The Unique—and Effective—Quartet of Standards of Practice of Organizational Ombuds:

Each Standard is Necessary—and Requires

the Other Three Standards

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Keywords: Organizational Ombuds, Standards of Practice, Independence, Impartiality/Neutrality, Confidentiality, Informality, Ombuds Effectiveness

Word Count: About 1880 words, including abstract and bio but not references

Abstract: Employers in many sectors are considering adding an organizational ombuds to their conflict management system. However, employers often have questions about this unusual profession. How is the OO different from other human services professionals? How are OOs effective?
Organizational ombuds practice to a unique quartet of Standards of Practice. One or more of the Standards are familiar to most human service professionals: Independence, Impartiality/Neutrality, Confidentiality, and Informality. But the set of four Standards taken together is novel—and appears to be unique to OOs.

These Standards enable OOs to serve an organization and its members effectively—to support constituents who need help, and to help information get where it needs to go. The authors explain the importance of each of the Standards of Practice and how each Standard supports the other three. OOs should practice in accordance with all four Standards so as not to compromise the organizational ombuds model.

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Organizational Ombuds (OO) offices have been spreading around the world, with new OO offices, or the expansion of existing offices, occurring at the rate of more than one a week (Kosakowski, 2023). Employers around the world ask about adding an organizational ombuds office to their conflict management system. And they often have questions about this unusual profession. How is the OO different from other human services professionals? And how is it that OOs are effective?

Organizational ombuds are fundamentally different because they practice to a unique quartet of Standards of Practice (International Ombuds Association, 2022). One or more of these four Standards of Practice are familiar to many human service professionals: Independence, Impartiality/Neutrality, Confidentiality, and Informality. But the set of four Standards *taken together* is novel—and appears to be unique to OOs. This quartet of Standards provides a very effective capability for OOs to serve an organization and its members—to support their constituents when they need help, and to help to get information where it needs to go.

- *Independence* means that the OO reports to the highest possible authority in the organization and practices independently from all other line and staff offices.
• *Impartiality/Neutrality* means that the ombuds is not an advocate for a specific outcome or specific individual in an organization but is instead an advocate for fairness and fair processes. (Ombuds are not “neutral” about laws and ethical behavior.)

• *Informality* means that OOs have no management decision-making authority outside their own offices. They have no authority to perform formal investigations, to adjudicate, to redress wrongs, or to take part in any formal conflict management process inside or outside the organization. OOs do not accept notice for the organization or speak for their organization. No one in an organization can be required to work with an ombuds.

• *Confidentiality* means that an OO does not speak of or about anybody seeking assistance of the OO except with permission, and then only at the ombuds’ own discretion. OOs do not keep identifiable case records for the organization. Ombuds breach confidentiality (at their own discretion) only in the very rare cases of imminent risk of serious harm, or as required by a specific law, such as reporting elder or child abuse.¹

**How are these Standards important to each other?**

It is the conjunction of the four Standards together that makes the foundation of OO practice unique. Each of the four Standards of Practice supports the other three Standards, and it is therefore important that the OO practices to key concepts of each of the Standards so as not to compromise the fundamental elements of the organizational ombuds model.

¹ Disclosures required by law typically overlap with the ombuds’ own assessment of imminent risk of harm.
Confidentiality. OOs could not keep near-absolute confidentiality if they made management decisions and represented their organization formally. That is, the OO office would be considered “an office of notice” if the OOs did not practice informally. (International Ombuds Association, 2023). The standard of confidentiality is also supported by an ombud’s independence. It is because the OO is not linked to or reporting to line and staff offices that the OO can offer almost complete confidentiality. Likewise, the standard of confidentiality is supported by the designation of being “impartial” or “neutral.” The OO is not advocating for persons or parties but rather for fair and ethical processes.

Independence Similarly, the standard of independence is supported by informality, confidentiality, and impartiality. For example, it would be hard to be independent and near-absolutely confidential if one were making formal management decisions—or keeping formal case records for the organization. It would be difficult to maintain independence from all line and

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See the following excerpt on confidentiality and imputed notice from the International Ombuds Association publication “An Overview of Ombuds Confidentiality: A Primer to Assist General Counsel, Program Designers and Ombuds” (2023):

“The concept of imputed notice applies in many settings as a fundamental principle of ‘agency law.’ In the workplace setting, simply put, the concept of ‘imputed notice’ refers to communications that place an employer on notice of an issue or concern for which the employer may have an obligation to act. In the ombuds context, the concept typically applies to whether or not communications to an ombuds place an organization ‘on notice’ and, as a result, create an obligation for the organization to respond. A typical scenario might involve whether reporting a student sexual assault, workplace sexual harassment, or a discrimination concern to an ombuds places the organization ‘on notice.’ If an organization wishes to establish an ombuds program, it is critical that it structures the program to be a) structurally independent from the typical reporting structure (including any collateral job roles); b) neutral in the sense of having no decision-making authority; and c) advertised as a confidential resource with no duty to report such concerns. When the ombuds program is properly structured, the Standards of the American Bar Association, a large volume of American case law, and the current U.S. Department of Education Regulations interpreting Title IX of the Educational Amendments Act of 1973 all acknowledge that conversations with an ombuds do not place the organization ‘on notice.’ Ombuds offices, when properly structured, emphasize that the program is fundamentally based on confidentiality and explicitly note in their website, all promotional materials, email, and in all communications with program users that the ombuds office is not a place of notice. With this understanding, with the permission of a program user, the ombuds may report a concern to the organization on their behalf and place the organization ‘on notice’ as a result.”
staff offices without the designation of *impartiality/neutrality*—that is, if one took sides or made decisions on behalf of persons or groups.

**Impartiality/Neutrality** Impartiality/neutrality also requires the other Standards of Practice. It would be hard to be perceived as *impartial or neutral* if the OO did not maintain near-absolute *confidentiality*. Impartiality/neutrality would also be difficult if one were not *independent*—that is, if one were reporting to an ordinary line or staff office, especially if that office were a compliance office. And OOs would not be seen as *impartial or neutral* without *informality*—for example, if they made formal decisions on behalf of the organization or participated in formal processes such as formal grievance procedures.

**Informality** *Informality* is supported by *independence, impartiality/neutrality, and confidentiality*. If the OO were not *independent* and reported to any ordinary line or staff office (especially if that office were a compliance office), it would hard to practice informally; the OO would need to maintain records.

If the OO were not designated as *impartial or neutral*, it would be hard to remain informal; the OO would be under constant pressure to take sides for persons and groups inside the organization. If ombuds were not designated as *confidential*, they would have to keep records, which could be relevant in formal processes.

While the ombuds is an advocate for systemic, procedural, and substantive fairness, to remain truly impartial the ombuds must do so in ways that support managers and authorities to take action,
instead of the ombuds acting directly. For example, an ombuds may identify a troubling new issue, pattern, or theme within their organization and may present data illustrating the new issue, pattern, or concern. The ombuds may even recommend that management consider action. However, if the ombuds advocates for a specific solution, policy change, or corrective action, the ombuds risks placing themselves in a non-neutral, non-independent and possibly formal role of advocating a specific policy change. This could identify the ombuds as the “owner” of that policy and compromise the important Standards of Practice, which are core to the ombuds role and mutually supportive.

Thus, each of the four standards is supported by the other three standards. It is the conjunction of the four that creates a sturdy and effective quartet of IOA Standards of Practice.

**Why are these Standards important for the organization?**

The Standards of Practice, taken together, provide a platform for an unusual array of functions that ombuds do—and do not—provide (Rowe et al., 2020). These permit OOs to help information to get where it needs to go within the organization and synergistically amplify and enable effective management (Rowe et al., 2022).

Leadership in every organization needs information about good ideas and serious problems that have not yet surfaced. And leaders need such information in a clear and timely fashion if they wish to build community and improve productivity—and manage risks. However, research shows there are multiple barriers to getting information where it needs to go on a timely basis. People in the
organization who have vital information often perceive that they, personally, face many risks in coming forward. Many people, much of the time, do not know where to go and how to begin to communicate about delicate issues. Many need help.

By adhering to IOA Standards of Practice, the OO office can be a “zero-barrier” office—that is, a safe, accessible, fair, and credible office that is an important part of an organization’s conflict management system (Rowe, 2009). A zero-barrier office sharply reduces risks for constituents who wish to discuss unacceptable behavior, painful dilemmas, and good ideas. OOs can then help their constituents to find safe ways, when needed, to get information where it needs to go (Rowe et al., 2022).

The OO office will only be viewed as a zero-barrier office when operating to well-balanced Standards of Practice. The four Standards are essential to identify, assess, and find options for a wide range of concerns within the unusual portfolio of functions of OOs (Rowe et al., 2020). And the Standards form the platform for the sources of power and influence of ombuds as ombuds support the systems of the organization to which they belong (Rowe, 2024).
References

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