



# COALITION OF FEDERAL OMBUDSMAN

## MEETING MINUTES

**Meeting Date/Time:** May 11, 2016, 1:30pm – 3:00pm

**Location:** Consumer Financial Protection Board, 1275 First Street NE

### **Agenda:**

1. ACUS Update
2. ABA Ombuds Committee
3. ADR Interagency Working Group Report to the President
4. Updates and Learning Points from the IOA Conference Sessions
5. Public Affairs
6. COFO Executive Committee Updates

### **Highlights:**

#### 1. ACUS Update

CHI Resolutions is grateful for the responses from the federal ombuds community. Twenty nine offices completed the survey interviews. CHI is currently analyzing the data, selecting case studies and highlights, and will be reaching out for additional input from COFO members in the coming months.

#### 2. ABA Ombuds Committee

The ABA Ombuds Committee is in the process of developing a presentation/template to be used in law schools to teach and train students in the ombuds discipline. While the presentation currently presents three types of ombuds (Classical, Organizational, and Advocate) they continue to work towards including the External ombuds role in a more robust manner. If you have ideas or would like to assist in this effort, please reach out to Wendy Kamenshine ([wendy.kamenshine@cfpb.gov](mailto:wendy.kamenshine@cfpb.gov)) to provide input no later than Friday, May 20, 2016.

This committee is also developing a suggested resolution to support the ombuds profession. After internal drafting and review, this committee will then solicit sponsorship from other ABA Committees in support of the resolution to move it forward.

### 3. ADR Interagency Working Group Report to the President

COFO was visited by Melissa Leibman, Department of Justice, to articulate the goals of the Report to the President and for discussion around whether COFO should provide a submission in reflection of COFO's collective efforts. Ms. Leibman verified format including a shorter submission comprised of highlights of COFO's role in ADR in the federal government in recent years placing an emphasis on success stories. The submission, and submissions from individual agencies, could include successful case studies as well. Reach out to Melissa Leibman ([Melissa.Leibman2@usdoj.gov](mailto:Melissa.Leibman2@usdoj.gov)) to provide a submission from your agency.

Comments from COFO members included providing the opportunity for Ms. Leibman to contact CHI Resolutions for a list of federal ombuds contacts. One member noted one of the biggest success stories of COFO is the expansion role of ombuds programs in the federal government as an expansion of ADR. COFO has grown significantly with that change as well. Some other key points and successes of the ombuds role is cost savings, latitude of ADR tools available to an ombuds, and a greater awareness of the role.

COFO is requesting a volunteer point of contact to work with Ms. Leibman on this effort. Please reach out to the COFO Executive Committee if you are interested in doing so.

### 4. Updates and Learning Points from the IOA Conference Sessions

Keynote speaker Wayne Blair's reminder to honor the systemic work as ombuds and move from a transactional function to a transformational approach.

Ombuds are growing as a profession and have the express opportunity to be flexible and creative in their approach. The speaker provided a useful reminder to bring your various skills to the table and utilize them for mission impact.

Chuck Howard's Federal Legislative Update informed attendees of over seven recent legislatively mandated ombuds functions in various forms. Is there an opportunity here for COFO to have a greater role in working with Congress for education purposes? If so, where does COFO speech begin and end?

The option of a legislative sub-committee was proposed with little traction. Outward advocacy for federal ombuds could also be problematic and members plan to reach out to internal agency public affairs offices and general counsel to discuss the propriety of federal employees speaking on behalf of an interagency committee. Another comment offered that COFO is the only body in the government that fully explains what the profession is and how it functions. Educational materials put out by this body could be

beneficial to countering misinformation and could be seen as a key COFO role. COFO needs to further distinguish how this could function.

Other suggestions included information that could be gleaned from whistleblower ombuds efforts and USOA's efforts. Additionally, an individual or entity outside of the government could present the concept to Congress and invite COFO as a guest. After ACUS received the Ombuds Report, the Conference could include a recommendation to Congress to include COFO as a contact when writing ombuds legislation.

#### 5. Public Affairs

COFO Executive Committee provided a public comment to NARA on May 11, 2016 in support of NSA's proposed records retention schedule. (See attached)

#### 6. COFO Executive Committee Updates

The Exec Committee is moving forward with preparing for the upcoming COFO Annual Conference in Fall 2016. This year we are adding an additional half day pre-conference geared towards education and information of the ombuds function. A date will be announced soon. Please reach out to Riley Barrar ([barrarre@state.gov](mailto:barrarre@state.gov)) if you are interested in volunteering to help with conference planning. Exec is also collaborating with USOA to hold a COFO session at their annual conference in October.

#### **Attendees in person:**

William Maurer, Department of Energy

Paul Sotoudeh, Consumer Financial Protection Bureau

Wendy Kamenshine, Consumer Financial Protection Bureau

Heather Milner, Consumer Financial Protection Bureau

Sharon Asar, Consumer Financial Protection Bureau

Kakeisla Qaasim, Consumer Financial Protection Bureau

Riley Barrar, Department of State

Stephanie Luckam, Transportation Security Administration

Karen Dean, United States Patent and Trademark Office

Megan Drefchinski, Federal Reserve

Melissa Leibman, (Guest) Department of Justice

**Attendees by phone:**

Scott Deyo, Department of Defense  
Patricia Currier, National Aerospace and Space Administration  
Jennifer Kirkpatrick, Transportation Security Administration  
Fred Whittington, Department of Labor  
Virginia Behr, Department of Health and Human Services  
Ayanna Epps, Federal Deposit Insurance Corporation  
Marcia Larkins, Department of Health and Human Services  
Carrie McGuire, Office of Government Information Services  
Sara Roberts, Department of Homeland Security  
Guy Weber, Department of Defense  
Felicia Bunns, Department of Energy  
Tyler Smith, National Institutes of Health  
Philip Lee, Federal Maritime Commission  
Kathy Breeden, Federal Transit Administration  
Andy Kirkpatrick,  
John Vanyur, John Vanyur Consulting  
Chauncenette Morey, Federal Bureau of Investigation  
Kimberly Day-Lewis, Department of Homeland Security  
Dawn Miller-Sanders, "Conflict Transformation Associates"  
Celeste Merrix, Federal Law Enforcement Training Center  
James Sung, Department of Homeland Security  
Pamela Pontillo, Department of Energy  
Joy Lee, National Credit Union Administration  
Chris, NSA  
Dallas Brown, Department of Homeland Security  
Tonya Sibley, Transportation Security Administration  
Lexi Wolfe, Small Business Administration  
Jasmine Holling, NCUA  
Sara Kith, Transportation Security Administration  
Eric Raines, Federal Deposit Insurance Corporation



# COALITION OF FEDERAL OMBUDSMAN

May 11, 2016

Margaret Hawkins  
NARA Records Management Services

Subject: Pending Records Schedule for the NSA Ombudsman (DAA-0457-2016-0002)

Dear Ms. Hawkins:

I am writing to you on behalf of the Coalition of Federal Ombudsman (COFO) Executive Committee. By way of introductions, COFO is the principal interagency forum that provides collaboration, advice, and guidance on professional Ombuds standards, skills development, program development, and effectiveness. In this capacity, we reviewed the subject records schedule in comparison with professional standards, prominent literature and previous decisions on federal ombudsman records. NSA's Ombudsman program asserts alignment with the International Ombudsman Association standards of independence, neutrality, informality (categorically not part of investigative or oversight functions), and confidentiality. An important underlying theme with this schedule includes balancing transparency and confidentiality of ombudsman communications, which understandably warrants discussion.

This records schedule fully comports with the broad and mandatory confidentiality protections afforded by the Administrative Dispute Resolution Act of 1996, related Department of Justice guidance on confidentiality, and prominent federal and international ombudsman references (see attached). More importantly, the ombudsman community of practice, including all sectors of academia, government, international organizations, and industry, agree that confidentiality is a non-negotiable, core principle. Such confidentiality is not based on a subversive desire to mislead or hide matters from the public. Rather, confidentiality exists as a dutiful commitment to the people the ombudsman serves, and for all those who might consider contacting an ombuds, to not disclose private discussions without permission. We provide this commitment except in the very rare case where there appears to be an imminent risk of serious harm.

Along with the other core standards, confidentiality gives people a safe place to talk about difficult issues and to explore resolution options. Confidentiality is a core reason that ombuds programs exist and often a prerequisite for starting dialogue. This is true for both people who feel harmed and for those who observe unacceptable behavior. In many cases, with permission from visitors, an ombudsman can address individual or systemic issues without revealing the identity of the person who came forward. For example, Ombuds frequently find ways for critical information to surface to the proper office in ways that completely protects the source of information. Therefore Ombuds help organizations work toward positive changes on issues that never would have surfaced without the promise of confidentiality and anonymity. Maintaining strict confidentiality, then, is a principal ombudsman value that must be protected to the maximum extent possible.

The COFO Executive Committee concurs with the proposed NSA Ombudsman records schedule. Please let us know if you have any questions.

Very Respectfully,

Scott M. Deyo  
COFO Chair

## Prominent Ombudsman References

Administrative Conference of the United States. 1990. Recommendation 90-2, "The Ombudsman in Federal Agencies."

*Retrieved from <https://www.acus.gov/research-projects/ombudsman-federal-agencies-0>*

U.S. Government Accountability Office. April 2001. GAO-01-466, "The Role of the Ombudsmen in Dispute Resolution." *Retrieved from <http://www.gao.gov/assets/240/231398.pdf>*

Coalition of Federal Ombudsman, Interagency Alternative Dispute Resolution Working Group, and American Bar Association. May 9, 2006. "A Guide for Federal Employee Ombuds: A Supplement To and Annotation of the Standards for the Establishment and Operations of Ombuds Offices." *Retrieved from [http://federalombuds.ed.gov/federalombuds/pdfs/Final\\_Ombuds\\_Standards.pdf](http://federalombuds.ed.gov/federalombuds/pdfs/Final_Ombuds_Standards.pdf)*

American Bar Association. 2010. The Organizational Ombudsman: Origins, Roles, and Operations – A Legal Guide / Howard, Charles L.

International Ombudsman Association Standards of Practice, Code of Ethics, and Best Practices. *Retrieved from <https://www.ombudsassociation.org/About-Us/IOA-Standards-of-Practice-IOA-Best-Practices.aspx>*