
THE MODERN NEWS OMBUDSMAN:

A USER'S GUIDE

by **Jeffrey Dvorkin**

Executive Director (2008-2013)

Organization of News Ombudsmen

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TO ALL WHO CARE ABOUT THE STATE OF OUR JOURNALISM:

Giving the public a say in how journalism operates is an idea as popular as never before.

It is highly recommended by many respected international organizations as the obvious solution to the classical dilemma: How to make sure that free media behave responsibly. News ombudsmen and other forms of self-regulation are presented to new (and some not so new) democracies around the world.

At the same time, many existing forms of self-regulation are under attack. They are seen as inefficient. Interventions and suggestions for improvement come too late and are too weak, say the critics.

This controversy will not be solved easily or soon. No one has yet found the perfect model. But the discussion is essential. The crucial point is that it is so profoundly difficult to find good alternatives to well-functioning self-regulation and accountability.

So if we believe in the importance of responsible media as an essential element in our democracies, we must make self-regulation work and make it more efficient! We must show it can work in the interest of free expression and free media!

That is our firm commitment in the Organization of News Ombudsmen. And that is why we proudly present this book about how to do it in practice.

Our executive director Jeffrey Dvorkin has written this wise and witty volume about the many challenges and pitfalls of media ombudsmanship. It will not help you solve all problems. But it offers a lot of clever guidance, fine principles and useful strategies that will allow your newsroom to be more open to constructive criticisms with the aim of improving our journalism.

We hope you will find this volume useful. As we have for more than thirty years, we at ONO are here to help you achieve these important and urgently needed goals.

**- Jacob
Møllerup**
ONO
President
2011



ABOUT THE AUTHOR:

Jeffrey Dvorkin is a Past President of the Organization of News Ombudsmen and was the Executive Director from 2008 to 2013. From 2000-2006, Dvorkin was appointed as the first ombudsman at NPR in Washington , DC. He has held senior news management positions as NPR's Vice-President of News and Information and Managing Editor and Chief Journalist at CBC Radio in Toronto. Dvorkin is Lecturer and Director of the Journalism Program at the University of Toronto (Scarborough Campus).

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INTRODUCTION:

What is a news ombudsman?

The loneliest job in the newsroom — Anon.

Why should your media – or any media organization for that matter – have an independent news ombudsman? And why would anyone want this job, which to the uninitiated can seem like being the grumpy in-house scold?

From the beginning, there is the idea – inherent in the position itself – that there must be something wrong with the news organization in the first place, or why would management bother to create this position?

Many journalists, when faced with the prospect of having to deal with an ombudsman, assume that management is simply fed up with having to deal with complaints, so someone has been hired to handle the traffic and catch the flak.

And the public might also see the creation of an ombudsman as a tacit admission that the newspaper, website or broadcaster is admitting that it is a flawed enterprise.

While some of these assumptions may on occasion, be true, the reality is often quite different: all organizations – media or otherwise – can suffer from an affliction known as “groupthink.” This is the delusionary idea to which all organizations are occasionally susceptible. It is the notion that inside the newsroom, whatever happens must be for the best, in this best of all possible media. And that anyone who says otherwise, must be mistaken, or an outsider who can’t or won’t understand how well-intentioned the organization really is.

A news ombudsman is not there to confirm the worst

suspensions of the public, neither to placate management, nor to support the newsroom.

An ombudsman is there to act as a counterweight or antidote to the natural assumptions of any organization that everything that happens is usually for a good reason or is done for the best of motives.

An ombudsman is there to ask simple questions: “Are you sure?” “How do you know?”

S/he is there to connect the public with the media organization to assure that the content produced is of the highest standards. And if not, why not? The readers, listeners and viewers deserve no less.

Those of us who have done the job all have stories about what works and what doesn’t. This handbook is to help new and still active ombudsmen navigate through the cross currents of 21st century media. It is also a guide for students of journalism, as well as interested members of the public. When it comes to high-quality journalism, we are all in this together.

Before we do, that vexing issue of gender and language needs to be acknowledged.

“Ombudsman” may evoke strong feelings from those who feel that the word excludes women from the job. Far from it. The word itself is Scandinavian in origin. Even so, the word may have implications that don’t sit well with our 21st century sensibilities; for some, it may imply that a woman’s place is not in the newsroom. That’s why some prefer a more accurate and neutral phrase such

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as “readers’ representative,” “public editor” or “readers’ editor.” In the Organization of News Ombudsmen we feel no particular ownership of the word. There is no sexist or discriminatory implication here.

The important thing is that the job is done and done well, by those of either gender who occupy the position, whatever it may be called.

Not every ombudsman does the job in the same way. But some similar challenges and dilemmas occur. We’ll try to identify the most helpful suggestions. One thing all ombudsmen share: a powerful commitment to making journalism better by letting the public inside the process of information gathering, editing and distribution. There can be no finer goal.

The Organization of News Ombudsmen and the Open Society Institute are supporters of this handbook. Both believe that excellent journalism is predicated on that concept. Given the state of journalism today, being an advocate for that ideal can be tough. But the future of journalism itself and, by extension, democracy itself, are ultimately what is at stake right now.

That is why ombudsmanship matters.

CHAPTER 1

Doing the job



Getting it first means nothing if it's not right. Better that ESPN's reputation be built on being the most accurate source for sports, news and information than as the place where instant information is presented first and responsibly vetted later. Leave that to the blogs and tweets of the world and play as much as possible only in the ballpark of confirmed facts.

Don Ohlmeyer, ESPN Ombudsman 2009-2011

During my tenure as NPR's ombudsman (2000-2006), I had a recurrent dream: there was an issue over which there was much conflict, and my email server would go down. At the same time, my phone line would go dead.

almost a century, newspapers and broadcasters have appointed them because they are seen as the best way the public can have a say in what goes on inside a newspaper or a broadcast group.

The ombudsman can show the public how the media organization works, and can get answers when a newspaper or broadcaster appears to slip up. When there is more accountability, there is better journalism. It is often as simple as that.

There is nothing more frustrating for an Ombudsman than being denied the ability to communicate.

But communicate we do. Or try to. Ombudsmen have a unique role in modern journalism and it is one that – once established – is hard to ignore simply because it allows the best aspects of citizen involvement in journalism to emerge from among those three essential components of modern media: the newsroom, the management and the public.

The position of news ombudsman has been around for

A media organization is there to serve the public in the best way it can. Why the public ultimately decides to commit to a news source is a complex thing. An ombudsman is there to explain how and

why the news organization operates and to hold it to account. That is precisely what an ombudsman is tasked to do.

The appeal of having an ombudsman has ebbed and flowed, often depending on how financially beleaguered or how fiscally secure news organizations have been. The state of the economy has often been a reason (and sometimes an excuse) for not having an ombudsman. But increasingly, media owners see the value in having an internal, independent news ombudsman. Many media organizations make courageous and tough

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Doing the job



decisions in order to keep an ombudsman on their books.

The concept is growing again among newspapers, broadcast organizations, and wire services as the pressure on news organizations to be accountable becomes more insistent. This handbook is to help news ombudsmen make this complicated position work. We hope it can also demonstrate to media organizations how they will benefit by appointing an Ombudsman. And it is to help the public understand just how a news ombudsman can help readers, listeners and viewers, to connect with a media organization that may have been less than forthcoming about your questions and concerns.

Although the public may not always be aware of what an ombudsman does, ombudsmen are becoming more prevalent - and not just in media.

Many institutions want to have a designated person who cuts through red tape and can get answers for concerned members of the public. Universities, hospitals and governments are also active in creating the position. They are finding an ombudsman extremely valuable in satisfying public concerns about service and accountability.

But it is in media most of all that an independent ombudsman's role is unique and essential. The ombudsman can show the public how the media organization works, and can get answers when a newspaper or broadcaster appears to slip up. When there is more accountability, there is better journalism.

It is often as simple as that.

So what is a news ombudsman and what does this person do?

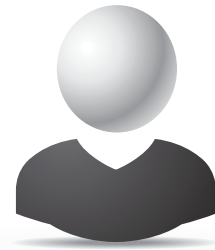
The job itself has been called many things: Clark Hoyt at the New York Times calls it "the most fascinating perspective on the state of contemporary journalism"¹ and the Guardian's annual sustainability report says it is "a unique vantage point inside the news industry"². It has also been described by Lisa Shepard of NPR as "the loneliest job in the newsroom".

Despite those somewhat different points of view, there is a basic truth in all descriptions. Some things are certain – the job of a news ombudsman is increasingly important, especially as an agency of accountability in a democracy. In today's welter of media, the role is more essential than ever before.

¹ http://www.college.columbia.edu/cct/may_jun10/features1, ² <http://www.guardian.co.uk/sustainability/readers-editor-trust-audience-complaints>

CHAPTER 2

Who can be an ombudsman?



A journalist who did a stint as an ombudsman at a city paper once told me that every journalist should have to spend time in that job because it will help them understand how their work can have an effect on people, and how to deal with the public.

Craig Silverman, "Regret The Error", 2011

Ask any news ombudsmen about the job and s/he will probably say they find it to be among the most enlightening, most intense and most important in modern journalism. Media organizations with a long tradition of ombudsmanship agree. Publishers and broadcast executives who believe in the role say they couldn't imagine running a newsroom without one.

be responsible? Aren't bloggers actually doing the same job as an ombudsman, and for considerably less money? And to whom should a media organization feel responsible? To its loyal readers, viewers and listeners? Or to the blogosphere and media critics? Might it not be enough to let a thousand opinions clash, and may the best one win?

For reasons that will become apparent, that role of a truly independent news ombudsman is still a vital and essential link among the various journalistic elements and components that go into creating a civic-minded media culture - one that is both responsible and accountable.

Ombudsmen see the world differently. They are there to sort out the differences among the various critics, to engage with the public and to foster a culture inside the news organization to acknowledge that the public must be part of the journalistic process.

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to acknowledge that the public must be part of the journalistic process.

Moreover, an ombudsman is essential because the position creates the circumstances under which the media and the public can work together to assure that excellent journalism exists at the service of the public. It is nothing less than that.

As internet offerings expand daily - even hourly - with new criticisms, all giving voice to more media watchdogs and critics, why should the media feel they need to

Without that critical public's presence and involvement, media ceases to play a role in the civic lives of the listeners, viewers and readers. It becomes a one-way mirror, reflecting only the views of the media. An ombudsman ensures that the media culture is more like a porous membrane - allowing for the best ideas to flow inside and back outside again.

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Who can be an ombudsman?



Why accountable? Because the information-seeking public we serve, is an essential component in a democracy where informed citizens are best able to make reasoned and informed choices.

Those are enormous expectations of an ombudsman, of any media organization and of the public.

What are the essential qualities needed to be a news ombudsman?

Those who have done the job, and those who are still doing it will say that patience, persistence and perspective are three of the most essential characteristics and qualities couple with a strong knowledge of journalism practices, a rigorous ethical framework and a willingness to help journalists, management and most of all, the public understand what constitutes good journalism, and why.

In short, a mentor, a communicator and a coach, all in one.

Being an ombudsman is intense and it has its pressures. It is not simply being (as some allege) the in-house scold. There are subtleties and nuances that go into balancing that three-legged stool on which journalists, the media organizations and the public must perch. It is also not a form of public relations where the assumption is the company is never or rarely wrong. Ombudsmen must be prepared to criticize the news organization when standards of excellent journalism are lacking.

And excellent journalism is needed now, more than ever,

as citizens are confronted with an often-bewildering array of choices, claims and counterclaims, served up in the media cauldron of insistent voices and endless platforms.

We live at a time of the most intense media culture that has ever existed - one that has a powerful impact on our daily lives as media consumers and most importantly, as informed citizens.

So how can ombudsmen help? How can we best convince those three demanding (and often conflicting) elements – journalists, media managers and the public - that our goal is to keep journalism operating at its best? Where and how does a news ombudsman fit in this essential process? And what precisely does that person do?

CHAPTER 3

The Four Ws (and one “H”) of Ombudsmen



Why should a newspaper or broadcaster have an ombudsman?

- To improve the quality of news reporting by monitoring accuracy, fairness, good taste and balance.
- To help his or her news organization become more accessible and accountable to the public and, thus, to become more credible.
- To increase the awareness of its news professionals about the public's concerns.
- To save time for publishers and senior editors, by channeling complaints and other inquiries to the appropriate individual.
- To resolve some complaints that might otherwise become costly lawsuits.

Who benefits and who pays?

The public benefits, first and foremost. Ombudsmen help explain the journalistic process. They have a crucial role in maintaining independent and self-regulatory journalism. By allowing the public access to the journalistic process, undue influences of government, advertisers or pressure groups are kept at bay. Each news organization pays for the position. Ombudsmen are usually on limited-term contracts with a “no fire-no re-hire” clause.

What is the Organization of News Ombudsmen (ONO)?

Formed in 1980, ONO is a nonprofit corporation, registered in the State of California, with an international membership of active and associate members. It maintains contact with news ombudsmen worldwide, and organizes an annual conference for discussion of news practices and issues connected with the news ombudsmen's profession. ONO members frequently take part in conferences on matters of journalistic standards, ethics and values.

What are ONO's purposes?

- To help the journalism profession achieve transparency and accountability to better serve the needs of information-seeking citizens.
- To establish the highest standards of news ombudsmanship.
- To establish and spread the value of news ombudsmen in all media platforms.

There are as many ways to be an ombudsman as there are cultures. But the quality they all share is a commitment to media self-regulation, journalistic independence, and a willingness to engage the public in the journalistic process.

- To provide a forum for exchanging experiences, information and ideas among its members and to the public at large.

CHAPTER 3

The Four Ws (and one “H”) of Ombudsmen



How do news ombudsmen work?

No two ombudsmen work exactly alike. But typically, they investigate and reply to comments and complaints concerning published or broadcast news and feature material. They obtain explanations from editors and other staff members for readers, viewers or listeners. They point out when the news organization fails to provide the information that it should or when it fails to meet its own high standards and best practices.

Many news ombudsmen write regular columns or air programs that deal with issues of broad public interest, or with specific grievances. Where appropriate, ombudsmen may also offer criticisms, explanations or praise.

Ombudsmen also initiate or coordinate public forums or reader advisory boards to connect more closely with the public. Many speak before various groups to help explain media practices. Some send accuracy questionnaires to persons whose names have appeared in news stories and ask for comments.

Most ombudsmen may work singly (but often with the help of an assistant). That may be a cultural perspective, as well. While journalism in western societies sees individual effort as the ultimate expression of the craft, other cultures may not.

In Japan, for example, multiple news ombudsmen tend to work collectively within a single news organization.

Finally, news ombudsmen always function independent

of management. There are as many ways to be an ombudsman as there are cultures. But the quality they all share is a commitment to media self-regulation, journalistic independence, and a willingness to engage the public in the journalistic process.

CHAPTER 4

Getting Started and Avoiding Pitfalls



First and foremost, for the curiosity and diligence of a reporter without a writer's ego... (and) someone with the breadth and depth of experience that gives you an innate sense of the values of good, serious journalism.

Bill Keller, Executive Editor, New York Times 2003-2011
on what he looks for in a Public Editor

Those are the basics of our craft and our organization. Now for the more knotty questions:

At a time when the internet is presented as both the villain and savior of modern journalism, and the web seems to be an omniscient monitor of journalistic facts and failings, is an ombudsman still necessary?

We need to ask some tough questions: Is the ombudsman's position useful and effective? How can an ombudsman be expected to balance the competing pressures and expectations from the public, the journalists and the media organization? Can the ombudsman still be trusted when his or her salary comes from the same media organization that is being scrutinized? Most importantly, how will an ombudsman know if s/he is doing a good job?

As we try to answer those and other questions, it's important to know where the concept of a news ombudsman originated.

The idea and the word itself began in Scandinavia in the early 19th century. The word means "representative" in Swedish, and an ombudsman is a person who acts as a trusted intermediary between an organization and some outside or public constituency. In those

pre-gender neutral days, the term "ombudsman" was not meant to exclude women doing the job, nor does it today. But with respect to the evolving nature of language, many organizations prefer the term "ombuds", or "ombudsperson". Some English-language media organizations prefer the term "Readers' Editor" or Public Editor.

Regardless of the different names, the function remains largely the same and for our purposes, we will stick with the traditional name of "ombudsman" as we describe the roles and responsibilities. In effect, the ombudsman (or whatever it is called) represents the legitimate interests of that public community by seeking to obtain explanations or even redress of complaints for the public.

In Scandinavia, an ombudsman was originally an official, usually appointed by the government or the legislative assembly. His or her job was to represent the interests of the public by investigating and addressing complaints from individual citizens or groups of citizens.

Usually appointed by the organization, but sometimes elected, the ombudsman may, for example, investigate complaints relating to the organization and attempt to resolve them, usually through

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Getting Started and Avoiding Pitfalls



recommendations (binding or not) or mediation. Ombudsmen sometimes identify organizational roadblocks running counter to constituent interests.

In the 1920s, newspapers began adopting the idea of a public or reader's advocate inside the paper itself. The

“Some brave owners someday will provide for a community ombudsman on his paper's board, maybe a non-voting one, to be present, to speak, to provide a symbol and, with luck, exert public interest in the ultimate fate of the American newspaper.”

idea of creating a news ombudsman was actually a combination of similar thinking in different parts of the world. But the credit for creating the first ombudsman position must go to Japan.

A Tokyo paper, Asahi Shimbun, announced in 1922 that it was establishing a panel to receive reader comments about errors.

That year, Asahi published a story admitting that it had to deal with a growing problem: the newspaper, pressed for time on deadlines, was making mistakes. Too many of them.

Normally, Asahi would simply go to press, under the normal deadline pressures, then later apologize, if necessary, for the errors. But a lot of people inside the newspaper were concerned.

This sounds awfully familiar to 21st century journalists. Another Japanese newspaper, Yomiuri Shimbun in

Tokyo established an ombudsman committee in 1938. Of course, there was internal resistance to the idea of an ombudsman. The newspaper's publisher feared that journalists and readers couldn't cooperate.

But the concept prevailed and the ombudsmen's committee was established. It would try to prevent that threat of mutual suspicion and hostility between journalists and readers by investigating when necessary and apologizing where appropriate, and

making every effort to identify the problem, with the hope that the same mistakes would not be repeated. It would try to be fair and seen to be fair, the paper said.

Asahi credited the idea of the committee to the old New York World, which, it said, set up a similar system called the Bureau of Accuracy and Fair Play, in New York City in July 1913.

By 1938, Asahi's Tokyo competitor, Yomiuri Shimbun also had to deal with many lawsuits prompted by news stories. So, it too established a committee to “improve the quality of our newspaper.”

The staff at Yomiuri began by comparing each day's editions with competing Tokyo dailies. This committee functioned as an internal standards committee. Then, in 1951, it invited readers to contact it with complaints or comments.

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Getting Started and Avoiding Pitfalls



Today, Yomiuri Shimbun has a circulation of several million and a 23-member ombudsman committee whose members specialize in various types of complaints. The committee meets daily with editors who, by all reports, take their ombudsmen very seriously.

The first American news ombudsman position was created (more modestly) at the Louisville (Kentucky) Courier-Journal in 1967. But the route to that position was somewhat circuitous, according to Art Nauman, ONO's first president.

According to Nauman, Al JaCoby, former ombudsman at the San Diego Union recounts that Ben Bagdikian, while still on staff of the Washington Post, wrote an article for the March 1967 issue of Esquire magazine in which he said:

"Some brave owners someday will provide for a community ombudsman on his paper's board, maybe a non-voting one, to be present, to speak, to provide a symbol and, with luck, exert public interest in the ultimate fate of the American newspaper."

Abe Raskin, the esteemed labor writer for the New York Times wrote an article for his newspaper on July 11, 1967, and got very specific. He called for a "Department of Internal Criticism" for every newspaper, a position that would "serve as an ombudsman for readers".

Raskin's piece caught the eye of Norman E. Isaacs, editor of the Louisville Courier-Journal. Eight days (!) later the Courier-Journal appointed the first news ombudsman in the U.S. Due to cost-cutting measures, the Courier-

Journal eliminated this historic position in 2008.

As JaCoby remembers, Bagdikian "set the tone". But Raskin generally gets most of the credit for planting the seed of ombudsmanship in the then-fertile ground of American newspapers.

From there, the idea spread, and although the position has fluctuated according to the whims of publishers and the financial pressures on the media, the concept has remained.

By 1974, there were a dozen ombudsmen in North America and by 1982, there were 22, including several in Canada. (In Sweden, where the concept started, the country's newspaper organization financed a national journalistic ombudsman program. Thorsten Cars, a Swedish lawyer and judge, was named to the post.)

By the late-1970s, the newspaper ombudsman concept had solidified to the point that talk began about forming an organization. John Brown, ombudsman at the Edmonton Journal, circulated a series of letters in 1979 proposing that the annual conference at the Washington Journalism Center be used to establish an organization of newspaper ombudsmen.

Brown believed the concept would be welcomed as had several others. To the surprise of some of those early American ombudsmen, opposition came in the argument that there just weren't enough ombudsmen to form an organization or that membership in any group would threaten an ombudsman's independence. How different from the Japanese concept!

CHAPTER 4

Getting Started and Avoiding Pitfalls



The motion to organize the Organization of Newspaper Ombudsmen (many thought the name was chosen because its initials could be pronounced “Oh, no!” - the supposedly traditional comment when errors were discovered, or the nervous cry in the newsroom when the ombudsman entered and appeared to be looking for someone...) passed by a bare majority. The formal name was changed to the Organization of News Ombudsmen in 1975 when ombudsmen from broadcast media were admitted.

The presidency was rotated annually among the members of ONO and it eventually came to Al JaCoby who worked at the San Diego Union-Tribune. It thus fell to San Diego to organize the group to set up an annual convention.

The first ONO convention was held in that city in May 1981.

About 20 ombudsmen, primarily from the United States and Canada, attended. The only overseas delegate was from Sweden, appropriately enough.

ONO now counts more than 60 members in 26 countries around the world and interest especially in developing countries continues to grow.

CHAPTER 5

How It Works Today



It is important to make a clear distinction between what is observable fact and what is interpretation.

Franz Kruger, Ombudsman, Johannesburg,
(South Africa) Mail & Guardian, 2011

Some newspapers, especially in the United States believe that eliminating the ombudsman position is a painful but necessary cost-saving measure in difficult economic times. Not surprisingly, members of ONO have a different take. We believe the institution is one worth investing in, as ombudsmen continue to show considerable strength in news organizations in the rest of world, notably in Latin America.

News ombudsmen have the delicate but essential task of dealing directly with listeners, readers and viewers who feel the newspaper or broadcaster has made an error in reporting or is biased on a range of issues that can be as varied as the audience itself.

It may be the loneliest job in the newsroom, but increasingly in an era of multiplatform journalism, bloggers, and often harsh opinion, it still feels like one of the most essential.

Here's an example of how it worked in one instance:

As ombudsman for National Public Radio (NPR) in the United States in 2006, I explained to readers how well NPR did by not re-publishing the controversial Danish cartoons of the Prophet Muhammad on the NPR website when the controversy erupted. And I often dealt with listeners who found NPR's coverage of the second Palestinian intifada to be inflammatory or lack sufficient context. All Ombudsmen say they have dealt

with similarly difficult and frequently emotional issues. After examining the reporting and the response of the journalistic staff, I would offer an opinion on whether NPR did the right thing, or not. My opinions weren't necessarily those of management - or of the listeners. It

would be up to management to decide whether to follow the Ombudsman's recommendations or not. And that's the point. It's an independent view.

And although it is never the main reason for hiring an Ombudsman, it can make financial sense too: The Guardian found that legal costs can decline by as much as 30 per cent when an ombudsman is there to mediate a solution before it ends up in court as a lawsuit. Those savings are more than enough to pay

for an ombudsman and an assistant.

Why should the public bother to take complaints to an ombudsman? The ombudsman tries to find a solution for a complainant, or at least an explanation of how and why it happened. He or she will suggest changes to news practices to reduce the chances of the same mistake happening again. The ombudsman then reports his or her findings to the news organization and to the public.

CHAPTER 5

How It Works Today



Why should a news organization even want an in-house lightning rod? After all, if there are bloggers and citizen journalists who engage in media criticism, why have someone on staff who could bring the news organization into disrepute?

An independent, in-house ombudsman is better able to cast an experienced eye on problems and suggest remedies than a journalist or reporter. At many news organizations, reporting on the Second Intifada (2000-2004) or the war in Iraq, for example, was perceived by many members of the public through their own personal, political perspectives. The public becomes very argumentative – even highly emotional – when personal assumptions are not supported by their newspaper, radio or television network.

That's what ombudsmanship is all about: providing the public with the media access they both need and deserve. It's a way to keep journalism honest, reliable and always at the service of the citizens.

Who needs an ombudsman? Some newspapers in North America seem to think that having someone on staff that handles concerns and complaints from the public is a luxury at a time when the American newspaper industry is going through this prolonged period of economic uncertainty.

True, a number of major American news outlets have dropped the position as a cost-saving measure. Still many have retained the position. The New York Times, the Washington Post, the Los Angeles Times, ABC News, PBS and NPR still feel that the role of the ombudsman

is a vital part of American journalism.

It's ironic that just when the concept of the independent news ombudsman is growing rapidly in many corners of the world, the American ombudsman for a time appeared to be approaching "endangered species" status. Fortunately, that trend appears to be reversing itself with more US-based media deciding to hire or re-hire an ombudsman.

It may be the loneliest job in the newsroom, but increasingly in an era of multiplatform journalism, bloggers, and often harsh opinion, it still feels like one of the most essential.

CHAPTER 6

What an Ombudsman Does



When I took the job at Sacramento I decided early on that the best skill I could apply was listening. So I made a sign for my desk above the phone that said SUAL, for “Shut Up And Listen. “I found that a large percentage of readers were quite happy just to have someone take the time to listen. Made me wonder what happened to their calls before there was an ombudsman.

Sanders Lamont, Ombudsman, Sacramento Bee, 1998

First, there are as many ways of doing the job, as there are ombudsmen (and women). There is no single definition of the role; there isn't even a single word to describe the position.

Some media organizations simply call their ombudsman by that name – “ombudsman.” As mentioned, other media have adopted a more gender-neutral word: “Ombuds.” Non-Scandinavians have found that the word is difficult to pronounce. So another synonym has been found in the terms “public editor” or “reader’s editor.”

In Spanish, the term is “defensor”; in French, it’s “médiateur.” The titles may differ, but they all mean much the same and share many common qualities – to act as an independent agent of the public inside a newspaper or broadcaster.

The ombudsman is there to listen to public concerns about the journalism, to determine whether a complaint is credible, to present the complaint to the right person inside the organization in order to get an answer for the complainant. If the complainant is still dissatisfied, the ombudsman is there to investigate and report his or her findings both to the specific complainant and to

the public at large as well as to his or her organization.

In some countries, particularly in France and other francophone countries, the journalistic culture is that the ombudsman must act less as a judge and more as a mediator between the complainants and the media organization. The goal is to find a resolution and common ground. Or if no resolution between complainant and media organization can be achieved, then at least to find a way for the parties to agree to disagree.

Sometimes, the ombudsman acts as a go-between, shuttling ideas, observations and opinions from the public to the journalists to management and back again. This approach is designed to allow for more clarity and understanding about the journalistic process with the public and to let the journalistic culture inside the organization know how their work is being perceived. This is especially important in these times when the nature of the journalistic process can be highly suspect and the public’s fears of deliberate bias inside a news organization is on the rise. In an ideal world, this approach has a two-fold outcome: first it creates an atmosphere or transparency and accountability inside the newsroom

CHAPTER 6

What an Ombudsman Does



and second, it gives the public a better understanding of what constitutes good journalism. It's not an easy role inside a media organization. But it is essential.

Here's why.

It boils down to one word: trust.

Trust is the essential lubricant that allows citizens to believe that their medium of choice is credible and reliable, even when they may disagree with the journalism.

Trust is the common currency that media organizations require for their continued credibility.

And trust is what the ombudsman must have if he or she is to be seen as a fair and credible agent of the public inside the media organization.

Let's first talk about what happens when your media organization decides that it needs an ombudsman and it decides to appoint you. Now the real work begins: How do you do this job and be seen to be effective at it? And how will you know whether you are meeting the expectations set by your organization, by the public and by you?

Often a media organization creates the Ombudsman's position because of some ethical dilemma or even a scandal. The New York Times created the position of Public Editor after a problem emerged involving a reporter

who fabricated quotes, interviews and entire stories. NPR hired an ombudsman because of public suspicions that its coverage of the Middle East conflict was biased. Rare is the media organization that creates the position when everything is going well.

So, for those of you who are taking the plunge and have decided to accept the offer of becoming the first ombudsman in your media organization, congratulations.

Now you will be thrust into the middle of some very nettlesome issues along with the skeptical expectations from the journalists, the management and the public. It can all be very intense, especially at the beginning.

Trust is the essential lubricant that allows citizens to believe that their medium of choice is credible and reliable, even when they may disagree with the journalism. Trust is the common currency that media organizations require for their continued credibility.

Let's look at each of those elements in the ombudsman's equation.

In each case, and with each element, the ability to build trust is the most important and most immediate step you can make. And there is no simple or fast way to gain that trust. But it must be done if the effectiveness of the ombudsman is to be achieved.

In a media organization with no previous experience of real public accountability, it will be important to show all concerned that the ombudsman operates in a way that is as transparent and as accountable as the medium itself must aspire to be.

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Setting Up the Office



We started the year with a renewed emphasis within the staff to own up to our errors and take aggressive steps to prevent them from happening.

Mike King, Ombudsman, Atlanta Journal-Constitution, 2003

Perception is key to building trust. You will need to be open – and demonstrate that openness – to all ideas, suggestions and of course, criticisms. Remember to take all ideas seriously. But never personally.

Some newly minted ombudsmen, when faced with this new challenge, have asked for a written contract in order to guarantee editorial independence. The contract usually specifies that as the ombudsman, you will have complete freedom to choose which issues and conflicts may be investigated. It also is useful for the contract to be specific about reporting lines.

A contract can usually identify to whom the ombudsman reports (usually directly to the publisher or president and the board of the media organization). And the contract can define how and where the ombudsman may report to the public – usually in a weekly column which appears in the newspaper or on the media website. Broadcast ombudsmen can also specify that they may be required or available to appear on the air at a mutually agreeable time slot.

Most ombudsmen have a limited contractual arrangement – usually for a two or three-year period that can be renewed by mutual agreement. There is no single or best way of doing this. Each media organization may have its own ideas about hiring and terminating the ombudsman position. Some newspapers insist that the ombudsman must be an outsider to avoid any appearance of cronyism.

Contacting the ombudsman does not necessarily eliminate the eventual possibility of a lawsuit. Most media organizations have found that having an ombudsman tends to diminish the number of lawsuits, but having an ombudsman it does not guarantee that life will be entirely litigation free.

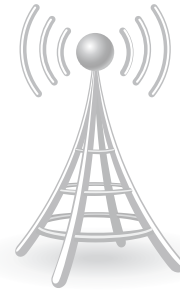
As the new ombudsman assumes the office, there is often a clause in most employment agreements stating that the ombudsman may not be removed from the position except for

“cause.” The legal definition of “cause” varies among jurisdictions, but may include dishonesty, breach of trust or absenteeism, among other failings. It is good to have a contract to avoid any arbitrary unpleasantness should an ombudsman’s decision upset newsroom or management sensibilities.

Some organizations appoint an ombudsman from among their own seasoned journalists. They are put in the role for a limited period, then after their term

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Setting Up the Office



has ended, they return into the operation as working journalists or managers. Still others insist that after the term of the contract has ended, the ombudsman must leave the company and can never again be employed by that media organization. Each organization, of course, has the right to design the position as it sees fit according to its own customs and traditions. All have their advantages and disadvantages.

The other essential quality of the news ombudsman position is that he or she should have NO managerial authority. Moral authority, yes. But the ombudsman is not part of management. The value of the ombudsman's role is that he or she may identify problems and offer remedial solutions. But it is essential that the role of the Ombudsman and the role of management must not be confused.

There are good reasons for this:

First, ONO has found out through trial and error that the best relationship an ombudsman can have with journalists, management and the public is when he or she operates at "arm's length" – to be independent and seen to be independent. The credibility of the ombudsman and the perception of trust must be based on that.

In general, the newsroom culture is a complicated one, and much has been written about the essential "tribal" nature of journalists. There are good historical reasons for that sense of unique community, and journalists have fought (and sometimes died) to defend their freedom to write and broadcast what they know to be the truth.

Thus, if the ombudsman is seen as a management adjunct, the ability of the ombudsman to act as a fair critic becomes compromised.

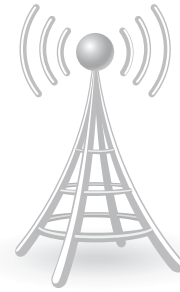
As with other crafts, journalists can be jealous custodians of their hard-earned status. Highly unionized news cultures are also resistant to outside criticism since that has often been used against journalists to diminish their bargaining rights.

So a newly appointed ombudsman must tread carefully inside a news organization that may harbor suspicions that the ombudsman position is simply another disguised version of management.

Second, while management should be encouraged and applauded for appointing an ombudsman, there can be some lingering nervousness among senior editors about the role. All corporations, media or otherwise, are rightly concerned about reputation. And frequently the legal departments at newspapers and broadcasters may suspect that an ombudsman's observations might open the way for an admission of liability and possibly lawsuits. In fact, the opposite is true: a study by the Iowa Libel Law Study shows that news organizations with an ombudsman are less likely to be sued for damages. Other studies show that both the public and news organization value an ombudsman. Simply put, an ombudsman allows news organizations to be more independent by being both self-regulating, and self-critical. In this way, they are better able to resist outside pressures, whether from governments, lobby groups or economic/advertising interests.

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The Study also showed what happens when a member of the public who calls in to complain to a media organization without an ombudsman. Directing the complainant to a harried editor is not a good idea. The editor, working under deadline pressures, usually treats the inquiring member of the public rudely, even abusively. The study noted that this is often a sure way for the newspaper to end up in court. The more disinterested approach of an ombudsman is more effective at finding a solution (or at least an explanation) that is acceptable to the complainant.³

Third, the public often needs to be (frequently) convinced that an ombudsman is not a version of media and corporate public relations. We live in an age of increasing doubts about the intentions of the media. The ombudsman can show them that s/he has their interests and concerns above all. In so doing, media management and media workers must be prepared to take some criticism. The public must also be aware that they too, can also be wrong.

Finally, it is essential that an ombudsman does not have any managerial authority to make editorial changes, or to hire or fire. The ombudsman's role is to critique editorial content, but any follow-up can only be made by management. To do otherwise, would compromise the independence of the ombudsman by allowing the perception that s/he is really not independent and is just another manager who has been given the title of an ombudsman.

The neutrality of the ombudsman is also found in the tone of the critiques: in effect, the ombudsman must

never make it personal. The criticisms are about the work, not about the individuals involved.

That balancing act among journalists, management and the public is the journalistic high-wire act that all ombudsmen must negotiate daily. But without finding that balance and proving to all concerned that the ombudsman is truly independent, the job will prove to be enormously challenging, complicated and in the end, impossible.

What's next?

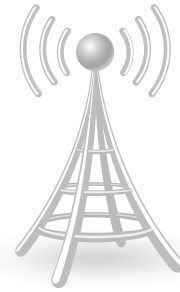
Once the office is set up and the presence of the ombudsman is made known to the public, be prepared for an initial period of calm, before something happens that results in a virtual tsunami of phone calls and emails.

As NPR's first ombudsman, I found the first six months to be a period of relative quiet with only 1900 emails. I took this time to help the journalists at NPR and in the national public broadcasting network, understand what my new role was (I had come from the management ranks, and there was, understandably, a certain amount of skepticism about my role).

Holding a series of meetings with the editorial staff was very helpful, although I found that attending the daily editorial meetings was less useful, and after a few weeks, I stopped attending. My presence in those meetings in the early days was met with a stony silence from the news managers around the table. After a year or so, when the journalists were more comfortable with my role, I might have tried

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to return to that daily meeting, but by then I felt it wasn't necessary.

I also felt that it was important that as ombudsman, I consumed the journalistic output of NPR the way most listeners would: through a pair of radio speakers.

Every media organization is different and you'll need to trust your own instincts and establish your own best practices that work effectively with your newsroom culture.

Once the office is set up and the presence of the ombudsman is made known to the public, be prepared for an initial period of calm, before something happens that results in a virtual tsunami of phone calls and emails.

Management may also require some familiarization with your new role. As I began to write my columns (appearing weekly on the NPR website), I would be asked by managers if I might write something to put NPR in a more positive light. So early meetings with management to clear up any misconceptions about the role of the ombudsman were very helpful. They also helped to assure the independence of the office.

I also felt it was important that my chain of command was clearly established. I answered only to the board of directors through the president of NPR. So any complaints from newsroom or administrative management would always be directed to the president of NPR.

Finally it is essential that your job description and

the way you operate are made public. The media organization's own website is best for this.

There's a good example of this is on guardian.co.uk by the readers' editor of the Guardian - Chris Elliott. Chris has clearly set out the "editor's terms of reference" for dealing with public complaints.⁴ They are well worth looking at and, even adopting as you and your media organization see fit.

Stating the mandate of your remit as ombudsman also lets the public know how they can contact you, how you plan to deal with complaints and how you will choose which complaints you deal with (in general terms, of course). It also states how you might proceed with an investigation and how the results of that inquiry are communicated to the complainant and to the media organization.

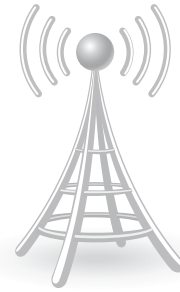
Every media organization may have its own way of proceeding, but in my experience it was critical to let the public know that as ombudsman, I had the freedom to choose which issues would be deemed worthy of investigation. That was one important distinction between the ombudsman and corporate public relations.

The second important aspect was to let the public know that once the ombudsman selected a complaint to investigate, it would be communicated directly to the

⁴ <http://www.guardian.co.uk/theguardian/2009/may/14/readers-editor-terms-of-reference>

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Setting Up the Office



journalist or editorial manager responsible. That person would be obliged to respond to the complainant “in a timely manner.” Getting an answer from a correspondent in a war zone is always more complex than asking the city hall reporter to respond to a complaint. “In a timely manner” usually meant - in a few days. A war correspondent might be given as much as two weeks. This is an area where the sense of accountability to the public is deepened within the news organization.

The process of investigating a complaint is worth mentioning. Depending on the nature of the complaint, the ombudsman usually spends an appropriate amount of time going through the details of the story. This can include speaking to the journalist involved, getting his or her approach to the story, checking to see if the editing process was done well or not, whether the complainant’s point of view needed to be acknowledged, etc. It is, in effect, a form of “forensic” editing – pulling the story apart to ascertain whether in the journalistic process, there may have been errors of omission or commission. That process should be communicated to both the journalist and the complainant.

Contacting the ombudsman does not necessarily eliminate the eventual possibility of a lawsuit. Most media organizations have found that having an ombudsman tends to diminish the number of lawsuits, but having an ombudsman it does not guarantee that life will be entirely litigation free.

If after receiving an explanation from a journalist or manager, and the complainant was still dissatisfied, then it would be up to the ombudsman to adjudicate

the issue. This worked well for me and I know it does for other ombudsmen.

Finally, there is an important distinction that must be made between the role of an ombudsman and the role of the legal department of your organization.

The Guardian found that in the first year after the appointment of its first Reader’s Editor that legal costs dropped by about 30%. This had the added benefit of finding money in the budget to pay for an ombudsman and an assistant.

Even if the ombudsman finds in the course of an inquiry that an apology, correction or retraction is necessary, this is usually done in consultation with editorial management and the legal department. It is recommend that if a complainant threatens to sue, that you notify the law department in your news organization as soon as possible. You should also measure your words carefully in case the complainant might be using your response as part of any future action. Sometimes telephone conversations with the ombudsman are recorded for such purposes. It is rare, but it does happen.

CHAPTER 8

The Ombudsman's Survival Kit



I learned a long time ago that no two readers think the same.

Charles Bond, Ombudsman, Palm Beach (FL) Post 1992

Once a year, ONO holds a conference of news ombudsmen. We meet to encourage each other, share notes and compare our experiences over the previous year with readers, viewers and listeners as we try to get their opinions through to the journalists and managers inside our organizations. Some of our scars come from the other direction as well...from telling the audience that they were wrong and that the journalists were correct.

As a result, burnout can be a risk after a few years on the job.

One of our most experienced colleagues is Mike Clark. Now retired, for many years, Mike was the reader advocate at The Florida Times-Union in Jacksonville. He has come up with an FAQ sheet for new ombudsmen.

While some of Clark's suggestions apply mostly to the needs of a local newspaper, this is still good advice for ombudsmen everywhere:

Angry Callers?

Q. How do you deal with angry callers?

A. Let them vent for a reasonable amount of time, then let them know you have listened, you understand the complaint, you will share it with the staff and indicate what action might be taken. Try to avoid getting into a rapid-fire exchange. When the heat starts rising, hold the phone away from your ear, lean back and let the caller have the floor. You may have to politely, but firmly, end the call. You will have to judge whether you want to get into a disagreement with a caller; it may not be worth the time. If the caller is profane or racist, warn that you will not put up with that language or you will hang up. Callers typically make broad statements. Ask for specifics that you can deal with. Or invite the reader to call back the next time an example is found.

Remember that a kind voice turns away wrath. Don't respond in kind to a sarcastic or angry reader, even if you are tempted to.

First, you don't want to give the reader ammunition against you. And you will often find that the reader's tone changes if you maintain a polite, professional disposition. When responding to an e-mail, remember that an e-mail can be forwarded anywhere, so be careful. Ignore the anger and the sarcasm and deal with the facts.

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Stress

Q. *How do you deal with stress?*

A. *It helps to have a support system. You will be isolated from the newsroom. You need to find healthy outlets, whether exercise, meditation or volunteer activities. Be sure to take some days off, especially after a trying period of complaints. Find some time to laugh. Our family tapes comedy shows and watches them together.*

Other Duties As Assigned

Q. *I have a complaint that seems to fall outside the usual job description. How do I handle it?*

A. *You can handle it quietly, internally. Don't worry about doing everything at once. If it's symptomatic, you will hear about it again. Let's say there are complaints about the editorial page, which is not normally in your jurisdiction. Then refer the reader to the editorial page editor. If the editor is non-responsive, direct the reader to write a letter to the publisher. You also will hear of advertising and circulation concerns. Generally, you can simply direct the reader to the most responsive staff member in those departments. If there is a serious complaint, such as an ad from a scam artist, you can make sure that an advertising department executive hears about it.*

An Answer for Everyone?

Q. *Do you answer everything?*

A. *Ideally, you would try to acknowledge every*

communication promptly. Some readers don't appear to want an answer and just want to vent.

Handling Complaints

Q. *What are some of the options to offer readers when faced with a complaint?*

- 1. Letter to the editor. (The letter writer can put comments in his own words without a rebuttal)*
- 2. Inclusion of the complaint in an internal report to the staff. (For the writer who doesn't want to go public, but wants management to be aware of the complaint)*
- 3. Mention of the complaint in your column. (That means the staffer will be offered a chance to respond, but offers the possibility that you will support the complaint).*
- 4. Speak privately to the staffer.*

Finding Information

Q. *What if the reader wants information from you?*

A. *If a request is newspaper-related and you can reasonably expect other calls, then a search is worth your time. Or tell readers how to find information themselves at the library or on the newspaper's Web site. There is only so much a one-person department can do. You can't be the library. For regular questions, keep standard answers in a computer file that you can cut and paste.*

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The Ombudsman's Survival Kit



'Management Lackey?'

Q. How do you avoid the impression that you are a lackey of the newspaper?

A. You can't force it. Over time, you will build a reputation. Presumably, there will be complaints made against the paper that deserve public response. The typical format for a column is to present a complaint by a reader, offer a response by the staff and conclude with your comments, providing context and background. Some would like you to be a "critic," but intellectual honesty requires you to call 'em like you see 'em.

'Newspaper Scold?'

Q. How do you avoid the impression that you are a scold of the newspaper?

A. Even if you support the paper, it may be seen as airing dirty laundry by some in the newsroom. In my weekly internal report, I have a separate category for compliments. On occasion, you should recognize extraordinary work by the staff, especially when it draws comments from the readers. When the staff makes changes suggested by readers or with the readers in mind, you should applaud them. Let the staff know that you can be an effective advocate for dispelling myths and misinformation about the paper. Your independence carries weight.

Getting the Message Out

Q. How do you communicate?

1. You may write a daily note or a weekly report, shared on the staff's computer message board or distributed in print to other newspaper management.

2. You may attend news meetings and report reader reaction.

3. A weekly column

Still excellent advice. Thanks Mike. But again – one size does not fit all. You will have to find your own pattern that works best for you and for the culture of your news organization.

As I have mentioned, the delicate balancing act that an ombudsman must perform among the journalists, management and the public is the essential aspect of the job. Losing the trust of one of those elements can be seriously detrimental to the effectiveness of the position.

While angering one of those three elements may not always be fatal, there can be long-term consequences to your ability to function effectively as ombudsman. This is not to imply that timidity is the key to survival in the job. On the contrary: an overly cautious Ombudsman will be quickly dismissed by one of more of those constituencies. It is a "damned if you do and damned if you don't" situation. While care must be taken to keep all sectors informed of your methods and your findings, in the experience of many ombudsmen, candor and clarity go a long way to being effective.

CHAPTER 9

Dealing With the Public



Readers deserve to be listened to and we ignore you at our peril.

Kathy English, Readers' Editor, Toronto Star, 2010

Since the ombudsman is first and foremost, the public's agent, making those first connections with the public becomes critically important.

There is no special or easy route to this, but co-operation from inside your organization is essential. It is necessary to maintain a high profile from the beginning: in print, this means a weekly column which will also be found on the newspaper website. Recently ombudsmen have found there is added value by blogging and tweets.

As mentioned, first time ombudsmen may find much nervousness from the newsroom and from management about the presence of an in-house critic. This is not an uncharacteristic response from the traditional journalistic culture that can be highly defensive.

But the public can be your ally in this project so it is important to be able to make contact as quickly as possible, if only to announce your presence and your new role.

Broadcast ombudsmen have found it useful to connect with local stations and local audiences. In effect, there is an enormous benefit to the ombudsman to hear first

hand about how the journalism of the news organization is perceived, especially without any corporate filter. This is usually very instructive because the audience's perceptions can be different from how the newsroom sees itself.

Another avenue definitely worth exploring is connecting with media critics and lobby groups. Although these meetings can be acrimonious and you can leave these sessions feeling as though there was little in the way of mutual recognition, many ombudsmen have found that a better mutual understanding with your critics is possible, and even substantive. In short, process IS outcome.

Being available to listen, in an open and un-biased manner as possible, will always bring unexpected benefits. Media critics may (grudgingly) understand better how journalism works (or how it should work) and in turn, their criticisms might even become more subtle and more useful.

As you become immersed in the position, you may find that you are handling more concerns and complaints than you expected. Many ombudsmen find that the public will inundate the office with requests. This is an acknowledgement that the position is being taken seriously by the public, although it can also have

Dealing with the public also requires a unique set of skills that are sometimes quite different from the skills you may have developed from your days as a newsroom denizen or manager.

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its downside. In effect, the ombudsman may find that a backlog of legitimate complaints begins to pile up. Here is where an effective triage system is essential (see Chapter Eleven: A Day in the Life).

If you are replacing a previously appointed ombudsman, the public recognition of your role may not be as challenging. Your audience will be more familiar with how the position has functioned in the past, and they are likely to want to continue that relationship, or even test you to see how you are differ from your predecessor.

Media watchdogs and critics especially will be testing you to see whether you might be the one to champion their cause. It will be up to you to make those decisions. As an independent news ombudsman, you may or may not agree with what the previous occupant of the office said and wrote. It can be a time of a fresh start or to deepen the continuity of the office. It's all up to you.

Dealing with the public also requires a unique set of skills that are sometimes quite different from the skills you may have developed from your days as a newsroom denizen or manager.

The qualities that make for an excellent journalist are many and varied. They include an ability to work to deadline, solid writing and editing skills and the experience to see what's important and what doesn't need to be in the paper, on the website or in the broadcast.

An ombudsman should have those basic skills as well. But s/he also needs to understand the culture and values

of the specific media organization and to be able to communicate those processes (with their strengths and weaknesses) to the public in a measured and non-defensive manner.

Often a complainant will not be aware of all of the elements that go into the production of a story, or of the other obligations on the ombudsman.

Keeping the complainants aware of the progress of your investigations can do a lot to lower the temperature as you work toward a resolution.

All ombudsmen have had to deal with members of the public who are hard to please. Some may not really want a solution to their problems. They will contact the ombudsman for their own non-journalistic issues. Or they simply find the ombudsman's office a convenient place to complain.

This is simply part of the territory of being open and available to the public. Mostly it can be mutually satisfying. But there will be a small percentage of complainants who cannot take either yes or no for an answer. Some may even become abusive.

It is important not to engage with these people for too long. It is important to be fair with all your complainants. But there must be limits. As you become more comfortable in the position of ombudsman, you will develop a set of instincts that will allow you to detect these people at an early stage of the dialogue.

Having caller ID on your phone will help. Once you

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Dealing With the Public



recognize the number, you can just let it go to voice mail. You can also set your email rules to send messages from certain people into the trash. It sounds harsh, but it is what may be necessary for your own sanity. Remember, being forced to deal with an abusive complainant is not in your job description!

Sometime humor can help. I would occasionally send this note to a persistent advocate who, I felt had crossed the line into unacceptable rudeness:

Dear Sir or Madam:

You should be aware that someone is using your email address to send rude and abusive messages.

Sincerely, etc.

To my astonishment, one complainant did not get the hint. "Oh", he said happily. "That was me."

Kathy English (Toronto Star) reported that one reader left this voice mail of complaint: "I wouldn't upset my pigeon by putting this in his cage today. He likes to do his thing on a better class of paper than you put out today."

Thank goodness for listeners, readers and viewers with a sense of humor. Ombudsmen need to remember to keep theirs, too.

CHAPTER 10

Dealing With Your News Organization



Putting out a daily newspaper is a complex and amazing process, a minor miracle that some readers don't understand or appreciate. And readers' needs too often aren't taken into account by those putting out that newspaper.

Deborah Howell, Washington Post, 2006

A word about the ombudsman's relationship with management:

Respectful independence is a phrase that is most used by ombudsmen when they speak about management.

On the one hand, ombudsmen are dependent on management for the position. In the early days, management may have doubts as to whether this was a good idea to have someone inside the organization pointing out the mishaps and missteps that exist in all media. But many of us who have been in this position have found that management does understand the value of this unusual role, even when complaints from the newsroom rise up to management levels to vent about a column.

Seen from the newsroom, the appointment of an ombudsman may feel as though management has abandoned its usual supportive (if occasionally defensive) relationship in favor of a more public and transparent device. Time is usually the great leveler of these concerns. The more a newsroom and management

understand how and why the ombudsman operates, the more comfortable all will be.

In effect, the public becomes the ombudsman's best ally. Good newsroom practice and solid management approaches will eventually confirm that, and the initial anxieties will usually dissipate.

Now what about the journalists? It may be an understatement to say that dealing with your newsroom can also be a challenge for the first-time ombudsman. There are advantages and disadvantages in not coming from inside the media organization.

Now what about the journalists? It may be an understatement to say that dealing with your newsroom can also be a challenge for the first-time ombudsman.

The biggest advantage is that you can bring a fresh set of eyes and ideas to the media organization. Many ombudsmen come to the position with a strong journalistic background that allows for a deeper and necessary understanding of the principles and practices of journalism.

CHAPTER 10

Dealing With Your News Organization



The obvious disadvantage is that you may be perceived as an outsider and the newsroom culture may resist your efforts. Your early forays will be closely watched to see if there are any weaknesses in your approach. Your own instincts, combined with a sense of belief in the value of what you are doing will help see you through this early rite of passage.

So what are the skills the new ombudsman –whether from inside or outside - needs to balance those competing interests among journalists, management and the public?

A recent study of ombudsmanship, conducted by Professor Cristina Elia of the European Journalism Observatory in Lugano, Switzerland may offer some guidance.⁵ The survey asked ombudsmen in Europe, in English-speaking countries and in Latin America to share their perceptions of the job. The results are quite illuminating:

- It showed that 90% of ombudsmen are former journalists. The same percentage works for only one media outlet.
- European ombudsmen are the oldest, followed by Anglo Saxons. The youngest are in Latin America.
- Most contact with the public is via email, although increasingly the public connects with the ombudsmen through online chats, blogs, internet forums. Letters and phone calls are still important, but diminishing.

- Most contact with the journalists was face-to-face. Less effective was via email or a more formal memo.
- Most ombudsmen felt that management guaranteed independence and most thought that a constant vigilance to ensure that independence was still necessary.

Most importantly, the study showed that ombudsmen felt they were most effective when they established themselves in a role as a “coach” with the newsroom. The value of a trusted mentor in news organizations that have been forced to reduce the number of senior journalists who have a broad knowledge of journalistic practice and a deep institutional memory cannot be overstated.

Ombudsmen can play a powerful role as public intellectuals inside and outside the media organization as well as trusted sources of ethical behavior and guidance about journalistic issues.

CHAPTER 11

A Day in the Life



My wish for our readers: a big dose of tolerance for those who differ from them or who think differently from them. The most discouraging part of this job is listening to the hatred, the irrational anger and fear, the intolerance of a few.

Phil Record, Ft. Worth (TX) Star-Telegram 1994

Now that we know a bit more about the competing and sometimes conflicting expectations and pressures of the job, what does an ombudsman actually do, on a day-to-day basis? How can the operation of the office work best to deal with the many urgent issues that an ombudsman will receive on any given day?

Ombudsmen have found that without an overwhelmingly pressing or urgent issue that can consume much of his/her time, the morning is often the most intense period of the day.

This is because most media organizations – whether broadcasters or newspapers – are morning oriented. Their largest audiences are aggregated overnight and in the morning. Television networks in most countries – whether public or commercial – still focus their editorial direction toward an evening newscast. Ombudsmen have found that their flow of email traffic occurs after those broadcasts. As audiences for TV news migrate to the mornings, many network broadcasts are shifting resources to the mornings, and email to ombudsmen generally follows the broadcast day.

Newspapers find that mid to late morning is when readers

choose to respond to something that had been published that day. This is because readers, listeners or viewers who have read, heard or seen something of concern that morning are eager to get into the office, start the computer and send off a complaint or an inquiry.

Many ombudsmen have found that the morning rush is when to expect the most numbers of emails and phone calls. The ombudsman's assistant should be similarly prepared for the onrush of complaints.

Unless there is a single overwhelming issue that requires the ombudsman's attention, it is usually useful to begin to assess which emails and phone calls are more urgent than others.

It is useful to have two email addresses: one for the public and one for internal or private contact. The public email address should be set up so an "autoreply" can be sent to everyone who contacts the Office of the Ombudsman on official business. All email systems now have this, but I have found the Microsoft Outlook "autoreply" to be particularly efficient.

The message can be whatever you prefer, but many of us have found that a simple and direct message is helpful in giving the public the assurance that their message has been received.

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A Day in the Life



Here is the one I used:

"Thank you for your email to the Office of the Ombudsman. All messages are read by me and by my assistant. Your email will be shared with the appropriate editorial staff. As required, staff may be asked to respond in the first instance. If a further investigation is required, I will be in contact with you as soon as possible."

Or words to that effect. There is no one way to respond to a query, but a quick response indicating that the complaint has been received is an excellent way to show the public that you are there for them.

Many of the emails will simply be comments about what the public thinks about the editorial content in the newspaper or on the broadcasts. They may not be complaints as such, but a sincere desire to have a dialogue with the news organization. They also deserve some acknowledgement that the message has been received and read.

In the past, some ombudsmen, concerned about the perception of an encroachment on their independence, have chosen not to share those emails with the rest of the media organization. The concern was that helping out with letters-to-the-editor or program comments might be seen by the journalistic staff as 1) an order from above

that certain letters MUST be published, or 2) that the expectation of confidentiality between the ombudsman and a complainant had been breached, thus diminishing the independent role of the ombudsman. You will have to decide whether this might be seen as a breach in the independence of the ombudsman's office.

The marketing departments of some media organizations have also eyed emails to the ombudsman hungrily, in the belief that this is a potential for an untapped database for further marketing. This should be resisted as contrary to the spirit of an independent ombudsman

who needs the trust of the public to be effective. All communication between the ombudsman and the audience should be considered private until the ombudsman (with the agreement of the writer) decides to make it public.

When in doubt, don't hesitate to ask any of your fellow ombudsmen how they have handled similar campaigns and pressure groups. It's probably happened before.

There may also be legal issues if you receive a communication that is hostile or threatening. Once again, make sure your legal department is aware of any communications of that nature.

As media organizations are struggling financially, especially in North America and Europe, some ombudsmen have agreed to be somewhat more elastic in defining their roles. Whether you, as ombudsman decide to pitch in to assist in other ways is up to you. Adopting a pragmatic and sensible approach usually works best. But be careful not to assume explicit management roles that might be misconstrued

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A Day in the Life



and could tend to diminish your independence.

So it remains an essential definition of the independent ombudsman that to serve the public best, the blurring of editorial functions must be kept at a distance, as much as is realistically possible.

As mentioned, many of the communications received by an ombudsman are more on the lines of commentary, rather than formal complaint. It is useful for editors and program producers to be aware of how the public perceives their work and a regular weekly internal note to senior editors has been found to be useful.

Some ombudsmen are blogging for the public about some of the issues that are crossing their desks. It can also be a good way to let the public know about the status of those complaints that are in the process of adjudication (with the approval of the parties involved, of course). These are usually short missives, designed to keep the editorial staff and the public informed of your thinking about various issues as well as the status of your adjudications on more high-profile and prominent complaints.

This can be especially useful if you have been contacted by a lobby group or a media watchdog. Once the group has sent you their formal objection to something produced by your news organization, be prepared for further protests. Political groups often use complaints to the ombudsman as a way of generating attention to their cause. This is usually done by getting many of their members to write to the ombudsman (often in language identical in vocabulary to the original complaint). This can be tiresome when you receive dozens or even hundreds

of emails with exactly the same phrasing and format. The “cut and paste” function of modern computers now makes this increasingly possible.

While this can prove to be an additional burden to answer formulaic emails, remember that it is also an indication of how seriously the group takes the role of the ombudsman and of your news organization. It may be one of the less enjoyable parts of the job, but it is necessary.

When in doubt, don’t hesitate to ask any of your fellow ombudsmen how they have handled similar campaigns and pressure groups. It’s probably happened before.

A word now about having an assistant:

While many ombudsmen work alone, most have found it absolutely necessary and even essential to the proper functioning of the office to have an assistant.

The assistant should also have some of those same essential inter-personal skills and temperament as the ombudsman for dealing with the public: a calm approach, a measure of professional detachment (especially when confronted with an angry member of the public) and excellent organizing skills.

When the pressure mounts, the value of an assistant cannot be overstated. There will be times when the issues and the emails will pour into your inbox at the same time that your phone will be constantly ringing off the hook.

Having an assistant to help you with the powerful flow of emails (“like trying to drink from a fire hose,” is how one ombudsman described it) is essential. An assistant

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Handling the Issues



I ask only that Globe readers keep a sense of humor, like Malcolm McPherson of the Harvard Institute for International Development, who was stunned to read a forecast that predicted snow would fall from the sky. "This really blows it for me," he wrote. "I always thought snow came from a big snow maker in a swamp near Marshfield."

Jack Thomas, Ombudsman, Boston Globe, 1999

should also be there as a good sounding board – a second set of eyes and ears - for testing your ideas and getting some feedback on your decisions before you go public with them.

The range of subject matter that concerns listeners, readers and viewers is truly astonishing: it can be anything from typos and grammatical errors, to questions about accuracy to full scale campaigns accusing your media organizations (and by implication – the ombudsman as well) of bias and deliberate distortion of the issues.

This is where the job can quickly turn into the most fascinating, challenging and demanding position, as the ombudsman attempts to see the perspectives of all concerned, even when all efforts at compromise and perspective are rebuffed. It isn't always like that, but there will times when one or more of the three components – audience, management and journalists – refuse to accept another point of view.

Your job as ombudsman is to do your best to try to achieve some level of mutual understanding. But be prepared: there will be issues where this may prove to be impossible. Not every issue you handle will be resolved to the satisfaction of all concerned.

One of the most compelling aspects of the job is to experience how important the role is for many in your audience or readership. Indeed, the ombudsman assumes a complicated role of interceder, go-between, advocate, even a parental figure. The motivations that the public may have for contacting you may seem overwhelming at first. The expectations of the public are enormous and their frustrations with large impersonal organizations (possibly even your own) may be understandable. What is clear is the public has a hunger to make contact with you because they see it as a right in a democracy to be heard.

It all can become very intense, very quickly. So another essential quality for an ombudsman is patience. On the telephone, it is important that you convey the sense that you are there to listen.

Every ombudsman has his or her own approach, but I tried to answer my own telephone as much as possible. This often surprised the complainant who would be caught off guard, fully expecting to hear a recorded message. When the caller realized that it was indeed the ombudsman on the other end of the line, the conversation was more polite. Sometimes it was not, and the caller would engage in a stream of heated

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words, sometime even vituperative and personal. My approach would be to tell the person on the line that we could have a civil conversation or no conversation at all. It was up to the complainant. I explained that I was not hired to take abuse from any member of the public. That almost always calmed the caller down and we could then address the concerns in a more reasonable manner.

Getting back to e-mailers' concerns, or letters to the ombudsman should be done quickly by letting people know that they would be responded to as soon as possible. Striking the right tone of calm and of measured consideration is essential.

It is important to understand that the role of an ombudsman – as anyone who has been involved with the public can attest – can be a stressful one. It is easy to get caught up in the intensity of the complaints and if you are dealing with a campaign against your newspaper or broadcaster, you will need to find your own strategies to handle this.

Because the ombudsman operates independently, I found it useful when the pressures started to mount, that a 15- or 20- minute walk around the block was helpful in restoring perspectives. It may sound facile, but it is

It is important to understand that the role of an ombudsman – as anyone who has been involved with the public can attest – can be a stressful one. It is easy to get caught up in the intensity of the complaints and if you are dealing with a campaign against your newspaper or broadcaster, you will need to find your own strategies to handle this.

personally.

Some complainants will feel that a face-to-face meeting with the ombudsman will be a better approach than a phone call or an email. Many people believe (and with good reason) that personal contact is more effective and may give the ombudsman a sense of having put a face to an issue. Again, this is something that requires your instincts about how best to proceed. If you sense the tone of the request is appropriate, you may want to accede and meet in person.

Most of my contacts with the public have been truly informative and I learned more about an issue than if it had been handled only in an email.

There were some instances where a complainant who was involved with a media watchdog group may have misconstrued or even deliberately twisted something I said. One useful strategy: I found having my assistant present in the same room with me and the complainant

also important to insure that your life outside the office is also restorative. Exercise, movies and getting together with friends are also good ways to restore the balance. Your individual complainant has only one issue. You, on the other hand, may have dozens at any one time. You will need to handle them seriously, but never

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was very helpful at reducing these “misunderstandings”.

At the same time, I let it be known that I was available to meet members of the public, especially with media watchdog groups. I found these meetings to be especially valuable. My role was first, to be there as a listener. The same qualities of listening to the concerns and the perceptions of the individuals and the group as a whole were helpful to me to deepen my understanding of the issues. It was also an opportunity - a teachable moment, as it were - to help the public understand more clearly how the media works, what the strengths and weaknesses of journalism are and how the relations between the public and the news organization would help to improve our journalism and to strengthen the sinews and ligaments of our democracy.

Some media watchdog groups may want to meet you more than once, or even on a regular basis. This may be problematic for a number of reasons: first, you may have heard their arguments before and repeated meetings may only create hard feelings. Second, you will want to avoid giving the impression that you will be the group’s in-house advocate. Finally, you may have to say that you have heard their arguments and there is not anything more you can do.

Over my six plus years as Ombudsman, I met with - on average - about 60 to 80 outside groups a year. NPR’s headquarters are in Washington, DC, so the opportunity to meet visiting groups and individuals from around the country and overseas was constant. I was eager to hear from many different professions and with groups from abroad who were curious about the media. It was always

an invigorating and enlivening experience to hear their perceptions and occasionally to dispel misconceptions about how the news did or did not work.

I always learned from these contacts (especially from the people whose skepticism or hostility to the media was palpable). I would urge you to accept as many of these invitations as possible. You won’t regret it and your guests will be grateful for the time you give them.

It’s also important to know that you can and will receive some fairly hostile missives and to prepare accordingly. You should be thinking in advance about how best to respond to readers, listeners or viewers who are convinced that journalists (and by extension, you personally) are operating on the basest of motives. It is important to be as neutral as possible under these circumstances, even if you feel you are being provoked.

In my experience, your harshest critics will probably have a point (sometimes more than just one) and it is worth hearing them out. Tempers may get frayed, but your role is to remain calm.

As a wise editor once remarked, “News is a contact sport.” That does not mean that the ombudsman is in imminent physical danger from the public (although that has happened as well - fortunately, quite seldom). A patient approach works best.

In any face-to-face encounter, it is helpful to take copious notes (that shows you are taking it seriously and it will help you to review the meeting after your complainants have left) and, above all, not to be argumentative. Thank

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your guest for his or her point of view and assure them that you will get back to them as soon as possible with a response to their concerns.

Then you should be true to your word and send a response even if it may not be the answer they hoped for. The mere act of getting a response to a complaint in a reasonable period of time is part of the process and obligation of a serious ombudsman.

We've spoken extensively about the public and their concerns. But just as important to the process is the role of the journalist, the producer, the editor, the manager. It is a necessary part of the process to ensure that you discuss it with the journalist or the manager involved before you respond.

This is essential for a number of reasons: first, there is an issue of fairness. A reporter may have been unfairly criticized or maligned by the complainant. So it's very important to clear the air as much as possible before feelings are hurt, reputations damaged and lawsuits launched.

An ombudsman's ongoing relationship with the newsroom is important because s/he will rely on the continued goodwill of the journalists to ensure that responses to complaints occur in a timely manner. No

one likes to be criticized, (ombudsmen included) least of all in a public way, so the tone and approach of the ombudsman toward the journalists become essential attributes of the job.

As mentioned, the first understanding that an ombudsman should have with the newsroom (and with management) is that an ombudsman is not operating in a managerial capacity. Issues around performance and promotion are entirely the responsibility of newsroom management. Any conversations an ombudsman

may have with journalists must be confidential. If the ombudsman determines that there was an error, that this will not be part of the employees' record. If the newsroom staff perceives the ombudsman as someone whose observations might be

used by management as a disciplinary tool, this will undercut the credibility of the ombudsman. Senior management should be encouraged not to replace the normal newsroom assessment procedures by asking the ombudsman for his or her evaluation of individual employees.

There will be occasions when frequent errors produced by one journalist are noticed by the public and hence by the ombudsman. But that employee's supervisor should also have seen this as well. If a listener, viewer or reader is also noting this, then something else in the form of quality control - is probably amiss inside

In my experience, your harshest critics will probably have a point (sometimes more than just one) and it is worth hearing them out. Tempers may get frayed, but your role is to remain calm.

⁶ <http://faculty.wartburg.edu/stein/law/IowaLibelProject.htm>

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the newsroom.

Journalists working under deadline, are not always known for their social graces. Those of us who have spent many years inside a newsroom culture may not notice it after a while. Indeed, the ability to get the story and to do it on deadline day after day can produce a level of incivility that often leaves recently hired co-workers and the public wondering what hit them.⁶

The Iowa Libel Project of 1985 showed that when a member of the public called a newspaper to complain and the switchboard connected the complainant to an editor, the chances of a lawsuit increased. Editors working on deadline should not be expected to take the time to hear out a disgruntled subscriber. So an ombudsman who is new to the position should be aware that dealing with the newsroom is about timing and tact. A new ombudsman will be tested and will likely have to prove that s/he has the journalistic skills, background and temperament required to get journalists to understand that a complaint should not be taken personally (easier said, than done...).

I found that a phone call or a face-to-face conversation away from the newsroom (and usually well before any deadlines) were likely to yield results. Most journalists were usually helpful in wanting to know what the criticism is, even if they bristled at the thought of being found wanting in some respect.

Dan Okrent, the first public editor at the New York Times, has written brilliantly about the challenges he faced coming in from "outside". It's worth reading his book to get a sense of how defensive journalists can

be about having to deal with someone paid to criticize their work.

Dan writes most tellingly about visiting the Washington bureau of The Times. After a considerable grilling from some of the best and toughest journalists in America, which left him drenched in sweat, he writes:

There was one other question that stuck in my mind that day, and for the nearly 18 months to follow. A reporter I would later come to admire enormously for her skills, her ethics and her ungrudging willingness to discuss criticism of her work, asked, "Are you going to mention names in your column?"

I don't remember if I said what I thought: "What do you do for a living?"⁷

Dan had his challenges aplenty, coming in after the damaging effects of the Jayson Blair scandal, and the departure of Howell Raines, irascible executive editor.

In his reminiscence of his 18 months at the Times, he writes that becoming the Times' first ombudsman was not going to be panacea for the troubles that had befallen this newspaper specifically or for journalism over all. Nor would it necessarily create a new consciousness among Times journalists who might be magically transformed into happy and productive information providers by the mere presence of the public editor.

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Being from the outside and not from a newspaper culture (Dan was and is a magazine writer and book author), was challenge enough.

But the Times is considered the acme of American newspapers: as a Times journalist, once you get to the summit, there is nowhere else to go and the inhabitants of the mountain-top guard their nests jealously. Dan was given a harsh introduction, but managed not only to survive, but to set a high standard that subsequent public editors sought to emulate.

Not every first encounter with the newsroom culture may be as rough. Ian Mayes came to be the first readers' editor of the Guardian in 1997, a newspaper that is also held in high regard in the international pantheon of newspaper cultures. Ian describes his experience with the newsroom as "remarkably tantrum-free." Says Ian:

*If I had to sum up their attitude towards me over the past years of exposing to the world their lapses, excesses and occasional aberrations (and some of my own in the process), the word to spring to mind would be "supportive."*⁸

Most newsroom are probably somewhere in between and a newly minted ombudsman will learn about the strengths and the weaknesses of his/her news operation in short order. When in doubt, remember that you have dozens of colleagues, both present and past ombudsmen who are more than willing to lend an ear and offer some advice about how best to proceed. It's not as daunting as it might first appear.

⁸ Ian Mayes, Only Correct, 2005

CHAPTER 13

Ethics Guides



Everything is a matter of context.

David Jordan, Director, Editorial Policy and Standards BBC

how journalism is practiced.

It makes a public statement about the values and principles by which the news organization is both guided and held to account by the public and by the journalists themselves. This is no small accomplishment, especially at a time when, according to polls, the public holds the media in less esteem than ever.

An ethics guide serves a number of purposes simultaneously. It sends a clear message about the values and principles that a media organization purports to live by; it gives a level of comfort to the journalists about how they should do their jobs and it tells the public that the organization can be judged on these stated principles.

This skepticism is magnified by the blogosphere that increasingly holds the media to account at a time when the mainstream outlets are accused of being more interested in aggregating audiences than informing them.

As mentioned, ethics guides (and ombudsmen) have been seen as a response to the number of public

A list of some of the best can be found in the appendix at the end of this handbook.

While having an ethics guide is very useful, (and indeed, having one is better than not having one), a code of ethics is not without its drawbacks, especially for an ombudsman, as we shall see.

The value of an ethics guide may seem obvious. It signals that your media organization is serious about

While having an ethics guide is very useful, (and indeed, having one is better than not having one), a code of ethics is not without its drawbacks, especially for an ombudsman,

gaffes and outright lapses of judgment committed by previously well-regarded media organizations.

Adding to the public's diminishing regard for journalism, there has been

a proliferation of academic media ethicists, bloggers, and media watchdogs, which in turn have spurred a growth industry in universities where the subject of media ethics is now taught, and it has led to a profusion of ethics guides (some are journalist-generated while others have been created by management) for specific

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Ethics Guides

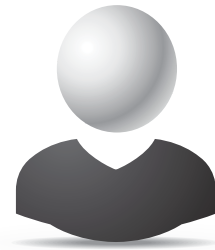


media organizations and for journalists' groups as well. Some are quite detailed and specific, some are more vague and take the form of guidelines instead of hard rules. Still others detail infractions and consequences for failing to follow the rules set out by the ethics guide.

As ombudsmen, we often find ourselves in the role of providing ethical leadership in our newsrooms. This is because journalism is often about making choices in circumstances where the outcome is uncertain and the damage that may result makes the decisions fraught. In effect, questions around journalism and ethics are about making the "least worst" choices in order to serve the largest numbers of readers, viewers and listeners, even as some in the audience may be ill-served by those choices.

CHAPTER 14

Bringing it All Together



Will (Ombudsmen) have a future? Most say yes, but it will hardly work...just do things the old way, based on opinion columns and corrections.

Janne Anderssen, Ombudsman TV4 Stockholm

In those circumstances, the value of the ethics guide is simply to help journalists come to the best decisions possible in cases where no one solution is perfect.

This handbook is designed to show how an ombudsman can operate most effectively in almost any modern media organization. We have tried to show that the three key components of modern media –journalists, management and the public – can rely on an ombudsman to deepen the role of the media in order to engage the public in an active dialogue for the betterment of all concerned.

As all media struggle to sustain themselves in an uncertain political and economic environment, it is worth noting again why an ombudsman is so essential.

Ian Mayes was the first readers' editor for the Guardian (1997-2007) and played a significant role guiding ONO through some of its most important years of growth and consolidation in the early 2000s.

In 2010, Ian told a gathering of European journalists – editors and publishers, meeting in Istanbul – about

why an ombudsman is a powerful guarantor of the editorial independence for media, and why that editorial independence is an essential element in the promotion of democracy. In that speech, Ian listed five elements that are key components in linking ombudsmen, media and democracy.

His words are worth repeating here:

1. *That free open and accountable media are essential elements in any real democracy. It goes like this: a government cannot be called genuinely democratic if it considers itself to be above criticism, and behaves as though that is the case.*

No system of self-regulation will work unless it is underpinned by genuine commitment and is able to act independently of the hierarchy in the organisation to which it applies.

One of the key functions of the news media in a democracy is – as someone has put it – to speak truth to power. But the media should not be above criticism either. This is the question that I keep coming

back to – and this is where the ombudsman comes in: Why should the news media which, almost by definition, call for others to be accountable for what they do, not be accountable for what they do themselves? The media should be seen to be practising what they preach. So

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that point again: Free open and accountable media are essential elements in a democratic society.

2. *That the media themselves have been or are in process of being democratised.*

The digital revolution, starting with the rise of email, has led to the expectation of easy and immediate access to one another. It has followed on from that that we have come to expect free and easy access to the institutions that affect and govern our lives – and to expect a response. One of these institutions is the media. The more confident the media are in the role they play in society the more they will relax in this new situation of being open and accountable for their own actions. Just as people in democratic societies have come to expect their complaints, let's say, about government institutions to be heard and replied to, so increasingly they have expected the media to reply to complaints about their actions.

3. *That the various forms of self-regulation of the news media are increasingly seen as preferable to regulation by law or government edict.*

No system of self-regulation will work unless it is underpinned by genuine commitment and is able to act independently of the hierarchy in the organisation to which it applies.

So that means it requires the strong commitment of the owners, management and editorial directors – the editors especially.

The test of this commitment in the case of those media organisations employing an ombudsman, is when the ombudsman upholds a serious complaint brought against so to speak his own organisation. A popular argument in favour of self-regulation is that it avoids the need for, or fends off, government legislation. But it can only do that if it is seen to be effective. We would probably all describe ourselves as believers in and defenders of the freedom of the press. But do we believe that that freedom is or should be absolute? Perhaps what most of us believe in – what I believe in – is not absolute freedom in the modern complicated global context in which we now work – but qualified freedom. Or to put it another way: freedom with responsibility. And self-regulation depends upon the way in which we define this for ourselves.

4. *That self-regulation is made more, rather than less desirable by the digital revolution that is transforming all our lives.*

It is sometimes argued that the development of digital online journalism open to comment by anyone who cares to post a few words has done away with the need for ombudsmen.

The argument goes like this: the process is self-correcting, especially if it is a live blog taking account of a rapidly changing situation. It is doing in effect what an old-fashioned newspaper used to do through successive editions. But it is doing it continuously and with the benefit of input by others through their postings.

This seems to presuppose that the blog is being followed from beginning to end – and it assumes that the statements

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in it are reliable by the standards of normal journalistic inquiry, scrutiny and verification. We know that is not often, and perhaps, not usually the case.

I make just one observation here. It is not unethical to make a mistake. We are all human – therefore we all make mistakes. But it is unethical if knowing we have made a mistake we do not correct it. As someone has said: to err is human, to correct is divine. Actually I think I might have said that myself.

5. And this is a very positive point: That the position of ombudsman is unique in that it is the only form of self regulation that gives an individual news organisation the opportunity to signal a new more open relationship with its – let us for convenience sake call them readers – [although it's a term that suggests a passive role that is increasingly not the case in our multi-media participatory universe].

And that I think is the most important point that I want to make – that the presence of an independent ombudsman in a news organisation indicates a genuine desire for a new relationship between the journalist and the wider community of which the journalist and the news organisation are a part.

Ultimately, we at ONO are here to help.

You can contact us through our website
www.newsombudsmen.org.

Or just send an email to:
newsombudsmenorg@gmail.com

CHAPTER 15

Digital and Social Media



What's Next for News Ombuds and Public Editors in a Digital Era?

No question, journalism, newspapers, broadcasters and online media will adapt and survive. Ombuds and public editors will have to adapt as well. They will also form different kinds of partnerships with the public.

The way we do journalism has changed and will change again, and this will mean a change in the structure and functioning of mainstream news organizations. They may see fit to do it themselves or they will be forced to do it by a public that resents its role as passive and compliant information receptacles. The worst kinds of behavior of media organizations may yet endure (our valuing of freedom of speech and of the press still tolerate those excesses, as the price we may have to pay). But new and better forms of civic journalism will also emerge. We are already seeing some of those better angels of our journalism.

Ombuds need to be educators for their news organizations, but even more importantly, for their audiences as well. The public has been affected by this era of disinformation. An Ombuds needs to address that issue as well.

As Professor Charlie Beckett of the London School of Economics has stated (and not ironically), we may be living in some of the best times for journalism, driven by the challenge of our various political landscapes.

For some news organizations, this may be true, according to Beckett. The New York Times, the Washington Post, The Guardian, NPR, Le Monde and Der Spiegel are doing some of their best work ever, covering Trump, Brexit and other urgent and compelling issues.

We are living through a powerful digital divide in which some news organizations, like some news consumers are more successful adapters than others. In a pre-digital era, it may have been possible for the media (or the press, as it was known) to aggregate larger audiences. The role of the public editor now becomes more urgent in recovering those disappearing audiences. That's because a news organization with a public editor is seen to have more credibility with the public. That sense of trust is key to the survival of news organizations.

Marshall McLuhan, the media guru of the 1960s and 70s, referred to a "global village" where all residents were able to consume the same information, often at the same time. That sense of informational community is at risk today. It can be a challenge for the modern ombudsmen when polarized audiences and filter bubbles mean there is a lack of shared understanding about the facts.

CHAPTER 15

Digital and Social Media



One of journalism's best qualities is informed skepticism. It is what makes journalism respond to the legitimate questions of the public when it comes to trust. When it comes to the digital culture, news organizations need to maintain their commitment to the values of forensic and skeptical inquiry. There is a risk in becoming entranced by the lure of the digitally "shiny objects" found in new apps and platforms, without ensuring that this serves the public as citizens as well as consumers.

A willingness to explore "cutting edge" technology by media managers has proven to be a great way of attracting new audiences. But without a commitment to the fundamentals of strong and accountable journalism, any appeal will be short-lived.

What does seem to work well is when you have excellent journalism as the basis for finding (and growing) that elusive audience, whether on digital platforms or older, more traditional ones. Public editors are frequently seen as the agents for connecting the audiences to the journalism. Sometime this may require explaining the role of the digital culture that has been embraced by the news organization.

We still can teach young people how to code. But we also need them to think critically and skeptically, especially about the influence of the news media on our societies.

Let's be clear: digital information is here to stay. In each technological revolution, there have been those who reject (sometimes violently) the loss of a recognizable landscape. We need journalists (and public editors) who can employ the best of the digital culture to serve the public effectively.

News Ombudsmen can be in the forefront of helping the public understand what constitutes reliable journalism.

These can be by suggesting that the public adopt a somewhat more skeptical approach, even about the news media they consume.

Here are some approaches to offer to the public:

1. When the public goes onto a website, check the 'about' or 'about me' links usually found at the bottom of the web page. A reputable news organization will provide the information needed to determine whether the information comes from a reliable source, or from a less trustworthy and less well-known content producer.

2. Click on the "about URL" in the file drop down menu. This is also a good indicator of reliability. If the website's URL is '.edu' that is generally an indicator of reliability.

3. If a study is linked to a source on the website, check it out. Does it come from an established or scientific source? If it's unclear, our suspicions should be raised.

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4. Establish when the story was written. When it was posted? When it was edited? A reliable source will indicate those processes. Too often out of date stories and allegations are posted just to raise the ire of the audience.

5. It's good to check out new ideas and not be content with the "old reliables." But again, a healthy level of skepticism in these times is useful

6. Look for more than one source in a story. Two is better. Three is even more reliable.

7. If you are looking for a specific subject, remember that when you go online, the language you use to search for a story will produce similar results. Be moderate in your use of language in search engines.

8. Too good to be true? It probably is. Don't forward unreliable or shocking information until you check it out.

9. Pictures can also lie. In these days of the power of manipulated visuals through Photoshop, deep fakes and other methods, passing on outrage or even deliberate misinformation is easier than ever.

10. Keep an open mind when dealing with conflicting perspectives.

11. Understand that new and knowledgeable ideas can be found in different places. Just because the news comes from different sources, doesn't mean that it's wrong. Recognize the value of diverse points of view.

12. Always ask "what's the downside" of this information.

Here are 7 ways to spot and debunk fake news:

1. What's the evidence?

2. Does the story support the headline? (Is the HEADLINE IN ALL CAPS?) Watch out for artificial hysteria.

3. Ask, "Says who?"

4. Check the link on the website. Do they all work? What does the "about Us" page say? When was it last updated?

5. Have any fact-checking organizations investigated the information? Go to www.snopes.com for a quick verification, or look to the reliable fact-checking sites in your own country.

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6. Cut and paste images into reverse search engines like <http://www.tineye.com>. They will tell you if the pictures have been manipulated.

7. Do not confuse the sender with the source of the information. Even friends and family can forward a piece of fake news, especially on Facebook.

Social Media , News Ombuds and Public Editors

Increasingly , news organizations as well as individual journalists have a substantial public presence on social media platforms.

For the public, social media can often be the first place where they encounter news organizations and their journalists, and what they see, read and here on social media platforms can influence their view of and trust in that media organization.

There are generally two ways in which news organizations interact with the public on social media, and different rules and standards can apply . The first is when news organizations post material to social media platforms in an 'official' capacity from their own branded social media accounts , and the second is when their journalists choose to be active on social media via personal accounts.

Official social media accounts

It is generally the case that news organizations will apply the same editorial standards to their official social media activities as they do to their normal publications/broadcasts on their own platforms or outlets.

This means, for example, that if a news organizations reports the news via its official presence on, for example, Twitter or Facebook, that post is covered by the usual requirements for accuracy, independence, etc...

Ombudsmen and standards editors should consider handling any public complaints about such content in a similar manner to any other complaint, considering the nature of the item, the format, the reasonable expectations of the public accessing it, etc ...

Personal social media accounts of journalists

This can be trickier territory for the ombudsman or public editor, as the private social media activity of individual journalists would not normally be understood to represent official statements or official content of the news organization they work for

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*To that end, many journalists make clear in their private social media profiles that any content they post is personal and does not represent the views of their organization. Providing this clarity is good practice and serves as a reminder to everyone that journalists can and do have a private life and will, from time to time, make comments in a personal capacity. **However, such a statement does not completely remove editorial and reputational risk.***

Journalists, particularly well-known and high profile journalists, will find that their personal activities on social media can and do have an impact on their ability to do their work as an accurate and fair journalist. Regardless of how loudly and how often you proclaim that personal social media activity is indeed personal and unofficial, a journalist who makes reckless, inaccurate, offensive or highly partisan comments on social media can find themselves publicly criticized and the reputation of both them and their news organization damaged. This is particularly the case when journalists routinely use their personal social media accounts to report the news, promote their work, crowd-source information or contacts and conduct research, and then intersperse those posts with other content that may be inflammatory, offensive, reckless or misleading.

For that reason, many news organizations will also have separate policies in place to govern the use of social media by their journalists, and to provide advice and guidance on how to behave

Regardless of the policies a news organization has in place, the role of an ombudsman or public editor is to understand and advise on those policies, consider any public complaints in relation to them, and also stand ready to explain those policies publicly.

Accountability via social media

Social media is often discussed as a problem that needs to be managed, but it also represents an opportunity for engagement and accountability if handled well.

For the most part, news organizations engage and deliver content on social media in order to find and build audiences – they go where the people are.

For the same reason, ombudsmen and public editors can view social media as a means of engagement or of gauging public reaction to content.

Great care should be taken as social media ‘bubbles’ don’t necessarily represent wider community views. They can and often do act as ‘echo chambers’ for minority interest groups and present a distorted view of broader public opinion.

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But they can also provide rapid indications of potential concerns about news content, deliver early reactions to controversial or sensitive material, and allow an ombudsman or public editor to quickly identify content which is likely to cause concern.

Some ombudsmen and standards editors will choose to use social media platforms alongside more traditional formats to engage with the public and respond to complaints. Others will prefer to simply check it from time to time to get a sense of where issues may be developing. Whatever approach is taken, it is important that the same standards of accountability and transparency be maintained.

In conclusion

The value and importance of ethical journalism has never been under greater threat, but it has never been more important.

Misinformation, disinformation and regular accusations that news organizations who seek to uphold proper standards are in fact engaged in 'fake news' are all causing damage to the reputation of journalism.

Against such pressures, news organizations can and will survive by having strong editorial standards and a commitment to being transparently accountable to those standards.

News Ombudsmen, standards editors, public editors and readers' editors are a vital way of demonstrating that transparent accountability, and their role has never been more important and valuable both to news organizations and to the wider public.

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Resources for Ombudsmen



There are a number of excellent reference guides to choose from.

The ONO website has listed a number of them here:

www.newsombudsmen.org/resources/other-journalism-sites

The Internet also has listed dozens here:

www.peoplesearchpro.com/journalism/media/ethics.htm

These Web pages include or provide links to useful material on ethics, sometimes specifically about media ethics.

Center for Journalism Ethics. School of Journalism & Mass Communication. University of Wisconsin-Madison:

www.ethics.journalism.wisc.edu

Articles of interest. For example, Does the Press Still Care About Women's Rights? (Sue Steinberg January 18, 2010). Left hand menu has links to: Feature Articles; Journalism Ethics in the News; Resources for Journalists; Researching Journalism Ethics; Global Journalism Ethics; Online Journalism Ethics; Citizen Journalism; Media Law; Journalism Ethics in Review; Reviews; and Interviews.

Ethics. Society of Professional Journalists:

www.spj.org/ethicscode.asp

Code of ethics of the society, available in English, Spanish, French, Portuguese, Slovene, Arabic, Chinese, Croatian, German, Greek, Hungarian, and Macedonian.. Articles about ethics and journalisms. The site has a lot of other useful information, including case studies.

Ethics Codes. Pew Research Center's Project for Excellence in Journalism:

www.journalism.org/node/125/print

Links to "ethics guidelines from various news organizations worldwide."

Ethics Resource Center (ERC):

www.ethics.org

The Resources tab has a "collection of useful ethics tools," surveys, Webcasts, documents, and other materials.

Journalism Ethics Cases Online. Indiana University School of Journalism.

www.journalism.indiana.edu/resources/ethics

"This set of cases has been created for

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teachers, researchers, professional journalists and consumers of news to help them explore ethical issues in journalism.” Arranged by: Aiding Law enforcement; Being first; Bottom-line decisions; Controversial photos; Covering politics; Getting the story; Handling sources; Invading privacy; Military issues; Naming newsmakers; Other topics; Sensitive news topics; and Workplace issues.

The New York Times Company Policy on Ethics in Journalism. The New York Times Company.

www.nytimes.com/press/ethics.html

One newspaper’s policy on ethics in journalism. Covers on the job and on own time.

NYU Journalism Handbook for Students: Ethics, Law & Good Practice. Department of Journalism at New York University:

www.journalism.nyu.edu/resources/ethics

Online handbook. Comments on the text are included. Chapters are: Introduction; Integrity; Human Sources; Research Materials & Copyright; Privacy vs. the Public’s Right to Know; Potential Conflicts of Interest; Legal; Point of View; Quotes; Cardinal Sins; Ethics Pledge; and Journalism Resources on the Web.

Poynter Online. Poynter Institute:

www.poynter.org

News & tips, podcasts, etc. Online articles assigned topics.

Professional Journalism and Self-Regulation: New Media, Old Dilemmas in South East Europe and Turkey:

www.tinyurl.com/3zuc9fm, UNESCO, Paris 2011.

What Are the Ethics of Online Journalism? OJR:

www.ojr.org/wiki/ethics

The Online Journalism Review. Principles for good writers.