

Identifying and Communicating the Usefulness of Organizational Ombuds

With Ideas about OO Effectiveness and Cost-Effectivenessⁱ

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Abstract

Organizational ombudsmen contribute to many stakeholders: shareholders, management at all levels, those who call upon the office, people who are alleged to be a problem, responders whom the ombuds calls about a case or an issue, employees and managers in the organization who do not directly use the office, other cohorts in an organization like students and patients—and society. Ombuds perform many different conflict management functions, with many different skills, in many different contexts; they are difficult to evaluate.

Ombuds need to identify and communicate their *usefulness*, including the tangible and intangible benefits relevant to their own stakeholders. One thesis of this article is that there are many powerful ways to do so. The other thesis is that there is no single, scientific way to calculate the *cost effectiveness* of ombuds. How an independent neutral adds value to an organizational conflict management system seems a particularly interesting topic for ombuds effectiveness research.

Keywords: Ombuds, cost effectiveness, intangible benefits, conflict management system, organizational conflict, whistleblower

Introduction

Identifying and communicating the usefulness of organizational ombuds (OO) is vitally important for practitioners and for the profession. This is especially true at a time of economic downturn, when employers need to boost productivity and cut costs and when employees and managers need as much “fairness and equity” as possible. Understanding this topic is, however, a work in progress for OOs. We have much to learn; we need to have more new ideas and share more evaluations with each other.

This article suggests many ways to understand and communicate the value of ombuds practice. However, the paper does not recommend a single-minded focus on cost effectiveness analysis for most OOs—the idea of formal, “scientific” measurement of the cost-effectiveness of organizational ombuds is hotly debated in the profession.

Because the question is so important, the article begins with a discussion of why OO *cost-effectiveness analysis* is difficult in most organizations and virtually impossible across organizations. The article then presents a number of ideas about ways of communicating the *usefulness* of OOs and of the OO profession.

The concern of this author about attempting traditional cost-effectiveness analysis for OOs, begins with the question of whose goals come first in thinking about effectiveness. According to Standards of Practice,ⁱⁱ an OO works independently of ordinary line and staff structures and is designated as a *neutral*. An OO will therefore be considering the interests of many different stakeholders. It would seem that OOs cannot appropriately judge the effectiveness of OO practice from *just* the employer's point of view or *just* their own point of view—even though these are the two stakeholders that most often ask about ombuds effectiveness.

In addition, OOs do not make management decisions—many of the “achievements” of OOs happen because of the actions of other peopleⁱⁱⁱ. And the work of OOs is largely confidential. Since the OO makes no management decisions, and his or her work—for multiple stakeholders and in systems improvements—is almost entirely off the record, it is hard to collect objective data about the benefits or costs of OO practice^{iv}.

Whatever the difficulties, organizational ombuds and their employers—and all their stakeholders—deserve answers and deserve sound ways of thinking about the usefulness of the profession. This article presents two theses:

- *There is no single, “scientifically sound” method of measuring the cost-effectiveness of an OO, or the effectiveness of OO offices across the profession. This is true for methodological reasons, some of which are mentioned below. It may however be possible, in relevant organizations, to estimate some of the costs and benefits of adopting a new conflict management system that includes an OO office. There are also specific, narrowly focused ways to assess certain aspects of OO work^v.*
- *There are many powerful ways of demonstrating OO usefulness. This article presents ideas as to how an OO office may be found useful, for most or all of its stakeholders, most of the time—and in*

multiple ways. Understanding *how an OO may—almost uniquely—add value throughout an organizational conflict management system*^{vi} may be the most interesting frontier in the field of OO evaluations.

I. Why is it hard to assess OO effectiveness?

This article raises three sets of issues: it is difficult to assess OO benefits, it is difficult to assess OO costs, and it is difficult to isolate the effects of an OO office from the effects of the system with which it works.

A. It is difficult to assess OO benefits

1) Multiple stakeholders

Assessing effectiveness theoretically would require knowing the interests of all the stakeholders. Who are the stakeholders for an OO? Thoughtful analysis turns up a long list^{vii}. Even the “key” stakeholders may differ from case to case, from year to year, and from organization to organization.

One would think that a true neutral would not be thinking of the benefits to just one of these stakeholders, for example the employer. The OO may question if it is even ethical to offer estimates of the benefits to the employer—presumably in order for the OO to justify the existence of the office—unless the OO also estimates benefits to other stakeholders.

It may however be difficult to estimate the benefits for many stakeholders. (In some cases it will not be possible to *know* all the stakeholders or even all the “key” stakeholders.^{viii}) And who is to judge? Even the stakeholders themselves may not have an “objective” view of benefits. An employee or manager may not get a desired outcome, working with an OO, despite fair assessment and option generation by the ombuds. Any visitor may be dissatisfied with the interaction with the OO. Any stakeholder, including the employer, may not understand the ways in which an OO can and cannot help.

By the same token, it is quite common for important stakeholders—for reasons that might seem to others to be simply emotional—to put the OO on a pedestal.

It follows that one cannot do a thorough or “objective” analysis of all the benefits from even one OO office, let alone all the benefits accruing in many offices across the profession. (Having different kinds of stakeholders, handling different sets of issues, keeping different databases,^{ix} and using different methods of data analysis all add to the difficulties in making comparisons.)

The multiple-stakeholder issue—and many other issues—differentiate the idea of an OO “return on investment” from ROI studies of lawyers, or other professionals—who may have one specific client or a standard clientele, who are likely to deal with a narrower set of issues, and whose value-added can more easily be differentiated from that of others in the relevant conflict management system.

2) Multiple missions—and various individual values of OO’s

Assessing effectiveness also requires knowing the goals to be met. What is the formal mission of a given OO office and what are the professional values of the specific OO^x? If the missions of various offices vary, and if the values held by OOs vary, and if effectiveness is to be considered in terms of the formal mission of each office *and* values of each OO—it will be difficult to compare practitioners and offices.

3) The role of the IOA Standards of Practice

Ombuds practice is a profession. Should OOs also be evaluated on the basis of the IOA Standards of Practice—or only on the basis of the mission of the office, and the values of the given practitioner? Or all of the above? And ombuds need to think through what it means to be effective in circumstances where adhering to the OO Standards of Practice and the mission of the office appear to be out of sync with the values of a senior manager.

4) The importance of context

In addition to various missions, values and standards, there are of course major differences in cultural context for each OO. As

just one example, the need for each of the *functions*^{xi} of an OO may vary with context. OOs may be valued by their organizations for excelling in different functions.

The OO who *delivers respect, listens with great skill*, and is considered likable and trustworthy by all may be a superstar in cross-cultural communications and conflicts. Another OO might excel in *coaching—at helping people help themselves*—and only occasionally take an active third party role. The OO with a genius for *preventing and mediating* intellectual property fights may be greatly valued in a research culture desperate for such skills.

Is it possible to compare the effectiveness of OO practitioners in completely different contexts? One common idea about management effectiveness has to do with “goodness of fit.” (A senior officer might say: “*This OO fits our culture hand in glove. He may look really different but he speaks our language.*”) What if much of OO success, through adaptation or homogeneity, depends just on “fit?”

Context also matters with respect to the laws, regulations, policies, rules, codes of conduct, ethnic traditions and cultural practices that are relevant to each OO office. The practice of different OOs may be quite different depending on what is and is not acceptable—or exemplary—behavior in each organization.

5) Who will do the evaluation and is that person objective?

Who could reasonably assess the effectiveness of an OO and of an OO office? For the OO to be the sole evaluator of his or her OO practice is obviously not an objective mode.

If there are outside evaluators, will the evaluations span the interests of many stakeholders, as a neutral might wish? Would an external assessor use just the employer’s interests, that is, only use the interests of the people who hire the assessor? Would an external assessor offer his or her own methods of assessment, or use the Terms of Reference of the OO whose office is being assessed?

Is it possible for anyone outside the office to assess effectiveness objectively, considering the paucity of records, memories and “footprints” of the OO^{xii}? It may be hard for OOs to talk openly about their input to policies as they might customarily work in the background with and through others. It might in fact impede effectiveness to try to take credit for improvements in the system.

The assessor question is especially important with respect to the “scientific” value or reproducibility of the assessment. To the extent that different evaluators look at effectiveness in different ways, this represents an additional difficulty in attempting to compare practitioners and offices across the OO profession.

6) Short-term vs. long-term analysis

What is the appropriate time period for OO effectiveness assessment? Suppose consistent work by a given OO bears good fruit two or six years later, in terms of a new and badly needed policy or the resolution of a multi-year problem^{xiii}? Suppose an OO office visitor is promoted to be a VP or CEO? Supposing this new VP or CEO is sensationally good at conflict management, and gives credit to the OO who helped him or her?

7) Assessing *intangible benefits* as well as tangibles

Contemporary neuroscience demonstrates that peoples’ actions, decision-making and judgments are not necessarily available to conscious thought. One’s actions and judgments are heavily affected by emotions and “intangibles.” What is the importance of intangible OO contributions and how can they be assessed^{xiv}?

How could OO effectiveness be assessed and understood scientifically, when intangible benefits cannot be reliably defined? When they cannot be quantified except in proxy variables such as money? Many of the perceived intangible benefits of OOs are “social benefits” or “positive externalities,” which are hard to measure in objective terms though they may be quite important. (Positive externalities of an OO office would be the benefits for third parties, perhaps in the organization or

outside of it. For example, if a new OO were able to support management to make a workplace safer, or much more respectful, some benefits might accrue to the family members of employees, and also to society at large.)

The intangible benefits provided by different OO practitioners may vary. In some organizations an OO may appear most effective in one-on-one interactions—let’s say that this OO consistently conveys hope and deep respect and appreciation as well as good concrete options. This OO is constantly coaching a wide variety of visitors, and assisting at problematic meetings to help beleaguered supervisors to succeed. People say this OO “never gives up,” but will keep working on a concern for months if need be. This OO answers every email and phone call within 24 hours, and is seen to be exceptionally “*responsive*,” in a world where few senior people are responsive. Much of the effectiveness of this OO is regularly ascribed to his or her skill in building relationships, and *integrity, discretion and trustworthiness*, as well as to skill in generating options for those in conflict.

But contrast this image of effectiveness with that of another OO who is greatly valued, but mainly for recommending and helping with *conflict management systems improvements and public, collaborative, organizational change projects*. How might these contributions be assessed and compared with those of the first practitioner?

Some OO offices are seen to be particularly good at *surfacing very bad problems very early*, in a way that leads to timely attention to bad problems, and no outside whistle blowing. Suppose the benefit of these offices—as seen by the CEO and risk managers—is entirely in terms of contributing to and protecting the *public image* of the employer? Reputational risk could be characterized in financial terms, of course, but is this a useful yardstick across the OO profession?

Finally one can compare these images of effectiveness with that of an employer who establishes an OO office simply because it is *required by regulation* to have this kind of safe way of reporting illegal behavior—or the employer wants to

have an OO to reduce potential penalties under the US Sentencing Guidelines. This kind of OO is “effective,” so to speak, simply by existing.

B. It is difficult to assess costs

There are also methodological questions about cost analyses of OO offices that the OO profession may wish to examine.

1) Organizational costs and costs for individuals

Most discussions of costs in OO effectiveness analysis have focused on *organizational* costs. Theoretically, for a neutral who is looking at the interests of all stakeholders, there could be some estimates of costs saved or engendered for those who have contact with the OO office—apart from organizational costs.

Many OOs report that a significant number of their visitors choose the option of learning how to deal with concerns on their own. Especially if a visitor is in conflict with a peer, there may be no action by the OO or any other third party. A visitor may think through options with OO and then settle a concern directly. This would likely decrease the visitor’s “costs,” and hopefully, although not certainly, decrease the costs for the person who was the object of a complaint. It is not clear how to think about the tangible and intangible costs to individuals, but this is a topic that might be of interest to the ombuds profession^{xv}.

2) Short-term vs. long-term analysis

Would an organizational cost analysis be based on annual financial costs? Does this make sense in terms of the mission and practice of an office where desired benefits may be long-term as well as short-term?

3) Social costs

Would the analysis include social costs (non-monetary costs and intangibles affecting groups as well as individuals)? For example, suppose that an alert from an OO led to exposure of many illegal aliens or to the shutting down of a particular

workplace. Or to the firing of a well-loved doctor or religious leader or teacher or politician who has engaged in criminal behavior. An OO alert might lead to appropriate action, but the social costs might seem very high for many people in the organization, and there might be externalities of this kind outside the organization. It is even conceivable that backlash might lead to deep distrust of the OO in such a situation. Another possible “social cost” might be that of serious burnout for an OO.

4) Increased costs due to the OO

It is not even clear how to estimate all the financial costs of an OO. Should the analysis include costs in addition to the annual budget of the office? As an example, suppose the OO makes a mistake? Virtually all professionals will occasionally make mistakes, like forgetting to follow up on something, and mistakes sometimes result in increased costs for the employer.

Might the work of an excellent OO actually increase costs in a given year for the employer? For example, imagine that an alert from the OO triggers an expensive investigation. Imagine that an alert from the OO triggers long-term changes in computer security systems, or a safety program, or the need for a new employment lawyer.

It could happen that the perceived trustworthiness of a new OO means that there is a new cascade of serious concerns of a certain kind. These might be ethics cases, or bullying cases, or racial or sexual harassment cases that had hitherto not come to light. It is not clear how to estimate the costs of the line management time, and the time of HR and counsel, etc. required to deal with OO alerts. Is this an “OO office cost” question—or a “conflict management system cost” question? And should an analyst who is assessing such short-term cost increases plan to take account of the fact that the organization’s costs over time might possibly *decrease* due to alerts from the OO?

5) Decreased costs due to the OO

OOs may help reduce the costs of conflict among employees and among managers—for example, in turnover and time lost to bickering. As a result productivity might increase in a certain department or on a cross-cultural team. However, it may not be clear whether to calculate this effect as a cost saving, or a benefit from increased productivity or both. It also is not easy to make such calculations.

It is often thought to be the case that the work of an OO very significantly decreases the costs of line management time and legal staff in dealing with complaints. However it is not always clear how to attribute such cost saving. What are the achievements of the OO, how much credit should be given to the people in conflict who have settled their concern with the help of the OO, and what are the achievements of anyone else who may have helped in the situation?

C. It is difficult to isolate the effects of an OO office from the effects of the conflict management system (CMS) with which the OO is working.

The OO profession does not have a conceptual model of how to think about who should get credit for successful conflict management in an organization with an OO and a conflict management system. The profession also needs a conceptual model for assessing intangible and tangible conflict management benefits when a visitor works with an OO and then personally settles a conflict with another person.

How can one assess the effectiveness of an OO separately from that of the people with whom the OO works? This may be especially difficult if the OO is working very hard to support, and help to improve, the whole CMS. Imagine that the OO regularly is able to get good new ideas, and quick-catches of bad problems, to the relevant managers. And then further imagine that the relevant managers are constantly instituting good new ideas and rectifying problems as a result. Who should get the credit?

Many OOs work very hard *not* to substitute for line and staff management but to “do themselves out of a job” as fast as possible with each case. Many OOs pride themselves on

keeping a low profile while constantly supporting the system to improve. The more effective the low profile, the more difficult it is to analyze contributions of just the OO.

How an OO may add value to an organizational conflict management system may be the most interesting frontier in the field of OO effectiveness assessment. Research in this area is very much needed. I have suggested elsewhere four challenges that are faced by every conflict management system—that an OO office may, almost uniquely, help to address—and where OO usefulness might be studied and described:

- How to help everyone in an organization feel they can *act effectively if they wish to—or come forward on a timely basis*—when they have serious concerns;
- How to *help coordinate the system (CMS) and provide back-up*;
- How to help *keep the system* itself and its managers and professional staff *accountable*;
- How to help the CMS to improve, by managers' learning from the ways in which conflict and concerns have been addressed, and how to *encourage management to respond to CMS recommendations*^{xvi}.

II. Various ideas about demonstrating the usefulness of OOs

What might an OO do, to understand and demonstrate the effectiveness, or at least the usefulness, of his or her OO office? Writers in this *JIOA* issue will contribute many ideas.

Various organizations may also have their own ideas about effectiveness. For example, if an organization has a long-standing office, perhaps there will be ways to track how a given practitioner performs, from year to year. Does he or she constantly work with relevant groups on new system initiatives? If an organization has multiple access routes for surfacing ethics problems, can the OO office be compared over time to other access points, to see which kinds of callers choose which paths for which issues? Does the OO

consistently surface and help to resolve issues that are judged to be important for a significant part of the organization?

There appear to be many possibilities for assessment that might be useful, that are not necessarily expensive, and which may respond to some of the methodological questions above. Many of the assessments below can be compared over time.

Many of these ideas are relevant to both tangible and intangible interests of multiple stakeholders, including: shareholders, management at all levels, visitors (those who call upon the office), people who are alleged to be a problem, responders (those whom the OO calls about a case or an issue), the employees and managers in the organization who do not use the office, other groups that are relevant in a specific organization—like students and patients—and also to society.

This article first suggests some benefits from the OO office that are most easily seen only at a time of specific change. The article then lays out some benefits that can be demonstrated day by day:

- Some changes in effectiveness of the whole conflict management system—including the OO—can be measured *at times of specific, and visible reorganization*.
- Some demonstrations of usefulness are *relevant to all OOs on a regular basis*.

A. Demonstrating OO effectiveness at a time of major change

1) Identifying the effectiveness of major systems changes that introduce OO practitioners

Occasionally it may be possible to measure the effectiveness of *a major change in a conflict management system that occurs together with the introduction of OO practitioners*.

There are a few organizations where part of the conflict management mission is highly focused. For example, a specialized organization like a hospital might wish to offer an alternative approach to dealing with “unanticipated outcomes,”^{xvii} for a variety of reasons: to assist providers in disclosing adverse outcomes to patients and/or families; to

improve patient safety by promoting greater transparency in reporting errors and making more immediate system improvements; and to reduce the financial costs of errors, negligence, malpractice, insurance, and a wide variety of legal and settlement costs.

OO situations like this can be studied for their potential cost-savings for many stakeholders in addition to the employer—and for intangible, as well as tangible, benefits for a number of stakeholders.

A hospital might decide on changes in its conflict management system—including the introduction of an OO office. The new OO office may not produce major benefits and reduce costs all by itself, but rather an evolving new system—with OOs—may produce many measurable benefits and reduce costs.

For example, in a hospital, the OO might be able to work with health care providers, hospital staff, family members and patients in cases involving unanticipated outcomes. The OO could serve multiple functions: as a compassionate face of the organization when unexpected harm occurs; as a coach to providers who are charged with disclosing the harm; as an internal neutral who assists in a resolution between patients and providers that avoids the need for litigation; and as a confidential source of information to leadership on potential systemic and individual problems.

Early prototypes suggest great relief for many patients and their families, and high rates of satisfaction, when health care providers immediately call in an OO after an unanticipated outcome. One can imagine the intangible benefits for everyone, from permitting health care providers to express their own emotions and even to offer apologies, to working with patients and families to uncover what their true interests might be post-event. For example, these interests might be in the form of complete disclosure and timely information, appropriate compensation, fixing the system that led to harm, and/or honoring the individual whose harm led to system improvements. There may also be significant intangible benefits

for administrative staff as well as clinical staff as an entire system continuously learns from experience.

Early prototypes also suggest significant cost savings, in terms of reducing the financial costs of perceived or alleged negligence and malpractice, and pain and suffering. Over time one can imagine significant savings in terms of malpractice costs, and, slowly, for the health care system of the country. One can also imagine—with this kind of conflict management system integrated into the quality improvement and patient safety systems—that a hospital may learn more quickly about errors and how to prevent them. “Diligence” and “Checklist” methods of preventing ubiquitous oversights and errors might become even more widely accepted when errors are more easily surfaced.^{xviii}

Having a respectful OO come immediately to the scene after every unanticipated adverse outcome might help in role-modeling active listening, and attention to feelings, for the occasional insensitive health care provider. Multi-year evaluations may show that a systems change works even better in later years than in the first year.

2) Benefits and cost savings from specific initiatives

Estimates might also be made as to various kinds of benefits and cost-savings from specific initiatives.

As a hypothetical example, imagine that the OO decides to work hard with many members of the organization on the issue of bullying. (This will probably be most successful after a bad case that goes public.) Suppose the OO were to ask relevant managers for help in a quick estimate of the health care costs, turnover costs, lost time, and legal costs and settlements that may be directly attributable to bullying^{xix}.

In addition, since bullying can be a tell-tale for other forms of unacceptable and unethical behavior, the OO might ask for, or try to make estimates of, related costs that might be somewhat reduced if the employer were to address the problem of bullying in an effective fashion^{xx}. That is, it might happen that paying serious attention to bullying might measurably reduce other

unacceptable behavior as well. Possible examples include serious errors, assault, embezzlement, harassment, safety violations, petty sabotage, serious sabotage, anonymous attacks against a manager on the Internet—and certain kinds of supervisory incompetence.

In addition an OO might be able to communicate that prevention of bullying could improve the workplace in important, *intangible* ways, for everyone in the organization—and for employees' family members as well. The OO might share research with managers about the potential intangible as well as tangible impacts of bullying^{xxi}.

The OO might then ask for anonymous surveys or focus groups to assess reactions to a pro-civility-anti-bullying initiative. Here the contribution of the OO will be in alerting, and working with and supporting the conflict management system.

Some real examples conveyed to this author illuminate the fact that adding an OO office to an existing system may *produce some measurable systems benefits or measurably reduce costs*. In one Federal agency, adding a new OO office reduced costly FOIA and EEOC complaints to near zero in the first year. In another Federal agency, in his first year, a new OO was able to settle many dozens of class action suits through skillful mediation. Many new OOs report having been able to work with supervisors to rectify a number of long-standing annoyances. Some have helped managers to make quick progress, in the first year or two, with serious safety problems.

New OOs frequently report having been able to offer some illumination of the concerns of one or another group in the organization. Several new OOs have recorded dozens of systems changes made by managers that made life more equitable for women—all triggered at least in part by concerns brought to the OO office. Others have lists of systems changes that have made life more equitable for various minority groups, various religious and national groups, persons with disabilities and LGBT groups^{xxii}.

In a number of corporations, new OOs appear to have reduced the costs of litigation and settlements in significant ways; saving

legal costs for the conflict management system may in fact be relatively common with a new OO. In one university, legal costs were low for many years, compared with peer institutions. This was attributed to the fact that the system had an OO office that helped identify emergent issues in a low-key way for line supervisors to assess and manage.

A faith-based organization in a major city established an office resembling an OO office. The office had a significant caseload. Many years later the organization was flooded—in dozens of cities—with allegations about abuse. There were relatively few allegations in the city with the OO-equivalent.

In most of these examples, the benefits and cost reductions could likely be ascribed at least in part to the “conflict management system + the OO” rather than just to the OO. Some of these examples are “ad hoc” in nature and some would be hard to assess in objective terms. Nevertheless it would appear to be useful to ask all new OOs to keep a narrative of their first few years. The profession might this way collect more examples of changes that appear to have been facilitated by a new OO.

B. Identifying and communicating OO effectiveness on a regular basis

1) Internal assessment of the caseload in terms of the mission

The OO might institute regular internal assessment of the work of the office in terms of the office mission. As just one example, if “inclusion” is part of the mission of the employer and part of the mission of the OO office, one might compare broad aggregates and estimates of the “demographics and geographics” of *office visitors* (of those who use the OO office) to those in the organization^{xxiii}. Is the OO being used throughout various constituencies? If not, are there good reasons why not? And if the caseload does reasonably reflect the constituencies, might the OO wish to highlight this fact in various communications?

2) OO review of alleged “problem areas or problematic cohorts,” as another part of the mission

If systems change is also part of the mission, in what ways are OOs supporting responsible systems change? The OO might track the characteristics of the *perceived sources of the problems*—as well as the issues—that are mentioned in an OO office. That is, the data collection system might be designed to include aggregate characteristics of alleged “problem areas” and some characteristics of the cohorts alleged by visitors to be sources of problems^{xxiv}.

Demographic analysis can illuminate, for every cohort, which cohorts are most often seen to be a problem. For example, the analysis could show whether university support staff report significant problems more with administrators or with students.

Geographic analysis may also be useful. As an unusual example, cross-tabulating “complainants” by the geographics of “alleged offenders” permits the OO to track the proportion of people who are alleged to be the source of a problem who are not even in the organization; these sometimes costly concerns may be on the rise for many organizations.

Patterns of this kind may be useful information for managers. For example, it is now widely understood that women as well as men are responsible for perceptions of harassment, including sexual and racial harassment. And that men as well as women may be bullied and harassed. Recognition of relevant patterns may lead to more effective policies, structures and training programs.

OOs may wish to track their work every year on relevant systems change with regard to issues and areas that are perceived to be problematic. Ideally there may be important changes in policies or procedures or structures where it will be obvious to the colleagues with whom the OO has worked, that the OO played a useful role. (An OO might even inquire of such colleagues whether the office was seen to be helpful in bringing information, or in offering options that relevant managers found to be useful.) This kind of analysis may then illuminate the usefulness of the OO office for various different stakeholders.

3) Anonymous feedback

The OO might analyze his or her published mission, standards of practice, and values, and provide anonymous feedback forms constructed around these standards and values^{xxv}. In small offices, forms can simply be given to all visitors, alleged offenders and responders, to be mailed back anonymously. In larger enterprises, an external feedback vendor can collect anonymous evaluations. Anonymous evaluations may help to assess individuals' perceptions of reduced or heightened costs, from the actions of an OO and perceptions of benefits.

In some organizations the feedback from such forms is almost entirely laudatory or sharply bimodal, but the prose on a form may help the practitioner to know how she or he has helped—or if the reverse is true, *how* the OO is seen not to have been helpful. For example, if the OO is seen not to have been helpful, does this mean the OO should do better in communicating what an OO can and cannot do?

4) Problems unknown to the organization or unrecognized

One of the most important functions of an OO is to help everyone in an organization feel they can act effectively if they wish to—or come forward on a timely basis—when they have serious concerns. Research suggests that many people hesitate to act when they see unacceptable behavior^{xxvi}. An OO office that is trusted may *help to surface serious problems timely and in-house*.

In today's complex world, many organizations have highly specialized senior managers. There may be few offices that receive data from the entire organization and from every cohort. Frequently an OO can *piece together small bits of information to see an emergent problem or pattern* before it is obvious to others.

As the OO analyzes the caseload every week, month and year, how is it different? *Does the caseload indicate anything that management or the organization does not know and needs to know?*

Ideally an OO can communicate promptly, in a way that is completely consonant with confidentiality—to management, and, as relevant, to the whole organization^{xxvii}. If the OO picks up new problems, and, especially, new problems that might be disruptive to established procedures or require new policies or new training programs, the office will be known for providing helpful “heads up” and support.

As an illustration, after the advent of computers, an OO began to hear from one or another computer user—in many different parts of the organization—with various forms of repetitive strain injury. The OO was able to collate these reports (identity-free), and to work with several managers to estimate some of the potential damage, and future costs, of repetitive strain injuries. The OO was then able to support dozens of colleagues who designed an extensive program to help prevent RSI. Reports of RSI, and costs over a ten-year period, were then significantly reduced.

As a similar example an OO was able in the early 1980’s to recognize and report isolated instances of fear in the workplace of “Gay Related Infectious Disease” and then fear of AIDS. Over a number of months managers in the organization were able to put together policies and training to respond.

If the OO picks up problems like RSI and fear of AIDS, that need a coordinated address by many different managers across the organization, the OO may be able to foster informal coordination within the conflict management system. An OO can suggest where backup is needed. The continued support of an OO may help to encourage managers to keep learning about a given issue, and to keep learning from each other.

5) Constantly listening, and reporting back, to many stakeholders

The OO might regularly introduce the office and himself or herself, to every group and cohort that extends an invitation. Some OOs routinely introduce themselves to all new department heads and senior managers. Many OOs welcome invitations to lunchtime meetings of support staff, specialized professionals, new employees and others. Meetings of this sort

provide a chance to share current issues and annual reports and to make appropriate mention of OO work that is relevant to the audience. As an example, in talking with groups of non-exempt employees in the US, the OO might mention the common issue of uncompensated overtime and the relative ease of dealing with this problem through generic discussions in departmental meetings.

In each introduction there would of course be “time to listen,” and if relevant, begin to develop an explicit plan to “be useful” to the group or new manager in terms of their specific interests.

Some OOs are requested to get back to line managers immediately, whenever the practitioner can offer information, in a way completely consonant with confidentiality, that will permit the manager to be more effective. Some OOs see every senior officer at least once a year to give an aggregated report about the senior officer’s area and to ask the senior officer about plans in that area for the coming year.

Every time that the OO learns of some important new issue or new solution to a problem, the OO might think which groups and supervisors would wish to be informed. Each time the OO is invited to a group, or talks with a supervisor or manager, she or he might ask, “How am I doing? Am I providing useful information and options? Is there any way the OO office could be more useful?”

Constantly checking in, and stopping by on an informal basis, may also serve to support managers and professional staff to be accountable and to continue to support improvements in conflict management. (The OO should always be prepared to answer the question from a manager, “What is in it for me?”)

6) Inclusion in climate surveys

The OO might ask to be included in relevant organizational surveys. Climate surveys—for issues relevant to management or to a given cohort or business unit—can help to measure if the OO office is known, used, and valued.

A survey might ask *if a person has used* the OO office and then follow up with more questions: If so, what would you have done if you had not been able to contact an OO? Would you have raised the issue—and would you have raised it as quickly? Might you have left the organization? Do you feel that contact with the OO office has decreased stress for you or other “costs” from the problem, or added any difficulties? Do you feel that you may now deal more effectively with future issues? Would you recommend the office to others?

If you have responded to a call from the OO office—do you trust the OO Office? Was the OO office helpful? Do you feel that contact with the OO office has decreased stress for you or other “costs” from the problem that was addressed, or added any difficulties? Would you yourself use the OO office or recommend the office to others? For persons who have not had contact with the OO office, there might be questions about awareness, trust, and willingness to refer.

Answers can be compared for those who have or have not had contact with the office, and by the geography of those taking the survey. In many cases these surveys can be compared over time.

7) Annual reports, website materials and training

Some OOs make annual reports to the organization. These reports may or may not be as useful to managers as are frequent personal reports, but they can be very useful in letting everyone in the organization know about the OO office and what it does. They demonstrate that the OO is *accountable*. For the OO who painstakingly self-evaluates, annual reports may provide a way to communicate some of his or her achievements.

Many annual reports reflect the kinds of issues that come in, and make recommendations about tenacious problems, and beneficial solutions if any. There may be description of “new problems.” The reports may communicate the cohorts that use the office. Reports may present analyses about how many people are affected by the problems that have been reviewed and report on some of the changes that have been made in

response to concerns. Reports may also mention some of the results from anonymous surveys about the OO office.

Some OOs maintain a website with policy information, referral links for other offices in the conflict management system, useful links to conflict resolution materials and articles, and many materials of use to people in the organization for “self-help.” Some OOs post short articles, guidelines and advisories. Hits on the website can be tracked over time to see which sources of help are seen to be useful.

Of particular importance, the OO website—and other websites maintained by the conflict management system which mention the OO office—can help communicate the possibility of making anonymous reports and asking questions anonymously.

Most OOs do some kind of training about issues and conflict management skills that are important to the organization. These events are important for communicating about the OO office, giving out brochures and short advisories, and building trust—as well as communicating about various issues and skills.

8) Which were the five or six most serious problems and issues last year?

Probably the easiest way to demonstrate the cost-effectiveness of an OO office is when both visitors and senior officers know that *very serious problems have been identified in time, in-house*, via the OO. Frequently the “most serious problems” are known to at least a few senior managers or can be described to the CEO in ways that do not identify the people who came forward. An OO may sometimes be able to get permission from a visitor to make sure that a CEO is not blind-sided by bad news—in a way that is greatly appreciated.

Probably every long-term OO can remember notable moments when it was clear that they have made unusual contributions. Many OOs have helped to surface delicate information about senior managers and other VIPs, as well as about other employees. Many have been able to help get potentially difficult situations settled appropriately, but out of the public eye.

Several OOs report having persuaded visitors to give up guns and other weapons. A number of OOs report having forestalled immediately threatened violence to self or others. At least one persuaded an arsonist to give himself up. A number of OOs report having provided early and effective warning of serious environmental hazards. Several OOs have helped a visitor with an unrecognized, emergency medical condition to receive medical help in time.

Many ombuds routinely help to surface concerns about (alleged) misuse of money and equipment, vandalism and sabotage and deliberate interference with the integrity of the work of others, serious conflicts of interest, thefts of money and intellectual property, the cover-up of serious errors, and a wide variety of fraudulent behavior.

At one ombuds conference, at a workshop on possible national security problems, three OOs came up afterward to talk about having alerted managers to serious issues while protecting the identities of those who provided information.

Helping to resolve painful issues in a family-owned firm, or among valued senior managers, may help stabilize a company. Helping to retain a very valued professional may save a great deal of money. Are senior officers deeply concerned about diversity and inclusion? Working on a coordinated systems initiative to foster mentoring frameworks—for non-traditional employees and managers to thrive—may help as an antidote to discrimination, as well as helping everyone. One terrible racial or sexual harassment case^{xxviii}, or criminal abuse, or embezzlement problem, if surfaced very quickly, may pay for the cost of an OO. Averting serious sabotage, or a serious safety issue or a national security event will be seen to justify the existence of the OO office that helped to surface the problem.

Conclusion

Organizational ombuds have much to contribute to organizations. OOs have much to contribute to many stakeholders, including shareholders, management at all levels, visitors (those who call upon the office), people who are alleged to be a problem, responders

(those whom the OO calls about a case or an issue), the employees and managers in the organization who do not directly use the office, other groups that are relevant in a specific organization—like students and patients—and also to society. OOs contribute in dozens of different ways using a wide variety of conflict management functions and many different skills in many different environments.

Ombuds need to learn how to identify and communicate their usefulness. They need to describe short-term and long-term, tangible and intangible contributions in ways that are relevant to their own stakeholders. One thesis of this article is that there are many ways to do so. The other thesis of this article is that there is no single, “scientific” way to calculate the *cost effectiveness* of OOs.

The evaluation of ombuds practice raises many questions suitable for research and for ombuds discussions. These questions begin with identification of the goals and modes of practice of each OO and each OO office.

A major complexity derives from the fact that many of the achievements of an ombuds come through the actions of others. The OO profession needs some new conceptual models for understanding effectiveness: for example, who should get credit for what kinds of successful conflict management in an organization with an OO and a conflict management system? How might analysts assess the benefits of having an OO when a visitor works closely with an OO and then personally settles a conflict with another person?

OOs are independent and neutral but are not really “individual contributors.” OOs work with and through their visitors, with those who are seen to be a problem, with responders of all kinds, and with everyone in the relevant conflict management system. OOs cannot just look at their own actions to understand OO effectiveness.

OOs need to assess their skills and usefulness with skepticism but also with vision, not to over-claim nor under-value what OOs can do—both as individuals and as an unusual, independent, neutral addition to a system. As Atul Gawande has recently written:

“Under conditions of increasing complexity, in medicine and elsewhere, experts require a different set of values than we’ve had. We require greater humility about our abilities, greater self-

discipline and the prizing of teamwork over individual prowess^{xxix}.”

How OOs may add value, identify their usefulness and communicate their usefulness with all or most of their stakeholders is a compelling challenge.

ⁱⁱⁱ This article owes more than I can say to various gracious readers and other colleagues. Readers included: Arlene Redmond, Brian Bloch, Carole Houk, Don Noack, Francine Montemurro, Howard Gadlin, Linda Wilcox, Mary Simon, Randy Williams and very helpful anonymous reviewers. The readers whose names I know are listed in alphabetical order, though each might deserve to be first on this list. In addition, many ideas and examples in the article have come from conversations over the years. Those whose ideas my faulty memory can remember having assimilated include: Ann Bensinger, Bill Rogers, Brian Gimlett, Carole Trocchio, Carolyn Noorbakhsh, Clarence Williams, David Miller, Deborah Katz, Elizabeth Pino, Ella Wheaton, Frances Bauer, Frank Fowle, James Hendry, James Lee, Jerome Weinstein, Jerome Wiesner, Jessie Dye, John Zinsser, Justine Sentenne, Kate Schenck, Marsha Wagner, Merle Waxman, Mim Gaetano, Noriko Tada, Paul Gray, Janet Newcomb, Jennifer Lynch, Patti Lynch, Robert Fein, Robert Hutchins, Robert Shelton, Sue Morris, Swinitha Osuri, Tim Griffin, Thomas Zgambo, Tom Furtado, Tom Sebok, Toni Robinson, Tony Perneski, Virgil Marti, and Yoshiko Takahashi. (Of course none of these distinguished colleagues may agree with any sentence in the article.)

There have been a number of articles over the years about ombuds effectiveness research. Some are listed on the IOA members website: John Barkat, *Blueprint for Success: How to Effectively Design an Organizational Ombuds Department* (2002); Michael Eisner, *Creation of an Ombuds Office Can Prevent Retaliation Claims*, *mediate.com* (Jan. 2007); Tim Griffin, *Physical Environmental Design Factors in College and University Ombuds Offices*, *The Journal of the California College and University Ombudsmen*, 1994; Tyler R. Harrison, *What Is Success in Ombuds Processes? Evaluation of a University Ombudsman*, *Conflict Resolution Quarterly*, vol. 21, no. 3 (Spring 2004); Mary Rowe and Mary Simon, *Effectiveness of Organizational Ombudsmen* (2001); Rick Russell, *On Being An Ombuds: Considerations and Suggestions for Practice* (2003); Linda Wilcox, *Setting Up An Ombuds Office—Safety Considerations*, *The Journal of the California College and University Ombudsmen*, 1994. Frank Fowle’s doctoral dissertation—*A Blueprint for the Evaluation of an Ombudsman’s Office: A Case Study of the ICANN Office of the Ombudsman*, 2003—is available on the ICANN website at <http://www.icann.org/ombudsman/blueprint-for-evaluation-of-an-ombudsman-nov08.pdf>. It provides a way to analyze the standards, structure and operations of ombudsman offices, case studies, a useful bibliography and more.

Many OO’s have pioneered in identifying and communicating the usefulness of OOs. I wish I knew all of their work; I hope to learn more. Several are especially vivid to me in writing this paper. I would like to make specific mention of John Zinsser’s work in pioneering multiple quantitative measures of the perceptions of multiple stakeholders (of an OO office); of Jerome Weinstein’s, and Janet Newcomb’s—and other McDonnell-Douglas ombudsmen’s—pioneering work in estimating savings in legal costs; of Randy Williams’, Arlene Redmond’s, Patti Lynch’, and Charles Howard’s pioneering work in communicating the importance of ombuds offices as a way for corporations to fulfill their social and legal responsibilities; of Carole Trocchio’s pioneering work in communicating the effectiveness of ombuds work in franchising; of Howard Gadlin’s pioneering work in studying *what actually happens in an OO office*; of Al Wiggins’, Clarence Williams’, Ella Wheaton’s, James Lee’s, Marsha Wagner’s, Merle Waxman’s, Swinitha Osuri’s, Thomas Zgambo’s, Tom Furtado’s, Tom Sebok’s and Toni Robinson’s teaching about the effectiveness of painstaking listening to those who may otherwise not receive a hearing; of Frances Bauer’s narratives about ombuds work, Mary Simon’s work demonstrating the usefulness of listening to groups, and teaching about effectiveness, Toni Robinson’s work in helping managers learn about organizational policies and procedures, and Linda Wilcox’ communicating important achievements with intellectual property concerns; of Carole Houk’s pioneering work in understanding what an ombudsman program can bring to the conflict management system of a hospital; of Brian Bloch’s and Jessie Dye’s discussions of their pioneering work in faith-based organizations; and of the work of Brian Bloch, Don Noack, Deborah Katz and Jennifer Lynch on understanding changes in the conflict competence and “culture” of large and complex organizations. Finally there is an unheralded group of OOs who have pioneered in OO curriculum and skill development; accreditation; office design and office management; conference preparation, participation and management; committee work; liaison with interested organizations, CEOs, external colleagues and opponents; peer recruitment, mentoring and peer evaluations; research and teaching; writing and editing, who are, taken together, responsible for the profession’s successes in identifying and communicating the usefulness of OOs around the world.

ⁱⁱ See <http://www.ombudsassociation.org/standards/> for the IOA Standards of Practice.

ⁱⁱⁱ OOs typically help to develop and offer *options* to visitors, to people who are seen to have offended others, and to responders, and managers, rather than prescribing solutions. Thus the person or people who choose an option and take an action are likely to be the people directly responsible for achievements in the OO domain.

^{iv} An insightful anonymous reviewer pointed out that evaluation of this kind of professional practice may lend itself to the methodologies of investigators like anthropologists, using techniques like the study of so-called naturally occurring experiments.

^v For example one can do anonymous surveys in an organization about satisfaction with the OO office. Or collect specific kinds of cost savings, like measuring any reduced costs of lawsuits and agency complaints with a new OO.

^{vi} The term conflict management system in this article includes all the people in an organization who regularly deal with conflict and have an interest in preventing unnecessary conflict. For a chart that lists line management and many offices in such a system, please see Mary Rowe and Brian Bloch, "Analyzing Your Conflict Management System" at http://www.hnrl.org/?page_id=35%3E.

^{vii} See "Effectiveness of Organizational Ombudsmen," Mary Rowe and Mary Simon, Chapter IV, *The Ombudsman Handbook*, 2001, pp. 2-3, found at <http://web.mit.edu/ombud/publications/index.html>, # 23.

^{viii} For example, it could happen that an alert from an OO about a racial concern might result in recruitment and management actions that produce a better racial climate in a given department. These actions might affect many people, directly and indirectly, in the short term and over many years.

^{ix} Although most OOs are "generalists," OOs may also develop specialized expertise in order to meet the needs of their organizations, and perhaps because of their own interests. Word of mouth may then advertise these skills. The OO may thereafter attract more visitors with the same concerns. The caseload of one OO may thus be somewhat different from another in a very similar organization. In like manner the OO is likely to construct and expand the office database to reflect a specific or changing caseload. One OO might categorize a given case in the OO database quite differently than would another. And various OOs will deal with more or fewer earthshaking issues.

There is no standardized OO database although the IOA offers useful database recommendations to members, as a result of extensive work by the IOA Uniform Reporting Categories Task Force. (That Task Force was charged to work on *categories* rather than considering all database questions. For example there is little discussion of what might be useful analyses of the data.) As just one example of different methods used by different OOs, some OOs only collect a few demographic and geographic data about their *visitors*: ("Which cohorts approach the OO office?") Others also collect a few data about the *persons, offices or groups who are perceived by visitors to present problems*: ("Which cohorts and areas are thought to be at fault?") Others collect a few data points about *responders*: ("Who are the kinds of people that I call to look into a problem?") Of course, none of these data sets identify individuals. But each data set reflects different issues: Who approaches the OO? Where are the perceived problems? Who is helpful in looking into an issue?

Another difference among practitioners is represented by different ways of discussing OO work. As one example, some OOs speak of those who approach the office as "clients." Others never use this word, concerned that the term compromises the appearance and reality of neutrality and impartiality—that it changes one's thinking. Some OOs speak of offering "advice." Others try nearly universally to offer "options," for the choice of the visitor. Some OOs think of themselves as *part* of their conflict management system, and some think of themselves as an unusual, neutral professional working *with* their conflict management system. Some OOs think of ombuds work as "*alternative* dispute resolution," often meaning that they are seeking interest-based solutions. Others think of OOs as supporting "*appropriate* dispute resolution," meaning that they also may help visitors to gain access and prepare for options based on rights and power if that is the choice of the visitor. All such differences might affect evaluations of OO work.

^x Frank Fowlie (see his doctoral dissertation, op cit.), and Howard Gadlin and Elizabeth Pino (in their IOA booklet on Neutrality) have written about ombuds having their own professional values in addition to Standards of Practice. All IOA Standards of Practice OOs by definition follow certain standards. But some OOs might especially espouse the concept of "inclusion." Others might especially convey respect for reconciliation. Some think first about social justice, and others about "fairness and equity." In order to affirm neutrality, as mentioned above, some OOs strive never to give advice but always to offer options. In all of these cases, the advice one might offer and options one develops may be informed by one's values. OO values may thus affect the practice of each OO, consciously or not.

^{xi} Consider a list of the wide range of functions of an OO: Delivering Respect; Listening; Receiving and Giving Information on a one to one basis; Referral; Helping People to Help Themselves in a Direct Approach; Reframing Issues and Developing Options; Shuttle Diplomacy; Mediation; Looking into a Problem; Facilitating a Generic Approach to Problems; Supporting Systems Change; Follow-up. I am grateful to Clarence Williams (in personal communications) for his suggestion that delivering respect and active listening may be the most cost-effective uses of an OO's time, in terms of the interests of the organization.

^{xii} This question highlights the importance of studying what happens in an OO office, and in OO professional communications, as Howard Gadlin and a few others have tried to do—and the importance of considering the research methods of anthropologists, behavioral economists, social psychologists and sociologists—and the importance of OO's writing composite and identity-free stories and narratives.

^{xiii} I am grateful to Don Noack for pointing out that an OO may achieve a great deal over time by changing the memes. (A meme is a postulated unit or element of cultural ideas, symbols or practices that gets transmitted from one mind to another.) Don wrote in a personal communication: “What if a meme planted one day takes two or more years to finally take root? Have we ever gotten comfortable with the fact that while we can possibly claim objective accomplishments for quite a few bad situations intersected, when it comes to cultural change it is more about our presence at an opportune moment, a clarifying question or comment, an idea sprouted out of a single oblique observation or simply blind luck? What if we never get any credit for setting up the venues, processes and opportunities that led to good people getting past their barriers to create cultural change?”

^{xiv} My own thinking has been heavily influenced by the work of Robert Cialdini (see Cialdini, R. B. (2001). *Influence: Science and Practice* (4th ed.). Boston: Allyn & Bacon) and Daniel Shapiro (see Fisher, Roger and Daniel Shapiro, *Beyond Reason: Using Emotions as You Negotiate*, Penguin Books, 2006.), and Jonah Lehrer, (see *How We Decide*, Houghton Mifflin Harcourt, 2009.) I believe that evaluations of OO effectiveness in the next ten years will increasingly illuminate the importance of intangibles and the importance of OOs’ social and emotional skills.

^{xv} A few of the ideas in the second section of this article address costs and cost savings for individuals who deal with the OO.

^{xvi} Rowe, Mary, “An Organizational Ombuds Office In a System for Dealing with Conflict and Learning from Conflict, or ‘Conflict Management System’,” in *Harvard Negotiation Law Review*, September, 2009, online at <http://www.hnlr.org/?p=266>. These four contributions—by an OO office to a conflict management system—are illustrated in some of the options in Part II, below, on understanding and communicating the usefulness of an OO office.

^{xvii} The Joint Commission on Accreditation of Health Care Organizations’ Patient Rights Standard RI.2.90: Patients and, when appropriate, their families are informed about the outcomes of care, treatment, and services, including unanticipated outcomes. Outcomes of care, treatment, and services that have been provided that the patient (or family) must be knowledgeable about to participate in current and future decisions affecting the patient’s care, treatment, and services. The responsible LIP (licensed independent practitioner) or his or her designee informs the patient (and when appropriate, his or her family) about those unanticipated outcomes of care, treatment, and services.

^{xviii} See Atul Gawande, *Better, Picador, 2007*, and *The Checklist Manifesto—How to Get things Right*, Metropolitan Books, 2009.

^{xix} With respect to legal costs, many OOs have noticed that (perceived) bullying sometimes appears to be the factor that tilts a complainant into formal grievances and lawsuits.

^{xx} For example, where the OO tracks multiple issues that are reported by visitors, the OO could look at the extent to which bullying is usually reported as the only issue—or together with other serious issues.

^{xxi} See for example, *Harvard Business Review* (April 2009) *How Toxic Colleagues Corrode Performance: The Impact of Rudeness*, by [Christine Porath](#) and [Christine Pearson](#).

^{xxii} Changes that make life better for one group often help everybody. For example, better recruitment, mentoring, and performance evaluation initiatives are likely to serve the interests of all cohorts. The same is likely to be true for pro-civility-anti-harassment initiatives.

^{xxiii} “Demographics” describe people—for example, by gender, and job cohort. “Geographics” might refer to the country or division where the visitor or the alleged offender works. Many OOs just make informed guesses and keep only sketchy data about the demographics and geographics of those who call upon the office. (Some visitors are anonymous, and often an OO does not need to know very much about a visitor or caller in order to discuss policies and the pros and cons of responsible options; sometimes there are not a lot of data about the people attached to a case.) The use of these estimates—to make comparisons with the known constituencies—may therefore be quite imprecise but still be useful over time.

^{xxiv} Here again the (identity-free and aggregated) data will likely be imprecise but may be useful year by year if collected the same way each year.

^{xxv} On the IOA website for members, OOs can find helpful ideas at: **Ombudsman Office Feedback Survey Question Bank**.

^{xxvi} See for example, Mary Rowe, Linda Wilcox and Howard Gadlin, Dealing with—or Reporting—"Unacceptable" Behavior, *The Journal of the International Ombudsman Association* 2009, 2, (1), online at <http://www.ombudsassociation.org/publications/journal/>.

^{xxvii} A non-scientific list of "new things" that OO's remember having reported to their organizations since 1973 may be found in "Effectiveness of Organizational Ombudsmen," Mary Rowe and Mary Simon, Chapter IV, *The Ombudsman Handbook*, 2001, Appendix B, found at <http://web.mit.edu/ombud/publications/index.html>, # 23. Early examples include sexual harassment (seven years before the EEOC Guidelines), misuse of Federal resources (a decade before the Packard Commission Report), stalking and obsessed following behavior (six to eight years before most state laws).

A contemporary "new problem" reported by several OOs is the proportion of people outside the organization bringing serious complaints against people in the organization—and the number of serious complaints by members of the organization against people outside the organization. Another "new situation" in some organizations is the apparent significant increase in the number of issues per case. Another is an increase in boundary-crossing cases that include several different cohorts, different national and language and religious groups, many different issues, different sets of laws and regulations, and that are in other ways very complex. Each "new situation" like these may call for new policies, procedures, structures or training programs in the organization.

^{xxviii} Some early research on OO practice suggested that OOs themselves have believed that their helping to surface sexual and racial harassment, and bullying may be particularly cost-effective.

^{xxix} Atul Gawande, "Checking It Twice", in the *New York Times Book Review*, January 31, 2010. Letters Section, p. 5.