely would have been seen by the supervisor and the HR generalist as representing or advocating for the visitor. However, I had reason to believe that if I accompanied the visitor to these sessions, the HR generalist would have been more neutral and balanced. Alas, I had to let it go, as my standard practice is not to participate in formal meetings where discipline is being imposed. I could recount numerous similar situations. I maintain that those SOP's that sometimes make us feel hamstrung, are also extremely liberating.

The more we stick to our Standards, the more credible and valuable we will be to our constituents and organizations as a whole.

Some Thoughts on Informality

HOWARD GADLIN, OMBUDSMAN

ABSTRACT

This article argues that “informality” is not, and was never meant to be, a fundamental principle of Ombudsman practice. It asserts that each of the first five standards of practice identified under “Informality and Other Standards” can be covered within the core principles of independence, confidentiality, and neutrality. Informality itself does not refer to anything that can be considered a principle. A brief review of the history of the term “informality” reveals that the term was used strategically in an effort to differentiate the role of the Organizational Ombudsman from other Ombudsman roles without losing the commonalities

shared by all iterations of the Ombudsman concept. The article raises the concern that the widespread use of the notion of informality is associated with a weak interpretation of the Organizational Ombudsman role, one that minimizes the Ombudsman ability to address issues of fairness and justice within our organizations and dilutes our influence in identifying and addressing systemic issues.

KEY WORDS

Organizational Ombudsman, Classical Ombudsman, principle, standards of practice, fairness, justice, systemic issues, influence, evaluation, judgment, investigation

INFORMALITY AND OTHER STANDARDS

4.1 The Ombudsman functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and — with permission and at Ombudsman discretion — engaging in informal third-party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves.

4.2 The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.

4.3 The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the organization.

- 4.4** The Ombudsman supplements, but does not replace, any formal channels. Use of the Ombudsman Office is voluntary, and is not a required step in any grievance process or organizational policy.
- 4.5** The Ombudsman does not participate in any formal investigative or adjudicative procedures. Formal investigations should be conducted by others. When a formal investigation is requested, the Ombudsman refers individuals to the appropriate offices or individual.
- 4.6** The Ombudsman identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.
- 4.7** The Ombudsman acts in accordance with the IOA Code of Ethics and Standards of Practice, keeps professionally current by pursuing continuing education, and provides opportunities for staff to pursue professional training.
- 4.8** The Ombudsman endeavors to be worthy of the trust placed in the Ombudsman Office.
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I've been an Ombudsman for over 30 years now. It is interesting, and somewhat dismaying, to see how the notion of informality has been elevated from a short-hand descriptor of our function to an ethical principle. I have never been comfortable with calling informality one of the ethical principles of the Ombudsman role and I have never seen informality as a cornerstone standard of practice for the profession. The three cornerstones- independence, confidentiality and neutrality- problematic though they may be at times, are at least principles. They refer to something we stand for and aspire to. When we assert them we announce that we will not bow to power, that we can be trusted, that we strive to be fair and impartial. Informality is not a principle, it is a style. One of the virtues of the Organizational Ombudsman role is its flexibility – we do not follow fixed procedures but rather can adapt our interventions to suit the issues, people, context, interests or goals of those who come to us. In short we can take into account the unique features and circumstances of each case we are presented. But informality is hardly the right word to describe that. Furthermore, we would never declare flexibility to be a principle of our practice rather it is one of the words that describes how we go about doing our work. So to, I would argue does the word "informality." Merriam-Webster's Collegiate (10th edition) dictionary defines informal as "1: Marked by the absence of formality or ceremony 2: Characteristic of or appropriate to ordinary, casual, or familiar use." At best it connotes a lack of stuffiness, which may or may not be true, and at worst it connotes a lack of rigor, casualness.

Let me be clear, I am not arguing with the substance of the notions presented in the text about informality. I am not arguing that we should conduct formal investigations, or make binding decisions, or be an office of record or notice, or participate in adjudicative processes; there is no quarrel with these ideas. I understand that we need to be careful to delineate our role and to describe what

we do and proscribe what we do not do, but this is different than stating a principle. I agree with each of the enumerated statements under the “Informality and Other Standards” heading. But I believe that every one of the first 5 of the 8 items listed in our Standards of Practice under the heading “Informality” is covered under the three primary principles. (Items 6 through 8 do not deserve to be mentioned under standards of practice but can easily be raised in discussions of best practices. Frankly, I find it embarrassing to include these three in a statement of standards of practice).

So you might ask, if I agree with the substance why make a fuss over the word? From my perspective the use of the term informal diminishes us in our own eyes, not to mention eyes of those who come to us. To understand this concern I need to review a bit of the history of the Organizational Ombudsman role. There are two factors that led us collectively to focus on the notion of informality. One has to do with the protection of confidentiality and independence, the other with differentiating the role of the Organizational Ombudsman from the role of Classical Ombudsman. The OO role was an adaptation of the Ombudsman idea to a different context than the one in which the idea originated. The classical role (see Gadlin, et al 2000) emerged as a way to give “citizens a means to pursue grievances against the executive and administrative offices of the government.” But citizens are not part of the government in the same way that students and teachers or employees are part of a university or organization. Classical Ombudsmen are established by statute and have the ability to conduct fact-finding investigations and to issue written reports among their essential responsibilities. Furthermore, Classical Ombudsmen are not part of the organizations for which they have responsibility. In that sense they are true outsiders.

By contrast, Organizational Ombudsmen are appointed by and are members of the organization within which they operate. That’s why we sometime refer to ourselves as inside outsiders — we are embedded in the organizations within which we function. As the Organizational Ombudsman role was being developed we became aware that to be true to the essential idea of independence we needed to conduct our practice differently than the Classical Ombudsman and to function within different structural arrangements than the classical. Because the Classical Ombudsman is truly an outsider he or she can conduct investigations that are not expressions of management’s power or will; in other words independent investigations. In the same way, reporting a problem to a Classical Ombudsman does not put on notice the organization for which the Ombudsman has oversight because the Classical Ombudsman is not a part of that organization. But for Organizational Ombudsmen, who are typically appointed by and reporting to the top executives of the organization, it was crucial for us to establish that we were not agents of management; we do not act on behalf of management. Early on we realized that to maximize the independence of the OO it would be important that we not play a role in formal fact-finding investigations, that we not be an agent of notice, that we not have decision making authority and that we offer confidentiality to those who came to us for assistance. But we must keep in mind that if we understand that our organizations are complex systems, from the perspective of systems theory there is no way a component of a system can be truly “independent.” Rather, when we say we are “independent” we are describing a certain degree of autonomy within that system, certain areas in which we have been given discretion and power to act differently than management does if, in our judgment and from the responsibilities of our role, we deem that appropriate.

Along with independence, confidentiality was another major factor in adapting the Ombudsman role to the organizational context. . Although Organizational Ombuds have long asserted a confidentiality privilege, that privilege is not protected by statute. (See Chuck Howard's discussion in **The Organizational Ombudsman**). Lacking privilege, one of the ways we protect the confidentiality we offer to those who come to us is by forgoing certain activities that might otherwise be part of our work: keeping records, conducting investigations, rendering binding decisions. If we do not keep records then there are no records to be subpoenaed or otherwise reviewed. Similarly, if we conducted formal investigations into allegations and issued reports on the basis of those investigations we would be hard-pressed to uphold confidentiality. When the Organizational Ombudsman was being established there was, understandably, considerable wariness of allowing a fully confidential program within organizations. The organizations that established Ombuds programs allowed and supported our confidentiality only because we did not conduct full investigations and we did not issue reports of investigations and we did not make binding decisions or written recommendations. All of the above mentioned activities require extensive record keeping. So in the context of Organizational Ombudsman there is a direct link between having confidentiality and not keeping formal records and not conducting formal investigations or fact-findings. Forgoing these activities was instrumental in adapting the Ombudsman role to the organizational setting while preserving, as best we could, the three essential characteristics of the role.

One of the chief proponents of this approach was Ella Wheaton, the legendary Ombudsman at UC Berkeley and the Department of Justice. Ella came from a background in HR and was astute and scrupulous in differentiating the Ombudsman role from roles in which one was an agent of the organization (independence). But Ella's thinking about informality was strategic; she never presented it as an ethical principle. This became strikingly clear when we (Ella and I and several other Organizational Ombuds — I do not recall who all of us were) were part of the American Bar Association effort to bring together Ombuds from all sectors in order to develop a common set of principles and standards of practice. Interestingly our efforts to tailor the Ombudsman role so that it could be effective within the context of organizations was not met with applause or even support from most of the Classical Ombudsmen. For many years there was disagreement and even some active antagonism between the two types of Ombudsmen.

The ABA initiative was an attempt to support the Ombudsman idea and to find common ground between what had become the two major types of Ombudsman. Those meetings, which went on for almost two years as I recall, were difficult and often contentious. One of the main points of disagreement was about whether conducting investigations into grievance and complaints was an essential feature of the Ombudsman role. Many of the Classical Ombuds believed, and still do believe, that Organizational Ombuds are pretenders — (wannabes) in the words of Larry Hill, one of the more vociferous advocates of that position (he was a law professor, not actually an Ombuds himself). For those folks there were two key features that Organizational Ombuds lacked – the ability to investigate and true independence, which they saw as coming by being established by statute and reporting to somebody or persons not part of the organization in which they served as Ombuds. From their perspective, without those features the Organizational Ombuds position cannot be considered a “true” Ombudsman role.

In those discussions there was never an assertion or affirmation of informality as a principle. Rather there was the assertion of a boundary between the Ombuds and the organization in which the Ombuds serves. For the Organizational Ombuds the boundary is defined in part by the activities and functions the OO does not take on: the OO does not serve as an agent of the organization, does not conduct formal investigations, does not have decision making power, and does not accept notice. This boundary is drawn in the service of honoring the 3 principles of the Ombudsman role — confidentiality, neutrality/impartiality, and independence. Carolyn Stieber, one of the pioneers in the world of the academic Ombudsman, tried to capture the underlying similarities across the different varieties of Ombudsman when she wrote:

“Common threads run through the conceptual fabric of every Ombudsman’s office — all aim to humanize administration, to support fairness, accountability, and equity. All Ombudsmen can be approached IN CONFIDENCE. No Ombudsman has enforcement or disciplinary powers. All depend on the power of persuasion, as well as the credibility of the office which leads individuals to trust it. Although the process in achieving objectives of fairness and accountability may differ, the *product* is the same: a chance for the ordinary people, those without power or prestige to be heard and to get fair treatment.” (*Negotiation Journal*, Vol. 16, no. 1, Jan 2000. P56-57.)“57 varieties: has the Ombudsman Concept Become Diluted?”

Certainly it makes sense to state in our establishing documents (terms of reference, charter, etc.) the processes by which we perform our work and to state explicitly the functions we do not perform, but processes and functions are not principles. In addition, I believe that underneath the discussion of informality lies another issue; that is the question of whether or not Ombudsman should have power and influence within their organization. I fear that the thinking behind this stance reflects an assumption that having influence in an organization is the same as having formal power and authority and that being neutral means never passing judgment or coming to a conclusion. Very often at meetings and in discussion I hear an “Ombudsman don’t have power we just help people explore options” sensibility which is, to my mind, a denial of the fundamental importance a commitment to fairness and procedural justice which is at the heart of the Ombudsman role. The rejection of decision making authority and investigative powers has, over time, evolved into a frighteningly passive interpretation of neutrality, one that eschews influence in any form. “We don’t criticize, we don’t advise, we don’t suggest, we don’t evaluate, we don’t investigate,” has become a kind of mantra for some of us. Without discussing each of these “we don’ts” in detail let me simply ask, since we assert “The Ombudsman exercises sole discretion over whether or how to act regarding an individual’s concerns, a trend or concerns of multiple individuals over time” how else can that discretion be exercised without evaluation?” I would argue that if we look carefully at each of the “we don’ts” we would find that we actually perform, and should perform, all of those functions but in a uniquely Ombudsman-like way. (But that is a topic for another paper).

My worry is that the more passive interpretation of the Ombudsman role leads to Ombudsman programs that are merely mid-level complaint departments blended with counseling programs that specialize in understanding organizational policies, resources, dynamics, politics and policies. From this perspective all we can do is 1) help people identify and explore options for addressing the issues people bring to us for help and 2) observe and report trends in issues and bring them to the attention of management. Contrary to this orientation, I believe that an Ombudsman should be, and should aspire to be, one of the most influential people in the organization. Her/his perspective should be sought by a wide range of the members/participants in the organization. Specifically, the Ombudsman should be someone who people from throughout the organization consult when facing complex, potentially conflict-laden or volatile situations and problems, whether it be early in the development of such problems or at the point at which efforts at managing them seem to be failing.

Furthermore, I agree completely with Carolyn Stieber that our role must include supporting “fairness, accountability, and equity” and that we must provide “a chance for the ordinary people, those without power or prestige to be heard and to get fair treatment.” To fulfill that role we need to be able to reach conclusions and make judgments, not in the formal way a grievance panel reaches a decision or top administrator makes a final judgment that a policy or procedure was properly administered but as an Ombudsman to whom people often come with the questions “is this fair?” Please note, I am not saying we should then issue a judgment or directly answer that question in a “yes” or “no” manner but we should look into that and assess that situation and that assessment should inform and guide our subsequent actions. Many will ask if “looking into” something we are investigating it in the sense of conducting a “fact-finding.” But there are many issues that come to an Ombudsman that have nothing to do with formal procedures, rules and policies but that still raise questions of fairness and equity. “Investigating” those issues doesn’t involve finding facts so much as it requires gathering multiple perspectives, exploring motivations, and examining interpersonal and group dynamics and providing feedback, in a balanced and unbiased way, about what we have discovered. Sometimes in the course of “investigating” a situation we discover systemic problems — policies, procedures, practices or even norms and values that are exacerbating tensions, eliciting conflicts or contributing to organizational dysfunction. The mere act of identifying something as a problem involves making judgments and coming to conclusions. Conducting and reporting the results of such “investigations” are an essential part of providing systemic feedback and providing systemic feedback, we have long asserted, is an essential part of the Ombudsman’s role. I honestly believe that if we are not performing these roles then we ought not to be calling ourselves Ombudsman.

Mind you, I see all of these Ombudsman responsibilities as carried out within the framework provided by the principle of confidentiality, independence and neutrality, not in violation of them. This framework is what differentiates us from those with official managerial responsibilities, and creates the basis for us to be influential in a totally unique way. Calling informality one of our principles gives us nothing and diminishes our potential contribution to the organizations in which we serve.

Clarifying the Ombuds Role (with a little help from our SOPs)

TOM SEBOK, DIRECTOR, OMBUDS OFFICE, UNIVERSITY OF COLORADO BOULDER

ABSTRACT

IOA Standards of Practice guide ombuds in our day-to-day case work and provide a solid explanation to help constituents' understand the ombuds role and how it differs from other roles in our organizations. But they also guide us in evaluating and communicating about non-case-related invitations and requests that, while appropriate and commonplace for others are inappropriate for ombuds.

KEY WORDS

Ombuds, Standards, Informality, Neutrality, Inappropriate, Requests

Most of us who serve in organizational ombuds roles are employees in educational, corporate, health care, and non-governmental organizations as well as governmental and inter-governmental agencies. But unlike other employees in these organizations, we follow the International Ombudsman Association's (IOA's) Standards of Practice (IOA, 2009). These Standards create a unique role that is different from that of other employees; particularly those in management roles. It is our responsibility to understand and educate our employers and constituents how these IOA Standards apply to our case work. Wisely, the Standards also anticipate and provide guidance about numerous non-case-related matters that are likely to arise simply because we are members of our organizations — especially if we are trusted. If the choices we must make about these matters could later limit our ability (perceived or real) to effectively practice to the Standards, it is our responsibility to recognize this and to educate our employers and constituents about it. For an organizational ombuds, responding to some requests that would be completely appropriate for other employees sometimes requires “just saying no.”

In this article, I will share my observations of constituents' initial assumptions about how I will operate while assisting them. I will elaborate on how I believe explaining the Standard on Informality

has helped many constituents to understand just how differently an ombuds operates from others within an organization. Finally, I will describe how I responded to organizational leaders who, on several occasions, made well-intentioned but inappropriate invitations for me to engage in activities which I believed might have unnecessarily placed me in a “conflict of interest” situation with respect to the IOA Standard on Neutrality.

My employer understands that my case work decisions and actions are guided by IOA’s Standards of Practice. This is largely because in 2006 the Chancellor (our campus CEO) sent me an “Authorization for Ombuds Services” memo which indicated his expectation that our office follow the IOA Standards of Practice (Peterson, 2006). Although it is very unlikely most constituents have even heard of the International Ombudsman Association — let alone our Standards of Practice — most seem to arrive with some degree of understanding of my role. I typically ask visitors if they have been to the Ombuds Office previously (unless I know they have). If they say they have not, I make an opening statement of some kind in which I explain my role and how I operate (i.e., following the IOA Standards of Practice). Most seem to expect that I will treat their conversations with me as confidential. And, most seem to know that my role is designated as “neutral” and, as a result, I will not advocate for one person against another in any dispute. Many do not know — until I explain it — that, with respect to my case work, the IOA Standard regarding Independence means that my supervisor does not tell me what to do or ask me to reveal the identity of anyone I have seen. This seems to reassure visitors that I will, indeed, maintain confidentiality.

Many constituents have been less aware of how following the IOA Standard on Informality will affect the ways in which I can assist them. I often explain that I will listen to their concerns, help them identify a range of options to address them, and engage them in evaluating the pros and cons of the options. Although everyone has appeared to understand and accept this explanation, for many people, it is when I contrast what I do not do as an ombuds with what those in management roles often must do that I see the proverbial “light bulb” of recognition on their faces. This occurs when I explain that, as an ombuds, in addition to not giving legal advice, I do not: 1) accept formal notice for the organization about a problem (e.g., discrimination or harassment); 2) arbitrate, adjudicate, or formally investigate complaints; 3) make official determinations for the organization about violations of rights, performance failures, or who was right or wrong in a given situation; 4) maintain written records on behalf of the organization; 5) participate in — let alone administer - formal procedures such as grievances, hearings, disciplinary proceedings, or appeals; 6) sanction anyone; or 7) meet with people who do not want to meet with me. When constituents hear all of this — especially in combination with the explanation of what the other Standards mean about how I operate — they invariably recognize my role as a very unusual one within the organization and they often appear comforted by this knowledge.

On several occasions I have realized that leaders in my organization did not recognize how following IOA Standards of Practice not only guided my case-related choices and actions; they guided many non-case related ones as well. Perhaps it was inevitable that I would eventually receive — and need to decline — invitations to participate in activities that are commonplace for other

members of the organization. I may have been the only person who ever declined an invitation by the Chancellor (our campus CEO) to provide written feedback about the performance of a Vice Chancellor during the annual evaluation process. I viewed this invitation as evidence I was trusted by the Chancellor who was, at the time, my direct supervisor. Also, when I was asked (several times) by different campus leaders to serve on search committees, I could always understand why I had been invited. In one example, the University was hiring a person to formally investigate complaints about faculty misconduct. In another, a new Director was being hired to lead the campus Restorative Justice Program, one philosophically aligned with my own role as an alternative dispute resolution (ADR) practitioner. But I also declined these requests.

Unlike others asked to provide written feedback about a Vice Chancellor's performance or to serve on search committees, I explained to the Chancellor that the IOA Standard of Practice (2.4 — on Neutrality and Impartiality) required me to "... serve in no additional role within the organization which would compromise (my) neutrality." By contrast, providing written feedback for use in the formal evaluation of an officer would require abandoning neutrality and stating personal opinions. Further, as others have acknowledged (Gadlin and Pino, 1997) if the information about which my opinions were based came from my involvement in a case in which I had promised the Vice Chancellor confidentiality the Standard on Confidentiality could easily be violated as well. And, the IOA "Best Practices" document (IOA, 2009), elaborating on Neutrality and Impartiality and on Informality explains that, "Except in the administrative capacity as manager of the Ombudsman Office, the Ombudsman should not participate in formal management functions . . ." The annual evaluation process, of course, is one of the most formal of all management functions. It can result in raises and promotions or employee discipline — including termination.

The Best Practices elaboration of Standard 2.4 on Neutrality cautions specifically against serving "... as a voting member on a search committee (other than for Ombudsman staff) . . ." I chose not to participate — even as a non-voting member because I recognized a future possible conflict of interest or at least a possible perception that I had one if an ultimately unsuccessful candidate came to see me later in the Ombuds Office about a suspicion of unfairness in the committee's process. The IOA Standards on Informality (not participating in formal management functions) and Neutrality (avoiding conflicts of interest and perceptions of them) combined to provide strong reasons to decline all of these requests. I believe the fact that I could cite both of these Standards (as well as the IOA Best Practices elaboration) as the rationale for declining these invitations helped those offering the invitations to understand why I needed to do so. And, it reminded them of how the Standards affect my decision-making as an ombuds — even in matters not related to my case work.

Misunderstandings by those in management roles about reasons ombuds cannot do what others routinely do is apparently not an unusual phenomenon. I remember a conversation a number of years ago with a relatively new ombuds colleague who succeeded an ombuds with many years of experience I will call "Gary Hamlin" (not his real name). She relayed a conversation with someone

in Human Resources (HR) in which she had explained that she would not be able to participate in some activity the HR person assumed would be happening in the near future. My colleague laughed when she described the HR person's immediate response: "Oh, is this another one of those Gary Hamlin things?" She explained to the HR person that, indeed, it was the same decision Gary would have made — although the reasons for making it were not unique to Gary, but rather, rooted in the Standards of Practice of (at that time) the University and College Ombuds Association.

When I think back to my early days as an organizational ombuds (1990), I am astounded that I managed to function with no Standards of Practice. When two previous ombuds organizations developed Standards in the mid to late 1990's, as a profession I believe we found firmer footing. The IOA Standards of Practice and Best Practices document have added to this progress. This unique combination of Standards sets organizational ombuds apart from all others inside and outside of our organizations. They clarify the role for practitioners, constituents, and our organizations. And, together, they provide a rationale for courts and, hopefully, for lawmakers to someday recognize that we deserve a legal privilege guaranteeing us the right to practice with confidentiality.

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OBITUARY

Remembering Dr. Yoshiko Takahashi.

REMEMBERED BY DAVID FREEDMAN

Dr. Yoshiko Takahashi, passed away on Jan. 22, 2012; she was 65 years old. She had been a member of Faculty of Environment and Information Studies at Keio since 1990. During her career at SFC she was instrumental in helping to establish the English programs at SFC. She was a leading force in establishing the ombudsman office at Keio. She shall be deeply missed by her students and colleagues.

Dr. Takahashi studied English Literature at Doshisa Women's University and received her Ph.D. in Applied Linguistics from Stanford University in 1987. She joined the Faculty of Environment and Information Studies at the Keio Shonan-Fujisawa Campus in 1990. At that time, her research focused on the uses of media in the language classroom, and the applications of visual literacy in the contemporary learning community. This work led to a Scientific Research Grant from the Ministry of Education for the "Cyber Sensei" Digital Class Project 2000-2001; the results of this project were summarized in a monograph, "Visual Literacy and E-Learning and the Future of the Open University," National Library of Japan, (2002.) Dr. Takahashi served as the director of the Language and Communication Research Institute at Keio SFC from 1999-2001.

In conjunction with her teaching and research, from 1996-1998 Dr. Takahashi served as the General Secretary of the Communication Association of Japan. In her conference work, she focused on the aspects and roles of women's language in Japan. Her research on this topic was presented as a featured paper at the 6th International Pragmatics Conference, Reims, France, (1998.) These papers and presentations formed the basis of her book, *Echoes from the Queen's Country*. Shonan Fujisawa Gakkai, (1999.)

For Dr. Takahashi academic research and practical application were twin aspects of teaching practice. She helped form the Keio University study group that researched grievance and harassment procedures at U.S academic institutions. This work led to the establishment first organizational



ombuds office in Japan in 1998. Dr. Takahashi guided the development of What's Bothering You, The Keio Gijiku Harassment Prevention Committee, in its pioneering work from 1998-2002.

A hallmark of Dr. Takahashi's research and teaching was a quest for knowledge and a continued refinement of expertise. Having undertaken the task of ombudsman at Keio, she applied her academic and research skills to improving her abilities to perform this task. In 2002-2003 she was on sabbatical, and supported by a Fukuzawa Fund Research Grant, she undertook a year's research as a Visiting Scholar at the Program On Negotiation at Harvard Law School and Sloan School of Management at MIT. Her research and presentations led to her appointment as a member of the Special Consultancy to the United Nations (UNDP, UNFP) on sexual harassment prevention procedures. On her return to Keio, she was asked by the Nihon Rodo Kenkyu Zasshi (Japan Labor Study Journal), the official publication of the Japan Institute for Labor Policy and Training to create a proposal for a national guideline on how to deal with sexual and gender harassment in organizations. As she undertook this important work, she began a series of seminars to introduce and train students in the concepts and practice of negotiation management and conflict resolution. Through her research seminars she consulted for a variety of organizations including Samukawa Township Municipal Offices, Mercy Corps/ CMG, a U.S.-based n.p.o. and Eisai Corp. of Japan.

This is the standard obituary for of a distinguished academic career, but most the information can be found on her curriculum vitae (<http://web.sfc.keio.ac.jp/~yoshiko/yoshikoprof.htm>) and already similar encomiums of her professional accomplishments have appeared in the journals of those organizations with which she was involved, (<http://ombuds-blog.blogspot.com/2012/01/yoshiko-takahashi-founding-ombuds-at.html>)

As the colleague and friend of 20 years of Dr. Takahashi, I was honored to be asked to summarize her life's work; however, as impressive as her accomplishments are, they do not communicate the values of her life that made her a great teacher and honored colleague. The unerring politeness towards all — colleagues, students, consultees — that lay at the heart of her work in conflict management cannot be felt by the listing of titles of papers. Her daily gracefulness in work — whether in the classroom, the office, the conference room — where she would never ask more from others than she would be willing to give herself, whatever her title, will leave a deep loss to those who worked and studied with her that can only be suggested by a listing of official positions.

In her daily work and teach practice, Dr. Takahashi followed the guidance that Fukuzawa Yukichi set out in his *Shyushin Yoryo*, "Courtesy and etiquette being important social means for expressing the sense of respect, they should not be ignored even in the least degree."

In her many accomplishments, in her teaching, in her willingness to turn from the work of the moment to share a dinner with students, a walk by the ocean with her beloved dogs, a glass of wine with colleagues and friends we have the truest summary of a life well and nobly lived. All of our Keio community shall honor her memory.

REMEMBERED BY MARY ROWE

It is raining today in Boston, where Professor Takahashi spent her sabbatical at the Harvard/MIT Program on Negotiation, and where we have just learned of her passing. The rain mixes with a little snow on the ground, conveying my feelings about our personal loss, and the immeasurable loss to the organizational ombudsman profession.

Professor Takahashi was a rare combination of scholar and practitioner. She combined independence of thought and practice with great grace. She was an innovator, and sturdy proponent of equal rights for women and for all human beings, conveyed persistently and consistently --- and also graciously, with courtesy and respect. In many ways she was a role model for her colleagues in academic work and in practice. I remember at a conference some particularly sprightly discussions as she and others agreed — and disagreed — about elements of practice. She was a model in helping others understand her point of view, across cultures, and with grace.

In Boston she worked with many experts at the Harvard/MIT/Tufts Program on Negotiation. She introduced professors and researchers and dispute resolution practitioners to what was happening in several fields in Japan: in law, in dispute resolution and with respect to rights of women. She wrote an article together with me about being an ombudsman, in a process I will long remember for its friendly exchanges. She also inspired a number of trips back and forth in following years by distinguished study groups.

We enormously admired her courage as a pioneer, and in coming so far from home for conferences, and for her sabbatical, and for her bravery in illness. We were warmly grateful for her friendship. We are also grateful for her having introduced us to a new generation: an exceptionally talented organizational ombudsperson in Japan and Labour specialists interested in conflict management. Her work is alive.

As I walk to work I see the unusual sight of a flower: a brave pansy alive and beautiful in the dusting of snow. I think to myself: Yoshiko's work is alive. Be worthy of it.

AUTHORS' BIOGRAPHIES

Howard Gadlin has been Ombudsman and Director of the Center for Cooperative Resolution at the National Institutes of Health since the beginning of 1999. From 1992 through 1998 he was University Ombudsperson at UCLA. He was also director of the UCLA Conflict Mediation Program and co-director of the Center for the Study and Resolution of Interethnic/Interracial Conflict. Prior to coming to UCLA, Dr. Gadlin was Ombudsperson and Professor of Psychology at the University of Massachusetts, Amherst. An experienced mediator, trainer, and consultant, Dr. Gadlin has years of experience working with conflicts related to race, ethnicity and gender, including sexual harassment. Currently he is developing new approaches to addressing conflicts among scientists. He co-authored "Collaboration & Team Science: A Field Guide." Dr. Gadlin is past President of the University and College Ombuds Association (UCOA) and of The Ombudsman Association (TOA). He is currently the chairperson of the federal Inter-agency Alternative Dispute Resolution Working Group steering committee.

David Miller is the Editor of the JIOA and is Ombudsman for the Global Fund to Fight AIDS, Tuberculosis and Malaria, based in Geneva, Switzerland. He was formerly the Geneva-based Staff Ombudsman for the World Health Organisation, and UNAIDS. He is a member of the International Committee of the IOA, and of the IOA Uniform Reporting Categories Task Force. David has been a faculty trainer for the IOA in Europe and Africa, and a founder member of the JIOA Editorial Board. He is a specialist in the management of HIV/AIDS, and currently also works as an international public health consultant to governments and HIV/AIDS programmes in the African and Pacific regions. He is a practicing clinical psychologist with post-graduate qualifications from the University of Auckland and the University of Nottingham. decanter-bay@gmail.com

Carolyn Noorbakhsh calls Colorado home, and has for most of her life but has spent a brief amount of time in Arkansas and several years in the Chicago area. She received a BA in Communications/Human Relations and an MA in Social Work. She was a therapist for many years before becoming an Ombuds. She recently retired as an Ombuds, after having practiced for over 13 years.

Laurie Miller Patterson, an Organizational Ombuds in health care since 2005, assists employees throughout the system to address constructively workplace conflict. The aims of her program are to increase employee satisfaction and retention, enhance organizational communication and work processes, and support the delivery of safe patient care.

She accomplishes these aims through listening; helping visitors to sort through viable options to address concerns; coaching employees at all levels through conflict; supporting process-improvement dialogue between parties or among groups; training in relationship-building, group decision-making, communication skills, conflict resolution, and the influence of all of that on patient safety.

In 2010, she received the International Ombudsman Association's certification as an Organizational-Ombudsman Practitioner. She is currently an adjunct faculty member with the Werner Institute for Negotiation and Dispute Resolution at Creighton University School of Law, developing curriculum for and teaching an online class in the Master's Program for Health Care Collaboration and Conflict Resolution.

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," "Dealing with the Fear of Violence," (co-authored with Linda Wilcox), "Dealing with—or Reporting—'Unacceptable' Behavior" (co-authored with Linda Wilcox and Howard Gadlin)

and *"An Organizational Ombuds Office in a System for Dealing with Conflict and Learning from Conflict."* She has lived and worked in Africa, the Caribbean, in Europe and the US. 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. She likes children, gardens, music, scuba, chocolate—and admires the artistic achievements of other people. mrowe@MIT.EDU

Tom Sebok has been an Ombudsman at the University of Colorado Boulder since 1990. He helps teach IOA's Foundations of Organizational Ombudsman Practice, is a former officer on the IOA Board of Directors, and is an Associate Editor of the *Journal of the International Ombudsman Association*. He is the author of numerous publications on ombuds practice, mediation, workplace bullying, and restorative justice. He helped create the first Restorative Justice program in the US in higher education. He holds a Master's degree from the University of Delaware.

Noriko Tada is an Ombudsperson with Guidea for Eisai.Co., Ltd. in Japan since 2006. She has been an intercultural communication and intercultural conflict resolution trainer more than 10 years in Japan. She is also an adjunct professor at the Institute for International Education of Students (IES), Tokyo center. She holds a master's degree in Intercultural and International Management from School for International Training, Vermont. She has worked and studied in the US, Switzerland, Germany and India.

MISSION STATEMENT

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.

INSTRUCTIONS FOR AUTHORS

EDITORIAL STATEMENT

The Journal of the International Ombudsman Association (JIOA) is a peer-reviewed 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.

ELIGIBLE CONTRIBUTORS

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

LANGUAGE OF MANUSCRIPTS

JIOA will accept manuscripts in all major languages for review for publication. Where manuscripts are submitted in languages other than English, an English 'Abstract' must be supplied. Subject to the paper being published in JIOA, this English 'Abstract' will be published alongside the 'Abstract' in the author's original language. Occasionally, at the discretion of the Editor, the paper will be published with a full-English translation. As with all submissions, authors wishing to discuss potential submissions in languages other than English are encouraged to contact the Editor or members of JIOA's editorial board.

GUIDELINES FOR SUBMITTING AN ARTICLE

Please send an electronic copy of your article as an attachment to info@ombudsassociation.org. JIOA's editor will send a reply when the email has been received and the attachment(s) are opened successfully. Submissions should conform to the following guidelines.

Originality

A cover letter should be submitted with your submission and must include a statement that neither the paper nor its essential content has been published or is under consideration for publication elsewhere. It will be presumed that all listed authors of a manuscript have agreed to the listing and have seen and approved the manuscript.

Authorship

All persons designated as authors should qualify for authorship. Each author should have participated significantly to the concept and design of the work and writing the manuscript to take public responsibility for it. The editor may request justification of assignment of authorship. Names of those who contributed general support or technical help may be listed in an acknowledgment.

TYPE OF SUBMISSION

We accept submissions in the form of articles, commentaries, book reviews, essays, short reports, and letters to the editor.

Articles of any length will be considered, although JIOA is particularly interested in publishing concise scholarship generally between 1,500 and 5,000 words. Commentaries and book reviews should be no longer than 1000 words.

Essays and short reports that advance an idea, summarize a development, or initiate or engage in a discussion are solicited.

Letters to the editor are encouraged, but may be edited for length.

FORMAT

Manuscripts should be double spaced, with ample margins of at least one inch. Pages should be numbered. All identifying information should be removed from the manuscript files themselves prior to submission. Proofs for checking will normally be sent to the first author named to whom any correspondence and reprints will also be addressed. Footnotes to the text should be avoided wherever this is reasonably possible.

All manuscripts should be made anonymous by the principal submitting author. This involves the following:

1. Removing all identifiable properties from the Word file "Properties" (particularly the author name and organisation) – this can be done as a single operation in Vista, and manually in Word.
2. Ensure the manuscript contains no mention of the authors' organisations, names, or the names of key colleagues. Substitute real names with "X" throughout – they can be placed in the article after review.
3. Similarly, all those who are being acknowledged as informal reviewers, discussants or inspirations for the submitted article should be anonymised in the manuscript. Where acknowledgements are being made, a separate section for this should appear on the front page of the manuscript, along with the key words, author's name and affiliation, a brief author biography and an abstract of not more than 150 words.
4. Where author names and organisation names cannot be avoided, then authors must accept that their article will not be anonymous. This is not preferred by the JIOA but, where inevitable, authors are required to state that they waive the right of an anonymous review.

JIOA prefers submissions prepared in Microsoft Word. Word Perfect, ASCII and RTF are also acceptable.

TITLE PAGE, KEY WORDS AND AUTHOR INFORMATION:

The name(s) of the author(s) should appear only on a separate title page which should also include the author(s) affiliation and mailing address. The title page should also include a biographical note of no more than 100 words. Contact information, including telephone numbers and mailing addresses, should be provided for each author. Additionally, the Title page should include up to six key words, including the word "Ombudsman" (or whichever variant of this the author has employed in the article). A sample title page is attached.

Author(s) should also submit a statement indicating all affiliations, financial or otherwise, that may compromise or appear to compromise the objectivity or unbiased nature of their submission. Such conflicts of interest may arise out of commitments involving honoraria, consultant relationships, participation in a speakers' bureau, stock holdings or options, royalties, ownership of a company or patent, research contracts or grants, and, in some instances, being an official representative of another organization. Any conflict of interest will be included as a footnote in the published manuscript.

ABSTRACT: Please supply an abstract of 100 or fewer words with your submission. The abstract should also include a word count of the article, excluding references.

GRAPHICS

Please convert all graphics to TIFF or EPS format. Line art should be a minimum of 600 dpi, and halftones a minimum of 266 dpi in resolution.

Illustrations should not be inserted in the text but each provided as separate files and given figure numbers and title of paper and name. All photographs, graphs and diagrams should be referred to as Figures and should be numbered consecutively in the text in Arabic numerals (e.g. Fig. 3). Captions for the figures should be provided and should make interpretation possible without reference to the text. Captions should include keys to symbols.

Tables should be submitted as separate files and should be given Arabic numbers (e.g. Table 3). Their approximate position in the text should be indicated. Units should appear in parentheses in the column heading but not in the body of the table. Words or numerals should be repeated on successive lines; 'ditto' or 'do' should not be used.

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Authors should conform to the Chicago Manual of Style. Authors will be consulted during the editing process, but are expected to permit minor standardizations and corrections (i.e., headings, alignments, citation formatting, standard American English spelling, and minor punctuation). JIOA encourages and promotes the use of gender-neutral language.

Please note that the Journal publishes manuscripts in accordance with the linguistic and grammatical conventions of the author's country of writing. This means that spelling ('colour' or 'color'; 'organization'

or 'organisation') may vary, and Editorial and grammatical conventions may also vary (e.g., placement of citations). While the Journal will normally publish accepted manuscripts in the linguistic style and grammatical conventions of the author, the final say on this rests with the Editor.

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Examples of citations:

Kosakowski, T., & Miller, D. (2007). Why we get no sleep at night. *Journal of the International Ombudsman Association*, 1, 100-101.

Rowe, M.P. (1977). Go Find Yourself a Mentor. In P. Bourne & V. Parness (Eds), *Proceedings of the NSF Conference on Women's Leadership and Authority, University of California, Santa Cruz, California, 1977* (pp 120-140). Santa Cruz: University of California Press.

Miller, D. (2000). Dying to care? Work, stress and burnout in HIV/AIDS carers. London: Taylor & Francis.

Titles of journals should not be abbreviated.

COMPREHENSION: The Journal and its reviewers pay much attention to ease of comprehension of manuscripts. For example, is jargon used without explanation, do sentences contain more than one idea per sentence, and are paragraphs and sentences too long? Authors are requested to avoid such concerns by avoiding jargon, keeping to one idea per sentence, and keeping sentences and paragraphs short.

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CONSIDERATION OF SUBMISSIONS

Blind Evaluations

Submissions are reviewed by at least two editors without consideration of the author's identity. Please ensure that the manuscript is anonymous by removing any link to the author. Remove reference material in any footnote that references the author of the piece for review and replace information with "Author." Note the instructions on making the manuscript anonymous in the section entitled "Format."

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JIOA accepts submissions on a rolling basis throughout the calendar year. The review process starts on the first day of every month. It is intended that decisions on publication will be made within three months of receipt of a submitted manuscript.

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JIOA will attempt to honor reasonable requests for an expedited review of submissions. However, if we are unable to give an expedited review by the date requested, you will be notified that the article has been withdrawn from consideration. To request an expedited review, please contact the JIOA Editor and provide: your name, phone number, and e-mail address; the title of the article; your deadline for a decision.

Publication Dates

JIOA is published biannually. Articles are finalized for publication in September and March.

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It is the policy of JIOA not to discriminate on the basis of race, gender, age, religion, ethnic background, marital status, disability, or sexual orientation.

SAMPLE FRONT PAGE

THE WAY THINGS ARE, HAVE BEEN AND WILL BE

John Doe
Organizational Ombudsman
ABC Inc.

Contact details:

ABC Inc.
1122 Washington Square
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Tel: 012 345 6789
Email: abcomb@abc.com

Key Words: Ombudsman, history, dispute resolution, nirvana

Word Count (including Abstract): 2500

Abstract:

It was the best of times, it was the worst of times, and Ombudsmen saved the day by offering ethically based, neutral, independent and confidential services to their organization ("X") and staff. This paper dissects how Ombudsmen worked in the circumstances of concern and how they might systematise future interventions, using validated procedures described in detail in the article. The outcomes are identified, quantified, and a conceptual structure for applying the lessons learned is presented.

John Doe:

John Doe is a native of Equanimity and Hard Work, and has post-graduate degrees in thinking and doing from the School of Hard Knocks in the University of Life. He has worked as an organisational Ombudsman for 30 years and in his present position (at "X") for ten.

Acknowledgements:

The author is particularly grateful to A, B, and C for their stimulating discussion and ideas that led to the development of this article, and to D, E and F for reviewing earlier drafts of the manuscript.

REVIEW PROCEDURES

RESPONSIBILITIES OF EDITORS AND EDITORIAL BOARD MEMBERS

JIOA editors are designated as the Editor and up to four Associate Editors. The editors collaborate with an editorial board comprised of approximately twenty participants with IOA membership. The editorial board is intended to reflect the diversity of the association as best we can.

The primary contact for JIOA is the Editor who is responsible for the journal publication process and the journal website. The Editor directs the processing of manuscripts and maintains communication with the IOA Board of Directors, the Associate Editors, editorial board members/reviewers, and authors.

Editorial board members, and other IOA members designated by the Editor in special cases, are responsible for the peer reviews of the submitted manuscripts.

REVIEW PROCESS

JIOA uses a blind review process and all references to the author(s) and author's workplace are removed prior to the manuscript being distributed to reviewers.

The Editor and/or Associate Editors will review each submitted manuscript to determine if the topic is appropriate for publication in JIOA. Acceptable manuscripts will be distributed electronically to three editorial board members selected by the Editor for peer review.

Manuscripts judged by the Editor and/or Associate Editors as inconsistent with the general mission of JIOA or the recognized Standards of Practice will be returned to the primary author with comments and possible suggestions for revision.

Reviewers will use a consistent and systematic set of criteria to evaluate the quality and potential of a manuscript. These criteria include items related to content, organization, style, and relevance. Review forms and comments will be returned to the Editor.

Each reviewer will recommend one of the following:

- Accept for publication as is
- Accept for publication with minor revisions as indicated
- Accept for publication after major revisions by author(s)
- Revision and resubmission for subsequent review
- Reject manuscript

The final decision on whether to publish a manuscript is made by the Editor and is based upon recommendations from the peer reviewers. If there is significant variation among the reviewers regarding the status of a manuscript the Editor may:

- Seek additional input from the reviewers
- Request an additional review
- Seek additional input from the Associate Editors

Reviewers' comments will be provided to the primary author. However, the reviewers of a specific manuscript will remain anonymous. It is the policy of JIOA to work with authors to facilitate quality publications. The Editor may suggest or an author may request that a member of the editorial board be available to provide assistance at various stages of the preparation and publication process.

NOTES FOR JIOA REVIEWERS

Reviewing manuscripts for JIOA must be undertaken in accordance with the principles of the IOA — by demonstrating independence, neutrality and confidentiality. This requires that manuscripts be accorded the status of office visitors. The content of reviewed manuscripts and of reviews should not be shared with anyone other than the Editor of the JIOA.

It is important for reviews to have a forward-looking, beneficial intent — this is an opportunity to give feedback that will help nurture, guide and develop authorship. It is not an exercise in showing you know more, are wiser or more clever and literate in the subject matter! Authors should learn from reviews and take away from the review a sense of future direction and beneficial development for their paper.

The aim of the review is to strengthen contributions to the JIOA, and thereby strengthen the ombudsman profession. In this sense, a review is as much a critique of the reviewer as of the manuscript. Accordingly, it is a requirement that all reviews offer information that can help guide the author. Although reviews

are confidential (i.e., the manuscript author does not know who the reviewers are), they are best written as though the author is in the room. Accordingly, a useful test of the reviewers' assertions is the "Old Bailey" test: If they were standing in the dock at the Old Bailey, would they be able to justify their assertions to the author? Are they making statements that are justifiable, verifiable and credible, or just say-so? Does the tone of their review convey the IOA Standards of Practice in practice?

Reviewers are asked to look out for issues of comprehension in manuscripts, particularly:

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- Avoid and, where possible, eliminate jargon;
- Maintain only one idea per sentence.

Each of these issues comprises an element of the Fog Index — the estimation of the comprehension afforded by a manuscript. Where the Fog Index is high, comprehension is low, and vice versa. The JIOA aims for the lowest possible Fog Indexes for manuscripts.

Where criticism is appropriate, it should ideally be constructive and be contextualised within a set of options given by the reviewer for modification of the text. Where there are clear mistakes, inaccuracies or errors, these should be indicated and corrections or options for alternative expression suggested. Personal criticism — whether of content, ideology, style or tone — is unacceptable.

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Manuscripts may come in a variety of styles — from the determinedly academic (with numerous citations and references) to the determinedly idiosyncratic and personal. All styles may be acceptable, and need to be reviewed within their own context. Opinion pieces may have been commissioned by the Editor and, where this is the case, this will be indicated by the Editor.

Please note that the Journal also publishes manuscripts that acknowledge the linguistic and grammatical conventions of the author's country of writing. This means that spelling ('colour' or 'color'; 'organization' or 'organisation') may vary, and Editorial and grammatical conventions may also vary (e.g., placement of citations). While the Journal will normally publish accepted manuscripts in the linguistic style and grammatical conventions of the author, the final say on this rests with the Editor.

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Date: _____

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Editor, JIOA
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IOA STANDARDS OF PRACTICE

PREAMBLE

The IOA Standards of Practice are based upon and derived from the ethical principles stated in the IOA Code of Ethics.

Each Ombudsman office should have an organizational Charter or Terms of Reference, approved by senior management, articulating the principles of the Ombudsman function in that organization and their consistency with the IOA Standards of Practice.

STANDARDS OF PRACTICE

INDEPENDENCE

1.1 The Ombudsman Office and the Ombudsman are independent from other organizational entities.

1.2 The Ombudsman holds no other position within the organization which might compromise independence.

1.3 The Ombudsman exercises sole discretion over whether or how to act regarding an individual's concern, a trend or concerns of multiple individuals over time. The Ombudsman may also initiate action on a concern identified through the Ombudsman's direct observation.

1.4 The Ombudsman has access to all information and all individuals in the organization, as permitted by law.

1.5 The Ombudsman has authority to select Ombudsman Office staff and manage Ombudsman Office budget and operations.

NEUTRALITY AND IMPARTIALITY

2.1 The Ombudsman is neutral, impartial, and unaligned.

2.2 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.

2.3 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 Ombudsman should not report to nor be structurally affiliated with any compliance function of the organization.

2.4 The Ombudsman serves in no additional role within the organization which would compromise the Ombudsman's neutrality. The Ombudsman should not be aligned with any formal or informal associations within the organization in a way that might create actual or perceived conflicts of interest for the Ombudsman. The Ombudsman should have no personal interest or stake in, and incur no gain or loss from, the outcome of an issue.

2.5 The Ombudsman has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration.

2.6 The Ombudsman helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best options.

CONFIDENTIALITY

3.1 The Ombudsman holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, including the following:

The Ombudsman does not reveal, and must not be required to reveal, the identity of any individual contacting the Ombudsman Office, nor does the Ombudsman reveal information provided in confidence that could lead to the identification of any individual contacting the Ombudsman Office, without that individual's express permission, given in the course of informal discussions with the Ombudsman; the Ombudsman takes specific action related to an individual's issue only with the individual's express permission and only to the extent permitted, and even

then at the sole discretion of the Ombudsman, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombudsman Office. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm, and where there is no other reasonable option. Whether this risk exists is a determination to be made by the Ombudsman.

3.2 Communications 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.

3.3 The Ombudsman does not testify in any formal process inside the organization and resists testifying in any formal process outside of the organization regarding a visitor's contact with the Ombudsman or confidential information communicated to the Ombudsman, even if given permission or requested to do so. The Ombudsman may, however, provide general, non-confidential information about the Ombudsman Office or the Ombudsman profession.

3.4 If the Ombudsman pursues an issue systemically (e.g., provides feedback on trends, issues, policies and practices) the Ombudsman does so in a way that safeguards the identity of individuals.

3.5 The Ombudsman keeps no records containing identifying information on behalf of the organization.

3.6 The Ombudsman maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including management), and has a consistent and standard practice for the destruction of such information.

3.7 The Ombudsman prepares any data and/or reports in a manner that protects confidentiality.

3.8 Communications made to the ombudsman are not notice to the organization. The ombudsman neither acts as agent for, nor accepts notice on behalf of, the organization and shall not serve in a position or role that is designated by the organization as a place to receive notice on behalf of the organization. However, the ombudsman may refer individuals to the appropriate place where formal notice can be made.

INFORMALITY AND OTHER STANDARDS

4.1 The Ombudsman functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and – with permission and at Ombudsman discretion – engaging in informal third-party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves.

4.2 The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.

4.3 The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the organization.

4.4 The Ombudsman supplements, but does not replace, any formal channels. Use of the Ombudsman Office is voluntary, and is not a required step in any grievance process or organizational policy.

4.5 The Ombudsman does not participate in any formal investigative or adjudicative procedures. Formal investigations should be conducted by others. When a formal investigation is requested, the Ombudsman refers individuals to the appropriate offices or individual.

4.6 The Ombudsman identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.

4.7 The Ombudsman acts in accordance with the IOA Code of Ethics and Standards of Practice, keeps professionally current by pursuing continuing education, and provides opportunities for staff to pursue professional training.

4.8 The Ombudsman endeavors to be worthy of the trust placed in the Ombudsman Office.