

<http://www.milestonemma.net/ombuds-program/>

## **Ombuds Program Why an Ombuds Program?**

What kinds of problems can the Ombuds Office address?

The Ombuds Office will help employees with any problems, conflicts or issues that interfere with their creativity, productivity or general well-being at work. Employees can consult the Ombuds early on if they would like some informal advice on where or how to begin, or after they feel they have exhausted all other attempts, or wish to prevent a future problem. Whether an employee has a complaint, concern or conflict, the Ombuds will listen and explore the options to move the employee forward.

### **The High Costs of Conflict:**

Distraction of employees and management from job duties to ongoing conflicts or unresolved issues

Decreased productivity of employees or quality of service

Decline in workplace morale with staff attrition (replacement and rehire costs)

Employer/management/employee distrust

More frequent work errors, less motivation to do your best, poor customer satisfaction

Increased sick time, Workers' Comp claims, delayed return to work

Disgruntled employees, formal complaints

Time spent on preparation for grievance processes or legal proceedings

Legal fees/Court awards

Community reputation

Due to the Ombuds specific principles and sanctions, an Ombuds Office can supplement the formal channels and offer some unique benefits to an employee:

Sometimes knowing that an informal conversation will never go into any personnel record or be used against oneself allows an employee to be more open and promotes genuine resolution

Sometimes an employee needs someone to talk to who is completely independent from anyone else in the organization so that what the Ombuds says can be trusted as fair and impartial.

Sometimes an employee needs to know that unless they give express permission, under no circumstances, will any information be revealed that they have discussed with the Ombuds except if imminent threat of serious harm exists or required by law.

Sometimes an employee needs to be assured that they will have the control over the level of their participation at each step of the way, thus encouraging them to come forward without fears of some later unintended consequence.

<http://ombuds-blog.blogspot.com/>

October 30, 2012

## **Job Posting: University of California, Davis**

The only University of California campus that has not had an Ombuds program\* has opened a search for a Campus Ombuds Program Manager. The new position will be responsible for establishing an office to serve 24,000 faculty and staff. The UC Davis campus is located near the state capital and is the third largest by enrollment in the state-wide system. Davis drew national attention when a UC police officer pepper sprayed students protesting against tuition hikes.

Applicants should have a bachelor's degree or equivalent; Ombuds certification; and commensurate management, conflict resolution, and leadership knowledge and skills. The position pays \$85,500-\$154,000 per annum. Applications are due by November 16, 2012. (LinkedIn Jobs.)

\* The HR department of the UC Davis health system has an "Ombuds Program," but it does not follow the practices of IOA or the other University of California Ombuds Offices.

Related posts: University of California San Francisco Appoints First Ombuds; UC Merced Appoints First Ombuds; University of California Report on Protest Policies Reaffirms Role of Ombuds.

Labels: Education, Job Postings

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October 30, 2012

## **Texas A&M Engineering Appoints Faculty Ombuds**

The Dwight Look College of Engineering, the largest Texas A&M college, has named Nancy M. Amato as its Faculty Ombudsman Officer. Amato reports to the Office of the Vice Chancellor & Dean and serves about 418 engineering faculty following IOA practices.

Amato is a professor of computer science and engineering at Texas A&M University where she co-directs the Parasol Lab and is a senior administrator for several other programs. She graduated from Stanford University, and earned an MS from UC Berkeley, and PhD from the University of Illinois at Urbana-Champaign. She has received numerous awards for research, teaching, and service, and serves on many editorial boards and professional committees. Her main areas of research focus are motion planning and robotics, computational biology and geometry, and parallel and distributed computing. (TAMU Engineering Ombuds; Faculty Bio.)

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<http://engineering.tamu.edu/about/ovcd/ombudsperson>

FACULTY OMBUDSPERSON OFFICER

The faculty ombudsperson serves as an independent, neutral and impartial, confidential, and informal resource for faculty in the Dwight Look College of Engineering. The ombudsperson strives to adhere to the professional ethical principles and best practices as defined by the International Ombudsman Association.

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<http://www.milestonemma.net/liason-ombuds-for-university-of-california-san-francisco/>

## **Liaison Ombuds for University of California, San Francisco**

Posted on July 24, 2012

Announcement: Kathy Biala RN, MS has been accepted as the Liaison Ombuds at the Office of the Ombuds at UCSF Office at University of California, San Francisco with a primary presence at the UCSF medical education facility in Fresno. Kathy will continue as the Ombuds/ Principal of Milestone MMA for the promotion of Ombuds services for corporations, Worker's Compensation, academic institutions and small businesses.

**About the UCSF Office of Ombuds**

The UCSF Office of Ombuds in 2011 evolved from the Work Life Resource Center, with Randy Daron, PsyD appointed as UCSF Ombuds, following a University of California system-wide search last spring. Previously, he was the acting director of the University of California, San Francisco former Work Life Resource Center (WLRC) which operated as a quasi-ombuds office. According to the University of California, SF website, this Resource Center addressed one aspect of the campus mission, that is, promoting a supportive work environment, which has been a work in progress at University of California, San Francisco for many years. UC, San Francisco has a three-year plan outlined by Chancellor Susan Desmond-Hellmann, MD, MPH that incorporates the goal to become “the workplace of choice”.

Mr. Daron is well versed in this goal, having served as acting director of WLRC, where, according to the UCSF website, he provided a range of problem-solving services, including mediation, problem resolution and trainings and presentations on a variety of workplace topics, such as effective communication, emotional intelligence and conflict management. Mr. Daron continues to focus on promoting this new service, which is available to all members of University of California, San Francisco be they students, faculty, staff or administrators of the UC community, both on the main campus, in Fresno and at their medical centers. Ensuring program visibility at the Fresno site will be enhanced by the presence of the Liaison Ombuds.

Compliance with Organizational Ombudsman Standards of Practice, International Ombudsman Association Both Randy Daron, Maureen Brodie as well as the new intern, Kathy Biala, have all completed training by the International Ombudsman Association (IOA). Kathy Biala has also passed the first examination towards an Ombuds certification from the IOA. According to the University of California, SF website, Randy Daron and Maureen Brodie, who oversee the mediation services component of the Ombuds Office, have spent time over the past several months to ensure that office and University Ombuds practices are consistent with International Ombudsman Association standards. This includes educating University of California, SF leadership and management about the necessity and value of the office’s independence. While the Ombuds position reports to Vice Provost Marshall, it does so only for administrative and budgetary reasons. No information about specific complaints is reported without the explicit permission of the visitor.

The UCSF Ombuds Office encompasses the UCSF Fresno Center Medical Education and Research, with several locations in downtown Fresno with the main campus at 2335 E. Kashian Lane, Fresno, California where University of California, San Francisco has a state-of-the-art Center that serves as the hub of medical education and research for the entire Central Valley.

This 3 story, 82,000 square foot facility houses the residency programs and administrative staff of UCSF Fresno.

#### **About Kathy Biala**

Kathy Biala is a Master’s prepared Registered Nurse with three decades in clinical, teaching, consulting and leadership roles in the medical field in California; she has first-hand knowledge of processes related to the medical training and the practice of physicians. She has appreciation of the challenges of being in a working and teaching environment, having been an employee, manager, and faculty member herself. Kathy Biala begins her Liaison Ombuds role at University of California, San Francisco at their Fresno site beginning in July, 2012, serving students, faculty, managers and employees of the UCSF community.

## Part 1 What makes California and Organizational Ombuds Ombudsman go together

Posted on June 25, 2012

There are three great reasons why California and organizational Ombudsman go hand-in-hand; in California we have three large systems that create positions in organizational ombuds work:

- 1) The University of California educational system
- 2) The California Worker's Compensation Carve-Out (Part II of this series)
- 3) Kaiser Permanente healthcare provider network (Part III of this series)

The presence of such Ombuds services represents three good reasons why Californians may have heard of the term "ombudsman" or "ombuds" while in other states, the term is still quite a mystery! Each of these Ombudsman programs either subscribe to or could subscribe to the International Ombudsman Association Code of Ethics and Standards of Practice and each of them has a California state-wide presence.

Our three part series, will take a quick peek at how each of these three important Organizational Ombudsman programs describe themselves. We will use a representative program from each of these three California systems for Ombuds positions and we will cover:

What is the intent and description of their typical ombuds service?

Who do they serve?

What are the qualifications of their Ombuds position?

Where are such programs located in California?

Remember this is only in the great state of California (that we know of)!

University of California

What is the intent and description of the typical University of California ombuds services?

The Office of the Ombudsman provides a safe and comfortable environment to discuss complaints, concerns or problems confidentially. When appropriate, the office will initiate an informal intervention with the goal of facilitating a resolution that is acceptable to all parties involved. The ombudsman acts as an independent, impartial resource. If a matter cannot be resolved through our office, a referral will be made. This position serves as a campus resource for senior officials in formulation of policy and procedures, raising issues that may surface as a result of a discrepancy between the stated goals of the University and actual practice.

Who does University of California Ombuds serve?

The Office of the Ombudsman may serve all students, faculty, staff and administrators of the UCI community – both on the main campus and at the medical center.

What are the key qualifications of the Ombuds position at University of California?

Bachelors degree required; masters or higher preferred

Minimum of 5 years of related experience, with at least 3 years in higher education; or an equivalent combination of experience and education.

Advanced level of knowledge and demonstrated experience in mediation and negotiation on a wide range of issues.

Demonstrated skill in facilitating discussions, mediating disputes, and utilizing conflict resolution techniques.

Where are the UC programs located in California?

All the University of California schools, except UC, Davis, have Ombuds Offices. These are: UC, Berkeley; UC, Irvine; UCLA; UC, Merced; UC Riverside; UC, San Diego; UC, Santa Barbara; UC, San Francisco; UC, Santa Cruz.

So, in a nutshell, we have covered the first of three great reasons why California and Organizational Ombudsman go hand-in-hand, by describing the first of the three large systems that create positions in organizational ombuds work here in California, that is, the University of California system. In Part II, we will cover the California Worker's Compensation Carve-Out, and in Part III, we will cover Kaiser Permanente California healthcare provider network.

The University of California is to be congratulated for being visionary providers of services that reflect the best practices of how organizations can resolve conflicts informally, impartially and confidentially, aimed at respectful and positive win-win solutions. Stay tuned to Part II and Part III of our series!

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### **Part 3 What makes California and Organizational Ombuds Ombudsman go together**

Posted on June 25, 2012

There are three great reasons why California and organizational Ombudsman go hand-in-hand; in California we have three large systems that create positions in organizational ombuds work:

- 1) The University of California educational system (covered in Part I of this series)
- 2) The California Worker's Compensation Carve-Out Alternative Dispute Resolution (Part II of this series)
- 3) Kaiser Permanente healthcare provider network

The presence of such Ombuds services represents three good reasons why Californians may have heard of the term "ombudsman" or "ombuds" while in other states, the term is still quite a mystery! Each of these Ombudsman programs either subscribe to or could subscribe to the International Ombudsman Association Code of Ethics and Standards of Practice and each of them has a California state-wide presence.

In this Part II of the series, will take a quick peek at how each of Kaiser Permanente Ombuds services describe themselves. We will use a representative program from Kaiser and we will cover the same four topics addressed in Part I of the series covering the University of California Ombuds Office:

What is the intent and description of their typical ombuds service?

Who do they serve?

What are the qualifications of their Ombuds position?

Where are such programs located in California?

Remember this is only in the great state of California (that we know of)!

Kaiser Permanente

What is the intent and description of the typical Kaiser Permanente Ombudsman/Mediator service?

The Health Care Ombudsman/Mediator functions as a trained alternative dispute professional offering patients, family members, staff and providers a conflict management program to resolve patient/ provider healthcare disputes early and quickly thereby improving patient safety and reducing the costs of health care dispute resolution. Serves as a trusted and informal information resource, communication channel, complaint handler, facilitator, consultant and practitioner for dispute resolution. Acts to seek fair and equitable solutions to patient/provider problems and for suggesting dispute resolution processes for addressing and managing conflicts and for policy and procedural changes. Brings issues to senior leadership to address care delivery improvement efforts. Promotes effective relationships/communication between patients and providers. (Source: Kaiser Permanente Job Application)

Who do the Kaiser Permanente Ombuds serve?

“a trained alternative dispute professional offering patients, family members, staff & providers a conflict management program to resolve patient/provider healthcare disputes early thereby improving patient safety & reducing the costs of health care dispute resolution.” (Source: Kaiser Permanente Job Application)

What are the key qualifications of the Kaiser Permanente Ombuds position?

- Extensive (usually 10+ years) progressive experience in clinical or management roles in a health plan or multifaceted health care system desired.
- Clinical or hospital/healthcare background (usually 10+ years) required.
- Evidence of having taken and passed a 40 or more hour Ombudsman training course or equivalent experience (usually 100+ cases) or take and pass a 40 hour or more Ombudsman training course within the first 90 days of employment.
- Evidence of having taken and passed a 40 hour or more Mediation course or equivalent experience (usually 100+ cases) or take and pass a 40 or more hour Mediation training course within the first 90 days of employment.
- Demonstrated ability to work with difficult situations with multiple interests/parties involved.

Where are Kaiser Permanente Ombuds programs located in California?

There are currently many locations of Ombuds Offices within the California Kaiser Permanente system, among them Fontana, California; Santa Rosa, California; Redwood City; Fresno, California; Oakland; San Diego; San Francisco; South San Francisco, and South Sacramento, California.

So, in a nutshell, we have covered three great reasons why California and Organizational Ombudsman go hand-in-hand by outlining the three large systems that create positions in organizational ombuds work here in California. These three systems (The University of California educational system, the California Worker’s Compensation Carve-Out Alternative Dispute Resolution and Kaiser Permanente California healthcare provider network, are dissimilar in many ways, that is, one is involved in academics, one in healthcare and one in Worker’s Compensation but all provide excellent Ombuds/Ombudsman services. They are all to be congratulated for being visionary providers of alternative dispute resolution services that reflect the best practices of how organizations can resolve conflicts informally, impartially and confidentially, aimed at respectful and positive win-win solutions.

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<http://www.milestonemma.net/what-are-the-differences-between-advocacy-ombuds-and-organizational-ombuds/>

## **What are the Differences between Advocacy Ombuds and Organizational Ombuds**

Posted on October 1, 2012

### Difference between Advocate Ombuds and Organizational Ombuds

As I practice both as an advocate Ombuds in the role as a Certified Long Term Care Ombudsman assigned to a 180 bed skilled nursing facility and I also practice as an organizational Ombuds with a large university graduate medical education facility, I began to ponder the experiential differences between the two practices. I want to take this opportunity to share some thoughts about how an organizational ombuds can both encompass the advantages of the advocate ombuds, as well as safeguarding a balance of power in the conflict resolution process.

The most obvious difference between advocacy ombuds versus the organizational ombuds is that we say that advocacy ombuds advocate for a specific stakeholder (in my case, seniors residing in skilled nursing facilities) whereas organizational ombuds do not advocate for one side or the other, we advocate for fair processes. One is neutral, one is not.

The decision to institute which type of ombuds practice becomes a critical choice. One considers who are the targeted or primary stakeholders. Seniors or injured workers or citizens may be perceived as “disempowered” or “underserved” or “vulnerable” stakeholder groups because of disability, lack of political clout, lack of knowledge of complex processes, or inability for whatever reason to get their needs met without additional supports. From this perspective, an advocacy ombuds will restore a balance of power. This advocate ombudsman can be a confidential resource, can perform assertive shuttle diplomacy, can access resources, can educate on rights/responsibilities and give needed information, can develop options that otherwise were not known to the stakeholder, and can take direction from the visitor on what he/she wishes to do or not do, respecting their right for self-determination whenever feasible. This is a noble cause, certainly.

However, in my experience, when I have acted on behalf of a senior, the facility or other medical providers, may perceive my non-neutral role as one imbued with a power that can negatively impact them, despite my preference to see them as partners in resolving problems. Sometimes I feel, as I walk through the doors of the facility, that I am being “watched” and feared, as I might discover their mistakes, and bring public or financial consequences to bear. Only a careful interpersonal manner and how I approach situations diplomatically and fairly, over time, may spare me the label of “the enemy” or “the surrogate State surveyor”. This is quite unfortunate but understandable. In fact, investigations are done; in fact, violations are reported; in fact, abuses are detected in my role as advocate Ombudsman.

On the other hand, organizational ombuds does not exclusively advocate for one party over the other. As an organizational ombuds practicing at a major university with employees/staff, faculty, students and trainees as stakeholders, we are particularly careful to explain both verbally and in writing, that Ombuds do not participate in any formal grievance or legal proceedings, even with the permission of a visitor, as this could lead to a bias against another party involved in Ombuds services. We practice under the principle and code of ethics established by the International Ombudsman Association (IOA). However, to not be an advocate ombuds for employees is not implying that an organizational Ombuds is an advocate for the employer. In fact, we take special precautions to ensure that we are not perceived as advocating for the employer. We advocate for fair processes and our reporting relationships within the organization and compliance to International Ombudsman Association (IOA) Principles and Code of Ethics, enables us to be independent and free of conflict of interest, to uphold impartiality and neutrality.

This advocacy of fair processes versus advocacy for the employee/trainee is one that is much more palatable to organizations newly thinking of creating an Ombuds Office. There would be hesitancy, for example, for a private company to pay for the Ombuds who might actively advocate against them as a stated role function.

Although an organizational ombuds, who is interested in fair process, can also present options to the visitor that may create perceived negative consequences for the organization, there is a more balanced approach, as many options are explored and ultimately it is the visitor who chooses the course of action. In this way, the organization can view the role of the Ombuds as keeping the organization honest, adhering to its own policies and mission, having participation in rectifying a situation early on, rather than fearing an attack for their missteps. The International Ombudsman Association (IOA) standards of practices also safeguards the undue influence of the organization upon the Ombuds practice:

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

The director of the Ombudsman Office should report directly to the highest level of the organization (such as board of directors, CEO, agency head, etc.) in a manner independent of ordinary line and staff functions.

The Ombudsman should be able to function independently from control, limitation, or interference imposed by any official in the entity.

The Ombudsman should be protected from retaliation (such as elimination of the office or the Ombudsman, or reduction of the Ombudsman budget or other resources) by any person who may be the subject of a complaint or inquiry.

The Ombudsman should obtain assurance from the organization at the outset, and apart from any particular dispute, of access to outside legal counsel at his or her own discretion.

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

How does the Organizational Ombuds serve the disempowered, underseved, vulnerable stakeholders that are well served by the Advocacy Ombuds?

In comparing the organizational ombuds effectiveness with that of the advocacy ombuds, how does the organizational ombuds create a balance of power for those stakeholders who are well supported in the advocacy ombuds model i.e. the “disempowered” or “underserved” or “vulnerable” stakeholder group? What happens to these visitors within an organizational ombuds model?

Organizational ombuds do not perform formal investigations and therefore cannot be judges of unfair or wrong or illegal actions against a stakeholder. How do we support those who have little voice or power within the organization or system in which they find themselves?

It is imperative that all parties, whether in an advocate or organizational ombuds model, be allowed to have equal voice in expressing needs and expectations in a conflict. Perhaps in the advocate ombuds model, the Ombudsman speaks more on behalf of the stakeholder to bring that equality of voice to bear. The advocate Ombuds brings more assertiveness, more ability to “speak the language” to describe what’s needed, feels less intimidated by the “powers that be”, knows the procedures, etc. The organizational Ombuds may use such skills but not predominantly for one identified party.

Furthermore, an Ombuds knows that a balance of power presents the best chance for a win-win solution; even the “underserved” or “vulnerable” have significant influence in outcomes, if one is able to identify these influences and mobilize them. The skilled organizational Ombuds can find the interdependence among parties such that an expansion of different needs or goals can yield mutually satisfying agreements. A concession by one party may be viewed as a loss to the other but a concession on one issue combined with an apology on another more emotionally charged issue may make it a win-win and may make all the difference in the world. Conflicts are as complex as the individuals who are involved!

Lastly, the organizational Ombuds seeks to advocate for fair processes, but in situations where a process has not been utilized or not executed in a proper fashion, the organizational Ombuds may find themselves being an advocate for the individual in the pursuit of a fair process. This situation would, of course, only be with the visitor’s knowledge and approval to act in such a capacity.

In summary, there are compelling reasons for the choice of advocate versus organizational ombuds practices. In my own dual practice as both an advocate and an organizational Ombuds, I have attempted to explain how the organizational Ombuds practice can include and address one of the major positive benefits inherent in an advocacy model while also safeguarding a balance of power in the conflict resolution process.

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<http://www.milestonemma.net/whats-the-difference-between-mediation-and-organizational-ombuds/>

## **What’s the difference between Mediation and Organizational Ombuds?**

Posted on July 25, 2012

In attempting to make a comparison between mediation and organizational Ombuds work, the author has used a wholly unscientific method of jotting down phrases from multiple definitions of the two. There is so much similarity in these definitions, as you can see for yourself in the below listing. In this article, we will consider the many similarities but also delineate the critical few differences between mediation and organizational Ombuds practices. There will likely be many practitioners in both roles that have either additions or deletions to this list; there was an attempt to identify the major concepts that were non-duplicative but there is significant redundancy inherent in reviewing multiple definitions of the same words.

### **MEDIATION Definition**

Mediation is a negotiation to resolve differences that is conducted by some impartial party.

An attempt to bring about a peaceful settlement or compromise between disputants through the objective intervention of a third party neutral.

The attempt to settle a legal dispute through active participation of a third party (mediator) who works to find points of agreement and make those in conflict agree on a fair result.

Form of alternative dispute resolution (ADR), a way of resolving disputes between two or more parties with concrete effects

Participation is typically voluntary. The mediator acts as a neutral third party and facilitates rather than directs the process.

Mediators use various techniques to open, or improve, dialogue between disputants, aiming to help the parties reach an agreement.

Are neutral unbiased professionals with no stake in the outcome of the mediation process.

In most cases the legal system cannot force a mediator to testify in court as to the content or progress of mediation. Many mediators destroy their notes taken during a mediation once that mediation has finished.

#### ORGANIZATIONAL OMBUDS Definition

Works with individuals and groups in an organization to explore and assist them in determining options to help resolve conflicts, problematic issues or concerns.

Is a confidential and informal information resource, communications channel, and dispute-resolver and a person who helps an organization work for change.

A designated neutral who is appointed or employed by an organization to facilitate the informal resolution of concerns of employees, managers, students and, sometimes, external clients of the organization

The Ombudsperson works at an informal level of the organizational system, and is independent of formal organizational structures.

The Ombudsperson is respectfully impartial with all parties to a conflict. The Ombudsperson does not take sides in any dispute, but rather advocates for fair process and equitable results.

The Ombudsperson listens, offers information about policies, procedures and resources, and presents a range of options for resolving problems.

With permission, the Ombudsperson will facilitate communication or informally mediate a dispute.

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

I have outlined below, a chart that “matches” similar phrases from the above definitions of Mediation and organizational Ombuds work that show concordance of concepts. In doing so, one could conclude that mediation and Ombuds work are one and the same and to complicate matters, there are many different variations of both mediation and organizational Ombuds practices. Fundamentally, they are both considered “Alternative Dispute Resolution” (ADR) processes; additionally, mediation is identified as one of the roles of an Ombuds. Each definition has some form of attestation to confidentiality, informality, independence and impartiality/neutrality.

#### DEFINITION SIMILARITIES BETWEEN MEDIATION AND ORGANIZATIONAL OMBUDS WORK

##### **Mediation Ombuds**

Resolve differences or disputes/ Form of alternative dispute resolution (ADR)/ As an alternative to the traditional investigative or litigation process

Dispute resolver /Using an alternative dispute resolution (ADR) sensibility

Impartial party/Neutral/ Third party neutral

Is neutral, impartial and unaligned/ Independent to prevent real or perceived conflicts of interest/ Functions independently from all regular line and staff management

Compromise/ Facilitates not directs the process

With permission, facilitate or mediate disputes/ may help to resolve issues between parties through various types of informal mediation.

A negotiation to resolve differences

Go-between/ trusted intermediary

Agreement on fair result

Advocate for fair process  
 Facilitates dialogue between disputants /Friendly intervention  
 Acts as a communications channel  
 Find points of agreement/ helps the parties think “outside of the box” for possible solutions to the dispute, broadening the range of possible solutions/  
 Determines and explores a range of options

Process is private and confidential/ Mediation remains strictly confidential/The mediator and the parties must sign agreements that they will keep everything that is revealed during the mediation confidential.

Provides confidential assistance/ Holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality

Typically voluntary

Use of the Ombudsman Office is voluntary

Mediation fosters a problem solving approach to complaints/ Mediation allows you to design your own solution.

Informally investigates complaints/ Makes informal inquiries/ Helps people develop new ways to solve problems themselves

In most cases the legal system cannot force a mediator to testify in court as to the content or progress of mediation/ Many mediators destroy their notes taken during a mediation once that mediation has finished.

The Ombudsman as an informal and off-the-record resource/Formal investigations should be conducted by others/ Informally investigates complaints/ Makes informal inquiries/ Keeps no records with identifying information

There are, however, two real differences between Mediation and organizational Ombuds work that, in most cases, could be delineated. The first is regarding mediators and organizational Ombuds making legally binding decisions. For the most part, there are indications that mediators are capable and expected to make binding agreements. There are, of course, many practicing mediators who would not engage in this role at all but in almost all cases involving an Ombuds, even in a mediator role, the Ombuds would not generate legally binding agreements. Ombuds do not participate in any formal investigative or adjudicative procedures.

Furthermore, there is the issue of involvement of the organizational Ombuds in the overall organization within which or for which the Ombuds work. Mediators generally are not involved as organizational change agents within the organizations for whom they are mediating.

#### DEFINITION DIFFERENCES BETWEEN MEDIATION AND OMBUDS WORK

Agreements may be binding or non-binding. The mediated agreement is, however, fully enforceable in a court of law (Wikipedia)/ Any agreement reached during an ADR proceeding must be enforceable (EEOC)/ The mediation process, unlike arbitration, is non-binding (Jean Murray, BizTax Law.com)

Organizational Ombudsmen do not make binding decisions or mandate policies (IOA)/ Does not receive notice for the organization of wrongdoing

Upward feedback to the organization is not a designated role of the mediator. Not invested in the organizational processes but on the individuals themselves in the mediation; during the mediation process and also once a mediation is concluded, there is no communication outside the mediation context; no such organizational expectations are made for mediators.

Recommend institutional change/ Helps enable safe upward feedback/ The Ombuds is a source of detection and early warning of new issues and a source of suggestions of systemic change to improve existing processes/ Identifies new issues and opportunities for systemic change for the organization/ The unique positioning of the ombudsman serves to provide unfiltered information that can produce insight to issues and resolutions (while preserving individual confidentiality at all times).

May give information in the course of mediation as part of problem solving but referrals to internal organizational formal channels is not a promoted designated role function.

Gives information/ Refers individuals to appropriate resolution resources/ An ombudsman may refer individuals to one or more formal organizational resources that can potentially resolve the issue.

Mediation cannot be done anonymously. Mediators do not act on behalf of a person who does not reveal his/her identity.

When an individual is unable or unwilling to surface a concern directly, the ombudsman can assist by helping give voice to the concern and /or creating an awareness of the issue among appropriate decision-makers in the organization.

In summary, although mediation and Ombuds work have significant similarities as a dispute resolution alternative to formal legal or grievance processes, there are some critical distinguishing elements to the roles. Organizational Ombuds function always within an organization, albeit independently and impartially, while mediation can be used quite separately from outside an organization. Key areas of differences between Organizational Ombuds work and mediation that include: 1) the definitive Ombuds standard of practice to NOT engage in binding agreements, 2) the role of the Ombuds in providing the organization with systemic recommendations for change, 3) the expectation of Ombuds, when appropriate, to provide referrals to formal resources as needed, and 4) the ability of Ombuds to act on a visitor's behalf when they choose to remain anonymous.

Ombuds practice; Organizational Ombuds, Ombuds vs Mediation, Kathy Biala

What are the differences between Organizational Ombuds and mediation?

Ombuds, organizational Ombuds, Alternative Dispute Resolution Kathy Biala

Alternative Dispute Resolution: Ombuds vs Mediation