

Ombudsman's Handbook



First Edition
July, 2014

Introduction

Since the inception of American Mensa, conflicts have arisen between members. The fact that Mensa is made up of highly intelligent people is no guarantee there will not be terrible disagreements. High intelligence may, in fact, be a partial cause of some disagreements.

There are three levels of ombudsmen within American Mensa:

1. local ombudsmen (also called local group ombudsmen).
2. regional ombudsmen.
3. the National Ombudsman.

Conflict resolution within Mensa's local groups is the job of the local group ombudsmen. Regional ombudsmen help resolve conflict at the regional level and assist local groups and their ombudsmen with dispute resolution. The National Ombudsman can help resolve conflict at any level, but generally refers regional and local disputes to the applicable local group ombudsman or regional ombudsman.

Although many local groups rarely may have need for the services of an ombudsman, when the need does arise, they should already have the position filled by the best person available. When conflicts arise within Mensa, the ombudsman can become the most important officer in the entire organization.

Definition of Ombudsman

As used in this handbook, Ombudsman is a gender-neutral term referring to a person who uses alternative dispute resolution (ADR) techniques to help resolve Mensa-related conflicts on an informal basis outside the chain of command and apart from any formal disciplinary procedure. A conflict might be a complaint from one or more members of improper, unfair, unjust, or abusive treatment by a person in a leadership position or a member of the National Office staff (or vice versa), or it may be a dispute between two or more members, unrelated to any office they may hold. Although policy generally is the province of those empowered to make it, a complaint that a policy is unfair or works an injustice on one or more members is also within the jurisdiction of the ombudsman.

Purpose of this Handbook

This handbook is primarily directed toward the activities of local ombudsmen. In general, it can be applied to regional ombudsmen, as well. It also may be useful for local groups considering the selection of an ombudsman.

History

Local ombudsmen (under a number of different job titles and descriptions) were appointed when needed since the early days of American Mensa.

In 1998, the American Mensa Committee (AMC) augmented the Minimum Standard Bylaws (MSBs) for Local Groups of American Mensa, Ltd. (AML), to require that each large local group designate at least one local mediator (and recommended that smaller groups do the same). This was an attempt to provide the means to resolve more quickly and effectively local problems that, if left untreated, could spill over to higher levels and plague Mensa as a whole.

The MSBs currently require every local group to have at least one elected or appointed local ombudsman, who alternatively may be called by the previous title mediator or by a similar title selected by the local group. This requirement should be in the local group's own bylaws. Even if it is not, the requirement still exists, as the MSBs nevertheless are binding on the group.

An official clarification of this MSB recommends that the local ombudsman not be a member of the local group's Executive Committee (ExComm). In some cases, particularly in very small groups, the group may choose to permit an ombudsman to hold a position on the ExComm. If so, the bylaws should provide for a second ombudsman, or the sole ombudsman should be ready to appoint a surrogate if the ombudsman in his or her ExComm position (or the ExComm as a whole) becomes a party to a conflict or otherwise finds that a recusal is necessary.

Until 2010, under Article VIII of AML's bylaws, the AMC appointed an Ombudsman at the national level for an indefinite term. In 2009, the bylaws were changed to provide for a National Ombudsman (note the slightly different title) to be elected for a six-year term by the local group ombudsmen from among their number, with each local group having one vote, regardless of its number of ombudsmen.

For several years, various regional vice-chairmen (RVCs) appointed ombudsmen for their regions on an informal basis. In December 2013, the AMC officially recognized the position of regional ombudsman for each region. RVCs were encouraged to appoint one or more regional ombudsmen, but were not required to do so. A list of duties was included in the resulting Action Still in Effect (ASIE), and regional ombudsmen were empowered to require that their opinions or other materials be published without change in any local-group publication in the region.

Note: See Appendix A for the relevant ASIEs, and see Appendix D for a Glossary of terms used in this handbook.

Duties

Under the MSBs, every local group must have at least one ombudsman to assist in resolving disputes within the group. The major function of an ombudsman is to ensure fair and just treatment for each member and the membership as a whole. In Mensa, ombudsmen also help resolve disputes between members that arise within a Mensa context. Resolution of private disputes—those that are not Mensa-related—are not within the mandate of an ombudsman, even though the parties happen to be members.

An ombudsman serves as a neutral party in any dispute. When a member brings a dispute to an ombudsman, the ombudsman is not an advocate for the member, at least initially. It is the ombudsman's role to investigate the dispute and help the parties to a fair and just resolution. If after neutral investigation, the ombudsman finds a complaint to have at least some validity, that then may mean advocating part or all of a solution desired by the complainant. Other times, the ombudsman may have to explain to a complainant why the treatment has not been unfair. Alternatively, the ombudsman may have other recommendations, different from those sought by the complainant, and may advocate for them.

An ombudsman may intervene at any point of a dispute and need not wait for a complaint or to become the last resort. In fact, the earlier an ombudsman gets involved, the more likely that the dispute will be resolved without formal action.

An ombudsman does not hand down decisions (unless the parties to a case have requested arbitration, which may be binding or non-binding). If appropriate, however, an ombudsman may choose to render an opinion and may distribute it to the parties, to the ExComm, or to the membership (by requiring it to be published in the local group's newsletter). Except in a case of binding arbitration, an ombudsman's opinion is not binding on anyone, but serves as a moral force for fairness and justice.

An ombudsman's acceptance of a dispute or complaint is always discretionary. The most common reasons for not accepting a complaint are that it involves Mensa's disciplinary process or is a

disagreement with policy (as opposed to a complaint that a policy is unfair or unjust). If a complaint simply involves a matter of policy that is within the discretion of the leadership and is not unfair or unjust, the best redress for the complainant may be at the ballot box at the next local group election. However, conflict of interest is not a good reason for rejecting a case. Instead, the ombudsman should appoint a surrogate to help resolve the dispute.

When an ombudsman declines to take a case, or if a party is not satisfied with its outcome, the ombudsman should guide the member to available means that might help accomplish the desired objective, directing the member to the Avenues of Redress in Appendix C, as appropriate.

Finding a Good Ombudsman Candidate

It is probable that an ombudsman will do better if that person has had significant experience within Mensa and much life experience. Local groups would do well to choose one of their most stable and reasonable members to this office, preferably one who is not strongly identified with any particular faction within the group. Professions that could lead one to be a good ombudsman include professional consultant, attorney, psychologist, clergy, professor, teacher, and mediator. However, some of the best have come from other walks of life. Local groups should remember to consider retired members, who may have the requisite time to spend on a complex task, should one arise. Using Personal Data Questionnaire (PDQ) data, the National Office may be able to help identify potential candidates. The regional ombudsman, if any, and the National Ombudsman can help with recruitment.

Key Qualities of an Ombudsman

The following is a list of qualities or skills that are important to serving as an ombudsman.

Balanced: An ombudsman should be fair-minded and rational, able to discern facts from amid emotions and able to reach equitable conclusions, even if that would be unpopular.

Intuitive: An ombudsman should be clever enough to see all sides of an issue, ask the right questions, and dig for answers.

Dedicated: An ombudsman should exhibit a dedication to finding the truth, promoting fairness and justice, finding workable solutions, and upholding the principles of Mensa.

Apolitical: An ombudsman should have no ties to partisan Mensa politics and no hidden agenda.

Communication Skills: An ombudsman must communicate clearly in speech and in writing. When an ombudsman makes a statement it must be relatively easy to understand.

Discretion: Most of an ombudsman's work should be done behind the scene and out of the limelight. When members come to an ombudsman for resolution of their problems or for advice, they should know that their identity and statements will not be revealed to anyone else without their agreement.

Conscientiousness: Once an ombudsman receives a request for assistance, the ombudsman should reply promptly, even if only to say that the request has been received. If the request is accepted, the ombudsman's investigation should proceed in a timely manner, allowing for as full a collection of information as possible.

Disinterest: A problem at hand should not involve the ombudsman. If it does, then the ombudsman should immediately withdraw and either appoint a surrogate to handle the problem or seek assistance from the regional ombudsman, the National Ombudsman, or the RVC.

Familiarity with Mensa Law: An ombudsman should have a strong working knowledge of Mensa Law (as defined in Appendix D: Glossary).

Impartiality: An ombudsman must set aside any personal feelings about issues or about the members involved in a dispute. Opinions should be based solely on the relevant evidence and Mensa Law. An ombudsman does not make policy or law directly, but may recommend changes in the interest of fairness and justice.

Patience: An ombudsman may find that explanations and advice will have to be given repeatedly, sometimes to the same person. The ombudsman will have to find a private outlet for venting frustration over this.

Reputation: An ombudsman's reputation rests, to a large degree, on the notion that he or she is an honorable person doing an often thankless job in the most thorough manner possible. Anything that takes away from that notion damages not only the current ombudsman, but also successors to that position.

Respect: An ombudsman should have a healthy respect for others in general, for the truth, and for Mensa Law. A member who wants to be liked by all should not be ombudsman, because his or her actions or opinions would be based on the effects they might have on popularity and will therefore be seen to be biased, causing the members to lose respect for the office of ombudsman. Some members may not like their ombudsman, and some may not like the opinions the ombudsman expresses. However, the ombudsman should always act in a manner that commands the respect the membership, both individually and by virtue of the unique office he or she holds.

Finality: An ombudsman must be able to make clear that his or her opinion is the conclusion of an investigation, and the final word on the particular subject. An ombudsman's opinion is not meant to be the start of debate or negotiation, neither of which is an appropriate task for the ombudsman.

Guidelines, Techniques, and Handy Hints

If you (and your group) are lucky, most disputes will be solved well before ever having to go to an ombudsman. If not, the kinds of situations you're likely to be confronted with may include claims of unfair treatment, abuse of discretion, petty squabbles, personal problems blamed on others, complex arguments with multiple facets, important procedural matters, such as bylaw violations and, sometimes, potential criminal matters, such as embezzlement. Many matters can be resolved by encouraging the complainant to talk to the officer or other member.

In most other cases, diplomacy and careful behind-the-scenes work will go a long way toward early resolution of most issues. A reminder to those involved that, if they don't settle their differences, you can publish your opinion on the case in the local group newsletter, often helps move them toward resolution.

The following guidelines, techniques, handy hints, and basic rules may be helpful in resolving a dispute:

- Contact all involved parties and ensure you know exactly what it is they are disputing. This may require multiple contacts with some, or all, of the parties. If there are large number of elements to a complaint, try to reduce them to the most important ones that can be handled together at one time. The others can be handled later, if there still is a need to do so.
- Ask for copies of relevant documents. Get the originals, if possible. Authenticate critically important documents to the extent possible.

- Check applicable local group bylaws and the current Minimum Standard Bylaws (MSBs). Both of these are always binding, if relevant. Determine whether the parties involved are or were operating according to these regulations.
- You may use any alternative dispute resolution (ADR) technique to resolve a dispute. The most common ones are listed in the next section. If none of them fits, develop your own approach.
- Prior to rendering an opinion, make sure your understanding of the situation is correct and that your solution is consistent with Mensa Law (unless you are recommending a change to a law you consider to be unfair or unjust). Remember that ombudsmen have little real power other than moral suasion. You may tell officers and other members what they should do, but not what they must do. The role of an ombudsman is always advisory.
- Keep in mind the distinction between the ombudsman channel, which is informal, seeks to resolve disputes, and sometimes results in opinions, and the formal system, in which officials make decisions and sometimes impose sanctions. Even the National Ombudsman cannot sanction a member. Sanctions may only be imposed by a hearings committee and, in some cases, only after the American Mensa Committee concurs.
- Let your members know that you are available to assist them with disputes, complaints, or other Mensa-related problems. Urge them to contact you, rather than letting such matters fester or explode or, even worse, resigning or letting their membership lapse. You could include this in an article in your group's newsletter about the role of the ombudsman.
- Nothing in the MSBs says you must wait for a matter to blow up into a major brouhaha before putting your talents to work. If you become aware of a problem that could be damaging to the group or that could hurt one or more members, there is no reason why you cannot approach one or more of the members involved to offer your services. In an extreme case, you can work to resolve the dispute on your own initiative and even discuss the matter with the ExComm in an open or closed meeting, as you think best.
- You can seek the assistance of another person to help resolve the dispute, such as a skilled ADR practitioner. The National Ombudsman may be able to help you find one through the ADR SIG.
- Check with other local ombudsmen, the regional ombudsman, the regional vice-chairman, or the National Ombudsman if you feel you need help. You may wish to include them in discussions or request that they review a draft before you issue your decision publicly. Don't feel that you have to reach an opinion in a vacuum or that you must rush to judgment.
- Some members involved in a dispute may be poorly skilled at personal conflict resolution. Some are forever marching to the beat of a different drummer. These people are often have difficulty conforming to expected behavioral norms. They are entitled to the same good service that you give every other member. It is therefore of major importance for you to remain calm and focused and not get emotionally involved.

- It is unlikely that you will conduct a formal hearing. More likely, most of the groundwork will be conducted behind the scenes, well out of the spotlight and with little fanfare. The ombudsman's job is not one for those looking for the limelight. If the general membership of your local group is not aware of your activities, it may be that you are doing your job well.
- Exercise care and caution to ensure you are strictly apolitical and appear neutral to the observer, at least to the extent possible.
- Except in the case of binding arbitration agreed to by the parties, you have no power to enforce an opinion. However, you do have the power to publish an opinion in a Mensa publication, such as the local newsletter. Sometimes merely the prospect of publication helps promote voluntary settlement of a dispute.
- Your opinion is yours, and nobody can overrule you, not even a regional ombudsman or the National Ombudsman. Another ombudsman or other member may point out something you may not have known or considered, which may or may not cause you to alter your opinion. Either way, the opinion still is yours. You should never debate or defend it. However, you may explain it, if it proves to be unclear, and you may advocate for the achievement of your recommendations.

A word about confidentiality: In general, members who contact an ombudsman for advice or assistance in resolving a conflict are entitled to confidentiality. However, if they are complaining that they, personally, have been treated unfairly, or in the case of a member-to-member dispute, you will not be able to assist them without revealing who they are to the other party or parties. In those cases you should obtain written (or emailed) permission to use their names. If they decline, you can advise them informally, but should not take the case. On the other hand, if they are complaining about a problem that affects the group as a whole or a significant subset of the group, it usually will be possible to protect their anonymity, if they so wish. Statements of parties or other members to an ombudsman generally should be considered confidential, and the ombudsman should obtain agreement on what can be revealed to other parties. However, facts learned during an investigation may have to be revealed to facilitate resolution or to support your opinion. Likewise, the confidentiality of documentary evidence is at the discretion of the ombudsman.

Types of Alternative Dispute Resolution (ADR)

There are other types of ADR, but these are the principal ones that may have relevance to ombudsmen.

Counseling: Counseling is a highly informal discussion with a potential disputant that helps put the issues into perspective, suggests informal or formal ways in which they may be resolved, or explaining how they fit into the regulatory framework. Sometimes this can be used to head off a dispute before it becomes formalized. This technique frequently is used by ombudsmen after receiving an initial inquiry or complaint.

Mediation: Mediation is a structured negotiation facilitated by a trained neutral third party (the mediator), who helps the parties identify their interests and objectives and guides them to a mutually acceptable solution, if possible. The mediator does not conduct any investigation and never expresses an opinion on the merits or substance of the dispute. An effective mediator typically has at least 20 hours of training and often 100 hours or more. True mediation almost never is used by ombudsmen in resolving

Mensa-related disputes, and the use of the term in Mensa most often is a misnomer, as is the term mediator.

Conciliation: Conciliation differs from mediation in that, as the case develops, the neutral party often will express opinions on the various elements of a case and may recommend a final settlement. This is the type of ADR most often used by ombudsmen, who have the further ability to conduct an independent investigation. In other contexts, neutral fact-finding may be considered a separate type of ADR.

Arbitration: In arbitration, the neutral party hears evidence submitted by the parties and renders a decision on the merits of the case. That decision may be binding or nonbinding, as the parties may agree. There is no record of arbitration being used by a Mensa ombudsman.

The Regional Ombudsman

An RVC has the option of appointing one or more regional ombudsmen. A regional ombudsman can provide many benefits to the region and its RVC. The regional ombudsman can:

1. Help local groups in their region recruit and appoint ombudsmen.
2. Help resolve problems in groups that do not have a local ombudsman or in which the local ombudsman is unable to assist in a matter.
3. Support local ombudsmen in the resolution of local problems.
4. Help resolve problems involving more than one local group.
5. Handle disputes or complaints at the regional level.
6. Help divert cases away from the disciplinary process.
7. Seek resolution before a regional hearing becomes necessary.
8. Perform similar duties as requested by the RVC.
9. Promote the general welfare of Mensa and its members in the region.
10. Require that reports be published in publications of local groups in the region.

Regional ombudsmen have been officially recognized only since December 2013 (see Appendix A). Therefore, where they fall in the dispute resolution process and avenues of redress is not specified (see Appendices B and C). Anyone calling upon the services of a regional ombudsman, including a local group ombudsman, should use common sense in suggesting where the regional ombudsman should stand when escalating a dispute above the local level. However, as is the case with the National Ombudsman, a regional ombudsman cannot overrule a local ombudsman, and may assist at any point in the dispute resolution process.

Mensa's Arbitrator Function

So far, this handbook has focused on the duties of the ombudsman. In some groups, the ombudsman may also be selected to serve as what Mensa calls an arbitrator, which every local group must have. However, this role differs significantly from the common meaning of the word.

In Mensa, an arbitrator serves as a judge in a regional hearing to determine whether a member should be punished (sanctioned) for conduct inimical to Mensa. The arbitrator may only serve on a hearings committee if neither the accused or the accuser is a member of the arbitrator's local group.

Some ombudsmen may see participation in a formal disciplinary process as conflicting with the ombudsman role, which is informal and seeks resolution, not punishment. If you are uncomfortable serving on a regional hearings panel, you may be able to decline. However, if your local group's bylaws require you to serve as both ombudsman and arbitrator, your only relief may be to seek a change in the bylaws.

In Conclusion

A local group may never need the services of its ombudsman, but when or if the need arises, the group deserves the best. If a knowledgeable ombudsman already is in place, known and respected by the local membership, solutions will come much more easily.

Unresolved disputes have a high cost to Mensa, in both obvious and subtle ways. Hearings procedures and lawsuits are extremely costly, and those costs are borne by all Mensa members. Hearings punish members for hurting Mensa, instead of resolving disputes before Mensa gets hurt. Groups with internal squabbling often experience a sharp drop in attendance, volunteers, and eventually members. Festering disputes tend to snowball in complexity and emotion. Resolving problems as quickly and locally as possible sidesteps these pitfalls. Effective local ombudsmen are the key for such resolution and they deserve recognition for the invaluable service they render to their local group and to American Mensa.

Credits

This handbook is based in part on the previous Mediator's Handbook. Major contributors include Dave Cahn, Randy Brack, Judy Dosse, and TJ Lundeen.

APPENDICES

Appendix A: Relevant Actions Still In Effect

Appendix B: Dispute Resolution Guidelines

Appendix C: Avenues of Redress

Appendix D: Glossary

Appendix A: Relevant Actions Still In Effect

Relevant Provisions of Minimum Standard Bylaws for Local Groups of American Mensa, Ltd.

[From Appendix 13 to Actions Still In Effect, Last Updated September 10, 2011]

3. OFFICERS AND DUTIES: The following is required [to be in the bylaws of every local group]...

G. A statement that the local group shall select one or more ombudsmen to pursue local resolution of disputes and perform such other duties as may be required of all local group ombudsmen by American Mensa (mediator or similar titles may be used, but see the second paragraph of Clarification 3G), and shall select one or more arbitrators to pursue resolution of disputes in other groups. (See Clarification 3G)

Clarification 3G reads:

The ombudsman(men) and arbitrator(s) may be the same or distinct persons, and may be the same or distinct from other officers. If distinct persons, the method of selection need not be the same for the two. It is recommended that the ombudsman not be a member of the governing body, as he or she might have to become involved in disputes involving the governing body, but there is no such restriction regarding the arbitrator.

Local groups that do not use the title ombudsman should be aware that they may be asked to provide to the Election Committee the name(s) of the local groups ombudsman for purposes of the National Ombudsman election; this inquiry should be answered with the name(s) of one or more individuals who fulfill the ombudsman role as described in MSB 3.G. Local groups that do not use the title ombudsman should also be aware that the Election Committee might choose to require that participants in National Ombudsman elections have the specific title ombudsman rather than letting local groups notify them of the person who fulfills that role.

Relevant Provisions of Model Bylaws for All Local Groups

(From Appendix 14 to Actions Still In Effect, as amended by ASIE 2013-059 [not yet compiled])

[**Note:** Your group may have different language from that of the Model Bylaws.]

ARTICLE III. OFFICERS & DUTIES

10. (a) The ExComm shall appoint an Ombudsman, who shall assist in resolving disputes within the local group. The Ombudsman shall also perform such duties as may be required of all local group ombudsmen by American Mensa. The Ombudsman may not be a member of the ExComm. The Ombudsman, the Regional Ombudsman, and the National Ombudsman may submit material to the Editor marked for publication that relates to his or her official duties; anything so marked shall be given the highest practicable priority for publication in the newsletter.

(b) The ExComm shall appoint an arbitrator available to serve as a representative to a Regional Hearings Committee.

The note on Article III, Section 10, reads as follows:

10: The terms “Ombudsman” and “Mediator” are considered interchangeable within the meaning of this paragraph and either title may be used. The term is capitalized when referring to the officer and lower case when referring to the function. The Mediator(s) and Arbitrator(s) may be the same or distinct persons, and may be the same or distinct from other officers. Either or both may be directly elected by the membership. The Model Bylaws state that the Ombudsman may not be a member of the governing body; while this is not a requirement of the Minimum Standard Bylaws, it is a good practice.

Regional Ombudsmen

ASIE 2013-056, adopted December 7, 2013

The position of Regional Ombudsman is established. The Board encourages, but does not require, each Regional Vice Chairman to appoint one or more Regional Ombudsmen.

(a) A Regional Ombudsman may assist in resolving disputes or complaints of a regional nature, including those involving two or more local groups; attempt to resolve disputes or complaints that otherwise would result in a regional hearing; support local group ombudsmen; assist local groups in recruiting ombudsmen; perform ombudsman duties for a local group that does not have an ombudsman or whose ombudsman is unable to assist in a particular matter; perform other duties related to disputes or complaints as requested by the Regional Vice Chairman; and generally promote the general welfare of Mensa and its members in the region.

(b) A Regional Ombudsman may submit material related to his or her official duties marked "for publication" to a newsletter or other publication of any local group in the region, the editor of which shall give such material the highest practicable priority for publication. No edits to such material shall be made without the express permission of the Regional Ombudsman.

Appendix B: Dispute Resolution Guidelines

(from Appendix 18 of Actions Still in Effect, Last Updated June 28, 2014)

[**Note:** This appendix does not take into account regional ombudsmen.]

1. The first question to ask is: Is it a Mensa problem, or is it merely a dispute between two individuals who happen to be Mensans?

Mensa's procedures are neither designed nor intended to deal with domestic disputes, employment problems, damage to property, or other civil or criminal matters. Those matters belong in the courts or some other forum.

2. An aggrieved member should be encouraged to seek resolution of the problem directly with the member or members perceived to be causing the problem. The rationale here is that the deal you cut for yourself may be more palatable than the one handed you by someone else. If the dispute is, at heart, primarily a personality clash, the members involved may be encouraged to exhibit a tolerance of diversity, lest the dispute become a Mensa problem.

3. If the member cannot or will not resolve a dispute directly, the next person to approach for help is the local ombudsman if there is one available. The ombudsman's investigation may reveal that there is no real basis for a complaint, may suggest a possible solution, or may lead to mediation.

4. If there is no local ombudsman, or the local ombudsman is unable to resolve the dispute, the matter should be brought to the attention of the Local Group's board or executive committee.

5. If a member's problem relates to the operation of the Local Group, its newsletter, etc., and there has been no resolution of the problem by a local ombudsman, the member may wish to seek the informal assistance of the group's Regional Vice-Chair. However, policy disputes usually are better resolved via the ballot box at the next Local Group election.

6. Beyond item 5, it is necessary to bring the matter to the attention of those authorities whose roles are set forth in the Bylaws of American Mensa and in the resolutions of the American Mensa Committee: The National Ombudsman, the national hearings committee, and regional hearings committees. Each has different functions. Depending on the nature of the dispute, and depending on what has resulted from prior attempts at resolution, it may be appropriate for an aggrieved member to take his/her case to any of the three.

7. The duties and powers of the National Ombudsman are set forth in the Bylaws of American Mensa, Article VIII. In general, the ombudsman's powers are to investigate, to mediate, and to express his opinion. The ombudsman's power to submit his opinion on a matter "for publication" is, perhaps, his most powerful inducement to cooperation.

However, unless all of the parties to a dispute have agreed to binding arbitration, the ombudsman has no authority to impose sanctions. That power is allocated to the hearings committees and the Board.

8. The duties and powers of the national hearings committee are set forth in Article IX, section (5) of the Bylaws of American Mensa and in the "Policies and Rules Governing the Conduct of National Hearings" adopted by the Board.

The National Hearings Committee does not exist to resolve personal disputes between members, nor is it a peacemaker, mediator, arbitrator, or counselor. Those functions are assigned to others, such as the National Ombudsman and the RVC.

The function of the National Hearings Committee is, therefore, passive in contrast to the National Ombudsman, and it can only deal with complaints that are properly brought before it. Proper complaints are only those which allege acts inimical to Mensa. That means acts which harm the organization itself and not acts which may bring harm to members.

A national hearing is initiated by filing a properly substantiated complaint, addressed to the Hearings Committee Liaison, via the National Office. The National Office shall forward the complaint unopened to the Hearings Committee Liaison. The complaint is to be filed in a form and manner specified by the Hearings Committee Chair. Supporting documentation may be included with the charges. Charges shall be deemed filed on the date they are received by the H.C. Chair. In the absence of a liaison, complaints will be forwarded to the H.C. Chair.

9. The duties and powers of the Regional Hearings Committees are set forth in Article IX, section (6) of the Bylaws of American Mensa and in the "Policies and Rules Governing the Conduct of Regional Hearings" adopted by the Board. As with the National Hearings Committee, the Regional Hearings Committee does not exist to resolve personal disputes between members, nor is it a peacemaker, mediator, arbitrator, or counselor.

The function of the Regional Hearings Committee is to hear and decide charges of recurring conduct that is so demonstrably harmful to a Local Group or to individual members that it is inimical to Mensa. The National Ombudsman, or his designee, will attend the hearing so as to be able to report to the Board on its fairness. A regional hearing is initiated by filing a properly substantiated complaint with the Local Group's RVC.

10. Sanctions recommended by a national or regional hearings committee that involve either suspension or expulsion from membership must be approved by the Board and may be reduced by the Board. However, the Board cannot increase any recommended sanctions, nor can it impose sanctions where a hearings committee has recommended none.

Appendix C: Avenues of Redress

(from Appendix 3 of the Actions Still in Effect, Last Updated June 28, 2014)

[**Note:** No ombudsman at any level can actually provide redress, as an ombudsman has no power to overrule a formal action taken by any of the others listed in the charts below. Also, an ombudsman can act at any stage of a dispute. This appendix does not take into account regional ombudsmen.]

This is a guide for those rare times when our members have a dispute with another member, guest of a member, or a committee of member volunteers.

It is organized by who the parties to the dispute are, and/or the roles they fill. If your dispute is with a member of your Local Group, guest of a member of your Local Group or the leadership of your Local Group, use chart A. If your dispute is with a member of the Board, use chart E [sic, should be chart F], and so on.

Complainants (members or groups of members with complaints) can be individual members, or Local Group Executive Committees.

You should start with Level 1 of the appropriate chart if possible. If the matter is not resolved on that level, and you want to pursue the matter further, provide a copy of your complaint to any other level of the appropriate chart. The person(s) at that level may hear the complaint or may refer it elsewhere, either higher or lower on the chart for that type of dispute. Once a complaint is heard on a particular level, all levels below that one will be considered to have been already utilized.

Complainants are urged to keep a log of their attempts to resolve the issue. Keep copies of relevant letters and emails. Log the date and time and phone number of telephone calls or face to face conversations along with a summary of what was said. When you write up your logs of phone calls, or face to face conversations, do it immediately after the conversation. If you need to write up your summary of the conversation more than 24 hours later, note the date and time when you do write it.

A. Disputes Between Members, Members And Guests, Members And Local Groups:

1. The other person(s) involved
2. Any person(s) responsible for any program or job in question
3. Local group ombudsman
4. Local group ExComm
5. RVC
6. Regional Hearings Committee
7. National Ombudsman
8. National Hearings Committee
9. Board

B. Disputes Involving Local Elections:

1. Local election committee
2. Local group ombudsman
3. Local group ExComm
4. RVC
5. Regional Hearings Committee
6. National Ombudsman
7. National Hearings Committee
8. Board
9. IBD

C. Disputes Arising out of RGs, AGs, Games Weekends, etc:

1. The other person(s) involved
2. Any person(s) responsible for any program or job in question
3. Event Committee
4. Event Ombudsman and ExCom [sic] (if not that of either the complainant nor respondent)
5. Complainant's Local group ombudsman
6. Complainant's Local group ExComm
7. Respondent's Local group ombudsman
8. Respondent's Local group ExComm
9. Complainant's RVC
10. Respondent's RVC
11. Regional Hearings Committee
12. National Ombudsman
13. National Hearings Committee
14. Board

D. Disputes Arising out of SIGs

1. The other person(s) involved
2. Any person(s) responsible for specific SIG activity, if any
3. SIG leader
4. National SIG Officer
5. National Ombudsman
6. National Hearings Committee
7. Board

E. Disputes Involving an RVC:

1. The RVC
2. Member's Local group ombudsman
3. Member's Local group ExComm
4. Member's RVC if different
5. Regional Hearings Committee
6. National Ombudsman
7. National Hearings Committee
8. Board

F. Disputes Involving the Board and/or its members and/or its appointees:

1. The other person(s) involved
2. Any person(s) responsible for any program or job in question
3. Complainant's RVC
4. National Ombudsman
5. National Hearings Committee
6. Board
7. IBD

G. Disputes Involving National elections:

1. National elections committee
2. National Ombudsman
3. National Hearings Committee
4. Board
5. IBD

H. Disputes Involving Direct International Members:

1. Complainant's National Ombudsman

2. Complainant's National Hearings Committee
3. Complainant's National Committee
4. International Ombudsman
5. IBD

I. Disputes involving other National Mensas:

1. The other person(s) involved
2. Any person(s) responsible for any program or job in question
3. Complainant's National Committee
4. Respondent's National Committee
5. International Ombudsman
6. IBD

Appendix D: Glossary

As used in this handbook, the following terms have the meanings indicated, unless context suggests otherwise:

ADR

Alternative Dispute Resolution

AMC

The American Mensa Committee. American Mensa's board of directors.

AML

American Mensa, Ltd.

Arbitrator

Generally, a person who renders a decision in a dispute. In Mensa, a person who serves as a judge on a regional hearings committee.

ASIE

Action Still in Effect (plural ASIEs). A decision rendered by the AMC, local ExComm, or the IBD that will extend into the future. An ASIE is removed when it no longer relates to current policy or, if a policy itself, when the reason(s) for the policy has passed. Generally, an ASIE may be rescinded or modified by the body that rendered the decision.

Board of Directors or Board

The AMC. This term is also sometimes used to refer to a Local Group ExComm.

ExComm

Executive Committee. The governing body of a Local Group. Some local groups use other names for this body. The term also refers to the principal elected officers on the AMC with certain powers to act for Mensa between board meetings.

IBD

International Board of Directors.

Local Group

A geographically defined local chapter of American Mensa.

Local Ombudsman or Local Group Ombudsman

An ombudsman selected to serve at the local group level.

LocSec

Local Secretary. President of a Local Group. Reflecting Mensa's British origins, the title is a holdover from the time when this officer was simply a secretary reporting to the national Mensa. Although many Local Groups call their chief executive something else, to the national organization they are all LocSecs.

Mediator

The old name for a local group ombudsman, still used by some groups. The term also refers to a person trained in the use of formal mediation techniques.

Mensa Law

The international Constitution of Mensa, international ASIEs (sometimes abbreviated IASIEs), AML's Bylaws, and AML's ASIEs. At the local group level, the local group's bylaws and ASIEs (or equivalent) are part of Mensa Law for that group. Applicable federal or State law takes precedence over Mensa Law if there is any inconsistency.

MSBs

Minimum Standard Bylaws for Local Groups of American Mensa, Ltd. The current requirements of the MSBs are included in every local group's bylaws at all times, whether or not they are explicitly stated in the group's written bylaw document.

Ombudsman

A gender-neutral term referring to a person who has been selected to help resolve complaints and other Mensa-related disputes.

PDQ

Personal Data Questionnaire.

Regional Ombudsman

An ombudsman who has been appointed by an RVC to act at the regional level. A regional ombudsman may serve concurrently as a local ombudsman (or in another elected or appointed position).

RVC

Regional Vice Chairman, a member of the AMC elected by the members of the local groups in a geographical region of American Mensa.