



# OFFICE OF THE CORPORATE OMBUDSMAN

## 2009 ANNUAL REPORT

July 1, 2008 – June 30, 2009



**American  
Red Cross**

## A Message From the Corporate Ombudsman

I am pleased to present the second annual report on the activities and initiatives of the Office of the Corporate Ombudsman. The office opened its doors in October 2007 and has handled more than 900 cases since its inception, touching more than 1,000 people throughout the American Red Cross community. As described in the Governance Modernization Act of 2007 and the charter for our office, the Ombudsman was created to enhance the capacity of the Red Cross to resolve conflicts and to identify problems, trends and patterns confronting the organization.



The American Red Cross is a singular institution that intersects the lives of citizens and communities in direct and critical ways—collecting and distributing blood, providing emergency and other support services to our Armed Forces and their families, and assisting people to prevent, prepare for and respond to natural and human-caused disasters. Congress and the American people entrust us every day to assist people in their hour of maximum need. The Office of the Corporate Ombudsman is a cornerstone of the deep commitment the Red Cross has to excellence in public service and high ethical standards. We provide a confidential, neutral place for people to voice their concerns with the Red Cross, its programs or policies or its ability to effectively meet its mission.

Informal resources like the Ombudsman Office are critical in any organization. People may be reluctant to bring difficult issues forward because they are uncertain to whom they can go and how best to raise an issue, or because they are concerned about being perceived as “difficult” or even about outright retaliation. The Red Cross is a large and complex organization, and it can feel overwhelming to find a way to make your voice heard. Our office can assist you if you are unsure where or how to start addressing a concern or if you are uncomfortable seeking assistance from other offices. We will help you clarify the issues, identify options and think strategically about how you can best raise and most constructively resolve the issues that concern you.

The information contained in this report constitutes only a partial view of a highly dispersed and multi-functioning organization. With nearly 33,000 Red Cross employees and over half a million Red Cross volunteers, the 555 constituent contacts with the Ombudsman Office cannot be said to be a representative sample. Our data points are relatively few and beyond this they are self-selecting insofar as constituents reach out to us for help with whatever situation they may be facing. Our interpretations and conclusions, then, are necessarily constrained by these factors as well as by the fact that I have only recently joined the office. In our role as Ombudsmen, we listen to all kinds of concerns, problems, stories, opinions and perspectives. Our neutral role is to work with whatever people bring us, to assist them in deciding for themselves how they wish to proceed. We facilitate between contending parties to achieve a mutually satisfying resolution and a result that enhances the ability of the Red Cross to achieve its critical mission optimally.

We look forward to continuing to serve the entire Red Cross community. Whether you are an employee, a disaster or chapter volunteer, a partner who helps us to provide services, a blood donor or blood recipient, or a recipient of any Red Cross service, my office is open to you. We will encourage openness, act as an early warning system and serve as a relief valve for the inevitable tensions and conflicts that arise when people are working diligently under dynamic, demanding and complex circumstances to serve people in need.

For more information on our office, please visit the Governance section of [RedCross.org](http://RedCross.org). I look forward to working with many of you and pledge to work hard to build an office that is worthy of your confidence, candor and trust.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Jessar". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kevin Jessar, J.D., Ph.D.  
Corporate Ombudsman, American Red Cross



Dennis Drenner/American Red Cross

Red Cross volunteers loading an emergency response vehicle (ERV) during the North Dakota and Minnesota floods.

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## What Is an Ombudsman?

The word “ombudsman” (pronounced “ahm – buhds – man”) comes from a Swedish term now used worldwide to designate independent, impartial and confidential offices that receive inquiries and complaints from individuals and designated groups and facilitate fair and equitable resolutions. The Ombudsman’s role is part of a long tradition of “listeners,” including colonial Brazilian bishops known as “Listeners of the Crown,” explaining the derivation in Brazil of the expression “complain to the bishop.”<sup>1</sup>

The first truly independent Ombudsman was established by the Swedish Parliament in 1809 to respond to public complaints against government actions and to protect citizens against bureaucratic abuses and excesses. It was subsequently adopted by other nations, including Finland (1919), New Zealand (1962) and Britain (1967). The creation of Ombudsman offices became more popular in the United States in the mid-1960s, motivated in part by revelations of government secrecy and concern for vulnerable populations. They came to be seen

as a way to penetrate bureaucracies and to help people constructively raise and address a complex array of concerns as well as to enhance good governance in governmental and non-governmental organizations alike. The Office of the Corporate Ombudsman at the Red Cross, like many other such offices around the country, diverges from the original Swedish model by not having investigative authority and by being available on a single organization basis only as opposed to answering citizen complaints against any or all governmental agencies across an entire province or nation.

The International Ombudsman Association (IOA) notes that the term “Ombudsman” “is used to communicate to the widest possible community and is not intended to discourage others from using alternatives.” Other derivations include Ombudswoman, Ombudsperson and Ombuds.



<sup>1</sup>See Organization of News Ombudsmen; “Ombudsman: Self-criticism in newspapers.” Jairo Faria Mendes. [www.newsombudsmen.org](http://www.newsombudsmen.org)

## A Brief History of the Office of the Corporate Ombudsman

In February 2006, the Board of Governors of the American Red Cross (“Board of Governors” or the “Board”) commissioned the Independent Governance Advisory Panel (IGAP) to review and analyze the Board’s composition and size, its relationship with management, the governance relationship between chartered units (chapters) of the American National Red Cross and national headquarters, and the whistleblower and audit functions of the organization. In October 2006 the Board of Governors issued a report based on the analysis and recommendations of the IGAP, entitled “American Red Cross Governance for the 21st Century.” In this report, the Board recommended the creation of an Ombudsman to improve the organization’s ability to resolve disputes and take action on significant issues confronting the Red Cross. This and other recommendations were enacted into law in the American National Red Cross Governance Modernization Act of 2007, which amended the original Congressional Charter of the American National Red Cross. The legislative history (H.R. Rpt. 110-87 at 29 (April 16, 2007)) of the statute creating the Ombudsman Office states that the Corporate Ombudsman will:

- act as a neutral and impartial dispute resolution center whose major function will be to provide confidential and informal assistance to the many internal and external constituents with concerns or complaints about the American Red Cross. The Office of the Ombudsman will have unfettered access to the entire corporation and all personnel, corporate reports, [and] documents, and will report directly to the organization’s Chief Executive Officer and on a regular basis to the Audit and Risk Management Committee of the Board of Governors.
  
- In addition to conflict resolution, the Office of the Ombudsman will report annually to the U.S. Congressional Committees of jurisdiction<sup>2</sup>, on areas and types of concerns, including trends and systemic matters that have the potential to, or may be confronting the organization. As a practice, these reports will also be made available to the public through the Red Cross external Web site, **RedCross.org**.

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<sup>2</sup>Senate Committees on Finance; Foreign Relations; Health, Education, Labor, and Pensions; Homeland Security and Governmental Affairs; and Judiciary. House Committees on Energy and Commerce, Foreign Affairs, Homeland Security, the Judiciary, and Ways and Means.

In October 2007, the Office of the Corporate Ombudsman opened its doors, offering an informal and responsive alternative resource for conflict resolution to all persons with an interest in the American Red Cross, including the general public, employees, volunteers and other stakeholders. The office was established in accordance with the Code of Ethics and Standards of Practice of the International Ombudsman Association and its core principles of confidentiality, neutrality, independence and informality.

In the coming year, the office will continue to build the Ombudsman program and enhance the ways in which it is able to reach and meaningfully serve the entire Red Cross community. The final section of this report, Looking to the Future, will discuss initiatives and directions that this office will pursue in the year ahead.





## Who We Serve and How We Work: Ombudsman Role, Principles and Tools

The Office of the Corporate Ombudsman reflects the commitment of the American Red Cross to good governance, high ethical standards, the well-being of its employees and volunteers and the attainment of its critical mission to serve people in times of maximum need. The Ombudsman is a resource for all members of the extended Red Cross community. Whether someone donates blood or money, provides supplies or services, receives benefits or in some way interacts with the Red Cross, the Office of the Ombudsman is available to them, consistent with the tenets and standards of practice of the International Ombudsman Association. While the office charter (see Appendix) contains the specific guidelines for the office, it is worthwhile to describe briefly what a person can expect of the Ombudsman and how the office works.

### We Are Confidential

- The Office of the Ombudsman is an off-the-record, confidential resource for any member of the Red Cross community or anyone affected by the programs and mission of the Red Cross.
- Talking to the Ombudsman does NOT put the Red Cross on legal notice of anything because the office is an independent entity that is not part of Red Cross management.
- Discussions with the Ombudsman, even the fact that you have contacted the office, will remain strictly confidential.
- The only exception to confidentiality is “imminent risk of serious harm,” meaning situations in which a person is threatening himself or someone else, or is clearly in physical harm’s way.
- The Red Cross affirms the right of individuals to seek assistance from the Ombudsman Office without fear of retaliation.

### We Are Neutral

- As designated neutrals, the Office of the Ombudsman advocates for fair process, considers the rights and interests of all parties and does not take sides.
- The office has no personal stake in the outcome of any situation and does not judge, discipline or reward anyone.
- The office works with people to help them clarify issues and identify and assess for themselves various options that may be available for raising, addressing and resolving a concern.

## We Are Informal

- Use of the Ombudsman Office is entirely voluntary for all people and parties, including those who may choose to raise a concern or those who are in a position to respond to an issue that has been broached through the office.
- Use of the Ombudsman Office is not a substitute for formal procedures, such as filing an official complaint or requesting an investigation.
- The Ombudsman Office has no managerial authority and cannot compel action or compliance.
- If you wish to place the Red Cross on notice or to request an investigation or any other management action, the Ombudsman Office can provide you with relevant information about how to do so.
- The Ombudsman Office does not participate in any formal complaint or investigative process and does not follow a prescribed or rigid sequence of steps.

## We Are Independent

- To ensure its independence and objectivity, the Ombudsman Office is not aligned with any other Red Cross organizational unit.
- The Corporate Ombudsman reports directly to the president and to the Audit and Risk Management Committee of the Board of Governors. The Office of the Corporate Ombudsman issues an annual report to Congress and may produce intermittent trend data.

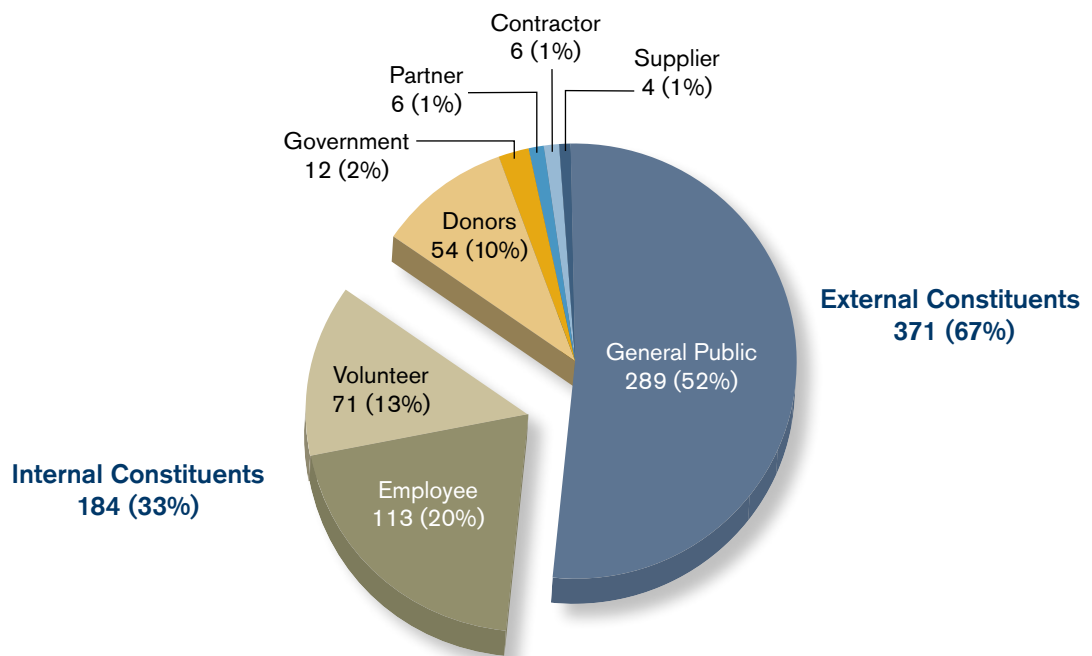
People contact the Ombudsman when they desire an off-the-record, neutral, independent and informal facilitator to assist them in working through a problem. They may believe that they have been unfairly treated, or that a Red Cross policy has been applied unfairly or erroneously, or is itself unfair. People may feel unclear about Red Cross policies, processes, and procedures and how they apply to them. Alternatively, they may simply be uncertain where to take a problem involving the Red Cross. The role of the Ombudsman is always to help clarify the issues, identify the options and help parties to assess for themselves the viability of the options available. The Ombudsman Office works with people through a variety of dispute resolution means, including confidential coaching, mediation, group facilitation, shuttle diplomacy between parties who are not willing or able to meet face to face, organizational consultation with management about larger structural challenges in a given situation, and upward feedback to leadership on problematic systemic trends or patterns.

## Case Statistics

### Constituent Profile

The Office of the Corporate Ombudsman was contacted by 555 constituents in Fiscal Year (FY) 2009, raising a total of 691 issues. This represents a significant increase over the 354 constituents who contacted the office in its first year of operation. The ratio, reflected in Figure 1, of internal to external constituents who accessed the office was largely consistent from FY08 to FY09, as nearly a third of the contacts were initiated from internal sources such as employees and volunteers. In FY09, 67 percent of all contacts were externally initiated, mostly by members of the public and by financial and blood donors. This external percentage represents a slight increase from the 59 percent of external contacts made with the office in FY08. The overall number of internal constituents rose from 122 in FY08 to 184 in FY09, while the number of external contacts rose even more steeply from 210 to 371.<sup>3</sup>

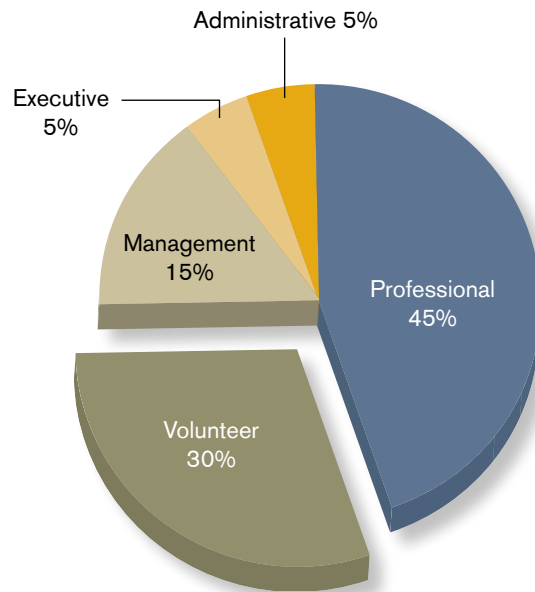
**Figure 1. A Look at Our Constituents (555 Total)**



<sup>3</sup>External constituents include donors of blood or money; partners who represent community-based organizations or affiliates of the Coordinated Assisted Network (CAN); contractors who work for the Red Cross within a specific or limited scope but do not receive benefits; suppliers or vendors who represent companies and provide contractual services to the Red Cross; government representatives of local, state or federal government offices including congressional offices; and members of the general public, ranging from people with questions about the Red Cross to victims of disasters receiving support or enrollees completing health and safety training courses offered by the Red Cross.

As indicated in Figure 2, 30 percent of internal constituents in FY09 were volunteers, a figure identical to the prior year. Among employees, usage by professional staff increased to 45 percent of internal constituents from 39 percent the year before, while the percentage of administrative staff accessing the office decreased from 12 percent in FY08 to 5 percent in FY09.

**Figure 2. Internal Constituents (184 Total)**

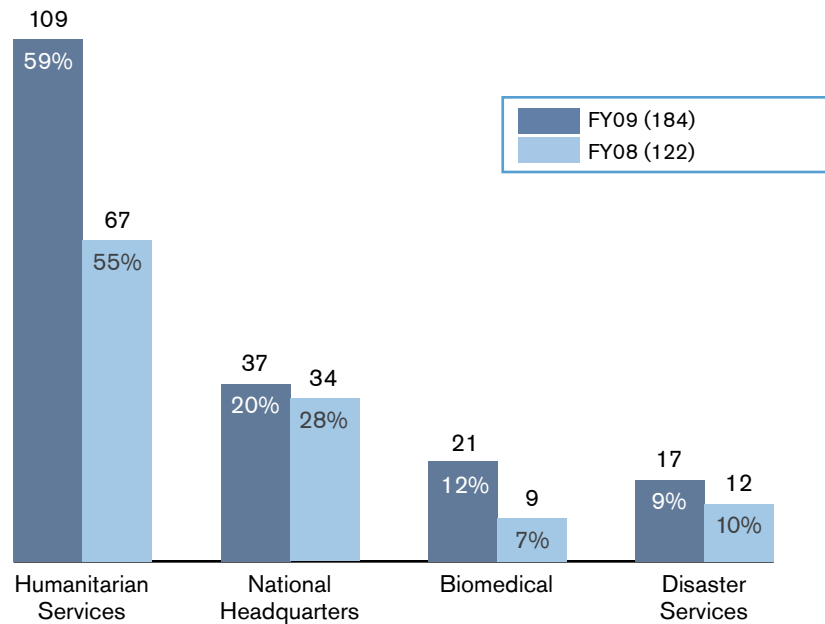


Significantly, the percentage of executives and managers accessing Ombudsman services doubled from 10 percent of internal constituents last year to 20 percent this year, indicating that more managers were taking advantage of the office for consultation and proactive dispute resolution strategies. This is an important step in the development of the Ombudsman Office and further work will be done to educate managers about how the office can be a resource to them and to the employees and volunteers they supervise. A related increase in issues being raised with the Ombudsman Office regarding evaluative (supervisory) relationships and career progression will be discussed in the next section of this report.

While the Ombudsman Office did not report in the first annual report on the origin of internal constituents by business unit, Figure 3 offers a comparison of that data from FY08 to FY09. Contacts from Humanitarian Services rose from 55 percent to 59 percent of constituent contacts as the actual numbers increased from 67 in FY08 to 109 in FY09. This increase reflects the office's ability to assist the chapter network and field offices to transition to a field-based enterprise model under the One Red Cross initiative. National headquarters contacts continued in FY09 to comprise as they had in FY08 the second highest number and percentage of

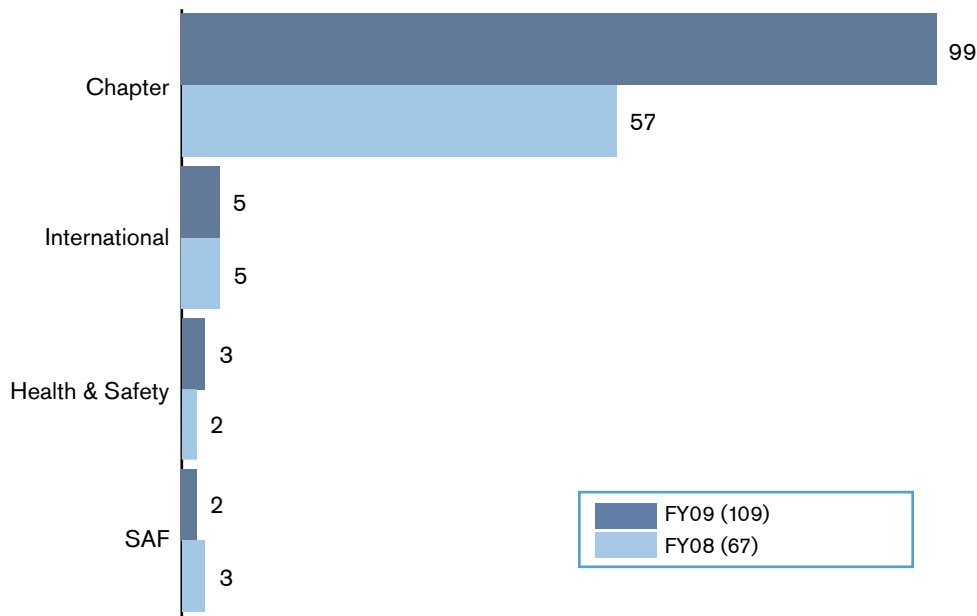
Ombudsman contacts. The national headquarters contacts declined as an overall percentage of Ombudsman contacts from 28 percent in FY08 to 20 percent in FY09 while the actual number of contacts increased from 34 in FY08 to 37 in FY09. Constituents calling from Biomedical Services rose to 12 percent of contacts in FY09, while those calling from Disaster Services declined in FY09 to 9 percent of Ombudsman contacts.

**Figure 3. Internal Constituents by Unit: FY08/FY09 Comparison**



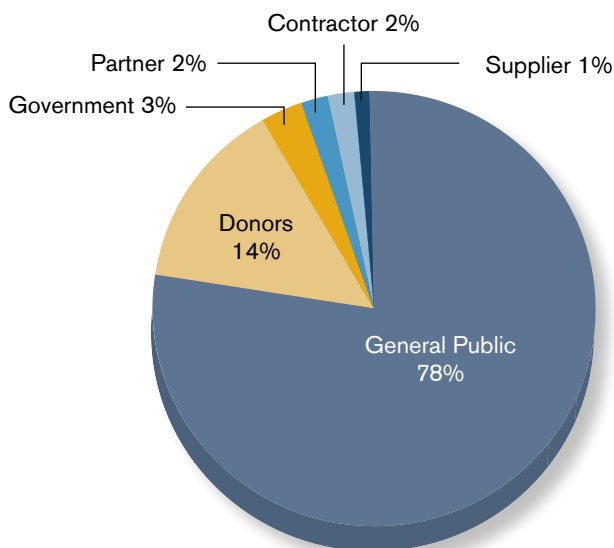
Because of the varied business functions of Humanitarian Services, Figure 4 represents the constituent contacts from Service to the Armed Forces (SAF); International Services; Preparedness, Health and Safety; and Chapter Operations, respectively. Contacts from the chapter network rose from 47 percent of all internal contacts in FY08 to 54 percent in FY09. In actual numbers, chapter contacts rose from 57 in the first year to 99 contacts last year. The constituent contacts from SAF, International Services, and Preparedness have largely remained in FY09 what they were in FY08.

**Figure 4. Breakout of Units Comprising Humanitarian Services**



Of the 371 external constituents contacting the office in FY09, 78 percent were members of the general public (see Figure 5). These may be recipients of Red Cross disaster assistance; blood donors or recipients; people interested in or taking Red Cross preparedness, health and safety classes; or anyone with inquiries or concerns about Red Cross services. This is nearly identical to the percentage in FY08 of cases initiated by members of the general public. The percentage of cases initiated by donors rose from 10 percent in FY08 to 14 percent in FY09.

**Figure 5. External Constituents (371 Total)**



As a still relatively new office, we will continue to educate and inform the Red Cross community about the function and role of the Ombudsman and how we can be a valuable resource for managers, employees, volunteers, and those affected by the mission of the Red Cross. In addition, the Ombudsman Office will work to increase knowledge about how we fit and collaborate with Human Resources; Investigations, Compliance, and Ethics; and the Office of General Counsel to address and resolve specific issues as well as problematic systemic trends and patterns.

In addition, with more than a half million volunteers acting as the arms and legs of the Red Cross to provide the critical services on which people rely, it is imperative that the Ombudsman Office do all it can to make contact with volunteers—both to educate them on the office and to offer Ombudsman assistance wherever possible. The office will work assiduously in the coming year to reach more employees and volunteers through a variety of vehicles and a comprehensive communications strategy that will include Web-based seminars, lunch seminars, social media, video blogs, and visits to chapters, Blood Services regions, SAF stations and deployment on disaster operations.



Talia Frenkel/American Red Cross

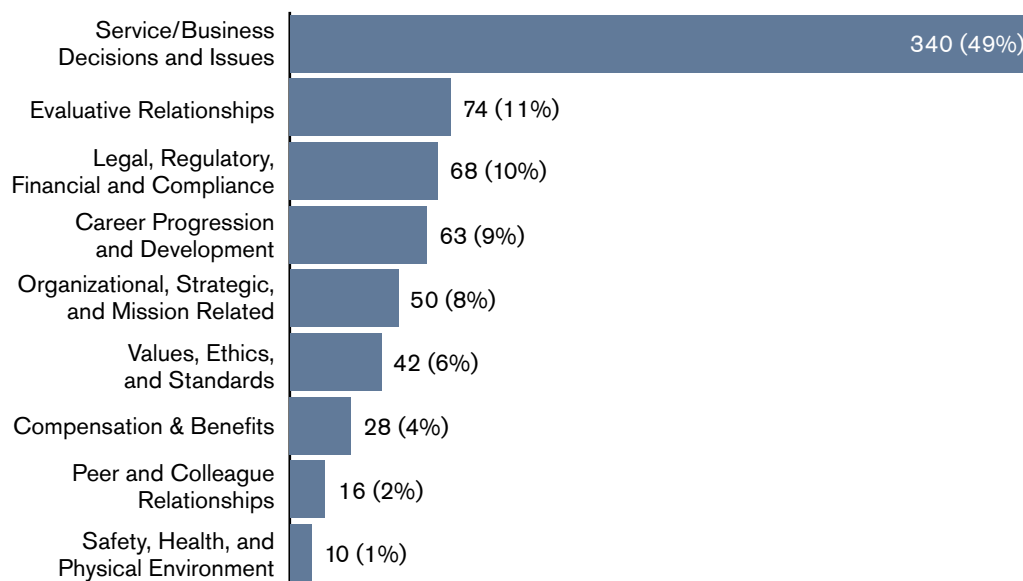
In Lafayette, Tenn., American Red Cross workers carry comfort kits to residents whose homes were destroyed by a devastating tornado.

## Issues:

### Why Have People Consulted the Ombudsman?

Figure 6 indicates the overall issue profile for the 691 issues raised by 555 constituent contacts with the Ombudsman in FY09. The issues are represented according to the uniform reporting categories promulgated for the organizational Ombudsman field by the International Ombudsman Association. For each category represented below, this report will offer greater detail in tables that follow.

**Figure 6. All Issues Identified Under IOA Uniform Reporting Categories (691 Total)**



Issues pertaining to service or business decisions rose from 41 percent of the caseload in FY08 to 49 percent in FY09. Issues relating to the quality of evaluative or supervisor-supervisee relationships constituted 11 percent of the Ombudsman caseload in FY09, down only slightly from 12 percent the year before. The priority of service and business decisions as well as evaluative relationships among the issue categories is consistent from the first year to the second year of practice.

In three issue categories, in particular, there were notable changes. Issues relating to legal, regulatory, financial and compliance matters rose from 5 percent in FY08 to 10 percent of cases in FY09, making it the third most prevalent issue category. Similarly, issues involving values, ethics and standards of conduct rose from 2 percent in FY08 to 6 percent in FY09. By contrast, issues involving compensation and benefits dropped from 8 percent in FY08 to 4 percent in FY09.

Two other issue categories dropped off slightly this past year from the first year: concerns with career progression and development fell from 11 percent of cases in FY08 to 9 percent in FY09,

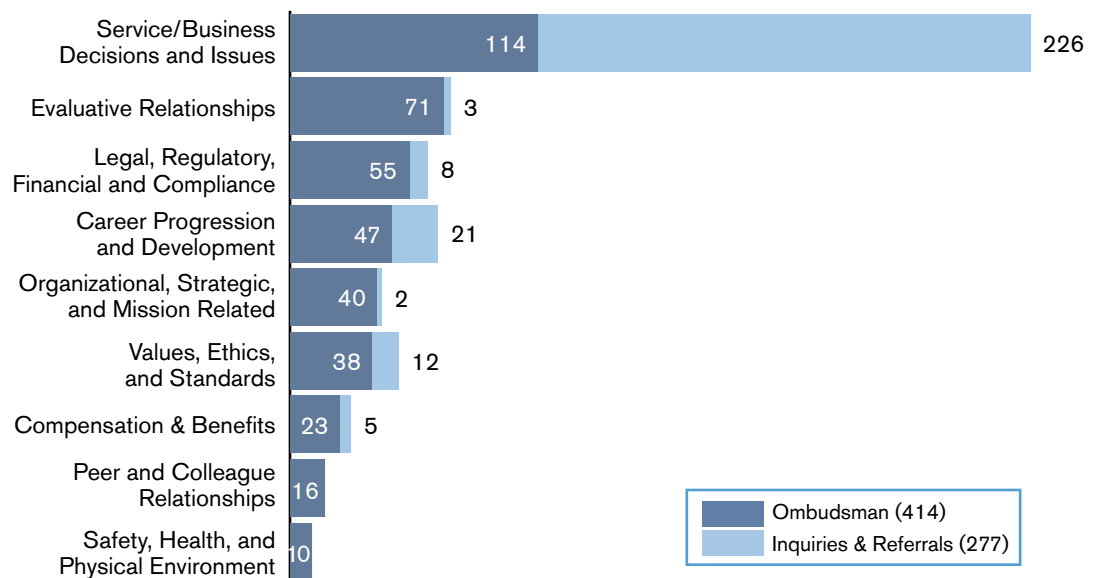


while issues involving organizational, strategic or mission-related matters decreased from 9 percent in FY08 to 7 percent in FY09. Cases involving safety, health and the physical work environment remained low—2 percent in FY08 and 1 percent in FY09. Similarly, issues raised about peer relationships remained quite low, rising only from 1 percent in FY08 to 2 percent in FY09.

Considering together some of the concerns represented by separate issue categories, such as evaluative relationships and career progression, may reveal interesting aspects of conflict in the Red Cross as well as how and why issues emerge. These will be considered further below.

Figure 7 reflects how each type of issue category was handled, namely as an Ombudsman case requiring a more complex intervention, as a simple response to an inquiry or by an appropriate referral to another office or location in the organization.<sup>5</sup> This table illustrates how all of the other issue categories, except service and business decisions, are overwhelmingly handled as Ombudsman cases. This is not surprising given the complexity of the dynamics of an evaluative relationship and what is at stake for the employee or volunteer, or even the organization. It is also not surprising given the complexity of issues pertaining either to legal and regulatory compliance matters or to values, ethics and standards in the workplace and in Red Cross operations. The same can be said of issues pertaining to the organization's strategic direction, leadership or mission.

**Figure 7. Issues Identified Under IOA Uniform Reporting Categories by Ombudsman and Inquiries and Referrals (691 Total)**

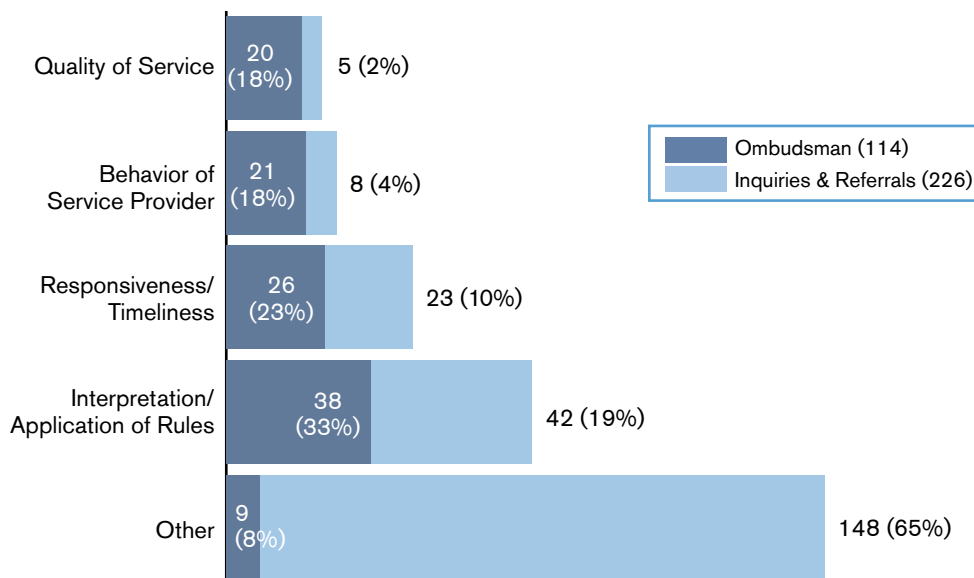


<sup>5</sup>The line between making a referral to another office and providing coaching, one of the Ombudsman interventions, is not always so clear. The office may, for instance, make a referral but coach the constituent on how best to frame his or her question to obtain the information sought. The office has tended to consider these cases to be referrals but there can be a continuum along which a case is handled such that the case may be categorized as an Ombudsman case if the office ends up engaging more directly the caller's concerns, making suggestions or helping them consider various options for how they might proceed.

By contrast, a higher percentage of issues pertaining to service and business decisions are likely to be handled as inquiry and referral cases because they typically involve passing along information to an inquirer on chapter or national headquarters programs or contacts. They may include as well solicitations from prospective and prospecting vendors or calls that fall outside the mission of the office or even the Red Cross.

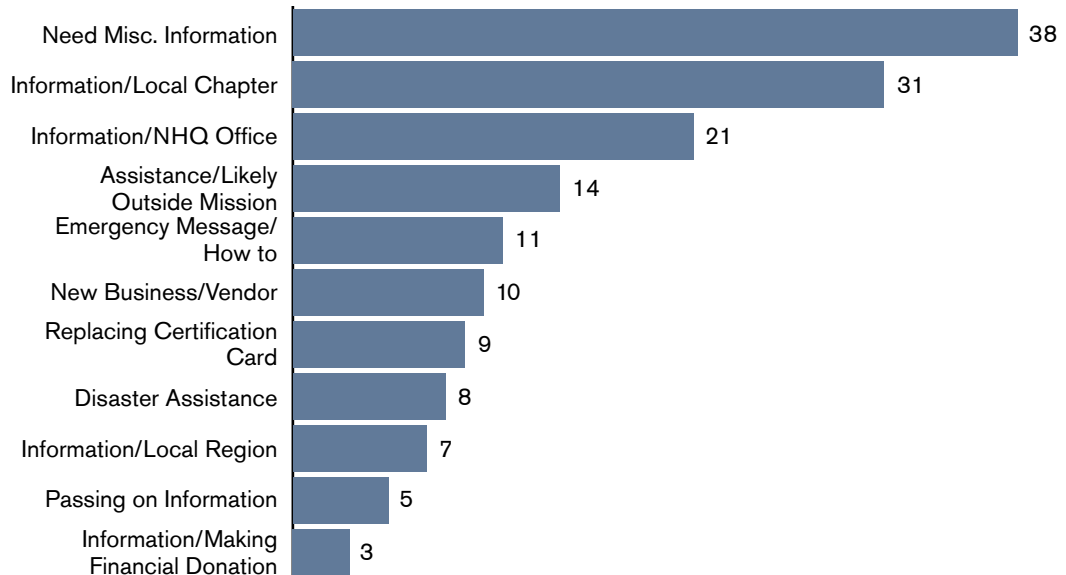
It is worth noting, however, that where the service and business decision issues raised pertained to the quality of service, the behavior of the service provider, the responsiveness and timeliness of service, or the interpretation or application of rules, the situation was much more likely to be handled as an Ombudsman case. The breakdown of service and business decision issues is provided in Figure 8. The various matters that fall within service and business decisions are represented as a percentage of either more complex Ombudsman issues under this issue category or as a percentage of simple inquiries and referrals under this broader category. For instance, 18 percent of more complex Ombudsman cases involving service and business decisions pertained specifically to the behavior of the service provider. By contrast, only 4 percent of inquiries and referrals under service and business decisions pertained specifically to the behavior of the service provider.

**Figure 8. Service/Business Decisions and Issues (Sub Issues) (340 Total)**



It is clear that a large number of inquiries and referrals under service and business decisions were categorized as “other.” These cases are further characterized in Figure 9.

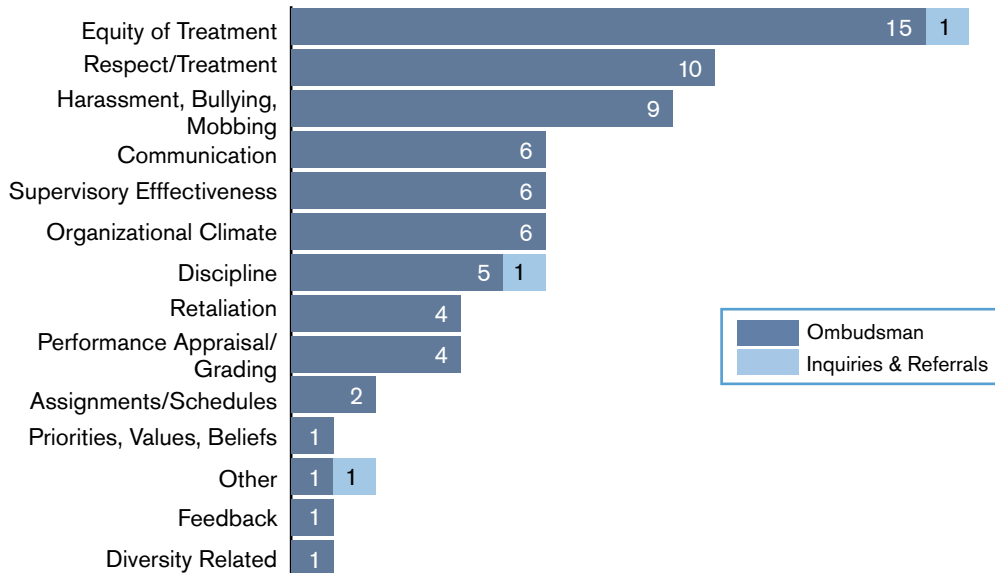
**Figure 9. Common Issues Identified Under “Other” (157 Total)**



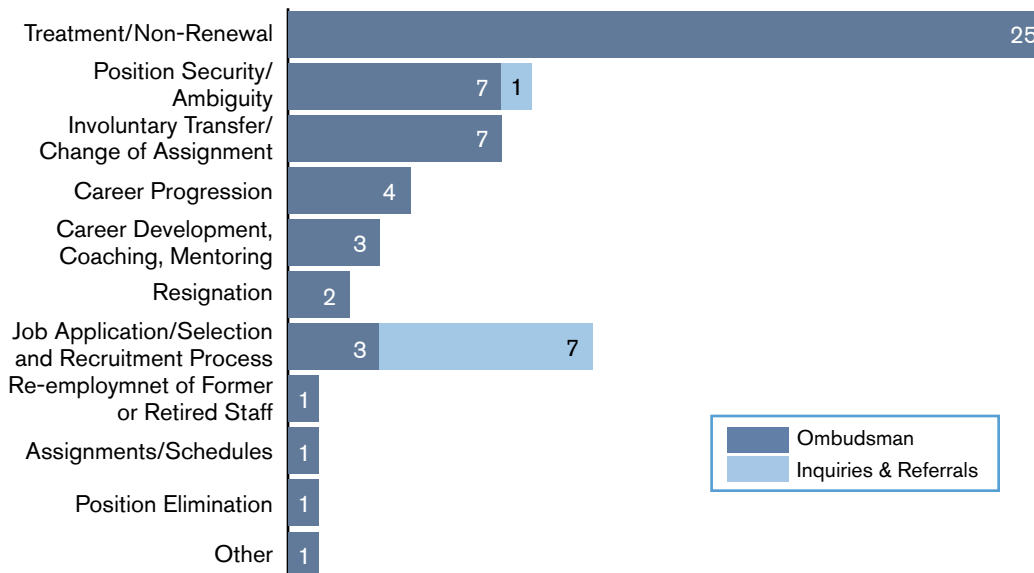
In the coming year, this office will try to better understand concerns around the timeliness and quality of service as well as the application of rules or guidelines by service providers.

The tables that follow represent the breakdown of issues brought to the Ombudsman under each of the other major issue categories initially identified. The data is primarily ordered according to the frequency of cases represented by the respective categories.

The next two issues sets, evaluative relationships and career progression, are best considered and understood together as, combined, they account for 20 percent of all issues raised in FY09. Issues involving evaluative or supervisory relationships can be complex and contain staff complaints of mistreatment, discrimination or retaliation. They may involve issues from management’s perspective of poor or under performance, or reflect behavior problems and misconduct. Forty-one of the 74 evaluative relationship issues touched on the quality of the interaction between supervisor and supervisee, as illustrated in Figure 10.

**Figure 10. Evaluative Relationships (Sub Issues) (74 Total)**

Issues involving career progression can be fraught with tension and have a deep impact on staff members, a fact that is not surprising, as nearly half of the career progression matters touched on either termination<sup>6</sup> or other job security concerns.

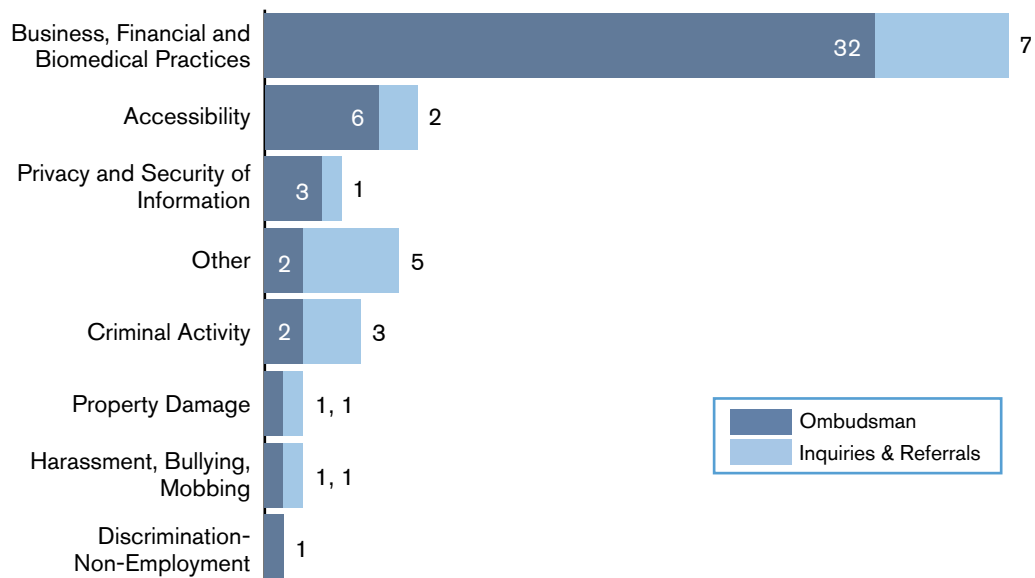
**Figure 11. Career Progression and Development (Sub Issues) (63 Total)**

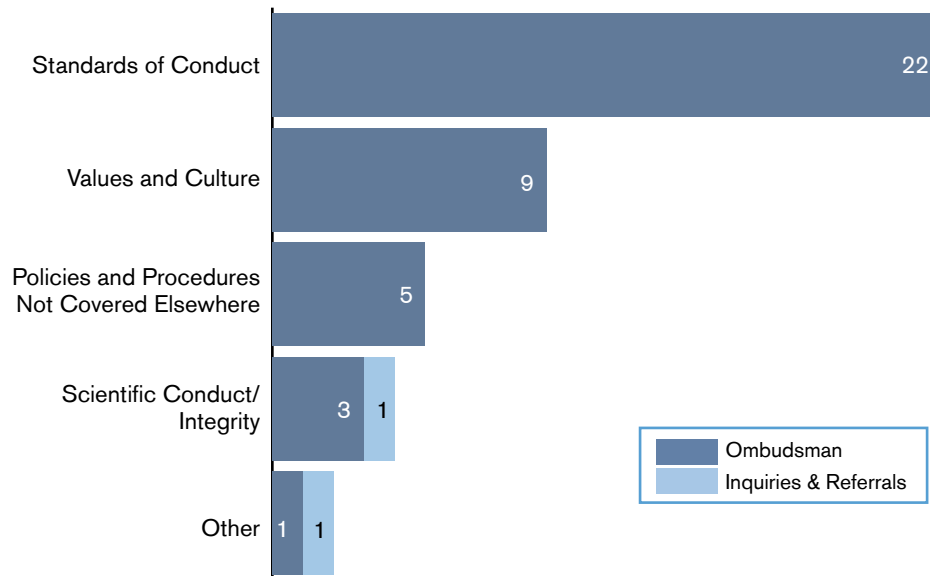
<sup>6</sup>A quick note on termination. If an employee or volunteer is being terminated, the Ombudsman, as an informal and neutral resource, cannot intervene to advocate for termination or non-termination. The Ombudsman can work with management and an employee to clarify issues for each person and between the parties, and assist them to consider various options for handling their concerns, if that is appropriate and they are interested. Sometimes this may mean clarifying how the two parties will work more productively together going forward. At other times it may mean discussing how projects will be closed and handed off, or what kind of reference a departing employee would like to request or the supervisor feels he or she can give.

The combined 20 percent of cases involving evaluative relationships and career progression suggest that in either issue set the quality of the communication between supervisor and supervisee is critical and enhancing the skill sets of both groups can only be beneficial. Indeed, improving the evaluative relationship and supervisor-supervisee communication may be the best way to manage career progression feedback and concerns collaboratively, continuously and effectively. Developing and offering conflict management and communications skills-based training through this office for those supervisors and supervisees who indicate a particular interest could be a useful course of action.

Larger institutional questions about legal compliance and integrity, values, leadership and direction are reflected in three categories of concerns that, together, account for 23 percent of issues brought to the Ombudsman in FY09. These three categories are legal, regulatory, financial and compliance issues; values, ethics and standards; and organizational, strategic, and mission-related issues. The first two of these categories, in particular, speak to different kinds of “enterprise risk.”

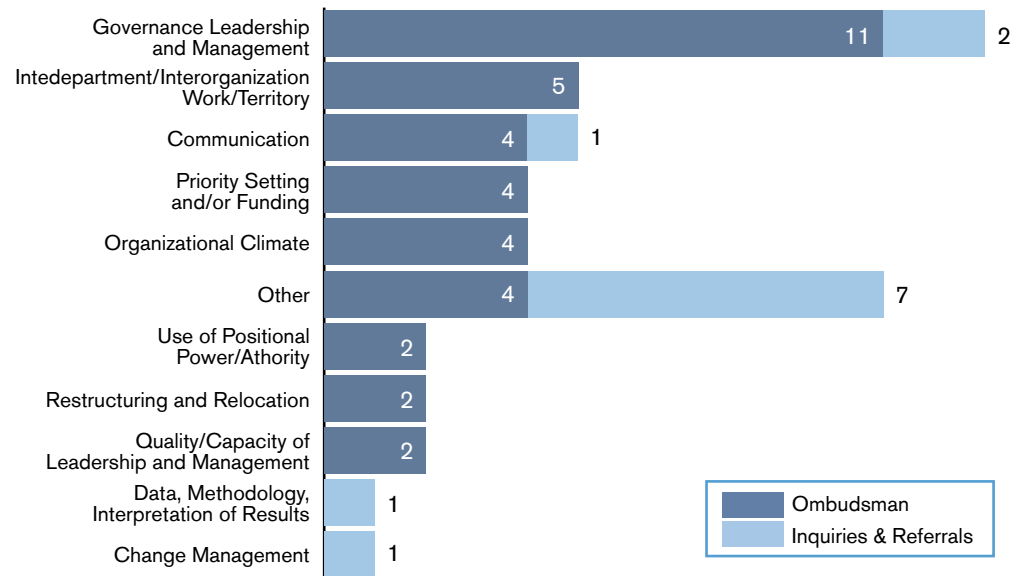
**Figure 12. Legal, Regulatory, Financial and Compliance (Sub Issues) (68 Total)**



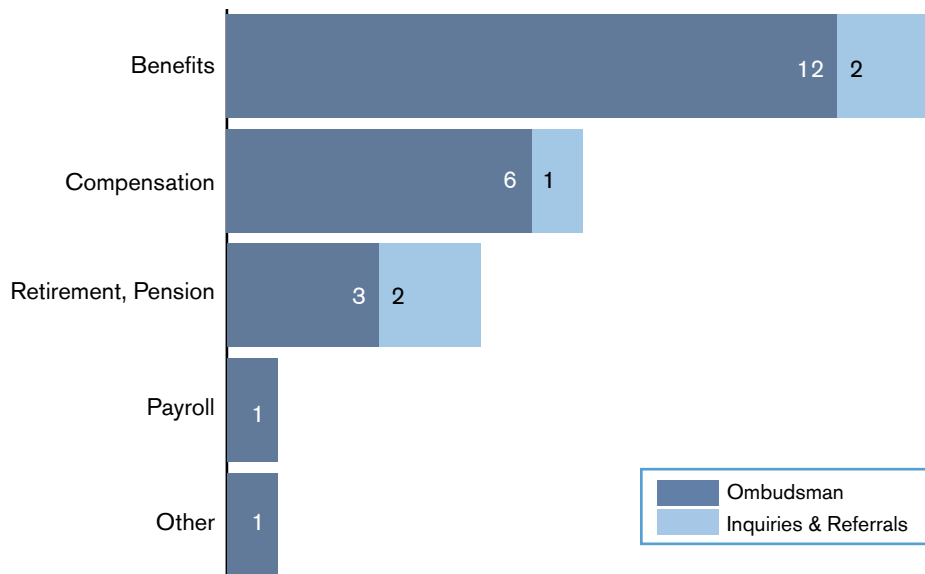
**Figure 13. Values, Ethics and Standards (Sub Issues) (42 Total)**

Both categories of issues are ones that the Ombudsman must be sensitive to, given the office's role in identifying problematic systemic trends and patterns or gaps in the organization's processes, policies or structures. Where possible, the Ombudsman will work with constituents to clarify the issues involved, identify options for bringing concerns forward in a constructive way, address concerns of retaliation if they exist and help constituents appreciate their responsibilities under the ethical guidelines to contribute to the well-being of the Red Cross. Under the legal, regulatory, financial and compliance issues, the largest sub-category of issues (39 of the 68) pertains to "business, financial and biomedical practices." Nineteen of these 39 cases are particular to Biomedical Services and touch on such issues as difficulties experienced with blood collection practices, donor deferment or organizing a blood drive. The remaining 20 business and financial issues under legal and regulatory matters involve either policies unrelated to Biomedical Services or assistance with monetary donations, and include concerns around waste of resources. Most cases under Values and Ethics, shown in Figure 13, related to the application and fairness of standards of conduct or other policies, and to questions about the values or culture of the organization.

The 50 issues identified in the related category of Organizational, Strategic or Mission-Related concerns typically touched on aspects of Red Cross identity, reputation and purposes. The types of issues reflected in this category cover organizational or strategic direction, leadership, management decisions, communication, change management or other mission-related issues. Issues pertaining to "governance leadership and management" may indicate that different parts of the organization at national headquarters and in the field, and the chapter network in particular, continue to adjust to the governance reforms and the attendant restructuring of relationships.

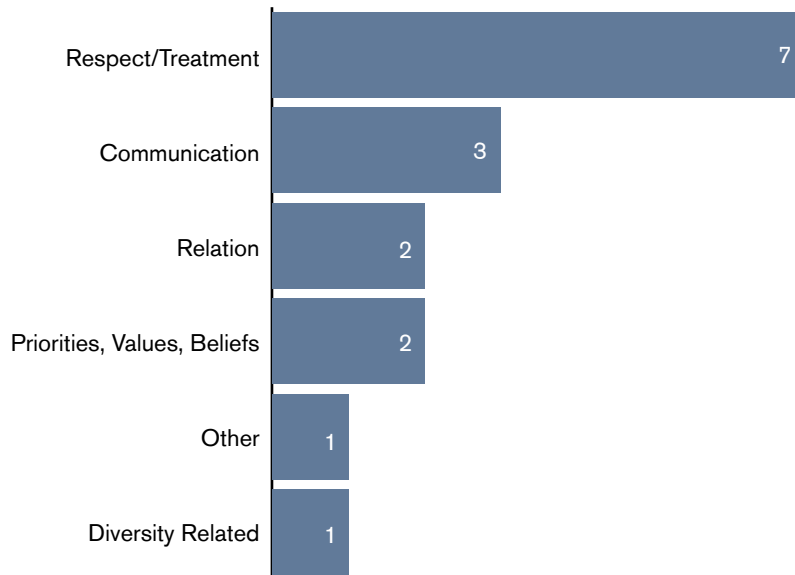
**Figure 14. Organizational, Strategic and Mission Related (Sub Issues) (50 Total)**

The number of issues raised regarding compensation and benefits, shown in Figure 15, declined from 8 percent in FY09 to 4 percent in FY09, with twice as many cases involving benefits as opposed to compensation concerns. A benefits audit by the Red Cross that affected several staff members may have contributed to these cases.

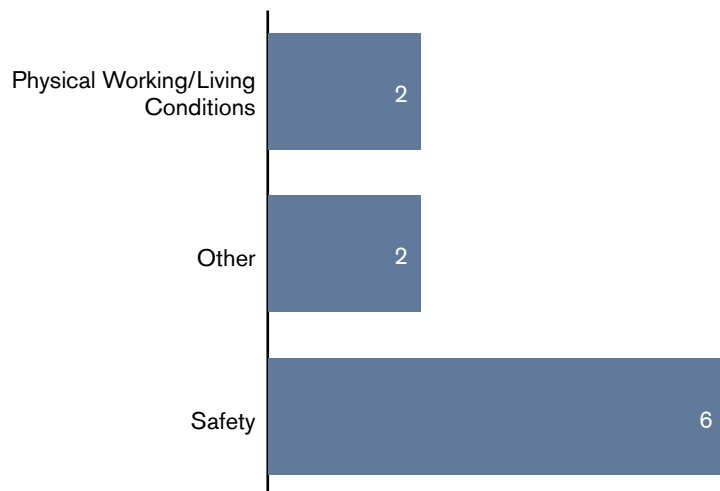
**Figure 15. Compensation and Benefits (Sub Issues) (28 Total)**

Finally, as noted, the case categories that reflected the least activity both last year and this year are reflected in Figures 16 and 17.

**Figure 16. Peer and Colleague Relationships (Sub Issues) (16 Total)**



**Figure 17. Safety, Health and Physical Environment (Sub Issues) (10 Total)**





### Issues by Red Cross Business Unit

This report presents data of issues raised with the Ombudsman Office in relation to Red Cross business units. This represents a departure from last year’s annual report, which provided data only of the type offered in the previous section, from the perspective of the entire organization. It is hoped that providing data and analyzing conflict and issue profiles for each major business unit will assist the managers and leaders of those functions to understand and address the concerns that internal and external constituents of those units have.

As reflected in Figure 18, the greatest percentage of issues raised touched on Humanitarian Services, followed by national headquarters (NHQ), Biomedical Services and Disaster Services.

**Figure 18. Issues Per Organizational Unit (691 Total)**

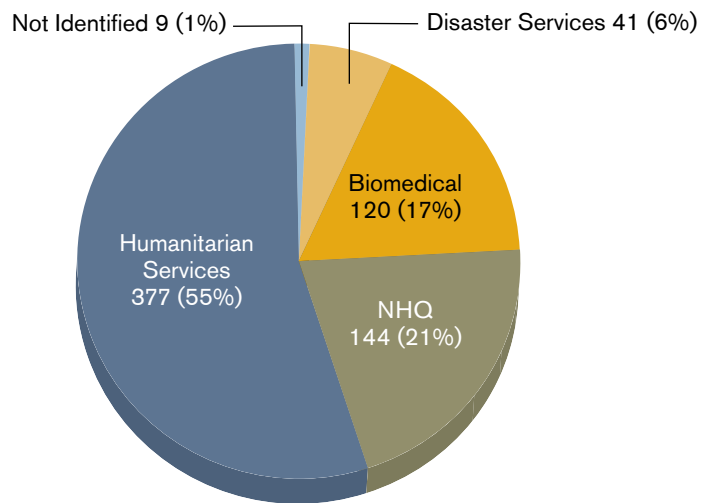
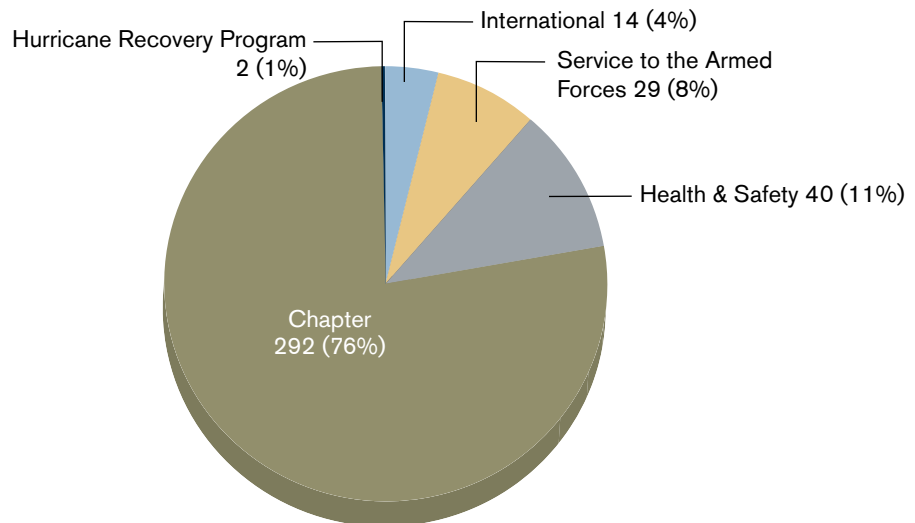


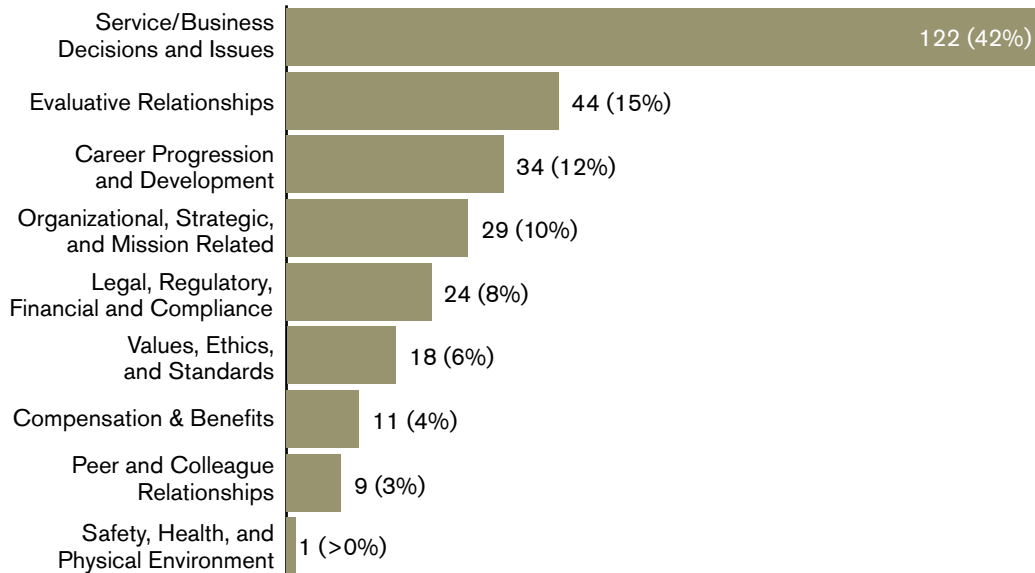
Figure 19 indicates the number and percentages of issues in relation to each business component of Humanitarian Services in descending order.

**Figure 19. Humanitarian Services Breakdown (377 Total)**



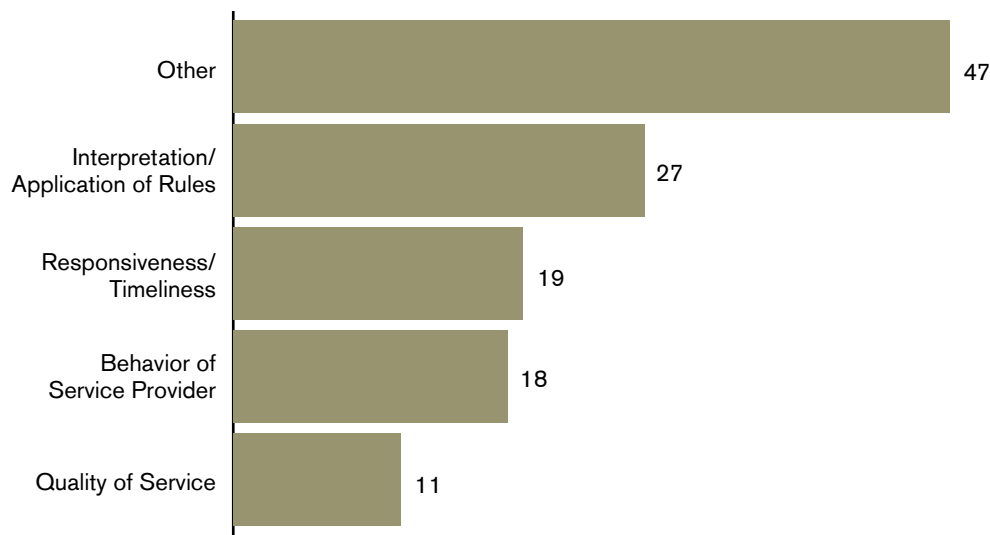
The specific issue profile for concerns raised in relation to each component of Humanitarian Services is reflected below in Figure 20 through Figure 23.

**Figure 20. Chapter Issues Identified (292)**



Given the proximity of chapters to and their integration in their communities, it is not surprising that service-related matters comprise nearly 42 percent of the 292 chapter-related issues raised. The breakdown of those service and business decision issues for chapters is represented in Figure 21.

**Figure 21. Chapter: Service/Business Breakout (122 Total)**

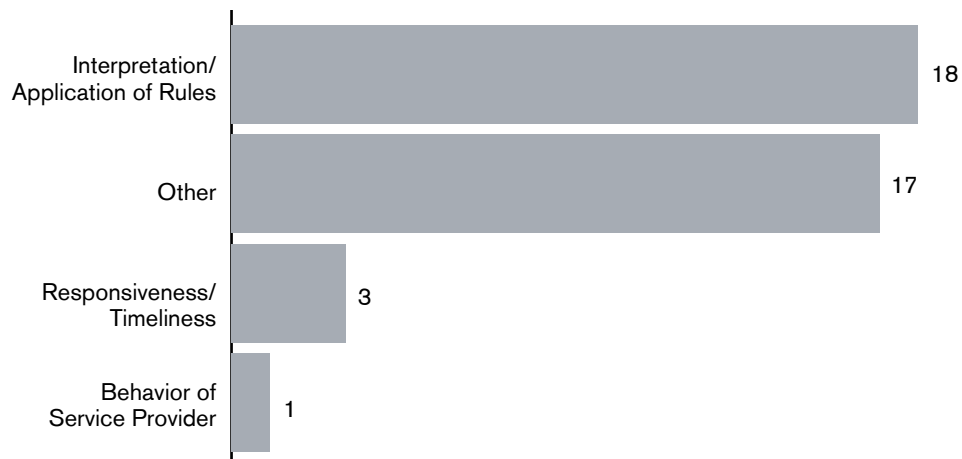


As noted above, the designation of “other” reflects that the issue raised was a matter other than the interpretation of rules, the timeliness or quality of service, or the behavior of the service provider, and was most likely handled as an inquiry or referral.

Nearly 27 percent of chapter issues identified in Figure 20 pertained to evaluative relationships and career progression and development together, suggesting that enhancing communication between employee and volunteer supervisors and supervisees in chapters could be beneficial. Nearly 26 percent of chapter issues pertained to larger organizational issues involving legal, financial, regulatory and compliance matters combined with issues of values and ethics as well as mission, organization and strategy. Issues falling within this last grouping suggest that continued communication between the field and national headquarters would be beneficial. These three larger composite groupings of issues comprise 95 percent of chapter-related issues.

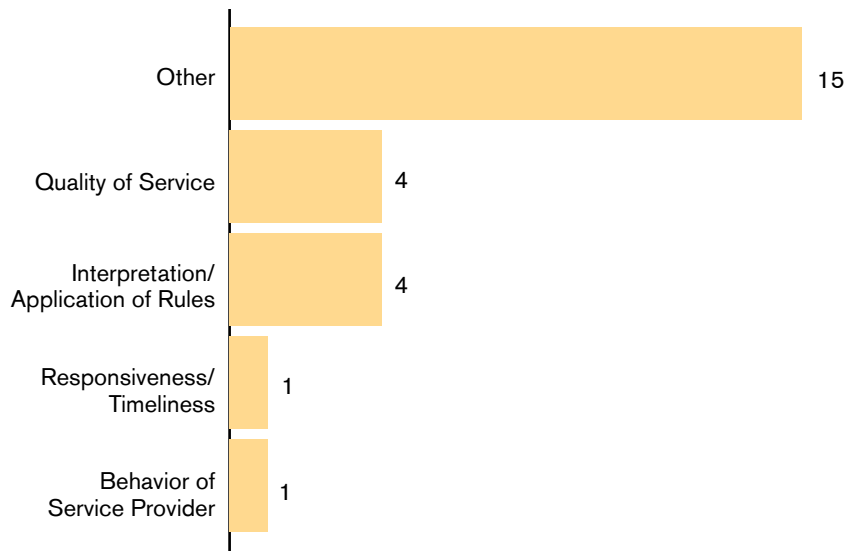
Thirty-nine of the 40 Humanitarian Services issues relating to Preparedness, Health and Safety involved service matters, not surprising given the large number of people trained each year by chapters in preparedness, first aid, CPR and AED, and lifeguarding. The breakdown of service and business decisions for Preparedness is provided in Figure 22. The 18 cases involving the interpretation and application of rules dealt primarily with the policies, procedures and processes for training people in CPR, first aid or lifeguarding skills and for certifying instructors and trainers in these areas.

**Figure 22. Preparedness, Health and Safety:  
Service/Business Unit Breakdown (39 Total)**



Twenty-five of the 29 cases involving Service to the Armed Forces related to service and business decisions, and are broken out in Figure 23. The 15 cases identified as “other” were primarily related to uncertainty about how to generate emergency messages or how to reach service members in non-emergency circumstances.

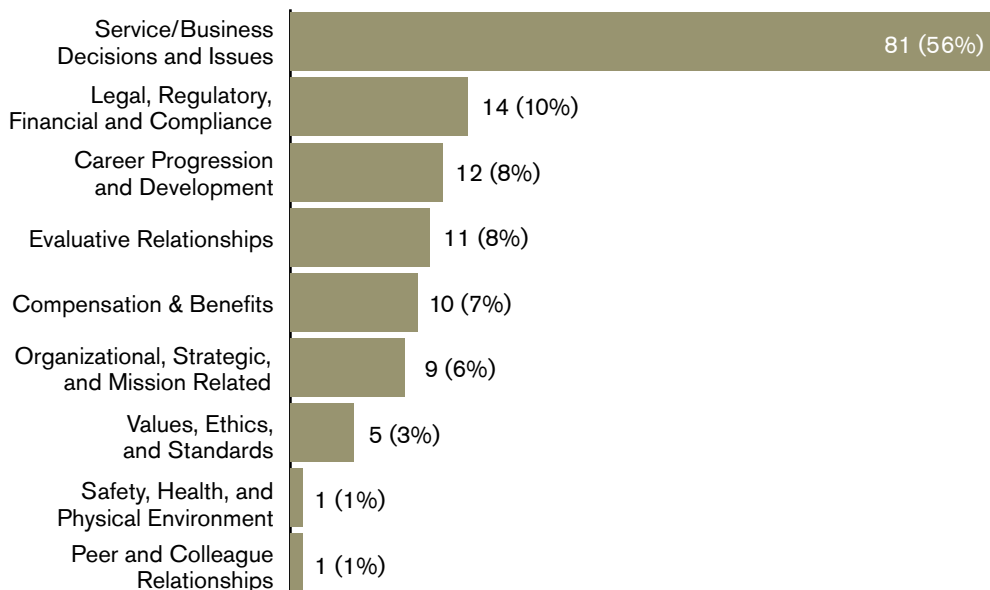
**Figure 23. Service to the Armed Forces: Service/Business Unit Breakdown (25 Total)**



Of the 14 issues raised in regard to International Services within Humanitarian Services, seven involved evaluative relationships or career progression, two involved the mission or strategic direction of the organization, two involved service and one pertained to peer relationships.

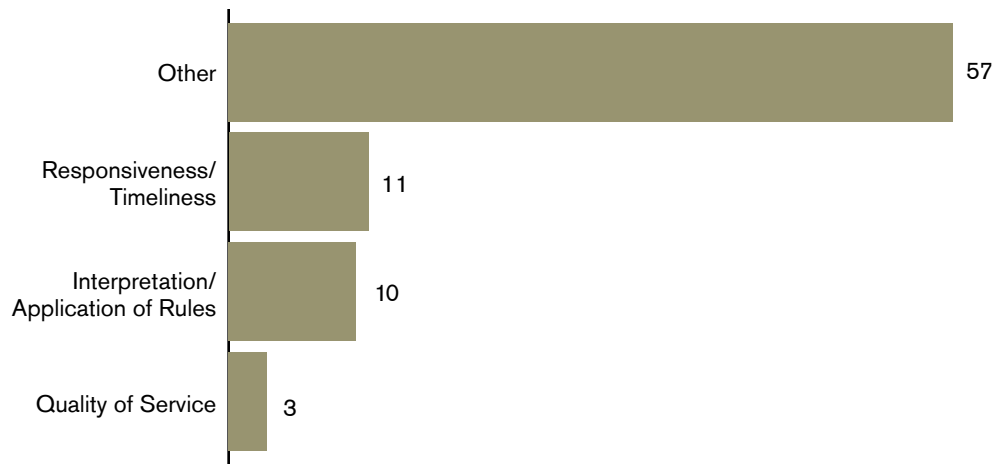
The next greatest area of issues was national headquarters, consisting of Human Resources, Office of General Counsel, Development, Finance, Information Technology, Public Affairs, and other smaller offices. National headquarters accounted for 144 of the total 691 total issues in FY09, as shown in Figure 24.

**Figure 24. National Headquarters Issues (NHQ) Identified (144)**



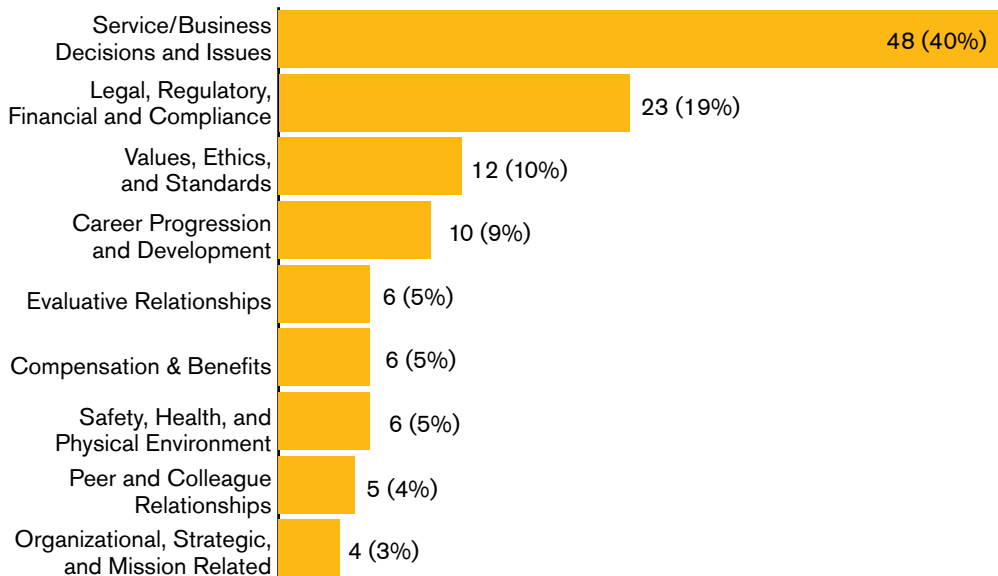
Twenty-eight of the 144 national headquarters issues concerned some form of larger organizational matters such as legal, financial, regulatory and compliance questions; values and ethics; or mission, organization and strategy. Issues of career progression and evaluative relationships together accounted for 23 issues, or 16 percent of national headquarters issues. Service and business decisions comprise the majority of the issues arising in national headquarters, 81 of 144, and are reflected in Figure 25.

**Figure 25. NHQ Service/Business Breakdown (81)**

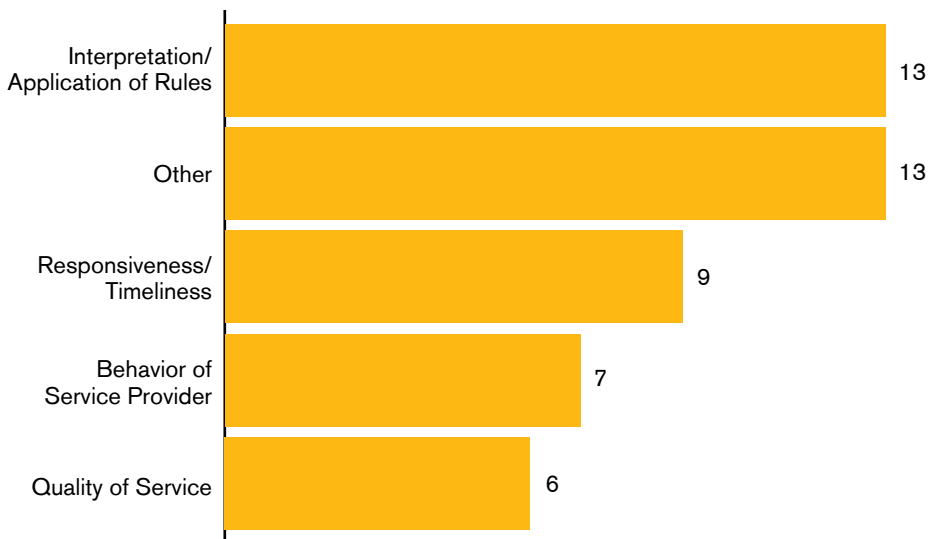


The 57 national headquarters issues identified as “other” under service and business decisions were related to concerns over how to donate to the Red Cross, requests to be removed from Red Cross call solicitation lists, prospective vendors seeking information, people wanting financial assistance and calls falling entirely outside the Red Cross mission.

As reflected in Figure 26, the Ombudsman received 120 issues in FY09 relating to Biomedical Services, 48 of which pertained to service.

**Figure 26. Biomedical Issues Identified (120)**

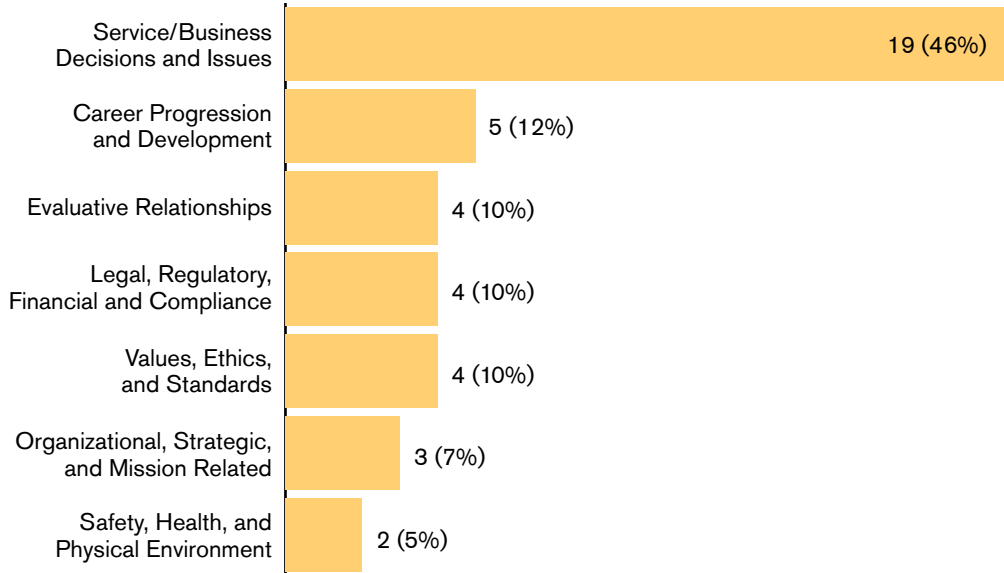
As shown in Figure 27, of these 48 service and business decision issues, 35 involved matters of timeliness or quality of service, the behavior of the service provider or the application and interpretation of rules—most notably, whether a donor was placed on a deferred donor list.

**Figure 27. Biomedical Services/Business Breakdown (48)**

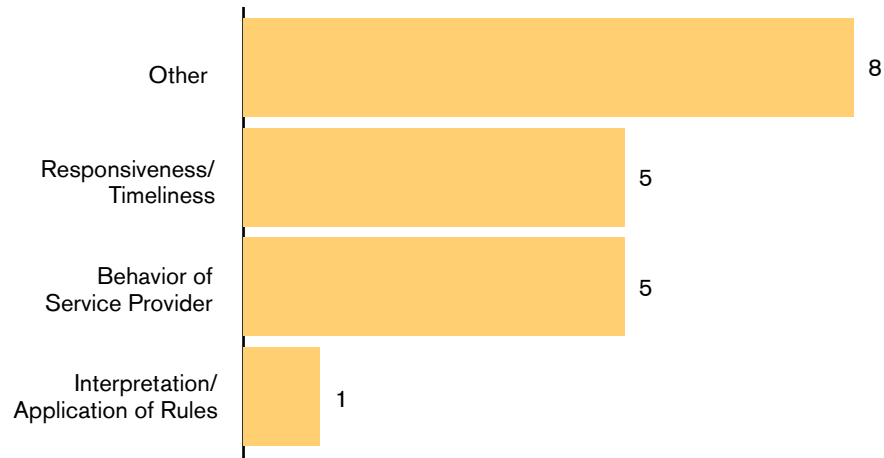
The 13 service issues relating to the application or interpretation of rules, in particular, were matters of blood donor eligibility, including donors who were deferred due to false positive results and those who raised questions surrounding the donation process. Thirty-nine of the 120 issues pertained to larger organizational issues involving legal, financial, regulatory and compliance matters; values and ethics; or mission organization and strategy.

Of the 40 issues relating to Disaster Services that were brought to the Ombudsman in FY09 (identified in Figure 28), 19 pertained to service and business decisions (see Figure 29), nine to evaluative relationships or career progression, and 11 to larger organizational issues involving legal, financial, regulatory and compliance matters; values and ethics; or mission organization and strategy.

**Figure 28. Disaster Issues Identified (41)**



**Figure 29. Disaster Services/Business Breakdown (19)**



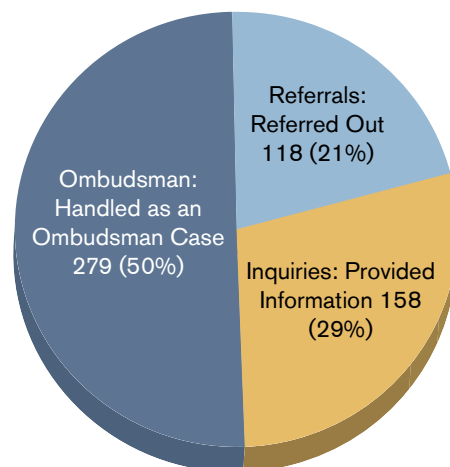
## Actions

This section analyzes the actions taken by the Ombudsman in response to matters brought to the office in FY09. The dimensions of action include, first, whether a contact is handled as an Ombudsman case, a simple response to an inquiry or a referral to another office. Second, this section considers for those contacts that were handled as Ombudsman cases what methods of intervention were utilized. Third, it assesses the success of Ombudsman interventions according to whether constituents' desired goals were achieved. Fourth, this section considers how many contacts were made by the Ombudsman in the Red Cross in the context of working cases in FY09.

### What Is an Ombudsman Case?

As a threshold matter, it should be noted that not all issues brought to the Ombudsman are handled as Ombudsman cases. Ombudsman cases are handled by the Corporate Ombudsman or one of the Associate Ombudsmen in the office and involve utilizing a variety of approaches and interventions described under Modes of Intervention below. As Figure 30 suggests, 279 of the 555 contacts initiated with the Ombudsman in FY09 were handled as Ombudsman cases because they raised matters that could not be responded to by answering a straightforward inquiry or were beyond simple referral to another office. In these 279 contacts resulting in Ombudsman cases, the office handled 414 of the total 691 issues raised with the office in FY09.

**Figure 30. Three Primary Actions FY09 (555 Total)**



Interestingly, those contacts that were handled as Ombudsman cases increased in actual numbers from 240 in FY08 to 279 in FY09 even while they declined in percentage among total contacts with the office. By contrast, referrals to other offices remained steady at last year's levels, falling incrementally from 22 percent in FY08 to 21 percent in FY09. The largest increase, however, was found in simple informational inquiries made to the Ombudsman Office, which jumped from 35 (or 10 percent) in FY08 to 158 (29 percent) in FY09. This suggests that constituents are aware in greater numbers of the office as a resource for information, but it also may indicate that people may be confusing the Ombudsman with the public inquiry line



or are otherwise coming to this office when they should be able to obtain the information they need through another, more appropriate, resource. The Ombudsman Office will be working in the coming year to address this confusion through educational and outreach strategies and initiatives. The goal is to help make it easier for constituents to know how to appropriately navigate the Red Cross.

It has been previously noted in the discussion of why people have accessed the Ombudsman Office that all issue categories except service and business decisions are overwhelmingly handled as Ombudsman cases. This reflects the complexity of the dynamics of evaluative relationships and the interactive nature of issues around career development and progression. Similarly, matters pertaining to legal and regulatory compliance; values, ethics and standards in Red Cross operations; and the organization's strategic direction, leadership or mission, raise a variety of complex and multi-layered issues well beyond simple inquiry and referral.

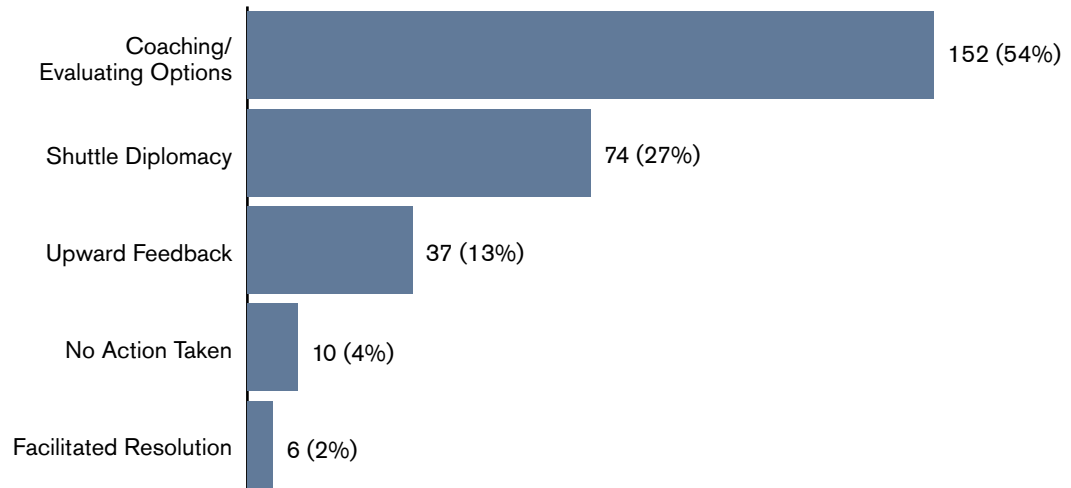
By contrast, service and business decision issues are typically handled as inquiry and referral cases as they most often involve passing information to an inquirer on chapter or national headquarters programs or contacts. Calls to the Ombudsman Office that fall outside the mission of the Red Cross or are solicitations from prospective vendors are also captured under service and business decisions in a category designated "other."

It is important to note, however, that service and business decision issues that pertain to the quality of service, the behavior of the service provider, responsiveness and timeliness or the interpretation or application of rules, are significantly more likely to be handled as Ombudsman cases.

### Modes of Ombudsman Intervention

The modes of intervention in Ombudsman cases in FY09 are represented in Figure 31.

**Figure 31. Actions Taken Toward Resolution (279 Total)**



Fifty-four percent of the 279 Ombudsman cases were handled through confidential coaching, meaning that the Ombudsman worked with the constituent to clarify the issues, identify options and assess for themselves the efficacy of any particular option. This coaching work included cases in which the Ombudsman researched complex policies or procedures and shared information pertinent to those policies with the constituent to help him or her make the most informed decision about how to handle the situation. Confidential coaching is an important part of the work that the office does insofar as it helps people think strategically through what may be difficult or conflicted situations so they can decide how best to address their concerns at an appropriate level and in an optimally constructive manner. This Ombudsman coaching gives constituents candid feedback on their conflict style, strategy and approach, as well as builds the conflict competence of employees, volunteers and managers throughout the Red Cross.

In 27 percent of Ombudsman cases, shuttle diplomacy was used, meaning that the office alternated in meeting with each party and coached each separately as it worked with the constituents and disputants to achieve a mutually satisfactory resolution. In 2 percent of cases, the Ombudsman Office brought disputing parties together and mediated a face-to-face resolution.

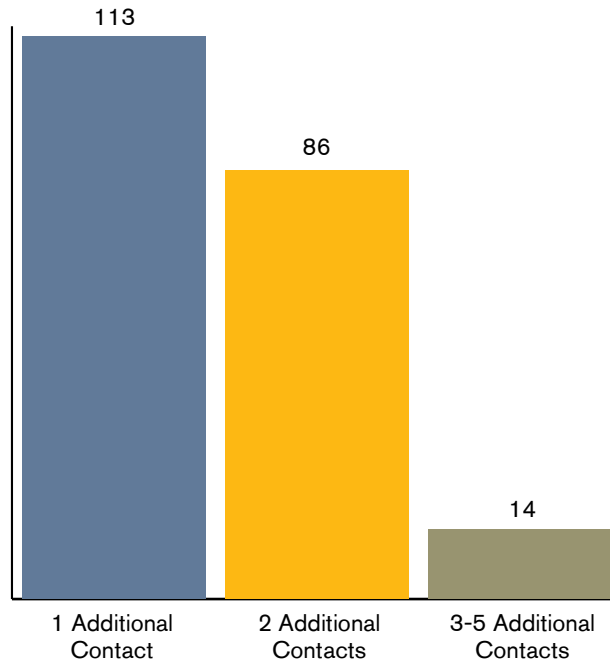
The Ombudsman Office hopes and plans in the year ahead to utilize informal facilitated discussions or mediations more frequently as they are effective in addressing and resolving issues. The office is hampered in this, however, by the geographical dispersion of the Red Cross and by the fact that it is not possible to travel to every chapter, SAF station or Blood Services region where there is a dispute that could benefit from face-to-face facilitated discussion. This office, in the coming year, will explore options and alternatives for effectively serving the Red Cross community.

In 13 percent of Ombudsman cases for FY09, the office engaged in what it calls “upward feedback,” meaning that we followed up with management or leadership at appropriate levels to identify systemic issues or concerns that might impact the Red Cross in a broader way or in the future. This is a significant part of the Ombudsman’s role under the governance modernization reforms in helping leadership successfully manage elements of enterprise risk. In this way, the Ombudsman can serve as a valuable early warning system for the Red Cross and, consistent with the office charter and the charge under the Modernization Act, identify and analyze issues or trends confronting the organization. Part of the Ombudsman’s role in raising systemic issues, then, is to help management and leadership think strategically through patterns presented and to facilitate appropriate processes for leadership to delve into and grapple with systemic issues raised. Finally, 4 percent of Ombudsman cases in FY09 represent those in which no action was taken because the constituent chose to drop the matter or could not be reached for follow-up.

### Original and Additional Case Contacts

As noted under Constituent Profile, 555 contacts were made with the Ombudsman in FY09. By considering not only the contact with the person who initiated working with the Ombudsman Office but also those with whom we worked in the process of addressing issues and facilitating resolution of concerns or conflicts raised, the Ombudsman Office can assess how many people it has touched in the Red Cross community, and among Red Cross staff in particular, in FY09. Figure 32 reflects the 213 additional contacts made by the Ombudsman in this past year. In 113 of these cases the Ombudsman worked with one additional person beyond the constituent who initially contacted the office. It may be, for instance, that the Ombudsman worked with the initiator and his or her supervisor, supervisee or peer with whom he or she had a concern or conflict. Eighty-six cases were those in which the Ombudsman worked with an additional two people in the organization to address or resolve a matter. Finally, in 14 cases, three to five additional contacts were involved as the Ombudsman worked with all concerned, through coaching, shuttle diplomacy or facilitated face-to-face discussion to resolve the matter. Additional contacts may also reflect upward feedback to management to raise systemic issues, making sure to protect the confidentiality and identity of any particular persons involved in a given situation.

**Figure 32. Additional Contacts Made (213)—Beyond the 555 Initiators (768 Total)**



## Outreach and Collaboration

The Ombudsman regularly identifies and participates in activities to familiarize employees, volunteers, leaders and external constituents with the office and its function.

- In October 2008, the Ombudsman Office participated in the Red Cross Ethics Fair with other offices with whom it shares a responsibility for corporate governance systems, such as the Office of General Counsel, Human Resources, and Investigations, Compliance and Ethics. The office distributed information, discussed the Ombudsman Office with Red Cross employees and volunteers and helped educate them on ethics and good governance at the Red Cross, particularly how the Ombudsman could be helpful to them as an independent, neutral, informal and confidential resource.
- In March 2009, the Ombudsman Office participated in the “Disaster Manager Cracker Barrel.” Sharing information about the office, contacts were made with 100 or more disaster managers from across the United States.
- In March 2009, the Ombudsman made contact with 200 or so national headquarters employees and volunteers at a “meet and greet” for the office.
- In April 2009, Ombudsman staff made hundreds of contacts at an information fair sponsored by the Emergency Services Program Manager Service Institutes (ESPMI), where they distributed information about the office, met people, explained the resources that the Ombudsman Office can provide and answered questions. From these contacts, the office received many calls and visits.
- In June 2009, the Ombudsman Office participated in another ESPMI event where office staff met many Emergency Services Program Managers from all over the country, heard about their concerns and explained the nature of the office and how it could be a valuable resource to them.
- In June 2009, the Ombudsman Office held an “open house” at national headquarters to introduce the new Corporate Ombudsman and to refamiliarize staff with the office.

The Corporate Ombudsman also collaborated closely in FY09 with the newly formed Center of Excellence for Corporate Compliance. Though not a compliance function itself, the Ombudsman Office acts in an advisory role when partnering with other members of this group: the Office of General Counsel; Investigation, Compliance and Ethics; Quality and Regulatory Affairs; Human Resources; Finance; and Corporate Diversity.

In sum, in the course of this past year, the Ombudsman Office has reached out to many national headquarters employees and volunteers, as well as employees and volunteers throughout the country. All these events were in addition to the day-to-day attempts made through casework contacts and through trainings to educate and inform the Red Cross community about the resources the Ombudsman Office offers.

## Looking to the Future

### Increasing Outreach, Accessibility and Awareness

The year ahead promises to be a busy one as the Office of the Corporate Ombudsman will work assiduously to enhance its outreach and accessibility. The office will pursue strategies to increase awareness of what it does and to inform internal and external constituents, including those who depend on Red Cross services, of how it can be a valuable resource. Because the Red Cross is such a complex and geographically dispersed organization, the Ombudsman Office will further develop and implement a comprehensive communication strategy that utilizes appropriate media, including cutting-edge social media and other vehicles. The office will continue to enhance the materials available to the Red Cross community through CrossNet and RedCross.org. The Ombudsman Office will regularly speak at management team meetings, staff meetings and at all-hands meetings in the various business lines across the Red Cross to share how the office can be a resource for handling complex or difficult situations, for working through conflicts, and for raising vital issues. It will, in this coming year, increase its direct, first-hand exposure to Red Cross activities as well by visiting chapters, Blood Services regions, National Testing Laboratories, and SAF stations, and, where possible, by deploying for disaster operations. All of these activities will enable the Ombudsman to understand better the complex activities, challenges and culture of the Red Cross.

### Case Handling—Resolving Disputes

The Ombudsman Office will continue to handle as an independent, confidential and neutral resource a wide variety of cases covering nearly every aspect of the work and impact of the Red Cross through the improved and streamlined case intake and case handling process. The office will offer a safe setting in which people will feel encouraged and able to bring forward issues or concerns with Red Cross management, policies, procedures or actions and to assist leaders, managers, staff and all stakeholders to become more accountable to hear and grapple productively and fairly with issues raised. The Ombudsman will handle cases consistent with the tenets of the International Ombudsman Association and with the principles reflected in the office's newly clarified and revised Vision Statement, Mission Statement and Strategic Plan.

### Enhancing Red Cross Conflict Competence

In this next year, the Corporate Ombudsman will collaborate with business lines and functional departments throughout the Red Cross to provide conflict resolution skill building. The office will hold town hall meetings, offer brown bag lunches focused on specific topics of interest to staff and managers and provide workshops for working teams and leadership teams. Enhancing the capacity of the Red Cross to resolve disputes will be improved through these kinds of activities. These activities will help the Ombudsman Office meet the second element of its mission statement, to “help make effective conflict management skills become common and internalized ways of working for American Red Cross employees and volunteers at all levels as they seek to accomplish the mission of the American Red Cross.”

## Collaborating on Conflict Resolution Programs

Related to this, the Corporate Ombudsman will work this next year with other offices responsible for the governance structure to analyze and enhance the design of effective and integrated conflict management systems in the Red Cross. This will optimize how employees and volunteers are able to raise concerns and work their issues through to successful and constructive resolutions. It will enhance, as well, leadership's ability to address and constructively resolve disputes or issues throughout the Red Cross. The Ombudsman Office will identify places where the Ombudsman can collaborate with lines of business and enterprise-wide functional departments in the development and advancement of conflict resolution programs, projects and practices across the Red Cross.

## Identifying Systems Issues

By being increasingly immersed in the varied aspects of the Red Cross, the Ombudsman Office will enhance its capacity to facilitate resolution of difficult situations as well as to identify larger systemic issues that may complicate or hinder the ability of the Red Cross to achieve its mission. The office will work closely and collaboratively with the lines of business and enterprise-wide functional departments to facilitate appropriate analysis and review of, as well as consideration of revisions to, Red Cross policies, procedures or practices where the Corporate Ombudsman process indicates the need for them. The systemic responsibilities under the Governance Modernization Act of 2007 also require the Ombudsman to prepare and submit annually a report to the Audit and Risk Management Committee of the Board of Governors, the president and CEO, and Congress concerning any trends and systemic matters that the Office of the Corporate Ombudsman has identified as confronting the American Red Cross. Consistent with that responsibility, the Ombudsman Office will look for ways to improve its processes to capture data on patterns and trends for upward feedback to leadership in a way that does not compromise confidentiality or identify any individuals, but that provides the most useful information to leadership.

# Appendix



Brian MacDonald/American Red Cross

# **H.R.1681**

## **American National Red Cross Governance Modernization Act of 2007 (Introduced in House)**

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### **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

- (a) Findings- Congress makes the following findings:
  - (8) Given the role of The American National Red Cross in carrying out its services, programs, and activities, and meeting its various obligations, the effectiveness of The American National Red Cross will be promoted by the creation of an organizational ombudsman who--
    - (A) will be a neutral or impartial dispute resolution practitioner whose major function will be to provide confidential and informal assistance to the many internal and external stakeholders of The American National Red Cross;
    - (B) will report to the chief executive officer and the audit committee of the Board of Governors; and
    - (C) will have access to anyone and any documents in The American National Red Cross.

### **SEC. 11. COMPTROLLER GENERAL OF THE UNITED STATES AND OFFICE OF THE OMBUDSMAN.**

- (a) In General- Chapter 3001 of title 36, United States Code, is amended by redesignating section 300111 as section 300113 and by inserting after section 300110 the following new sections:



## **` Sec. 300112. Office of the Ombudsman**

`(a) Establishment- The corporation shall establish an Office of the Ombudsman with such duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

`(b) Report-

`(1) IN GENERAL- The Office of the Ombudsman shall submit annually to the appropriate Congressional committees a report concerning any trends and systemic matters that the Office of the Ombudsman has identified as confronting the corporation.

`(2) APPROPRIATE CONGRESSIONAL COMMITTEES- For purposes of paragraph (1), the appropriate Congressional committees are the following committees of Congress:

`(A) SENATE COMMITTEES- The appropriate Congressional committees of the Senate are--

`(i) the Committee on Finance;

`(ii) the Committee on Foreign Relations;

`(iii) the Committee on Health, Education, Labor, and Pensions;

`(iv) the Committee on Homeland Security and Governmental Affairs; and

`(v) the Committee on the Judiciary.

`(B) HOUSE COMMITTEES- The appropriate Congressional committees of the House of Representatives are--

`(i) the Committee on Energy and Commerce;

`(ii) the Committee on Foreign Affairs;

`(iii) the Committee on Homeland Security;

`(iv) the Committee on the Judiciary; and

`(v) the Committee on Ways and Means.'.

(b) Clerical Amendment- The table of sections for chapter 3001 of title 36, United States Code, is amended by striking the item relating to section 300111 and inserting the following:

` 300111. Authority of the Comptroller General of the United States.

` 300112. Office of the Ombudsman.

` 300113. Reservation of right to amend or repeal.'.

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**American Red Cross**

## **American Red Cross Ombudsman Office Charter**

### **Establishment of Office**

The Board of Governors, in *American Red Cross Governance for the 21<sup>st</sup> Century: A Report of the Board of Governors*, recognized the need for an organizational ombudsman to improve the organization's ability to resolve disputes and take action on significant issues confronting the Red Cross. The Congress and the President agreed and, in The American National Red Cross Governance Modernization Act of 2007, amended the Congressional Charter of the American National Red Cross to establish an Office of the Corporate Ombudsman (Ombudsman Office). The accompanying report (H.R. Rpt. 110-87 at 25 (April 16, 2007)) provides for an office that:

will act as a neutral and impartial dispute resolution center whose major function will be to provide confidential and informal assistance to the many internal and external constituents with concerns or complaints about the American Red Cross. The Office of the Ombudsman will have unfettered access to the entire corporation and all personnel, corporate reports, [and] documents, and will report directly to the organization's Chief Executive Officer and on a regular basis to the Audit and Risk Management Committee of the Board of Governors.

In addition to conflict resolution, the Office of the Ombudsman will report annually to the U.S. Congressional Committees of jurisdiction<sup>1</sup>, areas and types of concerns, including trends and systemic matters that the Ombudsman determines to be confronting the organization. As a practice, these reports will also be made available to the public through the Red Cross external website, [www.redcross.org](http://www.redcross.org).

The Red Cross Corporate Ombudsman will receive inquiries from members of the American Red Cross community including internal stakeholders such as employees and volunteers, and external stakeholders such as Red Cross donors, suppliers, partners, and the public at large. Given the role of the Red Cross in disaster relief, blood services, international treaty obligations of the Geneva Conventions, armed forces emergencies,

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<sup>1</sup> Senate Committees on Finance; Foreign Relations; Health, Education, Labor, and Pensions; Homeland Security and Governmental Affairs; and Judiciary. House Committees on Energy and Commerce, Foreign Affairs, Homeland Security, the Judiciary, and Ways and Means.



**American Red Cross**

### **Establishment of Office (continued)**

and health and safety services it is essential that the Corporate Ombudsman be focused on the organization as a whole and be accessible to internal and external stakeholders.

As noted in the American Red Cross Code of Business Ethics and Conduct, the Ombudsman Office provides confidential and informal dispute resolution services, and is not a substitute for existing formal complaint or problem resolution channels at the American Red Cross. Unlike the Ombudsman Office, Human Resources; management; the Office of General Counsel; and Investigations, Compliance and Ethics are empowered to conduct investigations, make decisions and policy, and receive official notice for the American Red Cross. Parties who wish to make a formal complaint for the American Red Cross to act on or formally document their concerns must go through one of these formal channels. The Ombudsman Office is a supplement to these formal channels, not a replacement for them or a necessary step to reach them. No one is required to use the independent and impartial services of the Ombudsman Office.

### **Standards**

The Corporate Ombudsman and the staff of the office shall adhere to the International Ombudsman Association Code of Ethics and Standards of Practice. These tenets require Ombudsman Offices to function independently of the organization, to be confidential and neutral, and to limit the scope of its services to informal means of dispute resolution. The American Red Cross recognizes that the Ombudsman Office will operate consistently with the following essential characteristics:

- (1) **Independence.** The Corporate Ombudsman shall be, and shall appear to be, free from interference in the legitimate performance of his or her duties. The Corporate Ombudsman shall report trends and systemic issues that he or she observes to the President and CEO and be scheduled regularly to report such matters to the Audit and Risk Management Committee of the Board of Governors. The Corporate Ombudsman shall not perform other ad hoc roles and is not part of management.

The American Red Cross recognizes that no one who may be affected by actions of the Ombudsman Office shall: control or limit the Corporate Ombudsman's performance of assigned duties, eliminate the office, remove the Corporate Ombudsman without cause, or reduce the budget or resources of the office for retaliatory purposes.



**American Red Cross**

**Standards (continued):**

The American Red Cross affirms the right of individuals to seek assistance from the Ombudsman Office without fear of retaliation.

- (2) Neutrality and Impartiality. The Corporate Ombudsman shall conduct inquiries in an impartial manner, free from initial bias and conflicts of interest. He or she shall not take sides in any conflict, dispute or issue. The Corporate Ombudsman shall consider the interests and concerns of all parties involved in a situation impartially with the aim of facilitating communication and assisting the parties in reaching mutually acceptable agreements that are fair and equitable.

Impartiality shall not preclude the Corporate Ombudsman from developing an interest in securing changes that are deemed necessary as a result of the process. The Corporate Ombudsman shall be an advocate for fair processes and fair administration of the same, and shall be an advocate within the entity for change where the process demonstrates a need for it.

- (3) Confidentiality. The Ombudsman Office shall not disclose names of individuals or any information provided in confidence, unless in the course of discussions with a constituent, the Corporate Ombudsman asks for and receives permission to make a disclosure or unless the Corporate Ombudsman determines that there is an imminent risk of serious harm. The Ombudsman Office shall not confirm communicating with any party or parties. The Corporate Ombudsman shall neither willingly participate as a witness with respect to any confidential communication, nor be compelled to participate in any formal process inside or outside of the American Red Cross.
- (4) Voluntary. Individuals shall not be required to meet with the Corporate Ombudsman. To the contrary, all interactions with the Corporate Ombudsman must be voluntary.
- (5) Privilege. Communications between members of the Ombudsman Office in their official capacity and others shall be confidential and privileged and cannot be waived by others, including the American Red Cross as an entity. This allows constituents to come forward in a confidential setting with no risk of reprisal. Mediation communications shall be privileged against disclosure consistent with District of Columbia law. D.C. Code §§ 16-4201 to 16-4213.



**American Red Cross**

**Standards (continued):**

- (6) **Informality.** The Ombudsman Office shall be a resource for informal dispute resolution and mediation services. The Corporate Ombudsman shall not investigate, arbitrate, adjudicate or in any other way participate in any internal or external formal process or action. The Ombudsman Office shall not keep records for the American Red Cross, and shall not create or maintain documents or records for the American Red Cross about individual cases. Notes, if any, taken during the course of working on a case shall be routinely destroyed at regular intervals and at the conclusion of a matter. The office will retain non-identifying data and information for purposes of analyzing and reporting trends regarding concerns and systemic problems. This non-identifying data and information shall not be property of the American Red Cross, but of the Office of the Corporate Ombudsman.

**Responsibilities and Duties**

The Corporate Ombudsman shall be authorized to:

- (1) receive complaints, concerns, and questions about alleged acts, omissions, improprieties, and systemic problems from internal and external stakeholders;
- (2) exercise discretion to accept or decline to act on a complaint, concern, or question;
- (3) act on his or her own initiative to address issues and conduct inquiries within his or her prescribed jurisdiction;
- (4) gather relevant information and require the full cooperation of the managers, employees, and volunteers of the American Red Cross;
- (5) facilitate fair and equitable resolution of issues at the most appropriate level of the entity;
- (6) advocate for organizational change;
- (7) develop, evaluate, and discuss options available to affected individuals;
- (8) educate, facilitate, negotiate, and mediate;
- (9) make recommendations for the resolution of an individual complaint or a systemic problem to those persons who have the authority to act upon them;
- (10) identify trends and opportunities to improve the American Red Cross or to prevent problems from recurring;



**American Red Cross**

**Responsibilities and Duties (continued)**

- (11) provide overview information, trends and analyses regarding concerns and systemic problems in reports to the President and CEO; the Board of Governors, principally through its Audit and Risk Management Committee; U.S. Congressional Committees of jurisdiction; the public; and other constituencies as appropriate. In no case shall confidentiality or anonymity be breached; and
- (12) request and receive legal counsel and representation as appropriate independent from the American Red Cross in the event a conflict of interest or dispute arises between the Ombudsman Office and the management of the American Red Cross.

The Corporate Ombudsman shall not, nor shall an entity expect or authorize him or her to:

- (1) make, change or set aside a law, policy, or administrative decision;
- (2) make management decisions;
- (3) directly compel any entity or any person to implement the Corporate Ombudsman's recommendations;
- (4) conduct formal investigations;
- (5) accept jurisdiction over an issue that is currently pending in a legal forum or the subject of a formal investigation (exceptions may be made on a case-by-case basis at the sole discretion of the Corporate Ombudsman);
- (6) address any issue arising under a collective bargaining agreement;
- (7) act in a manner inconsistent with the grant of and limitations on the jurisdiction of the office when discharging the duties of the Ombudsman Office;
- (8) be a substitute for formal channels;
- (9) accept notice of claims on behalf of the American Red Cross;
- (10) participate in formal proceedings;
- (11) provide legal advice or determine rights; or
- (12) testify or serve as a witness on matters brought to the Corporate Ombudsman's attention.



**American Red Cross**

**Not Authorized to Receive Notice of Claims Against the American Red Cross**

Communications to the Corporate Ombudsman shall not constitute notice to the American Red Cross. These communications include allegations that may be perceived to be violations of laws, regulations or policies, such as sexual harassment, and issues covered by the whistleblower policies. Because the Corporate Ombudsman does not function as part of the management or administration of the American Red Cross, even if the Corporate Ombudsman becomes aware of such an allegation, the Corporate Ombudsman shall not be required to report it to the American Red Cross.

  
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**Beverly Ortega Babers  
Corporate Ombudsman  
American Red Cross**

  
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**Mary Elcano  
Acting President and Chief Executive Officer  
American Red Cross**

  
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**Sanford Beelen  
Chair, Audit and Risk Management Committee  
Board of Governors  
American Red Cross**

Effective Date: January 15, 2008

Board of  
Governors



President/CEO



Audit & Risk  
Management  
Committee



**Informal Process**

CCL/BRL Hotlines

Chapter Quality  
Assurance

Biomedical Quality  
Assurance

Internal Audit

External Audit

Human Resources

General Counsel

Investigations,  
Compliance & Ethics



American  
Red Cross

**Formal  
Processes**

Office of the  
Corporate Ombudsman

**American Red Cross Corporate Governance System**



## **American Red Cross Office of the Corporate Ombudsman**

### **Vision Statement**

It is our vision to assist the American Red Cross in becoming a healthy, effective and harmonious organization capable of equitably and justly resolving conflict in which all stakeholders work seamlessly as one entity, and in which the public places high trust, to provide blood services and humanitarian and disaster assistance consistent with the fundamental American Red Cross principles of independence, neutrality, impartiality, universality, voluntary service, unity and humanity.

### **Mission Statement**

It is the mission of the Office of the Corporate Ombudsman to

-- act as an independent, confidential and neutral dispute resolution practitioner to provide a safe setting in which people feel encouraged and able to bring forward issues or concerns with American Red Cross management, policies, procedures or actions and to assist leaders, managers, staff and all stakeholders to become more accountable to hear and grapple productively and fairly with issues raised.

-- help make effective conflict management skills become common and internalized ways of working for American Red Cross employees and volunteers at all levels as they seek to accomplish the mission of the American Red Cross.

-- identify and facilitate significant systemic improvements, including by collaboration with other offices, in how the American Red Cross handles its responsibilities toward and interactions with employees, volunteers, donors, vendors, partners, and the public.

### **Goals and Objectives**

1. Reach across the American Red Cross community to educate and inform stakeholders about the Office of the Corporate Ombudsman and to make our services consistently accessible and responsive.
2. Assist constituents in clarifying issues and in identifying options for raising and pursuing complaints or concerns, and offer an array of useful alternative conflict resolution options and strategies to aid the resolution of issues and disputes, consistent with the tenets of the International Ombudsman Association (IOA).
3. Develop and conduct conflict resolution training for the American Red Cross community in coordination with lines of business and enterprise-wide functional departments.
4. Collaborate with lines of business and enterprise-wide functional departments in the development and advancement of conflict resolution programs, projects, and practices across the American Red Cross.
5. Identify systemic patterns and trends confronting the American Red Cross and work collaboratively with lines of business and enterprise-wide functional departments to facilitate changes in policies, procedures or practices where the Corporate Ombudsman process indicates the need for them.
6. Prepare and submit annually a report to the Audit and Risk Management Committee of the Board of Governors, the President/CEO, and Congress concerning any trends and systemic matters that the Office of the Corporate Ombudsman has identified as confronting the American Red Cross.

### 1. Compensation & Benefits

Questions, concerns, issues or inquiries about the equity, appropriateness and competitiveness of employee compensation, benefits and other benefit programs.

- 1.a Compensation (rate of pay, salary amount, job salary classification/level)
- 1.b Payroll (administration of pay, check wrong or delayed)
- 1.c Benefits (decisions related to medical, dental, life, vacation/sick leave, education, worker's compensation insurance, etc.)
- 1.d Retirement, Pension (eligibility, calculation of amount, retirement pension benefits)
- 1.e Other (any other employee compensation or benefit not described by the above sub-categories)

### 2. Evaluative Relationships

Questions, concerns, issues or inquiries arising between people in evaluative relationships (i.e. supervisor-employee, faculty-student.)

- 2.a Priorities, Values, Beliefs (differences about what should be considered important – or most important – often rooted in ethical or moral beliefs)
- 2.b Respect/Treatment (demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.)
- 2.c Trust/Integrity (suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)
- 2.d Reputation (possible impact of rumors and/or gossip about professional or personal matters)
- 2.e Communication (quality and/or quantity of communication)
- 2.f Bullying, Mobbing (abusive, threatening, and/or coercive behaviors)
- 2.g Diversity-Related (comments or behaviors perceived to be insensitive, offensive, or intolerant on the basis of an identity-related difference such as race, gender, nationality, sexual orientation)
- 2.h Retaliation (punitive behaviors for previous actions or comments, whistleblower)
- 2.i Physical Violence (actual or threats of bodily harm to another)
- 2.j Assignments/Schedules (appropriateness or fairness of tasks, expected volume of work)
- 2.k Feedback (feedback or recognition given, or responses to feedback received)
- 2.l Consultation (requests for help in dealing with issues between two or more individuals they supervise/teach or with other unusual situations in evaluative relationships)

- 2.m Performance Appraisal/Grading (job/academic performance in formal or informal evaluation)
- 2.n Departmental Climate (prevailing behaviors, norms, or attitudes within a department for which supervisors or faculty have responsibility.)
- 2.o Supervisory Effectiveness (management of department or classroom, failure to address issues)
- 2.p Insubordination (refusal to do what is asked)
- 2.q Discipline (appropriateness, timeliness, requirements, alternatives, or options for responding)
- 2.r Equity of Treatment (favoritism, one or more individuals receive preferential treatment)
- 2.s Other (any other evaluative relationship not described by the above sub-categories)

### 3. Peer and Colleague Relationships

Questions, concerns, issues or inquiries involving peers or colleagues who do not have a supervisory-employee or student-professor relationship (e.g., two staff members within the same department or conflict involving members of a student organization.)

- 3.a Priorities, Values, Beliefs (differences about what should be considered important – or most important – often rooted in ethical or moral beliefs)
- 3.b Respect/Treatment (demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.)
- 3.c Trust/Integrity (suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)
- 3.d Reputation (possible impact of rumors and/or gossip about professional or personal matters)
- 3.e Communication (quality and/or quantity of communication)
- 3.f Bullying, Mobbing (abusive, threatening, and/or coercive behaviors)
- 3.g Diversity-Related (comments or behaviors perceived to be insensitive, offensive, or intolerant on the basis of an identity-related difference such as race, gender, nationality, sexual orientation)
- 3.h Retaliation (punitive behaviors for previous actions or comments, whistleblower)
- 3.i Physical Violence (actual or threats of bodily harm to another)
- 3.j Other (any peer or colleague relationship not described by the above sub-categories)

### 4. Career Progression and Development

Questions, concerns, issues or inquiries about administrative processes and decisions regarding entering and leaving a job, what it entails, (i.e., recruitment, nature and place of assignment, job security, and separation.)

- 4.a Job Application/Selection and Recruitment Processes (recruitment and selection processes, facilitation of job applications, short-listing and criteria for selection, disputed decisions linked to recruitment and selection)
- 4.b Job Classification and Description (changes or disagreements over requirements of assignment, appropriate tasks)
- 4.c Involuntary Transfer/Change of Assignment (notice, selection and special dislocation rights/benefits, removal from prior duties, unrequested change of work tasks)
- 4.d Tenure/Position Security/Ambiguity (security of position or contract, provision of secure contractual categories)
- 4.e Career Progression (promotion, reappointment, or tenure)
- 4.f Rotation and Duration of Assignment (non-completion or over-extension of assignments in specific settings/countries, lack of access or involuntary transfer to specific roles/assignments, requests for transfer to other places/duties/roles)
- 4.g Resignation (concerns about whether or how to voluntarily terminate employment or how such a decision might be communicated appropriately)
- 4.h Termination/Non-Renewal (end of contract, non-renewal of contract, disputed permanent separation from organization)
- 4.i Re-employment of Former or Retired Staff (loss of competitive advantages associated with re-hiring retired staff, favoritism)
- 4.j Position Elimination (elimination or abolition of an individual's position)
- 4.k Career Development, Coaching, Mentoring (classroom, on-the-job, and varied assignments as training and developmental opportunities)
- 4.l Other (any other issues linked to recruitment, assignment, job security or separation not described by the above sub-categories)

## 5. Legal, Regulatory, Financial and Compliance

Questions, concerns, issues or inquiries that may create a legal risk (financial, sanction etc.) for the organization or its members if not addressed, including issues related to waste, fraud or abuse.

- 5.a **Criminal Activity** (threats or crimes planned, observed, or experienced, fraud)
  - 5.b **Business and Financial Practices** (inappropriate actions that abuse or waste organizational finances, facilities or equipment)
  - 5.c **Harassment** (unwelcome physical, verbal, written, e-mail, audio, video psychological or sexual conduct that creates a hostile or intimidating environment)
  - 5.d **Discrimination** (different treatment compared with others or exclusion from some benefit on the basis of, for example, gender, race, age, national origin, religion, etc. [being part of an Equal Employment Opportunity protected category – applies in the U.S.] )
  - 5.e **Disability, Temporary or Permanent, Reasonable Accommodation** (extra time on exams, provision of assistive technology, interpreters, or Braille materials including questions on policies, etc. for people with disabilities)
  - 5.f **Accessibility** (removal of physical barriers, providing ramps, elevators, etc.)
  - 5.g **Intellectual Property Rights** (e.g., copyright and patent infringement)
  - 5.h **Privacy and Security of Information** (release or access to individual or organizational private or confidential information)
  - 5.i **Property Damage** (personal property damage, liabilities)
  - 5.j **Other** (any other legal, financial and compliance issue not described by the above sub-categories)
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## 6. Safety, Health, and Physical Environment

Questions, concerns, issues or inquiries about Safety, Health and Infrastructure-related issues.

- 6.a **Safety** (physical safety, injury, medical evacuation, meeting federal and state requirements for training and equipment)
- 6.b **Physical Working/Living Conditions** (temperature, odors, noise, available space, lighting, etc)
- 6.c **Ergonomics** (proper set-up of workstation affecting physical functioning)
- 6.d **Cleanliness** (sanitary conditions and facilities to prevent the spread of disease)
- 6.e **Security** (adequate lighting in parking lots, metal detectors, guards, limited access to building by outsiders, anti-terrorists measures (not for classifying "compromise of classified or top secret" information)

- 6.f **Telework/Flexplace** (ability to work from home or other location because of business or personal need, e.g., in case of man-made or natural emergency)
  - 6.g **Safety Equipment** (access to/use of safety equipment as well as access to or use of safety equipment, e.g., fire extinguisher)
  - 6.h **Environmental Policies** (policies not being followed, being unfair ineffective, cumbersome)
  - 6.i **Work Related Stress and Work-Life Balance** (Post-Traumatic Stress, Critical Incident Response, internal/external stress, e.g. divorce, shooting, caring for sick, injured)
  - 6.j **Other** (any safety, health, or physical environment issue not described by the above sub-categories)
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## 7. Services/Administrative Issues

Questions, concerns, issues or inquiries about services or administrative offices including from external parties.

- 7.a **Quality of Services** (how well services were provided, accuracy or thoroughness of information, competence, etc.)
  - 7.b **Responsiveness/Timeliness** (time involved in getting a response or return call or about the time for a complete response to be provided)
  - 7.c **Administrative Decisions and Interpretation/Application of Rules** (impact of non-disciplinary decisions, decisions about requests for administrative and academic services, e.g., exceptions to policy deadlines or limits, refund requests, appeals of library or parking fines, application for financial aid, etc.)
  - 7.d **Behavior of Service Provider(s)** (how an administrator or staff member spoke to or dealt with a constituent, customer, or client, e.g., rude, inattentive, or impatient)
  - 7.e **Other** (any services or administrative issue not described by the above sub-categories)
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## 8. Organizational, Strategic, and Mission Related

Questions, concerns, issues or inquiries that relate to the whole or some part of an organization.

- 8.a **Strategic and Mission-Related/ Strategic and Technical Management** (principles, decisions and actions related to where and how the organization is moving)
- 8.b **Leadership and Management** (quality/capacity of management and/or management/leadership decisions, suggested training, reassignments and reorganizations)

- 8.c **Use of Positional Power/Authority** (lack or abuse of power provided by individual's position)
  - 8.d **Communication** (content, style, timing, effects and amount of organizational and leader's communication, quality of communication about strategic issues)
  - 8.e **Restructuring and Relocation** (issues related to broad scope planned or actual restructuring and/or relocation affecting the whole or major divisions of an organization, e.g. downsizing, off shoring, outsourcing)
  - 8.f **Organizational Climate** (issues related to organizational morale and/or capacity for functioning)
  - 8.g **Change Management** (making, responding or adapting to organizational changes, quality of leadership in facilitating organizational change)
  - 8.h **Priority Setting and/or Funding** (disputes about setting organizational/departmental priorities and/or allocation of funding within programs)
  - 8.i **Data, Methodology, Interpretation of Results** (scientific disputes about the conduct, outcomes and interpretation of studies and resulting data for policy)
  - 8.j **Interdepartment/Interorganization Work/Territory** (disputes about which department/organization should be doing what/taking the lead)
  - 8.k **Other** (any organizational issue not described by the above sub-categories)
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## 9. Values, Ethics, and Standards

Questions, concerns, issues or inquiries about the fairness of organizational values, ethics, and/or standards, the application of related policies and/or procedures, or the need for creation or revision of policies, and/or standards.

- 9.a **Standards of Conduct** (fairness, applicability or lack of behavioral guidelines and/or Codes of Conduct, e.g., Academic Honesty, plagiarism, Code of Conduct, conflict of interest)
  - 9.b **Values and Culture** (questions, concerns or issues about the values or culture of the organization)
  - 9.c **Scientific Conduct/Integrity** (scientific or research misconduct or misdemeanors, e.g., authorship; falsification of results)
  - 9.d **Policies and Procedures NOT Covered in Broad Categories 1 thru 8** (fairness or lack of policy or the application of the policy, policy not followed, or needs revision, e.g., appropriate dress, use of internet or cell phones)
  - 9.e **Other** (Other policy, procedure, ethics or standards issues not described in the above sub-categories)
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INTERNATIONAL  
**OMBUDSMAN**  
ASSOCIATION

## **IOA CODE OF ETHICS**

### **PREAMBLE**

The IOA is dedicated to excellence in the practice of Ombudsman work. The IOA Code of Ethics provides a common set of professional ethical principles to which members adhere in their organizational Ombudsman practice.

Based on the traditions and values of Ombudsman practice, the Code of Ethics reflects a commitment to promote ethical conduct in the performance of the Ombudsman role and to maintain the integrity of the Ombudsman profession.

The Ombudsman shall be truthful and act with integrity, shall foster respect for all members of the organization he or she serves, and shall promote procedural fairness in the content and administration of those organizations' practices, processes, and policies.

### **ETHICAL PRINCIPLES**

#### **INDEPENDENCE**

The Ombudsman is independent in structure, function, and appearance to the highest degree possible within the organization.

#### **NEUTRALITY AND IMPARTIALITY**

The Ombudsman, as a designated neutral, remains unaligned and impartial. The Ombudsman does not engage in any situation which could create a conflict of interest.

#### **CONFIDENTIALITY**

The Ombudsman holds all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm.

#### **INFORMALITY**

The Ombudsman, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.



# INTERNATIONAL OMBUDSMAN ASSOCIATION

## IOA STANDARDS OF PRACTICE

### PREAMBLE

The IOA Standards of Practice are based upon and derived from the ethical principles stated in the IOA Code of Ethics.

Each Ombudsman office should have an organizational Charter or Terms of Reference, approved by senior management, articulating the principles of the Ombudsman function in that organization and their consistency with the IOA Standards of Practice.

### STANDARDS OF PRACTICE

#### INDEPENDENCE

- 1.1 The Ombudsman Office and the Ombudsman are independent from other organizational entities.
- 1.2 The Ombudsman holds no other position within the organization which might compromise independence.
- 1.3 The Ombudsman exercises sole discretion over whether or how to act regarding an individual's concern, a trend or concerns of multiple individuals over time. The Ombudsman may also initiate action on a concern identified through the Ombudsman's direct observation.
- 1.4 The Ombudsman has access to all information and all individuals in the organization, as permitted by law.
- 1.5 The Ombudsman has authority to select Ombudsman Office staff and manage Ombudsman Office budget and operations.

#### NEUTRALITY AND IMPARTIALITY

- 2.1 The Ombudsman is neutral, impartial, and unaligned.
- 2.2 The Ombudsman strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The Ombudsman advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the organization.
- 2.3 The Ombudsman is a designated neutral reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures. The Ombudsman should not report to nor be structurally affiliated with any compliance function of the organization.
- 2.4 The Ombudsman serves in no additional role within the organization which would compromise the Ombudsman's neutrality. The Ombudsman should not be aligned with any formal or informal associations within the organization in a way that might create actual or perceived conflicts of interest for the Ombudsman. The Ombudsman should have no personal interest or stake in, and incur no gain or loss from, the outcome of an issue.
- 2.5 The Ombudsman has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration.
- 2.6 The Ombudsman helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best options.

#### CONFIDENTIALITY

- 3.1 The Ombudsman holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, including the following:  
The Ombudsman does not disclose confidential communications unless given permission to do so in the course of informal discussions with the Ombudsman, and even then at the sole discretion of the Ombudsman; the Ombudsman does not reveal, and must not be required to reveal, the identity of any individual contacting the Ombudsman Office, nor does the Ombudsman reveal information provided in confidence that could lead to the identification of any individual contacting the Ombudsman Office, without that individual's express permission; the Ombudsman takes specific action related to an individual's issue only with the individual's express permission and only to the extent permitted, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombudsman Office. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm, and where there is no other reasonable option. Whether this risk exists is a determination to be made by the Ombudsman.
- 3.2 Communications between the Ombudsman and others (made while the Ombudsman is serving in that capacity) are considered privileged. The privilege belongs to the Ombudsman and the Ombudsman Office, rather than to any party to an issue. Others cannot waive this privilege.
- 3.3 The Ombudsman does not testify in any formal process inside the organization and resists testifying in any formal process outside of the organization, even if given permission or requested to do so.
- 3.4 If the Ombudsman pursues an issue systemically (e.g., provides feedback on trends, issues, policies and practices) the Ombudsman does so in a way that safeguards the identity of individuals.
- 3.5 The Ombudsman keeps no records containing identifying information on behalf of the organization.
- 3.6 The Ombudsman maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including management), and has a consistent and standard practice for the destruction of such information.
- 3.7 The Ombudsman prepares any data and/or reports in a manner that protects confidentiality.
- 3.8 Communications made to the ombudsman are not notice to the organization. The ombudsman neither acts as agent for, nor accepts notice on behalf of, the organization and shall not serve in a position or role that is designated by the organization as a place to receive notice on behalf of the organization. However, the ombudsman may refer individuals to the appropriate place where formal notice can be made.

#### INFORMALITY AND OTHER STANDARDS

- 4.1 The Ombudsman functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and – with permission and at Ombudsman discretion – engaging in informal third-party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves.
- 4.2 The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.
- 4.3 The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the organization.
- 4.4 The Ombudsman supplements, but does not replace, any formal channels. Use of the Ombudsman Office is voluntary, and is not a required step in any grievance process or organizational policy.
- 4.5 The Ombudsman does not participate in any formal investigative or adjudicative procedures. Formal investigations should be conducted by others. When a formal investigation is requested, the Ombudsman refers individuals to the appropriate offices or individual.
- 4.6 The Ombudsman identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.
- 4.7 The Ombudsman acts in accordance with the IOA Code of Ethics and Standards of Practice, keeps professionally current by pursuing continuing education, and provides opportunities for staff to pursue professional training.
- 4.8 The Ombudsman endeavors to be worthy of the trust placed in the Ombudsman Office.



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