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**MINNESOTA  
OMBUDSMAN  
ROUNDTABLE**

*Defining the Roles and Core Principles of Minnesota  
State Ombudsman Offices*

**VISION STATEMENT**

*“Every citizen of Minnesota is entitled to be treated fairly and respectfully.”*

**PURPOSE**

This document has been prepared as a means to educate the legislature, state officials and the public about the roles and core principles of Minnesota State Ombudsman Offices.

**HISTORY**

Created in 1994, the Minnesota Ombudsman Roundtable consists of Minnesota’s ten state ombudsman offices. Roundtable members meet regularly to share ideas about increasing service effectiveness, preventing duplicative services, and maintaining a coordinated peer network. Included among the Roundtable’s accomplishments are the creation of a state ombudsman services brochure, a 1995 report to the legislature analyzing Minnesota’s Ombudsman programs, and ongoing staff development. Serving as a model, the Roundtable’s format has been duplicated both locally and nationally.

In 1997, a bill was introduced that focused on creating a “Model Ombudsman Act” to set forth uniform laws governing the operation, scope, organization, powers and duties of all state ombudsman offices in Minnesota. Although this bill did not become law, it did outline the following set of core principles deemed essential to a successful ombudsman office.

- **Independence**
- **Impartiality and Fairness**
- **Credible Review Process**
- **Confidentiality**

*The Roundtable supports adoption of these core principles for all state ombudsman offices.*

**THE CHALLENGE**

Currently, not all of Minnesota’s State Ombudsman Offices have the same duties, powers and responsibilities. The challenge has been to identify these differences and work to create conformity within the scope of each office’s enabling statutes. The Roundtable offers this document as a summary of its findings towards addressing this challenge.

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## WHAT IS AN OMBUDSMAN?

An ombudsman is an independent, impartial official who is responsible for reviewing government and government regulated agencies in an effort to ensure that their administrative practices are fair and reasonable. To do this, the ombudsman receives complaints from citizens or businesses, reviews, investigates, and if appropriate, makes recommendations to remedy the complaints. Minnesota's State Ombudsman Offices exist as individual, specialized entities; each responsible for overseeing the activities of a specific governmental agency or activity.

### **What an ombudsman can do:**

- answer questions;
- conduct investigations;
- review policies and procedures;
- recommend changes;
- offer information and referrals;
- advocate for equity and fairness;
- discuss complaints in confidence;
- mediate a settlement or recommend a resolution;
- issue reports.

### **What an ombudsman cannot do:**

- litigate;
- charge for services;
- order change;
- accept every complaint;
- satisfy every complainant;
- make binding or punitive recommendations.

## CORE PRINCIPLES

The Roundtable has committed itself to the challenge of creating conformity among state ombudsman offices by taking steps to build on the 1997 "Model Ombudsman Act." These efforts have included an evaluation of the varying responsibilities and authorities within each member's enabling statutes, and a review of ombudsman principles developed by nationally recognized organizations and authorities<sup>(1)</sup>. Based on this research, the Roundtable has concluded that the core principles outlined in the 1997 "Model Ombudsman Act" represent the minimum characteristics necessary for an ombudsman to be effective, and therefore should be adopted by all state ombudsman offices. These core principles, and the provisions that characterize them, are outlined on the following page.

(1) Sources include the American Bar Association, the United States Ombudsman Association, and a document entitled *Essential Characteristics of a Classical Ombudsman* by Dean M. Gottehrer and Michael Hostina.

**Independence**     *This principle enables the ombudsman to function as an impartial entity who reports findings based solely on a review of facts and law.*

- The ombudsman should be appointed or answerable to an entity other than the one it reviews.
- Removal of an ombudsman should be for cause.
- The ombudsman should have sufficient stature so that actions and reports are taken seriously.
- The ombudsman should be provided immunity from liability.
- The ombudsman should not be an advocate for any complainant, however, the ombudsman may, after an investigation, advocate for recommendations that would benefit a complainant.
- The ombudsman's office should be funded at a level sufficient to carry out the purpose established in law.
- The ombudsman's actions should not be reviewable in court except to determine jurisdiction.

**Impartiality and Fairness**     *This principle underscores the concept of the ombudsman as an unbiased entity whose primary role is to advocate for fairness.*

- The ombudsman should be appointed based on qualifications and without regard to political affiliations.
- Anyone may bring a complaint directly to the ombudsman without paying a fee or passing through an intermediary official.
- The ombudsman may criticize any agency or person under the office's jurisdiction and may make recommendations to resolve specific situations or prevent their reoccurrence.
- The ombudsman should consult and allow a reply before publicly criticizing an agency.

**Credible Review Process**     *This principle addresses the need to establish the ombudsman as an entity whose actions are viewed with esteem and confidence.*

- The ombudsman may initiate an investigation without a complaint.
- The ombudsman's grounds for review are stated broadly and include "fairness."
- The ombudsman should be given cooperative access to agency staff, records and premises.
- The ombudsman should have subpoena power.
- The ombudsman should have the ability to make recommendations and publish findings.
- The ombudsman's findings should not be reviewable.
- The ombudsman cannot make binding or punitive recommendations.

**Confidentiality**     *This principle addresses the need to protect sensitive information so that a complainant can come forward, or an investigation can occur, without fear of public disclosure or reprisal.*

- The ombudsman's actions should be carried out in an atmosphere where complainants feel free to disclose information without fear of reprisal.
- The ombudsman may maintain the confidentiality of information gathered during an investigation.
- The ombudsman should not be compelled to testify or produce records.

## MINNESOTA STATE OMBUDSMAN OFFICES

### **Office of the Agriculture Ombudsman**

(651) 296-2880

(800) 967-2474 – *Greater Minnesota*

### **Office of Ombudsman for Crime Victims**

(651) 282-6258

(800) 247-0390 *Greater Minnesota*

### **Office of Ombudsman for Corrections**

(651) 643-3654

### **Office of Ombudsperson for Families**

(651) 643-2537 – *Ombudsperson for Spanish Speaking Families*

(651) 642-0897 – *Ombudsperson for African American Families*

(651) 643-2514 – *Ombudsperson for Asian-Pacific Families and Children*

(651) 643-2523 – *Ombudsperson for Indian Families*

(800) 234-4939 – *Greater Minnesota*

### **Office of Ombudsman for Managed Care Programs**

(651) 296-1256

(800) 657-3729 – *Greater Minnesota*

### **Office of Ombudsman for Mental Health and Mental Retardation**

(651) 296-3848

(800) 657-3506 – *Greater Minnesota*

### **Office of Ombudsman for Older Minnesotans**

(651) 296-0382

(800) 657-3591 – *Greater Minnesota*

### **Office of Small Business Ombudsman**

(651) 297-8615

(800) 985-4247 – *Greater Minnesota*

### **Office of Taxpayers Rights Advocate**

(651) 296-0992

### **Minnesota Department of Economic Security**

#### **Office of Employer Ombudsman**

(651) 296-2713

(888) 234-5524

*All Minnesota State Ombudsman Offices are committed to the ideal of providing equal access and the highest levels of customer service to all Minnesota citizens.*

