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City of Gainesville Policy Program Preliminary Research & Analysis

TOPIC: Office of the Ombudsman Supplemental Research

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REQUESTED BY: Mayor Poe

OBJECTIVE

Exploring the usage of organizational ombuds to assist with internal conflict resolution by municipal governments.

EXECUTIVE SUMMARY

Previous research (Office of the Ombudsman Report) detailed what an ombudsman is, the types of services they can provide, the various reporting and leadership structures of ombudsman offices, and examples of local governments which utilize an office of the ombudsman. This research will look more specifically at an organizational ombudsman, which is an individual who serves as a designated neutral and provides conflict resolution and problem-solving services to members of the organization. An organizational ombudsman does not take sides in conflict or investigate conflict, but instead helps to neutrally facilitate conflict resolution and point members to resources which can help with relationship building and professional development. Examples of organizational ombuds in local government include Chapel Hill, North Carolina's Ombuds Office, which provides support to both city employees and residents of Chapel Hill, and Seattle, Washington's Office of the Employee Ombud, which provides support only to city employees.

HISTORY/BACKGROUND INFORMATION

What is an Organizational Ombudsman?

An Organizational Ombudsman (often referred to as an ombudsperson, ombud, or ombuds) is an individual who serves as a designated neutral within a specific organization and provides conflict resolution and problem-solving services to members of the organization (internal ombudsman) and/or for clients or customers of the organization (external ombudsman).

An Organization Ombudsman provides confidential, informal, independent, and impartial assistance to individuals through dispute resolution and problem solving methods such as conflict coaching, mediation, facilitation, and shuttle diplomacy. The Organizational Ombudsman responds to concerns and disputes brought forward by visitors to the office and may report trends, systemic problems, and organizational issues to high-level leaders and executive in a confidential manner. They do not advocate for individuals, groups, or entities, but for the principles of fairness and equity. The Organizational Ombudsman does not play a role in formal processes, investigate problems brought to the office's attention, or represent any side in a dispute.¹ The most important skills of an effective ombud include active listening, communicating successfully with a diverse range of people, remaining nonjudgmental, having the courage to speak up and address problems at higher levels within an organization, problem-solving and analytical ability, and conflict resolution skills. Specific career background or academic degree is typically less important than acquiring and demonstrating the skill set described above. The International Ombudsman Association (IOA) provides professional training courses and has established Standards of Practice that it is advised ombuds abide by.²

What Does an Organizational Ombudsman Do?

Activities of an organizational ombudsman typically include:³

- Listening and understanding issues while remaining neutral with respect to the facts. The ombud doesn't listen to judge or to decide who is right or wrong. The ombud listens to understand the issue from the perspective of the individual. This is a critical step in developing options for resolution.
- Assisting in reframing issues and helping individuals evaluate options. This helps individuals identify the interests of various parties to the issues and helps focus efforts on potential options to meet those interests.
- Guiding or coaching individuals to deal directly with other parties, including the use of formal resolution resources of the organization. An ombud often seeks to help individuals improve their skills and their confidence in giving voice to their concerns directly.
- Referring individuals to appropriate resolution resources. An ombud may refer individuals to one or more formal organizational resources that can potentially resolve the issue.
- Assisting in surfacing issues to formal resolution channels. When an individual is unable or unwilling to surface a concern directly, the ombud can assist by helping give voice to the concern and/or creating an awareness of the issue among appropriate decision-makers in the organization.

¹ <https://ombuds.uconn.edu/types-of-ombuds/>

² <https://www.ombudsassociation.org/what-is-an-ombuds->

³ <https://www.ombudsassociation.org/what-is-an-ombuds->

- Facilitating informal resolution processes. An ombud may help to resolve issues between parties through various types of informal mediation.
- Identifying new issues and opportunities for systemic change for the organization. The unique positioning of the ombud serves to provide unfiltered information that can produce insight to issues and resolutions. The ombud is a source of detection and early warning of new issues and a source of suggestions of systemic change to improve existing processes.

An ombudsman does not:⁴

- Participate in formal investigations or play any role in a formal issue resolution process
- Serve in any other organizational role that would compromise the neutrality of the ombud's role
- Receive notice for the organization
- Make binding decisions or mandate policies
- Create or maintain records or reports for the organization

PRELIMINARY RESEARCH AND FINDINGS

While organizational ombuds do exist in city government, they are not common. More typically, conflict resolution and de-escalation may be supported by other city departments, such as the Human Resources Department. However, some cities, like those discussed below, have chosen to create an ombudsman office in order to ensure impartiality.

Chapel Hill, North Carolina

Chapel Hill's Ombuds Office helps residents, visitors, and Town employees navigate their experience of living and working in Chapel Hill. The office helps people identify options, strategies, and resources that help people thrive. The Ombuds office will provide a safe place for anyone who wants to share their concerns and explore strategies for confidential, informal management or resolution of issues and matters. They provide a safe environment to discuss delicate questions and difficult issues in an informal, secure, and discrete manner. The office provides town leadership with general information regarding community interests and concerns, provides training and meeting facilitation, connects people to community resources, and empowers community members to confidently engage with their local government.

The office helps neighbors role play through situations, provides training about difficult issues, provides information and referrals, helps analyze complex and difficult problems, explores non-adversarial approaches for resolving concerns, helps neighbors get an explanation of policies and procedures, offers a confidential and informal sounding board, and addresses issues at the most appropriate level.

⁴ <https://www.ombudsassociation.org/what-is-an-ombuds->

The office will not take sides in a dispute, conduct formal investigations, serve as a witness or testify in a formal proceeding, accept or provide official notice of an alleged violation, make any decisions for you, offer legal advice, provide counseling, share your information with anyone, or force you to do anything.

Chapel Hill Ombuds are members of the International Ombudsman Association (IOA) and practice according to the IOA Code of Ethics and IOA Standards of Practice.⁵

In the first five years of the Ombuds office opening, they have met with 883 employees (or approximately 85% of total city employees). Ombuds have also worked with 365 stakeholders, including residents, businesses, community groups, or churches. Amongst employees, approximately 50% of the meetings have been regarding interpersonal conflicts, 10% regarding access to resources, 14% regarding navigating changes, 12% regarding professional development, and 11% regarding performance. Amongst stakeholders, approximately 46% of meetings have been regarding interpersonal conflict, 47% have been regarding access to resources, 5% have been regarding development impact, and 2% have been regarding connections.⁶

The Chapel Hill Ombuds Office falls under the City Manager's direction; however, the Ombuds Office has a charter which ensures the office's neutrality and impartiality and follows the IOA's Standards of Practice. According to the current ombuds, the office began as internal only (i.e. just serving the town's employees), but had the capacity to expand to community members, and felt that would be useful as many concerns from employees dealt with community members as well. While Chapel Hill was one of the first municipal governments to have an ombuds office, they feel that the office is useful in providing trainings to employees, identifying structural concerns within city policies, and keeping conflicts from escalating.⁷

Seattle, Washington

The Seattle Office of the Employee Ombud (OEO) was created in 2018, and is a confidential, informal, and independent resource that serves all current City of Seattle employees. The OEO's mission is to empower individuals and teams to transform conflict into quality work and learning. The mission of the Office of the Employee Ombud is to ensure that employees have access to a resource for informally addressing workplace concerns in a fair and equitable manner. The office assists individuals toward the resolution of concerns in a confidential and informal basis, and supports procedures that advance the goal of a fair conflict management system.

The office was established to assist City employees in understanding and assessing options and resources to address concerns about or claims of workplace conduct that may be: inappropriate, a violation of the City's Personnel Rules, City policies, or workplace expectations; harassment, discrimination, or retaliation. The office additionally provides analyses and recommendations of

⁵ <https://www.townofchapelhill.org/government/departments-services/ombuds-office>

⁶ <https://www.townofchapelhill.org/home/showpublisheddocument?id=37474>

⁷ Personal conversation with Anita Badrock, Town of Chapel Hill Ombuds

policy and rule changes needed to address departmental or system-wide inefficiencies and in-person training to prevent workplace discrimination and harassment in City employment.⁸

The OEO is independent from any other department within the City, and the Office Director is appointed by the Mayor and confirmed by the City Council for a renewable term of four years. The Director can be removed from office by the Mayor for such things as a violation of city policy or willful or careless violations of the Standards of Practice by the International Ombudsman Association.⁹

Over the 2020-21 fiscal year, OEO handled 201 cases, and has handled 422 cases since its creation. The office has no case backlog, and has partial or full resolution on 80% of the cases that have come through the office.¹⁰

Austin, Texas

The City of Austin Texas has a voluntary Alternative Dispute Resolution Process (ADR), which is coordinated by the City of Austin Ombudsperson. The city's Labor Relations Office, overseen by the City Manager, is responsible for overseeing the Ombudsperson and the ADR process.¹¹ ADR is an informal process to assist in the voluntary resolution of the following personnel actions:

- Disciplinary probations
- Disciplinary suspensions
- Demotions
- Discharges
- Denials of Promotion

At the time the employee files a Notice of Appeal for one of the above personnel actions, they must select the ADR Process where indicated on the Notice of Appeal form with the Ombudsperson office.

ADR includes the following methods of dispute resolution:

- Mediation: Mediation is a forum in which an impartial person, either the Ombudsperson or other neutral Facilitator, assists in communication between the parties to promote reconciliation, settlement, or understanding among them. The Ombudsperson/Facilitator may not impose their own judgement regarding the issues upon the parties.
- Mediated Communication: In some conflicts, direct communication between parties is unlikely to resolve the issue. In mediated communication, the parties do not meet with each other face to face, but communicate only via the Facilitator who conveys information back and forth between the parties. The Facilitator serves not only as a relay for questions and answers, but can also provide suggestions for moving the conflict toward resolution in private

⁸ <https://www.seattle.gov/ombud>

⁹ <https://www.seattle.gov/Documents/Departments/Ombud/OEOCharter-Update.pdf>

¹⁰ <https://www.seattle.gov/ombud>

¹¹ <https://www.austintexas.gov/department/labor-relations-office>

discussions with each party. If trust and a level of mutual understanding are developed, face to face communications may be started.

- Facilitation and Information Sharing: In some cases, the Employee's appeal will raise questions of fact regarding the Department's action. The ADR process may provide information or clarification which resolves the Employee's issue.¹²

PRELIMINARY ADVANTAGES/DISADVANTAGES ANALYSIS

Advantages

- Can ensure there is an impartial third party to assist city employees with internal disputes.
 - While conflict resolution may more typically be handled in offices such as Human Resources, this may not be effective if an employee's conflict is with that office.
- Can help connect city employees or neighbors with the resources they need.
- Can assist with conflict resolution among city employees and/or neighbors.

Disadvantages

- May be confusing for employees or neighbors to understand what an ombudsman is and is not. For example, employees or neighbors may think that the ombudsman is there to investigate or resolve complaints, when that is generally not the purpose of an ombudsman.
- May require charter revisions if the Ombudsman is meant to be fully impartial and not report to any other charter officer.
 - If the Ombudsman were to report to an existing charter officer, that may interfere with the impartiality of the office.
- May be better housed in existing charter offices or departments, such as the City Auditor or Office of Equity and Inclusion, or the Human Resources Department within the City Manager's office.

PRELIMINARY AND ILLUSTRATIVE LIST OF POTENTIAL STAKEHOLDERS

- City Manager
- City Auditor
- Director of Office of Equity and Inclusion
- Human Resources Director
- City Attorney

RECOMMENDED POINTS FOR FURTHER RESEARCH/DISCUSSION

- Would the Ombudsman be a separate charter office or report to an existing charter officer?
- Would internal conflict resolution/support services be better housed in an existing office or department?
- What would be the extent of the ombudsman's roles and services?
- Per the Chapel Hill Ombuds, there are independent ombuds available for contract positions if the city does not have the need for a full-time ombud.

¹² <https://www.austintexas.gov/page/ombudsperson>

ADDITIONAL RESOURCES

- Austin, Texas (n.d.) *Labor Relations Office*. <https://www.austintexas.gov/department/labor-relations-office>
- Austin, Texas (n.d.) *Ombudsperson*. <https://www.austintexas.gov/page/ombudsperson>
- International Ombudsman Association (n.d.). *What is an Organizational Ombuds?*
<https://www.ombudsassociation.org/what-is-an-ombuds->
- Seattle (n.d.) *Office of the Ombud*. <https://www.seattle.gov/ombud>
- Seattle (n.d.) *Ombud Office Charter and Terms of Reference*.
<https://www.seattle.gov/Documents/Departments/Ombud/OEOCharter-Update.pdf>
- Town of Chapel Hill (2017, June 30). *Office of the Ombuds Five Year Report*.
<https://www.townofchapelhill.org/home/showpublisheddocument?id=37474>
- Town of Chapel Hill (n.d.). *Ombuds Office: Improving your Experience of Chapel Hill*.
<https://www.townofchapelhill.org/government/departments-services/ombuds-office>
- University of Connecticut (n.d.). *Types of Ombuds*. <https://ombuds.uconn.edu/types-of-ombuds/>