### Bienvenue a Montreal, Welcome to Montreal



### Imagine this . . .



## Evaluating Ombudsman Offices: Using the Third party

FCO, ACCUO, IOA Conference Montreal, April 2008

### A quote:

Decision makers will continue to support the use of Ombudsman programs if it can be demonstrated that the activities of the Office of the Ombudsman support the key outcomes of the organization. Factual and actual approaches to demonstrating that support of the key goals of the agency are very helpful. In these times of economic downturn the capacity of Ombudsman to demonstrate value must be based on a long term, tangible, and understandable strategy.

Dr. Frank Fowlie

### What We'll Do

- History and Philosophy of evaluation and assessment including using the Third Party
- Keeping the Ombudsman function off the chopping block - Are you aligned with the bottom line of your organization?
- Case studies one practitioner's experiences in using the third party to evaluate
- Using externs as the third party
- Using the "sage" practitioner as the third party
- Questions.

### Frank Fowlie



- ICANN Ombudsman
- Wrote doctorate on Ombudsman evaluation
- Canadian
- Former Montrealer
- Bonjour et bienvenue a Montreal

### Shellee Warnes



Pepperdine University School of Law Straus Institute for Dispute Resolution Malibu, California

- Associate Director
- Manage Pepperdine's academic programs in dispute resolution
- Graduate of Pepperdine's Master's Degree in Dispute Resolution Program

### John Zinsser



- Co-founder and Principal -Pacifica Human Communications, LLC
- MA in Conflict Management
   1st MACRA Graduate
- Wrote thesis on comparative value returns of various approaches to organizational conflict.
- American
- Consultant & Researcher

# A Brief Review of Philosophy & History

- Question
  - How many of you assess or evaluate?
  - Do you share it with the institution?
  - Do you share it with your profession?
- This is the heritage of our philosophical history

**But WHY?** 

# A Brief Review of Philosophy & History

- Inward Focus
- The Confidentiality Conundrum
- Advocacy Trap
- Comparative issues and Competitiveness
- The "for whom" issue
  - What about the organization as entity...

# A Brief Review of Philosophy & History

- History
  - Before 1980 DISCOVERY
  - Flirtations with Value
  - The Story Phase
  - Effectiveness Thoughts
  - Radical Individual Efforts

The unending and increasing demand

### WHY USE A THIRD PARTY?



#### Office of the Ombudsman

#### Logic Model

Ombudsman Objective	Ensure that the members of the ICANN community receive fair and equitable treatment
Key Functions	Independent reviewer of facts
Activities	<ul> <li>Receive and investigate complaints</li> <li>Make Referrals</li> <li>Uses best practices</li> <li>Conducts Outreach to raise awareness</li> <li>Develops communication tools</li> </ul>
Outputs	<ul> <li>Ombudsman Website</li> <li>Online Complaint forms</li> <li>Ombudsman Framework</li> <li>Ombudsman RMAF</li> </ul>
Immediate Outcomes	Members of the ICANN community can make complaints
Intermediate Outcomes	<ul> <li>Raising of Fairness standards and expectations</li> <li>Increased level of trust</li> </ul>
Final Outcome	Safe, secure, and universal Internet

### The Third Party Review

- Fact-Check/Verify
- Commentary
- A neutral, independent voice about Office of the Ombudsman functions
  - For Leadership
  - For Users
  - For the Ombudsman

### The Third Party Review

- Simple process
  - Review the contributing material/report
  - Interview (if needed)
  - Examine performance claims via data
- Simple report
  - Repetition
  - Augmentation of voice

### The Third Party Review

- Adds another iteration/a hand
- Enhances veracity
- Relieves self-promotional challenge

### Third Party reviewers?

- Peers
- Learners
- Consultants
- The "Sage"
- Retired Ombudsman
- Others?

#### Your turn

- What part of the evaluation process would you be able to use a third party reviewer with?
- Why is that a critical part of the process that needs the third party validity?
- Who would you consider as your reviewer?

# ICANN Office of the Ombudsman and Third Party review

"we did it, it worked"

## Third party as the Primary Reviewer

- ISO evaluator
- International Organization for Standardization
- ISO standards 10002 and 10003
- http://www.icann.org/ombudsman/guideevaluate-ombudsman-offices.pdf pp 15 – 16
- Low cost could also be done by a peer

## Third party as the Secondary Reviewer

- 50 questions for self evaluation
- Statistical Comparison
- Community Survey

### ICANN Ombudsman and externs

- Office of the Ombudsman has worked with: Pepperdine (about 12 externs over time): Royal Roads University (5 practicum placements June 2008);
- and two universities in Australia (5 learners)
   for an upcoming project

### Present extern project

- Summative (5 Year) Review of the Office of the Ombudsman
- Outlined in the RMAF see practitioners guide
- 3 day training session to set parameters within RMAF
- Learners run the evaluation Ombudsman is now a client

### Third Party Review

 Outside expert (Zinsser) will review the plan, and the outputs

All parties (externs – expert – client) remain independent

### Benefits

- Cost benefit (client)
  - Learners
  - Cost of the expert review
- Possibility of published paper (externs expert)
- Social responsibility (client externs)
  - Assist learners to obtain meaningful learning (expert – client)

### Benefits ...2

- Innovative youthful thoughtful approach (all)
- Possibility of career options (externs)
- Institutional gravitas (all)
- Outcome documents (all ICANN community – Ombuds colleagues)
- Criticality of review (all ICANN etc)

### USING EXTERNS AS THE THIRD PARTY, WHAT A GOOD IDEA.....

### Why use externs?

 Students seeking positions as externs have a keen interest in learning more about the work of an ombuds.

 Many students are mid-career level professionals from a variety of different backgrounds.

FREE HELP!

### Common Myths

• I can't use externs. All of my work is extremely confidential.

I'm not sure that my company would approve.

 I won't be hiring new staff anytime soon and don't want to mislead anyone regarding employment opportunities.

### How do I find/select an extern?

- Local Universities
  - Undergraduate students
  - Graduate students

- What if my nearby schools don't have an ombuds related major?
  - Many graduate students have the resources to travel in order to complete their externships.

### **WORKING WITH THE "SAGE"**

### Other Third Party Projects/Roles

- Auditor
  - Rationale, Focus, Processes, Value

- Advocate that preserves neutrality
  - Leadership/Users
  - Detractors
  - Regulators

Coach/Confidant

#### http://www.icann.org/ombudsman/program.html

- Evaluation Papers
  - Statistical Comparison
    - Independent Review of Statistical Comparison
  - Client Survey Results (August 2006)
    - Third Party Review of Client Survey Results
  - Literature Base Review July 2006
    - Independent Review of Literature Based Evaluation

### Now, imagine this . .



### Questions?

#### **Contact Us**

#### Frank Fowlie

- •fowlie@icann.org
- •310-301-5826
- •www.icannombudsman.org

#### **Shellee Warnes**

- Shellee.warnes@pepperdine.edu
- •310-506-4655
- •www.law.pepperdine.edu/straus

#### John Zinsser

- •JZinsser@conflictbenefit.com
- **•**240-401-8742