

Proposal for a proclamation of Ombuds Day*

Proposal submitted by the American Bar Association, Dispute Resolution Section,
Ombuds Committee

Introduction

The American Bar Association, Dispute Resolution Section, Ombuds Committee has a mission to promote a better understanding and increase utilization of appropriately designed, supported, and implemented ombuds programs in organizations of all types. The Ombuds Committee as well as the International Ombudsman Association and United States Ombudsman Association are making efforts to inform and educate private, non-profit and government organizations and individuals about the functions and benefits of ombuds programs, and to continue to create new quality ombuds programs that adhere to recognized codes of conduct and standards of practice.

Fundamentally, an ombuds is one who independently assists individuals and groups in the resolution of conflicts or concerns in relation to or within an organization or government entity, and helps the entity make changes to prevent the issues from recurring.

Ombuds work in and with all types of organizations, including governments, colleges and universities, corporations, nonprofits, hospitals and news organizations. There are different types of ombuds with different roles, functional responsibilities and standards of practice, including organizational ombuds, classical ombuds and advocate ombuds. An organization selects the type of ombuds program depending on its specific situation and needs. The name might vary as well. The profession uses the terms

ombudsman, ombudsperson or ombuds.

The Ombuds Committee believes ombuds programs should be an integral part of any issue management system. Ombuds enhance governance, ethics and risk management strategies, contributing to the overall well-being of public and private organizations, government, and the public. Celebrating and raising awareness of ombuds will not only help advance the profession, but will also expand dispute resolution and conflict management systems to improve climate and functionality within government, as well as private and public organizations.

To further support the ABA Dispute Resolution Ombuds Committee's outreach efforts, the ABA Ombuds Committee recommends that the American Bar Association designate the second Thursday of October Ombuds Day. Ombuds Day will serve as an additional opportunity to educate and raise awareness among the public about the history and practices of the ombuds profession including the importance of ombuds in our society.

Purpose

Ombuds affect organizations in a unique way and provide a wide variety of services and benefits to organizations and government. Services provided vary depending on the type of ombuds. Benefits of ombuds programs include: providing a confidential place to discuss concerns and analyze options; helping identify and voice unreported criminal or unethical behavior, policy violations, or ineffective leadership; empowering employees; facilitating communication and dispute resolution; assisting with matters that do not rise to the level of a formal complaint; fostering ethical organizational cultures; providing an early warning system for complaints and risks;

surfacing systemic issues; improving employee satisfaction, improving morale and retention; providing training in communication and conflict management; providing upward feedback; giving an organization an independent and impartial perspective; serving as a central information and referral resource for policies, processes and resources within the organization; demonstrating the structural attribute of openness and inclusion; advocating for fair process; mitigating risk and reducing costly litigation; and providing a wide holistic vantage point. Ombuds Day will raise awareness of these benefits and generate a renewed commitment to conflict management.

The term “ombuds” and the practice are not widely understood. The fact that there are different types of ombuds contributes to this confusion. By highlighting the Ombuds profession, we hope to assist individuals and entities in applying the term consistently and with standardized practices.

Ombuds Day will encourage and promote events, activities, discussions, presentations, lectures, exhibits, and social media outreach. We invite all members of the American Bar Association, as well as other international/local organizations that support ombuds, to observe Ombuds Day in an appropriate manner and in accordance with suggested activities.

Ombuds Day Goals

- Create an outreach opportunity
- Increase awareness of the ombuds profession
- Educate the public about the different types of ombuds
- Clarify the wide variety of services ombuds provide
- Highlight the value an ombuds brings to an organization

- Encourage use of ombuds programs
- Encourage compliance with recognized standards of practice as set forth by the United States Ombudsman Association, International Ombudsman Association, and other nationally recognized standards.
- Explain the role of ombuds in dispute resolution and conflict management systems
- Connect ombuds to their respective communities

Declaring the second Thursday of October Ombuds Day will provide a tremendous opportunity to educate and raise awareness of a rapidly developing ADR professional role that: enhances employee engagement; empowers productivity; and reduces known costs of organizational conflict. Public celebration of ombuds programs will accomplish essential goals in accord with the established mission of the ABA Dispute Resolution Ombuds Committee.

* There are varying opinions about the use of the term ombudsman, ombuds, or some other variation. Robin Matsunaga, President of the United States Ombudsman Association, argued for the use of "Ombudsman Day" instead of "Ombuds Day" based on the use of the term "Ombudsman" by the United States Ombudsman Association and the International Ombudsman Association, and his belief that the various forms of this unique form of dispute resolution, as it is practiced today, is rooted in the Swedish Ombudsman.

SECRETARY
Mary L. Smith
321 North Clark Street
Chicago, Illinois 60654
(312) 988-5161
marysmith828@hotmail.com

AMERICAN BAR ASSOCIATION

321 North Clark Street
Chicago, Illinois 60654-7598
(312) 988-5161
FAX (312) 988-5153

July 25, 2018

Mr. Benjamin G. Davis, Chair
Section of Dispute Resolution
University of Toledo College of Law
2801 West Bancroft Street
Toledo, OH 43606-3328

Sent via Email: ben.davis@utoledo.edu

Dear Mr. Davis:

The ABA Board of Governors (Board) met on June 21-22, 2018. I am pleased to advise you that the Board approved the request of the Section of Dispute Resolution to create an ABA Ombuds Day in October 2018 in Washington, D.C., with the understanding that if the event is successful, it may become an annual event.

In addition, the Board approved the Section's request to co-sponsor the project *We, the People: Strengthening Democratic Engagement to Address Local Civil Unrest* with Ohio State University's Divided Community Project.

If you have any questions regarding these actions, please do not hesitate to contact the Policy and Planning Division in Chicago.

Sincerely,



Mary L. Smith
Secretary

MLS:clk/ssm

cc: Lee A. DeHihns
Linda Warren Seely
Carri L. Kerber
Laura Macias