

ACR-GNY Roundtable Breakfast | March 3, 2022

ZOOM MEETING PUBLIC CHAT TRANSCRIPT

- 01:25:08 Niki Borofsky | JAMS, New York City: Welcome to everyone joining today's ACR-GNY & John Jay Roundtable Breakfast! The video recording that will be posted next week here: <https://acrgny.org/RTB-Videos>
- 01:25:45 Karen Jane ALX, VA: In response to the earlier conversation, does the conflict need to be resolved or managed? Speaking from organizational ombuds perspective, -not all mediations need to have the goal of "resolving" a dispute/conflict. If anyone wishes to engage in a conversation beyond this delightful session, please contact me at [kdean@fmcs.gov](mailto:kdean@fmcs.gov)
- 01:28:12 Niki Borofsky | JAMS, New York City: Welcome to Bathabile Mthombeni | <https://www.linkedin.com/in/bathabile/>
- 01:31:13 Alex Yaro - NYC:=====
- 01:31:34 Niki Borofsky | JAMS, New York City: QUESTION: What inspires you to want to be an ombuds?
- 01:31:37 Alex Yaro - NYC:Helping people solve their problems informally.
- 01:31:38 Jess Kent - NY: Ombuds seems to be an institutional commitment to conflict resolution, which is an exciting prospect.
- 01:31:47 Harvey Newman West Palm Beach, FL: To aid people to live a more fulfilling life.
- 01:31:49 Erica Powers-Albany: I agree with Jess.
- 01:31:55 Eleanor Druckman - Boston: The opportunity to empower visitors to clarify issues and consider options
- 01:31:57 Astrid: I would love to play that role, figuring out the systemic issues and also helping one on one
- 01:32:31 Beverly Russell: To help organizations live their values in their conflict resolution methods & systems.
- 01:33:26 Harvey Simon (NYC,Queens) (He/Him): Being a bridge to a new beneficial consensus.
- 01:40:05 Jess Kent - NY: Where does the salary for an ombudsman come from? How are conflict checks completed and what happens if the ombudsman has a conflict with the parties...is the issue referred externally?

01:40:34 Judit Revesz IFRC Ombudsperson Geneva Switzerland: and organization development

01:41:39 Niki Borofsky | JAMS, New York City: Bathabile's mentors and guides (some pretty incredible dispute resolution community members!):  
Janice Tudy-Jackson | <https://www.linkedin.com/in/janice-tudy-jackson-76bb1a232/>  
Carol B. Liebman | <https://www.linkedin.com/in/carol-liebman-01b0b6a/>  
Marsha Wagner | <https://www.linkedin.com/in/marsha-wagner-a43449a/>  
Maria Volpe | <https://www.linkedin.com/in/maria-r-volpe-ph-d-9555601/>

01:45:27 Jess Kent - NY: Can an ombudsman be subpoenaed by a court?

01:47:04 Suann Ingle: Great question, would love to know as well.

01:49:07 Susan Glatki - Western Massachusetts: Also, it sounds like there is a verbal agreement, not a written agreement as in mediation that is required for confidentiality to kick in.

01:49:09 Robb Webb: Can we get a copy of that "script"

01:49:12 Janet Gerson: Thank you for the fine clarity of your explanation.

01:49:20 Robin Beckhard-NYC: I liked your comment that you try to get things resolved at the lowest level possible.

01:51:03 Jess Kent - NY: Ombudspeople sound like superheroes! Are there any limitations to the role?

01:53:00 Haavi Morreim, Memphis TN: If someone comes to an ombuds with a complaint re. sexual harassment or other Title IX problem, my university's policy looks like it would make the ombuds a "mandatory reporter," meaning the ombuds would be required to disclose (breach confidentiality) to the Title IX officer. The policy has only limited exception: "The only university employees not considered to be mandatory reporters are those who hold a valid license in a profession for which Tennessee law recognizes a confidential relationship between them and their clients or patients." How is your office structured so that you are not required to be a 'mandatory reporter'?

01:55:38 Pam Lester NJ: Is there formal training required to become ombuds?

01:56:08 Suann Ingle: scaffolding - great description Harvey.

01:56:28 Sue Yulianto: International Ombuds Association

01:56:37 Pam Lester NJ: thank you

01:56:38 Jess Kent - NY: How long do ombudspeople usually serve an institution? College presidents, for example, tend to have an average of 7 years in office.

01:57:07 Karen Jane ALX, VA: In response to Pam's question. No formal training is required - but the IOA foundation class is highly recommended - <https://www.ombudsassociation.org/the-foundations-course>

01:57:35 Robin Beckhard-NYC: So does an ombuds bring people in conflict together to discuss their issues, i.e. bring them to mediation, and even mediate for them?

01:58:19 Karen Jane ALX, VA: Additional training is encouraged depending on the nature/context/mission of the organization that the ombuds serves.

01:59:16 Harvey Simon (NYC,Queens) (He/Him): It seems to me, the "dexterity" resides in the ability to provide good advice in many contexts . Many good advice wrapped in justice. in justice two words.

02:00:05 Jess Kent - NY: Interesting topic! Do institutions usually send current employees to the \$2K ombudsman training or are prospective ombudsman expected to pay for themselves? If the latter, what is the rate of DEI efforts to have ombudsmen who reflect their community?

02:00:22 Jack Kellogg, Canandaigua: It sounds like an ombuds person is very similar to a mediator. What are the contrasts?

02:00:51 Kira Nurieli - Harmony Strategies Group:@Regarding mandated-reporters - this is one reason why some organizations prefer to contract with an external resource for Ombuds.

02:00:52 Jess Kent - NY: Do nonprofits or police departments have ombudsmen traditionally? How is an ombudsman introduced in a new space?

02:00:56 Pam Lester NJ: Thank you, Karin

02:01:04 Pam Lester NJ: Karen - sorry for typo

02:01:19 Karen Jane ALX, VA: :)

02:04:31 Judit Revesz IFRC Ombudsperson Geneva Switzerland: I never accept a coffee or lunch to be paid by anyone

02:05:02 Karen Jane ALX, VA: agree -echo Judit

02:05:23 Niki Borofsky | JAMS, New York City: Binghamton Office of the Ombudsman FAQs: <https://www.binghamton.edu/offices/ombudsman/faq.html>

02:05:37 Kira Nurieli - Harmony Strategies Group:Same @ Judit. This is one thing that is sometimes difficult especially for "collateral-duty" Ombuds.

02:07:56 Susan Glatki - Western Massachusetts: Thanks,

02:09:34 Jess Kent - NY: Where is your physical office located on the campus? In the President's suite or a separate building?

02:14:27 Niki Borofsky | JAMS, New York City: Ombuds Blog | <https://ombuds-blog.blogspot.com/>

02:14:49 Niki Borofsky | JAMS, New York City: maintained by Tom Kosakowski

02:14:49 Kira Nurieli - Harmony Strategies Group: Tom Kosakowski

02:15:22 Niki Borofsky | JAMS, New York City: IOA Job Board | <https://www.ombudsassociation.org/ioa-s-job-board>

02:15:34 Maria R. Volpe - NYC: Ombuds blog postings are sent everyday

02:17:01 Karen Jane ALX, VA: IOA conference -virtual April 4-6  
<https://www.ioaconference.org/conference-schedule>

02:17:44 Maria R. Volpe - NYC: Bathabile@binghamton.edu

02:19:50 Thyannda Mack (she/her/they/them): What options are there for someone who wants to become an ombudsperson outside of an organization? Something like an ombuds for hire

02:20:53 Janet Gerson: As I understand your presentation, the Ombuds is not an enforcer of policy.

02:21:28 Pam Lester NJ: Doesn't there have to be a discussion with the other side as well?

02:21:29 Haavi Morreim, Memphis TN: Ombuds job is not to tell people what to do.

02:23:49 bob kaplan: You are requesting enforcement people to do their job

02:25:04 Susan Glatki - Western Massachusetts: Can you even go to the head of academic honesty to say a claim has been made and ask about it or is that breaching confidentiality?

02:26:29 Jess Kent - NY: If a party needs a translator, is that permitted?

02:30:29 Jess Kent - NY: Do you complete the same process regardless of how small the complaint/issue might be?

02:31:06 Robin Beckhard-NYC: And so what does that look like, i.e. when you step up to advocate for systemic fairness?

02:37:13 Jack Kellogg, Canandaigua: When an ombuds concludes that a wrong has taken place, isn't that the opinion of the ombuds? The staff or VP's or Pres may not agree with the assessment. Then what?

02:38:16 Robin Beckhard-NYC: There is clearly the Chief Diplomatic Officer aspect; it also seems like you're Chief Gadfly...

02:39:06 Niki Borofsky | JAMS, New York City: WHAT WOULD YOU DO?

02:39:08 Sara Barnes MV Mediation: Can you repeat it?

02:40:01 Noelia Fernandez NYC: You can't deny or confirm that anyone came to your office to discuss such matter

02:40:17 Noelia Fernandez NYC: Only hypotheticals ?

02:40:20 Nan Sparrow - NYC: I'll have to think about this further...

02:40:24 Jack Kellogg, Canandaigua: Keep the confidentially.

02:40:41 Harvey Newman West Palm Beach, FL: Assure the chair of confidentiality and then listen.

02:40:56 Harvey Simon (NYC,Queens) (He/Him): I would respond by saying, wait for the formal complaint to be made and find out then.

02:41:08 Thyannya Mack (she/her/they/them): Use your line "tell me more about that" in regard to their concern

02:41:50 Sara Barnes MV Mediation: But Ombuds is not where the academic grievance is located, its in the hands of the Academic honesty committee, right?

02:44:14 Harvey Newman West Palm Beach, FL: When you say it wasn't right, do you mean wasn't fair?

02:44:43 Robin Beckhard-NYC: As ye sow...

02:45:30 Claudia Frankel Grosman - SP - Brazil: Will listen and understand why he came

02:45:57 Sara Barnes MV Mediation: I think when the person with the power is the subject of a concern is very hard to manage—deft and creative moves are necessary—sounds like thats what you tried to do.

02:47:29 Susan Glatki - Western Massachusetts: Good "dumb" mediator / ombuds questions

02:47:31 bob kaplan: It seems each system has its rules of engagement and the trick is to be keenly aware of these rules and borders and to operate with in them and be a prompter for the system to work properly.

02:48:15 bob kaplan: Knowing your role is key

02:51:18 bob kaplan: thank you and need to sign off

02:51:31 Susan Glatki - Western Massachusetts: Thanks, I have to go. This has been great.

02:51:44 Pam Lester: Thank you. Very interesting and well done.

02:51:51 Robin Beckhard-NYC: Thank you, Bathabile!

02:51:51 Emily Skinner (She/Her) - NJ: This was wonderful! So Insightful! Thank you Bathabile!

02:51:51 Noelia Fernandez NYC: Thank you for your insight Bathabile..as an aspiring

02:52:05 Noelia Fernandez NYC: Aspiring Ombuds I look forward to these webinars

02:52:06 Audrey Lee (she/her): Thank you very much! The topic and presentation was terrific.

02:52:07 Lorna Steuer-Chicago: Awesome program. Thank you very much.

02:52:08 Katherine: Thanks you, fabulous session

02:52:10 Laura Andrews: Thank you for a wonderful morning.

02:52:11 Janet Gerson: Thank you so much! Excellent session!

02:52:12 Evelyn Riera, Germany, Independent Mediator, Translator: Thank you so much!! Lots of insights!

02:52:15 Marla Moss: Thank you for a great program!

02:52:16 Niki Borofsky | JAMS, New York City: Thank you to everyone!

02:52:19 Karen Jane ALX, VA: Thank you for the fabulous presentation and responding to the excellent questions

02:52:22 Nan Sparrow - NYC: Thank you Bathabile! We so benefit from your experience and your sensitive communication about that experience.

02:52:30 Claudia Frankel Grosman - SP - Brazil: Thank you for sharing so much 🙌

02:52:58 Matthew Lattimer-NYC: Thank you, Bathabile, for a very informative and thoughtful presentation.

02:53:11 Sara Barnes MV Mediation: Thanks Bathabile.

02:53:12 Fran Sabshon: Thank you, Bethabile