DATE: November 17, 2022

TO: Liza Vick, President
Music Library Association (MLA)

FROM: Chuck Doran, Executive Director and Ombuds
MWI

RE: Outsourced Organizational Ombuds Services for the MLA

Thank you for your interest in learning more about how MWI’s Outsourced Ombuds Service could support MLA’s efforts to create an inclusive, safe, and supportive workplace for its members.

This proposal includes the following sections:

- Overview and Benefits of the Ombuds Function
- Comparison Chart of the Ombuds Function and other Roles
- Sample Ombuds
- Rollout / Implementation Plan
- Pricing
- Next Steps

Should you have questions or would like additional information, please contact me at cdoran@mwi.org.

**MWI’s OUTSOURCED OMBUDS SERVICES: Overview and Benefits**

Organizational ombuds (or ombudspersons) help both people and organizations. They assist people as independent and neutral dispute resolution specialists and information sources that provide members with a unique, confidential, and informal channel to explore options for surfacing issues and resolving conflict. An ombuds function offers members and management the following services:

- Opportunities to discuss and seek advice on how to handle difficult conversations.
- Insights about association policies, practices, and procedures applicable to a situation.
- Anonymized reports about issues and trends affecting the association that would otherwise be unavailable to management.
- Mediation services with another member, supervisor, or manager.
- Services that build morale, productivity, and the capacity of the workforce to manage and resolve conflicts on their own.

Conversations with the ombuds are held in absolute confidence pursuant to an ombuds charter and to the maximum extent permitted by law (with very few exceptions, such as where permission is given to make a disclosure or where ombuds determines that there is imminent risk of serious harm). Confidentiality
provides members with a private and safe avenue to communicate their concerns without fear of retaliation and/or adversely impacting their standing within the association. Notwithstanding confidentiality, the ombuds will provide general information to management about patterns of concerns and/or serious issues of safety or abuse. This information is useful to associations that are committed to creating a supportive and healthy work environment and resolving concerns before they escalate.

- **Benefits to Members:** Members benefit by having a confidential one stop association-sanctioned resource that can provide information about association policies and practices, help explore options with members in a way that clarifies and surfaces issues (even if they are not identified as the person raising the issue) and resolve workplace conflict. The ombuds’ adherence to strict confidentiality is particularly important for people who are skeptical about using formal channels, feel uncertain or not sure where to go, or fear possible retaliation for raising an issue. This informal process, which exists outside of the association’s existing formal reporting structures, assists members to resolve issues before they escalate to a formal complaint against another member or against the association.

- **Benefits to Management:** Management benefits by receiving regular direct reports about issues and trends affecting the association that would otherwise be unavailable. They also benefit by addressing members’ concerns before they escalate and contribute to decreased productivity, lowered morale, or even lawsuits. Having an established confidential non-retaliatory channel for voicing concerns early helps organizations comply with duties outlined in the U.S. Sentencing Guidelines, the Sarbanes-Oxley Act, and with other federal requirements.


**MWI’s OUTSOURCED OMBUDS SERVICES: Comparison Chart of Roles**

This chart is designed to define the role of the ombuds and clarify the differences between the role of the ombuds and other roles within an organization.

<table>
<thead>
<tr>
<th>HR or Personnel</th>
<th>Ethics Officers</th>
<th>Ombuds</th>
<th>EAP</th>
<th>EEO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Focus</td>
<td></td>
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<tr>
<td>Provide leadership, develop and administer association strategy, policies and practices with respect to people. Formal channel.</td>
<td>Address and prevent waste, fraud, and abuse, and code of conduct violations.</td>
<td>Provide a zero-barrier office for all work-related problems; support all conflict management activities, including system improvement.</td>
<td>Provide counseling and consultation to help members and supervisors with personal problems.</td>
<td>Respond to allegations of unlawful discrimination or harassment; prevent discrimination.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Formal channel.</td>
<td>Informal channel.</td>
<td>Formal channel.</td>
</tr>
<tr>
<td>Function</td>
<td>HR or Personnel</td>
<td>Ethics Officers</td>
<td>Ombuds</td>
<td>EAP</td>
</tr>
<tr>
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<tr>
<td>Provide HR consulting throughout the organization. Assist managers and members in following and applying all HR-related policies and procedures. Provide training.</td>
<td>Help to surface and investigate ethics allegations. Identify problems, adjudicate, and assure appropriate disposition of cases and discipline of offenders. Record-keeping for compliance. Provide training.</td>
<td>Help to surface serious problems. Help to resolve disputes informally where possible. Identify issues, generate options, mediate, refer to other resources, and recommend changes. Provide training.</td>
<td>Counsel and refer members and others who need help with personal problems.</td>
<td>Receive, track, refer, or investigate EEO cases. Identify issues and assure appropriate disposition, discipline, and documentation. Provide training.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Designated Neutral?</th>
<th>No; Compliance officer.</th>
<th>No; Compliance officer.</th>
<th>Yes</th>
<th>No; Advocate for members.</th>
<th>No; Compliance officer.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Near Absolute Confidentiality?</td>
<td>No. Duty is to the association. Protects privacy.</td>
<td>No. May try to protect a source if possible.</td>
<td>Yes</td>
<td>There are some limitation.</td>
<td>No. May try to protect victim if possible.</td>
</tr>
<tr>
<td>Make or Modify Policy?</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Implement Policy?</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Concerning certain member health benefits.</td>
<td>Yes</td>
</tr>
<tr>
<td>Enforce Policy?</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Concerning certain member health benefits.</td>
<td>Yes</td>
</tr>
<tr>
<td>Office that accepts notice for corporation?</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>
MWI Outsourced Ombuds Service Proposal for MLA – page 4 of 9

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Conducts formal investigations as the basis for management action?</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Expected to testify?</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No – except with permission.</td>
</tr>
<tr>
<td>Responsible for identifying systemic shortcomings or problems</td>
<td>Yes, especially at senior levels.</td>
<td>Limited to ethics concerns.</td>
<td>Expected to identify, communicate, make recommendations about work-related issues, including those caused by association policies.</td>
<td>May make recommendations.</td>
</tr>
</tbody>
</table>

Mary Rowe, Massachusetts Institute of Technology

MWI OUTSOURCED OMBUDS SERVICES  
Sample Ombuds Team Members

MWI provides clients with two ombuds to meet the goal of offering visitors a choice of who they feel most comfortable contacting. Here are a few of MWI’s ombuds:

**Bathabile K.S. Mthombeni** is an experienced ombuds, mediator, consultant, and coach. She discovered the thrill of Alternative Dispute Resolution as a law student in 2004. In 2006 she accepted her first ombuds position and has been the University Ombudsman for Binghamton University since 2015. Bathabile provides DEIB policy development and implementation services to schools and other organizations. She also provides leadership coaching, facilitation, and racial intelligence and racial mindset coaching, training, and dialogue facilitation services to leadership teams and DEIB committees. In addition to her ombuds and other work, Bathabile is a skilled teacher and workshop facilitator. She has taught classes in negotiation, ombuds practice, and conflict management and dispute resolution at Binghamton University, Columbia University, and John Jay College. Bathabile earned her A.B. in Sociology, cum laude from Princeton University, her J.D. from Columbia Law School, and her coaching certificate and M.S. in Leadership and Organizational Development from the Naveen Jindal School of Management at the University of Texas at Dallas. She takes great joy in her work and finds her greatest satisfaction when she is helping her ombuds visitors and clients learn how to communicate better, resolve their differences, and find the highest expression of their best selves.
Alnoor Maherali is an ombuds, mediator, trainer, and consultant. Alnoor is a member of MWI’s Outsourced Ombuds Panel and serves as an organizational ombuds for CVS Health. Alnoor also works with commercial and private clients to resolve disputes and disagreements, preserving and often creating value in the process. In addition, he provides training to state and federal members in crisis management and conflict resolution. He is a former diplomat and NGO worker with over 13 years of experience in human rights and social justice issues, working with minority and marginalized groups. His personal and professional travels have taken him to over 50 different countries, including deployments to Afghanistan and Bangladesh, making him especially adept at navigating cultural, ethnic, and racial conflict and differences. Alnoor has mediated workplace disputes involving compensation, sexual harassment, and other conflicts, and he has conducted after-action reviews of federal responses to two major crises, resulting in updates to government-wide standard operating procedures (SOPs). He has also served as an HR consultant for a podiatry practice through its expansion from one location to four locations in Manhattan, helping the association to update and enhance its hiring and onboarding processes, ensuring higher levels of retention and an improved workplace culture. Alnoor was trained by the International Ombuds Association in the Foundations of Organizational Ombuds Practice course. He has an MPA from the Harvard Kennedy School.

Nnena Odim is an ombuds, mediator, and consultant with MWI. She began mediating in 1997 and was trained as an ombuds by the International Ombuds Association. In addition to her ombuds and mediation training and work, Nnena recently retired from being the Director and Senior Clinical Instructor of the Family/Domestic Violence Law Clinic at The Legal Services Center of Harvard Law School. There she provided experiential training to law students and taught them how to become effective and ethical attorneys. Nnena has also worked with the Harvard Mediation Program and Harvard Program on Negotiation to provide trainings for students and community members, and to supervise Harvard Law School students in their mediation and negotiation studies. Nnena has mediated personal, academic, and administrative issues between students, faculty, and administration in higher education settings, served as a faculty and coach of mediation skills for trainings at Suffolk and Boston College Law Schools, MIT, and New England School of Law, and provided dispute/conflict resolution consultations for various academic and administrative departments in Boston-area colleges and universities. Nnena has served on numerous panels and speaking rosters for a variety of diverse topics, including those on self-care and mental health for students and faculty, establishing boundaries in a professional setting, race and gender, and LGBTQ rights. In 2013, Nnena was a Top Women in the Law award recipient from Mass. Lawyers Weekly. In 2015, she received the Harvard Law School Dean’s Award for Excellence, and in 2019, she was honored by the Harvard Women’s Law Association International Committee.

Wendy Friede is an outsourced ombuds with MWI. She holds the distinction of Certified Organizational Ombuds Practitioner® (CO-OP®) from the International Ombudsman Association (IOA) and she has a coaching certificate from Coaches Training Institute (CTI). She has been a dispute resolution professional since 1995. Her ombuds work includes serving as the internal ombuds at American Express from 1995-2007 and as an outsourced ombuds with academic institutions, state and federal government, franchise organizations, non-profits, and corporate clients. In addition, she served on the IOA Board of Directors, served as President of the CO-OP Board, and chaired the Professional Development Committee for 7 years.
Allison Monyei Whaley is a skilled ombuds, mediator, and dispute resolution trainer. She earned her Juris Doctorate from Mercer University School of Law. Allison is a member of the International Ombuds Association (IOA) and completed IOA’s Foundations of Organizational Ombuds Practice Course. She is also a Certified Organizational Ombuds Practitioner (CO-OP) and serves on IOA’s CO-OP® Recertification Committee. Allison has served as an Organizational Ombuds at Clemson University and at Montgomery College, where she provides services to all members, including faculty, staff and administrators. Prior to ombudsing in higher education, Allison was an external-facing ombuds for the U.S. Food and Drug Administration, where she provided confidential ombuds services to organizations and corporations that were collaborating with the government as regulated entities. Before entering the ombuds profession, she worked as a nonprofit attorney, advocating on behalf of our nation’s veterans and their families. Several times in her career, Allison has been recognized as a leader having been selected for the President’s Leadership Institute at Clemson University, the FDA’s Leading for Results Leadership Development Program, and the FDA’s Leading at All Levels Aspiring Leaders Program. She is Co-chair of the American Bar Association Dispute Resolution Section Ombuds Committee and a member of and the administrator for the Black Ombuds Network.

Charmhee Kim is an experienced ombuds and cross-cultural trainer. She was an ombuds for 15 years at McKinsey & Company, a global management consultancy, addressing workplace conflicts, career development concerns, allegations of harassment and discrimination and mental health issues among other topics. She has been an active member of the International Ombuds Association (IOA) since 2007 and was trained in its Foundations of Organizational Ombudsman Practice Course which she later taught as faculty. Charmhee served on the IOA Board of Directors and co-chaired its Global Marketing Task Force. Prior to entering the ombuds profession, Charmhee worked as a management consultant, investment banker and public affairs specialist with the United Nations. She holds an MBA from University of Pennsylvania’s Wharton School and an MA from Johns Hopkins University’s School of Advanced International Studies. Charmhee is trilingual in English, Korean and Mandarin Chinese.

Roy Baroff is an experienced ombuds and conflict resolution professional who brings extensive understanding and practical tools to his work along with an openness to keep learning. Roy most recently completed over seven years of service as the faculty and staff ombuds for NC State University in Raleigh, NC. Roy also served a four-year elected term to the International Ombuds Association (IOA) Board of Directors (2018–22). Roy joined the IOA in 2007 when he completed initial organizational ombuds training and obtained the Certified Organizational Ombuds Practitioner (COOP) designation in 2017 (renewed in 2021). In February 2022 Roy served as a trainer for the IOA Foundations course that teaches the ombuds role. He became a Certified Mediator in 1992 for the NC Dispute Resolution Commission Superior Court Mediation program and has retained this certification since then. Roy is a mediation and group facilitation educator and trainer including programs for lawyers, judges, undergraduate and graduate students, and university faculty. He taught conflict resolution courses at UNC Greensboro, UNC Chapel Hill School of Government, and Elon School of law where he currently serves as extended faculty teaching a Negotiations class each year. Roy has a bachelors (BA) degree in Anthropology from the University of North Carolina at Chapel Hill, a masters (MA) degree in Anthropology from the University of South Florida, and a law degree (JD) from UNC Chapel Hill School of Law.
LaCrisia “Cris” Gilbert, MDR, is a member of MWI’s ombuds panel and has served as both an organizational and advocate ombuds. Her ombuds career started in 2012 as an advocate ombuds in the State of Texas where she advocated for residents in long-term care and assisted living facilities, working closely with regulatory and individual facilities and their administrations. Utilizing over 30 years in the ADR field as a mediator, facilitator (specializing in Faith-based organizations), professor and trainer, Cris was instrumental in resolving conflicts at all levels from family, civil court cases to facility issues. Cris has served as an organizational ombudsman with a university, assisting faculty, staff, and faculty as well as training compliance investigators in mediation, conflict resolution, and DEI initiatives for the organization. She has also worked as a facilitator, assisting HR and Compliance with informal resolutions. She serves in Diversity, Equity and Inclusion (DEI) on two campus initiatives (the President’s DEI Council and Social Justice, Equity and Inclusion Council).

Additional options for ombuds can be found online at www.mwi.org/outsourced-ombuds.

Ombuds support:

Josh Hoch has been a full-time dispute resolution professional for over 20 years, and he currently works as an ombuds, mediator, instructor, and as Director of Ombuds and Mediation Services at MWI. His current ombuds responsibilities include overseeing MWI’s Outsourced Ombuds Panel, serving as an organizational ombuds for CVS Health, JM&A Construction and traveling to MWI’s ombuds client sites to educate people about the role of an ombuds and how to access an ombuds. Josh also serves as MWI’s Member Assistance Program (EAP) liaison where he triages employment and higher education referrals for MWI’s national mediators and trainers. He is a member of the International Ombuds Association (IOA), the Massachusetts Counsel on Family Mediation (MCFM), and the Association of Family and Conciliation Courts (AFCC).

Client contact:

Chuck Doran is an experienced ombuds, mediator, and dispute resolution trainer. Chuck is a Certified Organizational Ombuds Practitioner (CO-OP) and a member of the International Ombuds Association who completed ombuds training with the IOA in 1995. Chuck has served as an ombuds for the New England Chapter of the Association for Conflict Resolution and serves as an external organizational ombuds for universities and companies throughout the US. A mediator since 1992, he is a member of the CPR Dispute Resolution Panel of Distinguished Neutrals, the Equal Employment Opportunity Commission (EEOC), the Massachusetts Commission Against Discrimination (MCAD), MWI, the Harvard Mediation Program, and the United States Postal Service REDRESS I and REDRESS II Mediation Panels. In addition to his mediation work, Chuck works nationally and internationally as a dispute resolution trainer and consultant with corporate, governmental, and non-profit clients including Coca-Cola Enterprises, General Motors, Bose Corporation, and the Harvard Negotiation Project at Harvard Law School. Chuck has served as a teaching assistant on multiple occasions with Professor Roger Fisher at Harvard Law School’s Program of Instruction for Lawyers Negotiation Workshop. In 1993, Chuck completed a Specialization in Negotiation and Dispute Resolution at the Program on Negotiation and chaired two regional ADR Conferences in 1997 and 1999. Chuck served as a member of the Massachusetts
Supreme Judicial Court Standing Committee on Dispute Resolution and was Chair of the Qualifications Subcommittee. He is a member of the Massachusetts Bar Association’s Dispute Resolution Advisory Group and is a past president of the Association for Conflict Resolution, New England Chapter. Chuck is also a Distinguished Fellow with the International Academy of Mediators (IAM) and a past president of IAM’s Board of Governors.

Critical to the success of MLA’s ombuds program is a well-defined plan to ensure that members are aware of the benefits of the service and how to access the ombuds, should there be a need to utilize the service. Here is a plan to meet this goal.

**Initial:**
- Once a contract is finalized, we would work with a designated roll-out team at MLA to map out an implementation plan, review marketing materials (web, written collateral, etc…), finalize an Ombuds Charter that defines the purpose of service for the MLA, all with the goal of aligning the ombuds function with existing policies and procedures.

- Ideally, we would conduct a workshop for MLA’s management, staff and others who would be eligible to access the service. This would take the form of a large group presentation with the combined goal of the MLA Team getting to know the ombuds and the function as well as the ombuds getting to know the people, culture, and association norms at MLA. Both ombuds could also create an on-demand video introducing the ombuds and describing the process for members to access as their convenience.

**Ongoing, as needed:**
- Respond to inquiries from staff and management.
- Attend departmental or large-group meetings as necessary.
- Conduct targeted outreach to departments where issues are raised.
- Meet with new hires.
- Work with MLA to address concerns that occur between members on MLA’s listserv.
- Conduct mediation sessions.
- Prepare articles about the ombuds service for any MLA newsletters, Intranet, and blog.

While most communication will be by email, we would be available to all MLA members on days and times convenient to MLA. Members can access the ombuds by scheduling a time via calendar link, by sending an email, and/or by contacting the ombuds through an anonymous web form. Members would also have the option of leaving a confidential voicemail for the ombuds with calls to be returned within one business day.

**Quarterly:**

MWI would create and submit quarterly ombuds reports to MLA management outlining the following:

- Program activity and usage.
• An overview of issues raised without identifying the identity of the visitors
• Trends and “early warning signs” to be addressed by management.

In addition to these quarterly reports, the ombuds will notify management of any issues needing immediate attention without revealing the identity of the member raising the concern.

Every 6 Months/Annually (as needed):

• Update and distribute ombuds brochure and other written collateral.
• Update web site.
• Explain the service at association events when opportunities are available.

**MWI’s OUTSOURCED OMBUDS SERVICES: Pricing**

MWI’s ombuds services are billed based on the size of the organization and the projected number of hours the service is expected to be used. This fee is based on a rate of $375 an hour for two ombuds at a minimum number of hours per week.

With 600 members, I think MLA will only use four hours a week or $6500 a month. This is the minimum amount of time that would be needed to maintain the program and for the ombuds team to respond to visitors and remain in communication with you and other key contacts at MLA.

This rate would cover all ombuds services including program development, prep, organizational outreach and education to promote the program, communications with callers, presentation delivery, meetings with members and leadership, and quarterly reports to MLA. The ombuds would also be available to serve as ombuds for MLA’s conferences as part of the service contract. Half and full-day training programs requested by MLA would be billed separately. Should the demand for services exceed four hours per week, MWI would notify MLA and bill for the additional services provided.

Services are delivered “at-will” and the contract can be terminated with 60 days’ notice.

**MWI’s OUTSOURCED OMBUDS SERVICES: Next Steps**

Thank you for the opportunity to provide information about MWI’s Outsourced Ombuds Services. Please contact me at 617-895-4026 or cdoran@mwi.org with questions. I look forward to discussing possible next steps.

Sincerely,

Chuck Doran
Executive Director and Ombuds