



## COALITION OF FEDERAL OMBUDSMAN

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### MEETING MINUTES

**Meeting Date and Time:** April 14, 2021, 1:30-3:00 pm (ET)

**Location:** WebEx

**Agenda:**

1. 2021 COFO Annual Conference
2. New ACUS Study into Externally Facing ADR
3. Social Media Committee Update
4. Ombuds Day Update/Reminder
5. Next Ombuds Supporting Ombuds (OSO) Meeting 4/28/2021
6. Announcements
7. General Questions
8. Discussion Topics

**Highlights:**

- 1. 2021 COFO Annual Conference**
  - a. Plan for a dual in-person and virtual conference
  - b. Tentative date for conference: October 15, 2021
  - c. Tentative location for conference: USPTO Campus & Virtual
  
- 2. New ACUS Study into Externally Facing ADR**
  - a. Project Consultants for ACUS study were guest speakers for this discussion: Kristen Blankley [kristen.blankley@unl.edu](mailto:kristen.blankley@unl.edu), Judith Starr [judith@adrworkout.com](mailto:judith@adrworkout.com), and Kathleen E. Claussen [kclaussen@law.miami.edu](mailto:kclaussen@law.miami.edu)
  - b. ACUS is undertaking this project to study how federal agencies use and might better use different types of alternative dispute resolution (ADR)—including conciliation, facilitation, factfinding, minitrials, arbitration, the use of ombuds, and especially mediation—to resolve agency adjudications related to their core statutory missions.
  - c. The study will result in a multi-part report for the ACUS Office of the Chairman. Each consultant will bear primary responsibility for preparing the initial draft of one or more parts of a report, as assigned by ACUS’s Office of the Chairman.
  - d. Link to project summary:  
[https://www.acus.gov/sites/default/files/documents/ADR\\_RFP\\_61920\\_0.pdf](https://www.acus.gov/sites/default/files/documents/ADR_RFP_61920_0.pdf)

- e. There are six questions/pillars the study will attempt to address: (1) The selection and implementation of the appropriate type of ADR and associated procedures, including the solicitation and use of feedback from ADR participants; (2) The qualifications and selection of personnel to conduct and manage ADR proceedings; (3) The ethics and confidentiality requirements for ADR personnel; (4) Training procedures for ADR personnel; (5) ADR case management practices; and (6) Interagency mechanisms to facilitate ADR and provide support and resources for agency ADR practitioners (e.g., training modules, reference guides, best practices)
- f. Attendee asked if this study would gather information about the wellbeing and support for ADR professionals in the government
- g. Support of ombuds will be considered, and wellness has a place in ethics
- h. Reflective practice information may be built into the ethics of the study
- i. It was stated that the committee and team are aware of the difference between ombuds, mediators and how they fit together under the umbrella of ADR
- j. Attempting to gain what's under broad work of ADR and the nuances of ombuds work is what the study is hoping to capture
- k. ACUS planned this project to study ADR and specifically external focused ADR
- l. External ADR does not have as much information in public space as internal ADR
- m. Mission driven was used in some of the discussion related to study
- n. It was stated that mission driven is not exclusive to external ombuds, as internal ombuds also have mission driven priorities
- o. Consultant team stated the wording was a snippet of the full project statement and not mean to be comprehensive
- p. ACUS created the study plan before the consultants were involved with this study so they did not have input on this wording
- q. Consultant team will make ACUS aware of concerns related to the wording of mission driven
- r. Employment ADR had received the most attention in studies, and this focus was intended by ACUS to shine a light on the external side of ADR
- s. An ombuds is completing the study survey, and the consultant group selected has experience in mediation, facilitation, and is educated in ADR
- t. This study and team are following the same protocols as the previous ombuds study
- u. ACUS hopes this study project will highlight best practices
- v. The report will be drafted this summer and fall, then ACUS will seek approval for the project during the December meeting
- w. The six questions/pillars mentioned in the discussion today are taken from the Request for Proposals (RFP) and may not line up directly with ombuds work
- x. RFP was developed by ACUS and is focused on all types of ADR work
- y. Diversity, Equality, and Inclusion (DEI) was not included as a pillar but will be considered especially when reviewing employment practices.

- z. Best practice for ADR and Ombuds practice may differ, and the project team is aware there will be differences.
  - aa. The academic background of the team will help distinguish the national standards of ombuds and of course feedback from groups like COFO
  - bb. A concern was stated that the learning curve for the difference in Ombuds work and ADR would be difficult without a person on the team with each background and experience.
  - cc. The project team is seeking experts at all stages of this project for knowledge of all areas of ADR or the ombuds profession that would support the project goals
  - dd. A concern was that a working or advisory group like the 2016 ACUS study on ombuds in the federal government may be needed to ensure all aspects of best practices of this project are considered
  - ee. The most numerous ombuds are in the defense department and long-term care ombuds, and learning about these externally facing ombuds was difficult during the last 2016 ACUS study related to ombuds and could be a challenge for this project study
  - ff. This project is specific to external public facing ombuds and ADR professionals
  - gg. Additional feedback is welcomed and can be given the project consultants listed above
- Added topic: ABA Dispute Resolution Conference Spring Conference Topic
    - A cross-sector group is being formed to develop competency standard for a certification or licensing of ombuds
    - This is being stated as an educational opportunity and not just a certification
    - This effort is a cross functional effort including federal, university, financial, and classical ombuds
    - Contact to provide feedback is [ombudsproposal@gmail.com](mailto:ombudsproposal@gmail.com)
    - All opinions and ideas are welcome for how competency standards could be implemented to increase additional awareness and professional creditability

### **3. Social Media Committee Update**

- a. Thanks to everyone for completing the social media survey.
- b. All feedback is welcomed, and we want to ensure all aspects of how social media could be implemented for COFO
- c. Reminder that the suggested use of social media would be professional, meaning a chance to network with other ombuds, career development, and education
- d. Any implementation of social media for COFO would be limited to the community with criteria for joining along with rules for how to engage the community

### **4. Ombuds Day Update/Reminder**

- a. Ombuds Day is October 14, 2021, and the theme will be Ombuds: Exploring options to resolve conflict together
- b. ABA Dispute Resolution Marketing group will be reaching out to establish ombuds programs in the community and to articulate the need for ombuds and education of other groups

**5. Next OSO Meeting 04/28/2021**

- a. Next meeting of Ombuds Supporting Ombuds (OSO) will be 4/28/2021, 2-3 pm EST
- b. Please join

**6. Announcements**

- a. USOA has released a Request for Proposal (RFT) for qualified entities to perform an organizational assessment and DEI strategy plan for USOA and other organizations
- b. The RFT is on the USOA website and deadline is April 30, 2021
- c. Elizabeth Hill, from the University of Colorado-Boulder Ombuds Office, and Teresa Ralicki, from the University of Colorado-Denver Ombuds Office, are putting together an “Ombuddies Ski Trip” to Breckenridge, CO from February 27-March 5, 2022
- d. FDA, Office of Regulatory Ombuds Program released the 2020 Annual Report for the program: <https://www.fda.gov/media/147519/download>
- e. Detail Opportunity at CFPB for a new Associate Ombudsman detailee to join the team; contact Wendy Kamenshine ([wendy.kamenshine@cfpb.gov](mailto:wendy.kamenshine@cfpb.gov)) if interested

**7. General Questions**

- a. None

**8. Discussion Topics**

- a. All discussion topics tabled due to time constraints.

**Attendance 04/14/2021**

<b>Last</b>	<b>First</b>	<b>Agency</b>	<b>Call-In</b>
Arbid	Michelle	FEMA	<b>1</b>
Asar	Sharon	Consumer Financial Protection Bureau (CFPB)	<b>1</b>
Balick	Howard	FDA	<b>1</b>
Barrar	Riley	CFPB	<b>1</b>
Bayley	Bernardo		<b>1</b>
Blankley	Kristen	ACUS consultant	<b>1</b>

## UNCLASSIFIED

<b>Last</b>	<b>First</b>	<b>Agency</b>	<b>Call-In</b>
Berg	Mollie	DOD / National Geospatial-Intelligence Agency (NGA)	<b>1</b>
Bookstein	Monique	FBI	<b>1</b>
Claussen	Kathleen	ACUS consultant	<b>1</b>
Coleman	Jean	SBA	<b>1</b>
Davenport Dayes	Nathelia (Nicky)	FEMA	<b>1</b>
Dean	Karen	FMCS	<b>1</b>
DeBerry	Marcella	NSA	<b>1</b>
Derrick	Danielle	FINRA	<b>1</b>
Doyle	Bill	US Secret Service	<b>1</b>
Enriquez	Elisa	Los Alamos Laboratory (DOE)	<b>1</b>
Epps	Ayanna	FDIC	<b>1</b>
Feliciano	Ramon	DOD / DIA	<b>1</b>
Fleming	Tasha	BOP	<b>1</b>
Frigault	Lise	Bibliothèque Champlain	<b>1</b>
Gnatt	Sheldon	NSA	<b>1</b>
Gordon	Laurel	DOJ / U. S. Marshals Service (USMS)	<b>1</b>
Greene	Veronica	State OIG	<b>1</b>
Heffernan	Claire	TSA	<b>1</b>
Hobson	Shirley	VA	<b>1</b>
Hopkins	Emilee	NGA	<b>1</b>
Hurley	Nathan	FDA / Center for Tobacco Products	<b>1</b>
Jarrett	Syreeta	DIA	<b>1</b>
Kamenshine	Wendy	CFPB	<b>1</b>
Katherine	Erica	FDA	<b>1</b>
Lawrence	Steve	DHS Office of Intelligence & Analysis	<b>1</b>
Lenkel	Laurie	FDA	<b>1</b>
Levine	Lisa	DOJ / Executive Office of Immigration Review (EOIR)	<b>1</b>

## UNCLASSIFIED

<b>Last</b>	<b>First</b>	<b>Agency</b>	<b>Call-In</b>
Maurer	Bill	Census	<b>1</b>
McNeil	Tracey	SEC	<b>1</b>
Megee	Christine	DOD Education Activity	<b>1</b>
Michael	David	NIH	<b>1</b>
Miller	Carla	DOJ / ATF	<b>1</b>
Milner	Heather	CFPB	<b>1</b>
Moore	Sandi	NRO	<b>1</b>
Morey	Chauncenette	FBI	<b>1</b>
Patel	Bina	USPTO	<b>1</b>
Piziali	Jamie	EPA	<b>1</b>
Reed	Janay	DOD / DIA	<b>1</b>
Robinson	Belinda	FBI	<b>1</b>
Rojas	Nick	DOD / DIA	<b>1</b>
Rowe	Mary	Massachusetts Institute of Technology (MIT)	<b>1</b>
Skodacek	Ken	FDA	<b>1</b>
Smith	Julie	Census	<b>1</b>
Sotoudeh	Paul	USPTO	<b>1</b>
Starr	Judith	ACUS consultant	<b>1</b>
Stergio	Marcus	Office of Federal Contract Compliance Programs / DOL	<b>1</b>
Swann	Benita	FDIC	<b>1</b>
Vermillion	Chris	TSA	<b>1</b>
Whittington	Fred (Whitt)	DOL OIG	<b>1</b>
Wolfe	Lexi	DOE	<b>1</b>
Yuille Banford	Deanna	DOD / Defense Human Resources Activity	<b>1</b>
	Cherina		<b>1</b>
		<b>Total</b>	<b>58</b>