

Blueprint for Success: Designing a Proactive Organizational Ombudsman Program

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ABSTRACT

Organizational ombudsman programs are increasingly recognized as a hallmark and best practice of highly effective organizations. This article expands on a 2002 white paper that has been used as a guiding and benchmarking document for ombudsmen and the study of integrated dispute resolution systems. It outlines basic features of the organizational ombudsman role, including its key standards of impartiality, confidentiality, independence, and informality, as well as the three main functions of problem identification and assistance, organizational critical self-analysis, and promotion of conflict competence. The article further elaborates on the hallmarks and practices contributing to the effectiveness of ombudsman programs that not only identify systemic issues and root causes of problems, but also act as catalysts for change to improve the workplace through use of “smart power” and proactive engagement. Integration of these elements into ombudsman programs facilitates a proactive and engaged model of practice that can contribute to more efficient, productive, and collaborative organizations.

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their own engaged and proactive practice, and through contribution in editing this manuscript. Some of these concepts were further articulated through two keynote presentations to the International Ombudsman Association (IOA) in 2011 and 2012, when the author proposed that the existing professional standards of practice were compatible with—and could support—an engaged and proactive model of practice. Ideas from colleagues and the ensuing professional discussion following these presentations are also reflected herein.

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KEYWORDS

Ombudsman, organizational change, mediation, conflict competence, soft power, smart power, systemic issues, root cause, change agent, collaboration, proactive engagement.

When organizations experience crisis situations, it often becomes clear that the seeds of disarray began with a series of “small” mistakes: ethical improprieties, poor business practices, minor legal or professional infractions, or escalating personal conflicts. Yet most of these antecedents to corporate meltdown were visible to employees who felt powerless because they did not find a safe place to share concerns or resolve issues before they escalated. Many successful organizations of the 21st century, however, are taking proactive steps to foster organizational resilience and are recognizing that, by listening to employee concerns and providing safe venues where they can raise issues, organizations can increase their overall effectiveness, productivity, and long-term sustainability. A key function that serves as a confidential employee resource and early-warning tracking for problematic trends is an ombudsman program.¹ Indeed, a recent edition of *Just Resolutions e-News*, an American Bar Association newsletter about dispute resolution, focused on the role of the organizational ombudsman, highlighting its emergence as a viable and critical role for organizational health.² Likewise, reflecting on the post-Enron era, the *Wall Street Journal* highlighted the timeliness and value of establishing corporate ombudsman offices.³

It is notable that this model is being accepted not only by government and nonprofit entities (such as the United Nations, the International Labour Office, and the National Institutes of Health), but also among organizations for which profit is the primary business goal (such as the Coca-Cola Company, Shell Oil Company, and Mars Inc.). In fact, Mars Inc. recently was rated twenty-two on the list of the world’s best multinational workplaces.⁴ In her keynote address to celebrate that placement, CEO Victoria Mars, herself the former corporate ombudsman, credits the company’s active ombudsman program as one of the reasons why it has had such success.⁵ Such examples suggest that creating an organizational ombudsman program makes good business sense.

The concept of an ombudsman is understood in a variety of ways.⁶ To many, the ombudsman serves as a corporate conscience, constantly pushing and prodding an organization toward fairness and good practices. To others, the ombudsman represents the true scales of justice, weighing both sides of disputes and helping to facilitate solutions that are acceptable for all. Others view the ombudsman as a complaint handler. Still others see the ombudsman as an internal consultant who provides valuable feedback for management. Though each of these characterizations is accurate, it is possible to more clearly define and understand the function. Defining and understanding the focus, purpose, and scope of practice of an ombudsman can consequently inform the design of an organizational ombudsman program. This paper’s focus is to assist in the design of effective programs, as well as highlight a model of engaged practice that can add value to the organization and its stakeholders. It contains guidance for practice, as well as benchmarks for establishing new programs.

A good starting point for understanding the role of an organizational ombudsman is clearly defining what it is *not*. In a foundational article published in the *Negotiation Journal*, National Institutes of Health Ombudsman Howard Gadlin offers an interesting and detailed analysis of some of the differences between the “classical” and “organizational” ombudsman models.⁷ However, for our purposes—focusing solely on the organizational ombudsman model—a few simple distinctions will help the reader understand some key differences. In most countries, the classical ombudsman role is generally established by legislation to serve a country, state, or city, and serves as a complaint- or conflict-handling resource who can formally investigate and issue findings about particular cases. The position’s confidentiality privileges are generally articulated by statute. The organizational ombudsman, on the other hand, is generally established by an organization to serve as a “designated neutral” and an informal channel of resolution for a given constituency. Thus, the organizational

ombudsman would neither conduct formal investigations, nor issue formal findings. Although both models have their place in the field of conflict resolution, the model that has been expanding most rapidly is the organizational ombudsman model.

The organizational ombudsman model fits into the structure of a well-designed conflict management system. Any well-designed system has, as foundational elements, both formal and informal systems. Formal systems include human resources (HR), ethics, legal, management, grievance panels, hearing panels, judicial boards, formal complaint-handling structures, etc. On the other hand, informal conflict management systems include the organizational ombudsman program, confidential hotlines, or voluntary mediation programs. Any organization that provides for only one system (formal or informal) is not optimal and may actually engender more conflict than it resolves. Yet an organization that balances its formal and informal complaint and conflict resolution processes has the basic tools to learn and grow from disputes.

As part of the informal system, the organizational ombudsman should function as an internal specialist whose role rests on four foundational cornerstones, as specified by the International Ombudsman Association (IOA): informality, impartiality, confidentiality, and independence.⁸ Supported by these cornerstones, the ombudsman provides three vital functions: problem identification and assistance, organizational critical self-analysis, and promotion of conflict competence.

Four Foundational Cornerstones: Impartiality, Confidentiality, Independence, Informality

The first cornerstone is *impartiality*. The notion that customers or employees will turn to an intraorganizational resource to share personal or potentially controversial conflicts, harassment, or discrimination is a bit unrealistic without this cornerstone. For example, although many employees turn to human resources for assistance with information on medical benefits, job orientation, or transfers, many are acutely aware that, in the final analysis, HR ultimately represents management. When a company announces a layoff, the HR department implements the layoff strategies and management decisions. Thus, employees may hesitate to share serious concerns with HR in the same way they may hesitate to share concerns with others in the organization's management structure.⁹ In contrast, employees may find it more comfortable to approach the "designated neutral" ombudsman, who does not stand in the shoes of management, unions, staff, or administration, and who serves to provide unbiased feedback, honest evaluation, and the unfettered ability to listen objectively.

As a designated neutral, the ombudsman officially represents no one and represents everyone—including the organization—equally. The ombudsman does not advocate for the employee or for management, but rather for fair treatment and fair processes. Thus, the ombudsman serves as an independent internal consultant to the organization. As such, care must be taken to ensure the ombudsman generally has no additional roles within the organization.¹⁰ Such a structure could be viewed as a compromise of that impartiality—and potentially the office's confidentiality.¹¹ In the absence of an independent internal resource, employees frustrated with a lack of options may turn to formal dispute systems within the organization, external advocates, or legal counsel, each of which can lead to greater costs (in multiple forms), both for the employee and for the organization.

The second cornerstone is *confidentiality*.¹² This foundational element is critical to the success of the organizational ombudsman. Without the cloak of confidentiality, the inquirer to the ombudsman is

not likely to share fully or trust openly. Because of confidentiality and the open sharing that thereby results, an ombudsman can understand issues in more detail, expose motives more readily, and explore solutions that will likely be longer lasting and more effective for all.

Consider a common concern that an inquirer takes to an ombudsman: sexual harassment. In these cases, the inquirer—generally (but not always) a woman—may have experienced trauma due to uninvited propositions or barely veiled threats. However, balanced with the trauma may be her desire to retain employment and, in many cases, handle the situation in the most low-key fashion possible. Yet, managers in many organizations are required to report and investigate allegations of sexual harassment—both for the protection of the inquirer and other potential targets in the organization, and also because the organization has been legally “put on notice” when a manager becomes aware of such allegations. Regrettably, many of these investigations propel the incident to the forefront of the organization and create visibility that the woman did not desire. Furthermore, although there is generally an attempt to treat the situations delicately when handled by most formal mechanisms, she is often forced to provide evidence, retell her story repeatedly, and face cross-examination by those defending the alleged offender. Because these cases ultimately involve a wider circle of participants over a longer period of time (including involvement of peer panels and quasi-judicial boards), word inevitably spills out into the organization. This can polarize members of the organization into camps: those who support the alleged victim and those who support the alleged offender. This common unfolding of the process can essentially victimize the woman twice. There may ultimately be justice—but at what cost?

Because many people recognize that formal means of justice often carry such a price, they are sometimes reluctant to use these approaches. The alternative is that many issues remain submerged and go unidentified, which may contribute to the festering and escalation of problems over time. In these cases, the issues generally reemerge—often years later—bigger and more venomous than they began, causing even greater damage and incurring even greater cost to both the organization and the individuals involved. However, when a company establishes a confidential resource such as an organizational ombudsman program, employees may find a safe harbor where they can bring issues forward and seek assistance in evaluating options. The ombudsman can identify specific issues while protecting the anonymity of the source, can report on aggregated trends, and can frame, focus, and channel concerns to appropriate institutional stakeholders who can initiate the appropriate action or remedy.

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

In the performance of its duties, such as searching for root causes of problematic processes and procedures, and handling of sensitive issues, the ombudsman office must be able to move unimpeded by the politics of the organization as much as possible. Thus, an ombudsman ideally reports directly to the organization’s governing board of directors while having access to top management. If structured this way (reporting to the board), the ombudsman can be free to work without fear of direct retaliation from someone to whom he or she reports—even if an allegation arises against the

office of the CEO. Furthermore, it allows the ombudsman to more freely deal with issues surrounding people who may have been appointed by, and report to the CEO.

It is quite problematic to have the ombudsman report to someone below the level of CEO or president. If there are people positioned between the ombudsman program and the CEO in the structure of the organization, the ombudsman is less likely to be able to influence change at the highest level. A deficiency in the reporting structure may also diminish trust in the ombudsman's services by potential users, if they perceive that leaders do not value direct access and communication with the ombudsman. Even if the ombudsman administratively reports to someone other than the CEO, he or she needs to have direct and unfiltered access to the CEO and the board.

The final cornerstone is *informality*. A key role of the ombudsman, as noted, is to serve as an informal trusted resource that can assist with resolution through various means, such as shuttle diplomacy and mediation. One defining criterion of informality is that it allows the inquirer to remain actively in control of both the process and the decision making about outcomes. The ombudsman partners collaboratively with those seeking assistance in a way that supports and empowers them to evaluate options, and to then select a course of action best suited to their situation and needs. In this capacity, the ombudsman, unlike formal channels, does not make conclusive reports, determinative findings, or arbitral decisions on grievance matters. Although there is a place for those roles in various formal grievance or resolution channels, the ombudsman serves as a counterbalance for such approaches and functions. By resolving issues informally, parties have greater control and flexibility in framing the issues and crafting resolutions, while also learning about and working with organizational needs and requirements.

These cornerstones do not mean that the ombudsman cannot work and/or contribute alongside others who have such formal or compliance roles. Indeed, close cooperation and exchange between such actors in the organization is useful—and sometimes essential—in facilitating lasting and effective resolutions. However, in reality, most organizations are reactive. They react to perceived or real risks, or to lost litigations and resulting sanctions. In response, they initiate new compliance, oversight, and formal grievance structures. The ombudsman therefore becomes an important—but often missing—informal role to balance these formal structures.

Three Vital Functions: Problem Identification and Assistance, Organizational Critical Self-Analysis, Promotion of Conflict Competence

Problem identification and assistance is the function most commonly associated with an ombudsman program. In this capacity, an ombudsman is available to employees and/or constituents to provide information, to hear concerns or complaints, to direct concerns to appropriate internal resources, to help mediate interpersonal conflicts (directly or through shuttle diplomacy), to assist in untangling tough problems, to propose or brainstorm possible solutions, to coach visitors on how to strategically navigate turbulent conflicts, or to simply communicate information upward in the organization. These functions are often the first priority for many ombudsman programs and are how the ombudsman office gathers its data, becomes aware of issues, and handles cases.

Organizational critical self-analysis pertains to what the ombudsman does with the institutional knowledge he or she gathers. Although the ombudsman clearly maintains confidentiality by not attaching or revealing the names of inquirers to their concerns, the program does collect and report aggregated data so the organization can critically evaluate and improve its practices. Data may include general information on types of cases seen, analysis of emerging issues, or recommendations of general areas of practice or policy that management should address. Because the information comes under the cloak of confidentiality and directly from various employees, it is firsthand and fairly accurate; however, data often comes from a small percentage of the much larger system.¹³ Despite the small sample size, this information often represents issues or concerns shared by others, and can prove valuable to the organization in analyzing potential areas for improvement and in examining interventions or changes in management practice.

Promotion of conflict competence is the third vital function of the ombudsman. Generally, “conflict competence” refers to a person’s awareness of, attitude toward, and ability to constructively handle conflict. The better equipped a person is to deal with difficult situations, the easier it will be to prevent, mitigate, and address conflict, thus improving the work environment. Individual conflict competence varies—not only in degree of competency, but in the specific behaviors, tactics, and skills used to demonstrate competency, as well as the comfort levels with each of these elements. Simply, conflict competence looks different for different people. Many strong organizational ombudsman programs use the expertise available to conduct or coordinate efforts to educate, train, or coach employees and management on how to work together more collaboratively with their differences and, thus, promote conflict competence.

It is common for ombudsman programs to conduct ongoing negotiation and mediation training for support and mid-level staff, to arrange intensive weekend retreats in managerial negotiation for directors and senior managers, or to provide an executive seminar series for executive and upper-level management. In this way, the ombudsman program seeks to instill a common language on the topic of conflict and collaboration for all members of the organization. This, too, can help the organization in its external relationships with vendors and customers, as collaborative skills become the norm in all types of business interactions.

The Ombudsman as an Effective Catalyst for Change: “Smart Power,” Proactive Engagement, Enabling Principles

If the ombudsman program only served the three vital functions, it would be useful for any organization. However, the usefulness of the role can extend further. By the common practice of identifying systemic root-cause factors, the ombudsman office can use its unique position to not only draw attention to these issues, but to ensure that they are carried to appropriate decision-making bodies for consideration and action. In this process, the ombudsman can shepherd the issues through the organization while providing useful feedback to the organization so it can consider possible remedies and reforms. While not beholden to a particular solution, the ombudsman is committed to ensuring that the organization considers issues fairly. This process builds on the useful but challenging role of an ombudsman as a catalyst for change. The ombudsman’s ability to stimulate beneficial systemic change and improve the organizational environment can be increased through the use of “smart power,” proactive engagement, and enabling principles.

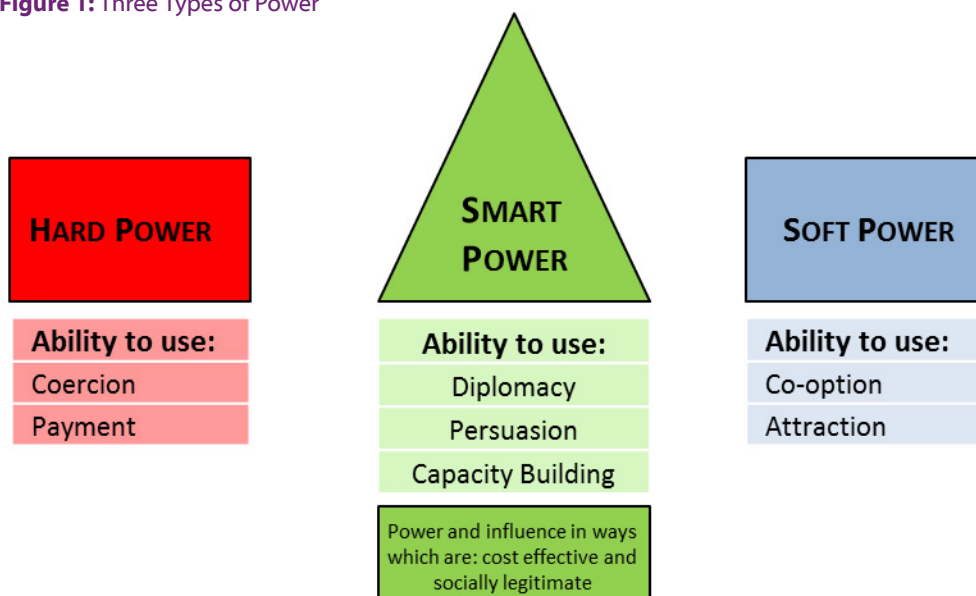
Creating change does not come easily. Whether in political contexts or in organizations, the process of change is rarely predictable or linear. The ombudsman role is designed to help organizations embody fair process. Ombudsmen can have some power in this regard, but all too often, ombudsmen avoid or reject the concept of wielding power. In so doing, the ombudsman limits his or her ability to effect change.

Joseph Nye is a political scientist at Harvard University who has written about the notion of power in political contexts. As illustrated in figure 1, he differentiates between three different types of power. Nye describes what we typically think of as power as “hard power,” which is power through force or other types of coercion or payment: essentially the power to pressure, threaten, or leverage. He then contrasts it to “soft power:” the power to change things by attraction or co-opting—essentially the power to persuade through charisma, communication, and other such means. However, he recently noted the need for a preferred strategy called “smart power.” Smart power uses elements of both hard and soft power as contextually and situationally appropriate. He notes that this power combines skills from soft power (vision, emotional intelligence, and communication) with the “hard power” ability to use organizational capacity and political skill. To essentially combine these skills, he adds a sixth one that he calls “contextual intelligence,” which speaks to the knowledge of when to use the others.¹⁴

As it relates to the ombudsman, smart power is particularly relevant in the exploration of options and the movement of systemic change through the organization.

Ombudsman programs are in a unique position of power within an organization. They are privy to insights that allow them to identify trends in conflict and communications, and to pinpoint areas of organizational design, processes, and culture that could be improved. Furthermore, they are positioned within the organizational architecture to not only communicate with all levels of employees, but also influence systemic change.

Figure 1: Three Types of Power



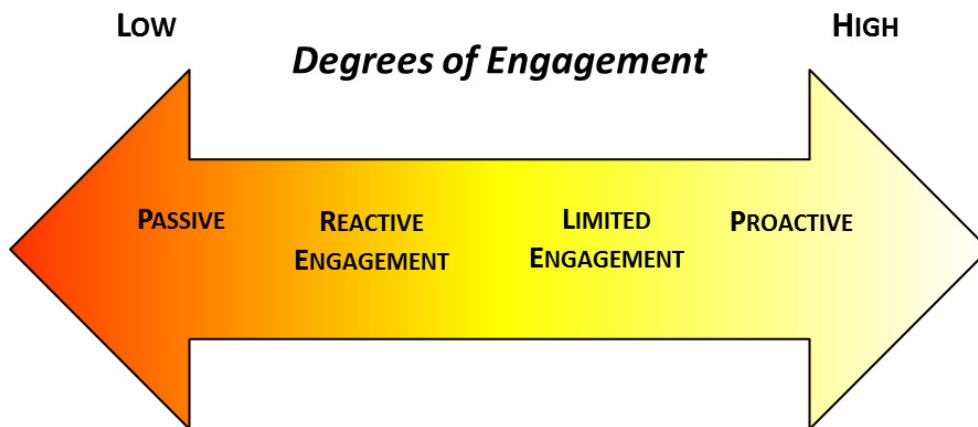
However, many dispute-resolution practitioners disown most vestiges of power. Power is almost a bad word—something one dare not whisper in the back corridors of alternative dispute resolution conferences. But the role is clearly intended to influence the organization, and awareness of the role's influence would help the practitioner use it responsibly and strategically to increase the function's effectiveness. An ombudsman influences for fair process, fair policies, and an environment that recognizes and embodies the corporate values. It seeks to influence for transparency, clarity, and honesty in communications, and participation and consideration of the views of people who are affected by managerial decisions. An additional perspective is that the influence an ombudsman has and uses through his or her function (that is, nonaligned, non-management, non-decision-making) helps redefine the traditional perceptions and uses of power in an organization, and helps bring focus to underlying values such as fairness and equity. An organizational ombudsman is influential and therefore has power.

By embracing the power to influence, and exercising “smart power,” an ombudsman moves beyond impartial observer and can passionately engage the organization at all levels. To do so, it is essential that an ombudsman becomes experimental and takes risks in how he or she engages in one's organization. Such engagement necessitates a move from a more passive role to a more proactive one.

The move from passive ombudsing to proactive engagement has four stages. These stages are shown in Figure 2.

In the first stage, the ombudsman is *passive*: focusing on casework, but not necessarily making the connection between casework and the larger system or on enhancing conflict competence. Putting this positively, the sole focus is on working with the individual seeking help. The downside is that, although the passive ombudsman may be able to resolve individual cases and improve individual situations, the larger organizational system continues to function as it would have, had there been no ombudsman.

Figure 2: Degrees of Engagement



In the second stage, the ombudsman is *reactive*. The ombudsman may work not only with individuals, but may also begin to work with teams and groups. At this stage, work may explore conflict coaching at the individual level and, more broadly, provide written tip sheets to guide others on how to resolve issues collaboratively. The ombudsman may also draft a periodical report that identifies issues based on the cases seen.

The *limited engagement* phase is where the conflict-resolution role and the cases handled provide the data for the systemic issues identified. In this scenario, the ombudsman may issue a report that goes further than simply identifying issues or problems; it may include recommendations on types of changes that the organization might explore to address the problems. At this phase, the ombudsman may also actively provide training to various constituencies in the organization to enhance their collaborative skills.

Finally, in the *proactive* phase, there may be an even greater emphasis on the systemic nature of an ombudsman's work than there is on case handling. Not only would recommendations be made, but the ombudsman would sit and engage side by side, in an informal role with staff and management, to help shape a path to improve the organizational culture. He or she would also serve as a communications and conflict coach for senior management, and provide assistance during major change or crises. Furthermore, the ombudsman would remain vigilant about ripple effects and help the organization consider unintended consequences that may come about as a result of such changes. In this stage, initiatives move beyond only providing the occasional training to one that actively works with other areas in the organization, such as internal training units, to foster an organizational emphasis in conflict competence. The ombudsman can further work with human resources employees to include conflict competency in both hiring criteria and as a measure in the performance-appraisal process. It is important to note, here, the relationship between the organization and the ombudsman. Although the ombudsman serves as a catalyst of change (an agent to reframe issues), the change agent itself is the organization.

It may be helpful to illustrate this spectrum by taking a look at how a given scenario might play out in practice, by contrasting the passive and proactive engagement methods. Imagine that a staff member approaches an ombudsman with a situation where he or she is facing relational challenges with a supervisor and an impending performance appraisal where the discussion may be difficult. The passive process might see the ombudsman listening and laying out various options, such as (a) living with the situation as is or (b) interventions such as writing a note to the supervisor, communicating directly, and/or evaluating various options of how to proceed through the difficult appraisal discussion. In the end, the staff member leaves to select and pursue the option of his or her choice.

At the other end of the scale, proactive engagement, the ombudsman may indeed begin with the same approach. However, in session, he or she may provide some coaching to the staff member on how to navigate a difficult discussion and subsequently conduct role playing to reinforce the skill in a practice session before the staff member raises it with his or her boss. Additionally, the practitioner may reflect on the case by conducting a root-cause analysis and probe for underlying causal factors beyond those involving the two individuals (staff and manager). In so doing, and in conjunction with data from other cases, the ombudsman may discover that the process of performance appraisal has several problems, including the fact that both midpoint and year-end reviews are not regularly completed and often managers are reluctant to provide honest developmental feedback—either due to a fear of being the target of a staff-filed grievance or because they feel the process is too time-

consuming. The ombudsman may further verify that, although the performance-management tool was intended to be developmental, the company uses the tool as a mechanism to determine which staff to retain because of a period of downsizing. This has created a climate in which staff regularly fight to challenge any review that notes developmental areas—to the point where they grieve or litigate such reviews, claiming harassment by managers.

As a result, the ombudsman may draft feedback for the human resources department, noting several areas of concern shared by both staff and managers regarding the performance-appraisal process. He or she may also request that the company form a committee to review the process and that the ombudsman serve on the committee in an informal (nonvoting) capacity. The ombudsman may also review the number of appraisal-related cases grieved or litigated and, when noting an increase, consult with senior management to review the risk register for the company to see if the issue could be more closely monitored. The ombudsman may suggest that management explore a risk-mitigation strategy. The ombudsman may work with the training unit to encourage development of—and to contribute to—a workshop on difficult conversations in the appraisal process.

The ombudsman would then also be present when the human resources department proposes process revisions to senior-management committees on which the ombudsman participated, in order to provide feedback on any new reformulations based upon the cases seen and the problems related to the issue. The ombudsman notes the issue as a systemic issue in his or her annual report and gives a briefing: first, to the committee of the board of directors that reviews risk management, and, second, to the committee that reviews audit and HR issues (and to which the ombudsman regularly reports).

In each of the proactive and engaged steps taken by the ombudsman in this example, the role is to influence which issues are on the table and to ensure that they are framed, discussed, and acted upon in ways that focus on the real underlying problems, are transparent, and include involvement by all those affected by the process and any resulting changes.

The ways in which ombudsman programs can use influence and “smart power” to enable change are considerable. They urge flexibility in processes; they urge for fairness of rules; they seek to improve situations without blame; they point out the underlying interests when parties become intractable; they promote procedural justice; they urge examination of solutions that might be different, novel, creative, or undervalued; and they seek to encourage input of all parties engaged in issues. All of these things resonate fully with the core cornerstone principles. An ombudsman can influence passionately and proactively and still be well grounded within the role.

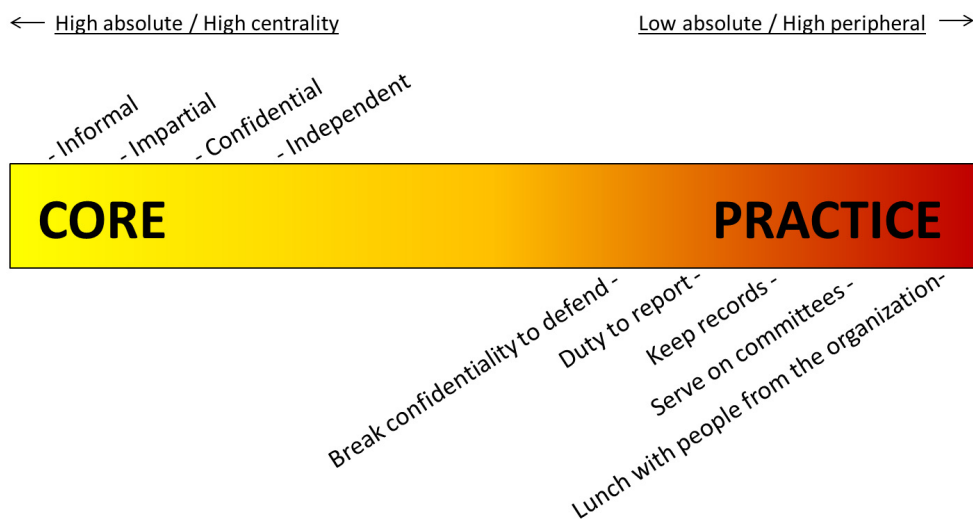
In order to exercise “smart power” or transition into a proactive role, an ombudsman must regard the guiding principles as *enabling principles*, not inhibiting principles. One who views these principles as inhibiting may consider the principles as “either/or” or “all or nothing” absolutes. This absolute way of approaching work might look something like this:

Table 1. Absolute “either/or” perspective**Principles**

Impartial	vs.	Partial, advocate
Confidential	vs.	Source of disclosure
Independent	vs.	Embedded
Informal	vs.	Formal

The danger in thinking of the principles in absolute terms could be to apply them too rigidly or literally, which can be limiting. The principles, which are to inform one’s practice, end up becoming the goal: to serve the principles. The risk is that an ombudsman could begin to look for reasons why he or she could *not* do things. And, with each demurral and withdrawal, the ombudsman becomes less relevant to the organization, loses opportunities for engagement, and is less effective at the portion of the role designed to serve and to improve one of the key constituencies: the organization. Ombudsman programs operate in a multitude of locations internationally, and within organizational settings which are multicultural and diverse. The ombudsman must, therefore, be allowed the space to observe professional standards with a practice that offers flexibility and that functions effectively. Instead of instilling an ombudsman with caution and fear, the principles should inform his or her practice and give the ombudsman courage to engage the organization where he or she works. The principles should allow an ombudsman to think about all the ways in which he or she can engage, rather than all the ways in which he or she cannot.

Instead of viewing principles and practices as absolutes, one might find value in viewing them all as important, but nevertheless with relative weight compared to each other, with some being more critical to the “essence” of what makes an organizational ombudsman. From that point, one can examine the relative weight of each principle and its effect on one’s practice. This framework helps an ombudsman re-imagine the principles and practices. The framework still considers the principles as core, but allows one to prioritize them according to what may be more central to the role in relation to the others. Likewise, the framework also recognizes that, although the practices stem from the core, they are not as central as the principles and, thus, can also be prioritized according to the needs of the role. This idea is shown in Figure 3.

Figure 3: Prioritizing principles and practices

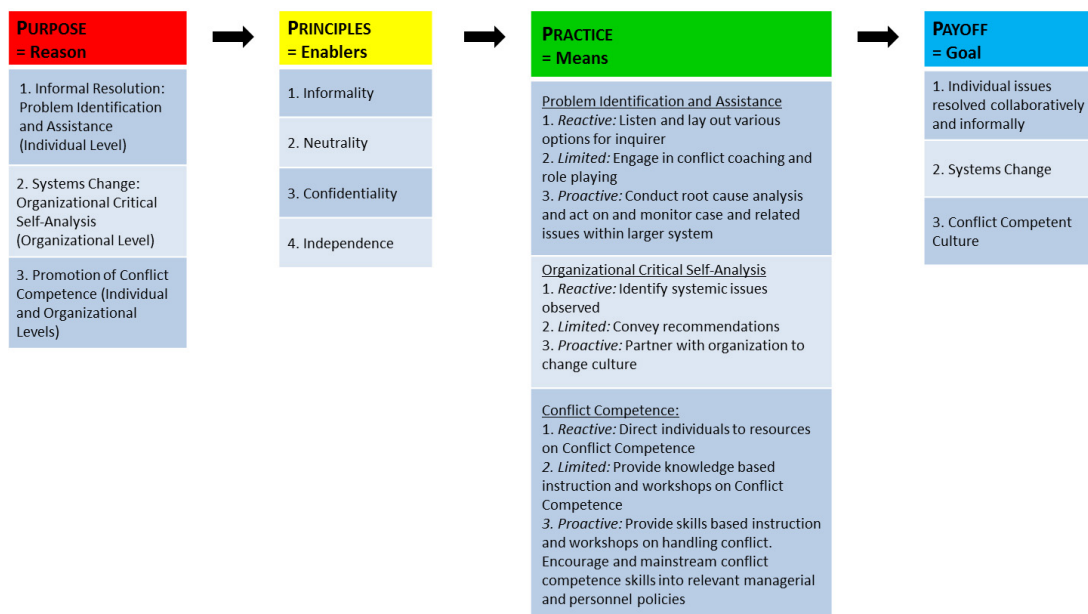
One way an ombudsman might evaluate the weight of each principle is by assessing how well one could still perform the key functions of the role, if the principle were limited in some way. For example, I propose that informality might emerge as more central than the other principles, in defining one's practice, because if the role were to become a formal grievance channel and arbitrate, for example, the ombudsman loses its unique distinction; it is hard to imagine how any of its other functions could remain credible. However, confidentiality—also a very important principle—needn't be absolute and allows for more latitude. For example, many ombudsman practitioners have exceptions to confidentiality, based on state regulations or other laws. Nevertheless, if this is clarified up front in their charter or terms of reference, as well as in communications with the constituents, they can still perform most of the key functions of the role very well.

The principles may be weighed differently, but they are all foundational. On the other hand, practices should have flexibility. For example, part of the ombudsman role is promoting positive organizational change. Yet ombudsman practices have traditionally also evolved toward absolutes, such as not serving on committees or never having lunch with people in the organization. Although there is a certain degree of importance ascribed to being viewed as impartial, there are, nevertheless, ways to accomplish this without having to isolate oneself. Successful organizational change means that the ombudsman office must first identify systemic issues and subsequently work with key decision makers to explain the impacts of systemic issues in a manner that is understandable and can lead to action. Therefore, providing impartial and independent input on committees or having lunch with key decision makers can be important ways for the ombudsman to influence the organization. However, adherence to maintaining confidentiality of the inquirer—even to defend the ombudsman practitioner or program—may be a practice that is more core and central.

An ombudsman should remain vigilant about what practices he or she needs to be effective in the role, which is about more than protecting the four principles.

TOWARD A PROACTIVE AND ENGAGED OMBUDSMAN MODEL

A well-designed and proactive ombudsman office incorporates all elements discussed above into a model in which the ombudsman is actively engaged with the organization. As shown in the model in Figure 4, there are three areas of focus: problem identification and assistance, organizational critical self-analysis, and the promotion of conflict competence. To help carry out this unique role, the IOA has articulated four enabling principles to guide the ombudsman along the way. These principles should inform the practice and give courage to engage the organizations in which one works. If the ombudsman is able to engage the organization, then the practice becomes the means to achieving the purpose—informed and emboldened by the principles. The result (or payoff) is that, through proactive work on informal resolution, an ombudsman can help resolve individual issues collaboratively and informally, identify areas for improvement within the greater system, and contribute to a culture in which employees are skilled and competent in handling conflicts that arise in a global and diverse workplace. By working to improve the environment of an organization, an ombudsman is able to influence change in its systems, policies, procedures, and culture.

Figure 4: Proactive and engaged organizational ombudsman model

Considerations in Setting Up the Program: Common Mistakes

The planning process of establishing an ombudsman program is critical (see table 2). If done poorly, the result will be either (a) a token office that is not respected or taken seriously or (b) an office that is viewed as another arm of organizational management. If planned well, the office can fully carry out the functions described above by being planted firmly on the cornerstones of the profession.

Table 2. Stages to establishing a strong ombudsman program

STAGES

Before setting up

Create good buzz: open dialogue on integrated systems and informal resolution approaches, collaborative resolution.

Get buy-in of management, stakeholders, staff, and unions.

Set boundaries: clarify what the ombudsman program is and isn't, and whom it serves.

Separate oil and water: ensure program is completely removed—and has different reporting lines from—HR, grievance, EEO, or other compliance functions.

Learn from others: get outside professional assistance on best practices for structure and establishment; don't blindly copy models.

The devil is in the details: create charter and job description consistent with standards of practice for profession, set initial budget, plan for short- and long-term growth, determine evaluation criteria.

Balance the scales: establish working group to explore improvement of formal systems.

Table 2. (cont.) Stages to establishing a strong ombudsman program**Setup**

- Involve constituency in the hiring process, where possible.
- Space wars: determine appropriate office space.
- Spread the word: publicize program, posters, public forums and trainings.
- Statement of support: distribute public statement of support and confidentiality from the CEO.

After setup

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

To explore the “best practices” of setting up an ombudsman program, let us look at common mistakes. These are outlined in Table 3.

Table 3. Common mistakes in setting up an ombudsman program

Common mistakes	Negative impact	Best practices & options
Not reporting to top management	Not viewed as operating independently or impartially, potentially beholden to many others	Report to (or at least have access to) board of directors Report to independent committee composed of representatives of organization If above not possible, then report to CEO/chairman/president (or equivalent, in government)
Confidentiality not supported	Reduced trust Office viewed as management If management doesn't articulate support, it can appear they might want access to information collected by ombudsman	Publicize confidentiality Don't keep records that attach names of inquirers Have management issue strong public (written) support to confidentiality and pledge to protect office from testifying
Ombudsman does not participate in any managerial/administrative processes	Loses opportunity to provide information and understanding of issues that can be helpful in any change process	Participate in policy formation as nonvoting member Serve as “ex officio” on committees

Position not professionalized	<p>Hire internal person without specialized knowledge or training in conflict-resolution field</p> <p>Due to lack of expertise, position responds to influence of management's expectation of the role</p> <p>Hiring for a set term encourages political appointments over professional ombudsman</p>	<p>Hire ombudsman and expert ombudsman who demonstrate core competencies and relevant professional experience</p> <p>Send any internal hires to extensive training in ombudsmanship, organizational development, negotiation, and mediation; ensure he/she operates according to standards of practice</p>
Not adequately funded	<p>Unable to pursue professional development to improve program</p> <p>Hampered in ability to meet with inquirers at various locations</p> <p>Role as collaborative educator restricted by not being able to contract out for training</p> <p>Cannot sponsor educational training initiatives based on issues observed</p> <p>Scarce resources and threat of cuts can be used to influence impartiality</p> <p>If shared budget, ombudsman becomes a "party" to budget battles with other program(s), jeopardizing impartiality and independence</p>	<p>Fund to allow for ombudsman discretion in training & education</p> <p>Allow ombudsman full control of budget</p> <p>Do not mix budget with other functional areas</p> <p>Allow for supplemental budget to hire external mediators or subcontractors as needed</p>
Inadequate staffing	<p>Assuming one or two people can handle all informal complaints or issues in larger organizations</p> <p>Imbalance between formal resources (people who handle grievances, legal department, HR) and informal</p> <p>Inability to accept all cases or follow through appropriately, resulting in high dissatisfaction with program</p>	<p>Ombudsman staff proportional to constituency or to other comparable offices (1 Ombudsman per 1,800–3,000 employees), depending on the type of organization</p> <p>Supplement ombuds full-time staff with subcontractors who could mediate, assist with group facilitations, provide reports, train, etc.</p> <p>Include lines for rotating fellowships from outside the organization</p> <p>Involve graduate or postdoctoral interns</p>
Imbalanced or not well-designed resolution channels	<p>Ombudsman can be sole "informal channel," creating excessive usage</p> <p>If formal channels not functioning well, then all issues rerouted to ombudsman program, creating unreasonable expectations</p>	<p>Must have strong formal and informal systems</p> <p>Must allow many "open doors" to encourage people to bring concerns forward early</p>

Independent counsel not provided	<p>Doesn't reinforce office independence; viewed as another arm of management</p> <p>Appears to show conflict of interest (independence and impartiality), if represented by same legal counsel as organization</p>	<p>Provide external legal counsel for setup phase, ongoing consultation, and subpoena defense</p> <p>Helps in protection/evaluation of issues, which may become litigious, while maintaining confidentiality from organization</p>
Lack of community buy-in before setup	<p>Appears forced "top down" by management</p> <p>Lack of understanding of role/function</p>	<p>Create open forum information sessions</p> <p>Bring in outside ombudsman consultants to educate organization</p> <p>Conduct needs analysis of problem areas requiring attention</p>
Outsource the function	<p>Lack of knowledge of internal politics and unspoken norms</p> <p>Unable to interact side by side with management on a daily basis</p> <p>Easy to minimize recommendations of consultant and/or terminate services, if recommendations are uncomfortable</p>	<p>Hire ombudsman practitioners as full-time employees</p> <p>Maximize independence of ombudsman's role</p> <p>Ombudsman should have unfettered, regular access to top management and board to influence as catalyst for change</p>
Links with management lines or compliance functions	<p>Office is linked (or reports similarly) to a compliance function (such as EEO, audit, inspector general, legal program, HR), creating the appearance of conflict of interest and lack of independence for ombudsman program</p>	<p>Report to top (board, for example)</p> <p>When possible, establish independent reporting lines (not through legal, EEO, HR, grievance, etc.)</p>
Copy models from similar organizations without improving	<p>Assumes that a similar business type has a well-functioning ombudsman program or grievance structure</p> <p>Many times, similar organizations are struggling to "fix" their own programs due to lack of foresight and planning</p>	<p>Look at other models for good practices, but don't replicate entire model; every organization is different, even if in a similar industry</p> <p>Seek out structures from other sectors (government, corporate, academia) where great innovations may be taking place</p>
Principles as goals instead of guidelines	<p>Ombudsman looks for reasons why he/she cannot do things</p> <p>Ombudsman becomes less relevant to the organization, loses opportunities for engagement, and is less effective in improving the organization</p>	<p>View the principles as important, but with relative weight compared to each other and on one's practice</p> <p>Prioritize principles according to what is more central to the role in relation to the others</p>

Although many of these have been mentioned in passing and are included in Table 3, a few are worth highlighting.

DOES NOT REPORT TO THE TOP

I addressed this element briefly in the discussion of independence, but it bears some elaboration here. Clearly, as noted, the “best practice” would involve having an ombudsman program report directly to the board. I must stress that, because the ombudsman program is meant to be impartial, it does not have any direct policy-making ability. Thus, it is important that the program have referent power from the key power holder in the organization. Most organizations recognize this fact by not only having the program report to the top, but also by ranking and/or paying the individuals who serve in an ombudsman role at rates comparable to other top executives who report directly to the chief officer (or to chief compliance officers or auditors who report to the board). It is also critical to the program’s success that top management publicly articulate support for, and confidence in, the ombudsman program.

DOES NOT PARTICIPATE IN MANAGERIAL/ADMINISTRATIVE PROCESSES

The ombudsman, by having a finger on the pulse of the organization, can provide input to those who form corporate policy. By virtue of the ombudsman hearing issues firsthand from all parts of the organization, he or she is in a privileged position to compile and to add value to these data so the organization can improve for the benefit of all. By isolating oneself and failing to interact with (or participate in) committees and groups concerning organizational change, the ombudsman loses the opportunity to provide information and understand issues, which can be helpful in any change process. Thus, the ombudsman should be actively involved, in his or her impartial and independent role, with groups and entities that create policy or seek to improve the organization’s work environment. The ombudsman can participate on these committees or with these entities as an organizational stakeholder. However, when the ombudsman participates in these ways, he or she should take care not to approve new or revised policy, or to make other final management decisions for the organization. The ombudsman is there to provide information so that managers can make better decisions. Likewise, although the ombudsman engages with decision-making entities, he or she should also meet with staff members to ensure that they have an opportunity for input in decisions and organizational changes that will affect them.

POSITION IS NOT PROFESSIONALIZED

When the organizational ombudsman model first became popular in the 1960s, there were few practitioners. In the role’s infancy, organizations assumed that an ombudsman would be someone internal who was a good problem solver and was generally well respected.¹⁵ There was virtually no pool of professional practitioners to draw on, and every organization had its ombudsman function differently. As a result, many developed shortsighted practices such as requiring the ombudsman to be a retiring employee or other individual who was given a fixed and limited term, after which he or she could not continue working for the organization—even as the ombudsman.¹⁶ Such a practice overlooked the importance of continuity and often resulted in ejecting strong and skilled practitioners, at the end of their contracts, in favor of those with less skill and experience.

Since then, the ombudsman role has been professionalized. The professional associations that represent ombudsmen (such as the IOA) have aggressively identified best practices and articulated these in their standards of practice, codes of ethics, and best practices. Thus, for organizations that adhere to these standards, there are certain commonalities and consistencies of practice and function. Additionally, in recent years, the IOA has established a professional certification program for practitioners that establishes knowledge of practice and adherence to standards of practice.

Furthermore, these associations have identified relevant skill sets—such as experience in mediation, understanding of group dynamics, training in organizational development, and expertise in collaborative negotiation—that can contribute to success in the role and to the broader organization. For example, IOA has designed a comprehensive training program that explores basic skills such as ombudsman conflict management and ombudsman case handling in its Foundations of Organizational Ombudsman Practice course; its advanced training courses explore systemic interventions and organizational diagnosis. Today, there is an understanding that the ombudsman is a specialist in a role that is increasingly professionalized, requiring certain demonstrable competencies. Ombudsmen can hone their relevant skills by interacting with specialists who have common experience and expertise in organizational ombudsmanship in spite of differences in background of sector, organization type, or business purpose. Thus, hiring practices have moved toward seeking skilled professionals and specialists, especially from outside the organization, to develop and to direct ombudsman programs.¹⁷ And, with increasing recognition that conflict competence is a critical managerial skill, organizations have benefited from having ombudsman practitioners subsequently serve in other roles in the organization.

NOT ADEQUATELY FUNDED

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

The organizational ombudsman is an easy office to publicly support. After all, who would not want to offer employees a safe place to go to resolve employment concerns? However, it is easy for management to do this in a token fashion by appointing an ombudsman in title and then not providing further support in budget or staffing. To do so is a disservice to the entire organization: employees do not fully receive the promised resource, and management loses a valuable source of critical feedback. Further, the organization does not get consistent early-warning signals of underlying problems. An ombudsman program must also have a sufficient allocation to be able to operate independently, without relying on other areas to function effectively.

Well-designed offices should have budgetary support that allows for subcontracted assistance for particular cases. For example, an ombudsman may become aware of an employee who does not feel safe after harassment and may need temporary use of an emergency cell phone. Or perhaps a manager who is facing an uprising from staff needs external coaching to resolve a particular type of issue. Other examples of budgetary considerations include: expenses for regular travel to various organizational sites, meeting and hospitality budget, support for a separate toll-free hotline, regular professional development for ombudsman staff, and maintenance of a resource library of books or videos to assist managers and employees with tough issues (such as handling concerns of discrimination or communicating better with one's supervisor).

INADEQUATELY STAFFED

Most organizations staff human resources offices quite well. In fact, they are likely to have many subprograms within HR. Similarly, a well-designed ombudsman program provides a number of practitioners, especially in mid- to large-sized organizations. Having an adequately staffed ombudsman office benefits the organization itself. Not only are conflict-resolution practitioners more likely to truly “hear” cases, develop them, and follow them through to resolution, but several analyses have revealed that the cost savings provided to an organization by having an effective ombudsman program pays for the function, at a minimum, and most likely saves in indirect costs.¹⁸

The composition of those practitioners ideally mirrors the mix of faces within the organization in terms of gender, ethnicity, age, and language. In this way, employees can seek out the ombudsman with whom they feel most comfortable. Many well-designed programs (such as at the United Nations or the National Institutes of Health) not only have multiple professionals and support staff, but also offer additional staffing support. For example, organizations such as Baker Hughes and American Express provide for a conflict specialist who does not serve as an ombudsman but serves as a professional staff member who takes the aggregated data and creates value-added reports. Other organizations provide for specialists within the ombudsman area who are dedicated to training or other efforts of the function.

ORGANIZATION DOES NOT PROVIDE ADEQUATE BALANCE OF RESOLUTION CHANNELS

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

However, not all complementary mechanisms need to involve hiring employees or creating programs. An organization can show its commitment to mediating employee disputes by supplying impartial, external professionals prior to litigation. It can set up toll-free hotlines to provide assistance or information for employees. Or it can create town hall forums in which employees may share concerns and identify solutions to common problems.

Having multiple points of entry into a conflict-management system encourages direct, collaborative methods for resolving problems. When a system skews heavily toward formal systems, the organization sends a message that formal methods are the preferred path of resolution, which discourages less formal channels of resolution. Furthermore, many organizations are now recognizing that a “zero barriers” approach to conflict-management systems is preferable to the “zero-tolerance” approach.¹⁹ In a typical zero-tolerance approach, the organization has no tolerance for specific designated acts or speech within an organization. As a result, the actions or speech trigger a formal and indiscriminate response, which can discourage employees from reporting such issues. Thus, many issues that might easily have been resolved through informal methods of conflict resolution either go unreported and unresolved, or escalate beyond what was necessary for an effective resolution.

However, the “zero barriers” approach attempts to provide as few barriers as possible that would keep people from using resolution channels. It recognizes that an organization that provides many points of entry into resolution channels—formal and informal—will result in more issues surfacing (and consequently more resolved issues).

INDEPENDENT LEGAL COUNSEL NOT PROVIDED

The organizational ombudsman explains to every inquirer that, in the role of organizational ombudsman, he or she will protect confidentiality and resist any participation in formal processes such as testifying. Yet, occasionally, the ombudsman program—because of its intimate knowledge of particular difficulties within an organization—will be named as a witness in a formal grievance or litigation.

Although it is the organization's responsibility to protect the ombudsman program from testifying in these forums, many organizations use their existing legal programs to assist the ombudsman program. Ideally, the ombudsman program receives external legal counsel to protect its independence and its obligations to practice without advocating for a "side." This approach reinforces the fact that the organization truly supports the independence of the office and avoids conflicts of interest if the ombudsman office has knowledge of confidential inquirers about which the organization would like to know. Furthermore, the dedicated legal counsel can support the ombudsman program in issues of proper setup and operating procedures, by reviewing the charter or terms of reference and communications to the organization, and by offering ongoing support for assistance on legal issues that, if shared with the organization's counsel, might reveal sensitive/confidential cases or identities.

FUNCTION OUTSOURCED

Corporations and other organizations commonly outsource various functions as part of their efforts to control costs. For many programs, this can be a viable way to save costs and retain the equivalent function. However, the uniqueness of an organizational ombudsman program is that it is indeed an internal "designated neutral"—one that is part of the organization in which it works. This is critical for several reasons. First, part of the ombudsman's role is guiding employees on the formal and informal bureaucracy. Although an outsider can learn the formal structures, the internal politics and unspoken norms are nearly impossible to ascertain from the outside looking in. An ombudsman must be placed so that he or she can have knowledge about the systems, people, and culture of the organization.

Also, most corporations recognize that consultants, in their role as change agents, are often today's "flavor of the month," and therefore use their input when it is of interest, and end their contracts when it is not. It is still a much harder process for an organization to dismiss an employee rather than a temporary consultant. By being placed in the organization, the ombudsman has the ability to work side by side on a daily basis with managers and employees and to serve as the institutional memory, reminding management of issues they must address. An organization that uses an outsourced ombudsman may not recognize the role and value of the function, and may be viewed by employees as only paying lip service to the role's importance.

Small organizations may be the exception. However, even in this circumstance, the organization and its outsourced ombudsman would do well not to function (or label) the role as ombudsman, but to work as a conflict resolution consultant. This distinguishes the limitations inherent in an external outsourced function from that of an internal—yet impartial—ombudsman.

When an organization decides it must outsource the ombudsman function, it should ensure that it enables the individual to become familiar with the organization, to have access to all internal decision makers and stakeholders, and to have enough contractual protection against retaliation by the organization or its members.

Conclusion

The organizational ombudsman program is rapidly becoming an essential and critical function in government, education, corporations, nonprofits, and nongovernmental organizations (NGOs). However, for every office that is well designed and planned, there are other examples of shortsighted planning and insufficiently supported programs. Fortunately, most offices established in accordance with generally accepted international standards and practices, and with solid management support behind them, will have a good foundation. If they are able to add the elements of a proactive and engaged ombudsman program, they will not only be well designed but will also be able to demonstrate their value to the organization and its employees, and affect the work culture and overall effectiveness.

Looking forward, organizations are facing new challenges in the form of an increasingly global and diverse workforce, increasingly litigious environments, less job certainty and employee loyalty, and increasing pressures in balancing both work and family. It is appropriate, then, that organizations are focusing on how to handle conflict and implement appropriate systemic changes in the workplace by revisiting the proven model of an ombudsman to meet these new challenges. This trend represents the willingness of organizations to operate in ways that are more transparent and responsive in order to develop strategies that strive for self-improvement, fair treatment of people, and, ultimately, improvement of whatever bottom line is used to measure the organization's success. With careful planning, the proactive and engaged organizational ombudsman program can prove to be a key element in the successful organization.

NOTES

1. Ombudsman is a term used for the first Ombudsman office established in the early 1800's. Today, many organizations use variations of the term such as Ombuds, Ombudsperson or Ombuds officer. This article uses most of these variations with the understanding that they refer to the same function.
2. American Bar Association, "American Bar Association E-News: Ombuds edition." *Just Resolutions E-News*.
3. Kris Maher, "The Jungle: Focus on Recruiting, Pay and Getting Ahead: Budding Career." *The Wall Street Journal*, March 12, 2002, B12.
4. Great Place to Work Institute, *Great Place to Work*, accessed 2015, <http://www.greatplacetowork.com/best-companies/worlds-best-multinationals/the-list>.
5. Victoria B. Mars, "Victoria B. Mars Keynote Speech- 2014 Great Place to Work Conference" (2014) <https://www.youtube.com/watch?v=beyEvllqbto>.
6. Note, too, that the concept of Ombudsman, mediator, or designated neutral is one that is common in many different countries, religions, and groups throughout the world. The role is paralleled in early rabbinical courts, in many Asian cultures' use of designated elder advisors and shuttle mediators, and in the Latin American matriarchal model of the third party who untangles disputes. John Paul Lederach, *Preparing for peace: conflict transformation across cultures* (Syracuse, NY: Syracuse University Press, 1995).

Dispute resolution is also increasingly incorporated into contemporary business models, such as eBay, which uses online dispute resolution to resolve conflicts from and between customers. Jaap van den Herik and Daniel Dimov, "Towards Crowdsourced Online Dispute Resolution." *Journal of International Commercial Law and Technology* (2012).
7. Howard Gadlin, "The Ombudsman: What's in a Name?" *Negotiation Journal* (Plenum Publishing) 37-48.
8. "IOA Standards of Practice." *International Ombudsman Association*, accessed 2015, https://www.ombudsassociation.org/IOA_Main/media/SiteFiles/IOA_Standards_of_Practice_Oct09.pdf.
9. This is not intended to demean the role of Human Resources or the fact that HR professionals seek to represent employee concerns. Rather, it is simply to stress that many employees misunderstand the role of HR and this misperception causes employees to feel frustrated. Furthermore, HR professionals sometimes feel frustrated by not being able to please employees. It is the view of the author that HR functions are critical to corporate and organizational health and indeed are first cousins, so to speak, of Ombudsman programs. In many organizations, the Ombudsman and HR practitioners become close and supportive collaborators who understand and work together to build upon their complementary roles. For an excellent article about the roles of Ombudsman and HR, refer to the Williams and Redmond article, "Organizational Ombudsman Program: A Governance and Trust Strategy" in *Restoring Trust: HR's Role in Corporate Governance*.
10. In some instances, such as universities, an Ombudsman who is also a faculty member may continue to teach a course while serving as Ombudsman. In organizations which have several individuals serving in the Ombudsman role, it could be possible to mitigate a second role by having another Ombudsman handle issues arising from the second, collateral function.

11. To ensure full confidentiality and freedom from having information about visitors used in formal procedures or litigation, an Ombudsman does not accept notice on behalf of the organization in which they work. Dual roles jeopardize the Ombudsman's claim to confidentiality and create uncertainty about when an Ombudsman is, and is not, an agent of notice.
12. As mentioned, confidentiality is often statutorily articulated for the classical Ombudsman in most countries. Confidentiality for the organizational Ombudsman in many countries may more often be supported by common law. Also, in many organizations employees are explicitly made aware of the confidentiality of using the Ombudsman program during new staff orientations or in employee manuals and other materials. According to employment law of some countries, this might constitute an implied contract (between employer and employees), which in some countries may also serve as legal support for confidentiality.
13. A frequently used benchmark is for an Ombudsman office to see a least 2-3% of the eligible population.
14. Joseph S. Nye Jr., "Soft Power, Hard Power and Leadership." (2006).
15. Mary P. Rowe, "The Ombudsman's Role in a Dispute Resolution System." *Negotiation Journal* (1991) 353-362.
16. The practice of term limits stems from pure classical Ombudsman models which often investigate and may issue conclusory findings on a case-by-case basis. However, the organizational Ombudsman does not issue such reports or conclusory findings as a result of a formal investigation. For organizational Ombudsman programs operating as an *informal* resource, term limits do not make sense and, if used, are often renewable and can allow for re-hiring in a different role. The prevailing practice to not impose such limits is supported in an international survey of organizational Ombudsman programs. International Ombudsman Association. 2012. *Results of the 2010 Compensation and Ombudsman Practice Survey*.
17. Thus, also, the outdated practice of hiring retiring senior executives or faculty is now considered somewhat questionable. The fact that most offices now hire specialists recognizes the particular skill set and competencies needed and also recognizes that there are reputable university programs in negotiation, conflict resolution and organizational development which—in addition to specific Ombudsman training courses—help equip such specialists. Furthermore, there is the potential of the perception of conflict of interest inherent in hiring someone who has served as part of an administrative team or faculty who might now be required to sit in the role of an impartial party in disputes involving former managers or colleagues or in cases where their own prior input in organizational governance decisions could be challenging where he or she is the sole Ombudsman.
18. J.T. Ziegenfuss and Mary Rowe, "Organizational Ombudsman: A Special Issue." *Journal of Health & Human Resources Administration* (1993).
19. Mary Rowe and C. Bendersky, "Workplace Justice, Zero Tolerance and Zero Barriers: Getting People to Come Forward in Conflict Management Systems." in *Negotiations and Change, From the Workplace to Society*, (Cornell University Press, 1999).

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