

## Vilification of the Ombudsman

By mandate, American Mensa has a National Ombudsman to deal with members' grievances. Until recently that Ombudsman was always appointed by the AMC/Board of Directors. As such, that Ombudsman was beholden to that Board, an arrangement which was a major contributing factor in the corruption of Mensa. Never was there a more compliant Ombudsman than the long-serving past Ombudsman, Eldon Romney, who time and again proved himself to be little more than a lackey for the AMC. Indeed, it was Mr. Romney's refusal to honor his word that brought about the entire Levine affair and all its ramifications.

Because of this, and in spite of numerous roadblocks thrown up by the AMC, concerned members created a Bylaw change, passed by the membership, which made that National Ombudsman an elected position (elected by all the local group ombudsmen) rather than an appointed one. Thus, presumably, he/she would not only be well qualified, but more importantly would no longer be beholden to that AMC/Board of Directors. The first such elected Ombudsman was Dave Cahn, who, by refusing to be a pawn of the AMC, instead became a thorn in their side.

The Ombudsman's one main Bylaw granted power is his absolute right to "force publish" his opinion in any and all Mensa publications, a privilege that was rarely if ever exercised in the past. Not so with Mr. Cahn, who had indeed found need to "force publish," much to the chagrin of the Powers That Be, who responded by vilifying him mercilessly and removing many of the Ombudsman's long-standing privileges. In a recent Mensa Bulletin Mr. Cahn force published the following, excerpted here:

FOR PUBLICATION  
National Ombudsman's Report

## **Mensa's Disciplinary System is Broken**

by Dave Cahn

Mensa's disciplinary system is broken. Nearly everyone seems to agree on that...and little is being done to fix it.

A number of members have complained to me that major reform is needed, and I agree...We need to look at the regional and national hearings processes and the appeals process, as well as other instances of Mensa discipline.

Now, the AMC has proposed an amendment to the bylaw under which I serve. Among other things, the amendment would remove substantial justice and the general welfare from the mandate of the National Ombudsman...

*Dave Cahn*  
*National Ombudsman*

Such impertinence was considered intolerable by what, in the past, had always been *their* Ombudsman, and so the AMC/Board of Directors needed to cut him off at the knees. This resulted in yet another "forced publication" in the Mensa Bulletin by that Ombudsman, which was met by a most vile personal attack by the AMC/Board of Directors. Both articles are reprinted here in their entirety:

[National Ombudsman's Report-NationalOfficeOversight.doc](#)

This report on the AMC's oversight of the national office has been submitted for publication in the Bulletin. Please feel free to distribute to other Mensa-oriented social media and elsewhere in Mensa.

-----| National Ombudsman's Report-----

## **National office oversight lacks transparency**

# Members Deserve More Openness from AMC

by Dave Cahn

Complaints from members regarding their interactions with the national office are not uncommon. Their frequency intensified beginning in early summer 2014. The members' complaints included (among others):

- No answers, delayed answers, and incorrect answers to email inquiries or requests
- Member inquiries bounced around to multiple staff members, as assignments changed due to employee turnover
- Incorrect information posted on the AML website
- Failure to keep member records updated
- Mishandling of confidential testing materials and incorrect instructions to proctors
- Inadequate lead time to local groups for testing or other marketing promotions
- Reports, rosters, and other materials not sent to appropriate local group officers, even after multiple requests
- Reluctance to honor members' requests for non-personnel documents and records
- Refusal to implement requests by AMC members and national appointees
- Ineffective and untimely event management when activities have been removed from volunteers and transferred to national office staff and outside vendors

Some members questioned whether the employment environment in the national office was affecting its ability to serve the members. I responded that employment matters *per se* should not be considered within the jurisdiction of the National Ombudsman, but that their effect on service could be.

As the summer wore on, I started getting complaints that the board of directors, the American Mensa Committee (AMC), did not appear to be adequately addressing these problems. In response to these complaints, I opened an ombudsman's investigation. This report is not about the problems of the national office. Rather, it concerns the oversight of the national office by the AMC and the lack of transparency and openness regarding how the AMC will alleviate the situation now and for the future.

As part of my investigation, I sought to attend the September 2014 board meeting, which included a closed discussion on that very subject. Although I had attended previous closed sessions, including those about personnel matters, the request was denied, as was a request to attend a similar session at the December 2014 AMC meeting. When I offered to fund myself to attend in December to discuss the AMC's oversight privately with board members, Chairman Dan Burg responded as follows: "[T]he Board's side of the 'discussion' will be to say 'Personnel matters are confidential' as many times as needed." It was not about the funds. A

predetermined, opaque answer to my questions impedes the ombudsman and prevents the investigation of complaints by a neutral observer on behalf of the members. As a result, I have minimal independent information on which to form an opinion and report to the members.

What I do have are reports from past and present AMC members and volunteers, posts on Mensa-related social media, member communications, and first-hand knowledge from my attendance at previous AMC meetings. At least until recently, from what I have learned, the AMC exercised little or no oversight of the national office. In fact, I have been told more than once, "We don't oversee the national office; we only oversee the executive director." The executive director was effectively delegated full control of the office, not just the operational control, which would have been appropriate. The AMC's Executive Committee (ExComm) sets her salary and bonuses after reading performance reviews filled out by AMC members. However, the ExComm is not bound by these reviews. The communication was one way. The rest of the AMC was not told her salary each year, even though they have to vote on the budget. Until September 2014, they were not even permitted to see the executive director's contract. They were not permitted to know the performance goals for her administration of the office. AMC members not on the ExComm were kept in the dark. As were you.

Without the ability of the rest of the AMC members to weigh the executive director's performance against goals, there can be no effective oversight of her or of the national office by the AMC as a whole.

As another example of the lack of oversight, a local ombudsman asked AMC Communications Officer Marc Lederman when the new Ombudsman's Handbook would be available in the online, but moribund, Compendium. The handbook would be an important tool both for ombudsmen and local groups. Marc responded that restarting the Compendium was out of his hands, as the executive director was in charge of all technical projects. As Marc posted to an online group, "I tried lobbying Pam and failed." That is backwards. The AMC's Communications Officer should be making communications policy, not the executive director. The executive director eventually did post the handbook elsewhere on the AML web site, but this incident shows how little influence AMC members have over the national office, even in the areas of their assigned duties.

Officer Guides Coordinator Robin Crawford, had a related experience with the Compendium as a whole and the publication of officer guides generally. After three years of effort on Robin's part, she found out that the project had been halted without even consulting or informing her. Robin finally posted to an online forum, "Color me bitter." An experienced volunteer tasked with producing an important tool for members was thwarted. Nothing was done by the AMC to rectify the situation.

After the AMC's September closed session, Chairman Burg issued a statement regarding the national office and its oversight by the AMC. Half of the statement discussed the need to

update the technology used by the office. In the other half of the statement, Dan acknowledged that there were areas that needed improvement, but that the AMC could not talk about them. He said there had been changes and there would be more. The bottom line was a vague commitment to improved service levels. He did say, however, that “we will make great strides together.”

That’s it. No details were given. The members are supposed to take their word for it. The AMC claims that they must keep personnel matters secret. Release of such information as the salary, performance, health, etc., of a named or easily identifiable employee may be prohibited by law. However, release of the goals for the executive director’s administration of the national office and the manner by which the AMC will exercise its oversight are not. They are policy decisions that should be shared with the members.

The AMC has adopted a strategic plan to describe its vision for Mensa and how to achieve it. One of the main goals of the plan is, “The association will be structured, governed and managed efficiently, effectively and with transparency.” The AMC needs to do much more toward achieving its goal of transparency.

The ExComm has erected several stone walls that keep information about the national office and its oversight by the AMC away from the members of Mensa, who deserve to have it.

The ExComm has stonewalled the members of Mensa by serving up platitudes when non-prohibited details would have instilled confidence.

The ExComm also has stonewalled the rest of the AMC, although some chinks in that wall are beginning to show. The AMC is Mensa’s board of directors, and its members have a fiduciary duty to the organization and its membership. AMC members cannot be certain that they are acting in a fiduciary manner if they are walled off from information they need to make decisions. This is unfair to them and to the membership they serve. Some AMC members are very much in favor of greater transparency, and they should be applauded for that. However, there are not enough of them to break through the barriers erected by the ExComm.

The ExComm has stonewalled the National Ombudsman by refusing even to discuss national office oversight in any meaningful way. They have made the National Ombudsman dependent on their own view of their own performance, instead of on independent observation. By hindering an ombudsman’s investigation, they deny the members of Mensa an unbiased view of an important issue.

In the final analysis, my message to Dan Burg is, “Mr. Chairman, tear down those walls!”<sup>1</sup>

P.S. This report is submitted pursuant to the mandate of the National Ombudsman to “promote the general welfare of American Mensa.” The AMC has submitted to a vote of the membership

a bylaw amendment that would remove that mandate. Therefore, this could be the last time that I or any future National Ombudsman would be able to submit this type of report.

This resulted, immediately following in that same Bulletin, in Mr. Cahn's vilification by the AMC/Board of Directors:

## **Response to the National Ombudsman's article.**

In the prior article, the National Ombudsman makes many claims and in general calls for greater transparency from the Board. Many of his statements are either not true or misleading. Until now the Board has taken a position of discretion in regard to these matters, but given the above publication, this professional courtesy must come to an end.

### *Why the Ombudsman was removed from the Board email list*

The Board elist is a confidential communication tool for board members to discuss upcoming agenda items, issues, half-baked ideas, and the state of Mensa. The National Ombudsman was added to the list as a courtesy observer, not as a policy maker. On November 9, 2013, he was discovered trying to set policy in an area unrelated to his official functions, using knowledge he gained on the confidential list, when he mistakenly sent an email to the board list rather than directly to a board member he was trying to influence. It appears that he knew he was acting against the duties of his office, as he twice stated in that email not to use his name.

The Board did not disclose this indiscretion prior to today in an effort to be discreet, not to be secretive; there is a difference. Having lost the trust of the Board, the Ombudsman was removed from the confidential elist. When he publicly complained about his removal, he failed to disclose to the membership that his own improper actions are what led to the removal.

An Ombudsman must be neutral. Having the National Ombudsman attend every board meeting and spend weekends, meals, and other time with the Board members makes the National Ombudsman less and less neutral. The Board consulted the International Ombudsman for independent perspective and learned that the Ombudsman should not

routinely attend Board meetings nor be a part of the Board list. The Board felt it was important that the Ombudsman attend the Annual Gathering Board meeting so he could also participate in Leadership Development and meet with the members. This is why the funding for travel was changed to one meeting per year.

The Board was not trying to hide anything other than the National Ombudsman's indiscretion. It was our hope that a lesson would be learned by all and that we would move on with business.

#### *Ombudsman publicly attempting to influence policy*

Since that time, the National Ombudsman has spoken and written against the Board in the *Mensa Bulletin*, on social media, and to individual members. He has tried to influence policy via postings to lists and social media outlets and by force-publishing opinions on policy areas in the *Mensa Bulletin*. While doing this, he has attempted to intimidate National Office staff into doing his bidding in areas unrelated to his job. Based on the above article, it is apparent that he is trying to influence policy again. Is this neutral, fair, and impartial?

In answer to other items in the Ombudsman's article:

#### *National Office personnel*

Yes, there was turnover in the National Office. As these are personnel issues, we must be careful about public discussions. This protects Mensa as well as the current and prior employees. The Board has a fiduciary duty to protect the organization and we must maintain privacy regarding employer/employee issues.

Due to turnover last Summer, there were some problems at first as there are whenever you have new employees and change of positions. That was eight months ago. The transition has been smoothed out and the National Office has been working more efficiently in recent months.

Many of the complaints listed in the article are in the past and have been corrected. The National Ombudsman is continuing to point out problems that he knows have been solved as if they had not been.

#### *Oversight of the National Office*

The National Ombudsman is correct in his article that the Board of AML has oversight of the Executive Director alone. The day-to-day operations of the National Office and the National Office staff are under the oversight of the Executive Director.

Prior to the September 2014 Board meeting, the Board undertook a serious look at the changes in personnel. It used a third party to interview current and former staff members and analyze the results. A subcommittee of the ExComm talked in further detail with several current and former employees. We reviewed the results in closed session as a

full Board, as is appropriate for employer/employee relations, and issued a public statement afterward. The Board has continued its oversight on an ongoing basis and will continue to do so in accordance with its fiduciary responsibilities.

While we realize that some members will still consider this secretive and lacking in transparency, it is the responsibility of this Board to remember that employer/employee relations must remain confidential.

The National Ombudsman states that the full Board never saw the Executive Director's employment contract until September 2014. This is normal; the Executive Committee reviews and approves all contracts in accordance with longstanding Board policy.

The National Ombudsman states that the communication regarding the review of the Executive Director is one-way. That is incorrect. The review is filled out by each Board member and then the results are compiled and shared with the full Board.

The National Ombudsman states that the full Board is not informed of the Executive Director's salary. That is incorrect. Each Board member receives a copy of the IRS Form 990 filed by American Mensa which includes this information. In fact, this is public information and any member can access it if they so desire.

The National Ombudsman claims that the Board does not know recommended salaries when voting on the budget. That is incorrect. The salary total for the entire staff is included in the budget that is voted on by the Board; however, he is correct that it is not broken down by staff member.

The National Ombudsman claims that the full Board does not know the performance goals of the Executive Director. That is incorrect. The performance goals of the Executive Director were sent out with the cover letter that was provided to all Board members with the results of her annual review. Additional performance goals were discussed and determined by the entire Board in September 2014.

No one on the Board was kept in the dark.

#### *Request to attend additional Board Meetings*

The National Ombudsman requested funding to attend the September 2014 meeting to sit in on the closed session which was to discuss personnel issues arising from the turnover in staff. The National Ombudsman had never sat in on a personnel matter regarding employees. Prior closed sessions in which the National Ombudsman had been an observer related to volunteer personnel issues such as determining American Mensa's nominees for international programs. Employer/employee relations are an entirely separate category and must be kept even more confidential. The National Ombudsman is not a member of the Board or listed as a Corporate Officer, and as such does not have the same fiduciary obligations that are held by members of the Board.



The National Ombudsman then requested funding to attend the December Board meeting in order to sit in on the closed session regarding personnel. However, as in September, the closed session was devoted to employer/employee matters and so was not appropriate for non-Board members to attend. As he would not be in the closed session, and that was his stated reason for wanting to attend the December meeting, his request for funding was denied on that basis.

#### *The Compendium*

The National Ombudsman is correct in stating that the Compendium is moribund. The Compendium is not moving forward because it never worked as the Board was led to believe it would, and putting additional resources into it at this time would prevent or delay other higher-priority projects.

#### *Rabbleroxing*

The National Ombudsman's word choices in the above article, such as "stonewalling" and "tear down that wall", appear to be an attack on the integrity of the Board. That is not the role of an Ombudsman. Publically attacking the integrity of the Board completely eliminates his ability to be perceived as impartial on Board matters, and therefore renders him unable to properly fulfill his role should the need arise. This perceived lack of impartiality could cost American Mensa quite a bit of money if we must engage an arbitrator due to not having a properly impartial Ombudsman.

Rather than settling disputes, we have observed this Ombudsman repeatedly creating disputes, both by his demands for funding and "oversight" and by publicly soliciting members to follow his cause.

The National Ombudsman states that his article is to help "promote the general welfare" of American Mensa, and that the general welfare would be threatened by passing Bylaws Amendment #11. We would like to clarify that promoting the general welfare of our organization is the responsibility of every member, as well as a legal requirement of the Board, and was taken into consideration when developing that amendment. Furthermore: Publically arguing any side of a proposed bylaw leads to the perception that the Ombudsman is biased and, as such, unable to properly fulfill his role depending on whether the particular amendment is passed or not.

It is not just the Board that has this opinion. A Local Group Ombudsman, upon reading the report of the National Ombudsman, commented that "This isn't investigation, resolution, or promoting general welfare. As I read this, it seems like inflammatory, biased rabble rousing. Indeed, the timing seems to contemplate publishing at the exact time to make the largest potential impact on the election; it is not only not independent and unbiased, but seemingly intentionally political."

#### *Official Board Observer*

By the tenor of his article, it appears that the National Ombudsman thinks that a proper role of his is to be an official Board observer, funded to attend every Board meeting to observe what happens. This interpretation is contrary to the interpretation of the National Ombudsman role by any of his predecessors, and is not a role of National Ombudsmen in any other National Mensa of which we are aware. In fact, it is the recommendation of both Mensa's International Ombudsman and the International Ombudsman Association that the role not be treated in that fashion. The National Ombudsman, in order to maintain his independence, must maintain an arms-length relationship with the Board rather than be involved with everything that it does and every discussion that it has.

### *Conclusion*

The National Ombudsman's article is full of half-truths, untruths, and old news.

We regret that we have to take up space in the *Mensa Bulletin* on this topic and sincerely hope that there will be no further forced publications that require such a response.

Dan Burg, Chairman  
Heather Poirier, First Vice-Chair  
LaRae Bakerink, Second Vice-Chair  
Brian Reeves, Secretary  
Nick Sanford, Treasurer  
Andrew Heffernan, Regional Vice Chair, Region 1  
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Julia Ashley, Regional Vice Chair, Region 3  
Baker Ring, Regional Vice Chair, Region 5  
Greg Kontz, Regional Vice Chair, Region 7  
Harold Ward, Regional Vice Chair, Region 8  
Thomas G. Thomas, Regional Vice Chair, Region 10  
Marc Lederman, Communications Officer  
John Sheehan, Development Officer  
Joanne Soper, Director of Science and Education  
Stephanie Thornton, Membership Officer  
Elissa Rudolph, Past Chair  
Russ Bakke, Past Chair

And these signatories are flagrantly lying. These, the leaders of American Mensa, tell the members of American Mensa:

*"Conclusion: 'The National Ombudsman's article is full of half-truths, untruths, and old news.'"*

That is a blatant lie, and they well know it. Rather, it is this knee-jerk AMC/Board of Directors response, which has been publicly ripped apart and detailed by numerous well-informed members, that is *full of half-truths and untruths*.

Indeed, then Chairman Dan Burg had been confronted with the numerous outright falsehoods throughout this AMC response. Mr. Burg refused to respond.

They tell you: *“The Board consulted the International Ombudsman for independent perspective and learned that the Ombudsman should not routinely attend Board meetings nor be a part of the Board elist.”* Which is rather remarkable how they “learned” this since when others contacted that International Ombudsman, Britain’s Martyn Davies, he was unaware of any such communication.

They tell you: *“It is not just the Board that has this opinion. A Local Group Ombudsman, upon reading the report of the National Ombudsman, commented that ‘This isn’t investigation, resolution, or promoting general welfare. As I read this, it seems like inflammatory, biased rabble rousing.’”* – Yet they notably fail to identify that “local group ombudsman” and notably fail to provide any comments from any of the several dozen *other* local group ombudsmen in American Mensa, who, indeed, are the very ones who elected Mr. Cahn.

They tell you: *“It appears that the National Ombudsman thinks that a proper role of his is to be an official Board observer.”* – Indeed he does. Only because that Board had gone to great lengths to make certain nobody can be.

They tell you Mr. Cahn’s behavior is: *“contrary to the National Ombudsman role by any of his predecessors.”* – Indeed it is. And they can’t stand it.

They tell you: *“It is the recommendation of both Mensa’s International Ombudsman and the International Ombudsman Association that the role not be treated in that fashion.”* – A blatant lie, on both counts.

They tell you: *“We would like to clarify that promoting the general welfare of our organization is the responsibility of every member, as well as a legal requirement of the Board”* – A “legal requirement” they betray time and again, while they thoughtfully blame “every member” for the failures of “the general welfare of our organization.”

They even figure out a way to assure you that Mr. Cahn’s behavior – not theirs, but his – *“could cost American Mensa quite a bit of money.”*

They tell you: *“Publically attacking the integrity of the Board completely eliminates his ability to be perceived as impartial and therefore renders him unable to properly fulfill his role.”* And just in case you missed it: *“The Ombudsman is biased and, as such, unable to properly fulfill his role.”* – Mensa logic at its finest: He criticizes us. He thus is not impartial. He thus cannot properly serve Mensa. He thus must go. – This, as attested by their signatures, is the position of virtually every single leader of American Mensa.

When, for the first time in American Mensa history, the Powers That Be do not have the National Ombudsman in their pocket, they lash out with the only tools they have left: lies, threats, vilification.

Vilification has become the stock-and-trade of the “leadership” of American Mensa: Keep the members totally in the dark, indeed, outright lie to them, blame others for their own malfeasance, denigrate the messenger as a liar and a “rabble rouser,” ideally citing other, nonexistent sources to distance yourself from your dirty work. That, has become the Mensa way.

These signatories are correct about one thing, however, and that is that they deem Mr. Cahn’s well-documented report to the membership to be *“an attack on the integrity of the Board.”* Seems it never occurred to these certified geniuses that the American Mensa Ombudsman found need to publish his report only because there is no integrity on this Board.

You will note that, while they got *most*, try as they might (with great effort and extreme pressure) they still could not get *all* the AMC/Board of Directors to sign their names to this convoluted, grammatically atrocious, malice.