



## *CODE OF ETHICS*

*The ombudsman, as a designated neutral, has the responsibility of maintaining strict confidentiality concerning matters that are brought to his/her attention unless given permission to do otherwise. The only exceptions, at the sole discretion of the ombudsman, are where there appears to be imminent threat of serious harm.*

*The ombudsman must take all reasonable steps to protect any records and files pertaining to confidential discussions from inspection by all other persons, including management.*

*The ombudsman should not testify in any formal judicial or administrative hearing about concerns brought to his/her attention.*

*When making recommendations, the ombudsman has the responsibility to suggest actions or policies that will be equitable to all parties.*



## STANDARDS OF PRACTICE

The mission of the organizational ombudsman is to provide a confidential, neutral and informal process which facilitates fair and equitable resolutions to concerns that arise in the organization. In performing this mission, the ombudsman serves as an information and communication resource, upward feedback channel, advisor, dispute resolution expert and change agent.

While serving in this role:

1. We adhere to The Ombudsman Association Code of Ethics.
2. We base our practice on confidentiality.
  - 2.1 An ombudsman should not use the names of individuals or mention their employers without express permission.
  - 2.2 During the problem-solving process an ombudsman may make known information as long as the identity of the individual contacting the office is not compromised.
  - 2.3 Any data that we prepare should be scrutinized carefully to safeguard the identity of each individual whose concerns are represented.
  - 2.4 Publicity about our office conveys the confidential nature of our work.
3. We assert that there is a privilege with respect to communications with the ombudsman and we resist testifying in any formal process inside or outside the organization.
  - 3.1 Communications between an ombudsman and others (made while the ombudsman is serving in that capacity) are considered privileged. Others cannot waive this privilege.
  - 3.2 We do not serve in any additional function in the organization which would undermine the privileged nature of our work (such as compliance officer, arbitrator, etc.)
  - 3.3 An ombudsman keeps no case records on behalf of the organization. If an ombudsman finds case notes necessary to manage the work, the ombudsman should establish and follow a consistent and standard practice for the destruction of any such written notes.
  - 3.4 When necessary, the ombudsman's office will seek judicial protection for staff and records of the office. It may be necessary to seek representation by separate legal counsel to protect the privilege of the office.
4. We exercise discretion whether to act upon a concern of an individual contacting the office. An ombudsman may initiate action on a problem he or she perceives directly.

5. We are designated neutrals and remain independent of ordinary line and staff structures. We serve no additional role (within an organization where we serve as ombudsman) which would compromise this neutrality.
  - 5.1 An ombudsman strives for objectivity and impartiality.
  - 5.2 The ombudsman has a responsibility to consider the concerns of all parties known to be involved in a dispute.
  - 5.3 We do not serve as advocates for any person in a dispute within an organization; however, we do advocate for fair processes and their fair administration.
  - 5.4 We help develop a range of responsible options to resolve problems and facilitate discussion to identify the best options. When possible, we help people develop new ways to solve problems themselves.
  - 5.5 An ombudsman should exercise discretion before entering into any additional affiliations, roles or actions that may impact the neutrality of the function within the organization.
  - 5.6 We do not make binding decisions, mandate policies or adjudicate issues for the organization.
6. We remain an informal and off-the-record resource. Formal investigations - for the purpose of adjudication - should be done by others. In the event that an ombudsman accepts a request to conduct a formal investigation, a memo should be written to file noting this action as an exception to the ombudsman role. Such investigations should not be considered privileged.
  - 6.1 We do not act as agent for the organization and we do not accept notice on behalf of the organization We do always refer individuals to the appropriate place where formal notice can be made.
  - 6.2 Individuals should not be required to meet with an ombudsman. All interactions with the ombudsman should be voluntary.
7. We foster communication about the philosophy and function of the ombudsman's office with the people we serve.
8. We provide feedback on trends, issues, policies and practices without breaching confidentiality or anonymity. We identify new problems and we provide support for responsible systems change.
9. We keep professionally current and competent by pursuing continuing education and training relevant to the ombudsman profession.
10. We will endeavor to be worthy of the trust placed in us.

## GLOSSARY

### **Confidential**

Confidential describes communications, or a source of communications, which are intended to be held in secret. In an ombudsman's work confidentiality is often accomplished by providing anonymity to the source of communications. When the source of a communication is kept secret or private, this is known as an anonymous communication.

### **Independent**

An ombudsman functions independent of line management. The ombudsman reporting relationship is with highest authority in an organization.

### **Neutrality**

We do not serve as advocates for any person in a dispute within an organization; however, we do advocate for fair processes and their fair administration.

When making recommendations, the ombudsman has the responsibility to suggest actions or policies that will be equitable to all parties.

### **Privilege**

Privilege is a legal term which describes a relationship which the law protects from forced disclosure. Traditional privileges are client/lawyer, doctor/patient, priest/penitent, husband/wife. An ombudsman privilege differs from these other forms of privilege because the office holds the privilege and it cannot be waived by others. The privilege is necessary to preserve the process that allows people to come forward to resolve their concerns in a confidential setting without the risk of reprisal.