



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Coalition of Federal Ombudsman

Wednesday, January 12, 2005

FDIC, 1730 Pennsylvania Avenue, NW
Washington DC

Attendees:

Howard Gadlin	NIH	Michael Turpenoff	FDIC
Joseph Ganci	DOL/OIG	Manny Ovalle	USSS
Jackie Hoffman	TSA	Carol Bullock	NCUA
Sharon Asar	TSA	Peggy Matthews	HUD/OIG
Christine Cooper	TSA	Joy Dingle	DOED
Launie Lenkel	FDA		
John Zinsser	Pacifica Human	(By Telephone)	
Bruce Engelbert	EPA	Dennis Lazzar	EPA
Barbara J Omohundso	LOC	Debra Wiley	DOED
Retha M. Fulmore	DEA	Ron Karb	DOL (Retired)

Attachments:

1. Coalition of Federal Ombudsman 2004 Annual Meeting
Attachments: <http://fsaextranet.ed.gov/ombudsman/coalition/>
2. January 2005 Draft Coalition Of Federal Ombudsmen (CFO) Standards For The Establishment And Operation Of Federal Ombuds Offices: <http://fsaextranet.ed.gov/ombudsman/CFO DRAFT Standards.doc>

Discussion Topics:

A. CFO Annual Meeting

Plans for the 2005 CFO Annual Meeting to be held on March 9, 2005 were discussed and the agenda and assignments were finalized. **Note:** Due to scheduling problems at DOL, the location has been changed to DHS, TSA in Arlington, VA.

It was agreed that we should try to get a member of the [Inter-Agency ADR Workgroup](#) as the keynote speaker. Howard Gadlin agreed to contact Jeff Senger, Senior Counsel, Office of Dispute Resolution, Department of Justice if he would be willing to make the key note presentation to the group. Mr. Senger authored a book titled Federal Dispute Resolution: Using ADR with the United States Government.

B. CFO Comments to the ABA's Standards for Ombudsman

Howard Gadlin stated that TOA/USOA has completed a draft document commenting on ABA's Standards for Ombudsman and has distributed it to all TOA/USOA members for comment. He said that the comment is a significant revision from that reviewed by the CFO workgroup on November 5, 2005. He will check with TOA to see if he can distribute it to the CFO members for their review.

Debra Wiley had Joy Dingle of her staff consolidate the CFO committee comments into a single document, January 2005 Draft Coalition Of Federal Ombudsmen (CFO) Standards For The Establishment And Operation Of Federal Ombuds Offices that she would like to share with the group.

It was agreed that both documents should be set out to the CFO members for their comment. So that we can have a draft document to discuss at the CFO's Annual Meeting in March, all comments should be submitted by COB Friday, February 4. Individuals can send comments to her at joy.dingle@ed.gov or call her at 202-377-3728 with questions and concerns.

C. CFO Member Survey Preliminary Results

Joe Ganci (DOL) provided preliminary results of the CFO Member Survey. Only 11 responses have been received so far but we would like to hear from all members of the CFO. It was decided that if you are on the listserv, you are a CFO member and should submit a survey.

Of the 11 responses, it seems the group is in agreement on the need to formalize the CFO, develop a charter, have officers and be recognized as the official Federal Ombudsman organization. Seems the only areas we may need to vote on at the annual meeting is when and how often to meet.

Two CFO members handed in their surveys at the meeting. Seems some CFO Members have had problems with sending and receiving the survey. If you have problems submitting the survey electronically, please submit it by FAX to Joe Ganci at 202-693-7020 by Friday February 4.

D. Next Meeting

CFO Annual Conference
Wednesday, March 9, 2005
DHS, TSA, Arlington, VA



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Coalition of Federal Ombudsman

Tuesday, May 10, 2005

FDIC, 1730 Pennsylvania Avenue, NW
Washington DC

Minutes

Attendees:

Joseph Ganci	DOL/OIG
Michael Turpenoff	FDIC
Ron Wilson	ATSDR
Melissa Lewis	ED
Marianne Ketels	ATF
Edith Barton	ATF
Manny Ovalle	USSS
Eileen Berry	USSS
Marcus Martin	BOP
Carol Bullock	NCUA
Barbara Omohandro	LOC
(By Telephone)	
Howard Bailey	FEA
Debra Wiley	ED
Dennis Lazzar	EPA
Kimberly Walton	TSA
B.J. Morris	NSA

Attachments:

1. Buy In from Senior Management: How to Get It or How to Live Without It:
<http://www.adr.gov/a.htm>
2. Credit for Leave Purposes: <http://www.opm.gov/oca/compmemo/2005/2005-07.asp>

Discussion Topics:

A. Results of Survey taken at CFO Annual Conference on March 9, 2005

Melissa Lewis presented the results of the survey. The CFO rated and average of 4.5 on a 5 point scale. Well done!

Melissa announced that the [CFO website](#) is official and up and running.

Joe announced that Howard Gadlan and two of his colleagues will be speaking at an ADR luncheon series. The session, "Buy In from Senior Management: *How to Get It or How to Live Without It*", will be held at the Department of Energy, Washington, DC on Thursday, June 23, 2005 from 12 until 1:30 pm. Those interested in receiving announcements for these luncheons series should sign up on the [Interagency Alternative Dispute Resolution Working Group](#) website e-mail list.

B. TOA Conference, Atlanta, Georgia, April, 2005

Mike Turpenoff reported on the TOA Conference. Mike found the international aspect (16% of TOA members are from countries outside the U.S.) very interesting and was pleased with the nice mix of academic, private and governmental components.

Others in the group commented favorably on the conference.

The sector meetings at the end of the conference (government, private sector, international, contractor Ombudsmen) were very beneficial. Those in the government group agreed that there is a need for government Ombudsmen standards. All agreed that the sector meetings should be held each year.

Andrew Young's speech was outstanding and Mike Turpenoff will see if we can get transcripts or tapes of it.

C. CFO Comments on ABA Standards

Howard Gadlin will be forwarding the CFO comments to the interagency workgroup.

D. Ombudsman Office Reviews

There was a brief discussion of how office reviews of Ombudsmen offices are conducted. The consensus of opinion is that the reviews are manageable and confidential information is protected. The reviewers focus on administrative processes such as time and attendance, file maintenance, security, and office inventory.

E. Ombudsman Tracking System

Joe Ganci shared the tracking system he developed for the OIG's office. He suggested that everyone bring information on their tracking systems to the next meeting.

F. Name Change

There was a brief discussion on changing the CFO name because it is often confused with "Chief Financial Officer." The group decided to address this at a later date since it is not a critical item at the moment.

G. Open Forum

There was a brief discussion on the definition of a record and how different Ombudsmen handle anonymous inquiries made via email.

Joe Ganci discussed the new Federal Workforce Flexibility Act which allows new Federal employees to get credit for leave purposes for the time they spent in the private sector so that, for instance, a person who has worked full time in the private sector and then takes a Federal position can begin in the six hour leave category rather than the four hour leave category. This was effective in late April 2005.

H. New Meeting Location

Since Mike Turpenoff is soon to leave FDIC and join the Education Department, Melissa Lewis offered us a new meeting location so the next meeting will be held at the **Education Department, 830 First Street, NE, Washington, DC, on July 13, 2005**. It is located approximately three blocks from Union Station and the red line metro station.



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Coalition of Federal Ombudsman

Thursday, July 14, 2005

U.S. Department of Education

Federal Student Aid

830 1st Street, NE

Washington DC

Minutes

Attendees:

Joseph Ganci	DOL/OIG
Hon. Richard C. Walters	VA BCA
Michael Turpenoff	ED/FSA
Retha Fulmore	DEA
Ron Wilson	ATSDR
Edith Barton	ATF
Michael Turpenoff	FDIC
Manny Ovalle	USSS
Carol Bullock	NCUA
Barbara J. Omohundro	LOC
Debra Wiley	ED/FSA
(By Telephone)	
Howard Bailik	FDA

Attachments: None

Discussion Topics:

A. Approval of Minutes for May 10, 2005

Joe Ganci asked if there were any changes to the minutes of the previous meeting. No changes were noted, therefore Joe put the motion on the floor that the minutes are accepted as is and Manny Ovalle seconded the motion.

B. Certificates of Attendance for CFO Conference

Joe Ganci informed the members that he still had attendance certificates for those who attended the CFO Conference in March. If anyone attended the conference and did not receive one, please send him an e-mail with your address and he will send you your certificate.

C. Interagency ADR Workgroup Response to CFO Comments to the ABA's Standards

The Honorable Richard C. Walters, Administrative Judge, Department of Veterans Affairs Board of Contract Appeals (VA BCA) began with a synopsis of the proposed changes to the Federal Supplement to Standards for the Establishment and Operations of Ombuds Offices.

- Most recommended changes have been incorporated and Judge Walters expects to finalize the document within the next 48 hours after discussion with Howard Gadlin, Ombudsman, NIH.
- In addition to the internal review, the IADRWG will post the draft document on the IADRWR website www.adr.gov to afford a 60-day external review and comment opportunity.

Richard brought to the attention of the CFO the following summary changes:

- Reference to “charters” on page 5, paragraph 8.
- Reference to “Collective bargaining agreement as a collaborative effort”, page 5, paragraph 8.
- Reference to include an explicit affirmation of confidentiality, page 7, Federal Guidance Notes.
- Reference to clarifying Ombudsman responsibility to not address collective bargaining agreement issues, page 8, # 6.
- Reference to document not defining “Notice”, page 8.
- Reference to document defining Ombudsman.

Debra Wiley, ED/FSA would like the record to reflect the Herculean efforts of the Honorable Richard C. Walters in the revision of the Standards for the Establishment and Operations of Ombuds Offices. She offered her sincere appreciation on behalf of the CFO and reemphasized the fact that the document must move forward and be published.

Joe Ganci requested the document be renamed to correct the official title Ombudsman, rather than the abbreviation Ombuds, and thanked Judge Walters for all his hard work in getting this document to the completion stage.

(The document was submitted to the steering committee on July 15 for review and to be discussed at the IADRWG Steering Committee meeting July 20.)

D. Evaluation of an Ombudsman Office

Retha Fulmore gave an overview of the Ombudsman office evaluation process. She indicated that the review is ongoing and will provide an update when it is complete. She passed out copies of the Ombuds survey she provides to employees utilizing her services.

Manny Ovalle indicated that he conducts surveys for employees of USSS and includes the results in his annual report.

E. The International Ombudsman Association (Formerly TOA/UCOA)

Joe Ganci informed the members that The Ombudsman Association (TOA) and the University and College Ombuds Association had merged to become the International Ombudsman Association.

Joe Ganci distributed copies of The Ombudsman Association Database Categories Workgroup potential and sub-categories worksheet for reporting Ombudsman Contacts. He invited members to review the worksheet and submit any recommended revisions to the workgroup.

F. Website Updates - Membership Listing and Contact Information

Mike Turpenoff gave tribute to Melissa Lewis for her exceptional efforts in updating the CFO website. In addition Mike indicated that a Membership Listing and Contact Information would be posted on the website. Ron Wilson suggested that the listing include previous Ombudsman and their contact information.

G. Texas Law on Confidential Communications with Ombudsman

Joe Ganci distributed information copies of the Texas Law on Confidential Communications with Ombudsman. The law was not acted on this year but contains important safeguards for Ombudsman and their clients.

H. Conferences and Training

Mike Turpenoff distributed information on upcoming conferences and training.

- The USOA 26th Annual Conference is Sep 19-22, 2005 in Nashville TN.
- The IADRWG Lunch Series is Jul 21, 2005 at the U.S. Environmental Protection Agency, 1201 Constitution Avenue, NW, Room: East-117A

I. Other

Manny Ovalle informed the group that he would be leaving his position in USSS and moving to the White House in August 2005. He has been certified as a mediator and plans to pursue opportunities in that field in the near future. He plans to remain involved in Ombudsman activities. His replacement will be Ray McCormick.

Ron Wilson informed the group that he would be retiring 1 Sept 2005. He will be moving to Atlanta to teach part-time at Central Michigan University. He plans to remain involved in Ombudsman activities.

J. Next Meeting

The next meeting will be held at the US Department of Education, Federal Student Aid, 830 First Street, N.E., Washington DC on Wednesday September 14, 2005. It is located approximately three blocks from Union Station at the red line metro station.

If you have items for the agenda, please send them to Joseph Ganci, USDOL, OIG's Ombudsman at ganci.joseph@oig.dol.gov or call 202-693-5179 before the meeting.

Contact Mike Turpenoff, ED/FSA at mike.turpenoff@ed.gov if you have any questions about the location or would like to join the meeting by telephone.

Hope you can make the meeting!



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Coalition of Federal Ombudsman

Wednesday, September 14, 2005

U.S. Department of Education
Federal Student Aid
830 1st Street, NE
Washington DC

Minutes

Attendees:

Joseph Ganci	DOL/OIG
Retha M. Fulmore	DEA
Michael Turpenoff	ED
Frederick Whittington	State
Barbara Omohundro	LOC
(By Telephone)	
Debra Wiley	DOED
Bob Manley	DOD, Navy

Attachments:

1. "A Guide for Federal Employee Ombuds":
<http://www.adr.gov/fedemployeeguide081605.pdf>
2. "A Draft Confidentiality Guide" <http://www.adr.gov/iadrwgguide080305.pdf>
3. "A Guide for Federal Employee Mediators"
<http://www.adr.gov/fedemployeeemmediatorsguide081205.pdf>

Joe Ganci started the meeting and each member introduced themselves. A number of members were unable to attend because they were being called to assist their agency in Hurricane relief efforts.

Discussion Topics:

A. CFO and Interagency ADR Workgroup Supplement to the ABA's Standards

"A Guide for Federal Employee Ombuds", "A Draft Confidentiality Guide" and "A Guide for Federal Employee Mediators" are now available on the Interagency ADR Workgroups, [Draft Guides](#) webpage.

DOJ is developing a federal register notice to notify interested individuals and organizations that comments are being requested in order to prepare final versions for these documents. When the federal register notice is issued, Joe will notify the CFO. Richard Walters will be the "point of contact" for all three documents and will provide CFO with any comments received. The CFO will work with Richard to address the comments and finalize the documents.

B. The International Ombudsman Association (IOA – Formerly TOA/UCOA) Database Categories Workgroup Pilot Test

The IOA Database Categories workgroup is meeting on Monday to discuss the draft Database Categories and initial comments seem to suggest that additional categories and reordering of the categories are needed. Joe wanted to thank the one CFO member that submitted their results using the categories.

C. Website Updates: Membership Listing and Contact Information

The [CFO Membership Webpage](#) has been updated the names of those members that responded to the request to update the membership listing.

Action: Please review the page and make sure the information is correct. If you would like your contact information to be added to the page, send [Joe Ganci](#) an e-mail with the required information.

D. Conferences and Training

A number of the CFO members indicated that they will be attending the USOA 26th Annual Conference 9/19-22 in Nashville next week.

Action: We would like a report on the meeting from any attendees at the next meeting.

In addition, the IADRWG is holding a Lunch Series on 9/22 titled: Learning From The Past: Are We Ready For A New Frontier?

Action: Individuals interested in attending this event should contact Cindy Mazur by e-mail with your name, citizenship and agency.

Action: Individuals interested in attending future IADRWG events should sign up for the [IADRWG e-mail list](#) to be notified of coming events and other ADR news and announcements.

E. GAO Review of USPS FAR

Joe Ganci was contacted by GAO to discuss the New USPS FAR Ombudsman position. Joe stated that the position had problems being considered a Ombudsman position. The USPS FAR Ombudsman did not meet the standards of independence, confidentiality and seemed more like binding arbitration instead of an Ombudsman. GAO plans to discuss this position with a number of Ombudsman and Ombudsman organizations in the near future.

Action: A copy of the federal register notice is attached for your review, you may be called next.

F. Planning Ideas for March Conference

The Fourth Annual CFO Conference is tentatively scheduled for March 8, 2006.

Action: We need a volunteer agency to host the Location.

Based on [last year's conference agenda](#), we need a minimum of four presentations. Some of the suggestions were:

- “A Confidentiality Guide” (Possible Presenter: John Detrick, DOD, Navy). Discuss the final or draft with an update on the comments received.
- “A Guide for Federal Employee Ombuds”. Discuss the final or update on the comments received. (Possible Presenters: Joe Ganci (DOL) and Rich Walters)
- Ombudsman Participation in Hurricane Relief Efforts. (Possible Presenters: Retha Fulmore, Maaine Kettels and any other Ombudsman call to assist in the Relief Efforts)

- Update on Online ADR and the results of the ADR Survey. (Possible Presenters: Rachel Barbour National Mediation Board)
- Ombudsman for Ombudsman. Discussion of cases, Ombudsman actions and resources used that would be of interest to all Ombudsman. (Possible Presenters: Mike Turpenoff with other CFO members.)

Action: CFO members should proposed additional topics or provide feelings on usefulness of the above topics.

G. Ombudsman for Ombudsman

During this discussion, various Ombudsman discussed cases that may be of overall interest to the group or where they need advice or contacts to obtain authoritative references.

- What is the rule for reconstructing Compensatory Time for Travel on Non-Duty Hours when travel is at a different time or date than authorized?
- Are Lunch Breaks required or optional?
- Should an Ombudsman follow-up with Employee when it is later found the employee did not provide critical information that would have affected discussions with the employee.
- Where should an Ombudsman draw the line when the Ombudsman believes the employee should and could get more?

Because of the confidential nature of the discussion, only the topic areas discussed are listed. It was agreed that this was an excellent discussion and maybe should be a standard meeting agenda item.

H. Next Meeting

Wednesday, November 9, 2005, 1:00 pm to 3:00pm
US Department of Education, Federal Student Aid
830 First Street, NE, Washington, DC



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Coalition of Federal Ombudsman

Wednesday, November 9, 2005

U.S. Department of Education
Federal Student Aid
830 1st Street, NE
Washington DC

Attendees:

Joseph Ganci	DOL/OIG	Joyce DeMoss	DHS/TSA
Michael Turpenoff	FDIC	Patrick Chapman	HHS/DAB
Ray McCormick	DHS/USSS	(By Telephone)	
Edith Barton	ATF	Melissa Lewis	ED/FSA/OMB
Ann K.D. Walls	DOE/NNSA		
Carol Bullock	NCUA		

Attachments: None

Coalition of Federal Ombudsman President, Joe Ganci, approved the minutes from the previous meeting and called the meeting to order at 1:00 p.m.

Discussion Topics:

A. CFO and Interagency ADR Workgroup – Supplement to the ABA's Standards:

Joe Ganci passed out the webpage and the November 9, 2005 (Vol. 70, No. 216, p. 68086) Federal Register notice requesting comments by December 9 on the Federal Interagency Working Group Steering Committees' 3 draft guides that were written to assist agencies with training in how to use ADR: (1) a confidentiality guide; (2) a guide for federal employee mediators; and (3), a guide for federal employee Ombuds. The complete text for these guides can be found on the Interagency ADR Workgroups, [Draft Guides](#) webpage.

The Federal Employee Ombuds guide was developed by the Coalition of Federal Ombudsmen (CFO) and the Federal Interagency Alternative Dispute Resolution Working Group (IADRWG) Steering Committee and builds upon the American Bar Association completed the draft revised Standards for the Establishment and Operation of Ombuds Offices dated February, 2004.

Richard C. Walters, Administrative Judge, U.S. Department of Veterans Affairs, Board of Contract Appeals is the point of contact to receive comments on these guides and has distributed the following information to the ADR network listserv as well. "I wanted you to know about some significant work that has been done by the federal Interagency ADR Working Group (IADRWG) Steering Committee in developing guidance for federal agency mediators, Ombuds, and workplace mediation programs. The following is information about three proposed documents posted on the IADRWG website (www.adr.gov) - including links to the three documents. A formal notice regarding these documents was published in the Federal Register on November 9, 2005 (Vol. 70, No. 216, p. 68086) and public comment has been solicited. You will note that I have been designated as recipient for public comments on all three documents. Comments are due within thirty (30) days, or by December 9. If you

have the time to review the documents and have **helpful** comments, we'd like to hear from you, so send me an e-mail." His contact information is listed below:

Richard C. Walters
Administrative Judge
U.S. Department of Veterans Affairs
Board of Contract Appeals (09)
810 Vermont Avenue, N.W.
Washington, D.C. 20420
Direct Phone: 202-273-6747
Main Phone: 202-273-6743
FAX: 202-275-5381
E-mail: Rich.Walters@va.gov

Joe Ganci recommends that all members review the notice and submit comments as needed. He expects that the document will be ready for final review by the next meeting. Mike Turpenoff mentioned the significance of this being the first official act of the Coalition of Federal Ombudsman. He indicated that he would put together a working group to review the comments for the guides and volunteers will be solicited.

B. The International Ombudsman Association (IOA – Formerly TOA/UCOA) – Database Categories Workgroup Pilot Test

Edith informed the group that there was not a direct working link to the International Ombudsman Association website. The site could be accessed by using the url to toa.org. Joe Ganci and Mike Turpenoff stated they would google the site to create a direct link. As of this date, a direct link has been created and the site can be reached at the following URL: <http://www.ombudsassociation.org/>.

Joe Ganci discussed the status of the Database Categories Workgroup Pilot. He stated that a pilot will be conducted shortly and a presentation on the results would be planned around the first week of April at the IOA Annual Conference. In addition, an IOA newsletter would be distributed detailing the pilot.

C. Feedback on Training

IOA, Alexandria, VA: Melissa Lewis, ED/FSA/OMB; Edith Barton, ATF; and Patrick Chapman, ED/FSA/OMB attended the Ombudsman 101 and 101 plus training held 24-27 Oct 2005. Melissa gave an overview of the highlights of the training. She stated that in her opinion, the "Upward Reporting" segment that discussed presentation and "How To" in letting management know the importance of the Ombudsman job, was the most rewarding.

USOA 26th Annual Conference 9/19-22: Mike Turpenoff attended the USOA Conference held at Gaylord's Opryland in Nashville, TN. He indicated that the conference was geared more to the classical model of Ombudsman rather than the Organizational Ombudsman. He differentiated the Classical versus Organizational Ombudsman by stating that the Classical Ombudsman has decision making and statutory authority. In addition, he stated that a portion of the conference focused on "formal investigations" which Organizational Ombudsman do not do.

IADRWG Lunch Series: No one in attendance had attended any of the IADRWG lunch series since the last meeting. Coincidentally, the most recent ADR Lunch series meeting, "Creating a Culture of Coaching" was being held 12:00-1:30, 9 Nov 2005, thus conflicting with today's CFO Meeting.

D. Website

The International Ombudsman Association (IOA) was officially formed in July 2005 following the merger of the University and College Ombuds Association (UCOA) and The Ombudsman Association (TOA). Its new website is <http://www.ombudsassociation.org/>.

Updates: Melissa Lewis is sponsoring CFO website updates. The CFO website is <http://fsaextranet.ed.gov/ombudsman/>.

Joe Ganci reminded members they could put their contact information on the website. He mentioned that some members had been recently contacted from the information posted.

Membership Listing: Joe Ganci instructed the group that in order to subscribe to the IADRWG email list, members should go to <http://adr.gov/listserv.html> and click on [Subscribe to the e-mail list](#). An email will appear with the words [subscribe adr](#). Do not modify the email - simply send it to the addressee and you will receive an immediate response that says "[Welcome to the adr mailing list!](#)"

E. GAO Review of USDA

Joe mentioned that GAO, as a part of the "farmer settlement" is attempting to set up an Ombudsman Program in the USDA and called him for assistance.

F. Planning Ideas for March Conference

Date: Thursday, March 9, 2006

Location: US Department of Education, Federal Student Aid

Agenda:

"A Confidentiality Guide" (Possible Presenter: John Detrick, DOD, Navy): Discuss the final or draft with an update on the comments received. Joe Ganci stated that he would contact Bob Manly with a request to present information on ways to put together a confidentiality agreement of some type between an Ombudsman and an employee.

"A Guide for Federal Employee Ombuds": Discuss the final or update on the comments received. (Possible Presenters: Joe Ganci (DOL), Rich Walters (VA BCA))

Ombudsman Participation in Hurricane Relief Efforts: (Possible Presenters: Marianne Ketels (ATF) and Debra Wiley (ED/FSA), et al.)

Update on Online ADR and the results of the ADR Survey: (Possible Presenters: Rachel Barbour National Mediation Board). Joe Ganci stated that the results of the ADR survey may not be presented at the March conference.

Ombudsman for Ombudsman: Discussion of cases, Ombudsman actions and resources used that would be of interest to all Ombudsmen. (Possible Presenters: Mike Turpenoff, et.al.)

CFO Members should contact Joe Ganci to provide comments on suggested topics and propose additional topics.

G. Other

Joe Ganci indicated that Retha Fulmor is retiring January 3, 2006.

H. Next Meeting

The next meeting will be held at the US Department of Education, Federal Student Aid, 830 First Street, N.E., Washington DC on Wednesday January 11, 2006. The building is located approximately three blocks from Union Station at the red line metro station.

If you have items for the agenda, please send them to Joseph Ganci, USDOL, OIG's Ombudsman at ganci.joseph@oig.dol.gov or call 202-693-5179 before the meeting.

Contact Mike Turpenoff, ED/FSA at mike.turpenoff@ed.gov if you have any questions about the location or would like to join the meeting by telephone.

Hope you can make the meeting! Coalition of Federal Ombudsman meeting adjourned at 2:30 p.m.



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Coalition of Federal Ombudsman

Wednesday, January 11, 2006

U.S. Department of Education
Federal Student Aid
830 1st Street, NE
Washington DC

Attendees:

Joseph Ganci	DOL/OIG
Melissa Lewis	ED, FSA
Tangeta Daramola	HHS/CMS
Drew Strayer	Eastern Mennonite University
Marcus Martin	DOJ, BOP
Edith Barton	ATF/Ombudsman
Marianne Ketels	ATF/Ombudsman
Mike Turpenoff	D/Ombudsman
Wendy Kamenshine	DHS/OCISO
Joseph Raiti	DHHS/AHRQ
Debra Wiley	ED/FSA Ombudsman
Frederick Whittington	DOS
(By Telephone)	
Laurie Lenkel	FDA
Maria Bazon	NASA
Dennis Lazzar	EPA/Seattle
Carol Bullock	NCUA
Ray McCormick USSS	

Attachments:

1. "A Guide for Federal Employee Ombuds":
<http://www.adr.gov/fedemployeeguide081605.pdf>
2. "Managing by Agreement: The New MBA" ADR Lunchtime Series. January 26, 2006.
<http://www.adr.gov/a.htm>
3. EEOC Management Directive, Chapter 3, "Alternative Dispute Resolution". (MD)-110. Section VI, Operation of ADR Programs, sub-part C. Recordkeeping:
<http://www.eeoc.gov/federal/md110/chapter3.html>
4. EEOC List of Federal Agencies that have Ombudsman programs,
<http://www.eeoc.gov/federal/adr/ombuds.html>

Discussion Topics:

A. Comments Received on the FCO and IADRWG Guide for Federal Employee Ombudsman

Joe Ganci handed out his analysis of the comments received on "*A Guide for Federal Employee Ombudsmen*" and requested that members give him feedback. A synopsis is attached and a summary follows.

1. The Federal Ombudsmen should, if possible report to and have direct access to the highest agency official or his/her designee and not present a conflict for the independence of the Ombudsmen function.
2. The maintenance of confidentiality should be expressly affirmed in the Ombudsman charters. Moreover, Ombudsmen should be aware that, where they serve as neutrals, the Administrative Dispute Resolution (ADR) Act of 1996 specifically prohibits them from disclosing the substance of dispute resolution communications.
3. In terms of record keeping, Federal Ombudsmen need to maintain statistical records to describe and justify the results of the Ombudsman Program. In addition, Federal Ombudsmen should be familiar with their obligations for complying with the Freedom of Information Act (FOIA) as well as the Privacy Act and at the same time ensuring any records maintain visitor confidentiality.
4. A Federal Ombudsman should include in their charter jurisdiction over issues that is currently pending in a legal forum or arising under a collective bargaining agreement, or an issue involving federal, state or local labor or employment laws, rules or regulations so as to meet the ABA standards.
5. Federal employee communications to a Federal Ombudsman should not be construed as providing notice to the Federal agency or other Federal entity, because Ombudsmen should maintain the confidentiality of those communications and their own independence from others within the entity.
6. Ombudsmen are not advocates for a party in the sense that a lawyer is an advocate for their clients. Ombudsmen instead serve their client population as neutrals.
7. The International Ombudsman Organization (IOA), the United States Ombudsman Association (USOA), , the Coalition of Federal Ombudsmen (CFO), the Forum of Canadian Ombudsmen, the European Union's Ombudsmen and most other Ombudsman organizations use the term *Ombudsman* rather than *Ombuds*. The Guide should be revised to recognize the term *Ombudsman*.

B. The IOA Database Categories Workgroup Pilot Test

Joe Ganci handed out a copy of the survey and reporting categories and asked the CFO members to answer the survey and provide him with comments on the reporting categories. He would like to give a presentation on this project at the CFO Conference and with the other members of the workgroup at the IOA Conference being held April 2-5 in La Jolla, California.

C. Training – IADEWG Lunchtime Series and IOA Conference

Joe Ganci handed out a copy of the recent ADR Lunchtime Series entitled *ADR, Democracy and the New Workplace*. He found the presentation by Professor Richard C. Reuben very enlightening. Dr. Reuben presented the idea that workplace dynamics are changing; they are becoming less rigid and more flexible. The shift is built on basic democratic values, which include personal autonomy, as well as certain political, legal and social capital values. Dr. Reuben further explained how dispute resolution should be incorporated in a way that enhances the values of the new democratic workplace.

Another ADR Lunchtime Series is being presented by Stewart Levine on January 26 from 12 to 1 p.m. at USDOE. It is entitled *Managing by Agreement: The New MBA*. RSVP to Pamela.Pontillo@hq.doe.gov.

The Federal Interagency Sharing Neutral Program is holding their brown bag series on Thursday, January 19 at 9 a.m. at the SEC, room 4000. RSVP to WoodardK@sec.gov. SN Brown Bags will always be posted on the www.hhs.gov/dab/sn/ website under “Events” and on the www.adr.gov website under “Federal ADR Events”.

D. Website Updates: CFO, EEOC, IADRWG

Joe pointed out that the CFO website needs updated. Melissa Lewis said she would do the update in the very near future.

E. EEOC

Joe handed out copies of a few pages from the EEOC website with a list of types of [ADR techniques](#). The Commission requires, however, all ADR techniques must be used in a manner that is consistent with the core principles outlined in Chapter III of the Management Directive (MD)-110. Section VI, Operation of ADR Programs, sub-part C. Recordkeeping, requires federal agencies to [report on their ADR activities](#) each year on Form 462. Also a listing of Federal agencies that have Ombudsman programs is included. Many of the CFO our agencies were not on the list.

Does anyone have any information on EEOC ADR initiative, reporting and how it affects Federal Ombudsman?

F. Planning Ides for the March 9, 2006 Conference

Joe handed out copies of the tentative agenda for the annual conference. All members agreed on the agenda. Additional volunteers were confirmed to sit on the various panels. Joe will send out an e-mail to confirm attendance to the conference.

G. General Discussion

There was a lot of general discussion about a variety of topics. Following is a synopsis of the areas discussed.

1. **Manual for Developing an Ombudsman Function:** Debra Wiley and Mike Turpenoff informed the members that they wrote this manual in 1990 and it has been provided to approximately 125 requestors. The members agreed that we should take a look at the manual, perhaps make revisions, ensure that everyone has a supply and will provide it to future requestors, and post it to the CFO website.
2. **A Guide for Federal Ombudsmen – What happens next?:** Mike Turpenoff asked what the next step is in getting the new guide approved. Debra Wiley offered that the comments are in and will be reconciled and adjusted and then a final notice will be published in the Federal Register.
3. **Do the New Guidelines Have an Evaluative Component?:** Joseph Raiti asked if the *Guide for Federal Ombudsmen* includes an evaluative component, a method to measure Ombudsman functions? Joe Ganci said no but Mike Turpenoff pointed out that most of the Federal Ombudsmen have developed reports based on their particular organization's functions and needs.
4. **External Ombudsman Programs:** Tangeta Daramola said that she would like to get more information about how the various agency's external Ombudsman programs function. A number of agencies with external programs were named. They include SBA, FDIC, IRS, RHS/Citizen and Immigration, and ATF.
5. **Collaboration Between EEO, Ombudsmen and Union:** Mike Turpenoff launched a discussion regarding the importance of the good collaborative efforts between the Ombudsmen, EEO and the Union in the Federal sector. Dennis Lazzar pointed out that at EPA they have an advisory council to the Ombudsmen, composed of employees, staff and management. This group reports up the chain. Dennis will send a copy of the EAP charter to Joe Ganci for review. Joe will share it with the members after he reviews it.
6. **Public Outreach:** The final discussion of the day was about public outreach by the Ombudsmen offices. Joe Ganci said that he sends a welcome email to each new employee of the agency. Melissa Lewis said that the name and telephone number of the agency Ombudsman is on all paperwork that goes out to their external customers. Marianne Ketels said that ATF Ombudsman office will have an open house in February to educate employees and managers about the function of the Ombudsman office.

The meeting adjourned at 2:45 p.m.



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Coalition of Federal Ombudsman

Wednesday, May 10, 2006

U.S. Department of Education
Federal Student Aid
830 1st Street, NE
Washington DC

Attendees:

Marianne Ketels	ATF/Ombudsman
Edith Barton	ATF/Ombudsman
Debra Wiley	ED/FSA
Robert Brown	FDIC
(By Telephone)	
John Miguel	?
Dennis Lazzar	EPA
Sherrie Lard	FDA
Howard Bailik	FDA

Attachments:

1. "Guide for Federal Employee Ombudsman" <http://www.adr.gov/draftguides.html>

Coalition of Federal Ombudsman Acting President, Marianne Ketels called the meeting to order at 1:05 p.m. CFO President, Joe Ganci is on travel to Dallas.

The minutes of the March Conference were approved.

Marianne welcomed Robert R. Brown, Ombudsman FDIC as a new member to the CFO.

Discussion Topics:

A. Status of Federal Register on CFO and IADRWG.

Marianne relayed the comments of Jeff Senger and Richard C. Walters, Administrative Judge, U.S. Department of Veterans Affairs.

- The CFO members present agreed that the language regarding the "notice issue" should read "should not generally be construed".
- Because the other comments were lengthier and more complex, the email will be forwarded to CFO members for review and comment with a suspense of May 16.

B. The International Ombudsman Association (IOA – Formerly TOA/UCOA) - Database Categories Workgroup Website: <http://mysite.verizon.net/vzepuauu/>

Dennis Lazar indicated that the Database Categories Workgroup Website information is quite good and he uses it daily.

C. Website Updates: See: <http://fsaextranet.ed.gov/ombudsman/>

Melissa Lewis updates the website routinely and welcomes comments or suggestions for improvement. Other agencies have asked her about an “extranet concept” so they can have access to CFO materials. Melissa is looking at doing a “split site” concept rather than granting universal access externally.

D. MARCH CONFERENCE

Marianne gave an overview of the March Conference highlights as follows:

- One of the significant highlights was the Ombuds materials shared by conference attendees. Dennis Lazar provided a copy of his annual report to conference attendees. He noted that his report includes suggestions for improvement and recommendations to management, but he still has to work diligently behind the scenes to make sure things happen.
- The opening session where members “talked to topics” provided valuable information of Confidentiality and other hot topics.
- Marianne stated that there were approximately 50% no-shows. The committee discussed ways to increase conference participation.
 - Debra Wiley discussed “best practices” and “lessons learned”. She stated that “What we want to happen at the conference is “Training, Information Sharing and Planning (CFO role)”.
 - Dennis recommended more individualized training. He recommended high-powered speakers be invited and refreshments be available.
 - Debra recommended the conference be tied to some other type of event like the IOA Conference. Dennis stated that the IOA conference is being held in Chicago next year and that would be a good location to hold the annual CFO conference. He also mentioned that the Association for Conflict Resolution is holding their annual conference in October in Philadelphia. Debra recommended a fact sheet be prepared for the next conference.
 - Edith recommended that Ombuds be recognized for achievements throughout the year. One of the working groups can review accomplishments, establish presentation mementos and plan the activity. Input at Quarterly CFO meetings could be used to select recipients and because of the geographically dispersed members, self nomination would be allowed. Edith also recommended that at a minimum, coffee, tea and water are included.
- Evaluations: Marianne indicated that Melissa Lewis has the conference evaluations and will provide that information at the next quarterly meeting.
- Suggestions for Topics: There were no suggestions for topics for the next annual conference.

E. Developing Ombudsman in Other Federal Agencies (Sharon Asar, TSA):

- Volunteers for Workgroup: Marianne Ketels and Debra Wiley volunteered to participate in the workgroup.
- Timeline: Marianne indicated Sharon Asar has created a proposed timeline that will be discussed in a future forum.
- Presentation: Sharon Asar gave a presentation on this topic.

F. Other:

Mike Turpenoff and Debra Wiley will draft an article about Ombudsmen that will be coordinated for printing in the Government Executive Magazine. They plan to meet with the insight editor and draft a series of articles on conflict resolution to heighten awareness in the Department of Education.

Dennis gave an overview of the IOA Conference held in April 2006. He stated that the most memorable topic was *Standards of Practice*. There was an effort to marry corporate Ombuds standards with College and University standards. Another interesting topic of discussion was the recommendation to certify organizational Ombudsmen through a lengthy training process.

Debra Wiley called for a group casework discussion. A round robin discussion of current cases of interest followed.

The meeting adjourned at 2:45 p.m.

G. Next Meeting:

The next meeting will be held at the US Department of Education, Federal Student Aid, 830 First Street, N.E., Washington DC on Wednesday July 12, 2006. The building is located approximately three blocks from Union Station at the red line metro station.

If you have items for the agenda, please send them to Joseph Ganci, USDOL, OIG's Ombudsman at ganci.joseph@oig.dol.gov or call 202-693-5179 before the meeting.

Contact Mike Turpenoff, ED/FSA (mike.turpenoff@ed.gov) if you have any questions about the location or would like to join the meeting by telephone.

Hope you can make the meeting!



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Coalition of Federal Ombudsman

Wednesday, July 20, 2006

U.S. Department of Education
Federal Student Aid
830 1st Street, NE
Washington DC

Attendees:

Joseph Ganci	DOL/OIG
Melissa Lewis	ED
Sharon Asar	DHS/TSA
Barbara J Omohundso	LOC
Wendy Kamenshine	DHS/CIS
Marcus Martin	POP
Frederick A. Whittington	DOS
Donald Shalhoub	DOL/EEOIC
Eileen McCarthy	DOL/EEOIC
Lisa Hahn	FDIC
Launie Lenkel	FDA
John M. McGowan	USCP

Attachments:

1. "Guide for Federal Employee Ombudsman" http://www.adr.gov/pdf/final_ombuds.pdf
2. "Annual Report — Office of the Ombudsman Energy Employees Occupational Illness Compensation Program" <http://www.dol.gov/eeombd/2005annualreport/index.htm>
3. "United States Citizenship and Immigration Services (USCIS) Ombudsman Annual Report to Congress" is now available at http://www.dhs.gov/interweb/assetlibrary/CISOmbudsman_AnnualReport_2006.pdf.

The group approved the **May 10, 2006 Meeting Minutes**.

Joe Ganci welcomed all members to the meeting and each member introduced themselves.

Discussion Topics:

A. Guide for Federal Employee Ombudsman.

Joe Ganci stated that CFO and IADRWG "Guide for Federal Employee Ombudsman" was posted to IADRWG Website on May 9, 2006. No Federal Register Notice Issued. Only minor wording changes were made from the one presented at the CFO's Annual Conference.

B. IOA Database Categories

The [International Ombudsman Association \(IOA\)](#), Database Categories Workgroup Website is currently available to review. The joint TOA-UCOA, now IOA, Task Force was formed to develop a list of

categories that could be used by Ombudsman to report the types of issues, questions and concerns that are brought to Ombudsman. The group will be meeting with the IOA Board to request that a benchmarking survey be performed to collect data from members using the Task Forces' categories.

The Task Force's website can be found at: <http://mysite.verizon.net/vzepuauu/>.

C. CFO Website

Joe Ganci thanked Melissa Lewis for all her work in getting the website together. Melissa stated that they have a contractor working on their web pages and they are quickly responding to requests to changes. We will be including our next year's meeting dates on the Home page.

Members are encouraged to place their names on the [Membership webpage](#) so we and others can contact you about setting up Ombudsman in other Federal Agencies. Please send the information for the Members webpage to [Melissa Lewis](#).

The CFO's website can be found at: <http://fsaextranet.ed.gov/ombudsman/>

D. Developing Ombudsman in Other Federal Agencies

Sharon Asar reminded the group that at the last CFO Conference, Kimberly Walton made a presentation and recommendation that CFO members try on Developing Ombudsman in Other Federal Agencies.

- Establish a Cadre of Subject Matter Experts/Speakers – Summer 2006
- Reach out to Relevant Publications and Develop Articles – Summer 2006/Ongoing
- Symposium – Held in conjunction with next CFO Conference – Spring 2007
- Meet to Discuss Progress and Further Develop Outreach Strategy – Spring 2007
- Begin Meeting with Key Federal Executives/Decision Makers – Spring 2007
- Other ideas

A number of members discussed how the Ombudsman has changed the dynamics of communication in their agencies and how it could help other organizations.

Now that the standards are finalized, agencies wishing to set up Ombudsman have generally recognized standards to follow.

Action Item:

CFO members should come up with some specific ideas on how and who we discuss developing Ombudsman in other Federal agencies. Please send those ideas to [Sharon Asar](#) before the next meeting.

H. Ombudsman for the Energy Employees Occupational Illness Compensation Program

Don Shalhoub, Ombudsman for the [Energy Employees Occupational Illness Compensation Program](#) described his first year in operation, why an Ombudsman was needed and why DOL received the program from DOE, and some of the challenges he has encountered.

This year he issued his first [Annual Report — Office of the Ombudsman Energy Employees Occupational Illness Compensation Program](#) to Congress. **See Attachment 2.**

Don stated that he would be interested in reviewing other Ombudsman reports. Wendy Kamenshine stated that the United States Citizenship and Immigration Services (USCIS) Ombudsman Annual Report to Congress is now available. **See Attachment 3.**

I. Training Opportunities:

ADR Lunchtime Series, So You Want To Be A Mentor?
Thursday, July 20, 2006, U.S. Department of Energy
See: <http://www.adr.gov/a.htm>

Mid Atlantic Region Ombuds Meeting

Friday August 4, Princeton University

Send e-mail to: [Nicholas Diehl](#)

Federal Dispute Resolution Conference

August 20-24 San Antonio, TX

See: www.fdrconferences.org

United States Ombudsman Association's 27th Annual Conference

September 12-15, Des Moines, Iowa

See:

http://www.usombudsman.org/en/activities_and_services/annual_conference.cfm

J. Next Meeting:

Wednesday, October 11, 2006

US Department of Education, Federal Student Aid

830 First Street, NE, Washington, DC



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Coalition of Federal Ombudsman

Wednesday, October 11, 2006

U.S. Department of Education
Federal Student Aid
830 1st Street, NE
Washington DC

Attendees:	Joseph Ganci	DOL/OIG
	Michael Turpenoff	ED/FSA
	Marcus Martin	POP
	Melissa Lewis	ED/FSA
	Isiah Dupree	ED/FSA
	Edith Barton	ATF

Coalition of Federal Ombudsman President, Joe Ganci called the meeting to order at 1:05 p.m. The [July 20, 2006 Meeting Minutes](#) were approved.

Discussion Topics:

A. CFO Website

1. CFO Meetings 2007:

Joe Ganci informed the members that CFO Meetings will be held on Wednesdays on the following dates during calendar year 2007:

- | | |
|----------|----------|
| - Jan 10 | - Jul 11 |
| - Mar 14 | - Sep 12 |
| - May 9 | - Nov 14 |

Mike Turpenoff will make reservations for the room and post them to the website.

Mike Turpenoff mentioned that a cosmetic review of the FSA Ombudsman extranet was going to be conducted. He did not anticipate any change to content, but would keep members posted.

2. Edith informed the coalition members that the U.S. Mint had recently selected a new Ombudsman and that OPM was considering creating an Ombudsman position. Members discussed outreach techniques that the coalition could use to welcome and support new Ombudsman. It was decided that Joe Ganci would contact the new members and offer assistance. Joe discussed the retirement of previous coalition members and the fact that Retha Fillmore and Ella Wheaton had not been replaced within their organizations.

B. CFO List Serv Pilot (<mailto:CFOListserv@verizon.net>)

Joe Ganci informed the coalition members that he had created a new CFO List Serve database. He would launch a Pilot Program with the members present at today's meeting to determine its sufficiency prior to implementation. Here are some of the commands that the software will process:

- To subscribe, send a message to the CFO Listserv with the subject: SUBSCRIBE
- To Unsubscribe, send a message to the CFO Listserv with the subject: UNSUBSCRIBE
- To send an e-mail message to all CFO members, send a e-mail to the CFO Listserv. Attachments can be included. (The software has a problem sending HTML e-mail using Outlook, found in MS Office. HTML e-mail should be sent using Outlook Express (Usually given free with new computers), any other e-mail program or make sure you send the message in a text format when using Outlook.)

The CFO Listserv will be used to distribute these minutes and future communications between the CFO and the members of the CFO.

C. Developing Ombudsman in Other Federal Agencies

Mike Turpenoff created a guide entitled "A Model for Developing an Ombudsman Program". The guide is specific to Ombudsman Principles and Standards. Mike will distribute the guide to coalition members for comment.

Melissa recommended that CFO reach out to the "Acquisition Ombudsman" and invite them to participate in CFO activities. Mike Turpenoff stated that FAR requires appropriated agencies to have "Contract Ombudsman". Joe Ganci mentioned that he has expanded his Ombudsman role within DOL/OIG by becoming the contracting Ombudsman for the agency.

D. Recent Conferences

1. Joe Ganci attended the Mid Atlantic Ombuds Meeting, Aug 4 in Princeton, N.J. He will share a copy of the agenda with the group at a future date. He indicated that the meeting was an informal, facilitated discussion of general issues. He stated that the informal format works well in small groups and recommended the coalition consider using a similar format at the annual conference.

No members present attended the [Federal Dispute Resolution Conference, Aug 20-24 in San Antonio, TX.](#)

2. Mike Turpenoff and Debra Wiley attended the [USOA Conference, Sep 12-15 in Des Moines, Iowa.](#) Some of the topics discussed were:

- Ombudsman statutes/management mandates
- Ombudsman strategic objectives
- Policy/Procedures Manuals
- Character
- Apologies

More information can be found in the FSA Newsletter, "Ombudsman News" or by contacting [Mike Turpenoff](#) at (202) 377-3800.

E. Future Training Opportunities

1. Melissa recommended that the annual conference be moved to a warmer month in an effort to increase participation. Members concurred and Joe decided the conference will be held the second Wednesday in May 2007, May 9; in lieu of the regular meeting.

2. It was noted that the [International Ombudsman Association 2d Annual Conference will be held Apr 11-14, 2007 in St. Louis, MO.](#)

3. Dealing with Anger in the Mediation Session: The Federal Interagency Sharing Neutrals Program, Tuesday, October 26, 2006, 12:00 p.m.-1:30 p.m., Securities and Exchange Commission, Room 6000. See: <http://www.adr.gov/a.htm>

4. Cross Cultural Communication and Negotiation, The Inter-Agency ADR Working Group, Workplace Section, Thursday, October 19th, 2006 Noon - 1:30, U.S. Department of Energy, 1000 Independence Ave, SW, Room GJ-015, Washington, D.C. See: <http://www.adr.gov/a.htm>

F. IOA Article for Newsletter

Joe Ganci was asked by IOA to develop an article on "Development of the CFO and IADRWG Guide for Federal Employee Ombudsman". Not many attendees to the IOA's Princeton conference knew of this guidance. Because it is provided on the US Department of Justice's Interagency ADR Workgroups website, it may have a greater degree of acceptability or authority. A copy of the guide can be found at http://www.adr.gov/pdf/final_ombuds.pdf.

G. Database Categories Workgroup

The International Ombudsman Association will be posting a Database Categories worksheet to the IOA website, asking for Ombudsman to report activity by the database categories. The results will be presented at the IOA Conference in April 2007. Joe Ganci and two other committee members are on the agenda to make a presentation.

The plan is to segment the results into 4 categories; (1) corporate; (2) education; (3) government; (4) international. Joe stated that in a recent pilot it was interesting to note that issues across segments were similar. There are plans to benchmark the results annually and use the results to conduct training on how to handle the issues. More information can be found at <http://mysite.verizon.net/vzepuauu/>.

H. Other

Joe welcomed Isiah Dupree as a new member to the CFO. Isiah is working with the Department of Education Ombudsman's Office in the Executive Potential Program. Melissa Lewis is also currently participating in the Executive Potential Program where candidates participate in rotational mentoring assignments to other federal agencies. A recommendation was made that Ombudsman may benefit by swapping assignments with Ombudsman in other agencies on a temporary basis for professional development.

Marcus Martin summarized his strategic plan for the Bureau of Prisons. He recently met with the Warden and the union president in a Colorado prison and plans to visit Petersburg, VA this quarter to continue his outreach.

I. CFO Meeting Adjournment

Coalition of Federal Ombudsman meeting adjourned at 14:20 p.m.

J. Next Meeting

CFO holiday luncheon will be held in lieu of the next scheduled meeting, 13 Dec 06. Additional information to follow.

If you have business items for discussion, please send them to Joseph Ganci, USDOL, OIG's Ombudsman at ganci.joseph@oig.dol.gov or call 202-693-5179.

Hope you can be there!

Ombudsman News

Federal Student Aid

September 2006



Troublesome Twins

Reluctant/Reticent - People have the notion that reluctant/reticent are synonymous. "Reticent" means quiet or silent. A person who doesn't contribute to a conversation is reticent. "Reluctant" means not eager to do something. The witness wasn't "reticent to testify," he was "reluctant to testify."

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Fiscal Year-End Numbers

The Federal Student Aid Office of the Ombudsman had 2,071 more cases (Research and General Assistance) for FY 2006, compared with FY 2005.

"Research Problem" cases increased by 351 cases, or 8.1% over FY 2005.

FY 06 = 4,663 FY 05 = 4,312

"General Assistance" cases increased by 1720 cases, or 16.4% over FY 2005.

FY 06 = 12,230 FY 05 = 10,510

Top Five Issues for Research Cases:

- Consolidation
- Account Balance
- Loan Cancellation/Discharge
- Repayment Plans/Amounts
- Default

Individual FY 2006 reports to the guaranty agencies will be distributed between November and December 2006. Reports can be tailored to your individual needs!

Kudos!...Thanks!

Kudos to Luanne Dodge, Texas Guarantee Student Loan Corporation, for assisting a customer who needed to consolidate and set up affordable payments!

Special thanks to Andrea Wise, Federal Student Aid, for writing numerous NSLDS queries for the Office of the Ombudsman!

USOA Conference

The United States Ombudsman Association (USOA) conference was held on September 12 - 15, 2006! Takeaways (among many others) included:

1. **Ombudsman statutes/management mandates** should not be viewed as a constraint, but as a starting point; interpret broadly to maximize effectiveness. (*Andre Marin Keynote*)

2. **Ombudsman strategic objectives** should proceed from the Ombudsman charter AND the overall organization's strategic/business plan. Everything an Ombudsman does should track directly or indirectly to the organization's mission and goals. (Strategic Planning Session)

3. **Policy/Procedure Manuals** help Ombudsmen to:

- Standardize processes;
- Document the values of the office;
- Establish precedent for legal challenges; and
- Ensure continuity of functions if personnel change. (*Policy/Procedures Session*)

4. **Character counts!** Adhere to precepts of character, and the office's credibility and stature benefit - plus, it's the right thing to do. The six pillars of character are: Trustworthiness; Respect; Responsibility; Fairness; Caring and Citizenship. (*Civility in the Public Arena*)

5. **Apologies are powerful.** Everyone, and every organization, makes mistakes. To recognize that in ourselves is a strength. If we are wrong, we should own up to errors and apologize (formal or informal). Ombudsmen can also suggest that customers consider offering an apology, if fitting for the situation. (*Power of Apology*)

Ombudsmen are Attending....

Federal Student Aid's Pamela Scott attended the SkillPath Conference for Women in Washington, D.C. Suggestions for better communication included methods for presenting ideas in ways that get attention:

PERSUADE

- P - Position the message (get their attention)
- E - Engage your audience
- R - Realistic (is the task achievable?)
- S - Simplify
- U - Universal (recognize negative feelings)
- A - Anticipate
- D - Develop the message (start, middle, end)
- E - Enthusiasm/Energize

Secretary's Commission on the Future of Higher Education

U.S. Secretary of Education Margaret Spellings announced her plans on September 26, 2006 for improving the U.S. higher education system. The plans are based on recommendations included in the final report of the Secretary's Commission on the Future of Higher Education.

"There is an urgent need for change in America's higher education system," said Secretary Spellings.

To help keep America competitive and provide students and families with more information and affordable access to higher education, Secretary Spellings plans to:

- Continue to strengthen K-12 education;
- Align high school standards with college expectations and increase access to College-prep classes;
- Continue work with Congress to expand the successful principles of the *No Child Left Behind Act* to high schools;
- Implement a privacy-protected student-level data system that would create a higher education information system and provide transparency and ease when students and families shop for colleges;
- Overhaul the financial aid process and increase need-based aid;
- Redesign the Department's existing college search website to answer basic questions;
- Provide matching funds to colleges, universities and states that collect and publicly report student learning outcomes; and
- Convene a Summit this spring with representatives from the higher education and business communities, students, parents and policy maker groups to address the challenges families face when planning for college and the need for more graduates in the workforce.

To see the report, *A Test of Leadership: Charting the Future of U.S. Higher Education*, go to: <http://www.ed.gov/about/bdscomm/list/hiedfuture/reports/pre-pub-report.pdf>

COMING EVENTS: September 26-December 7: FSA One Day Workshops on new HERA Grants, Various Locations **October 23 - 26:** International Ombudsman Association Training, Alexandria, VA **October 30 - November 2:** Federal Student Aid Conference, Orlando, FL **November 12-15:** NCHelp Training Conference, Dallas, TX **November 29-December 20:** Federal Student Aid Conference, Las Vegas, NV **January 8 - 10:** NCHelp Leadership Conference, Santa Monica, CA **March 25-28:** NCHelp Debt Management Conference, San Diego, CA

"It's not about who's right...it's about doing the right thing!"

Distributed to the FSA Ombudsman Listserv. To join, contact Corwin.Jennings@ed.gov

Mid Atlantic Region Ombuds Meeting

**Princeton University – Prospect House
August 4, 2006**

9:30 – 10:00	Registration/Breakfast
10:00 – 10:15	Introductions
10:15 – 11:30	Making a Difference: Effectiveness and Value of Ombuds Offices Facilitator: Randy Williams, Redmond, Williams & Associates
11:30 – 12:00	Break
12:00 – 1:30	Luncheon Discussion – Ombuds as Conflict Specialist Facilitator: Camilo Azcarate, Princeton University
1:30 – 2:00	Break
2:00 – 3:30	A Network for Mutual Support: How Ombuds Can Support Each Other and the Profession Facilitator: Nicholas Diehl, Princeton University

179 Nassau Street, Suite D Princeton, NJ 08544 Tel: (609) 258-1775 Fax: (609) 258-1588



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Coalition of Federal Ombudsman

Wednesday, January 10, 2007

U.S. Department of Education
Federal Student Aid
830 1st Street, NE
Washington DC

Attendees:

Joseph Ganci	DOL/OIG
Michael Turpenoff	ED/FSA
Mike McNeill	NCUA
Melissa Lewis	ED/FSA
Joyce DeMoss	TSA
Edith Barton	ATF
Greg Remas	USSS
Bonnie Bantz	US Mint
Joseph Ganes	DOL
Eileen McCarthy	DOL/EEOICPA
John Lewis	DOL/EEOICPA
Barbara J. Omohundro	Library of Congress
Bob Marley	Navy
Robert Brown	FDIC
John Barth	ED/FSA

Coalition of Federal Ombudsman President, Joe Ganci called the meeting to order at 1:10 p.m. The [October 11, 2006 Meeting Minutes](#) were approved.

Discussion Topics:

A. New CFO Website

Members are encouraged to visit the [New CFO Website](#). Copies of the quarterly minutes, upcoming conferences and other links and information will be posted to the site.

CFO Meetings in 2007 are scheduled as follows:

- Wednesday, March 14, 1-3 PM
- Wednesday, May 9, Conference
- Wednesday, July 11, 1-3 PM
- Wednesday, September 12, 1-3 PM
- Wednesday, November 14, 1-3 PM

During the revision of the website, the question came up about the use of the term Ombudsman or Ombudsmen. The International Ombudsman Association ((IOA) stated they use the term Swedish term Ombudsman because it is gender neutral and internationally recognized. Members will be asked via CFO List Serv to comment on the terms Ombuds vs. Ombudsman vs. Ombudsmen. Responses will be discussed at the next meeting.

B. CFO List Serv

CFO members are encouraged to send e-mails through the CFO's ListServe at: CFOListserv@verizon.net.

There is a new IOA Government listserv at: ioaGovernment@ombudsassociation.org.

C. IOA Reporting Categories Survey

In the fall of 2003, a joint TOA-UCOA Task Force of colleagues representing corporate, higher education, government agencies, and international agency sectors was formed to develop a list of categories that could be used by Ombudsman across sectors to:

- classify the kinds of issues for which people use ombudsman
- identify trends in requests for services, and
- develop professional development needs

Joe informed members that the reporting categories will not be useful to everyone. Service to outside stakeholders is not fully addressed. IOA plans to present the results at their April Conference.

Interested members can view/complete the survey at the following url:

http://www.ombudsassociation.org/Reporting_Categories/?index.htm

D. Recent Meeting with GAO

Members of the GAO will be sponsoring another review of the Federal Dispute Resolution Systems. Select federal agencies may be contacted to participate.

E. Future Training Opportunities

[International Ombudsman Association 2nd Annual Conference](#)

April 11 -14, 2007, in St. Louis, MO, \$450.

[Inter-Agency ADR Working Group, Workplace Section Lunchtime Series](#) Expanding Limited Story Lines: Presenters: -Tracey Pilkerton, President, CoreVision; LLC - Michael West, Mediator, U.S. Dept. of Education. Seminar is free and will be held at the U.S. Department of Energy, Wednesday, January 31, Noon - 1:30 PM. No Cost.

Joe reminded members that the [FDR Conference](#) will be held Sunday, July 29 to Thursday, August 2, 2007. Speakers were being solicited to participate. Joyce DeMoss, TSA sent a proposal to speak at the conference and was awaiting a response.

Joe distributed a listing of additional [2007 IOA Training Opportunities for Ombudsman](#).

F. CFO Annual Conference

The annual CFO conference will be held all-day, the second Wednesday in May 2007, May 9; in lieu of the regular meeting.

Joe asked for topic recommendations for the conference. The following topics were discussed:

- Coordination vs. Confidentiality between EEO, Ombudsman and Unionized Operations (MOUs/Partnership Agreements) (re: Congress resolution that TSA employees be eligible to unionize)
- Interaction with Oversight Organizations (re: Capitol Hill)
- Receiving Notice of Illegal Activities and Working with the OIG
- Legal Updates. Melissa will ask Rick Curtz to facilitate
- FAR 16.505, Contracting Ombudsman
- Ombudsman for Ombudsman

- Business Meeting

Joe asked for volunteers to facilitate each topic at the conference. Conference will be discussed in further detail at the next meeting.

G. Developing Ombudsman in Other Federal Agencies

Mike Turpenoff created a guide entitled "A Model for Developing an Ombudsman Program". The guide is specific to Ombudsman Principles and Standards. Mike will distribute the guide to coalition members for comment after final review.

H. IOA Article for Newsletter: "Development of the CFO and IADRWG Guide for Federal Employee Ombudsman".

Joe is collecting information for the Newsletter Article and will keep members posted.

For a copy of the guide titled: [Ombuds: "A Guide for Federal Employee Ombuds: A Supplement to and Annotation of the Standards for the Establishment and Operations of Ombuds Offices Issued by the American Bar Association"](#) (May 9, 2006 Guide issued by the Coalition of Federal Ombudsmen and the Federal Interagency ADR Working Group Steering Committee). Additional guidance can be found at: <http://www.adr.gov/guidance.html>.

I. Other Business

Bob Marley, [DOD-Navy](#) is conducting Training 6/7 Feb for all regional Navy Ombudsman. He offered to provide training to interested organizations. Joe asked Bob to provide streamlined training at the annual conference.

Joe thanked Mike and Melissa for their contribution to the completion of the new CFO website.

J. CFO Meeting Adjournment

Coalition of Federal Ombudsman meeting adjourned at 2:20 PM.

K. Next Meeting

- Wednesday, March 14, 1-3 PM

If you have questions or business items for discussion, please send them to Joseph Ganci, USDOL, OIG's Ombudsman at ganci.joseph@oig.dol.gov or call 202-693-5179.

Hope you can be there!



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Coalition of Federal Ombudsman

Wednesday, March 14, 2007

U.S. Department of Education
Federal Student Aid
830 1st Street, NE
Washington DC

Attendees:

Joseph Ganci	DOL/OIG	Robert Marley	Navy
Mike Turpenoff	ED/FSA	Bonnie Bautz	U.S. Mint
Greg Remas	USSS	Greg Burke	DVA
Jackie Hoffman	TSA	Tangita Daramola	HHS/CMS
Edith Barton	ATF	Robert Brown	FDIC
Marianne Ketels	ATF	John Settle	Architect of the Capitol
Marcus Martin	BOP	Wendy Kamenshine	DHS
Eileen McCarthy	DOL/EEOICPA	Laurie Hanker	FDA
Malcolm Nelson	DOL/EEOICPA		
Barbara Omohandro	LOC		

Coalition of Federal Ombudsman President, Joe Ganci called the meeting to order at 1:10 p.m. The [January 10, 2007 Meeting Minutes](#) were approved.

Discussion Topics:

A. IOI Report Categories

Joe Ganci reported that information is still being collected and will be discussed at the Annual IOA Conference in St. Louis, Missouri, in April 2007.

B. Ombudsman vs. Ombudsmen Survey Results

Joe Ganci reported that results were split 50-50 and distributed a copy of the survey results to date. It was agreed to leave the survey on the website and another e-mail will be sent through the CFOListserv. The results will be discussed and a decision made at the CFO April conference.

C. S. 558, the Mental Health Parity Act of 2007

Eileen McCarthy distributed a copy of the February 12, 2007 press release from Pete Domenici's office announcing the approval of the Act. The bill requires health insurance plans that offer mental health coverage to provide that coverage on par with financial and treatment coverage offered for other physical illnesses like heart disease, diabetes or asthma. As part of the Federal administrative responsibilities required by the Act, the Secretary of the Department of Health and Human Resources must designate an individual within that department to serve as the group health plan Ombudsman. This person will serve as the initial point of contact to permit individuals to obtain information and

provide assistance concerning coverage of mental health services under health insurance coverage issued in connection with the group health plans in accordance with the Act.

D. President's Executive Order: "Establishing a Commission on Care for American's Returning Wounded Warriors and a Task Force on Returning Global War on Terror Heroes"

Mike Turpenoff provided a copy of the executive order that calls for the establishment of a commission on care for America's returning wounded service members. The group discussed what individual agencies are doing in this area. Certain Federal agencies have been asked to broadly look at the services they provide to service members, particularly wounded service men and women and some ombudsman offices have been involved. The DVA is hiring about 1000 veterans to help service members navigate the medical system. DOE provided information to the Secretary of education to assist in a review of policies and procedures related to services for veterans and servicemen/women. ATF provides the employees who volunteer to serve in Iraq with pre and post deployment education and briefings.

Wendy Kamenshine provided a DHS website and a telephone number for veterans seeking immigration information:

Website: www.DHS.gov/CISombudsman

Phone: 202-357-8100

E. Developing Ombudsmen in Other Federal Agencies

Mike Turpenoff created a guide entitled "A Model for Developing an Ombudsman Function." The guide provides a roadmap for developing an Ombudsman Office. Mike will soon send the guide for coalition members to comment.

F. CFO Annual Conference

The annual CFO conference will be held all-day, the fourth Wednesday in May 2007, May 23; in lieu of the regular meeting.

1. Joe provided the draft agenda and solicited volunteers to address the following topics:

- Coordination vs. Confidentiality between EEO, Ombudsman
- Interaction with Oversight Organizations (Capitol Hill)
- Unionized Operations (re: Congress resolution that TSA employees be eligible to unionize)
- Legal updates. Rick Kurtz will facilitate
- Receiving Notice of Illegal Activities and Working with Law Enforcement/OIG
- IOA Conference Update
- FAR 16.505, Contracting Ombudsmen
- Ombudsman for the Ombudsman

Joe asked and received volunteers to facilitate each topic at the conference.

Joe indicated there will be elections for the offices of CFO Vice-President, Membership and Secretary.

G. Future Training Opportunities

Upcoming training opportunities and conferences were discussed. They include:

- a. **International Ombudsman Association 2nd Annual Conference, April 11-14, 2007, St. Louis, MO., \$450.** www.ombudsmanassociation.org/conference/index.html
- b. **Inter-Agency ADR Working Group, Workplace Section Lunchtime Series – Distinguishing Conflict from Crisis, DOE, Thursday, March 15th, 2007, Noon-1:30 pm, FREE.** <http://www.adr.gov/a.html>

- c. **22nd Annual FDR Conference 2007, San Francisco, CA – July 29-August 2, 2007, \$1,095.** www.fdrconferences.org

H. Other Business.

Edith Barton raised the issue of widespread notification to federal agencies in an effort to increase participation and assist in the development of Ombudsman. Joe Ganci indicated he would distribute information about the conference via the IADRWG listserv and consider attending the steering committee meetings since the working group captures a larger audience.

Tangita Daramola suggested the CFO establish a membership committee. Her idea was very well received and led to further discussion on how the CFO can gain a greater presence both within and outside the Ombudsman arena. The members decided to explore establishing an outreach to Congressional contacts.

Greg Burke recommended that we get involved with the interagency ADR work group. Joe Ganci volunteered to contact the group to discuss the possibility of a CFO presence on their committee. Greg Burke also suggested that the CFO distribute literature about the organization at the 2007 FDR conference in San Francisco.

I. CFO Meeting Adjournment

Coalition of Federal Ombudsman meeting adjourned at 2:35 p.m.

J. Next Meeting

Annual Conference tentatively scheduled for May 23, 2007, at the U.S. Department of Education, Federal Student Aid, 830 First Street, NW, Washington, DC..

If you have business items for discussion, please send them to Joseph Ganci, USDOL, OIG's Ombudsman at ganci.joseph@oig.dol.gov or call 202-693-5179. Hope you can be there!



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Coalition of Federal Ombudsmen

Sixth Annual Meeting

June 11, 2007

U.S. Department of Education

Federal Student Aid

830 1st Street, NE

Washington DC

Attendees:

Sharon Asar,	TSA	Dennis Lazzar	U.S. EPA
Marceita C. Alexander	ATF	Dr. Melina Lincoln Richardson	TSA
Edith Barton	ATF	CDR Robert Lyon	Office of the Secretary of
Bonnie Bautz	U.S. Mint	Defense	
Eileen Berry	U.S. Secret Service	Marcus Martin	Federal Bureau of Prisons
Gregory A. Burke	U.S. Department of Veterans	Eileen McCarthy	U.S. DOL
Affairs		Barabar Omohundro	Library of Congress
Tangita Daramola	U.S. Department of HHS	Joseph Raiti	U.S. Department of HHS
Joyce DeMoss	TSA	Kevin Randolph	TSA
Joseph Ganci	U.S. Department of Labor	Gregory Remas	U.S. Secret Service
Stephen T. Gadziola	TSA	Erika T. Selmon	HUD, ODEEO
Jackie Hoffman	TSA	Norval D. Settle	U.S. Architect of the Capitol
William L. Howard, Ed.D.	Maryland Court of Appeals	Paul Sotoudeh	TSA
Barbara Johnson	U.S. Mint	Gordon Talbot	FDIC
Jerry W. Jones	HUD, ODEEO	Michael C. Turpenoff	U.S. Department of
Wendy Kamenshine	U.S. Department of Homeland	Education	
Security		Sarah Ward	U. S. Department of the Navy
Marianne C. Ketels	ATF	Linda Bradford Washington	HUD, ODEEO
Richard J. Kurtz	U.S. Department of Education	Carole W. Wilson	Office of the General Counsel
Marcia K. Larkins, D.V.M.	FDA		

Coalition of Federal Ombudsmen President, Joe Ganci called the meeting to order at 9:15 a.m.

Discussion Topics:

A. Legislative Updates

Rick Kurtz, DOED, presented an overview of the year. There were no significant changes or new statutes but over the last five years, there clearly has been an emerging recognition of the ombudsman program. The progression is slow but it is real. Rick recommended that agencies try to create their ombudsman programs through a statute, which gives them a much stronger framework.

B. IOA Conference Update

Mike Turpenoff, DOED, shared information about topics of discussion at the IOA conference. The IOA would like to know the interests and needs of the various Ombudsmen sectors: government, academic and private. Mike distributed the IOA 2007 Government Forum Overview, the summary from the government session at the conference. Mike and Joe discussed sharing the results of the government session with the IOA and all agreed that they would draft a letter to the IOA to be reviewed by the CFO members.

C. IOA Reporting Categories Survey

Joe Ganci handed out a document entitled "Comparing Apples to Apples: the Work of the IOA Database Categories Task Force". 23 organizations reported 16,801 categories. The top three categories were Evaluative Relationships (35%), Employee Compensation and Benefits and Values, Ethics and Standards (tied at 15%), and

Career Progression and Development (14%). The majority of members participating in the survey said that they would be able to use these categories.

D. FAR 16.505, Contracting Ombudsman

Sarah Ward of the Navy's Sea Port Program, Naval Sea Systems Command presented a comprehensive overview of the Navy's Sea Port Program. Sea Port is a set of multiple award contracts consisting of 1,283 prime contractors. It is the enterprise solution to acquiring engineering, financial and program management support services for the Navy. There are seven geographic zones based upon principal place of performance. There is an established Ombudsman in each and an overarching Ombudsman in Headquarters.

E. Receiving Notice of Illegal Activities - Working with Law Enforcement/OIG

Eileen Berry, USSS, Joe Ganci, DOL/OIG and Marianne Ketels, ATF discussed the receipt of notice, whistle blowing and its consequences, and reporting illegal activities as an Ombudsman working in a law enforcement environment. Eileen defined the Giglio Policy that was established to ensure the timely disclosure to prosecutors of any potential impeachment information concerning employees who would be providing a sworn statement or testimony in a criminal case on behalf of the Government.

F. Coordination vs. Confidentiality between EEO, Ombudsman and Unionized Operations

Bonnie Bautz, US Mint, Joyce DeMoss, TSA and Marcus Martin BOP each gave an overview of how their respective Ombudsman operations are run and how they interact with their EEO offices and the unions. A common theme was the importance of the Ombudsman and staff to be visible, open, communicative and willing to coordinate with EEO and the unions.

G. Federal Ombuds Annual Reports: Development, Drafting, and Delivering to Congress

Tangita Daramola, HHS, Wendy Kamenshine, DHS and Eileen McCarthy, DOL described how they prepare and publish their annual reports. Wendy provided copies of her 2007 report that was delivered to Capitol Hill while the CFO conference was in progress.

H. Business Meeting

1. The CFO's open positions were filled. Congratulations to our new officers:

- | | |
|---------------------------|-----------------------------|
| • Vice Chair | Michael C. Turpenoff |
| • Secretary | Gregory A. Burke |
| • Membership Chair | Bonnie Bautz |

2. The Ombudsman/Ombudsmen/Ombuds Survey Results were presented. The winner is **Ombudsman**. A footnote similar to IOA's will be included on the website.

3. The group looked over the CFO website and made the following suggestions for changes:
 - a. Split up members' names by the type of Ombudsman they are (i.e., organizational, legislative);
 - b. Provide links to Ombudsmen's offices; charters, legislation and CFO guide.

Joe Ganci asked that all other suggestions be sent to the CFOListserv.

Joe Ganci adjourned the annual meeting at 4 p.m.

Next Meeting: Wednesday, September 12, 2007, 1 to 3 p.m., U.S. Department of Education, Federal Student Aid, 830 First Street, NE, Washington, DC

Hope you can be there!

CFO Website: <http://federalombuds.ed.gov>
CFO Listserv: CFOListserv@verizon.net



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Coalition of Federal Ombudsmen

Wednesday, September 14, 2007

Minutes

U.S. Department of Education
Federal Student Aid
830 1st Street, NE
Washington DC

Attendees:

Joanne Adams	HUD
Sharon Asar	TSA
Edith Barton	ATF
Bonnie Bautz	U.S. Mint
Eileen Berry	U.S. Secret Service
Gregory A. Burke	U.S. Department of Veterans Affairs
Joseph Ganci	U.S. Department of Labor
Barbara Johnson	U.S. Mint
Lynel S. McFadden	U.S. DOEd
Barbara Omohundro	Library of Congress
Gregory Remas	U.S. Secret Service
Gordon Talbot	FDIC
Michael C. Turpenoff	U.S. Department of Education

Items: Joseph Ganci, Chair, called the meeting to order at 1:15 PM.

A. Conference Minutes of June 11, 2007

The meeting approved by consensus the minutes of the meeting and conference of June 11, 2007.

B. Ombudsman Model Office

Mike Turpenoff and Joseph Ganci discussed the development and reissue of the "Development of An Ombudsman Office". Mr. Turpenoff explained that he and others had developed the "Model" at least five years ago. Substantial developments in the Ombudsman field have occurred since then, including wider use of the Ombudsman office in Federal agencies, also leading to increased interests in the field. Mr. Turpenoff will be reviewing the "Model" over the next several months and asked members of the CFO to provide him comments concerning suggested changes. He will prepare a summary of the changes and submit them to CFO at the next meeting on November 14, 2007. Comments were to be provided to Mr. Turpenoff at Mike.Turpenoff@ed.gov

C. Development of Ombudsman Activities

In response to an inquiry by Mr. Ganci, several CFO members suggested that the CFO become more involved in promoting and highlighting activities of the CFO and other Ombudsman. The consensus was that the Ombudsman function would be possibly developed and supported more by agencies if the CFO and other ombudsman activities were to take a higher profile within the Federal Government so as to highlight the value of the function and its contribution to agency missions. Bonnie Bautz, Sharon Aser and Greg Burke volunteered to look into possibilities for developing and publicizing ombudsman activities and to report back to the CFO.

D. Assisting Ombudsman in Other Agencies

A brief discussion occurred concerning providing assistance to other agencies Ombudsman and programs. The discussion recognized that Ombudsman provide assistance to other offices at no cost in a spirit of cooperation and the recognition that their discussions with other ombudsman are helpful to their own performance.

E. Federal Inter-Agency Dispute Resolution Working Group

Mr. Ganci noted that he had attended the recent meeting of the Inter-Agency. Mr. Ganci noted that he serves as representative of CFO on or to the Working Group that their discussions in ADR focus on mediation and workplace concerns but that there is a shared interest in resolving problems and that he believes a good working relationship can be established between the two groups. (The Group's next scheduled is on December 19, 2007).

The Working Group also sponsors periodic "brown bag" luncheon continuing education sessions. Its next sessions were scheduled for September 20, 2007 ("What's in Your Toolkit? The Right Tools for the ADR Practitioner") and September 25, 2007 ("Be a Proactive Mediator: Address Implementation – before Problems").

F. Anonymous Email

Sharon Asar asked whether ombudsman could receive anonymous Email. Ms. Asar was concerned about whether software existed that would allow an office to receive Email from employees without the Email being traced back to a specific office or location. Few members were aware of any such possibility although there was some discussion of whether off-the shelf programming was available for that purpose.

G. Future Training

The International Ombudsman Association (IOA) will provide ombudsman training on October 15-18, 2007 in Philadelphia, PA. More information is available from IOA's at <http://www.ombudsassociation.org/Training.html>.

The United States Ombudsman Association will hold its annual conference on September 23-28, 2007 in Anchorage, AK. More information is available from www.usombudsman.org.

Next Meeting: Wednesday, November 14, 2007, 1 to 3 p.m., U.S. Department of Education, Federal Student Aid, 830 First Street, NE, Washington, DC

Hope you can be there!

CFO Website: <http://federalombuds.ed.gov>

CFO Listserv: CFOListserv@verizon.net



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Coalition of Federal Ombudsmen

Wednesday, November 14, 2007

Minutes

U.S. Department of Education
Federal Student Aid
830 1st Street, NE
Washington DC

Attendees:

Joe Ganci, Bonnie Bautz, Kristie Kelm, Greg Burke, Marianne Kettles, Marika Cunningham, Virginia Behr, Dennis Logan, Joyce DeMoss, Mike Turpenoff, Jennifer Ortiz

Items:

Joseph Ganci, Chair, called the meeting to order at 1:15 PM.

A. Minutes of September 12, 2007 Meeting

The minutes of the September 12, 2007 meeting were approved without substantial change.

B. "A MODEL FOR DEVELOPING AN OMBUDSMAN FUNCTION"

Mike Turpenoff advised that he had recently circulated a draft guide for establishing a Federal ombudsman's office in two formats. Mike was interested in obtaining comments on the best format and on the substance of the draft, which had been written several years ago and needed to be updated. Mike asked for comments by December 1, 2007 on both the substance and the appropriate format for the draft.

C. Development of Ombudsman Position

The group discussed at length the prospects for developing the ombudsman position in the Federal Government. Wendy Kamenshine noted that the American Bar Association Administrative Law Section has done work in surveying the use of Ombudsman in the Federal Government.

Joe Ganci noted that our membership lists consists of approximately 70 ombudsman offices. There was consensus that Federal ombudsman need an advocate, more publicity for the position, and education of the public on the functions that the office serves. Bonnie Bautz and Greg Burke both noted the difficulties they face as "organizational" ombudsman and the need to strengthen the position of ombudsman in their organization.

There was a brief discussion concerning the diverse role of ombudsman in the Federal sector, including discussion of the Taxpayer Advocate, and the distinction to be drawn between ombudsman focusing on the administrative processes of their agency versus ombudsman serving as advocates under statutory or other regulatory mandates.

Greg Burke suggested that CFO consider the difficulties that ombudsman face by first analyzing their status under the Administrative Disputes Resolution Act (ADRA) and then deciding where to go from there. He advised the group that, by the next meeting, he would try to prepare an analysis of ADRA for CFO's consideration. Joe Ganci advised that he would place the presentation on the next agenda.

Jennifer Ortiz, Bonnie Bautz and Greg Burke agreed to meet before the next meeting to develop an approach to how we can better develop the CFO and advocate for Federal ombudsman and present it to the CFO at the next meeting.

D. Issues

Several issues facing ombudsman were discussed including: how to interact with employee unions and what ombudsman recordkeeping requirements are. Solutions to these issues varied according to the approaches of individual offices and no consensus was reached except to conclude that ombudsman should be fully aware of the office culture, their internal policies and generally applicable law and regulations.

E. Training

Several persons noted their attendance at the IOA's Ombudsman 101 Training course and noted that it was, on balance, a good training opportunity. The course will be presented in D.C. in July 2008.

F. DC Area Ombudsmen Group

Wendy E. Kamenshine noted that the next meeting of the Group would be on December 4, 2007 to discuss the relationship between ombudsman and contractors

G. Ombudsman Position

Christie Kelm noted that her office is developing an ombudsman position, which should be announced shortly.

Next Meeting:

The next meeting will be held on January 9, 2008 at ATFE National Headquarters 99 New York Ave, NE, Washington, DC 20226



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Coalition of Federal Ombudsmen

Wednesday, January 9, 2008

Minutes

U.S. Department of Education
Federal Student Aid
830 1st Street, NE
Washington DC

Joe Ganci, Chair, Bob Lyon, Meegan Keeney, Mike Turpenoff, Vice Chair, Bonnie Bautz, JoAnn Adams, Cecil Reanos, Wendy Ginsburg, Jim Sheldon, Jerry Jones, Barbara Johnson, Edith Barlier, Greg Burke, Secretary, Marianne Kettles, Debra Wiley, Joyce DeMoss

Items:

Joseph Ganci, Chair, called the meeting to order at 1:15 PM.

A. Minutes of September 12, 2007 Meeting

The minutes of the November 14, 2007 meeting were approved without substantial change.

B. Vacancy Announcements

Bonnie Bautz informed that the Bureau of Prisons had announced an ombudsman position at GS-15. Mike Turpenoff informed that the Department of Education had announced a GS 13-14 position for an ombudsman as well.

C. IADRWG

Joe Ganci advised that he had attended the most recent meeting of the Interagency Alternative Dispute Resolution Working Group (IADRWG). He advised that he had introduced himself to the group, advised them of CFO's purpose and actions, and had tried to establish a continuing liaison between the two groups.

D. "A MODEL FOR DEVELOPING AN OMBUDSMAN FUNCTION"

Mike Turpenoff advised that he had received comments from several people concerning the draft "Model" and had closed the comment period after December 13, 2007.

Among the comments, were recommendations for the development of a new format for the "Model" which had been issued several years ago, and it is now being updated. Several substantial comments were made to concerning the "Model", including the following: ombudsman positions be targeted fro a GS-14 at least up to Executive Level SES; a new GS-15 position description be added to the "Model"; and a 15-20 page Executive Summary be used as an introduction to the model. .

Mike said he was willing to continue to entertain comments on the revised "Model", which had been written several years ago and needs to be updated. Mike asked for comments by December 1, 2007 on both the substance and the appropriate format for the draft.

Mike advised that the draft with suggested revisions should be available early next year.

E. Ombudsman Promotions

Bonnie Bautz shared with the group a video presentation showing her office's services and advised that she would be willing to share the presentations with any other office.

F. ADRA

Greg Burke discussed the application of ADRA to Federal Ombudsman. Greg advised that he has worked with several other volunteers to work out a position concerning the application of ADRA to Federal ombudsman offices and had tentatively concluded that a legislative fix was necessary to fix the problems although his small group of volunteers had not yet reached a conclusion. He distributed (and collected) a draft paper discussing the issue.

Greg also noted that, he is working jointly on the project based on his membership in the IADRWG, which has asked him the Bonnie Bautz, Jerry Jones and several others

G. CFO June 2008 Conference

Joe Ganci gave a brief preview of the CFO June conference. He stressed that the theme of the conference would be on the development and promotion of ombudsman offices, including measuring the need for and quality of ombudsman services. Among the presentations will be topics covering, USEERRA, ADRA, National Security, and ombudsman functions at the US Mint and TSA.

CFO has not finalized the site, but anticipates AFT Headquarters in Washington DC will host.

H. Next Meeting: March 12, 2008

F. Adjournment

Gregory A. Burke



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Seventh Annual Meeting

June 11, 2008

ATFE National Headquarters
99 New York Ave, NE
Washington, DC 20226

Theme

Developing Ombudsman Positions in the Federal Government

Opening Remarks

The theme of the conference was developing ombudsman positions in the Federal Government. Since ombudsman first appeared on the scene in Government in the 1960's, positions of Ombudsman have been developing slowly throughout government but have not been the focus of any specific effort to raise the quality and quantity of Ombudsman programs.

The conference's first order of business, however, was to pay tribute to Joe Ganci who resigned as president this year after serving for three years in that role. Joe's services as ombudsman for the Department of Education were expendable when that agency experienced a budget shortfall, Joe was transferred to another office, and his position dissolved.

Mike Turpenoff, Vice-Chair, acceded to the duties of Chairman and chaired the conference.

Mike gave Joe's service as Chair a fitting tribute and thanked Joe for his service as chair during the last three, challenging years.

Conference Summary

The theme of the conference, "Developing Ombudsman Positions" was taken up from several perspectives.

Joyce DeMoss, Transportation Safety Administration (TSA) made two presentations addressing the use of customer feedback in developing and providing ombudsman services. Joyce made an engaging presentation on the extensive customer survey being used at her agency and its usefulness in allowing conflict resolution services to be directed where best needed and to meet her agency's needs.

Bonnie Bautz, US Mint, and Jerry Jones, Department of Housing and Urban Development, joined Joyce in her presentation concerning conflict management systems. Each described the systems in use at their agencies for the development and use of conflict management including ombudsman services.

The theme continued with Robert Lyon, National Committee for Employer Support of the Guard and Reserve and Jim Sheldon, Jim E. Sheldon, National Geospatial-Intelligence Agency, describing how ombudsman programs have developed in their agencies. The contrast between their programs was particularly striking. The Intelligence agency operates in a secure environment addressing matters of national security. The Guard program primarily uses volunteers to address the needs of National Guard members returning to civilian life following tours in the military.

The conference also considered the legislative underpinning of Ombudsman positions. Greg Burke, an Ombudsman for the Department of Veterans Affairs' Office of Resolution Management, offered an analysis of the Administrative Dispute Resolution Act and concluded that ombudsman offices should be developed under statute.

Nina Olson, the Taxpayer Advocate and keynote speaker, gave a first hand description of the value of statute in a developing ombudsman office. Ms. Olson described how the taxpayer Advocate's Office had evolved over time from a mere administrative organ of the Internal Revenue Service into an Advocate for taxpayers who claim government treats them unfairly. Ms. Olson described some reluctance to describe the Taxpayer Advocate as an "ombudsman", but that, in its operations they serve the traditional ombudsman function of providing an agent of government to protect taxpayers from the alleged abuses of that government.

Ms. Olson indicated that she would be willing to support a proposal to establish any federal ombudsman offices under minimum standards to assure that the government can obtain the maximum benefit from there services.

Follow-up

Several Issues were to be explored by conference members following the conference.

Ombudsman Law: Greg Burke was to continue to examine with the Ombudsman Study Group of the Inter Agency Working Group and Coalition members, whether an ombudsman statute for Federal agencies is feasible and, if so, what its content should be.

Ombudsman Position Descriptions: Mike Turpenoff was to develop contacts with Office of Personnel Management concerning the development of ombudsman position descriptions and classification series.

Our next meeting: September 10, 2008

Gregory A. Burke
Secretary, CFO



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

November 12, 2008

Attendees:

Joanne Adams
Jean Aden
Howard Balick
Bonnie Bautz
Gregory Burke
Marcietta Cunningham
Sally Davis
Joyce DeMoss
Howard Gadlin
Jerry Jones
Marianne Ketels

Robert Lyon
Wendy Kaminshine
Laurie Lenkel
Marsha Larkins
Linda Lord-Jenkins
Peggy Matthews
Linnell McFadden
Patricia Reeve
James Sheldon
Gordon Talbot
Mike Turpenoff, Acting Chair

1. **COFO Organization and Processes:** Mike Turpenoff referenced the need to change the call letters for CFO, which is frequently being mistaken for Chief Financial Officer.

Mike also advised that a majority of the votes cast by members in attendance carry issues at the meetings. Membership and voting requirements are described in the charter on our website at <http://www.federalombuds.ed.gov/index.html>.

Mike will also be reviewing the charter for updates and present his findings at the next meeting.

2. **Unified Model for Ombudsman Offices:** The Model has been reviewed and will be uploaded to CFO's Website on the Department of Education Server as soon as it can be made Section 508 compliant. John Zinger will add cost data on ombudsman offices. Additionally, Linda Ford Jenkins and Ruth Cooper-Writer, USOA Board members are also taking the opportunity to review and comment on the Model before uploading. Mike noted that the IOA had also been contacted and given the opportunity to comment.

3. **USOA Chapter for Federal Ombudsman:** Mike advised that the USOA had been contact about the possibility of forming a Chapter for Federal Ombudsman. Linda Ford Jenkins advised that the USOA's Board would be supportive of the idea: USOA allows any members to create a chapter that is addressed to their interests.

Ms. Jenkins noted that Federal employees would likely qualify as associate members of USOA and must be members of USOA to create a chapter. A USOA Associate membership cost \$125 /year. An agency could purchase the membership for an employee and transfer it as appropriate. Ms. Lord-Jenkins stated Associate members do not vote as members of the USOA. In response to a question, she advised that USOA is composed primarily of executive ombudsman.

4. **IADRWG:** Mike discussed attendance as a CFO representative at meetings of the IADRWG. Joe Ganci, former president, had attended several of their meetings and found them informative. Mike will be pursuing that goal over the next several months.

Note: Greg Burke is a member of the IADRWG and attends most of their meetings for VA, his agency

5. **Ombudsman Who Wear Two Hats:** The group discussed this topic at length. Several concerns were noted.

The question was posed as to whether a “Two-Hat” ombudsman is an ombudsman in the commonly understood meaning of the term as opposed to an agency official with that name. Several felt that, if an “ombudsman” cannot maintain the independence and impartiality commonly associated with the office, then the title of their office would not be indicative of their status as a practicing ombudsman.

Concern was also expressed concerning the extent to which dueling responsibilities could detract from the ombudsman work or make the office more susceptible to pressure from management. Several people expressed that the competing duties could cause greater pressure on an ombudsman wearing two hats.

HUD’s Peggy Mathews is an example of an ombudsman wearing two hats in the Inspector General’s office. She noted that while, in theory, concerns with independence could be an issue, her organization has been supportive of her position, and she has not encountered the conflicts-of-interests that might otherwise have arisen.

6. **Ombudsman Grade and Job Series:** Joyce DeMoss presented the results of her survey concerning comments on the potential Ombudsman Job Series. Joyce said she had placed the following issues on the net through the Department of Education’s listserv:

Question 1: What are the goals and aims of the process to establish an OPM-sanctioned Ombudsman job series, classification, and title?

Question 2: What are the risks associated with pursuing this effort?

Question 3: What are the benefits associated with pursuing this effort?

Question 4: What is the strategy that should be pursued to accomplish this effort?

She had received five responses, which were distributed before the meeting.

However, several members expressed concern that they had not had an opportunity to view the questions because they had not been adequately distributed on the listserv. Consequently, Joyce DeMoss agreed to post the questions again through the Department of Education listserv and Mike agreed to look into any problems with the electronic distribution. Members were also concerned with the effect of any initiative for the legislative creation of an ombudsman office would have on any similar initiative for the creation of an ombudsman job series. The issue will be discussed again at our next meeting.

The group agreed to subgroup to look into the question of developing a job-series which will be headed by Mike.

In response to concerns by members, the group agreed by consensus that the subgroup looking into the issue of a generic statutory Federal ombudsman would work to present any proposal to the CFO, as its parent body, before raising any issues outside the organization.

Greg also noted that one or more members of the USOA will be attending the working group’s next meeting, which any ombudsman is invited to attend and will be invited to via the list serv.

7. **Next Meeting:** The next meeting is on January 14, 2008 at 1:00 PM.

8. **Adjournment:** The meeting adjourned at 3:15 PM.

Gregory A. Burke
Secretary, CFO.



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

February 4, 2009

ATTENDEES (* denotes call in participant):

Marceita Cunningham
A. H. Davis
Jackie Hoffman
Howard Balick*
John Zinsser*
Virginia Behr*
Anita Kendall*
Michelle McKenzie*

Marsha Larkins*
Ruth Cooperrider (USOA)*
Laurie Larkin
Bonnie Bautz
Barbara Johnson
Marianne Ketels
Jim Sheldon
Mike Turpenoff

COFO ADMINISTRATION:

- Mike Turpenoff called the meeting to order at 1:15 p.m.
- The draft minutes for the November 12th meeting were provided. Mike Turpenoff asked that members review them and submit comments for correction as needed.
- Mike Turpenoff noted that several members informed him that they were receiving COFO Listserv messages, but were unable to send items on the Listserv. Mike Turpenoff advised he would address the issue with the supporting Department of Education IT office.
- The possibility of establishing a Federal Ombudsman Chapter in the USOA was discussed and questions posed to Ms. Cooperrider regarding the process for establishing such a chapter. Additionally, Ms. Cooperrider confirmed that USOA would accept memberships by individual ombudsman positions with incumbents designated as the POC. Thus, when an incumbent changed, the successor would become the new POC for that membership. This position membership concept would allow Federal ombudsmen to seek their agencies' payment of the membership fee.
- Mike Turpenoff raised the question of establishing COFO designated liaisons to various organizations such as the USOA and IOA. He asked that COFO members consider their views on having such liaisons and whether anyone has an interest in serving as a liaison to a specific organization. The liaison concept will be discussed at a future meeting.
- Mike Turpenoff noted that COFO had not revised its charter since its original publication. He suggested that, based upon issues that had arisen (e.g. member definitions, voting capability, quorum definitions), it would be appropriate to review and update the charter. He asked the attendees to review the charter and provide feedback. Determining if a working group was needed to complete the revision would be deferred to a subsequent meeting.

USOA COMMENTS ON COFO STANDARDS GUIDELINES:

Ms. Cooperrider did not comment specifically on the COFO standard guidelines, but referenced her December 2005 letter commenting on the COFO, "A Guide for Federal Ombuds." She noted the continued applicability of the four issues raised in that document to both COFO and ABA guidelines. She noted that the ABA had not responded to comments proffered by USOA regarding the ABA 2004 ombudsman standards revision.

DRAFT OMBUDSMAN ACT REPORT AND DISCUSSION:

Mike Turpenoff advised that Greg Burke, the lead on the draft act working group was not able to attend the meeting. He noted that the working group's composition was *ad hoc*, but had regular participation by Bonnie Bautz, Joanne Adams, and Laurie Lenkel or her FDA associates. He advised that relatively few comments were received regarding the draft act and requested that COFO members review the draft and offer specific comments for changes, deletions, additions to the language. Bonnie Bautz noted that the working group had crafted a shorter version, patterned on the IG Act and other standards. That version is available for review upon request to Bonnie. Mike Turpenoff related that the intent is for the working group to consolidate the two versions and suggested changes into a unified document for a final review. He also solicited opinions as to whether COFO should move forward on the project.

John Zinsser offered comments including concern regarding the implications of an ombudsman act upon non-federal and private ombudsman practitioners. He asked what the impetus for seeking the legislation? (Mike Turpenoff advised it stemmed from National Tax Payer Advocate comments regarding independence and the elimination of an organizational ombudsman positions in federal agencies.) John Zinsser indicated he believed the act needed to expand upon the various roles of an ombudsman and to address the scope and size of the program. He advised that there was legislative opposition to ombudsman programs and believed statements in the draft act needed to be strengthened (based upon empirical data) to reflect the value added of an ombudsman program. Although he counseled against rushing the process, he suggested that the project should have time sensitivity based upon congressional activity regarding financial oversight which uses the term ombudsman.

FEDERAL GOVERNMENT OMBUDSMAN JOB SERIES REPORT AND DISCUSSION:

Mike Turpenoff noted that comments received and compiled by Joyce DeMoss regarding the job series proposal offered alternative views. Further, there was a need to solicit other organizations for their views. He said it was his sense from the comments that the effort should go forward in a careful and measured fashion. He also noted that it was an incorrect assumption that OPM would establish the series independently. Rather, OPM would seek input from subject matter experts and would not unilaterally define the position.

Bonnie Bautz advised that she had contacted OPM regarding the guidelines for establishing a new job series. The OPM representative responded that there were no specific guidelines. However, she suggested that it would be beneficial to have one or two agencies take the lead in supporting the proposal. The OPM representative noted that, rather than establishing a new job series, they had streamlined a vacancy announcement for a FOIA Specialist but retained it under the Program Manager job series.

Mike Turpenoff observed that there were two tracks on the project. One was developing the language for the job series. The other was surveying agencies to assess the nature of ombudsman functions. He suggested that developing the series language could proceed before a survey was conducted. Ensuing discussion noted that a COFO survey effort circa 2000 had proven ineffective as the use of the term was ombudsman was widespread but frequently inapplicable to established ombudsman functions. Thus, conducting a survey of all federal ombudsman positions would require obtaining external survey expertise and assistance.

John Zinsser commented that it may be useful to juxtapose the legislative action versus the job series action. Laurie Leckler agreed to contact the National Taxpayer Advocate's assistant, Megan Kinney, to obtain information on the surveys they had conducted.

OPEN FORUM:

There was no additional discussion.

Mike Turpenoff advised that the next COFO meeting would be on Thursday March 19, 2009, at the ATFE Headquarters, from 1:00 – 3:00 p.m. This would enable COFO to return to its normal bi-monthly meeting schedule. He also requested that members be prepared to decide on the next steps for both the proposed ombudsman act and job series project at the next meeting

Mike Turpenoff adjourned the meeting at 3:10 p.m.



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

ATFE National Headquarters
Washington, DC
May 13, 2009

1. **Attendees (* denotes call in):**

Andrew Moss*
Jackie Hoffman*
Marcia Larkins*
Wendy Kamenshine*
Marianne Ketels
Laurie Lenkel
Gregory Burke
Althea Jacobs

Marceita Cunningham
Jim Sheldon
Howard Balick*
Joyce DeMoss*
Sally Davis
Barbara J. Johnson
Mike Turpenoff
Bonnie Bautz

2. The meeting was called to order by the Chair, Mike Turpenoff, at 1:15 p.m. and commenced with announcements and miscellaneous:

a. Membership Committee Chair Bonnie Bautz advised that she has created COFO letterhead stationery to be used for COFO communications.

b. Bonnie Bautz advised that she has initiated a project to identify ombudsman positions within the Federal executive agencies and contact them to inform them of COFO's existence. She noted that she has already spoken with a newly created ombudsman at NOAA. Additional discussion noted that the GAO recently issued a report (GAO-09-650T) recommending that the Department of Agriculture create an ombudsman office to address civil rights related concerns. Further, in testimony to Congress, the new OPM Director, John Berry, made mention of the importance of ombudsman positions/functions

3. Mike Turpenoff led a discussion to finalize the agenda for the annual COFO conference scheduled to be held on 24 June 2009 from 8:30 a.m. to 4:30 p.m. at the ATFE National Headquarters. The discussion produced the following results:

a. The conference theme will be Federal Ombudsmen in the 21st Century.

b. There will be a ballot for the positions of COFO Chair, Vice Chair, Secretary, and Coordinator. Members should submit nominations to Mike Turpenoff as soon as possible.

c. Discussion regarding amending the COFO charter will be conducted during the Business meeting session of the conference. Greg Burke will furnish a previous draft of proposed charter revisions to Mike Turpenoff for dissemination to the membership prior to the conference.

d. Mike Turpenoff has extended an invitation to OPM Director Berry (or his designee) to be a conference key note speaker. Additionally, a US Ombudsman Association executive will attend the conference and also be invited to speak. It was agreed that Marianne Ketels will determine if the Acting ATFE Director would like to make brief welcoming/opening remarks.

e. The proposed FOIA panel will be replaced with a presentation regarding changes in the FOIA under the new administration. Wendy Kamenshine will ask a subject matter expert in her agency to make the presentation.

f. Marianne Ketels will moderate the Ombudsman Program Diversity panel and has identified COFO members with diverse roles to sit on the panel.

g. A panel discussion on the proposed Ombudsman Act project will be conducted with members representing the various positions (pro, con, moderate).

4. The members present had a lengthy discussion on the proposed Ombudsman Act project. Bonnie Bautz described the effort to create a survey to elicit member views on whether to proceed and, if so, what should be the nature/content of any resulting Act. It was agreed that the survey would be postponed until after the annual conference. Andrew Moss agreed that he will serve as an observer for the panel to capture any new issues or items that should be included in the panel. It was also agreed that three proposals for the Act would not be disseminated with the survey. However, by a vote of 10 to 2, it was agreed that the three proposals would be sent out with the finalized agenda, properly caveating them as points for discussion, but specifically stating that they do not represent a COFO position explicitly or implicitly endorsing an Act.

5. Mike Turpenoff adjourned the meeting at 3:15 p.m.



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Annual Meeting

June 24, 2009

ATFE National Headquarters, 99 New York Ave, NE, Washington, DC 20226

Coalition of Federal Ombudsmen (CoFO) Chair, Mike Turpenoff, welcomed all attendees. He was followed by ATFE Acting Director Kenneth E. Melson who offered opening remarks. Mr. Melson commented upon the importance of the ombudsman in resolving employee concerns before they became grievances. He cited the ATFE Ombudsman Office as a safe haven for employees to be able to talk and as an information channel for management, assisting the agency in being proactive in heading off issues.

A panel comprised of Ms. Joan Beck, U.S. Ombudsman Association (USOA) representative; Ms. Joyce DeMoss, Ombudsman, Transportation Safety Agency (TSA), Ms. Wendy Kamenshine, Acting Deputy Ombudsman, Citizenship and Immigration Services Ombudsman, Department of Homeland Security (DHS); Mr. James Sheldon, Agency Ombudsman, National Geospatial-Intelligence Agency; and moderated by Ms. Marianne Kettels, ATFE Ombudsman, addressed the topic of **Ombudsman Program Diversity**. After general remarks by Ms. Beck, the discussion focused on four questions:

- How did the individual program originate and how was it chartered to perform to perform the ombudsman's duties?
- How was the office staffed and what type of population did it service?
- What type of inquiries did the office receive and what was its workload?
- To whom did the office directly report, in what format and how often? Was an annual report prepared?

Ms. Kamenshine introduced Mr. William Holzerland, Associate Director for Information Release, DHS, and Mr. John McDade, Federal Student Aid Ombudsman, U.S. Department of Education, for a discussion on **FOIA requests** to ombudsman offices. The discussion cited the Presidential Memorandum signed by President Obama advising agencies to release information in the absence of specific, compelling reasons not to. The discussion recognized the inherent tension between the FOIA and the ombudsman's confidentiality commitment. Mr. Holzerland discussed a recent review by his office regarding a request for release of ombudsman information. He noted that arguments for withholding confidential ombudsman information might cite FOIA exemptions b2, internal personnel rules and practices; b5, common law privileges; and b6, privacy protection versus the public benefit. Reference was made to the FOIA exemption specified in the Alternative Dispute Resolution Act (ADRA). Mr. McDade provided perspective from the function of his office.

The Honorable **John Berry, Director, Office of Personnel Management (OPM)**, provided a key note address. He offered the perspective that the ombudsman gives people a "fair shake" without resorting to legal processes. He described his three short term and long term goals in his role as OPM Director:

- **Short term:**
 - **Work place balance.** Convey respect to employees in recognition of their efforts. He noted that he disliked the term "human capital" as conveyed the sense that people were widgets, not persons;

- **Streamline the Federal hiring process.** Move toward the resume-based process of the private sector. Shorten position descriptions and capture them in plain English. Motivate people to come to work for the Government. As an example of a failure to motivate, he described a conversation with an intern who described the lack of an orientation program, being given a work assignment with virtually no direction, and exclusion from social interaction by other employees; and
- **Improve veterans hiring.** Increase the number of Veterans working across the federal government by: 1) working with them *before* leaving the military to identify their “federal civilian dream job;” and 2) helping them to get it.
- **Long term:**
 - **Increase diversity within the Federal work place:** Achieve increases without resorting to quotas. He noted as an example that Hispanics comprise 14 percent of the U.S. labor force, but only eight percent of the Federal work force;
 - **Improve the FEHB program.** He noted that there were private sector programs that provide better benefits and that such benefits should be available to Federal employees; and
 - **Address Title 5 pay issues.** He called for a performance appraisal system that was simple, fair and final. He said the evaluation process needed to change the dynamic that being average was being successful. He noted a need to be able to remove employees who did not perform in a cleaner and less drawn out process. He described a process of setting “must do” and “nice to do” performance goals for each employee annually, then holding them accountable for achieving those goals. He suggested the creation of a three person panel to serve as the appeal process for appraisals.

The program portion of the conference concluded with a panel discussion regarding a proposed **Federal Ombudsman Act**. The panel was facilitated by Mr. Ed Weaver, TSA Ombudsman Office, and was comprised of Mr. Gregory Burke, ORM’s Ombudsman, Veterans Administration; Mr. Howard Gadlin, Ombudsman, National Institutes of Health; Ms. Bonnie Bautz, Ombudsperson, U.S. Mint; and Ms. Joan Beck, USOA. The panel engaged in a spirited discussion regarding whether CoFO should move forward on a Federal Ombudsman Act that would require establishment of Ombudsman Offices in Federal agencies. Mr. Burke and Ms. Bautz voiced support for the Act. Mr. Gadlin articulated his views against requiring agencies to have an ombudsman function, but acknowledged that there may be benefits in having some legislated standards. Ms. Beck stated that while she personally favored having an Act, she cautioned that it was necessary to recognize that anything legislated at the Federal level would have ramifications for ombudsman functions at state and local levels of government. In responses to audience questions and comments, it was agreed that the outcome of a pending survey of CoFO members regarding moving forward on a Federal Ombudsman Act requiring the establishment of ombudsman functions in Federal agencies would dictate the course of future CoFO action.

The conference concluded with the **Annual CoFO Business meeting** led by CoFO Chair Mike Turpenoff. The meeting addressed the following items:

- **Election of Officers Process.** Mr. Turpenoff noted that the CoFO Charter identified four elected positions (Chair, Vice Chair, Secretary, and Coordinator). The election process requires appointment of a nominating committee and Mr. Turpenoff has appointed Ms. Sarah Ziegler, Ombudsman, FBI, as the committee chair; and Ms. Marianne Kettels, Ombudsman, BATFE; Mr. Dennis Lazzar, Ombudsman, U.S. Environmental Protection Agency; and Ms. Laurie Lenkel, Director, Office of the Ombudsman, U.S. Food and Drug Administration, as committee members. CoFO members may submit nominations to the committee by 01 September 2009. The nominees will be presented at the CoFO meeting scheduled for 09 September 2009. The election will take place in November 2009. Mr. Turpenoff noted that the CoFO charter indicates that the election will be by the Executive Committee. However, Mr. Turpenoff moved that the charter be suspended for this election, and that there be a vote by the CoFO membership. The motion was approved by those present.

- **Revision of CoFO Charter.** Mr. Turpenoff advised that he would initiate a poll of CoFO members to determine if a revision of the CoFO Charter should be undertaken.
- **Creation of an Ombudsman Job Series.** Mr. Turpenoff solicited the views of those present regarding moving forward on creation of a Federal job series for Ombudsman. The consensus was that Mr. Turpenoff would solicit views of the membership and initiate a collection of current ombudsman position descriptions. It was agreed that no further action would be taken until the new Executive Committee is in place. Ms. DeMoss agreed to collect the position descriptions.
- **Assistance to OPM Director Berry.** At Mr. Berry's request, CoFO will provide information to Director Berry regarding issues addressed by ombudsman functions within the Federal government. Additionally, CoFO will offer to serve as a consultant to Mr. Berry in establishing an ombudsman office within OPM. Mr. Turpenoff will send a listserv message to CoFO membership asking that those who perform as internal ombudsman provide statistical data on the nature of concerns raised to them using the IOA categories. External ombudsman will be asked to furnish the top 10 issues raised to them.
- **Recognition:** It was moved that CoFO extend official thanks to ATFE Ombudsman Marianne Kettels and her staff for making the conference arrangements and obtaining funding for the continental breakfast.

Next CoFO meeting: 09 September 2009 - Time and location to be announced.



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

November 18, 2009

The meeting was called to order by the incumbent CoFO chairperson, Michael Turpenoff. A list of meeting attendees is attached. Mr. Turpenoff welcomed those in attendance, noting that this was his last meeting as the CoFO chairperson. He extended thanks to the Nominations Committee for their efforts regarding the election of a new Executive Committee, and to the CoFO membership for their support to him and his accomplishments as the chair person.

Bonnie Bautz, the chair of the Nominations Committee, advised that the results for the Executive Committee elections were:

- Chairperson – Wendy Kamenshine
- Vice Chairperson – Sarah Zeigler
- Secretary – Jim Sheldon
- Coordinator – Joyce DeMoss

Mr. Turpenoff encouraged more membership participation in the future and turned the meeting over to Ms. Kamenshine.

Ms. Kamenshine presented Mr. Turpenoff with a certificate of appreciation for his service to CoFO.

Ms. Kamenshine advised that the Executive Committee would meet in the near future. She also asked that those in attendance brainstorm ideas for what CoFO should be doing in the future. A list of the ideas proposed is attached.

Mr. Turpenoff, and other CoFO members who attended, provided comments regarding the 2009 USOA conference in Estes Park, CO. Mr. Turpenoff provided an overview of the first meeting of the USOA Federal Chapter and advised that a teleconference meeting would be held on December 8, 2009, at 2:00 p.m. EST. Ms. Kamenshine noted that the relationship between CoFO and the USOA Federal Chapter would need to be discussed in the future. The CoFO members who attended the conference agreed that it was very well done and of value. The next conference is scheduled for October 2010 in Dayton, OH. USOA president Linda Lord-Jenkins noted that future conferences will attempt to avoid crossing over Federal fiscal years and will avoid religious holidays.

Ms. Kamenshine asked that the agenda item to discuss the Ombudsman Act Project be tabled until the next meeting.

Mr. Turpenoff provided a review of CoFO's meeting with representatives of the Director, OPM, to discuss creation of an OPM ombudsman position. It was noted that Mr. Richard (Rick) Lowe, Deputy Chief of Staff to the OPM Director and ombudsman program POC, attended the USOA conference. OPM is in the process of developing a position description and charter for their ombudsman and may post a job announcement. Virginia Behr noted that she had discussed the OPM program with Mr. Lowe and offered to provide advice. It was agreed that future CoFO contact with OPM would be through the CoFO Executive Committee. Mr. Turpenoff is to advise Mr. Lowe of the change in the Executive Committee membership and request that OPM seek CoFO assistance and guidance solely through the new Executive Committee.

Jim Sheldon advised that he had received only a few responses to the request for FY2009 ombudsman data to be compiled and provided to the OPM Director. He noted that those ombudsman offices serving a largely external constituency were not expected to complete the IOA spreadsheet but requested that they provide a listing of their five most significant case categories and associated numbers. The due date was extended to December 4, 2009. There were also comments offered

regarding the IRS Taxpayer Advocate's survey of customers and a compilation of a list of external ombudsman prepared by Wendy Ginsberg for distribution to congressional offices to use in referring constituents.

Laurie Lenkel provided information regarding a Federal Register request for comment on a Patents Office Ombudsman Pilot Program. The ensuing discussion noted that the description did not appear to be that of an ombudsman function, but rather an intake and case tracker. It was agreed that a CoFO response was appropriate and that Ms. Kamenshine would contact the designated POCs and offer assistance and describe the ombudsman function.

Ms. Kamenshine noted that Ms. Jean Griffin, Associate Ombudsman at the University of Cincinnati, requested information on the use of feedback/evaluation tools by the ombudsman offices. Ms. Kamenshine advised she had provided a response and would forward the request to Linda Lord-Jenkins, USOA President.

A question was raised regarding the possibility of creating a list of CoFO members that distinguished whether they primarily served internal or external constituencies. The attendees agreed that a request would be sent to the members via the listserve asking them to update their information, including whether their focus was external or internal.

Jim Sheldon advised that the Defense Department had generated a requirement for Defense components to establish Procurement Integrity Ombudsman positions to assist employees, management, or customers in resolving procurement integrity issues of the type cited in 42 U.S.C. §423. A copy of the directive letter is attached for information purposes.

Ms. Kamenshine concluded the meeting with several "housekeeping" questions. She asked the membership to offer comments regarding possible changes to CoFO meeting times and locations. She also asked for comments regarding changing the time of the annual CoFO conference from June, as she would like to change it to a different month. (Comments were offered noting that the CoFO charter indicated that the annual conference would be held in November.) Ms. Kamenshine also requested the members to provide topics for the annual meeting and send them to her.

The next meeting will be held in January 2010, time, date, and location to be announced.

Submitted November 25, 2009.

//signed//
James E. Sheldon III
Secretary, CoFO

2 Attachments

- CoFO Future Actions Brainstorming Ideas
- List of Meeting Attendees

CoFO Future Actions Brainstorming Ideas

The following topics or items were produced during the November 18th brainstorming session. The CoFO Executive Committee will review them and suggest which might be the best options for the organization.

- Serve as a resource for ombudsman office start ups. Consider establishing a subcommittee as a response team.
- Reach out to folks interested in career in ombudsman profession.
- Establish an outreach for future ombudsman offices to join CoFO.
- Consider obtaining speakers to describe how the ombudsman profession functions globally.
- Have periodic presentations by members describing their programs. Describe challenges and accomplishments as a basis for discussion.
- Establish internship possibilities.
- Obtain recognition of CoFO as the Federal government lead for the ombudsman profession, similar to the Inspectors General Presidential Committee on Integrity and Efficiency (PCIE).
- Formalize the CoFO relationship with the Inter-Agency Working Group on Alternative Dispute Resolution.
- Create a Public Service Announcement informing audience of the role of ombudsmen.
- Pursue a sponsorship for CoFO that would facilitate use of government facilities and time (possibly through OPM).
- Establish working groups to address specific issues.
- Continue Bonnie Bautz's project to identify ombudsman offices in the Federal government.
- Obtain non-ombudsman presentations that would be relevant to the ombudsman profession.

CoFO Meeting Attendees

November 18, 2009

Name	Organization	By Phone
Balick, Howard		*
Bautz, Bonnie	U.S. Mint	*
Behr, Virginia	FDA	
Bookstein, Monique	FBI	
Burke, Gregory	VA	*
Charlton, Mary F.	DHS	
Cunningham, Marceita	ATFE	
DeMoss, Joyce	DHS-TSA	*
Hoffman, Jackie	DHS-TSA	*
Jacobs, Althea	ATFE	
Johnson, David	ATFE	
Kamenshine, Wendy	DHS CIS Ombudsman Off	
Ketels, Marianne	ATFE	
Larkins, Marcia	FDA	*
Lazzar, Dennis	US EPA, Seattle	*
Lenkel, Lauri	FDA	
Lord-Jenkns, Linda	USOA observer	*
Magee, Matt	BLM (Dept. of Interior)	
Myers, Linda	Dept. of Army ADR Office	
Sheldon, Jim	NGA	
Turpenoff, Michael	Dept. of Education	
Zeigler, Sarah	FBI	



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

February 16, 2010

CoFO Chairperson Wendy Kamenshine called the meeting to order at approximately 1:05 p.m. She advised that the order of the published agenda would be modified to accommodate the schedules of attendees.

Ms. Kamenshine introduced Ms. Mindy Fleisher, a representative of the Patent and Trademark Office (PTO) involved in the development of a PTO ombudsman function. Ms. Kamenshine recounted the CoFO interest in the PTO Federal Register announcement of the ombudsman position and noted that Ms. Fleisher shadowed her for two days. Ms. Fleisher thanked Ms. Kamenshine for her assistance and the CoFO support. Ms. Fleisher noted that the ombudsman idea came about as the result of feedback received by the PTO Commissioner at public meetings expressing concerns regarding the processing of patent applications. Ms. Fleisher related that the PTO received two comments (in addition to the CoFO contact) which noted that the description of the PTO position was not that of an ombudsman. Of particular concern were the issues of confidentiality and independence. Ms. Fleisher advised that she would continue working with CoFO to find a way ahead for an ombudsman function. In response to a question from CoFO member Mike Turpenoff, Ms. Fleisher confirmed that the PTO ombudsman would be an external ombudsman. Mr. Turpenoff offered suggestions regarding phasing in the program and having a direct line to the top PTO management.

Ms. Kamenshine introduced Ms. Barbara Malebranche, a Department of Education employee on detail to the Office of Personnel Management (OPM) to establish the ombudsman function in OPM's new Executive Secretariat and Ombudsman Office. Ms. Malebranche advised that the ombudsman reports directly to the OPM Director. She described her efforts since the January 10, 2010 chartering of the position, including set up of a prototype Web site. She related that AON would be published for the Ombudsman (GS 14-15), Assistant Ombudsman (GS 11-13), and Staff Assistant (GS 6-8). Although not officially open, she related that their Intranet address, Ombuds@opm.gov had received 100 hits regarding a wide variety of issues. However, only two of the hits pertained to internal OPM issues. Ms. Malebranche described her "To Do" list, including meeting with the labor union leadership, EEO and labor relations representatives. She noted that her challenge is to make the OPM Ombudsman a model for the government, and implementing or developing best practices. She requested the CoFO membership to provide feedback to her regarding the OPM Ombudsman Web site and other matters. Her telephone number is (202) 606-9136 and her e-mail address is Barbara.Malebranche@opm.gov. Meeting attendees offered a number of suggestions and comments.

Jim Sheldon provided a brief overview of the results of the data compilation project conducted by CoFO in late 2009, describing the five internal ombudsman responses under the primary IOA categories used to collect the data (See Attachment 2). It was agreed that the five internal respondents would be provided the collective results. Also discussed was the need for a standardized set of categories for external ombudsman responses should CoFO elect to conduct another such data collection.

Ms. Kamenshine introduced Ms. Megan Kenney from the IRS National Taxpayer Advocate's Office. Ms. Kenney provided information on the Office's survey of Federal external ombudsman offices. She noted that they identified 41 offices and received survey responses from 19. The results are posted in the Office's FY2009 annual report. One recommendation is for the creation of a Federal Ombudsman Act for external ombudsman offices. (The executive summary for the survey is at Attachment 3) .

Ms. Kamenshine introduced Mr. Bob Manley of the Department of the Navy (DON) Alternative Dispute Resolution Office. Mr. Manley advised that he has been tasked with establishing a Procurement Integrity Ombudsman position for the DON and welcomed assistance from the CoFO.

Ms. Diane Welborn, Vice President, USOA, informed the meeting that the annual USOA conference would be held October 6-8 in Dayton, OH. She advised that volunteers to work on the Planning Committee would be welcome to assist in planning workshops regarding Federal ombudsman issues. Her e-mail address is Welborn@dayton-ombudsman.org.

Ms. Kamenshine reported that the CoFO Executive Committee had identified the following four topics from the previous meeting's brainstorming session for further CoFO discussion or action:

- CoFO as a resource for start up ombudsman offices.
- Presentations to describe CoFO members' roles and functions.
- Formalize CoFO's relationship with the Interagency Alternative Dispute Resolution Working Group (IADWRG).
- Continue the project to identify ombudsman offices/functions in the Federal government.
- Obtain presentations of relevance to CoFO from external sources.

These topics will be discussed at the next CoFO meeting.

Ms. Kamenshine advised that CoFO Vice Chairperson Sarah Zeigler had tendered her resignation from the position because of professional and family commitments. She noted that the CoFO by-laws were silent on a method for filling the vacancy. She asked that anyone who would be interested in filling the position to contact her.

Ms. Kamenshine asked CoFO members to respond to the following:

- Do you have a blog for your office or position?
- Can you share the position description with CoFO?
- Do you have a sample ombudsman position work plan or evaluation guide?

Ms. Kamenshine asked the members to suggest ideas for the annual CoFO meeting scheduled for September, including possible speakers. She also asked members to advise if they were not receiving CoFO announcements via the ListServ or membership e-mails.

The next CoFO meeting will be on March 10, 2010, from 1:00 – 3:00 p.m. The meeting will focus on ways to move ahead on the above described brainstorming ideas.

Ms. Kamenshine closed the meeting at 2:45 p.m.

Submitted February 23, 2010

James Sheldon
CoFO Secretary

3 Attachments

1. Attendance Roster
2. Data Collection Summary
3. National Taxpayer Advocate FY 2009 Annual Report Executive Summary for External Ombudsman Survey

Meeting Attendees, February 16, 2010

Name	Organization	By Phone
Balick, Howard	FDA	*
Behr, Virginia	FDA	*
Daramola, Tangita	HHS	*
DeMoss, Joyce	DHS-TSA	*
Deyo, Scott	DoD IG	*
Fleisher, Mindy	Patent and Trademark Office	*
Hinkson, Yvonne	Fed'l Bureau of Prisons	*
Hoffman, Jackie	DHS-TSA	*
Kamenshine, Wendy	DHS CIS Ombudsman	
Kenny, Megan	Nat'l Taxpayer Advocate	
Ketels, Marianne	ATF	*
Larkins, Marcia	FDA	*
Lazzar, Dennis	US EPA, Seattle	*
Malebranche, Barbara	OPM	
Manley, Bob	DoN ADR Office	*
Sheldon, Jim	NGA	*
Turpenoff, Michael	Dept. of Education	*
Welborn, Diane	USOA	*

Attachment 1

Summary of Data Collection by Primary IOA Categories

	Agency A	Agency B	Reg'l Office	Agency C	Agency D	Cumulative
1. Compensation & Benefits	10.2%	4.6%	0.8%	21.8%	9.0%	19.0%
2. Evaluative Relationships	20.4%	24.5%	41.4%	34.9%	12.8%	33.0%
3. Peer and Colleague Relationships	5.1%	9.3%	19.5%	2.1%	0.0%	3.2%
4. Career Progression and Development	20.4%	15.7%	11.7%	23.1%	35.9%	22.7%
5. Legal, Regulatory, Financial and Compliance	21.4%	4.6%	0.8%	6.4%	25.6%	7.4%
6. Safety, Health, and Physical Environment Questions	4.1%	3.7%	6.3%	0.8%	1.9%	1.3%
7. Services/Administrative Issues	6.1%	7.4%	3.1%	3.1%	14.7%	4.0%
8. Organizational, Strategic, and Mission	0.0%	20.4%	10.2%	0.9%	0.0%	2.4%
9. Values, Ethics, and Standards	12.2%	9.7%	6.3%	7.0%	0.0%	6.9%
	100%	100%	100%	100%	100%	100%

Attachment 2

National Taxpayer Advocate FY2009 Annual Report Executive Summary re Survey of External Ombudsmen

Taxpayer Advocate Service Survey of Federal Government External Ombudsmen

Background

In 2003, the Taxpayer Advocate Service published a report titled *Independent Advocacy Agencies Within Agencies: A Survey of Federal Agency External Ombudsmen*. Since then, many federal external ombudsmen offices have been created, either legislatively or administratively.

In 2007, the National Taxpayer Advocate conducted another survey, covering ombudsmen from the previous report along with newly created or identified ones. Our current report attempts to categorize federal external ombudsmen within the tenets of the American Bar Association's core ombudsmen principles of independence, confidentiality, and impartiality.

Analysis

Federal external ombudsmen exist in many structures, sizes, authorities, and scopes, with minimal uniformity between offices. Most federal external ombuds offices are created administratively and thus lack sufficient structure and protection to provide independence from the parent agency. The ombudsman function varies widely between agencies, with little consistency even between ombudsmen of the same types. Between legislatively created and agency-initiated ombudsmen, the differences in safeguards are even greater.

Lacking the basic protections necessary to their function, ombudsmen can be viewed as extensions of the parent organizations, unfunded, and removed.

Recommendation

The National Taxpayer Advocate recommends that Congress enact an overarching ombudsman act, providing minimum standards for any federal external ombudsman. Such an act could relieve many concerns that arise when an ombudsman office is closely tied to a parent agency. Not only would such an act serve to protect ombudsmen, but it could also assure customers that the ombudsman is independent from the parent agency and operates without interference, thus strengthening the ombudsman role.

Attachment 3



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: March 9, 2011

Location: Citizenship and Immigration Services Ombudsman's Office

Attendees (Name, Organization):

Wendy Kamenshine, DHS-CIS Ombudsman,
COFO Chair
Virginia Behr*, FDA/CDER, COFO Secretary
Noreen Kinnavy*, IBB, COFO Secretary
Vern Hill*, FMC
Rachel Sacks, DHS-CIS Ombudsman
Eileen McCarthy*, DOL
Peggy Matthews, HUD
Bill Maurer, HUD

Greg Burke*, VA
Esther Herrold*, FDIC
Barbara Malebranche*, OPM
Francine Schlaks, IRS
Marcia Larkins*, FDA/CVM
Laurie Lenkel*, FDA
Marianne Ketels*, ATF
Neal Cohen*, CPSC
Howard Balick* FDA/CBER

* denotes on the telephone

Agenda/Topics at a Glance:

1. Executive Committee -New Secretary
2. How do you report feedback to agency leadership?
3. How do you receive feedback about your office?
4. Does your office have an operational manual?
5. What happens to an ombuds office in a government shutdown?
6. What Does The Ombuds Do At....?
7. Interagency ADR Working Group
8. Upcoming Conferences/Trainings

Discussion:

1. Executive Committee -New Secretary

Noreen Kinnavy and Virginia Behr were introduced as the new Co-Secretaries on the COFO Executive Committee.

2. How do you report feedback to agency leadership?

COFO members discussed how they report to their leadership and others (e.g. Union). These include:

- monthly or quarterly reports and/or meetings
- provide nonconfidential data (provide number of complaints by category) to leadership at regular intervals
- use IOA reporting categories
- discuss issues with leadership as needed when ombuds sees systemic problems or urgent issues.
- provide nonconfidential data to Union leadership. Recommend establish MOU.
- give short presentation (using a consistent format) on a regular basis. See Appendix A for TSA methods.

3. How do you receive feedback about your office?

Surveys are most common way to receive feedback from those using the ombudsman services. Some are anonymous, others are not. Can use an independent contractor and identifiers can be removed. TSA developed statements (see Appendix A) for complainants to rate their ombuds office and uses the results for performance metrics.

If ombuds develop or use a survey, it is important to parse out ratings on the ombuds office services as well as the results/outcome.

University ombuds offices often have a survey online.

4. Does your office have an operational manual?

COFO members recommended drawing from the “Unified Model for Developing an Ombudsman” which is on the COFO website. No COFO members in attendance have an operations manual. It’s important to accrue some experience before trying to create an operations manual.

5. What happens to an ombuds office in a government shutdown?

It’s a matter of whether or not individual agencies have “essential personnel” -- some ombuds noted that they are not considered as such; others were considered essential during the last shutdown. If government workers are furloughed, most ombuds offices could not function anyway. Many will await instruction from their leadership if a shutdown occurs.

Agencies normally cannot accept voluntary services, but the ADR Act authority (5 USC 583) allows for it. So, in theory, ombuds offices could continue operations voluntarily.

6. What Does The Ombuds Do At ... The Office of the DHS Citizenship and Immigration Services Ombudsman?

The **Office of the Citizenship and Immigration Services Ombudsman’s Office** within the U.S. **Department of Homeland Security** was established by statute – the 2002 Homeland Security Act. The head of the ombuds office is a political appointee. Website: www.dhs.gov/cisombudsman

7. Interagency ADR Working Group

Some members of the COFO Executive Committee will go to the upcoming Interagency ADR Working Group to share what COFO does and explore what connection might be made with the ADR Group. Three COFO members in attendance are also on the ADR Group. Perhaps discuss how ADRA is applicable to ombuds work. Also, we can offer COFO as ombuds resource to ADR Group.

8. Upcoming Conferences/Trainings

list@adrnetwork.org is good site for upcoming training.

Decisions/Agreements Reached: none

Action Items:

- Eileen McCarthy will send text from 5 USC 583 to the listserv
- Wendy Kamenshine will send a copy of the CIS ombuds brochure to the listserv
- COFO Executive Committee will meet with the Interagency ADR Working Group
- For those interested in joining the new ombuds office resource committee or annual meeting planning committee, contact Wendy Kamenshine

Minutes preparer: Virginia L. Behr / Noreen Kinnavy
Date drafted: March 9, 2011 / finalized: March 29, 2011

Appendix A: responses from TSA re agenda items 2 and 3

2. How do you report feedback to agency leadership?

At TSA, we report summary information on a quarterly basis in a 9-10 page powerpoint presentation that is circulated to senior leadership at HQ and in the field. The slides show volume received, the type of cases by volume, and a breakdown of the source (employee segment), and includes an analysis of volume compared to prior periods. For individual situations, if a matter reported to us is particularly egregious (i.e., could diminish agency reputation, or is indicative of a larger pattern of issues, we report to the head of the agency component, with a cc to my boss (the Special Counselor) who reports, as needed, to the agency Administrator (note, the Ombudsman doesn't report directly to the TSA Administrator)

3. How do you receive feedback about your office?

Users of our service are asked to indicate their level of agreement/disagreement with 5 statements, using a 1 – 5 scale (1=Strongly Disagree; 5= Strongly Agree). Here are the 5 statements:

- It was easy to make contact with an Office of the Ombudsman staff member.
- The Ombudsman addressed the full range of issues and concerns I raised.
- I felt satisfied with the results.
- I am willing to use the Office of the Ombudsman again or recommend the Office to others.
- My overall experience with the Office of the Ombudsman was favorable.

Results for statement 5 are reported on a monthly basis as one of our performance metrics.



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: April 13, 2011

Location: Citizenship and Immigration Services Ombudsman's Office

Attendees (Name, Organization):

Wendy Kamenshine, DHS-CIS Ombudsman, COFO
Chair
Joyce DeMoss*, TSA, COFO Membership
Coordinator
Virginia Behr*, FDA/CDER, COFO Secretary
Noreen Kinnavy, IBB, COFO Secretary
Monique Bookstein*, FBI
Vern Hill, FMC
Francine Schlaks*, IRS
Gary Branham*, IRS
David Michael*, NIH
Barbara Malebranche*, OPM
Salomon Chiquiar-Rabinovich*, Census

Marcia Larkins*, FDA/CVM
Laurie Lenkel*, FDA
Howard Balick*, FDA/CBER
Brian Thomson
Bill Maurer, HUD
Dennis Lazzar*, EPA
Tangita Daramola*, HHS
Shayna Plummer*, OPM
Peggy Matthews*, HUD
Carlton Speignt, HHS
Edwenia Douglas, CIS Ombudsman
Jerry Holloway*, HUD

* denotes on the telephone

Agenda/Topics at a Glance:

1. Introductions
2. Highlights from IOA Conference
3. COFO Website and update on the Document Library
4. How do you interface with the Union as an ombuds?
5. How do you demonstrate the effectiveness of an ombuds office, aside from using visitor surveys?
6. What does the ombuds do at...-TSA?
7. Update on the Interagency ADR Working Group
8. Upcoming Conferences/Trainings
9. Announcements/Miscellaneous

Discussion:

1. Introductions
2. Highlights from IOA Annual Conference, April 1-3, 2011, Portland, Oregon

A pre-conference workshop addressed the issue of bullying, particularly the importance of focusing on the problem and not the person. A good reference book on the topic is listed in the addenda to the minutes. Tom Kosakowski was elected as the new IOA president. He was invited to join the May 2011 COFO meeting.

3. COFO Website and update on the COFO Document Library

By May 2011, COFO should have some sample documents for ombuds offices, such as brochures, annual reports, position descriptions, Q & A's for establishing an ombuds office, etc., posted on the website. The COFO website manager at the Department of Education will add a special "resources" link for the materials. For the long term, COFO needs volunteers to work on the website design and content (www.ombudsman.ed.gov/federalombuds). Please email Wendy at Wendy.Kamenshine@dhs.gov, if you would like to volunteer or have any suggestions.

4. How do you interface with the Union as an ombuds?

Some ombuds offices have MOUs with their respective Unions, establishing guidelines for their interaction as well as requirement for providing periodic statistical data on the number and nature of issues brought to the ombuds' attention. Unions in support of the ombuds function usually agree to the latter's involvement to intervene informally at any stage of a conflict, including grievances before they reach arbitration. However, when regulatory avenues of redress are available, such as the MSPB, some ombuds offices decline any involvement and/or some Unions do not welcome their intervention in such matters.

5. How do you demonstrate the effectiveness of an ombuds office, aside from using visitor surveys?

"Kudos" documents quote, without attribution, emails and phone calls from satisfied customers or others who compliment the office's handling of a matter. A special mailbox can be set up for this purpose. Ombuds can also solicit feedback from the offices with which they frequently interact. Statistical data can be maintained and distributed periodically (usually to management) to illustrate the number and nature of cases and issues handled. Some official reports rely on IOA uniform reporting categories. Some agencies establish metrics to estimate the value of an ombuds' handling of cases which could have otherwise evolved into formal legal processes. Metrics used to quantify such cases (i.e., sexual harassment, removal, etc.) rely on average legal costs incurred when similar cases have been brought to litigation.

6. What Does The Ombuds Do At TSA?

TSA has an organizational ombudsman office with four full-time staff members who handle internal workplace matters (and occasionally provide support for outside complaints). The office reports to the Office of the Special Counselor, which in turn reports to the Assistant Secretary of TSA. It serves 60,000 employees at 460 airports in the U.S. and its territories.

7. Update on the Interagency ADR Working Group

COFO Executive Committee members Wendy Kamenshine, Joyce DeMoss and Scott Deyo made a presentation at the March meeting of the Interagency ADR Working Group. They shared what COFO does and explored possible areas of cooperation between the two groups. The Interagency ADR Working Group will feature a link to the COFO website and will place any announcements for COFO events on the ADR list serve. The Working Group is reviewing other possible ideas and Wendy plans to share an update on this in the coming months.

8. Upcoming Conferences/Trainings

No upcoming conferences/trainings were announced.

9. Announcements/Miscellaneous

DOD and FDA/CDER annual reports published.

FDIC is seeking a regional ombudsman to be based in Kansas City.

Decisions/Agreements Reached: none

Action Items:

- Send any helpful links/documents, with sensitive information redacted, to Joyce DeMoss for COFO library
- Looking for volunteers to oversee content and technology/layout of the COFO website

Minutes preparer: Virginia L. Behr/ Noreen Kinnavy

Date finalized: April 26, 2011



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: May 11, 2011
Location: Teleconference only

Attendees (Name, Organization):

Wendy Kamenshine, DHS-CIS Ombudsman, COFO
Chair
Virginia Behr, FDA/CDER, COFO Secretary
Noreen Kinnavy, IBB, COFO Secretary
Vern Hill, FMC
Peggy Matthews, HUD
Bill Maurer, HUD
Greg Burke, VA
Esther Herold, FDIC

Barbara Malebranche, OPM
Marcia Larkins, FDA/CVM
Laurie Lenkel, FDA
Howard Balick FDA/CBER
Rich Schmalzer, FDIC, Chicago Office
Eric Hebron, FDA, CPR
Salomon Chiquiar-Rabinovich, Census
Joyce DeMoss, TSA

Agenda/Topics at a Glance:

1. Do you keep an ombuds library as an in-person or online resource for your constituents? What does it include?
2. How does your office interface with the General Counsel?
3. What Does The Ombuds Do At... the FDIC Ombuds Office?
4. Interagency ADR Working Group – an update
5. COFO Annual Conference – an update
6. Suggestions for USOA's 2011 Conference, Federal Panel
7. Upcoming Conferences/Trainings

Discussion:

1. Do you keep an ombuds library as an in-person or online resource for your constituents? What does it include?

Several COFO members echoed that having an easily accessible resource library is a great idea. Not many have one. Ideas included a resource-rich intranet site, with links to SOPs, books and journal articles on relevant topics (e.g. mediation, conflict, dealing with different personalities and types of intelligence).

2. How does your office interface with the General Counsel (GC)?

Participants shared information on effective interaction with GC and the proper role of an ombudsman when the latter receives information from a complainant indicating possible agency liability.

COFO members offered that if the allegations are criminal, the ombuds should encourage the complainant to report the situation to the Inspector General. If not, the ombuds should discuss the complaint with GC and find out the agency position. If obtained, the ombuds can convey the agency position and discuss next steps (i.e., complainant's options) with the complainant.

The ombudsman should discontinue involvement as soon as a case goes to litigation. It is the ombudsman's role to work toward a resolution of the matter until it reaches court.

The 2010 annual COFO conference included a session on interfacing with GC.

3. What Does The Ombuds Do At... The FDIC Ombuds Office?

Esther Herold, FDIC, reviewed the ombuds program at the FDIC which was established in 1994. Website: <http://www.fdic.gov/regulations/resources/ombudsman/index.html>

The FDIC Ombuds office serves as a liaison between regulators, bankers, and public/consumers. The Office reports to the Deputy of the Chairman. FDIC has one internal ombuds and several external ombudsmen (6 offices and 4 satellites). All ombuds enter case information into central system (Access database).

4. Interagency ADR Working Group – an update

Gave update on affiliation with the ADR Working Group. Followed up with ADR Working Group Chair Howard Gadlin; the ADR Working Group agreed to link to COFO website and will advertise COFO events on the ADR listserv.

5. COFO Annual Conference – an update

Upcoming conference committee meeting May 18, 2011; the committee is still accepting volunteers. If you would like to volunteer and/or have topic ideas for breakout sessions, panels, or keynote send an email to Wendy at Wendy.Kamenshine@dhs.gov

6. Suggestions for USOA's 2011 Conference, Federal Panel

There is usually a large presence of federal ombudsmen at the annual USOA meeting and conference planners would like at least one session geared towards federal ombudsmen. Topic idea: ADRA and how it affects our practices. Send suggestions to Laurie Lenkel at Laurie.Lenkel@fda.hhs.gov

7. Upcoming Conferences/Trainings

IOA posted some for this summer – see www.ombudsmanassociation.org

Decisions/Agreements Reached: none

Action Items:

- Send topic ideas for annual COFO conference to Wendy Kamenshine at Wendy.Kamenshine@dhs.gov
- Send topic ideas targeting federal ombudsmen for the USOA annual conference to Laurie Lenkel at laurie.lenkel@fda.hhs.gov
- Discuss ombuds labels (e.g. organizational, classical, media, advocacy) during future COFO monthly meeting

Minutes preparer: Virginia L. Behr / Noreen Kinnavy
Date drafted: May 12, 2011 / finalized: May 20, 2011



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: June 8, 2011

Location: Citizenship and Immigration Services Ombudsman's Office

Attendees (Name, Organization):

Wendy Kamenshine, DHS-CIS Ombudsman, COFO
Chair

Joyce DeMoss*, TSA, COFO Membership
Coordinator

Virginia Behr*, FDA/CDER, COFO Secretary

Monique Bookstein*, FBI

Vern Hill*, FMC

Francine Schlaks*, IRS

Scott Deyo*, NGA

Linda Shewack*, FSA

Neal Cohen*, CPSC

David Michael*, NIH

Lisa Witzler*, NIH

Barbara Malebranche*, OPM, Standing Up New
Ombuds Office Subcommittee Chair

Marianne Ketels*, ATF

Marcia Larkins*, FDA/CVM

Esther Herold*, FDIC

Shayna Plummer*, OPM

Richard Schmalzer, FDIC Chicago

Manny Ovalle

* denotes on the telephone

Agenda/Topics at a Glance:

1. Introductions
2. Report from the COFO Committee re Establishing an Ombuds Office
3. Information on Registration for the USOA Annual Conference
4. Suggestion to Establish an External Ombuds Caucus
5. Discussion Topic: What Are Different Ways to Evaluate the Work of An Ombuds?
6. What Does The Ombuds Do At....?
7. Annual Conference Update
8. Ombuds Jobs/Upcoming Conferences/Trainings
9. Added Agenda Item -- Federal Interagency Dispute Resolution Working Group

Discussion:

1. Introductions
2. Report from the COFO Committee re Establishing an Ombuds Office

"Standing Up New Ombuds Office" is subcommittee name. The subcommittee started an advisory checklist/document to assist with establishing a new office. Recruited Joyce DeMoss to cross-pollinate with effort updating COFO website to include useful documents. When appropriate, Wendy Kamenshine will refer new ombudsmen to the subcommittee for consultation.

3. Information on Registration for the USOA Annual Conference

Registration is now open and the registration form is attached to the end of these minutes.

4. Suggestion to Establish an External Ombuds Caucus

Tangita Daramola, HHS, suggested creating an external ombuds caucus. Thoughts were that an externally-focused ombuds subgroup could be of value, but COFO might not have enough people to create a robust caucus. One suggestion is to set aside time during every few monthly COFO

meetings to discuss externally focused topics. Another suggestion was to create a breakout session during the COFO annual meeting.

5. What Are Different Ways to Evaluate the Work of An Ombuds?

One challenge for an ombuds office is how to create a system that accurately measures the performance of the office, including both individual and office-level success? How can an office measure quantity and quality? How does an individual ombuds get evaluated in a performance plan?

Challenges include:

- Quantity of cases does not necessarily reflect the quality of work.
- An outcomes-based rating is problematic because the outcome isn't within ombuds control (and shouldn't be).

In some way, an ombuds can try to measure and assess how the ombuds office has had a positive impact on its Agency and how its work contributes to the core mission of Agency. One agency uses job standards and behavioral standards to evaluate. For example, is the person a role model, accomplished in his practice, etc. Another avenue is through weekly case review to obtain feedback in a collegial process. Harvard Law School runs the The Program on Negotiation at Harvard Law School (<http://www.pon.harvard.edu/>) where students collect lots of data on a specific ombuds program for evaluation. Free service.

6. What Does The Ombuds Do At The Consumer Product Safety Commission (CPSC)?

Neal Cohen presented as the sole ombuds in the Office of Education, Global Outreach, and Small Business. www.cpsc.gov He is an externally-focused ombuds. CPSC has 500 employees nationwide and regulates product defects and hazards for consumer products (except food, drugs, firearms, etc.). 2008 Consumer Product Safety Improvement Act tightened requirements for children's products and created more need for educating businesses about compliance, so CPSC established a small business ombuds and educational group. They reach out to manufacturers/stakeholders (often small businesses) regarding their responsibilities. They have FAQs on website, attend trade shows, conduct webinars, and publish plain English guides. The ombuds does not interact much with consumers because he focuses on the business community. Will address compliance issues if applicable to several businesses.

7. Annual Conference Update

November 16, 2011. Planning committee had first planning meeting in May. Location will be ATF once again because FDIC was booked. COFO members should email a committee member or Wendy Kamenshine with panel ideas or keynote speakers. Keynote speaker must not charge a fee. We are also looking for creative ideas for the conference, so please send those along. The Committee will inquire as to whether IOA credits can be obtained for attending the conference.

8. Ombuds Jobs/Upcoming Conferences/Trainings

Job openings: Senior Mediator at Department of the Interior; Dept of Agriculture, Food Safety Program ombuds – open to federal only

9. Added Agenda Item -- Federal Interagency Dispute Resolution Working Group agreed to have a liaison between COFO and IADRWG, but details need to be worked out (e.g. confidentiality issues).

Decisions/Agreements Reached: none

Action Items:

- Wendy Kamenshine will refer new ombuds to the subcommittee for consultation

Minutes preparer: Virginia L. Behr/ Noreen Kinnavy

Date finalized: June 15, 2011

**United States Ombudsman Association
2011 Annual Conference**

REGISTRATION FORM

Name _____

Title _____ Organization _____

Address _____

City _____ State/Province _____ Postal Code _____

Country _____ Email _____

Phone (_____) _____ Fax (_____) _____

Special Accommodations (**Dietary or other**) _____

FULL CONFERENCE REGISTRATION (October 26 - October 28):

The Conference Registration Fee includes the Tuesday evening Reception, Wednesday and Thursday breakfast, lunch and breaks, the Thursday evening Banquet, Friday breakfast and break, and all conference materials.

	BY <u>9/24/11</u>	AFTER <u>9/24/11</u>	
United States Ombudsman Association Member Fee	\$425.00	\$475.00	\$ _____
Non-member Fee	\$500.00	\$550.00	\$ _____

SINGLE DAY CONFERENCE REGISTRATION:

The Single Day Conference Registration Fee includes breakfast, lunch and breaks on the selected day (breakfast and morning break only on Friday), and conference materials for the selected day's sessions. The Single Day Conference Registration Fee does not include the Tuesday evening Reception or Thursday evening Banquet.

	BY <u>9/24/11</u>	AFTER <u>9/24/11</u>	
United States Ombudsman Association Member Fee	\$200.00	\$250.00	\$ _____
Non-member Fee	\$225.00	\$275.00	\$ _____
Select day:	<input type="checkbox"/> Wednesday, October 6 <input type="checkbox"/> Thursday, October 7		

Friday, October 28:

United States Ombudsman Association Member Fee	\$100.00	\$125.00	\$ _____
Non-member Fee	\$125.00	\$150.00	\$ _____

PRE-CONFERENCE REGISTRATION:

PRE-CONFERENCE #1 (October 24 - 25):

The Pre-Conference Registration Fee includes breakfast, lunch and breaks, and course materials.

New Ombudsman Training (2 day course, October 24-25) A Certificate of Completion will be given to participants who complete the course.

United States Ombudsman Association Member Fee \$325.00 \$ _____

Non-member Fee \$375.00 \$ _____

PRE-CONFERENCE #2 (October 24 - 25):

The Pre-Conference Registration Fee includes breakfast, lunch and breaks, and course materials.

Sharpening Your Teeth (2 day course, October 24-25)

Through a grant from the International Ombudsman Institute (IOI), the registration fee for the Sharpening Your Teeth (SYT) workshop will be waived for 2 persons from an institutional member office of the IOI North American Region, and 1 person from an associate member office of the IOI North American Region. If you are registering for this workshop and are eligible for the waiver of the registration fee, please check the box below:

☐ I am from a North American Region IOI member office and will be attending SYT

Registration Fee for all other attendees \$375.00 \$ _____

GUEST TICKETS:

Reception # of Tickets _____ x \$25.00 \$ _____

Banquet # of Tickets _____ x \$60.00 \$ _____

TOTAL = \$ _____

PAYMENT: Please make your **check** payable to "USOA" and mail it with this registration form to:
United States Ombudsman Association, 5619 NW 86th Street, Suite 600, Johnston, IA 50131-2955

For **credit card payments**, mail this form to the address listed above or fax the form to: 866-411-2192
or
515-327-5050.

MasterCard _ VISA _ Credit Card # _ Expiration Date _____

Cardholder Name _____ CVV2 (3 digit security
number) _____

Cardholder Address _____



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: July 13, 2011

Location: Citizenship and Immigration Services Ombudsman's Office

Attendees (Name, Organization):

Wendy Kamenshine, DHS-CIS Ombudsman, COFO
Chair
Noreen Kinnavy, IBB, COFO Secretary
Virginia Behr*, FDA/CDER, COFO Secretary
Barbara Malebranche*, OPM, Standing Up New
Ombuds Office Subcommittee Chair
Tom Kosakowski*, IOA President
Liz Phillips*, FDA/HHS
Vern Hill*, FMC
Francine Schlaks*, IRS
Scott Deyo*, NGA
Neal Cohen*, CPSC

Esther Herold*, FDIC
Shayna Plummer*, OPM
Kathleen Jackson
Salomon Chiquiar-Rabinovich*, Census Bureau
Patrick Naehu
Laurie Lenkel, FDA
Sara Alsaleh, FDA
Sarah Styslinger, FDA
Sheryl Brown-Norman, DNI
Brian Block, DOI
Shireen Dodson, State Department

* denotes on the telephone

Agenda/Topics at a Glance:

1. Introductions
2. Tom Kosakowski, IOA President re. Vision for IOA
3. What Does the Ombudsman Do at...?
4. The President's Executive Order on Improving Customer Service – Impact on Ombuds?
5. Who to Report to in an Agency?
6. COFO Website – Membership List
7. Annual Conference – An Update
8. Announcements on Events/Upcoming Conferences/Ombuds Jobs (Item updated)

Discussion:

1. Introductions
2. Tom Kosakowski, IOA President re. Vision for IOA

IOA President Tom Kosakowski discussed vision and plans for the association. After providing history of the volunteer group's founding, Kosakowski highlighted challenges for the profession and IOA in light of current economic climate. IOA's outreach and education efforts will focus on: establishing more inclusive parameters for full membership; meeting with decision makers to explain the value and variety of ombudsman offices; and addressing membership growth at the international level.

COFO Chair Wendy Kamenshine will introduce Kosakowski to contacts in USOA.

3. What Does the Ombudsman Do at the State Department (DOS)?

Over a year ago, Shireen Dodson became the first full-time organizational ombudsman for civil service employees at the State Department (DOS) (www.state.gov). Prior to her appointment, the legislatively mandated position was usually occupied by an official with collateral duties.

Among other assistance, Dodson provides guidance on a wide range of workplace issues: referring visitors to appropriate offices; working as a conflict coach to assist employees in resolving workplace challenges and problems; and utilizing shared neutrals and mediation as appropriate.

Dodson follows the IOA Code of Conduct and Standards of Practice. She reports to the Secretary of State, makes recommendations to address systemic workplace issues, and maintains general statistics, sharing them with management as appropriate.

The following link to *State Magazine* provides additional background: <http://digitaledition.state.gov/publication/?i=62139&p=33>. Addendum A is an informational sheet for DOS employees.

4. Report from the Standing Up An Ombuds Committee

Barbara Malebranche, Chair of the COFO Standing Up New Ombuds Office Subcommittee, provided an update. The group would like assistance from fellow members in compiling documents useful for an ombuds office, for example, charters or authorizing documents, MOUs with unions, position descriptions, performance elements and standards, among others. Please email helpful documents to Barbara.Malebranche@opm.gov, deleting any identifying information not to be shared publicly on the COFO website.

5. The President's Executive Order on Improving Customer Service – Impact on Ombuds?

Two Executive Orders—an E. O. of 1993 and another of April 2011—address agency requirements in serving the public and reporting results. Members discussed how the orders applied to their role as ombudsman.

6. Who to Report to in an Agency?

IOA and USOA recommend that ombudsmen report to the highest level person possible in the organization.

Federal ombudsmen often report to the most senior agency official, regardless of whether the latter occupy career or political appointee positions. In some instances, the official reporting relationship is different than the active reporting relationship. In one case, an ombudsman reports to the IG rather than the office of the agency director. Overall, participants expressed a positive correlation between high-level reporting relationships and responsiveness to issues raised as well as effectiveness of the ombudsman role in general.

7. COFO Website – Membership List

COFO's officer and membership list is outdated (<http://ombudsman.ed.gov/federalombuds>). Members should send their updated information to Wendy Kamenshine (Wendy.Kamenshine@dhs.gov) and specify "opt in" for posting on the public website.

8. Annual Conference – An Update

COFO's annual conference will be held at ATF on November 16. Potential keynote speakers have been invited. Members should email Wendy Kamenshine (Wendy.Kamenshine@dhs.gov) with topic and panel suggestions as well as their preference for a full or half-day event. COFO will recognize ombudsmen retiring this year.

9. Announcements on Events/Upcoming Conferences/Ombuds Jobs

Events:

Brian Block (DOI) and Sarah Kith (Red Cross) announced reestablishment of the monthly DC Ombuds Discussion Group to begin in September. The events may feature guest speakers from the ombudsman profession, with follow-up Q&A sessions.

Conferences:

USOA (<http://www.usombudsman.org/>) will hold annual conference in late October. The USOA Planning Committee is in search of volunteers/candidates to participate in panel on role of traditional ombudsman. Email or contact Laurie Lenkel (Laurie.Lenkel@fda.hhs.gov) or Robin Matsunaga (Robin.Matsunaga@ombudsman.hawaii.gov).

Job openings:

Department of Education has detail opportunities for Operations Officer and Ombudsman. Interested candidates should email DOE Chief of Staff.

Announcements:

Wendy Kamenshine will be on detail to the Consumer Financial Protection Bureau and remains available through current email address at DHS.

Next COFO meeting will be in September.

Decisions/Agreements Reached: none

Action Items:

- Wendy Kamenshine to introduce Kosakowski to contacts at USOA
- Email Barbara Malebranche with documents useful for ombuds offices
- Members to send updated contact information for the COFO website ("opt in")
- Members to send COFO conference ideas
- Members to volunteer or propose candidates for USOA panel on traditional ombudsman

Minutes preparer: Noreen Kinnavy/ Virginia L. Behr

Date finalized: August 9, 2011

Office of Origin: S/OCR
Announcement Number: 2010_09_130
Date of Announcement: September 24, 2010

The Role of the Ombudsman

As the newly appointed Department of State Civil Service Ombudsman, I want to take this opportunity to share an overview of the role. “Ombudsman” is a Swedish term dating back to the 1800’s. It means a person who has an “ear” to the people. It is used world-wide designating a senior official who is dedicated to making a complex bureaucracy more efficient, fair, and reasonable. These are worthy goals in any country or culture. The Department of State is a complex and far flung organization with over 20,000 employees spread over 200 countries, 178 Embassies, 86 Consulates and 9 Missions. We state routinely that people are our most important asset, however there are times for nearly all of us when we need assistance or relief to solve difficulties in our work lives. When these problems defy easy categorization as potential HR complaints, Union Grievances, EEO issues, or IG/matters, that is precisely when you should call on the Ombudsman.

The Ombudsman will advise the Secretary and senior management on non-union, systemic issues affecting our workforce. The Ombuds experience and observation may result in policy recommendations, while feedback may uncover unintended, previously overlooked negative consequences as a result of procedures and practice. The Ombudsman may address a variety of issues— obtain information regarding agency policy, delete red tape, uncover evidence of prohibited personnel practices and workplace safety issues. Through all of this, the goal is to facilitate and support a fair, equitable, and nondiscriminatory workplace that ensures the essential well-being of the workforce especially in matters where problems are likely to be overlooked.

The Department of State’s workforce has several major components – FS, CS, FSN’s, Political appointees and our Contractor community. And accordingly there are already resources for problem solving, especially for the Foreign Service. The Ombudsman is clearly not intended to duplicate EEO, the DG apparatus, IG, or Unions. The role is specifically intended to expand and enhance problem solving resources for the Civil Service. It is understood that the Ombudsman will work collaboratively with the aforementioned entities. One of the most critical roles is to assist employees in finding the appropriate outlet for solving a problem of which the employee may be unaware.

The Ombudsman **MUST** be **independent, confidential, impartial, and neutral**. Here are the roles:

- **Listener.** Oftentimes it is helpful for an employee to merely use the Ombudsman as a *sounding board* to help clarify the issues, disentangle complicated situations, and prioritize concerns.
- **Information resource.** The Ombudsman is available as an information

resource, providing access to applicable guidelines and policies, or facilitating communication with other services or appropriate administrative units.

- ***Provider of options.*** The Ombudsman may suggest a range of feasible options and help employees evaluate the pros and cons of the matter in question.
- ***Role-player.*** The Ombudsman is available to discuss potential situations and “role-play” methods, approaches, and strategies for a pending meeting, as well as suggest constructive approaches to handle difficult situations.
- ***Informal intervener.*** With permission of the employee, the Ombudsman can act as an intermediary to clarify issues and initiate problem-solving solutions, including facilitating a mediation session.
- ***Trend recorder.*** The ombudsman will periodically report to management on problem areas and trends within the organization so that such issues can be addressed through policies and procedures.

Although I am initially physically located in the Office of Civil Rights, the co-location has no carry-over to EEO or any connection with filing an EEO complaint or initiating a formal grievance. Ombudsman contact does not delay the deadlines applicable to the EEO or any other grievance process.

I look forward to serving the employees of the Department of State in my new role. I want to provide a dependable, risk-free option marked by confidentiality and reason. I am located in HST, Room 7428 and may be reached on 202-647-9387. Please do not hesitate to give me a call.

Shireen Dodson



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: September 14, 2011

Location: Citizenship and Immigration Services Ombudsman's Office

Attendees (Name, Organization):

Wendy Kamenshine, DHS-CIS Ombudsman, COFO
Chair, on Detail to Consumer Financial Protection
Bureau (CFPB)
Peggy Matthews, HUD
Deborah Grant, HUD
Noreen Kinnavy, IBB, COFO Secretary
Matt McGee, Bureau of Land Management, Interior
Vern Hill, FMC
Virginia Behr*, FDA/CDER, COFO Secretary
Sheryl Brown-Norman*, ODNI
Barbara Malebranche*, OPM
Francine Schlaks, IRS

Salomon Chiquiar-Rabinovich*, Census Bureau
Mike Powers*, Federal Housing Finance Agency
Brian Bloch*, Interior
Jerry Holloway*, HUD
Marcia Larkins*, FDA/CVM
Laurie Lenkel*, FDA
Neal Cohen*, CPSC
Kathleen Jackson*,
Marianne Ketels*, ATF
Esther Herold*, FDIC
Joanne* Dea, EPA

* denotes on the telephone

Agenda/Topics at a Glance:

1. Introductions
2. Annual Conference – an update
3. COFO Elections
4. Discussion Topic -- As an internal ombuds, how do you address issues around reasonable accommodations?
5. What Does The Ombuds Do At....the International Broadcasting Bureau?
6. United States Ombudsman's Association's (USOA) Federal Section
7. Discussion Topic -- Ombuds and technology – where is it beneficial and where may it conflict with ombuds principles?
8. Interagency ADR Working Group – COFO's involvement, an update
9. Ombuds Jobs/Upcoming Conferences/Trainings

Discussion:

1. Introductions
2. Annual Conference -- Reviewed plans for annual COFO meeting on November 16, 2011. Will set out COFO membership sign-up sheet at the meeting. [Note – Please sign-up for the conference with Carla Miller at the ATF Ombuds at Carla.Miller@atf.gov. You will need to provide your name, agency, and phone number.]
3. COFO Elections

Executive Committee is comprised of:
Wendy Kamenshine, Chair
Scott Deyo, Vice-Chair
Noreen Kinnavy, Co-Secretary
Virginia Behr, Co-Secretary
Joyce DeMoss, Membership Coordinator

The term for officers is two years and all Officer slots are up for election this year, with the exception of the Co-Secretaries. The current Co-Secretaries will review the COFO bylaws and possible ways to capture votes. They will announce nomination and election plans in the coming weeks.

4. As an internal ombuds, how do you address issues around reasonable accommodations?

More specifically, where is authority for addressing reasonable accommodation issues? Other ombuds advised that one should find out which group within the organization processes reasonable accommodation requests (e.g. HR, EEO). Reasonable accommodation requests are covered by EEO regulations, so if an ombuds receives a complaint, refer the complainant to the appropriate office in the organization (usually the one that handles EEO cases). In some agencies, reasonable accommodation requests are referred directly to EEO and in others they are first processed by HR, EAP or other offices, with appeals subsequently brought to EEO.

5. What Does The Ombuds Do At ... The International Broadcasting Bureau?

Noreen Kinnavy is the ombudsman at the International Broadcasting Bureau, which is overseen by the Broadcasting Board of Governors. They are in charge of all U.S., nonmilitary international broadcasters, the largest of which is Voice of America.

The internal ombuds program covers 2,000 employees, but not contractors. The majority of contacts with the ombuds come from headquarters, with in-person visits to her office (fortunately, in a fairly private location).

Noreen's office started up about 8 months ago, after a 5-6 year lapse. The IBB Labor-Management Forum, which was established through E.O. 13522, proposed the ombuds pilot project.

The ombuds office has an Intranet site and will consider an Internet site if office is formalized. To learn more about IBB: <http://www.bbg.gov>.

6. United States Ombudsman's Association's Federal Section

USOA's Federal Chapter was established about two years ago. Laurie Lenkel is currently chairing the chapter because former Co-Chairs have retired or are soon-to-be. The next meeting will be held on October 26, 2011 at 3:45 if any members of COFO want to phone in. The Federal Chapter will need new officers (who must be USOA members), so if you want to nominate or self-nominate, please email Laurie at Laurie.Lenkel@fda.hhs.gov

7. Ombuds and technology – where is it beneficial and where may it conflict with ombuds principles?

Social media

Social media (Facebook, Twitter, blogging) is being used by some ombuds. Particularly useful for external ombuds who want to be proactive in educating consumers and/or stakeholders.

There may be an expectation to post often using social media, so it does require a certain level of human resources.

Database searches and FOIA requests

Technology exists that can search all agency files for information in order to respond to FOIA requests. Of concern to ombuds office because they need to maintain a case database but don't want to unknowingly disclose confidential information, thus violating ombuds principles. Some ombuds offices keep their databases separate from agency network. It may be a challenge to receive financial support to establish separate system for ombuds office.

8. Interagency ADR Working Group (IADRWG) – COFO's involvement, an update

IADRWG agreed to post a link to the COFO website and also allow a COFO representative to the IADRWG as a liaison, if that person is otherwise qualified to be a member of the IADRWG. Greg Burke and Vern Hill are already members. Scott Deyo volunteered to be our COFO representative. COFO would like to have a back-up participant; if interested, contact Wendy Kamenshine.

9. Ombuds Jobs/Upcoming Conferences/Trainings

- Can search on www.usajobs.gov and request automatic email notification of any new ombudsman postings.
- USOA conference in Jacksonville, FL October 26-28
- IOA training coming up in Baltimore, MD, October 24-26. Annual conference, April in Houston.
- Good resources:
 - Ombuds blog <http://ombuds-blog.blogspot.com>
 - Also, active listserv managed by Maria Volpe [http://www.jjay.cuny.edu/departments/sociology/faculty.php?key=\[email\]=%27mvolpe@jjay.cuny.edu%27](http://www.jjay.cuny.edu/departments/sociology/faculty.php?key=[email]=%27mvolpe@jjay.cuny.edu%27)
 - Deborah Laufer, Federal ADR Network (Deborah.Laufer@erols.com)
 - List of links to ADR resources: <http://www.lawmemo.com/arb/res/adr.htm>

Decisions/Agreements Reached: none

Action Items:

- At annual conference, will place sign-up sheet for adding to COFO membership list and will subsequently post on COFO site.
- The current Co-Secretaries will review the COFO bylaws and possible ways to capture votes. They will announce nomination and election plans in the coming weeks for the Chair, Vice-Chair, and Coordinator slots.
- Nominations for USOA's Federal Chapter officers should be sent to Laurie.Lenkel@fda.hhs.gov
- Volunteers to serve as members of the IADRWG should contact Wendy.Kamenshine@cfpb.gov

Minutes preparer: Virginia L. Behr / Noreen Kinnavy

Date drafted: September 19, 2011 / finalized: September 21, 2011



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: October 12, 2011

Location: Citizenship and Immigration Services Ombudsman's Office

Attendees (Name, Organization):

Wendy Kamenshine, DHS/CFPB, COFO Chair
Noreen Kinnavy, IBB, COFO Secretary
Barbara Malebranche*, OPM, Standing Up New
Ombuds Office Subcommittee Chair
Mindy Bickel, USPTO
Matt Magee, BLM
Scott Deyo*, NGA
Marcia Larkins*, FDA
Guy Webber*, TSA
Shireen Dodson*, State
Carla Miller*, ATF

Greg Burke*, VA
Bill Maurer*, HUD
Shana Plummer*, OPM
Sarah Vanderwicken*, DOL
Neal Cohen*, CPSC
Esther Herold*, FDIC
Monique Bookstein*, FBI
Sean Banks*, Shell Oil
Mary Arch*, DOL
Elizabeth Small*, DOL
Laurie Lenkel*, FDA

* denotes on the telephone

Agenda/Topics at a Glance:

1. Introductions
2. New IOA Course – Sean Banks on “Intermediate Workshop: A Step by Step Approach to Working with Visitors and Respondents” coming up in Baltimore, Oct 24-25
3. Annual Conference, November 16 – just one month away! An update....
4. COFO Elections – the latest
5. Report on Interagency ADR Working Group from our liaison, Scott Deyo
6. What Does the Ombudsman Do at the Bureau of Land Management, Department of the Interior?
7. Discussion Topic: Attorney-client privilege, doctor-patient privilege, ombuds privilege? What to do without one?
8. Discussion Topic: How do you deal with visitors who express suicidal thoughts?
9. Ombuds Jobs/Upcoming Conferences/Trainings

Discussion:

1. Introductions
2. New IOA Course – Sean Banks on “Intermediate Workshop: A Step by Step Approach to Working with Visitors and Respondents” in Baltimore, Oct 24-25

Sean Banks highlighted a newly designed 2-1/2 day Intermediate Ombudsman class offered by the IOA in Baltimore, October 24-26. This is a completely updated and revamped intermediate class. The program will address the latest developments in the ombudsman profession, explore new skills and techniques, and present in-depth case studies, among other topics. IOA will honor the “early bird” enrollment fee, which is approximately \$200-300 less than the normal cost for future offerings. Interested members should email Sean Banks to reserve a space (sean.banks@shell.com). A full description of the class is available in Addendum A.

3. Annual Conference, November 16 – just one month away! An update....

The headquarters of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will host the conference, and the agenda and invitations will be finalized and published by next week. John

Palguta, Vice-President of the Partnership for Public Service, will be the keynote speaker. Sessions will include: the Harvard Law School Clinic evaluation of the NIH Ombuds Office and its potential application to other federal ombudsman offices; concurrent presentations addressing issues affecting external and internal ombudsmen respectively; and a panel on the present and future of the profession, among others. Please inform Wendy of any pending retirements from the federal ombudsman community, because they will receive special recognition.

To attend the conference or to request special accommodations (including sign language translators), please RSVP with your agency and contact information to ATF's Carla Miller (Carla.Miller@atf.gov) and copy Wendy at (Wendy.Kamenshine@dhs.gov). You are encouraged to invite anyone with an interest in the ombudsman profession.

The IOA will review agenda sessions and determine whether any certification credits can be granted.

4. COFO Elections – the latest

Elections will be held in the next couple of months for all COFO officers: Chair, Vice Chair, Membership Coordinator, and Secretary. In accordance with the by-laws, Wendy will appoint a committee of between 3-5 members to serve on the nominating committee. Please email her if you are interested in serving on the committee (Wendy.Kamenshine@dhs.gov).

5. Report on Interagency ADR Working Group from our liaison, Scott Deyo

Scott Deyo provided an update on the Interagency ADR Working Group. They are currently organizing an event (title and date TBD) with the Administrative Conference of the United States (www.acus.gov), which supports a public-private partnership to support effective government. Participants will include ADR specialists, including attorneys and senior government officials. Among topics for discussion are: the use of ADR processes in support of troops returning from war zones; medical mediation opportunities; collaborative processes in dispute resolution. The ADR Act will be discussed along with its shortcomings for practicing ombudsman and means to address them, whether through modification or adoption of new operating procedures.

Scott also mentioned upcoming ADR conferences sponsored by the ABA (http://www.americanbar.org/groups/dispute_resolution.html).

Greg Burke may draft a survey for COFO members to evaluate their experiences with ADR and ways it could be improved.

6. What Does the Ombudsman Do at the Bureau of Land Management of the Department of the Interior?

The Bureau of Land Management (BLM) administers over 270 million acres of land throughout the United States designated for multiple uses. Matt Magee is the lead BLM Dispute Resolution Manager, with an ombudsman component recently added to his duties (<http://www.blm.gov/wo/st/en/prog/more/adr.html>). Matt is drafting a charter and statement of principles to address this new role. He also works in close collaboration with fellow ADR practitioners at the agency's regional offices. As a whole, they facilitate resolution of primarily external complaints. Barbara Malebranche, Chair of the COFO Standing Up an Ombuds Committee, offered guidance in the establishment of the BLM ombudsman program.

7. Discussion Topic: Attorney-client privilege, doctor-patient privilege, ombuds privilege? What to do without one?

There is no federal ombudsman privilege. The IOA asserts a privilege in its standards and has been working with state legislatures proposing it be incorporated into state law.

Organizations often institute various safeguards to protect ombudsman confidentiality, e.g., charters, operating policies, statements of understanding, etc. Ombudsmen have a duty to resist providing documentation or testifying in formal proceedings. FOIA exemptions can sometimes be used to prevent release of certain information.

Chuck Howard, author of the ABA's book on organizational ombudsmen, devoted a section on case law involving ombudsman privilege.

On a separate but related issue, even with legal protections established in the ADR Act, courts balance any perceived need for disclosure and can compel testimony in dispute resolution proceedings.

8. Discussion Topic: How do you deal with visitors who express suicidal thoughts?

The consensus was that visitors expressing suicidal thoughts should be referred to the Employee Assistance Program or other avenues offering psychological services. For externally facing ombuds, they may want to consider what options are available. Legal liability should be considered; threats should be taken seriously and the individual referred for appropriate assistance, if at all possible.

9. Ombuds Jobs/Upcoming Conferences/Trainings

Ombuds Jobs: No recent announcements of ombudsman jobs

Conferences: USOA (<http://www.usombudsman.org/>) in Jacksonville, Florida

Trainings: IOA Training in Baltimore, Maryland (<http://www.ombudsassociation.org/events/iaa-october-2011-professional-development-opportunity>)

Decisions/Agreements Reached: none

Action Items:

- RSVP for COFO Annual Conference and include all contact information
- Wendy Kamenshine will nominate committee for upcoming officer elections (email her if interested in participating)

Minutes preparer: Noreen Kinnavy / Virginia L. Behr

Date finalized: October 21, 2011

Addendum A:

IOA Intermediate Class, Baltimore, Maryland

**"THE SCIENCE OF ORGANIZATIONAL OMBUDSMAN PRACTICE: A STEP BY STEP
APPROACH TO WORKING WITH**

VISITOR AND RESPONDENTS" (2 ½ day course)

Monday, October 24, 2011 - Tuesday, October 25, 2011

08:30 am - 5:30 pm

Wednesday, October 26, 2011

08:30 am - 12:30 pm

Instructors:

Sean A. Banks, Director & Company Ombuds, Shell Oil Company-Ombuds Services

Donna Loudon, Associate Director, The University of Colorado At Boulder

Dr. Belinda K. Newman, University Ombuds, University of North Texas

Where Ombudsman 101 provides an in-depth overview of Organizational Ombudsman practice, this course, (formerly known as the Intermediate Course) will focus on identifying and exploring theoretical knowledge and practical skills necessary to perform the role the Intermediate Workshop series will focus on gaining theoretical knowledge and practical skills necessary to perform the role of an Organizational Ombudsman in adherence to IOA Standards of Practice and Code of Ethics. This first installment of the series will explore proven theories and techniques for working effectively with visitors and respondents. Future installments will address: 1) working effectively with other issue management offices within organizations and 2) providing upward feedback to facilitate organizational change.

In a step by step approach, this highly interactive two and a half day course will cover:

- Techniques and considerations for establishing appropriate rapport
- Facilitating visitor/respondent understanding and expectations of the Ombudsman Role
- Theoretical concepts that support the goals and objectives of Ombudsman interactions and interventions when working with visitors/respondents.
- Practical skill development through the use of case study discussion
- Important considerations for special circumstances, such as working multi-party or long distance cases
- Identifying and working with valuable organizational resources



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: December 14, 2011

Location: Citizenship and Immigration Services Ombudsman's Office

Attendees (Name, Organization):

Wendy Kamenshine, DHS/CFPB, COFO Chair
Vern Hill, FMC
Peggy Gleason DHS CISOMB
Noreen Kinnavy*, IBB, COFO Secretary
Barbara Malebranche*, OPM, Standing Up New
Ombuds Office Subcommittee Chair
Brian Bloch*, DOI
Gerald Papica*, Tennessee, and USOA Vice
President

Joanne Dea*, FDIC
Yolanda Swift*, SBA
Mindy Bickel*, USPTO
Sheryl Brown-Norman*, ODNI
Francine Schlaks, IRS
Carla Miller*, ATF
Esther Herold*, FDIC
Virginia Behr*, FDA/CDER, COFO Secretary

* denotes on the telephone

Agenda/Topics at a Glance:

1. Introductions
2. COFO Elections – an update
3. Annual Conference – your feedback and ideas for next year!
4. What Does the Ombudsman Do at the Internal Revenue Service (IRS)?
5. Discussion Topic – Outreach materials for internal and external ombuds
6. Expanding on the Partnership for Public Service Survey -- what things are implemented to achieve success on employee engagement/morale, etc. in agencies?
7. Discussion Topic – How to Close an Inquiry When the Inquirer Doesn't Want to
8. Ombuds Jobs/Upcoming Conferences/Trainings
9. Calendar of Meetings for FY2012, First Quarter

Discussion:

1. Introductions
2. COFO Elections – an update

All members of the Executive Committee are up for election. There are five people on the nominations committee which is chaired by Esther Herold. We hope to complete the elections process by February 2012.

3. Annual Conference – your feedback and ideas for next year! Members shared ideas and feedback.
 - Overall, very positive feedback.
 - Would be nice to have additional breaks in order to network.
 - Expanded discussion on what defines a Record?
 - Consider shortening the day and having topic of greatest interest at the end.
 - Cost (free) and location (local) add to attrition at the end of the day.
 - Any additional ideas for topics or format can be emailed to Wendy Kamenshine.
4. What Does the Ombudsman Do at the Internal Revenue Service (IRS)?

Francine Schlaks gave an overview of the IRS Ombudsman's Office. They have an Internal Ombuds program which includes two ombudsmen. Of note, the office has been testing a pilot program with the IRS' Criminal Investigation unit for the past three months. They chose that unit because it has 5000 non-Union people who are mostly high level employees, GS-13 through 15 and SES. The pilot has been successful so far, as measured by the 30-35% return rate on their feedback survey. A high percentage of complaints coming to the ombuds office are centered around career progression and location transfers. Francine gave some tips on how to mediate well via telephone, as this is her preferred mode of communication. You can contact Francine at francine.d.schlaks@irs.gov

5. Discussion Topic – Outreach materials for internal and external ombuds

Shared experiences with publishing outreach materials, e.g. newsletters. Publishing is a good way to address systemic issues and raise awareness of the existence of ombudsman's office and role. Ombudsman Offices can consider publishing their own newsletter or be a contributor to an organization-wide newsletter. Outreach ideas should be added to the document repository that the COFO Standing Up an Ombuds Office subcommittee is working on.

6. Expanding on the Partnership for Public Service Survey -- what things are implemented to achieve success on employee engagement/morale, etc. in agencies?

John Palguta, the keynote speaker for the 2011 COFO annual meeting, shared with a COFO member about ways to make improvements for both internally and externally focused ombuds. Idea was put forth to have a series of discussions about success stories either during COFO monthly meetings or as a stand-alone series.

7. Discussion Topic – How to Close an Inquiry When the Inquirer Doesn't Want to

The consensus was that the ombuds should close out an inquiry/complaint in writing (whether an email to the individual or a note for the internal files, as appropriate), sum up the actions taken and suggestions made, then politely but firmly state that the matter is considered closed for the ombuds office. If the case is received in an ombuds office staffed by more than one person, the inquirer will sometimes end up contacting several ombudsmen colleagues. So, how does an office keep track and have consistent actions? Internal communication is key to avoiding this sort of problem, e.g. daily or weekly meetings. An additional line of discussion ensued regarding how to respond to discriminatory remarks, profanity, etc. Many ombuds thought one should give caller time to emote but then focus the conversation into a more productive route. Personal attacks are not acceptable and might be cause to terminate the call. Tolerance for bad language and so on varies by individual ombuds, so just be clear to the caller what that level is. The suggestion was made to give the caller a chance to correct their behavior or give them the option to contact the ombuds again when they are ready to have a productive conversation.

8. Ombuds Jobs/Upcoming Conferences/Trainings

No updates.

9. Calendar of Meetings for FY2012, First Quarter. Will schedule meetings for the first quarter, 2nd Wednesday of each month from 1-2:30pm. Will consider sending invitations using Outlook Calendar.

10. Additional announcement: IADWRG (at www.adr.gov) ready to link COFO website.

Decisions/Agreements Reached: none

Action Items:

- Any ideas for next year's annual conference should be emailed to Wendy Kamenshine at Wendy.Kamenshine@dhs.gov
- Outreach ideas should be added to the document repository that the COFO Standing Up an Ombuds Office subcommittee is working on.
- Pursue "success stories" presentation series.
- 1st quarter 2012 COFO meetings will be scheduled by Wendy Kamenshine.

Minutes preparer: Noreen Kinnavy/ Virginia L. Behr

Date drafted/finalized: December 28, 2011/ December 29, 2011



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: January 11, 2012

Location: Citizenship and Immigration Services Ombudsman's Office

Attendees (Name, Organization):

Wendy Kamenshine, DHS/CFPB, COFO Chair
Noreen Kinnavy, IBB, COFO Secretary
Virginia Behr*, FDA, COFO Secretary
Barbara Malebranche*, OPM, Standing Up New
Ombuds Office Subcommittee Chair
Mindy Bickel, USPTO
Scott Deyo*, NGA, COFO Vice Chair
Guy Weber, TSA
Craig Cabrera, TSA
Shireen Dodson*, State
Bill Maurer*, HUD
Shana Plummer*, OPM
Laurie Lenkel*, FDA
Francine Schlaks*, IRS
Heather Milner*, CFPB

Mike Powers*, FHFA
Sheryl Brown-Norman*, ODNI
Tom Zrubek*, DODIG
Allyson Coyne*, Federal Reserve
Liz Phillips*, FDA
Angela Smith*, FAA
Vern Hill*, FMC
Avril Sisk*, HUD
Marcia Larkins*, FDA
Patrick Naehu
Janet Fremuth, DOE
Megan Kenney, CFPB

* denotes on the telephone

Agenda/Topics at a Glance:

1. Introductions
2. COFO Elections – an update
3. What Does the Ombudsman Do at...the ODNI?
4. USOA – Federal Chapter Chair; Conference ideas for federal ombuds
5. Discussion Topic – What efforts have you undertaken to grow an existing ombuds program?
6. COFO Website Membership List – an update
7. Discussion Topic – What is the balance between independence and being part of the agency?
8. Discussion Topic – How do people reach out to the ombuds during business hours?
9. Ombuds Jobs/Upcoming Conferences/Trainings

Discussion:

1. Introductions
2. COFO Elections – an update

COFO bylaws establish that elections for officers be held every two years. A five-member committee was appointed and has contacted the full membership by email to explain the election process and to request nominations by January 20, 2012. Self-nominations are also accepted. By February 1 the committee plans to announce the nominees and further election details. Committee members are: Neal Cohen (Ncohen@cpsc.gov), Craig Cabrera (Craig.Cabrera@tsa.dhs.gov), Esther Herold (eherold@fdic.gov), Vern Hill (vhill@fmc.gov), and Carla Miller (Carla.miller@atf.gov).

3. What Does the Ombudsman Do at...the Office of the Director of National Intelligence (ODNI)?

Sheryl Brown-Norman discussed the ombuds program at the ODNI which facilitates effective coordination among the intelligence community agencies. For this initial pilot project period, Sheryl Brown-Norman is establishing an organizational ombudsman office as a solo practitioner for ODNI. Sheryl has undertaken an outreach campaign and is using agency announcements, staff meetings, public presentations, etc., to explain the unique role of an ombudsman. (<http://www.dni.gov/>)

4. USOA – Federal Chapter Chair; Conference ideas for federal ombuds

The United States Ombudsman Association (USOA), composed primarily of public sector external ombudsmen, is looking for a new chair or co-chairs for its Federal Chapter. USOA provides some funding to its chapters for special activities, such as hosting speakers or other relevant events. Anyone serving USOA in this capacity is also an ex-officio member of the USOA Board, participating in its monthly meetings and providing input for annual conferences. Membership is required (\$150 annual fee). Please contact FDA's Laurie Lenkel if you are interested (Laurie.Lenkel@fda.hhs.gov or at 301-796-8530).

USOA is seeking volunteers and topic ideas of interest to federal ombuds for the upcoming conference to be held in Spokane, Washington. For volunteers, please contact Laurie Lenkel; for topic suggestions, please email Wendy.Kamenshine@hq.dhs.gov or Kristie.Hirschman@legis.iowa.gov.

5. Discussion Topic – What efforts have you undertaken to grow an existing ombuds program?

Among the opportunities to improve outreach and expand the public's awareness of the services of external ombudsman programs, suggestions included: maintaining a strong website presence; engagement at meetings and teleconferences with relevant professional associations; and a specialized call center for efficient vetting of public inquiries (whether to an ombudsman office or elsewhere). Blogging and social media offer additional means to identify areas of concern or to engage directly with an ombudsman office. Before attempting any significant expansion, sufficient personnel and other resources need to be considered so that existing customer service is adequately maintained. If you have additional recommendations, please contact Mindy.Bickel@uspto.gov.

6. COFO Website Membership List – an update

The COFO website, hosted by the Department of Education, is being updated. A list of contact information will be circulated to members through the COFO listserv. Please confirm the accuracy of your office information as well as what portions of your contact information you would like available through the public website. Once completed, the COFO and ADR websites will post links to each other's websites.

7. Discussion Topic – What is the balance between independence and being part of the agency?

The issue addressed was an ombudsman's independence and its implications in interacting with the public on behalf of the employing agency. Organizational ombudsmen – given their focus on internal workplace issues – generally do not deal directly with outside parties or officially represent the agency on any issues beyond their particular role as ombudsmen. External ombudsmen, particularly those established by statute, frequently have requirements for public reporting and accountability on behalf of their agency, i.e., testimony before Congress, publications, and responses to press inquiries, as appropriate. The differing standards relate to the particular function of each ombudsman office and/or as defined in charters or statutes.

8. Discussion Topic – How do people reach out to the ombuds during business hours?

The principal means of contact with an ombudsman office vary widely, from email inquiries to phone calls to personal visits. Blogs and special websites (such as IdeaFactory) can also be utilized to identify issues of importance. Offices that have a disperse clientele frequently rely on phone and email communication to ensure availability across time zones.

9. Ombuds Jobs/Upcoming Conferences/Trainings

Ombuds Jobs: No recent announcements of ombudsman jobs

Conferences: IOA (<http://www.ombudsassociation.org>) to hold annual conference April 13-18 in Houston, Texas

Trainings: An ADR Master's candidate from Pepperdine University would like to participate in a two-week long "externship" in completion of her thesis. Please contact Wendy Kamenshine if you are interested in hosting the student. It is an ideal opportunity to introduce the federal ombudsman profession.

Decisions/Agreements Reached: none

Action Items:

- Contact Laurie Lenkel if interested in chairing or co-chairing the USOA Federal Chapter or if you would like to volunteer to participate in the planning of the next USOA annual conference (Laurie.Lenkel@fda.hhs.gov or at 301-796-8530)
- Contact Mindy Bickel if you have additional recommendations on outreach strategies (Mindy.Bickel@uspto.gov)
- Contact Wendy Kamenshine or Kristie Hirschman if you have topic suggestions for the next USOA annual conference (Wendy.Kamenshine@hq.dhs.gov or Kristie.Hirschman@legis.iowa.gov).

Minutes preparer: Noreen Kinnavy/ Virginia L. Behr

Date finalized: February 3, 2012



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: February 15, 2012

Location: Citizenship and Immigration Services Ombudsman's Office

Attendees (Name, Organization):

Wendy Kamenshine, DHS/CFPB, COFO Chair
Wade Boswell, DOE
Mindy Bickel, USPTO
Noreen Kinnavy, IBB, COFO Secretary
Marie Schell
Virginia Behr*, FDA, COFO Secretary
Barbara Malebranche*, OPM, Standing Up New
Ombuds Office Subcommittee Chair
Yolanda Swift*, SBA
Esther Herold*, FDIC
Gordon Talbot*, FDIC
Sarah Stanton*, US Air Force
Karen Leichtnam*, DC Courts
Bradley Johnson*, IRS
Jackie Hoffman*, TSA
Kathleen Jackson*
Neal Cohen*, CPSC
Chauncette Morey*, FBI

Peggy Matthews*, USHUD-OIG
David Michael*, NIH
McKenna Lang*, NIH intern
Andrea Brown*, CPB
Heather Milner*, CFPB
Sharon Asar*, TSA/CFPB
Turna Lewis*, St. Elizabeth's Department of Mental
Health
Barbara Omohundro*
Scott Deyo*, NGA, COFO Vice Chair
Shireen Dodson*, State Department
Sheryl Brown-Norman*, ODN
Tom Zrubek*, DOD-IG
Liz Phillips*, FDA
Patrick Naehu*
Marcia Larkins*, FDA
Megan Kenney*, IRS/CFPB
* denotes on the telephone

Agenda/Topics at a Glance:

1. Introductions
2. Discussion Topic – What are the key items to include in an ombuds PD? We've had a few inquiries recently on this topic, so let's discuss!
3. What Does The Ombuds Do At... the Small Business Administration?
4. COFO Elections – An Update from Committee Chair, Esther Herold
5. Discussion Topic – How do you regularly keep up with agency developments? What are your best practices?
6. Standing Up an Ombuds Office Committee – Update from Committee Chair, Barbara Malebranche
7. Discussion Topic – Where is the best location for an ombuds office? What are the pros/cons to different locations?
8. COFO membership list
9. Ombuds Jobs/Upcoming Conferences/Trainings

Discussion:

1. Introductions
2. Discussion Topic – What are the key items to include in an ombuds position description (PD)? We've had a few inquiries recently on this topic, so let's discuss!

Most are GS-15s, a few are SES (however, the latter can be transferred out). Very few are political appointees. The grade level and PD should ensure the independence of the office. A question was raised about the potential development of standard qualifications for an ombuds series in the federal government. Prior to Wendy's tenure, COFO looked into it and decided not to pursue due to the widely varied functions of federal ombuds.

3. What Does the Ombudsman Do at...the Small Business Administration (SBA)?

Yolanda Swift, SBA Deputy Ombudsman, discussed the ombuds program at the SBA, which was established by statute in 1996. The program troubleshoots between federal agencies and small businesses. They address burdensome regulations, fines, and reporting requirements. See Attachment 1 (Regulatory Fairness for Small Business). They actively pursue outreach around the US to inform and educate small businesses and federal agencies. The SBA ombuds must report to Congress in which they identify problematic regulations and report on federal agencies interaction with SBA. The Regulatory Fairness Board is comprised of small business owners (3-4 year tenure) who educate, conduct hearings, and report comments.

4. COFO Elections – An Update from Committee Chair, Esther Herold

Thank you to the Elections Committee for its work on the elections. Esther noted that today is the last day of the voting. Esther will announce election results by the end of the week. Email your votes to Esther at eherold@fdic.gov by COB today.

5. Discussion Topic – How do you regularly keep up with agency developments? What are your best practices?

- Attend senior level staff meetings or get notes from those meetings. Read daily clips if available from your agency.
- Attend selected training sessions, especially if “hot topic.”
- Send out periodic emails to targeted individuals about what ombuds is working on in order to encourage information sharing and reciprocity. The ombuds can write a short brief to a senior manager(s) if working on particularly significant case.
- If agency has a management advisory group, ombuds can provide relevant feedback/recommendations.

6. Standing Up an Ombuds Office Committee – Update from Committee Chair, Barbara Malebranche

The committee met earlier this week. The committee is working on a question-based document that will help guide someone establishing an ombudsman office; it is organized by categories of internal and external ombudsmen. In addition, a checklist of documents a new ombuds might need will be posted. Once the committee documents are fully drafted, they will be sent to the COFO listserv for comments. The committee is also working on a repository of document types (held by one person). For those who send documents intended for sharing, make sure to redact documents for repository as appropriate; perhaps check with your agency counsel.

7. Discussion Topic – Where is the best location for an ombuds office? What are the pros/cons to different locations?

Physical location: near leadership, near EEO/HR, secluded? It probably depends on situation and leadership. An ombuds needs to be seen but also have a private area. For internal: definitely need some “safe haven” space so people feel comfortable and see the ombuds as independent from management. For external: generally good to be near high-level staff. Want to be seen as high level and professional, but also want privacy.

8. COFO membership list

We are in the process of updating membership list on COFO website. We are waiting for COFO election results to identify a Membership Coordinator to assume the responsibility.

9. Ombuds Jobs/Upcoming Conferences/Trainings

Ombuds Jobs posted: FDIC internal ombuds announcement

Conferences:

IOA (<http://www.ombudsassociation.org>) to hold annual conference April 13-18 in Houston, Texas

Trainings: Discussion about local and/or free training opportunities

- IOA trainings held in Baltimore, MD and Arlington, VA
- [Interagency Alternative Dispute Resolution Group, Upcoming ADR Seminars](http://www.adr.gov)
<http://www.adr.gov>

- Northern Virginia Mediation Service. <http://nvms.us> has evening events and a certification program. One of the certification programs is Federal Workplace Mediation.
- George Mason certification program
- Georgetown program
- Association for Conflict Resolution – DC chapter. Lunch ADR program.
- HHS Shared Neutrals program. Monthly free seminars.
- DC Ombuds discussion group, not just federal. Brian Block took over as organizer.

Decisions/Agreements Reached: none

Action Items:

Email your COFO Executive Committee votes to Esther at eheroold@fdic.gov by COB February 15, 2012.

Minutes preparer: Noreen Kinnavy / Virginia L. Behr
Date drafted: February 21, 2012
Date finalized: March 5, 2012



The U.S. Small Business Administration
Regulatory Fairness for Small Business

**To report
excessive or unfair
regulatory enforcement:**

Complete the *Federal Agency
Comment Form* found online at
www.sba.gov/ombudsman.
Submit the form online, by mail or
fax:

U.S. Small Business Administration
Office of the National Ombudsman
409 3rd Street SW, MC 2120
Washington, DC 20416-0001

Toll-Free: 888-REG-FAIR,
(734-3247)

Fax: 202-481-5719

**What to include
in your comment form:**

- Describe the enforcement or compliance action, inspection or review activity and its results;
- Provide documentation of any enforcement action taken by the federal agency (i.e. correspondence, citations, or notice, etc.); and
- Briefly explain how the federal agency could have served your business better.

We will review your comment and may request additional documentation to substantiate your comment as needed.

SBA programs and services are provided on a nondiscriminatory basis.

If excessive fines, penalties or unfair regulatory enforcement by federal agencies are problems for your small business, you have a voice in Washington, D.C., through the U.S. Small Business Administration's Office of the National Ombudsman. The National Ombudsman assists small businesses with unfair and excessive regulatory enforcement by federal agencies including repetitive audits or investigations, excessive fines, penalties, retaliation or other unfair regulatory enforcement actions. Acting as a "troubleshooter" between small businesses and federal agencies, the National Ombudsman receives comments and complaints from small businesses. The comments and complaints are then directed to the appropriate federal agency for a high-level review.

The National Ombudsman can help if:

- You are or represent a small business, small government entity (population 50,000 or less) or a small nonprofit organization;
- Your comments or complaints are directly related to a federal agency that has regulatory authority over small businesses; and
- A compliance or enforcement action has been taken by a federal agency or such an action is imminent.

Looking Out for Small Business

Each year the National Ombudsman files a report with the U.S. Congress on how federal agencies have treated small business. Agencies are given a grade on their timeliness and quality of responsiveness to small business concerns. The National Ombudsman also coordinates 10 regional regulatory fairness boards which report cases concerning federal regulatory enforcement affecting small business.

Regulatory burdens are much greater for small firms than they are for those with 500 employees or more:

- The cost of federal regulations totals \$1.75 trillion.
- Small firms with fewer than 20 employees spend \$10,585 per year per employee, 36 percent more than larger firms, to comply with federal regulations.
- Small firms spend three times as much per employee to comply with environmental regulations.
- For help in commenting or rules as they are being written, contact The Office of Advocacy at www.sba.gov/advo

For more information go to www.sba.gov.

Government forms are available at www.forms.gov. Compliance assistance is located at www.business.gov. To contact SBA's toll-free answer desk, call 1-880-U ASK SBA.



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: March 14, 2012

Location: Citizenship and Immigration Services Ombudsman's Office

Attendees (Name, Organization):

Wendy Kamenshine, DHS/CFPB, COFO Chair
Scott Deyo*, NGA, COFO Vice Chair
Noreen Kinnavy, IBB, COFO Secretary
Virginia Behr*, FDA, COFO Secretary
Barbara Malebranche*, OPM, Standing Up New
Ombuds Office Subcommittee Chair
Mindy Bickel, USPTO
Guy Weber, TSA
Craig Cabrera, TSA
Shireen Dodson*, State
Laurie Lenkel*, FDA
Mike Powers*, FHFA
Sheryl Brown-Norman*, ODNI
Megan Kenney*, IRS/CFPB
Janet Freimuth*, DOE
Rita Franklin, DOE
Sharon Asar, TSA/CFPB
Donna Vogt, DHS NPPD
Elizabeth Buten, DOL
Monique Bookstein*, FBI
Jackie Hoffman*, TSA
Yolanda Swift, SBA

Sarah Stanton*, Air Force
Neal Cohen*, CPSC
Peggy Matthews*, HUD
Marcia Larkins*, FDA
Yvonne Hinkson*, Federal Bureau of Prisons
Turna Lewis*, Department of Mental Health, St.
Elizabeth's
Barbara Omohundro*
Richard Smalzer*, FDIC
Brad Johnson*, IRS
Monica Thomas*, TSA
LaShawn Stone*, TSA
Heather Milner*, CFPB

Esther Herold*, FDIC
Gordon Talbot*, FDIC
Charla Lambertsen, PBGC
Brian Bloch, DOI
David Clark
Stephanie Fast, DHS

* denotes on the telephone

Agenda/Topics at a Glance:

1. Introductions
2. New Officers
3. Membership List and Listserv
4. Discussion Topic – Visitors/Customers who don't want to deal with the person they are assigned to – what to do?
5. Internships – Volunteer to coordinate a list?
6. COFO Annual Conference – Co-chairs Scott Deyo and Craig Cabrera
7. What Does The Ombuds Do At...the Federal Bureau of Prisons?
8. Reflective Practice, Internal/External Ombuds – brief discussion re doing this during our monthly meeting, as a working group, and/or for the conference
9. Discussion Topic – Closed Cases – when is a case a new item in your statistical tracking of inquiries?
10. USOA Call for Speakers
11. Standing Up an Ombuds Committee Report
12. Discussion Topic – Benefits/challenges of teleworking as an ombuds; what happens when your visitors/customers are teleworking?
13. Ombuds Jobs/Upcoming Conferences/Announcements

Discussion:

1. Introductions
2. New Officers. COFO Chair Wendy Kamenshine announced results of COFO elections and introduced a new team to serve two-year terms: Chair, Wendy Kamenshine; Co-Chair, Scott Deyo; Co-Secretaries, Virginia Behr and Noreen Kinnavy; and Co-Coordination, Neal Cohen and Craig Cabrera.

3. Membership List and Listserv

To unsubscribe to the Listserv, please email Neal Cohen (ncohen@cpsc.gov) and Craig Cabrera (Craig.Cabrera@tsa.dhs.gov). Update: To send a message to the listserv, please send it to the list and it will first be reviewed by Wendy before it is released and distributed to the list. This will avoid receipt of emails that are not intended for everyone. For the COFO website, please verify your contact information in a shared Google document you should have received by email; otherwise, please send your information directly to the Co-Coordination. Only include information that can be made public.

4. Visitors/Customers who don't want to deal with the person they are assigned to – what to do?

For offices that have multiple ombudsmen, policies vary in terms of customers' access to an alternate ombuds. Some offices have an established policy to not entertain such requests, although they will address whatever concerns prompted the request for an alternate. Offices that readily allow for use of an alternate ombuds indicated that visitors might hear the same message from an alternate but might be more likely to be satisfied. A good outcome might also occur if the request for an alternate ombuds is granted because the complainant will be more comfortable articulating their complaint fully and will talk more openly. Frequently, the reasons cited in requesting a different ombudsman are a determining factor for whether or not the request for an alternate ombuds is granted.

5. Internships – Volunteer to coordinate a list?

COFO is seeking a volunteer to compile a list of ombuds offices with an interest in hosting students for internships and externships. Also, any offices interested in hosting a student should contact Virginia Behr (Virginia.Behr@fda.hhs.gov) or Wendy Kamenshine (Wendy.Kamenshine@cfpb.gov) and specify whether the internship would include financial compensation. The list of participating ombudsman offices will be circulated to universities with conflict resolution and ADR graduate programs and will be promoted through other venues, such as the Ombuds Blog.

6. COFO Annual Conference – Co-chairs Scott Deyo and Craig Cabrera

Scott Deyo and Craig Cabrera will co-chair the planning committee for the 2012 COFO annual conference to be held in November; a specific date is not yet determined. They requested suggestions for speakers and topics as well as ideas for the overall framework for this year's conference (Scott.M.Deyo@nga.mil and Craig.Cabrera@tsa.dhs.gov).

7. What Does The Ombuds Do At...the Federal Bureau of Prisons?

Yvonne Hinkson is the fourth ombudsman at the Federal Bureau of Prisons and reports to the Director of the Bureau. Eighty percent of the staff of 35,000 are union members, located at over 120 facilities throughout the country. The Bureau does not have an MOU with the union. Yvonne ensures close coordination on issues that fall within the purview of the unions, contacting the local representatives and seeking their concurrence before becoming involved. Although an internal ombudsman, she frequently refers inquiries from the public to the appropriate Bureau contacts for assistance.

8. Reflective Practice, Internal/External Ombuds – brief discussion re doing this during our monthly meeting, as a working group, and/or for the conference

Tom Zrubek and Barbara Malebranche are working on a proposal to present case studies—both internal and external—at COFO monthly meetings. There are some concerns about how to structure discussions to protect confidentiality. Send any suggestions for case studies to Tom and Barbara (Barbara.Malebranche@opm.gov).

9. Discussion Topic – Closed Cases – when is a case a new item in your statistical tracking of inquiries?

Some offices count total cases, while others count total visitors even when the latter present more than one case. Once a case is closed, it can be counted as a separate incident following an established lapse of time, i.e., six months to one year. In an effort to represent statistics as accurately as possible, multiple cases from a single individual can be broken down into primary,

secondary, tertiary categories, as necessary. When using IOA uniform reporting categories, the total count is one case per person, although the data capture the total number of issues.

10. USOA Call for Speakers

USOA would like suggestions for speakers and topics for the next annual conference. Please email Kristie Hirschman (Kristie.Hirschman@legis.iowa.gov).

11. Standing Up an Ombuds Committee Report

The Standing Up an Ombuds Committee compiled two comprehensive lists for new ombuds offices: the first asks questions for both external and internal ombuds as well as questions unique to each; the second highlights documents and forms that could be of use in the establishment of a new ombuds office, i.e., charters, mission statements, position descriptions, operating principles, etc. The draft lists will be shared with the COFO Listserv for comments and suggestions and subsequently posted on the COFO website.

12. Discussion Topic – Benefits/challenges of teleworking as an ombuds; what happens when your visitors/customers are teleworking?

The trend toward teleworking overall is positive, with benefits of an interruption-free workplace, flexible hours to accommodate customers, and immediate availability. Many ombudsmen conduct work by phone and email regardless, so customers are unaware of their location. When a sizeable portion of workforce exclusively teleworks or is based elsewhere, modern communications technology—such as Webex, Webcam and Skype—can also be useful. Northern Virginia Mediation Services offers a seminar about using technology in ADR processes.

The issue of shared space at the office, as part of teleworking arrangements, presents a concern in terms of protecting confidentiality. An ombudsman should have a workspace dedicated solely for their use.

13. Ombuds Jobs/Upcoming Conferences/Announcements

Ombuds Jobs: Department of Energy to fill three ombudsman positions; Department of Labor also seeking to fill positions.

Conferences: IOA (<http://www.ombudsassociation.org>) to hold annual conference April 15-18 in Houston, Texas

Announcement: Informal COFO gathering after April 11 meeting, with final details to be available through the Listserv

Decisions/Agreements Reached: none

Minutes preparer: Noreen Kinnavy/ Virginia L. Behr
Date finalized: April 25, 2012



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: April 11, 2012

Location: Teleconference

Attendees (Name, Organization):

Wendy Kamenshine, DHS/CFPB, COFO Chair
Scott Deyo, NGA, COFO Vice Chair
Virginia Behr, FDA, COFO Secretary
Neal Cohen, CPSC, COFO Coordinator
Barbara Malebranche, OPM, Standing Up New
Ombuds Office Subcommittee Chair
Mindy Bickel, USPTO
Bill Maurer, HUD
Heather Milner, CFPB
Sheryl Brown-Norman, ODNI
Tom Zrubek, DODIG
Marcia Larkins, FDA
Patrick Naehu
Megan Kenney, CFPB
Frederick Whittington, Bureau of Printing and
Engraving

Stephanie Fast, DHS
Yolanda Swift, SBA
Karen Leichtnam, DC Courts
Henry Lescault, ATF
Sherry Lard-Whiteford, FDA
Peggy Matthews, HUD
William Beardslee, DOL
Elizabeth Buten, DOL
Sharon Asar, TSA/CFPB
Sarah Stanton, Air Force
Dale Vergott, DIA
Bryan Bloch, DOI
Jackie Hoffman, TSA
Greg Burke, VA

Agenda/Topics at a Glance:

1. Introductions
2. Annual Conference -- Update from Craig Cabrera and Scott Deyo
3. Discussion Topic: One exception to confidentiality is imminent risk of serious harm -- if you see that, what is your action plan?
4. Membership List -- Update from Craig Cabrera and Neal Cohen
5. What Does The Ombuds Do At...? Scott Deyo will share about the NGA Ombudsman's Office
6. Standing Up an Ombuds Office Committee -- Update from Barbara Malebranche
7. Internship Opportunities
8. Discussion Topic: You're a one-person shop and are taking a vacation -- what happens to the office?
9. Ombuds Jobs/Upcoming Conferences/Trainings

Discussion:

1. Introductions
2. Annual Conference -- Update from Craig Cabrera and Scott Deyo

They are in the planning stage for the 2012 annual conference; they are soliciting ideas for topics and speakers (including keynote) and working on logistics (location, format, timing, etc.) They are considering all possible sites as a venue, and requested the membership to provide suggestions. We will need one large conference room (for 100+ people) as well as breakout rooms (two or more). Early November is the most likely in terms of dates. If anyone has an idea for an alternate site, please contact Craig and Scott (Craig.Cabrera@tsa.dhs.gov and Scott.M.Deyo@nga.mil, respectively). Ideally, the site would be close to metro and must incur no cost to COFO.

3. Discussion Topic: One exception to confidentiality is imminent risk of serious harm -- if you see that, what is your action plan?

Most importantly, it is a good idea to have an action plan for this sort of situation and always assume that the threats are valid. The plan should include any other individuals or groups, as appropriate, including but not limited to: physical Security staff on-site, the Employee Assistance

Program (EAP), and Federal Protective Services. One member shared an experience where an external complainant clearly might do harm to a federal employee. The ombuds first contacted the employee who might be in danger and then contacted Security. Another member shared experiences with employee threats of suicide and threats of harm to other employees. They have a written plan of action that includes contacting internal Security physically going to the office of a threatened employee. As needed, they would utilize the EAP and Federal Protective Services. Recommend that ombuds have a plan of action and contact information for key staff. There are related legal cases that ombuds should be familiar with; those will be shared with the membership at a later date. Ombuds should consider their professional responsibility and potential liability issues. *Tarasoff v. Regents of the University of California* was suggested as an example of a case that ombuds may want to review in terms of potential liability issues.

4. Membership List -- Update from Craig Cabrera and Neal Cohen

Email ncohen@cpsc.gov if you are not on the email list (membership listserv), want to be removed, or have updated information. The listserv rules were changed so that no one can *Reply to All*. Emails to the listserv must be pre-approved. If you wish to send a message to everyone, send it to the list and Wendy will approve it for distribution.

5. What Does The Ombuds Do At...? Scott Deyo will share about the NGA Ombudsman's Office

Scott Deyo joined the National Geospatial-Intelligence Agency (NGA) about one year ago – he was preceded by Jim Sheldon.

NGA has a national security mission and links with the entire intelligence community. NGA provides real time data on what's happening around the world. Also, they take part in many disaster relief and recovery missions.

Deyo is an organizational ombuds whose office complies with International Ombudsman Association standards. In addition to typical workplace concerns, Scott's office is set up to confidentially handle politicization issues. While atypical, these involve allegations that intelligence analysis is being manipulated or distorted for political reasons. Scott has wide latitude to coordinate across agencies to address issues of common concern.

6. Standing Up an Ombuds Office Committee -- Update from Barbara Malebranche

In about one or two weeks, the committee will send two documents to the listserv for review and comment. One document is a list of questions an ombuds should ask as they are starting up the ombuds office. The second document is a repository of documents that a new ombuds might need; it will include examples. One of those documents should be a listing of the IOA reporting categories (of most use to internally focused ombuds). Today IOA agreed to post the categories on their website and COFO will link to that information. Lastly, the committee might create an additional document to use as a repository of examples from COFO members (e.g. standard operating procedures, survey questions).

7. Internship Opportunities

COFO wants to put together a listing of federal ombuds interested in hosting an intern in 2012. Those interested must contact Virginia Behr at Virginia.Behr@fda.hhs.gov by COB April 12. COFO members noted that clearance for internships is difficult sometimes; it can take at least one month to do low level clearance and up to one year for a high level clearance. Looking ahead, COFO should post opportunities in late Fall 2012 intended for Summer internships (or longer internships) in 2013. COFO can solicit interested ombuds offices during the COFO annual meeting. Behr will review a previous internship list to see who posted internships. Also, COFO itself could consider an unpaid intern.

8. Discussion Topic: You're a one-person shop and are taking a vacation -- what happens to the office?

For the solo practitioners, coverage for the ombuds office might be a challenge.

Ideas/recommendations heard from COFO members:

- Put date of your return on out of office notifications. Because ombuds have an informal office, there is rarely an emergency.

- Utilize ombudsmen outside your Agency. Find an ombuds or trusted individual most similar to you in function and Agency type. A sister agency is the most obvious choice.
- Establish a service agreement for cross-Agency coverage. This could be particularly useful for high-level clearance agencies. If interested, look at the Shared Neutrals program to anticipate administrative and legal issues.

9. Ombuds Jobs/Upcoming Conferences/Trainings

Ombuds Jobs: An entry level job at the Udall Foundation was posted www.ecr.gov.

Conferences: IOA conference in Houston next week.

Trainings: none mentioned.

10. Other Announcements

The Chair of the USOA federal chapter is now Mindy Bickel (email Mindy.Bickel@uspto.gov), replacing Laurie Lenkel. The upcoming annual meeting is in Spokane, Washington.

Deyo announced that the COFO Executive Committee is currently editing the COFO Charter in order to update it. Proposed revisions will be sent to COFO membership for comment.

Decisions/Agreements Reached: none

Action Items:

- Contact Scott Deyo and Craig Cabrera with ideas or location for the COFO annual conference. Emails: Craig.Cabrera@tsa.dhs.gov and Scott.M.Deyo@nga.mil.
- The Standing Up an Ombuds Office committee will send two documents to the listserv for review and comment.
- If you are interested in hosting an intern in 2012, please contact Virginia Behr at Virginia.Behr@fda.hhs.gov by COB April 12.
- Proposed revisions to the COFO Charter will be sent to COFO membership for comment.

Minutes preparer: Noreen Kinnavy / Virginia L. Behr

Date drafted: April 11, 2012 and April 18, 2012

Date finalized: April 25, 2012



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: May 16, 2012

Location: Consumer Financial Protection Bureau

Attendees (Name, Organization):

Wendy Kamenshine, CFPB, COFO Chair
Scott Deyo*, NGA, COFO Vice Chair
Noreen Kinnavy, IBB, COFO Co-Secretary
Barbara Malebranche*, OPM, Standing Up New
Ombuds Office Subcommittee Chair
Mindy Bickel*, DOC/SelectUSA
Carla Miller*, ATF
King Stablein*, NRC
David Buckles*, FDA/CDRH
Monique Bookstein*, FBI
Robert Scott*, FEMA
Loretta Vardy*, FEMA
Darell Edmonds*, FEMA
Linda Baron*, FEMA
James Staebler*, FEMA
Susan Roth*, Defense Personnel Advisory Service
Marcia Larkins*, FDA
Tom Zrubek*, DOD IG
Elizabeth Buten*, DOL

William Beardslee*, DOL
Brian Bloch*, DOI
Patrick Naehu*
Shireen Dodson*, DOS
Amber Ostrup*, USPTO
Rita Franklin*, DOE
Liz Phillips*, FDA
Yolanda Swift, SBA
Wade Boswell, DOE
Jackie Hoffman, TSA
Heather Milner, CFPB
Peggy Gleason, DHS
Peggy Matthews, HUD
Matt Magee, DOI
Patricia Johnston, DOI
Karen Finnegan, OGIS
Sharon Asar, TSA/CFPB
Neal Cohen*, CPSC

* denotes on the telephone

Agenda/Topics at a Glance:

1. Introductions
2. Discussion Topic – How can an ombuds best interface with oversight entities?
3. What Does The Ombuds Do At...the Bureau of Alcohol, Tobacco, Firearms and Explosives?
4. Annual Conference Update – Scott Deyo
5. Discussion Topic – Ever heard the question: “How do your stats compare with other agencies?”
How do you answer?
6. Standing Up an Ombuds Committee – Barbara Malebranche
7. Update from the Interagency ADR Working Group – Scott Deyo
8. Discussion Topic – What is your experience with informal dialogue?
9. Ombuds Jobs/Upcoming Conferences/Training

Discussion:

1. Introductions
2. Discussion Topic – How can an ombuds best interface with oversight entities?

What is the appropriate response if an oversight or other authority, such as the IG, Congress, GAO, etc., requests information gathered while performing your duties as an ombudsman? This could be a challenging situation particularly given the ombuds tenet of confidentiality. Requests that ombudsmen could answer in full included those addressing systemic issues, statistical information, and policy issues that do not breach confidentiality of any individuals. In some cases, ombudsmen will contact an individual to inquire whether they authorize the release information related to their case. It's also important to have the full backing of your agency's head and GC. Should a subpoena be issued, the ADR Act can be cited in an attempt to uphold confidentiality.

3. What Does The Ombuds Do At...the Bureau of Alcohol, Tobacco, Firearms and Explosives?

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is a small agency, with 5,000 employees. The ATF Ombudsman Office deals with internal and external matters and has three ombudsmen—two associates and one head. Over the past several months the caseload has doubled as a result of an outreach effort to promote available services. In addition to headquarters staff, the Ombudsman Office has eight specially trained peer respondents to assist in cases arising in field offices. A police psychologist is available on contract to aid as needed with systemic issues and mediation, and trained chaplains are available to respond to crisis situations. The office also arranges for various employee support groups to deal with a range of personal challenges, i.e., elder care, military support, etc.

4. Annual Conference Update – Scott Deyo

Please send any ideas for available venues, the conference agenda, or keynote speaker options to the organizers: Scott Deyo (scott.m.deyo@nga.mil) and Craig Cabrera (craig.cabrera@tsa.dhs.gov).

5. Discussion Topic – Ever heard the question: “How do your stats compare with other agencies?” How do you answer?

Comparing statistics with other agencies is a challenge and not necessarily an objective method of evaluation for several reasons: the different size of the communities served; size of the agency; the lack of “uniform reporting categories” for external ombudsmen; limitations sometimes imposed by bargaining units for covered employees; etc.

6. Standing Up an Ombuds Committee – Barbara Malebranche

The Standing Up an Ombuds Committee distributed to the COFO listserv two documents for review and input from members: "Questions to Consider When Establishing an Office" and "Useful Documents Fellow Ombuds Have Found Helpful in Their Practice." Please provide by June 7 any feedback or suggestions by email – and not in the documents themselves – to Barbara Malebranche (Barbara.Malebranche@opm.gov) or Noreen Kinnavy (NKinnavy@bbg.gov). The documents, designed as guidance and a general resource list, will be posted on the website once completed.

7. Update from the Interagency ADR Working Group – Scott Deyo

Attorney General Eric Holder attended the February/March ADR Working Group meeting to reenergize the group, where they shared the latest developments in ADR and discussed ideas to promote and support the ADR specialty. The April meeting took advantage of Adobe Connect to broaden participation through remote access.

Recent topics of discussion have included the use of ADR to resolve problems with complex contracts and the issue of confidentiality and its application to the ombudsman function. Some would like to have the confidentiality protection extended to ombudsmen in future legislation, although there is concern that reopening the legislation could have unintended negative results for the current ADR statute. Guidance on confidentiality with ADR processes in the federal government is addressed in the Federal Register 2009 (Document #2000).

8. Discussion Topic – What is your experience with informal dialogue?

How do you encourage employees to engage in informal dialogue with management, especially those who are reticent to engage their supervisors directly? When a visitor comes to an ombudsman office to discuss communication challenges with their supervisor, it helps to ask them what outcome they hope to achieve and to explain that the ombudsman is an informal process. Venues available to raise concerns at some agencies include IdeaFactory (or similar workplace social media options) and blogs. Also training in conflict resolution strategies can be helpful to both employees and managers.

9. Ombuds Jobs/Upcoming Conferences/Announcements

Ombuds Jobs: none mentioned

Conferences: IOA Board at the latest annual conference (April 2012) sought feedback from its membership on ways to achieve greater inclusivity, particularly for those ombudsmen not operating fully within the parameters of the IOA Standards of Practice. This is an ongoing issue, which was also addressed at the 2011 conference.

Upcoming Conference: The Annual Federal Dispute Resolution Conference will take place August 20-23 in San Antonio, Texas

USOA will hold its annual conference October 10-12 in Spokane, Washington. Preconference training will be offered October 8-9.

Decisions/Agreements Reached: none

Minutes preparer: Noreen Kinnavy / Virginia L. Behr
Date drafted: June 26, 2012/Date finalized: July 6, 2012



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: June 13, 2012

Location: The Consumer Financial Protection Bureau and via telephone

Attendees (Name, Organization):

Wendy Kamenshine, DHS-CIS Ombudsman, COFO
Chair
Scott Deyo*, NGA, COFO Vice Chair
Virginia Behr*, FDA/CDER, COFO Secretary
Noreen Kinnavy, IBB, COFO Secretary
Peggy Matthews*, HUD
Barbara Malebranche*, OPM
Marcia Larkins*, FDA/CVM
Tom Zrubek*, DOD
Amber Ostrup*, USPTO
Karen Finnegan, OGIS
Dave Buckles*, FDA/CDRH
Sherry Lard*, FDA/CBER
Elizabeth Buten*, DOL
Bill Beardslee*, DOL
Karen Leightnam*, DC Courts
Bob Hosea*, NIH

Mindy Bickel*, USPTO, DOC
Brian Bloch*, DOI
Sheryl Brown-Norman*, ODNI
Howard Bailick*, FDA
Francine Schlaks*, IRS
Jackie Hoffman, TSA
Joanne Dea, EPA
Sharon Asar, TSA
Valerie Michell, DHS
Allyson Coyne, FRB
Rita Franklin, DOE
Brenda Doty, FMC, CFPB
Guy Weber, TSA
Cindy Mazur*, FEMA
Chauncenette Morey*, FBI
Carla Miller*, ATF
Tyler Motley, DOT intern, Civil Rights division

* denotes on the telephone

Agenda/Topics at a Glance:

1. Introductions
2. Harvard Negotiation and Mediation Clinical Program –an opportunity for students to conduct research projects
3. Discussion Topic – What is your timeframe to respond to an initial contact?
4. What Does The Ombuds Do At...The Department of Labor?
5. Discussion Topic – Who do you report to and what are the pros/cons to different structures?
6. Annual Conference Update – Scott Deyo
7. Discussion Topic – What work experiences/trainings have best prepared you for your role in the ombuds office?
8. Discussion Topic – What features of your tracking system do you find most helpful? What do you wish were different?
9. Ombuds Jobs/Upcoming Conferences/Trainings

Discussion:

1. Introductions
2. Harvard Negotiation and Mediation Clinical Program – an opportunity for students to conduct research projects

Students of the program presented on their NIH project at the COFO annual meeting in 2011. If you are interested in hosting a project in 2012/2013, Wendy Kamenshine (Wendy.Kamenshine@cfpb.gov) can put you in touch with the program lead, Professor Bordone.

3. Discussion Topic – What is your timeframe to respond to an initial contact?

Once someone reaches out to ombudsman, what is the typical length of time for the ombudsman's office to make initial contact? The consensus was that most internal ombuds offices usually respond within 24 hours (one business day). Some external ombudsmen take up to three working days. The response time depends upon the number of people on staff, work volume, and possibly the complexity of the case. Being that many complaints to the ombudsman's offices pertain to lack of communication and/or particularly stressful situations, it's imperative that ombudsmen respond in a timely manner.

4. What Does The Ombuds Do At...The Department of Labor?

The Department of Labor (DOL) established a new ombudsman's program about three months ago. The program is housed within the Education and Training Bureau in the Office of Foreign Labor certification. When DOL receives a work visa application from foreign nationals, DOL must certify that those foreign workers are needed in the U.S. and won't negatively affect American workers. DOL follows rules and regulations to aid in this determination. The program's goal is to protect the interests of U.S. employers, U.S. workers, and foreign workers.

The ombudsman's program achieves these goals by:

- Improving communication, consistency, and customer service
- Facilitating transfer of information between reviewers and stakeholders
- Answering questions about the certification process
- Assisting with problems on specific cases
- Identifying and evaluating systemic or policy problems in the certification program and making recommendations for change

5. Discussion Topic – Who do you report to and what are the pros/cons to different structures?

Most ombudsmen report to as high a level as is functional in their organization. High level reporting sends a message to the agency and public that the ombuds program is well-supported, listened to, and respected. Access to upper management is critical for an effective ombuds program. However, upper management's availability on a day to day basis may be limited. Also, there may be an errant expectation that the ombudsman will always take issues directly to upper management even though the case should be handled on a lower level. An ombudsman program that is not structurally separate should also report to the highest level official in the agency rather than the highest level official within their immediate department in order to ensure independence.

6. Annual Conference Update – Scott Deyo

The annual conference planning committee received suggestions and developed topics for the annual conference to be held in November. They will propose topics and suggested keynote speakers to the COFO Executive Committee during the next Executive Committee meeting.

Venues were reserved but a final decision has not been made yet; it will likely be the space that is most convenient for COFO membership.

If anyone has additional topics to suggest or wants to volunteer to assist (general assistance or serving as a session facilitator), please contact Craig Cabrera (Craig.Cabrera@tsa.dhs.gov) or Scott Deyo (Scott.M.Deyo@nga.mil).

7. Discussion Topic – What work experiences/trainings have best prepared you for your role in the ombuds office?

Individual responses included:

- Utilizing ombudsman professional groups as a resource (e.g. COFO and IOA).
- Facilitation and mediation courses
- Teaching high school
- Crisis situation training
- Mediator experience
- Leadership training
- Presentation skills course

- Continuing education on subject matter relevant to your agency/organization. This is necessary to keep abreast of current laws and programs to know what is affecting your clients.
 - Seminars on topics related to ombuds work, e.g. diversity, conflict resolution, generational differences
8. Discussion Topic – What features of your tracking system do you find most helpful? What do you wish were different?

Helpful features include: the ability to make changes and modify categories, any feature that allow easy data analysis, “Notes” fields.

Recommendations for choosing or building a tracking system:

- The system complexity should match the extent of the information you want to capture
 - Sketch out a basic process flow for a typical complaint in order to more clearly see what fields you want to track
 - For external ombuds, check privacy regulations
 - Consult with the Records Management group. There is a NARA contact within each Agency.
9. Ombuds Jobs/Upcoming Conferences/Trainings
- October 8-12, 2012. USOA conference in Spokane, WA. <http://www.usombudsman.org>
 - July 16-20, 2012 IOA training near Orlando, FL. Ombuds 101 and 101 Plus and a one day Ethics course. <http://www.ombudsassociation.org>
 - August 20-23, FDR, San Antonio, TX <http://www.fdrconferences.org>

Decisions/Agreements Reached: none

Action Items:

- Suggest topics and/or volunteer to assist (general assistance or serving as a session facilitator) for the COFO annual meeting. If interested, please contact Craig Cabrera (Craig.Cabrera@tsa.dhs.gov) or Scott Deyo (Scott.M.Deyo@nga.mil).

Minutes preparer: Virginia L. Behr / Noreen Kinnavy

Date drafted: June 13 and 15, 2012 / finalized: July 6, 2012



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: July 11, 2012

Location: The Consumer Financial Protection Bureau and via telephone

Attendees (Name, Organization):

Wendy Kamenshine, CFPB, COFO Chair
Virginia Behr*, FDA/CDER, COFO Secretary
Noreen Kinnavy*, IBB, COFO Secretary
Barbara Malebranche*, OPM
Neal Cohen*, CPSC
Karen Leichtnam*, DC Courts
Karen Finnegan*, OGIS
Sheryl Brown-Norman*, ODNI
Rita Franklin*, DOE
Wade Boswell*, DOE
Craig Cabrera*, TSA
Sharon Asar*, TSA
Jackie Hoffman*, TSA
Carla Miller*, ATF
Shana Plummer*, OPM

Bill Beardsley*, DOL
Elizabeth Butin*, DOL
Karen Schindler*, DOL
Joanne Dea*, EPA
Peggy Gleason*, DHS CIS Ombudsman
Emilie O'Malley*, Federal Reserve Board
Heather Milner, CFPB
Amber Ostrup*, USPTO
Shireen Dodson*, Dept of State
Yolanda Swift*, SBA
Tony Smith, HHS, CFPB
Brenda Doty, FMC, CFPB
Bill Maurer, HHS
Lisa Witzler*, NIH

* denotes on the telephone

Agenda/Topics at a Glance:

1. Introductions
2. What Does The Ombuds Do At....? Rita Franklin will share about the new Ombuds Office at the Department of Energy (DOE)
3. Discussion Topic – Do you have a records disposition and, if so, what is your schedule for keeping records?
4. US Ombudsman's Association Annual Conference – Suggestions for legal topics panel
5. Discussion Topic – What are good performance criteria to use for an ombuds?
6. Annual Conference Update – Scott Deyo, Craig Cabrera
7. Discussion Topic – What does good customer service mean for the agency and for you as an ombuds?
8. Ombuds Jobs/Upcoming Conferences/Trainings

Discussion:

1. Introductions
2. What Does The Ombuds Do At....? Rita Franklin will share about the new Ombuds Office at the Department of Energy

Current DOE Secretary Chu established the DOE Ombudsman's office. The office serves the Department's federal workforce (15,000 employees) in dealing with workplace issues. The office identifies systemic issues across the Department or in Offices. It also created an employee resource manual.

Because of Secretary Chu's support, the Office has direct access to Under Secretaries and is able to work closely with other related areas in DOE, including Civil Rights, Employee Assistance Program (EAP), Differing Professional Opinions program, Union, Health Clinic,

Conflict Prevention and Resolution Staff, and other groups. Website: <http://energy.gov/office-ombudsman>

3. Discussion Topic – Do you have a records disposition and, if so, what is your schedule for keeping records?

As federal offices, records schedules define how long offices keep documents.. To establish records retention schedules, we work with our agency records officers and refer to NARA, which approves the records schedules. Ombuds office schedules vary across the federal government.

4. US Ombudsman's Association Annual Conference – Suggestions for legal topics panel

Conference is in October 2012 in Spokane, WA. Are there any legal topics of particular interest?

How far does the ombuds privilege go? Although there is currently no federal ombuds privilege, what protections are there?

5. Discussion Topic – What are good performance criteria to use for an ombuds?

What are good performance indicators for individual ombudsmen? One good measure is the number of people the office/individual comes in contact with and interacts with for outreach or otherwise. Additional elements might include success with dispute resolution, response times, customer service, outreach and education, addressing systemic issues, providing input on policy implementation, and technical competence. Also, customer satisfaction survey ratings for individual ombuds may be used, although there is some discussion as to how that can be crafted to be a fair measure.

6. Annual Conference Update – Scott Deyo, Craig Cabrera

The conference committee announced the location selection of USPTO in Alexandria, VA, about ¼ mile from Metro. The committee continues to line up speakers and topics. The conference is free and is a great way to network and discuss topics important to federal ombudsmen. Date to be announced soon!

7. Discussion Topic – What does good customer service mean for the agency and for you as an ombuds?

- Go above and beyond and give complainants some sort of positive, tangible outcome they can pursue on their own.
- Make sure question or complaint was answered fully.
- Timely response.
- People want to feel heard or have a chance to “vent”, so listen well.

8. Ombuds Jobs/Upcoming Conferences/Trainings

- USOA annual conference in October
- COFO annual conference in October/November, exact date TBD
- IOA meeting in July

Decisions/Agreements Reached: none

Action Items: None

Minutes preparer: Virginia L. Behr / Noreen Kinnavy
Date drafted: July 16, 2012 / finalized: July 18, 2012



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: September 12, 2012

Location: Consumer Financial Protection Bureau

Attendees (Name, Organization):

Wendy Kamenshine-CFPB, COFO Chair
Scott Deyo-NGA, COFO Vice Chair*
Noreen Kinnavy-IBB, COFO Co-Secretary
Virginia Behr-FDA, COFO Co-Secretary*
Elizabeth Buten-DOL*
Patricia Cashin-DHS*
Shari Welker-USDA*
Joanne Dea-EPA*
Tonya Sweat-NCUA*
Jeri Walker-NCUA*
Matt Magee-DOI*
Sheryl Brown-Norman-ODNI*
Andrew Colsky-TSA
Emilie O'Malley-Federal Reserve*
Patrick Naehu-mediator*
King Stablein-NRC*
Craig Cabrera-TSA*
Mike Powers-FHFA*

Elsa Sherrill-University of Virginia*
Howard Balick-FDA*
Sean Banks-Shell Oil, representative from
International Ombudsman Association*
Neal Cohen-CPSC*
Francine Schlaks-IRS*
Greg Burke-VA*
Yolanda Swift-SBA*
Yvonne Hinkson-BOI*
Robert Harris-FDIC
Peggy Matthews-HUD
Peggy Gleason-DHS*
Cathi Barchi-DOE
Heather Milner-CFPB
Tony Smith-HHS/CFPB
Lisa Olivieri-Secret Service
Sharon Asar-TSA

* denotes on the telephone

Agenda/Topics at a Glance:

1. Introductions
2. Ombudsman Training
3. Discussion Topic – How many times do you follow up with someone if they don't contact you back? Does the way they reached you initially have any relevance? Do the circumstances matter?
4. Joint Brown Bag with Interagency ADR Working Group – September 20 at the National Archives re recordkeeping and confidentiality as ADR professionals
5. What Does the Ombudsman Do At...the Federal Housing Finance Agency?
6. Discussion Topic – We serve as a confidential resource, so what do you leave on voicemails, if anything? What if the voicemail has no identifying information?
7. Annual Conference Update – Scott Deyo, Craig Cabrera
8. Discussion Topic – What do you do when people want to discuss topics outside of your jurisdiction? What if they do not wish to be referred elsewhere, but instead want to talk with you?
9. Discussion Topic – After the initial "inreach" or outreach, how do you keep the message going over time that you exist as a resource?
10. Ombuds Jobs/Upcoming Conferences

Discussion:

1. Introductions
2. Ombudsman Training

Sean Banks, Director and Corporate Ombuds of the Shell Oil Company, announced IOA training sessions scheduled for October 15-19 in Baltimore, Maryland. Additional information is available at:

<http://www.ombudsassociation.org/2012october>.

3. Discussion Topic – How many times do you follow up with someone if they don't contact you back? Does the way they reached you initially have any relevance? Do the circumstances matter?

Few offices have set rules, although most make at least two attempts to follow up and will leave a case open for two or three months. The means of communication is not a factor, although email is more likely to ensure a response. One strategy for following up with a non-responsive contact is to notify them that you've been unsuccessful at reaching them and will wait for them to respond. In order to maximize responsiveness, during an initial visit or telephone consultation, next steps discussed should include the preferred means for follow up communications.

4. Joint Brown Bag with Interagency ADR Working Group – September 20 at the National Archives re recordkeeping and confidentiality as ADR professionals

The Interagency ADR Working Group will be sponsoring a session with NARA on confidentiality and record-keeping issues for federal ombudsmen. It will be held on Wednesday, September 20 at a location and time to be announced soon.

5. What Does the Ombudsman Do At...the Federal Housing Finance Agency (FHFA)?

The FHFA Office of the Ombudsman was established by regulation as part of the Housing and Financial Recovery Act in 2008, which merged related federal agencies. The office—which reports to the agency Director—has one ombudsman, Michael Powers, and an administrative official. As a classical ombudsman office, they handle external complaints and concerns (referring any internal workplace complaints to appropriate offices). The ombudsman also reports on trends, gathers facts and makes recommendations to improve operations and propose solutions. Since its inception in March 2011, the office has primarily engaged in mediation to pursue issue resolution prior to a complaint reaching the stage of a formal appeal process. The office website is: <http://www.fhfa.gov/Default.aspx?Page=337>

6. Discussion Topic – We serve as a confidential resource, so what do you leave on voicemails, if anything? What if the voicemail has no identifying information?

Ombudsmen take into account the challenges of confidentiality when contacting others by telephone, although differing standards reflect the responsibilities and functions of external versus internal ombuds offices. Unless the call is routine in nature, precautions should be taken when leaving voicemail messages. Barring other options for reaching the individual when confidentiality is paramount, a message can be left without any identifiers (i.e., “just returning your call”).

7. Conference Update – Scott Deyo, Craig Cabrera

The COFO annual conference will be held Monday, October 29, with on-line registration already underway and the agenda available at: <http://cofo2012webinar.eventzilla.net/>.

8. Discussion Topic – What do you do when people want to discuss topics outside of your jurisdiction? What if they do not wish to be referred elsewhere, but instead want to talk with you?

Many ombudsmen will engage with a visitor/contact regardless of the topic, although they encourage those who have issues outside their jurisdiction to consult with the appropriate person or office. It's important that the contact understand that the issue falls outside of the ombudsman's area of expertise/jurisdiction. In order to persuade a reluctant person to utilize more appropriate venues, an ombudsman can ask about the visitor's goal and promote self-assessment to overcome any stigma associated with other resources (i.e., EAP).

9. Ombuds Jobs/Upcoming Conferences/Training

Jobs: None announced

Conferences: COFO, Washington, D.C., October 29, 2012 (<http://www.ombudsassociation.org/2012october>)

USOA, Spokane, Washington, October 2012 (<http://www.usombudsman.org>)

IOA, Baltimore, Maryland, October 15-19, 2012 (<http://www.ombudsassociation.org/2012october>)

Minutes preparer: Noreen Kinnavy / Virginia L. Behr



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: November 14, 2012

Location: Consumer Financial Protection Bureau

Attendees (Name, Organization):

Wendy Kamenshine, CFPB, COFO Chair
Scott Deyo, NGA, COFO Vice Chair*
Noreen Kinnavy, IBB, COFO Co-Secretary*
Karen Leichnam, DC Courts*
Riley Barra, Air Force*
Sharon Asar, TSA*
Carla Miller, ATF*
Robert Harris, FDIC
Ed Modell, MD Judiciary
Tony Smith, CFPB/HHS
Cathy Barchi, DOE*
King Stablein, NRC*
Laurie Lenkel, FDA*
Gordon Talbot, FDIC*
Victor Voloshin, EEOC

Jerilyn Walker, NCUA*
Emilie O'Malley, Federal Reserve Board*
Sheryl Brown-Norman, ODNI*
Joanne Dea, EPA
Marcia Larkins, FDA/CVM*
Brian Bloch, DOI*
Shireen Dodson, Dept of State*
Mona Lease, student*
Monique Bookstein, FBI*
Roberta Valdez, FDIC*
Rick Daniel, NRC*
Shana Plummer, OPM*
Elizabeth Buten, DOL*
Vicky Gilner, Air Force*

* denotes on the telephone

Agenda/Topics at a Glance:

1. Introductions
2. Discussion Topic – What factors do you use to determine the size of your office? How can you formulate a request for more personnel?
3. What Does The Ombuds Do At...? Monique Bookstein is going to share with us about the Ombuds Office at the FBI
4. Discussion Topic – Who reviews your reports and how do you decide what feedback to incorporate?
5. Presentation – Ed Modell, Ombudsman for the Maryland Judiciary, will share with us some thoughts on Conflict Management Coaching (see attached)
6. Discussion Topic – As federal ombuds, how do you know what official documents you need to file? Records schedule, Systems of Records notice, etc.?
7. Ombuds Jobs/Upcoming Conferences/Training
8. COFO Bylaws

Discussion:

1. Introductions
2. Discussion Topic – What factors do you use to determine the size of your office? How can you formulate a request for more personnel?

The number of staff members for an office varies widely, with no universally accepted ratio of staff to employees and/or members of the public served. When requesting personnel, key factors include the size, location, and needs of the workplace or community as well as the range of services offered.

3. What Does The Ombuds Do At....? Monique Bookstein is going to share with us about the Ombuds Office at the FBI

In addition to Monique Bookstein as the Ombudsman, the FBI Office of the Ombudsman (<https://www.fbijobs.gov/311176.asp>) has four associate ombudsmen and an office manager, who serve employees at headquarters and field offices in the U.S. and overseas. The office reports to the FBI director. Any employee can avail themselves of their services through email, videoconferencing, phone calls and personal visits. The office also coordinates three advisory committees that raise issues confronting various internal constituencies to the FBI director.

4. Discussion Topic – Who reviews your reports and how do you decide what feedback to incorporate?

Generally, ombudsmen decide what to include in any reports they generate. In some instances, particularly in the case of external ombudsman offices, reports may be shared with the general counsel for input, with deadlines to submit any comments prior to public release.

5. Presentation – Ed Modell, Ombudsman for the Maryland Judiciary, will share with us some thoughts on Conflict Management Coaching

Ed Modell, Ombudsman for the Maryland Court System (<http://www.courts.state.md.us/ombudsman.html>), addressed conflict management coaching as a key tool available for resolving conflicts. This can be a particularly useful way to address workplace problems when a contact/visitor does not want to engage in actual mediation. Ombudsmen can help individuals understand the way they handle conflict (i.e., Thomas-Killman conflict style analysis) and provide guidance that will lead to better outcomes in addressing workplace problems.

Additional resources on this topic include: the International Coach Federation (<http://www.coachfederation.org/icfcredentials/core-competencies/>); a PowerPoint by Ed Modell (Attachment A); and a newly formed federal group on conflict coaching (FAFGCD.workflow@pentagon.saf.mil or contact Sarah Stanton at 703-693-2795).

6. Discussion Topic – As federal ombuds, how do you know what official documents you need to file? Records schedule, Systems of Records notice, etc.?

A records schedule establishes the disposition of any records you create. If your agency does not have a schedule that covers the ombudsman's office, resources available for drafting one include NARA's website (for both internal and external offices) and the Federal Register (external offices).

Ombudsman offices should consider privacy implications when managing databases or other records with personally identifiable information subject to release through information requests (<http://www.opm.gov/privacy/SORNGuide.pdf>).

7. Ombuds Jobs/Upcoming Conferences/Training

No jobs or conferences announced. Training addressed in item # 5 of the agenda.

8. COFO Bylaws

The COFO executive committee would like to update the charter and invites COFO membership to review it and send any ideas or recommendations to Scott Deyo (Scott.M.Deyo@nga.mil).

Attachment: A

Minutes preparer: Noreen Kinnavy / Virginia L. Behr



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: December 12, 2012

Location: Teleconference

Attendees (Name, Organization):

Wendy Kamenshine, CFPB, COFO Chair
Scott Deyo, NGA, COFO Vice Chair
Virginia Behr, FDA/CDER, COFO Co-Secretary
Noreen Kinnavy, IBB, COFO Co-Secretary
Neal Cohen, CPSC, COFO Co-membership
Coordinator
Barbara Malebranche, OPM
Sharon Asar, CFPB
Rita Franklin, DOE
Cathy Barchi, DOE
King Stablein, NRC
Laurie Lenkel, FDA
Victor Voloshin, EEOC
Peggy Matthews, HUD
Tonya Sweat, NCUA
Shari Walker, NCUA
Emilie O'Malley, Federal Reserve Board
Sheryl Brown-Norman, ODNI

Heather Milner, CFPB
Matilda Brodnax, Dept of Navy
Joanne Dea, EPA
Brad Johnson, IRS
Dave Buckles, FDA/CDRH
Brenda Doty, FMC
June Lee, DOJ, Anti-trust
Marcia Larkins, FDA/CVM
Brian Bloch, DOI
Greg Burke, VA
Shireen Dodson, Dept of State
Guy Weber, TSA
Rex Elliot, NSA
Lester Shaney, FEMA
Tony Smith, CFPB, HHS
Mona Lease, student
Yolanda Swift, SBA

Agenda/Topics at a Glance:

1. Introductions
2. Discussion Topic – What are the benefits and challenges to having an internal and external ombuds function in the same office?
3. What Does The Ombuds Do At....? Tonya Sweat, Ombudsman at the National Credit Union Administration, will share about her office!
4. Discussion Topic – IG Whistleblower Ombudsman – Scott Deyo will introduce this discussion
5. COFO Annual Meeting Update
6. Additional Discussion about Ombuds Privilege

Discussion:

1. Introductions
2. Discussion Topic – What are the benefits and challenges to having an internal and external ombuds function in the same office?

Most federal offices have separate offices for internal and external ombudsmen because they have different functions. Some participants shared that separation makes sense, as the body of knowledge drawn upon, needs of visitors, and issues are different. Also, the expectations by the type of visitor (e.g. desire for confidentiality) may be different. It is especially difficult to house both in one office within a large organization, though it is possible in a smaller organization as long as business principles and ombuds tenets are adhered to.

3. What Does The Ombuds Do At....? Tonya Sweat, Ombudsman at the National Credit Union Administration, will share about her office!

The NCUA Ombudsman's Office was established by law in 1995 and is filled by selected senior staff members as an additional duty. Tonya Sweat in the Office of Consumer Protection was designated as Ombudsman in 2010, and she will pass the baton next year. Duties include: review and investigate external complaints from credit union industry or other stakeholders; recommend solutions to parties involved; make recommendations to agency officials; and make referrals as needed. Website: <http://www.ncua.gov/about/leadership/co/pages/ombudsman.aspx>

4. Discussion Topic – Inspector General (IG) Whistleblower Ombudsman – Scott Deyo will introduce this discussion

The Whistleblower Protection Enhancement Act of 2012 (Appendix A) amended the Inspector General Act of 1978 (5 U.S.C. App.), replacing subsection (d) and inserting the following:

“(C) designate a Whistleblower Protection Ombudsman who shall educate agency employees--

(i) about prohibitions on retaliation for protected disclosures; and

(ii) who have made or are contemplating making a protected disclosure about the rights and remedies against retaliation for protected disclosures.

(2) The Whistleblower Protection Ombudsman shall not act as a legal representative, agent, or advocate of the employee or former employee.”

Meeting participants briefly explored this topic and agreed that further discussion is warranted. Protection of whistleblowers is certainly an important topic. One participant had first-hand experience of being a whistleblower and understood the need for such protections. Participants were interested in how the Ombudsman role will be implemented within this context. Broadly speaking, it is important for anyone implementing a new program to consider core ombuds tenets. Some questions came to mind about how a whistleblower ombudsman will be best able to be an independent, neutral, informal, and confidential resource, particularly within an IG structure. For example, at least one participant posited that the organizational placement of this role is critically important, and it might not be best suited in the IG structure. There was a consensus that a partnership between COFO and the IG community would be helpful in light of this legislation to assist in setting up this resource. To that end, Scott reached out to the Council of Inspectors General and introduced COFO as a resource for information and collaboration for establishing an Ombudsman function. Scott also shared the joint COFO and Interagency ADR Working Group publication, *“A Guide For Federal Employee Ombuds: A Supplement To and Annotation of the Standards for the Establishment and Operations of Ombuds Offices.”*

5. COFO Annual Meeting Update – Scott Deyo

The COFO annual conference was postponed due to inclement weather. The conference is rescheduled for Friday, February 8, 2013. On-line registration link will be forwarded to members in the near future. [Note that in a subsequent meeting, we shared that due to logistical challenges in rescheduling from hurricane Sandy we will not hold the 2012 conference and will plan for the same schedule in the fall of 2013.]

6. Additional Discussion about Ombuds Privilege

There is an ongoing concern that was raised for possible further discussion in a future COFO forum. That is: what ombuds privilege exists to protect communications? Is there any COFO work in this area? How much confidentiality is protected? COFO has discussed this in the past and it would be useful to pull together information on the topic. Additional details to add to further discussion on this topic: Some protection stated in the ADRA of 1996, but might be limited; FOIA rules; can “credentialing” help create protections. Many noted that advertising confidentiality broadly, widely, and consistently, i.e., charters, brochures, email disclosures, is an important step in protecting confidential communications.

Minutes preparer: Noreen Kinnavy/ Virginia L. Behr



Appendix A: Whistleblower Protection Enhancement Act of 2012



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: January 16, 2013

Location: The Consumer Financial Protection Bureau and via telephone

Attendees (Name, Organization):

Wendy Kamenshine, CFPB, COFO Chair
Scott Deyo*, National Geospatial-Intelligence Agency, COFO Vice Chair
Virginia Behr*, FDA/CDER, COFO Secretary
Noreen Kinnavy*, IBB, COFO Secretary
Cathy Barchi, Dept of Energy
Elizabeth Buten, Labor
Neal Cohen*, CPSC, COFO Membership Coordinator
Stephanie Fast*, DHS-Office of CIS Ombudsman
Heather Milner*, CFPB
Sharon Asar*, CFPB
Monique Bookstein*, FBI
Roberta Valdez*, FDIC
Laurie Lenkel*, FDA
Barbara Malebranche*, OPM

Julie Bush*, FTC
Joanne Dea*, EPA
Peggy Gleason*, DHS-CIS Ombudsman
King Stablein*, NRC
Matt Magee, DOI-Bureau of Land Management
Craig Cabrera*, TSA
Guy Weber*, TSA
Tanya Sweat*, NCUA
Arthur Wigfall*, TSA
Mona Lease*, student
Brenda Doty*, FMC
Patricia Cashin*, ICE
Brian Bloch*, DOI
Peggy Matthews*, HUD
Bill Maurer, HUD
Marcia Larkins*, FDA/CVM

* denotes on the telephone

Agenda/Topics at a Glance:

1. Introduction
2. Discussion Topic - Does your agency do mediations? If so, which office arranges them?
3. Update re 2012 COFO Annual Conference – Scott Deyo
4. What Does The Ombuds Do At....The Consumer Financial Protection Bureau?
5. Discussion Topic – There is a corporate trend towards open space environments. Is your agency taking this approach and what does it mean for the ombudsman?
6. Individuals who Repeatedly Contact the Agency. SOPs for how to handle?
7. Ombuds Jobs/Upcoming Conferences/Trainings

Discussion:

1. Introduction
2. Discussion Topic - Does your agency do mediations? If so, which office arranges them?

What types of formal mediation programs exist? Many ADR programs are under the umbrella of the EEO office. What about those situations when mediation is needed to resolve a workplace conflict but not an EEO complaint? Some have an integrated group with conflict resolution specialists who handle EEO and other workplace conflicts; others have separate groups to handle EEO and non-EEO. Some have ADR specialists in the legal department and handle EEO and non-EEO conflicts. EPA used to have Workplace Solutions staff – trained 20 people at EPA to do mediations but tended to use Shared Neutrals mediators. Also have access to privately contracted mediators (paid for by requesting office). Shared Neutrals is a free service run out of HHS. Mediator-trained federal employees conduct

mediations at requesting agencies. Federal Mediation and Conciliation Service is also available for a fee. Treasury, the VA, and DOD also have trained mediators available.

3. Update re 2012 COFO Annual Conference – Scott Deyo

We had tremendous logistical difficulties rescheduling the November 2012 annual meeting. Instead, we will plan for an earlier 2013 annual meeting, possibly September.

4. What Does The Ombuds Do At...The Consumer Financial Protection Bureau?

The CFPB was established with the Dodd Frank Act, and opened in 2011. Ombuds developed a charter, tracking categories, and other actions needed to open an ombudsman's office (December 8, 2011). The ombudsman's office is externally facing and was provisioned under statute. They assist consumers, financial institutions, and groups that interface with the CFPB in resolving issues with the agency. The office focuses on: supervisory and enforcement issues, consumer complaints process, supervisory appeals process issues, and facilitation for interagency issues.

5. Discussion Topic – There is a corporate trend towards open space environments. Is your agency taking this approach and what does it mean for the ombudsman?

There is a trend towards a more open physical space in the workplace; use of low walls, glass, and cubicles. Some employees are quite resistant to this change. There is a special concern from those who work with confidential information. The layout increases collaboration if you are located with others who do similar work or work on the same projects. Those who need to maintain confidentiality require private space.

6. Individuals who Repeatedly Contact the Agency. SOPs for how to handle?

"Frequent Flyers" contact employees repeatedly, to the point where the conduct can become disruptive and unproductive (multiple contacts in a day). If no further action is appropriate in a given case, phone calls and emails can be blocked and security notified. No SOP is available. Federal Protective Services sometimes may need to become involved in cases involving imminent risk of harm. All Hands emails are sent to employees to appropriately report contact from harassing individual. If an individual continues to inappropriately contact the ombudsman's office, can be informed that their inquiry has been addressed as appropriate and will not respond unless raising a new issue.

7. Ombuds Jobs/Upcoming Conferences/Trainings

- IOA annual conference in April in Miami, FL
- Interagency ADR working group February 7, 2013
- Straus Institute Professional Skills workshops. Pepperdine. March in Baltimore, MD
- TSA might be announcing openings soon

Decisions/Agreements Reached: none

Action Items:

- Begin planning for 2013 annual meeting

Minutes preparer: Virginia L. Behr / Noreen Kinnavy

Date drafted: January 18, 2013 / finalized: August 27, 2013



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: February 13, 2013

Location: Consumer Financial Protection Bureau

Attendees (Name, Organization):

Sarah Stanton-Air Force
Jackie Hoffman-TSA
Wendy Kamenshine, CFPB, COFO Chair
Noreen Kinnavy, BBG, COFO Co-Secretary
Guy Weber-TSA
Sharon Asar-CFPB
Craig Cabrera-TSA
Karen Leightnam-DC Courts*
Shari Welker-USDA*
Tom Zrubeck-DOD IG*
King Stablein-NRC*
Dave Buckles-FDA*
Carrie McGuire-NARA*
Emilie O'Malley-Federal Reserve*
Brian Bloch-DOI*
Scott Deyo-NGA, COFO Vice Chair*
Khadija Athman-National Guard Bureau*
Margaret Tyus-National Guard Bureau*
Mona Lease-student*
Debra Grant-HUD OIG*

Monique Bookstein-FBI*
Joanne Dea-EPA*
Bill Maurer-Energy*
Jeri Walker-NCUA*
Tanya Thompson-USDA*
Kim Guay-ATF*
Brenda Doty-FMC*
Maria Odom-DHS-CISOMB*
Marcia Larkins-FDA*
Kirsten Mitchell-NARA*
Laurie Lenkel-FDA*
Shireen Dodson-State*
Matilda Brodnax-FEMA*
Robert Harris-FDIC*
Pam Pontillo-Energy*
Michael Lawrence-Sergeant at Arms*
Roberta Valdez-FDIC*
Yolanda Swift-SBA*
Dale Vergott-DIA*
Claire Heffernan-TSA*

* denotes on the telephone

Agenda/Topics at a Glance:

1. Introductions
2. Discussion Topic – You wear two hats, Ombudsman and employee – how do you function successfully as both?
3. IADRWG Update – Scott Deyo will share the latest from the Interagency ADR Working Group.
4. Discussion Topic – How do you raise issues to upper level management and what are the criteria to share broader issues?
5. What Does the Ombuds Do At...? Brian Bloch, Ombudsman, Office of the Special Trustee for American Indians, Department of the Interior will share about his role and answer any questions you may have.
6. Discussion Topic – Ombudsman writing skills – What are the similarities and differences with other types of writing?
7. Ombuds Jobs/Upcoming Conferences/Trainings

Discussion:

1. Introductions
2. Discussion Topic – You wear two hats, Ombudsman and employee – how do you function successfully as both?

Sometimes constituents might question whether an ombudsman, as an agency employee reporting to high-level representatives of the same agency, can also be independent. In many instances the only way to resolve an issue is by consulting with high-level agency officials. In the case of external

constituents, they could pursue recourse outside of the agency if they are not satisfied with the initial response or proposed resolution. Outside contractors could also be made available if appropriate.

3. IADRWG Update – Scott Deyo will share the latest from the Interagency ADR Working Group.

The IADRWG paired with CoFO to host a panel discussion on how an ombudsman's office can contribute to an agency's success. Rita Franklin, Wendy Kamenshine and Chuck Howard were panelists, with Scott Deyo serving as the moderator. The event, held at the Department of Energy, was well attended both in person and by teleconference.

THE IADRWG sponsors a Conflict Management Consortium (CMC), an educational and networking forum dealing with federal workplace ADR programs, including best practices and program development and evaluation. The meetings are open to all CoFO members and are held the second Thursday of every month. For additional information contact Scott (Scott.M.Deyo@nga.mil) or the CMC Chair, Victor Voloshin (Victor.Voloshin@eeoc.gov).

4. Discussion Topic – How do you raise issues to upper level management and what are the criteria to share broader issues?

When communicating with upper management, broader issues usually highlight systemic or mission-related challenges; individual cases—assuming consent to disclosure—can be raised when particularly serious issues arise. Sometimes it's more appropriate to raise concerns at a lower level and only bring them to top leadership if there are implications for all involved, particularly when a director might want to consider adopting an agency-wide policy. It's important to make leadership aware of issues that affect large numbers of employees or outside public constituencies so that leadership is not blind-sided and can take appropriate action.

5. What Does the Ombuds Do At...? Brian Bloch, Ombudsman, Office of the Special Trustee for American Indians, Department of the Interior will share about his role and answer any questions you may have.

The Office of the Special Trustee for American Indians (OST) oversees trust management and beneficiary services for American Indians and reservations. Brian Bloch is an internal solo practitioner ombudsman for the OST's approximately 700 employees who are located throughout the country, particularly in the West. In addition to routine ombuds duties from his home base in Washington, D.C., Brian makes field visits and provides conflict competence training. He also facilitates a seven-member Integrated Conflict Management System, a group that meets monthly to discuss workplace trends and challenges. More information is available at: <http://www.doi.gov/cadr>.

6. Discussion Topic – Ombudsman writing skills – What are the similarities and differences with other types of writing?

Written reports need to take into account the intended audience and present relevant information. Use of the third person and broad descriptions can be effective as well. When dealing with an outside audience, information received confidentially in the resolution of a matter should be communicated by using generic identifiers, i.e., "we understand that..." or "we have heard that...."

7. Ombuds Jobs/Upcoming Conferences/Trainings

International Ombudsman Association (IOA) annual conference to be held in April in Miami, Florida.

Federal Dispute Resolution conference to be held in July in Orlando, Florida.

CINERGY (Conflict Management Coaching) will be holding a class in April. Contact cinnie@cinergycoaching.com.

CFPB will be recruiting for an associate ombudsman in late February/early March; the job announcement will be posted on www.usajobs.gov.

Minutes preparer: Noreen Kinnavy/ Virginia L. Behr



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: March 13, 2013

Location: The Consumer Financial Protection Bureau and via telephone

Attendees (Name, Organization):

Sharon Asar, CFPB
Ruth McWilliams, NASA
Rex Eliot, NASA
Wendy Kamenshine, CFPB, COFO Chair
Guy Weber, TSA
Arthur Wigfall, TSA
Jackie Hoffman, TSA
Patricia Cashin*, DHS-US Visit
Peggy Matthews*, HUD OIG
Rita Franklin*, Energy
Zach Ulrich*, student
Mona Lease*, student
Tom Zrubek*, DODIG
Pam Pontillo*, Energy
Joanna Dea*, EPA
King Stablein*, NRC
Laurie Lenkel*, FDA

Cathy Barchi*, Energy
Peggy Gleason*, DHS-CIS Ombudsman
Neal Cohen*, CPSC, COFO Membership
Coordinator
Jeri Walker*, NCUA
Roberta Valdez*, FDIC
Virginia Behr*, FDA, COFO Co-Secretary
Scott Deyo*, NGA, COFO Vice Chair
Vicky Gilner*, Air Force
Marcia Larkins*, FDA
Julie Jones*, DIA
Molly Berg*, NGA
Riley Barra*, Air Force
Brian Bloch*, DOI
Victor Voloshin*, EEOC
Marc Kriss*, DOT
Noreen Kinnavy*, BBG, COFO Co-Secretary

* denotes on the telephone

Agenda/Topics at a Glance:

1. Introductions
2. Discussion Topic – A follow-up to the question circulated on the listserv...Have you used interpreters and how do you approach confidentiality? Do you need to contact the ombuds office visitor before someone interprets a phone message from another language or translates a written document?
3. COFO Charter
4. Discussion Topic – Do you use a first in first out system to address inquiries? How do you apply that protocol when individuals contact you multiple times a week, or reach out to other avenues as well who then contact you?
5. What Does the Ombuds Do At...? Tom Zrubek, Ombudsman at the U.S. Department of Defense, Office of the Inspector General, Office of the Ombuds, will share about his office and answer any questions you may have.
6. Discussion Topic – Does your agency do a good job of setting expectations for employees and/or the public? If so, how? Through what avenues? If not, what kind of recommendations have you made to change that?
7. Ombuds Jobs/Upcoming Conferences/Trainings – Kristie Hirschman from the U.S. Ombudsman's Association may join us for a few minutes to share about the upcoming USOA conference in the fall in Indianapolis.

Discussion:

1. Introductions

2. Discussion Topic – A follow-up to the question circulated on the listserv...Have you used interpreters and how do you approach confidentiality? Do you need to contact the ombuds office visitor before someone interprets a phone message from another language or translates a written document?

You could establish a relationship with an interpreter's service and have a signed confidentiality agreement. Many sign language interpreters follow a code of professional ethics but you could also have them sign a confidentiality agreement. If you use a phone service for language translation, have them sign a confidentiality form. In the mediation setting, discuss confidentiality with all parties and have everyone sign it, including the interpreter.

What if you receive a voicemail in another language? Again, if you have an established relationship with a translation service, ensure that the service follows a confidentiality agreement. Also, the topic of confidentiality is included in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and might speak to language translation issues.

3. COFO Charter

Recently, a revised COFO charter was sent to COFO members for comment. Once comments are received, Scott Deyo will make modifications based upon those comments. If any changes require a more formal vote, COFO members will be alerted. Otherwise, a final draft will be sent to COFO members to vote for adoption of the revised charter.

4. Discussion Topic – Do you use a first in first out system to address inquiries? How do you apply that protocol when individuals contact you multiple times a week, or reach out to other avenues as well who then contact you?

Most try to stick to first in first out, but sometimes it's best to first deal with more straightforward, quickly resolved cases (e.g., process question) and also prioritize very time sensitive cases (e.g., workplace violence). It's a best practice to set up follow up meetings/communication with contacts so that contacts know what/when to expect certain actions. If a third party contacts ombuds on behalf of a complainant, the ombudsman educates that person about the value of the primary complainant contacting the ombudsman instead of a third party.

5. What Does the Ombuds Do At...? Tom Zrubek, Ombudsman at the U.S. Department of Defense, Office of the Inspector General, Office of the Ombuds, will share about his office and answer any questions you may have.

Tom is a solo practitioner and is an internally facing ombudsman. He serves approximately 1700 current DoD/OIG. His areas of focus include:

1. Assistance for employees to develop solutions and resolve workplace concerns and conflicts;
2. Climate assessments, taking into account employee viewpoint surveys.
3. Mediation
4. Recommendations to management (at a monthly meeting) for specific issues and for systemic change.

Right now, he is working with component heads to remind them of upcoming mid-year performance reviews and the importance of preparing effective reviews. More information is available at:

<http://www.dodig.mil/Ombudsman/index.html>

6. Discussion Topic – Does your agency do a good job of setting expectations for employees and/or the public? If so, how? Through what avenues? If not, what kind of recommendations have you made to change that?

Ombudsmen can alongside with management to ensure that the messaging is appropriate and visible. Some have posters in office area. Can make statements about expectations on public and internal-only websites, as well as discussing expectations at new employee training and staff meetings.

7. Ombuds Jobs/Upcoming Conferences/Trainings – Kristie Hirschman from the U.S. Ombudsman's Association may join us for a few minutes to share about the upcoming USOA conference in the fall in Indianapolis.

USOA conference will be held October 28 – November 1, 2013 in Indianapolis, IN, with pre-conference sessions on October 28th and 29th. Government employees will receive a discount on the pre-conference sessions. Location: Indiana Government and Conference Center, about 1 block from the host hotel, Courtyard by Marriott: <http://www.usombudsman.org/>.

IOA annual conference at the end of April in Miami, FL
Federal Dispute Resolution conference in July in Orlando, FL
EEOC Training Institute conference August 26-29 in Denver, CO.
Mediation tracks are available. (Not sure what this is)...

Job announcements in CFPB and OPM.

Decisions/Agreements Reached: none

Action Items:

- COFO members will send comments/edits to the Charter to Scott Deyo by March 26, 2013.

Minutes preparer: Virginia L. Behr / Noreen Kinnavy
Date drafted: March 20, 2013 / finalized: August 27, 2013



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: April 10, 2013

Location: Consumer Financial Protection Bureau

Attendees (Name, Organization):

Paul Sotoudeh, CFPB/TSA
Wendy Kamenshine, CFPB, COFO Chair
Guy Weber, TSA
Jackie Hoffman, TSA
Claire Heffernan, TSA
Robert Harris, FDIC
Michele Benecke – FEMA
Chuck Rich – formerly at Federal Reserve
Michele Fennell*, FRB
King Stablein*, NRC
Marcia Larkins*, FDA
Brian Bloch*, DOI
Karen Leichnam*, DC Courts
Monique Bookstein*, FBI
Steve Cordery*, United Technologies Corporation

Zach Ulrich*, student
Joanne Dea*, EPA
Scott Deyo*, NGA, COFO Vice Chair
Jeri Walker*, NCUA
Victor Voloshin*, EEOC
Roberta Valdez*, FDIC
Kim Guay*, ATF
Mark Kriss*, DOT
Brenda Doty*, FMC
Noreen Kinnavy*, BBG, COFO Co-Secretary
Peggy Matthews*, HUD OIG
Sharon Asar*, CFPB
Vicki Gilner*, Air Force

* denotes on the telephone

Agenda/Topics at a Glance:

1. Introductions
2. Speaker – Steve Cordery, Corporate Ombudsman, United Technologies Corporation in the UK
3. What Does the Ombuds Do At...? Michele Fennell, Director's Program Manager & Deputy Ombudsman at the Federal Reserve will share about that office and answer any questions you may have
4. Discussion Topic – What is the impact on federal ombuds offices from various budget changes as pertains to visitors' questions/needs and/or the office operations itself?
5. Discussion Topic – For agencies with more than one ombuds function, what are the benefits/challenges?
6. Discussion Topic – To the extent you meet with individuals or groups in person, what space do you use and how do you ensure confidentiality when using that space?
7. Ombuds Jobs/Upcoming Conferences/Trainings

Discussion:

1. Introductions
2. Speaker – Steve Cordery, Corporate Ombudsman, United Technologies Corporation in the UK – Ruth McWilliams at NASA introduced Ms. Kamenshine to Mr. Cordery who had some interesting insights regarding the use of interpretation for people who contact the ombudsman's office in languages other than English.

Many considerations need to be taken into account when using interpreters as intermediaries for presenting an individual's concerns. Ideally, professional interpreters with personal experience in the relevant country should be used, ensuring not just language competence, but also cultural knowledge and understanding. This is particularly important in those cultures where an individual would be reluctant to correct any mistakes or to let a manager "lose face." It is helpful to ask about

the translator's background in general. When an untrained person with native-level language ability serves as an interpreter, they should restate to the constituent their understanding of the concerns being raised to validate the translation. If you have further questions on this issue, please contact Wendy at Wendy.Kamenshine@cfpb.gov.

3. What Does the Ombuds Do At...? Michele Fennell, Director's Program Manager & Deputy Ombudsman at the Federal Reserve will share about that office and answer any questions you may have

Deputy Ombudsman Michele Fennell of the Federal Reserve Board explained that federal banking agencies were required by statute to appoint an external ombudsman: 1) to act as a liaison between the agency and anyone experiencing problems resulting from regulatory activities; and 2) to ensure safeguards for complainants to come forward and preserve confidentiality. The ombudsman specialists serve as facilitators/mediators in the resolution of complaints about regulatory actions of the Reserve Board or any of its twelve reserve banks located throughout the country. The ombudsman also ensures complainants understand the venues available and formal processes (i.e., appeals, etc.) involved for resolving their concerns. They also assist in addressing any allegations of retaliation. Additional information is available at: <http://www.federalreserve.gov/aboutthefed/ombudsman.htm>

4. Discussion Topic – What is the impact on federal ombuds offices from various budget changes as pertains to visitors' questions/needs and/or the office operations itself?

No comments from participants.

5. Discussion Topic – For agencies with more than one ombuds function, what are the benefits/challenges?

Various models of multiple ombuds functions exist in federal agencies, whether separate internal and external offices or separate regional offices. Ideally each has a distinct role that can prevent any overlap; it's challenging, yet essential, to publicize and explain the distinct functions both at the organizational level as well as to any relevant outside constituencies. In the case of offices that share the same function but are physically separate (i.e., regional offices), a system should be established to compile relevant statistical data accurately.

6. Discussion Topic – To the extent you meet with individuals or groups in person, what space do you use and how do you ensure confidentiality when using that space?

Space arrangements for ombudsman offices need to take into account the paramount importance of confidentiality. Not only is physical location a consideration—particularly in the interest of ensuring privacy for any visitors, but also sound control should be taken into account. Thin walls, cubicle spaces, and non-discrete locations undermine guarantees of confidentiality and potentially dissuade individuals from consulting with an ombudsman.

7. Ombuds Jobs/Upcoming Conferences/Trainings

IOA to hold conference later this month in Miami, Florida.

USOA to hold conference in the Fall.

Federal Dispute Resolution conference to be held in July.

Job opening posted on www.USAJobs.gov for an Ombudsman Specialist at the Federal Reserve Board.

Minutes preparer: Noreen Kinnavy / Virginia L. Behr



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: May 15, 2013

Location: The Consumer Financial Protection Bureau and via telephone

Attendees (Name, Organization):

Wendy Kamenshine, CFPB Ombudsman, COFO
Chair
Virginia Behr, FDA/CDER, COFO Secretary
Dave Buckles, FDA/CDRH
Matt McGee, DOI
Paul Sotoudeh, TSA/CFPB
Sarah Stanton, Air Force
Jackie Hoffman, TSA
Claire Heffernan, TSA
Ayanna Epps, TSA
Chuck Rich, formerly of the Federal Reserve
Sharon Asar, CFPB
Heather Milner, CFPB
Guy Weber*, TSA
Matilda Brodnax*, FEMA
Bill Maurer*, DOE
Katie Manderson*, State
King Stablein*, NRC
Jennifer Gartlan*, FMC
Noreen Kinnavy*, IBB, COFO Secretary
Mike Powers*, FHFA
Stephanie Fast*, DHS-CIS
Michelle Benecke*, DHS/FEMA
Robert Harris*, FDIC
Deb Kearse*, TSA

Ellen Gallagher*, DHS-CIS Ombudsman
Pam Pontillo*, DOE
Zack Ulrich*, student
Vicki Gilner*, Air Force
Monique Bookstein*, FBI
Liz Phillips*, FDA/CPR
Celeste Merrix*, DHS-FLETC
Jeri Walker*, NCUA
Yvonne Hinkson*, Federal Bureau of Prisons
Sherry Lard-Whiteford*, FDA/CBER
Tonya Watson*, HUD
Gordon Talbott*, FDIC
Craig Cabrera*, TSA
Tom Zrubek*, DoD IG
Peggy Matthews*, HUD
Joy Lee*, NCUA
Eric Hebron, FDA/CPR
Peggy Gleason*, DHS-CIS Ombudsman
Scott Deyo*, NGA, COFO Vice Chair
Marcia Larkins*, FDA/CVM
Victor Voloshin*, EEOC
Kadija Athman, National Guard Bureau
Neal Cohen*, CPSC, COFO Membership
Coordinator

* denotes on the telephone

Agenda/Topics at a Glance:

1. Introductions
2. Discussion Topic – Data in absolute numbers is always small for an ombudsman's office. How do you demonstrate to the relevant people that systemic issues can have a real impact when the raw data is small?
3. Membership List – Update from Neal Cohen
4. Discussion Topic – Do you provide case examples when describing situations? If you do so in writing, how do you sanitize them so they can tell a story, but ensure that they do not reveal the individual who raised the issue with the ombudsman's office?
5. What Does the Ombuds Do At... the Transportation Security Administration's Ombudsman's Office?
6. Discussion Topic – Technologies helpful in your work
7. Ombuds Jobs/Upcoming Conferences/Trainings

Discussion:

1. Introductions
2. Discussion Topic – Data in absolute numbers is always small for an ombudsman's office. How do you demonstrate to the relevant people that systemic issues can have a real impact when the raw data is small?

When ombuds first start to see a trend, they may form hypotheses about a potential systemic problem. They can test those hypotheses when they research and investigate a problem; that allows them to evaluate potential systemic trends and provides stronger evidence to show to the relevant people (usually management).

The ombuds can also explain that a particular problem is likely more widespread than just those few cases that triggered evaluation by the ombudsman's office. It might be helpful to point out to management that even if just a handful of people reported the problem, it might not be resolved without some attention from management. If the issues brought to the ombuds are indicative of a larger problem, it's best to be proactive with solutions in order to save resources (including impact on senior management).

Some tips for the ombuds office:

- Know the best way to present the issues to management
 - Classic quantitative assessment. Severity x probability = risk.
 - Present illustrative qualitative story if the quantitative story isn't fully compelling
- Consider the frequency of complaints and also show the number of man hours spent on that particular problem
- Re-evaluate the way the Ombuds Office collects data and possibly revise data collection system in order to capture the most useful information.

3. Membership List – Update from Neal Cohen

COFO's membership list is outdated, so we searched for a cost effective and simple way to update it. This morning, an invitation email went out to the listserv, prompting members to update their information. The membership list pertains only to Voting Members of COFO. Please note that the information will be public information, so members are encouraged to use their general ombuds electronic mailbox address in the listing. This membership listing does not change participation on the COFO listserv. If you want to be added to the COFO listserv, contact Neal via email at NCohen@cpsc.gov

4. Discussion Topic – Do you provide case examples when describing situations? If you do so in writing, how do you sanitize them so they can tell a story, but ensure that they do not reveal the individual who raised the issue with the ombudsman's office?

If ombuds want to disclose details about a case, request permission from that individual or entity. Once a specific case is resolved, ombuds can ask the complainants to write an executive summary of the programmatic problems they've experienced in order to share it with management; management is often interested in stakeholder's perspective. The ombuds can also write a brief summary of problems to give to management. If the ombuds office has several staff members, ask them to review all written materials to make sure that no confidential information is shared.

5. What Does the Ombuds Do At...? Claire Heffernan and Jackie Hoffman will be sharing about the Transportation Security Administration's Ombudsman's Office

TSA provides screening when going through airports and employs about 60,000 people. The Ombudsman's Office was created ten years ago by the TSA head administrator. The Office reports to the assistant administrator and serves TSA employees and federal marshalls with non-EEO complaints. Most contacts are internally focused and geographically dispersed. The Office provides quarterly and annual reports to the top administrators, as well as airport-specific reports.

The Office recently began an external function to serve passengers who have questions or complaints about security screening done at the airport. The Office does not afford confidentiality to public contacts unless it is specifically requested. Most airports have a customer service manager. The ombuds can visit airports to talk with staff, facilitate discussions, or assist with other solutions.

6. Discussion Topic – Technologies helpful in your work

Neal Cohen is researching potential technologies for their utility in tracking cases and constituent contacts. Customer Relationship Management (CRM) is a term used for the use of technology to manage interactions between an entity and its clients (consumers, etc.). For an ombudsman's office, it can be important to have an audit trail and monitor the frequency of contacts from individual callers. Neal is considering cloud-based solutions because they are flexible and inexpensive. However, any technology for government use must be certified by FedRamp. Do other ombudsmen have recommendations for secure systems?

The discussion then turned to use of other types of technology useful in other areas of ombuds work. For example, ombudsmen use video-coaching sessions when face-to-face not possible. GoTo Meeting and Adobe Connect are widely used for hosting meetings when participants cannot all meet in one place. A tremendous number of useful technology options were presented at a session during the ABA Spring Dispute Resolution Conference.

7. Ombuds Jobs/Upcoming Conferences/Trainings

USOA conference (<http://www.usombudsman.org>) will be held October 28 – November 1, 2013 in Indianapolis, IN. Location: Indiana Government and Conference Center, about 1 block from the host hotel, Courtyard by Marriott.

Federal Dispute Resolution conference in July in Orlando, FL

Scott Deyo, Heather Milner, and Peggy Matthews shared experiences at IOA conference held in April.

Decisions/Agreements Reached: none

Action Items:

- COFO members will email Neal Cohen if they have ideas for use of technology for tracking cases and identifying frequent visitors.

Minutes preparer: Virginia L. Behr / Noreen Kinnavy

Date drafted: May 15, 2013 / finalized: August 27, 2013



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: June 12, 2013

Location: Consumer Financial Protection Bureau

Attendees (Name, Organization):

Julie Jones – DIA
Haley Hensen – DIA
Guy Weber – TSA
Todd Remusat – TSA
Sarah Stanton – Air Force
Paul Sotoudeh – TSA/CFPB
Wendy Kamenshine – CFPB, COFO Chair
Peggy Matthews – HUD OIG
Noreen Kinnavy – IBB*, COFO Co-Secretary
Jerry Holloway – HUD*
Emilie O'Malley – FRB*
Emily Albertson – FRB*
Victor Voloshin – EEOC*
Mona Lease – student*
Dave Buckles – FDA*
Mollie Berg – NGA*
Scott Deyo – NGA*, COFO Vice Chair
Virginia Behr – FDA*, COFO Co-Secretary
King Stablein – NRC*
Sheryl Brown-Norman – ODNI*
Matt Magee – DOI*
Mike Powers – FHFA*
Matilda Brodnax – FEMA*
Stephanie Fast – DHS*

Monique Bookstein – FBI*
Shawn Seliber*
Brian Bloch – DOI*
Melissa Johnson – contractor for Department of Education*
Jeri Walker – NCUA*
Shireen Dodson – State*
Yvonne Hinkson – BOP*
Sharon Asar – CFPB*
Joanne Dea – EPA*
Darlene Smith – USDA*
Roberta Valdez – FDIC*
Marcia Larkins – FDA*
Mindy Bickel – USPTO*
Heather Milner – CFPB*
Katie Manderson – State*
Andrea Brown – State*
Pam Pontillo – Energy/NARA*
Reggie McKinney – DHS*
Jennifer Gartlan – FMC*
Maggie Blunk*
Riley Barrera – Air Force*
Kim Guay – ATF*

* denotes on the telephone

Agenda/Topics at a Glance:

1. Introductions
2. Discussion Topic -- Picture this... You close an inquiry and if you created records the clock to destroy those records has begun. Some time passes and the person returns on the same issue. What do you do? Record as a new inquiry? Not? Stop the clock for records destruction and start again? Maybe not?
3. Membership List/Listserv -- an update
4. Request from the Interagency ADR Working Group – Information gathering on ADR programs
5. Discussion Topic -- How to distinguish an existing ombuds office from the new whistleblower ombuds function?
6. CoFO's Annual Conference 2013 - an update
7. Discussion Topic – Do you have an agency acquisition ombudsman? Is it a rotating duty? Is it someone who has other duties at the same time?
8. Discussion Topic – What has been your experience in using academia for short-term research projects?
9. Ombuds Conferences, Trainings, and Jobs

Discussion:

1. Introductions

2. Discussion Topic -- Picture this... You close an inquiry and if you created records the clock to destroy those records has begun. Some time passes and the person returns on the same issue. What do you do? Record as a new inquiry? Not? Stop the clock for records destruction and start again? Maybe not?

There is no clear-cut answer, and decisions about statistics in these cases present challenges in terms of establishing effectiveness of an agency's response or resolution of an issue. The overall caseload of an office is a consideration, with larger offices generally requiring precise deadlines to close cases; they are more likely to count the visitor and issue as being new. A smaller office can more easily account for a repeat visitor when the same issue resurfaces; they are more likely to avoid duplicating the visitor and issue in any statistical records. However, most offices, regardless of size, count visitors and issues as new if a case has been closed and the returning visitor has a different issue, or the same issue, but involving different parties.

3. Membership List/Listserv -- an update

There are two separate CoFO lists: 1) a membership list for the CoFO website which is limited to practicing federal ombuds, and 2) the CoFO listserv, open to all professionals interested in ombuds work and ADR issues in general. CoFO members who would like their information published on the website should respond to a recent electronic invitation or contact the CoFO Membership Coordinator, Neal Cohen, at ncohen@cpsc.gov. The website address is: <http://federalombuds.ed.gov/federalombuds/index.html>. (No action is required to remain on the CoFO listserv.)

4. Request from the Interagency ADR Working Group – Information gathering on ADR programs

The Interagency ADR Working Group is gathering data on conflict resolution related statistics. Also, for those members within agencies that have ADR programs not represented in CoFO, please consider whether or not they might have useful statistics. If yes, ask them to provide the data.

5. Discussion Topic -- How to distinguish an existing ombuds office from the new whistleblower ombuds function?

Wendy and Scott attended two meetings with a recently formed group of OIG whistleblower ombuds. Also known as whistleblower protection ombudsman—or WPO, it is a new position now required by statute for IG offices. The role and standards of a federal ombuds and the WPO's are distinct. Since many agencies will now have both types of ombuds, albeit operating in distinct roles and following different standards, the use of the term “ombudsman” presents a potential source of confusion for agency employees. Whistleblower ombuds have an educational role within OIG's, explaining to interested parties what constitutes whistleblowing as well as the laws governing whistleblowing and its protections. As these new positions expand, it is important for visitors to understand the distinction, primarily with regard to whistleblowing versus the traditional ombuds role of active conflict resolution. Outreach between ombuds offices, WPOs, and agency employees is critical to avoid confusion about available resources and the ombuds' unique roles.

6. CoFO's Annual Conference 2013 - an update

Planning for the annual conference is underway; any suggestions are welcome (contact Scott Deyo at Scott.M.Deyo@nga.mil or Neal Cohen at NCohen@cpsc.gov). The conference will be held at the US Patent and Trademark Office, September 30.

7. Discussion Topic – Do you have an agency acquisition ombudsman? Is it a rotating duty? Is it someone who has other duties at the same time?

Group members shared that duties associated with an acquisition ombudsman tend to be part-time and covered by an individual under a wide variety of job titles associated with contracting responsibilities. The Air Force would like to share training resources with other agencies to support those assigned to handle complaints related to acquisition/contracting issues. If your agency is interested, please contact Sarah Stanton at Sarah.Stanton@pentagon.af.mil.

8. Discussion Topic – What has been your experience in using academia for short-term research projects?

Several universities (Harvard, Pepperdine, George Mason, Eastern Mennonite and others) offer students credit for working with and conducting research about ombudsman offices. Federal ombuds and other ADR professionals who have hosted students generally found the experience helpful and rewarding. In deciding whether to pursue such a research project, ombuds offices should take into account that it is labor intensive and requires students be fully embedded in your operations, with access to top leadership. Occasionally travel expenses, or other compensation, might be expected.

9. Ombuds Conferences, Trainings, and Jobs

Training

IOA, Professional Development Courses to be offered July 8-12 in Phoenix, Arizona.

Jobs

Air Force: Alternative Dispute Resolution (ADR) Program Officer Manager

<https://www.usajobs.gov/GetJob/ViewDetails/345268700>

Minutes preparer: Noreen Kinnavy/ Virginia L. Behr



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: July 17, 2013

Location: The Consumer Financial Protection Bureau and via telephone

Attendees (Name, Organization):

Wendy Kamenshine, CFPB Ombudsman, COFO Chair
Matt Magee -- DOI
Frederick Whittington, Bureau of Printing and Engraving
Guy Webber, TSA
Jackie Hoffman, TSA
Paul Sotoudeh, TSA, CFPB
Chuck Rich, formerly of the Federal Reserve
Claire Heffernan, TSA
Virginia Behr*, FDA/CDER, COFO Secretary
Noreen Kinnavy*, IBB, COFO Secretary
Tom Zrubek*, DoD IG
Karen Leichtnam*, DC Superior Court
Karen Asaro*, FEMA ADR
Dave Buckles*, FDA/CDRH
Robert Harris*, FDIC
Benita Swan*, FDIC
Davina McCray*, FDIC
Robert Brown*, FDIC
Eric Raines, FDIC
Brian Bloch*, DOI
Andrea Brown*, Dept of State
Shireen Dodson*, Dept of State
Katie Manderson*, Dept of State
Cathy Barchi*, DOE
King Stablein*, NRC

Leah Meltzer*, SEC
Julie Jones*, Defense Intelligence Agency
Kim Guay*, ATF
Sheryl Brown-Norman*, ODNI
Heather Milner, CFPB
Jeri Walker*, NCUA
Jerry Holloway*, HUD
Roberta Valdez*, FDIC
Scott Deyo*, NGA, COFO Vice-Chair
Mona Lease*, student
Rita Franklin*, DOE
Bill Maurer*, DOE
Ayanna Epps*, TSA
Joy Lee*, NCUA
Victor Voloshin*, EEOC
Laurie Lenkel*, FDA
Neal Cohen*, CPSC, COFO Membership Coordinator
Marcia Larkins*, FDA/CVM
Jennifer Gartland*, FMC
Rick Beaumont*, FMC
Reggie McKinney*, DHS
Sara Stanton*, Air Force
Molly Berg*, NGA
Mindy Bickel*, USPTO
Stephanie Luckam, American Red Cross
Jean Whyte, NARA

* denotes on the telephone

Agenda/Topics at a Glance:

1. Introductions
2. Discussion Topic – How do you convey bad news to someone? Do you have any tips to share for conveying difficult information?
3. Membership List – Update from Neal Cohen
4. Discussion Topic –Can you share stories or examples of successful outcomes with group interventions? Working with groups to address broader agency challenges?
5. Interagency Alternative Dispute Resolution Working Group (IADRWG); Annual Conference Update – Scott Deyo
6. What Does the Ombuds Do At...? Robert Harris and Robert Brown of the internal and external ombuds offices, respectively, at the FDIC will share about their offices' different roles and answer any questions you may have.
7. Discussion Topic – What is your experience in working with a union as an ombuds?

8. Ombuds Jobs/Upcoming Conferences/Trainings. Kristie Hirschman of the U.S. Ombudsman's Association will share about the upcoming USOA conference and answer any questions you may have.

Discussion:

1. Introductions
2. Discussion Topic – How do you convey bad news to someone? Do you have any tips to share for conveying difficult information?

First, work through your own thoughts and personal reaction to the news and then determine whether or not the Ombuds is proper person to relay the information; if yes, decide how best to relay the information. During the conversation:

- Be mindful of your physical safety and read participant behavior.
- Begin the conversation with information recipient in a comfortable way to enable an open conversation.
- Be direct with the information.
- Try to focus on next steps and explore pathways towards a positive outcome.

3. Membership List – Update from Neal Cohen

The COFO listserv is separate from the COFO membership list. The listserv is open to anyone interested in receiving COFO information via email. The COFO membership list includes active ombuds in federal agencies who constitute the Voting Membership of COFO. Contact NCohen@cpsc.gov if you want to be added to the listserv and/or membership lists.

4. Discussion Topic – Can you share stories or examples of successful outcomes with group interventions? Working with groups to address broader agency challenges?

Tips for a successful group intervention/facilitation:

- Talk to everyone ahead of time to hear the problems and provide some coaching to participants about how to approach the intervention/facilitation.
- Prepare an agenda to create framework to encourage a useful interaction.
- Put agreements in writing.
- Do follow up meetings with participants.

There are many useful tools to assist with accurate assessments, but two were specifically cited as useful and efficient: *The Five Dysfunctions of a Team* by Patrick Lencioni and the *Thomas-Kilmann Conflict Mode Instrument (TKI)*.

5. Interagency Alternative Dispute Resolution Working Group (IADRWG); Annual Conference Update – Scott Deyo

IADRWG: The IADRWG is a collection of federal dispute resolution specialists that created a working group as required in the ADR Act of 1996. Scott is the COFO liaison to that group. Recently, the IADRWG talked about the use of technology (e.g. Adobe Connect software) for discussions among dispersed groups. The group welcomes innovative ideas for session topics at the April 2014 ABA meeting in Miami. If anyone has a presentation or idea to present, please submit a proposal by September 6, 2013.

Annual Conference Update: Please plan to attend the COFO annual meeting currently scheduled to be held September 30, 2013 at the USPTO in Alexandria, VA. Offerings and agenda are similar to the 2012 meeting (planned but cancelled due to severe weather).

6. What Does the Ombuds Do At...? Robert Harris and Robert Brown of the internal and external ombuds offices, respectively, at the FDIC will share about their offices' different roles and answer any questions you may have.

Robert Harris serves as the FDIC internal ombudsman for about 7,500 employees. The office reports to the FDIC Chairman and was created as an outcome of 2008-2012 FDIC culture change initiative. The office is an informal, internal resource to help resolve employee concerns and supports and assists management in fostering positive change. The office uses IOA reporting categories.

Robert Brown serves as an external ombudsman at FDIC (<http://www.fdic.gov/regulations/resources/ombudsman/index.html>).

The office, created by legislation, serves as a resource for external constituents to understand FDIC decisions or actions and to help them navigate their options. The ombuds listen to complaints and questions, explain FDIC decisions or actions, and attempt resolution of disputes if needed. They identify systemic problems, propose solutions, and help prepare training to address problems. They sometimes meet with bankers and go to bank sites during bank closure to offer assistance.

7. Discussion Topic – What is your experience in working with a union as an ombuds?

Be sensitive to the union's role and their perception of the ombudsman's role. If appropriate, sign a memorandum of understanding. If you have experience with interplay between the ombuds office and the union, contact Leah Meltzer at meltzerd@sec.gov or call her at 202-551-5183.

8. Ombuds Jobs/Upcoming Conferences/Trainings

Kristie Hirschman of the U.S. Ombudsman's Association shared about the upcoming USOA conference to be held October 28-November 1, 2013 in Indianapolis, Indiana. The two pre-conference workshops will cover the Reid Technique of Investigative Interviewing and new ombudsman training (www.usombudsman.org).

Jobs: CFPB and NGA have associate ombudsman openings.

Decisions/Agreements Reached: none

Action Items:

- Contact Neal Cohen to be added or removed from the COFO listserv or membership lists.
- Contact Leah Meltzer if you have experience working with unions.

Minutes preparer: Virginia L. Behr / Noreen Kinnavy
Date drafted: July 18, 2013 / finalized: August 27, 2013



COALITION OF FEDERAL OMBUDSMEN

MEETING MINUTES

Meeting Date: November 13, 2013

Location: The Consumer Financial Protection Bureau and via telephone

Attendees (Name, Organization):

In Person

Wendy Kamenshine – CFPB, Chair
Chuck Rich – formerly at FRB
Bronwen Blass – interest in federal ombuds
Guy Weber – TSA
Sharon Asar – CFPB

Jackie Hoffman – TSA
Rebecca Fenneman – FMC
Nicole Berkes – EPA
Jennifer Gartlan – FMC

Phone

Katie Manderson – State
Shireen Dodson – State
Andrea Brown – State
Julie Smith – State
Ayanna Epps – ATF
Jeri Walker – NCUA
Joanne Dea – EPA
King Stablein – NRC
Joy Lee – NCUA
Kirsten Mitchell – OGIS
Khadija Athman – National Guard Bureau
Cathy Barchi – Energy
Monique Bookstein – FBI
Lindsay Lamarre – interest in federal ombuds
Grace Chau – former intern at NIH
Noreen Kinnavy – IBB, Co-Secretary
Celeste Merrix – FLETC
Dawn Bedlivy – NSA
Felicia Bunns – Energy
Gene Greene – retired from Dept of Ed, now with
American Student Assistance

Roberta Valdez – FDIC
Shawn Seliber – interest in federal ombuds
Virginia Behr – FDA, Co-Secretary
Davida McCray – FDIC
Robert Harris – FDIC
Yvonne Hinkson – BOP
Sherry Lard – FDA
Marcia Larkins – FDA
Susan Terry – DIA
Reggie McKinney – DHS
Tangita Daramola – HHS
Neal Cohen – CPSC, Membership Coordinator
Eric Raines – FDIC
Tom Zrubek – DODIG
Dale Shaw – USPTO
Jerry Holloway – HUD
Mona Lease – student
Kara Sarsee
Peggy Matthews – HUD IG
Kathy Breeden – DOT
Benita Swann – FDIC

Agenda/Topics at a Glance:

1. Introductions
2. Annual Conference 2013
3. Discussion Topic – Did people reach out to your ombuds office before/after the recent government closure with new/different issues? How was your office able to assist?
4. Discussion Topic – Does your office work with other ADR resources that your agency may offer the public or employees? For example, the Administrative Procedure Act provides for ADR, but who provides those services?
5. What Does The Ombuds Do At... the DHS National Cybersecurity and Communications Integration Center? Reggie McKinney of the DHS National Cybersecurity and Communications Integration Center will share about his role and answer your questions.
6. COFO Elections
7. Do you have suggestions for what to include or not include as performance measures for your individual performance plan?
8. Does your office offer climate surveys to understand the inner workings of an office either as an internal or external ombuds function?
9. Ombuds Jobs/Upcoming Conferences/Trainings

Discussion:

1. Introductions

2. Annual Conference 2013

Thank you to the planning committee and to all those who attended. It was a great success!

3. Discussion Topic – Did people reach out to your ombuds office before/after the recent government closure with new/different issues? How was your office able to assist?

Many ombuds offices were closed during the government shutdown in October. For those offices that remained open, there was a reduction in contacts because many customers mistakenly thought the offices were closed. For those that did close, there was much activity to prioritize and triage both before and after the shutdown. Contractors were still operational, so functions didn't completely halt for those ombuds who use contractors.

4. Discussion Topic – Does your office work with other ADR resources that your agency may offer the public or employees? For example, the Administrative Procedure Act provides for ADR, but who provides those services?

One possibility is to coordinate between internal ADR and external ADR groups for some outreach activities. Some externally facing ombudsmen do manage internal issues when the conflict involves a professional difference of opinion.

5. What Does The Ombuds Do At... the DHS National Cybersecurity and Communications Integration Center? Reggie McKinney of the DHS National Cybersecurity and Communications Integration Center will share about his role and answer your questions.

Reggie is a newly appointed internal ombudsman at DHS; it's a new role and the ombuds charter was recently approved. The organization is made up of about 350 employees, primarily cyber security professionals. They work with other federal agencies and also private industry. In a highly competitive field, retention of valuable employees is a challenge. Providing ombuds services is one way to help with employee satisfaction and agency functioning.

6. COFO Elections

A nominations request and subsequent elections for the Executive Committee are coming up soon. If anyone is interested in holding a position, a nomination is required. A few more volunteers for the Election Committee are needed. Please note that those running for a position cannot be on the Election Committee.

7. Do you have suggestions for what to include or not include as performance measures for your individual performance plan?

We discussed this topic about one year ago.

Some elements will, by their nature, only lend themselves to qualitative measures and not quantitative measures. For example, systemic issues brought to management may be described qualitatively. Leadership and ombuds supervisors can change often, so it's important to ensure that new leadership understands the ombuds role and mission.

Outreach is an important element to give more prominence. If possible, tally the number of customers reached during outreach efforts. Alternatively, track the number of outreach events and identify new, unique events.

Some offices use metrics to report response times, resolution success, and client satisfaction. Note though that a client satisfaction survey is problematic because those who respond to the survey tend to be those who are either very satisfied or unsatisfied. The suspected middle range of satisfaction is likely missing.

8. Does your office offer climate surveys to understand the inner workings of an office either as an internal or external ombuds function?

It was reported that Scott Deyo (not present) has performed climate surveys. Others shared some of Scott's tools. Questions to ask: What is going well and why? What is not going well and why? What improvements would you make, or, where are the greatest opportunities for improvement?

You can use OPM's survey questions (and sometimes results) as a starting point. The results may be old information and might not fully inform the ombuds of the current problems, but the categories are useful. It was recommended that the ombuds do a group exercise to figure out what areas need improvement. Then give responsibility for actionable items to specific individuals and follow up.

9. Ombuds Jobs/Upcoming Conferences/Trainings

None identified.

Decisions/Agreements Reached: none

Action Items:

- If interested in serving on the COFO Elections Committee, contact Wendy Kamenshine.

Minutes preparer: Virginia L. Behr / Noreen Kinnavy

Date drafted: November 13, 2013 / finalized: December 26, 2013



COALITION OF FEDERAL OMBUDSMAN

MEETING MINUTES

Meeting Date/Time: May 14, 2014, 1:30pm – 3:00pm

Location: Environmental Protection Agency (EPA), William Jefferson Clinton Building
North, Conference Room 6013

Agenda/Topics at a Glance:

1. Interagency ombudsman collaboration
2. CoFO engagement and outreach
3. Ombuds Value Project
4. 2014 Annual Meeting Committee
5. Anti-Bullying Policy
6. USOA Conference
7. CoFO Membership List and Listserv

Mr. Deyo opened the meeting with a welcome to all members and a thanks to the outgoing COFO executive committee members. He reflected on the contributions of the participants from the 2013 annual meeting, particularly regarding the round-table discussions. Those results (attached) have already been informative and will help focus the new COFO leadership team and members on future discussion topics, initiatives, and future actions.

Before summarizing the discussion topics, the COFO Executive Committee would like to thank Peggy Matthews, who announced her retirement, for her tireless dedication and service to the federal Ombudsman community.

Discussion Topics:

1. How can we improve interagency collaboration among ombudsman offices?

Suggestions included:

- Expand CoFO's web presence, such as adding features to the current website, establish a presence on LinkedIn, or utilize other social media;
- Use the Office of Management and Budget website (MAX OMB, <https://max.omb.gov/>) or other venues to exchange ideas and share helpful information, such as relevant documents, policies, best practices, etc.
- Compile sample cases from CoFO members that could be instructive for the federal ombudsman community and provide materials or subject matter experts in key areas of expertise for both internal and external ombuds;
- Support new ombuds through shadowing, mentoring, or rotation program with experienced ombuds;

- Sponsor interns/students
- Develop research agenda and support multi-agency projects

2. How would you propose to increase engagement and outreach by CoFO?

CoFO should communicate with and educate current and potential stakeholders of the ombudsman profession. Suggestions included outreach to oversight entities, academic institutions with ADR programs; IADRWG; the GC community; EEOC; HR community; ABA, etc. For external ombuds outreach to the general public is particularly important, explaining their role and services available. Opportunities to engage with the press on the ombudsman role should also be considered.

3. Ombuds Value Project. At the 2013 Annual meeting many members expressed interest in CoFO communicating the positive value in our collective work. What information can you share to help communicate our story? What are the best ways to share what we do, how we do it, and its impact?

Some options included:

- Share interesting articles
- Share annual reports and metrics
- Develop and share measures available to quantify value of ombuds programs
- Develop and share “your one shining example” that communicates our impact

4. 2014 Annual Meeting Committee. Those who would like to volunteer in planning/organizing the 2014 annual in-person meeting should contact Scott Deyo (Scott.M.Deyo@nga.mil) by the first week of June.

5. Anti-Bullying Policy. CoFO members would be interested in learning about any non-EEO related anti-bullying policies or violence prevention in general. If you have one or are aware of others, please send a copy to Scott Deyo (Scott.M.Deyo@nga.mil) or any other member of the executive committee.

6. Upcoming United States Ombudsman Association (USOA) Conference

Dale Shaw is the chair for USOA’s conference scheduled for the week of October 13. He would welcome input from members regarding 1) whether you are planning on attending, and if so, 2) training or workshops that would be helpful to include for federal ombuds. If you have any suggestions, please email Dale.Shaw@uspto.gov.

7. CoFO Membership List and Listserv

There are 265 people signed up for the listserv, which is great. However, during last year's membership drive, only 72 people responded to be listed as [CoFO members](#). We believe there are over 50 practicing federal ombuds who are not listed as members. CoFO would like to have a complete list and will refrain from publishing contact information upon request. If you are an ombudsman in a federal agency and practice according to COFO standards (independent, neutral and impartial, and confidential), please contact Guy Weber (Guy.J.Weber@nga.mil) to be added to the membership list.

Attendees:

In Person

Scott M. Deyo, Department of Defense, National Geospatial-Intelligence Agency
William J. Maurer, Department of Energy
Noreen Kinnavy, International Broadcasting Bureau, Voice of America, and Office of Cuba Broadcasting
Andrea Brown, Department of State
Tangita Daramola, Department of Health and Human Services, Centers for Medicare & Medicaid Services
Joanne Dea, Environmental Protection Agency

Phone

Emily Albertson, Federal Reserve Board
Virginia Behr, Department of Health and Human Services, Food and Drug Administration
Mollie Berg, Department of Defense, National Geospatial-Intelligence Agency
Brian Bloch, Department of the Interior, Special Trustee for American Indians
Monique Bookstein, Department of Justice, Federal Bureau of Investigation
David Buckles, Department of Health and Human Services, Food and Drug Administration
Albert Conerly, Department of Health and Human Services, Food and Drug Administration
Ren   E. Cutlip-Mason, Department of Homeland Security, Citizenship and Immigration Services
Robert Harris, Federal Deposit Insurance Corporation
Yvonne Hinkson, Department of Justice, Federal Bureau of Prisons
Wendy Kamenshine, Consumer Financial Protection Bureau
Karen Leichtnam, D.C. Superior Court
Shannon Lynch Walker, National Aerospace and Space Administration
Katie Manderson, Department of State
Peggy Matthews, Department of Housing and Urban Development
Celeste Merrix, Department of Homeland Security, Federal Law Enforcement Training Center
Heather Milner, Consumer Financial Protection Bureau
Eric Raines, Federal Deposit Insurance Corporation
Venita Robinson, National Aerospace and Space Administration
Dale Shaw, U.S. Patent and Trademark Office
Julie Smith, Department of State
King Stablein, U.S. Nuclear Regulatory Commission
Jeri Walker, National Credit Union Administration
Guy Weber, Department of Defense, National Geospatial-Intelligence Agency

Minutes prepared by: Noreen Kinnavy / Andrea Brown



COALITION OF FEDERAL OMBUDSMAN

On September 30, 2013, the Coalition of Federal Ombudsman (CoFO) held its annual conference, which was hosted by the U.S. Patent and Trademark Office in Alexandria, Virginia.

ROUND TABLE DISCUSSIONS

Using an O.M.B.U.D.S. program evaluation model, participants reflected on challenges and opportunities for expanding and improving upon dispute resolution systems within the government, including the following topics:

- Opportunities** What opportunities are ripe for the profession?
What are some common, cross-government issues?
How can we coordinate and support each other?
- Measuring** How is success measured by you, visitors, executives?
How do you communicate value?
What should you do more of? Less of? Is it effective?
What should you change?
- Barriers** What challenges have you faced this year? How did you deal with it?
- Uncertainties** What questions do you have? What do you need help with?
- Development** How can we grow as practitioners, offices, and as a profession?
- Strategies** As a Coalition, what should we be focusing on?
What are the most important goals?
What should we start, continue, and stop doing?

RESULTS BY “O.M.B.U.D.S.” TOPIC

*The following captures the ideas shared in the round table discussions.
These items can help COFO plan strategies and initiatives for 2014 and beyond.*

Opportunities Measuring Barriers Uncertainties Development Strategies

*What opportunities are ripe for the profession?
What are some common, cross-government issues?
How can we coordinate and support each other?*

- Members, collectively, need to focus more on interagency collaboration rather than focusing on one agency at a time; this will help foster more professional relationships, help us be more proactive, and help us identify and recognize larger trends.
- Increase engagement and outreach with alternative dispute resolution, legal, EEO, and other groups; think creatively and reach out to executives and administrators; what about outreach to Congress? Not lobbying, just informing; IADRWG did a report to the President...why can't we?
- Develop ways to attract and retain new talent (outreach to schools, internships)
- Create a career track, mentoring, and coaching
- We have an opportunity to normalize and make conflict healthy
- Federal ombuds is a growth industry, but requires somewhat of a culture shift
- Educate others on the role and process
- Use technology to educate; allow for anonymous reporting
- Use colleagues as a resource for feedback/dialogue (wealth of knowledge/experience)
- Implement peer and case consultations; more in-services
- New ombuds orientation
- When groups find that they are in need of an ombudsman office, ex. Sending personnel to conferences etc. for ideas

- Using colleagues as a resource for feedback and dialogue (wealth of knowledge and experiences)
- Become more proactive and get better at recognizing larger trends; focus should be on interagency coordination, not just focusing internally
- Educating others on the term “ombudsman”
- Independence, neutrality & informal resource – perhaps provide publications or a rotating column; marketing publicity within COFO
- Greater communication and sharing of important cases; generic case reports; share the most significant case each year; impact on agencies
- Relationship building: using an ombudsman to improve relationship post EEO case
- International Ombudsman Association training opportunities
- Issue of collateral duty
- Must have buy-in from organization
- More sharing of best practices
- Collect trends and patterns – affect decision making and identify risk
- Figure out how ombuds contribute to the strategic development of the agency it serves
- Advertise duties/objectives
- Need more actual ombuds within organizations – most at the tables also have ADR positions, do organizational work, but aren’t ombuds
- Opportunity for education about what ombuds does, relationship to ADR
- External ombuds (by statute) – dealing with external clients issues with agency
- Deals a lot with morale to get people to talk together to get things done
- Difficult to keep neutrality
- Opportunities in many agencies for this role
- Opportunity to be more consistent in term/title/role, which is thrown around a lot. There are many of us with the title and lucky to be doing actual ombuds work.

However, some are doing ombuds work without the title; some have the title and aren't doing anything that resembles ombuds work.

- Opportunities to adjust structures so ombuds report directly to agency heads
- Opportunities to strengthen role in addressing systemic issues and org climate
- Can you assess whether organizational are “ripe” and ready for an ombuds? Some leaders are unwilling to acknowledge organizational climate and systemic issues; some ombuds already exist within a resistant culture; how can an ombuds do their job when upper management doesn't want to know what is going on?
- Better use of technology to educate (blog); provide anonymous avenue to share concerns
- Have senior leaders communicate their perspective on the importance of the ombuds role to the organization
- Trend analysis – consolidation of cases and bringing these bigger issues up to management and senior leaders – congress
- Allowing people to recognize they aren't alone can be helpful
- Trend sharing amongst agencies/offices – issues, technology, policies
- How does an ombuds create confidence and trust in time of significant gov't mistrust?
- Understanding expectations
- Foster transparency
- Learn from the private sector

Opportunities	Measuring	Barriers	Uncertainties	Development	Strategies
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How is success measured by you, visitors, executives? How do you communicate value? What should you do more of? Less of? Is it effective? What should you change?

- Members generally agreed that measuring the value of an Ombudsman program is vital to its implementation and sustainability in an agency, but that it is inherently challenging to determine the most effective means of doing so
 - Are there metrics we can use to show our added value?
 - How do you measure a pattern?

- Ensure that metrics are also quantifiable which may help to communicate value to leadership
- Standardize metrics across the government, ie: IOA standards; reporting structure
 - Develop a methodology
 - Basis for best practices
- Possible methods of measuring: evaluations, surveys, focus groups, interviews; need to , find out who isn't using the office and why
- Annual reports - How to track data across time? Longitudinal data; consistency in data; measurement over time
- Maybe measures in time and cost savings (as compared to EEO, MSPB and other formal appeals processes)

Opportunities Measuring **Barriers** Uncertainties Development Strategies

What challenges have you faced this year? How did you deal with it?

- Management support and motivation to resolve non-EEO complaints
- Record keeping (how long to keep/when to destroy)
- Difficulty measuring value
 - Not being quantifiable (as compared to an EEO complaint)
 - The role is not directly (blatantly) central to the mission, but to break down this perception, must align self with mission to show how essential the ombudsman role is to the organization
 - Parallel with org and strategic plan – set goals early on
- Liability issues
- Careful not to put findings as conclusive (when offering an explanation)
- Fear of the media (bringing certain issues to light that may receive public scrutiny)
- Education – reassurance that an ombuds is confidential
- Challenges to ombuds confidentiality
- Perceptions about neutrality/independence from employees
- Whether to bring in an ombudsman from inside or outside:
 - Someone internal knows culture of organization, but may not be seen as neutral

- Someone external can maintain distance and neutrality but may be slow to understand org culture
- Appointing ombudsmen with the right skill sets for the job
- Demonstrating independence to public by distance – must be self-aware
- Resource planning and allocation to effectively manage issues identified by ombudsmen (demonstrate mission critical helps)
- Travel – get creative with distributed workforce
- Managing expectations of agency through role clarity
- Trend in gov't towards open workspace is a barrier to discrete/confidential communication
 - TSA field employees have different schedules, cannot have phones at checkpoints
 - Time zones/24x7 operations
- Validating work
- Security – if visitors are seriously agitated
- How to keep ombuds staff challenged
- Employment ladder – where do ombuds go?
- Potential for personal threats
- Getting an ombuds function created; Getting function located in an independent place (direct report to agency head vs. being in general counsel's office)
 - Location in org is critical
 - Challenge and barrier – can you get an independent ombuds office in the beginning with out the heft of an existing office? Who will want it?
- Need to be an “executive” office with a budget – high level
- Would an ombuds who is at a high level be able to relate effectively to regular workers?
- Budget – adequate? Independent? Need to be in a position to do what you need to do
- Budget
- What we can do and what can you do
- Work on relationships
- Who supports you
- Justice in the eyes from customer
- The amount of work – oppressive nature of the work
- Sharing across agencies of best practices – silos and not getting information

- Defining what an ombuds does
- Measuring success and how to work with only one party
- Creating a safe space for everyone to come
- Neutrality
- Fear of coming forward
- Technology and the traceability of it
- Confidentiality – great for those who come but can't share that info to how we help
- Imminent threat and how we define that
- How we deal with a barrier?
 - Reinforcing role and managing expectations of those who come to us
 - Explore other options when they are stuck – ask the hard question
- Our assumptions and what we don't know
- Structural barrier no full time positions – another collateral duty
- Self-appointed ombuds in the field and no resources to regulate that due to size of staff
- Resources! Time, staffing, budget
- Leveraging technology to be able to have the conversations more regularly (COFO website)
- How to start the conversations about issues with an agency?
- Some offices want to take the work that we are doing because they are solving problem and not adhering to the principles – function creep
- Dealing with culture change in an entrenched system – turning the titanic
- Funding
- Strategy
- Working with media/social media
- For COFO getting ahead of new “wave” of ombuds, creating standards and sharing best practices?
- Developing consistency in the role of ombuds across the government
- How to strengthen the coalition?

What questions do you have? What do you need help with?

- What data to share with management?
 - Focus groups
 - Ask them what would be useful
 - See them as partners
 - Charter
 - Understand what management is trying to establish
- Ombudsman – meaning, external and internal
 - Ombudsman role clarification
 - Distinction between ombuds office and ADR office?
- Confidentiality issues
 - When can you involve 3rd parties if at all?
 - What info can you provide to 3rd parties?
- Education
 - Is it needed? If so, when and how should it be delivered? (Social media seminars?)
 - How to teach and train the workforce
 - Creative ways to reach people without budget
- Whistleblower ombuds program
 - How does it work out practically? Eg. If you tell org. you wish to speak with ombuds office, is that not notice?
- State of the law
 - ADR proceeding, who's covered
 - Case law
 - Which cases are applicable to the work we are involved with?

How can we grow as practitioners, offices, and as a profession?

- Teaching/education/outreach
 - Educate caller, visitor re proper office to go to
 - Culture developing to clarify where to go without stigma
 - How do people who create office find out what's actually needed?
- As practitioners we need opportunities to learn from others
 - Ability to share mistakes in confidence with others and get feedback
 - Peer to peer discussion

- Sustain/communicate with other ombuds in other organization
- Connecting with non-federal ombuds
- Rapport development
 - How to develop “trust” with management to provide useful data
 - Developing good reporting to management
- Networking with other components: EEO, grievance, ombuds, OIG
 - Build strong relationships internally with personnel and EEO and Legal
- Continue to explore ways in which processes can be improved/streamlined

Opportunities	Measuring	Barriers	Uncertainties	Development	Strategies
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***As a Coalition, what should we be focusing on?
What are the most important goals?
What should we start, continue, and stop doing?***

- Marketing
 - Define what your audience or “client” will be/explain tenants
 - COFO – get your message out
- Training
 - What is an Ombudsman?
 - Brochures, websites, e-mail
 - Informing new employees as they come onboard about the ombudsman
 - Formalize ongoing training requirements
 - Offer in-service professional training
- Greater sharing of resources
 - People may not be as willing to create documents/presentations
 - More willing to share in informal meetings (in-person, telephone, etc.)
 - Inform members of other resources available (adr.gov, IADRWG committee)
 - Collegial organization to promote best practices



COALITION OF FEDERAL OMBUDSMAN

Scott M. Deyo
Chair

William Maurer
Vice Chair

Noreen Kinnavy
Co-Secretary

Andrea Brown
Co-Secretary

Guy Weber
Coordinator

MEETING MINUTES

Meeting Date/Time: June 11, 2014, 1:30pm – 3:00pm

Location: Environmental Protection Agency (EPA), William Jefferson Clinton Building
North, Conference Room 6013

Agenda/Topics at a Glance:

1. Ombuds Value Project
2. Outreach with Ombuds Committee, ABA Section of Dispute Resolution
3. Whistleblower Ombudsman
4. OMB MAX as a CoFO Collaboration Tool
5. Responding to Requests for Testimony
6. Other Announcements/Requests

Discussion Topics:

1. Ombuds Value Project

Mr. Scott Deyo highlighted a recent request inviting CoFO members to participate in the Ombuds Value Project by submitting one example (or more) of a success story demonstrating the value of the ombudsman role by Friday, July 18, 2014. The narratives, written in a way that protects the identity of the agency and individuals involved, will be compiled into a reference tool available to the ombudsman and conflict resolution community. This project follows a suggestion raised at the 2013 CoFO conference.

2. Outreach. Scott Deyo shared a request from the ABA's Section of Dispute Resolution, where Mr. Charles "Chuck" Howard, Chair, Ombuds Committee, reached out to CoFO:

"The Committee welcomes participation from professionals in the ombudsman and legal communities. We are mindful that there are numerous types of ombuds, using various versions of the original "ombudsman" term. We want to extend an invitation for ombudsman practitioners of all types to join the Committee. Committee membership is open to anyone, the only requirement being that committee members belong to the ABA Dispute Resolution Section. Visit the ABA website (http://www.americanbar.org/membership/join_and_renew.html) for information on joining the ABA DRS. (Membership is not limited to lawyers). To join the Ombuds Committee itself visit: https://apps.americanbar.org/committee_join/ocj_join.cfm?comm=DR. One of the goals of the Ombuds Committee is to inform and educate lawyers and the public about ombuds programs, functions, and the benefits they provide to organizations and society."

3. The role of the Whistleblower Ombudsman

Mr. Robert Storch and Ms. Judy Kleiman of the DOJ Office of the Inspector General gave a presentation on the new Whistleblower Ombudsperson Program, implemented as a result of the Whistleblower Protection Enhancement Act of 2012. The Whistleblower Ombuds understands the role of the OIG from the inside and will serve as an educational resource about the OIG's role and the nature of protected disclosures. Agencies that have more than one type of ombudsman need to ensure that staff understands the different and unique role of each.

The entire presentation with relevant links is available in *Attachment A*.

4. OMB MAX as a collaboration tool for CoFO. You can learn more about OMB MAX at: <https://max.omb.gov/maxportal/home.do>

Members at the meeting agreed to pursue OMB MAX as a readily accessible repository for CoFO members to share resource material. While this option is being explored, if you have material that should be included, such as policies, SOP's, ombudsman position descriptions, etc., please email them to Mr. Deyo or other members of the Executive Committee. In particular, please consider forwarding any charters, sample statutes and policies that could be made readily available for new or soon-to-be-established ombuds offices.

5. Have you ever received a request to testify in a formal proceeding? Do you have a plan in place if you are called to testify in a formal proceeding?

Most ombuds resist formal testimony. Sources of support to justify this position can include Administrative Dispute Resolution Act (ADRA) and an agency's General Counsel, if the latter supports the principle of ombuds confidentiality. If an agency itself (whether through GC or other formal entity) attempts to compel an Ombudsman to testify, CoFO members can provide additional information to assist.

Perhaps the ABA's Section of Dispute Resolution, Ombuds Committee could provide support in this regard.

6. Other Announcements/Requests:

- a. Mr. Victor Voloshin announced that the Equal Employment Opportunity Commission is looking for unpaid interns. They need to write well and preferably know about labor law. Please send any resumés to Victor.Voloshin@EEOC.gov.
- b. Ms. Davida McCray, a Pathways intern at FDIC, is interested in meeting other interns working in the conflict resolution field. She can be contacted at dmccray@fdic.gov.
- c. There were two recent job announcement:
 - Federal Bureau of Prisons (closed June 27, 2014)
 - Federal Deposit Insurance Corporation (closes July 7, 2014)
<https://www.usajobs.gov/GetJob/ViewDetails/373499500>

- d. Several ombudsman retired over the past year; CoFO would like to acknowledge them at our next annual conference. Please email Mr. Deyo or another member of the Executive Committee if you are interested in volunteering to organize the annual conference.

Attendees:

In Person

Emily Albertson, Federal Reserve Board
Riley Barrar, Department of Defense
Rolando Bonachea, Student
Andrea Brown, Department of State
Sheryl Brown-Norman, Office of the Director of National Intelligence
Scott Deyo, Defense/National Geospatial-Intelligence Agency
Noreen Kinnavy, International Broadcasting Bureau
William Maurer, Department of Energy
Julie Smith, Department of State
Robert Storch, Department of Justice
Judy Kleiman, Department of Justice

By Phone:

Karen Asaro, Department of Homeland Security
Bedlivi Dawn, National Security Agency
Virginia Behr, Department of Health and Human Services
Claire Fheffernan, Department of Homeland Security
Wendy Kamenshine, Consumer Financial Protection Bureau
Marcia Larkins, Department of Health and Human Services
Mona Lease, Student
Laurie Lenkel, Department of Health and Human Services
Matt Magee, Department of the Interior
Katie Manderson, Department of State
Davida McCray, Federal Deposit Insurance Corporation
Celeste Merrix, Department of Homeland Security
Kirsten Mitchell, Office of Government Information Services
Eric Raines, Federal Deposit Insurance Corporation
Margie Shanks, Federal Reserve Board
King Stablein, U.S. Nuclear Regulatory Commission
Paul Tsotoudeh, Consumer Financial Protection Bureau
Jeri Walker, National Credit Union Administration
Guy Weber, Defense/National Geospatial-Intelligence Agency
Rea Winder, Department of Homeland Security

Minutes prepared by: Noreen Kinnavy/ Andrea Brown



COALITION OF FEDERAL OMBUDSMAN

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Noreen Kinnavy
Co-Secretary

Andrea Brown
Co-Secretary

Guy Weber
Coordinator

MEETING MINUTES

Meeting Date/Time: August 14, 2014, 1:30pm – 3:00pm

Location: Environmental Protection Agency (EPA), William Jefferson Clinton Building
North, Conference Room 6013

Agenda/Topics at a Glance:

1. Micro-aggressions “Paper cuts”
2. Announcements

Discussion Topics:

1. **Micro-aggressions or “Paper cuts”** - Andrea Brown of the Department of State and CoFO executive committee member engaged participants in a discussion on micro-aggressions. During the discussion participants provided examples of what they have encountered in their practice and ways/ strategies for handling these issues as ombudsman.

“Micro aggressions are common verbal, behavioral, and environmental indignities, whether intentional or unintentional, that communicate hostile or negative slights to marginalized groups. Perpetrators of micro aggressions are often unaware that they engage in such interactions when they interact with minorities.” (Sue, et al Columbia University, Teachers Colleges, 2007).

The discussion led to strategies that could be used by the ombudsman to assist visitors who encounter micro-aggressions. Some of the options include:

- Creating and providing a safe space to allow one to be heard and raise concerns without being dismissed.
- Assist parties in becoming aware of blind spots (unconscious / conscious bias being expressed) utilize assessment tools such as 360, climate surveys, or courses in emotional intelligence, etc.
- Facilitated dialogues with parties.
- Relationship building engages parties in constructive patterns of interaction.
- Use of allies in addressing the behavior or slight.

Further reading, *Racial Micro aggressions in Everyday Life, Implications for Clinical Practice*, by Derald Wing Sue, PhD.

2. Other Announcements/Requests:

- a. **CoFO Conference 2014** – CoFO will hold its annual conference on Tuesday, September 30, 2014 8:00 am – 4:30 pm at the U.S. Patent and Trademark Office Headquarters, Madison Building, 600 Dulany Street Alexandria, Virginia. There is no fee to attend the conference.
- b. **Federal Ombudsman Peer Review** - Please continue to send your comments and feedback regarding the proposed peer review program. The goal is to assist programs in assessing whether they are “doing what they have set out to do” and to strengthen the professionalism of federal government ombuds programs. The peer review process is set up to be flexible and voluntary.
- c. **Ombuds Value Project** - Please submit one example (or more) of a success story demonstrating the value of the ombudsman role. The narratives, written in a way that protects the identity of the agency and individuals involved. They will be compiled into a reference tool available to the ombudsman and conflict resolution community.
- d. **OMB MAX as a collaboration tool for COFO** – there is a cost associated with using this tool. CoFO is continuing to look into other options to have a readily accessible repository of shared resource material for federal ombudsman.

Attendees:

In Person:

Andrea Brown, Department of State
Scott Deyo, Department of Defense - NGA
Tim Rice, Department of Homeland Security – US SS
Sigal Shoham, Department of Interior

By Phone:

Emily Albertson, Federal Reserve Board
Riley Barrar, Department of Defense - AF
Dawn Bedlivy, National Security Agency
Mollie Berg, Department of Defense - NGA
Neal Cohen, Consumer Product Safety Commission
Albert Conerly, Department of Health and Human Services - FDA
Joanne Dea, Department of Agriculture
Ayanna Epps, Department of Homeland Security - TSA
Janet Freimuth, Department of Energy
Claire Heffernan, Department of Homeland Security - TSA
Neal Cohen, Consumer Product Safety Commission
Wendy Kamenshine, Consumer Financial Protection Bureau
Matthew Lascell, Department of Defense - NCIS
Kristina Lauritsen, Department of Health and Human Services - FDA
Karen Leichtnam, D.C. Superior Court
Matt Magee, Department of the Interior
Carrie McGuire, Office of Government Information Services
Celeste Merrixx, Department of Homeland Security - FLETC

Sheryl Brown-Norman, Office of the Director of National Intelligence
Pamela Pontillo, Department of Energy
Sarah Roberts, Department of Homeland Security - TSA
Dale Shaw, U.S. Patent and Trademark Office
Izabela Solosi, Northern Virginia Mediation Services
King Stablein, U.S. Nuclear Regulatory Commission
Yolanda Swift, US Small Business Administration
Jeri Walker, National Credit Union Administration
Guy Weber, Department of Defense - NGA
Arthur Wigfall Jr., Department of Homeland Security – TSA
Joyce Wilson, Federal Housing Finance Agency
Tom Zrubek, Department of Defense - DoD IG

Minutes prepared by: Andrea Brown/ Noreen Kinnavy



COALITION OF FEDERAL OMBUDSMAN

MEETING MINUTES

Meeting Date/Time: May 14, 2014, 1:30pm – 3:00pm

Location: Environmental Protection Agency (EPA), William Jefferson Clinton Building
North, Conference Room 6013

Agenda/Topics at a Glance:

1. Interagency ombudsman collaboration
2. CoFO engagement and outreach
3. Ombuds Value Project
4. 2014 Annual Meeting Committee
5. Anti-Bullying Policy
6. USOA Conference
7. CoFO Membership List and Listserv

Mr. Deyo opened the meeting with a welcome to all members and a thanks to the outgoing COFO executive committee members. He reflected on the contributions of the participants from the 2013 annual meeting, particularly regarding the round-table discussions. Those results (attached) have already been informative and will help focus the new COFO leadership team and members on future discussion topics, initiatives, and future actions.

Before summarizing the discussion topics, the COFO Executive Committee would like to thank Peggy Matthews, who announced her retirement, for her tireless dedication and service to the federal Ombudsman community.

Discussion Topics:

1. How can we improve interagency collaboration among ombudsman offices?

Suggestions included:

- Expand CoFO's web presence, such as adding features to the current website, establish a presence on LinkedIn, or utilize other social media;
- Use the Office of Management and Budget website (MAX OMB, <https://max.omb.gov/>) or other venues to exchange ideas and share helpful information, such as relevant documents, policies, best practices, etc.
- Compile sample cases from CoFO members that could be instructive for the federal ombudsman community and provide materials or subject matter experts in key areas of expertise for both internal and external ombuds;
- Support new ombuds through shadowing, mentoring, or rotation program with experienced ombuds;

- Sponsor interns/students
- Develop research agenda and support multi-agency projects

2. How would you propose to increase engagement and outreach by CoFO?

CoFO should communicate with and educate current and potential stakeholders of the ombudsman profession. Suggestions included outreach to oversight entities, academic institutions with ADR programs; IADRWG; the GC community; EEOC; HR community; ABA, etc. For external ombuds outreach to the general public is particularly important, explaining their role and services available. Opportunities to engage with the press on the ombudsman role should also be considered.

3. Ombuds Value Project. At the 2013 Annual meeting many members expressed interest in CoFO communicating the positive value in our collective work. What information can you share to help communicate our story? What are the best ways to share what we do, how we do it, and its impact?

Some options included:

- Share interesting articles
- Share annual reports and metrics
- Develop and share measures available to quantify value of ombuds programs
- Develop and share “your one shining example” that communicates our impact

4. 2014 Annual Meeting Committee. Those who would like to volunteer in planning/organizing the 2014 annual in-person meeting should contact Scott Deyo (Scott.M.Deyo@nga.mil) by the first week of June.

5. Anti-Bullying Policy. CoFO members would be interested in learning about any non-EEO related anti-bullying policies or violence prevention in general. If you have one or are aware of others, please send a copy to Scott Deyo (Scott.M.Deyo@nga.mil) or any other member of the executive committee.

6. Upcoming United States Ombudsman Association (USOA) Conference

Dale Shaw is the chair for USOA’s conference scheduled for the week of October 13. He would welcome input from members regarding 1) whether you are planning on attending, and if so, 2) training or workshops that would be helpful to include for federal ombuds. If you have any suggestions, please email Dale.Shaw@uspto.gov.

7. CoFO Membership List and Listserv

There are 265 people signed up for the listserv, which is great. However, during last year's membership drive, only 72 people responded to be listed as [CoFO members](#). We believe there are over 50 practicing federal ombuds who are not listed as members. CoFO would like to have a complete list and will refrain from publishing contact information upon request. If you are an ombudsman in a federal agency and practice according to COFO standards (independent, neutral and impartial, and confidential), please contact Guy Weber (Guy.J.Weber@nga.mil) to be added to the membership list.

Attendees:

In Person

Scott M. Deyo, Department of Defense, National Geospatial-Intelligence Agency
William J. Maurer, Department of Energy
Noreen Kinnavy, International Broadcasting Bureau, Voice of America, and Office of Cuba Broadcasting
Andrea Brown, Department of State
Tangita Daramola, Department of Health and Human Services, Centers for Medicare & Medicaid Services
Joanne Dea, Environmental Protection Agency

Phone

Emily Albertson, Federal Reserve Board
Virginia Behr, Department of Health and Human Services, Food and Drug Administration
Mollie Berg, Department of Defense, National Geospatial-Intelligence Agency
Brian Bloch, Department of the Interior, Special Trustee for American Indians
Monique Bookstein, Department of Justice, Federal Bureau of Investigation
David Buckles, Department of Health and Human Services, Food and Drug Administration
Albert Conerly, Department of Health and Human Services, Food and Drug Administration
Ren   E. Cutlip-Mason, Department of Homeland Security, Citizenship and Immigration Services
Robert Harris, Federal Deposit Insurance Corporation
Yvonne Hinkson, Department of Justice, Federal Bureau of Prisons
Wendy Kamenshine, Consumer Financial Protection Bureau
Karen Leichtnam, D.C. Superior Court
Shannon Lynch Walker, National Aerospace and Space Administration
Katie Manderson, Department of State
Peggy Matthews, Department of Housing and Urban Development
Celeste Merrix, Department of Homeland Security, Federal Law Enforcement Training Center
Heather Milner, Consumer Financial Protection Bureau
Eric Raines, Federal Deposit Insurance Corporation
Venita Robinson, National Aerospace and Space Administration
Dale Shaw, U.S. Patent and Trademark Office
Julie Smith, Department of State
King Stablein, U.S. Nuclear Regulatory Commission
Jeri Walker, National Credit Union Administration
Guy Weber, Department of Defense, National Geospatial-Intelligence Agency

Minutes prepared by: Noreen Kinnavy / Andrea Brown



COALITION OF FEDERAL OMBUDSMAN

On September 30, 2013, the Coalition of Federal Ombudsman (CoFO) held its annual conference, which was hosted by the U.S. Patent and Trademark Office in Alexandria, Virginia.

ROUND TABLE DISCUSSIONS

Using an O.M.B.U.D.S. program evaluation model, participants reflected on challenges and opportunities for expanding and improving upon dispute resolution systems within the government, including the following topics:

- Opportunities** What opportunities are ripe for the profession?
What are some common, cross-government issues?
How can we coordinate and support each other?
- Measuring** How is success measured by you, visitors, executives?
How do you communicate value?
What should you do more of? Less of? Is it effective?
What should you change?
- Barriers** What challenges have you faced this year? How did you deal with it?
- Uncertainties** What questions do you have? What do you need help with?
- Development** How can we grow as practitioners, offices, and as a profession?
- Strategies** As a Coalition, what should we be focusing on?
What are the most important goals?
What should we start, continue, and stop doing?

RESULTS BY “O.M.B.U.D.S.” TOPIC

*The following captures the ideas shared in the round table discussions.
These items can help COFO plan strategies and initiatives for 2014 and beyond.*

Opportunities Measuring Barriers Uncertainties Development Strategies

*What opportunities are ripe for the profession?
What are some common, cross-government issues?
How can we coordinate and support each other?*

- Members, collectively, need to focus more on interagency collaboration rather than focusing on one agency at a time; this will help foster more professional relationships, help us be more proactive, and help us identify and recognize larger trends.
- Increase engagement and outreach with alternative dispute resolution, legal, EEO, and other groups; think creatively and reach out to executives and administrators; what about outreach to Congress? Not lobbying, just informing; IADRWG did a report to the President...why can't we?
- Develop ways to attract and retain new talent (outreach to schools, internships)
- Create a career track, mentoring, and coaching
- We have an opportunity to normalize and make conflict healthy
- Federal ombuds is a growth industry, but requires somewhat of a culture shift
- Educate others on the role and process
- Use technology to educate; allow for anonymous reporting
- Use colleagues as a resource for feedback/dialogue (wealth of knowledge/experience)
- Implement peer and case consultations; more in-services
- New ombuds orientation
- When groups find that they are in need of an ombudsman office, ex. Sending personnel to conferences etc. for ideas

- Using colleagues as a resource for feedback and dialogue (wealth of knowledge and experiences)
- Become more proactive and get better at recognizing larger trends; focus should be on interagency coordination, not just focusing internally
- Educating others on the term “ombudsman”
- Independence, neutrality & informal resource – perhaps provide publications or a rotating column; marketing publicity within COFO
- Greater communication and sharing of important cases; generic case reports; share the most significant case each year; impact on agencies
- Relationship building: using an ombudsman to improve relationship post EEO case
- International Ombudsman Association training opportunities
- Issue of collateral duty
- Must have buy-in from organization
- More sharing of best practices
- Collect trends and patterns – affect decision making and identify risk
- Figure out how ombuds contribute to the strategic development of the agency it serves
- Advertise duties/objectives
- Need more actual ombuds within organizations – most at the tables also have ADR positions, do organizational work, but aren’t ombuds
- Opportunity for education about what ombuds does, relationship to ADR
- External ombuds (by statute) – dealing with external clients issues with agency
- Deals a lot with morale to get people to talk together to get things done
- Difficult to keep neutrality
- Opportunities in many agencies for this role
- Opportunity to be more consistent in term/title/role, which is thrown around a lot. There are many of us with the title and lucky to be doing actual ombuds work.

However, some are doing ombuds work without the title; some have the title and aren't doing anything that resembles ombuds work.

- Opportunities to adjust structures so ombuds report directly to agency heads
- Opportunities to strengthen role in addressing systemic issues and org climate
- Can you assess whether organizational are “ripe” and ready for an ombuds? Some leaders are unwilling to acknowledge organizational climate and systemic issues; some ombuds already exist within a resistant culture; how can an ombuds do their job when upper management doesn't want to know what is going on?
- Better use of technology to educate (blog); provide anonymous avenue to share concerns
- Have senior leaders communicate their perspective on the importance of the ombuds role to the organization
- Trend analysis – consolidation of cases and bringing these bigger issues up to management and senior leaders – congress
- Allowing people to recognize they aren't alone can be helpful
- Trend sharing amongst agencies/offices – issues, technology, policies
- How does an ombuds create confidence and trust in time of significant gov't mistrust?
- Understanding expectations
- Foster transparency
- Learn from the private sector

Opportunities	Measuring	Barriers	Uncertainties	Development	Strategies
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How is success measured by you, visitors, executives? How do you communicate value? What should you do more of? Less of? Is it effective? What should you change?

- Members generally agreed that measuring the value of an Ombudsman program is vital to its implementation and sustainability in an agency, but that it is inherently challenging to determine the most effective means of doing so
 - Are there metrics we can use to show our added value?
 - How do you measure a pattern?

- Ensure that metrics are also quantifiable which may help to communicate value to leadership
- Standardize metrics across the government, ie: IOA standards; reporting structure
 - Develop a methodology
 - Basis for best practices
- Possible methods of measuring: evaluations, surveys, focus groups, interviews; need to , find out who isn't using the office and why
- Annual reports - How to track data across time? Longitudinal data; consistency in data; measurement over time
- Maybe measures in time and cost savings (as compared to EEO, MSPB and other formal appeals processes)

Opportunities Measuring **Barriers** Uncertainties Development Strategies

What challenges have you faced this year? How did you deal with it?

- Management support and motivation to resolve non-EEO complaints
- Record keeping (how long to keep/when to destroy)
- Difficulty measuring value
 - Not being quantifiable (as compared to an EEO complaint)
 - The role is not directly (blatantly) central to the mission, but to break down this perception, must align self with mission to show how essential the ombudsman role is to the organization
 - Parallel with org and strategic plan – set goals early on
- Liability issues
- Careful not to put findings as conclusive (when offering an explanation)
- Fear of the media (bringing certain issues to light that may receive public scrutiny)
- Education – reassurance that an ombuds is confidential
- Challenges to ombuds confidentiality
- Perceptions about neutrality/independence from employees
- Whether to bring in an ombudsman from inside or outside:
 - Someone internal knows culture of organization, but may not be seen as neutral

- Someone external can maintain distance and neutrality but may be slow to understand org culture
- Appointing ombudsmen with the right skill sets for the job
- Demonstrating independence to public by distance – must be self-aware
- Resource planning and allocation to effectively manage issues identified by ombudsmen (demonstrate mission critical helps)
- Travel – get creative with distributed workforce
- Managing expectations of agency through role clarity
- Trend in gov't towards open workspace is a barrier to discrete/confidential communication
 - TSA field employees have different schedules, cannot have phones at checkpoints
 - Time zones/24x7 operations
- Validating work
- Security – if visitors are seriously agitated
- How to keep ombuds staff challenged
- Employment ladder – where do ombuds go?
- Potential for personal threats
- Getting an ombuds function created; Getting function located in an independent place (direct report to agency head vs. being in general counsel's office)
 - Location in org is critical
 - Challenge and barrier – can you get an independent ombuds office in the beginning with out the heft of an existing office? Who will want it?
- Need to be an “executive” office with a budget – high level
- Would an ombuds who is at a high level be able to relate effectively to regular workers?
- Budget – adequate? Independent? Need to be in a position to do what you need to do
- Budget
- What we can do and what can you do
- Work on relationships
- Who supports you
- Justice in the eyes from customer
- The amount of work – oppressive nature of the work
- Sharing across agencies of best practices – silos and not getting information

- Defining what an ombuds does
- Measuring success and how to work with only one party
- Creating a safe space for everyone to come
- Neutrality
- Fear of coming forward
- Technology and the traceability of it
- Confidentiality – great for those who come but can't share that info to how we help
- Imminent threat and how we define that
- How we deal with a barrier?
 - Reinforcing role and managing expectations of those who come to us
 - Explore other options when they are stuck – ask the hard question
- Our assumptions and what we don't know
- Structural barrier no full time positions – another collateral duty
- Self-appointed ombuds in the field and no resources to regulate that due to size of staff
- Resources! Time, staffing, budget
- Leveraging technology to be able to have the conversations more regularly (COFO website)
- How to start the conversations about issues with an agency?
- Some offices want to take the work that we are doing because they are solving problem and not adhering to the principles – function creep
- Dealing with culture change in an entrenched system – turning the titanic
- Funding
- Strategy
- Working with media/social media
- For COFO getting ahead of new “wave” of ombuds, creating standards and sharing best practices?
- Developing consistency in the role of ombuds across the government
- How to strengthen the coalition?

What questions do you have? What do you need help with?

- What data to share with management?
 - Focus groups
 - Ask them what would be useful
 - See them as partners
 - Charter
 - Understand what management is trying to establish
- Ombudsman – meaning, external and internal
 - Ombudsman role clarification
 - Distinction between ombuds office and ADR office?
- Confidentiality issues
 - When can you involve 3rd parties if at all?
 - What info can you provide to 3rd parties?
- Education
 - Is it needed? If so, when and how should it be delivered? (Social media seminars?)
 - How to teach and train the workforce
 - Creative ways to reach people without budget
- Whistleblower ombuds program
 - How does it work out practically? Eg. If you tell org. you wish to speak with ombuds office, is that not notice?
- State of the law
 - ADR proceeding, who's covered
 - Case law
 - Which cases are applicable to the work we are involved with?

How can we grow as practitioners, offices, and as a profession?

- Teaching/education/outreach
 - Educate caller, visitor re proper office to go to
 - Culture developing to clarify where to go without stigma
 - How do people who create office find out what's actually needed?
- As practitioners we need opportunities to learn from others
 - Ability to share mistakes in confidence with others and get feedback
 - Peer to peer discussion

- Sustain/communicate with other ombuds in other organization
- Connecting with non-federal ombuds
- Rapport development
 - How to develop “trust” with management to provide useful data
 - Developing good reporting to management
- Networking with other components: EEO, grievance, ombuds, OIG
 - Build strong relationships internally with personnel and EEO and Legal
- Continue to explore ways in which processes can be improved/streamlined

Opportunities	Measuring	Barriers	Uncertainties	Development	Strategies
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***As a Coalition, what should we be focusing on?
What are the most important goals?
What should we start, continue, and stop doing?***

- Marketing
 - Define what your audience or “client” will be/explain tenants
 - COFO – get your message out
- Training
 - What is an Ombudsman?
 - Brochures, websites, e-mail
 - Informing new employees as they come onboard about the ombudsman
 - Formalize ongoing training requirements
 - Offer in-service professional training
- Greater sharing of resources
 - People may not be as willing to create documents/presentations
 - More willing to share in informal meetings (in-person, telephone, etc.)
 - Inform members of other resources available (adr.gov, IADRWG committee)
 - Collegial organization to promote best practices



COALITION OF FEDERAL OMBUDSMAN

MEETING MINUTES

Meeting Date/Time: October 15, 2014, 1:30pm – 2:45pm

Location: Conference Call Only

Agenda:

2014 Round Table Discussion Results—What should COFO focus on in the coming year?

Highlights:

Chairman Scott Deyo thanked everyone for a successful annual conference and sought input from members on the latest version of the round table discussion topics raised during the event.

Among the top picks of meeting participants were the following:

- Training and Professional Development

Beyond the formal IOA and USOA training sessions, could COFO's internal and external ombudsman collaborate to provide similar professional development opportunities/ Even with the diversity of practice in the federal arena, how can we best network and learn from each other?

Locally available formal training in conflict resolution was also highlighted.

- Measuring/Demonstrating Effectiveness

How do we measure and demonstrate effectiveness of function? It can be challenging when using an informal and confidential approach to conflict resolution, yet stakeholders need a sense of the office's value to the organization and mission.

When statistics are used for internal ombudsman, i.e., the number of visitors, issues, etc., some could presume an inherent pressure to "drum up" business. For external ombudsman, there is frequently a requirement regarding statistical data and reporting requirements.

The IOA Journal published a piece by Mary Rowe of MIT about measuring impact. That edition* also included several other articles on the role of the ombudsman and specifically on effectiveness questions.

- OPM Alternative Dispute Resolution Series

OPM is considering holding training sessions on ADR, a follow on to a mediation series previously conducted in conjunction with Federal Mediation and Conciliation Services and human resources specialists.

- OPM Ombudsman Job Classification/Series

Should we consider approaching/proposing to OPM the establishment of an ombudsman classification and series? This had been a point of discussion previously, with no consensus given the varied ombudsman structures in place and other considerations.

- Unified Model for Ombudsman Offices

An updated, unified model for ombudsman offices could be jointly pursued at the level of COFO, ABA and the IADRWG. Sample PD's would be an important new component to include.

- Mentoring Fellow Ombuds

Do we want to develop a program to pair new federal ombuds with those with more experience? Also, would there be an opportunity to work with conflict resolution schools and promote interest in the profession.

- Outreach

What sort of additional outreach should we conduct?

- Best Practices

What are a defined set of best practices and how should we promote them? Examples include the role of conflict coaching, internal cultural reviews and other assessments, recommended reporting lines, etc. If we were to pursue the ombuds peer review concept, interagency service agreements would need to be considered. Meanwhile how do we best strengthen current support available through phone calls, visits, resources on the website, etc.?

Reference Material: *Round Table Discussion Results, 2014 COFO Annual Conference*

**Journal of the International Ombudsman Association, Volume 3, Number 1, 2010*

Attendees (by phone only):

Emily Albertson, Federal Reserve Board
Cortina Barnes, Department of Defense
Emily Boardman
Kathy Breeden, Department of Transportation
Andrea Brown, Department of State
Meredith Cordisco, Federal Reserve Bureau
Scott Deyo, National Geospatial-Intelligence Agency
Jennifer Gartlan, Federal Maritime Commission
Victoria Gilner, Department of Defense, USAF
Noreen Kinnavy, International Broadcasting Bureau
Marcia Larkins, Federal Drug Administration
Kristina Lauritsen, Federal Drug Administration
Celeste Merrix, Department of Homeland Security
Linda Myers, National Institutes of Health
Liz Phillips, Federal Drug Administration
Pamela Pontillo, Department of Energy
Julie Smith, Department of State
King Stablein, U.S. Nuclear Regulatory Commission
Jerilynn Walker, National Credit Union Administration
Jean Whyte, National Archives and Records Administration
Guy Weber, National Geospatial-Intelligence Agency

Minutes prepared by: Noreen Kinnavy and Andrea Brown



COALITION OF FEDERAL OMBUDSMAN

MEETING MINUTES

Meeting Date/Time: November 12, 2014, 1:30pm – 2:40pm

Location: Conference Call Only

Agenda:

1. Year in Review
2. Discussion on Possible Updates/Recommendations—*A Unified Model for Developing an Ombudsman Function, May 2006*
(<http://federalombuds.ed.gov/federalombuds/pdfs/FederalOmbudsGuide.pdf>)
3. Website
4. Internship and Training Opportunities

Highlights:

1. Year in Review

Highlights included new or expanding ombudsman offices as well as updates on record retention issues and ways to address them for internal and external ombudsman.

2. Discussion on Possible Updates/Recommendations—*A Unified Model for Developing an Ombudsman Function, May 2006*

The discussion centered on suggestions for updating the *Unified Model for Developing an Ombudsman Function*.

How do you quantify potential, unrealized costs for cases that do not escalate because of ombudsman availability and intervention? What models could we propose? Some ombudsman offices categorize cases based on cost avoidance (low/medium/high risk) had they escalated to a formal venue. Other supporting documentation can include lists of kudos and feedback from visitors (without attribution).

Other items that could be useful include samples of ombudsman position descriptions, office charters, and records retention policies. Also important are options for trends analysis and tracking specific services and statistics, whether based on IOA's or USOA's recommendations. How do ombuds present statistical information in a meaningful way, while protecting confidentiality?

Some suggested additional ways to demonstrate the value of ombudsman offices beyond one's agency, including 1) outreach, if appropriate, to stakeholders outside of one's agency; 2) a COFO annual report compiling available statistics from all ombudsman offices, without any agency identifying information; and 3) the convening of a meeting with all offices that track cases to generate ideas for a recommended standard.

3. Website

The COFO website needs to be updated. Suggestions on what to include and volunteers for this project would be welcome. Also, perhaps a Sharepoint site could be established for document sharing.

4. Internship and Training Opportunities
(See below)

Attendees (by phone only):

Emily Albertson, Federal Reserve Board
Mollie Berg, National Geospatial-Intelligence Agency
Andrea Brown, Department of State
Neal Cohen, Consumer Product Safety Commission
Scott Deyo, National Geospatial-Intelligence Agency
Victoria Gilner, Department of Defense, AF
Noreen Kinnavy, International Broadcasting Bureau
Bill Mauer, Department of Energy
Tracy McNeil, U.S. Securities Exchange Commission
Holley Miller, Department of Housing and Urban Development, OIG
Pamela Pontillo, Department of Energy
Eric Raines, Federal Deposit Insurance Corporation

Minutes prepared by: Noreen Kinnavy/Andrea Brown

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UNDERSTANDINGINCONFLICT.ORG
www.understandinginconflict.org

MEDIATION INTENSIVE TRAINING

New York

December 3 – 7, 2014

About the Training:

The Mediation Intensive Training provides both experienced mediators and those new to the field with the perspective and skills necessary to work within the Center's model of mediation. Participants learn what it takes to shift from a stance of advocacy to one of mediation - for professionals and parties alike.

Who Should Attend:

The program is open to attorneys, those in the psychological professions, as well as other professionals working to integrate the principles of mediation into their practice or work — including ombuds-persons, business consultants, collaborative professionals, non-profit staff and other professionals who work with conflict.

Schedule:

The program starts Wednesday, Dec 3rd at 2pm and goes to 9 pm. Thursday through Saturday sessions run from 9am – 9pm (with ample breaks for meals, rest & recreation). The program ends Sunday, Dec 7th at 12 pm.

Trainers:

Gary Friedman

Jack Himmelstein



Program Highlights:

- Reaching an agreement to mediate
- Establishing parties' responsibility for decisions
- Supporting each party's autonomy while encouraging mutuality
- Understanding fully each party's point of view while remaining neutral
- Clarifying issues and goals
- Integrating the law into mediation
- Generating bases for decision other than law
- Developing creative options that address differing needs and interests
- Working with parties' attorneys and other professionals

Fees: The program fee for the training is \$1,350. \$100 early bird discount is available for registrations received by Monday, November 10th. (Discount available based on economic need.) Housing costs (which include meals) are additional and appear below. A deposit of \$500 is necessary to secure your registration. Additional cost for lodging and meals are: Single room- \$780, Double \$560, Commuter (including meals) \$380. To register, visit our website: www.understandinginconflict.org.

Location: The training will be held at a residential retreat and conference center (www.baileyfarms.org) in Millwood, NY, in Westchester County, 45 minutes driving time north of NYC.



Gary Friedman and Jack Himmelstein are co-founders and co-directors of the Center for Understanding in Conflict and the Center for Mediation in Law and co-authors of *Challenging Conflict: Mediation Through Understanding*, published by the American Bar Association in cooperation with the Harvard Program on Negotiation. For more information, click [here](#). For the last quarter century, they have (with others) trained thousands of lawyers, law teachers, judges, psychologists, ombuds-persons, business people, administrators, and other professionals in their unique approach to conflict resolution throughout the United States, Europe and Israel -- working through the Center and also in cooperation with other educational institutions in this country and abroad. Both are practicing mediators, Gary in California and Jack in New York; and both have a background in law practice and law teaching. They will be joined by Antoinette Delruelle, Barry Berkman and others.

About the Center:

The Center for Understanding in Conflict, which includes the Center for Mediation in Law, has developed a unique Understanding Based approach to conflict resolution and has conducted introductory and advanced training programs for thousands of lawyers and other professionals in the United States, Canada, Europe, and Israel. The Center's model is used in mediation, collaborative practice, non-profit organizations, and other settings in which professionals are helping parties work through conflict.



The Understanding-Based Approach:

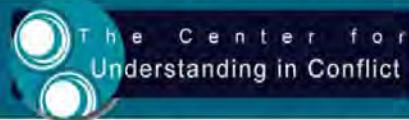
The overarching goal of this approach to mediation is to seek to bring understanding to conflict. Deeper understanding by the parties of their own and each other's perspectives, concerns and priorities enables them to find creative and mutually rewarding solutions to their conflict that reflect their personal and economic interests. To that end, the mediator meets directly and simultaneously with all parties and, if the parties desire, with their lawyers present as well to build for each party an understanding of what is important to all.

For further information, please contact us:

The Center for Understanding in Conflict
Phone: 212-501-4044
Email:
training.ny@understandinginconflict.org
Website:
www.understandinginconflict.org

Methods and Outcomes:

The learning addresses the practical, theoretical and personal dimensions of integrating an understanding-based perspective into your practice. The training combines presentations, teacher demonstrations, case simulations and discussions. Concise briefings introducing the five stage model and tools of the Understanding-Based Approach alternate with demonstrations and role-plays designed to immerse the participants in the mediation process. Each participant has the opportunity to role-play, in turn, mediator and party. In this way, everyone has a chance to apply the concepts and skills of this approach and to experience the emotional challenges faced by both parties and mediators in resolving a conflict.



Training staff will also include Antoinette Delruelle, Barry Berkman and others.

Antoinette Delruelle is a senior attorney and mediator with the New York Legal Assistance Group. She started NYLAG's Mediation Project in 2013 to provide low and moderate income New Yorkers with free divorce and family mediation. Before that, she was a litigator in NYLAG's Matrimonial & Family Law Unit of which she also served as director from 2001 to 2004. She is the president of the Family and Divorce Mediation Council of Greater New York. Antoinette is also certified in collaborative law. **Barry Berkman** is a founding partner of Berkman Bottger Newman & Rodd, LLP, specializing in matrimonial law, including mediation and collaborative law practice. He has served on the Board of Directors of the Family and Divorce Mediation Council of Greater New York, and is a co-founder of the New York Collaborative Law Group.

Comments from Prior Participants:

The program far exceeded my already high expectations. The balance of focus between the inside and the outside was incredible. Jack and Gary helped me realize that finding my place inside myself is the foundation; and combined with the intuitive and simple processes, they produce understanding and ultimately resolution of conflict. Andrew Gold, Attorney, Ardsley, NY

It was very inspiring to learn from two really special and gifted teachers, as well as to learn from each other, too. I've learned by listening to every participant, and I realized how connected (and similar in so many ways) we all are. Annie Noulia, Attorney-at-law, Athens, Greece

The program teaches more than just new skills. It teaches a new way of thought and approach to conflict -- inside and outside the court room. I received a profound sense of renewal, consideration and gratitude. Adam Halper, Attorney, The Family Center, New York, NY

It is very gratifying to see how respectful and honoring this process is with the same or better results than other mediation processes. Dard D'Ercole, Deputy Director, Leadership Development, New York State School Boards Association, Latham, NY

This program has changed me as an individual and will forever change the way I manage conflict, personally and professionally. Catherine Hannibal, Attorney, Mediation Works, Brooklyn, NY

Excellent, and it surpassed my expectations. The instructors, across-the-board, were masterful. The use of the word 'intensive' was certainly appropriate. Yet I found it effective in assisting me in not only understanding but also in internalizing the methodology. Andrew Zwerling, Senior Litigation Partner, Arbitrator, Mediator, Garfunkel Wild, P.C., Great Neck, NY

Continuing Education Credit: The Center for Mediation in Law is an accredited provider of New York State Continuing Legal Education. The Mediation Intensive Training—appropriate for both newly admitted and experienced attorneys—will qualify for 40 NY MCLE credit hours (6.5 Ethics, 19.5 Professional Practice & 14 Skills credits).

Approved under Part 146 by the New York State Unified Court System's Office of ADR Programs. Please note that final placement on any court roster is at the discretion of the local Administrative Judge and participation in a course that is either approved or pending approval does not guarantee placement on a local court roster.



Ombudsman Internship Program 2015

The OO/CCR has an opening for one Graduate Intern from May through August, 2015. Exact start and end dates are negotiable. Under the direction of the National Institutes of Health's (NIH) Office of the Ombudsman/Center for Cooperative Resolution (OO/CCR), the Intern will have the opportunity to learn about the functions of an internal organizational ombudsman office. The Intern will focus on one major project and will observe and assist with individual consultation sessions; mediation processes; group facilitations; conflict resolution system development and assessment; conflict-related research; data collection; and trend identification based on aggregated data. The Intern will work with a mentor who will provide guidance throughout the internship and will also collaborate with all ombudsmen at OO/CCR.

About the NIH: The NIH, a part of the U.S. Department of Health and Human Services, is the primary federal agency for conducting and supporting medical research. Helping to lead the way toward important medical discoveries that improve people's health and save lives, NIH scientists investigate ways to prevent disease as well as research the causes, treatments, and potential cures for common and rare diseases. There are about 18,000 employees at NIH's main campus in Bethesda, MD, just north of Washington, D.C. For more information about the NIH, please visit <http://www.nih.gov>.

About the OO/CCR: The NIH OO/CCR is a neutral, independent, and confidential resource providing informal assistance to all NIH scientists, administrators, and support staff in addressing work-related issues. The Office serves as a focal point for conflict resolution at NIH by (1) providing confidential, informal assistance to employees and managers in resolving work-related concerns, and (2) developing and coordinating effective dispute resolution processes and procedures. The OO/CCR offers a variety of services and programs to address sources of conflict, including performance appraisals, cross-cultural differences, harassment, mentoring relationships, and scientific collaboration. The Office is comprised of seven full-time ombudsmen, and an administrative assistant. For more information about the OO/CCR, please visit <http://ombudsman.nih.gov>.

Applicant Requirements: The position requires an individual to be either currently enrolled in or recently graduated from (less than one year) a graduate-level academic program in conflict or dispute resolution, legal studies with an emphasis on dispute resolution or mediation, or a closely related field. The successful applicant will be familiar with conflict resolution theory, have good listening skills and strong computer and analytic skills. The individual must have some experience in the area of dispute resolution and an interest in organizational and workplace conflict. Knowledge of and interest in the organizational ombudsman role are helpful. Absolute discretion and the ability to maintain confidentiality are imperative. Non-U.S. citizens or permanent residents must be cleared by the Division of International Services (DIS), Office of Research Services (ORS), NIH, in order to permit their assignment at NIH.

Applicants must submit a current resumé and cover letter explaining his or her interest in working with the OO/CCR and in the organizational ombudsman field.

Time Commitment: Interns are expected to work a full-time schedule (40 hours/week), from 8:30am-5pm. However, the number of hours per week and the length of the internship may be negotiated at the time an offer is extended.

Compensation: This position is unpaid.

THE DEADLINE FOR APPLICATIONS IS MONDAY, DECEMBER 8, 2014.

For questions about the NIH OO/CCR Internship Program and to submit application materials, please contact OO/CCR Associate Ombudsman Lisa Witzler at witzlerlc@od.nih.gov.

Applicants selected for interviews will be contacted on or about Dec. 12, 2014. Final decisions will be made on or about Jan. 5, 2015.

Building 31, Room 2B63
31 Center Drive, MSC 2087
Bethesda, MD 20892-2087

Phone: 301.594.7231
Fax: 301.594.7948
www.ombudsman.nih.gov



COALITION OF FEDERAL OMBUDSMAN

MEETING MINUTES

Date/Time: December 10, 1:30pm – 2:30pm

Location: Environmental Protection Agency (EPA), William Jefferson Clinton Building North, Conference Room 6013

Agenda:

A distinguished guest speaker, Dr. Mary Rowe, announced her retirement this year as Ombudsman at Massachusetts Institute for Technology (MIT) after having served for four decades in the field of conflict resolution.

Highlights:

Dr. Rowe served as Ombudsman at Massachusetts Institute for Technology (MIT) for 41 years. She provided leadership in the profession, helping to create the Corporate Ombudsman Association, which became the Ombudsman Association and later the International Ombudsman Association (IOA). Although retired from her role as Ombudsman, she continues to serve as an adjunct professor in the Sloan School of Business. Her research interests include topics such as the origin of the Ombudsman office and the role of bystanders in cases of bullying and harassment.

Dr. Rowe shared her work on “bystanders.” She believes that helping bystanders raise issues can help an organization build a healthy climate and deal with unacceptable behavior. The discussion revolved around the two working draft papers she wrote on this topic and shared with the group. The first paper addressed barriers to responsible bystander action and ideas for fostering effective “receptivity” (when it is perceived that an organization doesn’t want to hear bad news). The second paper addressed the ways that bystanders can help build a climate for high productivity and fewer occasions of unacceptable behavior—as well as a climate in which bystanders are more likely to take responsible action. Ombudsman can play a critical role in this context in helping bystanders overcome concerns about coming forward (safety, resources and options) and possibly lead them to take action.

Attendees: (in person)

Emily Albertson, Federal Reserve Board
Mollie Berg, Department of Defense, NGA
Andrea Brown, Department of State
Sheryl Brown-Norman, Office of the Director of National Intelligence
Scott Deyo, Department of Defense, NGA
Claire Heffernan, Department of Homeland Security, TSA
Noreen Kinnavy, International Broadcasting Bureau
Lisa Levine, Department of Justice
William Maurer, Department of Energy
Carrie McGuire, Office of Government Information Services, NARA
Kirsten Mitchell, Office of Government Information Services, NARA

UNCLASSIFIED

Sigal, Shoham, Department of the Interior
Julie Smith, Department of State
Paul Sotoudeh, Consumer Financial Protection Bureau
Yolanda Swift, Small Business Administration
Alexandria Wolfe, Small Business Administration

Attendees: (by phone)

Monique, Bookstein, Department of Justice, FBI
Albert Conerly, Department of Health and Human Services, FDA
Tangita Daramola, Department of Health and Human Services, Centers for Medicare & Medicaid Services
Steve Gadziola, Department of Homeland Security, FEMA
Victoria Gilner, Department of Defense, Air Force
Wendy Kamenshine, Consumer Financial Protection Bureau
Mona Lease, Student
Tracey McNeil, U.S. Securities and Exchange Commission
Celeste Merrix, Department of Homeland Security, FLETC
Heather Milner, Consumer Financial Protection Bureau
Pamela Pontillo, Department of Energy, Office of Conflict Prevention and Resolution
Sara Roberts, Department of Homeland Security, TSA
Mary Rowe, Retired
King Stablein, U.S. Nuclear Regulatory Commission
Guy Weber, Department of Defense, NGA
ReaWinder, Department of Homeland Security

Some Notes on Peers and Bystanders within Organizations with Respect to Behavior Seen to be Unacceptable

Abstract

After most unfortunate—or terrible—events, the daily papers remind us that “someone usually knew” of problematic behavior by the perpetrator before the event. Scholarly research affirms the point.¹

It is evident that peers and bystanders can sometimes make a major difference within organizations—in a wide variety of ways. Examples are easy to find. An alert custodian coming in to clean a building might notice some unusual trash, or see an unexpected visitor at night, and *prevent* criminal behavior. A salesperson might *deter* a fellow salesperson from misusing company funds or sexually offending someone on a trip. A support staff person might arrange in a quiet, professional way to *interrupt* or *re-focus* a supervisor as he or she begins a frightening tirade against an employee. An information system employee might become concerned about the integrity of a fellow employee (and the company IT system) and quietly *seek advice* from the IT security experts. A skilled laborer might notice unsafe behavior at a work site and quickly *mitigate or prevent* effects from the error. Someone might find that the name of a minority candidate was unintentionally left off a promotion list, and suggest a new corrected list, *remediating* an error that might have originated in unconscious bias. A manager might suspect wrongdoing by another manager, customer, donor or vendor, and take steps to *stop or report* the behavior.

However, many people hesitate, much of the time, in the face of unacceptable behavior. Except in sudden, dangerous emergencies—when some people may act instinctively, without consciously thinking about it—people often hesitate before acting on the spot, or reporting behavior they perceive to be unacceptable. There are many reasons why people think hard about taking action.

On the other hand, there are many reasons why people *do* act or report responsibly. With respect to both inaction, and action, the reasons are best understood by thinking of bystander action as a *process* that occurs in a *context*, in this case in the context of a company. The bystander *process* proceeds from:

- 1) perceiving behavior that may be unacceptable, to
- 2) assessing the behavior, and then
- 3) judging whether action is required, and
- 4) deciding whether and how to make a particular personal response (or responses).

¹ Fein, R.A., Vossekuil, B., Pollack, W., Borum, R., Reddy, M., & Modzeleski, W. “Threat assessment in schools: A guide to managing threatening situations and creating safe school climates.” U.S. Department of Education and U.S. Secret Service, May 2002. (E.g., “Targeted violence is the end result of an understandable, and oftentimes discernible, process of thinking and behavior,” p. 22.)

The fourth step may be especially complex. Often there are a great many options. For example, some bystanders will engage personally and *informally*, to prevent, interrupt or stop unacceptable behavior, but not (initially) to make a formal report. Some, however, may only be willing to make a *formal* report. Some may not act at all.

The *context* for this “bystander process” will almost certainly influence what the bystander will do. Context will be especially important before the bystander process begins, and also toward the end of the process. The *setting in which unacceptable behavior first occurs, the people involved, and recent events* are part of the opening context. The context toward the end of the process includes the *resources—and options—that are available to the bystander, and his or her perceptions of peers, supervisors, and the management and other authorities*.

Those who are interested in fostering responsible behavior by peers and bystanders have many opportunities to influence the *context*, and every step of the *process*. Happily enough, success in this endeavor may build on success. Known success by one responsible bystander may influence the behavior of the next bystander.

Some Notes on Bystanders

Bystanders serve an important function in society by preventing, re-focusing, interrupting, mitigating, stopping, remediating and reporting unacceptable behavior. However, many people hesitate, much of the time, in the face of unacceptable behavior. People often think hard, before taking any personal action. They may decide *not* to take any action about behavior that they perceive to be unacceptable.²

These notes review some of the many reasons bystanders give, as to why they hesitate, and the (fewer) reasons they give as to why they *have* taken responsible action.

Some long-standing research about bystander inaction focused on the so-called “bystander effect.”³ This often-cited “effect” is thought to explain why individual bystanders sometimes have not acted in a particular (relatively rare) event. Much research has focused on single-incident, dangerous emergencies, in public, with strangers. The traditional research often focused on one or two bystander actions: typically physical intervention and/or reporting to authorities.

The apparent failure to take responsible action in such emergencies is often attributed to a particular barrier, namely, “diffusion of responsibility.” The effect is thought to be stronger when there are more rather than fewer bystanders.

² See “Dealing with—or Reporting—Unacceptable Behavior,” Mary Rowe (MIT), Linda Wilcox (HMS), and Howard Gadlin (NIH), in the *Journal of the International Ombudsman Association*, Winter 2009, 2(1).

³ “Bystander Intervention in Emergencies: Diffusion of Responsibility,” John M. Darley and Bibb Latané, *Journal*

As it happens, the particular, often-touted “effect” is not a universal truth about bystanders. For one thing, in real life, there are dozens of reasons why bystanders do not act, not just one.⁴ There also are many reasons why bystanders *do* take responsible action, and it turns out that they do so in many different ways. And finally, even in (stereotypical) single-incident, dangerous, public emergencies with groups of people, the famous “bystander effect” does not always occur.⁵

In everyday life bystanders do frequently act, responsibly and helpfully. They do so in many informal ways, as well as reporting unacceptable behavior to authorities. For example, a major study in *Nature*⁶ illuminated a wide variety of actions taken by scientists who saw problematic behavior in labs. (The study was done in institutions funded by US agencies.)

In recent times a number of institutions, including the armed services, have done focused training, to encourage responsible bystander behavior. There is a wide literature on reporting safety problems that includes the concept of bystander reporting. Bullying and sexual assault are the focus of many programs.⁷ “Friends don’t let friends drive drunk” is an example of a well-known attempt, since 1992, to encourage peers and bystanders to prevent drunken driving. There are many new initiatives in public and private institutions and associations to help deal with “insider threats.”

My own organization has had intermittent bystander training about unacceptable behavior for three decades. Programs have focused on topics like harassment, diversity, alcohol use, integrity in management education, dealing with the fear of violence, research integrity and team behavior.

In almost every organization, and despite some training to act responsibly in the face of unacceptable behavior, it is clear that more bystanders could be more helpful more often. As far as one can tell from dozens of everyday articles and newspaper reports, many people in every culture still hesitate to act, in a wide variety of situations, when they see unacceptable behavior.⁸

⁴ Rowe, Wilcox and Gadlin, op.cit.

⁵ “Third Parties, Violence, and Conflict Resolution: The Role of Group Size and Collective Action in the Micro-regulation of Violence,” Mark Levine, Paul J. Taylor and Rachel Best, *Psychological Science* 2011 22: 406, originally published online 8 February 2011; and “Be aware to care: Public self-awareness leads to a reversal of the bystander effect,” Marco van Bommel, Jan-Willem van Prooijen, Henk Elffers, and Paul A.M. Van Lange, *Journal of Experimental Social Psychology*, available online 22 February 2012; and “The Responsive Bystander: How Social Group Membership and Group Size can Encourage as well as Inhibit Bystander Intervention,” Mark Levine and Simon Crowther, *Journal of Personality and Social Psychology* (2008) Volume: 95, Issue: 6, 1429-1439.

⁶ “Peers Nip Misconduct in the Bud,” Gerald Koocher and Patricia Keith-Spiegel, *Nature* vol. 466 July 2010.

⁷ See for example Stopbullying.gov: A federal government website managed by the US Department of Health and Human Services, 200 Independence Avenue, S.W. - Washington, D.C. 20201; and **Engaging Bystanders in Sexual Violence Prevention**, Joan Tabachnick, The National Sexual Violence Resource Center, 2009. The recent White House Report has an excellent section on bystander programs: *Bystander-Focused Prevention of Sexual Violence*, April, 2014.

⁸ As just one example, see “Bullying and the Peer Group: A review,” Christina Salmivalli, *Aggression and Violent Behavior* 15 (2010) 112–120. It extensively reviews the literature on bullying among children, concluding that children, as well as adults, generally hesitate more often than acting, to stop bullying.

There are of course wonderful exceptions, as when some individuals react intuitively and instantaneously in dangerous emergency situations.⁹ However, many employees and managers have learned, long since, that sticking their necks out may have bad consequences—and they *fear a wide variety* of bad consequences.

It turns out that there are many bumps in the road, and sometimes side trips, as a bystander does or does not proceed to taking action.¹⁰ Most bystander behavior is not just an “act;” it is, rather, a *process*. A bystander may or may not progress beyond step one, and also may go back and forth from step to step and within a step. Recognition of factors that *inhibit* action may help in designing effective programs to *encourage* responsible bystanders. Here are some common problems listed with each step:

I: The bystander does not “see” unacceptable behavior

- An employee or manager working in a new environment may not know enough about the work—or the rules—to think about a particular behavior as unacceptable; he or she may not even notice that it occurred.
- A skilled laborer becomes habituated to many kinds of odd behavior that happen very frequently in her workplace—or she is too absorbed to notice unacceptable behavior, because she is focusing on something else.¹¹
- “Motivational blindness” blocks a manager traveling on business from noticing very inhumane behavior; (the manager knows intuitively—below the level of conscious thought—that it is not safe or advantageous to “see” this behavior; the behavior is therefore not observed or remembered.)¹²
- A technical expert who moves from one organization to another forgets ephemeral glimpses of unacceptable behavior by a charming host, in part because the behavior comes and goes very quickly.
- A non-exempt employee successfully avoids being in the presence of certain unacceptable behavior by a supervisor, without consciously thinking about it.

Two: The bystander cannot or does not judge the behavior

- An employee or manager from a background that is “non-traditional” for the given workplace does not know how to judge the problematic behavior.¹³

⁹ Instantaneous actions of this sort—like jumping to save a child who falls from a subway platform—may be what Professor Daniel Kahneman would characterize as “System One” actions that occur faster than “conscious” decisions can occur. (Daniel Kahneman, *Thinking, Fast and Slow*, Farrar, Straus and Giroux, 2011.)

¹⁰ See for example, a review of research studies by Christopher Colvin, “An Exploratory Study of the Fundamental Characteristics Influencing the Analysis and Communication Activities of Health Care Incident Reporting Systems,” Masters Thesis, University of Toronto, 2011, and the ombudsman practitioners’ study by Mary Rowe, Linda Wilcox and Howard Gadlin, op.cit.

¹¹ Arien Rack and Irvin Rock, *Inattentional Blindness*, MIT Press, 1998.

¹² **Max H. Bazerman and Ann Tenbrunsel use this term in *Blind Spots: Why We Fail to Do What's Right and What to Do about It*, Princeton University Press, 2011.**

¹³ It is very common in all organizations that managers as well as employees may not know or understand all the laws and policies relevant to unacceptable behavior.

- A first level supervisor thinks, “*There probably is not much of a problem here,*” because the problematic behavior is sporadic; he also does not have a clear idea about what was happening before he came to the unit, and what the customs are.
- The apparent perpetrator is highly placed, like a senior manager, or a visiting consultant who seems to have a right to act unconventionally; the employee thinks, “*My judgment must be wrong.*”
- The apparent perpetrators are co-workers who were all hired in at the same time; a puzzled employee thinks, “*This must be OK, my friends are all doing it.*”
- A bystander in an isolated workplace is expected by her co-workers to go along with problematic behavior, as if, “*Of course, it is OK;*” in addition, the woman may be talked out of any doubts.
- There may be intangible gains for the bystander, (like getting attention and mentoring from a perpetrator), and these gains may seem to cancel the problematic aspects of a perpetrator’s behavior.

Three: The bystander cannot or does not decide if action should be taken

- A new supervisor who sees something problematic may doubt his own competence to know if there should be action. He has no relevant experience, and does not know whom he could ask.
- An employee from a different cultural and ethnic background, who sees problematic behavior by a US colleague away from the workplace, has no idea about what *can* be done if it appears that she has no conclusive proof, and no (other) witness.
- A manager thinks, “*Any kind of action will threaten my work unit here, and also the whole project.*”
- A supervisor who is on a travel assignment, thinks, “*There is no one who is competent—and there is no one powerful enough—and no one here that I trust—to inquire, investigate, analyze, and fix this.*”
- Two systems engineers who notice problematic behavior decide that, “*Any action would result in too much being done or nothing being done—even just talking about an investigation would have bad consequences.*” (And, in fact nearly everyone hates investigations.)

Four: The bystander cannot or does not take *personal* action

- An employee working in a different culture cannot imagine himself or herself reporting unacceptable behavior: “*I have been trained from childhood not to attract attention.*”

- An analyst has heard about someone who tried to stop unacceptable behavior at the beginning of his project, allegedly with very bad consequences.¹⁴
- A manager says, *"No one higher up wants to hear bad news. No one is asking to hear about problems here. There is no feedback from the company about what happens if someone reports another manager. So far as I can tell, no one actually knows if there even is a real complaint system, or whether things are just handled by whoever has the wheel. Probably most such problems just get ignored."*¹⁵
- A worker in a nearby unit cannot assess the evidence of behavior next door that she thinks may be wrong; she assumes any action will be *"his word against mine,"* and worries that her own competence may be questioned.
- A support staff person may think taking action is not part of her or his job description; *"There are other people here senior to me. Surely someone more expert than I will act."*
- An overworked single parent is exhausted: *"I am just going to go on keeping my head down, and focus on my work."*
- Frightened production workers wish for specific options that do not appear to be available: *"My supervisor is the only person I could have told, but he is just about to leave."* *"There is no supervisor in this work unit that I could go to who is from my background."* *"I could only report if I could do it anonymously."* *"I would need to talk it over with someone safe before I could take any action but I do not know to whom to go."* *"I could only do this within an official channel that could guarantee no bad consequences, but no one can prevent covert retaliation."* *"In my culture I could only do this through a back-door, informal route and I do not know of one."*
- A young supervisor knows that loyalty is everything: *"The boss that I report to is the problem. But—important people get treated very differently."*
- A public services worker is wary about giving offense in his very diverse work group: *"I cannot risk raising a concern about someone from another culture."*
- A young trainee alone in the locker room getting dressed cannot imagine taking action by herself: *"If only someone else would notice and say something. If only I had someone else to act with me."*
- A technical consultant who wants citizenship in the US worries that people will guess who reported the behavior if he makes a report about it. He thinks immediately of bad consequences: being blamed, losing a visa, being shunned by co-workers, being scolded by family back home for sticking his neck out, or subject to a lawsuit. *"There is no way to prevent covert retaliation. I would be seen forever as a troublemaker and not as a professional."*
- A supervisor has been told by the perpetrator or another bystander not to discuss the matter with anyone; she has been threatened, and is scared.

¹⁴ See for example, Reuben, E., Stephenson, M., "Nobody likes a rat: On the willingness to report lies and the consequences thereof." *J. Econ. Behav. Organ.* (2013); and Dyck, A., Morse, A., & Zingales, L. "Who blows the whistle on corporate fraud?" *The Journal of Finance*, 65, (2010). 2213–2253.

¹⁵ Many studies make this point, e.g., Colvin, op.cit., p.14, and many ombuds practitioners hear this view.

Why do some bystanders act or come forward?

Many bystanders who act responsibly describe socially constructive reasons for coming forward. They cite relevant rules and policies, the requirements of their position, a responsibility to their profession or work unit, and good friends. Many talk about careful training by a good mentor. A senior professional may mention having had good role models over the years.

Some responsible bystanders feel a responsibility toward their faith, the values they were taught as children, family honor, or their country. Some want to protect someone else.

It seems probable that some kinds of responsible bystander behavior are very common in the mundane world. Many lost items are returned to their owners. People get help crossing the street. Strangers help people who drop something. Misdirected packages get delivered correctly. Courageous souls sometimes help to direct traffic to undo a gridlock. Kind souls move from a good seat on an airplane to help a family; others shovel out someone else's driveway. It is likely that pro-social motives are quite common among many people.

However helpful bystander behavior sometimes occurs for reasons that may appear less appealing. Some bystanders are really angry with the perceived offender, and happy to drop a dime. Some want revenge or punishment—to get back at a person they believe to have harassed them. Some will want to punish a person who *reminds* them of someone who injured them. Some may expect a tangible or intangible reward for coming forward. Some want to interfere with the progress of a competitor. Some simply feel desperate.

All these motivations appear to help a bystander overcome the concerns they may have, about taking action.

Taking Action. In general, people are most likely to take responsible action if:

- * They see or hear of behavior they believe to be *dangerous*, especially if it seems like an *emergency*, and especially if they think that they or significant others are in immediate danger;¹⁶
- * They perceive that an apparent perpetrator *intends* harm, and especially if that person is seen to have hurt or humiliated others;
- * They believe they have *powerful or complete evidence*, or others will accompany them as witnesses if they make a report, and they think they will be believed;¹⁷
- * There are resources that are seen to be: *safe, credible and fair, accessible and easy to find*.¹⁸

¹⁶ "The unresponsive bystander: are bystanders more responsive in dangerous emergencies?" Fischer, P., Greitemeyer, T., Pollozek, F., & Frey, D. (2006). *European Journal of Social Psychology*, 36(2), 267-278; and "The Bystander-Effect: A Meta-Analytic Review on Bystander Intervention in Dangerous and Non-Dangerous Emergencies," Fischer et al, *Psychological Bulletin*, 2011, Vol. 137, No. 4, 517–537.

¹⁷ The point is frequently reported by ombuds practitioners.

¹⁸ Mary Rowe and Michael Baker, *Harvard Business Review*, Vol. 62, No. 3, (May-June, 1984), pp. 127-136, "Are you Hearing Enough Employee Concerns? A review of non-union complaint systems in the U.S."

- They know and trust a specific person to go to for advice, especially the manager in charge of the work unit;¹⁹
- There are trusted access points like EAP, medical department, HR managers, security, quality assurance, compliance, or ethics officers, especially if these people are known personally;
- There are “zero barrier” access points, like an organizational ombuds, or chaplain—someone with whom they can consult completely off the record—and *who will help to develop a choice of options for action*;
- There is a Hotline or Dialog Line, that is believed to be safe, and which is known to result in effective action;
- They know how their conflict management system works. Their system has more than one option *and* there is an option in their complaint system that meets their particular needs. And they believe—if they decide to report the behavior—that the system will take appropriate and timely action.²⁰

What Can Be Done to Improve the Bystander’s “Context”?

Training is essential. Especially in organizations with very diverse populations and high turnover, it is essential to help people learn the *rules, definitions of “what is unacceptable and why,” local resources, and local options for bystander action.*²¹ It is important that people understand the meaning of a “good faith report,” the definition of retaliation, and all company policies and procedures with respect to intimidation and retaliation.

It may help for at least some training to be done *issue by issue*. Issue-focused training helps bystanders know and recognize specific problems and helps to legitimate their taking action. Training of bystanders often imparts skills that can be proven to make a difference, (for example, CPR training.) Two topics are particularly useful:

- **Safety and harassment are issues of special importance:** If an agency or other organization is hoping to foster responsible bystander action about “all” unacceptable behavior, it may be useful, if relevant to the workplace, to offer specific training with respect to abuse and assault, alcohol, bullying, drugs, harassment and safety. This is true for a number of reasons.

Alcohol and drugs are “special issues” because many forms of unacceptable behavior are associated with the use of alcohol and drugs and, also, bystanders often know if there is misuse of alcohol and drugs.

¹⁹ Amy Edmondson and colleagues at Harvard Business School have studied this phenomenon in some depth.

²⁰ Colvin, *op.cit.*

²¹ See for examples, Randi L. Sims, “Comparing ethical attitudes across cultures,” *Cross Cultural Management: An International Journal*, Vol. 13 no.: 2 (2006) pp. 101 – 113; Young Sook Moon and George R. Franke, “Cultural Influences on Agency Practitioners’ Ethical Perceptions: A Comparison of Korea and the U.S.,” *Journal of Advertising*, Vol. 29, No. 1 (Spring, 2000), pp. 51-65. This point is reported in many studies.

Bullying, and other forms of harassment, abuse and assault also are “special issues.” Of great importance, a perception of having been harassed or bullied is frequently the tipping point for a bystander to take action about any unacceptable behavior. And a bystander who is thinking about taking action with respect to a particular offender—about *any* form of unacceptable behavior—may be more likely to take action if that offender is also thought to have harassed people in the past. That is, the perception of feeling harassed seems to stick in the mind.

More generally, there are additional reasons (in the context of seeking to prevent all unacceptable behavior) to keep emphasizing the norms that relate to ensuring **safety**, and preventing **harassment**. Safety, responsible relationships, “supporting the local community” and “respect,” may be easier to discuss than misconduct and crime. (The idea of whistle blowing often is not kindly received—and nearly everyone hates investigations. Supporting the safety and success of a work unit or local group is much easier to discuss—and these discussions of course also may serve to establish a social norm that makes all unacceptable behavior less likely.)

Finally, discussions about safety and respect are quite common in many organizations and in many cultures, and may form a familiar platform for the idea of “see something, do *something*”²². People who are accustomed to thinking about “safe procedures and respect for members of the work unit,” as an alternative to safety problems and harassment, may be more likely to notice *all* unacceptable behavior.

Success stories help. Communicating stories of bystanders—who have acted on the spot to stop problematic behavior or who have reported it—may help to support the social norms about safety and responsible conduct. It appears helpful to describe responsible bystanders as if they are “normal humans who are doing the right thing” through good observation and ordinary competence. That is, *responsible bystander behavior is not exceptional heroism requiring super-human skills*. Helpful bystanders should be portrayed as *role models easy to follow*.

Appeals to several, different, socially positive motives may help. Routine appeals of several different kinds may be helpful in connecting with bystanders. It is not just that bystanders are all different individuals, even in an apparently homogenous culture. Each bystander may have *several social identities, only one of which would motivate action*, e.g. the honor of our highly skilled technical group, the good name of our organization, the safety of neighbors like us, an appeal for protection of coming generations, patriotism, requirements of law.

Complete proof should not be required. It helps for bystanders to know that they do not need to have perfect evidence to act, especially if they act informally.²³ A belief that “just a hunch

²² Because bystanders often consider a wide range of options other than just reporting to authorities, “See something—do *something*” may be sometimes be more useful than “See something—say something.” But this may need to be combined with a longer list of options for the bystander.

²³ Koocher et al, op.cit., make this point in detail, urging bystanders to be willing to act on the spot informally, in many or most situations. The “User-Friendly Guide” that accompanied their article in *Science* could be offered to everyone in labs.

might be important” can be built into teaching stories and training, with examples of how unobtrusive inquiry can be helpful in fixing many problems early on, by informal intervention. It should be portrayed as normal, in relevant circumstances, to raise a question, person to person, without triggering an earthquake.

Safe, accessible and credible options need to be understood. People need to know several, safe and accessible ways: 1) to seek private advice and support, and 2) to report.

Many people want to talk things over before they decide to take action and before the employer is formally involved. Most people prefer a trusted, local person in charge, or a respected in-group “elder.” An ombudsman or chaplain may help. Anonymous help lines may help. (Apps for the cell phone are sometimes helpful about bullying and assault.)

Options—and a *choice* of options—for talking things over, and for reporting, are very important to bystanders. Some bystanders will only help if they can take *informal* action. They may consider a great many options. They may be willing to try personally: to prevent or deter, question, interrupt, re-direct, mitigate, or remediate unacceptable behavior. They may be willing to do this alone—or together with peers. They may try one option—and then another.

Some will prefer—or later be willing—to take *formal* action. They may be willing to report unacceptable behavior to authorities, as a first step—or as a last resort. They may *only* be willing to report if they can do so anonymously.

Having a choice of options is, therefore, a major issue for bystanders. This fact can be a challenge for employers. Mandatory reporting and mandatory investigation requirements are now commonplace, with respect to some issues, for supervisors.²⁴ It is now a leading issue, for those who design complaint systems, to meet the challenge of coordinating a complaint system so that the benefits of “bystander choice” can survive.

“Receptivity” helps. Many people believe their organization does not really want to hear any bad news. Many people automatically distrust the capabilities of organizations to look into, investigate and deal with an issue without bad consequences. The credibility of complaint managers is key to encouraging bystander reports. This is why local people in charge who are trusted are so important as a first point of access. Both employees and managers need to trust the person they have gone to for advice, if that person says, “This matter needs to go forward to investigation.”

Competent, impartial investigators help. For the complaint system to be seen as safe and credible, investigations need to be to be competent, fair, prompt, thorough and discreet. It is important for people to believe that false allegations will be dealt with appropriately, as well as good faith concerns. Workers and managers (including senior managers) often do not trust what will happen if they report information.

²⁴ The current debates about Title IX requirements in academe, and sexual harassment in corporations, are just two examples.

Providing information about procedures may help. People in an organization may know very little about relevant procedures. An organization needs to communicate frequently and consistently about the complaint system, if people are to know what they need to know. This requires planning and resources. The challenges here are not simple.

It is objectively difficult for employers to deal fairly and effectively with reports of unacceptable behavior. One reason is that managers rarely receive really good evidence about wrongdoing, let alone “all” the relevant evidence. They may hear second-hand stories and fragments of stories. It may help to teach employees and managers how to make a report by answering the questions: Who, What, When, Where, Why, How, with Whom.

Managers may lack appropriate training about dealing with ancillary problems, like retaliation, complexity and maintaining privacy. For example, they may not know how to prevent or deal with concerns of overt—let alone covert—retaliation. Line and staff managers may lack the resources they need to deal with complex concerns about unacceptable behavior. (A complex concern might have multiple issues, multiple cohorts, and the concern may cross multiple organizational and national boundaries. Investigatory and decision-making processes may appear to move slowly and awkwardly in complex cases.) And finally, organizations (for many reasons) keep personnel actions very private. This means managers may not have “learned how,” by hearing about other cases.

Take all these points together and it is easy to see why bystanders do not understand what will happen if they come forward.

Building the credibility of response mechanisms requires giving the people within an organization some information about what happens when people report.²⁵ It may be possible to create and provide generic communications about how the response mechanisms work, how the rights of everyone are taken into account, how long the procedures may take, and what the (aggregate) results are.

Bystanders need care and respect. It is important to respond with care to the interests of individuals who come forward to report. It is commonplace to note that a complaint system must deal fairly with (allegedly) injured parties and responders. It is not common to have thought through the special situation of complainants who are not directly injured parties but just bystanders. An organization needs to build the reputation of dealing respectfully, as well as fairly and competently, with bystanders who offer information.

This may be especially important with problematic bystanders. Some people who report unacceptable behavior are bewildered or anxious. A bystander—who is doing the right thing by reporting—may be very angry or actually seeking revenge—and in fact will only have taken the

²⁵ Christopher Colvin, op.cit.

risk of reporting because of that anger. Women and men who have felt harassed or mistreated in the past may be fearful and very upset; they also may believe they are taking additional risks in coming forward, and may need reassurance about their safety.

A Focus on the Future

We need to know more in this relatively new field. Some organizations are innovating well with some of the issues in this paper. Some organizations are collecting data about what works and what does not work—data that will be very helpful. We need to know more about bystanders who have succeeded with informal and formal options.

We also need to know about the possible risks of encouraging more bystanders to act. We need to know about false allegations, vengeful allegations, and reports based on misinformation. We would like to know about employees and managers who give up on trying to change behavior they see to be unacceptable, and whether it appears that they may have been correct or mistaken in their judgments. Importantly, does retaliation happen a lot, despite good policies?

Ideally bystanders should have options for addressing unacceptable behavior, in good faith, without fearing retaliation, disrespect or disbelief. Training programs, and a systems approach, about how to report a concern, how to listen to concerns and complaints—and communications about the complaint system, may be able to help. And we should study the effects of new programs about bystanders.

“Bystander” Queries

To prepare for our discussion of responsible bystander behavior, would you be willing to think about several questions? The queries on these three pages are just to provoke our thinking about the roles of bystanders: 1) in fostering and affirming exemplary behavior, and 2) in dealing with unacceptable behavior.

A “Bystander” is: A person who observes or learns about good—or bad—behavior by others, and who is not knowingly engaged in planning or executing that behavior. The Bystander typically has no formal role in the situation. This person may or may not take action.

(For these questions, you are the judge of whether the behavior that was observed was “good” or “bad.”)

1. **A peer or bystander behaved in an affirming and helpful way:** Can you think of times when a bystander helped you or someone else that you care about, in a significant way? What happened? (Examples: a bystander thought well of something you did, and then unexpectedly introduced you to an important job contact or offered you financial help or moral support. Or a peer unexpectedly spoke in public about good work you or another had done. Or a peer went out of the way to help you with excellent work you were doing.)

2. **A peer or bystander came to know of unacceptable behavior and took no action:** Can you think of times when something unacceptable happened before you came to your present employer (XXX), or while you have been at XXX? In brief, what happened—that is, what were the issues, in events you know about?

3. **A peer or bystander came to know of unacceptable behavior and took action:** In brief, what happened and what was done?

Bystander “mentoring” — to foster and affirm exemplary behavior

(This page is to illustrate a wide variety of micro- and macro-affirmations offered by peers and bystanders)

- Affirming your efforts and your achievements, in expected and unexpected discussions with you, with specifics about what you did well
- Cheerleading for your work, in many discussions with others
- Coaching, with specifics, to help you when you need to do better, and, with specific feedback, helping you to avoid mistakes
- Confidant, listening for anything you need to talk about
- Counseling for dealing with dilemmas
- Developing various different talents you might have or could develop
- Griot: teaching about your organization, so you learn “how things work”
- Guarding your interests when you or your team (or your reputation) need some protection from irresponsible people
- Inspiring, to help you define that which is excellent and to develop new goals
- Integrity role model, illuminating the way to deal with ethical dilemmas
- Master of the subject matter, helping when you get stuck
- Nominating you behind the scenes for an important task or job or award
- Opening doors and building bridges, helping you connect, build a network
- Patron (or benefactor) speaking for you and your team, recruiting and providing resources
- Personal and professional role model, providing an “existence theorem” for you on your chosen path
- Pioneer, showing the way, where there are no road maps
- Seminal source, providing you with new ideas
- Teacher or trainer, helping you organize how to learn what you need to learn

Q. Which kinds of formal and informal mentoring have peers and bystanders provided to you? Which have you provided for others? Which might be useful in your organization?

Bystander Interventions with respect to “unacceptable behavior”

(The reason for this page is illustrate the fact that most bystanders in real life seek options and a *choice* of options.)

- Act in such a way that the behavior will come to the attention of managers or other authorities, or of routine monitors
- Ask questions, in an direct or indirect fashion
- Consult generically with useful resources, in an direct or indirect fashion
- Deflect or derail the behavior (unobtrusively as with humor, or overtly)
- Discourage, disparage, deter behavior that is unacceptable
- Engage others to help you deal with the behavior
- Instigate or trigger a “generic approach” such as asking for relevant training about the problem, without (yet) identifying any individual
- Interrupt the behavior
- Mitigate the behavior
- “Name” the behavior so it does not happen un-noticed
- Observe the behavior, gathering more information before choosing an option, perhaps collecting evidence
- Prevent the behavior from recurring (e.g. by making the behavior punishable or by encouraging positive alternatives that block it)
- Punish the behavior (at the time or later) or act to see it punished
- Re-channel plans or persons or resources engaged in unacceptable behavior, for example engaging the relevant person elsewhere, removing their access
- Remediate the behavior, (noticeably or behind the scenes, in an overt way or “routinely”)
- Report the behavior, (alone or with others, once or repeatedly, in writing or orally, identifiably or anonymously, formally or informally, immediately or later, with a few salient details or with exhaustive information)
- Stop the behavior
- Stop the behavior and follow up, directly or indirectly, to see that it stays stopped
- Teach others how to identify and assess unacceptable behavior and how to report it: “*Who, What, When, Where, Why, How, and with Whom?*”
- Teach others how to lead and exemplify positive alternatives, (in groups, as relevant, or “Each one, teach one; each one, reach one”) to block the unacceptable behavior
- Try more than one of these interventions as needed

Q. Which kinds of action have you seen used? Which have you undertaken? Are there options of which you or your organization would not approve?



COALITION OF FEDERAL OMBUDSMAN

MEETING MINUTES

Meeting Date/Time: December 9, 2015, 1:30pm – 3:00pm

Location: Environmental Protection Agency, William Jefferson Clinton North, Conference Room 6013

Agenda:

1. Update on the election of Executive Officers
2. Discussion and vetting of "Program and Practice Standards" for internal ombudsman offices; discussion about drafting a similar document adapted for external ombudsman
3. Role of COFO with respect to proposed legislation establishing new ombudsman offices
4. Discussion of annual reports and significant accomplishments by members in 2015
5. Chi Resolutions and ACUS study
6. Internships/Other Announcements

Highlights:

1. Update on the election of Executive Officers

The nominating committee is in place and nominations for Executive Officers have been solicited. Ombudsman working for federal agencies, who are part of the voting membership, are eligible to be nominated for these positions. Please review more detailed information from the COFO Nominating Committee sent through the Listserv on December 1, 2015. The committee members are: Kakeisla Qaasim (Kakeisla.Qaasim@cfpb.gov); Stephanie Luckam (Stephanie.Luckam@tsa.dhs.gov); and Rea Wynder (Rea.Wynder@fema.dhs.gov).

If you are interested in nominating someone, including yourself, the deadline for nominations is December 14, 2015; the email with final candidates and their biographies will be sent the first week in January.

2. Discussion and vetting of "Program and Practice Standards" for internal ombudsman offices; discussion about drafting a similar document adapted for external ombudsman

How does the draft document work together with IOA, USOA and the ongoing ACUS study? The concept evolved from a number of undertakings, including COFO and the

IADRWG's work on conflict resolution standards and COFO's former Standing Up an Ombuds Office Subcommittee's guidelines to assist new offices. This document is an extension of that work, hoping to eliminate confusion in terms of the ombudsman role. There are examples of ombuds offices established in recent years by statute that don't appear to reflect recognized ombuds standards of practice in the federal government or in the private sector.

We all face challenges, e.g., requests for involvement in investigations or administrative proceedings. Although there is no perfect ombuds program, it seemed advisable to have a federal source to supplement the standards of IOA and USOA to help new ombuds programs establish well-functioning offices. It would not affect who qualifies for COFO membership.

Others raised the earlier suggestion of a voluntary review pilot program to assist offices and support professionally recognized standards of operation for all of the different kinds of federal ombudsman. Another suggestion involved having an outside panel of advisors who could provide guidance to ombudsman when faced with a difficult situation, which would also be helpful when an ombudsman has been requested to undertake activities that conflict with recognized professional standards.

3. Role of COFO with respect to proposed legislation establishing new ombudsman offices

A bill before Congress would establish an ombudsman within an agency that would seemingly function in an advocacy role rather than as a designated neutral. Other similar positions, such as the long-term care ombudsman were discussed. Does COFO have a role in strengthening the concept of neutrality for ombudsman and is there an appropriate way to make any concerns known when legislative proposals arise? At the same time, the legislation in question raises the potential benefit of the classical ombudsman model.

4. Discussion of annual reports and significant accomplishments by members in 2015

Accomplishments for the year included the establishment of a program adopted in conjunction with OPM to assist the transition for intermittent employees facing FEHB terminations; leadership's follow through on a recommendation to share publicly an agency's resolutions/settlements for constituents; and the opening of a new ombudsman office at DIA.

5. Chi Resolutions and Administrative Conference of the U.S. (ACUS) study

Members were updated on the upcoming survey. Chi Resolutions requested that everyone be sure to share your contact information with them (at lmrx@chiresolutions.com), especially emails and phone numbers that are not easily obtained from other sources. The confidentiality of this information, as well as your responses to the survey, will be protected.

The survey of federal ombudsman is planned for January. Each ombudsman office will be asked to complete one survey. If an agency has multiple and independently run offices, and perhaps different types of ombudsman (e.g., organizational, external, acquisition, etc.), that agency would provide a separate survey for each office. This applies to subcomponents as well, such as the various offices at FDA. The survey itself should be completed on line, presumably by the senior ombuds in a given office. Each invitation will have an attachment for “review and preview,” which can be discussed with other ombudsman in the office, public affairs or a supervisor, if helpful or appropriate. The team requested that it not be sent to anyone beyond that scope.

The final list of survey participants will specify the agencies to which a survey was sent. ACUS will not know which agencies and offices filled out a survey unless a respondent provides his or her name, for example, in order to include an innovative practice or other helpful information in the final report. Also, an office may request inclusion as a case study for the report. There will be no computerized or other tracking of survey participants; each office contacted may receive a follow-up after the survey is sent, reminding the office to participate or thanking them for participation.

The ACUS research team is very interested in innovative practices, any notable achievements, and recommendations and ideas for the future of federal ombudsman and of COFO.

If any ombuds would prefer, they may talk with the chair of COFO about how to provide a survey through another means. If anyone knows of other ombuds offices not participating as members of COFO, please share this information research study with them and direct them to Lauren Marx, (lm Marx@chiresolutions.com), for inclusion in the study.

6. Internships/Other Announcements

There is a Presidential Management Fellow who is interested in a three-month detail to an ombudsman office. If you are interested in hosting the candidate, please contact Scott Deyo at Scott.M.Deyo@nga.mil.

Attendees in person:

Mollie Berg, Department of Defense

Scott Kimberley Day-Lewis, Department of Homeland Security

Scott Deyo, Department of Defense

Michael Janson, Federal Communication Commission
Lauren Marx, Chi Associates
William Maurer, Department of Energy
Dawn Miller, "Conflict Transformation Associates"
Julie Smith, Department of State
Lexi Wolfe, Small Business Administration
Ella Yeargin, Department of Health and Human Services

Attendees by phone:

Riley Barrar, Department of Defense
Virginia Behr, Department of Health and Human Services
Andrea Brown, Department of State
Monique Bookstein, Department of Justice
Shireen Dodson, Department of State
Ayanna Epps, Federal Deposit Insurance Corporation
Rita Franklin, Department of Energy
Claire Heffernan, Department of Homeland Security
Patrick Holman, Department of Energy
Noreen Kinnavy, International Broadcasting Bureau
Jenifer Kirkpatrick, Department of Homeland Security
Sarah Kith, Department of Homeland Security
Becky Kurtz, Department of Health and Human Services
Marcia Larkins, Department of Health and Human Services
Laurie Lenkel, Department of Health and Human Services
Carrie McGuire, Office of Government Information Services
Carla Miller, Department of Justice
Kakeisla Qaasim, Consumer Financial Protection Bureau
Sara Roberts, Department of Homeland Security
Miriam Rodon, National Aerospace and Space Administration
Mary Rowe, MIT and Chi Resolutions

Paul Sotoudeh, Consumer Financial Protection Bureau

Dale Vergott, Department of Defense

Guy Weber, Department of Defense

Fred Whittington, Department of Labor

Rea Wynder, Department of Homeland Security

John Zinsser, Pacifica Communications

Tom Zrubek, Department of Defense



COALITION OF FEDERAL OMBUDSMAN

MEETING MINUTES

Meeting Date/Time: January 14, 2015, 1:30pm – 3:00pm

Location: Conference Call Only

Agenda:

Guest Speaker Daniel Froehlich, Ombudsman for the National Ground Intelligence Center, US Army and Intelligence Command

Highlights:

- Mr. Froehlich is an attorney for the US Army, with a Bachelor's in systems engineering from UVA, a JD from William and Mary, and an LLM from the Army Judge Advocate General's School, among other academic credentials. After serving as a lawyer in a wide range of capacities, Mr. Froehlich was selected to establish an organizational ombudsman program for the National Ground Intelligence Center of the US Army Intelligence and Security Command.

Mr. Froehlich shared his experience in building and promoting awareness of the newly founded program, working with stakeholders, establishing policy, and drafting a charter and mission statement. The discussion with COFO participants revolved around traditional issues and questions of concern when establishing a new office, i.e., evaluating effectiveness, obtaining training, developing relationships of trust, etc.

Attendees (by phone only):

Cortina Barnes, Department of Defense
Mollie Berg, Department of Defense
Brian Bloch, Department of the Interior
Andrea Brown, Department of State
Felicia Bunns, Department of Energy
Albert Conerly, Department of Health and Human Services
Joanne Dea, USDA
Scott Deyo, Department of Defense
Tasha Fleming, Federal Bureau of Prisons
Daniel Froehlich, Department of Defense
Jennifer Gartlan, Federal Maritime Commission

Claire Heffernan, Department of Homeland Security
Noreen Kinnavy, International Broadcasting Bureau
Kristina Lauritsen, Department of Health and Human Services
Mona Lease, Student
Laurie Lenkel, Department of Health and Human Services
Lisa Levine, Department of Justice
Marisa Marinos, National Endowment for the Arts
Awilda Martinez, Department of Labor
William Maurer, Department of Energy
David Michael, Department of Health and Human Services
Holly Miller, HUD IG
Pamela Pontillo, Department of Energy
Eric Raines, Federal Deposit Insurance Corporation
Tim Rice, Department of Homeland Security
Sara Roberts, Department of Homeland Security
Lester Schone, Department of Homeland Security
King Stablein, U.S. Nuclear Regulatory Commission
Marc Van Nuys, Department of Defense
Guy Weber, Department of Defense
Rea Wynder, FEMA

Minutes prepared by: Noreen Kinnavy/Andrea Brown



COALITION OF FEDERAL OMBUDSMAN

MEETING MINUTES

Meeting Date/Time: February 11, 2015, 1:30pm – 2:30pm

Location: Conference Call Only

Agenda:

1. Guest Speakers David Pritzker, Deputy General Counsel and Connie Voglemann, Attorney Advisor from Administrative Conference of the United States Office of the Chairman, (ACUS)
2. Interagency Alternative Dispute Resolution Working Group (IADRWG) update
3. Upcoming training and opportunities

Highlights:

1. Bill Mauer, COFO vice chair opened up the meeting introducing the guest speakers. David Pritzker, Deputy General Counsel and Connie Voglemann, Attorney Advisor from Administrative Conference of the United States Office of the Chairman, (ACUS) are proposing to conduct a study of federal ombudsman [or the role of federal ombudsman] and make recommendations to the President, Congress, departments and agencies. The purpose of this study is twofold, the first is ensuring that the previous recommendations made in the ACUS report “*The Ombudsman a Primer for Federal Agencies*,” over two decades ago are valid now and the second is to seek out best practices in the federal ombudsman community that impact the efficiency of government. Mr. Pritzker and Ms. Vogel are currently in the process of reaching out to the ombudsman community for feedback and suggestions to inform the research proposal that will be put forth for approval to the ACUS governing board in February / March 2015.

During the meeting, the following ideas were provided as possible areas for research.

- How do ombudsman offices identify systemic concerns?
- What are the do's and don't's - “lines of reporting” for an ombudsman office?
- How to quantify success of the Ombudsman program? (Costs benefit analysis.)

A working group consisting of representatives from various ombudsman organizations - IOA, USOA, ABA ADR and Ombuds group, COFO has formed to bring forth suggestions to present to ACUS for their research. Wendy Kamenshine, will convene the working group.

2. Albert Conerly (COFO member and liaison to the Interagency Alternative Dispute Resolution Working Group, IADRWG) provided an update to the group on a presentation

that was part of the *ADR Lunchtime Series* - “Unconscious Bias in the ADR Process (January 29, 2015).” The speakers Charles Petit and Dr. Lester Hoffman mentioned we all have biases, which we are often unaware of and as a result these unconscious biases impact behavior in the workplace. A few considerations were provided to address unconscious bias. One can first acknowledge that we all have biases, second is to increase self awareness and pay attention, and finally, since biases can impact or appear to impact decision-making in the workplace be transparent about factors in decision-making and communicate about processes used. For more information <http://www.adr.gov/pdf/jan2015-flyer.pdf>

3. Upcoming opportunities
 - a. International Ombudsman Association conference will be April 19 – 22, 2015 in Atlanta, Georgia For more information <http://www.ombudsassociation.org/home.aspx>

Attendees (by phone only):

Emily Albertson, Federal Reserve Board
Mollie Berg, National Geospatial-Intelligence Agency
Andrea Brown, Department of State
Albert Conerly, Department of Health and Human Services, FDA
Joanne Dea, USDA
Scott Deyo, National Geospatial-Intelligence Agency
Tasha Fleming, Department of Justice, BP
Steve Gadziola, Department of Homeland Security, FEMA
Claire Heffernan, Department of Homeland Security, TSA
Wendy Kamenshine, Consumer Financial Protection Bureau
Mark Kashden, Center for Disease Control, OCOO/OCG
Bridgette Kilkenny, Treasury
Noreen Kinnavy, International Broadcasting Bureau
Marcia Larkins, Department of Human and Health Services, FDA
Matthew Lascell, Department of Defense, NCIS
Mona Lease, Student
Karen Leichtnam, D.C. Superior Court
Katie Manderson, Department of State
Bill Mauer, Department of Energy
Carrie McGuire, Office of Government Information Services, NARA
Tracy McNeil, U.S. Securities Exchange Commission
Ruth McWilliams, National Aerospace and Space Administration
Celeste Merrix, Department of Homeland Security, FLETC
Chauncenette Morey, Department of Justice
David Pritzker, Administrative Conference of the United States

Sara Roberts, Department of Homeland Security, TSA
Julie Smith, Department of State
King Stablein, U.S> Nuclear Regulatory Commission
Connie Vogelmann, Administrative Conference of the United States
Guy Weber, Department of Defense, NGA
Diane Wellborne, City of Dayton
Lisa Witzler, Department of Health and Human Services, NIH
Kahill Palmer, ANII Group

Minutes prepared by: Andrea Brown and Noreen Kinnavy



COALITION OF FEDERAL OMBUDSMAN

MEETING MINUTES

Date/Time: March 11, 2015, 1:30pm – 2:30pm

Location: Environmental Protection Agency (EPA), William Jefferson Clinton Building North, Conference Room 6013

Agenda:

1. Guest speakers provided an overview of their ombudsman organizations and shared information on upcoming conferences:
Robin Matsunaga, President, United States Ombudsman Association (USOA)
Kristie Hirschman, Director of Conferences & Training (USOA)
Lisa Witzler, Vice President, International Ombudsman Association (IOA)
2. Annual COFO conference planning
3. Ethical Dilemma

Highlights:

1. United States Ombudsman Association:

Mr. Robin Matsunaga is the Ombudsman for the state of Hawaii and President of USOA. Ms. Kristie Hirschman is Senior Assistant Ombudsman for the state of Iowa and serves on the USOA executive board as Director of Conferences & Training. Mr. Matsunaga provided an overview of USOA, the oldest ombudsman organization in North America with a focus on the traditional, classical ombudsman model. External ombudsmen in the federal government may find this organization particularly helpful.

The 36th annual USOA conference will be October 14-16, 2015 in Scottsdale, AZ. Ms. Hirschman provided information to members about submitting proposals for presentations at the USOA Annual Conference; for details or for more information contact Kristie at:

kristie.hirschman@legis.iowa.gov . For information on the USOA Annual Conference see: <http://www.usombudsman.org/usoa-events/annual-conference/>

The discussion with COFO participants focused on strategies for dealing with difficult complainants. Some suggestions included the following:

- Establish, maintain and respectfully convey boundaries to the visitor/complainant, e.g., time or duration of meetings, physical space and office safety considerations.
- Use communication skills to diffuse a situation, conveying respect for the individual and following up as appropriate.
- Utilize local resources that can provide information of use to ombudsman practitioners, such as crisis intervention and law enforcement teams and mental health alliances and organizations.
- Additional resources:

- Chris Wheeler from New South Wales wrote an article about working with unreasonable complainant conduct: <http://www.socap.org.au/files/FIZW04L2OS/Chris%20Wheeler.pdf>
- The Ombudsman of New South Wales also provides training on working with unreasonable complainant conduct: <https://www.ombo.nsw.gov.au/training-workshops-and-events/our-workshops/all-workshops/managing-unreasonable-complainant-conduct>
- National Alliance on Mental Illness – local D.C. chapter -- provides newsletter, trainings, upcoming events: <http://www.namidc.org/>

International Organization of Ombudsman (IOA)

Ms. Lisa Witzler is an Associate Ombudsman for the National Institutes of Health (NIH) and Vice President of IOA. She provided an overview of IOA – the largest professional association for ombudsman worldwide with a focus on the organizational ombudsman model. Among the offerings provided, they are best known for professional training and educational programs (i.e. standards of practice and code of ethics, and the course *Foundations of Organizational Ombudsman Practice*), a professional journal *JIOA*, and a certification program. For information see: <http://www.ombudsassociation.org/Home.aspx>

Ms. Witzler, shared information regarding the IOA Annual Conference to take place on April 19 – 22 in Atlanta, GA.

For conference highlights, keynote speakers and events please see:

<http://www.ombudsassociation.org/Conferences-Professional-Development/Annual-Conference/2015-Annual-Conference.aspx>

In addition to the conference, IOA has a variety of new developments such as forming committees to focus on the following areas: Research and Assessment; Professional Standards and Ethics; and Title IV. Also, the *JIOA* a peer review academic journal welcomes submissions and suggestions from the ombudsman community. Please contact Lisa to share your ideas with her.

2. Annual COFO Conference Planning

COFO participants discussed possible topics to include in the upcoming conference. One recommendation was to survey COFO membership for additional ideas. The following members volunteered to assist with the conference, Tracy McNeil – SEC; Joan Roger – EPA; Ella Yargon – FDA; Tony Ohe – DHS; Kahlill Palmer – USPS.

Suggested Topics for COFO Annual Conference 2015:

- Conflict Coaching: Tools for daily practice – not formal coaching related
- New Ombudsman: A separate session for new ombuds to interact with more experienced ombuds – reflections, challenges, questions, etc.
- Mental Health Challenges: Training, advice, guidance, wisdom, protocols, safety, security, confidentiality

- Helping People Help Themselves: Educating/teaching clients to manage up and down the chain of command
 - How to Better Communicate/Market the Ombuds Role to Leaders and Managers: Ombuds not a substitute for supervision
 - The Don'ts: What an Ombuds should not do or handle
 - How to Say "NO": When a visitor is persistent/passionate after all that can be done, has been done
 - Legal Updates: Recent court cases
 - Victim Support: Working with complainants/visitors who have undergone a traumatic event – (PTSD).
3. An "Ethical Dilemma" was posed to COFO participants. The discussion revolved around related policies, ombudsman's role and obligation to report or disclose information, and potential legal ramifications.

Attendees: (in person)

Jeff Anderson, Equal Employment Opportunity Commission

Riley Barrar, Department of Defense, AF

Andrea Brown, Department of State

Dallas Brown, Department of Homeland Security, National Protection and Programs Directorate

Tracey McNeil, U.S. Securities and Exchange Commission

William Maurer, Department of Energy

Tony Ohe, Department of Homeland Security, National Protection and Programs Directorate

Kahlill Palmer, ANNI Group*

Victor Voloshin, Equal Employment Opportunity Commission

Attendees: (by phone)

EmilyAlbertson, Federal Reserve Board

Karen Asaro, Department of Homeland Security, FEMA

Cathy Barchi, Department of Energy

Virginia Behr, Department of Health and Human Services, FDA

Mollie Berg, Department of Defense, NGA

Joanne Dea, USDA

Debbie Duncan, Department of Homeland Security, TSA

Ayanna Epps, Federal Deposit Insurance Corporation

Tasha Fleming, Department of Justice, BOP

Harriet Gerber, Department of Health and Human Services, FDA
Claire Heffernan, Department of Homeland Security, TSA
Kristie Hirschman, State of Iowa
Wendy Kamenshine, Consumer Financial Protection Bureau
Noreen Kinnavy, International Broadcasting Bureau, Voice of America and Office of Cuba Broadcasting
Marcia, Larkins, Department of Health and Human Services, FDA
Kristina Lauritsen, Department of Health and Human Services, FDA
Joy Lee, National Credit Union Administration
Karen Leichtnam, D.C. Superior Court
Robin Matsunaga, State of Hawaii
Celeste Merrix, Department of Homeland Security, FLETC
Heather Milner, Consumer Financial Protection Bureau
Pamela Pontillo, Department of Energy, Office of Conflict Prevention and Resolution
Sara Roberts, Department of Homeland Security, TSA
Joanne Rogers, Environmental Protection Agency
Tonya Sibley, Department of Homeland Security, TSA
Julie Smith, Department of State
King Stablein, U.S. Nuclear Regulatory Commission
Jeri Walker, National Credit Union Administration
Guy Weber, Department of Defense, NGA
Lisa Witzler, Department of Health and Human Services, NIH
EllaYeargin, Department of Health and Human Services, Center for Tobacco Products



COALITION OF FEDERAL OMBUDSMAN

MEETING MINUTES

Meeting Date/Time: December 9, 2015, 1:30pm – 3:00pm

Location: Environmental Protection Agency, William Jefferson Clinton North, Conference Room 6013

Agenda:

1. Update on the election of Executive Officers
2. Discussion and vetting of "Program and Practice Standards" for internal ombudsman offices; discussion about drafting a similar document adapted for external ombudsman
3. Role of COFO with respect to proposed legislation establishing new ombudsman offices
4. Discussion of annual reports and significant accomplishments by members in 2015
5. Chi Resolutions and ACUS study
6. Internships/Other Announcements

Highlights:

1. Update on the election of Executive Officers

The nominating committee is in place and nominations for Executive Officers have been solicited. Ombudsman working for federal agencies, who are part of the voting membership, are eligible to be nominated for these positions. Please review more detailed information from the COFO Nominating Committee sent through the Listserv on December 1, 2015. The committee members are: Kakeisla Qaasim (Kakeisla.Qaasim@cfpb.gov); Stephanie Luckam (Stephanie.Luckam@tsa.dhs.gov); and Rea Wynder (Rea.Wynder@fema.dhs.gov).

If you are interested in nominating someone, including yourself, the deadline for nominations is December 14, 2015; the email with final candidates and their biographies will be sent the first week in January.

2. Discussion and vetting of "Program and Practice Standards" for internal ombudsman offices; discussion about drafting a similar document adapted for external ombudsman

How does the draft document work together with IOA, USOA and the ongoing ACUS study? The concept evolved from a number of undertakings, including COFO and the

IADRWG's work on conflict resolution standards and COFO's former Standing Up an Ombuds Office Subcommittee's guidelines to assist new offices. This document is an extension of that work, hoping to eliminate confusion in terms of the ombudsman role. There are examples of ombuds offices established in recent years by statute that don't appear to reflect recognized ombuds standards of practice in the federal government or in the private sector.

We all face challenges, e.g., requests for involvement in investigations or administrative proceedings. Although there is no perfect ombuds program, it seemed advisable to have a federal source to supplement the standards of IOA and USOA to help new ombuds programs establish well-functioning offices. It would not affect who qualifies for COFO membership.

Others raised the earlier suggestion of a voluntary review pilot program to assist offices and support professionally recognized standards of operation for all of the different kinds of federal ombudsman. Another suggestion involved having an outside panel of advisors who could provide guidance to ombudsman when faced with a difficult situation, which would also be helpful when an ombudsman has been requested to undertake activities that conflict with recognized professional standards.

3. Role of COFO with respect to proposed legislation establishing new ombudsman offices

A bill before Congress would establish an ombudsman within an agency that would seemingly function in an advocacy role rather than as a designated neutral. Other similar positions, such as the long-term care ombudsman were discussed. Does COFO have a role in strengthening the concept of neutrality for ombudsman and is there an appropriate way to make any concerns known when legislative proposals arise? At the same time, the legislation in question raises the potential benefit of the classical ombudsman model.

4. Discussion of annual reports and significant accomplishments by members in 2015

Accomplishments for the year included the establishment of a program adopted in conjunction with OPM to assist the transition for intermittent employees facing FEHB terminations; leadership's follow through on a recommendation to share publicly an agency's resolutions/settlements for constituents; and the opening of a new ombudsman office at DIA.

5. Chi Resolutions and Administrative Conference of the U.S. (ACUS) study

Members were updated on the upcoming survey. Chi Resolutions requested that everyone be sure to share your contact information with them (at lmrx@chiresolutions.com), especially emails and phone numbers that are not easily obtained from other sources. The confidentiality of this information, as well as your responses to the survey, will be protected.

The survey of federal ombudsman is planned for January. Each ombudsman office will be asked to complete one survey. If an agency has multiple and independently run offices, and perhaps different types of ombudsman (e.g., organizational, external, acquisition, etc.), that agency would provide a separate survey for each office. This applies to subcomponents as well, such as the various offices at FDA. The survey itself should be completed on line, presumably by the senior ombuds in a given office. Each invitation will have an attachment for “review and preview,” which can be discussed with other ombudsman in the office, public affairs or a supervisor, if helpful or appropriate. The team requested that it not be sent to anyone beyond that scope.

The final list of survey participants will specify the agencies to which a survey was sent. ACUS will not know which agencies and offices filled out a survey unless a respondent provides his or her name, for example, in order to include an innovative practice or other helpful information in the final report. Also, an office may request inclusion as a case study for the report. There will be no computerized or other tracking of survey participants; each office contacted may receive a follow-up after the survey is sent, reminding the office to participate or thanking them for participation.

The ACUS research team is very interested in innovative practices, any notable achievements, and recommendations and ideas for the future of federal ombudsman and of COFO.

If any ombuds would prefer, they may talk with the chair of COFO about how to provide a survey through another means. If anyone knows of other ombuds offices not participating as members of COFO, please share this information research study with them and direct them to Lauren Marx, (lm Marx@chiresolutions.com), for inclusion in the study.

6. Internships/Other Announcements

There is a Presidential Management Fellow who is interested in a three-month detail to an ombudsman office. If you are interested in hosting the candidate, please contact Scott Deyo at Scott.M.Deyo@nga.mil.

Attendees in person:

Mollie Berg, Department of Defense

Scott Kimberley Day-Lewis, Department of Homeland Security

Scott Deyo, Department of Defense

Michael Janson, Federal Communication Commission
Lauren Marx, Chi Associates
William Maurer, Department of Energy
Dawn Miller, "Conflict Transformation Associates"
Julie Smith, Department of State
Lexi Wolfe, Small Business Administration
Ella Yeargin, Department of Health and Human Services

Attendees by phone:

Riley Barrar, Department of Defense
Virginia Behr, Department of Health and Human Services
Andrea Brown, Department of State
Monique Bookstein, Department of Justice
Shireen Dodson, Department of State
Ayanna Epps, Federal Deposit Insurance Corporation
Rita Franklin, Department of Energy
Claire Heffernan, Department of Homeland Security
Patrick Holman, Department of Energy
Noreen Kinnavy, International Broadcasting Bureau
Jenifer Kirkpatrick, Department of Homeland Security
Sarah Kith, Department of Homeland Security
Becky Kurtz, Department of Health and Human Services
Marcia Larkins, Department of Health and Human Services
Laurie Lenkel, Department of Health and Human Services
Carrie McGuire, Office of Government Information Services
Carla Miller, Department of Justice
Kakeisla Qaasim, Consumer Financial Protection Bureau
Sara Roberts, Department of Homeland Security
Miriam Rodon, National Aerospace and Space Administration
Mary Rowe, MIT and Chi Resolutions

Paul Sotoudeh, Consumer Financial Protection Bureau

Dale Vergott, Department of Defense

Guy Weber, Department of Defense

Fred Whittington, Department of Labor

Rea Wynder, Department of Homeland Security

John Zinsser, Pacifica Communications

Tom Zrubek, Department of Defense