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Standards of practice and code of ethics

1995

The
Ombudsman
A S S O C I A T I O N

5521 Greenville Avenue, Suite 104-265, Dallas, Texas 75206
(214) 553-0043

February 10, 1995

Dear Fellow Ombudsman,

From the very first days of The Ombudsman Association in 1985, we have been dedicated to the highest standards of conduct. Two years after our incorporation, we published a handbook which became the standard text for our profession. In 1991 The Ombudsman Association developed the first formal training program for the new ombudsman, Ombudsman 101. Today we are offering this program twice a year, and have added Ombudsman 202 and 303. Our Newsletter and Bulletin provide important information about the profession on a regular basis.

Our profession has become highly visible. The result of all this is the need to provide consistency to how we practice. Confidentiality and neutrality -- things we used to take for granted -- are being challenged, in some cases by our own management. Some of us have already been to court, others are facing subpoenas as I write.

Your Board of Directors feels strongly that our first line of defense is to persuade legislatures in the United States to pass shield laws protecting us from those who would challenge the confidentiality of the Ombudsman office. This is a far more productive use of our organizational resources than having to fight individual court case after case. As I mentioned in an earlier letter, we have joined forces with other Ombuds associations to pursue this.

The key to this campaign will be how legislatures perceive our profession. If they see a group of people who practice consistently, who adhere to a code of ethics and conduct, then we have a chance to gain support for protection. But if they see a profession that has no defined approach, no uniform standards of practice, the likely question will be -- "What is an ombudsman?" "How can we grant privilege when there are so many different species?"

We at TOA have to step up to our share of this issue. It is important that TOA's members:

- Strictly adhere to our Code of Ethics
- Make confidentiality and neutrality the cornerstone of our practice
- Not hold other functions that would compromise -- or be perceived to compromise -- the Ombudsman profession

A very large percentage of our present membership meet these criteria. There is no reason, however, for present members who do not meet these criteria, to lose the networking and benefits of The Ombudsman Association. We have created a new level of membership -- Associate -- and we invite those who do not practice to Code to become Associates of the organization. We ask only that you support and affirm the Code of Ethics as it pertains to practicing ombuds.

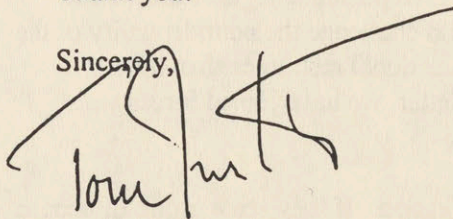
If you have been a member and now qualify as an associate, you will hardly see a difference. Members and Associates will receive all newsletters and bulletins, and the handbook when they join. They will be eligible for Ombuds 101 and 202 training. Associates will not be eligible to attend 303 and they will not receive limited financial support from TOA in the event of a subpoena. In the latter case, if they are not practicing to Code, this should not be an issue.

We want to retain all of our former members, either as members or associates. We value your contributions and your friendship. Please help us to determine your role by completing and returning the enclosed application. We encourage you to answer all questions candidly and accurately.

I look forward to seeing you in New Orleans.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Furtado', with a long, sweeping horizontal line extending to the right across the top of the signature.

Thomas Furtado
President, The Ombudsman Association

Enclosure (1)

THE OMBUDSMAN ASSOCIATION CODE OF ETHICS

1. The ombudsman, as a designated neutral, has the responsibility of maintaining strict confidentiality concerning matters that are brought to his/her attention unless given permission to do otherwise. The only exceptions, at the sole discretion of the ombudsman, are where there appears to be imminent threat of serious harm.
2. The ombudsman must take all reasonable steps to protect any records and files pertaining to confidential discussions from inspection by all other persons, including management. The ombudsman should not testify in any formal judicial or administrative hearing about concerns brought to his/her attention.
3. When making recommendations, the ombudsman has the responsibility to suggest actions or policies that will be equitable to all parties.

September 22, 1994

TO: TOA Board Members

SUBJECT: Yet Another Draft 9/14/94

FROM: Toni Robinson

THE OMBUDSMAN ASSOCIATION
CODE OF ETHICS

1. The ombudsman, as a designated neutral, has the responsibility (or duty) of maintaining strict confidentiality concerning matters that are brought to his/her attention (unless given permission to do otherwise). The only exceptions, at the sole discretion of the ombudsman, are where there appears to be imminent threat of serious harm.
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3. When making recommendations, the ombudsman has the responsibility to suggest actions or policies that will be equitable to all parties.

THE OMBUDSMAN ASSOCIATION CODE OF ETHICS

July 19 draft version

The ombudsman is a confidential resource for informal dispute resolution. Ombudsman functions include just listening, information and referral, facilitating communications, developing and helping with options for conflict resolution, problem-solving, mediation, and recommendations for systems change where needed. Independent of ordinary reporting lines, and a designated neutral, the ombudsperson is accessible to and takes into consideration the concerns of all parties to a dispute.

The ombudsman does not accompany disputants in formal grievances or hearings, and does not arbitrate or adjudicate. The ombudsman will decline to testify or disclose information, about concerns that have come to the ombuds office, in any judicial or administrative procedure, except to provide general information concerning ombuds office functions and practices, or if the ombudsperson was personally witness to a felony.

The ombudsman has a responsibility to those who seek his/her assistance to maintain strict confidentiality, and not to act without permission. The ombudsman must insure that any materials pertaining to specific discussions are safe from inspection or discovery at all times -- and that they are safe from all parties including management. When surfacing concerns or patterns of concern, the ombudsman provides only anonymous data or aggregate data, unless the concerned person has given permission to disclose more.

When the ombudsman perceives that there may be a threat or other evidence of danger to life, he or she may make an exception to the rule of maintaining confidentiality. In addition, at the sole discretion of the ombudsman, information about serious crime or a threat to national security may also be carried forward, if there seems no other way responsibly to surface the information. However, before breaking confidentiality, the ombudsman should consider whether first to counsel a visitor personally to come forward and /or whether to inform the visitor that confidentiality will be broken.

In any circumstance of talking with others about matters that come to the ombuds office, the ombudsman should discuss such matters only with those who have a need to know.

When making recommendations, the ombudsman has the responsibility to suggest actions or policies that will be equitable to all parties and reflect good business practice. The ombudsman is not an advocate for any individual.

The ombudsman has the responsibility to update and improve skills, to contribute to the profession, and to behave in a professional manner at all times to maintain the credibility of the ombudsman function.

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