

Ombuds Day – A Recognition of the Ombuds Profession and the Value of Ombuds

October 8, 2020

Statement from International Ombudsman Association Executive Director, Chuck Howard

I am honored to be asked to participate in this **third** annual Ombuds Day celebration. With each year, public awareness of all types of ombuds programs has increased; and at the same time, there is still so much more that we can do to increase awareness of this valuable function.

I am trying to do my part. I can assure you that as a boy growing up in the 1950's and 60's, I did not aspire to be a cheerleader, though I admit I did once date one. When my high school ambition for a naval career foundered on poor eyesight, I decided I wanted to be a lawyer, which is what I did--for a very long time. And yet, after 44 years of practicing law and one year as the Executive Director of the International Ombudsman Association, I have realized that my role as a cheerleader for the ombuds profession is probably more important than the work I did as a lawyer. While it might be more dignified to say that I am an ambassador for this profession, that term does not convey the depth of my admiration for it. A cheerleader is probably more accurate.

I come to this conclusion because, although I am not an ombuds, I have worked with and represented them for over 30 years and passionately believe that the work of ombuds is vitally important to individuals, organizations, and, indeed, for our whole society.

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Unfortunately, despite the best efforts of many people, including me, the ombuds profession still suffers from a lack of public awareness.

Just this past week, I was in a conversation with a prominent writer and consultant on organizational culture who candidly admitted that he only had only the vaguest sense of what an ombuds is and does. I admire his desire to learn more about the work of ombuds, but someone like this is rare. I have found that many senior leaders in government, business and other organizations do not understand either what ombuds do or why it is important. It is, therefore, not surprising that they have been reluctant to create and support ombuds programs. I know that many of you are ombuds, and I am sure that you have had to explain **over and over again** to people **what you do and why it is important**.

The challenge of increasing awareness of the importance of the ombuds role is made harder by the fact that there are different types of ombuds who do somewhat different types of work. There are classical, advocate, and organizational ombuds who you will hear from in this program. Some are internally-facing and some are externally-facing. All do important work. And, I think that all of these variations spring from the same animating guiding principles.

Last year in my Ombuds Day keynote speech, I recounted that one of the first introductions of the ombuds role in the United States came as a result of a law review article by

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Professor Kenneth Culp Davis in 1961 in which he touted the benefits of the "Scandinavian Ombudsman" and presciently predicted that the Scandinavian model, coupled with American ingenuity, could "have considerable potentiality for our various governments, federal, state, and local." Wow, was that ever an understatement! Despite the lack of broad public awareness, the unfamiliar role and structure of ombuds programs, and skepticism from senior leaders, ombuds programs have been quietly created in government, academia, and our business, civic, and social institutions ever since. And that brings me to a paradox that I would like to speak about: how can something that has become so widespread still be something that most people do not really understand. And more to the point, what can we do collectively--all of us-- to address this.

I would like to try to speak to the first part of this paradox by picking up where I left off in the Ombuds Day speech last year. In that presentation, I tried to articulate one of the reasons why I think ombuds programs have been adapted to so many different contexts and are so important. I said that I thought that underpinning the practices of virtually all ombuds models are fundamental principles that many of us see as the very foundation of our society: fundamental fairness, procedural fairness, and checks and balances.

As I have thought about this analysis over the past year from my new vantage point of involvement with one of the ombuds professional associations, I still think those principles help explain the spread of different types of ombuds programs in different contexts. When we see

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unfairness or abuse or misconduct, there is something in our collective yearning for fairness and fair process that compels us to try to find ways to structure remedies, and ombuds programs are one of those remedies. And that is where the principle of "checks" comes in. Some types of ombuds programs have investigative and subpoena power, and some do not. Some are advocates for their constituents and some are not. **But all ombuds programs--even those programs not created by legislation or in the government and thus without investigative or subpoena power-- have another important power--the power illumination--** to provide enlightening information and assistance to people in conflict or with concerns they want to raise, to expose misconduct, and alert senior leaders to unfairness, failures of fair process, or policy gaps. This power of illumination is also the pulsing energy that ombuds programs draw upon and one reason they can connect deeply to our social consciousness. Our belief in the necessity of the power of illumination--and the principles that support it-- is why, even with the ever-present skepticism, the ombuds concept keeps persevering and adapting to new circumstances.

So, if this analysis helps explain the first part of the paradox of why ombuds programs have expanded in so many contexts, how do we begin to address the second part of the paradox to increase public understanding of and support for what ombuds do? I think the answer to that question begins with realizing that there is more that unites the missions of the various types of ombuds programs represented here today than any differences among them-- and we all know how rare a sense of unity is in our country today. And with this united front, I

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would like to make some suggestions for your consideration, one more philosophical, and others more practical.

At the philosophical level, I think that my previously stated summary of the key principles undergirding ombuds practices is incomplete. That may have been because I personally just did not recognize that there were other fundamental principles that should guide the work of ombuds. It is more likely that I just assumed that these additional principles were subsumed in the other ones I have described--fairness, fair process, and checks. But the events in our country and civil society over the past year have caused me to rethink that assumption and conclude that additional principles should be called out and specifically articulated. I think I am not alone in both **not seeing this clearly before** and **in recognizing now** that ombuds need to call out and keep additional principles top-of-mind both personally and institutionally. **Here, I am speaking about diversity, inclusion, equity, and respect.**

I lived through the civil rights and antiwar movements in the 60s; the year I finished high school Martin Luther King and Robert Kennedy were assassinated. I was in the middle of college when the shootings at Kent State shut down the nation's colleges and universities. Civil stress, public anxiety, and discord were rampant. I think this past year has been much the same. The disparate impacts of the recession, the pandemic, policing, and so many other aspects of our society have become unequivocally plain over the past several months. Many of us wonder how much more we can take. I have no doubt that ombuds of all types see

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manifestations of this whatever their model of practice is. Unfortunately, the effect of this disparate impact has been magnified by what appears to me as extraordinary political dysfunction. We see it all played out nightly on the television news. We read about it in social media and in newspapers. Consequently, **I think ombuds should be asking themselves, what are they doing--beyond their concerns for fair process and the principle of "check" --to promote the principles of diversity, inclusion, equity and respect for all people.**

By calling out and incorporating these specific principles into the fundamental principles that guide their missions, I think ombuds will have the power to make their work even more relevant and responsive to more people. Surely all of these have always been a part of the mandate for fundamental fairness to help people and to help our institutions function more responsibly, but I think it is time to call them out for particular focus. **If ombuds can be seen as a beacon for these principles in the same way that ombuds have used the power of illumination for their other guiding principles, I have no doubt that the impact of ombuds both individually and collectively will be greater than ever.**

Making a renewed commitment to a broader set of guiding principles is important to do as a philosophical matter, but I also believe that other action, more mundane and practical, is also required to raise the profile of the work that ombuds do and to move it from the "nice to have" category to the "must have" in our society and in our government and other organizations.

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To do this, I think ombuds first need to strengthen their respective professional associations. Strong organizations like the ABA, IOA, USOA, COFO, and NASOP are more relevant to their members' work and are better positioned to train, support, and advocate on behalf of their members. With the recession and economic crisis, cutbacks are looming for all organizations, governmental and non-governmental alike, and individual ombuds members need to keep their jobs to keep doing their work. They also need more back-up support now than ever. Such professional associations are also better positioned to continue the process of applying "ingenuity" to the adaptation of ombuds practices to new contexts. Because of the variations in focus of the different types of ombuds programs, there are many separate beachheads of potential expansion for each of them to attack.

Second, ombuds and their professional associations need to be able to engage with the important decision makers. For governmental, classical, and advocate ombuds that means engaging with policy makers to strengthen and possibly expand the reach of their programs. As you may know, the ABA Dispute Resolution Section Ombuds Committee has had for several years a Legislative Subcommittee that monitors proposed federal legislation and is prepared to weigh in to urge ABA support or opposition to particular bills. What you may not know, however, is that there are many such bills introduced in Congress--at any given time there are somewhere between a dozen and 15 bills to create new programs or that deal with ombuds issues. While the likelihood of success for most of these bills has not been great over the past

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four years due to the divided power in Congress, the upcoming election may change that. Even if control over the House and Senate do not change, there will certainly be new Representatives and Senators and new proposed legislation, presenting both opportunities and threats.

For organizational ombuds, as well as many others, engaging with important decision makers means developing better ways to demonstrate value and effectiveness when the confidentiality that is essential for the work often hampers ombuds ability to demonstrate their effectiveness. This is currently the subject of a major initiative of IOA, and my hope is that IOA will be able to help provide our ombuds with tools and strategies that will enable them to better communicate the value of what they do with **data--the near universal language of organizational leaders.**

Third, I think one of the most powerful tools for ombuds is to tell stories about what they do. I am not encouraging ombuds to become publicity hounds. I understand that there is a limitation imposed by the need to preserve confidentiality and that helping people and organizations is the first priority. But letting people know what ombuds do and--just as importantly-- **HOW** they do it is important; and if ombuds can't do it for themselves, they need to find others who can assist them. This is one thing I am currently trying to do. I hope to finish another book this year for organizational ombuds, and I am soliciting actual examples of the types of issues they have handled and how they have worked with their visitors and their organizations to provide guidance or surface issues. I have insisted that they be absolutely real,

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but when I present them, they will be anonymized so that no reader will know where they come from or who was involved. Having collected over a hundred of what I hope will be 200 or more of these stories, I know the power they have. **While I believe that it is important to anchor ombuds work with an appreciation of the guiding fundamental principles, I also know that a dozen real stories will bring the message home to many people in a way that nothing else will.** So, I encourage ombuds to find ways to let their light shine.

And finally, wherever they are around the globe, I hope ombuds will continue to apply "ingenuity" **to take this valuable concept and put it in everyone's backyard.** The theme for this year's Ombuds Day perfectly captures this thought: "Ombuds: Unusual Name. Important Service." Imagine a country or a world where ombuds programs are commonplace. How can the explosion of ombuds programs at the federal level continue to expand and find greater expression in state and local governments? What other fields of our civic, commercial, educational, or organization life could benefit by having an independent, confidential, and impartial resource that, at its core, tries to make both us and our organizations better reflect the fundamental principles that--whether written in a constitution or not--are important to who we are and who we want to be. **Let us all remember that there is always opportunity amid chaos.**

Thank you again for this opportunity to share my thoughts with you.

(Posted on the [International Ombudsman Association Website](#))